

Q.1) With reference to Indian Judiciary, consider the following statements:

- 1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with prior permission of the president of India.
- 2. A High Court in India has the power to review its own judgement as the Supreme Court does. Which of the statements given above is/are correct?
- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

#### Ans) a

### Exp) Option a is the correct answer.

Statement 1 is correct. The Chief Justice of India can request a retired judge of the Supreme Court or a retired judge of a high court (duly qualified for appointment as a Supreme Court judge) to act as a judge of the Supreme Court for a temporary period. He can do so only with the previous consent of the President of India and also of the person to be so appointed. Such a judge is entitled to such allowances as the president may determine. He will also enjoy all the jurisdiction, powers and privileges of a judge of the Supreme Court.

Statement 2 is incorrect. The Supreme Court of India has power to review its own judgement or order. Thus, it is not bound by its previous decision and can depart from it in the interest of justice or public welfare. As a court of record, a High Court also has the power to review and correct its own judgement or order. However, the power to review of High Court is not similar to the Supreme Court because the Supreme Court's power to review is constitutionally guaranteed but not in the case of the High Court.

Source: UPSC CSE PRE 2021

**Q.2)** Which of the following grounds is mentioned in the Constitution for the removal of a Supreme Court Judge?

- a) Proven misbehavior or incapacity
- b) Violation of Constitution
- c) Unsound mind
- d) Charged with insolvency

#### Ans) a

#### Exp) Option a is the correct answer.

The removal of a Supreme Court judge in India is a complex and stringent process outlined in the Indian Constitution to safeguard the independence and integrity of the judiciary.

**Option a is correct.** The removal of Supreme Court and High Court judges from their office is extremely difficult. Only on the grounds of **proven misbehavior or incapacity** may a judge of the Supreme Court or High Court be removed from his/her office. According to Article 124(4) of Constitution of India, a motion containing the charges against the judge must be approved by a **special majority** (majority of total membership of House and majority of not less than two-thirds of the members of that House present and voting) in both Houses of Parliament.

Option b is incorrect. In India, the President can be removed from office on the grounds of "violating the Constitution of India." The grounds and the procedure for the removal of the President are specified in Article 61 of the Indian Constitution.

**Options c and d incorrect. Members of Parliament** (MPs) in India can be disqualified or removed from their offices under certain circumstances as specified in the Constitution and other relevant acts. There

have been four principles outlined for determining whether an office attracts constitutional disqualification for an MP.

- 1) If the person is of unsound mind.
- 2) If the person is charged with insolvency,
- 3) If he is not a citizen of India
- 4) If he is disqualified by or under any law made by Parliament.

Source: NCERT Class XI - Chapter 6 Indian Constitution at work

- **Q.3)** With reference to the Writ Jurisdiction of Supreme Court and High Courts in India, consider the following statements:
- 1. The rule/principle of locus standi applies in case of issuance of all kinds of writs.
- 2. The Supreme Court can issue writs in case of the violation of Fundamental Rights only.
- 3. High Courts in India have a wider writ jurisdiction as compared to the Supreme Court of India.
- 4. Writs can be issued for violation of Fundamental rights by the Lower Courts in India.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

#### Ans) b

### Exp) Option b is the correct answer.

Writs are nothing but the written orders that are given by either the Supreme Court of India or the High Courts. These written orders provide constitutional remedies for the Indian citizens against the violation of their legal, constitutional or fundamental rights. According to Article 32 of the Indian Constitution, the Supreme Court of India can issue writs whereas according to Article 226 of the Indian Constitution, High Courts can issue writs.

**Statement 1 is incorrect.** According to the doctrine of *locus standi*, a person who is stranger to a disputed matter cannot be allowed to interfere in the judicial proceedings. Only a person whose legal right has been violated, that is the aggrieved person against whom a decision has been pronounced, is allowed to bring an action in court.

With reference to the writ jurisdiction of High Courts and the Supreme Court of India, the principle of locus standi is not mandatory in case of some of the writs. For example, in the case of Habeas corpus and Quo Warranto, Locus standi is not necessary. Whereas in the case of Certiorari, Prohibition, Mandamus - Locus Standi is mandatory. For example, a person other than the aggrieved person can approach a High Court or the Supreme Court of India to ask the respective court to issue the writ of Habeas Corpus.

**Statement 2 and 3 are correct.** According to the Article 32 of Constitution of India, the **Supreme Court can issue writs only for the enforcement of the Fundamental Rights** and not for other purposes. The High Courts, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes (Article 226 of Constitution of India). It means that the writ jurisdiction of the high court is wider than that of the Supreme Court. But the Constitution also mentions that the Parliament can confer on the Supreme Court the power to issue writs for other purposes also.

**Statement 4 is incorrect.** In India, only the Supreme Court and High Courts can issue writs. The Supreme Court issues writs under Article 32 of the Constitution of India, and the High Court issues writs under Article 226. However, clause 3 of article 32 provides that parliament is competent to empower any other court with writ jurisdiction. **But presently, Parliament of India has not made any such law which empowers the lower courts to issue the writs. So, the statement is incorrect.** 

Source: NCERT Class XI - Chapter 6

**Q.4)** The writ of Prohibition can be issued by a High Court or the Supreme Court of India against which of the following?

- 1. A lower court
- 2. A quasi-judicial body
- 3. A private individual
- 4. An administrative agency of Government of India

Select the correct answer using the code given below:

- a) 1 only
- b) 1 and 2 only
- c) 1, 2 and 4 only
- d) 1, 2, 3 and 4

#### Ans) b

#### Exp) option b is the correct answer.

Prohibition is a legal term that implies 'to prohibit, restrain, prevent, or forbid.' A higher court issues a writ of prohibition against the lower court to prevent it from exceeding its authority or going beyond its required jurisdiction. It cannot be enforced against administrative agencies, statutory authorities, or private persons or enterprises. It is exclusively applicable to judicial and quasi-judicial bodies.

Source: Chapter 6, NCERT CLASS 11, M Laxmikant

- Q.5) With reference to the Securities Appellate Tribunal (SAT), consider the following statements:
- 1. It is a statutory body established under the provisions of the Administrative Tribunals Act, 1985.
- 2. The Presiding officer is appointed by the Chief Justice of India.
- 3. It can hear and dispose-off appeals against orders passed by the SEBI (Securities and Exchange board of India) only.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) d

### Exp) Option d is the correct answer.

**Statement 1 is incorrect.** The Securities Appellate Tribunal (SAT) is a statutory body established under the provisions of the Securities and Exchange Board of India (SEBI) Act, 1992 and not the Administrative Tribunals Act, 1985.

**Statement 2 is incorrect.** SAT consists of a Presiding Officer and two other members. The Presiding officer is appointed by the central government in consultation with the Chief Justice of India or his nominee.

#### **Statement 3 is incorrect.** Functions of SAT:

- 1) To hear and dispose of appeals against orders passed by the SEBI or by an adjudicating officer under the SEBI Act,1992.
- 2) To hear and dispose of appeals against orders passed by the Pension Fund Regulatory and Development Authority (PFRDA).
- 3) To hear and dispose of appeals against orders passed by the Insurance Regulatory Development Authority of India (IRDAI).

Source: https://sat.gov.in/

**Q.6)** Consider the following statements about the judicial review:

- 1. The Judicial review is the judiciary's authority to call into question the wisdom of legislation enacted by legislatures.
- 2. The Judicial review power of the High courts is limited only to the laws enacted by the State government.
- 3. The judicial review power of the supreme court is limited to ordinary legislation enacted by the parliament and does not apply to constitutional amendment.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

### Ans) d

### Exp) Option d is the correct answer.

Judicial review is the power of the judiciary to review laws passed by legislature and actions taken by the executive to determine if they are consistent with the Constitution of India.

Statement 1 is incorrect: Judicial review is to validate the law whether it is incongruent with the Constitution or not, it's not about checking the wisdom of the legislation enacted. That is the judiciary cannot check into necessity or effectiveness of the law.

Statement 2 is incorrect: High courts in India have judicial review over central laws also. This means that High courts can strike down central laws that they find to be unconstitutional. Article 226 of the Constitution of India gives High courts the power to issue writs of habeas corpus, mandamus, certiorari, and prohibition to protect the fundamental rights of citizens. These writs can be used to challenge the validity of central laws also. In addition, Article 228 of the Constitution gives High courts the power to determine the constitutional validity of any law or order made by the central government.

**Statement 3** is incorrect: The Supreme Court of India has judicial review over constitutional amendment acts. The Supreme Court's power of judicial review over constitutional amendment acts was established in the landmark case of Kesavananda Bharati v. State of Kerala in 1973. In that case, the Supreme Court held that the Constitution of India has a "basic structure" that cannot be amended, even by Parliament. The basic structure of the Constitution includes the fundamental rights of citizens, the separation of powers between the different branches of government, and the federal structure of the country.

