

AIBE 19 Set D Question Paper with Solutions

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

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- i) The AIBE (All India Bar Examination) 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. _____ have not been set up under the provisions of the Industrial Dispute Act, 1947 for adjudication of industrial disputes in an organization.

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

Correct Answer: (C) Environmental Tribunals

Solution:

Step 1: Understanding the question.

The question asks about which tribunals have not been set up under the provisions of the Industrial Dispute Act, 1947 for adjudicating industrial disputes in organizations. The Industrial Dispute Act deals with industrial disputes in the context of employer-employee relations and provides for tribunals such as Industrial Tribunals, Labour Courts, and National Tribunals. Environmental Tribunals, however, do not fall under this act.

Step 2: Analyzing the options.

(A) National Tribunal: This is incorrect. National Tribunals are specifically set up under the Industrial Dispute Act, 1947 for adjudicating major industrial disputes.

(B) Industrial Tribunals: This is incorrect. Industrial Tribunals are established under the provisions of the Industrial Dispute Act, 1947 to resolve industrial disputes between employers and employees.

(C) Environmental Tribunals: Correct. Environmental Tribunals are not set up under the Industrial Dispute Act. They deal with environmental issues and are governed by different legal frameworks.

(D) Labour Courts: This is incorrect. Labour Courts are established under the Industrial Dispute Act, 1947 for adjudicating disputes related to workers' rights and labor conditions.

Step 3: Conclusion.

The correct answer is **(C) Environmental Tribunals**, as they are not set up under the provisions of the Industrial Dispute Act, 1947.

Quick Tip

The Industrial Dispute Act, 1947 primarily focuses on resolving disputes between employers and employees. Environmental Tribunals, however, are governed by separate environmental laws.

2. XYZ Textiles Ltd., a manufacturing company, recently terminated 04 workers without providing any compensation. The termination was because of the misconduct on the part of the workers. The company issued a show cause notice and the disciplinary enquiry conducted against them. On the basis of the recommendations of the committee the services which was rejected by the management. Aggrieved by the rejection the workers have filed a of these employees were terminated. The workers claimed the retrenchment compensation complaint in the Labour Court under the provisions of the Industrial Disputes Act, 1947. Based on the above problem, select the correct answer -

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

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

Solution:

Step 1: Understanding the situation.

XYZ Textiles Ltd. terminated 04 workers based on misconduct, with a show cause notice and a disciplinary enquiry. The workers filed a retrenchment compensation complaint, but retrenchment refers to the termination of workers not due to misconduct, but because of economic or organizational reasons such as a reduction in the workforce.

Step 2: Analyzing the options.

(A) The termination violated the provisions under the Industrial Disputes Act, 1947, hence the compensation will be awarded: This is incorrect. The termination was not a violation under the provisions of the act for retrenchment; it was due to misconduct.

(B) The termination does not amount to retrenchment, hence no compensation: Correct. The termination was due to misconduct and not a retrenchment under the provisions of the Industrial Disputes Act, so no compensation is applicable.

(C) The termination amounts to lay-off, hence compensation will be awarded: This is incorrect. A lay-off is different from termination for misconduct and would apply in situations of workforce reduction due to operational reasons, not misconduct.

(D) The termination amounts to retrenchment, hence compensation will be awarded: This is incorrect because the termination was not due to retrenchment. It was due to misconduct, so retrenchment compensation doesn't apply.

Step 3: Conclusion.

The correct answer is **(B) The termination does not amount to retrenchment, hence no compensation**, as the termination was based on misconduct and does not qualify as retrenchment under the Industrial Disputes Act.

Quick Tip

In cases of termination, retrenchment compensation is awarded only when the termination is not due to misconduct but due to operational or economic reasons, such as workforce reduction.

3. 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.

(A) The customers do not have any legal remedy under the Information Technology Act, 2000.

- (B) It is punishable under Section 66 of the Information Technology Act, 2000.
- (C) It is punishable only under the criminal laws.
- (D) It is punishable under Section 66 of the Information Technology Act, 2000 and the customers can also claim the compensation under certain circumstances.

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

Solution:

Step 1: Understanding the case.

The incident involves hacking and unauthorized transactions, which falls under the purview of the Information Technology Act, 2000. Section 66 specifically deals with hacking, unauthorized access, and related cybercrimes.

Step 2: Analyzing the options.

(A) The customers do not have any legal remedy under the Information Technology Act, 2000: This is incorrect, as Section 66 of the Act provides a legal remedy for hacking and related cybercrimes.

(B) It is punishable under Section 66 of the Information Technology Act, 2000: This is correct but incomplete, as it does not mention the possibility of compensation for customers.

(C) It is punishable only under the criminal laws: This is incorrect, as the Information Technology Act, 2000 specifically addresses cybercrimes like hacking and unauthorized transactions.

(D) It is punishable under Section 66 of the Information Technology Act, 2000 and the customers can also claim the compensation under certain circumstances: Correct. This option fully captures the legal implications under the Information Technology Act, including the possibility for customers to claim compensation.

Step 3: Conclusion.

The correct answer is **(D) It is punishable under Section 66 of the Information Technology Act, 2000 and the customers can also claim compensation under certain circumstances**, as it encompasses both the legal punishment and compensation possibilities.

Quick Tip

In cases involving cybercrimes like hacking, Section 66 of the Information Technology Act, 2000 offers provisions for both punishment and compensation to affected individuals.

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

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

Solution:

Step 1: Understanding the definition of employer under The Industrial Relations Code, 2020.

The Industrial Relations Code, 2020 defines an employer to include various individuals involved in the management of a factory, establishment, or business. This includes the occupier, manager, and contractor. The managing director is generally considered part of the higher executive management but isn't specifically listed under the Code.

Step 2: Analyzing the options.

- (A) (1), (2) and (3):** Correct. These three individuals — occupier, contractor, and manager — are included under the definition of employer in the Code.
- (B) (4) Only:** This is incorrect as only the managing director is not included alone in the definition.

(C) (1), (3) and (4): This is incorrect as it excludes the contractor who is included in the definition.

(D) (1), (2) and (4): This is incorrect, as it leaves out the manager of the factory.

Step 3: Conclusion.

The correct answer is **(A) (1), (2) and (3)**, as the occupier, contractor, and manager are included under the definition of an employer in the Industrial Relations Code, 2020.

Quick Tip

The definition of employer under the Industrial Relations Code, 2020 includes occupiers, contractors, and managers, but not necessarily managing directors in all cases.

5. 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), (3) and (4)

(B) Only (3)

(C) (3) and (4)

(D) (1), (2) and (4)

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

Solution:

Step 1: Understanding the Social Security Code, 2020.

The Social Security Code, 2020 integrates various legislations related to the welfare of workers and employees. However, it does not include the Payment of Bonus Act, 1965. The Maternity Benefit Act, the Payment of Gratuity Act, and the Employment Exchanges (Compulsory Notification of Vacancies) Act are included under the Code.

Step 2: Analyzing the options.

(A) (1), (2), (3) and (4): This is incorrect as the Payment of Bonus Act is not included under the Social Security Code, 2020.

(B) Only (3): This is incorrect as only the Payment of Bonus Act is excluded.

(C) (3) and (4): This is incorrect as it excludes the Maternity Benefit Act and the Payment of Gratuity Act.

(D) (1), (2) and (4): Correct. The Maternity Benefit Act, Payment of Gratuity Act, and the Employment Exchanges Act are included under the Social Security Code, 2020, but the Payment of Bonus Act is not.

Step 3: Conclusion.

The correct answer is **(D) (1), (2) and (4)**, as these legislations are included under the Social Security Code, 2020, while the Payment of Bonus Act is not.

Quick Tip

The Social Security Code, 2020 consolidates several important worker welfare laws, but does not include the Payment of Bonus Act.

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

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

Correct Answer: (D) Nuisance

Solution:

Step 1: Understanding the case.

In this case, Mr K is suffering a loss due to the actions of Mr Y's cotton mill, which causes noise and smoke that affects Mr K's rental income. This points towards a tort related to the unreasonable interference with the use of Mr K's property.

Step 2: Analyzing the options.

(A) Negligence: This is incorrect. Negligence typically involves a failure to take reasonable care in a situation that leads to harm. However, in this case, the issue is the interference with property rights.

(B) Damnum-sine-injuria: This is incorrect. This doctrine refers to a situation where damage occurs without any legal injury or violation of rights. Mr K's loss is due to the unlawful interference with his property rights, making this option irrelevant.

(C) Trespass to land: This is incorrect. Trespass to land occurs when there is an unauthorized physical entry onto the land. In this case, the issue is not physical entry but the interference through smoke and noise.

(D) Nuisance: Correct. Nuisance involves an interference with the use or enjoyment of land, such as through noise, smoke, or other disturbances. This fits the case where Mr K's property rights are being affected by Mr Y's cotton mill.

Step 3: Conclusion.

The correct answer is **(D) Nuisance**, as the interference with Mr K's rental income is due to the unreasonable disturbance caused by Mr Y's mill.

Quick Tip

In property law, nuisance is the most relevant tort for interference with the use and enjoyment of land, such as noise, smoke, or other disturbances.

7. There was a collision between two buses, one owned by the government and another was a private bus. Wherein private bus was coming from wrong side and government bus was coming rashly, neither slowing down his bus after seeing the other bus.

Determine the tortious act.

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

Correct Answer: (A) Contributory Negligence.

Solution:

Step 1: Understanding the situation.

In this case, both the private bus and the government bus were at fault in contributing to the collision. The private bus was on the wrong side, and the government bus was driving rashly and did not slow down after seeing the other bus.

Step 2: Analyzing the options.

(A) Contributory Negligence: Correct. Both bus drivers share responsibility for the accident. The private bus driver contributed by driving on the wrong side, and the government bus driver contributed by driving rashly without taking appropriate measures to prevent the collision.

(B) Private bus owner is negligent: This is incorrect. While the private bus driver made a mistake by driving on the wrong side, both parties were responsible for the collision.

(C) Government bus owner is negligent: This is incorrect. The government bus driver was also negligent, but both parties share the fault.

(D) Inevitable accident: This is incorrect. An inevitable accident is one that could not have been avoided under any circumstances, but in this case, both drivers had the opportunity to avoid the collision.

Step 3: Conclusion.

The correct answer is **(A) Contributory Negligence**, as both parties were negligent and contributed to the collision.

Quick Tip

In cases of accidents involving multiple parties, contributory negligence occurs when both parties share responsibility for the incident.

8. The term "Income" is described in the Income Tax Act, 1961 under

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

Correct Answer: (B) Section 2 (24)

Solution:

Step 1: Understanding the term 'Income' in the Income Tax Act, 1961.

The term "income" is defined under Section 2(24) of the Income Tax Act, 1961, and includes various types of income subject to taxation.

Step 2: Analyzing the options.

(A) Section 10E: This is incorrect. Section 10E relates to the special provisions regarding income from certain business activities, not the general definition of income.

(B) Section 2 (24): Correct. Section 2(24) provides the general definition of "income" under the Income Tax Act, 1961, and includes all types of income subject to tax.

(C) Section 2 (40): This is incorrect. Section 2(40) defines "taxable income," not the general term "income."

(D) Section 3: This is incorrect. Section 3 deals with the determination of total income and not the definition of "income."

Step 3: Conclusion.

The correct answer is **(B) Section 2 (24)**, as this section provides the definition of income under the Income Tax Act, 1961.

Quick Tip

The definition of "income" under the Income Tax Act, 1961 is provided in Section 2(24), which includes various forms of income that are taxable.

9. Mr. X deposits 65,000 in the term deposit of 5 years with the Post Office to avail tax deduction under section 80C. Assuming Mr. X does not opt for concessional tax regime u/s 115BAC of the Income Tax Act, 1961.

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

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

Solution:

Step 1: Understanding the tax regime.

Section 80C allows deductions for certain investments, such as term deposits, insurance premiums, and PPF. Since Mr. X is not opting for the concessional tax regime under Section 115BAC, he is eligible for the tax benefits under Section 80C.

Step 2: Analyzing the options.

(A) It is an unlawful act to treat a personal expenditure: This is incorrect. Mr. X is making an investment that is allowed for tax deductions under Section 80C, not treating personal expenditure unlawfully.

(B) Mr. X is guilty of tax evasion/tax avoidance: This is incorrect. Tax evasion refers to illegal actions to avoid paying taxes, while tax avoidance is the legal use of tax laws to reduce tax liability. Mr. X is simply availing the deductions allowed under the law.

(C) Mr. X is not guilty of either tax evasion/tax avoidance: Correct. Mr. X is legally using Section 80C to claim deductions, and there is no wrongdoing in this case.

(D) No tax deduction can be availed under section 80C: This is incorrect. Since Mr. X is investing in eligible instruments, he is entitled to claim the deduction under Section 80C.

Step 3: Conclusion.

The correct answer is **(C) Mr. X is not guilty of either tax evasion/tax avoidance**, as he is legally availing the tax benefits under Section 80C.

Quick Tip

Section 80C allows deductions for various investments like term deposits, PPF, and life insurance. Tax avoidance is legal as long as it complies with the tax laws.

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

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

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

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

Correct Answer: (A) Both the Statements are correct

Solution:

Step 1: Understanding the statements.

- Statement 1 is correct: Agricultural income is exempt from tax under Section 10(1) of the Income Tax Act, 1961. However, if agricultural income exceeds a certain threshold, it may be subject to tax in specific cases.
- Statement 2 is also correct: If non-agricultural income exceeds the basic exemption limit and agricultural income exceeds 5000, the non-agricultural income is partially integrated with the agricultural income for tax purposes. This means agricultural income is taken into account to determine the tax on non-agricultural income.

Step 2: Analyzing the options.

(A) Both the Statements are correct: Correct. Both statements are true as per the provisions under the Income Tax Act, 1961.

(B) Both the Statements are incorrect: This is incorrect. Both statements are accurate.

(C) **Only Statement 1 is true:** This is incorrect. Statement 2 is also true.

(D) **Only Statement 2 is true:** This is incorrect. Statement 1 is also true.

Step 3: Conclusion.

The correct answer is (A) **Both the Statements are correct**, as both statements accurately reflect the provisions of the Income Tax Act, 1961.

Quick Tip

Agricultural income is generally exempt from tax unless it exceeds specific thresholds, and integration occurs when non-agricultural income exceeds basic exemptions with agricultural income above 5000.

11. Ms J, a banker refuses to honour cheque of Ms F. Though she was having sufficient balance yet it doesn't suffer any loss to Ms F. Ms F can file the case under which scenario?

(A) Res-ipsa-loquitur

(B) Volenti-non-fit-injuria

(C) Injuria-sine-damnum

(D) Damnum-sine-injuria

Correct Answer: (C) Injuria-sine-damnum

Solution:

Step 1: Understanding the scenario.

Injuria-sine-damnum is a legal principle where a person suffers legal injury (injuria) without any actual damage (damnum). In this case, Ms F suffers legal injury because her cheque was dishonoured, but she does not suffer any actual financial loss. Hence, she can file a case under this principle, even though she has not suffered any financial damage.

Step 2: Analyzing the options.

(A) **Res-ipsa-loquitur:** This is incorrect. It refers to situations where the facts are so evident that the cause of action is obvious, typically in negligence cases.

(B) Volenti-non-fit-injuria: This is incorrect. This principle holds that if a person voluntarily consents to a risk, they cannot claim damages, which does not apply to this case.

