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Session 4

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Additional Readings:

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2. Ernest A. Young, *Judicial Activism and Conservative Politics*, 73 U. Colo. L. Rev. 1139 (2002).
3. Kate Nace Day, *Judicial Review, Judicial Activism, Queer Rights, and Literature: A Conversation between the Honorable Michael Kirby and Professor Ruthann Robson*, 43 Suffolk U. L. Rev. 89 (2009)
4. Daphne Barak-Erez, *Broadening the Scope of Judicial Review in Israel: Between Activism and Restraint*, 3 Indian J. Const. L. 118 (2009).
5. John McMillan, *Judicial Restraint and Activism in Administrative Law*, 30 Fed. L. Rev. 335 (2002).

Suggested List of Judgments (Session 4 &5)

6. **An inclusive list of judgments (with citations only) is provided hereunder to facilitate and augment topical discussion(s). Please refer the full text judgment for conclusive opinion:**
- ✓ *Common Cause (A Regd. Society) v. Union of India*, (2008) 5 SCC 511
 - ✓ *Supreme Court Advocates-on-Record Assn. v. Union of India*, (2016) 5 SCC 1
 - ✓ *Manish Kumar v. Union of India*, (2021) 5 SCC 1
 - ✓ *Indian Young Lawyers Assn. (Sabarimala Temple-5J.) v. State of Kerala*, (2019) 11 SCC 1
 - ✓ *Nanha and another v. Deputy Director of Consolidation, Kanpur & others* 1975 AWC 1
 - ✓ *Gujarat Mazdoor Sabha v. The state of Gujarat*, 2020 SCC Online SC798
 - ✓ *Alagaapuram R Mohanraj v. Tamil Nadu Legislative Assembly*, (2016) 6 SCCC 82
 - ✓ *Joseph Shine v. Union of India*, (2019)3 SCC 39
 - ✓ *Competition Commission of India v. Steel Authority of India Limited* 2010 (10) SCC 744
 - ✓ *Rajeev Suri v. Delhi Development Authority and Others*, 2021 SCC OnLine SC 7
 - ✓ *Sushil Kumar v. The State Of Haryana & Ors.* Civil Appeal No. 401 OF 2022 (Arising Out of SLP(Civil) No. 30370 OF 2017) - [8.4 *The Single Judge as well as the Division Bench for good reasons refrained from going into the individual comparative merit. In judicial review proceedings, the Courts are concerned with the decision-making process and not the decision itself.*]

- ✓ *Reliance Airport Developers (P) Ltd. v. Airport Authority of India and Ors*, (2006) 10 SCC 1
- ✓ *Harbhajan Singh and Minister of Employment and Immigration*, 1985 SCC OnLine Can SC 11
- ✓ *Council Of Civil Service Unions And Others v. and Minister For The Civil Service*, [1985] A.C. 374
- ✓ *William Marbury v. James Madison*, 5 US 137 (1803)
- ✓ *Seaford Court Estates LD. v Asher*, [1949] 2 K.B. 481
- ✓ *Associated Provincial Picture Houses, Limited v. Wednesbury Corporation*, [1948] 1 K.B. 223
- ✓ *S.R. Bommai v. Union of India* [1994 AIR 1918]
- ✓ *Siemens Engineering & Manufacturing Co of India Ltd. V. UOI and Ors* (1976) 2 SCC 981
- ✓ *Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors.* 1993 SCC (1) 645,
- ✓ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27
- ✓ *State of Madras v. V.G. Row*, AIR 1952 SC 196
- ✓ *Rai Sahib Ram Jawaya Kapur And Ors. vs The State of Punjab* AIR 1955 SC 549
- ✓ *Jayantilal Amrit Lal Shodhan vs F.N. Rana & Others* 1964 AIR 648
- ✓ *Kesavananda Bharati v. State of Kerala* [(1973) 4 SCC 225]
- ✓ *Indra Sawhney & Others v. Union of India* [AIR 1993 SC 477]
- ✓ *Minerva Mills Ltd. & Ors vs Union of India & Ors* [AIR 1980 SC 1789]
- ✓ *K.S. Puttaswamy (Retd) v. Union of India* [AIR 2017 SC 4161]
- ✓ *Manak Lal v. Dr. Prem Chand* [1957 AIR 425]
- ✓ *State of Rajasthan v. Union of India* [(1977) 3 SCC 592] (Pg. 210 onwards) - *Consideration of irrelevant material, criteria & non-consideration of the relevant material was first stated in the case.*
- ✓ *Andhra Pradesh SRTC v. Abdul Kareem* [(2005) 7 SCC 338]
- ✓ *State of Gujarat & Ors v. Ambalal Haiderbhai* [1976 3 SCC 495]
- ✓ *Maneka Gandhi v. Union of India* [(1978) 1 SCC 248] - *actions are open for judicial review on account of unconstitutionality even if administrative –constitutionality, denial of natural justice, malafides & ultra-vires.*
- ✓ *Pradeep Kumar Biswas v. Indian Institute of Chemical* [(2002) 5 SCC 111]
- ✓ *Andi Mukta Sadguru... v. V.R. Rudani and others* [(1989) 2 SCC 691]
- ✓ *Natural Resource Allocation, In Re* [(2012) 10 SCC 1]
- ✓ *Saregama (India) Ltd. v. Next Radio Ltd.*, (2022) 1 SCC 701
- ✓ *A.R. Antulay v. R.S. Nayak & Anr*, 1988 AIR 1531
- ✓ *ADM Jabalpur v. Shivkant Shukla*, 1976 AIR 1207
- ✓ *Bandhua Mukti Morcha v. Union of India & Others*, 1984 AIR 802
- ✓ *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647
- ✓ *Vishaka & Ors v. State of Rajasthan & Ors*, (1997) 6 SCC 241;
- ✓ *Union Carbide Corporation v. Union of India*, 1990 AIR 273;
- ✓ *Zahira Habibullah Sheikh & Anr v. State of Gujarat & Ors*, (2004) 4 SCC 158