Source: NCERT Class XI - Chapter 6 Indian Constitution at work, M Laxmikant Chapter 27

**Q.7)** With reference to power of Supreme Court to provide remedy for the violation of Fundamental Rights in India, consider the following statements:

- 1. Supreme Court under Article 32 ensures the preservation and enforcement of fundamental rights.
- 2. Supreme Court under Article 13 is empowered to invalidate laws or acts infringing fundamental rights. Which of the statements given above is/are correct?
- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

#### Ans) c

### Exp) Option c is the correct answer.

The Supreme Court of India, as the protector of fundamental rights, plays a crucial role in ensuring the preservation and enforcement of the fundamental rights guaranteed by the Indian Constitution

**Statement 1 is correct.** According to **Article 32, the Supreme Court serves as a guarantor and defender of fundamental rights. Furthermore, Issuing Writs for violation of fundamental rights, forms part of Original Jurisdiction of the Supreme Court of India. Thus, it means that a person can directly approach the Supreme court for the remedy.** 

Statement 2 is correct. Article 13 confers a power on the courts (including Supreme Court) to declare a law or an act void if it infringes the fundamental rights.

Source: NCERT Class XI - Chapter 6

- Q.8) The D.K. Basu guidelines, as laid down by the Supreme Court of India, are related to-
- a) protection of the rights of accused persons during arrest and detention.
- b) preventing and addressing sexual harassment at the workplace.
- c) registration of First Information Reports (FIRs) in cases of cognizable offenses.
- d) providing directions for police reforms in India.

#### Ans) a

# Exp) Option a is the correct answer.

The Supreme Court of India has laid down precise rules and processes for police and other authorities to follow while arresting, detaining, and interrogating an individual. These are referred to as the D.K. Basu Guidelines.

Option a is correct. The D.K. Basu guidelines, based on the D.K. Basu v. State of West Bengal case (1997), are primarily focused on safeguarding the rights of accused individuals during their arrest and detention to prevent abuse of power and protect their fundamental rights.

Option b is incorrect. Vishakha Guidelines pertain to preventing and addressing sexual harassment at the workplace. They are especially relevant for ensuring the safety and dignity of women in the workplace. Option c is incorrect. Lalita Kumari Guidelines pertain to the registration of First Information Reports (FIRs) in cases of cognizable offenses, ensuring prompt and effective action by law enforcement agencies. Option d is incorrect. Prakash Singh Case Guidelines also known as the "Prakash Singh v. Union of India" guidelines; they provide directions for police reforms in India. These guidelines aim to enhance the efficiency and accountability of the police force.

#### **Knowledge Base:**

Some of the D.K. Basu guidelines, as laid down by the Supreme Court:

- 1) The police officials who carry out the arrest or interrogation should wear clear, accurate and visible identification and name tags with their designations;
- 2) A memo of arrest should be prepared at the time of arrest and should include the time and date of arrest. It should also be attested by at least one witness who could include a family member of the person arrested. The arrest memo should be countersigned by the person arrested.
- 3) The person arrested, detained or being interrogated has a right to inform a relative, friend or well-wisher
- 4) When a friend or relative lives outside the district, the time, place of arrest and venue of custody must be notified by police within 8 to 12 hours after arrest.

Source: NCERT Class VIII: Social and Political Life III - Chapter 6

- **Q.9)** Consider the following statements regarding conditions laid down by Constitution to ensure independence of Judiciary in India:
- 1. Post-retirement appointment of judges to any public office is prohibited under the Constitution.
- 2. The judiciary is not financially dependent on the executive or legislature.

3. The conduct of judges cannot be discussed in Parliament except when the proceeding to remove a judge from his/her office is being carried out in Parliament.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) b

# Exp) Option b is the correct answer.

Independence of judiciary means that the other organs of the government like the executive and legislature must not restrain the functioning of the judiciary in such a way that it is unable to do justice. It is done so that judges must be able to perform their functions without fear or favor. The Indian Constitution has ensured the independence of the judiciary through a number of measures.

**Statement 1 is incorrect.** There is no prohibition on post-retirement appointments of judges to any public offices. Judicial independence suffers if governments can – directly or indirectly, publicly or privately – coerce, incentivize, or undermine judges and their decisions. The post-retirement appointments of judges may become a hurdle in achieving Judicial Independence.

1) **Exception- Retired judges are generally prohibited from practicing law in any court**, including the Supreme Court and High Courts, as it could compromise their former positions.

Statement 2 is correct. The judiciary is not financially dependent on either the executive or legislature. The Constitution provides that the salaries and allowances of the judges are not subjected to the approval of the legislature.

Statement 3 is correct. Parliament cannot discuss the conduct of the judges except when the proceeding to remove a judge is being carried out. This gives the judiciary independence to adjudicate without fear of being criticized.

Source: NCERT Class XI - Chapter 6

- **Q.10)** With reference to the differences between Cognizable offences and non-Cognizable offences, consider the following statements:
- 1. Unlike Non-cognizable offences, Cognizable offences are those in which the police can arrest an accused without a warrant.
- 2. All Cognizable offences are bailable whereas all non-Cognizable offences are non-bailable.
- 3. Generally, Non-cognizable offences are less serious in nature as compared to Cognizable offences. How many of the above given statements are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

# Ans) b

#### Exp) Option b is the correct answer.

**Statement 1 is correct.** Cognizable offences are those in which the police can investigate and arrest the offender without a warrant. In non-cognizable offenses, the police do not have the power to arrest a person for a crime without a warrant.

**Statement 2 is incorrect:** The Cognizable offences are both bailable and non-bailable. Whereas non-cognizable offences are bailable.

**Statement 3 is correct:** Non-cognizable offences are less serious or grave in nature. Examples: cheating, forgery, defamation, public nuisance, etc. Cognizable offences are generally serious crimes. The Criminal Procedure Code, 1973 (CrPC states that an offence that is punishable with death, imprisonment for life, or imprisonment for more than 3 years shall be cognizable.

Source: https://blog.ipleaders.in/difference-between-cognizable-and-non-cognizable-offences/

Q.11) Who/Which of the following is the custodian of the Constitution of India?

- a) The President of India
- b) The Prime Minister of India
- c) The Lok Sabha Secretariat
- d) The Supreme Court of India

#### Ans) d

### Exp) Option d is the correct answer.

The Constitution has conferred very extensive jurisdiction and vast powers on the Supreme Court. It is not only a Federal Court like the American Supreme Court but also a final court of appeal like the British House of Lords (the Upper House of the British Parliament). It is also the final interpreter and guardian/custodian of the Constitution and guarantor of the fundamental rights of the citizens.

The Supreme Court ensures that the other branches of government perform their responsibilities in accordance with the Constitution. The Supreme Court also ensures through its basic structure doctrine, that the Constitution of India remains the law of the land and the Parliament doesn't affect or in any way undo the soul of the Constitution. This also ensures that there aren't any unreasonable restrictions placed on fundamental rights of individuals by the state.

Source: UPSC CSE PRE 2015

Q.12) With reference to the High Courts in India, consider the following statements:

- 1. President of India can extend the jurisdiction of High Courts to a Union Territory.
- 2. Parliament of India has the power to determine the number of judges in a High Court.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

### Ans) d

#### Exp) Option d is the correct answer.

**Statement 1 is incorrect-** The **Parliament of India (not the President)** can extend the jurisdiction of a High Court to any Union Territory or exclude the jurisdiction of a High Court from any Union Territory.

**Statement 2** is **incorrect-** The **President of India** (not the Parliament of India) has the power to determine the number of judges in a High Court. As per Article 216 of the Indian Constitution, every High Court shall consist of a Chief Justice and such other Judges as the President may from time to time deem it necessary to appoint.

Source: NCERT Class VIII: Social and Political Life III - Chapter 4: Judiciary



Q.13) With reference to different High Courts in India and their territorial jurisdiction over different States/UTs, consider the following pairs:

High Court		Jurisdiction	
1.	Guwahati	Aasam, Sikkim, Mizoram	
		and Arunachal Pradesh	
2.	Kerala	Kerla and Lakshadweep	
3.	Calcutta	West Bengal and	
		Puducherry	
4.	Andhra	Andhra Pradesh and	
	Pradesh	Telangana	
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How many of the pairs given above are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four

### Ans) a

Exp) Option a is the correct answer.

Pair 1 is incorrect. Guwahati High Court has jurisdiction over four Northeast states in India-Assam, Mizoram, Arunachal Pradesh, and Nagaland (not Sikkim). Sikkim High has territorial jurisdiction over the state of Sikkim.

Pair 2 is correct. The Kerala High Court has jurisdiction over the entire state of Kerala and the Union Territory of Lakshadweep.

Pair 3 is incorrect. The Calcutta High Court has territorial jurisdiction over the state of West Bengal and the Union Territory of the Andaman and Nicobar Islands (not over Union territory of Puducherry). The court was established on July 1, 1862, under the High Court's Act, 1861. Whereas, the Madras High Court has jurisdiction over the Union Territory of Puducherry.

