

2012

L.L.M.

2nd SEMESTER EXAMINATION

JUDICIAL PROCESS

PAPER—LLM_201

Full Marks : 100

Time : 4 Hours

The figures in the right-hand margin indicate full marks.

Candidates are required to give their answers in their own words as far as practicable.

Illustrate the answers wherever necessary.

Answer any four questions.

1. (a) Discuss the essential features of Judicial Process.

15

(b) What do you mean by 'Judicial impersonality'?

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(c) "..... the lowest court at the state level is the 'justices of the peace' usually elected for 2–6 years or more not necessarily a lawyer in countries, townships, towns the concept came from England designed to aid in administration of justice in minor matters at the local level mainly his duties

(Turn Over)

are quasilegisative—quasijudicial—quasi-administrative.....” (H. J. Abraham—The Judicial Process)....

Discuss the above statement in the light of administration of justice in India. 6

2. (a) Discuss the importance of dissenting opinion of judges in the history of constitutional adjudications in India. 15
- (b) Discuss the technical rules of interpretation of the constitution of India. In this context discuss the special powers of the Supreme Court of India. 10
3. (a) How far 'Judicial Activism' has been successfully applied in India? Discuss critically. 15
- (b) Indicate the method / methods to be applied by a tribunal where there is no relevant legal reference, statute or precedent to decide the case in hand. 10
4. What are the powers of judges and their role in evolving new principles of law. Critically discuss. 25
5. (a) Discuss the role of politics in the functioning of the Supreme Court of India of any. 15
- (b) Make a comparative study of the process of impeachment of the President of India and a Supreme Court judge in India. 10

6. (a) Discuss the basic rules of interpretation of statutes applied in the judicial process. 20
- (b) How far these rules are applied in the interpretation of taxing statutes? 5
7. (a) 'Every precedent is a good law for that particular case only—but bad for any other subsequent case'—Discuss. 15
- (b) Discuss the importance of the rules of share deceses in the Supreme Court of India and the power of the Supreme Court to overrule itself. 10
8. "The power of Judicial Review of laws made under the constitution is analytically a legislative power the power of Judicial Review over amendment to the constitution, is analytically akin to amending power—If we call amending power a 'constituent power'—both Parliament and the Supreme Court share it, The Supreme Court and the Parliament are co-ordinate authorities in respect of Constitution making"—Discuss on the above view expressed by Upendra Baxi in the Indian Context. 25
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