

ForumIAS

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## Prelims Marathon

2<sup>nd</sup> week February, 2024

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*HISTORY  
ECONOMICS  
POLITY  
SCIENCE AND TECHNOLOGY  
GEOGRAPHY AND ENVIRONMENT*

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FORUMIAS



## Prelims Marathon Compilation February [Second Week] 2024

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## State Legislature & Council of Ministers

**Q.1) Which of the following state/s is/are have bicameral system?**

1. Andhra Pradesh
2. Karnataka
3. Bihar

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** There is no uniformity in the organisation of state legislatures. Most of the states have a unicameral system, while others have a bicameral system.

- At present (2019), only six states have two Houses (bicameral).
- These are Andhra Pradesh, Telangana, Uttar Pradesh, Bihar, Maharashtra and Karnataka.

**Source: Laxmikanth**

**Q.2) Consider the following statements regarding “legislative council”:**

1. It can be created or abolished by the parliament on the basis of resolution passed by particular state in the legislative assembly.
2. Resolution to create or abolition must be passed by the state assembly by a special majority.

**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**

**Explanation:** The Constitution provides for the abolition or creation of legislative councils in states.

- Accordingly, the Parliament can abolish a legislative council (where it already exists) or create it (where it does not exist), if the legislative assembly of the concerned state passes a resolution to that effect.
- Such a specific resolution must be passed by the state assembly by a special majority, that is, a majority of the total membership of the assembly and a majority of not less than two-thirds of the members of the assembly present and voting.

**Source: Laxmikanth**

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### Q.3) Consider the following statements:

1. The strength of legislative assembly maximum is fixed at 500 and minimum at 60.
2. The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise.

#### 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**

**Explanation:** The legislative assembly consists of representatives directly elected by the people on the basis of universal adult franchise.

- Its maximum strength is fixed at 500 and minimum strength at 60.
- It means that its strength varies from 60 to 500 depending on the population size of the state.
- However, in case of Arunachal Pradesh, Sikkim and Goa, the minimum number is fixed at 30 and in case of Mizoram and Nagaland; it is 40 and 46 respectively.

**Source: Laxmikanth**

### Q.4) Consider the following statements:

1. The legislative assembly is not a continuing chamber.
2. The term of the assembly can be extended during the period of national emergency by a law of Parliament for one year at a time.

#### 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**

**Explanation:** Like the Lok Sabha, the legislative assembly is not a continuing chamber. Its normal term is five years from the date of its first meeting after the general elections.

Further, the term of the assembly can be extended during the period of national emergency by a law of Parliament for one year at a time (for any length of time).

**Source: Laxmikanth**

### Q.5) Which of the following is/are qualification/s to become a member of state legislature?

1. He must be a citizen of India.
2. He must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.
3. He must possess other qualifications prescribed by state legislature.

#### How many of the statements given above are correct?

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

**ANS: B**

**Explanation:** The Constitution lays down the following qualifications for a person to be chosen a member of the state legislature.

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- (a) He must be a citizen of India.
- (b) He must make and subscribe to an oath or affirmation before the person authorised by the Election Commission for this purpose. In his oath or affirmation, he swears (i) To bear true faith and allegiance to the Constitution of India (ii) To uphold the sovereignty and integrity of India
- (c) He must be not less than 30 years of age in the case of the legislative council and not less than 25 years of age in the case of the legislative assembly.
- (d) He must possess other qualifications prescribed by Parliament.

**Source: Laxmikanth**

### Q.6) Consider the following statements:

1. Council of Ministers with the Chief Minister as the head to aid and advice the Governor in the exercise of his functions.
2. The advice tendered by Ministers to the Governor shall not be inquired into in any 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: C**

**Explanation:** Article 163–Council of Ministers to aid and advice Governor:

- There shall be a Council of Ministers with the Chief Minister as the head to aid and advice the Governor in the exercise of his functions, except in so far as he is required to exercise his functions in his discretion.
- If any question arises whether a matter falls within the Governor’s discretion or not, decision of the Governor shall be final and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion.
- The advice tendered by Ministers to the Governor shall not be inquired into in any court.

**Source: Laxmikanth**

**Q.7) The total number of ministers, including the chief minister, in the council of ministers in a state shall not exceed 15 per cent of the total strength of the legislative assembly of that state – is added through?**

- a) Seventh constitutional amendment
- b) Forty second constitutional amendment
- c) Forty fourth constitutional amendment
- d) Ninety first constitutional amendment

**ANS: D**

**Explanation:** The total number of ministers, including the chief minister, in the council of ministers in a state shall not exceed 15 per cent of the total strength of the legislative assembly of that state.

But, the number of ministers, including the chief minister, in a state shall not be less than 12. This provision was added by the 91st Amendment Act of 2003.

