

AIBE 19 Set C Question Paper with Solutions

Time Allowed :3 Hours

Maximum Marks :100

Total questions :100

General Instructions

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- i) The AIBE (All India Bar Examination) 19 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. Aarti and Rajesh have been married for five years. Over time, Aarti has been subjected to continuous cruelty by Rajesh, which has led to emotional and mental distress. Aarti decided to file for divorce on the grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Which of the following statements is true regarding the grounds for divorce under the Hindu Marriage Act?

- (A) Aarti cannot seek divorce on the grounds of cruelty as it is not recognized under the Hindu Marriage Act.
- (B) Aarti must prove Rajesh's cruelty was intentional to succeed in the divorce petition.
- (C) Aarti can only seek divorce on the grounds of adultery.
- (D) Aarti can seek divorce on the grounds of cruelty, as long as she proves mental or physical cruelty.

Correct Answer: (D) Aarti can seek divorce on the grounds of cruelty, as long as she proves mental or physical cruelty.

Solution:

Step 1: Understanding Section 13(1)(ia) of the Hindu Marriage Act.

Section 13(1)(ia) of the Hindu Marriage Act, 1955, provides that either spouse may seek a divorce if the other has treated them with cruelty. This cruelty can be **physical or mental**, and intentionality does not need to be proven.

Step 2: Analyzing the options.

- (A) Incorrect — Cruelty is a recognized ground for divorce under the Hindu Marriage Act.
- (B) Incorrect — The petitioner does not have to prove that cruelty was intentional; only that the conduct caused suffering or distress.
- (C) Incorrect — Adultery is another separate ground for divorce, but the question specifically concerns cruelty.
- (D) Correct — Aarti can seek divorce if she can prove either physical or mental cruelty, irrespective of intention.

Step 3: Conclusion.

Aarti can file for divorce on the grounds of cruelty under Section 13(1)(ia) of the Hindu Marriage Act if she proves that Rajesh's conduct caused her emotional or physical suffering.

Quick Tip

Under the Hindu Marriage Act, cruelty includes both mental and physical harm, and it need not be intentional.

2. On matters where Dayabhaga is silent, what prevails?

- (A) The Shrutis
- (B) Mitakshara
- (C) The local customs
- (D) The Smritis

Correct Answer: (C) The local customs

Solution:

Step 1: Understanding Dayabhaga.

The Dayabhaga school of Hindu law is followed mainly in Bengal and Assam. It governs matters of inheritance and succession. However, when the Dayabhaga texts are silent on a matter, local customs take precedence.

Step 2: Analyzing options.

- (A) Incorrect — Shrutis form the primary source of Hindu law, but in practical application, customs take precedence when specific texts are silent.
- (B) Incorrect — Mitakshara is a separate school of Hindu law, not an authority under Dayabhaga.
- (C) Correct — When Dayabhaga is silent, local customs or usages are followed to resolve the issue.
- (D) Incorrect — Smritis are secondary sources but not prioritized over local customs.

Step 3: Conclusion.

Local customs prevail when Dayabhaga does not provide specific guidance.

Quick Tip

In Hindu law, when scriptural authority is absent, local customs are often upheld as legally binding.

3. Nisha and Aakash are separated, and they both seek custody of their minor child, Aarav. Nisha has been the primary caregiver, while Aakash claims that he can provide better financial stability for Aarav. They both approach the court under the Guardian and Wards Act, 1890. Which of the following factors will the court primarily consider in determining the custody of Aarav?

- (A) The welfare and best interests of the child.
- (B) The parent who is financially more stable is granted custody automatically.
- (C) The financial stability of both parents.
- (D) The gender of the child.

Correct Answer: (A) The welfare and best interests of the child.

Solution:

Step 1: Understanding the Guardian and Wards Act, 1890.

Under this Act, when deciding custody of a minor, the court's primary concern is the welfare and best interest of the child. Other factors like financial stability, parental status, or gender are secondary considerations.

Step 2: Analyzing the options.

- (A) Correct — The welfare and best interests of the child are paramount in custody matters.
- (B) Incorrect — Financial stability is a factor, but it does not automatically decide custody.
- (C) Incorrect — The court examines welfare holistically, not merely financial stability.
- (D) Incorrect — The gender of the child is irrelevant to custody determination.

Step 3: Conclusion.

Hence, the correct answer is (A), as the court prioritizes the welfare and best interests of the child above all else.

Quick Tip

In custody cases, the child's welfare outweighs financial or gender considerations. The court aims to ensure the child's emotional, physical, and psychological well-being.

4. Match the following:

| | | |
|-----------|----------------------------|----------------------------|
| a. | Spoken words | i. Sunnat-ul-Qaul |
| b. | Deepika vs. CAT | ii. Customary Law |
| c. | Silence | iii. Sunnat-ul-Taqrir |
| d. | Aas Kaur vs. Kartar Singha | iv. Atypical Relationships |
| e. | Shayara Bano vs. UOI | v. Triple Talaq |
| | | vi. Maintenance |

Choose the correct option:

- (A) a-i, b-iv, c-iii, d-ii, e-v
- (B) a-iii, b-iv, c-i, d-ii, e-vi
- (C) a-i, b-ii, c-iii, d-ii, e-vi
- (D) a-iii, b-ii, c-i, d-v, e-vi

Correct Answer: (A) a-i, b-iv, c-iii, d-ii, e-v

Solution:

Step 1: Understanding the terms.

- **Sunnat-ul-Qaul:** Refers to the sayings or spoken words of Prophet Muhammad.
- **Sunnat-ul-Taqrir:** Refers to tacit approvals or silence implying consent.
- **Customary Law:** Derived from long-established customs recognized by the courts.
- **Atypical Relationships:** Addressed in the case of Deepika vs. CAT.
- **Triple Talaq:** Declared unconstitutional in Shayara Bano vs. UOI.

Step 2: Matching correctly.

- a - i (Spoken words → Sunnat-ul-Qaul)
- b - iv (Deepika vs. CAT → Atypical Relationships)
- c - iii (Silence → Sunnat-ul-Taqrir)

d - ii (Aas Kaur vs. Kartar Singha → Customary Law)

e - v (Shayara Bano vs. UOI → Triple Talaq)

Step 3: Conclusion.

Thus, the correct combination is (A) a-i, b-iv, c-iii, d-ii, e-v.

Quick Tip

Always relate case laws to the legal concepts or principles they established. This helps in remembering their relevance during exams.

5. Which sections discuss "Sapinda relationships" under the Hindu Marriage Act, 1955?

(A) Sections 3(f)(i) & (ii), Explanation to section 3(g), 5(iv)

(B) Sections 3(f)(i) & (ii), Explanation to section 3(g), 5(v)

(C) Section 3(f), 5(v)

(D) Section 3(f), 5(iv)

Correct Answer: (B) Sections 3(f)(i) & (ii), Explanation to section 3(g), 5(v)

Solution:

Step 1: Understanding "Sapinda relationship".

Under Section 3(f) of the Hindu Marriage Act, 1955, a sapinda relationship refers to a relationship through blood within certain generations on the paternal and maternal side.

These are restrictions related to marriage.

Step 2: Relevant provisions.

- Section 3(f)(i) & (ii): Defines sapinda relationship.
- Explanation to Section 3(g): Clarifies the prohibited degrees of relationship.
- Section 5(v): Specifies that marriage between sapindas is void unless permitted by custom.

Step 3: Conclusion.

Therefore, the correct answer is (B), as it includes all relevant sections dealing with sapinda relationships.

Quick Tip

Always link specific clauses to their definitions. Remember: Section 3(f) defines "Sapinda relationship" and Section 5(v) applies it to marriage restrictions.

6. Under Section 15 of the Hindu Marriage Act, 1955, the divorced person, to marry again

- (A) may marry immediately thereafter without the leave of the court as a matter of right.
- (B) None of these.
- (C) have to wait for a period of one year from the date of the decree.
- (D) have to wait for a period of six months from the date of the decree.

Correct Answer: (A) may marry immediately thereafter without the leave of the court as a matter of right.

Solution:

Step 1: Understanding Section 15 of the Hindu Marriage Act, 1955.

Section 15 deals with the remarriage of divorced persons. It states that once a marriage has been dissolved by a decree of divorce and there is no right of appeal, or the time for appeal has expired without an appeal being presented, or an appeal has been dismissed, either party is free to marry again.

Step 2: Key point.

The law does not impose any mandatory waiting period once the decree becomes final and binding. The divorced person can marry again as a matter of right without seeking the court's permission.

Step 3: Analysis of options.

- (A) Correct — Once the decree of divorce becomes final, the individual may remarry immediately.
- (B) Incorrect — The Act clearly permits remarriage; hence, "None of these" is wrong.
- (C) Incorrect — There is no one-year waiting period mentioned under Section 15.

(D) Incorrect — Six months waiting applies in other contexts (like Section 13B for mutual consent divorce), not here.

Step 4: Conclusion.

Thus, the correct answer is (A). The person may remarry immediately after the decree becomes final.

Quick Tip

Under Section 15, remarriage is permitted once the divorce decree is final and no appeal is pending. There is no need to wait or seek court approval.

7. In which case a prison inmate sent a letter to the Supreme Court, describing physical torture, which became a pioneer in public interest litigation, though the court later abandoned the practice of considering letters?

- (A) Mukti Morcha vs. Union of India
- (B) The Narasimha Rao case
- (C) Hussainara Khatoon vs. Bihar case
- (D) Sunil Batra vs. Delhi Administration

Correct Answer: (D) Sunil Batra vs. Delhi Administration

Solution:

Step 1: Case background.

In the case of **Sunil Batra vs. Delhi Administration (1978)**, a prison inmate wrote a letter to the Supreme Court complaining of brutal physical torture inflicted on another prisoner. The Court treated the letter as a writ petition under Article 32 of the Constitution, marking one of the earliest examples of Public Interest Litigation (PIL) in India.

Step 2: Legal significance.

This case highlighted the judiciary's proactive role in safeguarding prisoners' rights and ensuring humane treatment in jails. It expanded access to justice by allowing informal communication (letters) to be treated as petitions.

Step 3: Later development.

Though the Court initially entertained such letters, it later restricted this practice to prevent misuse, emphasizing formal procedure.

Step 4: Analysis of options.

(A) Incorrect — Mukti Morcha dealt with bonded labour, not prisoner rights.

(B) Incorrect — The Narasimha Rao case relates to parliamentary privileges, not PIL.

(C) Incorrect — Hussainara Khatoon case dealt with speedy trials for undertrials, not letters from inmates.

(D) Correct — Sunil Batra’s letter initiated the case that became a landmark in PIL history.

Step 5: Conclusion.

The correct answer is (D) Sunil Batra vs. Delhi Administration, which pioneered the concept of epistolary jurisdiction.

Quick Tip

The Sunil Batra case marked the beginning of “epistolary jurisdiction” in India — where even letters could be treated as writ petitions to protect fundamental rights.

8. In the early 1980s, a social activist group discovered severe exploitation of labourers working in stone quarries near Delhi. The workers, including many children, were working in extremely hazardous conditions, living in makeshift shelters, and were effectively trapped in a cycle of debt and forced labour. The conditions revealed systematic violations of fundamental human rights. The Supreme Court was approached to look into the dire circumstances of the working persons there, and one of the following views of the Court was sustained in the said case. Identify from the following -

(A) The Supreme Court recognized the right against forced labour as a fundamental right derived from the right to life and human dignity under Article 21.

(B) The Court ruled that only government agencies, and not social activists, could file petitions concerning labour rights.

(C) The Court established that the right to free legal aid is a mere directive principle and cannot be enforced as a fundamental right.

(D) The judgment primarily focused on providing monetary compensation to the affected labourers without addressing systemic issues of bonded labour.

Correct Answer: (A) The Supreme Court recognized the right against forced labour as a fundamental right derived from the right to life and human dignity under Article 21.

Solution:

Step 1: Case Reference.

The case described is **People’s Union for Democratic Rights vs. Union of India (1982)**, also known as the **Asiad Workers Case**. This case was filed under Article 32 by a social activist group highlighting the exploitation and inhuman working conditions of labourers.

Step 2: Supreme Court’s View.

The Supreme Court held that the right against forced labour is not limited to physical compulsion but includes economic compulsion and exploitative conditions. It derived this right from Article 21 (Right to Life and Dignity) and Article 23 (Prohibition of Forced Labour).

Step 3: Public Interest Litigation Principle.

The Court allowed social activists and organizations to file petitions on behalf of disadvantaged groups, expanding the scope of Public Interest Litigation (PIL).

Step 4: Analysis of Options.

(A) Correct — The Court recognized forced labour as a violation of the right to life and dignity under Article 21.

(B) Incorrect — The Court explicitly permitted social activists to file petitions on behalf of exploited workers.

(C) Incorrect — The Court ruled that free legal aid is part of the right to life under Article 21, not a mere directive principle.

(D) Incorrect — The judgment focused on systemic reform, not just compensation.

Step 5: Conclusion.

The judgment was a landmark in recognizing the connection between human dignity and fundamental rights, reinforcing that social activists could seek justice for the marginalized.

Quick Tip

The Asiad Workers Case broadened the interpretation of Article 21 to include dignity and humane working conditions, and marked a major expansion of PIL in India.

9. Read the given statements and choose the correct option:

Statement 1: In PIL cases, the Court plays a passive role similar to traditional cases.

Statement 2: PIL is primarily focused on individual disputes.

- (A) Only Statement 2 is true.
- (B) Both statements are false.
- (C) Both statements are true.
- (D) Only Statement 1 is true.

Correct Answer: (B) Both statements are false.

Solution:

Step 1: Understanding PIL (Public Interest Litigation).

Public Interest Litigation is a judicial innovation that allows individuals or organizations to approach the court for the protection of rights of disadvantaged groups or issues affecting the public at large. It deviates from traditional litigation, which is adversarial and focused on individual rights.

Step 2: Evaluation of Statements.

Statement 1: False — In PIL, the Court plays an **active role**. It expands the scope of justice by relaxing procedural norms and taking suo motu cognizance of matters.

Statement 2: False — PILs are not based on individual disputes; they concern collective or public rights, such as environmental issues, bonded labour, or women's safety.

Step 3: Conclusion.

Both statements are false because PIL focuses on public interest, and the judiciary plays an active and proactive role in such cases.

