

# AIBE (21) 2026 (Set-C)

## Question Paper With Solutions PDF

Conducted by Bar Council of India (BCI)



### General Instructions

- (i) The test is of 3 hours duration.
- (ii) The question paper consists of 100 questions. The maximum marks are 100.
- (iii) There is no negative marking.

1. In the following question, a Statement is followed by two Conclusions, I and II.

**Statement:** The Bar Council of India derives its rule-making power from Section 49(1)(c) of the Advocates Act, 1961, which authorises it to frame rules governing professional conduct and etiquette to be observed by advocates. Rule 20 framed thereunder categorically bars an advocate from stipulating for, or receiving, any fee whose quantum is dependent upon the outcome of litigation, or from entering into any arrangement to share in its proceeds. An advocate who contravenes this Rule is liable to be proceeded against under Section 35 of the Act.

**Conclusion I:** An advocate may lawfully enter into an outcome-linked fee arrangement so long as the client's written consent is obtained prior to the engagement.

**Conclusion II:** An advocate who violates the prohibition on contingency-based fees may face disciplinary action under the Advocates Act, 1961.

In the context of the above Statement and Conclusions, which one of the following is correct?

- (A) Only Conclusion I follows
- (B) Only Conclusion II follows
- (C) Both Conclusions I and II follow
- (D) Neither Conclusion I nor II follows

**Correct Answer:** (B) Only Conclusion II follows

### **Solution:**

#### **Step 1: Understanding the Concept:**

This problem requires logical deduction based on provided legal rules.

We analyze whether the conclusions logically flow from the stated premises.

#### **Step 2: Detailed Explanation:**

Conclusion I suggests that written consent can override the ban on outcome-linked fees.

However, the statement categorically bars such arrangements without mentioning any exceptions for consent.

Therefore, Conclusion I is not supported by the text.

Conclusion II states that violating this prohibition leads to disciplinary action.

The statement confirms that contravening Rule 20 makes an advocate liable to be proceeded against under Section 35.

This clearly supports the validity of Conclusion II.

#### **Step 3: Final Answer:**

Since Conclusion II follows but Conclusion I does not, option (B) is the correct choice.

**Quick Tip:** In legal logic questions, always stick strictly to the facts provided in the statement. Do not import external knowledge or assume exceptions that are not explicitly stated.

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**2. Under the law relating to land acquisition under the relevant laws in India, which of the following statements is not true?**

- (A) The Collector shall publish the public notice on his website.
- (B) Such interested persons may file objections within 6 months of the notice having been issued.
- (C) All persons interested in the land in question shall appear personally before the Collector.
- (D) A minimum notice period of 30 days is to be given to all the persons interested.

**Correct Answer:** (B) Such interested persons may file objections within 6 months of the notice having been issued.

## Solution:

### Step 1: Understanding the Concept:

This question tests the knowledge of specific timelines under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

### Step 2: Key Formula or Approach:

Identify the statutory provisions regarding the objections window for land acquisition proceedings.

### Step 3: Detailed Explanation:

The Act mandates that any person interested in land notified for acquisition can file objections. According to Section 15 of the 2013 Act, these objections must be filed within 60 days of the preliminary notification, not 6 months.

Other options regarding the publication on the website and the requirement to appear personally are accurate reflections of the procedures under the Act.

### Step 4: Final Answer:

Statement (B) is incorrect because the statutory limit for objections is 60 days, making it the correct answer to the "not true" prompt.

**Quick Tip:** For land acquisition under the 2013 Act, remember: 60 days for objections. If an option states "6 months," it is almost certainly the incorrect statement!

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**3. Whether a landowner who enters into a Joint Development Agreement with a builder, contributing land in exchange for 50% of the developed property and a monetary deposit can file a complaint under the Consumer Protection Act, 2019 alleging construction defects and delay? Which of the following statements is most accurate?**

- (A) The landowner is not a consumer as the transaction constitutes a commercial joint venture.
- (B) The landowner is a consumer if defects exist, irrespective of the nature of the transaction.
- (C) The landowner is a consumer as he did not construct himself.
- (D) The landowner is a consumer unless profit motive is proven.

**Correct Answer:** (A) The landowner is not a consumer as the transaction constitutes a commercial joint venture.

**Solution:**

**Step 1: Understanding the Concept:**

This legal issue centers on the definition of a "consumer" under the Consumer Protection Act when entering into a Joint Development Agreement (JDA).

**Step 2: Key Formula or Approach:**

Distinguish between a standard sale of goods/services and a joint venture arrangement.

**Step 3: Detailed Explanation:**

A JDA typically involves the landowner contributing land and the builder contributing expertise and capital.

Courts have held that such arrangements are essentially business or commercial joint ventures to share profits/property.

Since the transaction is commercial in nature and involves shared risks, the landowner does not qualify as a "consumer" seeking services for personal use.

Consequently, the protections afforded by the Consumer Protection Act are generally held to be inapplicable in such contexts.

**Step 4: Final Answer:**

Statement (A) is the most accurate reflection of the current legal interpretation of JDAs in consumer forums.

**Quick Tip:** A consumer is defined by the personal use of services. If the relationship is a business venture where both parties are sharing property, it is generally classified as a commercial enterprise, outside the scope of the Consumer Protection Act.

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**4. Under Section 105 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, what is now a mandatory requirement for the process of search and seizure conducted by the police?**

- (A) The acquisition of a signed written confession from the occupant of the premises
- (B) The presence of a Judicial Magistrate during the search
- (C) The presence of at least five local residents as independent witnesses
- (D) The documentation of the entire search and seizure process via audio-video electronic recording

**Correct Answer:** (D) The documentation of the entire search and seizure process via audio-video electronic recording

### **Solution:**

#### **Step 1: Understanding the Concept:**

The BNSS, 2023, introduces modernized procedural requirements to increase transparency in police investigations.

#### **Step 2: Key Formula or Approach:**

The approach involves identifying the specific statutory obligation introduced by the new criminal law codes regarding digital evidence during searches.

#### **Step 3: Detailed Explanation:**

Section 105 of the BNSS mandates that during search and seizure operations, the police officer or any other person making the search must prepare a list of all things seized and the places in which they are found.

Crucially, the law now requires that the entire process of search and seizure be documented through audio-video electronic means.

This requirement is intended to prevent allegations of planting evidence or procedural misconduct during investigations.

#### **Step 4: Final Answer:**

The mandatory requirement introduced is the documentation of the search and seizure process via audio-video electronic recording. Thus, (D) is the correct answer.

**Quick Tip:** Under the new BNSS framework, digital transparency is prioritized. Always associate Section 105 with the requirement for "audio-video electronic recording" to ensure the integrity of the seizure list!

5. Under the Uniform Civil Code Rules Uttarakhand, 2025, when is an application for declaration of legal heir(s) forwarded to the Registrar General?