(C) Injuria-sine-damnum: Correct. This is the appropriate principle for the scenario where there is legal injury without actual damage. Ms F can file a case as she suffered legal injury when her cheque was dishonoured.

(D) Damnum-sine-injuria: This is incorrect. This refers to cases where there is damage without legal injury, which does not apply here because there is legal injury despite no actual loss.

Step 3: Conclusion.

The correct answer is **(C) Injuria-sine-damnum**.

Quick Tip

Injuria-sine-damnum applies when there is a legal injury without actual loss. The person can still file a case for the injury caused.

12. Mr B told Mr A to leave the premises in occupation of Mr A. When Mr A refused then Mr B collected some of his workmen who mustered round Mr A. They tucking up their sleeves and aprons and threatened to break the plaintiff's neck, he did not leave. Under which tortious act, Mr A can file the case?

- (A) Hurt
- (B) False Imprisonment
- (C) Assault
- (D) Battery

Correct Answer: (C) Assault

Solution:

Step 1: Understanding the situation.

In this case, Mr B's actions (gathering his workmen and threatening to break Mr A's neck) can be considered as an act of threatening harm or violence. Threatening someone with harm constitutes assault.

Step 2: Analyzing the options.

(A) Hurt: This is incorrect. Hurt refers to causing physical injury, not merely threatening harm.

(B) False Imprisonment: This is incorrect. False imprisonment occurs when a person is unlawfully restrained or confined. This case does not involve physical restraint.

(C) Assault: Correct. Assault involves an intentional act of causing a reasonable fear of imminent harm. Here, Mr B's threat to harm Mr A falls under assault.

(D) Battery: This is incorrect. Battery requires actual physical contact or harm, which did not occur in this case.

Step 3: Conclusion.

The correct answer is **(C) Assault**.

Quick Tip

Assault involves the act of threatening harm, creating fear of immediate injury, without necessarily causing physical injury.

13. Ms J knowing while taking the lift that driver Mr T was under the influence of alcohol. Consequently, car met with an accident and Ms J got injuries and she has filed the case for compensation. Which defence could be claimed by Mr T?

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

Correct Answer: (B) Volenti-non-fit-injuria

Solution:

Step 1: Understanding the case.

In this case, Ms J knew that Mr T was under the influence of alcohol and still took the lift.

The defence of volenti-non-fit-injuria applies when a person voluntarily takes a risk knowing the potential harm involved.

Step 2: Analyzing the options.

(A) Act of Necessity: This is incorrect. An act of necessity occurs when harm is caused in an emergency situation to prevent greater harm. This does not apply in this case.

(B) Volenti-non-fit-injuria: Correct. This defence applies because Ms J voluntarily exposed herself to the risk of injury by knowingly using the lift with a driver who was intoxicated.

(C) Act of God: This is incorrect. Act of God refers to natural disasters or unforeseeable events, which is not applicable in this situation.

(D) Inevitable Accident: This is incorrect. An inevitable accident occurs when an accident happens without any fault, which is not the case here.

Step 3: Conclusion.

The correct answer is **(B) Volenti-non-fit-injuria**.

Quick Tip

The volenti-non-fit-injuria defence is valid when a person knowingly accepts the risk of harm. In this case, Ms J knowingly took the lift with an intoxicated driver.

14. "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 the 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.

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

(B) "A" may file a suit in the criminal court having the powers under the Bhartiya Nagarik Suraksha Sanhita, 2023.

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

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

1908.

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

Solution:

Step 1: Understanding the case.

In this case, "A" is seeking the enforcement of a contract for the sale of land. Though the Specific Relief Act, 1963 deals with the enforcement of contracts for immovable property, "A" can file a suit under the Civil Procedure Code, 1908 in the appropriate civil court, rather than a special court under the Specific Relief Act.

Step 2: Analyzing the options.

(A) No suit can be brought against "A" as there is no breach of contract: This is incorrect, as "B" has breached the contract by refusing to transfer the title after receiving the advance payment.

(B) "A" may file a suit in the criminal court having the powers under the Bhartiya Nagarik Suraksha Sanhita, 2023: This is incorrect. The issue pertains to a civil contract, not a criminal offense.

(C) "A" may file a suit in the special court constituted under the Specific Relief Act, 1963: This is incorrect. While the Specific Relief Act allows for the enforcement of immovable property contracts, the case does not require a special court, as a civil court under the Civil Procedure Code is sufficient for such a suit.

(D) "A" may file a suit in the civil court having the powers under the Civil Procedure Code, 1908: Correct. A suit for the enforcement of a contract involving immovable property can be filed in the appropriate civil court under the Civil Procedure Code.

Step 3: Conclusion.

The correct answer is **(D) "A" may file a suit in the civil court having the powers under the Civil Procedure Code, 1908.**

Quick Tip

Even though the Specific Relief Act, 1963 deals with the enforcement of contracts for immovable property, a suit can be filed in the civil court under the Civil Procedure Code.

15. "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.

- (A) It amounts to conditions precedent in the Transfer of Property
- (B) It amounts to Conditional Transfer of Property
- (C) It amounts to Conditional Limitations on Transfer of Property
- (D) It amounts to Subsequent Transfer of Property

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

Solution:

Step 1: Understanding the condition.

The scenario describes a condition where the transfer of property is limited or restricted for a specified period (10 years in this case). This type of limitation on the right to transfer the property is considered a "conditional limitation" on the transfer, as it sets a restriction that limits the ability of "B" to transfer the property for a certain time. This is not a condition precedent but a limitation that applies after the transfer.

Step 2: Analyzing the options.

(A) It amounts to conditions precedent in the Transfer of Property: This is incorrect. A condition precedent is one that must be fulfilled before the transfer becomes effective, but here, the restriction is placed after the transfer.

(B) It amounts to Conditional Transfer of Property: This is incorrect. While the transfer has a condition attached, it is not a conditional transfer; it is a limitation on future transfers.

(C) It amounts to Conditional Limitations on Transfer of Property: Correct. The restriction placed on "B" is a limitation on their ability to transfer the property for 10 years, making this a conditional limitation.

(D) It amounts to Subsequent Transfer of Property: This is incorrect. A subsequent transfer would refer to a future transfer after a condition, but here, the restriction is on "B" for a set period.

Step 3: Conclusion.

The correct answer is **(C) It amounts to Conditional Limitations on Transfer of Property.**

Quick Tip

Conditional limitations refer to restrictions on the transfer of property that apply for a specific period after the transfer has occurred.

16. Mr. Rajesh issued a cheque of 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."

- (A) A complaint in writing is to be made by Mr. Sharma in the court within two months for the dishonour of the cheque
- (B) A complaint in writing is to be made by Mr. Sharma in the court within three months for the dishonour of the cheque
- (C) A complaint in writing is to be made by Mr. Sharma in the court within one month for the dishonour of the cheque
- (D) A complaint in writing is to be made by Mr. Sharma in the court within five months for the dishonour of the cheque

Correct Answer: (C) 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: Understanding the time limit for filing complaints under the Negotiable Instruments Act, 1881.

Under Section 138 of the Negotiable Instruments Act, 1881, if a cheque is dishonoured due to insufficient funds, the payee (in this case, Mr. Sharma) can file a complaint within a specific time frame. The time limit for filing a complaint is one month from the date of the cheque's dishonour, provided that the payee sends a demand notice to the drawer of the cheque within 30 days of dishonour.

Step 2: Analyzing the options.

(A) A complaint in writing is to be made by Mr. Sharma in the court within two months for the dishonour of the cheque: This is incorrect. The time limit for filing the complaint is

one month, not two.

(B) A complaint in writing is to be made by Mr. Sharma in the court within three months for the dishonour of the cheque: This is incorrect. The correct time limit is one month, not three months.

(C) A complaint in writing is to be made by Mr. Sharma in the court within one month for the dishonour of the cheque: Correct. The time limit is one month from the date of dishonour, provided a demand notice is sent.

(D) A complaint in writing is to be made by Mr. Sharma in the court within five months for the dishonour of the cheque: This is incorrect. The time limit is much shorter, i.e., one month.

Step 3: Conclusion.

The correct answer is **(C) A complaint in writing is to be made by Mr. Sharma in the court within one month for the dishonour of the cheque.**

Quick Tip

Under Section 138 of the Negotiable Instruments Act, 1881, a complaint must be filed within one month from the date of dishonour, provided a demand notice is sent within 30 days.

17. Rent-Free Accommodation provided by an employer to employee is

- (A) Allowance under section 10(1) of the Income Tax Act
- (B) Perquisite as per section 17(2) of the Income Tax Act
- (C) Perquisite as per section 16(2) of the Income Tax Act
- (D) Allowance under section 10(13A) of the Income Tax Act

Correct Answer: (A) Allowance under section 10(1) of the Income Tax Act

Solution:

Step 1: Understanding Rent-Free Accommodation.

Rent-free accommodation provided by an employer to an employee is typically treated as an allowance under section 10(1) of the Income Tax Act, 1961. Section 10(1) provides for

exemptions on certain allowances and income that are not subject to tax, including those related to housing or rent allowances, subject to certain conditions.

Step 2: Analyzing the options.

(A) Allowance under section 10(1) of the Income Tax Act: Correct. Rent-free accommodation provided by an employer falls under allowances provided in section 10(1), which covers exemptions related to allowances and some non-taxable income.

(B) Perquisite as per section 17(2) of the Income Tax Act: This is incorrect. Section 17(2) covers perquisites provided by an employer, and while rent-free accommodation can be considered a perquisite, it is more appropriately classified under allowances.

(C) Perquisite as per section 16(2) of the Income Tax Act: This is incorrect. Section 16(2) relates to deductions on income, not to perquisites.

(D) Allowance under section 10(13A) of the Income Tax Act: This is incorrect. Section 10(13A) relates to house rent allowances (HRA), not rent-free accommodation.

Step 3: Conclusion.

The correct answer is **(A) Allowance under section 10(1) of the Income Tax Act.**

Quick Tip

Rent-free accommodation provided by an employer is considered an allowance under Section 10(1) of the Income Tax Act and can be exempt from taxation under certain conditions.

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

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

Correct Answer: (B) Section 2(d)

Solution:

Step 1: Understanding Void Agreements.

According to the Indian Contract Act, 1872, an agreement that is not enforceable by law is considered void. Section 2(d) of the Act specifically defines an agreement as void when it is not enforceable by law.

Step 2: Analyzing the options.

(A) Section 2(g): This is incorrect. Section 2(g) defines voidable contracts, not void agreements.

(B) Section 2(d): Correct. Section 2(d) of the Indian Contract Act defines a void agreement.

(C) Section 2(e): This is incorrect. Section 2(e) refers to the definition of a valid contract, not a void agreement.

(D) Section 2(f): This is incorrect. Section 2(f) defines a contract, not a void agreement.

Step 3: Conclusion.

The correct answer is **(B) Section 2(d)**.

Quick Tip

A void agreement is one that cannot be enforced by law, and this is defined under Section 2(d) of the Indian Contract Act, 1872.

19. The concept of invalid guarantee is covered under Sections

(A) 140-143

(B) 142-146

(C) 142-144

(D) 143-147

Correct Answer: (C) 142-144

Solution:

Step 1: Understanding Invalid Guarantee.

The concept of an invalid guarantee is addressed under Sections 142 to 144 of the Indian Contract Act, 1872. These sections explain the conditions under which a guarantee can be

considered invalid, particularly if it is made without a valid consideration or if the principal debtor's debt is extinguished.

Step 2: Analyzing the options.

(A) **140-143:** This is incorrect. While sections 140 to 143 discuss guarantees, they do not cover the specific concept of invalid guarantees.

(B) **142-146:** This is incorrect. Sections 142-146 do cover guarantees but do not specifically address invalid guarantees.

(C) **142-144:** Correct. Sections 142-144 specifically address the concept of invalid guarantees under the Indian Contract Act.

(D) **143-147:** This is incorrect. The relevant sections regarding invalid guarantees are 142-144, not 143-147.

Step 3: Conclusion.

The correct answer is (C) **142-144**.

Quick Tip

Invalid guarantees are defined under Sections 142 to 144 of the Indian Contract Act, 1872, which explain conditions under which a guarantee can be deemed invalid.

20. 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), (ii) (iii)

(B) (i) (ii)

(C) (ii) (iii)

(D) (i) (iii)

Correct Answer: (B) (i) (ii)

Solution:**Step 1: Understanding the Land Acquisition Act, 2013.**

The Land Acquisition Act, 2013 provides the framework for acquiring land for various purposes. It includes the acquisition of land for strategic purposes and for projects aimed at rehabilitating families affected by the projects. However, the provision for public-private partnerships where the government retains ownership of land is not included in the current framework of the act.

Step 2: Analyzing the options.

(A) (i), (ii) (iii): This is incorrect. Although strategic purposes and projects for families affected by projects are covered under the Act, public-private partnership projects where land remains under government ownership are not included.

(B) (i) (ii): Correct. Strategic purposes and projects for families affected by projects are included under the Land Acquisition Act, 2013.

(C) (ii) (iii): This is incorrect. It excludes strategic purposes, which are a valid reason for land acquisition under the Act.

(D) (i) (iii): This is incorrect. It excludes projects for families affected by projects, which are also covered under the Act.

Step 3: Conclusion.

The correct answer is **(B) (i) (ii)**.

Quick Tip

The Land Acquisition Act, 2013 allows for land acquisition for strategic purposes and for projects that aim to rehabilitate families affected by such projects, but does not cover public-private partnerships with government ownership.

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

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

(D) Land Acquisition Act, 1894

Correct Answer: (D) Land Acquisition Act, 1894

Solution:

Step 1: Understanding the legislative change.

The Land Acquisition Act, 2013 replaced the Land Acquisition Act, 1894 in India. The new law introduced provisions to address rehabilitation and resettlement of people whose land is acquired.

Step 2: Analyzing the options.

(A) Land Acquisition Act, 1874: This is incorrect. The 1874 Act did not exist.

(B) Land Acquisition Act, 1956: This is incorrect. The Act of 1956 was not the predecessor of the 2013 Act.

(C) Land Acquisition Act, 1862: This is incorrect. The 1862 Act was not the one replaced by the 2013 Act.

(D) Land Acquisition Act, 1894: Correct. The Land Acquisition Act, 2013 replaced the Land Acquisition Act of 1894.

Step 3: Conclusion.

The correct answer is **(D) Land Acquisition Act, 1894**.

Quick Tip

The Land Acquisition Act, 2013 replaced the outdated Land Acquisition Act, 1894, bringing in provisions for better rehabilitation and resettlement of displaced persons.

22. 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.

Under trademark law, can Soham claim infringement for the use of a similar name and logo by the competing app?

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

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

Solution:

Step 1: Understanding trademark infringement.

Trademark infringement occurs when an unauthorized party uses a mark that is confusingly similar to an existing trademark, causing potential harm to the original brand. Soham can file for infringement if he can prove that "FitLyfe" is confusingly similar to his "FitLife" app and is likely to mislead customers.

Step 2: Analyzing the options.

(A) No, trademark infringement can only occur if there is identical copying: This is incorrect. Infringement can occur even if there is no identical copying but if the names or logos are confusingly similar.

(B) Yes, if he can prove that the names are confusingly similar: Correct. This is the correct condition under trademark law for claiming infringement.

(C) No, because the competing app has a different name and logo: This is incorrect. Even if the name is slightly different, the confusion between the names and logos can still lead to infringement if proven.