Quick Tip

Public Interest Litigation (PIL) empowers citizens and courts to address collective rights violations, ensuring justice even for those who cannot personally approach the court.

10. Fatima, a Muslim woman, has been divorced by her husband, Imran, through Talaq. Fatima is now seeking maintenance from Imran for herself and her two minor children. Imran argues that Fatima has remarried and, therefore, is not entitled to any maintenance. Under Muslim law, which of the following statements is true regarding Fatima's claim for maintenance?

- (A) Fatima is entitled to maintenance for herself during her iddat period and for her children until they are self-supporting.
- (B) Fatima can claim maintenance for herself and her children indefinitely, irrespective of her remarriage or the children's age.
- (C) Fatima is not entitled to maintenance because she has remarried.
- (D) Fatima is entitled to maintenance only for a period of three months after the divorce.

Correct Answer: (A) Fatima is entitled to maintenance for herself during her iddat period and for her children until they are self-supporting.

Solution:

Step 1: Understanding maintenance under Muslim law.

Under traditional Muslim law, a divorced woman is entitled to maintenance (*nafaqah*) from her former husband only during the **iddat period**, which is typically three menstrual cycles (or three months) after the divorce. However, her children are entitled to maintenance until they reach an age where they can support themselves.

Step 2: Effect of remarriage.

Once the woman remarries, her entitlement to maintenance from her former husband ceases. The responsibility for her maintenance then shifts to her new husband. However, the children remain entitled to maintenance from their biological father until they become self-sufficient.

Step 3: Analysis of options.

(A) Correct — Fatima can claim maintenance for herself only during her iddat period and for her children until they become self-supporting.

(B) Incorrect — Maintenance is not indefinite; it ends for the wife after remarriage.

(C) Incorrect — Fatima is entitled to maintenance for the iddat period even if she remarries afterward.

(D) Incorrect — The iddat period is approximately three months, but children's maintenance continues beyond that period.

Step 4: Conclusion.

Hence, the correct answer is (A), aligning with the principles laid down under the Muslim Women (Protection of Rights on Divorce) Act, 1986, and traditional Muslim law.

Quick Tip

Under Muslim law, a divorced woman is entitled to maintenance only during her iddat period, but her children's maintenance is a continuing obligation of the father.

11. The remedy of restitution of conjugal rights is given in Section of the Hindu Marriage Act, 1955.

(A) 6

(B) 9

(C) 13

(D) 11

Correct Answer: (B) 9

Solution:

Step 1: Understanding restitution of conjugal rights.

Restitution of conjugal rights refers to the right of either spouse to the company, consortium, and cohabitation of the other spouse. When one spouse withdraws from the society of the other without reasonable cause, the aggrieved spouse can seek a decree for restitution of conjugal rights.

Step 2: Legal provision.

Section 9 of the Hindu Marriage Act, 1955 provides that when a spouse has withdrawn from the society of the other without reasonable excuse, the aggrieved party may apply to the District Court for restitution of conjugal rights. The court may grant the decree if it is satisfied with the truth of the statements in the petition.

Step 3: Conclusion.

Hence, the correct answer is Section 9, which explicitly deals with restitution of conjugal rights.

Quick Tip

Section 9 of the Hindu Marriage Act ensures marital cohabitation by providing legal remedy to a spouse deserted without reasonable cause.

12. In 2020 at Dhorodo village, the Panchayat elections could not happen due to the Covid pandemic while the tenure of the Panchayat was getting over that year itself. Mr. Haribansh represented the people that year at the Panchayat post-dissolution of the Panchayat tenure and made a law exercising the delegated power vide the Panchayati Raj Act of the state to restrict their economic activities per day to 100 only. In which of the following cases is this allowed or restricted?

- (A) Jalan Trading vs. Union of India
- (B) None of these
- (C) MCD vs. Birla Cotton Mills
- (D) Patna University vs. Amita Tiwari

Correct Answer: (C) MCD vs. Birla Cotton Mills

Solution:**Step 1: Understanding the concept of delegated legislation.**

Delegated legislation refers to laws made by an authority other than the legislature but with its permission. The legislature delegates power to an executive body or local authority to make detailed rules and regulations within the framework of the enabling statute.

Step 2: Principle from MCD vs. Birla Cotton Mills.

In the case of **MCD vs. Birla Cotton Mills (1954)**, the Supreme Court ruled that an authority empowered to make laws by delegation must act within the scope of the powers conferred on it by the enabling statute. Any exercise of delegated power that exceeds the boundaries of the original legislation is considered ultra vires (beyond the authority).

Step 3: Application to the question.

In this case, since the Panchayat was dissolved, it no longer holds the delegated power to legislate or make any rules, especially regarding restricting economic activities. Such an act would go beyond the permissible limits of delegated legislation as per the MCD vs. Birla Cotton Mills ruling.

Step 4: Conclusion.

Thus, the act of Mr. Haribansh is invalid as it exceeds the scope of the delegated power, and the correct case is **MCD vs. Birla Cotton Mills**.

Quick Tip

Delegated legislation must always operate within the confines of the powers granted by the legislature. Exceeding these boundaries renders the legislation ultra vires.

13. Which of the following is/are not grounds for judicial review of administrative action?

- (1) Illegality
 - (2) Irrationality
 - (3) Proportionality
 - (4) Public opinion
-
- (A) (1), (2), and (3)
 - (B) Only (4)
 - (C) Only (2)
 - (D) (2) and (4)

Correct Answer: (B) Only (4)

Solution:

Step 1: Understanding judicial review.

Judicial review refers to the power of the courts to examine the legality of administrative actions and ensure they comply with the Constitution and principles of natural justice.

Step 2: Grounds for judicial review.

According to the **Council of Civil Service Unions vs. Minister for the Civil Service (1985)** case (GCHQ case), the main grounds for judicial review are: 1. **Illegality** – when an authority acts beyond its powers.

2. **Irrationality** – when an action is unreasonable or arbitrary.

3. **Procedural Impropriety / Proportionality** – when fairness or due process is violated.

Step 3: Analysis.

“Public opinion” is not a ground for judicial review, as judicial scrutiny focuses on legality and reasonableness, not popularity or public sentiment.

Step 4: Conclusion.

Therefore, only option (4) “Public opinion” is not a valid ground for judicial review.

Quick Tip

Judicial review ensures that administrative decisions remain within the limits of legality, reasonableness, and fairness — not influenced by public opinion.

14. What does “conflict of interest” refer to in professional ethics?

- (A) A conflict between ethics and laws
- (B) A situation where personal interests conflict with professional duties
- (C) A situation involving legal disputes
- (D) A situation where two professionals disagree

Correct Answer: (B) A situation where personal interests conflict with professional duties

Solution:

Step 1: Understanding the concept.

A “conflict of interest” arises when a person’s personal interests — such as financial gain, relationships, or other personal considerations — interfere with their ability to act impartially and in the best interest of their organization or profession.

Step 2: Professional ethics context.

In professional settings, such conflicts undermine trust, objectivity, and fairness. Ethical codes require professionals to disclose and avoid situations that create potential conflicts between personal benefit and professional responsibility.

Step 3: Conclusion.

Thus, a conflict of interest refers to any situation where an individual’s private interests may influence the performance of their professional duties.

Quick Tip

Always disclose and manage conflicts of interest transparently to maintain professional integrity and public trust.

15. Advocate Mr. X was representing a client, Mr. Y, in a property dispute case. During the proceedings, Advocate Mr. X accepted a bribe from the opposing party to delay the case, causing significant harm to Mr. Y’s interests. Moreover, Mr. X failed to inform his client about critical hearing dates, leading to adverse judgments. On the basis of the above problem, select the correct option:

- (A) It amounts to criminal conspiracy under the Bhartiya Nyaya Sanhita, 2023
- (B) It amounts to the Contempt of Court under the Contempt of Courts Act, 1971
- (C) It is a violation of Rules made by the Bar Council of India for professional ethics
- (D) It is only an offence under the Prevention of Corruption Act, 2018

Correct Answer: (C) It is a violation of Rules made by the Bar Council of India for professional ethics

Solution:

Step 1: Understanding the professional conduct of advocates.

The Bar Council of India (BCI) has laid down detailed rules governing the professional conduct and etiquette of advocates under the **Advocates Act, 1961**. Advocates are expected to maintain integrity, fairness, and fidelity to their clients. Accepting bribes, misleading clients, or causing deliberate harm to a client's case are serious professional misconducts.

Step 2: Analysis of the act of Mr. X.

By accepting a bribe from the opposing party and failing to inform his client about important hearing dates, Mr. X has:

- Breached the fiduciary duty owed to his client.

- Violated professional ethics laid down under **Chapter II, Part VI of the Bar Council of India Rules**.

- Committed an act that can lead to disciplinary proceedings by the State Bar Council under Section 35 of the Advocates Act, 1961.

Step 3: Analysis of options.

(A) Incorrect — While criminal conspiracy may apply in some contexts, the question focuses on professional ethics, not criminal law.

(B) Incorrect — Contempt of Court refers to actions that scandalize or obstruct justice, not unethical conduct toward clients.

(C) Correct — The described acts clearly violate the professional ethics rules framed by the BCI.

(D) Incorrect — While bribery may attract criminal liability, the question pertains to disciplinary misconduct as per BCI rules.

Step 4: Conclusion.

The correct answer is (C), as the advocate's actions constitute professional misconduct under the BCI's Rules of Conduct.

Quick Tip

Professional misconduct includes actions like dishonesty, conflict of interest, breach of client confidence, and acceptance of bribes — all punishable under the Advocates Act, 1961.

16. The nature of proceedings in cases of professional misconduct:

- (1) Criminal in nature
- (2) Neither civil nor criminal
- (3) Quasi-criminal in nature
- (4) Civil in nature

- (A) Only (3)
- (B) (1), (3), and (4)
- (C) Both (1) and (4)
- (D) Only (2)

Correct Answer: (A) Only (3)

Solution:

Step 1: Understanding professional misconduct proceedings.

Proceedings for professional misconduct against advocates are conducted by the State Bar Councils and the Bar Council of India under **Section 35 of the Advocates Act, 1961**. These proceedings are neither purely civil nor criminal in nature but are considered **quasi-criminal**.

Step 2: Meaning of quasi-criminal proceedings.

The term “quasi-criminal” refers to proceedings that have characteristics of both civil and criminal procedures. They involve disciplinary actions and can lead to penalties such as suspension or removal from practice but do not result in imprisonment.

Step 3: Analysis of options.

- (1) Incorrect — Professional misconduct is not criminal in nature.
- (2) Incorrect — The proceedings do have a specific nature, i.e., quasi-criminal.
- (3) Correct — Such proceedings are quasi-criminal in nature.
- (4) Incorrect — They are not civil suits; they are disciplinary actions.

Step 4: Conclusion.

Hence, the correct answer is (A) Only (3), as professional misconduct cases are quasi-criminal in nature.

Quick Tip

Disciplinary proceedings under the Advocates Act are quasi-criminal — they ensure fairness like criminal trials but focus on maintaining professional standards rather than punishment.

17. Given below are two statements, one labelled as Assertion (A) and the other labelled as Reason (R).

Assertion (A): The concept of "locus standi" is relaxed in PIL cases.

Reason (R): PIL allows any public-spirited person to approach the court on behalf of those who cannot represent themselves.

In the context of the above two statements, which one of the following is correct?

(A) (A) is true, but (R) is false.

(B) (A) is false, and (R) is true.

(C) Both (A) and (R) are true, and (R) is the correct explanation of (A).

(D) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

Correct Answer: (C) Both (A) and (R) are true, and (R) is the correct explanation of (A).

Solution:

Step 1: Understanding the concept of locus standi.

"Locus standi" refers to the right of a person to approach the court. Traditionally, only the aggrieved party directly affected by a matter could file a case. However, in **Public Interest Litigation (PIL)** cases, this concept is relaxed.

Step 2: PIL and relaxation of locus standi.

In PILs, the court allows any public-spirited person or organization to approach the judiciary on behalf of those who cannot represent themselves — such as the poor, prisoners, or marginalized groups. This broadens access to justice.

Step 3: Analysis of statements.

(A) is true — Locus standi is indeed relaxed in PILs.

(R) is also true — Because PIL enables public-spirited individuals to file cases for others' welfare.

Further, (R) correctly explains (A) as it states the reason for the relaxation of locus standi.

Step 4: Conclusion.

Thus, both (A) and (R) are true, and (R) correctly explains (A).

Quick Tip

Public Interest Litigation (PIL) ensures access to justice for the voiceless by relaxing traditional rules like locus standi.

18. Which of the following best defines delegated legislation?

(A) Laws made by an administrative authority under powers given to them by Parliament.

(B) A judicial decision made by an administrative tribunal.

(C) Legislation passed by local governments.

(D) Laws enacted by Parliament or the Legislature.

Correct Answer: (A) Laws made by an administrative authority under powers given to them by Parliament.

Solution:

Step 1: Meaning of delegated legislation.

Delegated legislation refers to laws or rules made by a subordinate authority (e.g., ministries, departments, local bodies) under powers delegated by Parliament through a parent or enabling Act.

Step 2: Importance.

This system allows flexibility and efficiency by enabling the executive to frame detailed rules and regulations without Parliament enacting every procedural detail.

Step 3: Analysis of options.

(A) Correct — It perfectly defines delegated legislation.

(B) Incorrect — Administrative tribunals make decisions, not legislation.

(C) Incorrect — Local government laws are not delegated legislation; they are statutory by nature.

(D) Incorrect — Parliament enacts primary legislation, not delegated legislation.

Step 4: Conclusion.

Therefore, delegated legislation is “laws made by administrative authorities under powers granted by Parliament.”

Quick Tip

Delegated legislation enables flexibility in governance, but it must operate within the boundaries of the parent Act to remain valid.

19. Section 43 of the Companies Act, 2013 provides for

(A) Buy Back of Shares

(B) Reduction in Share Capital

(C) Issue of Shares at Premium

(D) Kinds of Share Capital

Correct Answer: (D) Kinds of Share Capital

Solution:

Step 1: Understanding Section 43 of the Companies Act, 2013.

Section 43 defines the classification of share capital in a company limited by shares. It specifies two main kinds of share capital: 1. **Equity share capital** — with or without voting rights.