- (A) After thirty days of receipt if the Registrar does not take action
- (B) After ten days of receipt if the Registrar does not take action
- (C) After fifteen days of receipt if the Registrar does not take action
- (D) None of the above

**Correct Answer:** (A) After thirty days of receipt if the Registrar does not take action

### **Solution:**

#### **Step 1: Understanding the Concept:**

The Uttarakhand Uniform Civil Code (UCC) provides specific timelines for administrative processes, including the declaration of legal heirs to ensure efficient succession management.

#### **Step 2: Key Formula or Approach:**

Reviewing the timelines stipulated in the rules regarding administrative escalation.

#### **Step 3: Detailed Explanation:**

The UCC Rules Uttarakhand, 2025, aim to minimize bureaucratic delays in succession matters. If a Registrar receives an application for the declaration of legal heir(s) and fails to act or dispose of the matter within a prescribed window, the Rules allow for an escalation.

This escalation mechanism mandates that the application be forwarded to the Registrar General after a period of thirty days from the date of receipt, provided no action has been taken in the interim.

#### **Step 4: Final Answer:**

The application is forwarded after thirty days of receipt if the Registrar remains inactive, making

(A) the correct option.

**Quick Tip:** To ensure administrative accountability under the Uttarakhand UCC 2025, a 30-day "inaction" threshold acts as a trigger for higher-level review by the Registrar General.

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**6. Which provision of the Code of Criminal Procedure (CrPC), 1973, provides a summary legal remedy for the maintenance of spouses, children, and parents who are unable to support themselves?**

- (A) Section 125
- (B) Section 320
- (C) Section 107
- (D) Section 144

**Correct Answer:** (A) Section 125

**Solution:**

**Step 1: Understanding the Concept:**

Section 125 of the CrPC is a secular provision designed to provide speedy and summary justice to dependents to prevent vagrancy and destitution.

**Step 2: Key Formula or Approach:**

Distinguishing between maintenance (Section 125) and other criminal procedures like compounding offenses (Section 320) or preventive detention/orders (Sections 107/144).

**Step 3: Detailed Explanation:**

- Section 125 CrPC is a social welfare measure that enables a Magistrate to order maintenance for wives, children, and parents.
- Section 320 deals with the compounding of offenses.
- Section 107 deals with security for keeping peace in other cases.
- Section 144 deals with the power of a Magistrate to issue orders in urgent cases of nuisance

or apprehended danger.

The primary objective of Section 125 is to provide a summary remedy to those who cannot support themselves.

**Step 4: Final Answer:**

Section 125 is the correct provision for the maintenance of spouses, children, and parents. Thus, (A) is correct.

**Quick Tip:** Section 125 CrPC is one of the most frequently cited provisions in family law matters within criminal proceedings—always associate it with "summary remedy for maintenance."

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**7. Section 233 of the Companies Act, 2013, deals with “fast track merger”. What is the time duration and the concerned authority for approval?**

- (A) 1 Year, Regional Director
- (B) 60–90 Days, Regional Director
- (C) 60–90 Days, NCLT
- (D) 45–90 Days, NCLAT

**Correct Answer:** (B) 60–90 Days, Regional Director

**Solution:**

**Step 1: Understanding the Concept:**

Section 233 of the Companies Act, 2013, simplifies the merger process for certain classes of companies (like small companies or holding-subsidary companies) to avoid the long NCLT process.

**Step 2: Key Formula or Approach:**

Identify the expedited procedural timelines and the specific regulatory authority empowered to approve these mergers under the "fast track" provision.

**Step 3: Detailed Explanation:**

Unlike standard mergers that require NCLT approval, fast track mergers under Section 233 are approved by the Central Government.

The power has been delegated to the Regional Director.

The scheme of merger must be approved within a timeline of 60 to 90 days after filing the necessary documents, ensuring a much faster resolution than standard proceedings.

**Step 4: Final Answer:**

The fast track merger requires approval from the Regional Director within 60–90 days. Thus, (B) is correct.

**Quick Tip:** Remember: "Fast Track" means bypassing the NCLT. If you see a question about Section 233, always look for "Regional Director" and the "60–90 days" window!

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**8. A Magistrate of the Second Class passes a sentence of one month's imprisonment. The accused wants to appeal. Based on the Code of Criminal Procedure (CrPC), 1973, which of the following is true?**

- (A) The accused may prefer an appeal directly to the High Court.
- (B) The accused is entitled to file an appeal before the Court of Session.
- (C) An appeal lies only if a fine was also imposed.
- (D) No appeal is maintainable in this specific instance.

**Correct Answer:** (D) No appeal is maintainable in this specific instance.

**Solution:****Step 1: Understanding the Concept:**

This question tests the provisions regarding "summary" or "minor" sentences under the CrPC, where the law restricts the right to appeal to avoid clogging the appellate courts.

**Step 2: Key Formula or Approach:**

Analyze Section 376 of the CrPC, which explicitly lists cases in which no appeal lies.

**Step 3: Detailed Explanation:**

Section 376(a) of the CrPC states that no appeal shall lie when a Magistrate of the First Class passes a sentence of imprisonment not exceeding three months, or a fine not exceeding two hundred rupees, or both.

Even for a Second Class Magistrate, if the sentence is imprisonment not exceeding one month, it is considered a minor sentence.

Consequently, the law does not permit an appeal for such a minor sentence to reduce the burden on the judiciary for trivial matters.

**Step 4: Final Answer:**

Since the sentence is only one month by a Second Class Magistrate, no appeal is maintainable under the CrPC. Therefore, (D) is the correct answer.

**Quick Tip:** The law aims to keep minor cases out of the appellate system. Always check Section 376 CrPC—if the imprisonment is minimal, the right to appeal is typically barred!

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**9. Under Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, if a police officer-in-charge determines that an investigation is not warranted because the case lacks sufficient gravity, they are legally obligated to notify the informant of this decision within:**

- (A) 30 days
- (B) 24 hours
- (C) 14 days
- (D) 7 days

**Correct Answer:** (C) 14 days

**Solution:**

**Step 1: Understanding the Concept:**

Section 173 of the BNSS, 2023, grants police the discretion to conduct a preliminary inquiry for offenses punishable by more than 3 years but less than 7 years if the case lacks sufficient gravity, subject to strict timelines.

**Step 2: Key Formula or Approach:**

Identify the specific timeline for informing the complainant about the decision to terminate or not proceed with an investigation.

**Step 3: Detailed Explanation:**

The BNSS has introduced provisions to ensure that complainants are not left in the dark when police decide not to pursue a full investigation due to a lack of gravity.

If the police officer-in-charge decides that no investigation is required, they must record the reasons and inform the informant.

This notification must reach the informant within a period of 14 days.

**Step 4: Final Answer:**

The mandatory notification period is 14 days, making (C) the correct answer.

**Quick Tip:** Under BNSS Section 173, transparency is key. If the police close a file for lack of gravity, they have exactly 14 days to update the informant!

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**10. The case of Parmanand Katara v. Union of India (1989) is primarily associated with which of the following rights?**

- (A) Right to speedy trial
- (B) Right to life and personal liberty
- (C) Right to emergency medical care
- (D) Right to clean and healthy environment

**Correct Answer:** (C) Right to emergency medical care

## Solution:

### Step 1: Understanding the Concept:

The Parmanand Katara v. Union of India (1989) case is a landmark judgment in Indian jurisprudence that interpreted Article 21 of the Constitution to include the right to immediate medical assistance in emergencies.

