

AIBE 15 Set D Question Paper with Solutions

Time Allowed :3 Hours	Maximum Marks :100	Total questions :100
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General Instructions

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- i) The AIBE (All India Bar Examination) X will be conducted in offline mode (pen and paper based).
- ii) The question paper will consist of **Multiple Choice Questions (MCQs)** with four options, out of which only one will be correct.
- iii) Each correct answer will be awarded **1 mark**. There is **no negative marking** for incorrect answers.
- iv) The examination will cover subjects prescribed by the Bar Council of India (BCI), including both **core and optional subjects**.
- v) Candidates must carry their **Admit Card** and a valid **Photo ID proof** to the examination center.
- vi) Use only a **blue/black ballpoint pen** to mark answers on the OMR sheet.
- vii) Rough work should be done only in the space provided in the question paper/answer sheet.
- viii) No electronic gadgets, mobile phones, or programmable calculators are permitted inside the examination hall.
- ix) Candidates must follow the instructions of the invigilators strictly. Any unfair means will lead to disqualification.

1. Indemnity contract is defined under

- (a) Section 124 of the Indian Contract Act
- (b) Section 67 of the Indian Contract Act
- (c) Section 127 of the Indian Contract Act
- (d) Section 128 of the Indian Contract Act

Correct Answer: (a) Section 124

Solution:

Step 1: Understanding the Question.

An indemnity contract involves a promise to compensate for any loss suffered. Under the Indian Contract Act, the definition of an indemnity contract is specifically provided in Section 124, which states that it is a contract by which one party promises to save the other from loss caused by the conduct of the promisor or any other person.

Step 2: Conclusion.

Thus, Section 124 is applicable as it defines the indemnity contract under the Indian Contract Act.

Quick Tip

Section 124 of the Indian Contract Act defines indemnity as a contract to compensate for loss caused by the promisor's conduct or any other person.

2. Peek Vs. Gurney is a famous case related to

- (a) Coercion
- (b) Fraud
- (c) Mistake of fact
- (d) Mistake of law

Correct Answer: (b) Fraud

Solution:

Step 1: Understanding the Question.

Peek Vs. Gurney is a landmark case under English law, often cited in the context of the Indian Contract Act, where it established principles related to fraudulent misrepresentation. The case involved a false prospectus issued to induce investment, which falls under the definition of fraud.

Step 2: Conclusion.

Thus, Section 115 is applicable as it deals with estoppel, preventing a party from denying a fact they induced another to believe, though the case itself relates to fraud under the Indian Contract Act.

Quick Tip

Peek Vs. Gurney is a key case illustrating fraud through misrepresentation in contract law.

3. The Supreme Court invoked the principle of ‘Transformative Constitutionalism’ in the case of

- (a) Navtej Singh Johar Vs Union of India (2018)
- (b) Suresh Kumar Koushal Vs Naz Foundation(2010)
- (c) Naz Foundation Vs Government of NCT of Delhi, (2009)
- (d) Aruna Roy Vs Union of India, (2002)

Correct Answer: (a) Navtej Singh Johar Vs Union of India (2018)

Solution:**Step 1: Understanding the Question.**

Transformative Constitutionalism refers to the judiciary’s role in interpreting the Constitution to bring about social change. The Supreme Court invoked this principle in the Navtej Singh Johar case, decriminalizing Section 377 of the IPC concerning consensual same-sex relationships.

Step 2: Conclusion.

Thus, Navtej Singh Johar Vs Union of India (2018) is the correct case where the principle was applied.

Quick Tip

Transformative Constitutionalism in Navtej Singh Johar (2018) reflects the judiciary's role in evolving constitutional interpretation for social justice.

4. The provisions of Indian Penal Code apply also to any offence committed by

- (a) any citizen of India in any place without and beyond India;
- (b) any person on any ship or aircraft registered in India wherever it may be
- (c) any person in any place without and beyond India committing offence targeting a computer resource located in India.
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Question.

The Indian Penal Code (IPC) extends its jurisdiction beyond India under Section 4. This includes offences committed by Indian citizens abroad, on Indian-registered ships or aircraft, and by any person targeting computer resources in India from outside.

Step 2: Conclusion.

Thus, all the options (a), (b), and (c) are correct, making (d) All of the above the applicable answer.

Quick Tip

Section 4 of the IPC extends its application to offences committed outside India under specific conditions.

5. Under the Patent Act which of the following are not patentable?

- (a) a method of agriculture or horticulture
- (b) a presentation of information
- (c) topography of integrated circuits
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Question.

The Indian Patent Act specifies certain subjects that are not patentable. Section 3 excludes methods of agriculture and horticulture, presentations of information, and topographies of integrated circuits from being patented as they are either processes of nature, mere presentations, or semiconductor designs.

Step 2: Conclusion.

Thus, all the options (a), (b), and (c) are not patentable, making (d) All of the above the correct answer.

Quick Tip

Section 3 of the Patent Act lists exclusions like agricultural methods and circuit topographies from patentability.

6. World Intellectual Property Organization (WIPO) has replaced pre-existing

- (a) GATT
- (b) BIRPI
- (c) TRPM
- (d) PCT

Correct Answer: (b) BIRPI

Solution:

Step 1: Understanding the Question.

The World Intellectual Property Organization (WIPO) was established to replace the United International Bureaux for the Protection of Intellectual Property (BIRPI), which was the predecessor organization handling international intellectual property matters.

Step 2: Conclusion.

Thus, WIPO replaced BIRPI, making (b) the correct answer.

Quick Tip

WIPO succeeded BIRPI to enhance global coordination of intellectual property protection.

7. Anuradha Bhasin Vs Union Of India on 10 January, 2020 relates to a challenge under Article 32 of the Constitution seeking issuance of an appropriate writ

- (a) for setting aside orders of the Government by which all modes of communication including Internet have been shut down in J&K
- (b) for setting aside orders of the Government by which private property was sought to be acquired in J&K
- (c) for setting aside orders of the Government by which J&K was constituted as a UT
- (d) for setting aside orders of the Government by which Ladakh was separated.

Correct Answer: (a) for setting aside orders of the Government by which all modes of communication including Internet have been shut down in J&K

Solution:**Step 1: Understanding the Question.**

The Anuradha Bhasin Vs Union of India case (2020) addressed the constitutionality of internet shutdowns in Jammu Kashmir under Article 32. The petition sought to challenge the government's orders restricting communication, including internet services.

Step 2: Conclusion.

Thus, the case relates to setting aside orders on communication shutdowns, making (a) the correct answer.

Quick Tip

Anuradha Bhasin (2020) upheld the right to internet as part of Article 19, challenging communication bans in J&K.

8. Section 66A of the Information Technology Act was struck down under Art. 19(1) (a) read with Article 19 (2) in the case of

- (a) Justice K. S. Puttaswamy Vs Union of India
- (b) Shreya Singhal Vs State of U.P.
- (c) Govinda Vs State of M.P.
- (d) Shreya Singhal Vs Union of India

Correct Answer: (b) Shreya Singhal Vs State of U.P.

Solution:

Step 1: Understanding the Question.

Section 66A of the Information Technology Act, which penalized offensive online content, was struck down by the Supreme Court in 2015 as it violated Article 19(1)(a) (freedom of speech) while not satisfying the reasonable restrictions under Article 19(2). The landmark case was Shreya Singhal Vs State of U.P.

Step 2: Conclusion.

Thus, Shreya Singhal Vs State of U.P. is the correct case, making (b) the applicable answer.

Quick Tip

Section 66A was struck down in Shreya Singhal (2015) for violating free speech rights under Article 19(1)(a).

9. Article 145(3) of the Indian Constitution states that The minimum number of judges who are to sit for involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be....

- (a) Two
- (b) Three
- (c) Five
- (d) Nine

Correct Answer: (c) Five

Solution:

Step 1: Understanding the Question.

Article 145(3) of the Indian Constitution mandates that a minimum of five judges must sit to decide cases involving substantial questions of law regarding the Constitution's interpretation or references under Article 143.

Step 2: Conclusion.

Thus, the minimum number is five, making (c) the correct answer.

Quick Tip

Article 145(3) requires at least five judges for constitutional interpretation cases.

10. M.C. Mehta Vs Union of India 1986 Shriram food and Fertilisers case relates to

- (a) Oleum Gas leak
- (b) Ganga water cleaning
- (c) Child labour
- (d) Bonded labour

Correct Answer: (a) Oleum Gas leak

Solution:

Step 1: Understanding the Question.

The M.C. Mehta Vs Union of India (1986) case, known as the Shriram Food and Fertilisers case, addressed the Oleum gas leak incident in Delhi, leading to the establishment of absolute liability principles for hazardous industries.

Step 2: Conclusion.

Thus, the case relates to the Oleum Gas leak, making (a) the correct answer.

Quick Tip

M.C. Mehta (1986) introduced absolute liability for the Oleum gas leak disaster.

11. A. K. Kraipak Vs Union of India relates to

- (a) Likelihood of Bias
- (b) Delegated Legislation
- (c) Administrative Discretion
- (d) Notice

Correct Answer: (a) Likelihood of Bias

Solution:**Step 1: Understanding the Question.**

The A. K. Kraipak Vs Union of India case (1970) dealt with the principle of natural justice, specifically the likelihood of bias when an adjudicating authority has an interest in the outcome, such as a member of the selection board also being a candidate.

Step 2: Conclusion.

Thus, the case relates to the likelihood of bias, making (a) the correct answer.

Quick Tip

A. K. Kraipak (1970) established that bias, even if not actual, can invalidate administrative decisions.

12. Judicial control of Delegated legislation may be exercised on the ground of

- (a) Doctrine of Ultra vires
- (b) Mala fides

- (c) Exclusion of Judicial Review
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Question.

Judicial control over delegated legislation can be exercised on grounds such as the doctrine of ultra vires (exceeding authority), mala fides (bad faith), and exclusion of judicial review, where the legislation attempts to oust court jurisdiction.

Step 2: Conclusion.

Thus, all the options (a), (b), and (c) are valid grounds, making (d) All of the above the correct answer.

Quick Tip

Judicial review of delegated legislation includes checks for ultra vires, mala fides, and exclusion of review.

13. On and from the commencement of the Hindu Succession (Amendment) Act, 2005, in a Joint Hindu family governed by the Mitakshara law, conferring on daughter coparcenary status by substituting new section for

- (a) Section 6
- (b) Section 10
- (c) Section 11
- (d) Section 13

Correct Answer: (a) Section 6

Solution:

Step 1: Understanding the Question.

The Hindu Succession (Amendment) Act, 2005, amended Section 6 of the Hindu Succession Act to grant daughters equal coparcenary rights in a Joint Hindu family under Mitakshara law, replacing the earlier provision.

Step 2: Conclusion.

Thus, the new section substituted is Section 6, making (a) the correct answer.

Quick Tip

The 2005 Amendment to Section 6 granted daughters coparcenary rights in Mitakshara families.

14. Section 5 of Hindu Marriage Act relates to

- (a) Void marriages
- (b) Voidable marriages
- (c) Ceremonies of Hindu marriage
- (d) Conditions of Hindu marriage

Correct Answer: (d) Conditions of Hindu marriage

Solution:

Step 1: Understanding the Question.

Section 5 of the Hindu Marriage Act lays down the essential conditions for a valid Hindu marriage, such as the minimum age of the bride and groom, and prohibitions on certain relationships.

Step 2: Conclusion.

Thus, Section 5 relates to the conditions of Hindu marriage, making (d) the correct answer.

Quick Tip

Section 5 of the Hindu Marriage Act specifies conditions for a valid marriage.

15. A marriage between a girl of 22 years marries her maternal uncle son of 23 years in accordance with the Special Marriage Act. Such marriage is

- (a) Valid
- (b) Voidable
- (c) Void only in north India
- (d) Valid only in north India

Correct Answer: (a) Valid

Solution:

Step 1: Understanding the Question.

Under the Special Marriage Act, a marriage between a 22-year-old girl and her 23-year-old maternal uncle's son is permissible if they meet the conditions of consent and prohibited degrees of relationship, which do not include maternal uncle's son as a bar.

Step 2: Conclusion.

Thus, the marriage is valid, making (a) the correct answer.

Quick Tip

The Special Marriage Act allows valid marriages if conditions like consent are met, regardless of regional restrictions.

16. The principle of Res Judicata is dealt under Section — of CPC

- (a) 9
- (b) 10
- (c) 11
- (d) 12

Correct Answer: (c) 11

Solution:

Step 1: Understanding the Question.

The principle of Res Judicata, which prevents the same case from being tried again between the same parties, is enshrined under Section 11 of the Code of Civil Procedure (CPC).

Step 2: Conclusion.

Thus, the correct section is 11, making (c) the correct answer.

Quick Tip

Section 11 of CPC embodies the principle of Res Judicata to avoid repetitive litigation.

17. Section 14 of the C.P.C. deals with

- (a) Presumption as to decisions of tribunals
- (b) Presumption as to foreign judgments
- (c) Presumption as to judgments of the lower court
- (d) Presumption as to judgments of High Court

Correct Answer: (b) Presumption as to foreign judgments

Solution:

Step 1: Understanding the Question.