2. **Preference share capital** — which has preferential rights regarding dividends or repayment.

Step 2: Analysis of options.

(A) Incorrect — Buy-back of shares is covered under Section 68.

(B) Incorrect — Reduction of share capital is covered under Section 66.

(C) Incorrect — Issue of shares at premium is dealt with in Section 52.

(D) Correct — Section 43 deals with the kinds of share capital.

Step 3: Conclusion.

Hence, the correct answer is (D) — Section 43 provides for kinds of share capital in a company.

Quick Tip

Remember: Section 43 of the Companies Act, 2013 defines two kinds of share capital — equity and preference shares.

20. A manufacturing company in the city of Surat named as "X" has been discharging untreated industrial waste into a nearby river, violating the provisions of the Environment Protection Act, 1986 and the Water (Prevention and Control of Pollution) Act, 1974. This has resulted in severe pollution, making the river water unsafe for drinking and harming aquatic life. Local farmers and residents, who rely on the river for irrigation and daily needs, have started facing health issues and crop failures due to the contaminated water. Despite multiple complaints to the local pollution control board, no action has been taken against the company. Based on the above problem, select the correct answer:

- (A) It is not the violation of the provisions of the laws stated in the problem.
- (B) It is the violation of Section 23 of the Water (Prevention and Control of Pollution) Act, 1974.
- (C) It is the violation of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974.
- (D) It is the violation of Section 40 of the Water (Prevention and Control of Pollution) Act, 1974.

Correct Answer: (C) It is the violation of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974.

Solution:

Step 1: Understanding Section 24 of the Act.

Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 prohibits any person or industry from knowingly discharging any poisonous, noxious, or polluting matter into any stream or well, thereby causing pollution. It directly relates to cases where untreated industrial effluents are released into water bodies.

Step 2: Application to the problem.

In the given case, the company discharged untreated industrial waste into a river, which led to water pollution and health hazards for the public and aquatic life. This act clearly violates Section 24 of the Water Act, 1974.

Step 3: Analysis of options.

(A) Incorrect — The company's actions clearly violate environmental laws.

(B) Incorrect — Section 23 deals with the powers of entry and inspection, not pollution discharge.

(C) Correct — Section 24 prohibits polluting discharges into water bodies.

(D) Incorrect — Section 40 concerns offences by government departments, not private companies.

Step 4: Conclusion.

Thus, the manufacturing company is guilty of violating Section 24 of the Water (Prevention and Control of Pollution) Act, 1974.

Quick Tip

Under Section 24 of the Water Act, no industry can discharge pollutants into any stream, well, or sewer without prior treatment or consent from the Pollution Control Board.

21. Which of the following Acts is popularly known as Umbrella Legislation?

(A) The Factories Act, 1948

(B) The Environment (Protection) Act, 1986

(C) The Water (Prevention and Control of Pollution) Act, 1974

(D) The Air (Prevention and Control of Pollution) Act, 1981

Correct Answer: (B) The Environment (Protection) Act, 1986

Solution:

Step 1: Understanding the term “Umbrella Legislation.”

An “Umbrella Legislation” is a comprehensive law that provides a framework for regulating multiple environmental aspects and serves as a base for other environmental laws.

Step 2: About the Environment (Protection) Act, 1986.

The Environment (Protection) Act, 1986 was enacted after the Bhopal Gas Tragedy to provide a single, comprehensive legislation covering all forms of environmental pollution — air, water, and land. It grants the Central Government wide powers to set standards, monitor, and penalize violators.

Step 3: Conclusion.

Thus, the Environment (Protection) Act, 1986 is rightly known as the “Umbrella Legislation” in India.

Quick Tip

The Environment (Protection) Act, 1986 serves as a framework law that unifies and supports all other environmental legislations in India.

22. Which of the following is/are included under Section 2(1)(w) of the Information Technology Act, 2000 describing the Intermediary?

- (1) Cyber Cafes
- (2) Telecom Regulators
- (3) Social Media Platforms
- (4) Internet Service Providers

- (A) (1), (2) and (4)
- (B) (1), (2), (3) and (4)
- (C) (1), (2) and (3)
- (D) (1), (3) and (4)

Correct Answer: (D) (1), (3) and (4)

Solution:

Step 1: Understanding “Intermediary” under IT Act, 2000.

As per Section 2(1)(w) of the Information Technology Act, 2000, an intermediary is any person who, on behalf of another, receives, stores, transmits, or provides any service concerning electronic messages. This includes entities like telecom service providers, network service providers, internet service providers, web-hosting services, search engines, online marketplaces, and cyber cafes.

Step 2: Application to options.

All entities listed — cyber cafes, telecom regulators, social media platforms, and ISPs — act as intermediaries facilitating digital communication and transactions.

Step 3: Conclusion.

Hence, the correct answer is (D) — cyber cafes, social media platforms, and internet service providers are included as intermediaries under Section 2(1)(w). Telecom regulators are not considered intermediaries.

Quick Tip

Under the IT Act, intermediaries must exercise due diligence to avoid liability for third-party content and ensure cybersecurity compliance.

23. Appropriate procedural safeguards help reduce threats to objectivity and counter any perception of possible bias. Which of the following is/are not procedural safeguard(s)?

- (1) Act in a fraudulent manner
 - (2) Providing peer-review of valuation, if necessary
 - (3) Non-disclosure of any prior association with the client
 - (4) Non-disclosure of any possible source of conflict of interest
- (A) Only (4)

(B) (2) and (4)

(C) (3) and (4)

(D) Only (2)

Correct Answer: (D) Only (2)

Solution:

Step 1: Understanding procedural safeguards.

Procedural safeguards are professional measures designed to maintain integrity, objectivity, and independence. These include transparency, disclosure of conflicts, peer reviews, and adherence to ethical codes.

Step 2: Identifying non-safeguards.

Non-disclosure of prior associations or sources of conflict of interest (options 3 and 4) undermines transparency and may lead to bias. Therefore, they are not procedural safeguards but rather examples of unethical behavior.

Step 3: Evaluation of options.

(1) Incorrect — Acting fraudulently is not a safeguard but is unrelated to the options asked.

(2) Correct procedural safeguard — Peer review enhances objectivity.

(3) and (4) Not safeguards — Non-disclosure of relationships or conflicts hides potential bias.

Step 4: Conclusion.

Thus, (2) is a safeguard. Therefore, the correct answer is (D) only.

Quick Tip

Full disclosure and peer reviews are essential safeguards to ensure independence and transparency in professional practice.

24. As per Section 2(84), “Share” means share in the share capital of a company and includes

(1) Debentures

(2) Preference Shares

(3) Stocks

(4) Bonds

(A) Only (3)

(B) (1), (2), (3), and (4)

(C) (1) and (2)

(D) (1), (2), and (3)

Correct Answer: (A) Only (3)

Solution:

Step 1: Understanding Section 2(84) of the Companies Act, 2013.

According to Section 2(84), “share” refers to a share in the share capital of a company and specifically includes “stock.” This means that the term share encompasses stock but excludes other financial instruments like bonds or debentures.

Step 2: Analysis of options.

(1) Debentures — Represent borrowed capital, not share capital.

(2) Preference shares — Are a class of share capital, but the definition uses the general term “share,” which includes stock, not specific share classes.

(3) Stocks — Correct, as explicitly mentioned in the Act.

(4) Bonds — Represent debt instruments, not ownership.

Step 3: Conclusion.

Hence, only “stock” is included in the definition of share under Section 2(84).

Quick Tip

Under the Companies Act, 2013, “shares” represent ownership in the company, while “debentures” and “bonds” indicate borrowed capital.

25. Which of the following legislations has been included under the Social Security Code, 2020?

- (1) The Maternity Benefit Act, 1961
- (2) The Payment of Gratuity Act, 1972
- (3) The Payment of Bonus Act, 1965
- (4) The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959

- (A) (1), (2), and (4)
- (B) (1), (2), (3), and (4)
- (C) Only (3)
- (D) (3) and (4)

Correct Answer: (A) (1), (2), and (4)

Solution:

Step 1: Understanding the Social Security Code, 2020.

The Social Security Code, 2020 consolidates and simplifies multiple existing labor laws related to social welfare and employee benefits. It aims to provide comprehensive social security to all workers, including those in the unorganized sector.

Step 2: Included legislations.

The following Acts were subsumed under the Social Security Code, 2020:

- 1. The Maternity Benefit Act, 1961
- 2. The Payment of Gratuity Act, 1972
- 3. The Payment of Bonus Act, 1965
- 4. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959

Step 3: Conclusion.

Hence, (A) is the correct answer as it includes the relevant legislations under the Social Security Code, 2020.

Quick Tip

The Social Security Code, 2020 unifies nine central labor laws to ensure protection, welfare, and benefits for all categories of workers in India.

26. have not been set up under the provisions of the Industrial Dispute Act, 1947 for adjudication of industrial disputes in an organization.

- (A) Labour Courts
- (B) National Tribunal
- (C) Industrial Tribunals
- (D) Environmental Tribunals

Correct Answer: (D) Environmental Tribunals

Solution:

Step 1: Understanding the Industrial Disputes Act, 1947.

The Industrial Disputes Act, 1947 provides for the establishment of three primary adjudicatory bodies for resolving industrial disputes — **Labour Courts, Industrial Tribunals, and National Tribunals**. These bodies deal with conflicts between employers and workers.

Step 2: Role of Environmental Tribunals.

Environmental Tribunals are constituted under the **National Green Tribunal Act, 2010**, and not under the Industrial Disputes Act. They deal with cases related to environmental protection and compensation for damages to the environment.

Step 3: Conclusion.

Hence, Environmental Tribunals are not established under the Industrial Disputes Act, 1947.

Quick Tip

The Industrial Disputes Act, 1947 establishes Labour Courts, Industrial Tribunals, and National Tribunals for the settlement of industrial disputes.

27. XYZ Textiles Ltd., a manufacturing company, recently terminated 4 workers without providing any compensation. The termination was because of misconduct on the part of the workers. The company issued a show-cause notice and conducted a disciplinary enquiry against them. On the basis of the recommendations of the

committee, the services were rejected by the management. Aggrieved by the rejection, the workers filed a complaint in the Labour Court under the provisions of the Industrial Disputes Act, 1947, claiming retrenchment compensation. Based on the above problem, select the correct answer:

- (A) The termination amounts to retrenchment, hence compensation will be awarded.
- (B) The termination violated the provisions under the Industrial Disputes Act, 1947, hence the compensation will be awarded.
- (C) The termination does not amount to retrenchment, hence no compensation.
- (D) The termination amounts to lay-off, hence compensation will be awarded.

Correct Answer: (C) The termination does not amount to retrenchment, hence no compensation.

Solution:

Step 1: Understanding “retrenchment” under Section 2(oo) of the Industrial Disputes Act, 1947.

“Retrenchment” means the termination of a worker’s service by the employer for any reason whatsoever, except in cases of: - Disciplinary action (misconduct), - Voluntary retirement, - Superannuation, or - Non-renewal of a contract.

Step 2: Application to the case.

In the given scenario, the workers were terminated because of misconduct, and a proper disciplinary enquiry was held. Termination on disciplinary grounds does not constitute “retrenchment” under Section 2(oo). Therefore, the workers are not entitled to retrenchment compensation.

Step 3: Analysis of options.

- (A) Incorrect — Termination for misconduct is excluded from retrenchment.
- (B) Incorrect — There is no violation if the disciplinary process was duly followed.
- (C) Correct — Misconduct-based termination is not retrenchment; hence, no compensation.
- (D) Incorrect — Lay-off occurs due to temporary inability to employ, not misconduct.

Step 4: Conclusion.

Thus, the termination does not amount to retrenchment and the workers are not entitled to compensation.

Quick Tip

Termination due to misconduct, after a fair disciplinary enquiry, is not treated as re-trenchment under the Industrial Disputes Act, 1947.

28. Malti, a small business owner, runs an online clothing store. Recently, she noticed that her website had been hacked, and her customers' personal information, including names, addresses, and payment details, was stolen. Shortly after, some of her customers reported unauthorized transactions on their accounts. Malti wishes to file a complaint against the incident. On the basis of the above problem, select the correct option:

- (A) It is punishable under Section 66 of the Information Technology Act, 2000 and the customers can also claim compensation under certain circumstances.
- (B) The customers do not have any legal remedy under the Information Technology Act, 2000.
- (C) It is punishable under Section 66 of the Information Technology Act, 2000.
- (D) It is punishable only under the criminal laws.

Correct Answer: (A) It is punishable under Section 66 of the Information Technology Act, 2000 and the customers can also claim compensation under certain circumstances.

Solution:

Step 1: Understanding Section 66 of the IT Act, 2000.

Section 66 of the Information Technology Act, 2000 deals with computer-related offences such as hacking, unauthorized access, or data theft. Any person who dishonestly or fraudulently gains access to a computer system or steals personal information is punishable under this section.

Step 2: Compensation under the Act.

Under Section 43A and Section 66, if a company handling sensitive personal data fails to protect it due to negligence, it can be held liable to pay compensation to affected individuals.

Step 3: Application to the case.

Since Malti's website was hacked and customer data was stolen, the act falls under Section

66. Moreover, affected customers can claim compensation for financial loss under Section 43A.

Step 4: Conclusion.

Hence, the correct answer is (A). Both punishment for hacking and compensation rights for victims are covered under the IT Act, 2000.

Quick Tip

Under the IT Act, 2000, both data theft (Section 66) and failure to protect personal data (Section 43A) are punishable and compensable offences.

29. Which of the following is/are included under the definition of employer given under The Industrial Relations Code, 2020?

- (1) Occupier of the factory
- (2) Contractor
- (3) Manager of the factory
- (4) Managing Director of the factory

- (A) (1), (2), and (4)
- (B) (1), (2), and (3)
- (C) (4) Only
- (D) (1), (3), and (4)

Correct Answer: (B) (1), (2), and (3)

Solution:

Step 1: Definition under the Industrial Relations Code, 2020.

The Industrial Relations Code, 2020 defines an **employer** as a person having ultimate control over the affairs of an establishment. This includes: - The occupier of a factory, - The manager of a factory, and - A contractor who employs workers for the establishment.

Step 2: Application to the question.

While the managing director has executive control, the Code specifically lists occupiers, contractors, and managers as “employers” for the purpose of labour laws.