### Step 2: Key Formula or Approach:

The Supreme Court ruled that procedural formalities (like police reports or medico-legal procedures) should not delay life-saving treatment, as the preservation of human life is paramount.

### Step 3: Detailed Explanation:

The Court held that every injured citizen, whether innocent or a criminal, has a right to receive immediate medical aid to preserve their life.

This ruling mandated that all hospitals and medical practitioners, both public and private, have a legal obligation to provide emergency treatment without waiting for legal formalities to be completed.

Thus, the case is fundamentally associated with the "Right to emergency medical care" as a facet of the Right to Life.

### Step 4: Final Answer:

The correct answer is (C).

**Quick Tip:** Always remember the Parmanand Katara case as the cornerstone of "Emergency Medical Care" in India; it established that "Life is more precious than legal formalities."

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**11. Which of the following statements is not an example of the eggshell skull rule as per the law of torts?**

- (A) A man had a heart attack and died after being bruised in the chest during a rear-end car accident.
- (B) 'A' underwent an appendectomy in a hospital. Despite the surgery going as planned, she continued to experience abdominal pain. It was later discovered that a needle had been left inside her abdomen, leading to further surgeries and prolonged suffering.

(C) A boy kicked another from across the aisle in the classroom. It turned out that the victim had an unknown microbial condition that was irritated, and resulted in him entirely losing the use of his leg.

(D) Nervous shock cases are also consistent with this principle. The rule is that if injury from nervous shock is reasonably foreseeable to an ordinarily strong-nerved person situated in the position of the claimant, the defendant is liable for the full extent of the shock.

**Correct Answer:** (B) 'A' underwent an appendectomy in a hospital. Despite the surgery going as planned, she continued to experience abdominal pain. It was later discovered that a needle had been left inside her abdomen, leading to further surgeries and prolonged suffering.

### **Solution:**

#### **Step 1: Understanding the Concept:**

The "Eggshell Skull Rule" (or "Thin Skull Rule") dictates that a tortfeasor must "take the victim as they find them." It makes the defendant liable for the full extent of an injury even if the plaintiff had a pre-existing condition that made them more susceptible to severe harm.

#### **Step 2: Key Formula or Approach:**

The rule applies only when a pre-existing vulnerability leads to a more severe outcome than what would be expected in a healthy person. Medical negligence involving a mistake (like leaving a foreign object in a body) is a separate tort based on breach of duty of care, not the eggshell skull rule.

#### **Step 3: Detailed Explanation:**

(A), (C), and (D) involve situations where a standard act causes disproportionate harm due to the victim's pre-existing fragility (heart condition, microbial condition, or nervous disposition). (B) describes a classic case of medical negligence (leaving a needle inside). The harm resulted from the surgeon's error, not from the patient's pre-existing physical condition that exacerbated the injury.

#### **Step 4: Final Answer:**

Statement (B) does not represent the eggshell skull rule, so it is the correct answer.

**Quick Tip:** The Eggshell Skull Rule = Victim's pre-existing vulnerability + Defendant's act = Disproportionately severe harm. If the harm is caused by the defendant's direct negligence (e.g., a surgical error), it is not an "eggshell skull" scenario.

**12. Directions:** The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A).

**Assertion (A):** An ex parte decree may be set aside if the defendant satisfies the court that he was prevented by sufficient cause from appearing when the suit was called for hearing.

**Reason (R):** Under Order IX Rule 13 of the Code of Civil Procedure, 1908, the court must be satisfied that the summons was not duly served or that the defendant was prevented by sufficient cause from appearing when the suit was called for hearing.

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

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

**Solution:**

**Step 1: Understanding the Concept:**

This question tests the understanding of Order IX Rule 13 of the Code of Civil Procedure (CPC), 1908, which provides the mechanism for setting aside an ex parte decree.

**Step 2: Key Formula or Approach:**

Analyze whether the legal grounds for setting aside the decree mentioned in the assertion are directly derived from the procedure outlined in the reason.

**Step 3: Detailed Explanation:**

Assertion (A) correctly identifies the ground of "sufficient cause" for non-appearance as a basis

to set aside an ex parte decree.

Reason (R) correctly cites Order IX Rule 13, which provides two specific grounds for setting aside an ex parte decree: (1) summons was not duly served, or (2) the defendant was prevented by sufficient cause from appearing.

Since the Reason (R) establishes the statutory basis and conditions that validate the rule mentioned in the Assertion (A), it is the correct explanation.

**Step 4: Final Answer:**

Both (A) and (R) are true, and (R) explains (A). Thus, (D) is the correct answer.

**Quick Tip:** Under Order IX Rule 13 CPC, the court acts on two main grounds: "Non-service of summons" OR "Sufficient cause for absence." If either is proven, the ex parte decree can be set aside.

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**13. Which provision of the Code of Criminal Procedure (CrPC), 1973, stipulates that a police officer must produce a person arrested without a warrant before a Magistrate within a maximum period of 24 hours?**

- (A) Section 57
- (B) Section 164
- (C) Section 51
- (D) Section 41

**Correct Answer:** (A) Section 57

**Solution:**

**Step 1: Understanding the Concept:**

This provision acts as a fundamental safeguard against arbitrary detention and ensures that a judicial officer reviews the necessity of detention promptly after an arrest without a warrant.

**Step 2: Key Formula or Approach:**

Distinguish between the powers of arrest (Section 41) and the procedural duty to produce the

arrestee before a Magistrate (Section 57).

**Step 3: Detailed Explanation:**

- Section 57 of the CrPC states that no police officer shall detain in custody a person arrested without a warrant for a longer period than under the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.
- This ensures the constitutional right under Article 22(2) of the Indian Constitution is upheld within the CrPC framework.

**Step 4: Final Answer:**

The mandatory production within 24 hours is stipulated by Section 57. The correct option is (A).

**Quick Tip:** Section 57 is the "24-hour rule" in criminal procedure. If an arrest is made without a warrant, the clock starts ticking immediately, ensuring judicial oversight within one day.

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**14. A State Government plans to acquire 50 acres of Scheduled Tribes (ST) land for an industrial park. As per the applicable law, the following steps are proposed: (i) Preliminary notification (ii) Social Impact Assessment (SIA) (iii) Gram Sabha consultation/consent (iv) Final notification. Which of the following statements is correct?**

- (A) Final notification can be issued without Gram Sabha, with owner consent only.
- (B) Final notification can come before SIA but after preliminary notification.
- (C) Gram Sabha is advisory only; consent is not needed for public projects.
- (D) SIA and Gram Sabha consultation/consent are mandatory for ST land; acquisition can't proceed without consent.

**Correct Answer:** (D) SIA and Gram Sabha consultation/consent are mandatory for ST land; acquisition can't proceed without consent.

## Solution:

### Step 1: Understanding the Concept:

The acquisition of land belonging to Scheduled Tribes is governed by the RFCTLARR Act, 2013 (Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013).