Pair 4 is incorrect. The High Court of Andhra Pradesh has territorial jurisdiction over the State of Andhra Pradesh whereas the High Court for the State of Telangana exercises territionial jurisdiction over the States of Telangana.

Source: NCERT Class VIII: Social and Political Life III - Chapter 4: Judiciary

https://main.sci.gov.in/jurisdiction

Q.14) According to the Constitution of India, which of the following type of majority is required in both the Houses of Parliament to remove a judge of the High Court from his/her office?

- a) more than 50% of the total membership in each house only.
- b) more than 50% of the effective strength of each house only.
- c) more than 50% of the total membership in each house and not less than two-thirds of the members present and voting in each house.
- d) more than half of the members present and voting in each house only.

#### Ans) c

Exp) Option c is the correct answer.

Option c is correct- The procedure followed in both the houses of Parliament, to remove a Judge of a High Court in India is same as the procedure followed to remove a judge of Supreme Court. Article 217 1 (a) of the Constitution of India states that a Judge of High Court may be removed from his office by the President in the manner provided in clause (4) of Article 124 for the removal of a Judge of the Supreme

Court. Again, Article 124 (4) of the Constitution of India states that-A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two – thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity. Hence by reading together Article 217 and 124 with respect to the given question, option c is the correct answer. Source: NCERT Class XI – Chapter 6

**Q.15)** In the context of Indian Judiciary, which of the following best describes the term "Original Jurisdiction"?

- a) Admission of judgements given by the Supreme court as legal precedents in the lower courts.
- b) It consists of all the jurisdictional powers conferred upon the Supreme court on the date of enforcement of Indian constitution.
- c) A territorial limit on the jurisdiction of high courts before large scale reorganization of states in 1956.
- d) Power of the Supreme Court or High Courts to hear and adjudicate certain cases in the first instance.

#### Ans) d

#### Exp) Option d is the correct answer

Original jurisdiction of a court is the power to hear a case in the first instance, as opposed to appellate jurisdiction. For example, the constitution gives citizens the right to approach either the Supreme court (Article 32) or high courts (Article 226) directly to enforce their fundamental rights and so this is the original jurisdiction of both the supreme court as well as high courts.

Source: M Laxmikanth

Q.16) With reference to the High Courts in India, consider the following statement:

- 1. They have original jurisdiction in cases related to settlements of Union-State disputes.
- 2. They have the authority to hear appeals regarding judgments issued by administrative tribunals, within their territory.
- 3. They hold advisory jurisdiction when the President of India refers matters of pressing public importance to them.

How many of the above statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

### Ans) a

#### Exp) Option a is the correct answer.

**Statement 1** is incorrect- The High Court does not have original jurisdiction in cases related to settlements of Union-States disputes. **Original jurisdiction (and also exclusive jurisdiction)** in such cases lies with the Supreme Court of India under **Article 131** of the Constitution of India. Article 131 confers exclusive original jurisdiction on the Supreme Court to adjudicate disputes:

- 1) between the Government of India and one or more States or between the Government of India and any State or States on one side and one or more States on the other;
- 2) between two or more States.

This means that only the Supreme Court can hear and decide these disputes in the first instance. The High Courts do not have any jurisdiction to hear these disputes.

**Statement 2 is correct-** The High Court has the authority to hear **appeals** regarding **judgments issued by lower courts and Tribunals**. This appellate jurisdiction is conferred by **Article 227 of the Constitution** of India. Article 227 gives the High Court the power to hear appeals from **judgments**, **decrees**, **or final orders** of any court or tribunal within its territory, except for those courts or tribunals that are specifically excluded by law. It includes **district courts**, **magistrate courts**, **and administrative tribunals**.

**Statement 3 is incorrect-** The high court **does not have advisory jurisdiction**. Advisory jurisdiction is the power of a court to give its opinion on a matter of law or fact, but the opinion is not binding. The only court in India that has advisory jurisdiction is the **Supreme Court of India**. The Supreme **Court's** advisory jurisdiction is conferred by **Article 143** of the Constitution of India.

Source: NCERT Class XI - Chapter 6

Q.17) The Courts in India can adjudicate which of the following types of cases?

- 1. A dispute between two citizens of India
- 2. A dispute between India and any of its neighboring countries.
- 3. An International commercial arbitration
- 4. A dispute between the Centre and any state.

Select the correct answer using the code given below:

- a) 1, 2, 3 and 4
- b) 1 and 4 only
- c) 1, 3 and 4 only
- d) 1 and 3 only

#### Ans) c

Exp) Option c is the correct answer.

**Statement 1 is correct.** The Supreme Court, High Court, Subordinate courts and tribunals are authorized to resolve the disputes between two citizens.

**Statement 2 is incorrect.** The disputes between India and its neighboring countries are resolved by diplomatic methods, (not by Indian courts). Negotiations between nations in conflict can be either bilateral or multilateral and are conducted directly between Heads of State or Ambassadors or special representatives of the countries involved. The dispute between the rulings of courts of two different countries is dealt with by the International Court of Justice.

**Statement 3 is correct.** Under the Arbitration and Conciliation Act, 1996, International Commercial Arbitration can also be initiated in the Supreme Court.

**Statement 4 is correct.** The Supreme Court of India under its Original Jurisdiction is empowered to resolve the disputes between the Centre and one or more states; or between the Centre and any state or states on one side and one or more other states on the other side.

Source: M Laxmikanth

Q.18) With regard to the Public Interest Litigation (PIL) in India, consider the following statements:

- 1. The concept of PIL is not explicitly defined in statutes or acts but rather interpreted by judicial interventions.
- 2. The case of Sunil Batra vs. Delhi Administration (1980) played a significant role in the development of Public Interest Litigation (PIL) in India.
- 3. Only an aggrieved person can file a PIL in the Judiciary.

How many of the above statements are **incorrect?** 

- a) Only one
- b) Only two
- c) All three



d) None

### Ans) a

Exp) Option a is the correct answer.

Public Interest Litigation (PIL) refers to legal actions filed in a court of law with the aim of safeguarding "Public Interest," which may encompass concerns like pollution, terrorism, road safety, construction hazards, and more.

Statement 1 is correct-Public Interest Litigation (PIL) is a concept that has been developed by the Indian judiciary through judicial interventions. It is **not explicitly defined** in any statute or act.

Statement 2 is correct- The case of Sunil Batra vs. Delhi Administration (1980) played a significant role in the development of Public Interest Litigation (PIL). In this case, the Supreme Court of India allowed a prisoner to file a PIL case on behalf of other prisoners who were being subjected to torture and inhumane treatment. The Court held that any person could file a PIL case if they believe that the issue is important to the public interest.

Statement 3 is incorrect- Any public-spirited citizen, social organization, or lawyer can file PILs on behalf of the aggrieved person in the High Court or Supreme Court.

Source: NCERT Class XI - Chapter 6

Q.19) Consider the following statements about Free legal aid provided under Legal Services Authority Act, 1987:

- 1. It is provided for both civil and criminal cases.
- 2. It is applicable to cases before any court or tribunal.
- 3. It is applicable to cases even at the stage of appeal.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

### Ans) c

#### Exp) Option c is the correct answer.

Legal Services includes providing-

- 1. free Legal Aid to the weaker sections of society,
- 2. creating legal awareness by spreading legal literacy through legal awareness camps, print media, digital media and
- 3. organizing Lok Adalats for the amicable settlement of disputes which are either pending or which are yet to be filed, by way of compromise.

Statements 1 and 2 are correct: Free legal aid is the provision of free legal services in civil and criminal matters for those poor and marginalized people who cannot afford the services of a lawyer for the conduct of a case or a legal proceeding in any Court, Tribunal or Authority.

Statement 3 is correct: Free legal aid is applicable at any stage of the case even at appeal, as long as the person is eligible to attain free legal services as per Section 12 of the Legal Services Authorities Act, 1987. Source: https://nalsa.gov.in/

Q.20) Consider the following statements regarding the 'Public Interest Litigation (PIL)':

- 1. This concept was originated in the United States of America.
- 2. It requires a stricter application of the rule of 'locus standi'.



3. It is based on the non-adversarial system of litigation.

How many of the statements given above are incorrect?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) a

#### Exp) Option a is the correct answer.

Statement 1 is correct: The concept of PIL originated in the United States of America during 1960s.

Statement 2 is incorrect: The locus standi rule has been diluted for the PIL. Locus Standi means, a person whose rights have suffered, only he/she can move to the courts to seek justice. In PIL, any member of the public, like a public-spirited citizen or organization, can approach the courts for enforcing the rights of general public.

Statement 3 is correct: Non-adversarial or inquisitorial system of litigation implies an active involvement of the court in the case investigation. Supreme Court in People's Union for Democratic Reforms vs. Union of India has held that PIL is a non-adversarial system of litigation.

Source: M Laxmikanth.