Section 14 of the Code of Civil Procedure (C.P.C.) provides for the presumption of authenticity and conclusiveness of foreign judgments, subject to certain conditions, when they are sought to be enforced in India.

Step 2: Conclusion.

Thus, Section 14 deals with presumption as to foreign judgments, making (b) the correct answer.

Quick Tip

Section 14 of C.P.C. presumes the validity of foreign judgments for enforcement in India.

18. A, residing in Delhi, publishes in Kolkata statements defamatory of B. B may sue A

- (a) Only in Delhi
- (b) Only in Kolkata
- (c) in both the place of Delhi and Kolkata
- (d) either in Kolkata or in Delhi

Correct Answer: (c) in both the place of Delhi and Kolkata

Solution:

Step 1: Understanding the Question.

Under Section 19 of the Code of Civil Procedure, a suit for defamation can be filed where the defendant resides (Delhi) or where the wrong is committed (Kolkata, where the defamatory statement was published).

Step 2: Conclusion.

Thus, B may sue in both Delhi and Kolkata, making (c) the correct answer.

Quick Tip

Section 19 of C.P.C. allows defamation suits where the defendant resides or the wrong occurs.

19. Which provision under Criminal procedure Code, 1973 deals with the procedure to be adopted by the Magistrate to record confessions and statements?

- (a) Section 162
- (b) Section 164
- (c) Section 163A
- (d) Section 165

Correct Answer: (b) Section 164

Solution:

Step 1: Understanding the Question.

Section 164 of the Criminal Procedure Code, 1973, outlines the procedure for a Magistrate to record confessions and statements made by an accused or witness during an investigation, ensuring they are voluntary.

Step 2: Conclusion.

Thus, the correct provision is Section 164, making (b) the correct answer.

Quick Tip

Section 164 of Cr.P.C. ensures voluntary recording of confessions by a Magistrate.

20. Attachment of property of person absconding can be done under — of Cr.P.C.

- (a) 83
- (b) 82
- (c) 85
- (d) 86

Correct Answer: (a) 83

Solution:

Step 1: Understanding the Question.

Section 83 of the Code of Criminal Procedure (Cr.P.C.) allows for the attachment of property of a person proclaimed as an absconder to compel their appearance before the court.

Step 2: Conclusion.

Thus, the attachment is done under Section 83, making (a) the correct answer.

Quick Tip

Section 83 of Cr.P.C. provides for property attachment of absconding persons.

21. Magistrate may dispense with personal attendance of accused under Section — of Cr.P.C.

- (a) 201
- (b) 204
- (c) 205
- (d) 200

Correct Answer: (c) 205

Solution:

Step 1: Understanding the Question.

Section 205 of the Code of Criminal Procedure (Cr.P.C.) empowers a Magistrate to dispense with the personal attendance of the accused, allowing them to appear through a pleader under certain conditions.

Step 2: Conclusion.

Thus, the correct section is 205, making (c) the correct answer.

Quick Tip

Section 205 of Cr.P.C. allows Magistrates to excuse accused's personal attendance.

22. Section 265A to 265L, Chapter XXIA of the Criminal Procedure Code deals with the concept of

- (a) Unlawful Assembly
- (b) Arrest without warrant
- (c) search and seizures
- (d) Plea bargaining

Correct Answer: (d) Plea bargaining

Solution:

Step 1: Understanding the Question.

Chapter XXIA (Sections 265A to 265L) of the Criminal Procedure Code introduces the concept of plea bargaining, allowing an accused to plead guilty in exchange for a reduced sentence, subject to court approval.

Step 2: Conclusion.

Thus, the concept dealt with is plea bargaining, making (d) the correct answer.

Quick Tip

Sections 265A to 265L of Cr.P.C. govern the process of plea bargaining.

23. Security for good behaviour from habitual offenders is dealt under

- (a) Section 109 of Cr.P.C.
- (b) Section 110 of Cr.P.C.
- (c) Section 111 of Cr.P.C.
- (d) None of the above

Correct Answer: (a) Section 109 of Cr.P.C.

Solution:**Step 1: Understanding the Question.**

Section 109 of the Code of Criminal Procedure (Cr.P.C.) provides for the security for good behaviour from persons suspected of being habitual offenders or likely to commit a breach of peace.

Step 2: Conclusion.

Thus, the correct section is 109, making (a) the correct answer.

Quick Tip

Section 109 of Cr.P.C. targets habitual offenders for security measures.

24. Section 105 (H) of Cr.P.C deals

- (a) Forfeiture of property in certain cases
- (b) Notice of forfeiture of property

- (c) Management of properties seized or forfeited
- (d) Identifying unlawfully acquired property

Correct Answer: (a) Forfeiture of property in certain cases

Solution:

Step 1: Understanding the Question.

Section 105 (H) of the Code of Criminal Procedure (Cr.P.C.) pertains to the forfeiture of property in certain cases, particularly those linked to scheduled offences under anti-money laundering or related laws.

Step 2: Conclusion.

Thus, Section 105 (H) deals with forfeiture of property in certain cases, making (a) the correct answer.

Quick Tip

Section 105 (H) of Cr.P.C. governs the forfeiture of property in specific criminal cases.

25. Bar to taking cognizance after lapse of period of limitation - is dealt under

- (a) Section 178 of Cr.P.C.
- (b) Section 469 of Cr.P.C.
- (c) Section 478 of Cr.P.C.
- (d) Section 468 of Cr.P.C.

Correct Answer: (b) Section 469 of Cr.P.C.

Solution:

Step 1: Understanding the Question.

Section 469 of the Code of Criminal Procedure (Cr.P.C.) deals with the bar to taking cognizance of an offence after the lapse of the period of limitation, specifying the time limits for initiating prosecution.

Step 2: Conclusion.

Thus, the correct section is 469, making (b) the correct answer.

Quick Tip

Section 469 of Cr.P.C. sets the limitation period for taking cognizance of offences.

26. "decree-holder" means

- (a) any person in whose favour a decree has been passed or an order capable of execution has been made
- (b) any person in whose favour a decree has been passed or an order incapable of execution has been made
- (c) any Citizen in whose favour a decree has been passed or an order capable of execution has been made
- (d) any corporation in whose favour a decree has been passed or an order capable of execution has been made

Correct Answer: (a) any person in whose favour a decree has been passed or an order capable of execution has been made

Solution:

Step 1: Understanding the Question.

Under Section 2(3) of the Code of Civil Procedure (C.P.C.), a "decree-holder" is defined as any person in whose favor a decree has been passed or an order capable of execution has been made.

Step 2: Conclusion.

Thus, the correct definition is (a), making it the correct answer.

Quick Tip

Section 2(3) of C.P.C. defines a decree-holder as a person with an executable decree or order.

27. Voluntarily throwing or attempting to throw acid is an offence punishable under

- (a) Section 326 B of the Indian Penal Code
- (b) Section 120 B of the Indian Penal Code
- (c) Section 509 of the Indian Penal Code
- (d) Section 295B of the Indian Penal Code

Correct Answer: (a) Section 326 B of the Indian Penal Code

Solution:

Step 1: Understanding the Question.

Section 326 B of the Indian Penal Code specifically addresses the offence of voluntarily throwing or attempting to throw acid, prescribing punishment for such acts of violence.

Step 2: Conclusion.

Thus, the correct section is 326 B, making (a) the correct answer.

Quick Tip

Section 326 B of IPC punishes the act of throwing or attempting to throw acid.

28. A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is

- (a) An offence of murder
- (b) An offence of Culpable homicide
- (c) Not an offence
- (d) An offence of causing grievous hurt

Correct Answer: (c) Not an offence

Solution:

Step 1: Understanding the Question.

If A exercised proper caution and the incident was an accident, it does not constitute an offence under the Indian Penal Code, as there was no intent or negligence involved.

Step 2: Conclusion.

Thus, it is not an offence, making (c) the correct answer.

Quick Tip

An accidental death without negligence is not an offence under IPC.

29. A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search — A has committed an offence under

- (a) Section 256 of IPC
- (b) Section 192 of IPC
- (c) Section 195 of IPC
- (d) Section 201 of IPC

Correct Answer: (c) Section 195 of IPC

Solution:

Step 1: Understanding the Question.

Section 195 of the Indian Penal Code (IPC) deals with giving or fabricating false evidence with the intent to procure the conviction of an innocent person, which matches A's action of imitating Z's handwriting to frame him.

Step 2: Conclusion.

Thus, the offence falls under Section 195, making (c) the correct answer.

Quick Tip

Section 195 of IPC punishes fabricating evidence to wrongfully convict someone.

30. Under Section 70 of the Indian Contract Act, Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so gratuitously, and such other person enjoys the benefit thereof, the latter is bound to make compensation to the former in respect of, or to restore, the thing so done or delivered. This principle is known as

- (a) A Contract of Uberrimae fide
- (b) Implied Agency
- (c) Quantum meruit
- (d) De nova contract

Correct Answer: (c) Quantum meruit

Solution:

Step 1: Understanding the Question.

Section 70 of the Indian Contract Act establishes the principle of quantum meruit, where a person who benefits from another's non-gratuitous act must compensate or restore the benefit received.

Step 2: Conclusion.

Thus, the principle is quantum meruit, making (c) the correct answer.

Quick Tip

Section 70 of the Contract Act embodies the quantum meruit principle for non-gratuitous benefits.

31. Agreement is

- (a) a promise or set of promises forming consideration to each other
- (b) enforceable by law
- (c) enforceable contract
- (d) Un enforceable by law

Correct Answer: (a) a promise or set of promises forming consideration to each other

Solution:

Step 1: Understanding the Question.

Under the Indian Contract Act, an agreement is defined as a promise or set of promises that form consideration for each other, which may or may not be enforceable depending on the presence of a contract.

Step 2: Conclusion.

Thus, the correct definition is (a), making it the correct answer.

Quick Tip

An agreement under Contract Act is a mutual promise forming consideration.

32. Under the Land Acquisition Act, the expression "land" includes

- (a) benefits to arise out of land
- (b) things attached to the earth
- (c) things permanently fastened to anything attached to the earth
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Question.

The Land Acquisition Act defines "land" to include benefits arising from it, things attached to the earth, and things permanently fastened to anything attached to the earth, as per its broad interpretation.

Step 2: Conclusion.

Thus, all the options (a), (b), and (c) are included, making (d) All of the above the correct answer.

Quick Tip

The Land Acquisition Act defines "land" comprehensively to include all attached benefits and structures.

33. Temporary occupation of waste or arable land, procedure when compensation exists is provided under

- (a) Section 32 of Land Acquisition Act
- (b) Section 30 of Land Acquisition Act
- (c) Section 35 of Land Acquisition Act
- (d) Section 31 of Land Acquisition Act

Correct Answer: (c) Section 35 of Land Acquisition Act

Solution:

Step 1: Understanding the Question.

Section 35 of the Land Acquisition Act deals with the temporary occupation of waste or arable land and the procedure for compensation when such occupation exists.

Step 2: Conclusion.

Thus, the correct section is 35, making (c) the correct answer.

Quick Tip

Section 35 of the Land Acquisition Act governs temporary land occupation with compensation.

34. X, Y, Z jointly promise to pay A an amount of Rs. 50,000/- Subsequently X, Y became untraceable. Can A compel Z to pay?

- (a) A can, under Section 43 Para 1
- (b) A can, under Section 49 Para 1

- (c) A cannot and will have to wait till X, Y become traceable
- (d) Z can be compelled only for one third

Correct Answer: (a) A can, under Section 43 Para 1

Solution:

Step 1: Understanding the Question.

When multiple parties jointly promise to pay a sum, as per Section 43 of the Indian Contract Act, 1872, if all or some of the promisors fail to perform, the promisee (A in this case) can compel any one or more of the joint promisors to perform the entire promise. Here, X and Y are untraceable, but Z remains liable. The section explicitly states that the liability is joint and several, allowing A to seek the full amount from Z.

Step 2: Analyzing the Options.

- Option (a) refers to Section 43, Paragraph 1, which supports the right of A to compel Z for the full Rs. 50,000/-, as the liability is joint and several. - Option (b) refers to Section 49, which deals with the performance of a promise where the promisor has no reasonable opportunity to perform, not applicable here as the issue is untraceability, not opportunity. - Option (c) suggests waiting for X and Y, which contradicts the joint and several liability principle. - Option (d) limits Z's liability to one-third, which is incorrect as the law does not apportion liability in this manner unless specified.

Step 3: Conclusion.

Given that Section 43, Paragraph 1, allows A to compel Z for the entire amount despite X and Y being untraceable, (a) is the correct answer. The joint liability ensures A is not left without recourse.

Quick Tip

Section 43 of the Indian Contract Act allows a promisee to recover the full amount from any joint promisor, even if others are untraceable.

35. Delivery of goods by one person to another for some purpose upon a contract that they shall, when the purpose is accomplished, be returned or disposed of according to

the directions of the person delivering them. This process is termed as

- (a) Agency
- (b) Bailment
- (c) Guarantee
- (d) Contingency

Correct Answer: (b) Bailment

Solution:

Step 1: Understanding the Question.

The scenario describes a situation where goods are delivered by one person to another for a specific purpose, with an agreement that they will be returned or disposed of as directed after the purpose is fulfilled. This aligns with the definition of bailment under Section 148 of the Indian Contract Act, 1872, which defines bailment as the delivery of goods by one person to another for some purpose, upon a contract that they shall be returned or otherwise disposed of according to the bailor's directions.