**Source: Laxmikanth**

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**Q.8) Which of the following is/are correct about council of ministers?**

1. The ministers shall hold office during the pleasure of the Governor.
2. The council of ministers shall be collectively responsible to the state Legislative Assembly.
3. The Governor shall administer the oaths of office and secrecy to a minister.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The ministers shall hold office during the pleasure of the Governor.

- The council of ministers shall be collectively responsible to the state Legislative Assembly.
- The Governor shall administer the oaths of office and secrecy to a minister.
- A minister who is not a member of the state legislature for any period of six consecutive months shall cease to be a minister.
- The salaries and allowances of ministers shall be determined by the state legislature.

**Source: Laxmikanth**

**Q.9) Consider the following statements:**

1. A minister who is a member of one House of the state legislature has the right to speak and to take part in the proceedings of the other House.
2. A minister can vote only in the House of which he is a member.

**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**

**Explanation:** A minister who is a member of one House of the state legislature has the right to speak and to take part in the proceedings of the other House.

But, he can vote only in the House of which he is a member.

**Source: Laxmikanth**

**Q.10) Consider the following statements:**

1. Before a minister enters upon his office, the chief minister administers to him the oaths of office and secrecy.
2. The salaries and allowances of ministers are determined by the state legislature from time to time.

**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: B**

**Explanation:** Before a minister enters upon his office, the governor administers to him the oaths of office and secrecy.

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- The salaries and allowances of ministers are determined by the state legislature from time to time.
- A minister gets the salary and allowances which are payable to a member of the state legislature.

Source: Laxmikanth

### Cabinet Committees & Council of Ministers

**Q.1) Which of the following is/are feature/s of the cabinet committees?**

1. They are extra-constitutional in emergence.
2. They are of two types—standing and ad hoc.
3. They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The following are the features of Cabinet Committees:

- They are extra-constitutional in emergence. In other words, they are not mentioned in the Constitution. However, the Rules of Business provide for their establishment.
- They are of two types—standing and ad hoc. The former are of a permanent nature while the latter are of a temporary nature. The ad hoc committees are constituted from time to time to deal with special problems. They are disbanded after their task is completed.
- They are set up by the Prime Minister according to the exigencies of the time and requirements of the situation. Hence, their number, nomenclature, and composition vary from time to time.

Source: Laxmikanth

**Q.2) Which of the following committee looks after the progress of government business in the Parliament?**

- a) The Political Affairs Committee
- b) The Economic Affairs Committee
- c) Appointments Committee
- d) Parliamentary Affairs Committee

**ANS: D**

**Explanation:** Parliamentary Affairs Committee looks after the progress of government business in the Parliament.

Source: Laxmikanth



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**Q.3) Which of the following committee is called as “Super-Cabinet”?**

- a) The Political Affairs Committee
- b) The Economic Affairs Committee
- c) Appointments Committee
- d) Parliamentary Affairs Committee

**ANS: A**

**Explanation:** Of all the Cabinet Committees, the most powerful is the Political Affairs Committee, often described as a “Super-Cabinet”.

**Source: Laxmikanth**

**Q.4) Which of the following committee/s is/are headed by prime minister?**

- 1. The Political Affairs Committee
- 2. The Economic Affairs Committee
- 3. Parliamentary Affairs Committee

**How many of the statements given above are correct?**

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

**ANS: B**

**Explanation:** The following four are the more important cabinet committees:

- 1. The Political Affairs Committee deals with all policy matters pertaining to domestic and foreign affairs.
  - 2. The Economic Affairs Committee directs and coordinates the governmental activities in the economic sphere.
  - 3. Appointments Committee decides all higher level appointments in the Central Secretariat, Public Enterprises, Banks and Financial Institutions.
  - 4. Parliamentary Affairs Committee looks after the progress of government business in the Parliament.
- The first three committees are chaired by the Prime Minister and the last one by the Home Minister.

**Source: Laxmikanth**

**Q.5) Which of the following committee is chaired by home minister?**

- a) The Political Affairs Committee
- b) The Economic Affairs Committee
- c) Appointments Committee
- d) Parliamentary Affairs Committee

**ANS: D**

**Explanation:** Parliamentary Affairs Committee is chaired by home minister.

**Source: Laxmikanth**



**Q.6) Which of the following is/are role of cabinet?**

1. It is the highest decision-making authority in our politico administrative system.
2. It is the chief policy formulating body of the Central government.
3. It is the supreme executive authority of the Central government.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The role of cabinet:

1. It is the highest decision-making authority in our politicoadministrative system.
2. It is the chief policy formulating body of the Central government.
3. It is the supreme executive authority of the Central government.
4. It is chief coordinator of Central administration.
5. It is an advisory body to the president and its advice is binding on him.

**Source: Laxmikanth**

**Q.7) Consider the following statements:**

1. Article 75 clearly states that the council of ministers is collectively responsible to the Lok Sabha.
2. When the Lok Sabha passes a no-confidence motion against the council of ministers, all the ministers have to resign including those ministers who are from the Rajya Sabha.

