



## Daily Subject wise Quiz Day 16 Polity IV (Online Prelims Test)

Which of the following writs can be issued against administrative authorities?

1. Prohibition
2. Certiorari
3. Mandamus.

Select the right answer using codes given below

- a. 1 & 2 only
- b. 2 & 3 only
- c. 1 & 3 only
- d. All of the Above

Answer : b

### Type of writs

#### Mandamus



- The writ of mandamus is issued by the court to a public authority directing him or her to perform the public duties which he/she is bound to do but refused or failed to perform.
- This writ can be issued against any public authority, public body, lower courts, tribunals or the government.
- A writ petition seeking Mandamus can be filed only when the Public authority refuses to perform his/her public duty on being demanded by the petitioner.

#### Prohibition

- The writ of prohibition is issued by the higher courts such as Supreme Courts and High Courts to the lower courts or quasi-judicial bodies or tribunals, which tries to transgress the power or limit conferred to it.
- This writ prevents the lower courts or tribunals from exceeding its jurisdiction or usurping the jurisdiction which is not legally vested to them.
- This writ cannot be issued against any public or private individual, authorities or bodies.

#### Certiorari

- The writ of certiorari is issued by the higher court to the lower court directing them to either transfer the case pending with them to the higher court or to squash the order passed by them in a case.
- This writ is issued when the higher court feels that the lower court or tribunal have passed the judgement or order which is beyond their power or when there is an error in the judgement.

Consider the following statements with respect to Fundamental Rights

1. They promote the idea of social and economic democracy.
2. They are not absolute and subject to reasonable restrictions.

Which of the above statements is/are incorrect?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : a

## Fundamental Rights

- They promote the idea of political democracy, DPSP promote the idea of social and economic democracy.
- Fundamental Rights are not absolute and subject to reasonable restrictions.
- Further, they are not sacrosanct and can be curtailed or repealed by the Parliament through a constitutional amendment act.

Consider the following statements with respect to Habeas Corpus

1. The aim of this writ is to review the alleged unlawful detention of a person or an authority.
2. Court can issue the Habeas Corpus writ against individuals as well as public authorities

Which of the above statement(s) is/are correct

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2



Answer : c

## Habeas Corpus

- By issuing this writ, the Court orders the concerned person or an authority who has detained another person, to produce the body of the detained person or prisoner before the court.
- The aim of this writ is to review the alleged unlawful detention of a person or an authority.
- When the detained person is produced in front of the court, the latter examines the causes and legality of his detention.
- If the court concludes that the detention was unlawful or illegal, then the detained person is set free immediately.
- Court can issue the Habeas Corpus writ against individuals as well as public authorities.
- This petition can be filed in High court or Supreme court by the general public, relatives or friends on behalf of an illegally detained person.

Consider the following statements with respect to Landmark Judgements Related to Writs

1. In ADM Jabalpur vs Shivakant Shukla Case High court of Allahabad ruled that writ of Mandamus cannot be issued against the private individuals or officials.
2. In Surya Dev Rai vs Ram Chander Rai & Another case, the Supreme Court ruled certiorari can be issued only against an inferior court and not against any higher court or court of the same hierarchy.

Which of the above statement(s) is/are correct?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2

Answer : b

## Landmark Judgements Related to Writs

- ADM Jabalpur vs Shivakant Shukla - In this case, also known as Habeas Corpus case, the Supreme Court ruled that the writ of Habeas Corpus cannot be suspended even at the time of emergency.
- Barada Kanta vs State of West Bengal - In this case, it was held that the writ of Mandamus cannot be issued against the private individuals or officials.
- Surya Dev Rai vs Ram Chander Rai & Another - In this case, the Supreme Court ruled that the writ of certiorari can be issued only against an inferior court and not against any higher court or court of the same hierarchy.

Consider the following statements with respect to Fundamental Rights

1. They promote the idea of social and economic democracy.
2. They are not absolute and subject to reasonable restrictions.

Which of the above statements is/are incorrect?

- a. 1 only
- b. 2 only
- c. Both 1 and 2
- d. Neither 1 nor 2



**SHANKAR**  
**IAS PARLIAMENT**  
*Information is Empowering*

Answer : a

## Fundamental Rights

- They promote the idea of political democracy, DPSP promote the idea of social and economic democracy.
- Fundamental Rights are not absolute and subject to reasonable restrictions.
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