(D) Yes, but only if the competitor is a small business: This is incorrect. The size of the competitor does not matter in a trademark infringement case. The issue is whether the name and logo are confusingly similar.

Step 3: Conclusion.

The correct answer is **(B) Yes, if he can prove that the names are confusingly similar.**

Quick Tip

Trademark infringement can occur even when the names or logos are not identical, but rather confusingly similar to the original mark.

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

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

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

Solution:

Step 1: Understanding copyright duration.

According to the Copyright Act, 1957 of India, the duration of copyright protection for literary works is the lifetime of the author plus 60 years. This means that the copyright lasts for the author's lifetime and extends for 60 years after their death.

Step 2: Analyzing the options.

- (A) 10 years from the date of first sale:** This is incorrect. Copyright protection does not expire after 10 years of first sale.
- (B) 50 years from the creation of the work:** This is incorrect. The protection lasts longer than 50 years.
- (C) 60 years from the date of publication:** This is incorrect. The copyright term is tied to the life of the author, not just the publication date.
- (D) Lifetime of the author plus 60 years:** Correct. This is the correct duration of copyright protection for literary works.

Step 3: Conclusion.

The correct answer is **(D) Lifetime of the author plus 60 years.**

Quick Tip

In India, copyright protection for literary works lasts for the lifetime of the author plus 60 years.

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

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

Correct Answer: (C) Cancellation of instruments

Solution:

Step 1: Understanding Section 31.

Section 31 of the Specific Relief Act, 1963 deals with the cancellation of instruments. This section provides for the cancellation of any document that is void, voidable, or fraudulently executed.

Step 2: Analyzing the options.

(A) Perpetual injunction: This is incorrect. A perpetual injunction is dealt with under Section 37, not Section 31.

(B) Rescission of contracts: This is incorrect. Rescission of contracts is related to specific performance, not cancellation of instruments.

(C) Cancellation of instruments: Correct. Section 31 specifically deals with the cancellation of instruments such as contracts, deeds, or documents that are void or voidable.

(D) Declaratory decrees: This is incorrect. Declaratory decrees are dealt with under Section 34 of the Specific Relief Act.

Step 3: Conclusion.

The correct answer is **(C) Cancellation of instruments.**

Quick Tip

Section 31 of the Specific Relief Act, 1963 allows for the cancellation of instruments such as contracts, deeds, and documents that are void, voidable, or obtained through fraud.

25. 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 Civil Procedure, 1908
- (B) A person entitled to the possession of specific immovable property may recover it in the manner provided by The Specific Relief Act, 1963
- (C) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Transfer of Property Act, 1882
- (D) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Criminal Procedure, 1973

Correct Answer: (A) 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 law of recovery of specific immovable property.

The recovery of specific immovable property is governed by the procedural aspects provided in the Code of Civil Procedure (CPC), 1908, under the provisions related to a suit for possession. The CPC outlines the processes and remedies for recovering possession of immovable property, including the procedure for filing a civil suit.

Step 2: Analyzing the options.

(A) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure, 1908: Correct. The recovery of specific immovable property is enforced through the CPC, 1908, which lays down the procedure for possession suits.

(B) A person entitled to the possession of specific immovable property may recover it in

the manner provided by The Specific Relief Act, 1963: This is incorrect. The Specific Relief Act, 1963 provides remedies for specific performance of contracts but not directly for the enforcement of possession of immovable property.

(C) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Transfer of Property Act, 1882: This is incorrect. The Transfer of Property Act governs the transfer of property, not the recovery of possession of property.

(D) A person entitled to the possession of specific immovable property may recover it in the manner provided by the Code of Criminal Procedure, 1973: This is incorrect. The Code of Criminal Procedure deals with criminal law and does not provide for the recovery of immovable property.

Step 3: Conclusion.

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

Quick Tip

To recover specific immovable property, a person must file a suit for possession under the Code of Civil Procedure, 1908.

26. 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 7
- (B) Section 5
- (C) Section 4
- (D) Section 6

Correct Answer: (B) Section 5

Solution:

Step 1: Understanding the definition of revocation of proposal.

According to Section 5 of the Indian Contract Act, 1872, a proposal may be revoked at any time before the communication of its acceptance is complete as against the proposer. Once the acceptance is communicated, the proposal becomes binding and cannot be revoked.

Step 2: Analyzing the options.

(A) Section 7: This is incorrect. Section 7 deals with the acceptance of the proposal, not its revocation.

(B) Section 5: Correct. Section 5 defines when a proposal can be revoked, specifically before the acceptance is communicated to the proposer.

(C) Section 4: This is incorrect. Section 4 deals with the communication of the acceptance, not the revocation of the proposal.

(D) Section 6: This is incorrect. Section 6 covers the revocation of contracts, but Section 5 specifically deals with the revocation of proposals.

Step 3: Conclusion.

The correct answer is **(B) Section 5**.

Quick Tip

Section 5 of the Indian Contract Act, 1872 allows for the revocation of a proposal before its acceptance is communicated.

-
- 27. 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 338A providing for the reservation of seats for women in the house of people.**
 - (iii) It also adds Article 334A which states in that the said amendment will commence after the first census have been taken after the commencement of the said Act.**
 - (iv) The above stated shall cease to have effect on the expiration of a period of 15 years from search commencement.**

- (A) All of these
- (B) (i), (ii) (iii)
- (C) (i), (iii) (iv)
- (D) (ii), (iii) (iv)

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

Solution:

Step 1: Understanding the Constitutional Amendment.

The 106th Constitutional Amendment Act of 2019 introduced several provisions to improve the reservation for women in legislative bodies. This included: - Article 338A to establish a commission for women's representation in the House of the People. - Article 334A specifying that the reservation shall continue after the first census post the amendment. - The provision that the reservation will cease after 15 years of implementation. However, Article 239A (reservation for women in Delhi's legislative assembly) is not part of the 106th Amendment Act.

Step 2: Analyzing the options.

(A) All of these: This is incorrect. Article 239A is not part of the 106th Constitutional Amendment Act.

(B) (i), (ii) (iii): This is incorrect because Article 239A is not part of the Act.

(C) (i), (iii) (iv): This is incorrect because it omits Article 338A regarding women's representation in the House of People.

(D) (ii), (iii) (iv): Correct. All the statements except (i) are correct. The amendment introduces Article 338A, adds Article 334A, and specifies a 15-year limit for the reservation.

Step 3: Conclusion.

The correct answer is **(D) (ii), (iii) (iv)**.

Quick Tip

The 106th Constitutional Amendment Act focuses on improving women's representation by introducing Article 338A and setting a 15-year timeline for the reservations.

28. 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.**
- (2) Section 6: Imposes a penalty of 10,000 for discrimination.**
- (3) 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 Colourable Legislation
- (B) Doctrine of Eclipse
- (C) Doctrine of Severability
- (D) Doctrine of Basic Structure

Correct Answer: (C) Doctrine of Severability

Solution:

Step 1: Understanding the Doctrine of Severability.

The Doctrine of Severability allows the court to declare certain provisions of a law unconstitutional while upholding the rest of the law. In this case, the Supreme Court used this doctrine to strike down Section 10 of the Fair Housing Act, 2024 because it violated the right to privacy under Article 21, but upheld the other provisions.

Step 2: Analyzing the options.

(A) Doctrine of Colourable Legislation: This is incorrect. Colourable legislation refers to laws that are enacted in the guise of a valid power but in reality are beyond the scope of legislative competence.

(B) Doctrine of Eclipse: This is incorrect. The Doctrine of Eclipse applies to laws that are inconsistent with the Constitution but can be revived once the constitutional defect is removed.

(C) Doctrine of Severability: Correct. This doctrine applies when part of a statute is declared invalid, but the remainder is upheld as valid.

(D) Doctrine of Basic Structure: This is incorrect. The Doctrine of Basic Structure refers to the unamendable features of the Constitution and is not applicable here.

Step 3: Conclusion.

The correct answer is **(C) Doctrine of Severability**.

Quick Tip

The Doctrine of Severability allows the court to strike down unconstitutional provisions of a law while preserving the rest of the statute.

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

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

Correct Answer: (B) Governor

Solution:

Step 1: Understanding the role of the Comptroller and Auditor General of India (CAG).

The Comptroller and Auditor General of India (CAG) audits the accounts of the Government of India and State governments. According to Article 151 of the Constitution, the reports of the CAG relating to the accounts of a State must be submitted to the Governor of that State. The Governor then presents the reports to the State Legislature.

Step 2: Analyzing the options.

(A) Public Accounts Committee: This is incorrect. While the Public Accounts Committee (PAC) plays a key role in scrutinizing the reports of the CAG, the reports are first submitted to the Governor, not directly to the PAC.

(B) Governor: Correct. As per Article 151, the CAG's reports on the accounts of a State are submitted to the Governor, who then presents them to the State Legislature.

(C) Committee on Public Undertakings: This is incorrect. This committee reviews the accounts of public undertakings, not the State's general accounts.

(D) Estimates Committee: This is incorrect. The Estimates Committee examines the estimates of expenditure, not the reports of the CAG.

Step 3: Conclusion.

The correct answer is **(B) Governor**.

Quick Tip

The reports of the Comptroller and Auditor General of India related to the accounts of a State are submitted to the Governor, who then presents them to the State Legislature.

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

(A) Article 135

(B) Article 119

(C) Article 111

(D) Article 129

Correct Answer: (D) Article 129

Solution:

Step 1: Understanding the role of the Supreme Court as a court of record.

Article 129 of the Indian Constitution declares that the Supreme Court shall be a court of record, which means that its decisions are permanently recorded and can be used as precedent in future cases.

Step 2: Analyzing the options.

(A) Article 135: This is incorrect. Article 135 relates to the powers of the Supreme Court to issue instructions in cases of conflicting judgments by courts in the same state.

(B) Article 119: This is incorrect. Article 119 pertains to the regulation of the proceedings of the Supreme Court.

(C) Article 111: This is incorrect. Article 111 deals with the authentication of the Supreme Court's orders and judgments.

(D) Article 129: Correct. Article 129 specifically establishes the Supreme Court as a court of record.

Step 3: Conclusion.

The correct answer is **(D) Article 129**.

Quick Tip

Article 129 of the Indian Constitution defines the Supreme Court as a court of record, ensuring that its judgments and decisions are recorded permanently for future reference.

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

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

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

Solution:

Step 1: Understanding the concept of authority under Article 12.

Article 12 of the Indian Constitution defines "State" to include the government and other authorities within the territory of India. In the case of Ajay Hasia vs. Khalid Mujib (1981), the Supreme Court held that a registered society can be considered an "authority" under Article 12 if it performs public functions or has significant government control. This ruling widened the scope of what constitutes "authority" under Article 12 for the purpose of enforcing fundamental rights.

Step 2: Analyzing the options.

(A) R.D. Shetty vs. International Airport Authority: This is incorrect. While this case involved the International Airport Authority, it did not specifically address the issue of a registered society being an "authority" under Article 12.

(B) Som Prakash vs. Union of India: This is incorrect. This case does not address a registered society being an "authority" under Article 12.

(C) Ajay Hasia vs. Khalid Mujib: Correct. This case specifically dealt with the recognition of a registered society as an "authority" under Article 12.

(D) Sukhdev vs. Bhagatram: This is incorrect. While the case dealt with public corporations, it does not focus on the concept of a registered society being an "authority" under Article 12.

Step 3: Conclusion.

The correct answer is **(C) Ajay Hasia vs. Khalid Mujib.**

Quick Tip

The case of Ajay Hasia vs. Khalid Mujib expanded the scope of "authority" under Article 12, recognizing that registered societies performing public functions could be considered authorities.

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

(A) Bashehsar Nath vs. I.T. Commissioner

(B) Gopala vs. State of Madras

(C) Kameshwar Singh vs. State of Bihar

(D) Golaknath vs. State of Punjab

Correct Answer: (A) Bashehsar Nath vs. I.T. Commissioner

Solution:

Step 1: Understanding the principle of waiving fundamental rights.

In the case of **Bashehsar Nath vs. I.T. Commissioner** (1970), the Supreme Court held that individuals cannot waive their fundamental rights. This ruling emphasized that fundamental rights are part of the basic structure of the Constitution and are inalienable.

Step 2: Analyzing the options.

(A) Bashehsar Nath vs. I.T. Commissioner: Correct. This case explicitly deals with the issue of waiving fundamental rights and established that they cannot be waived.

(B) Gopala vs. State of Madras: This is incorrect. This case is not related to the waiver of fundamental rights.

(C) Kameshwar Singh vs. State of Bihar: This is incorrect. This case does not deal with waiving fundamental rights.

(D) Golaknath vs. State of Punjab: This is incorrect. Although the Golaknath case involved the fundamental rights and the power of Parliament to amend them, it did not specifically address the issue of waiving rights.

Step 3: Conclusion.

The correct answer is **(A) Bashehsar Nath vs. I.T. Commissioner.**

Quick Tip

The Supreme Court ruled in **Bashehsar Nath vs. I.T. Commissioner** that fundamental rights cannot be waived by individuals as they form a core part of the Constitution's basic structure.

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

(A) 85

(B) 81

(C) 91

(D) 77

Correct Answer: (B) 81

Solution:

Step 1: Understanding the Constitutional Amendment.

Clause (4B) was inserted into Article 16 by the 81st Constitutional Amendment of 2000. This amendment provides for the reservation of seats for Scheduled Castes, Scheduled Tribes, and Other Backward Classes in matters of public employment.

Step 2: Analyzing the options.

(A) **85:** This is incorrect. The 85th Amendment relates to the reservation of seats for backward classes in educational institutions.

(B) **81:** Correct. The 81st Amendment inserted Clause (4B) into Article 16.

(C) **91:** This is incorrect. The 91st Amendment deals with the disqualification of MPs and MLAs.

(D) **77:** This is incorrect. The 77th Amendment is related to the reservation for Scheduled Castes and Tribes.

Step 3: Conclusion.

The correct answer is **(B) 81**.

Quick Tip

The 81st Constitutional Amendment inserted Clause (4B) into Article 16 to provide for the reservation of seats for the backward classes in public employment.

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

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

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

Solution:**Step 1: Understanding "Criminal Force" under Bhartiya Nyaya Sanhita, 2023.**

According to Section 350 of the Bhartiya Nyaya Sanhita, 2023, force is considered to be "criminal force" when it is used intentionally without consent, and it results in causing injury, fear, or annoyance to the victim.

Step 2: Analyzing the options.

(A) When it is used in self-defence: This is incorrect. Self-defense is not considered "criminal force" as it is legally justified.

(B) When it is used unintentionally: This is incorrect. "Criminal force" involves intentional action, not unintentional use.

(C) When intentionally uses force only: This is incomplete. Force must also lack consent and cause harm to be considered "criminal force."

(D) When it is used intentionally without consent, causing injury, fear or annoyance: Correct. This accurately describes what constitutes "criminal force" under the Bhartiya Nyaya Sanhita, 2023.

Step 3: Conclusion.

The correct answer is **(D) When it is used intentionally without consent, causing injury, fear or annoyance.**

Quick Tip

"Criminal force" is defined as the intentional use of force without consent, resulting in injury, fear, or annoyance.

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

Correct Answer: (D) Three hundred rupees

Solution:

Step 1: Understanding Section 182(1) of Bhartiya Nyaya Sanhita, 2023.

Section 182(1) of the Bhartiya Nyaya Sanhita, 2023 deals with the offense of making or using a document that resembles a currency note or a bank note. The maximum fine for this offense is three hundred rupees.