**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**

**Explanation:** The fundamental principle underlying the working of parliamentary system of government is the principle of collective responsibility.

- Article 75 clearly states that the council of ministers is collectively responsible to the Lok Sabha.
- This means that all the ministers own joint responsibility to the Lok Sabha for all their acts of omission and commission. They work as a team and swim or sink together.
- When the Lok Sabha passes a no-confidence motion against the council of ministers, all the ministers have to resign including those ministers who are from the Rajya Sabha.

**Source: Laxmikanth**

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**Q.8) Consider the following statements:**

1. A person who is not a member of either House of Parliament can also be appointed as a minister.
2. Within six months, he must become a member of either House of Parliament otherwise he ceases to be a minister.

**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**

**Explanation:** Usually, the members of Parliament, either Lok Sabha or Rajya Sabha, are appointed as ministers.

- A person who is not a member of either House of Parliament can also be appointed as a minister.
- But, within six months, he must become a member (either by election or by nomination) of either House of Parliament otherwise he ceases to be a minister.

**Source: Laxmikanth**

**Q.9) Which of the following act/s was/were made the advice of council of ministers headed by prime minister binding on the President?**

1. Seventh constitutional amendment
2. Forty second constitutional amendment
3. Forty fourth constitutional amendment

**How many of the statements given above are correct?**

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

**ANS: B**

**Explanation:** Article 74 provides for a council of ministers with the Prime Minister at the head to aid and advice the President in the exercise of his functions.

The 42nd and 44th Constitutional Amendment Acts have made the advice binding on the President.

**Source: Laxmikanth**

**Q.10) Which of the following chief minister/s became prime minister?**

1. Morarji Desai
2. Charan Singh
3. P.V. Narasimha Rao

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** Six people—Morarji Desai, Charan Singh, V.P. Singh, P.V. Narasimha Rao, H.D. Deve Gowda and Narendra Modi—became Prime Ministers after being Chief Ministers of their respective States.

**Source: Laxmikanth**

## **Supreme Court & Judicial Review**

**Q.1) The integrated judiciary system of India (single system of courts) adopted from the?**

- a) The Government of India Act of 1909
- b) The Government of India Act of 1919
- c) The Government of India Act of 1935
- d) The Government of India Act of 1947

**ANS: C**

**Explanation:** The Indian Constitution has established an integrated judicial system with the Supreme Court at the top and the high court's below it.

- Under a high court (and below the state level), there is a hierarchy of subordinate courts, that is, district courts and other lower courts.
- This single system of courts, adopted from the Government of India Act of 1935, enforces both Central laws as well as the state laws.

**Source: Laxmikanth**

**Q.2) The Supreme Court of India was inaugurated on?**

- a) January 28, 1949
- b) November 26, 1949
- c) January 28, 1950
- d) November 26, 1950

**ANS: C**

**Explanation:** The Supreme Court of India was inaugurated on January 28, 1950. It succeeded the Federal Court of India, established under the Government of India Act of 1935.

**Source: Laxmikanth**

**Q.3) Consider the following statements:**

1. The judges of the Supreme Court are appointed by the president.
2. The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary.

**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**

**Explanation:** The judges of the Supreme Court are appointed by the president.

- The chief justice is appointed by the president after consultation with such judges of the Supreme Court and high courts as he deems necessary.
- The other judges are appointed by president after consultation with the chief justice and such other judges of the Supreme Court and the high court's as he deems necessary.

**Source: Laxmikanth**

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**Q.4) The “National Judicial Appointments Commission” was brought by the parliament through which of the following act?**

- a) Eighty sixth constitutional amendment act
- b) Ninety first constitutional amendment act
- c) Ninety ninth constitutional amendment act
- d) One hundred and one constitutional amendment act

**ANS: C**

**Explanation:** The 99th Constitutional Amendment Act of 2014 and the National Judicial Appointments Commission Act of 2014 have replaced the collegium system of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC).

**Source: Laxmikanth**

**Q.5) Which of the following qualification/s to become Supreme Court judge?**

- 1. He/she should have been a judge of a High Court for five years.
- 2. He/she should have been an advocate of a High Court for ten years.
- 3. He/she should be a distinguished jurist in the opinion of the president.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** A person to be appointed as a judge of the Supreme Court should have the following qualifications:

- He should be a citizen of India.
- He should have been a judge of a High Court (or high courts in succession) for five years; or
- He should have been an advocate of a High Court (or High Courts in succession) for ten years; or
- He should be a distinguished jurist in the opinion of the president.

**Source: Laxmikanth**

**Q.6) The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the?**

- a) Supreme Court
- b) President
- c) Prime Minister
- d) Parliament

**ANS: D**

**Explanation:** The salaries, allowances, privileges, leave and pension of the judges of the Supreme Court are determined from time to time by the Parliament.

They cannot be varied to their disadvantage after their appointment except during a financial emergency.

