

PREFACE

Judicial review is a highly complex and developing subject. It has its roots long back and its scope and extent varies from case to case. It is considered as the basic feature of the Constitution. The court in its exercise of its power of judicial review would zealously guard the human rights, fundamental rights and the citizen's right to life and liberty as also many non-statutory powers of governmental bodies as regards their control over property and assets of various kinds, which could be expended on building, hospitals, roads and the like, or overseas aid, or compensating victims of crime.

The active and positive response to the increasing incidents of Human Right violations was a result of the number of writ petitions being filed, the series of PILs directed by civil society activists, for the enforcement of various aspects of the basic human rights and the gross and acute violation of Human Rights in the Bhopal Gas Leak case and all these led to the change in the Judicial reasoning. Though they had no specific relations or linkages to the Universal Declaration, or for such purpose, to any of the International Instruments, but these were some of the basic factors or causes, which prompted the judiciary to change its stand from a mere interpreter to enforcer. The Researcher has made an attempt to study the effect of paradigm shift and expansion of role of judiciary in our country

Broadly speaking, judicial review in India comprises three aspects: judicial review of legislative action, judicial review of judicial decisions and judicial review of administrative action. Herein, the researcher is concerned only with judicial review of legislative action and of administrative action. The judges of the superior courts have been entrusted with the task of upholding the Constitution and to this end, have been conferred the power to interpret it. It is they who have to ensure that the balance of conferred the power to interpret it. It is they who have to ensure that the balance of power envisaged by the Constitution is maintained and that the legislature and the executive do not, in the discharge of their function, transgress constitutional limitation. It is equally their duty to oversee that the judicial decisions rendered by those who man the

subordinate courts and tribunals do not fall foul of strict standards of legal correctness and judicial independence.

It is the tremendous motivation and encouragement given by Prof.(Dr). Rathin Bandopadhyay, Professor, Department of law, and Head, Department of Management, University of North Bengal, and my Supervisor for this work, which helped me to achieve my dream and bring out this study while pursuing my professional career simultaneously. I must bring on record that but for the confidence that he has instilled and infused in me ceaselessly of my ability to undertake this research work in the midst of my professional duties, I could not have ventured to shoulder this burden. On completion of the study, I have a feeling of proud achievement and a resultant complacency that I could finally do it. My indebtedness to him is not only for going through my draft on every chapter and guiding me through the proper course by intermittent discussions, but for relentlessly persuading me for not giving up the idea in the midst.

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Dated:

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