Step 3: Conclusion.

Thus, the correct answer is (B) — (1), (2), and (3) are included under the definition of employer.

Quick Tip

Under the Industrial Relations Code, 2020, an employer is anyone exercising control or authority over workers — including occupiers, managers, or contractors.

30. Ms J, knowing while taking the lift that driver Mr T was under the influence of alcohol, met with an accident and sustained major injuries. She has filed a case for compensation. Which defence could be claimed by Mr T?

- (A) Inevitable Accident
- (B) Act of Necessity
- (C) Volenti non fit injuria
- (D) Act of God

Correct Answer: (C) Volenti non fit injuria

Solution:

Step 1: Understanding the doctrine of Volenti non fit injuria.

The term means “to a willing person, no injury is done.” It applies when a person voluntarily consents to the risk of harm. In such cases, the defendant cannot be held liable for the resulting injury.

Step 2: Application to the case.

Ms J willingly took the lift knowing that the driver, Mr T, was intoxicated. By doing so, she accepted the risk associated with the situation. Therefore, Mr T can claim the defence of Volenti non fit injuria.

Step 3: Analysis of other options.

- (A) Inevitable Accident — Not applicable, as the accident could have been avoided.
- (B) Act of Necessity — Refers to acts done to prevent a greater harm, not applicable here.
- (D) Act of God — Applies to natural calamities, not human negligence.

Step 4: Conclusion.

Hence, Mr T can claim the defence of Volenti non fit injuria as Ms J consented to the known risk.

Quick Tip

Volenti non fit injuria protects defendants when the plaintiff knowingly and willingly assumes the risk of injury.

31. Mr. K is the owner of a building containing a large number of rooms and had derived a considerable income by letting them. Mr. Y is the owner of an adjacent cotton mill which was erected after the occupation by Mr. K. Owing to noise and smoke from the mill, several rooms remain vacated, resulting in loss for Mr. K. Examine the relevant tort for the case.

- (A) Nuisance
- (B) Negligence
- (C) Damnum sine injuria
- (D) Trespass to land

Correct Answer: (A) Nuisance

Solution:

Step 1: Understanding the scenario.

Mr. K suffers a loss due to the noise and smoke generated by Mr. Y's cotton mill. The interference affects the enjoyment and use of Mr. K's property and causes a decline in income. Such interference constitutes a violation of the right to peaceful enjoyment of property.

Step 2: Identifying the tort.

This situation corresponds to the tort of **private nuisance**, where an individual's lawful use of their property unreasonably interferes with another person's use or enjoyment of their property.

Step 3: Supporting legal principle.

Nuisance involves continuous, indirect interference such as noise, smoke, or vibrations. It is distinct from negligence or trespass because it does not necessarily involve direct physical invasion or lack of due care.

Step 4: Conclusion.

Therefore, the case represents the tort of **nuisance**, as Mr. Y's mill activities have interfered with Mr. K's enjoyment and profitability of his property.

Quick Tip

Nuisance occurs when someone's lawful use of property interferes with another's right to enjoy their property. Common examples include noise, pollution, and smoke.

32. There was a collision between two buses, one owned by the government and another was a private bus. The private bus was coming from the wrong side, and the government bus was coming rashly, neither slowing down nor stopping after seeing the other bus. Determine the tortious act.

- (A) Inevitable accident
- (B) Contributory Negligence
- (C) Private bus owner is negligent
- (D) Government bus owner is negligent

Correct Answer: (B) Contributory Negligence

Solution:

Step 1: Understanding contributory negligence.

Contributory negligence arises when both parties involved in an accident are negligent, and their combined negligence results in the harm or damage caused. In such cases, each party's lack of due care contributes to the incident.

Step 2: Application to the given scenario.

In this case, the private bus was coming from the wrong side, which constitutes negligence. Simultaneously, the government bus was being driven rashly and the driver failed to slow down even after noticing the other bus. Thus, both drivers contributed to the collision through their negligence.

Step 3: Conclusion.

Since both parties were at fault, the situation amounts to contributory negligence.

Quick Tip

Contributory negligence occurs when both parties fail to take reasonable care, thereby jointly causing the harm. Each party shares liability proportionally.

33. The term “Income” is described in the Income Tax Act, 1961 under

- (A) Section 3
- (B) Section 10E
- (C) Section 2(24)
- (D) Section 2(40)

Correct Answer: (C) Section 2(24)

Solution:

Step 1: Definition under the Income Tax Act, 1961.

Section 2(24) of the Income Tax Act defines the term “Income.” It includes a wide range of receipts such as profits, dividends, voluntary contributions, and other financial gains, whether recurring or non-recurring.

Step 2: Understanding its scope.

The definition of income is inclusive rather than exhaustive. It covers all monetary benefits or gains that add to the taxpayer’s wealth, whether derived legally or illegally.

Step 3: Conclusion.

Therefore, “Income” is defined under Section 2(24) of the Income Tax Act, 1961.

Quick Tip

Section 2(24) provides an inclusive definition of income, which means any monetary benefit, profit, or gain can be considered as income for tax purposes.

34. Mr. X deposits 65,000 in a term deposit of 5 years with the Post Office to avail tax deduction under Section 80C. Assuming Mr. X does not opt for the concessional tax regime under Section 115BAC of the Income Tax Act, 1961. On the basis of the above problem, select the correct option:

- (A) No tax deduction can be availed under Section 80C
- (B) It is an unlawful act to treat a personal expenditure
- (C) Mr. X is guilty of tax evasion/tax avoidance
- (D) Mr. X is not guilty of either tax evasion/tax avoidance

Correct Answer: (D) Mr. X is not guilty of either tax evasion/tax avoidance

Solution:

Step 1: Understanding Section 80C.

Section 80C of the Income Tax Act allows deductions up to 1,50,000 from taxable income for specific investments and expenditures such as life insurance premiums, Public Provident Fund (PPF), and 5-year term deposits with post offices or banks.

Step 2: Application to the case.

Mr. X's investment in a 5-year Post Office term deposit qualifies under Section 80C, provided he has not opted for the concessional tax regime under Section 115BAC. Since he has not opted for 115BAC, he is eligible for the deduction.

Step 3: Conclusion.

Mr. X's act is legitimate and qualifies as tax planning — not tax evasion or avoidance.

Quick Tip

Tax planning through eligible deductions like 80C is legal, while tax evasion (concealing income) and avoidance (misuse of loopholes) are punishable.

35. Read the given statements and choose the correct option.

Statement 1: Agricultural Income is Exempt from Tax under Section 10(1) of the Income Tax Act, 1961.

Statement 2: Tax on Non-Agricultural Income in case of Non-Agricultural Income exceeding the Basic Exemption limit and Agricultural Income exceeding 5000 is determined by the Scheme of Partial Integration of Non-Agricultural Income with Agricultural Income.

- (A) Only statement 2 is true
- (B) Both the Statements are incorrect
- (C) Both the Statements are correct
- (D) Only Statement 1 is true

Correct Answer: (B) Both the Statements are incorrect

Solution:

Step 1: Understanding Section 10(1) of the Income Tax Act, 1961.

Section 10(1) clearly states that agricultural income is exempt from income tax. This exemption ensures that income earned directly from agricultural operations remains outside the purview of central taxation.

Step 2: Understanding Partial Integration.

When a taxpayer has both agricultural and non-agricultural income, and the agricultural income exceeds 5000 while the non-agricultural income crosses the basic exemption limit, the tax liability is computed using the **Scheme of Partial Integration**. This helps determine the effective tax rate applicable to non-agricultural income.

Step 3: Conclusion.

Both statements are correct as per the provisions of the Income Tax Act, 1961.

Quick Tip

Agricultural income is exempt under Section 10(1), but partial integration applies when both agricultural and non-agricultural income are earned by the same taxpayer.

36. Ms J, a banker, refuses to honour a cheque of Ms F, though Ms F had a sufficient balance. Yet, Ms F does not suffer any monetary loss. Ms F can file a case under which scenario?

- (A) Damnum-sine-injuria
- (B) Res-ipsa-loquitur
- (C) Volenti-non-fit-injuria
- (D) Injuria-sine-damnum

Correct Answer: (D) Injuria-sine-damnum

Solution:

Step 1: Understanding the legal principle.

“Injuria-sine-damnum” means “legal injury without actual damage.” It applies when a person’s legal right is violated, even if no physical, financial, or material damage is suffered.

Step 2: Application to the case.

Ms J, the banker, refused to honour Ms F’s cheque despite having sufficient balance. This refusal violates Ms F’s legal right as a customer to have her cheque honoured. Even though no monetary loss occurred, the legal right was infringed.

Step 3: Conclusion.

Hence, Ms F can file a case under the doctrine of “Injuria-sine-damnum.”

Quick Tip

“Injuria-sine-damnum” focuses on the violation of a legal right, not on actual damage. Legal injury itself is actionable.

37. Mr B told Mr A to leave the premises in occupation of Mr A. When Mr A refused, Mr B collected some workmen who surrounded Mr A and threatened to break his neck if he did not leave. Under which tortious act can Mr A file the case?

- (A) Battery
- (B) Hurt

(C) False Imprisonment

(D) Assault

Correct Answer: (D) Assault

Solution:

Step 1: Understanding the concept of Assault.

Assault occurs when a person intentionally creates an apprehension of imminent harm or violence in another person's mind, even without physical contact. The essential element is the **threat of immediate harm**.

Step 2: Application to the case.

Mr B and his workmen surrounded Mr A and threatened to harm him if he did not leave.

Though no physical contact occurred, the threat and intimidation created a reasonable fear of harm — fulfilling the condition of assault.

Step 3: Conclusion.

Thus, Mr A can file a case against Mr B for assault.

Quick Tip

Assault involves a threat of force that causes fear of imminent harm, while battery involves actual physical contact.

38. The concept of invalid guarantee is covered under Sections

(A) 143–147

(B) 140–143

(C) 142–146

(D) 142–144

Correct Answer: (D) 142–144

Solution:

Step 1: Understanding the concept of guarantee.

A “contract of guarantee” is defined under Section 126 of the Indian Contract Act, 1872. It involves three parties — the creditor, principal debtor, and surety. A guarantee becomes invalid if certain conditions under Sections 142 to 146 are violated.

Step 2: Relevant sections.

- **Section 142:** Guarantee obtained by misrepresentation invalid.
- **Section 143:** Guarantee obtained by concealment invalid.
- **Section 144:** Guarantee conditional to co-surety’s signing is invalid if the condition is not met.
- **Sections 145–146:** Define the rights of surety after invalidation or discharge.

Step 3: Conclusion.

Thus, the concept of invalid guarantee is covered under Sections 142–144 of the Indian Contract Act, 1872.

Quick Tip

A guarantee becomes invalid if obtained by fraud, concealment, or conditional terms that remain unfulfilled as per Sections 142–144 of the Indian Contract Act, 1872.

39. "A", a real estate developer, entered into a contract with "B", the owner of a piece of prime land, for the purchase of her property. The contract stipulated that "A" would pay 50 lakhs in advance and the remaining 1 crore within six months. In return, "B" agreed to transfer the title to the land. However, after receiving the advance payment, "B" refused to execute the sale deed, claiming that she received a better offer from another buyer. "A" demanded enforcement of the contract under the Specific Relief Act, 1963, but "B" denied his claim. "A" has to file a suit in a court of law. On the basis of the above problem, select the correct answer:

(A) "A" may file a suit in the civil court having powers under the Civil Procedure Code, 1908.

(B) No suit can be brought against "A" as there is no breach of contract.

(C) "A" may file a suit in the criminal court having the powers under the Bhartiya Nagrik

Suraksha Sanhita, 2023.

(D) "A" may file a suit in the special court constituted under the Specific Relief Act, 1963.

Correct Answer: (A) "A" may file a suit in the civil court having powers under the Civil Procedure Code, 1908.

Solution:

Step 1: Understanding the case.

The dispute arises from a breach of a contract for sale of immovable property. Under the Specific Relief Act, 1963, the aggrieved party can seek specific performance of the contract. However, the suit must be filed before a civil court that exercises jurisdiction under the Civil Procedure Code (CPC), 1908.

Step 2: Application to the problem.

Since "B" refused to execute the sale deed after accepting the advance payment, "A" has the right to seek enforcement of the contract. The remedy lies in filing a civil suit for specific performance under the provisions of the CPC, not in a special or criminal court.

Step 3: Conclusion.

Hence, "A" may file a civil suit before a competent civil court under the Civil Procedure Code, 1908.

Quick Tip

Specific performance suits are civil in nature and are filed under the Civil Procedure Code, 1908, not under any criminal law.

40. "A" transfers a piece of land to "B" on the condition that "B" shall not transfer the land to anyone else for the next 10 years. In this case, "B" has no right to transfer the land to someone else for the next 10 years. On the basis of the above problem, select the correct option:

(A) It amounts to Subsequent Transfer of Property

(B) It amounts to Conditions Precedent in the Transfer of Property

(C) It amounts to Conditional Transfer of Property

(D) It amounts to Conditional Limitations on Transfer of Property

Correct Answer: (D) It amounts to Conditional Limitations on Transfer of Property

Solution:

Step 1: Understanding conditional limitations.

A conditional limitation restricts the transferee's right to transfer or use property under certain conditions. It imposes limitations on ownership or transferability after the property has been transferred.

Step 2: Application to the case.

Here, "A" transferred land to "B" but imposed a restriction that "B" cannot transfer it to another person for 10 years. This does not invalidate the transfer itself but limits "B"'s rights temporarily — making it a conditional limitation.

Step 3: Conclusion.

Thus, the case represents conditional limitations on the transfer of property as per the Transfer of Property Act, 1882.

Quick Tip

Conditional limitations restrict the rights of the transferee after the transfer has taken place, unlike conditions precedent which apply before the transfer is completed.

41. Mr. Rajesh issued a cheque of 2,50,000 to his supplier, Mr. Sharma, for the payment of goods purchased. When Mr. Sharma deposited the cheque, it was returned by the bank with the remark "Insufficient Funds." On the basis of the above problem, select the correct option:

(A) A complaint in writing is to be made by Mr. Sharma in the court within five months for the dishonour of the cheque

(B) A complaint in writing is to be made by Mr. Sharma in the court within two months for the dishonour of the cheque

(C) A complaint in writing is to be made by Mr. Sharma in the court within three months for the dishonour of the cheque

(D) A complaint in writing is to be made by Mr. Sharma in the court within one month for the dishonour of the cheque

Correct Answer: (D) A complaint in writing is to be made by Mr. Sharma in the court within one month for the dishonour of the cheque

Solution:

Step 1: Relevant provision under the Negotiable Instruments Act, 1881.

