

LLM
SECOND SEMESTER
INDEPENDENCE OF JUDICIARY
LLM-2.1 [CAL-4]

(Use separate answer scripts for Objective & Descriptive)

Duration : 3 hrs.

Full Marks : 70

(PART-A: Objective)

Time : 20 min.

Marks : 20

Choose the correct answer from the following:

1X20=20

1. In which of the following categories of cases, the Supreme Court of India has the power to decide?
 1. A reference made by the President on a question of law or fact.
 2. A case involving interpretation of the Constitution.
 3. A case involving a substantial question of law of general importance.
 4. A case where the constitutionality of any law has been challenged.Select the correct answer using the codes given below:
 - a. 1,2 and 3
 - b. 1,3 and 4
 - c. 1,2 and 4
 - d. 2,3 and 4
2. Assertion (A): The Supreme Court is a Court of Record.
Reason (R): Once a Court is made a Court of Record, its power to punish for its contempt necessarily follows from that position.
 - a. Both A and R are individually true and R is the correct explanation of A
 - b. Both A and R are individually true but R is not the correct explanation of A
 - c. A is true but R is False
 - d. A is False but R is true
3. In the appointment of the Judges of the Supreme Court, the recommendations of the collegium consisting of the Chief Justice of India and four of the senior most Judges of the Supreme Court is binding on the President of India, because:
 - a. It is so provided by the Constitution of India
 - b. It has been the consistent practice for a long time
 - c. It has been laid down by the Parliament
 - d. It has been laid down by the Supreme Court
4. Which one of the following statements regarding the exercise of judicial review is not correct?
 - a. A case must be brought before the Supreme Court regarding the validity of a law
 - b. Unanimous opinion of all the judges is necessary for declaring a law null and void
 - c. Legislative enactments and executive orders may be struck down by the Supreme Court
 - d. The power is implicit in the provisions of Article 13 of the Constitution
5. Article 141 of the Constitution lays down that the law declared by Supreme Court shall be binding on all courts within the territory of India. Therefore, the Supreme Court:
 - a. Is bound by its earlier decisions as the expression "all courts" include Supreme Court also.
 - b. Is not bound by its own decisions and may reverse a previous decision
 - c. Can reverse a previous decision only when a new legislation is enacted having the effect of abrogating decision
 - d. Can reverse a previous decision only when that previous decision was given as a result of overlooking another previous decision

6. Which one of the following is directly related to the Appellate jurisdiction of the Supreme Court of India?
- a. Appeals made in civil, criminal and Constitutional cases
b. Appeals made in Constitutional cases only
c. Adjudication of disputes between the Union and the States
d. Adjudication of disputes between the states
7. How can the number of Judges in the Supreme Court of India be increased?
- a. By a Presidential notification
b. By a parliamentary Act
c. By an amendment in the Constitution of India
d. By a representation of the Supreme Court
8. Assertion (A): Judicial Review is a process to restrain the executive or the legislature from exercising power which may not be sanctioned by the Constitution.
Reason (R): The source of the power of judicial review is Article 13 of the Constitution.
- a. Both A and R are individually true and R is the correct explanation of A
b. Both A and R are individually true and R is not the correct explanation of A
c. A is true but R is false
d. A is false but R is true
9. Which one of the following categories of disputes is excluded from the original jurisdiction of the Supreme Court?
- a. Between the Government of India and one or more States
b. Between two or more States inter se
c. Between residents of two or more States
d. Between the Government of India and one or more states on one side and one or more other States on the other
10. Consider the following statements:
1. Parliament can extend, but cannot curtail the jurisdiction and power of the Supreme Court.
 2. No discussion can take place in Parliament with respect to the conduct of any judge of the Supreme Court in the discharge of his duties
 3. A retired judge of the Supreme Court cannot appear or plead in any court or before any authority within the territory of India.
 4. The salaries and allowances of the judges of the Supreme Court are charged on the Consolidated Fund of India.
- Which of these statements are correct?
- a. 1,2,3 and 4
b. 1 and 2
c. 1 and 3
d. 2 and 4
11. Which one of the following is not an essential condition for appointment as a judge of the Supreme Court?
- a. A citizen of India
b. At least five years' experience as judge of a High Court or of two or more such Courts in succession
c. Must have completed 35 years of age
d. At least ten years' experience as an advocate of a High Court or of two or more such Courts in succession
12. Assertion (A): The rule-making power of the Supreme Court is not subject to any law made by the Parliament of India.
Reason (R): Only an impartial and independent judiciary can protect the rights of the individual without fear or favour.
- a. Both A and R are individually true and R is the correct explanation of A
b. Both A and R are individually true but R is not the correct explanation of A
c. A is true but R is false
d. A is false but R is false

