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C – 4408

Reg. No. :

Name :

Second Semester LL.M. Degree Examination, July 2017
Paper – IV : LEGISLATIVE PROCESS

Time : 3 Hours

Max. Marks : 75

Instructions : Answer *all* questions.

All questions carry **equal** marks.

1. a) Examine the role of legislation in balancing public and private interests in a society.

OR

- b) “Modern legislation reveals the attempt of men to give expression to an ideal which makes its appeal to higher types of motive and can be shown to be a power in national thought and life”. – Jethro Brown. Explain.

2. a) Critically examine the role played by the Indian judiciary in regulating the legislative powers under the constitution.

OR

- b) “... Parts III and IV are like two wheels of a chariot, one no less important than the other. You snap one and the other will lose its efficacy ... the Indian Constitution is founded on the bed-rock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance ... is an essential feature of the basic structure of the Constitution.” per Chandrachud CJ., in *Minerva Mills V. Union of India*, 1980 AIR 1789 – Discuss.

3. a) What are the different kinds of bills relating to financial matters ? Discuss the procedure of the bills relating to financial matters.

OR

- b) Do you think that reports of the parliamentary/legislative committees reflect the interest of the public ? Examine with special reference to India.

P.T.O.



4. a) “The legislative function is by definition exercised in the national interest; but the national interest is nothing more than the sum total of the interests of individuals.” – Ivor Jennings. Discuss.

OR

- b) “The principle of non-delegation of legislative powers founded either on the doctrine of separation of powers or the theory of agency has no application to the British Parliament or the legislature constituted by an Act of the British Parliament” per Das. J. in *In Re The Delhi Laws Act, 1912, The ... vs The Part C States (Laws) Act*, Equivalent citations: AIR 1951 SC 332. Examine how far this statement is true in the Indian context.
5. a) The Legislative transfer the Power of Making Laws to any other hands. For it being but a delegated Power from the People, they, who have it, cannot pass it over to others ... The power of the Legislative being derived from the People by a positive voluntary Grant and Institution, ... the Legislative can have no power to transfer their Authority of making laws and place it in other hands-John Locke. *Second Treatise on Government*. Examine the relevance of the above statement in the modern age.

OR

- b) “... extensive delegation of legislative powers would not be tolerated in England. ‘Every Anglo-Saxon feels that a power of indefinite ... is in its nature arbitrary and ought not to be extended any further than is absolutely necessary’” Ilbert. Discuss this statement in the Indian context.
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