AILET

Practice Paper on Writs for Legal Aptitude of CLAT

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Multiple Choice Questions

1. Which of the following writs is considered as the bulwark of personal freedom? [CLAT 2008]

(a) Mandamus

(b) Habeas Corpus

(c) Certiorari

(d) Quo Warranto

1. Which of the following Articles of the Constitution relates to the issuance of writs?

(a) Article 32

(b) Article 139

(c) Both (a) and (b)

(d) None of the above

1. Writ of mandamus relates to:

(a) performance of a legal duty by any public authority

(b) quashing of an order passed without jurisdiction

(c) inquiring into the authority by which a public office is being held

(d) preventing an inferior court from acting without jurisdiction

1. Which of the following Articles of the Constitution allows issuance of writs for enforcing rights other than fundamental rights?

(a) Article 32

(b) Article 226

(c) Article 139

(d) None of the above

1. How many kinds of writs have been recognized under the Indian Constitution?

(a) 4

(b) 5

(c) 6

(d) 7

1. X is aggrieved by an order passed by District court, New Delhi without having jurisdiction. Which of the following writs is the proper remedy available to X:

(a) mandamus

(b) prohibition

(c) quo warranto

(d) certiorari

7.'A' is being illegally detained by the police authorities. Which of the following writs can A's wife seek from the court to secure his release?

(a) Habeas Corpus

(b) Mandamus

(c) Prohibition

(d) Certiorari

1. It is a general rule that a person cannot seek issuance of a writ in the event that an alternative remedy is available?

(a) True

(b) False

(c) True, subject to certain exceptions

(d) Depends on the discretion of the court

1. Writs can be sought for the enforcement of:

(a) fundamental rights

(b) contractual rights

(c) statutory rights

(d) None of the above

1. A writ of certiorari can be issued to prevent an inferior court from proceeding further with a case due to lack of jurisdiction.

(a) True

(b) False

(c) Can’t say

(d) False, a writ of mandamus can be issued.

Answer Key with explanations

Question 1 – **Option (b) is the correct answer.**

Explanation – The writ of habeas corpus is issued to prevent the illegal detention of a person and to secure his/her release in such case, therefore, habeas corpus protects the “personal freedom” of a person.

Question 2 – **Option (c) is the correct answer.**

Explanation – Article 32 gives the power to issue writs to the Supreme Court and Article 139 allows Parliament to make law for the issuance of writs hence the correct answer is both (a) and (b).

Question 3 – **Option (a) is the correct answer.**

Explanation – Writ of mandamus relates to the performance of a legal duty by any public authority.

Question 4 – **Option (c) is the correct answer.**

Explanation – Article 139 of the Constitution allows the Indian Parliament to make law for conferring on the Supreme Court, the power to issue writs for enforcement of rights other than

fundamental rights.

Question 5 – **Option (b) is the correct answer.**

Explanation – The Indian Constitution recognizes 5 kinds of writs namely, habeas corpus, mandamus, certiorari, quo warranto and prohibition.

Question 6 – **Option (d) is the correct answer.**

Explanation – X can seek a writ of certiorari to get the concerned order quashed by the High Court/Supreme Court.

Question 7 – **Option (a) is the correct answer.**

Explanation – A's wife can seek a writ of habeas corpus to secure A's release.

Question 8 – **Option (c) is the correct answer.**

Explanation – The general rule that writ cannot be issued in case of existence of an alternate remedy is subject to certain exceptions such as violation of principles of natural justice.

Question 9 – **Option (a) is the correct answer.**

Explanation – Writs can be sought only for the enforcement of fundamental rights. The remedy provided by concerned statute shall have to be availed for enforcement of contractual and statutory rights.

Question 10 – **Option (b) is the correct answer.**

Explanation – The given statement is false as a writ of prohibition is issued to prevent an inferior court from proceeding further with a case due to lack of jurisdiction while the writ of certiorari is issued to quash an order passed without jurisdiction.