Q.21) Article 231 of the Constitution of India grants power to establish a common High Court for two or more states to-

- a) the Parliament
- b) the Supreme Court
- c) the President of India
- d) the Union Cabinet

#### Ans) a

#### Exp) Option a is the correct answer.

The power to establish a common High Court is vested in Parliament, under Article 231 of the Constitution.

Source: CDS 2020 (I)

Q.22) Consider the following statements about the Competition Commission of India (CCI):

- 1. CCI is a statutory authority established under Companies act 2013.
- 2. Chairman and other members of CCI are appointed by the President of India.
- 3. CCI cannot impose penalties directly on the private companies for abuse of dominant market position. How many of the statements given above are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) d

#### Exp) Option d is the correct answer.

Statement 1 is incorrect: The Competition Commission of India (CCI) is a statutory body under Competition Act of 2002. The Competition Act, 2002 was passed by the Parliament in the year 2002, to which the President accorded assent in January 2003. It was subsequently amended by the Competition

(Amendment) Act, 2007. In accordance with the provisions of the Amendment Act the commission became fully functional in 2009.

**Statement 2 is incorrect: The Commission comprises a chairperson and six Members who are appointed by the Central Government.** Functioning as a quasi-judicial entity, it provides opinions to statutory authorities and handles various cases. Both the Chairperson and other Members serve as full-time members.

**Statement 3 is incorrect: CCI can impose penalties directly on private companies.** Recently the Competition Commission of India (CCI) issued two distinct orders against the technology giant Google, imposing penalties of INR 1,337 crore and INR 937 crore, totaling INR 2,237 crore, for its abuse of dominant market position. Alongside the penalties, CCI outlined a set of corrective measures for Google to adhere to.

**Knowledge base:** A company which holds a dominant market position has the capability to work independently from its competitors and customers. A dominant position can allow a company to set prices above the competitive level for products which are not of as high quality, and in effect it can restrict competition. A company which holds a dominant market position has the capability to work independently from its competitors and customers. A dominant position can allow a company to set prices above the competitive level for products which are not of as high quality, and in effect it can restrict competition. Source: https://www.mca.gov.in/content/mca/global/en/about-us/affiliated-offices/cci.html.html

Q.23) With reference to the National Legal Service Authority (NALSA), consider the following statements:

- 1. It gives effect to Article 43A of the Constitution of India.
- 2. It provides free legal aide to a woman irrespective of her income.
- 3. A retired Chief Justice of India is nominated as the Patron-in-Chief of NALSA by the President of India. How many of the above statements are correct?
- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) a

#### Exp) Option a is the correct answer.

The National Legal Services Authority (NALSA) was established in accordance with the Legal Services Authorities Act of 1987. Its primary function is to oversee and assess the execution of legal aid initiatives and establish guidelines for the availability of legal services as mandated by the Act.

Statement 1 is incorrect- Article 39A of the Directive Principles of State Policy provides for equal justice and free legal aid to the poor. NALSA basically gives effect to the Article 39A of Constitution of India.

Article 43A provides for the participation of workers in the management of industries. Both Article 39A and Article 43A were added to the Indian Constitution through the 42nd Amendment Act 1976.

Statement 2 is correct- A woman is entitled for free legal aid irrespective of her income or financial status. A woman is eligible to apply for free legal aid by virtue of Section 12(c) of the Legal Services Authorities Act, 1987.

**Statement 3 is incorrect- The serving Chief Justice of India** is the Patron-in-Chief of NALSA and not any retired Cherif Justice of India.

### **Knowledge Base:**

Following persons are eligible for free legal services:

- 1. Women and Children
- 2. Members of Scheduled Castes or Scheduled Tribes
- 3. Industrial Workmen



- 4. Persons with disability
- 5. Victims of natural disasters, ethnic/caste violence,
- 6. Industrial diter
- 7. Persons in custody
- 8. Persons with an annual income of less than Rs 1,00,000/- or as notified by the Central/State Governments.
- 9. Victims of Human Trafficking or Begar

Source: NCERT Class XI - Chapter 6 + Laxmikanth Chapter 36

https://nalsa.gov.in/about-us

Q.24) Consider the following statements regarding the 'District Courts':

- 1. The judges of the District Courts are appointed by the concerned State High Courts.
- 2. These Courts exercise both the original and the appellate jurisdictions in civil and criminal matters.
- 3. These Courts are not authorized to award death sentences in criminal cases.

How many statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) a

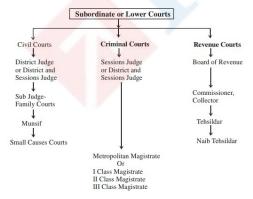
### Exp) Option a is the correct answer.

India has a pyramidical form of judicial structure, where district and subordinate courts are placed below the concerned High Court of the States. In every district, the subordinate courts are classified as civil courts, criminal courts, and revenue courts.

Statement 1 is incorrect: The Judges of the District Courts and the subordinate courts are appointed by the Governor and not the High Court concerned. However, the Governor is required to consult the State High Court in matters related to such appointments.

Statement 2 is correct: A district court is empowered to hear both- the original and the appellate cases. Further, it hears both civil as well as criminal cases. Some cases must be exclusively heard in a district court, thereby granting the district court its original jurisdiction over these particular cases.

Statement 3 is incorrect: A district court is competent to award even capital punishment. However, such punishment must be confirmed by the State High Court, whether or not any appeal has been made to it. Knowledge Base:



Source: https://districts.ecourts.gov.in/jurisdiction-district-court https://www.nios.ac.in/media/documents/srsec317newE/317EL15.pdf

NCERT Class XI - Chapter 6

**Q.25)** Supreme Court in this case upheld the validity of sedition law and stated that the effect of subverting the Government by violent means or creating public disorder would come within the definition of sedition. In which one of the following landmark cases, did Supreme Court held the above given statement?

- a) Kedarnath Singh vs State of Bihar (1962)
- b) Golaknath vs State of Punjab (1967)
- c) Kesavananda Bharati vs State of Kerala (1973)
- d) State of Madras vs Champakam Dorairajan (1951)

#### Ans) a

### Exp) Option a is the correct answer.

In the landmark case of Kedar Nath Singh Case, a Constitution Bench of the top court upheld the validity of section 124A (sedition) of the IPC, but also attempted to restrict the colonial-era law's scope for misuse by trying to demarcate the difference between which acts amounted to sedition and which ones did not. Supreme Court said that any act that had the "effect of subverting the Government" by violent means or creating public disorder would come within the definition of sedition. It also upheld Section 505 (statements conducive to public mischief) as constitutionally valid.

Source: M. Laxmikanth

## Q.26) Consider the following circumstances:

- 1. If the Chief Justice of India is unable to perform the duties of his/her office due to absence.
- 2. When both the houses of the Parliament passed a resolution demanding initiation of impeachment motion against the Chief Justice of India.
- 3. If the deadlock between Government and Collegium over the appointment of Chief Justice of India persists for more than six months.

In how many of the above circumstances does the Constitution empowers the President of India to appoint "acting Chief Justice of India"?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) a

#### Exp) Option a is the correct answer.

Article 126 of the Constitution of India deals with matters related to appointment of acting Chief Justice of India and grounds related to it.

**Statement 1 is correct**: Article 126 empowers the President of India to appoint acting Chief Justice of India, if the Chief Justice of India is unable to perform the duties of his/her office because of absence or otherwise. Further the President can appoint acting chief justice if the office of Chief Justice of India is vacant.

**Statement 2** is **incorrect**: The constitution provides no such provision for appointment of acting Chief Justice of India (CJI) when Parliament passes a resolution demanding removal motion against CJI.

**Statement 3 is incorrect:** The constitution provides no such ground to appoint acting CJI i.e., if the deadlock between Government and Collegium over the appointment of Chief Justice of India persists for more than six months.

#### **Knowledge Base:**

Additional Judge of a High Court:

1) Additional Judges can be appointed by the President under clause (1) of Article 224 of the Constitution.

- 2) The President can appoint duly qualified persons as additional judges of a high court for a temporary period not exceeding two years when:
  - 1) There is a temporary increase in the business of the high court; or
  - 2) There are arrears of work in the high court.
- 3) No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty-two years.

Source: M Laxmikanth

**Q.27** Which of the following statements about The National Consumer Disputes Redressal Commission (NCDRC) is correct?

- a) It is an executive body under the Ministry of Consumer Affairs, Food and Public Distribution.
- b) It is headed only by a sitting or retired judge of the Supreme court of India.
- c) It provides redressal at free of cost to aggrieved consumers.
- d) It cannot take up complaints for alleged deficiency in any service that is rendered free of charge.

### Ans) d

Exp) Option d is the correct answer.

Option a is incorrect: The National Consumer Disputes Redressal Commission (NCDRC), India is a quasi-judicial commission in India which was set up in 1988 under the Consumer Protection Act of 1986. Hence it is a statutory body not executive.