**Source: Laxmikanth**

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**Q.7) Consider the following statements regarding tenure of judge of the Supreme Court:**

1. The Constitution has not fixed the tenure of a judge of the Supreme Court.
2. He can be removed from his office by the President on the recommendation of the Parliament.

**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**

**Explanation:** The Constitution has not fixed the tenure of a judge of the Supreme Court. However, it makes the following three provisions in this regard:

- He holds office until he attains the age of 65 years. Any question regarding his age is to be determined by such authority and in such manner as provided by Parliament.
- He can resign his office by writing to the president.
- He can be removed from his office by the President on the recommendation of the Parliament.

**Source: Laxmikanth**

**Q.8) Consider the following statements:**

1. A judge of the Supreme Court can be removed from his Office by an order of the president.
2. The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal.

**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**

**Explanation:** A judge of the Supreme Court can be removed from his Office by an order of the president. The President can issue the removal order only after an address by Parliament has been presented to him in the same session for such removal.

**Source: Laxmikanth**

**Q.9) Consider the following statements:**

1. The Constitution declares Delhi as the seat of the Supreme Court.
2. The Constitution authorizes the chief justice of India to appoint other place or places as seat of the Supreme 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: C**

**Explanation:** The Constitution declares Delhi as the seat of the Supreme Court.

- But, it also authorizes the chief justice of India to appoint other place or places as seat of the Supreme Court.

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- He can take decision in this regard only with the approval of the President. This provision is only optional and not compulsory.

**Source: Laxmikanth**

**Q.10) The Constitutional cases or references made by the President to Supreme Court covers under?**

- a) Article 32
- b) Article 132
- c) Article 143
- d) Article 232

**ANS: C**

**Explanation:** The Constitutional cases or references made by the President under Article 143 are decided by a Bench consisting of at least five judges.

All other cases are decided by single judges and division benches.

**Source: Laxmikanth**

## Supreme Court & Judicial Review

**Q.1) Which of the following role/s is/are played by Supreme Court?**

1. It is a federal court.
2. The highest court of appeal.
3. Guardian of the Constitution.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The Supreme Court has been assigned a very significant role in the Indian democratic political system.

It is a federal court, the highest court of appeal, the guarantor of the fundamental rights of the citizens and guardian of the Constitution.

**Source: Laxmikanth**

**Q.2) Consider the following statements:**

1. The retired judges of the Supreme Court are prohibited from pleading or acting in any Court or before any authority within the territory of India.
2. The Supreme Court can punish any person for its contempt.

**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**

**Explanation:** The retired judges of the Supreme Court are prohibited from pleading or acting in any Court or before any authority within the territory of India.



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- This ensures that they do not favor any one in the hope of future favor.
- The Supreme Court can punish any person for its contempt.
- Thus, its actions and decisions cannot be criticized and opposed by anybody.

**Source: Laxmikanth**

**Q.3) Consider the following statements:**

1. The Parliament is not authorized to curtail the jurisdiction and powers of the Supreme Court.
2. The Constitution directs the State to take steps to separate the Judiciary from the Executive in the public services.

**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**

**Explanation:** The Parliament is not authorized to curtail the jurisdiction and powers of the Supreme Court.

- The Constitution has guaranteed to the Supreme Court, jurisdiction of various kinds. However, the Parliament can extend the same.
- The Constitution directs the State to take steps to separate the Judiciary from the Executive in the public services.
- This means that the executive authorities should not possess the judicial powers.

**Source: Laxmikanth**

**Q.4) Who among the following described Supreme Court - "The Supreme Court of India has more powers than any other Supreme Court in any part of the world"?**

- a) DR B R Ambedkar
- b) Sardar Vallabhai Patel
- c) Jawaharlal Nehru
- d) Alladi Krishnaswamy Ayyar

**ANS: D**

**Explanation:** Alladi Krishnaswamy Ayyar, a member of the Drafting Committee of the Constitution, rightly remarked: "The Supreme Court of India has more powers than any other Supreme Court in any part of the world."

**Source: Laxmikanth**



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**Q.5) Which of the following dispute/s is/are come/s under original jurisdiction of Supreme Court?**

1. Any dispute between the Centre and one or more states.
2. Any dispute between the Centre and any state or states on one side and one or more other states on the other side.
3. Any dispute between two or more states.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** As a federal court, the Supreme Court decides the disputes between different units of the Indian Federation. More elaborately, any dispute:

- (a) Between the Centre and one or more states; or
- (b) Between the Centre and any state or states on one side and one or more other states on the other side; or
- (c) Between two or more states.

In the above federal disputes, the Supreme Court has exclusive original jurisdiction.

**Source: Laxmikanth**

**Q.6) Which state was brought first suit under original jurisdiction against centre?**

- a) Andhra Pradesh
- b) Tamil Nadu
- c) West Bengal
- d) Kerala

**ANS: C**

**Explanation:** In 1961, the first suit, under the original jurisdiction of the Supreme Court, was brought by West Bengal against the Centre.