### Step 2: Key Formula or Approach:

Evaluate the legal requirements for land acquisition involving tribal populations, focusing on mandatory safeguards for marginalized communities.

### Step 3: Detailed Explanation:

- Under the RFCTLARR Act, 2013, the process for acquiring land involves mandatory Social Impact Assessment (SIA).
- Specifically, for Scheduled Tribes (ST) land, the law ensures extra protection. Section 41 of the Act mandates that for any project involving the displacement of ST families, the Gram Sabha (or the autonomous district council) must be consulted, and their consent is a mandatory prerequisite.
- Acquisition proceedings cannot legally move forward if this consent is withheld, as the law prioritizes tribal autonomy and rights over industrial development.

### Step 4: Final Answer:

Statement (D) is the most accurate reflection of the legal requirements for ST land acquisition.

**Quick Tip:** For Scheduled Tribes land, consent is not optional—it is a legal mandate under the 2013 Act. "Gram Sabha consent" is a vital checkpoint in the acquisition process.

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15. The term “Public Interest Litigation (PIL)” was first used by:

- (A) Justice P.N. Bhagwati
- (B) Justice V.R. Krishna Iyer
- (C) Prof. Abram Chayes
- (D) Prof. Upendra Baxi

**Correct Answer:** (C) Prof. Abram Chayes

**Solution:**

**Step 1: Understanding the Concept:**

Public Interest Litigation (PIL) is a legal mechanism that allows individuals or groups to approach the court for the enforcement of the rights of the marginalized. While popularized in India by judges like P.N. Bhagwati, the term itself has a specific academic origin.

**Step 2: Detailed Explanation:**

- In the international legal context, the concept of "Public Interest Litigation" was famously articulated and named by the American legal scholar Professor Abram Chayes in his seminal article "The Role of the Judge in Public Law Litigation" (1976).
- While Indian judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer are the architects of the PIL movement in India, the nomenclature itself is credited to Chayes.

**Step 3: Final Answer:**

The term "Public Interest Litigation" was first used by Prof. Abram Chayes. The correct option is (C).

**Quick Tip:** Always distinguish between the pioneers of PIL in India (Justice Bhagwati and Iyer) and the person who coined the term (Prof. Abram Chayes).

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**16. In roman jurisprudence, the concept similar to the Rule of Law was referred to as:**

- (A) Jus Gentium
- (B) Jus Civile
- (C) Jus Naturale
- (D) Lex Regia

**Correct Answer:** (C) Jus Naturale

### Solution:

#### Step 1: Understanding the Concept:

Roman jurisprudence evolved several concepts that correspond to modern legal principles. The concept of "Jus Naturale" (Natural Law) is often identified as the antecedent to the modern "Rule of Law."

#### Step 2: Detailed Explanation:

- Jus Naturale refers to universal law or natural justice, which is immutable and derived from the nature of things, representing a standard to which human laws should conform.
- This aligns with the Rule of Law, which emphasizes that law should be based on principles of reason and justice, applicable to all, rather than the arbitrary will of a ruler.
- Other options like Jus Gentium (law of nations) or Jus Civile (civil law) refer to specific legal systems for citizens or foreigners, rather than the philosophical foundation of the Rule of Law itself.

#### Step 3: Final Answer:

The concept most similar to the modern Rule of Law in Roman jurisprudence is Jus Naturale. Thus, (C) is the correct answer.

**Quick Tip:** While Roman law had many divisions, "Jus Naturale" is the philosophical root of justice and fairness that modern legal systems—including the Rule of Law—draw upon.

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**17. Directions:** The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A).

**Assertion (A):** The right to privacy has been judicially recognised as an integral part of Article 21 of the Constitution of India.

**Reason (R):** Privacy is expressly enumerated as a separate Fundamental Right in Part III of the Constitution of India.

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

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

**Correct Answer:** (A) (A) is true, but (R) is false.

**Solution:**

**Step 1: Understanding the Concept:**

The Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) judgment famously declared the right to privacy as a Fundamental Right. It is important to distinguish between rights that are explicitly written in the Constitution and those judicially interpreted as part of existing rights.

**Step 2: Detailed Explanation:**

- Assertion (A) is true: The Supreme Court in the Puttaswamy case held that the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21.
- Reason (R) is false: Privacy is not expressly enumerated as a separate, distinct fundamental right in the text of Part III of the Constitution. It was recognized via judicial interpretation of the existing constitutional framework.

**Step 3: Final Answer:**

Since (A) is true and (R) is false, the correct option is (A).

**Quick Tip:** Remember the Puttaswamy distinction: Privacy was "read into" Article 21 by judicial interpretation, not added as a new, explicit clause in the Constitution!

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18. Ajeet Singh, a famous singer, enters into a contract with Yash Aditya Music Company agreeing to perform exclusively for them for 2 years and not to perform for any other company during that period. After one year, Ajeet Singh refuses to perform for Yash Aditya Music Company and begins performing for BR Chopra Company. Yash Aditya Music Company files a suit seeking an injunction restraining Ajeet Singh from performing for BR Chopra Company. Which of the following statements is correct under the Specific Relief Act, 1963?

- (A) The injunction may be granted to enforce the negative covenant.
- (B) Only damages can be granted.
- (C) The injunction must be refused because contracts of personal service cannot be enforced.
- (D) The court must compel Ajeet Singh to sing for Yash Aditya Music Company.

**Correct Answer:** (A) The injunction may be granted to enforce the negative covenant.

**Solution:**

**Step 1: Understanding the Concept:**

Under the Specific Relief Act, 1963, specifically Section 42, the court cannot compel the performance of a contract of personal service (which would be akin to forced labor), but it can enforce a negative covenant contained within such a contract.

**Step 2: Detailed Explanation:**

- A positive covenant (singing for the company) in a personal service contract cannot be specifically enforced by an injunction.
- However, if the contract includes a negative covenant (not to sing for anyone else), the court may grant an injunction to prevent the breach of that negative promise, even if it cannot directly enforce the positive promise.
- This is a well-established principle in law, often illustrated by the case Lumley v. Wagner.

**Step 3: Final Answer:**

The court can grant an injunction to restrain the artist from performing for competitors, thus enforcing the negative covenant. Therefore, (A) is correct.

**Quick Tip:** Section 42 of the Specific Relief Act is your key here: You can't force someone to work (positive), but you can stop them from working for others (negative) if they agreed to it!

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**19. Under the scheme of distribution of legislative powers in the Constitution of India, a subject which is not enumerated in either the State List or the Concurrent List falls within the residuary field of legislation. Such residuary power is vested in:**

- (A) The President of India
- (B) The State Legislatures
- (C) The Parliament
- (D) The Supreme Court of India

**Correct Answer:** (C) The Parliament

### **Solution:**

#### **Step 1: Understanding the Concept:**

The Indian Constitution follows the Seventh Schedule, which divides legislative powers into Union, State, and Concurrent Lists. Any subject not explicitly covered by these lists is categorized under "residuary powers."