Step 2: Analyzing the options.

- (A) **One thousand rupees:** This is incorrect. The fine is not one thousand rupees.
(B) **One hundred rupees:** This is incorrect. The fine is more than one hundred rupees.
(C) **Five hundred rupees:** This is incorrect. The fine is not five hundred rupees.
(D) **Three hundred rupees:** Correct. This is the maximum fine as per Section 182(1) of the Bhartiya Nyaya Sanhita, 2023.

Step 3: Conclusion.

The correct answer is **(D) Three hundred rupees.**

Quick Tip

Under Section 182(1) of the Bhartiya Nyaya Sanhita, 2023, the maximum fine for making or using a document resembling currency or a bank note is three hundred rupees.

36. 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), (2) and (3)
(B) (1) only
(C) (1) and (3) both
(D) (1) and (2) both

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

Solution:

Step 1: Understanding the right of private defence under Bhartiya Nyaya Sanhita, 2023.

According to the Bhartiya Nyaya Sanhita, 2023, the right of private defence extends to the voluntary causing of death or any other harm to the wrong-doer in cases of robbery (Section 389), house-breaking after sunset (Section 442), and theft, mischief, or house trespass (Section 438). The law allows for such actions to protect property from serious harm in these situations.

Step 2: Analyzing the options.

(A) (1), (2) and (3): Correct. The right of private defence covers robbery, house-breaking after sunset, and theft, mischief, or house trespass as per the Bhartiya Nyaya Sanhita, 2023.

(B) (1) only: This is incorrect. While robbery is covered, house-breaking after sunset and theft, mischief, or house trespass are also included.

(C) (1) and (3) both: This is incorrect. House-breaking after sunset is also included under the right of private defence.

(D) (1) and (2) both: This is incorrect. Theft, mischief, or house trespass are also covered under the right of private defence.

Step 3: Conclusion.

The correct answer is **(A) (1), (2) and (3)**.

Quick Tip

The right of private defence extends to robbery, house-breaking after sunset, and theft, mischief, or house trespass under the Bhartiya Nyaya Sanhita, 2023.

37. 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 offenses has Rajesh committed?

- (A) Attempt to commit culpable homicide under Section 308 of IPC
- (B) Simple hurt under Section 323 of IPC
- (C) Voluntarily causing grievous hurt under Section 325 of IPC
- (D) Voluntarily causing hurt under Section 324 of IPC

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

Solution:

Step 1: Understanding the IPC provisions.

Under Section 325 of IPC, a person is guilty of voluntarily causing grievous hurt if they cause harm that results in the victim being unable to use a body part for a prolonged period. In this case, Rajesh's action resulted in Sunil being unable to use his arm for several weeks, which constitutes grievous hurt.

Step 2: Analyzing the options.

(A) Attempt to commit culpable homicide under Section 308 of IPC: This is incorrect. There is no evidence that Rajesh attempted to commit homicide or had the intention to kill Sunil.

(B) Simple hurt under Section 323 of IPC: This is incorrect. Simple hurt refers to harm that does not result in serious consequences like a fracture.

(C) Voluntarily causing grievous hurt under Section 325 of IPC: Correct. This matches the offense committed by Rajesh.

(D) Voluntarily causing hurt under Section 324 of IPC: This is incorrect. Section 324 involves causing hurt using a weapon, but it doesn't match the specific provision for grievous hurt.

Step 3: Conclusion.

The correct answer is **(C) Voluntarily causing grievous hurt under Section 325 of IPC.**

Quick Tip

Grievous hurt under IPC includes any injury that causes serious bodily harm or incapacitates a body part for an extended period.

38. 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 offenses has Amit committed?

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

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

Solution:

Step 1: Understanding the offense under IPC.

Section 304 of the Indian Penal Code deals with culpable homicide not amounting to murder. Amit's actions caused the death of Vijay, but there is no evidence of premeditation or intent to murder, which distinguishes this case from murder under Section 302. Since Amit knew his actions would likely cause death but didn't have intent, it qualifies as culpable homicide not amounting to murder.

Step 2: Analyzing the options.

(A) Voluntarily causing grievous hurt under Section 325 of IPC: This is incorrect. The actions caused death, not just grievous hurt.

(B) Murder under Section 302 of IPC: This is incorrect. There is no premeditation or intention to commit murder.

(C) Culpable homicide not amounting to murder under Section 304 of IPC: Correct. Amit's actions constitute culpable homicide not amounting to murder under Section 304 of IPC.

(D) Causing death by negligence under Section 304A of IPC: This is incorrect. Amit acted intentionally, not negligently.

Step 3: Conclusion.

The correct answer is **(C) Culpable homicide not amounting to murder under Section 304 of IPC.**

Quick Tip

Culpable homicide involves causing death with knowledge of likely consequences but without premeditation or intent to kill, and is punishable under Section 304 IPC.

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

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

Correct Answer: (C) 105

Solution:

Step 1: Understanding the provision for powers and privileges.

Article 105 of the Indian Constitution deals with the powers, privileges, and immunities of Parliament and its members. It defines the scope of freedom and protections afforded to the members of Parliament while they are performing their duties.

Step 2: Analyzing the options.

(A) 102: This is incorrect. Article 102 deals with the disqualification of MPs and not the powers and privileges.

(B) 107: This is incorrect. Article 107 deals with the process of legislation and not the powers of Parliament members.

(C) 105: Correct. Article 105 specifically deals with the powers, privileges, and immunities of Parliament and its members.

(D) 108: This is incorrect. Article 108 deals with the joint sitting of both houses of Parliament.

Step 3: Conclusion.

The correct answer is **(C) 105**.

Quick Tip

Article 105 of the Indian Constitution grants parliamentary privileges to MPs, ensuring that they can carry out their duties without interference.

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

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

Correct Answer: (D) 101

Solution:

Step 1: Understanding GST and the relevant Constitutional Amendment.

The 101st Constitutional Amendment Act, enacted in 2016, inserted provisions related to the Goods and Services Tax (GST). This amendment introduced Article 246A, which empowers both the Parliament and state legislatures to levy taxes on goods and services. It was a crucial step in the implementation of GST in India.

Step 2: Analyzing the options.

(A) 102: This is incorrect. The 102nd Amendment deals with the powers of the National Commission for Backward Classes.

(B) 99: This is incorrect. The 99th Amendment was related to the Constitution of the National Judicial Appointments Commission, not GST.

(C) 100: This is incorrect. The 100th Amendment deals with the extension of powers to union territories.

(D) 101: Correct. The 101st Constitutional Amendment Act inserted provisions related to GST, which restructured India's tax system.

Step 3: Conclusion.

The correct answer is **(D) 101**.

Quick Tip

The 101st Constitutional Amendment Act introduced the Goods and Services Tax (GST) in India, marking a significant shift in the tax system.

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

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

Correct Answer: (B) Either House of Parliament

Solution:

Step 1: Understanding the impeachment process.

According to Article 61 of the Indian Constitution, impeachment proceedings against the President of India can be initiated by either House of Parliament. The process requires a resolution to be passed by a two-thirds majority of the members present and voting.

Step 2: Analyzing the options.

(A) Rajya Sabha: This is incorrect. The impeachment process can be initiated by either house, not just Rajya Sabha.

(B) Either House of Parliament: Correct. Either House of Parliament can initiate the impeachment proceedings against the President.

(C) Supreme Court: This is incorrect. The Supreme Court does not have the power to initiate impeachment proceedings against the President.

(D) Only Lok Sabha: This is incorrect. The Lok Sabha alone cannot initiate the proceedings; either house of Parliament can do so.

Step 3: Conclusion.

The correct answer is **(B) Either House of Parliament**.

Quick Tip

Article 61 of the Indian Constitution allows either house of Parliament to initiate impeachment proceedings against the President.

42. 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 robbery of a bank and has also helped to hide the valuable properties in his farm, as stated by two villagers. With this regard, consider the following:

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

- (1) Raju can be arrested only if he commits a non-cognizable offence in the presence of Mr. Patel.
- (2) Since the reasonable complaint against Raju has been received and there is a strong suspicion exists due to the testimony of villagers, 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 the correct statement?

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

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

Solution:

Step 1: Understanding the arrest procedure under the law.

Under Section 41 of the Criminal Procedure Code (CrPC), a police officer can arrest a person without a warrant under certain conditions such as when there is a reasonable suspicion or if the person is involved in a cognizable offence. In this case, the police officer has a reasonable complaint and strong suspicion, so Raju can be arrested immediately.

Additionally, Raju can be arrested to prevent him from influencing witnesses or evidence.

Step 2: Analyzing the options.

(A) Only (4): This is incorrect. Statement (4) alone is not sufficient for arrest without warrant.

(B) (1) and (3): This is incorrect. Non-cognizable offence and escape are not the key factors in this scenario.

(C) (2) and (4): Correct. Statement (2) and statement (4) are the correct legal grounds for arrest without a warrant.

(D) Only (2): This is incorrect. Statement (4) is also necessary.

Step 3: Conclusion.

The correct answer is **(C) (2) and (4)**.

Quick Tip

Under Section 41 of CrPC, a police officer can arrest a person without a warrant when there is a reasonable suspicion and to prevent them from influencing witnesses or evidence.

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

(A) Counter FIR

(B) NCR

(C) Zero FIR

(D) False FIR

Correct Answer: (C) Zero FIR

Solution:

Step 1: Understanding the Zero FIR provision.

The Zero FIR provision allows a police officer to register an FIR for a cognizable offense

regardless of the area where the crime occurred. This provision ensures that the FIR is registered promptly and can be transferred to the concerned jurisdiction later.

Step 2: Analyzing the options.

(A) Counter FIR: This is incorrect. Counter FIR is filed in response to an existing FIR and is related to the same incident.

(B) NCR: This is incorrect. NCR stands for Non-Cognizable Report, which is a different type of report.

(C) Zero FIR: Correct. Zero FIR allows the FIR to be registered irrespective of jurisdiction and is applicable in urgent cases.

(D) False FIR: This is incorrect. A False FIR is one that provides fabricated information, and it is not related to this provision.

Step 3: Conclusion.

The correct answer is **(C) Zero FIR**.

Quick Tip

A Zero FIR ensures prompt registration of an FIR, even if the jurisdiction is incorrect, and is later transferred to the correct police station.

44. The BNSS mandates a forensic team to visit the crime scenes to collect evidence for offenses punishable with imprisonment for at least year.

(A) 5

(B) 2

(C) 4

(D) 7

Correct Answer: (D) 7

Solution:

Step 1: Understanding the forensic team mandate under BNSS.

According to the Bhartiya Nyaya Sanhita, 2023, the forensic team is mandated to visit crime

scenes and collect evidence for offenses that are punishable with imprisonment for at least 7 years. This ensures the collection of crucial evidence for serious offenses.

Step 2: Analyzing the options.

(A) 5: This is incorrect. The threshold mentioned in the BNSS is 7 years, not 5.

(B) 2: This is incorrect. The minimum punishment specified in the BNSS is 7 years imprisonment.

(C) 4: This is incorrect. The forensic team is required for cases punishable with at least 7 years of imprisonment.

(D) 7: Correct. The forensic team is mandated for crimes punishable with at least 7 years of imprisonment.

Step 3: Conclusion.

The correct answer is (D) 7.

Quick Tip

The forensic team is mandated by the BNSS to collect evidence in cases punishable with at least 7 years of imprisonment.

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

(A) 366

(B) 251

(C) 349

(D) 356

Correct Answer: (D) 356

Solution:

Step 1: Understanding trials in absentia.

Under Section 356 of the Bhartiya Nyaya Sanhita, 2023, a trial can be conducted in absentia for proclaimed offenders. This section ensures that the justice system does not get delayed due to the absence of the accused and allows for their trial to proceed without their presence in court.

Step 2: Analyzing the options.

(A) **366:** This is incorrect. Section 366 deals with the procedure for the production of the accused before the court.

(B) **251:** This is incorrect. Section 251 deals with framing of charges, not trials in absentia.

(C) **349:** This is incorrect. Section 349 does not address the trial of proclaimed offenders in absentia.

(D) **356:** Correct. Section 356 allows trials in absentia for proclaimed offenders.

Step 3: Conclusion.

The correct answer is (D) **356**.

Quick Tip

Section 356 of the Bhartiya Nyaya Sanhita, 2023 allows for the trial of proclaimed offenders even if they are not present in court.

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

(A) 530

(B) 532

(C) 330

(D) 430

Correct Answer: (A) 530

Solution:

Step 1: Understanding electronic trials and proceedings.

Section 530 of the Bhartiya Nyaya Sanhita, 2023 facilitates the conduct of trials and proceedings in electronic mode. This provision is designed to modernize the judicial system, making it more accessible and efficient, particularly in the context of technology integration.

Step 2: Analyzing the options.

(A) **530:** Correct. Section 530 specifically addresses the conduct of trials and proceedings in electronic mode.

(B) 532: This is incorrect. Section 532 deals with a different procedural matter and is not related to electronic proceedings.

(C) 330: This is incorrect. Section 330 does not pertain to electronic proceedings.

(D) 430: This is incorrect. Section 430 deals with other judicial procedures and does not focus on electronic trials.

Step 3: Conclusion.

The correct answer is **(A) 530**.

Quick Tip

Section 530 of the Bhartiya Nyaya Sanhita, 2023 allows for the conduct of trials and proceedings in electronic mode to improve accessibility and efficiency in the justice system.

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

(A) 1

(B) 531

(C) 101

(D) 2

Correct Answer: (B) 531

Solution:

Step 1: Understanding the repeal of CrPC.

Section 531 of the Bhartiya Nyaya Sanhita, 2023 repeals the Code of Criminal Procedure, 1973 (CrPC). This section marks a significant change in the legal framework governing criminal procedures, superseding the CrPC with the new provisions of the BNSS.

Step 2: Analyzing the options.

(A) 1: This is incorrect. Section 1 of BNSS is about the short title and commencement of the Act, not the repeal of CrPC.

(B) 531: Correct. Section 531 of BNSS repeals the Code of Criminal Procedure, 1973.

(C) **101:** This is incorrect. Section 101 deals with a different subject, not the repeal of CrPC.

(D) **2:** This is incorrect. Section 2 deals with definitions and not the repeal of CrPC.

Step 3: Conclusion.

The correct answer is (B) **531**.

Quick Tip

Section 531 of the Bhartiya Nyaya Sanhita, 2023 repeals the Code of Criminal Procedure, 1973, replacing it with the new provisions under the BNSS.

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

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

Solution:

Step 1: Understanding the offense of house trespass with intent to commit theft.

Under Section 441 of the Bhartiya Nyaya Sanhita (BNS), house trespass is committed when a person enters into or upon property with the intent to commit theft, among other crimes. In this case, Amit and Rani entered the house at night with the intent to steal, thus committing house trespass with intent to commit theft.

Step 2: Analyzing the options.

(A) Burglary: This is incorrect. Burglary involves breaking and entering into a building with the intent to commit theft, but there was no actual theft.

(B) Attempt to commit theft: This is incorrect. They had the intent to steal but did not complete the theft, and house trespass applies.

(C) House trespass with intent to commit theft: Correct. This matches the offense Amit and Rani committed.

(D) Attempt to commit robbery: This is incorrect. Robbery involves the use of force or threat, which was not the case here.

Step 3: Conclusion.