- The State Government challenged the Constitutional validity of the Coal Bearing Areas (Acquisition and Development) Act, 1957, passed by the Parliament.
- However, the Supreme Court dismissed the suit by upholding the validity of the Act.

**Source: Laxmikanth**

**Q.7) Consider the following statements:**

1. The High Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes.
2. When the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.

**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: B**

**Explanation:** The high courts are empowered to issue writs for the enforcement of the Fundamental Rights.

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- It means, when the Fundamental Rights of a citizen are violated, the aggrieved party has the option of moving either the high court or the Supreme Court directly.
- There is also a difference between the writ jurisdiction of the Supreme Court and that of the high court.
- The Supreme Court can issue writs only for the enforcement of the Fundamental Rights and not for other purposes.
- The high court, on the other hand, can issue writs not only for the enforcement of the fundamental rights but also for other purposes.
- It means that the writ jurisdiction of the high court is wider than that of the Supreme Court.

**Source: Laxmikanth**

**Q.8) Which of the following is/are come/s under the appellate jurisdiction of Supreme Court?**

1. Appeals in constitutional matters.
2. Appeals in civil matters.
3. Appeals by special leave.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The Supreme Court is primarily a court of appeal and hears appeals against the judgments of the lower courts.

It enjoys a wide appellate jurisdiction which can be classified under four heads:

- (a) Appeals in constitutional matters.
- (b) Appeals in civil matters.
- (c) Appeals in criminal matters.
- (d) Appeals by special leave.

**Source: Laxmikanth**

**Q.9) Which of the following matter/s is/are comes under Appeals by special leave of Supreme Court?**

1. Labor
2. Revenue
3. Advocates

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The Supreme Court is authorized to grant in its discretion special leave to appeal from any judgment in any matter passed by any court or tribunal in the country (except military tribunal and court martial). This provision contains the four aspects as under:

- (i) It is a discretionary power and hence, cannot be claimed as a matter of right.
- (ii) It can be granted in any judgment whether final or interlocutory.

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- (iii) It may be related to any matter—constitutional, civil, criminal, income-tax, labour, revenue, advocates, etc.
- (iv) It can be granted against any court or tribunal and not necessarily against a high court (of course, except a military court).

**Source: Laxmikanth**

**Q.10) Consider the following statements:**

1. Judicial review is the power of the Supreme Court to examine the constitutionality of legislative enactments and executive orders of both the Central and state governments.
2. The Supreme Court is the ultimate interpreter of the Constitution.

**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**

**Explanation:** Judicial review is the power of the Supreme Court to examine the constitutionality of legislative enactments and executive orders of both the Central and state governments.

- On examination, if they are found to be violative of the Constitution (ultra-vires), they can be declared as illegal, unconstitutional and invalid (null and void) by the Supreme Court.
- The Supreme Court is the ultimate interpreter of the Constitution.
- It can give final version to the spirit and content of the provisions of the constitution and the verbiage used in the constitution.

**Source: Laxmikanth**

## Judicial Activism & PIL

**Q.1) Consider the following statements:**

1. Supreme Court decides the disputes regarding the election of the president and the vice-president.
2. Supreme Court has power to review its own judgment or order.

**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**

**Explanation:** The Supreme Court has numerous powers:

(a) It decides the disputes regarding the election of the president and the vice-president. In this regard, it has the original, exclusive and final authority.

(b) It enquires into the conduct and behavior of the chairman and members of the Union Public Service Commission on a reference made by the president.

If it finds them guilty of misbehavior, it can recommend to the president for their removal. The advice tendered by the Supreme Court in this regard is binding on the President.

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(c) It has power to review its own judgment or order. Thus, it is not bound by its previous decision and can depart from it in the interest of justice or community welfare.

**Source: Laxmikanth**

**Q.2) Consider the following statements:**

1. The Supreme Court's jurisdiction and powers with respect to matters in the Union list can be enlarged by the Parliament.
2. The Supreme Court's jurisdiction and powers with respect to other matters can be enlarged by a special agreement of the Centre and the states.

**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**

**Explanation:** The Supreme Court's jurisdiction and powers with respect to matters in the Union list can be enlarged by the Parliament.

Further, its jurisdiction and powers with respect to other matters can be enlarged by a special agreement of the Centre and the states.

**Source: Laxmikanth**

**Q.3) Consider the following statements regarding "senior advocates":**

1. These are advocates who are designated by the Supreme Court of India or by any High Court.
2. Senior advocates are not entitled to appear without an Advocate-on-Record in the Supreme Court or without a junior in any other court or tribunal in India.

**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**

**Explanation:** Senior advocates are Advocates who are designated as Senior Advocates by the Supreme Court of India or by any High Court.

- The Court can designate any Advocate, with his consent, as Senior Advocate if in its opinion by virtue of his ability, standing at the Bar or special knowledge or experience in law the said Advocate is deserving of such distinction.
- A Senior Advocate is not entitled to appear without an Advocate-on-Record in the Supreme Court or without a junior in any other court or tribunal in India.

