

Seat No. : _____

AW-107

May-2016

LL.M., Sem.-II

407-LAW : Judicial Process

Time : 3 Hours]

[Max. Marks : 100

Instruction : All questions carry equal marks.

1. Discuss the role of judicial process as an instrument of social ordering with appropriate cases.

OR

Discuss legal development and creativity through legal reasoning (with the help of Article 142 of the Constitution of India) in statutory and codified laws.

2. Discuss in detail the approach of the Supreme Court about the constitutionality of the National Judicial Appointments Commission Act, 2014. Critically examine merits and demerits of the existing collegium system in the appointment of the Judges at the Supreme Court and High Courts.

OR

Discuss in detail the theory of justice has propounded by John Rawls.

3. Define and explain the terms 'Judicial Activism' and 'Judicial Restraint' and their significances. In which circumstances the above terms can be used by a Judge ? Explain with illustrations and relevant cases.

OR

Define and explain the term "Judicial Review" and discuss the importance thereof with decided cases.

4. How Dharma has influenced “law” in India ? Discuss the role of “Dharma” as the foundation of legal ordering in India.

OR

Discuss the importance of basic structure theory in Constitutional Adjudication with relevant cases of the Supreme Court of India.

5. Write explanatory notes on any **two** from the following :
- (a) Development of Compensatory Jurisprudence as Judicial Creativity.
 - (b) Justice as Positive Law of stronger class
 - (c) Limitations and disadvantages of Judicial Activism
 - (d) Significance of Precedents in Judicial Process.
