



# **BRAINWARE UNIVERSITY**

## **Term End Examination 2019 - 20**

**Programme – Master of Law**

**Course Name - Judicial Process**

**Course Code – LLM102**

(Semester – 1)

Time allotted: 2 Hours 30 Minutes

Full Marks: 60

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

### **Group –A**

(Multiple Choice Type Question)

20 x 1 = 20

1. *Choose the correct alternative from the following (Answer any Twenty)*
  - (i) Which of the following is not a method to secure the Independence of Judiciary through the following methods:
 

a. Strict recruitment process requiring	b. Payment of proper, high wages.
c. Security of tenure.	d. Strong political ties
  - (ii) Which qualification is wrong for being a judge in the Supreme Court?
 

a. It is compulsory to be a citizen of India	b. He should be a respected jurist in the eyes of Parliament
c. Must be a judge in the High Court for at least 5 years	d. He should be a lawyer in the High Court for at least 10 years
  - (iii) Which of the following is not matched correctly?
 

a. Article 145: salary of judges	b. Article 143: Power of President to consult with Supreme Court
c. Article 141: orders of Supreme Court is applicable to all courts of India	d. Article 139: Power of Supreme Court to issue writ petition
  - (iv) Which of the High Courts is the oldest court in India?
 

a. Calcutta High Court	b. Bombay High Court
c. Madras High Court	d. Hyderabad High Court
  - (v) The system of Public Interest Litigation has been introduced in India?
 

a. By judicial initiative	b. By an act of Parliament
c. By political parties	d. Through constitutional amendments.

- (vi) Who among the following had the longest tenure as the Chief Justice of India?
- |                 |                     |
|-----------------|---------------------|
| a. R.S. Pathak  | b. Y.V. Chandrachud |
| c. K.N. Wanchoo | d. M.H. Karia       |
- (vii) The system of Judicial Review is found in which of the following countries?
- |                       |                    |
|-----------------------|--------------------|
| a. Only in India      | b. Only in USA     |
| c. Both USA and India | d. Only in Britain |
- (viii) What does the writ of Habeas Corpus mean?
- |  |  |
|--|--|
| a. The arrested person must be brought before the court that holds the right to set the person free if the grounds of arrest are found to be faulty. | b. It is issued when an office holder is found to misuse his duties                            |
| c. it is issued by higher courts when they find that lower courts have made judgments beyond their powers of jurisdiction                            | d. it is issued when the court finds that the office holder is illegally holding that position |
- (ix) What does the writ of Prohibition mean?
- |  |  |
|--|--|
| a. The arrested person must be brought before the court that holds the right to set the person free if the grounds of arrest are found to be faulty. | b. it is issued when an office holder is found to misuse his duties                            |
| c. it is issued by higher courts when they find that lower courts have made judgments beyond their powers of jurisdiction                            | d. it is issued when the court finds that the office holder is illegally holding that position |
- (x) Any resolution passed by the Parliament for removing a Judge of the Supreme Court has to be investigated by a Committee comprising of:
- |                                |  |
|--------------------------------|--|
| a. Two judges of Supreme Court | b. Two Judges of Supreme Court and a legal luminary                      |
| c. The Houses of Parliament    | d. Chief Justice of Supreme Court and two – Judges of the Supreme Court. |
- (xi) The power of Supreme Court to decide the dispute between the Centre and the states falls under its:
- |                          |  |
|--------------------------|--|
| a. Advisory Jurisdiction | b. Appellate Jurisdiction              |
| c. Original Jurisdiction | d. Advisory and appellate Jurisdiction |
- (xii) Who was the first woman judge of the Supreme Court of India?
- |                            |                     |
|----------------------------|---------------------|
| a. Justice Fatima Beevi    | b. Justice Ruma Pal |
| c. Justice Sujitha Manohar | d. None of these    |