**Source: Laxmikanth**

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**Q.4) Consider the following statements regarding “advocates on record”:**

1. Only these advocates are entitled to file any matter or document before the Supreme Court.
2. They can also file an appearance or act for a party in the Supreme 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: C**

**Explanation:** Advocates-on-Record: Only these advocates are entitled to file any matter or document before the Supreme Court. They can also file an appearance or act for a party in the Supreme Court.

**Source: Laxmikanth**

**Q.5) Which of the following article of Indian constitution is related to seat of the Supreme Court?**

- a) Article 127
- b) Article 130
- c) Article 131
- d) Article 142

**ANS: B**

**Explanation:**

126.	Appointment of acting Chief Justice
127.	Appointment of <i>ad hoc</i> Judges
128.	Attendance of retired Judges at sittings of the Supreme Court
129.	Supreme Court to be a court of record
130.	Seat of Supreme Court

**Source: Laxmikanth**

**Q.6) “Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.” is related to?**

- a) Article 125
- b) Article 133
- c) Article 137
- d) Article 142

**ANS: D**

**Explanation:**

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142.	Enforcement of decrees and orders of Supreme Court and orders as to discovery, etc.
143.	Power of President to consult Supreme Court
144.	Civil and judicial authorities to act in aid of the Supreme Court
144A.	Special provisions as to disposal of questions relating to constitutional validity of laws (Repealed)
145.	Rules of court, etc.

Source: Laxmikanth

**Q.7) Consider the following statements regarding judicial review:**

1. The doctrine of judicial review originated and developed in the Japan.
2. In India, the Constitution itself confers the power of judicial review on the judiciary.

**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: B**

**Explanation:** The doctrine of judicial review originated and developed in the USA.

- It was propounded for the first time in the famous case of Marbury versus Madison (1803) by John Marshall, the then chief justice of the American Supreme Court.
- In India, on the other hand, the Constitution itself confers the power of judicial review on the judiciary (both the Supreme Court as well as High Courts).

Source: Laxmikanth

**Q.8) In which of the following case/s is/are judicial review used by Supreme Court?**

1. Golaknath case
2. The Bank Nationalization case
3. The Privy Purses Abolition case

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The Supreme Court used the power of judicial review in various cases, as for example, the Golaknath case (1967), the Bank Nationalization case (1970), the Privy Purses Abolition case (1971), the Kesavananda Bharati case (1973), the Minerva Mills case (1980), and so on.

Source: Laxmikanth



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**Q.9) Which of the following reason/s judicial review is/are needed?**

1. To uphold the principle of the supremacy of the Constitution.
2. To maintain federal equilibrium.
3. To protect the Fundamental Rights of the citizens.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** Judicial review is needed for the following reasons:

- (a) To uphold the principle of the supremacy of the Constitution.
- (b) To maintain federal equilibrium (balance between the Centre and the states).
- (c) To protect the Fundamental Rights of the citizens.

**Source: Laxmikanth**

**Q.10) Which of the following article/s of Indian constitution explicitly confer the power of judicial review on the Supreme Court and the High Court's?**

1. Article 3
2. Article 13
3. Article 32

**How many of the statements given above are correct?**

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

**ANS: B**

**Explanation:** Though the phrase 'Judicial Review' has nowhere been used in the Constitution, the provisions of several Articles explicitly confer the power of judicial review on the Supreme Court and the High Courts. These provisions are explained below:

1. Article 13 declares that all laws that are inconsistent with or in derogation of the Fundamental Rights shall be null and void.
2. Article 32 guarantees the right to move the Supreme Court for the enforcement of the Fundamental Rights and empowers the Supreme Court to issue directions or orders or writs for that purpose.
3. Article 131 provides for the original jurisdiction of the Supreme Court in centre-state and inter-state disputes.
4. Article 132 provides for the appellate jurisdiction of the Supreme Court in constitutional cases.

**Source: Laxmikanth**



## High Court & Tribunals

**Q.1) In which of the following year, the institution of high court originated in India?**

- a) 1628
- b) 1772
- c) 1797
- d) 1862

**ANS: D**

**Explanation:** The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.

In 1866, a fourth high court was established at Allahabad. In the course of time, each province in British India came to have its own high court.

**Source: Laxmikanth**

**Q.2) Which constitutional amendment authorized the Parliament to establish a common high court for two or more states or for two or more states and a union territory?**

- a) First constitutional amendment
- b) Seventh constitutional amendment
- c) Twenty fourth constitutional amendment
- d) Forty second constitutional amendment

**ANS: B**

**Explanation:** The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorized the Parliament to establish a common high court for two or more states or for two or more states and a union territory.

**Source: Laxmikanth**

**Q.3) The Constitution does not specify the strength of a high court and leaves it to the discretion of the?**

- a) Parliament
- b) President
- c) State Legislature
- d) Governor

**ANS: B**

**Explanation:** Every high court (whether exclusive or common) consists of a chief justice and such other judges as the president may from time to time deem necessary to appoint.

