

## **Topic: Principles Of Interpretation Of List**

Name of the case: State of Kerala v. People's Union of Civil Liberties, Kerala State Unit, (2009) 8 SCC 46

Bench: Justice S.B. Sinha and Justice Mukundakam Sharma

Fact of the Case: The State Government of Kerala enacted Kerala Schedule Tribe (Restriction on Transfer of Lands and Distribution of Alienated Lands) Act, 1975 with the object of providing restriction on transfer of lands by member of scheduled Tribes in the State of Kerala and for restoration of possession of land alienated by such members and for matters connected therewith.

However, restoration of their lands never happened, therefore the scheduled Tribe of Kerala filed an application before the Court. Even after order of the High Court the restoration of land did not took place in the actual manner. The government of Kerala tried to amend the Act but consent of the President was denied.

Judgment: The Supreme Court has expressed that the right question test which has been applied in many cases as a test to find out whether an administrative agency has validly exercised its power, namely, whether it has posed to itself the right question should be applicable to find out whether the courts have exercised their jurisdiction properly or not when the validity of the statute is under attack went on to observe what would be the right question in such cases viz whether the statute has been enacted to achieve the constitutional course set out not only in Part III of the Constitution but also in Part IV and Part IV-A. If the question is answered in the affirmative in the fact instances of the case, then the statute is safe.

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