The correct answer is **(C) House trespass with intent to commit theft.**

Quick Tip

House trespass with intent to commit theft involves entering a property with the specific intention to steal, even if no theft occurs.

49. 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) 72

(B) 64

(C) 65

(D) 63

Correct Answer: (C) 65

Solution:

Step 1: Understanding the punishment for rape involving minors.

Under Section 65 of the Bhartiya Nyaya Sanhita (BNS), punishment for rape where the victim is a minor under the age of 16 or 12 is outlined. The section prescribes severe penalties for the crime of rape involving minors to ensure adequate protection and deterrence.

Step 2: Analyzing the options.

(A) 72: This is incorrect. Section 72 deals with different offenses, not related to rape of minors.

(B) 64: This is incorrect. Section 64 does not deal with rape cases involving minors.

(C) 65: Correct. Section 65 of the BNS addresses the punishment for rape involving victims under the age of 16 or 12.

(D) 63: This is incorrect. Section 63 does not address this specific issue.

Step 3: Conclusion.

The correct answer is **(C) 65**.

Quick Tip

Section 65 of the BNS addresses the punishment for rape when the victim is a minor under the age of 16 or 12, ensuring severe penalties for such offenses.

50. A new offense of 'Snatching' has been introduced by the BNS. Which section of the BNS defines 'Snatching' as an offense?

(A) 304

(B) 308

(C) 303

(D) 305

Correct Answer: (A) 304

Solution:

Step 1: Understanding the offense of Snatching.

Section 304 of the Bhartiya Nyaya Sanhita (BNS) introduces the offense of 'Snatching.' This provision criminalizes the act of forcibly taking property from another person with the intent to steal it, typically involving a physical altercation.

Step 2: Analyzing the options.

(A) 304: Correct. Section 304 defines 'Snatching' as an offense under the BNS.

(B) 308: This is incorrect. Section 308 deals with an attempt to commit culpable homicide, not snatching.

(C) 303: This is incorrect. Section 303 addresses a different aspect of criminal law and is not related to snatching.

(D) 305: This is incorrect. Section 305 deals with crimes unrelated to snatching.

Step 3: Conclusion.

The correct answer is **(A) 304**.

Quick Tip

Section 304 of the BNS criminalizes snatching, where an individual forcibly takes property from another person.

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

(A) 356

(B) 146

(C) 246

(D) 346

Correct Answer: (D) 346

Solution:

Step 1: Understanding the section on adjournments.

Section 346 of the Bhartiya Nyaya Sanhita (BNSS) places restrictions on the adjournment of trials. This section ensures that trials are conducted without unnecessary delays, promoting the expeditious resolution of cases. The provision mandates that adjournments be limited, encouraging the timely progress of cases in the judicial system.

Step 2: Analyzing the options.

(A) 356: This is incorrect. Section 356 deals with the disposal of appeals, not adjournments.

(B) 146: This is incorrect. Section 146 does not deal with adjournments; it addresses other procedural matters.

(C) 246: This is incorrect. Section 246 pertains to the framing of charges in a case.

(D) 346: Correct. Section 346 places restrictions on adjournments to ensure the expeditious conduct of trials.

Step 3: Conclusion.

The correct answer is **(D) 346**.

Quick Tip

Section 346 of the BNSS ensures that adjournments are limited, promoting the quicker resolution of cases and preventing unnecessary delays in the judicial process.

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

Correct Answer: (C) The High Court or the Supreme Court.

Solution:

Step 1: Understanding the transfer of suits.

Under the Bhartiya Nyaya Sanhita (BNS), the High Court or Supreme Court has the authority to transfer a case from one district court to another if there is a reasonable ground, such as bias or any other valid reason. The decision to transfer is not made by the district court itself but by the higher courts.

Step 2: Analyzing the options.

(A) A committee of local advocates: This is incorrect. Local advocates do not have the authority to transfer a case.

(B) The District Court A where the suit is currently pending: This is incorrect. The district court cannot transfer a case on its own.

(C) The High Court or the Supreme Court: Correct. The High Court or Supreme Court can transfer the case based on the request and the circumstances.

(D) The Civil Judge in District Court B: This is incorrect. The Civil Judge does not have the authority to transfer a case.

Step 3: Conclusion.

The correct answer is **(C) The High Court or the Supreme Court.**

Quick Tip

The High Court or Supreme Court has the authority to transfer cases between courts if necessary, such as in cases of bias.

53. 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 6, Rule 17 - Amendment of Pleadings
- (B) Order 1, Rule 10 - Joinder and Substitution of Parties
- (C) Order 7, Rule 11 - Rejection of Plaint
- (D) Order 5 - Service of Summons

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

Solution:

Step 1: Understanding the concept of Joinder and Substitution of Parties.

According to Order 1, Rule 10 of the Civil Procedure Code (CPC), a party may be added to a suit if their presence is necessary for the effective and complete adjudication of the dispute. In this case, Seema is being added as a defendant, which suggests that her involvement is critical to the proceedings.

Step 2: Analyzing the options.

(A) Order 6, Rule 17 - Amendment of Pleadings: This rule applies when the pleadings need to be amended, but it doesn't specifically address the addition of a party.

(B) Order 1, Rule 10 - Joinder and Substitution of Parties: Correct. This rule is directly relevant as it deals with adding or substituting parties in a suit, which is what happens here.

(C) Order 7, Rule 11 - Rejection of Plaint: This rule deals with the rejection of the plaint based on specific grounds and does not apply to adding parties.

(D) Order 5 - Service of Summons: This rule pertains to the process of serving summons to parties and does not involve the addition of parties.

Step 3: Conclusion.

The correct answer is **(B) Order 1, Rule 10 - Joinder and Substitution of Parties**, as the situation involves adding Seema as a party to the suit.

Quick Tip

Always remember that Order 1, Rule 10 of the CPC allows for adding or substituting parties when their involvement is necessary for resolving the suit.

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

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

Correct Answer: (B) Section 96

Solution:

Step 1: Understanding Section 96 of the CPC.

Section 96 of the Civil Procedure Code allows for the appeal of original decrees passed by a court. It provides a mechanism for aggrieved parties to challenge the decisions of the trial court.

Step 2: Analyzing the options.

(A) Section 104: This section deals with appeals from orders, not original decrees.

(B) Section 96: Correct. This section allows appeals from original decrees passed by a civil court.

(C) Section 100: This section deals with second appeals, not appeals from original decrees.

(D) Section 115: This section addresses the revision of orders made by subordinate courts, not appeals from original decrees.

Step 3: Conclusion.

The correct answer is **(B) Section 96**, as it directly deals with appeals from original decrees.

Quick Tip

When in doubt, remember that Section 96 of the CPC covers appeals from original decrees, while other sections focus on revisions or appeals from orders.

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

(A) 90 Days

(B) 30 Days

(C) 60 Days

(D) 120 Days

Correct Answer: (A) 90 Days

Solution:

Step 1: Understanding the time limit for filing a written statement.

According to Order 8, Rule 1 of the Civil Procedure Code, the defendant must file a written statement within 30 days from the date of service of summons. However, the court can extend this period by an additional 60 days, giving the defendant a total maximum time of 90 days to file the written statement.

Step 2: Analyzing the options.

(A) 90 Days: Correct. The time limit for filing a written statement is 30 days, with a maximum extension of 60 days, bringing the total time limit to 90 days.

(B) 30 Days: This is incorrect. While the initial time limit is 30 days, the court can extend this by 60 days, making the maximum time limit 90 days.

(C) 60 Days: This is incorrect. The time limit is 30 days initially, and with an extension, it can go up to 90 days.

(D) 120 Days: This is incorrect. The maximum time limit is 90 days, not 120.

Step 3: Conclusion.

The correct answer is **(A) 90 Days**, as the written statement must be filed within 30 days, with an additional 60-day extension, making it a total of 90 days.

Quick Tip

Under the CPC, the maximum time limit for filing a written statement is 90 days, which includes the initial 30-day period and an extension of 60 days.

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

(A) Section 130

(B) Section 132

(C) Section 133

(D) Section 128

Correct Answer: (C) Section 133

Solution:

Step 1: Understanding Section 133 of the CPC.

Section 133 of the Civil Procedure Code provides the exemption of the President of India and the Governors of States from personal appearance in court. This provision ensures that these high constitutional officeholders cannot be compelled to appear in court, acknowledging their immunity from personal legal proceedings.

Step 2: Analyzing the options.

(A) Section 130: This section deals with the rule of the court regarding the examination of witnesses, not applicable to the President or Governors.

(B) Section 132: This is incorrect. Section 132 does not deal with the exemption of the President or Governors from personal appearance.

(C) **Section 133:** Correct. Section 133 specifically exempts the President and Governors from personal appearance in court.

(D) **Section 128:** This section pertains to the examination of witnesses and does not relate to the exemption of the President or Governors.

Step 3: Conclusion.

The correct answer is (C) **Section 133**, as it provides the exemption for the President and Governors from personal appearance in court.

Quick Tip

Always remember that Section 133 of the CPC provides the exemption for the President and Governors of States from appearing in court.

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

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

Correct Answer: (A) Transfer of suits

Solution:

Step 1: Understanding the term.

The term "Transfer of suits" refers to the court's authority to move a case from one court to another. This can happen due to several reasons, such as jurisdiction issues or convenience.

Step 2: Analyzing the options.

(A) **Transfer of suits:** Correct. This refers to the court's power to transfer the case to another court under specific conditions.

(B) **Res Judicata:** This term refers to the principle that prevents a case from being litigated again after a final judgment has been made. It is not related to the transfer of suits.

(C) Reference: A reference involves sending a case to a higher court for guidance, not transferring between courts.

(D) Review: A review refers to the reconsideration of a decision by the same court, not the transfer of a case to another court.

Step 3: Conclusion.

The correct answer is **(A) Transfer of suits**, which refers to the power of a court to move a case to another court.

Quick Tip

Transfer of suits is crucial when cases need to be moved for reasons of jurisdiction or convenience for both the parties and the court.

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

(A) Order XXXVI

(B) Order XXXV

(C) Order XXXVII

(D) Order XXXIV

Correct Answer: (C) Order XXXVII

Solution:

Step 1: Understanding summary suits.

Summary suits are designed to resolve certain types of cases quickly and without the need for a full trial. They are governed under Order XXXVII of the Civil Procedure Code.

Step 2: Analyzing the options.

(A) Order XXXVI: This order does not deal with summary suits but with the procedures for the trial of certain types of suits.

(B) Order XXXV: This order deals with the procedure for the institution of suits for the recovery of possession of immovable property.

(C) Order XXXVII: Correct. Order XXXVII specifically provides the procedure for summary suits.

(D) Order XXXIV: This order concerns suits relating to mortgages and does not govern summary suits.

Step 3: Conclusion.

The correct answer is **(C) Order XXXVII**, as it governs the procedure for summary suits under the CPC.

Quick Tip

For quicker resolutions in certain cases, the CPC provides for summary suits under Order XXXVII.

59. 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) 398
- (B) 98
- (C) 198
- (D) 298

Correct Answer: (A) 398

Solution:

Step 1: Understanding witness protection.

Section 398 of the Criminal Procedure Code (CrPC) mandates the state government to prepare and notify a witness protection scheme. This ensures that witnesses are safeguarded during the trial process, helping to maintain the integrity of the legal process.

Step 2: Analyzing the options.

(A) 398: Correct. Section 398 specifically addresses the requirement for the state to formulate and implement a witness protection scheme.

(B) 98: This section is not related to witness protection. It addresses other matters in criminal procedure.

(C) 198: This section deals with the legal procedures for different aspects of the trial process but does not mandate witness protection schemes.

(D) 298: This section pertains to other provisions in the CrPC and does not concern witness protection.

Step 3: Conclusion.

The correct answer is **(A) 398**, as it mandates the state to create and enforce a witness protection scheme.

Quick Tip

A witness protection scheme is vital for ensuring the safety of individuals who provide crucial testimony in criminal cases, protecting them from potential threats or intimidation.

60. 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) 45
- (B) 25
- (C) 35
- (D) 37

Correct Answer: (D) 37

Solution:

Step 1: Understanding the BNSS provisions.

Section 37 of the BNSS mandates the designation of a police officer in each district and police station to provide information about arrested individuals to the general public. This provision is designed to promote transparency and accountability in the police system.

Step 2: Analyzing the options.

(A) 45: This section does not address the appointment of a designated officer for providing information about arrests.

(B) 25: This section does not deal with the provision for arrested individuals.

(C) **35:** This is incorrect. Section 35 does not pertain to the appointment of an officer for this purpose.

(D) **37:** Correct. Section 37 mandates the appointment of a police officer to provide arrest-related information to the public.

Step 3: Conclusion.

The correct answer is (D) **37**, as it specifies the requirement for appointing a designated officer for providing information on arrests.

Quick Tip

Transparency in arrest procedures is crucial to maintaining public trust in law enforcement and ensuring accountability.

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

(A) 86

(B) 74

(C) 76

(D) 84

Correct Answer: (A) 86

Solution:

Step 1: Understanding provisions for proclaimed offenders.

Section 86 of the BNSS introduces measures for identifying, attaching, and forfeiting the property of proclaimed offenders, even if they are located outside India. This provision aims to prevent proclaimed offenders from benefiting from their illegal activities by seizing their assets.

Step 2: Analyzing the options.

(A) **86:** Correct. Section 86 specifically deals with the identification and forfeiture of the property of proclaimed offenders abroad.

(B) 74: This section does not deal with the property of proclaimed offenders.

(C) 76: This is incorrect. Section 76 does not address the issue of forfeiting property for proclaimed offenders.

(D) 84: This is incorrect. Section 84 does not pertain to the provisions related to property forfeiture of proclaimed offenders.

Step 3: Conclusion.

The correct answer is **(A) 86**, as it addresses the forfeiture of the property of proclaimed offenders located outside India.

Quick Tip

Proclaimed offenders may be subject to the forfeiture of their property even if they are outside the country, to prevent them from benefiting from their ill-gotten gains.

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

(A) Promise

(B) Inducement

(C) Coercion

(D) Threat

Correct Answer: (C) Coercion

Solution:

Step 1: Understanding the difference between Section 22 of the BSA and Section 24 of the Evidence Act.

Section 22 of the BSA introduces the term "Coercion," which is not found in Section 24 of the Evidence Act. This word is significant in the context of confessions and the admissibility of evidence obtained under duress.

Step 2: Analyzing the options.

(A) Promise: This term is not relevant to the changes made in Section 22 of the BSA.

(B) Inducement: This term is incorrect as it is present in both sections.

(C) Coercion: Correct. "Coercion" was inserted in Section 22 of the BSA and does not appear in Section 24 of the Evidence Act.

(D) Threat: This term is present in both sections and does not differentiate them.

Step 3: Conclusion.

The correct answer is **(C) Coercion**, as this term was introduced in Section 22 of the BSA and was not present in Section 24 of the Evidence Act.

Quick Tip

Legal terms like "Coercion" can play a crucial role in determining the validity of confessions in legal proceedings.

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

(A) Section 15 of the BSA, 2023

(B) Section 12 of the BSA, 2023

(C) Section 13 of the BSA, 2023

(D) Section 14 of the BSA, 2023

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

Solution:

Step 1: Understanding the course of business.

Section 14 of the Bharatiya Sakshya Adhiniyam (BSA) 2023 discusses the concept of "course of business" and outlines when it becomes relevant in legal proceedings. This section specifically deals with the admissibility of evidence regarding the regularity of business activities.

