

NATIONAL LAW UNIVERSITY, DELHI

LL.M., Semester-II (Batch of 2021)

End Semester Examinations, April-2022

Paper: Constitutional Theory & Judicial Process

Time: 3 Hours

Total Marks: 50

Instructions:

1. All questions are compulsory.
 2. No clarification shall be sought on the question paper.
 3. *All questions carry equal marks.*
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- Q.1 Judicial Process involves use of discretion and judicial law making:
- a) In the exercise of discretion, a judge is bound by the law and procedure but there is an element of subjectivity. Discuss.
 - b) Do judges make law? If so, how? Illustrate your answer with land mark decisions.
- Q.2 Explain the Rules and Principles of interpretation evolved by the judiciary for its own guidance. Is there a legislation governing rules of Interpretation?
- Q.3a) Explain the different stages in the Criminal judicial process.
- b) 'No judgments shall be delivered without the concurrence of majority and this does not prevent the judge from giving dissenting opinion Article 145(5). Discuss on the wisdom of majority and the value of the minority judgments'. Refer to cases.
- Q.4a) Can legislature Supersede judgments of Courts in the exercise of its own Legislative Power? Illustrate your answer.
- b) The task of Interpretation is not only confined to the Constitution and Acts of Legislatures but also to Precedents as to its applicability in a given case. Write a note on binding rules of Precedents.
- Q.5 The Supreme Court of India as the ultimate court of justice has assumed and expanded its powers and jurisdiction by mere interpreting the Constitution. Discuss. Refer to decided cases.