Option b is incorrect: The National Consumer Disputes Redressal Commission (NCDRC) was constituted in the year 1988. It is headed by a sitting or a retired Judge of the Hon'ble Supreme Court of India or a sitting or a retired Chief Justice of an Hon'ble High court.

**Option c is incorrect:** The National Consumer Disputes Redressal Commission (NCDRC) provides **inexpensive**, speedy and summary redressal of consumer disputes. **It's not free of cost.** 

Option d is correct: No complaints under the National Consumer Disputes Redressal Commission (NCDRC) can be filed for alleged deficiency in any service that is rendered free of charge or under a contract of personal service.

A contract of personal service is a legal agreement between two parties where one party agrees to provide a service to the other party for a fee. The service is usually performed by the individual personally, and it cannot be delegated to another person. This service provided cannot be called in question infront of the National Consumer Disputes Redressal Commission (NCDRC).

Source:https://ncdrc.nic.in/history.html#:~:text=A%20written%20complaint%2C%20can%20be,goods %20and%20deficiency%20in%20service.

Q.28) Consider the following violations / offences:

- 1. Driving under the influence of alcohol.
- 2. An individual stealing from a local grocery store.
- 3. A company breaches a contract with a client by failing to deliver goods on time.
- 4. Selling of illegal drugs on a tourist spot.

How many of the above violations/offences fall under the purview of criminal laws in India?

- a) Only one
- b) Only two
- c) Only three
- d) All four



#### Ans) c

### Exp) Option c is the correct answer.

Civil law is concerned with activities committed by persons in which the harm caused can be reimbursed by compensation or monetary remedy. Criminal law deals with crimes that cause harm to people and are also crimes against society. The punishment for a crime is to imprison the perpetrator. Accordingly,

Description of	Relevant	Explanation
Violation/Event	Branch of Law	
		(400
Driving under the influence	Criminal Law	Option 1 is correct: Driving under the
of alcohol		influence of alcohol is a criminal offense
		under the Motor Veh <mark>icle Act. It can lead to</mark>
		fines, license suspension, and potentially
		imprisonment. Hence, it falls under the
		jurisdiction of criminal law.
An individual arrested for	Criminal Law	Option 2 is correct: Theft is a criminal
theft from a local grocery		offense, an <mark>d an individual arrested</mark> for theft
store		would face criminal charges, potentially
		leading to fines, probation, or
		imprisonment. Henc <mark>e, it f</mark> alls under the
		jurisdiction of criminal law.
A company breaches a	Civil Law	<b>Option 3 is incorrect:</b> Breach of contract is
contract with a client by		a civil matter where a party has violated the
failing to deliver goods on		terms of an agreement. <b>The resolution of a</b>
time		case typically involves compensation or
		specific performance (eg. Under the
		Contract Act, 1872) and it falls under civil
		law.
Selling of illegal drugs on a	Criminal Law	Option 4 is correct: Selling illegal drugs is a
tourist spot		criminal offense that can lead to criminal
-		charges, prosecution, and penalties,
		including imprisonment. This violation falls
		under criminal law.

Source: https://comtransport.assam.gov.in/frontimpotentdata/rules-against-drunk-drivingcases#:~:text=Drunk%20driving%20or%20driving%20under,under%20the%20Motor%20Vehicle%20Act

# Q.29) Consider the following statements:

- 1. In case of a Compoundable offence, the complainant can enter into a compromise with the accused.
- 2. In case of a non-cognizable offence, the police can arrest an accused without a warrant.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

### Ans) a

Exp) Option a is the correct answer.

**Statement 1 is correct.** Compoundable offences are those offences where the complainant (one who has filed the case, i.e. the victim), can enter into a compromise, and agrees to have the charges dropped against the accused. Compoundable offences are less serious criminal offences. In some cases, the court's permission is required before compounding.

**Statement 2 is incorrect.** Cognizable offence means an offence for which a police officer may arrest without warrant. Cognizable offences are usually serious in nature. In cognizable offences, the police can initiate investigation of the case without seeking permission from the Magistrate. In case of a noncognizable offence, the police cannot arrest the accused without a warrant and cannot start an investigation without the permission of the court.

Source: https://indianexpress.com/article/explained/explained-law/karnatakas-anti-cheating-bill-9061077/#:~:text=While%20compoundable%20offences%20are%20those,to%20the%20offence's%20seri ous%20nature.

Q.30) With reference to the Law Commission of India, consider the following statements:

- 1. It is neither a constitutional nor a statutory body.
- 2. Its recommendations are binding on the Government of India.
- 3. It is chaired only by a retired judge of the Supreme court.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) a

#### Exp) Option a is the correct answer.

Recently, the Supreme Court issued notice to the Centre on PIL seeking the Law Commission to be declared a 'statutory body'. The PIL contended that the non-working of the Law Commission is depriving the Centre of the benefit of the law commission's insights on the various aspects of the law.

Statement 1 is correct: Law Commission of India is a non-constitutional and non-statutory body and is constituted by a **notification of the Government of India** to carry out research in the field of law and make recommendations to the Government.

Statement 2 is incorrect: The recommendations of the law commission are not binding on the government even the recommendations were made on the matter referred to it by the Supreme court. The law commission has taken up various subjects on references made by the Department of Legal Affairs, Supreme Court and High Courts and submitted 277 reports.

Statement 3 is incorrect: The retired chief justice of the High court can also become a chairperson of the Law commission. Retired High Court Chief Justice Rituraj Awasthi has been appointed as the chairperson of the 22nd law commission of India which was constituted in 2020. Also Mr. M. C. Setalvad who is the first chairperson of the law commission was an Attorney General of India.

#### Source:

 $https://lawcommission of india.nic.in/\#:\sim:text=Law\%20 Commission\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 of \%20 India\%20 is, Government\%20 (in\%20 the\%20 for m\%20 is) (in\%20 the\%20 is) (in\%20 the\%20$ 

https://indianexpress.com/article/india/sc-notice-to-centre-on-pil-seeking-law-commission-to-bedeclared-statutory-body-7161881/



**Q.31)** Consider the following statements:

Statement-1: In India, prisons are managed by State Governments with their own rules and regulations for the day-to-day administration of prisons.

Statement-II: In India, prisons are governed by the Prisons Act, 1894 which expressly kept the subject of prisons in the control of Provincial Governments.

Which one of the following is correct in respect of the above statements?

- a) Both Statement-I and Statement-II are correct, and Statement-II is the correct explanation for Statement-1
- b) Both Statement-1 and Statement-II are correct, and Statement-II is not the correct explanation for Statement-1
- c) Statement-1 is correct but Statement-11 is incorrect
- d) Statement-1 Is incorrect but Statement-II is correct

#### Ans) a

#### Exp) Option a is the correct answer.

The Prisons Act 1894 is one of the oldest pieces of legislation in India dealing with laws enacted in relation to prisons in India.

Statement 1 is correct: Prison is a State subject under List-II of the Seventh Schedule in the Constitution. States have the primary role, responsibility and power to change the current prison laws, rules and regulations.

Hence it is true that prisons are managed by the state governments with their own rules and regulations. Statement 2 is correct and is the correct explanation for statement I: The management and administration of Prisons falls exclusively in the domain of the State Governments and is governed by the Prisons Act, 1894 and the Prison Manuals of the respective State Governments. Hence it is true that the Prisons Act 1894 kept the subject of prisons in the Provincial government (State governments) and this explains why State governments have the power to frame their own rules and regulations regarding prison management.

Source: UPSC CSE PRE 2023

Q.32) Consider the following statements regarding the provisions of the Family Courts Act, 1984:

- 1. It mandates the State Government to set up at least one family court in every city or town with a population exceeding 1 lakh.
- 2. It is empowered to deal with matters related to the custody of a minor child.
- 3. An appeal against the orders of a 'Family Court' shall lie to the 'District Court'.

How many statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) a

### Exp) Option a is the correct answer.

The Family Courts Act of 1984 was enacted to provide for the establishment of Family Courts. The main objective of a family court is to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs.

**Statement 1 is incorrect:** The Act mandates the State Government to establish family courts in every city or town with a **population exceeding one million (not 1 lakh)**. In other areas of the States, the Family Courts may be set up if the State Governments deems it necessary.

Statement 2 is correct: A family court is empowered to deal with the matters regarding custody of a child. Further, matrimonial relief, including nullity of marriage, divorce, restitution of conjugal rights, declaration as to the legitimacy of any person (Declaration of legitimacy is a formal pronouncement that a person is a legitimate child.) and various other matters can also be taken up by these courts.

Statement 3 is incorrect: The Act provides for only a single right to appeal and such a right to appeal shall lie to the High Court. Hence, an order of the Family Court cannot be challenged in a District Court. Source: M. Laxmikanth – Chapter 36: Subordinate Courts

Q.33) Which of the following statements is correct regarding 'Gram Nyayalayas'?