Step 2: Analyzing the options.

(A) Section 15 of the BSA, 2023: This section does not specifically address the relevance of the course of business.

(B) Section 12 of the BSA, 2023: This section pertains to a different area of the BSA and does not relate to the course of business.

(C) Section 13 of the BSA, 2023: This is incorrect. Section 13 does not directly address the course of business.

(D) Section 14 of the BSA, 2023: Correct. This section directly addresses the existence of the course of business when relevant in legal proceedings.

Step 3: Conclusion.

The correct answer is **(D) Section 14 of the BSA, 2023**, as it specifically deals with the relevance of the course of business in legal contexts.

Quick Tip

Always refer to the specific sections of the BSA when dealing with business-related evidence in court, particularly Section 14 for the course of business.

64. 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 fingerprints must be verified by at least two independent forensic experts before being presented in court.

(B) The recovered laptop and fingerprints are automatically considered conclusive proof of Rajesh's guilt.

(C) 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.

(D) The evidence is inadmissible because the police did not obtain a search warrant before recovering the laptop.

Correct Answer: (C) 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 circumstantial evidence.

Circumstantial evidence refers to indirect evidence that requires inference to prove a fact. In this case, while the fingerprints and recovered laptop may point to Rajesh's involvement, they alone are not enough to conclusively prove guilt.

Step 2: Analyzing the options.

(A) The fingerprints must be verified by at least two independent forensic experts before being presented in court: This is not a strict requirement under the BSA; fingerprint evidence can be admissible with appropriate verification.

(B) The recovered laptop and fingerprints are automatically considered conclusive proof of Rajesh's guilt: This is incorrect as the evidence is circumstantial and must be evaluated with other evidence.

(C) 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. The evidence is useful but requires further corroboration to establish guilt.

(D) The evidence is inadmissible because the police did not obtain a search warrant before recovering the laptop: This is incorrect as the evidence may still be admissible based on the circumstances of the case.

Step 3: Conclusion.

The correct answer is **(C) The recovered laptop and fingerprints are circumstantial evidence**, as they need to be evaluated in conjunction with other evidence to prove guilt.

Quick Tip

Circumstantial evidence can be powerful but must be considered as part of the entire picture, not in isolation.

65. 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) Scientific evidence
- (B) Primary evidence
- (C) Secondary evidence
- (D) Circumstantial evidence

Correct Answer: (B) Primary evidence

Solution:

Step 1: Understanding primary evidence.

Under the BSA 2023, a document executed in several parts, such as electronic or digital records, is considered primary evidence if it can be directly presented in court.

Step 2: Analyzing the options.

(A) Scientific evidence: This term refers to evidence based on scientific methods but is not the classification of the document in question.

(B) Primary evidence: Correct. This refers to original documents or recordings presented directly in court.

(C) Secondary evidence: Secondary evidence refers to copies or reproductions of primary evidence, not the original documents.

(D) Circumstantial evidence: This refers to indirect evidence and does not apply to the classification of documents.

Step 3: Conclusion.

The correct answer is **(B) Primary evidence**, as the BSA 2023 classifies such documents as primary evidence.

Quick Tip

When dealing with documents in digital or other multiple parts, remember they are classified as primary evidence if they are the original documents or recordings.

66. 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) 168

- (B) 65
- (C) 165
- (D) 268

Correct Answer: (C) 165

Solution:

Step 1: Understanding the section related to confidentiality.

Section 165 of the BSA states that no court shall require any communication between the Ministers and the President of India to be produced before it. This is to maintain the confidentiality of government communications.

Step 2: Analyzing the options.

- (A) **168:** This section does not deal with communication between the President and Ministers.
- (B) **65:** This section is unrelated to confidentiality of communications between the President and Ministers.
- (C) **165:** Correct. This section ensures that communication between the President and Ministers is protected from being produced in court.
- (D) **268:** This section does not apply to the question at hand.

Step 3: Conclusion.

The correct answer is (C) **165**, as it provides the protection of communications between the President and the Ministers from being required in court.

Quick Tip

Confidential communications between the President and Ministers are protected by Section 165 of the BSA from being produced in court.

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

- (A) Only in criminal cases

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

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

Solution:

Step 1: Understanding character evidence.

Section 46 of the Bharatiya Sakshya Adhiniyam (BSA) defines the circumstances under which character evidence is admissible in civil cases. It is only relevant when it is related to another relevant fact, like proving the conduct or nature of the parties involved.

Step 2: Analyzing the options.

(A) Only in criminal cases: This is incorrect. Character evidence can be relevant in civil cases under specific conditions, not just in criminal cases.

(B) Always relevant to prove conduct: This is incorrect. Character evidence is not always relevant; it must be connected to another relevant fact.

(C) Only when related to other relevant fact: Correct. This is consistent with the provisions of Section 46 of the BSA. Character evidence is only relevant when it is connected to another fact in the case.

(D) Never relevant: This is incorrect. Character evidence can be relevant under certain circumstances in civil cases.

Step 3: Conclusion.

The correct answer is **(C) Only when related to other relevant fact**, as Section 46 of the BSA outlines.

Quick Tip

Character evidence is not always admissible in civil cases. It must be connected to another relevant fact to be considered by the court.

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

- (A) Section 9

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

Correct Answer: (B) Section 11

Solution:

Step 1: Understanding "res judicata".

The principle of "res judicata" ensures that once a matter has been adjudicated by a competent court, it cannot be reopened or litigated again between the same parties. This principle is crucial to prevent unnecessary litigation.

Step 2: Analyzing the options.

(A) Section 9: This section deals with the jurisdiction of civil courts, not "res judicata".

(B) Section 11: Correct. Section 11 of the CPC specifically deals with the principle of "res judicata".

(C) Section 10: This section relates to the stay of suits but does not pertain to "res judicata".

(D) Section 12: This section deals with the consequences of decrees, not the principle of "res judicata".

Step 3: Conclusion.

The correct answer is **(B) Section 11**, as it deals with the principle of "res judicata".

Quick Tip

The principle of "res judicata" prevents the re-litigation of matters that have already been decided by a competent court.

69. of the CPC provides for an interpleader suit.

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

Correct Answer: (B) Section 88

Solution:

Step 1: Understanding interpleader suits.

An interpleader suit is filed when two or more parties claim the same property, and the person holding the property seeks the court's decision on who is entitled to it. Section 88 of the CPC specifically provides for the procedure regarding interpleader suits.

Step 2: Analyzing the options.

(A) Section 86: This is incorrect. Section 86 of the CPC deals with suits against the government, not interpleader suits.

(B) Section 88: Correct. Section 88 of the CPC provides the process for interpleader suits.

(C) Section 89: This section deals with alternative dispute resolution mechanisms and does not relate to interpleader suits.

(D) Section 92: This section deals with suits relating to public trusts, not interpleader suits.

Step 3: Conclusion.

The correct answer is **(B) Section 88**, as it provides for interpleader suits under the CPC.

Quick Tip

Interpleader suits are used to resolve disputes when two or more parties claim the same property. Section 88 of the CPC outlines the procedure.

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

(A) Section 36

(B) Section 35

(C) Section 35 (A)

(D) Section 35 (B)

Correct Answer: (C) Section 35 (A)

Solution:

Step 1: Understanding compensatory costs.

Section 35 (A) of the CPC provides for compensatory costs. This section allows a court to order the payment of compensatory costs to a party who has been unnecessarily burdened by frivolous or vexatious litigation.

Step 2: Analyzing the options.

(A) Section 36: This section pertains to the rules for payment of costs related to execution of a decree, not compensatory costs.

(B) Section 35: This section deals with general provisions regarding costs but does not specifically address compensatory costs.

(C) Section 35 (A): Correct. Section 35 (A) specifically provides for the award of compensatory costs in cases of frivolous litigation.

(D) Section 35 (B): This section does not address compensatory costs.

Step 3: Conclusion.

The correct answer is **(C) Section 35 (A)**, as it provides for compensatory costs under the CPC.

Quick Tip

Section 35 (A) ensures that individuals who are subjected to frivolous litigation can receive compensatory costs.

71. 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 parties can resolve the appointment issue by opting for conciliation instead of arbitration.

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

(C) The parties must mutually select an arbitrator, and if they fail, the arbitration will not

take place.

(D) The arbitrator must be appointed by the Indian Council of Arbitration (ICA) in all cases.

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

Solution:

Step 1: Understanding the provisions of the Arbitration and Conciliation Act, 1996.

Under Section 11 of the Arbitration and Conciliation Act, 1996, if the parties fail to agree on the appointment of an arbitrator, the court has the authority to appoint one on behalf of the parties. This ensures that the arbitration process can continue even if the parties are unable to agree on an arbitrator.

Step 2: Analyzing the options.

(A) The parties can resolve the appointment issue by opting for conciliation instead of arbitration: This is incorrect. If the parties are already bound to arbitration, they cannot opt for conciliation in place of arbitration unless explicitly stated in the agreement.

(B) The court will appoint an arbitrator under Section 11 if the parties fail to agree on one: Correct. Section 11 of the Arbitration and Conciliation Act allows the court to appoint an arbitrator if the parties fail to do so.

(C) The parties must mutually select an arbitrator, and if they fail, the arbitration will not take place: This is incorrect. The arbitration can still take place even if the parties fail to mutually agree on an arbitrator, as the court can intervene under Section 11.

(D) The arbitrator must be appointed by the Indian Council of Arbitration (ICA) in all cases: This is incorrect. The ICA is not mandated to appoint arbitrators in all cases under the Arbitration and Conciliation Act. The court can appoint an arbitrator in the absence of agreement between the parties.

Step 3: Conclusion.

The correct answer is **(B) The court will appoint an arbitrator under Section 11 if the parties fail to agree on one**, as per the provisions of the Arbitration and Conciliation Act, 1996.

Quick Tip

If the parties to an arbitration agreement cannot agree on an arbitrator, Section 11 of the Arbitration and Conciliation Act, 1996 allows the court to step in and make the appointment.

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

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

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

Solution:

Step 1: Understanding ADR (Alternative Dispute Resolution).

ADR refers to various processes, such as mediation and arbitration, used to resolve disputes without going to court. While ADR offers several advantages, such as reduced costs and faster resolution, it does not always result in a binding decision.

Step 2: Analyzing the options.

- (A) It is often less expensive than court proceedings:** This is true. ADR is generally less expensive than traditional litigation, as it avoids the high costs associated with court procedures.
- (B) It is generally faster than litigation:** This is true. ADR processes are often quicker than court trials due to less formal procedures and the flexibility they offer.
- (C) It offers more confidentiality than traditional court cases:** This is true. ADR procedures, especially mediation, are typically confidential, unlike court cases, which are often public.
- (D) It always results in a binding decision:** Incorrect. In ADR, not all processes result in binding decisions. For example, mediation may result in an agreement, but it is not necessarily binding unless both parties agree to it. Arbitration, on the other hand, can result

in a binding decision.

Step 3: Conclusion.

The correct answer is **(D) It always results in a binding decision**, as not all ADR processes result in binding decisions.

Quick Tip

ADR methods like mediation do not always result in binding decisions, unlike arbitration, which typically does.

73. 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 11 of the Act deals with the enforcement of arbitral awards, not the appeal.
- (B) Section 34 of the Act deals with the enforcement of an arbitral award.
- (C) Section 36 of the Act allows for the automatic enforcement of an arbitral award unless set aside by the court.
- (D) Section 9 of the Act governs the enforcement of arbitral awards.

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

Solution:

Step 1: Understanding the provisions of the Arbitration and Conciliation Act, 1996.

Section 36 of the Arbitration and Conciliation Act, 1996, governs the enforcement of arbitral awards. It allows for the automatic enforcement of the arbitral award unless it is set aside by the court under Section 34, which deals with the setting aside of an award.

Step 2: Analyzing the options.

(A) Section 11 of the Act deals with the enforcement of arbitral awards, not the appeal:

This is incorrect. Section 11 deals with the appointment of arbitrators, not the enforcement of awards.

(B) Section 34 of the Act deals with the enforcement of an arbitral award: Section 34 deals with the grounds for setting aside an arbitral award, not its enforcement.

(C) Section 36 of the Act allows for the automatic enforcement of an arbitral award unless set aside by the court: Correct. Section 36 governs the automatic enforcement of an arbitral award unless it is challenged in court and set aside under Section 34.

(D) Section 9 of the Act governs the enforcement of arbitral awards: Section 9 deals with interim measures and not the enforcement of arbitral awards.

Step 3: Conclusion.

The correct answer is **(C) Section 36 of the Act allows for the automatic enforcement of an arbitral award unless set aside by the court.**

Quick Tip

Section 36 of the Arbitration and Conciliation Act, 1996 is key to enforcing arbitral awards unless the award is set aside by the court.

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

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

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

Solution:

Step 1: Understanding the presumption in Section 78(2) of the BSA.

Section 78(2) of the BSA 2023 provides a presumption that when an officer signs or certifies a document, the officer is presumed to have held the official character claimed at the time of signing or certifying the document. This presumption helps in ensuring that official documents are presumed valid unless proven otherwise.

Step 2: Analyzing the options.

(A) The document's authenticity is independent of the official's official character: This is incorrect. The officer's official character is presumed to be valid when signing or certifying the document.

(B) The officer's signature is assumed to be forgery: This is incorrect. The presumption in the law is that the officer's signature is genuine unless proven otherwise.

(C) The officer did not hold the claimed officer character at the time of signing: This is incorrect. The presumption is that the officer did hold the official character claimed.

(D) The officer held the official character claimed when signing or certifying the document: Correct. This is the presumption under Section 78(2) of the BSA 2023.

Step 3: Conclusion.

The correct answer is **(D) The officer held the official character claimed when signing or certifying the document.**

Quick Tip

Section 78(2) of the BSA 2023 establishes a strong presumption about the authenticity of official signatures, assuming the officer held the claimed position at the time.

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

(A) Leading question are permitted during cross examination and when matters are introductory, undisputed, or sufficiently proved.

(B) Leading question are always allowed during examination- in chief without restriction.

(C) Leading question are not allowed during cross examination

(D) Leading question can be asked in an examination- in chief, re-examination, cross

examination without any objection.

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

Solution:

Step 1: Understanding the rules for leading questions.

Section 146 of the Bharatiya Sakshya Adhiniyam (BSA) 2023 governs when leading questions can be asked in court proceedings. Leading questions are generally allowed during cross-examination or when the matters being addressed are introductory, undisputed, or already sufficiently proved.

Step 2: Analyzing the options.

(A) Leading question are permitted during cross examination and when matters are introductory, undisputed, or sufficiently proved: Correct. This option correctly reflects the provisions of Section 146, which allows leading questions in these situations.

(B) Leading question are always allowed during examination- in chief without restriction: This is incorrect. Leading questions are generally not allowed during the examination-in-chief, except in certain situations.

(C) Leading question are not allowed during cross examination: This is incorrect. Leading questions are typically allowed during cross-examination.

(D) Leading question can be asked in an examination- in chief, re-examination, cross examination without any objection: This is incorrect. Leading questions are generally not permitted during the examination-in-chief.

Step 3: Conclusion.

The correct answer is **(A) Leading question are permitted during cross examination and when matters are introductory, undisputed, or sufficiently proved.**

Quick Tip

Leading questions are allowed in cross-examination and when the facts being discussed are undisputed or introductory in nature.

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

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

Correct Answer: (C) 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 facilitates the negotiation between disputing parties to reach a mutually acceptable resolution. The mediator does not impose a binding decision but helps guide the parties to an agreement.