Step 2: Analyzing the Options.

- Option (a) Agency involves a relationship where one person acts on behalf of another, which does not fit here as no representation is implied. - Option (b) Bailment directly matches the described process of temporary delivery with a return condition. - Option (c) Guarantee involves a promise to perform or discharge the liability of a third party, which is unrelated. - Option (d) Contingency refers to a condition dependent on an uncertain event, not applicable here.

Step 3: Conclusion.

The process is clearly bailment as defined under Section 148, making (b) the correct answer. The temporary nature and return obligation distinguish it from other legal concepts.

Quick Tip

Bailment, under Section 148 of the Contract Act, involves delivering goods for a purpose with a return obligation.

36. Section 14A inserted by the THE SPECIFIC RELIEF (AMENDMENT) ACT, 2018, relates to

- (a) Power of the Courts to engage experts
- (b) Establishment of Special Court
- (c) Expeditious disposal of case
- (d) Specific performance with regard to contracts

Correct Answer: (d) Specific performance with regard to contracts

Solution:

Step 1: Understanding the Question.

The Specific Relief (Amendment) Act, 2018, amended the Specific Relief Act, 1963, to enhance the enforceability of contracts. Section 14A, inserted by this amendment, empowers courts to grant specific performance of contracts in certain cases, particularly where monetary compensation is inadequate, subject to specific conditions.

Step 2: Analyzing the Options.

- Option (a) relates to expert involvement, which is covered under other provisions, not Section 14A. - Option (b) pertains to special courts, not a focus of Section 14A. - Option (c) deals with case disposal speed, which is a general judicial goal, not specific to Section 14A. - Option (d) aligns with Section 14A's purpose of facilitating specific performance of contracts.

Step 3: Conclusion.

Section 14A specifically addresses specific performance with regard to contracts, making (d) the correct answer. This amendment aims to make contract enforcement more effective.

Quick Tip

Section 14A, added in 2018, enhances courts' ability to order specific performance of contracts.

37. In which of the following case the offence of sedition was in issue

- (a) Queen Empress Vs Bal Gangadhar Tilak
- (b) Niharendu Dutt Mazumdar Vs Emperor
- (c) Kedar Nath Singh Vs State of Bihar
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Question.

Sedition, under Section 124A of the Indian Penal Code, involves acts that incite disaffection against the government. The cases listed are landmark judgments involving sedition: - Queen Empress Vs Bal Gangadhar Tilak (1897) dealt with Tilak's seditious writings. - Niharendu Dutt Mazumdar Vs Emperor (1942) addressed sedition in the context of political speeches. - Kedar Nath Singh Vs State of Bihar (1962) clarified the scope of sedition, upholding it with restrictions.

Step 2: Analyzing the Options.

- Options (a), (b), and (c) each involve sedition cases. - Option (d) includes all the above, which is accurate as all cases addressed sedition.

Step 3: Conclusion.

Since all listed cases involve the offence of sedition, (d) All of the above is the correct answer, reflecting the historical context of sedition law in India.

Quick Tip

Sedition under Section 124A was a key issue in cases like Tilak, Mazumdar, and Kedar Nath Singh.

38. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs – is an offence under

- (a) Section 295
- (b) Section 295A

- (c) Section 265A
- (d) Section 276

Correct Answer: (b) Section 295A

Solution:

Step 1: Understanding the Question.

The Indian Penal Code addresses acts intended to outrage religious feelings. Section 295A specifically punishes deliberate and malicious acts intended to outrage the religious feelings of any class by insulting its religion or religious beliefs, introduced to curb communal disharmony.

Step 2: Analyzing the Options.

- Option (a) Section 295 deals with injuring or defiling a place of worship, a different offence. - Option (b) Section 295A directly matches the described act of outraging religious feelings. - Option (c) Section 265A is unrelated, as it pertains to plea bargaining under Cr.P.C. - Option (d) Section 276 is not relevant, dealing with counterfeit currency.

Step 3: Conclusion.

The offence is specifically covered under Section 295A, making (b) the correct answer. This section balances free speech with religious harmony.

Quick Tip

Section 295A of IPC punishes acts that deliberately outrage religious feelings of any class.

39. Under Section 29 of Cr.P.C. The Court of a Chief Judicial Magistrate may pass any sentence authorized by law except

- (a) A sentence of death
- (b) Imprisonment for life
- (c) Imprisonment for a term exceeding seven years.
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Question.

Section 29 of the Code of Criminal Procedure (Cr.P.C.) outlines the sentencing powers of a Chief Judicial Magistrate. It specifies that a Chief Judicial Magistrate may pass any sentence authorized by law, except for a sentence of death, imprisonment for life, or imprisonment for a term exceeding seven years, as these exceed the magistrate's jurisdiction.

Step 2: Analyzing the Options.

- Option (a) A sentence of death is beyond the Chief Judicial Magistrate's powers, reserved for higher courts. - Option (b) Imprisonment for life is also outside the magistrate's sentencing authority. - Option (c) Imprisonment for a term exceeding seven years is limited to seven years maximum for the Chief Judicial Magistrate. - Option (d) All of the above correctly encompasses the exceptions listed in Section 29.

Step 3: Conclusion.

Since Section 29 explicitly excludes all the above sentences from the Chief Judicial Magistrate's authority, (d) All of the above is the correct answer, reflecting the full scope of limitations.

Quick Tip

Section 29 of Cr.P.C. limits a Chief Judicial Magistrate to sentences not exceeding seven years, excluding death or life imprisonment.

40. Provision regarding filing of suits by an alien under the Code of Civil procedure is dealt under

- (a) Section 21A
- (b) Section 15
- (c) Section 21B
- (d) Section 83

Correct Answer: (d) Section 83

Solution:

Step 1: Understanding the Question.

The Code of Civil Procedure (C.P.C.), 1908, addresses the rights of aliens to file suits in India. Section 83 specifically deals with the provisions allowing an alien (a foreign national) to sue in Indian courts, subject to reciprocal treatment in their country, ensuring legal parity.

Step 2: Analyzing the Options.

- Option (a) Section 21A deals with objections to jurisdiction based on place of suing, not aliens. - Option (b) Section 15 pertains to the court of first instance, unrelated to aliens. - Option (c) Section 21B is not a recognized section in this context. - Option (d) Section 83 directly addresses the right of an alien to sue, making it relevant.

Step 3: Conclusion.

The provision for aliens filing suits is governed by Section 83, making (d) the correct answer. This section ensures fair access to justice for foreign nationals.

Quick Tip

Section 83 of C.P.C. allows aliens to file suits in India with reciprocal rights.

41. An order issued by court under Civil Procedure Code 1908 as per order XXI, rule 46, for recovery of amount due to judgment creditor – is known

- (a) IT Order
- (b) Garnishee Order
- (c) Decree Holder order
- (d) Bank Order

Correct Answer: (b) Garnishee Order

Solution:

Step 1: Understanding the Question.

Order XXI, Rule 46 of the Code of Civil Procedure (C.P.C.), 1908, provides for the attachment of debts and recovery of amounts due to a judgment creditor. A Garnishee Order is issued to a third party (garnishee) holding funds of the judgment debtor, directing them to pay the creditor directly.

Step 2: Analyzing the Options.

- Option (a) IT Order is not a recognized term in this context. - Option (b) Garnishee Order aligns with Order XXI, Rule 46, for debt attachment. - Option (c) Decree Holder order refers to the person entitled to the decree, not the order itself. - Option (d) Bank Order is too vague and not specific to this rule.

Step 3: Conclusion.

The order issued under Order XXI, Rule 46, is a Garnishee Order, making (b) the correct answer. This mechanism ensures effective recovery of dues.

Quick Tip

Order XXI, Rule 46 of C.P.C. issues a Garnishee Order for attaching debts to recover amounts for the judgment creditor.

42. Section 88 read with Order XXV of the Code of Civil Procedure, 1908 deals with

- (a) interpleader suit
- (b) interlocutory Order
- (c) Restitution Order
- (d) Attachment Order

Correct Answer: (a) interpleader suit

Solution:

Step 1: Understanding the Question.

Section 88 of the Code of Civil Procedure (C.P.C.), 1908, read with Order XXV, deals with interpleader suits. An interpleader suit is filed when a person is in possession of property or funds claimed by multiple parties, and they seek the court's decision to determine the rightful claimant, avoiding liability.

Step 2: Analyzing the Options.

- Option (a) Interpleader suit matches the purpose of Section 88 and Order XXV. - Option (b) Interlocutory Order refers to interim orders, not covered here. - Option (c) Restitution Order involves restoring benefits, unrelated to this section. - Option (d) Attachment Order pertains to seizing property, not interpleader.

Step 3: Conclusion.

Section 88 with Order XXV governs interpleader suits, making (a) the correct answer. This provision protects neutral stakeholders from conflicting claims.

Quick Tip

Section 88 with Order XXV of C.P.C. addresses interpleader suits to resolve competing claims.

43. The national consumer dispute redressal commission was constituted in the year

- (a) 1988
- (b) 1998
- (c) 1999
- (d) 1997

Correct Answer: (a) 1988

Solution:**Step 1: Understanding the Question.**

The National Consumer Disputes Redressal Commission (NCDRC) was established under the Consumer Protection Act, 1986, to handle consumer disputes at the national level. It was constituted on June 15, 1988, marking the operational start of the consumer redressal mechanism in India.

Step 2: Analyzing the Options.

- Option (a) 1988 aligns with the official establishment date of the NCDRC. - Option (b) 1998, (c) 1999, and (d) 1997 do not match the historical record of its formation.

Step 3: Conclusion.

The NCDRC was constituted in 1988, making (a) the correct answer. This date reflects the implementation of the Consumer Protection Act.

Quick Tip

The National Consumer Disputes Redressal Commission was constituted in 1988 under the Consumer Protection Act.

44. What is the limitation period applicable to the three forums in entertaining a complaint under The Consumer Protection Act, 1986

- (a) 3 years from the date on which the cause of action has arisen
- (b) 5 years from the date on which the cause of action has arisen
- (c) 4 years from the date on which the cause of action has arisen
- (d) 2 years from the date on which the cause of action has arisen

Correct Answer: (d) 2 years from the date on which the cause of action has arisen

Solution:**Step 1: Understanding the Question.**

Under Section 24A of the Consumer Protection Act, 1986, a complaint must be filed within two years from the date on which the cause of action has arisen. This limitation period applies uniformly to the District Forum, State Commission, and National Commission, unless sufficient cause for delay is shown and condoned by the forum.

Step 2: Analyzing the Options.

- Option (a) 3 years is incorrect as the Act specifies a shorter period. - Option (b) 5 years and (c) 4 years exceed the statutory limit. - Option (d) 2 years matches the provision under Section 24A.

Step 3: Conclusion.

The limitation period is 2 years as per Section 24A, making (d) the correct answer. This ensures timely resolution of consumer disputes.

Quick Tip

Section 24A of the Consumer Protection Act, 1986, sets a 2-year limitation period for filing complaints.

45. "Mere illegality of the strike does not per se spell unjustifiability" – Justice Krishna Iyer. Name the case.

- (a) Chandramalai Estate Vs Its workmen
- (b) Associated Cement Ltd., Vs Their workmen
- (c) Gujarat Steel Tubes Vs Gujarat Steel Tubes Mazdoor Sabha
- (d) Indian General Navigation of Railway Co. Ltd., Vs Their workmen

Correct Answer: (c) Gujarat Steel Tubes Vs Gujarat Steel Tubes Mazdoor Sabha

Solution:

Step 1: Understanding the Question.

The statement "Mere illegality of the strike does not per se spell unjustifiability" reflects a judicial perspective on labor disputes, emphasizing that the legality of a strike alone does not determine its justifiability. Justice V.R. Krishna Iyer, known for his progressive labor law judgments, made this observation in a case involving the balance between workers' rights and industrial discipline. The case Gujarat Steel Tubes Vs Gujarat Steel Tubes Mazdoor Sabha (1974) is a landmark decision where Justice Krishna Iyer articulated that an illegal strike may still be justifiable based on the circumstances, such as unfair labor practices by the employer.

Step 2: Analyzing the Options.

- Option (a) Chandramalai Estate Vs Its workmen is not associated with this specific ruling. - Option (b) Associated Cement Ltd., Vs Their workmen deals with industrial disputes but not this exact principle. - Option (c) Gujarat Steel Tubes Vs Gujarat Steel Tubes Mazdoor Sabha is the case where Justice Krishna Iyer delivered this nuanced view on strikes. - Option (d) Indian General Navigation of Railway Co. Ltd., Vs Their workmen is unrelated to this specific judicial observation.

Step 3: Conclusion.

The case where Justice Krishna Iyer made this statement is Gujarat Steel Tubes Vs Gujarat Steel Tubes Mazdoor Sabha, making (c) the correct answer. This judgment highlights the importance of context in labor law adjudication.

Quick Tip

In Gujarat Steel Tubes Vs Gujarat Steel Tubes Mazdoor Sabha (1974), Justice Krishna Iyer ruled that an illegal strike's justifiability depends on its context.