- a) The Legal Services Authorities Act, 1987 provides for the establishment of Gram Nyayalayas.
- b) A Nyayadhikari (judicial officer) in Gram Nyayalayas is appointed by the concerned State High Court, in consultation with the Governor of the state.
- c) It has jurisdiction to handle only civil cases and not criminal cases.
- d) There is no right to appeal in cases where only a fine of less than one thousand rupees is imposed by a Gram Nyayalaya.

#### Ans) d

#### Exp) Option d is the correct answer.

The establishment of Gram Nyayalayas at the grassroots level is aimed at granting citizens easy access to justice. Setting up gram nyayalayas will ensure speedy and affordable justice.

**Statement a is incorrect: The Gram Nyayalayas Act, 2008** provides for the establishment of the Gram Nyayalayas. It establishes a Gram Nyayalaya for each Panchayat at the intermediate level within a district. In states where there is no intermediate-level Panchayat, it's set up for a group of neighboring Panchayats. **Statement b is incorrect:** A Nyayadhikari is strictly a judicial officer having same powers of a first-class magistrate working under High Courts. The appointment of a Nyayadhikari shall be made by the concerned State Government (and not by the High Court). However, there is a provision regarding consultation with the High Court concerned.

**Statement c is incorrect:** Gram Nyayalaya **can deal with both civil as well as criminal matters.** The matters which it can deal with are determined under the **First and Second schedules of the Act.** Appeal in criminal and civil cases shall lie to the Court of Session and the District Court, respectively.

Statement d is correct: As per sections 33 and 34 of the Act, no appeal shall lie from any judgment, sentence or order of a Gram Nyayalaya if Gram Nyayalaya has passed only a sentence of fine of less than 1,000 rupees.

Source: Laxmikanth - Chapter: Subordinate Courts

**Q.34)** Which of the following Acts & Procedures govern the present Jurisdiction and powers of High Courts in India?

- 1. The Letters Patent
- 2. Rules of Procedure of Lok Sabha
- 3. Acts of Parliament
- 4. Indian Penal Code, 1860

Select the correct answer using the code given below:

- a) 1, 2 and 3 only
- b) 4 only
- c) 1, 3 and 4 only



d) 1,2, 3 and 4

#### Ans) c

#### Exp) Option c is the correct answer.

The Constitution of India does not contain detailed provisions regarding the jurisdiction and powers of a High Court. It only lays down that the jurisdiction and powers of a high court are to be the same as immediately before the commencement of the Constitution. The present jurisdiction and powers of a high court are governed by:

- the constitutional provisions,
- 2) the Letters Patent,
- 3) the Acts of Parliament,
- 4) the Acts of State Legislature,
- 5) Indian Penal Code, 1860,
- 6) Criminal Procedure Code, 1973, and
- 7) Civil Procedure Code, 1908.

While Rule of Procedure of Lok Sabha and Rajya Sabha is associated with the conduct of businesses in both the houses of Parliament.

Source: https://www.iilsindia.com/study-material/936904\_1624173524.pdf

### Q.35) With reference to Indian Judiciary, consider the following statements:

- 1. While Judicial activism is the power of Judiciary to review its own judgements, Judicial review is the power of judiciary to examine the constitutionality of laws.
- 2. While Judicial activism is a proactive role played by the judiciary, judicial overreach is the judicial encroachment into the domains of legislature or/and executive.
- 3. While Judicial activism denotes the role of judiciary in policy making, Judicial restraint means noninterference by judiciary in policy making.

How many of the above given statements is / are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) b

#### Exp) Option b is the correct answer.

Statement 1 is incorrect: Judicial activism is a judicial decision making whereby judges render their personal views regarding a public policy. Judicial review is the power of the judiciary to examine the constitutionality of legislative/executive actions of both the Central and State governments. Article 137 of the constitution grants Supreme court the power to review its own judgements and it is not a judicial activism.

Statement 2 is correct: Judicial activism denotes the proactive role played by the judiciary in the protection of the rights of citizens and the promotion of justice in society. Judicial overreach means overstepping of authority by judiciary and encroachment into domains of other organs of the state - legislature or/and executive.

Statement 3 is correct: Judicial activism denotes the role of judiciary in policy making to protect the rights of individual for example Vishaka guidelines issues by the Judiciary to ensure sexual harassment free work environment for women. In contrast, Judicial restraint means noninterference by judiciary in policy making ie restricting its role to interpreting the constitutionality of laws/executive actions.

Source: M. Laxmikanth



**Q.36)** With respect to the Indian Judiciary, consider the following statements:

- 1. Special Leave Petitions can be filed in Supreme Court only.
- 2. The Constitution of India itself provides for the Appeal by Special Leave.
- 3. Special Leave Petitions can be filed for both civil and criminal matters.

How many of the above given statements are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

#### Ans) c

# Exp) Option c is the correct answer.

The Supreme Court is authorized to grant in its discretion special leave to appeal against any judgement in any matter passed by any court or tribunal in the country (except military tribunal and court martial).

**Statements 1 and 2 are correct:** Article 136 in the Constitution of India provides for Special leave to appeal by the Supreme Court. Thus, it can be filed in SC only.

**Statement 3 is correct:** This SLP provision contains the following four aspects under which it can be filed:

- 1) It is a discretionary power and hence, cannot be claimed as a matter of right.
- 2) It can be granted in any judgement whether final or interlocutory.
- 3) It may be related to any matter-constitutional, civil, criminal, income-tax, labour, revenue, advocates, etc.
- 4) It can be granted against any court or tribunal and not necessarily against a high court (of course, except a military court).

### **Knowledge Base:**

# Review petition: -

- 1) Any mandate by the Supreme Court of India is final and binding. However, Under Article 137 provided the Supreme Court with the power to review its judgments. This provision forms the legal basis for a "review petition".
- 2) It is not necessary that only parties related to a case can seek a review of the judgment. Any person aggrieved by a ruling can seek a review.
- 3) A review petition must be filed within 30 days of the court verdict.

Source: M Laxmikanth

Q.37) Which of the following doctrines provides that, 'when some particular provision of a statute is against the Constitution, only that offending provision will be declared void by the Court and not the entire statute'?

- a) Doctrine of Pith and Substance
- b) Doctrine of Eclipse
- c) Doctrine of Severability
- d) Doctrine of Colourable Legislation

#### Ans) c

### Exp) Option c is the correct answer.

The **Doctrine of Severability** means that when some particular provision of a statute offends or is against a constitutional limitation, only that offending provision will be declared void by the Court and not the entire statute. Article 13 of the Constitution of India provides for Doctrine of severability which states that all laws in force in India before the commencement of Constitution shall be void in so far, they are inconsistent with the provisions of the Constitution.

### **Knowledge Base:**

Important Judicial Doctrines

- 1) **Doctrine of Colourable Legislation:** It means when a legislature does not have the power to make laws on a particular subject directly, it cannot make laws on it indirectly.
- 2) **Doctrine of Pith and Substance:** It states that if the substance of legislation falls within a legislature's lawful power, the legislation does not become unconstitutional just because it impacts an issue beyond its area of authority.
- 3) **Doctrine of Eclipse:** It is a principle that states that if any law or provision of a law which is inconsistent with the fundamental rights as has been guaranteed under the constitution of India; Then such law or such part as is inconsistent will be inoperative until the fundamental right is amended so as to not overshadow such law anymore.

Source: https://www.legalserviceindia.com/legal/article-4014-doctrine-of-severability-a-scalpel-rather-than-a-bulldozer.html

#### **Q.38** Consider the following:

- 1. Employees' Pension Scheme
- 2. National Pension Scheme
- 3. Public Provident Fund
- 4. Employees' Deposit Linked Insurance Scheme
- 5. Employees' Guarantee Fund Scheme

How many of the above funds or schemes are administered by Employees' Provident Fund Organization (EPFO)?

- a) Only two
- b) Only three
- c) Only four
- d) All five

### Ans) b

#### Exp) Option b is the correct answer.

The Employees' Provident Fund Organization (EPFO) is a quasi-judicial and statutory body in India established under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. The EPFO is responsible for administering the Employees' Provident Fund (EPF) scheme, which is a social security scheme for employees in the organized sector.

### Options 1, 4 and 5 are correct:

The Employees' Provident Fund Organization (EPFO) administers the following schemes and funds:

- 1) **Employees' Provident Fund (EPF) scheme**: A contributory provident fund scheme that provides retirement, death, and disability benefits to employees.
- 2) **Employees' Pension Scheme (EPS)**: A contributory pension scheme that provides pension benefits to employees after retirement.
- 3) **Employees' Deposit Linked Insurance Scheme (EDLI):** A social insurance scheme that provides insurance benefits to the families of employees who die in service.
- 4) **Employees' Guarantee Fund Scheme (EGFS)**: It provides financial assistance to employees of establishments that are closed down or whose owners have absconded.

