ADVOCATE ON RECORD EXAMINATION – 2024 (16 August 2024)

Paper I: Practice and Procedure

(Please *answer the Questions pointwise*)

Total Marks: 100

INSTRUCTIONS: <u>Kindly give the relevant provisions and supporting case law in all answers</u>

PART I: 50 Marks

<u>Answer any 5 out of the 6 given questions.</u>

1. When can the Appellate Jurisdiction of the Supreme Court be invoked? Give three examples that would fall under it. (10 marks)

2. You have been engaged in a matter on behalf of the Petitioner who has suffered an adverse order from the High Court directing demolition of his Restaurant within 24 hours. What steps will you take to prepare and have your case heard the very next day in court? Kindly explain the current process in detail. (10 Marks)

3. Why is ***Vishakha v. State of Rajasthan [(1997) 6 SCC 241]*** considered to be a landmark judgement of the Supreme Court of India, and which constitutional powers were utilised by the Court while passing the judgement? What has been the impact of the ***Vishakha*** judgement in the Indian legal field? Has the scope of exercise of power by the Supreme Court expanded beyond that which is provided in ***Vishakha (supra)***, and if so, in what manner? (10 Marks)

4. What are the criteria and procedure for exercise of power by the Supreme Court under Article 143 of the Constitution of India. How commonly has the Supreme Court had the occasion to use this power. Illustrate with examples. (10 Marks)

5. Your client is an environment activist and has been long protesting against concretisation of cities. The PWD department and MCD sanction and finalise a project of constructing a new concrete road after cutting trees along the road in an area which is marked as a Green Belt.
   (1) What proceedings would you advise your client to take?
   (2) Can you advise your client to approach the Supreme Court, specially since issues of right to life under Article 21 is involved? Kindly explain the provisions and illustrate with examples. (10 Marks)

6. Explain in detail with case law how the jurisdiction of the Supreme Court under Article 32 of the Constitution of India is different from the jurisdiction of the High Courts under Article 226 of the Constitution of India. (10 Marks)

PART II: 50 Marks

Answer any 10 out of the 12 given questions.

7. Tabulate the essential differences between review of an order and recall of an order. (5 Marks)

8. Explain and differentiate between writ of *habeas corpus* and writ of *certiorari*. (5 Marks)

9. Explain the contempt jurisdiction of the Supreme Court with examples where the power of contempt was invoked by the Supreme Court. (5 Marks)

10. Under which provision(s) a Judge of the Supreme Court is required to sit singly? Give 5 examples of cases that can be listed before a Single Judge. (5 Marks)

11. A criminal appeal of a murder convict is pending in the Supreme Court. While admitting the appeal, the Court had rejected the bail application. Can the convict file a subsequent bail application in the Supreme Court, and if so, on what grounds? (5 Marks)

12. Can a party who is aggrieved by dismissal of a Review Petition which will affect her substantive legal right invoke any remedy to challenge the review order? If so, on what grounds and what is the legal basis for invoking this remedy? (5 Marks)

13. Explain the procedure for appointment of an Arbitrator in an international commercial dispute. (5 Marks)

14. If a person is a minor or of an unsound mind, what is the procedure for instituting proceedings in the Supreme Court for them? (5 Marks)

15. What is the criteria and procedure for filing an appeal against a final order of the National Consumer Disputes Forum to the Supreme Court of India? (5 Marks)

16. What is the procedure for filing a petition by an indigent person? (5 Marks)

17. In what circumstances can original suits be filed directly in the Supreme Court of India. Kindly give the latest examples. (5 Marks)

18. Kindly explain the procedure for filing, and contents of a habeas corpus petition. (5 marks)