As per Section 138 of the Negotiable Instruments Act, 1881, when a cheque is dishonoured due to insufficient funds, the payee must file a written complaint within a specific time period to initiate legal action.

Step 2: Legal procedure and time limit.

The payee (Mr. Sharma) must issue a notice to the drawer (Mr. Rajesh) within 30 days of receiving the bank memo regarding dishonour. The drawer then has 15 days to make the payment. If payment is not made within this period, the payee may file a complaint in court within 30 days (approximately one month). However, the overall time frame permitted by law is **three months** from the date of cause of action.

Step 3: Conclusion.

Hence, Mr. Sharma must file a written complaint in the court within one month from the date of dishonour of the cheque.

Quick Tip

Under Section 138 of the Negotiable Instruments Act, a dishonoured cheque due to insufficient funds can lead to criminal prosecution if the complaint is filed within three months.

42. Rent-free accommodation provided by an employer to an employee is

(A) Allowance under Section 10(13A) of the Income Tax Act

- (B) Allowance under Section 10(1) of the Income Tax Act
- (C) Perquisite as per Section 17(2) of the Income Tax Act
- (D) Perquisite as per Section 16(2) of the Income Tax Act

Correct Answer: (C) Perquisite as per Section 17(2) of the Income Tax Act

Solution:

Step 1: Meaning of perquisite.

Under the Income Tax Act, 1961, perquisites are benefits provided by an employer to an employee in addition to salary or wages. These can be in cash or kind, such as housing, car, or other amenities.

Step 2: Legal reference.

Section 17(2) of the Income Tax Act defines “perquisites” and includes rent-free or concessional accommodation provided by the employer to the employee as part of taxable salary.

Step 3: Conclusion.

Hence, rent-free accommodation is treated as a perquisite under Section 17(2) of the Income Tax Act.

Quick Tip

Rent-free accommodation, company cars, and medical benefits are examples of perquisites under Section 17(2) of the Income Tax Act, 1961.

43. An agreement not enforceable by law is stated to be void under

- (A) Section 2(f)
- (B) Section 2(g)
- (C) Section 2(d)
- (D) Section 2(e)

Correct Answer: (B) Section 2(g)

Solution:

Step 1: Understanding the definition.

According to Section 2(g) of the Indian Contract Act, 1872, an agreement not enforceable by law is termed as “void.” Such agreements lack legal enforceability and cannot be upheld in any court of law.

Step 2: Examples.

Examples of void agreements include agreements made with minors, agreements in restraint of marriage, or agreements with unlawful consideration.

Step 3: Conclusion.

Therefore, Section 2(g) of the Indian Contract Act, 1872 defines a void agreement as one not enforceable by law.

Quick Tip

A valid contract must fulfill all essential elements under the Indian Contract Act. If it fails to do so, it becomes void as per Section 2(g).

44. Which section of the Law of Contract defines, "A proposal may be revoked at any time before the communication of its acceptance is complete as against the proposer, but not afterwards"?

- (A) Section 6
- (B) Section 7
- (C) Section 5
- (D) Section 4

Correct Answer: (C) Section 5

Solution:

Step 1: Understanding the concept of revocation of proposal.

Under the Indian Contract Act, 1872, the proposer (the person who makes the offer) may revoke his proposal at any time before its acceptance is communicated to him, but not after the communication of acceptance is complete as against him.

Step 2: Relevant section.

Section 5 of the Indian Contract Act, 1872 specifically states that — “A proposal may be revoked at any time before the communication of its acceptance is complete as against the proposer, but not afterwards.”

Step 3: Conclusion.

Hence, the correct section that defines revocation of proposal is Section 5 of the Indian Contract Act, 1872.

Quick Tip

Section 5 governs both the revocation of proposals and acceptances — proposals can be revoked before acceptance is complete against the proposer.

45. According to the Land Acquisition Act (Land Acquisition, Rehabilitation and Resettlement), 2013, governments can acquire land for:

- (i) Strategic purpose.
- (ii) Projects for Families Affected by Projects.
- (iii) For public-private partnership projects, where government ownership of land will remain with the government.

- (A) (i) and (iii)
- (B) (i), (ii) and (iii)
- (C) (i) and (ii)
- (D) (ii) and (iii)

Correct Answer: (C) (i) and (ii)

Solution:

Step 1: Understanding the purpose of the Land Acquisition Act, 2013.

The Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) governs the process of land acquisition by the government while ensuring fair compensation and rehabilitation of affected persons.

Step 2: Conditions for land acquisition.

Under the Act, land can be acquired for: 1. **Strategic purposes** — such as national security, defense, or public infrastructure.

2. **Projects for families affected by projects** — for resettlement or rehabilitation purposes.

3. **Public-private partnership (PPP) projects** — where ownership remains with the government.

Step 3: Conclusion.

Hence, (i) and (ii) are valid purposes for land acquisition under the LARR Act, 2013.

Quick Tip

The LARR Act, 2013 ensures transparency, fair compensation, and rehabilitation in land acquisition for government and PPP projects.

46. The Land Acquisition Act, 2013 in India has replaced which earlier legislation?

- (A) Land Acquisition Act, 1894
- (B) Land Acquisition Act, 1874
- (C) Land Acquisition Act, 1956
- (D) Land Acquisition Act, 1862

Correct Answer: (A) Land Acquisition Act, 1894

Solution:

Step 1: Historical background.

The Land Acquisition Act, 1894 was the earlier law that governed the process of land acquisition in India. However, it was criticized for being outdated and unfair to those whose lands were acquired.

Step 2: Replacement by LARR Act, 2013.

To address these concerns, the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013** was enacted, repealing the Land Acquisition Act, 1894.

Step 3: Objective.

The 2013 Act focuses on fair compensation, rehabilitation, and resettlement of affected persons, making the process more humane and transparent.

Step 4: Conclusion.

Hence, the Land Acquisition Act, 1894 was replaced by the LARR Act, 2013.

Quick Tip

The LARR Act, 2013 modernized India's land acquisition process, ensuring fairness, transparency, and proper rehabilitation for affected individuals.

47. Soham, an independent software developer, created a mobile app called "FitLife" that provides personalized fitness plans. He registered the app's name and logo under trademark law and copyrighted the app's source code. However, six months after its launch, Soham discovered a competing app called "FitLyfe", with a similar logo and features, being marketed by a large tech company. Soham believes the competing app copied elements of his source code and intentionally used a confusingly similar name and logo to mislead customers. On the basis of the above problem, select the correct option. Under trademark law, can Soham claim infringement for the use of a similar name and logo by the competing app?

- (A) Yes, but only if the competitor is a small business.
- (B) No, trademark infringement can only occur if there is identical copying.
- (C) Yes, if he can prove that the names are confusingly similar.
- (D) No, because the competing app has a different name and logo.

Correct Answer: (C) Yes, if he can prove that the names are confusingly similar.

Solution:

Step 1: Understanding trademark infringement.

Under the Trade Marks Act, 1999, infringement occurs when a mark is used in a way that is identical or deceptively similar to a registered trademark, leading to confusion among consumers regarding the origin of the goods or services.

Step 2: Application to the problem.

Soham’s app “FitLife” is registered under trademark law, and the competing app “FitLyfe” uses a deceptively similar name and logo that could confuse users into believing that both apps are related. This falls under the definition of trademark infringement.

Step 3: Conclusion.

Hence, Soham can claim trademark infringement if he can prove that the competing app’s name and logo are confusingly similar to his registered trademark.

Quick Tip

Under trademark law, “confusing similarity” is sufficient to establish infringement — exact copying is not necessary.

48. What is the duration of copyright protection for literary works in India?

- (A) Lifetime of the author plus 60 years
- (B) 10 years from the date of first sale
- (C) 50 years from the creation of the work
- (D) 60 years from the date of publication

Correct Answer: (A) Lifetime of the author plus 60 years

Solution:**Step 1: Legal provision.**

Under Section 22 of the Copyright Act, 1957, the copyright in a literary, dramatic, musical, or artistic work subsists during the lifetime of the author and for 60 years after the author’s death.

Step 2: Calculation of term.

The 60-year period is counted from the beginning of the calendar year following the year in which the author dies.

Step 3: Conclusion.

Hence, the duration of copyright protection for literary works in India is the lifetime of the author plus 60 years.

Quick Tip

Copyright for literary, musical, and artistic works lasts for the lifetime of the author plus 60 years; for cinematograph films and sound recordings, it lasts for 60 years from publication.

49. Section 31 of the Specific Relief Act, 1963 is related to

- (A) Declaratory decrees
- (B) Perpetual injunction
- (C) Rescission of contracts
- (D) Cancellation of instruments

Correct Answer: (D) Cancellation of instruments

Solution:

Step 1: Understanding Section 31.

Section 31 of the Specific Relief Act, 1963 deals with the cancellation of instruments. It allows a person to approach the court to have an instrument (like a deed or document) cancelled if it is void or voidable and may cause harm if left outstanding.

Step 2: Legal remedy.

The court may order the instrument to be delivered up and cancelled to prevent future misuse or injury to the person entitled to relief.

Step 3: Conclusion.

Hence, Section 31 of the Specific Relief Act, 1963 pertains to the cancellation of instruments.

Quick Tip

If a document is void or likely to cause harm if left valid, it can be cancelled under Section 31 of the Specific Relief Act, 1963.

50. How the recovery of specific immovable property may be enforced?

(A) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Criminal Procedure, 1973.

(B) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure, 1908.

(C) A person entitled to the possession of specific immovable property may recover it in the manner provided by The Specific Relief Act, 1963.

(D) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Transfer of Property Act, 1882.

Correct Answer: (B) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure, 1908.

Solution:

Step 1: Understanding the legal provision.

Section 5 of the Specific Relief Act, 1963, provides that a person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure, 1908. However, the enforcement itself is governed by the provisions of the Specific Relief Act.

Step 2: Analyzing the options.

(A) Incorrect — Criminal Procedure Code, 1973 deals with criminal matters, not civil possession.

(B) Correct — The recovery of specific immovable property is provided under Section 5 of The Specific Relief Act, 1963.

(C) Incorrect — The Transfer of Property Act deals with transfer and ownership, not recovery.

Step 3: Conclusion.

Hence, the correct answer is (B) — The Code of Civil Procedure, 1908.

Quick Tip

Remember: The right to recover possession of immovable property is governed by the Specific Relief Act, 1963, particularly Section 5.

51. By which Constitutional Amendment was clause (4B) inserted into Article 16?

- (A) 77
- (B) 85
- (C) 81
- (D) 91

Correct Answer: (C) 81

Solution:

Step 1: Understanding Article 16.

Article 16 of the Constitution of India deals with equality of opportunity in matters of public employment. Clause (4B) was inserted to allow the unfilled reserved vacancies of a year to be carried forward to subsequent years.

Step 2: Constitutional Amendment.

Clause (4B) was inserted by the **81st Constitutional Amendment Act, 2000**. This amendment ensured that the total number of reserved vacancies could exceed 50

Step 3: Conclusion.

Thus, Clause (4B) of Article 16 was introduced by the 81st Amendment Act.

Quick Tip

The 81st Constitutional Amendment allows reservation beyond the 50

52. Which of the following statement is correct about 106th Constitutional Amendment Act?

- (i) It introduces Article 239A by which seats are reserved for women in legislative assembly of the national capital territory of Delhi.
- (ii) It introduces Article 338 providing for the reservation of seats for women in the house of people.

(iii) It also adds Article 334A which states that the said amendment will commence after the first census taken after the commencement of the act.

(iv) The above-stated shall cease to have effect on the expiration of a period of 15 years from commencement.

(A) (ii), (iii), (iv)

(B) All of these

(C) (i), (ii), & (iii)

(D) (i), (iii), & (iv)

Correct Answer: (A) (ii), (iii), (iv)

Solution:

Step 1: Understanding the 106th Amendment Act.

The 106th Constitutional Amendment Act, 2023, provides for the reservation of one-third of seats for women in the Lok Sabha and State Legislative Assemblies. It introduces **Articles 330A and 334A**.

Step 2: Evaluation of the statements.

(i) Correct — Article 239AA deals with Delhi, and provision for women's reservation is applicable in legislative assemblies, including Delhi.

(ii) Incorrect — It does not introduce Article 338; that article already exists and relates to the National Commission for Scheduled Castes.

(iii) Correct — Article 334A specifies that the reservation shall come into effect after the census following the commencement of the act.

(iv) Correct — It also mentions that the reservation will cease after 15 years unless extended.

Step 3: Conclusion.

Thus, statements (i), (iii), and (iv) are correct.

Quick Tip

The 106th Amendment Act introduces reservation for women in Lok Sabha and State Assemblies through Articles 330A and 334A, effective after the next census.

53. The Parliament enacts the "Fair Housing Act, 2024," which includes the following provisions:

(1) Section 3: Prohibits discrimination in renting or selling houses based on religion, caste, or gender.

Section 6: Imposes a penalty of 10,000 for discrimination.

Section 10: Makes it mandatory for landlords to disclose the religious background of all tenants in the previous 10 years.

A citizen challenges Section 10, arguing that it violates the right to privacy under Article 21 of the Indian Constitution. The Supreme Court declares Section 10 unconstitutional but upholds the other provisions of the law.

What principle did the court apply in this decision?

- (A) Doctrine of Basic Structure
- (B) Doctrine of Colourable Legislation
- (C) Doctrine of Eclipse
- (D) Doctrine of Severability

Correct Answer: (D) Doctrine of Severability

Solution:

Step 1: Understanding the situation.

The Court found Section 10 unconstitutional as it violated the right to privacy under Article 21. However, the rest of the law was still valid and enforceable.

Step 2: Applying the Doctrine of Severability.

According to the **Doctrine of Severability**, if some provisions of a statute are unconstitutional, they can be struck down without invalidating the entire act, provided the rest can function independently.

Step 3: Conclusion.

Since only Section 10 was struck down and the rest of the Act remained valid, the Court applied the Doctrine of Severability.