#### Options 2 and 3 are incorrect:

1) **The National Pension System (NPS)** is handled by the Pension Fund Regulatory and Development Authority (PFRDA). The PFRDA is an autonomous body under the Ministry of Finance, Government of India

2) **The Public Provident Fund (PPF)** is handled by the National Savings Institute (NSI) of the Ministry of Finance, Government of India. That is it is directly run by government.

Source: https://www.epfindia.gov.in/.

Q.39) With reference to the Election Commission of India (ECI), consider the following statements:

- 1. It conducts Elections to the office of deputy chairman of Rajya Sabha.
- 2. It consists of the chief election commissioner and such number of other election commissioners as the Parliament may, by law, decide from time to time.
- 3. The Constitution does not impose any prohibition on retired Election Commissioners from taking any appointment in a public office.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) All three
- d) None

### Ans) a

# Exp) Option a is the correct answer

The Election Commission is an autonomous and permanent body established by the Indian Constitution with the primary mandate of ensuring fair and free elections in the nation. It operates at the national level, serving both the Central government and state governments.

Statement 1 is incorrect: Article 324 of the Constitution stipulates that the Election Commission of India is entrusted with the authority to oversee, guide, and control elections for the members of Parliament, State Legislatures, the President of India, and the Vice-President of India. Hence, ECI is responsible for conducting elections to the office of Vice-President of India (who is also the chairperson of Rajya Sabha). Deputy Chairman of Rajya Sabha is elected by Rajya Sabha itself, from among its members. Their election is not conducted by ECI.

**Statement 2 is incorrect: Article 324** of the Constitution specifies that the Election Commission shall comprise the Chief Election Commissioner and such number of other election commissioners as the President may from time-to-time fix. Hence it is not the Parliament, but the President of India who decides the number of other election commissioner to be appointed to ECI.

Further the **appointment** of the Chief election commissioner and other election commissioners shall be made by the **President of India**.

**Statement 3 is correct:** It is true that the Indian Constitution does **not impose any prohibition on retired Election Commissioners** from accepting appointments in government offices.

Source: Laxmikanth - Election Commission

**Q.40)** In which of the following cases has the President made reference to the Supreme Court under Article 143 of the Constitution?

- 1. Berubari Union case
- 2. Validity of Speaker's decision with regard to disqualification of Members of Parliament under Tenth Schedule
- 3. Punjab Termination of Agreements Act in 2004
- 4. Consultation process to be adopted by the Chief Justice of India for the appointment of judges to the Supreme Court
- 5. 2G spectrum case verdict

Select the correct answer using the code given below:

- a) 2, 3 and 4 only
- b) 1, 3, 4 and 5 only
- c) 1, 2 and 5 only
- d) 1, 2, 3, 4 and 5

#### Ans) b

# Exp) Option b is the correct answer.

Article 143 of the Indian Constitution authorises the President to seek the opinion of the Supreme Court. **Option b is correct:** The President can seek the opinion of the Supreme Court in the two categories of matters:

- 1) On any question of law or fact of public importance which has arisen, or which is likely to arise.
- 2) On any dispute arising out of any pre-constitution treaty, agreement, covenant, engagement, Sanad or other similar instruments.

Some of these cases where President had sought the opinion of the Supreme Court:

- Delhi Laws Act in 1951
- 2) Berubari Union in 1960
- 3) Keshav Singh's case relating to the privileges of the Legislature in 1964
- 4) Presidential Election in 1974
- 5) Cauvery Water Disputes Tribunal in 1992
- 6) Rama Janma Bhumi case in 1993
- 7) Consultation process to be adopted by the Chief Justice of India in 1998
- 8) Constitutional validity of the Election Commission's decision on deferring the Gujarat Assembly Elections in 2002
- 9) Punjab Termination of Agreements Act in 2004
- 10) 2G spectrum case verdict and the mandatory auctioning of natural resources across all sectors in 2012

There was no reference made by the President to Supreme Court seeking the validity of Speaker's decision with regards to disqualification under Tenth Schedule.

Source: https://main.sci.gov.in/jurisdiction

#### Q.41) Consider the following statements:

- 1. The motion to impeach a Judge of the Supreme Court of Indian cannot be rejected by the Speaker of the Lok Sabha as per the Judges (Inquiry) Act, 1968.
- 2. The Constitution of India defines and gives details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India.
- 3. The process of impeachment of the Judges of the Supreme Court of India is given in the Judges (Inquiry) Act, 1968.
- 4. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting.

Which of the statements given above is/are correct?

- a) 1 and 2 only
- b) 3 only
- c) 3 and 4 only
- d) 1, 3 and 4 only



#### Ans) c

Exp) Option c is the correct answer.

Statement 1 is incorrect. According to provisions of Judges (Inquiry) Act, 1968, the motion to impeach a judge of the Supreme Court of India can be rejected by the Speaker of the Lok Sabha.

Statement 2 is incorrect. The Constitution of India does not define or give details of what constitutes 'incapacity and proved misbehaviour' of the Judges of the Supreme Court of India.

Statement 3 is correct. The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court by the process of impeachment. It states that a removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/ Chairman.

Statement 4 is correct. If the motion for the impeachment of a Judge is taken up for voting, the law requires the motion to be backed by each House of the Parliament and supported by a majority of total membership of that House and by not less than two-thirds of total members of that House present and voting. After the motion is passed by each House of Parliament, an address is presented to the president for removal of the judge. Finally, the president passes an order removing the judge.

Source: UPSC CSE PRE 2020

Q.42) With reference to the Finance Commission (FC) of India, consider the following statements:

Statement-I: Finance Commission is considered as the balancing wheel of fiscal federalism in India.

Statement-II: As per the Indian Constitution, the Central Government cannot reject the recommendations of the Finance Commission regarding devolution of funds to the State governments.

Which one of the following is correct in respect of the above statements?

- a) Both Statement-I and Statement-II are correct, and Statement-II is the correct explanation for Statement-I
- b) Both Statement-I and Statement-II are correct, and Statement-II is not the correct explanation for Statement-I
- c) Statement-I is correct, but Statement-II is incorrect
- d) Statement-I is incorrect, but Statement-II is correct

#### Ans) c

#### Exp) Option c is the correct answer

Article 280 of the Indian Constitution establishes a Finance Commission as a quasi-judicial entity. The President of India forms this commission every fifth year or even before the completion of a five-year period, if deemed necessary by the President.

Statement-I is correct: Finance Commission of India is often referred to as the "balancing wheel of fiscal federalism" in India. Its role is to ensure a fair and equitable distribution of financial resources between the Central Government and State Governments, which helps balance fiscal relations in the federal structure of India.

Statement-II is incorrect: The recommendations made by the Finance Commission are only of an advisory nature and hence, not binding on the Government of India. It is nowhere laid down in the Constitution that the Central Government cannot reject the recommendations of the Commission regarding devolution of funds to the State governments.

It is up to the Union government to implement its recommendations on granting money to the states. Nevertheless, due to its constitutional status, the Union Government generally accepts the recommendations proposed by the Finance Commission.

Source: Laxmikanth - Finance Commission

**Q.43)** A 'Tribunal' is a body tasked with discharging quasi-judicial functions with the primary objective of providing a special forum for specific types of disputes and for faster and more efficacious adjudication of issues. In this context which of the following Constitutional Amendments added a new Part XIV-A titled 'Tribunals' to the Indian Constitution?

- a) 1st Amendment
- b) 39th Amendment
- c) 42nd Amendment
- d) 44th Amendment

#### Ans) c

Exp) Option c is the correct answer.

Option a is incorrect: The 1st Amendment to the Indian Constitution was made in 1951. It primarily addressed the issue of land reforms. The amendment introduced changes related to agrarian reforms, freedom of speech etc.

Option b is incorrect: The 39th Amendment to the Indian Constitution was made in 1975 and primarily dealt with the election of the President and Vice-President of India.

Option c is correct: The 42nd Amendment, enacted in 1976, is often referred to as the "Mini-Constitution" of India. The amendment added a **new Part XIV-A to the Constitution titled** 'Tribunals'. **Part XIV-A consists of Article 323A** dealing with administrative tribunals and **Article 323 B** dealing with tribunals for other matters.

Option d is incorrect: The 44th Amendment, enacted in 1978, primarily aimed at undoing some of the changes made by the 42nd Amendment. The amendment act declared that the right to property will no longer be a Fundamental Right. Article 31 and Article 19(1)(f) was completely removed from Part III and inserted in Article 300-A as a Constitutional right.

Source: Laxmikanth - Tribunals

#### **Q.44)** Consider the following matters:

- 1. Matters related to levy, assessment, collection and enforcement of any tax.
- 2. Matters related the Constitutional interpretation to resolve legal disputes between the Centre and the States in India.
- 3. Matters related to resolve industrial and labour disputes
- 4. Matters related to the rent regulation and control

On how many of the matters given above, the Tribunals can be established by competent legislatures under Article 323B of the Constitution of India?

