

- c) Both 1 and 2
- d) Neither 1 nor 2

Solution: d)

Both the statements are incorrect. High court can review the laws enacted by Parliament. High court can interpret the Constitution while reviewing any law or order passed by the government.

23) Consider the following statements.

1. The writ jurisdiction of the high court is not exclusive but concurrent with the writ jurisdiction of the Supreme Court.
2. Writ jurisdiction of both the high court and the Supreme Court constitute a part of the basic structure of the Constitution.

Which of the above statements is/are correct?

- a) 1 only
- b) 2 only
- c) Both 1 and 2
- d) None of the above

Solution: c)

The writ jurisdiction of the high court (under Article 226) is not exclusive but concurrent with the writ jurisdiction of the Supreme Court (under Article 32). 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. But, the Supreme Court can issue writs only for the enforcement of fundamental rights and not for any other purpose, that is, it does not extend to a case where the breach of an ordinary legal right is alleged. This is valid for both centre/state laws/rules/regulations.

24) A judge of the Supreme Court can be removed from his Office by an order of the president after an address by Parliament has been presented to him in the same session for such removal supported by

- a) Special majority in Lok Sabha only
- b) Absolute majority in both Houses of Parliament
- c) Simple majority in each house of Parliament approved by the Presiding officer of the House
- d) Special majority in both Houses of Parliament

Solution: d)

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.

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 a majority of not less than two-thirds of the members of that House present and voting).

The grounds of removal are two—proved misbehaviour or incapacity.

The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of the Supreme Court by the process of impeachment.

25) The Constitution has made which of the following provisions to safeguard and ensure the independent and impartial functioning of the Supreme Court?

1. The judges of the Supreme Court are provided with the Security of Tenure.
2. Their service conditions cannot be changed to their disadvantage after their appointment even during a financial emergency.
3. The salaries, allowances and pensions of judges cannot be discussed and are non-votable by the Parliament.

Select the correct answer code:

- a) 1, 2