Quick Tip

Under the Doctrine of Severability, unconstitutional parts of a law can be removed without affecting the validity of the rest of the legislation.

54. The reports of the Comptroller and Auditor General of India relating to the accounts of a State shall be submitted to the

- (A) Estimates Committee
- (B) Public Accounts Committee
- (C) Governor
- (D) Committee on Public Undertakings

Correct Answer: (C) Governor

Solution:

Step 1: Understanding the constitutional provision.

Article 151 of the Constitution provides that the reports of the Comptroller and Auditor General (CAG) relating to the accounts of a State shall be submitted to the Governor.

Step 2: Further explanation.

The Governor then places these reports before the State Legislature for examination by the Public Accounts Committee and other committees as necessary.

Step 3: Conclusion.

Thus, the initial submission of the report is to the Governor, not directly to any committee.

Quick Tip

CAG reports on Union accounts go to the President, while reports on State accounts go to the Governor.

55. Which of the following Articles of the Constitution of India declares that the Supreme Court shall be a court of record?

- (A) Article 129
- (B) Article 135
- (C) Article 119
- (D) Article 111

Correct Answer: (A) Article 129

Solution:

Step 1: Understanding the concept.

A “Court of Record” means that the court’s acts and judicial proceedings are recorded for perpetual memory and testimony, and such records have evidentiary value.

Step 2: Constitutional Provision.

Article 129 declares the Supreme Court of India as a Court of Record with the power to punish for its contempt.

Step 3: Conclusion.

Therefore, the Supreme Court’s status as a court of record is derived from Article 129.

Quick Tip

Both Supreme Court (Article 129) and High Courts (Article 215) are Courts of Record in India.

56. In which case was a registered society held to be an ”authority” for the purpose of Article 12?

- (A) Sukhdev vs. Bhagatram
- (B) R.D. Shetty vs. International Airport Authority
- (C) Som Prakash vs. Union of India
- (D) Ajay Hasia vs. Khalid Mujib

Correct Answer: (D) Ajay Hasia vs. Khalid Mujib

Solution:

Step 1: Background of the case.

In **Ajay Hasia vs. Khalid Mujib (1981)**, the Supreme Court held that a society registered under the Societies Registration Act could be considered an "authority" under Article 12 if it is under the control of the government.

Step 2: Principle laid down.

The Court stated that the form of organization (corporation, society, or company) does not matter — what matters is the degree of governmental control.

Step 3: Conclusion.

Hence, a registered society substantially financed and controlled by the government falls within the definition of "State" under Article 12.

Quick Tip

The Ajay Hasia case expanded the scope of "State" under Article 12 to include bodies performing public functions under government control.

57. In which case did the Supreme Court of India hold that fundamental rights cannot be waived?

- (A) Golaknath vs. State of Punjab
- (B) Bashsher Nath vs. I.T. Commissioner
- (C) Gopala vs. State of Madras
- (D) Kameshwar Singh vs. State of Bihar

Correct Answer: (B) Bashsher Nath vs. I.T. Commissioner

Solution:

Step 1: Understanding the background.

In the case of **Bashsher Nath vs. I.T. Commissioner (1959)**, the issue was whether a person could waive their Fundamental Rights under the Constitution of India.

Step 2: Supreme Court's ruling.

The Supreme Court held that **Fundamental Rights cannot be waived**, as they are provided for the protection of individual liberty and are a matter of public policy.

Step 3: Conclusion.

Therefore, even if a citizen voluntarily agrees to forego a Fundamental Right, such a waiver is invalid in the eyes of the law.

Quick Tip

Fundamental Rights are inviolable and cannot be surrendered or waived by an individual, as they are essential for the protection of public interest and democracy.

58. Who can initiate impeachment proceedings against the President of India?

- (A) Only Lok Sabha
- (B) Rajya Sabha
- (C) Either House of Parliament
- (D) Supreme Court

Correct Answer: (C) Either House of Parliament

Solution:**Step 1: Constitutional reference.**

Under **Article 61** of the Indian Constitution, impeachment proceedings for the removal of the President can be initiated by either House of Parliament.

Step 2: Process explanation.

- The process begins with one House preferring the charges of impeachment.
- The other House investigates the charges.
- If both Houses pass the motion by a two-thirds majority, the President is removed.

Step 3: Conclusion.

Hence, either the Lok Sabha or the Rajya Sabha can initiate impeachment proceedings.

Quick Tip

Impeachment of the President can be initiated by either House, but both must pass the motion with a two-thirds majority for it to be valid.

59. Bhartiya Nyaya Sanhita, 2023 considers force to be "Criminal Force":

- (A) When it is used intentionally without consent, causing injury, fear or annoyance
- (B) When it is used in self-defence
- (C) When it is used unintentionally
- (D) When intentionally uses force only

Correct Answer: (A) When it is used intentionally without consent, causing injury, fear or annoyance

Solution:

Step 1: Definition as per Bhartiya Nyaya Sanhita, 2023.

The term "Criminal Force" under Section 116 of the Bhartiya Nyaya Sanhita, 2023, refers to the intentional use of force against another person without their consent, with the intent to cause injury, fear, or annoyance.

Step 2: Explanation.

The essential ingredients are:

1. Use of force intentionally.
2. Absence of consent.
3. Intention to cause injury, fear, or annoyance.

Step 3: Conclusion.

Thus, option (A) correctly defines criminal force under the Bhartiya Nyaya Sanhita, 2023.

Quick Tip

Remember: "Criminal Force" requires both intent and absence of consent. If consent or self-defence exists, it is not criminal.

60. According to Bhartiya Nyaya Sanhita, 2023, what is the maximum fine for making or using a document that resembles a currency note or a bank note under section 182(1)?

- (A) Three hundred rupees
- (B) One thousand rupees
- (C) One hundred rupees
- (D) Five hundred rupees

Correct Answer: (A) Three hundred rupees

Solution:

Step 1: Understanding Section 182(1) of BNS 2023.

This section penalizes anyone who makes, uses, or possesses a document resembling a currency note or banknote that may mislead the public.

Step 2: Penalty provision.

The maximum punishment under Section 182(1) includes a fine that may extend up to 300.

Step 3: Conclusion.

Hence, the correct answer is (A) Three hundred rupees.

Quick Tip

Under Bhartiya Nyaya Sanhita, 2023, offences involving imitation of currency or banknotes are punishable with fines up to 300 under Section 182(1).

61. According to the provisions of the Bhartiya Nyaya Sanhita, 2023, the right of private defence of property extends to the voluntary causing of death or of any other harm to the wrong-doer in which of the offences committed or attempting to be committed?

1. Robbery
2. House-breaking after sunset
3. Theft, mischief or house trespass

- (A) (1) and (2) both
- (B) (1), (2), and (3)
- (C) (1) only

(D) (1) and (3) both

Correct Answer: (B) (1), (2), and (3)

Solution:

Step 1: Understanding the concept.

According to the Bhartiya Nyaya Sanhita, 2023 (previously IPC Section 103), the right of private defence of property includes the right to cause death when protecting property against certain offences.

Step 2: Applicable offences.

These offences include: 1. Robbery.

2. House-breaking by night (after sunset and before sunrise).

3. Theft, mischief, or house trespass — if they involve a threat to life.

Step 3: Conclusion.

Therefore, the right of private defence of property extends to cases of robbery, house-breaking after sunset, and theft/mischief/house trespass where a threat to life exists.

Quick Tip

The right of private defence of property under Bhartiya Nyaya Sanhita, 2023 allows causing death only in severe offences such as robbery, house-breaking by night, or theft involving a threat to life.

62. Rajesh, in a heated argument with Sunil, strikes him with a heavy iron rod. The blow fractures Sunil's arm, and he is unable to use it for several weeks. The medical report confirms that the fracture amounts to grievous hurt. Which of the following offences has Rajesh committed?

(A) Voluntarily causing hurt under Section 324 of IPC

(B) Attempt to commit culpable homicide under Section 308 of IPC

(C) Simple hurt under Section 323 of IPC

(D) Voluntarily causing grievous hurt under Section 325 of IPC

Correct Answer: (D) Voluntarily causing grievous hurt under Section 325 of IPC

Solution:

Step 1: Identifying the nature of injury.

The injury described — a bone fracture — is specifically mentioned as “grievous hurt” under Section 320 of the IPC.

Step 2: Determining the offence.

When such grievous hurt is caused voluntarily (not accidentally), it is punishable under Section 325 of the IPC (or corresponding provision in the Bhartiya Nyaya Sanhita, 2023).

Step 3: Conclusion.

Since Rajesh intentionally struck Sunil, causing a fracture, he is guilty of voluntarily causing grievous hurt under Section 325.

Quick Tip

Fracture or dislocation of a bone is always considered “grievous hurt” under Indian criminal law.

63. Amit, intending to cause the death of Vijay, attacks him with a knife. Vijay sustains severe injuries and dies on the spot. The investigation reveals that Amit acted with the knowledge that his actions were likely to cause death. However, there is no evidence of premeditation or intent to murder Vijay. Which of the following offences has Amit committed?

- (A) Causing death by negligence under Section 304A of IPC
- (B) Voluntarily causing grievous hurt under Section 325 of IPC
- (C) Murder under Section 302 of IPC
- (D) Culpable homicide not amounting to murder under Section 304 of IPC

Correct Answer: (D) Culpable homicide not amounting to murder under Section 304 of IPC

Solution:

Step 1: Understanding the difference.

The distinction between “murder” (Section 302) and “culpable homicide not amounting to murder” (Section 304) depends on the intention and premeditation of the act.

Step 2: Analysis of the case.

Amit acted with the knowledge that his act could cause death, but there was no evidence of premeditation or intent to kill Vijay. This fits the definition of culpable homicide not amounting to murder.

Step 3: Conclusion.

Thus, Amit is guilty under Section 304 IPC, which covers acts done with knowledge of likely death but without intent to murder.

Quick Tip

Murder requires deliberate intention to kill, while culpable homicide not amounting to murder involves knowledge that the act is likely to cause death but without intent.

64. Which article deals with the powers, privileges, and immunities of Parliament and its members?

- (A) 108
- (B) 102
- (C) 107
- (D) 105

Correct Answer: (D) 105

Solution:

Step 1: Understanding the constitutional provision.

Article 105 of the Constitution of India defines the powers, privileges, and immunities of Parliament and its members. It ensures that members can perform their duties without undue interference.

Step 2: Key provisions.

It provides freedom of speech in Parliament and protects members from legal proceedings for anything said or voted in Parliament.

Step 3: Conclusion.

Thus, Article 105 specifically deals with parliamentary privileges and immunities.

Quick Tip

Article 105 applies to Parliament, while Article 194 provides similar privileges for State Legislatures.

65. Which Constitutional Amendment Act inserted provisions related to GST?

- (A) 101
- (B) 102
- (C) 99
- (D) 100

Correct Answer: (A) 101

Solution:

Step 1: Background.

The Goods and Services Tax (GST) system was introduced through the **101st Constitutional Amendment Act, 2016**.

Step 2: Key changes.

This amendment inserted **Articles 246A, 269A, and 279A**, providing the constitutional framework for GST and establishing the GST Council.

Step 3: Conclusion.

Hence, the correct answer is the 101st Constitutional Amendment Act.

Quick Tip

GST subsumed indirect taxes like VAT, excise duty, and service tax under a single taxation framework.

66. A new offense of 'Snatching' has been introduced by the Bhartiya Nyaya Sanhita (BNS). Which section of the BNS defines 'Snatching' as an offense?

- (A) 305
- (B) 304
- (C) 308
- (D) 303

Correct Answer: (B) 304

Solution:

Step 1: New inclusion in BNS 2023.

The Bhartiya Nyaya Sanhita (BNS), 2023 introduced “Snatching” as a distinct and clearly defined offense under **Section 305**.

Step 2: Definition.

“Snatching” refers to a sudden and forceful taking away of property from any person, typically involving minimal violence but an element of fear or surprise.

Step 3: Conclusion.

Hence, Section 305 of the BNS defines “Snatching” as a separate punishable offense.

Quick Tip

Section 305 of BNS clearly differentiates “Snatching” from theft and robbery by emphasizing suddenness and use of minimal force.

67. Consider the following statements and answer the question given below:

Mr. Patel, being a police officer, receives a complaint and information that Raju was involved in a bank robbery and has helped hide the stolen valuables in his farm, as stated by two villagers.

The Police Officer Mr. Patel may arrest Raju without a warrant when –

- (1) Raju can be arrested only if he commits a non-cognizable offence in the presence of Mr. Patel.

(2) Since a reasonable complaint has been received and there is strong suspicion based on villagers' testimony, he can be immediately arrested.

(3) Raju can be arrested only when he tries to escape or run away.

(4) Raju can be arrested so as to prevent him from making any inducement, threat or promise to any person acquainted with facts and circumstances.

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

(A) Only (4)

(B) Only (2)

(C) (1) and (3)

(D) (2) and (4)

Correct Answer: (D) (2) and (4)

Solution:

Step 1: Understanding the concept.

Under Section 35 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 (replacing Section 41 of the CrPC), a police officer may arrest a person without a warrant if there is a reasonable complaint, credible information, or suspicion that the person has committed a cognizable offense.

Step 2: Application to the case.

Here, Raju is suspected of being involved in a bank robbery (a cognizable offense), and there is strong evidence based on villagers' statements — justifying immediate arrest. Further, arrest can also be made to prevent tampering with evidence or influencing witnesses.

Step 3: Conclusion.

Hence, statements (2) and (4) are correct as per BNSS 2023 provisions.

Quick Tip

Under BNSS 2023, police can arrest without warrant in cognizable cases when there's credible suspicion or risk of evidence tampering.

68. BNSS introduced the provision of registration of FIR relating to commission of cognizable offense irrespective of area where the offense is committed. This FIR is known as

- (A) False FIR
- (B) Counter FIR
- (C) NCR
- (D) Zero FIR

Correct Answer: (D) Zero FIR

Solution:

Step 1: Understanding the concept.

Under the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, a “Zero FIR” can be registered at any police station, irrespective of jurisdiction, when a cognizable offense is reported.

Step 2: Procedure.

After registration, the FIR is later transferred to the police station having actual jurisdiction over the area of offense.

Step 3: Conclusion.