- (xiii) Which Supreme Court judgment described the basic structure of the Constitution of India for the first time?
- |                                      |  |
|--------------------------------------|--|
| a. Shankari Prasad v. Union of India | b. Keshavananda Bharati vs. Union of India |
| c. Indira Gandhi vs. Union of India  | d. Golak Nath vs. State of Punjab          |
- (xiv) Which constitutional article defines the Bar to interference by Courts in disputes arising out of certain treaties, agreements, etc.?
- |                |                |
|----------------|----------------|
| a. Article 373 | b. Article 370 |
| c. Article 355 | d. Article 368 |
- (xv) Delhi high Court was established in?
- |         |         |
|---------|---------|
| a. 1966 | b. 1897 |
| c. 1943 | d. 1947 |
- (xvi) For the first time Indian Legislature was made "Bi-cameral" under:
- |                                  |                                  |
|----------------------------------|----------------------------------|
| a. Government of India Plan 1891 | b. Government of India Plan 1872 |
| c. Government of India Plan 1890 | d. Government of India Plan 1919 |
- (xvii) Who was the chairman of Drafting Committee?
- |                   |                  |
|-------------------|------------------|
| a. N. Gopalaswamy | b. K.M. Munshi   |
| c. N. Madhava Rao | d. B.R. Ambedkar |
- (xviii) Which of the following tax is levied and collected by the Union government but the proceeds are distributed between the Union and states?
- |               |                 |
|---------------|-----------------|
| a. Sales Tax  | b. Income Tax   |
| c. Estate Tax | d. Land revenue |
- (xix) Which of the following article deals with the election of the Vice-president?
- |               |               |
|---------------|---------------|
| a. Article 64 | b. Article 68 |
| c. Article 66 | d. Article 62 |
- (xx) Which one of the following article deals with the pardoning power of the President?
- |               |               |
|---------------|---------------|
| a. Article 71 | b. Article 74 |
| c. Article 72 | d. Article 75 |
- (xxi) Which one of the following article deals with the tenure of the President?
- |               |               |
|---------------|---------------|
| a. Article 26 | b. Article 56 |
| c. Article 16 | d. Article 51 |
- (xxii) When was the first Parliamentary Forum on Youth constituted?
- |         |         |
|---------|---------|
| a. 2010 | b. 2006 |
| c. 2008 | d. 1985 |

- (xxiii) When was the first Parliamentary Forum on Children constituted?
- 2006
  - 2007
  - 2008
  - 2009
- (xxiv) Supreme Court held that the Preamble is not a part of the constitution in which of the following cases/case?
- Berubari Union Case 1960
  - Unni Krishnan vs. union of India
  - Minerva Mills vs. Union of India
  - Sunil Batra vs. Delhi Government.
- (xxv) Which of the following Articles contain the right to religious freedom?
- 25-28
  - 29-30
  - 32-35
  - 23-24

### Group – B

(Short Answer Type Questions)

4 x 5 = 20

Answer any *four* from the following

- Write a short note on Rule of Law. 5
- Explain briefly the Doctrine of Independence of Judiciary in India. 5
- Write short notes on: (i) Ratio Decidendi (ii) Obiter Dicta 5
- Discuss the phrase: “Prospective overruling in India”. 5
- Write a note on any one of the following: (a) Doctrine of Independence of Judiciary. (b) Powers of the National Judicial Commission. 5
- Distinguish between writ jurisdiction under Article 32 and 226 of Indian Constitution. 5

### Group – C

(Long Answer Type Questions)

2 x 10 = 20

Answer any *two* from the following

- Enumerate the development of Judicial Process in India by tracing its path from the concepts of Dharma and Rule of Law. 10
- Explain how natural justice forms the basis of judicial process in any judicial system. 10
- The doctrine of stare decisis is usually justified on the basis that it is conducive to legal certainty. Explain. 10
- Write short notes on any two of the following: (i) Conceptualism and reasoning by analogy (ii) Judicial Creativity (iii) American Realism 5+5=10

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