

**KANYASHREE UNIVERSITY**  
**Master of Laws 4<sup>th</sup> Semester Examination-2024**  
**Subject: LAW**  
**Course: LMCC 17**  
**Judicial Process**

**Full Marks-40**

**Time-2.00 Hours**

**Group-A**

[Answer **any four** of the following]

**(5×4=20)**

1. What do you mean by i) Rule of Law and ii) Judicial Creativity? (2 $\frac{1}{2}$  + 2 $\frac{1}{2}$ )
2. Write a short note on Judicial Review.
3. Briefly discuss about the extent of applicability of doctrine of Separation of Powers in India.
4. Do judges make Law? Critically examine relevant theories in this regard.
5. Explain the importance of Ratio Decidendi in Judicial Process. What do you understand by decision sub silentio?
6. Briefly explain the importance of Right to Constitutional Remedies in India.
7. Write a note on Judicial Independence in India.

**Group-B**

[Answer **any two** of the following]

**(10× 2=20)**

1. i) Discuss the role of the Hon'ble Supreme Court of India as the guardian, protector as well as final interpreter of the Constitution of India.  
ii) Write a note on doctrine of severability and doctrine of eclipse. (5+(2 $\frac{1}{2}$  + 2 $\frac{1}{2}$ ))
2. "Original precedents are the outcome of the intentional exercise by the courts of their privilege of developing the law at the same time they administer it"-Salmond. -Discuss.
3. Do you think that Judges are infallible? What do you mean by Judicial Activism? Examine how judicial activism has taken an important part in contemporary Indian society. Support your answer with the help of case laws.
4. Critically explain the nature and scope of Judicial Process in the context of American Realism Philosophy with the help of view of Fuller, Gray and Holmes.

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