Hence, the FIR registered irrespective of jurisdiction is called a “Zero FIR.”

Quick Tip

A “Zero FIR” ensures that no victim is denied justice due to jurisdictional boundaries — it can be filed anywhere.

69. The BNSS mandates a forensic team to visit the crime scenes to collect evidence for offenses punishable with imprisonment for at least how many years?

- (A) 7
- (B) 5
- (C) 2
- (D) 4

Correct Answer: (A) 7

Solution:

Step 1: Key provision of BNSS 2023.

The Bhartiya Nagrik Suraksha Sanhita mandates that for offenses punishable with imprisonment of **7 years or more**, a forensic team must visit the crime scene to collect evidence.

Step 2: Purpose.

This provision strengthens the investigation process and ensures that scientific methods are used in serious criminal cases.

Step 3: Conclusion.

Hence, the correct answer is (A) 7 years.

Quick Tip

Forensic evidence is now compulsory in cases punishable with 7 years or more under BNSS, 2023.

70. Which section of the BNSS allows for trials in absentia of proclaimed offenders?

- (A) 356
- (B) 366
- (C) 251
- (D) 349

Correct Answer: (A) 356

Solution:

Step 1: Understanding the section.

Section 366 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, provides for conducting trials even when the proclaimed offender is absconding or not present before the court.

Step 2: Purpose.

This ensures that absconding offenders cannot delay justice indefinitely and that the judicial process continues in their absence.

Step 3: Conclusion.

Thus, trials in absentia are covered under Section 366 of BNSS.

Quick Tip

Trials in absentia prevent offenders from escaping justice by staying away from court proceedings.

71. Which section of BNSS facilitates trials and proceedings to be held in electronic mode?

- (A) 430
- (B) 530
- (C) 532
- (D) 330

Correct Answer: (B) 530

Solution:

Step 1: Understanding the provision.

Section 532 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, provides for conducting trials, inquiries, and proceedings through electronic means.

Step 2: Significance.

This provision promotes transparency, efficiency, and accessibility in judicial proceedings using digital platforms.

Step 3: Conclusion.

Hence, Section 532 is the correct section allowing electronic trials under BNSS.

Quick Tip

Section 532 enables e-trials, e-filing, and video-conferencing — bringing digital transformation to the justice system.

72. Which section of BNSS repeals the Code of Criminal Procedure, 1973?

- (A) 2
- (B) 1
- (C) 531
- (D) 101

Correct Answer: (C) 531

Solution:

Step 1: Understanding the repeal clause.

Section 531 of the Bhartiya Nagrik Suraksha Sanhita, 2023, formally repeals the earlier **Code of Criminal Procedure, 1973 (CrPC)**.

Step 2: Legislative intent.

The BNSS was enacted to modernize criminal procedure laws and make them more efficient and victim-centric.

Step 3: Conclusion.

Hence, Section 531 is the repeal clause that replaces the CrPC with BNSS, 2023.

Quick Tip

Section 531 marks a historic shift — replacing the 50-year-old CrPC with the Bhartiya Nagrik Suraksha Sanhita, 2023.

73. Amit and Rani decide to break into a house at night with the intent of stealing valuables. They use a crowbar to force open the door, but before they can take anything, the owner of the house, Vikram, unexpectedly arrives home. Amit and Rani

panic and run away without stealing anything. The police arrest them the following morning based on a complaint from Vikram. Which of the following offenses under the BNS have Amit and Rani committed?

- (A) Attempt to commit robbery
- (B) Burglary
- (C) Attempt to commit theft
- (D) House trespass with intent to commit theft

Correct Answer: (D) House trespass with intent to commit theft

Solution:

Step 1: Understanding the act.

Amit and Rani broke into a house at night with intent to commit theft using force to open the door, which constitutes “burglary.”

Step 2: Legal definition.

Under the Bhartiya Nyaya Sanhita (BNS), burglary refers to breaking into or entering a property by night with intent to commit theft or any other offense.

Step 3: Conclusion.

Since they entered by night intending to steal, even though theft was not completed, the act constitutes burglary.

Quick Tip

Burglary requires “night entry with criminal intent,” while theft only involves taking property dishonestly.

74. Punishment for rape in cases where the victim is a woman below the age of 16 or 12 is included in which section of the BNS?

- (A) 63
- (B) 72
- (C) 64

(D) 65

Correct Answer: (D) 65

Solution:

Step 1: Understanding the section.

Section 65 of the Bhartiya Nyaya Sanhita (BNS), 2023, deals with punishment for rape committed against women under specific circumstances, including cases where the victim is below the age of 16 or 12 years.

Step 2: Punishment provisions.

- If the victim is below 16 years, the minimum punishment is 20 years imprisonment, which may extend to life.
- If the victim is below 12 years, the punishment may extend to life imprisonment or even death penalty.

Step 3: Conclusion.

Therefore, the correct section for rape involving minors under BNS is Section 65.

Quick Tip

Section 65 of BNS enhances punishment for sexual offenses against minors, ensuring stricter penalties for such heinous crimes.

75. Which section of BNSS introduces provisions for identifying, attaching, and forfeiting the property of proclaimed offenders located outside India?

- (A) 84
- (B) 86
- (C) 74
- (D) 76

Correct Answer: (B) 86

Solution:

Step 1: Understanding the provision.

Section 86 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, provides for the identification, attachment, and forfeiture of property belonging to proclaimed offenders residing or located outside India.

Step 2: Purpose of the section.

The intent is to prevent absconding offenders from escaping justice by relocating abroad and to facilitate international cooperation in criminal matters.

Step 3: Conclusion.

Thus, Section 86 empowers authorities to attach properties of proclaimed offenders beyond India's territorial jurisdiction.

Quick Tip

Section 86 of BNSS strengthens cross-border law enforcement and ensures accountability of fugitives abroad.

76. Which section of BNSS places restrictions on the adjournment of trials, ensuring the expeditious resolution of cases?

- (A) 346
- (B) 356
- (C) 146
- (D) 246

Correct Answer: (A) 346

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

Section 356 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, aims to ensure speedy trials by limiting unnecessary adjournments.

Step 2: Key provision.

It mandates that courts should not grant adjournments unless absolutely necessary and requires judges to record valid reasons for each postponement.

Step 3: Conclusion.

Hence, Section 356 plays a vital role in preventing delay tactics and promoting timely justice.

Quick Tip

Section 356 of BNSs curbs judicial delays by ensuring that adjournments are granted only with valid justification.

77. A suit is pending in District Court A, but one of the parties, Meera, requests its transfer to District Court B, claiming that the judge in Court A is biased. The opposing party, Ravi, objects, stating that the request is baseless. Who has the authority to decide whether the suit can be transferred?

- (A) The Civil Judge in District Court B
- (B) A committee of local advocates
- (C) The District Court where the suit is currently pending
- (D) The High Court or the Supreme Court

Correct Answer: (D) The High Court or the Supreme Court

Solution:

Step 1: Understanding the jurisdiction.

Under Section 24 and 25 of the Civil Procedure Code (CPC), 1908 (retained in BNSs for procedural matters), the power to transfer cases lies with the **High Court or the Supreme Court**.

Step 2: Conditions for transfer.

A case may be transferred if there is a reasonable apprehension of bias or other valid cause that may affect a fair trial. However, the decision must be made by the higher judiciary, not the same district court.

Step 3: Conclusion.

Thus, only the High Court (within a state) or the Supreme Court (between states) can authorize such transfers.

Quick Tip

Transfer of suits for reasons like bias or fair trial concerns must be approved by higher courts — District Courts cannot self-transfer cases.

78. Maya files a suit in Court A for the recovery of a sum of money from her neighbour, Neha. During the proceedings, Neha requests that a third party, Seema, be added to the suit, as Seema is allegedly liable for the debt. Maya objects, claiming that Seema is not a necessary party. Court A then reviews the application and decides that Seema should indeed be included as a defendant. Which principle of the CPC is applied in this situation?

- (A) Order 5 - Service of Summons
- (B) Order 6, Rule 17 - Amendment of Pleadings
- (C) Order 1, Rule 10 - Joinder and Substitution of Parties
- (D) Order 7, Rule 11 - Rejection of Plaint

Correct Answer: (C) Order 1, Rule 10 - Joinder and Substitution of Parties

Solution:

Step 1: Understanding the situation.

This situation involves the inclusion of a third party (Seema) as a defendant in an ongoing case. The issue is whether the third party is necessary for proper adjudication.

Step 2: Relevant provision.

Order 1, Rule 10 of the Code of Civil Procedure (CPC) deals with the “Joinder and Substitution of Parties.” It allows the court to add or strike out parties to ensure complete and effective adjudication of all issues.

Step 3: Conclusion.

Therefore, the correct principle applied is “Joinder of Parties” under Order 1, Rule 10 of CPC.

Quick Tip

Courts can add necessary parties at any stage of proceedings under Order 1, Rule 10 to ensure fair and complete justice.

79. Which section of the CPC allows for the appeal from original decrees?

- (A) Section 115
- (B) Section 104
- (C) Section 96
- (D) Section 100

Correct Answer: (C) Section 96

Solution:

Step 1: Definition of appeal.

An appeal is a legal remedy that allows a party to challenge a decision of a lower court before a higher court.

Step 2: Relevant provision.

Section 96 of the Code of Civil Procedure (CPC), 1908, provides for appeals from original decrees passed by a court exercising original jurisdiction.

Step 3: Conclusion.

Thus, Section 96 is the governing provision for appeals against original decrees.

Quick Tip

Section 96 CPC allows the first appeal against decrees, while Section 100 provides for the second appeal on questions of law.

80. Under the CPC, what is the maximum time limit for filing a written statement in a suit?

- (A) 120 Days
- (B) 90 Days
- (C) 30 Days
- (D) 60 Days

Correct Answer: (B) 90 Days

Solution:

Step 1: Provision for written statement.

Under **Order 8, Rule 1 of the CPC**, the defendant is required to file a written statement within 30 days of receiving summons.

Step 2: Extension limit.

However, the court may extend the time up to a maximum of **90 days** if it finds valid reasons for the delay.

Step 3: Conclusion.

Hence, the maximum permissible time limit for filing a written statement is 90 days.

Quick Tip

Written statements must ideally be filed within 30 days, extendable up to 90 days at the court's discretion.

81. Which section of the CPC provides exemption of the President of India and the Governors of states from personal appearance in court?

- (A) Section 128
- (B) Section 130
- (C) Section 132
- (D) Section 133

Correct Answer: (D) Section 133

Solution:

Step 1: Understanding the exemption.

Certain high constitutional authorities are exempted from personal appearance in court to maintain the dignity of their offices.

Step 2: Relevant provision.

Section 132 of the CPC grants this exemption to the President of India and the Governors of States from being compelled to appear personally in any court.

Step 3: Conclusion.

Therefore, the correct answer is Section 132 of CPC.

Quick Tip

Section 132 CPC protects the highest constitutional dignitaries from being summoned personally to court.

82. What is the term used for a court's power to transfer a case from one court to another under the Code of Civil Procedure?

- (A) Review
- (B) Transfer of suits
- (C) Res Judicata
- (D) Reference

Correct Answer: (B) Transfer of suits

Solution:

Step 1: Understanding the concept.

The Code of Civil Procedure allows for the transfer of a suit from one court to another when necessary for justice or convenience.

Step 2: Relevant provision.

Under **Section 24 and Section 25 of the CPC**, the power to transfer cases lies with the High Court and the Supreme Court, respectively.

Step 3: Conclusion.

Hence, this power is referred to as the “Transfer of Suits.”

Quick Tip

Section 24 gives the High Court power to transfer cases within a state, while Section 25 empowers the Supreme Court to transfer cases between states.

83. Under which order of the CPC the procedure for summary suits is provided?

- (A) Order XXXIV
- (B) Order XXXVI
- (C) Order XXXV
- (D) Order XXXVII

Correct Answer: (D) Order XXXVII

Solution:

Step 1: Understanding summary suits.

A summary suit is a special legal procedure where the defendant has limited rights to defend, designed for quick resolution of cases involving liquidated claims such as bills of exchange or promissory notes.

Step 2: Relevant provision.

Order XXXVII of the Code of Civil Procedure (CPC) deals with the procedure for summary suits. It simplifies litigation by allowing the plaintiff to obtain a decree quickly when the defendant fails to present a substantial defence.

Step 3: Conclusion.

Thus, the correct answer is Order XXXVII of CPC.

Quick Tip

Summary suits under Order XXXVII help in quick recovery of debts or payments without lengthy trials.

84. Which section mandates State Government prepare and notify a witness protection scheme for the state with a view to ensure the protection of witnesses?

- (A) 298
- (B) 398
- (C) 98
- (D) 198

Correct Answer: (B) 398

Solution:

Step 1: Key provision.

Section 398 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 mandates that each State Government must frame and implement a **Witness Protection Scheme** to safeguard witnesses against intimidation or harm.

Step 2: Objective.

The purpose is to ensure the safety and anonymity of witnesses, thereby strengthening the criminal justice system.

Step 3: Conclusion.

Hence, Section 398 is the correct section mandating a witness protection scheme.

Quick Tip

Witness protection is vital for fair trials; Section 398 of BNSS institutionalizes this system across all states.

85. Which section of BNSS mandates the appointment of a designated police officer in each district and police station to provide information about arrested individuals to the general public?

- (A) 37
- (B) 45

(C) 25

(D) 35

Correct Answer: (A) 37

Solution:

Step 1: Understanding the provision.

Section 37 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, requires the appointment of a designated police officer in each district and police station.

Step 2: Objective.

This officer must provide information to the public about persons arrested, helping ensure transparency, accountability, and compliance with legal rights.

Step 3: Conclusion.

Thus, Section 37 ensures public access to information regarding arrests, strengthening citizens' rights.

Quick Tip

Section 37 enhances police transparency by mandating public information officers at district and station levels.

86. Which section of the CPC provides for the payment of compensatory costs?

(A) Section 35

(B) Section 36

(C) Section 35

(D) Section 35(A)

Correct Answer: (D) Section 35(A)

Solution:

Step 1: Distinguishing between types of costs.

While Section 35 of the CPC deals with general costs, **Section 35(A)** specifically deals with compensatory costs in respect of false or vexatious claims or defences.

Step 2: Purpose.

It empowers courts to impose monetary penalties on parties who file frivolous or dishonest suits to discourage misuse of the judicial process.

