



BRAINWARE UNIVERSITY
Term End Examination 2020 - 21
Programme – Master of Law
Course Name – Judicial Process
Course Code - LLM102

Semester / Year - Semester I

Time allotted : 75 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)

1 x 60=60

1. *(Answer any Sixty)*

(i) Which of the following is not a part of the principle of Separation of Powers in India?

- | | |
|----------------|--------------|
| a) Executive | b) Lok Sabha |
| c) Legislature | d) Judiciary |

(ii) What does Judicial Process embody?

- | | |
|------------------------------------------------------------|---------------------------------------------------------------|
| a) Attaining justice. | b) Judgement delivery of judges. |
| c) Both Attaining justice and Judgement delivery of judges | d) neither Attaining justice nor Judgement delivery of judges |

(iii) Which entity was given legal status in the case of Mohammad Saleem vs. State of Uttarakhand?

- | | |
|----------------------------|---------------------------------------|
| a) Rivers Ganga and Yamuna | b) Gangotri Glacier |
| c) The deity Ram | d) The Whanganui river of New Zealand |

(iv) Which Article discuss about separation of Judiciary from executive?

- | | |
|---------------|---------------|
| a) Article 50 | b) Article 51 |
| c) Article 45 | d) Article 40 |

(v) Rule of Law means -

- | | |
|---------------------------------------------|-------------------------------------|
| a) all persons are equal in the eyes of law | b) treating all unequally as equals |
|---------------------------------------------|-------------------------------------|

c) working according to law

d) distributing state largesse to everyone in equal proportion

(vi) The Rule of Law Concept was adopted from-----

a) England

b) America

c) Australia

d) Japan

(vii) Who is the Author of the book "Introduction to the study of the law of the Constitution"?

a) A. V. Dicey

b) Edward Coke

c) Bentham

d) Austin

(viii) When was the when a Mayor's Court in Madras, Bombay and Calcutta was established by the East India Company?

a) 1726 AD

b) 1678 AD

c) 1710 AD

d) 1789 AD

(ix) In which of the following cases, the Supreme Court held that the principles of natural justice are applicable to Administrative proceeding ?

a) M.C Mehta vs. Union of India

b) Maneka Gandhi vs Union of India

c) A.K. Kraipak vs Union of India

d) Indira Nehru Gandhi vs Raj Narain.

(x) The word Natural Justice derived from ----- concept

a) Roman

b) Latin

c) American

d) Greek

(xi) The concept of Due process of law originated from-----

a) England

b) Japan

c) Australia

d) USA

(xii) The Chief Justice (or a judge) of the High Court can be removed by the:

- a) Governor
- b) Same process as the judges of the Supreme Court
- c) Chief justice of the Supreme Court
- d) Union Home Ministry

(xiii) The salaries and allowances of the Judges of the High Court are charged to the:

- a) Consolidated Fund of the State.
- b) Consolidated Fund of India
- c) Contingency Fund of India
- d) Contingency Fund of the State

(xiv) The first LokAdalat was held in which year?

- a) 1984
- b) 1985
- c) 1986
- d) 1990

(xv) 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

(xvi) Who can remove the Judge of the Supreme Court?

- a) Chief Justice of the Supreme Court
- b) Only President
- c) Only Parliament
- d) Both Parliament and President

(xvii) Who is the final authority to interpret the constitution?

- a) The President
- b) Lok Sabha
- c) Parliament
- d) The Supreme Court

(xviii) Where is the declared seat of the Supreme Court situated?

- a) Delhi
- b) Mumbai
- c) Chandigarh
- d) Allahabad

(xix) 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

(xx) What does the writ of Quo Warranto mean?

- a) it is issued when an office holder is found to misuse his duties
- b) it is issued when a court wants to order a lower court or similar authority to transfer some matter pending before it to other courts or other authorities
- 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.

(xxi) What does the term 'judicial review' mean?

- a) A review of the judicial structure of the system.
- b) it is the authority vested in the hands of Supreme Court to examine whether some legislative enactments or executive orders of both Central and State governments is following the Constitution of India or not
- c) Judicial review means the power vested in High Courts to challenge Supreme Court of India.
- d) None of these.

(xxii) 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

(xxiii) The judges of the District Court are appointed by:

- a) President of India
- b) Prime Minister of India
- c) Parliament
- d) Governor of the State

(xxiv) Which Union Territory has a High Court of its own?

- a) Pondicherry
- b) Delhi
- c) Lakshadweep
- d) Chandigarh

(xxv) 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) KeshavanandaBharati vs. Union of India
- c) Indira Gandhi vs. Union of India
- d) GolakNath vs. State of Punjab

(xxvi) Who is head of Judiciary in the State?

- a) Governor
- b) Chief Minister
- c) High Court
- d) Parliament

(xxvii) Which constitutional Article defines 'Interpretation' of Constitutional right of Supreme Court?

- a) 161
- b) 162
- c) 147
- d) 163

(xxviii) 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

(xxix) Which of the following commission was appointed by the Central Government on Union-State relations in 1983?

- a) Sarkariya Commission
- b) Dutt Commission
- c) Setalvad Commission
- d) Rajamannar Commission

(xxx) 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

(xxxii) The Constitution gives the powers of superintendence over all subordinate courts to the High Courts under Article

- a) 229
- b) 227
- c) 226
- d) 228

(xxxiii) Which is the highest and final judicial tribunal in respect of the Constitution of India ?

