

Reg. No. :

Name :

Third Semester LL.M. Degree Examination, November 2021

Branch II : Constitutional Law

Paper VI : JUDICIAL REVIEW OF LEGISLATION

Time : 3 Hours

Max. Marks : 75

Answer **all** questions. All questions carry equal marks.

1. (a) The power of judicial review of legislation is given to the judiciary both by the political theory and the text of the Constitution. Explain.

OR

- (b) The Judiciary, like the Legislature and the Executive, is another department of the State. Critically examine the concept of judicial review of legislation in light of separation of powers.

2. (a) Discuss the impact of Article 13 on pre — Constitution Law and post Constitution Laws with the support of relevant cases.

OR

- (b) Compare and contrast the mechanisms of judicial review of legislation provided under Indian and Canadian Constitutions.

3. (a) Discuss the various methods adopted by the Indian judiciary to test the constitutionality of delegated legislations.

OR

- (b) Explain the background and reasons for delegated legislations.

4. (a) Illustrate the impact of 44th Amendment on right to property under the Indian Constitution.

OR

- (b) Discuss the recent trend of judiciary in combining constitutional and private remedies in the cases of infringement of fundamental rights with the support of relevant case laws.

5. (a) Whenever the invalid part of a statute is severable from the rest of the statute, the Courts invalidate only the former and leave the latter untouched. Explain.

OR

- (b) What is the effect of a judicial decision holding a statute or part of it void? Discuss how the unconstitutionality of a statute or part of the statute can be cured.
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