#### **Step 2: Key Formula or Approach:**

Refer to Article 248 of the Constitution of India, which specifically defines the legislative power regarding residuary subjects.

#### **Step 3: Detailed Explanation:**

Article 248(1) states that Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

This provision also includes the power to make any law imposing a tax not mentioned in either of those lists.

This ensures that the legislative framework is exhaustive, leaving no potential legal area ungoverned.

#### **Step 4: Final Answer:**

The residuary legislative power is vested in the Parliament. The correct option is (C).

**Quick Tip:** Remember: Article 248 = Residuary Powers = Parliament. While the States have exclusive control over the State List, the Parliament has the "final say" on any subject that falls through the cracks of the three lists!

20. The adoption of an Ombudsman-type institution in India was first recommended by which of the following?

- (A) India Against Corruption Movement, 2011
- (B) Administrative Reforms Commission, 1966
- (C) Santhanam Committee, 1964
- (D) Administrative Reforms Commission, 2005

**Correct Answer:** (B) Administrative Reforms Commission, 1966

**Solution:**

**Step 1: Understanding the Concept:**

The Ombudsman institution in India is known as the "Lokpal" at the center and "Lokayukta" in the states. The drive to establish such an institution was a major reform effort starting in the mid-1960s.

**Step 2: Detailed Explanation:**

- The First Administrative Reforms Commission (ARC), set up in 1966 under the chairmanship of Morarji Desai, was the first official body to recommend the establishment of an Ombudsman-type institution.
- They recommended the creation of two authorities: the Lokpal at the national level and the Lokayukta at the state level to deal with complaints against administrative actions, including cases of corruption.
- While earlier committees (like Santhanam) dealt with corruption, the formal institutional design of an Ombudsman was the brainchild of the 1966 ARC.

**Step 3: Final Answer:**

The first recommendation came from the Administrative Reforms Commission, 1966. Option (B) is correct.

**Quick Tip:** When you think "Lokpal," think "1966 ARC." It was the blueprint for India's independent anti-corruption watchdog system.

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21. The Supreme Court of India in *Harish Chandra Tiwari v. Baiju*, (2002) 2 SCC 67, while considering the appropriate punishment for misappropriation of a client's money by an advocate, held that:

- (A) Reprimand is the appropriate punishment for a first-time misappropriation, since removal from the roll would be disproportionate.
- (B) Suspension from practice for a period of five years is the standard sanction for misappropriation of client funds.
- (C) A monetary penalty equal to double the amount misappropriated is the appropriate sanction under the Act.
- (D) Misappropriation of a client's money constitutes one of the gravest forms of professional misconduct and ordinarily warrants removal of the advocate's name from the State roll.

**Correct Answer:** (D) Misappropriation of a client's money constitutes one of the gravest forms of professional misconduct and ordinarily warrants removal of the advocate's name from the State roll.

**Solution:**

**Step 1: Understanding the Concept:**

Professional ethics for lawyers are strictly enforced in India under the Advocates Act, 1961. The Supreme Court maintains that an advocate occupies a position of trust, and the breach of this trust is viewed with extreme severity.

**Step 2: Detailed Explanation:**

- In *Harish Chandra Tiwari v. Baiju*, the Supreme Court emphasized that an advocate receiving money from a client holds it in a fiduciary capacity.
- The Court held that when an advocate misappropriates a client's funds, they have betrayed the confidence reposed in them.
- The judgment concluded that such an act is one of the gravest forms of professional misconduct, and ordinarily, the punishment should be the removal of the name from the rolls, as a mere reprimand or suspension would be inadequate for such a serious breach.

**Step 3: Final Answer:**

The correct holding is (D).

**Quick Tip:** Remember: For lawyers, the fiduciary duty is absolute. The Supreme Court considers misappropriation of client funds a "death sentence" for professional practice—removal from the roll is the expected outcome!

**22. The five Golden Principles with respect to Circumstantial Evidence were laid down in which Supreme Court Judgment?**

- (A) Sharad Birdhichand Sarda v. State of Maharashtra, 1984 AIR 1622
- (B) Dudh Nath Pandey v. State of U.P., 1981 SCC (2) 166
- (C) Vasa Chandrasekhar Rao v. Ponna Satyanarayana Anr., 2000 AIR SC 2138
- (D) Dr. Sunil Clifford Daniel v. State of Punjab (2012) 11 SCC 205

**Correct Answer:** (A) Sharad Birdhichand Sarda v. State of Maharashtra, 1984 AIR 1622

**Solution:**

**Step 1: Understanding the Concept:**

In criminal jurisprudence, where there is no direct evidence, a conviction can only be based on circumstantial evidence if it satisfies specific stringent conditions, famously known as the "Panchsheel" or the five golden principles.

**Step 2: Key Formula or Approach:**

Identify the leading precedent that established the criteria for evaluating the chain of circumstances in a criminal trial.

**Step 3: Detailed Explanation:**

In the case of Sharad Birdhichand Sarda v. State of Maharashtra, the Supreme Court laid down five essential conditions (the golden principles) that must be fulfilled before a conviction can be sustained on circumstantial evidence:

1. The circumstances from which the conclusion of guilt is to be drawn must be fully

established.

2. The facts so established should be consistent only with the hypothesis of the guilt of the accused.
3. The circumstances should be of a conclusive nature and tendency.
4. They should exclude every possible hypothesis except the one to be proved.
5. There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused.

**Step 4: Final Answer:**

These principles were famously articulated in *Sharad Birdhichand Sarda v. State of Maharashtra* (1984). The correct option is (A).

**Quick Tip:** "Sharad Sarda" = "5 Golden Principles." Always remember that circumstantial evidence must form an unbreakable chain that excludes every other possibility except the accused's guilt.

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**23. According to the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, an accused person intending to apply for 'Plea Bargaining' must do so within how many days following the formal framing of charges?**

- (A) 7 days
- (B) 60 days
- (C) 15 days
- (D) 30 days

**Correct Answer:** (D) 30 days

**Solution:**

**Step 1: Understanding the Concept:**

Plea bargaining is a mechanism aimed at reducing the burden on courts by encouraging the accused to plead guilty in exchange for lesser sentences. The BNSS has codified timelines to ensure this process is initiated early in the trial.

**Step 2: Key Formula or Approach:**

Reference the procedural requirements under the BNSS regarding the timeline for filing an application for plea bargaining.

**Step 3: Detailed Explanation:**

Under the BNSS, 2023, the accused must file the application for plea bargaining within 30 days from the date of the formal framing of charges.

This mandatory timeframe is designed to streamline criminal proceedings and avoid unnecessary delays, ensuring that if a settlement is to be reached, it happens promptly after the charges have been formally leveled against the accused.

**Step 4: Final Answer:**

The required timeline is 30 days, making (D) the correct answer.

**Quick Tip:** Under the BNSS, the "30-day window" is critical for plea bargaining. If you miss this deadline after charges are framed, the opportunity to apply for this summary resolution is lost!