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

(xxxiv) Ratio Decidendi Means-

- a) The fact of the case
- b) The order of the case
- c) Reason for deciding the Case
- d) NOTA

(xxxv) Anil Kumar Neotia vs. Union of India judgment related to-

- a) Ratio Decidendi
- b) Obiter Dicta
- c) Stare Decisis
- d) NOTA

(xxxvi) Under which Article Obiter Dicta discuss in the Constitution of India ?

- a) Art 240
- b) Art 120
- c) Art 150
- d) Art 141

(xxxvii) Stare Decisis phrase derived from-

- a) English Term
- b) Greek Term
- c) Latin Term
- d) NOTA

(xxxviii) The divisional manager vs. V.Chandran Case is related to-

- a) Stare Decisis
- b) Pith and Substance
- c) Obiter Dictum
- d) NOTA

(xxxviii) What is the ratio decidendi of a case?

- a) The reasons for the decision
- b) Other things said
- c) The reasons of the majority only
- d) The decision in the factual case

(xxxix) According to Professor Goodhart a Ratio Decidendi of a Case is

- a) The principle of law laid down in a decision which is the decisive element
- b) The conclusion reached by the Judge on the basis of the material fact of the case
- c) The reason given by the court for its decision
- d) Any opinion of the court on a question of law

(xl) What is the implication of Stare Decisis?

- a) Similar cases should be treated in a different way
- b) Different cases should be treated in a similar way
- c) Similar cases should be treated a similar way
- d) You need to look at the material facts

(xli) Which of these is not an advantage of the doctrine of Precedent?

- a) Consistency
- b) Certainty
- c) Efficiency
- d) Complexity

(xlii) What is the 'ratio decidendi' of a case?

- a) The central core of reasoning.
- b) Cases referred to in a judgment.
- c) Statements made in passing.
- d) Persuasive but not binding parts of a judgment.

(xliii) From which source India got concept of Single order of court?

- a) Government of India Act, 1935
- b) Government of India Act, 1919
- c) Pitts India Act, 1773
- d) None of the following

(xlv) The President can declare a judge an executive chief justice of the Supreme Court of India when ...

- a) The post of Chief Justice is vacant
- b) Chief Justice is temporarily absent
- c) Chief Justice is unable to discharge his obligations
- d) All of these

(xlv) Public Interest Litigation (PIL) may be linked with:

- a) Judicial Review
- b) Judicial Activism
- c) Judicial Intervention
- d) Judicial Sanctity

(xlvi) 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

(xlvii) In India, 'Collegiums System' was first introduced in relation to:

- a) Executive
- b) Legislature
- c) Judiciary
- d) Centre-State relations

(xlviii) Which one of the following is not applicable to Public Interest Litigation?

- a) Constitutional obligation of the Judiciary towards the marginalized sections of society.
- b) Locus standi
- c) Public spirited citizens can move the court on behalf of the poor.
- d) Judiciary overlooks a strict construction of procedural formalities in entertaining petitions.

(xlix) Under which Constitutional Article review of judgment or orders lies with the Supreme Court:

- a) Article 139
- b) Article 137
- c) Article 140
- d) Article 141

- (I) Which of the following is levied and collected by the Union government?
- a) Custom duty
 - b) Excise duty
 - c) Estate duty
 - d) All of these
- (li) When was the first Parliamentary Forum on Youth constituted?
- a) 2010
 - b) 2006
 - c) 2008
 - d) 1985
- (lii) When was the first Parliamentary Forum on Children constituted?
- a) 2006
 - b) 2007
 - c) 2008
 - d) 2009
- (liii) Which of the following describes India as a secular state?
- a) Fundamental Rights
 - b) Directive Principles of State Policy
 - c) Fifth Schedule
 - d) Preamble
- (liv) In a parliamentary form of Government the real powers of the state, are vested in the....
- a) President
 - b) Chief Justice
 - c) Council of Ministers headed by Prime Minister
 - d) Parliament
- (lv) Which of the following amendment acts amended the Preamble of the Indian constitution?
- a) 44th Amendment
 - b) 42nd Amendment
 - c) 56th Amendment
 - d) It has never been amended
- (lvi) Supreme Court held that the Preamble is not a part of the constitution in which of the following cases/case?
- a) Berubari Union Case 1960
 - b) Unni Krishnan vs. union of India
 - c) Minerva Mills vs. Union of India
 - d) Sunil Batra vs. Delhi Government

(lvii) Which among the following is not a standing committee?

- a) Public Accounts Committee
- b) Ethics Committee
- c) Railway Convention Committee
- d) Business Advisory Committee

(lviii) Which of the following committee suggested to incorporate fundamental duties in the constitution?

- a) Malhotra
- b) Raghavan
- c) Swaran Singh Committee
- d) Narasimha Committee

(lix) Which of the following Articles contain the right to religious freedom?

- a) 25-28
- b) 29-30
- c) 32-35
- d) 23-24

(lx) Which of the following articles guarantees equality before law and equal protection of law for all individuals residing within the territory of India?

- a) Article 15
- b) Article 14
- c) Article 17
- d) Article 18