

Reg. No. :

Name :

Second Semester LL.M. Degree Examination, February 2024

Core Paper

PAPER IV : LEGISLATIVE PROCESS

(2021 Admission Onwards)

Time : 3 Hours

Max. Marks : 60

Instructions : (1) Answer all questions.

(2) All questions carry equal marks.

1. (a) "Designing the 21st century welfare state is part of a broader debate redefining the role of the market, the state, and "civil society"", opines renowned jurist Joseph E. Stiglitz. Critically comment.

OR

- (b) Examine the relevance of the theory of Utilitarianism in the process and functions of the legislature as the primary law making body.
2. (a) "The makers of the Indian Constitution found that the Fundamental Rights were not sufficient enough to bring in social and economic democracy in this country and, therefore, the Directive Principles were brought in its Part-IV", opines J.B.R. Gavai. Elaborate the extent to which such social and economic democracy has been furthered by the Directive Principles.

OR

- (b) Enumerate the methods adopted by the courts in India to integrate and harmoniously enable social goals within the structure of fundamental rights iterated in the Constitution of India.

3. (a) "In a parliamentary democracy, it is a well-accepted proposition that lawmaking is a deliberative and consultative process". Examine the prescribed process of legislative drafting and enactment in India. In your opinion, is it truly democratic? Substantiate your position.

OR

- (b) "The legislature transacts a great deal of its business through its committees, so much that they may be termed as 'mini legislatures'." In your opinion, does such Legislative Committees strengthen or weaken the Indian Legislative process?
4. (a) "Separation of powers in India need not necessarily mean a separation of functions rather than of powers between the legislature, judiciary and executive" Critically examine this statement. Do you agree with the same? Substantiate your answer.

OR

- (b) Jurist Cantwell opines, "Public opinion cannot propose a course of legislative action, and a healthy public opinion requires leaders". Examine the accuracy of this statement, and give reasons and authorities in support of your position.
5. (a) Explain the grounds for judicial review of delegated legislations. With the help of relevant case laws, enunciate the application of these grounds of review.

OR

- (b) "Today, no true Welfare State can function without the power to make delegated legislation". Examine the scope of control that the legislative wing of the government exercises over delegated legislation in India.

(5× 12 = 60 Marks)