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**24. Under the Indian Christian Marriage Act, 1872, between which hours must a marriage generally be solemnized?**

- (A) Between six in the morning and seven in the evening
- (B) Between six in the morning and nine in the evening
- (C) Between seven in the morning and eight in the evening
- (D) Between five in the morning and six in the evening

**Correct Answer:** (A) Between six in the morning and seven in the evening

**Solution:****Step 1: Understanding the Concept:**

The Indian Christian Marriage Act, 1872, contains procedural mandates regarding the timing and location of marriages to ensure solemnity and prevent clandestine unions.

**Step 2: Key Formula or Approach:**

Consult Section 10 of the Indian Christian Marriage Act, which specifies the temporal constraints for solemnizing marriages.

**Step 3: Detailed Explanation:**

Section 10 of the Act expressly states that every marriage under the Act shall be solemnized between the hours of 6 a.m. and 7 p.m.

This provision is designed to ensure that the marriage is conducted during public hours, which is intended to provide transparency and allow for public observation of the event, maintaining the dignity of the ceremony as required by the law.

**Step 4: Final Answer:**

The correct time window is between six in the morning and seven in the evening. Thus, (A) is correct.

**Quick Tip:** For Christian marriages under the 1872 Act, remember "6 to 7." Any ceremony outside these hours may not technically satisfy the statutory requirements of the Act!

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**25. According to Section 25(b) of the Arbitration and Conciliation Act, 1996, where the respondent fails to submit his statement of defence without sufficient cause, the arbitral tribunal shall:**

- (A) Terminate the proceedings.
- (B) Proceed to decide the dispute treating the claimant's case as uncontroverted.
- (C) Continue the proceedings without treating such failure as admission.
- (D) Treat the claimant's allegations as admitted.

**Correct Answer:** (C) Continue the proceedings without treating such failure as admission.

**Solution:****Step 1: Understanding the Concept:**

Section 25 of the Arbitration and Conciliation Act deals with "Default of a Party." It provides the

arbitral tribunal with the power to continue proceedings despite a party's non-participation, ensuring that the process is not unduly stalled.

**Step 2: Detailed Explanation:**

- Section 25(b) specifically states that if the respondent fails to communicate his statement of defence without sufficient cause, the arbitral tribunal shall continue the proceedings.
- Crucially, it clarifies that this continuation must be done without treating the failure to submit a defence as an admission of the claimant's allegations.
- This protects the integrity of the arbitral process, as the claimant still holds the burden of proving their case despite the respondent's absence of response.

**Step 3: Final Answer:**

The tribunal shall continue the proceedings without treating the failure as an admission. Thus, (C) is correct.

**Quick Tip:** Remember: Default in arbitration does not equal admission. The tribunal must "continue the proceedings" and the claimant must still prove their claim on its own merits!

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**26. Regarding the offence of 'Criminal Conspiracy' as defined under Section 120A of the Indian Penal Code (IPC), 1860, which of the following statements is legally accurate?**

- (A) A solitary individual's mere intention to commit a crime, even without an agreement with others, is sufficient for a conviction.
- (B) The mere agreement between parties is sufficient to constitute the offence if the intended crime is punishable by death or rigorous imprisonment.
- (C) It is a substantive offence that is legally barred from being charged in conjunction with other substantive crimes.
- (D) A minimum of five persons must participate to satisfy the legal definition.

**Correct Answer:** (B) The mere agreement between parties is sufficient to constitute the offence if the intended crime is punishable by death or rigorous imprisonment.

### Solution:

#### Step 1: Understanding the Concept:

Section 120A of the IPC defines criminal conspiracy as an agreement between two or more persons to do an illegal act or a legal act by illegal means.

#### Step 2: Detailed Explanation:

- A conspiracy requires at least two people; thus, (A) and (D) are incorrect.
- Conspiracy is a substantive offence and can definitely be charged alongside other offences (like murder or theft), making (C) incorrect.
- Section 120B provides that if the agreement relates to an offense punishable by death, imprisonment for life, or rigorous imprisonment for two years or more, the mere act of agreeing is sufficient to constitute the offence of criminal conspiracy.

#### Step 3: Final Answer:

The agreement itself is the gist of the offense. Therefore, (B) is the accurate statement.

**Quick Tip:** Conspiracy = Agreement + 2 or more people. Unlike other offenses that require an overt act, conspiracy is completed the moment the "meeting of minds" takes place!

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### 27. What do you mean by 'onus probandi'?

- (A) Actual evidence, documents, or witnesses presented to substantiate that claim.
- (B) "The fact to be proved" or the "ultimate fact" that needs to be established in a legal case, such as the core elements of a crime or a cause of action.
- (C) 'Burden of proof' which places the responsibility on the party making an affirmative claim to substantiate it with evidence.
- (D) The prosecution in a criminal case must prove beyond a reasonable doubt, not only a criminal act, but also a certain level of a guilty mind (mens rea), specified in the criminal statute.

**Correct Answer:** (C) 'Burden of proof' which places the responsibility on the party making an affirmative claim to substantiate it with evidence.

### Solution:

#### Step 1: Understanding the Concept:

"Onus probandi" is a Latin legal maxim that refers to the obligation a party has to introduce evidence to support their assertions in a legal proceeding.

#### Step 2: Detailed Explanation:

- The phrase literally translates to the "burden of proof."
- It dictates that if a party claims a fact exists, they have the legal responsibility (the "onus") to provide sufficient evidence to convince the court or trier of fact of that claim.
- Options (A), (B), and (D) describe evidence or standards of proof, but they do not define the concept of "onus" (the obligation/burden itself) as accurately as (C).

#### Step 3: Final Answer:

The correct definition of 'onus probandi' is the 'burden of proof' placed on the claimant. Thus, (C) is correct.

**Quick Tip:** "Onus Probandi" = Burden of Proof. If you allege it, you must prove it—this is the fundamental rule of evidence in both civil and criminal law.

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**28. In the context of the Constitution of India, a pension scheme differentiates between employees retiring before and after a specified cut-off date. Those excluded challenge the classification as arbitrary. The constitutional issue would primarily attract:**

- (A) Doctrine of eclipse
- (B) Article 14 and the principle of classification
- (C) Doctrine of severability
- (D) Legislative competence of the State

**Correct Answer:** (B) Article 14 and the principle of classification

### Solution:

#### Step 1: Understanding the Concept:

The central constitutional challenge here is whether a government policy creates discriminatory or "arbitrary" classifications among similarly situated citizens, which triggers the Equal Protection Clause.

#### Step 2: Detailed Explanation:

- Article 14 of the Constitution mandates equality before the law. While "reasonable classification" is permissible, the classification must be based on an intelligible differentia having a rational nexus to the object sought to be achieved.
- When a cut-off date creates two classes of retirees, the court examines if this classification is arbitrary. If it fails the test, it violates Article 14.
- The other doctrines (Eclipse, Severability) relate to the validity of laws inconsistent with fundamental rights, not the nature of the classification itself.

#### Step 3: Final Answer:

The issue primarily attracts Article 14 and the principle of classification, making (B) correct.

