

LLM
SECOND SEMESTER
INDEPENDENCE OF JUDICIARY
LLM – 2.1 CAL-4
(USE OMR SHEET FOR OBJECTIVE PART)

**SET
A**

Duration: 3 hrs.

Full Marks: 70

Time: 30 min.

(Objective)

Marks: 20

Choose the correct answer from the following:

1 × 20 = 20

- The executive plays a crucial role; the legislature has the powers of removal. This has ensured-----
 - Balance of Power
 - Judicial Interpretation
 - Separation of Power
 - Both balance of power and independence of the judiciary
- The judges of the Supreme Court of India are appointed by the
 - President
 - Vice President
 - Prime Minister
 - Home Minister
- Judicial Review of the 9th Schedule of the Indian Constitution has been made permissible by:
 - Keshavananda Bharti v. State of Kerala
 - M.Nagraj v. Union of India
 - Minerva Mills Ltd. V. Union of India
 - I.R Coelho v. State of Tamil Nadu
- Who is responsible for creating the Separation of Powers?
 - Rousseau
 - Montesquieu
 - John Locke
 - Charles-Louis de Secondat
- What can the President do if they do not like a law passed by the Legislative Branch?
 - Judicial Review
 - War
 - Presidential Veto
 - Impeachment
- The doctrine of prospective overruling was first evolved by Chief Justice Subba Rao in_____
 - Golaknath vs. the State of Punjab
 - Sajjan Singh vs. the State of Rajasthan
 - Kesavananda Bharati vs. the State of Kerala
 - Shankari Prasad vs. Union of India
- Meaning of Judicial Accountability
 - giving accounts by judges
 - maintaining accounts books by judges
 - judging the judges
 - judicial activism

8. Doctrine of Judicial review originated from which country?
 a. UK
 b. France
 c. USA
 d. Russia
9. Concept of Judicial Activism originated from which country?
 a. UK
 b. France
 c. USA
 d. Russia
10. Which one of the following statements regarding the exercise of judicial review is not correct?
 A case must be brought before the
 a. Supreme Court regarding the validity of a law
 b. Unanimous opinion of all the judges is necessary for declaring a law null and void
 Legislative enactments and executive
 c. orders may be struck down by the Supreme Court.
 d. The power is implicit in the provisions of Article 13 of the Constitution
11. Which of the following is an outcome of judicial activism?
 a. Judicial Review
 b. Public Interest Litigation
 c. Both a and b
 d. None of the above
12. Judicial review is the process by which the court declares any law which goes against the constitution is
 a. Valid
 b. Voidable
 c. Void
 d. None of the above
13. Who defined the functions and responsibilities of the supreme court?
 a. Law of the land
 b. Supreme court
 c. Supreme court tribunal
 d. Constitution
14. 'Rule of law' means-
 a. Supremacy of judiciary
 b. Supremacy of law
 c. Equality before Law
 d. Supremacy of parliament
15. What is the doctrine of stare decisis?
 a. A doctrine of statutory interpretation
 b. A doctrine of precedent
 c. A doctrine of legislative powers
 d. A doctrine of Parliamentary sovereignty
16. Precedent -.
 a. Present decision
 b. Decision saved for later
 c. past decisions in earlier cases
 d. None of the above
17. Judicial Overreach is..... in a democracy.
 a. Important element
 b. Compulsory
 c. Undesirable
 d. None of the above
18. Parliamentary sovereignty refers to the legislature's, i.e., Parliament's, dominance over all other government entities, including
 a. Judiciary
 b. Both a and c
 c. executive
 d. none of the above

19. Which among the following is the correct age of retirement of Judge of Supreme Court?
- a. 58 years
 - b. 62 years
 - c. 60 years
 - d. 65 years
20. The highest and final judicial tribunal of India is :
- a. President
 - b. Parliament
 - c. Union cabinet
 - d. None of the above

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(Descriptive)

Time : 2 hrs. 30 min.

Marks : 50

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

1. "An independent judiciary enjoying public confidence is a basic necessity of the rule of law". Justify the statement 10
2. Give a comparative study of theoretical and practical application of rule of law in India referring to case laws. 10
3. Do you think Judicial Activism plays a key role in keeping a check on the powers of the Parliament? Examine in brief. 10
4. What is Judicial Activism? How Judicial activism strengthen Indian democracy? 10
5. "Justice is the correct application of a law, as opposed to arbitrariness"-Comment on the statement 10
6. Provide for a discourse on the evolution of the concept of judicial review in the constitutional history of India. 10
7. Discuss in detail the evolution of Indian judicial system. 10
8. Explain the relationship between law and justice 10

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