

PREFACE

The work embodied in the dissertation on "Scope and Operation of Judicial Review of the Supreme Court of India - especially in relation to the Fundamental Rights", seeks to find out whether, and to what extent, Judicial Review of legislation, as exercised by the Indian Supreme Court within the restricted scheme of the Indian Constitution, has been successful in achieving the intended compromise between the protection and safeguard of the fundamental human freedoms enshrined in a democratic constitution, and the promised realisation of social welfare and economic betterment in response to the demands of the age. In finding out an answer to the question, extensive comparison has been made with the nature, scope, purpose, operation and problem of Judicial Review in the U.S.A. The discussion has been kept strictly confined to the Judicial Review of legislative enactments; and the study centres round judicial interpretation of the fundamental rights to freedom, liberty and property. Chapter I focusses the basic problem itself; Chapter II discusses the general meaning and nature of the doctrine of Judicial Review, with special reference to the protection of fundamental liberties; Chapter III makes a detailed study of the origin, development and changing course of Judicial Review in the U.S.A., giving special attention to the transition from 'judicial activism' to 'judicial self-restraint'; Chapter IV outlines the place of Judicial Review in the scheme of the Indian Constitution; Chapter V traces the growth and development of Fundamental Rights

in India; Chapter VI studies Judicial Review in relation to Fundamental Rights; Chapter VII discusses the vexing question of the status of Fundamental Rights, as determined by judicial interpretation. Chapter VIII makes a brief analysis of Judicial Review of the Indian Supreme Court in relation to the rights to freedom, liberty, and property, in the context of the problem posed. The concluding chapter seeks to make a careful and reasoned assessment of the course and tendency of Judicial Review in this specific field, and the underlying phenomena.

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