**Quick Tip:** Article 14 is the "Equality" article. If you see a law creating two groups of people (like retirees) and treating them differently, always look for the "Reasonable Classification" test!

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**29. Under the Guardians and Wards Act, 1890, what condition applies for appointing a guardian for a married female minor?**

- (A) The husband must be declared legally incompetent
- (B) The husband must be considered unfit by the Court
- (C) The husband must consent to such appointment
- (D) The parents must apply jointly for such appointment

**Correct Answer:** (B) The husband must be considered unfit by the Court

### Solution:

#### Step 1: Understanding the Concept:

In the eyes of the law under the Guardians and Wards Act, the husband is generally considered the natural guardian of his minor wife. To appoint someone else (like a court-appointed guardian), the law requires a specific finding regarding the husband's status.

#### Step 2: Detailed Explanation:

- Section 19 of the Guardians and Wards Act, 1890, provides that no guardian of the person can be appointed for a minor whose husband is not, in the opinion of the Court, unfit to be the guardian of the minor.
- Therefore, for a court to intervene and appoint a guardian for a married female minor, it must explicitly determine that the husband is "unfit" to perform his duties as a natural guardian.

#### Step 3: Final Answer:

The condition for appointment is that the husband must be considered unfit by the Court. Thus, (B) is the correct option.

**Quick Tip:** Under the 1890 Act, the husband is the "natural guardian" of a minor wife. The Court only appoints a substitute if it determines the husband is "unfit."

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30. X takes a loan of 10,00,000 from Bank A. Y signs a contract as surety, promising to pay the bank if X defaults. After 3 months, Bank A agrees to reduce the interest rate and extends the repayment period by 6 months without informing Y. Subsequently, X defaults on the loan. Which of the following statements correctly describes Y's liability under the Indian Contract Act, 1872?

- (A) Y is liable only if the bank sues the principal debtor first, regardless of the modification.
- (B) Y is partially discharged from liability because Bank A's modification increased the risk to Y without his consent.
- (C) Y is not liable at all because the principal debtor defaulted after the contract modification.
- (D) Y is fully liable for the entire loan because a surety is always liable once the principal debtor defaults.

**Correct Answer:** (C) Y is not liable at all because the principal debtor defaulted after the contract modification.

**Solution:**

**Step 1: Understanding the Concept:**

This problem deals with the discharge of a surety under the Indian Contract Act, 1872, specifically when the terms of the original contract are altered without the surety's consent.

**Step 2: Detailed Explanation:**

- Section 133 of the Indian Contract Act provides that any variance made without the surety's consent in the terms of the contract between the principal debtor and the creditor discharges the surety as to transactions subsequent to the variance.
- By extending the repayment period and changing interest rates without Y's consent, Bank A fundamentally altered the contract.
- Because the default occurred after this unauthorized modification, Y is discharged from liability.

**Step 3: Final Answer:**

Y is not liable at all due to the modification of the contract without their consent. Thus, (C) is correct.

**Quick Tip:** Section 133 is crucial: Any "variance" in the contract terms without the surety's consent acts as a "get out of jail free" card for the surety regarding subsequent defaults!

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**31. Under the Patents Act, 1970, a patent is granted to an inventor in India. Which of the following correctly reflects a limitation on the patentee's rights under the law?**

- (A) The invention cannot be used by the Government without permission
- (B) The Government may use the invention for its own purposes without the consent of the patentee
- (C) The patent becomes void if used by a government authority
- (D) The patentee loses all rights once the invention is used by the Government

**Correct Answer:** (B) The Government may use the invention for its own purposes without the

consent of the patentee

### **Solution:**

#### **Step 1: Understanding the Concept:**

The Patents Act, 1970, grants exclusive rights to patentees, but these rights are balanced against the broader public interest, specifically regarding the state's functional needs.

#### **Step 2: Key Formula or Approach:**

Identify the provisions under the Patents Act that grant the Government special powers to use patented inventions in the interest of the public or national necessity.

#### **Step 3: Detailed Explanation:**

- Chapter XVII of the Patents Act, 1970, contains provisions relating to the use of inventions for the purposes of the Government.
- Under Section 100, the Government (or any person authorized by it) can use or exercise an invention for "purposes of the Government" without the consent of the patentee.
- This is a statutory limitation on the patentee's exclusivity to ensure that the state is not hindered by individual patent rights when performing essential public functions.

#### **Step 4: Final Answer:**

Statement (B) correctly reflects this limitation, as the Government holds the authority to use the invention for its purposes.

**Quick Tip:** Remember: Patent rights are exclusive, but they are not absolute. The State always reserves the power to use patented inventions for "purposes of the Government" under Sections 100-103 of the Patents Act!

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**32. During an India – Country X war, India declares X an enemy. A (an Indian citizen) enters into a contract to supply medicines to B (a citizen of X) via a neutral intermediary and a bank. Which of the following is most accurate under the Indian Contract Act, 1872?**

(A) Void – trading with an enemy in war is prohibited and is against public policy.

- (B) Valid unless the Government expressly cancels.  
(C) Voidable – only the Government of India can cancel.  
(D) Valid – goods are humanitarian and payment is via a neutral country.

**Correct Answer:** (A) Void – trading with an enemy in war is prohibited and is against public policy.

**Solution:**

**Step 1: Understanding the Concept:**

Under the law of contract, agreements that are against public policy are void. Trading with an "alien enemy" during a declared state of war is a fundamental violation of public policy.

**Step 2: Detailed Explanation:**

- It is a well-settled principle of international and contract law that when a state of war exists, contracts with citizens of the enemy nation are considered to be against public policy (Section 23 of the Indian Contract Act).
- Such contracts are not merely voidable; they are "void ab initio" (void from the beginning) because they could potentially provide resources or support to an enemy state.
- The fact that the supplies are "humanitarian" or routed through a neutral intermediary does not cure the fundamental illegality of trading with the enemy.

**Step 3: Final Answer:**

The contract is void because trading with an enemy is against public policy, as stated in (A).

**Quick Tip:** "War" + "Alien Enemy" = Void Contract. Public policy overrides individual humanitarian intentions in times of war!

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**33. In which of the following cases did Lord Wright observe that “the incalculable value of habeas corpus is that it enables the immediate determination of the applicant’s freedom”?**

- (A) Attorney General for New South Wales v. Trethowan (1932) AC 526  
(B) Attorney General for Hong Kong v. Ng Yuen Shiu (1983) 2 AC 629  
(C) Bugdaycay v. Secretary of State for the Home Department (1987) AC 514

(D) *Greene v. Secretary of State for Home Affairs* (1942) AC 284

**Correct Answer:** (D) *Greene v. Secretary of State for Home Affairs* (1942) AC 284

**Solution:**

**Step 1: Understanding the Concept:**

This question pertains to a historical constitutional law case involving the detention of individuals during wartime and the significance of the writ of habeas corpus as a guardian of liberty.