- Thus, the Constitution does not specify the strength of a high court and leaves it to the discretion of the president.
- Accordingly, the President determines the strength of a high court from time to time depending upon its workload.

**Source: Laxmikanth**

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**Q.4) Which of the following is/are qualification/s person should have to be appointed as a judge of a high court?**

1. He should be a citizen of India.
2. He should have held a judicial office in the territory of India for ten years.
3. He should have been an advocate of a high court for ten years.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** A person to be appointed as a judge of a high court should have the following qualifications:

- He should be a citizen of India.
- He should have held a judicial office in the territory of India for ten years; or
- He should have been an advocate of a high court (or high courts in succession) for ten years.

**Source: Laxmikanth**

**Q.5) Consider the following statements:**

1. The salaries, allowances, privileges, leave and pension of the judges of a high court are determined from time to time by the State Legislature.
2. The retired chief justice and judges are entitled to 33 percent of their last drawn salary as monthly pension.

**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**

**Explanation:** The salaries, allowances, privileges, leave and pension of the judges of a high court are determined from time to time by the Parliament.

- They cannot be varied to their disadvantage after their appointment except during a financial emergency.
- The retired chief justice and judges are entitled to 50% of their last drawn salary as monthly pension.

**Source: Laxmikanth**

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**Q.6) Which of the following statement/s is/are correct about the tenure of a high court judge?**

1. He holds office until he attains the age of 65 years.
2. He can resign his office by writing to the Governor.
3. He vacates his office when he is appointed as a judge of the Supreme Court or when he is transferred to another high court.

**How many of the statements given above are correct?**

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

**ANS: A**

**Explanation:** The Constitution has not fixed the tenure of a judge of a high court. However, it makes the following four provisions in this regard:

- He holds office until he attains the age of 62 years. Any questions regarding his age is to be decided by the president after consultation with the chief justice of India and the decision of the president is final.
- He can resign his office by writing to the president.
- He can be removed from his office by the President on the recommendation of the Parliament.
- He vacates his office when he is appointed as a judge of the Supreme Court or when he is transferred to another high court.

**Source: Laxmikanth**

**Q.7) Consider the following statements:**

1. A judge of a high court can be removed from his office by an order of the President.
2. The President can issue the removal order only after an address by the Parliament has been presented to him in the same session for such removal.

**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**

**Explanation:** A judge of a high court can be removed from his office by an order of the President.

- The President can issue the removal order only after an address by the Parliament has been presented to him in the same session for such removal.
- The address must be supported by a special majority of each House of Parliament (i.e., a majority of the total membership of that House and majority of not less than two-thirds of the members of that House present and voting).

**Source: Laxmikanth**

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**Q.8) Which of the following jurisdiction/s is/are enjoyed by the high court?**

1. Original jurisdiction.
2. Writ jurisdiction.
3. Supervisory jurisdiction.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** At present, a high court enjoys the following jurisdiction and powers: 1. Original jurisdiction. 2. Writ jurisdiction. 3. Appellate jurisdiction. 4. Supervisory jurisdiction. 5. Control over subordinate courts. 6. A court of record. 7. Power of judicial review.

**Source: Laxmikanth**

**Q.9) The jurisdiction and powers of a high court are governed by which of the following?**

1. The constitutional provisions
2. The Letters Patent
3. The Acts of State Legislature

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** The present jurisdiction and powers of a high court are governed by (a) the constitutional provisions, (b) the Letters Patent, (c) the Acts of Parliament, (d) the Acts of State Legislature, (e) Indian Penal Code, 1860, (f) Criminal Procedure Code, 1973, and (g) Civil Procedure Code, 1908.

**Source: Laxmikanth**

**Q.10) Which of the following is/are come/s under the original jurisdiction of the high court?**

1. Matters of admiralty and contempt of court.
2. Disputes relating to the election of members of Parliament and state legislatures.
3. Regarding revenue matter or an act ordered or done in revenue collection.

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** Original Jurisdiction means the power of a high court to hear disputes in the first instance, not by way of appeal. It extends to the following:

- (a) Matters of admiralty and contempt of court.
- (b) Disputes relating to the election of members of Parliament and state legislatures.
- (c) Regarding revenue matter or an act ordered or done in revenue collection.

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(d) Enforcement of fundamental rights of citizens.

(e) Cases ordered to be transferred from a subordinate court involving the interpretation of the Constitution to its own file.

**Source: Laxmikanth**

### Revision

**Q.1) Article 226 of Indian constitution is related to?**

- a) Writ jurisdiction of high court
- b) Writ jurisdiction of supreme court
- c) Ordinance power of governor
- d) Ordinance power of president

**ANS: A**

**Explanation:** Article 226 of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition and quo warranto for the enforcement of the fundamental rights of the citizens and for any other purpose.

