

ASSIGNMENT

① Explain the various jurisdiction of supreme court of India.

⇒ The supreme court of India is highest judicial authority in the country and holds jurisdiction over various matters. If jurisdiction is derived from the constitution of India and can be broadly classified into three categories.

①. Original Jurisdiction :- The supreme court has original jurisdiction in matters of dispute between the government of India and one or more states, and also between states themselves. These disputes can be related to any legal, constitutional or administrative matter. The court has power of adjudicate and settle such disputes directly without involvement of any lower court.

② Appellate jurisdiction :- The supreme court acts as final court of appeal in India. It hears appeals against the judgements and orders passed by high courts and other lower courts in both civil and criminal cases.

③ Advisory jurisdiction : The supreme court has power to provide advice and opinions to president of India on any legal or constitutional matter. The president and seek the court's opinion on question of law or facts that are of public importance and have arisen or are likely to arise. However, the advice given by court is not binding.

② Explain qualification and disqualification of membership in the house of people.

⇒ Qualifications of members of Lok Sabha.

① Citizenship : A person must be a citizen of India to be qualified for membership in Lok Sabha.

② Age :- The minimum age for membership is 25 years. A person must have attained the age of 25 on the date of filing the nomination for a seat in Lok Sabha.

③ Electoral Roll : The person must be registered as an elector in any parliament constituency in India.

Disqualifications of members of Lok Sabha

① Office of profit :- A member of Lok Sabha holds any office of profit under the government of India or any state government, other than an office declared by parliament by law not to disqualify its holder.

② Undischarged insolvency : A person who is an undischarged insolvent is disqualified from being a member of Lok Sabha.

③ Unsound mind : A person who is of unsound mind and stands so declared by a competent court is disqualified for membership.

④ Dual membership : A person cannot be a member of both the Lok Sabha and Rajya Sabha simultaneously.

⑤ Disqualification by law : parliament has the power to enact laws that prescribe additional disqualifications for membership in the Lok Sabha.

③ Explain the various writs issued by High Court of Kerala.

=> ① Writ of Habeas Corpus : This writ is issued to ensure the release of a person who is unlawfully detained or imprisoned. It is a remedy to protect individual liberty.

② Writ of Mandamus : This writ is issued to a public official for authority, commanding them to perform a public or statutory duty that failed to perform. It is meant to ensure the proper functioning of government bodies.

③ writ of certiorari :- This writ is issued towards the order of decision of a lower court or tribunal that is found to be erroneous, illegal or in an excess of jurisdiction. It is a means to review and correct the errors of a subordinate court.

④ writ of prohibition :- This writ is issued to prevent a lower court or tribunal from exceeding its jurisdiction or acting beyond its powers.

⑤ writ of quo warranto :- This writ is used to issue to inquire into the legality of a person holding a public office, including cases of assumption or unauthorized occupation of public office.

⑥ writ of Declaration :- This writ is used to declare the legal right and obligations of parties in a particular matter. It seeks a declaration from court regarding the legal position or status of parties involved.

④ Describe the function of state legislature.

⇒ The function of the state legislature include :-

① Lawmaking :- The primary function of the state legislature is to enact laws. Members of Legislative assembly and where applicable, members of the legislative council propose, debate and pass bills that address various matters such as state policies governance. The bills passed by state legislature require the consent of the Governor to become law.

② Representation :- The state legislature represents the people of the state. MLA and MLC are elected by the people citizens through direct elections and they act as representatives of respective constituencies. They raise issues, voice concerns present the views and aspiration of people they represent during legislative debates and discussions.

③ Financial oversight :- The state legislature exercises control over finances of state government. It scrutinizes

and approve the annual state budget presented by the government, ensuring that allocation of funds is in line with the needs and priorities of the state.

④ Executive oversight : The state legislature provides oversight over the executive branch of the state government. MLA has the power to question ministers and hold them accountable for their actions, policies and decisions.

⑤ Representation in parliament : The state legislature plays a role in the election of member of Rajya Sabha. MLAs along with members of legislative council participate in the electoral process for selecting representatives to Rajya Sabha.

⑥ Amendment of state constitution :- The state legislature has the power to amend the state constitution. Subject to the provisions of constitution of India. Amendments to the state constitution can be proposed, debated and passed by state legislature to address specific state level issues or requirements.

⑤ Listout the characteristics of administrative tribunal.

⇒ ① Specialized jurisdiction : Administrative tribunals are specialized bodies that have jurisdiction over specific areas of administrative law. They are established to handle disputes and cases related to administrative matters. such as employment, taxation, intellectual property, service matters.

② Expertise : Administrative tribunals are composed of members who possess expertise and knowledge in the relevant fields. These members are often professionals or experts in the subject matter of the tribunal, ensuring that decisions are made by individuals with specialised understanding.

③ Speedy resolution :- one of the key characteristics of administrative tribunal is their emphasis on providing speedy resolution of disputes.

④ Informality : Administrative tribunals follow relatively

informal procedures compared to regular courts. They are not bound by strict rules of evidence and procedure, allowing for flexibility in conducting proceedings.

⑥ Single window approach: Administrative tribunals adopt a "single window" approach meaning they provide a one stop forum for addressing specific types of grievances related to administrative matters.

⑥ what are the reasons for the growth of administrative tribunals in India.

=> ① Expertise and specialization: Administrative matters often require specialized knowledge and dedicated tribunals ensure that cases are heard and decided by members with expertise in relevant fields.

② Speedy dispute resolution: The regular courts in India face a huge backlog of cases, leading to delays in justice. Administrative tribunals are established to

③ Administrative efficiency: Administrative tribunals are designed to handle cases related to administrative matters which often involve technicalities and complexities. Having specialized tribunals reduces the burden on regular courts and allow for efficient and focused handling of such cases.

④ Access to justice: Administrative tribunals make justice more accessible to individuals and organizations by providing a dedicated forum for specific types of disputes. This helps in reducing the complexity and costs associated with approaching regular courts for administrative matters.

⑤ Administrative reforms: The establishment of administrative tribunals is part of broader administrative reforms aimed at improving governance, ensuring accountability and streamlining the resolution of administrative disputes.

⑥ Constitutional mandate: The constitution of India, under Article 323 and 323B, empowers the central and state governments to establish administrative tribunals for the adjudication of specific matters. The growth of administrative tribunals is a result of fulfilling this constitutional mandate.

⑦ Discuss the effects of national and financial emergencies

effects of national emergencies.

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- ① Increased executive powers: During a national emergency, the executive branch of the government is granted enhanced powers to address the crisis effectively. This may involve the centralization of decision making authority and suspension of certain civil liberties to ensure public safety and security.
 - ② Public health and safety measures: National emergencies often involve public health crisis such as pandemics or natural disaster.
 - ③ Centralized decision: During national emergencies power often shift to the executive branch, allowing the government to make swift decisions and implement measures without going through lateral bureaucratic process.
 - ④ Suspension of civil liberties: In some cases, national emergencies may lead to temporary suspension of certain civil liberties such as freedom of movement, assembly or privacy.
 - ⑤ Economic impact: National emergencies can have significant economic repercussions causing disruption in sectors such as travel, tourism, commerce, manufacturing.

• Effects of financial emergencies.

- ① Stock market volatility: Financial emergencies such as stock market crash or a major economic downturn can lead to increased volatility.
- ② Economic recession: Financial emergencies can trigger or worsen economic recessions.
- ③ Financial - institution instability
- ④ Increases unemployment.