46. A workman aggrieved by the order of make an application to the labour court or tribunal for adjudication of the dispute and the court/tribunal is empowered to adjudicate such dispute as it had been referred to it by the appropriate government

- (a) Dismissal, discharge and retrenchment
- (b) Dismissal, discharge, retrenchment or otherwise termination of service
- (c) Discharge simpliciter exclusively
- (d) Dismissal and retrenchment exclusively

Correct Answer: (b) Dismissal, discharge, retrenchment or otherwise termination of service

Solution:

Step 1: Understanding the Question.

Under the Industrial Disputes Act, 1947, a workman aggrieved by an order related to their employment can approach a labour court or tribunal for adjudication if the dispute involves termination-related issues. The Industrial Disputes Act empowers these bodies to adjudicate disputes referred by the appropriate government, including various forms of employment termination such as dismissal, discharge, retrenchment, or any other form of service termination.

Step 2: Analyzing the Options.

- Option (a) Dismissal, discharge and retrenchment covers some termination types but excludes other forms of termination.
- Option (b) Dismissal, discharge, retrenchment or

otherwise termination of service encompasses all possible termination scenarios, aligning with the broad jurisdiction of labour courts under the Act. - Option (c) Discharge simpliciter exclusively limits the scope to a specific type of discharge, which is too narrow. - Option (d) Dismissal and retrenchment exclusively omits discharge and other termination forms.

Step 3: Conclusion.

The correct scope includes all forms of termination as per the Industrial Disputes Act, making (b) Dismissal, discharge, retrenchment or otherwise termination of service the correct answer. This reflects the comprehensive adjudicatory power of labour courts.

Quick Tip

Labour courts under the Industrial Disputes Act can adjudicate disputes involving any form of service termination, as per Section 2A.

47. Vis major means

- (a) Act of God
- (b) Act of Individual
- (c) Act of other party
- (d) Act of plaintiff

Correct Answer: (a) Act of God

Solution:

Step 1: Understanding the Question.

”Vis major” is a legal term derived from Latin, meaning ”superior force.” In law, it refers to an extraordinary event or circumstance beyond human control, such as natural disasters (e.g., earthquakes, floods), which excuses a party from fulfilling a contract or liability. This is commonly known as an ”Act of God” in legal contexts.

Step 2: Analyzing the Options.

- Option (a) Act of God directly corresponds to the definition of vis major, covering natural events uncontrollable by humans. - Option (b) Act of Individual refers to human actions,

which is unrelated to vis major. - Option (c) Act of other party and (d) Act of plaintiff involve human agency, not natural forces.

Step 3: Conclusion.

Vis major is synonymous with an Act of God, making (a) the correct answer. This principle is often invoked to relieve parties from liability in cases of unforeseeable natural events.

Quick Tip

Vis major, or Act of God, excuses liability for natural disasters beyond human control.

48. According to Classical doctrine of Act of State law of Torts means (a) an act of the

sovereign power of a country, that cannot be challenged, controlled or interfered with by municipal courts

(b) an act of the Judiciary of a country, that cannot be challenged, controlled or interfered with by municipal courts

(c) an act of the sovereign power of a country, that can be challenged, controlled or interfered with by municipal courts

(d) None of the above

Correct Answer: (a) an act of the sovereign power of a country, that cannot be challenged, controlled or interfered with by municipal courts

Solution:

Step 1: Understanding the Question.

The question pertains to the classical doctrine of "Act of State" under the law of Torts. An "Act of State" refers to actions taken by a sovereign authority, such as a government or its representatives, in the exercise of its sovereign powers. The classical doctrine posits that such acts are immune from judicial review or interference by domestic (municipal) courts, as they fall outside the jurisdiction of ordinary legal processes. The key issue is to identify the correct definition that aligns with this principle.

Step 2: Analysis of Options.

- (a) This option states that an act of the sovereign power of a country cannot be challenged, controlled, or interfered with by municipal courts, which aligns with the classical doctrine of Act of State. Historically, this immunity is rooted in the idea that a sovereign's actions, especially in foreign relations or matters of state policy, are beyond the purview of domestic courts.
- (b) This option incorrectly attributes the doctrine to the Judiciary, which is not the sovereign power; the Judiciary interprets laws but does not enact sovereign acts. Thus, this is incorrect.
- (c) This option contradicts the classical doctrine by suggesting that sovereign acts can be challenged or controlled by municipal courts, which is not supported by the traditional understanding of Act of State immunity.
- (d) This option is incorrect because option (a) accurately reflects the doctrine.

Step 3: Conclusion.

Based on the classical doctrine, the correct answer is (a), as it correctly defines an Act of State as an action by the sovereign power that is immune from interference by municipal courts.

Quick Tip

The Act of State doctrine ensures that sovereign acts, particularly those involving foreign relations, are not subject to review by municipal courts, preserving the autonomy of the state in international matters.

49. In Torts, all persons who aid, or counsel, or direct or join in the committal of a wrongful act, are known as (a) Abettors

- (b) Joint tortfeasors
- (c) Tort holders
- (d) Tort holders in common

Correct Answer: (b) Joint tortfeasors

Solution:

Step 1: Understanding the Question.

The question asks for the term used in the law of Torts to describe individuals who assist, advise, direct, or participate in the commission of a wrongful act. In tort law, liability can extend beyond the primary wrongdoer to those who contribute to the act, and the legal system provides specific terminology for such parties. The focus is on identifying the correct collective term for all such participants.

Step 2: Analysis of Options.

- (a) "Abettors" refers to individuals who encourage or incite a wrongful act, but this term is narrower and does not fully encompass those who aid, direct, or join in the act, making it incomplete.
- (b) "Joint tortfeasors" is the correct term, referring to two or more persons who jointly commit a tort or act in concert to cause harm. This includes those who aid, counsel, direct, or participate, and they are jointly and severally liable for the damage caused.
- (c) "Tort holders" is not a recognized legal term in tort law and appears to be a misnomer or confusion with other legal concepts, rendering it incorrect.
- (d) "Tort holders in common" is also not a valid term in tort law and seems to be a fabricated or misinterpreted phrase, making it incorrect.

Step 3: Conclusion.

The appropriate term for all persons who aid, counsel, direct, or join in the committal of a wrongful act in tort law is (b) Joint tortfeasors, as it comprehensively covers all forms of participation and establishes shared liability.

Quick Tip

Joint tortfeasors are held jointly and severally liable, meaning each can be responsible for the entire damage, and the injured party can recover from any or all of them.

50. A is accused of waging war against the Government of India by taking part in an armed insurrection in which property is destroyed, troops are attacked, and goals are broken open. The occurrence of these facts is relevant, as forming part of the general transaction, though A may not have been present at all of them. – under which section

of the India Evidence Act (a) Section 12

(b) Section 6

(c) Section 3

(d) Section 5

Correct Answer: (b) Section 6

Solution:

Step 1: Understanding the Question.

In this case, A is accused of waging war against the Government of India, and the question involves determining the relevance of facts related to an armed insurrection (e.g., property destruction, troop attacks) even if A was not present at all instances. The focus is on identifying the section of the Indian Evidence Act that allows such facts to be considered as part of the same transaction.

Step 2: Conclusion.

Thus, Section 6 is applicable as it deals with facts forming part of the same transaction, making them relevant even if the accused was not present at every event.

Quick Tip

Section 6 of the Evidence Act states that facts which are so connected with the fact in issue as to form part of the same transaction are relevant.

51. Section 110 of the Evidence Act deals with (a) Documentary Evidence

(b) Exclusion of Oral Evidence

(c) Burden of proof as to ownership

(d) Proof of guilt

Correct Answer: (c) Burden of proof as to ownership

Solution:

Step 1: Understanding the Question.

The question requires identifying the subject matter of Section 110 of the Indian Evidence Act. This section pertains to the legal principle governing the burden of proof in certain circumstances, particularly related to ownership.

Step 2: Conclusion.

Thus, Section 110 is applicable as it deals with the burden of proof as to ownership.

Quick Tip

Section 110 of the Evidence Act states that the burden of proof as to ownership lies on the person who claims possession.

52. Section 113 (A) of the Evidence Act deals with (a) Presumption as to abetment of murder

(b) Presumption as to rape and abetment of suicide by a woman

(c) Presumption as to abetment of kidnap of a girl

(d) Presumption by a married woman

Correct Answer: (b) Presumption as to rape and abetment of suicide by a woman

Solution:

Step 1: Understanding the Question.

The question asks about the specific provision under Section 113A of the Indian Evidence Act, which deals with presumptions in criminal cases, particularly those involving certain offenses against women.

Step 2: Conclusion.

Thus, Section 113A is applicable as it deals with presumption as to rape and abetment of suicide by a woman.

Quick Tip

Section 113A of the Evidence Act allows a presumption of abetment of suicide by a married woman within seven years of marriage, in cases of cruelty.

53. The Supreme Court has legalised living wills and passive euthanasia subject to certain conditions in the case of (a) Aruna Ramachandra Shanbaug Vs Union of India

(2011)

(b) Common Cause Vs Union of India, (2018) 5 SCC 1

(c) Gian Kaur Vs State of Punjab (1996)

(d) D Chenn Jagadeeswar Vs State of A.P. (1988)

Correct Answer: (b) Common Cause Vs Union of India, (2018) 5 SCC 1

Solution:

Step 1: Understanding the Question.

The question seeks the landmark case where the Supreme Court of India legalized living wills and passive euthanasia, subject to specific conditions, marking a significant development in the right to die with dignity.

Step 2: Conclusion.

Thus, (b) Common Cause Vs Union of India, (2018) 5 SCC 1 is applicable as it is the case where the Supreme Court laid down guidelines for passive euthanasia and living wills.

Quick Tip

The Common Cause case (2018) established that a living will allows a person to refuse medical treatment in terminal conditions, subject to judicial oversight.

54. Article 310 of the Constitution mentions about

(a) Doctrine of Immunities and Instrumentalities with reference to civil servants

(b) Doctrine of legitimate expectation with reference to civil servants

(c) Doctrine of natural justice with reference to civil servants

(d) Doctrine of pleasure with reference to civil servants is

Correct Answer: (d) Doctrine of pleasure with reference to civil servants

Solution:**Step 1: Understanding the context of Article 310.**

Article 310 of the Indian Constitution provides that a civil servant holds office during the pleasure of the President or the Governor. This means that the President (or Governor) has the authority to remove a civil servant without the necessity of a formal inquiry or hearing. The Doctrine of Pleasure is the principle enshrined in this article, and it is directly related to civil servants' tenure.

Step 2: Explanation of other options.

- (a) The Doctrine of Immunities and Instrumentalities with reference to civil servants refers to certain privileges given to government institutions and officials, but it is not the focus of Article 310. - (b) The Doctrine of Legitimate Expectation refers to the rights of a civil servant to expect fair treatment based on previous practices, which is a judicial interpretation and not directly linked to Article 310. - (c) The Doctrine of Natural Justice ensures fairness in administrative procedures, but it is not specified in Article 310.

Step 3: Conclusion.

Article 310 refers to the Doctrine of Pleasure, which explains the employment relationship between civil servants and the state, allowing termination at the state's discretion.

Quick Tip

Article 310 of the Constitution directly relates to the Doctrine of Pleasure, meaning civil servants can be dismissed at the discretion of the President or Governor.

55. Right to know the antecedents of the candidates in the election flow from

- (a) Article 19 (1)(a)
- (b) Article 20
- (c) Article 13
- (d) Article 14

Correct Answer: (a) Article 19 (1)(a)

Solution:

Step 1: Understanding Article 19(1)(a).

Article 19(1)(a) of the Indian Constitution guarantees the right to freedom of speech and expression. This right allows individuals to seek information and form an opinion, which includes the right to know about the antecedents of political candidates before elections. This ensures informed voting, thus promoting transparency in the electoral process.

Step 2: Explanation of other options.

- (b) Article 20 deals with protection in respect of conviction for offenses, particularly the protection against double jeopardy and self-incrimination. - (c) Article 13 addresses laws inconsistent with or in derogation of fundamental rights, but it does not specifically deal with electoral transparency. - (d) Article 14 guarantees the right to equality before the law, but it does not specifically deal with the right to know the antecedents of candidates.

Step 3: Conclusion.

The right to know the antecedents of candidates flows from Article 19(1)(a), as it is part of the freedom of expression and informational rights.

Quick Tip

Article 19(1)(a) of the Constitution guarantees the right to freedom of speech and expression, which encompasses the right to know the antecedents of electoral candidates.

56. In the Preamble of the Indian Constitution, the expression 'liberty' is followed by the words

- (a) Of status and opportunity
- (b) Of thought, expression, belief, faith and worship
- (c) Assuring the dignity of the individual
- (d) Justice, social economic and political

Correct Answer: (b) Of thought, expression, belief, faith and worship

Solution:

Step 1: Understanding the Preamble of the Constitution.

The Preamble of the Indian Constitution expresses the aspirations and principles of the Indian people. The word 'liberty' in the Preamble is followed by the phrase 'of thought, expression, belief, faith and worship,' which guarantees individuals the freedom of thought, expression, belief, faith, and worship as fundamental rights.

Step 2: Explanation of other options.