Step 2: Analyzing the options.

- (A) It is always court-ordered:** This is incorrect. Mediation can be voluntary or court-ordered but is not always mandatory.
- (B) The mediator imposes a binding decision:** This is incorrect. In mediation, the mediator does not impose a decision; the parties must mutually agree on the outcome.
- (C) It involves a neutral third party who facilitates negotiation between the parties:** Correct. Mediation is characterized by a neutral third party helping the parties negotiate.
- (D) The mediator acts as a judge and renders a verdict:** This is incorrect. The mediator does not act as a judge and does not render a verdict.

Step 3: Conclusion.

The correct answer is **(C) It involves a neutral third party who facilitates negotiation between the parties.**

Quick Tip

In mediation, the mediator helps the parties come to an agreement, but does not impose a binding decision like a judge would.

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

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

Correct Answer: (A) Mitakshara

Solution:

Step 1: Understanding the Dayabhaga and its application.

Dayabhaga is a school of Hindu law that governs inheritance, primarily practiced in Bengal and some other parts of India. However, when Dayabhaga is silent or does not provide specific guidance, the Mitakshara system prevails, particularly in matters related to joint family property and inheritance.

Step 2: Analyzing the options.

(A) Mitakshara: Correct. The Mitakshara system governs matters of inheritance when Dayabhaga does not provide specific rules.

(B) The local customs: This is incorrect. While local customs may have a role, they are not the default when Dayabhaga is silent.

(C) The Smritis: This is incorrect. The Smritis are ancient texts, but they do not override the application of the Mitakshara when Dayabhaga is silent.

(D) The Shrutis: This is incorrect. The Shrutis refer to Vedic texts and are not applicable in this context.

Step 3: Conclusion.

The correct answer is **(A) Mitakshara**, as it prevails when Dayabhaga does not have specific provisions.

Quick Tip

When Dayabhaga is silent on inheritance issues, the Mitakshara system governs the matter.

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

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

Solution:

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

The primary concern of the court under the Guardian and Wards Act, 1890, is the welfare and best interests of the child. Financial stability and other factors are considered, but the child's welfare remains the top priority.

Step 2: Analyzing the options.

(A) The parent who is financially more stable is granted custody automatically: This is incorrect. Financial stability alone is not the deciding factor; the welfare of the child is paramount.

(B) The financial stability of both parents: While financial stability is considered, it is not the primary factor. The overall welfare of the child is more important.

(C) The gender of the child: This is incorrect. The gender of the child does not play a significant role in determining custody.

(D) The welfare and best interests of the child: Correct. The welfare and best interests of the child are the central considerations in custody disputes under the law.

Step 3: Conclusion.

The correct answer is **(D) The welfare and best interests of the child**, as this is the guiding principle in custody decisions under the Guardian and Wards Act, 1890.

Quick Tip

In custody cases, always remember that the welfare and best interests of the child take precedence over financial stability or other factors.

79. Match the following:

Table 1: Placeholder Caption

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

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

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

Solution:

Step 1: Understanding the cases and terms.

Each item corresponds to a specific aspect of Islamic law or landmark case law. The terms relate to different concepts and legal precedents.

Step 2: Matching the terms with the cases.

- a. Spoken words:** This corresponds to (i) **Sunnat-ul-Qual**, which refers to verbal declarations in Islamic law.
- b. Deepika vs. CAT:** This case corresponds to (v) **Triple Talaq**, as it deals with the legality of triple talaq, a practice under Islamic law.
- c. Silence:** This corresponds to (iii) **Sunnat-ul-Taqrir**, which deals with silence or lack of objection in Islamic law.
- d. As Kaur vs. Kartar Singha:** This relates to (ii) **Customary Law**, as the case involves non-standard relationships under the law.
- e. Shayara Bano vs. UOI:** This case corresponds to (v) **Triple Talaq**, as it deals with the issue of triple talaq and its constitutionality.

Step 3: Conclusion.

The correct answer is (D) **a-i, b-v, c-iii, d-ii, e-v**, as it correctly matches the terms with their respective legal concepts and cases.

Quick Tip

When matching legal concepts and cases, focus on the core issue of each case, such as maintenance or customary law, to guide the matching process.

80. Which sections discuss with regard to "sapinda relationships" under the Hindu Marriage Act 1955?

- (A) Sections 3(f) (i) & (ii), Explanation to section 3 (g), 5(v)
- (B) Section 3(f) (i), 5(v)
- (C) Section 3(f) (i), 5(iv)
- (D) Sections 3(f) (i) & (ii), Explanation to section 3 (g), 5(iv)

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

Solution:

Step 1: Understanding Sapinda Relationship under Hindu Marriage Act, 1955.

Section 3(f) of the Hindu Marriage Act, 1955 defines "sapinda relationship," which relates to the prohibitions on marriage within certain degrees of relationship. The explanation to section 3(g) and Section 5(v) also provides clarity regarding the prohibitions and permissible degrees for marriage.

Step 2: Analyzing the options.

(A) Sections 3(f) (i) & (ii), Explanation to section 3 (g), 5(v): Correct. This option correctly includes all relevant sections pertaining to sapinda relationships under the Hindu Marriage Act.

(B) Section 3(f) (i), 5(v): This is incorrect as Section 5(v) does not directly deal with sapinda relationships.

(C) Section 3(f) (i), 5(iv): This is partially correct but does not include the Explanation to section 3(g), which is a key part of the provision.

(D) Sections 3(f) (i) & (ii), Explanation to section 3 (g), 5(iv): This is incorrect as Section 5(iv) does not directly address sapinda relationships.

Step 3: Conclusion.

The correct answer is **(A) Sections 3(f) (i) & (ii), Explanation to section 3 (g), 5(v).**

Quick Tip

When studying marriage laws, always consider the complete set of sections, including explanatory sections, to fully understand the definitions and prohibitions.

81. Under section 15 of Hindu Marriage Act, 1955, the divorced person, to marry again

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

Correct Answer: (D) 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 of the Hindu Marriage Act, 1955 provides that a divorced person may remarry immediately after the decree is passed without needing the court's leave, as long as there are no other legal constraints.

Step 2: Analyzing the options.

(A) None of these: This is incorrect. The law specifies conditions under which a divorced person may remarry.

(B) Have to wait for a period of one year from the date of the decree: This is incorrect. Section 15 does not impose a one-year waiting period for remarriage.

(C) Have to wait for a period of six months from the date of the decree: This is incorrect. No mandatory waiting period exists under Section 15 for remarriage.

(D) May marry immediately thereafter without the leave of the court as a matter of right: Correct. As per Section 15 of the Hindu Marriage Act, a divorced person may remarry immediately without any court's permission.

Step 3: Conclusion.

The correct answer is **(D) May marry immediately thereafter without the leave of the court as a matter of right.**

Quick Tip

Under Section 15 of the Hindu Marriage Act, 1955, a divorced person can remarry immediately without the court's leave.

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

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

Solution:

Step 1: Understanding cruelty as a ground for divorce.

Under Section 13(1)(ia) of the Hindu Marriage Act, 1955, cruelty can be a valid ground for divorce. The cruelty can be physical or mental, and it does not need to be intentional. The key factor is proving that the cruelty caused distress.

Step 2: Analyzing the options.

(A) Aarti must prove Rajesh's cruelty was intentional to succeed in the divorce petition:

This is incorrect. The cruelty does not need to be intentional; distress caused by it is sufficient.

(B) Aarti can only seek divorce on the grounds of adultery: This is incorrect. Aarti can file for divorce on the grounds of cruelty, not just adultery.

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

(D) Aarti cannot seek divorce on the grounds of cruelty as it is not recognized under the Hindu Marriage Act: This is incorrect. Cruelty is recognized under Section 13(1)(ia) of the Hindu Marriage Act.

Step 3: Conclusion.

The correct answer is **(C) Aarti can seek divorce on the grounds of cruelty, as long as she proves mental or physical cruelty.**

Quick Tip

In divorce cases under the Hindu Marriage Act, cruelty (whether physical or mental) is a recognized ground for divorce.

83. 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 Court ruled that only government agencies, and not social activists, could file petitions concerning labour rights.

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

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

(D) 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.

Correct Answer: (D) 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: Understanding the case.

In the 1980s, the Supreme Court examined the exploitation of workers in stone quarries. This case was significant as it addressed the fundamental human rights violations of forced labour and the importance of upholding the dignity of individuals under Article 21 of the Constitution of India.

Step 2: Analyzing the options.

(A) The Court ruled that only government agencies, and not social activists, could file petitions concerning labour rights: This is incorrect. Social activists and public interest litigations (PILs) can also file petitions concerning labour rights.

(B) The Court established that the right to free legal aid is a mere directive principle and cannot be enforced as a fundamental right: This is incorrect. The right to free legal aid has been upheld as a fundamental right, especially under the context of social justice.

(C) The judgment primarily focused on providing monetary compensation to the affected labourers without addressing systemic issues of bonded labour: This is incorrect. While compensation may have been part of the ruling, the Supreme Court focused on addressing forced labour as a violation of fundamental human rights.

(D) 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: Correct. The Supreme Court affirmed that forced labour violated the right to life and human dignity, which are guaranteed under Article 21.

Step 3: Conclusion.

The correct answer is **(D) 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.**

Quick Tip

In cases involving forced labour, the Supreme Court has emphasized the right to life and human dignity under Article 21, making forced labour a violation of fundamental rights.

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

Correct Answer: (A) Both statements are false.

Solution:

Step 1: Understanding the nature of PIL.

Public Interest Litigation (PIL) differs from traditional litigation in that the court plays a more active role, as it is dealing with public issues, and not just individual disputes. PIL cases can involve matters affecting large groups of people or public policy. Additionally, PIL is not focused on individual disputes but is instead aimed at broader public or constitutional issues.

Step 2: Analyzing the options.

(A) Both statements are false: Correct. Statement 1 is false because PIL cases involve the court taking an active role. Statement 2 is false because PIL focuses on public matters rather than individual disputes.

(B) Only Statement 1 is true: This is incorrect. Statement 1 is false, as PIL requires active involvement of the court.

(C) Only Statement 2 is true: This is incorrect. Statement 2 is false because PIL is not limited to individual disputes.

(D) Both statements are true: This is incorrect. Both statements are false.

Step 3: Conclusion.

The correct answer is **(A) Both statements are false.**

Quick Tip

In PIL cases, the court plays an active role, and PIL is focused on larger public matters, not individual disputes.

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

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

Solution:

Step 1: Understanding the maintenance rights under Muslim law.

Under Muslim law, a divorced woman is entitled to maintenance during her iddat period. This period generally lasts for three menstrual cycles or three months, whichever is longer. After the iddat period, if the children are minors, the mother is entitled to maintenance for them until they are able to support themselves. If the woman remarries, she is no longer entitled to maintenance for herself.

Step 2: Analyzing the options.

(A) Fatima can claim maintenance for herself and her children indefinitely, irrespective of her remarriage or the children's age: This is incorrect. The maintenance is not indefinite and depends on her iddat period and the age of the children.

(B) Fatima is not entitled to maintenance because she has remarried: This is incorrect. Remarriage does not affect the children's right to maintenance. However, Fatima is no longer entitled to maintenance for herself after remarriage.

(C) Fatima is entitled to maintenance only for a period of three months after the divorce: This is incorrect. Maintenance is not just for three months; Fatima is entitled to maintenance for her children until they are self-supporting.

(D) Fatima is entitled to maintenance for herself during her iddat period and for her children until they are self-supporting: Correct. This is in line with the provisions of Muslim law.

Step 3: Conclusion.

The correct answer is **(D) Fatima is entitled to maintenance for herself during her iddat period and for her children until they are self-supporting.**

Quick Tip

Under Muslim law, a divorced woman is entitled to maintenance during her iddat period and for her children until they are able to support themselves.

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

- (A) 9
- (B) 13
- (C) 11
- (D) 6

Correct Answer: (A) 9

Solution:

Step 1: Understanding the remedy of restitution of conjugal rights.

Section 9 of the Hindu Marriage Act, 1955 provides for the remedy of restitution of conjugal rights. This remedy allows a spouse to petition the court for the return of the other spouse to live with them if the other spouse has withdrawn from their society without reasonable cause.

Step 2: Analyzing the options.

(A) 9: Correct. Section 9 of the Hindu Marriage Act, 1955 deals with the restitution of conjugal rights.

(B) 13: This section deals with divorce, not restitution of conjugal rights.

(C) 11: This section pertains to void marriages and not to restitution of conjugal rights.

(D) 6: This section deals with conditions for a Hindu marriage and does not relate to restitution of conjugal rights.

Step 3: Conclusion.

The correct answer is (A) 9, as it provides the remedy of restitution of conjugal rights under the Hindu Marriage Act, 1955.

Quick Tip

Section 9 of the Hindu Marriage Act, 1955 allows a spouse to seek restitution of conjugal rights if the other spouse has withdrawn from society without reasonable cause.

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

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

Solution:

Step 1: Understanding the Sunil Batra case.

In the Sunil Batra case (1980), a letter written by a prisoner to the Supreme Court describing physical torture led to the landmark case in public interest litigation (PIL). The letter raised issues of human rights abuses in prisons, though the court eventually stopped the practice of considering letters as PILs.

Step 2: Analyzing the options.

(A) The Narasimha Rao case: This is incorrect. The Narasimha Rao case does not involve a prisoner's letter describing physical torture.

(B) Hussainara Khatoon vs. Bihar case: This is incorrect. This case focused on the right to a speedy trial and does not involve a prisoner's letter about physical torture.

(C) Sunil Batra vs. Delhi Administration: Correct. This case was the first to highlight issues regarding the rights of prisoners and was pivotal in the development of PILs in India.

(D) Mukti Morcha vs. Union of India: This is incorrect. This case dealt with the right to environmental justice, not prisoner rights.

Step 3: Conclusion.

The correct answer is **(C) Sunil Batra vs. Delhi Administration**, as it was a significant case in PIL history where a prisoner's letter led to legal intervention.

Quick Tip

The Sunil Batra case played a significant role in shaping the practice of Public Interest Litigation (PIL) in India, focusing on prisoners' rights.

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

- (1) Illegality
- (2) Irrationality
- (3) Proportionality
- (4) Public opinion

(A) Only (4)

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

Correct Answer: (A) Only (4)

Solution:

Step 1: Understanding grounds for judicial review.

Judicial review is the process through which courts examine the actions of administrative agencies or public authorities to ensure they comply with the law. Common grounds for judicial review include illegality, irrationality, and proportionality, but public opinion is not a legitimate ground.

Step 2: Analyzing the options.

(A) Only (4): Correct. Public opinion is not a recognized ground for judicial review.

(B) Only (2): This is incorrect. Irrationality (or Wednesbury unreasonableness) is a recognized ground for judicial review.

(C) (2) and (4): This is incorrect. Irrationality is a valid ground for judicial review, but public opinion is not.

(D) (1), (2) and (3): This is incorrect. All of these are valid grounds for judicial review.

Step 3: Conclusion.

The correct answer is **(A) Only (4)**, as public opinion is not a valid ground for judicial review.

Quick Tip

When considering judicial review, always focus on legal grounds like illegality, irrationality, and proportionality, but public opinion is not considered a valid reason.