- a) Only one
- b) Only two
- c) Only three
- d) All four

#### Ans) c

# Exp) Option c is the correct answer.

**Options 1,3 and 4 are correct:** Clause 1 of Article 232B of the Constitution of India states that: The appropriate Legislature may, by law, provide for the adjudication or trial by tribunals of any disputes, complaints, or offences with respect to all or any of the matters specified in clause (2) with respect to which such Legislature has power to make laws.

Again, the clause 2 of the same article states that, the matters referred to in clause (1) are the following, namely:



- 1) Levy, assessment, collection and enforcement of any tax;
- 2) foreign exchange, import and export across customs frontiers;
- 3) industrial and labour disputes;
- 4) land reforms by way of acquisition by the State of any estate as defined in Article 31A or of any rights therein or the extinguishment or modification of any such rights or by way of ceiling on agricultural land or in any other way;
- 5) ceiling on urban property;
- 6) elections to either House of Parliament or the House or either House of the Legislature of a State, but excluding the matters referred to in Article 329 and Article 329A;
- 7) production, procurement, supply and distribution of foodstuffs (including edible oilseeds and oils) and such other goods as the President may, by public notification, declare to be essential goods for the purpose of this article and control of prices of such goods;
- 8) rent, its regulation and control and tenancy issues including the right, title and interest of landlords and tenants
- 9) offences against laws with respect to any of the matters specified in sub clause (a) to (h) and fees in respect of any of those matters;
- 10) any matter incidental to any of the matters specified in sub clause (a) to (i).

Statement 2 is incorrect: While tribunals can interpret laws and regulations related to specific matters within their jurisdiction. Constitutional interpretation is typically the domain of the Higher Judiciary especially the Supreme Court of India and High courts. Tribunals are generally more focused on specific areas of administration, for example matters related to taxation, labor matters etc.

Source: Laxmikanth - Tribunals

Q.45) The Supreme Court holds its meetings in New Delhi, but it can meet elsewhere-

- a) With the approval of President.
- b) If most of the Judges of Supreme Court decide.
- c) With the approval of Parliament.
- d) On the request of State Legislature.

#### Ans) a

Exp) Option a is the correct answer.

As per Article 130 of the Indian Constitution, the usual place of the Supreme Court's meetings is in New Delhi. However, the Supreme Court has the flexibility to hold its sessions or sittings at any other place outside New Delhi if the President of India approves it. This provision allows the court to conduct its proceedings in other locations when deemed necessary or in special circumstances with the President's permission.

Source: M. Laxmikant

Q.46) With reference to the Central Administrative Tribunal (CAT), consider the following statements:

- 1. All India Service officers can directly approach the CAT to redress their service-related grievances.
- 2. The Chief Justice of India's approval is mandatory for the appointment of members in CAT.
- 3. Unlike Judiciary, the CAT is not bound by the procedure laid down in the Civil Procedure Code.
- 4. Appeals against the order of CAT can be made only in the Supreme Court.

How many of the statements given above are correct?

- a) Only one
- b) Only two
- c) Only three
- d) All four



#### Ans) c

#### Exp) Option c is the correct answer

The Central Administrative Tribunal is a multi-member quasi-judicial body responsible for adjudicating disputes and grievances related to the recruitment and service matters of public servants, including All-India Services (AIS), Central civil services, and civilian employees of the defence services.

Statement 1 is correct: The CAT holds original jurisdiction concerning the recruitment and all service issues of public servants, including those in the All-India Services (AIS), the Central civil services, and civilian employees of the defence services. Since the CAT has original jurisdiction over AIS service matters, it is true that AIS officers can directly approach CAT to redress their service-related grievances.

Statement 2 is correct: The appointment of members to the CAT requires the approval of the Chief Justice of India. A high-powered committee headed by a Supreme Court judge who in turn is nominated by the Chief Justice of India suggests people for appointments in CAT.

Once the Chief Justice of India agrees with the recommendations of this committee, the Appointments Committee of the Cabinet (ACC) reviews and approves them.

Statement 3 is correct: The CAT follows the principle of Natural justice, and it is not bound by the procedures established in the Civil Procedure Code, which primarily applies to regular courts.

Statement 4 is incorrect: As per Supreme Court's Judgement in Chandra Kumar Case ,1997, appeals against order of CAT must be made before High Courts first. As a result, currently, any appeals against CAT orders must initially be submitted to the High Court and then only to the Supreme Court.

Source: Laxmikanth - Tribunals

Q.47) With reference to the State Administrative Tribunals (SATs), consider the following statements:

- 1. SATs are established by the respective State governments in consultation with the President of India.
- 2. The Chairperson and members of SATs are appointed by the Governor in consultation with the Chief justice of the concerned State high court.

Which of the statements given above is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) Neither 1 nor 2

## Ans) d

#### Exp) Option d is the correct answer

State Administrative Tribunals (SATs) are similar to the Central Administrative Tribunal (CAT) but operate at the state level in India. SATs exercise original jurisdiction in relation to recruitment and all service matters of state government employees.

Statement 1 is incorrect: The SATs are established by the Central Government (not by State governments). The Administrative Tribunals Act of 1985 empowers the Central government to establish the State Administrative Tribunals (SATs) on specific request of the concerned state governments.

Statement 2 is incorrect: The Chairperson and Members of the SATs are appointed by the

**President of India** (not by the Governor) after consultation with the governor of the respective States.

Source: Laxmikanth - Tribunals

#### Q.48) Consider the following statements:

- 1. Pursuant to the report of H.N. Sanyal Committee, the Contempt of Courts Act, 1971 was passed.
- 2. The Constitution of India empowers the Supreme Court and the High Courts to punish for contempt of themselves.



- 3. The Constitution of India defines Civil Contempt and Criminal Contempt.
- 4. In India, the Parliament is vested with the powers to make laws on Contempt of Court. Which of the statements given above is/are correct?
- a) 1 and 2 only
- b) 1, 2 and 4
- c) 3 and 4 only
- d) 3 only

#### Ans) b

### Exp) Option b is the correct answer

Statement 1 is correct: A committee was set up in 1961 under the chairmanship of the late H N Sanyal, the then additional solicitor general. The committee made a comprehensive examination of the law and problems relating to contempt of court in the light of the position obtained in our own country and various foreign countries. Pursuant to the recommendations made by the H N Sanyal Committee, the Contempt of Courts Act, 1971 was passed.

**Statement 2 is correct:** The Supreme Court and the High Courts of India have been empowered with the power to penalize for Contempt of Court under **Articles 129 and 215** of the Constitution of India.

Statement 3 is incorrect: The Constitution of India does not define Civil Contempt and/or Criminal Contempt.

**Statement 4 is correct: Article 142 (2)** of the Indian Constitution clearly states that "subject to the provisions of **any law made on this behalf by Parliament**" the Supreme Court shall have all and every power to make any order on the punishment of any contempt of itself. Thus, the parliament is vested with powers to make laws on Contempt of Court.

Source: UPSC CSE PRE 2022

Q.49) When the Chief Justice of a High Court acts in an administrative capacity, he is subject to:

- a) The writ jurisdiction of any of the other judges of the High Court
- b) Special control exercised by the Chief Justice of India
- c) Discretionary powers of the Governor of the state
- d) Special powers provided to the Chief Minister in this regard

#### Ans) a

### Exp) Option a is the correct answer.

When the Chief Justice of a High Court acts in an administrative capacity, he is subject to the **writ jurisdiction** of any of the other judges of the High Court. This means that if any action taken by the Chief Justice in his administrative capacity is questioned, any other judge of the High Court can exercise their power of writ jurisdiction to **review and potentially correct** that action. Writ jurisdiction allows judges to issue writs such as **habeas corpus**, **mandamus**, **certiorari**, **prohibition**, **and quo warranto**, which are used to safeguard the fundamental rights of citizens and to ensure that public authorities act within the bounds of law. **Source: UPSC CSE PRE. 1996** 

Q.50) Which of the following actions will most likely fall in the category of 'Contempt of Court'?

- a) Comment on the administrative side of the judiciary.
- b) An act that prejudices the due course of a judicial proceeding.
- c) Criticism of the judicial acts in any manner.
- d) Reporting judicial proceedings without the permission of the Court.

### Ans) b

### Exp) Option b is the correct answer

The term 'Contempt of Court' has not been defined by the Constitution. However, it has been defined by the Contempt of Court Act of 1971. Both the Supreme Court and the High Courts have the power to punish for contempt of court.

- Civil Contempt is the willful disobedience of any judgement, order, writ or other process of a court or willful breach of an undertaking given to a court.
- Criminal Contempt is the publication of any matter or doing an act which:
  - 1. Scandalises or lowers the authority of a court or prejudices or interferes with the due course of a judicial proceeding; or (Hence, Option b is correct)
  - 2. Interferes or obstructs the administration of justice in any other manner.

Source: https://timesofindia.indiatimes.com/blogs/toi-editorials/judges-please-note-cjis-point-that-contempt-law-does-not-disallow-fair-criticism-of-judgments-should-be-heeded-by-all-courts/