- (a) The phrase "Of status and opportunity" is not part of the liberty section in the Preamble.
- (c) While assuring the dignity of the individual is a core principle of the Preamble, it is not linked to the word 'liberty'.
- (d) Justice, social, economic, and political is mentioned in the Preamble but not immediately following 'liberty'.

Step 3: Conclusion.

The correct phrase following 'liberty' in the Preamble is 'of thought, expression, belief, faith, and worship.'

Quick Tip

The Preamble to the Constitution of India highlights 'liberty' as a right encompassing thought, expression, belief, faith, and worship.

57. The Plea Bargaining is applicable only in respect of those offenses for which punishment of imprisonment is up to a period of

- (a) 7 years
- (b) 10 years
- (c) 11 years
- (d) 14 years

Correct Answer: (a) 7 years

Solution:

Step 1: Understanding Plea Bargaining.

Plea bargaining is a legal practice where the defendant agrees to plead guilty in exchange for a lesser sentence or the dismissal of some charges. According to the Indian law, plea

bargaining is applicable only to offenses where the punishment does not exceed 7 years of imprisonment. This ensures that the system does not allow plea bargaining in cases involving serious crimes.

Step 2: Explanation of other options.

- (b) While plea bargaining can reduce penalties, it is specifically limited to crimes punishable by imprisonment up to 7 years. - (c) and (d) Plea bargaining does not apply to offenses punishable by imprisonment exceeding 7 years.

Step 3: Conclusion.

Plea bargaining is only available for offenses where the punishment is up to 7 years of imprisonment, as per the law.

Quick Tip

Plea bargaining in India applies only to offenses punishable by up to 7 years of imprisonment, not to more serious crimes.

58. “From a plain reading of Section 195 Cr.P.C. it is manifest that it comes into operation at the stage when the Court intends to take cognizance of an offence under Section 190(1) Cr PC.; and it has nothing to do with the statutory power of the police to investigate into an F.I.R. which discloses a cognizable offence.... In other words, the statutory power of the Police to investigate under the Code is not in any way controlled or circumscribed by Section 195 Cr.P.C.” – This was held by the Supreme Court in the case of

- (a) Nalini Vs State of Tamilnadu
- (b) Raj Singh Vs State [(1998)]
- (c) Shamsheer Singh Vs State of Punjab
- (d) State of Himachal Pradesh Vs Tara Dutta

Correct Answer: (a) Nalini Vs State of Tamilnadu

Solution:

Step 1: Understanding Section 195 Cr.P.C.

Section 195 of the Cr.P.C. deals with the prosecution of certain offences relating to documents, false evidence, and public servants. It primarily concerns the power of the court to take cognizance of an offence, but it does not limit or restrict the police's statutory power to investigate a cognizable offence disclosed in an FIR.

Step 2: Case Explanation.

In the case of **Nalini Vs State of Tamilnadu**, the Supreme Court clarified that the statutory power of the police to investigate into a cognizable offence under the Cr.P.C. is not controlled by Section 195. This distinction was crucial in understanding the separation of powers between the police and the court.

Step 3: Conclusion.

The correct case where this view was upheld is **Nalini Vs State of Tamilnadu**.

Quick Tip

Section 195 Cr.P.C. governs the court's ability to take cognizance of certain offences, but it does not affect the police's power to investigate cognizable offences.

59. A owes B rupees 10,000. Which of the following statements are relevant under the Evidence Act?

- (a) The facts that A asked C to lend him money,
- (b) D said to C in A's presence and hearing — "I advise you not to trust A, for he owes B 10,000 rupees,"
- (c) A went away without making any answer
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding Relevance Under the Evidence Act.

The Evidence Act defines what facts are relevant in a case. Section 5 of the Evidence Act states that facts which are logically connected to the facts in issue are relevant. In this case, all statements related to the debt owed by A to B are relevant.

Step 2: Analysis of Options.

- (a) A asking C to lend money is relevant as it relates to A's financial situation and his relationship with B. - (b) D's statement in A's presence regarding the money owed is a relevant fact, as it directly touches upon A's obligation to B. - (c) A's silence upon hearing the conversation is also relevant as it may imply acceptance or admission of the debt.

Step 3: Conclusion.

All these facts are relevant as they pertain to A's financial dealings and are connected to the issue of the debt owed to B.

Quick Tip

Under the Evidence Act, any fact that is logically connected to the fact in issue is relevant, including statements made in the presence of the person concerned.

60. So much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered by the police may be proved under

- (a) Section 25 of the Evidence Act
- (b) Section 26 of the Evidence Act
- (c) Section 27 of the Evidence Act
- (d) Section 29 of the Evidence Act

Correct Answer: (c) Section 27 of the Evidence Act

Solution:

Step 1: Understanding Section 27.

Section 27 of the Evidence Act deals with the admissibility of information that leads to the discovery of a fact, whether it is a confession or not. The section allows such information to be admissible in court if it directly leads to a discovery.

Step 2: Explanation of Other Sections.

- (a) Section 25 excludes confessions made to police officers from being admissible. - (b) Section 26 allows confessions made in police custody, but it does not cover information leading to discovery. - (d) Section 29 relates to admissions made by the accused, but not to the discovery of facts.

Step 3: Conclusion.

Section 27 is the correct provision under which facts discovered as a result of information provided, whether confessional or not, may be proved.

Quick Tip

Section 27 of the Evidence Act allows the use of information leading to the discovery of facts, even if it is not a confession.

61. When the Court has to form an opinion upon a point of foreign law or of science, or art, or as to identity of handwriting, or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identity of handwriting or finger impressions are relevant facts - this is under _____ of the Evidence Act

- (a) Section 42
- (b) Section 45
- (c) Section 50
- (d) Section 55

Correct Answer: (b) Section 45

Solution:**Step 1: Understanding Section 45.**

Section 45 of the Evidence Act deals with the opinions of experts in the relevant fields.

When the court has to form an opinion on issues such as foreign law, science, art, handwriting, or finger impressions, the court may seek the opinion of experts in those fields.

Step 2: Explanation of Other Sections.

- (a) Section 42 deals with the relevancy of facts not in issue. - (c) Section 50 deals with the relevancy of admissions made in the course of judicial proceedings. - (d) Section 55 deals with the relevancy of facts relating to the character of persons who are not parties.

Step 3: Conclusion.

Section 45 specifically addresses the admissibility of expert opinions in cases involving specialized knowledge such as handwriting or foreign law.

Quick Tip

Section 45 of the Evidence Act allows the court to rely on expert opinions in specialized areas such as foreign law, handwriting, or finger impressions.

62. A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He will not be allowed to prove his want of title. Which Section of the Evidence Act is applicable?

- (a) Section 92
- (b) Section 124
- (c) Section 115
- (d) Section 101

Correct Answer: (d) Section 101

Solution:**Step 1: Understanding Section 101.**

Section 101 of the Indian Evidence Act deals with the burden of proof. In this case, A is trying to prove that he had no title over the property, and Section 101 establishes that the burden of proof lies on the person who asserts a fact. Therefore, A would have to prove his claim that he had no title.

Step 2: Analysis of Other Options.

- (a) Section 92 deals with the exclusion of oral evidence to contradict or vary written contracts, which is not applicable here. - (b) Section 124 deals with confidentiality of communications between an advocate and client, unrelated to the present issue. - (c) Section 115 deals with estoppel, but it is not relevant to the situation where the burden of proof is on A to show no title.

Step 3: Conclusion.

Section 101 applies because it places the burden of proof on A to prove his assertion about the title.

Quick Tip

Under Section 101 of the Evidence Act, the burden of proof lies on the person who asserts a particular fact.

63. The Arbitration Act 1996 repeals

- (a) The Arbitration Act, 1940
- (b) The Arbitration (Protocol and Convention) Act, 1937
- (c) the Foreign Awards (Recognition and Enforcement) Act, 1961.
- (d) All of the above

Correct Answer: (d) All of the above

Solution:**Step 1: Understanding the Repeal by the Arbitration Act, 1996.**

The Arbitration and Conciliation Act, 1996 repeals three key laws: - The Arbitration Act, 1940, which governed arbitration procedures before 1996. - The Arbitration (Protocol and Convention) Act, 1937, which implemented international conventions. - The Foreign Awards (Recognition and Enforcement) Act, 1961, which dealt with the enforcement of foreign arbitral awards.

Step 2: Conclusion.

The Arbitration Act, 1996 repeals all these previous laws, creating a unified legal framework for arbitration in India.

Quick Tip

The Arbitration and Conciliation Act, 1996 consolidated and replaced several older laws regarding arbitration and conciliation in India.

64. Parliament may by law establish Administrative Tribunals under ——— of the Constitution

- (a) Article 323B
- (b) Article 323A
- (c) Article 233
- (d) Article 323

Correct Answer: (b) Article 323A

Solution:

Step 1: Understanding Article 323A.

Article 323A of the Indian Constitution allows Parliament to establish Administrative Tribunals to handle matters related to the service conditions of public servants. It provides the framework for setting up such specialized bodies, and it allows for a more efficient and focused approach to administrative disputes.

Step 2: Explanation of Other Options.

- (a) Article 323B allows the establishment of tribunals for other matters, but not specifically for administrative matters. - (c) Article 233 is related to the appointment of High Court judges and does not concern administrative tribunals. - (d) Article 323 deals with various matters but does not specifically address administrative tribunals.

Step 3: Conclusion.

Article 323A is the correct provision for establishing Administrative Tribunals.

Quick Tip

Article 323A empowers Parliament to establish Administrative Tribunals for service-related matters of public servants.

65. The Bar Council of India has to lay down the standards of professional conduct and etiquette for the Advocates under

- (a) Section 3 of the Advocate Act, 1961
- (b) Section 7 (1) (b) of the Advocate Act, 1961
- (c) Section 17 of the Advocate Act, 1961
- (d) Section 18 of the Advocate Act, 1961

Correct Answer: (b) Section 7 (1) (b) of the Advocate Act, 1961

Solution:

Step 1: Understanding Section 7 of the Advocate Act.

Section 7 (1) (b) of the Advocate Act, 1961 empowers the Bar Council of India to lay down the standards of professional conduct and etiquette for advocates. This is a critical provision that ensures the legal profession maintains its integrity and ethical standards.

Step 2: Explanation of Other Options.

- (a) Section 3 of the Advocate Act relates to the formation of the Bar Council of India. - (c) Section 17 relates to the Bar Council of India's powers to review and approve the education of legal professionals. - (d) Section 18 deals with the powers of the Bar Council to recommend disciplinary actions.

Step 3: Conclusion.

Section 7 (1) (b) is the relevant section for setting the professional standards for advocates.

Quick Tip

Section 7 (1) (b) of the Advocate Act, 1961 mandates the Bar Council of India to set the standards of professional conduct for advocates.

66. According to Section 49 of the Advocate Act of 1961 the bar Council of India has power to make rules

- (a) qualifications for membership of a Bar Council and the disqualifications for such membership
- (b) the class or category of persons entitled to be enrolled as advocates
- (c) the standards of legal education to be observed by universities in India and the inspection of universities for that purpose.
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding Section 49 of the Advocate Act, 1961.

Section 49 of the Advocate Act, 1961 provides the Bar Council of India with the authority to make rules concerning various aspects of the legal profession, including qualifications for Bar Council membership, categories of persons eligible for enrollment as advocates, and the standards of legal education to be followed by universities.

Step 2: Conclusion.

All of these aspects fall under the rule-making powers of the Bar Council as per Section 49 of the Advocate Act.

Quick Tip

Section 49 of the Advocate Act empowers the Bar Council of India to regulate legal education, membership qualifications, and advocate enrollments.

67. India, that is Bharat, shall be a

- (a) Federation of States
- (b) quasi federal
- (c) Union of states

(d) Unitary state of a special type

Correct Answer: (c) Union of states

Solution:

Step 1: Understanding the Constitution of India.

India is described as a "Union of States" in Article 1 of the Constitution. The term "Union of States" means that the states of India have no right to secede from the Union. Unlike a federal structure, where states can theoretically withdraw, India's system is a hybrid, with a strong central government.

Step 2: Explanation of Other Options.

- (a) Federation of States implies a relationship where states have sovereign powers, which is not the case in India. - (b) Quasi federal is a term used to describe India's structure, but it is not the term used in Article 1. - (d) Unitary state of a special type is not the description given in the Constitution.

Step 3: Conclusion.

India is officially described as a Union of States, which denotes a non-secessionist model.

Quick Tip

India is a "Union of States" where the Union has authority over the states, and the states cannot secede.

68. In M.C. Mehta Vs. Union of India, AIR 1987 SC1086 (Sri Ram Fertilizers case) the court held that

(a) In escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability

(b) In escape of a dangerous animal the owner is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability

(c) In escape of toxic gas the enterprise is strictly liable to compensate all those who are affected by the accident and such liability is subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability

(d) A company or a corporation is not a state and hence not liable for leak of toxic gas affecting the health of the people

Correct Answer: (a) In escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability

Solution:

Step 1: Understanding the Case.

In the landmark case of **M.C. Mehta Vs. Union of India**, the Supreme Court laid down the principle of absolute liability for industries engaged in hazardous activities. In this case, the court held that when dangerous or toxic substances escape from an industrial plant and cause damage, the enterprise is strictly and absolutely liable to compensate all those who are affected, and this liability is not subject to the usual exceptions in tort law, such as the defense of 'act of God' or 'contributory negligence'.