89. What does "conflict of interest" refer to in professional ethics?

- (A) A situation where personal interests conflict with professional duties
- (B) A situation involving legal disputes

- (C) A situation where two professionals disagree
- (D) A conflict between ethics and laws

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

Solution:

Step 1: Understanding the concept of conflict of interest.

A conflict of interest arises when a person's personal interests (financial or otherwise) interfere with their professional duties, leading to a potential bias in decision-making. This situation undermines professional ethics, as decisions should be based on the best interest of clients or the organization.

Step 2: Analyzing the options.

- (A) A situation where personal interests conflict with professional duties:** Correct. This is the definition of a conflict of interest.
- (B) A situation involving legal disputes:** This is incorrect. Legal disputes are not inherently related to conflicts of interest.
- (C) A situation where two professionals disagree:** This is incorrect. Disagreements between professionals are not necessarily a conflict of interest.
- (D) A conflict between ethics and laws:** This is incorrect. A conflict of interest involves personal interests conflicting with professional duties, not necessarily ethics and laws.

Step 3: Conclusion.

The correct answer is **(A) A situation where personal interests conflict with professional duties.**

Quick Tip

A conflict of interest arises when an individual's personal interests interfere with their professional responsibilities, compromising ethical decision-making.

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

Correct Answer: (B) It is a violation of Rules made by the Bar Council of India for the professional Ethics.

Solution:

Step 1: Understanding the ethical violations.

Advocate Mr. X's actions, such as accepting a bribe and not informing his client about critical dates, are unethical and violate the professional rules set by the Bar Council of India. Such conduct undermines the legal profession and is punishable under professional ethics regulations.

Step 2: Analyzing the options.

(A) It amounts to the Contempt of Court under the Contempt of Courts Act, 1971: This is incorrect. While the actions are unethical, they do not directly amount to contempt of court.

(B) It is a violation of Rules made by the Bar Council of India for the professional Ethics: Correct. Accepting bribes and failing to inform a client about important legal matters violate the ethical rules of the Bar Council of India.

(C) It is only an offence under the Prevention of Corruption Act, 2018: This is incorrect. Although bribery is involved, the professional ethics violation is the primary concern here.

(D) It amounts to criminal conspiracy under the Bhartiya Nyaya Sanhita, 2023: This is incorrect. The actions of Mr. X do not amount to a criminal conspiracy under the new criminal law.

Step 3: Conclusion.

The correct answer is **(B) It is a violation of Rules made by the Bar Council of India for the professional Ethics.**

Quick Tip

Accepting bribes and failing to inform clients of critical information are clear violations of professional ethics under the Bar Council of India rules.

91. The nature of proceedings in the cases of professional misconduct:

- (1) Criminal in nature
 - (2) Neither civil nor criminal
 - (3) Quasi-criminal in nature
 - (4) Civil in nature
-
- (A) (1), (3) and (4)
 - (B) Both (1) and (4)
 - (C) Only (2)
 - (D) Only (3)

Correct Answer: (D) Only (3)

Solution:

Step 1: Understanding the nature of proceedings in professional misconduct.

Professional misconduct cases are generally considered quasi-criminal in nature. These cases often involve disciplinary action by professional bodies or regulators, and they have a punitive nature, although they do not fully align with criminal proceedings.

Step 2: Analyzing the options.

- (A) (1), (3) and (4):** This is incorrect. While quasi-criminal (option 3) may apply, professional misconduct is not typically classified as criminal (option 1) or civil (option 4).
- (B) Both (1) and (4):** This is incorrect for the same reason as above; these proceedings are neither strictly civil nor criminal.
- (C) Only (2):** This is incorrect. Professional misconduct is not classified as "neither civil nor criminal" but is considered quasi-criminal in nature.
- (D) Only (3):** Correct. Professional misconduct proceedings are typically quasi-criminal, as they have punitive elements but do not fall entirely within criminal law.

Step 3: Conclusion.

The correct answer is **(D) Only (3)**. Professional misconduct proceedings are typically quasi-criminal in nature.

Quick Tip

Professional misconduct cases often have a quasi-criminal nature, involving disciplinary actions that are more severe than civil matters but less severe than criminal proceedings.

92. 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.

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

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

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

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

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

Solution:

Step 1: Understanding the concept of "locus standi" in PIL cases.

In Public Interest Litigation (PIL), the concept of "locus standi" is relaxed, meaning that a person does not have to show personal interest in the matter. Any public-spirited individual can approach the court on behalf of others who cannot represent themselves, such as marginalized or vulnerable communities.

Step 2: Analyzing the options.

(A) (A) is false, and (R) is true: This is incorrect. Both assertions are true, so this option is not correct.

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

assertion about the relaxation of "locus standi" in PIL is true, and the reason explains why this relaxation occurs.

(C) Both (A) and (R) are true, but (R) is not the correct explanation of (A): This is incorrect. The reason does explain the assertion correctly.

(D) (A) is true, but (R) is false: This is incorrect. Both statements are true.

Step 3: Conclusion.

The correct answer is **(B) Both (A) and (R) are true, and (R) is the correct explanation of (A).**

Quick Tip

In PIL cases, the concept of "locus standi" is relaxed, allowing anyone to approach the court on behalf of others who cannot represent themselves.

93. Which of the following best defines delegated legislation?

- (A) A judicial decision made by an administrative tribunal.
- (B) Legislation passed by local governments.
- (C) Laws enacted by Parliament or the Legislature.
- (D) Laws made by an administrative authority under powers given to them by Parliament.

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

Solution:

Step 1: Understanding delegated legislation.

Delegated legislation refers to laws made by an administrative authority (such as a minister or government agency) under powers granted by Parliament. These laws allow for the practical application of the broader legislative framework passed by Parliament. This is in contrast to primary legislation, which is made by Parliament itself.

Step 2: Analyzing the options.

(A) A judicial decision made by an administrative tribunal: This is incorrect. A judicial decision is a court ruling, not delegated legislation.

(B) Legislation passed by local governments: This is incorrect. Local governments may create by-laws, but delegated legislation is specifically made by authorities with powers given by Parliament.

(C) Laws enacted by Parliament or the Legislature: This is incorrect. Laws enacted directly by Parliament or the Legislature are primary legislation, not delegated legislation.

(D) Laws made by an administrative authority under powers given to them by Parliament: Correct. This is the definition of delegated legislation.

Step 3: Conclusion.

The correct answer is **(D) Laws made by an administrative authority under powers given to them by Parliament.**

Quick Tip

Delegated legislation allows administrative authorities to create detailed rules and regulations under the framework of laws passed by Parliament.

94. In 2020 at Dharodo 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 Panchayatraj Act of the state to restrict their economic activities per day to 100 only.... In which of the following case this is allowed or restricted?

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

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

Solution:

Step 1: Understanding the Panchayatraj Act and its implications.

The Panchayatraj Act grants powers to local self-governments like Panchayats to make certain laws, including restrictions on activities for the betterment of the local community. However, the delegation of powers should be in line with the legal framework provided by the state. The case mentioned discusses the delegation of powers to regulate economic activities during a crisis, which is a specific and temporary measure in response to the pandemic.

Step 2: Analyzing the options.

(A) None of these: This is incorrect as the correct answer is provided in option B.

(B) MCD vs. Birla Cotton Mills: Correct. The MCD vs. Birla Cotton Mills case addresses the power of local authorities to impose certain regulations, including restrictions on economic activities, in the interest of public welfare.

(C) Patna University vs. Amita Tiwari: This is incorrect. This case is unrelated to the delegation of powers under the Panchayatraj Act.

(D) Jalan Trading vs. Union of India: This is incorrect. This case does not address the delegation of powers under the Panchayatraj Act or regulating economic activities.

Step 3: Conclusion.

The correct answer is **(B) MCD vs. Birla Cotton Mills**, as this case relates to the delegation of powers by local authorities to regulate economic activities.

Quick Tip

Delegated powers under the Panchayatraj Act allow local authorities to regulate certain activities in exceptional situations, but they must align with the legal framework and not exceed their powers.

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

Correct Answer: (B) 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 Water (Prevention and Control of Pollution) Act, 1974.

Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 deals with the prohibition of the discharge of pollutants into water bodies without consent from the State Pollution Control Board. In this scenario, the company "X" is discharging untreated industrial waste into the river, violating the provisions under Section 24 of the Act.

Step 2: Analyzing the options.

(A) It is the violation of Section 23 of the Water (Prevention and Control of Pollution) Act, 1974:

This is incorrect. Section 23 deals with the powers of the Board to require information from industries, not direct violations of waste disposal.

(B) It is the violation of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974:

Correct. The discharge of untreated industrial waste into the river without proper consent is a violation of Section 24.

(C) It is the violation of Section 40 of the Water (Prevention and Control of Pollution) Act, 1974:

This is incorrect. Section 40 deals with penalties for contravention of the Act, not specific violations like discharges.

(D) It is not the violation of the provisions of the laws stated in the problem: This is incorrect. The described actions are indeed a violation of the laws under the Water (Prevention and Control of Pollution) Act.

Step 3: Conclusion.

The correct answer is **(B) It is the violation of Section 24 of the Water (Prevention and Control of Pollution) Act, 1974.**

Quick Tip

When addressing industrial pollution, remember that the Water (Prevention and Control of Pollution) Act, 1974, prohibits the discharge of pollutants without consent from the Pollution Control Board under Section 24.

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

- (A) The Environment (Protection) Act, 1986
- (B) The Water (Prevention and Control of Pollution) Act, 1974
- (C) The Air (Prevention and Control of Pollution) Act, 1981
- (D) The Factories Act, 1948

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

Solution:

Step 1: Understanding Umbrella Legislation.

Umbrella legislation refers to a law that provides the framework for other laws under it. The Environment (Protection) Act, 1986, is often referred to as Umbrella Legislation because it provides the overarching framework for the protection and improvement of the environment in India, including the regulation of pollution in water, air, and land.

Step 2: Analyzing the options.

(A) The Environment (Protection) Act, 1986: Correct. This Act serves as the umbrella legislation for environmental protection and pollution control in India.

(B) The Water (Prevention and Control of Pollution) Act, 1974: This is incorrect. While it regulates water pollution, it is not umbrella legislation but rather a specialized law.

(C) The Air (Prevention and Control of Pollution) Act, 1981: This is incorrect. This Act focuses on air pollution control but is not umbrella legislation.

(D) The Factories Act, 1948: This is incorrect. The Factories Act deals with worker safety and welfare in factories, not environmental protection as a whole.

Step 3: Conclusion.

The correct answer is **(A) The Environment (Protection) Act, 1986**, as it provides the umbrella framework for environmental laws in India.

Quick Tip

The Environment (Protection) Act, 1986 is called "Umbrella Legislation" because it provides a comprehensive framework for environmental protection and encompasses other laws related to pollution.

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

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

Solution:

Step 1: Understanding the definition of "Intermediary" under the Information Technology Act, 2000.

Section 2(1)(w) of the Information Technology Act, 2000 defines an "Intermediary" as any person or entity that, on behalf of another, receives, stores, or transmits electronic records or provides any service related to those records. This includes entities like cyber cafes, social media platforms, and internet service providers, but telecom regulators are not typically included under this definition.

Step 2: Analyzing the options.

(A) (1), (2), (3) and (4): This is incorrect because telecom regulators are not covered under the intermediary definition.

(B) (1), (2) and (3): This is incorrect because it omits internet service providers, which are intermediaries.

(C) (1), (3) and (4): Correct. Cyber cafes, social media platforms, and internet service providers are all intermediaries under the Information Technology Act.

(D) (1), (2) and (4): This is incorrect because it omits social media platforms, which are intermediaries.

Step 3: Conclusion.

The correct answer is **(C) (1), (3) and (4)**.

Quick Tip

Under the Information Technology Act, 2000, intermediaries include various entities like cyber cafes, social media platforms, and internet service providers.

98. Appropriate procedural safeguards help reduce threats to objectivity and counter any perception of possible bias, which of the following is/are not procedural safeguards?

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

(A) (2) and (4)

(B) (3) and (4)

(C) Only (2)

(D) Only (4)

Correct Answer: (C) Only (2)

Solution:

Step 1: Understanding procedural safeguards.

Procedural safeguards are measures put in place to ensure fairness, objectivity, and transparency. These safeguards prevent bias, ensuring that processes are fair and impartial. Non-disclosures of conflicts of interest or prior associations with a client are procedural safeguards, but acting fraudulently is a violation of ethical norms, not a safeguard.

Step 2: Analyzing the options.

(A) (2) and (4): This is incorrect. Providing peer-review and non-disclosure of conflicts of interest are proper safeguards. However, acting fraudulently (Option 1) is a breach of ethics.

(B) (3) and (4): This is incorrect. Option 3 (non-disclosure of prior associations) is a safeguard, but Option 2 is also part of proper safeguards.

(C) Only (2): Correct. Providing peer-review of valuation (Option 2) is a procedural safeguard, while acting fraudulently (Option 1) is not.

(D) Only (4): This is incorrect. Both (2) and (4) are valid safeguards.

Step 3: Conclusion.

The correct answer is **(C) Only (2)** as providing peer-review of valuation is a safeguard, while acting fraudulently is a violation of ethical norms.

Quick Tip

Fraudulent behavior undermines procedural safeguards. Always ensure transparency and disclose any conflicts of interest to maintain objectivity.

99. 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) (1), (2), (3) and (4)

(B) (1) and (2)

(C) (1), (2) and (3)

(D) Only (3)

Correct Answer: (D) Only (3)

Solution:

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

Section 2(84) of the Companies Act, 2013 defines "share" as a share in the share capital of a company and includes only stocks. While debentures, preference shares, and bonds are related to a company's capital, they are not considered as shares under this section.

Step 2: Analyzing the options.

(A) (1), (2), (3) and (4): This is incorrect. While stocks are included, debentures, preference shares, and bonds are not considered shares as per Section 2(84).

(B) (1) and (2): This is incorrect. Stocks are included, but debentures and preference shares are not considered shares.

(C) (1), (2) and (3): This is incorrect. Debentures and preference shares are not part of the definition.

(D) Only (3): Correct. Stocks are the only items considered as shares under Section 2(84) of the Companies Act, 2013.

Step 3: Conclusion.

The correct answer is **(D) Only (3)**.

Quick Tip

Under Section 2(84) of the Companies Act, 2013, "shares" include only stocks, not debentures, preference shares, or bonds.

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

- (A) Reduction in Share Capital
- (B) Issue of Shares at Premium
- (C) Kinds of Shares Capital
- (D) Buy Back of Shares

Correct Answer: (C) Kinds of Shares Capital

Solution:

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

Section 43 of the Companies Act, 2013 deals with the classification of share capital and defines different types of share capital, including equity shares, preference shares, and other related concepts. This section does not deal with the buy-back or reduction of share capital.

Step 2: Analyzing the options.

(A) Reduction in Share Capital: This is incorrect. Reduction of share capital is dealt with under Section 66, not Section 43.

(B) Issue of Shares at Premium: This is incorrect. The issuance of shares at a premium is covered under Section 52, not Section 43.

(C) Kinds of Shares Capital: Correct. Section 43 defines the kinds of share capital under the Companies Act, including equity and preference shares.

(D) Buy Back of Shares: This is incorrect. Buy-back of shares is governed by Section 68, not Section 43.

Step 3: Conclusion.

The correct answer is **(C) Kinds of Shares Capital**, as Section 43 of the Companies Act, 2013 specifically deals with the classification of share capital.

Quick Tip

Section 43 of the Companies Act, 2013 defines the various kinds of share capital, including equity and preference shares.