13. When the Chief Justice of India is appointed by the President, he is required to consult:
- The Council of Ministers and all the Judges of the Supreme Court
 - The Prime Minister, the Law Minister and the Attorney-General of India
 - Such of the Ministers of the Cabinet and the Prime Minister as he deems necessary
 - Such of the Judges of the Supreme Court and High Courts as he deems necessary
14. Which one of the following statements is not correct?
- A retired judge of Supreme Court is prohibited from appearing and pleading in any court within the territory of India
 - Supreme Court may issue writs for the enforcement of any legal right within the territory of India
 - Supreme Court has the power to punish any person for its contempt
 - Salary of Judges of the Supreme Court is not subject to vote of the legislature
15. Which of the following has jurisdiction to decide a dispute between Central Government and a State Government?
- Inter-state Council
 - High Court under Article 226 of the Constitution of India
 - Supreme Court under Article 143 of the Constitution of India
 - Supreme Court under Article 131 of the Constitution of India
16. Which one of the following statements is correct?
- The original jurisdiction of the Supreme Court is unlimited
 - A dispute between one State and another can only be dealt with by the Supreme Court
 - The Supreme Court must admit appeal from any judgement or order made by any court
 - All courts including the Supreme Court are bound by a Supreme Court decision
17. Which one of the following statements is correct?
The power of judicial review means the power of the Supreme Court to:
- Set aside any executive decision if it is against statutory law
 - Set aside any provision of law if it is contrary to the Fundamental Rights
 - Examine constitutional validity of any administrative action as well as legislative provision and strike it down if not found in accordance with the constitutional provisions
 - Review its own decisions or decisions of any court or tribunal within the territory of India
18. The jurisdiction of the Supreme Court of India may be enlarged by:
- Parliament by Law
 - Parliament by Resolution
 - The President
 - The President with the Consultation with the Chief Justice of India
19. Judicial Review in the Indian Constitution is based on:
- Procedure established by Law
 - Due process of Law
 - Rule of Law
 - Precedents and Customs
20. Disputes between States come to the Supreme Court under:
- Appellate Jurisdiction
 - Original Jurisdiction
 - Advisory Jurisdiction
 - Writ Jurisdiction

(PART-B : Descriptive)

Time : 2 hrs. 40 min.

Marks : 50

[Answer question no.1 & any four (4) from the rest]

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| 1. What is the meaning, scope and extent of Judicial Review of the Supreme Court of India under various Articles of the Constitution of India? | 10 |
| 2. With the help of selected case laws explain the development of effectiveness of Public Interest Litigations in India. | 10 |
| 3. Discuss the procedure of appointment of Judges to the Supreme Court of India with relevant case laws. | 10 |
| 4. Discuss the development of Independence of Judiciary vis-à-vis Independence of Judiciary in India. | 10 |
| 5. Discuss the need of Judicial activism as well as Judicial restraint in India. | 10 |
| 6. Discuss the need for a strong Judicial Accountability in any democratic country. | 10 |
| 7. Discuss the evolution of Judicial system in India. | 10 |
| 8. Write short notes on: | 5+5=10 |
| a) Judiciary and Rule of Law | |
| b) Judicial overreach | |

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