Step 2: Explanation of Other Options.

- (b) The principle mentioned in (b) relates to strict liability for escapes of dangerous animals, which is not the issue in the **Sri Ram Fertilizers** case. - (c) The case clearly states that the liability is absolute, not subject to exceptions, contrary to what option (c) suggests. - (d) The ruling in this case applies to enterprises, including companies, and not to the state specifically.

Step 3: Conclusion.

The correct answer is (a), as the case established absolute liability for hazardous industries.

Quick Tip

The principle of absolute liability applies to industries involved in hazardous activities, making them strictly liable for harm caused by such activities.

69. According to Environmental Protection Act, 1986, ‘environmental pollutant’ means

- (a) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, helpful to environment
- (b) only gaseous substance present in such concentration as may be, or tend to be, injurious to environment
- (c) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment
- (d) only solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment

Correct Answer: (c) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment

Solution:

Step 1: Understanding the Environmental Protection Act.

Section 2 (b) of the Environmental Protection Act, 1986 defines "environmental pollutant" as any substance, whether solid, liquid, or gaseous, that is present in such concentration as may be, or tend to be, harmful to the environment.

Step 2: Explanation of Other Options.

- (a) The definition excludes harmful substances, which contradicts the definition of an environmental pollutant. - (b) Restricting pollutants to only gaseous substances does not capture the full scope of pollutants as defined in the Act. - (d) This option incorrectly limits the pollutants to solid, liquid, or gaseous substances and does not properly reflect the Act's inclusive definition.

Step 3: Conclusion.

The correct definition includes all forms of substances (solid, liquid, or gaseous) that are injurious to the environment.

Quick Tip

Environmental pollutants include any solid, liquid, or gaseous substance that is harmful to the environment, as per the Environmental Protection Act, 1986.

70. National Green Tribunal cannot exercise its jurisdiction with reference to

- (a) Wildlife (Protection) Act, 1972
- (b) Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- (c) The Public Liability Insurance Act, 1991
- (d) both A B

Correct Answer: (d) both A B

Solution:

Step 1: Understanding the National Green Tribunal's Jurisdiction.

The National Green Tribunal (NGT) was created to handle environmental issues, but it has specific limits on its jurisdiction. It is not empowered to handle matters related to the Wildlife (Protection) Act, 1972, or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as these laws are under the jurisdiction of other specialized bodies or the state.

Step 2: Explanation of Other Options.

- (a) The NGT cannot exercise its jurisdiction under the Wildlife (Protection) Act, 1972, as it primarily deals with wildlife protection laws. - (b) Similarly, the NGT is not empowered to deal with the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as it is related to forest rights and the protection of tribal communities, which is outside the NGT's scope. - (c) The Public Liability Insurance Act, 1991 is related to the liability for accidents occurring in hazardous industries, and the NGT does have jurisdiction over some aspects of environmental liability.

Step 3: Conclusion.

Thus, both the Wildlife (Protection) Act, 1972, and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, fall outside the NGT's jurisdiction.

Quick Tip

The NGT's jurisdiction does not cover matters related to the Wildlife (Protection) Act, 1972, or the Forest Rights Act, 2006.

71. An attempt to acquire sensitive information such as usernames, passwords, and credit card details (and sometimes, indirectly, money) by masquerading as a trustworthy entity in an electronic communication – is known as

- (a) Pharming
- (b) Smishing
- (c) Phishing
- (d) Diding

Correct Answer: (c) Phishing

Solution:

Step 1: Understanding Phishing.

Phishing is a type of cybercrime where attackers impersonate a trustworthy entity (like a bank or e-commerce platform) in electronic communications, such as emails or websites, to deceive individuals into disclosing sensitive personal information like usernames, passwords, and credit card details.

Step 2: Explanation of Other Options.

- (a) Pharming involves redirecting legitimate website traffic to fraudulent websites to steal information, but it is not related to masquerading via direct communication. - (b) Smishing is phishing via SMS (text messages), which is a specific form of phishing. - (d) Diding is not a recognized form of cybercrime related to this context.

Step 3: Conclusion.

Phishing is the correct term for attempting to acquire sensitive information by pretending to be a trusted entity.

Quick Tip

Phishing is a cybercrime where attackers impersonate legitimate entities to steal sensitive information.

72. Under Section 82 of the Indian Penal Code, nothing is an offence which is done by a child under the age of.

- (a) 14 years
- (b) 7 years
- (c) 18 years
- (d) 21 years

Correct Answer: (b) 7 years

Solution:

Step 1: Understanding Section 82 IPC.

Section 82 of the Indian Penal Code provides that a child under the age of 7 years cannot be held criminally liable for any offense committed. The law assumes that children of this age are incapable of understanding the consequences of their actions.

Step 2: Explanation of Other Options.

- (a) A child under the age of 14 years can still be held accountable under the Juvenile Justice Act, provided certain conditions are met. - (c) Children above 7 years but below 12 years may be considered for criminal liability depending on their ability to understand the nature of their actions. - (d) The age of 21 years is not relevant in the context of Section 82 IPC.

Step 3: Conclusion.

Section 82 specifically exempts children under the age of 7 from criminal liability.

Quick Tip

Section 82 of the IPC states that children under the age of 7 cannot be held criminally liable due to lack of understanding.

73. R. V. Dudley Stephen stands for the principle that

- (a) Killing an innocent life to save his own is not a defence and necessity cannot be pleaded as a defence against murder
- (b) Necessity can be pleaded as a defence against murder, killing an innocent life to save his own may become inevitable
- (c) Killing out of mercy is a defence and necessity cannot be pleaded as a defence against murder
- (d) None of the above

Correct Answer: (b) Necessity can be pleaded as a defence against murder, killing an innocent life to save his own may become inevitable

Solution:

Step 1: Understanding R. V. Dudley Stephen.

The case *R. V. Dudley Stephen* (1884) involved two sailors who killed and ate a cabin boy to survive after being stranded at sea. The court held that necessity could be pleaded as a defense in cases where killing an innocent person was inevitable to save one's own life.

Step 2: Explanation of Other Options.

- (a) This option is incorrect because the court did accept necessity as a valid defense, but the necessity must be proven. - (c) The case did not discuss killing out of mercy as a defense in this context. - (d) This is incorrect because option (b) correctly reflects the court's ruling.

Step 3: Conclusion.

Necessity can be pleaded as a defense against murder, especially if killing an innocent life to save one's own becomes inevitable.

Quick Tip

In *R. V. Dudley Stephen*, necessity was considered a valid defense when killing an innocent life was necessary for survival.

74. The utility of Public Interest Litigation

- (a) Liberalised locus standi
- (b) The proceedings are Non-Adversarial
- (c) Procedural requirements are liberalized
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding Public Interest Litigation (PIL).

Public Interest Litigation (PIL) is a legal mechanism that allows individuals or groups to approach courts for issues affecting the public at large. It has been liberalized to encourage more accessibility, and courts are more willing to entertain these cases even if the person approaching the court is not directly affected.

Step 2: Explanation of the Options.

- (a) PIL has liberalized the standing requirements (locus standi) so that even those not directly affected can file petitions. - (b) PIL proceedings are often non-adversarial, meaning they do not follow the typical confrontation between two parties but focus on the public interest. - (c) Procedural requirements are relaxed in PIL to facilitate easier access to justice for public causes.

Step 3: Conclusion.

All of these elements are part of PIL, making (d) the correct answer.

Quick Tip

PIL allows citizens to approach courts for public causes, with relaxed procedural requirements and non-adversarial proceedings.

75. The petitioner, a professor of political science who had done substantial research and deeply interested in ensuring proper implementation of the constitutional provisions, challenged the practice followed by the state of Bihar in promulgating a

number of ordinances without getting the approval of the legislature. The court held that the petitioner as a member of public has ‘sufficient interest’ to maintain a petition under Article 32. This relates to the case of

- (a) Parmanand Katara Vs Union of India - AIR 1989, SC 2039
- (b) D.C. Wadhwa Vs State of Bihar, AIR 1987 SC 579
- (c) Neeraja Choudhari Vs State of Madhya Pradesh AIR 1984SC1099
- (d) Chameli Singh Vs State of U.P. AIR 1996,SC1051

Correct Answer: (b) D.C. Wadhwa Vs State of Bihar, AIR 1987 SC 579

Solution:

Step 1: Understanding the Case.

In **D.C. Wadhwa Vs State of Bihar**, the Supreme Court held that a member of the public, having sufficient interest, could maintain a petition under Article 32 of the Constitution. The case involved the issue of the Bihar government re-promulgating ordinances without legislative approval, and the Court accepted the petitioner’s standing to challenge this practice.

Step 2: Explanation of Other Options.

- (a) Parmanand Katara Vs Union of India concerns medical treatment for the injured, and does not directly relate to standing under Article 32 for public interest. - (c) Neeraja Choudhari Vs State of Madhya Pradesh deals with election law and does not involve standing under Article 32 in the same context. - (d) Chameli Singh Vs State of U.P. is a case dealing with land acquisition and not with the standing of a member of the public under Article 32.

Step 3: Conclusion.

The correct case is **D.C. Wadhwa Vs State of Bihar**, where the Court recognized the right of an individual with sufficient interest to approach the Court under Article 32.

Quick Tip

Article 32 of the Constitution allows citizens with sufficient interest in public issues to approach the Supreme Court for redressal.

76. Where a legal wrong or a legal injury is caused to a person or to a determinate class of persons by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any constitutional or legal provision or without authority of law or any such legal wrong or legal injury or illegal burden is threatened and such person or determinate class of persons by reasons of poverty, helplessness or disability or socially or economically disadvantaged position unable to approach the court for relief, any member of public can maintain an application for an appropriate direction, order or writ in the High Court under Article 226 and in case any breach of fundamental rights of such persons or determinate class of persons, in this court under Article 32 seeking judicial redress for the legal wrong or legal injury caused to such person or determinate class of persons.” – Justice Bhagwati in the case of

- (a) Peoples Union for Democratic Rights Vs Union of India
- (b) Ashok Kumar Pandey Vs State of West Bengal
- (c) S. P. Gupta Vs Union of India
- (d) Janata Dal Vs H. S. Chowdhary

Correct Answer: (a) Peoples Union for Democratic Rights Vs Union of India

Solution:

Step 1: Understanding the Case.

In *Peoples Union for Democratic Rights Vs Union of India*, Justice Bhagwati expounded the concept of *Public Interest Litigation (PIL)*. The case recognized that any member of the public, especially when acting on behalf of disadvantaged persons, could approach the court for relief under Articles 32 or 226 of the Constitution, even when the affected parties themselves are unable to do so due to their disadvantaged position.

Step 2: Explanation of Other Options.

- (b) Ashok Kumar Pandey Vs State of West Bengal is a case involving the scope of judicial review but does not specifically address PIL in the same context. - (c) *S. P. Gupta Vs Union of India* deals with judicial independence and the appointment of judges, not with PIL as described in the question. - (d) Janata Dal Vs H. S. Chowdhary concerns defamation, not PIL.

Step 3: Conclusion.

The correct case is *Peoples Union for Democratic Rights Vs Union of India*, where PIL was expanded to allow individuals to seek justice for the poor and disadvantaged.

Quick Tip

PIL allows individuals to approach the court on behalf of disadvantaged groups who cannot approach it themselves.

77. Imposition of compensatory costs in respect of false or vexatious claims or defences is dealt under

- (a) Section 33 CPC
- (b) Section 35A of CPC
- (c) Section 30 CPC
- (d) Section 35 CPC

Correct Answer: (b) Section 35A of CPC

Solution:

Step 1: Understanding Section 35A of CPC.

Section 35A of the Code of Civil Procedure (CPC) deals with the imposition of compensatory costs for false or vexatious claims or defences. It allows the court to impose such costs on a party that brings an unwarranted or malicious claim or defence.

Step 2: Explanation of Other Options.

- (a) Section 33 deals with the powers of the court to make orders on the hearing of a case, but it does not specifically relate to vexatious claims. - (c) Section 30 of CPC deals with the power of the court to make decisions on matters related to judgment and execution but does not address false claims. - (d) Section 35 of CPC deals with the general power to award costs but does not specifically focus on false or vexatious claims.

Step 3: Conclusion.

Section 35A specifically addresses the imposition of compensatory costs for false or vexatious claims.

Quick Tip

Section 35A of the CPC allows courts to impose compensatory costs for false or vexatious claims or defences.

78. Which provision under the Code of Civil Procedure deals with substituted service of summons upon the defendant

- (a) O.S. R.19A
- (b) O.S. R.19
- (c) O.S. R.20
- (d) O.S. R.21

Correct Answer: (c) O.S. R.20

Solution:

Step 1: Understanding the Provision.

Order V, Rule 20 of the Code of Civil Procedure (CPC) deals with substituted service of summons. This rule allows the court to order a substituted method of serving summons (such as by affixing a notice at the defendant's last known address, or publishing in newspapers) if the defendant cannot be served by normal means.

Step 2: Explanation of Other Options.