- ✓ *MC Mehta v. Union of India*, (1997) 8 SCC 70 w
- ✓ *Union of India and Others v. Ashish Agarwal*, 2022 SCC Online 543
- ✓ *Modern Dental College & Research Centre v. State of M.P.*, (2016) 7 SCC
- ✓ *Internet & Mobile Assn. of India v. RBI*, (2020) 10 SCC 274
- ✓ *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165,
- ✓ *U.P. Bhoodan Yagna Samiti v. Braj Kishore*, (1988) 4 SCC 274

Additional Suggested Readings (Books)

1. H.M. Seervai, CONSTITUTIONAL LAW OF INDIA: A CRITICAL COMMENTARY, Universal Book Traders, Delhi, Fourth Edition (2002)
2. THE CONSTITUTION OF INDIA CELEBRATING AND CALIBRATING 70 YEARS: COMPENDIUM OF ARTICLES, edited by Dr. Lalit Bhasin, Law & Justice Publishing Co. (2020)
3. Phillip J. Cooper, HARD JUDICIAL CHOICES, FEDERAL DISTRICT COURT JUDGES AND STATE AND LOCAL OFFICIALS, Oxford University Press (1988)
4. Chintan Chandrachud, BALANCED CONSTITUTIONALISM, COURTS AND LEGISLATURES IN INDIA AND THE UNITED KINGDOM, Oxford University Press (2017)
5. Granville Austin, WORKING A DEMOCRATIC CONSTITUTION, A HISTORY OF THE INDIAN EXPERIENCE, Oxford University Press (2004)
6. H.R. Khanna, MAKINGS OF INDIA'S CONSTITUTION, Eastern Book Co., reprint (2009)
7. Laurence H. Tribe, CONSTITUTIONAL CHOICES, Universal Law Publishing Co. Pvt. Ltd. (2000)
8. M.J.C. Vile, CONSTITUTIONALISM AND THE SEPARATION OF POWERS, Liberty Fund Inc. Second Edition (1998)
9. Prof. (Dr) Balram K. Gupta, MY JOURNEY WITH LAW & JUSTICE, Law & Justice Publishing Co. (2022)
10. A.G. Noorani, CONSTITUTIONAL QUESTIONS & CITIZENS' RIGHTS, Oxford University Press (2010)
11. Rohan J. Alva, LIBERTY AFTER FREEDOM: A HISTORY OF ARTICLE 21, DUE PROCESS AND THE CONSTITUTION OF INDIA, HarperCollins India (2022)
12. Gustave Le Bon, THE CROWD: A STUDY OF THE POPULAR MIND, Dover Publications Inc. (2002)
13. C. Herman Pritchett, THE ROOSEVELT COURT: A STUDY IN JUDICIAL POLITICS AND VALUES 1937-1947, Quid Pro Books (2014)
14. C. Herman Pritchett, THE FEDERAL SYSTEM IN CONSTITUTIONAL COURT, Prentice-Hall (1978)
15. C. Herman Pritchett, CONGRESS VERSUS THE SUPREME COURT, 1957-1960, University of Minnesota Press, First Edition (1961)
16. Harry Woolf, Jeffrey Jowell, Andrew Le Sueur., *De Smith's Judicial Review*, Sixth Ed., Sweet & Maxwell 2007 (Chapter 11, Pp. 543-608)