**Source: Laxmikanth**

**Q.2) Which of the following writ/s is/are issue by high court?**

- 1. Habeas corpus
- 2. Mandamus
- 3. Prohibition

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** Article 226 of the Constitution empowers a high court to issue writs including habeas corpus, mandamus, certiorari, prohibition and quo warranto for the enforcement of the fundamental rights of the citizens and for any other purpose.

**Source: Laxmikanth**

**Q.3) Consider the following statements regarding appellate jurisdiction of high court:**

- 1. It hears appeals against the judgments of subordinate courts functioning in its territorial jurisdiction.
- 2. It has appellate jurisdiction in both civil and criminal matters.

**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**

**Explanation:** A high court is primarily a court of appeal. It hears appeals against the judgments of subordinate courts functioning in its territorial jurisdiction.

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It has appellate jurisdiction in both civil and criminal matters. Hence, the appellate jurisdiction of a high court is wider than its original jurisdiction.

**Source: Laxmikanth**

**Q.4) Which constitutional amendment added the tribunals to Indian constitution?**

- a) First constitutional amendment
- b) Seventh constitutional amendment
- c) Twenty fourth constitutional amendment
- d) Forty second constitutional amendment

**ANS: D**

**Explanation:** The 42nd Amendment Act of 1976 added a new Part XIV-A to the Constitution.

This part is entitled as 'Tribunals' and consists of only two Articles—Article 323 A dealing with administrative tribunals and Article 323 B dealing with tribunals for other matters.

**Source: Laxmikanth**

**Q.5) Consider the following statements:**

1. Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals.
2. The Parliament has passed the Administrative Tribunals Act in 1955.

**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**

**Explanation:** Article 323 A empowers the Parliament to provide for the establishment of administrative tribunals for the adjudication of disputes relating to recruitment and conditions of service of persons appointed to public services of the Centre, the states, local bodies, public corporations and other public authorities.

In pursuance of Article 323 A, the Parliament has passed the Administrative Tribunals Act in 1985.

**Source: Laxmikanth**

**Q.6) Which of the following place is the principle bench of Central Administrative Tribunal (CAT)?**

- a) Nagpur
- b) Madras
- c) Hyderabad
- d) Delhi

**ANS: D**

**Explanation:** The Central Administrative Tribunal (CAT) was set up in 1985 with the principal bench at Delhi and additional benches in different states.

**Source: Laxmikanth**



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**Q.7) Which of the following is/are come/s under the jurisdiction of Central Administrative Tribunal (CAT)?**

1. All-India services
2. Servants of the Supreme Court
3. Civilian employees of defense services

**How many of the statements given above are correct?**

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

**ANS: B**

**Explanation:** The CAT exercises original jurisdiction in relation to recruitment and all service matters of public servants covered by it.

- Its jurisdiction extends to the all-India services, the Central civil services, civil posts under the Centre and civilian employees of defense services.
- However, the members of the defense forces, officers and servants of the Supreme Court and the secretarial staff of the Parliament are not covered by it.

**Source: Laxmikanth**

**Q.8) Consider the following statements:**

1. The Central Administrative Tribunal (CAT) is not bound by the procedure laid down in the Civil Procedure Code of 1908.
2. The Central Administrative Tribunal (CAT) is guided by the principles of natural justice.

**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**

**Explanation:** The CAT is not bound by the procedure laid down in the Civil Procedure Code of 1908. It is guided by the principles of natural justice. These principles keep the CAT flexible in approach.

**Source: Laxmikanth**

**Q.9) Which of the following state/s is/are established the State Administrative Tribunals (SATs)?**

1. Karnataka
2. West Bengal
3. Kerala

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** 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.



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- So far (2019), the SATs have been set up in the nine states of Andhra Pradesh, Himachal Pradesh, Odisha, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, West Bengal and Kerala.
- However, the Madhya Pradesh, Tamil Nadu and Himachal Pradesh Tribunals have since been abolished.
- But subsequently, the Himachal Pradesh reestablished the SAT and the state of Tamil Nadu has also requested now to reestablish the same.
- Further, the state government of Haryana has requested to establish the SAT for their state.
- On the other hand, the state government of Odisha has submitted a proposal for abolition of Odisha Administrative Tribunal.

**Source: Laxmikanth**

**Q.10) Which of the following matter/s is/are come/s under Article 323 B?**

1. Taxation
2. Land reforms
3. Food stuffs

**How many of the statements given above are correct?**

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

**ANS: C**

**Explanation:** Under Article 323 B, the Parliament and the state legislatures are authorized to provide for the establishment of tribunals for the adjudication of disputes relating to the following matters: (a) Taxation (b) Foreign exchange, import and export (c) Industrial and labour (d) Land reforms (e) Ceiling on urban property (f) Elections to Parliament and state legislatures (g) Food stuffs (h) Rent and tenancy rights.

**Source: Laxmikanth**