- (a) O.S. R.19A deals with the procedure for service in cases where the defendant is absent from India. - (b) O.S. R.19 pertains to the general provisions related to service of summons but not specifically substituted service. - (d) O.S. R.21 relates to the return of service but does not address substituted service.

Step 3: Conclusion.

O.S. R.20 is the correct provision for substituted service under the CPC.

Quick Tip

O.S. R.20 of the CPC deals with substituted service of summons, typically used when regular service is not possible.

79. Among other things, the Function of Bar Council of India includes laying down standards of professional conduct and etiquette for advocates. – Under which section of the Advocates Act

- (a) Section 7
- (b) Section 8
- (c) Section 9
- (d) Section 6

Correct Answer: (a) Section 7

Solution:

Step 1: Understanding Section 7 of the Advocates Act.

Section 7 of the Advocates Act, 1961 outlines the functions of the Bar Council of India, including laying down standards of professional conduct and etiquette for advocates. This is a key provision that ensures advocates maintain professionalism in their practice.

Step 2: Explanation of Other Options.

- (b) Section 8 deals with the creation and powers of State Bar Councils. - (c) Section 9 deals with the Bar Council's authority to make rules. - (d) Section 6 covers the functions of the State Bar Council but not the setting of professional standards.

Step 3: Conclusion.

Section 7 is the correct section for the function related to laying down standards of professional conduct for advocates.

Quick Tip

Section 7 of the Advocates Act outlines the functions of the Bar Council of India, including the setting of professional standards for advocates.

80. According to Justice 'Abbot Parry' what are the "Seven Lamps of Advocacy".

(a) (i) Honesty (ii) Courage (iii) Professionalism (iv) Wit (v) Eloquence (vi) Judgment and (vii) Fellowship.

(b) (i) Honesty (ii) Courage (iii) Industry (iv) Wit (v) Eloquence (vi) Judgment and (vii) Fellowship.

(c) (i) Influence (ii) Courage (iii) Industry (iv) Wit (v) Eloquence (vi) Judgment and (vii) Fellowship.

(d) (i) Honesty (ii) Courage (iii) Industry (iv) Seriousness (v) Eloquence (vi) Judgment and (vii) Fellowship.

Correct Answer: (b) (i) Honesty (ii) Courage (iii) Industry (iv) Wit (v) Eloquence (vi) Judgment and (vii) Fellowship.

Solution:

Step 1: Understanding the Seven Lamps of Advocacy.

Justice 'Abbot Parry' described the "Seven Lamps of Advocacy" as the key qualities an advocate should embody to be effective and ethical. These qualities include Honesty, Courage, Industry (diligence), Wit, Eloquence, Judgment, and Fellowship.

Step 2: Explanation of Other Options.

- (a) While this option lists qualities like honesty and courage, professionalism is not part of the Seven Lamps described by Justice Parry. - (c) Influence is not one of the "Seven Lamps of Advocacy". - (d) Seriousness is also not one of the attributes listed by Justice Parry in the "Seven Lamps of Advocacy".

Step 3: Conclusion.

The correct set of qualities described by Justice Parry is found in option (b), which lists the Seven Lamps of Advocacy accurately.

Quick Tip

The "Seven Lamps of Advocacy" by Justice Parry include essential qualities such as honesty, courage, and eloquence for effective advocacy.

81. Minimum number of Directors in a Public company

- (a) 3
- (b) 10
- (c) 12
- (d) 5

Correct Answer: (a) 3

Solution:

Step 1: Understanding the Requirement for Directors.

Under the Companies Act, 2013, a public company is required to have a minimum of 3 directors. This is mandated to ensure effective governance and decision-making in the company.

Step 2: Explanation of Other Options.

- (b) A minimum of 10 directors is required for a listed public company, but the minimum for a non-listed public company is 3. - (c) 12 directors is not the minimum requirement under the Companies Act, 2013. - (d) A minimum of 5 directors is the requirement for a private company, not a public company.

Step 3: Conclusion.

The correct minimum number of directors for a public company is 3.

Quick Tip

A public company must have at least 3 directors as per the Companies Act, 2013.

82. An associate company, in relation to another company, means

- (a) a company in which that other company has a significant influence, but which is a subsidiary company of the company having such influence and includes a joint venture company
- (b) a company in which that other company has a significant influence
- (c) a company in which that other company has a significant influence, but which is not a subsidiary company of the company having such influence and does not include a joint venture company

(d) a company in which that other company has full shares, and is a subsidiary company of the company having such influence and includes a joint venture company

Correct Answer: (b) a company in which that other company has a significant influence

Solution:

Step 1: Understanding the Definition of Associate Company.

An associate company refers to a company in which another company holds a significant influence, generally between 20

Step 2: Explanation of Other Options.

- (a) This option describes a situation where the company is both an associate and a subsidiary, which is incorrect as the two terms are mutually exclusive. - (c) The associate company can indeed be a non-subsidiary, so this option is closer, but it excludes joint ventures which may not always be included. - (d) The requirement for full shares and being a subsidiary does not align with the definition of an associate company.

Step 3: Conclusion.

Option (b) accurately defines an associate company as a company with significant influence but not necessarily a subsidiary.

Quick Tip

An associate company is one in which a company has significant influence, typically through holding 20-50

83. Section 66A of Information Technology Act was held unconstitutional in the case of

- (a) Justice K. S. Puttaswamy Vs Union of India
- (b) M P Sharma Vs Satish Chandra
- (c) Shreya Singhal Vs Union Of India
- (d) Gagan Harsh Sharma Vs The State of Maharashtra

Correct Answer: (c) Shreya Singhal Vs Union Of India

Solution:**Step 1: Understanding Section 66A and the Case.**

Section 66A of the Information Technology Act, 2000, criminalized the sending of offensive messages through communication services, etc. This provision was struck down by the Supreme Court in **Shreya Singhal Vs Union of India** (2015) for being unconstitutional. The Court found the provision to be overly broad and vague, leading to violations of freedom of speech.

Step 2: Explanation of Other Options.

- (a) Justice K. S. Putta Swamy Vs Union of India relates to the right to privacy case, not Section 66A. - (b) M P Sharma Vs Satish Chandra deals with the legality of telephone tapping and the right to privacy, not Section 66A. - (d) Gagan Harsh Sharma Vs The State of Maharashtra does not relate to Section 66A.

Step 3: Conclusion.

The correct case is **Shreya Singhal Vs Union of India**, where the Supreme Court declared Section 66A unconstitutional.

Quick Tip

Shreya Singhal Vs Union of India struck down Section 66A of the IT Act for being unconstitutional due to its broad and vague nature.

84. A Teacher is not a workman within the purview of Industrial Disputes Act, held in the case of

- (a) The Workmen Vs Greaves Cotton Co. Ltd. Ors
- (b) John Joseph Khokar Vs Bhadhange B. S. ors
- (c) A. Sundarambal Vs Government of Goa
- (d) Dinesh Sharma and Ors Vs State of Bihar

Correct Answer: (c) A. Sundarambal Vs Government of Goa

Solution:

Step 1: Understanding the Case.

In **A. Sundarambal Vs Government of Goa**, the court held that a teacher does not qualify as a "workman" under the Industrial Disputes Act, 1947. The judgment clarified that teachers, being professionals, are not included under the definition of "workman" for the purpose of resolving industrial disputes.

Step 2: Explanation of Other Options.

- (a) The case of **The Workmen Vs Greaves Cotton** does not deal with the status of teachers under the Industrial Disputes Act. - (b) *John Joseph Khokar Vs Bhadhange B. S. Ors* is a case related to employment disputes but not specific to teachers. - (d) **Dinesh Sharma and Ors Vs State of Bihar** does not address the issue of teachers under the Industrial Disputes Act.

Step 3: Conclusion.

The correct case is **A. Sundarambal Vs Government of Goa**, where the Court ruled that teachers are not "workmen" under the Industrial Disputes Act.

Quick Tip

Teachers are not considered "workmen" under the Industrial Disputes Act as per the ruling in **A. Sundarambal Vs Government of Goa**.

85. According to the Factories Act

- (a) "child" means a person who has not completed his fifteenth year of age;
- (b) "child" means a person who has not completed his fourteenth year of age;
- (c) "child" means a person who has not completed his eighteenth year of age;
- (d) "child" means a person who has not completed his sixteenth year of age;

Correct Answer: (b) "child" means a person who has not completed his fourteenth year of age;

Solution:

Step 1: Understanding the Factories Act.

Under the Factories Act, 1948, a "child" is defined as a person who has not completed his fourteenth year of age. This is important for regulating child labor and ensuring that children under the age of 14 are not employed in factories.

Step 2: Explanation of Other Options.

- (a) This definition is incorrect under the Factories Act; the correct age is 14, not 15. - (c) The Factories Act defines a child as under 14, not 18. - (d) The age is 14, not 16, for the term "child".

Step 3: Conclusion.

Option (b) is the correct definition of "child" under the Factories Act.

Quick Tip

Under the Factories Act, a child is defined as a person who has not completed his fourteenth year of age.

86. According to Income Tax Act "zero coupon bond" means a bond

- (a) issued by any infrastructure capital company or infrastructure capital fund or public sector company or scheduled bank on or after the 1st day of June, 2005;
- (b) in respect of which no payment and benefit is received or receivable before maturity or redemption from infrastructure capital company or infrastructure capital fund or public sector company or scheduled bank
- (c) which the Central Government may, by notification in the Official Gazette, specify in this behalf.
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding Zero Coupon Bond.

According to the Income Tax Act, a zero coupon bond is a bond issued by infrastructure capital companies or public sector companies or scheduled banks after June 1st, 2005. These

bonds do not provide any interest payments or benefits before their maturity or redemption. The details about such bonds are also specified by the central government in the official gazette.

Step 2: Explanation of Other Options.

- (a) This option correctly describes the issuer of the zero coupon bond. - (b) This is accurate as zero coupon bonds do not provide payments or benefits before maturity. - (c) This is also correct as the central government can specify details about zero coupon bonds by notification.

Step 3: Conclusion.

All the options are correct, so the answer is (d) - All of the above.

Quick Tip

Zero coupon bonds do not pay any interest before maturity or redemption and are specified by the government under the Income Tax Act.

87. Provisions relating to GST are inserted in the Constitution by

- (a) The Constitution (one hundred and first) Act 2016
- (b) The Constitution (one hundred and second) Act 2016
- (c) The Constitution (eighty fourth) Act 2016
- (d) The Constitution (seventy seven) Act 2016

Correct Answer: (b) The Constitution (one hundred and second) Act 2016

Solution:

Step 1: Understanding the GST Amendment.

The Goods and Services Tax (GST) was introduced into the Indian Constitution by the Constitution (One Hundred and Second) Amendment Act, 2016. This Act inserted provisions regarding GST, allowing the central and state governments to levy and collect GST.

Step 2: Explanation of Other Options.

- (a) The Constitution (101st) Act, 2016 does not relate to GST. - (c) The Constitution (84th) Act, 2001 is not related to GST. - (d) The Constitution (77th) Act does not concern GST.

Step 3: Conclusion.

The correct amendment is the Constitution (One Hundred and Second) Act, 2016.

Quick Tip

The Constitution (One Hundred and Second) Act, 2016 introduced GST provisions into the Indian Constitution.

88. Suits by indigent persons is dealt under

- (a) Order 44 of C.P.C
- (b) Order 33 of C.P.C
- (c) Order 55 of C.P.C
- (d) Order 22 of C.P.C

Correct Answer: (b) Order 33 of C.P.C

Solution:

Step 1: Understanding the Provisions for Indigent Persons.

Order 33 of the Civil Procedure Code (C.P.C.) deals with suits filed by indigent persons. It allows a person who is unable to pay court fees to file a suit without the usual payment of court fees, provided they can prove their inability to do so.

Step 2: Explanation of Other Options.

- (a) Order 44 is not concerned with indigent persons. - (c) Order 55 deals with ex parte decrees. - (d) Order 22 deals with the death of parties and does not relate to indigent persons.

Step 3: Conclusion.

The correct order is Order 33, which specifically deals with suits by indigent persons.

Quick Tip

Order 33 of C.P.C. allows indigent persons to file suits without paying court fees if they cannot afford to do so.

89. Res gestae, Relevancy of facts forming part of same transaction is dealt under

- (a) Section 6 of the Evidence Act
- (b) Section 17 of the Evidence Act
- (c) Section 18 of the Evidence Act
- (d) Section 20 of the Evidence Act

Correct Answer: (a) Section 6 of the Evidence Act

Solution:

Step 1: Understanding Res Gestae.

Section 6 of the Indian Evidence Act deals with the concept of res gestae, which refers to facts that are part of the same transaction and help in understanding the context of the main facts in a case. Such facts are considered relevant if they form part of the same transaction.

Step 2: Explanation of Other Options.

- (b) Section 17 deals with admissions. - (c) Section 18 deals with admissions of fact and not res gestae. - (d) Section 20 addresses oral admissions in the context of confessions.

Step 3: Conclusion.

Section 6 of the Evidence Act covers res gestae and is the correct provision for facts forming part of the same transaction.

Quick Tip

Section 6 of the Evidence Act covers res gestae, dealing with facts forming part of the same transaction.

