

[This question paper contains 2 printed pages.]

Your Roll No.....

1340

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LL.M/MCL/IV Term

LM-4011—TECHNIQUES OF JUDICIAL CONTROL

Time : 3 Hours

Maximum Marks : 80

(Write your Roll No. on the top immediately
on receipt of this question paper.)

Attempt any **four** questions.

All questions carry equal marks.

1. 'It is emphatically, the province and duty of the judicial department to say what the law is.'—Marshall, C.J. in *Marbury V. Madison* (1803).

Discuss. Point out the limits of judicial review in U.S.A. Is there any difference in the application of judicial review to congressional laws and state laws ?

2. 'Judicial review itself is a limitation on popular government, and is a fundamental part of our constitutional scheme.'

Examine the above statement with reference to constitutional provisions which empower the judiciary to exercise power of judicial review in India.

[P. T. O.]

3. 'The great contribution of judicial activism in India has been to provide a safety valve in a democracy and a hope that justice is not beyond the reach.'

Explain and point out the cases where judicial activism has overreached.

4. 'Using the device of PIL (SAL), the Supreme Court has taken over the legislative function not in the traditional interstitial since but in an overt manner.'

Discuss and point out some cases where the Supreme Court of India has issued directions in the nature of legislation.

5. Discuss the writ of mandamus as a technique to control administrative action. Point out the grounds on which this writ is issued. Also explain the nature and purpose of continuous mandamus.

6. Write notes on the following :

- (i) Principle of Constitutionalism.
- (ii) Rights test and essence of right test.