Step 3: Conclusion.

Hence, Section 35(A) provides for compensatory costs under CPC.

Quick Tip

Section 35(A) deters frivolous litigation by allowing compensatory costs for false or vexatious claims.

87. Which word is inserted in Section 22 of the BSA that was not present in Section 24 of the Evidence Act?

- (A) Threat
- (B) Promise
- (C) Inducement
- (D) Coercion

Correct Answer: (D) Coercion

Solution:

Step 1: Understanding the change.

Section 22 of the Bhartiya Sakshya Adhinyam (BSA), 2023 corresponds to Section 24 of the Indian Evidence Act, 1872. However, it introduces the term “**coercion**” explicitly, expanding the scope of inadmissible confessions.

Step 2: Significance.

This ensures that confessions obtained through coercion, threat, or promise are inadmissible in court.

Step 3: Conclusion.

Thus, the newly added term in Section 22 of BSA is “Coercion.”

Quick Tip

The inclusion of “coercion” in BSA 2023 strengthens safeguards against forced confessions.

88. Existence of course of business when relevant is discussed in

- (A) Section 14 of the BSA, 2023
- (B) Section 15 of the BSA, 2023
- (C) Section 12 of the BSA, 2023
- (D) Section 13 of the BSA, 2023

Correct Answer: (A) Section 14 of the BSA, 2023

Solution:

Step 1: Understanding the provision.

Section 15 of the Bhartiya Sakshya Adhiniyam (BSA), 2023 corresponds to Section 16 of the Indian Evidence Act, 1872. It deals with the relevance of the “existence of course of business.”

Step 2: Explanation.

It means that when the ordinary course of business or professional practice makes a fact probable, such facts are relevant in judicial proceedings.

Step 3: Conclusion.

Hence, the concept is discussed under Section 15 of the BSA, 2023.

Quick Tip

Section 15 of the BSA recognizes habitual business practices as relevant facts when proving certain actions or documents.

89. In a criminal trial, Rajesh is accused of theft. During the investigation, the police recover a stolen laptop from a location known to be frequented by Rajesh. His

fingerprints are found on the laptop. According to the Bharatiya Sakshya Adhiniyam, 2023, how should the court interpret this piece of evidence?

- (A) The evidence is inadmissible because the police did not obtain a search warrant before recovering the laptop.
- (B) The fingerprints must be verified by at least two independent forensic experts before being presented in court.
- (C) The recovered laptop and fingerprints are automatically considered conclusive proof of Rajesh's guilt.
- (D) The recovered laptop and fingerprints are circumstantial evidence that can be considered along with other evidence, but do not by themselves prove guilt beyond reasonable doubt.

Correct Answer: (D) The recovered laptop and fingerprints are circumstantial evidence that can be considered along with other evidence, but do not by themselves prove guilt beyond reasonable doubt.

Solution:

Step 1: Understanding the nature of evidence.

Under the Bharatiya Sakshya Adhiniyam (BSA), 2023, physical or material evidence like fingerprints and recovered items form part of “circumstantial evidence.”

Step 2: Application to the case.

Fingerprints on the recovered laptop connect Rajesh to the object but do not conclusively prove that he committed the theft. They are supportive pieces of evidence that must be corroborated with other evidence such as motive, witnesses, or recovery circumstances.

Step 3: Conclusion.

Hence, such evidence is circumstantial and helps establish a chain of events but cannot alone establish guilt beyond reasonable doubt.

Quick Tip

Circumstantial evidence supports the prosecution but requires corroboration by other facts to prove guilt conclusively.

90. Where a document is executed in several parts like printing, lithography or photography, video recording, computer resource as electronic or digital records, the BSA 2023 classifies each part as a

- (A) Circumstantial evidence
- (B) Scientific evidence
- (C) Primary evidence
- (D) Secondary evidence

Correct Answer: (C) Primary evidence

Solution:

Step 1: Understanding the classification.

Under Section 57 of the Bharatiya Sakshya Adhiniyam (BSA), 2023, each part of a document executed in multiple parts, or produced by mechanical or electronic processes, is considered **primary evidence**.

Step 2: Examples.

For example, each carbon copy of a digitally signed contract or printed duplicate that was executed simultaneously is primary evidence.

Step 3: Conclusion.

Thus, such multi-part documents are treated as primary evidence under the BSA, 2023.

Quick Tip

Each executed part or authentic copy of a document is primary evidence if produced by the same mechanical or electronic process.

91. Which section of BSA provides that no court shall require any communication between the Ministers and the President of India to be produced before it?

- (A) 268
- (B) 168
- (C) 65

(D) 165

Correct Answer: (D) 165

Solution:

Step 1: Understanding the provision.

Section 268 of the Bharatiya Sakshya Adhiniyam (BSA), 2023 corresponds to Section 123 of the Indian Evidence Act. It protects communications between the President and Ministers from being disclosed in court.

Step 2: Reasoning behind the rule.

This ensures confidentiality in the functioning of the executive branch and preserves national interest and administrative integrity.

Step 3: Conclusion.

Hence, Section 268 prohibits courts from compelling disclosure of presidential and ministerial communications.

Quick Tip

Section 268 of BSA safeguards executive confidentiality, ensuring separation of powers between judiciary and government.

92. According to Section 46 of Bharatiya Sakshya Adhiniyam, when is character evidence relevant in civil cases?

- (A) Never relevant
- (B) Only in criminal cases
- (C) Always relevant to prove conduct
- (D) Only when related to other relevant fact

Correct Answer: (D) Only when related to other relevant fact

Solution:

Step 1: Understanding the section.

Section 46 of the Bharatiya Sakshya Adhiniyam (BSA), 2023, corresponds to Section 52 of the Indian Evidence Act. It specifies the conditions under which character evidence is admissible.

Step 2: Application in civil cases.

In civil cases, the character of a person is generally irrelevant unless the character itself is a fact in issue or is related to another relevant fact (e.g., in defamation cases or matrimonial disputes).

Step 3: Conclusion.

Therefore, character evidence in civil cases is only relevant when it is connected to another relevant fact.

Quick Tip

Character evidence is usually excluded in civil cases unless it directly affects the matter in dispute, such as in defamation or fraud.

93. Which section of the CPC deals with the principle of "res judicata"?

- (A) Section 12
- (B) Section 9
- (C) Section 11
- (D) Section 10

Correct Answer: (C) Section 11

Solution:

Step 1: Meaning of res judicata.

The term "res judicata" means "a matter already judged." It prevents the same dispute between the same parties from being re-litigated once a competent court has given its final decision.

Step 2: Relevant provision.

Section 11 of the Code of Civil Procedure (CPC), 1908, enshrines the doctrine of res judicata.

Step 3: Conclusion.

Hence, Section 11 CPC ensures finality of judgments and prevents multiplicity of litigation.

Quick Tip

Res judicata ensures that once a matter is decided by a competent court, it cannot be reopened in another proceeding.

94. of the CPC provides for an interpleader suit.

- (A) Section 92
- (B) Section 86
- (C) Section 88
- (D) Section 89

Correct Answer: (C) Section 88

Solution:

Step 1: Meaning of interpleader suit.

An interpleader suit is filed by a person who holds property or money over which two or more parties are making conflicting claims, and the holder seeks the court's direction to decide ownership.

Step 2: Relevant section.

Section 88 of the Code of Civil Procedure (CPC), 1908, provides the legal framework for filing an interpleader suit.

Step 3: Conclusion.

Hence, the correct answer is Section 88 CPC.

Quick Tip

An interpleader suit allows a neutral stakeholder to avoid liability when multiple claimants demand the same property or funds.

95. Which of the following is a characteristic of mediation?

- (A) The mediator acts as a judge and renders a verdict.
- (B) It is always court-ordered.
- (C) The mediator imposes a binding decision.
- (D) It involves a neutral third party who facilitates negotiation between the parties.

Correct Answer: (D) It involves a neutral third party who facilitates negotiation between the parties.

Solution:

Step 1: Understanding mediation.

Mediation is a form of alternative dispute resolution (ADR) where a neutral third party assists disputing parties in reaching a mutually acceptable settlement.

Step 2: Role of mediator.

The mediator does not impose a decision or act as a judge but merely facilitates communication and negotiation between parties.

Step 3: Conclusion.

Hence, mediation is characterized by neutrality and voluntary participation.

Quick Tip

Mediation is voluntary, confidential, and aims to preserve relationships by resolving disputes amicably.

96. A dispute arises between ABC Ltd. and XYZ Pvt. Ltd. regarding a contract that both parties had entered into. The agreement includes an arbitration clause, which states that any disputes shall be referred to arbitration. However, the parties fail to agree on the appointment of an arbitrator. Which of the following provisions of the Arbitration and Conciliation Act, 1996 would be applicable to resolve the issue of the appointment of an arbitrator?

- (A) The arbitrator must be appointed by the Indian Council of Arbitration (ICA) in all cases.
- (B) The parties can resolve the appointment issue by opting for conciliation instead of arbitration.
- (C) The court will appoint an arbitrator under Section 11 if the parties fail to agree on one.
- (D) The parties must mutually select an arbitrator, and if they fail, the arbitration will not take place.

Correct Answer: (C) The court will appoint an arbitrator under Section 11 if the parties fail to agree on one.

Solution:

Step 1: Understanding the issue.

When parties to a contract containing an arbitration clause fail to agree on the appointment of an arbitrator, the matter is governed by the Arbitration and Conciliation Act, 1996.

Step 2: Relevant provision.

Section 11 of the Act empowers the **Supreme Court or the High Court** (depending on the nature of the arbitration) to appoint an arbitrator if the parties fail to do so within 30 days.

Step 3: Conclusion.

Thus, in such cases, the court intervenes under Section 11 to ensure arbitration proceedings commence fairly.

Quick Tip

Section 11 of the Arbitration and Conciliation Act ensures that arbitration cannot fail merely due to disagreement on appointing the arbitrator.

97. Which of the following is not an advantage of using ADR?

- (A) It always results in a binding decision.
- (B) It is often less expensive than court proceedings.
- (C) It is generally faster than litigation.
- (D) It offers more confidentiality than traditional court cases.

Correct Answer: (A) It always results in a binding decision.

Solution:

Step 1: Understanding ADR.

Alternative Dispute Resolution (ADR) includes arbitration, mediation, conciliation, and negotiation methods that aim to resolve disputes outside courts.

Step 2: Identifying non-advantage.

ADR processes like mediation and conciliation are voluntary and non-binding unless parties agree to make them binding. Therefore, saying ADR "always results in a binding decision" is incorrect.

Step 3: Conclusion.

ADR offers speed, cost-effectiveness, and confidentiality, but it does not always guarantee a binding outcome.

Quick Tip

ADR methods like mediation and conciliation depend on party consent; only arbitration results in a binding award.

98. Kiran and Meera are involved in an arbitration, where Kiran was awarded Rs. 10 lakhs as compensation. Meera refuses to pay the amount, arguing that the award was not enforceable because of certain procedural irregularities in the arbitration process. Kiran decides to approach the court to enforce the arbitral award. Which of the following provisions of the Arbitration and Conciliation Act, 1996 governs the enforcement of an arbitral award?

- (A) Section 9 of the Act governs the enforcement of arbitral awards.
- (B) Section 11 of the Act deals with the enforcement of arbitral awards, not the appeal.
- (C) Section 34 of the Act deals with the enforcement of an arbitral award.
- (D) Section 36 of the Act allows for the automatic enforcement of an arbitral award unless set aside by the court.

Correct Answer: (D) Section 36 of the Act allows for the automatic enforcement of an arbitral award unless set aside by the court.

Solution:

Step 1: Understanding enforcement of arbitral awards.

Once an arbitral award is passed, it can be enforced in the same manner as a decree of a civil court under Section 36 of the Arbitration and Conciliation Act, 1996.

Step 2: Exception to enforcement.

The only exception is if an application to set aside the award is made under Section 34, and a court grants a stay on the award's enforcement.

Step 3: Conclusion.

Hence, Section 36 governs the automatic enforcement of arbitral awards unless stayed or set aside.

Quick Tip

An arbitral award under Section 36 is as enforceable as a civil court decree unless stayed under Section 34.

99. As per Section 78(2) of the BSA 2023, presumption about the officer signing or certifying a document is:

- (A) The officer held the official character claimed when signing or certifying the document
- (B) The document's authenticity is independent of the official's official character
- (C) The officer's signature is assumed to be forgery
- (D) The officer did not hold the claimed officer character at the time of signing

Correct Answer: (A) The officer held the official character claimed when signing or certifying the document

Solution:

Step 1: Understanding Section 78(2) of BSA, 2023.

Section 78(2) of the Bharatiya Sakshya Adhiniyam (BSA), 2023 deals with the presumption of the authenticity of official acts performed by an officer. It assumes that the officer held the official position they claimed while certifying or signing a document.

Step 2: Interpretation.

This presumption protects public trust in official acts, making documents signed by officers valid unless proven otherwise.

Step 3: Conclusion.

Therefore, under Section 78(2), the officer is presumed to have held the official character they claimed while signing or certifying a document.

Quick Tip

In legal proceedings, a presumption about official documents assumes that the officer acted in their official capacity unless rebutted.

100. Under Section 146 of the BSA 2023, when are leading questions permissible in the court proceedings?

- (A) Leading question can be asked in an examination- in-chief, re-examination, cross examination without any objection.
- (B) Leading questions are permitted during cross examination and when matters are introductory, undisputed, or sufficiently proved.
- (C) Leading questions are always allowed during examination- in-chief without restriction.
- (D) Leading questions are not allowed during cross examination.

Correct Answer: (B) Leading questions are permitted during cross examination and when matters are introductory, undisputed, or sufficiently proved.

Solution:

Step 1: Understanding leading questions.

A leading question is one that suggests the answer within the question itself. The BSA 2023 governs the permissibility of leading questions in court procedures.

Step 2: Application in examination.

Section 146 of the BSA allows leading questions in cross-examination, as they help in testing the credibility of the witness. It also permits leading questions when the subject matter is introductory, undisputed, or already proven by other means.

Step 3: Conclusion.

Therefore, leading questions are allowed under the specified conditions outlined in Section 146.

Quick Tip

Leading questions help in cross-examination to challenge a witness's testimony or clarify established facts.