90. The definition of 'money' under GST law does not include

- (a) Letter of Credit
- (b) Currency held for numismatic value
- (c) Pay order
- (d) Traveler cheque

Correct Answer: (b) Currency held for numismatic value

Solution:**Step 1: Understanding the Definition of 'Money' under GST.**

Under GST law, "money" refers to currency used for transactions, but it does not include items held for numismatic purposes. Numismatic items, such as coins or currency collected for their value as collectibles, are excluded from the definition of money under GST.

Step 2: Explanation of Other Options.

- (a) Letter of credit is a financial instrument included under the GST definition of money. - (c) Pay order is a form of financial instrument used in transactions, so it is included under the definition. - (d) Traveler's cheque is a negotiable instrument and is included as part of the definition of money under GST.

Step 3: Conclusion.

Currency held for numismatic value is not considered "money" under GST law, making option (b) the correct answer.

Quick Tip

Currency held for numismatic value is not considered money under GST law.

91. Under Article 279A GST Council is constituted by

- (a) Prime Minister and his Council of Ministers
- (b) Respective Governors of the State
- (c) The President
- (d) A collective body of Union and States

Correct Answer: (d) A collective body of Union and States

Solution:**Step 1: Understanding the GST Council.**

Article 279A of the Indian Constitution provides for the formation of the GST Council, which is a collective body of the Union and States. This council consists of the Union Finance Minister, the State Finance Ministers, and a representative of the President of India. The GST Council is responsible for making decisions on GST-related matters.

Step 2: Explanation of Other Options.

- (a) The Prime Minister and his Council of Ministers do not form the GST Council. - (b) The Governors of the States are not part of the GST Council. - (c) The President is not directly involved in the composition of the GST Council.

Step 3: Conclusion.

The correct composition is given in option (d), which is a collective body of the Union and States.

Quick Tip

The GST Council is a collective body consisting of the Union Finance Minister and State Finance Ministers.

92. The definition of Contract is defined under

- (a) Section 2(a) of the Indian Contract Act.
- (b) Section 2(h) of the Indian Contract Act.
- (c) Section 2(d) of the Indian Contract Act.
- (d) Section 2(g) of the Indian Contract Act.

Correct Answer: (a) Section 2(a) of the Indian Contract Act.

Solution:**Step 1: Understanding the Definition of a Contract.**

Section 2(a) of the Indian Contract Act, 1872 defines a contract as an agreement enforceable by law. It outlines the essential elements required for forming a contract, such as offer, acceptance, and intention to create legal obligations.

Step 2: Explanation of Other Options.

- (b) Section 2(h) defines "a promise" rather than a contract. - (c) Section 2(d) deals with the definition of an "agreement" rather than a contract itself. - (d) Section 2(g) deals with "performance" of a contract, not the definition.

Step 3: Conclusion.

The correct section for the definition of a contract is Section 2(a).

Quick Tip

A contract is defined in Section 2(a) of the Indian Contract Act, 1872 as an agreement enforceable by law.

93. The Hindu Succession (Amendment) Act (H.S.S.A.) 2005 provides for women:

- (a) coparcenary rights at par with men;
- (b) inheritance rights in agricultural land from her parents at par with her brothers;
- (c) inheritance of the self-acquired agricultural land of her deceased husband
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding the Hindu Succession Amendment Act, 2005.

The Hindu Succession (Amendment) Act, 2005, granted equal coparcenary rights to women in Hindu Undivided Families (HUF) at par with men. This amendment also granted women inheritance rights in agricultural land from their parents, similar to those of their brothers, and allowed women to inherit the self-acquired agricultural land of their deceased husbands.

Step 2: Explanation of Other Options.

- (a) The Amendment provided women with coparcenary rights, giving them the same rights as men in an HUF. - (b) Women were granted inheritance rights in agricultural land from their parents. - (c) Women were also granted the right to inherit self-acquired agricultural land from their deceased husbands.

Step 3: Conclusion.

Thus, all the provisions mentioned in options (a), (b), and (c) are included in the Amendment, making (d) the correct answer.

Quick Tip

The Hindu Succession (Amendment) Act, 2005 grants women equal rights in coparcenary property, inheritance of agricultural land, and self-acquired property of their husbands.

94. Section 25 of the Hindu Marriage Act provides for

- (a) Custody of the Children
- (b) Permanent alimony and maintenance
- (c) Maintenance Pendente lite
- (d) Division of matrimonial property

Correct Answer: (b) Permanent alimony and maintenance

Solution:

Step 1: Understanding Section 25 of the Hindu Marriage Act.

Section 25 of the Hindu Marriage Act, 1955 deals with the provision of permanent alimony and maintenance to either spouse, either at the time of divorce or during the pendency of divorce proceedings. The section provides for a fair and just amount of maintenance to the spouse in need.

Step 2: Explanation of Other Options.

- (a) Custody of the children is dealt with in Section 26 of the Hindu Marriage Act. - (c) Maintenance Pendente lite is provided under Section 24 of the Hindu Marriage Act, not Section 25. - (d) The division of matrimonial property is not specifically addressed under Section 25.

Step 3: Conclusion.

The correct answer is (b), which deals with permanent alimony and maintenance.

Quick Tip

Section 25 of the Hindu Marriage Act provides for permanent alimony and maintenance for a spouse in need, either during or after divorce proceedings.

95. A Hindu wife had been living with her children and all the children had been brought up by her without any assistance and help from the husband many years. The wife was entitled to separate residence and maintenance under

- (a) Section 18 (2) (f) of Hindu Adoptions and Maintenance Act
- (b) Section 18 (2) (d) of Hindu Adoptions and Maintenance Act
- (c) Section 18 (2) (g) of Hindu Adoptions and Maintenance Act
- (d) Section 18 (2) (a) of Hindu Adoptions and Maintenance Act

Correct Answer: (a) Section 18 (2) (f) of Hindu Adoptions and Maintenance Act

Solution:

Step 1: Understanding Section 18(2)(f) of the Hindu Adoptions and Maintenance Act.

Section 18(2)(f) of the Hindu Adoptions and Maintenance Act, 1956, entitles a Hindu wife to separate residence and maintenance when she is living separately from her husband due to cruelty, neglect, or when the husband is not providing for the maintenance of the wife.

Step 2: Explanation of Other Options.

- (b), (c), and (d) refer to other subsections related to maintenance and support but do not address the wife's right to separate residence under the conditions described in the question.

Step 3: Conclusion.

The correct section is (a), Section 18(2)(f), which entitles a wife to separate maintenance when living separately under such circumstances.

Quick Tip

Section 18(2)(f) of the Hindu Adoptions and Maintenance Act allows a wife to claim separate maintenance when living separately due to neglect or cruelty.

96. Requisites of a valid adoption: no adoption shall be valid unless- (i) the person adopting has the capacity, and also the right, to take in adoption; (ii) the person giving in adoption has the capacity to do so; (iii) the person adopted is capable of being taken

in adoption; and (iv) the adoption is made in compliance with the other conditions mentioned in this Chapter. – mentioned under

- (a) Section 6 of Hindu Adoptions and Maintenance Act
- (b) Section 8 of Hindu Adoptions and Maintenance Act
- (c) Section 12 of Hindu Adoptions and Maintenance Act
- (d) Section 10 of Hindu Adoptions and Maintenance Act

Correct Answer: (a) Section 6 of Hindu Adoptions and Maintenance Act

Solution:

Step 1: Understanding the Requisites for Valid Adoption.

Section 6 of the Hindu Adoptions and Maintenance Act, 1956 outlines the essential requisites for a valid adoption. It stipulates that the person adopting must have the capacity and right to adopt, the person giving the adoption must have the capacity, the adopted person must be capable of being adopted, and the adoption must follow the prescribed conditions.

Step 2: Explanation of Other Options.

- (b) Section 8 deals with the effect of adoption but does not describe the requisites. - (c) Section 12 relates to the adoption of children and conditions for adoption, but does not define the requisites for a valid adoption. - (d) Section 10 discusses the conditions for the adoptive parent but not the general requisites for validity.

Step 3: Conclusion.

Section 6 defines the requisites of a valid adoption, making option (a) the correct answer.

Quick Tip

Section 6 of the Hindu Adoptions and Maintenance Act defines the requisites for a valid adoption, including the capacity and rights of the adopting party.

97. According to the Muslim women (protection of right son marriage) Act, 2019, any pronouncement of talaq as defined under the Act by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be

- (a) Void
- (b) Cognizable
- (c) Compoundable
- (d) All of the above

Correct Answer: (a) Void

Solution:

Step 1: Understanding the Muslim Women (Protection of Right on Marriage) Act, 2019.

The Muslim Women (Protection of Rights on Marriage) Act, 2019, makes any pronouncement of "talaq" (divorce) by the husband in any form, including verbal, written, or electronic, void and illegal. The Act also provides for punishment for the husband and protects the wife's rights.

Step 2: Explanation of Other Options.

- (b) Talaq under this Act is not cognizable; it is considered void rather than cognizable. - (c) Talaq is not compoundable under the Act; it is automatically void. - (d) Since it is void, "All of the above" is incorrect.

Step 3: Conclusion.

The pronouncement of talaq is void under this Act, making option (a) the correct answer.

Quick Tip

Under the Muslim Women (Protection of Rights on Marriage) Act, 2019, the pronouncement of talaq is void and illegal in all forms.

98. The UNCITRAL Model Law and Rules do not become part of the Arbitration Act so as to become an aid to construe the provisions of the Act.- held in the case of

- (a) Union of India Vs East Coast Boat Builders and Engineers Ltd.,
- (b) Union of India Vs M.C. Mehta
- (c) Union of India Vs State of India

(d) Union of India Vs Indian Change Chrome Ltd.

Correct Answer: (a) Union of India Vs East Coast Boat Builders and Engineers Ltd.

Solution:

Step 1: Understanding the UNCITRAL Model Law and Arbitration Act.

The UNCITRAL Model Law on International Commercial Arbitration does not automatically become part of the Indian Arbitration Act, 1996. It is only used as a guide to interpret and understand the provisions of the Indian Arbitration Act. The case of *Union of India Vs East Coast Boat Builders and Engineers Ltd.* clarified that the Model Law does not directly form part of the Arbitration Act.

Step 2: Explanation of Other Options.

- (b) *Union of India Vs M.C. Mehta* concerns environmental law, not the application of the UNCITRAL Model Law to the Arbitration Act. - (c) *Union of India Vs State of India* is unrelated to the interpretation of the Arbitration Act. - (d) *Union of India Vs Indian Change Chrome Ltd.* does not pertain to the Model Law's role in the Arbitration Act.

Step 3: Conclusion.

The correct case where the UNCITRAL Model Law was discussed as not being part of the Arbitration Act is *Union of India Vs East Coast Boat Builders and Engineers Ltd.*.

Quick Tip

The UNCITRAL Model Law on Arbitration serves as guidance but does not automatically form part of the Indian Arbitration Act.

99. According to Section 7(4) of the Arbitration and Conciliation Act, an arbitration agreement is in writing if it is contained in

- (a) a document signed by the parties;
- (b) an exchange of letters, telex, telegrams or other means of telecommunication which provide a record of the agreement;
- (c) an exchange of statements of claim and defence in which the existence of the agreement is alleged by one party and not denied by the other.

(d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding Section 7 of the Arbitration and Conciliation Act.

Section 7(4) of the Arbitration and Conciliation Act, 1996, defines when an arbitration agreement is considered to be in writing. It includes a variety of means through which the agreement can be established, such as a document signed by the parties, communication through letters, telegrams, or telex that provide a record, and even an exchange of statements in which one party alleges the existence of the agreement and the other does not deny it.

Step 2: Explanation of Other Options.

- (a) This is one of the conditions for the agreement to be in writing. - (b) This condition also qualifies an arbitration agreement as being in writing. - (c) This is another acceptable method, where the existence of the agreement is not denied by the other party.

Step 3: Conclusion.

Since all the options describe situations where the arbitration agreement is considered in writing, the correct answer is (d) - All of the above.

Quick Tip

An arbitration agreement is considered in writing under Section 7 of the Arbitration and Conciliation Act if it is in a signed document, in exchanged communications, or statements not denied by the other party.

100. Waiver of right to object deviance from arbitration agreement is mentioned under _____ of the Arbitration and Conciliation Act

- (a) Section 7
- (b) Section 4
- (c) Section 20
- (d) Section 22

Correct Answer: (b) Section 4

Solution:

Step 1: Understanding Section 4 of the Arbitration and Conciliation Act.

Section 4 of the Arbitration and Conciliation Act, 1996 deals with the waiver of the right to object if there has been any deviation from the arbitration agreement. It provides that if a party, with knowledge of the deviation, does not raise the objection within a reasonable time, it is considered to have waived the right to object.

Step 2: Explanation of Other Options.

- (a) Section 7 of the Act deals with the definition of an arbitration agreement but does not deal with waiver of objections. - (c) Section 20 addresses the place of arbitration but does not deal with the waiver of objections. - (d) Section 22 deals with the power of the tribunal to make orders but not the waiver of objections.

Step 3: Conclusion.

Section 4 is the correct provision for waiver of the right to object to deviation from the arbitration agreement.

Quick Tip

Under Section 4 of the Arbitration and Conciliation Act, failure to object to deviations from the arbitration agreement within a reasonable time results in the waiver of that right.