**Step 2: Detailed Explanation:**

- The case of *Greene v. Secretary of State for Home Affairs* (1942) concerned the detention of a person under the Defence (General) Regulations 1939 during World War II.
- In his judgment, Lord Wright emphasized the critical role of habeas corpus in judicial review of detention orders.
- His observation highlights the writ's efficacy in ensuring that the executive cannot detain individuals without a lawful and immediate justification.

**Step 3: Final Answer:**

The quote is attributed to Lord Wright in the case *Greene v. Secretary of State for Home Affairs*. The correct option is (D).

**Quick Tip:** Whenever you see a quote regarding the "incalculable value of habeas corpus" in a historical wartime context, it is almost certainly Lord Wright in the "Greene" case!

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**34. A executes a document in favour of B stating, "I hereby sell my house to B for 5,00,000. If I repay the amount within 3 years, B shall retransfer the property to me; otherwise, the sale shall become absolute." The condition is included in the same document. A fails to repay within 3 years. B claims absolute ownership. Examine the correct legal position under the Transfer of Property Act, 1882.**

- (A) It is a mortgage by conditional sale; B must seek foreclosure through court.
- (B) The transaction is void for uncertainty.

(C) It is an outright sale; B becomes absolute owner automatically.

(D) It is a lease with an option to repurchase.

**Correct Answer:** (A) It is a mortgage by conditional sale; B must seek foreclosure through court.

### Solution:

#### Step 1: Understanding the Concept:

This transaction is a classic example of a "Mortgage by Conditional Sale" as defined under Section 58(c) of the Transfer of Property Act, 1882.

#### Step 2: Key Formula or Approach:

Identify that when the condition for reconveyance is included in the same document as the sale, it is legally treated as a mortgage, not an absolute sale.

#### Step 3: Detailed Explanation:

- Section 58(c) states that where the mortgagor ostensibly sells the mortgaged property on condition that on default of payment the sale shall become absolute, it constitutes a mortgage by conditional sale.
- Because it is a mortgage, the mortgagee (B) does not automatically become the absolute owner upon the expiry of the time limit.
- To obtain absolute ownership, the mortgagee must institute a suit for "foreclosure" as per the procedure laid down in the Act.

#### Step 4: Final Answer:

The legal position is that it is a mortgage by conditional sale, and B must seek foreclosure through the court. Option (A) is correct.

**Quick Tip:** "Same document" rule: If the condition to retransfer is in the same document as the sale, the law treats it as a mortgage by conditional sale, protecting the mortgagor from automatic loss of property!

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**35. Which of the following articles of the Constitution of India forms the primary legislative**

**basis for the parliament enacting the Air (Prevention and Control of Pollution) Act, 1981?**

- (A) Article 253
- (B) Article 233
- (C) Article 252
- (D) None of the above

**Correct Answer:** (C) Article 252

**Solution:**

**Step 1: Understanding the Concept:**

Environmental protection is generally a state subject. However, Parliament can legislate on state subjects under specific constitutional conditions.

**Step 2: Key Formula or Approach:**

Identify the article that allows Parliament to enact laws on subjects in the State List if resolutions are passed by the legislatures of two or more states.

**Step 3: Detailed Explanation:**

- The Air (Prevention and Control of Pollution) Act, 1981, was enacted by Parliament under the authority granted by Article 252 of the Constitution.
- Article 252 provides that if two or more State Legislatures pass resolutions requesting Parliament to regulate a matter in the State List, Parliament may enact a law for those states.
- Several states passed the necessary resolutions, enabling the Parliament to enact this uniform environmental legislation.

**Step 4: Final Answer:**

The primary legislative basis is Article 252, making (C) the correct choice.

**Quick Tip:** When Parliament makes laws on "State List" subjects (like air pollution) based on state requests, Article 252 is the constitutional anchor!

**36. Which of the following statements is not true with respect to Section 65B of the Indian Evidence Act, 1872?**

(A) The requirement of a certificate under Section 65B(4) of the Indian Evidence Act, 1872 (“Evidence Act”), is a condition precedent to the admissibility of an electronic record in evidence.

(B) In *P.V. Anvar v. P.K. Basheer*, the court held that Section 65B is a “complete code” for electronic evidence.

(C) In *State (NCT of Delhi) v. Navjot Sandhu*, reported in AIR 2005 SC 3820, the Hon’ble Supreme Court had held that courts could admit electronic records such as printouts and compact discs (CDs) as prima facie evidence without authentication.

(D) *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 SCC 1 – landmark judgment stands as the latest interpretation of the relevant provisions, offering a consistent approach in line with the legislative intent.

**Correct Answer:** (C) In *State (NCT of Delhi) v. Navjot Sandhu*, reported in AIR 2005 SC 3820, the Hon’ble Supreme Court had held that courts could admit electronic records such as printouts and compact discs (CDs) as prima facie evidence without authentication.

**Solution:**

**Step 1: Understanding the Concept:**

Section 65B was introduced to govern the admissibility of electronic records. The judicial interpretation of this section has evolved significantly over the years.

**Step 2: Detailed Explanation:**

- Statements (A), (B), and (D) are legally accurate reflections of the current law and judicial precedents regarding Section 65B.
- Statement (C) is not true because the *Navjot Sandhu* judgment (2005) essentially bypassed the requirement of Section 65B authentication by allowing electronic records to be admitted under other provisions of the Evidence Act. This approach was explicitly overruled by the later judgment in *P.V. Anvar v. P.K. Basheer* (2014), which established that Section 65B is the mandatory and "complete code" for electronic evidence.

**Step 3: Final Answer:**

Since Navjot Sandhu was overruled regarding the bypass of authentication, statement (C) is the "not true" statement.

**Quick Tip:** Remember the evolution: Navjot Sandhu (allowed bypass) was overruled by P.V. Anvar (strict compliance required). Section 65B is now the mandatory "gatekeeper" for electronic evidence!

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**37. As per the Code of Civil Procedure, 1908, where the plaintiff in a civil suit fails to pay the requisite court fee or postal charges for service of summons within the time permitted by the court, the court may:**

- (A) Return the plaint for fresh presentation.
- (B) Dismiss the suit.
- (C) Stay the proceedings until service is effected.
- (D) Proceed to decide the suit on merits.

**Correct Answer:** (B) Dismiss the suit.

### **Solution:**

#### **Step 1: Understanding the Concept:**

Order VII Rule 11 of the Code of Civil Procedure (CPC), 1908, provides the grounds for the rejection of a plaint. Failure to pay the requisite court fees within the time fixed by the court is a mandatory ground for rejection (which operates as a dismissal of the suit).

#### **Step 2: Detailed Explanation:**

- According to Order VII Rule 11(c), the plaint shall be rejected if the relief claimed is undervalued or if the plaint is insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp paper/fee within a time to be fixed by the Court, fails to do so.
- Additionally, Order V provides that if the plaintiff fails to pay the postal charges for the service of summons, the court has the power to dismiss the suit for default in prosecution.

**Step 3: Final Answer:**

The court is empowered to dismiss the suit (or reject the plaint) if these procedural requirements are not met within the stipulated time. Option (B) is correct.

**Quick Tip:** Court fees and summons charges are the "fuel" for a lawsuit. If they aren't paid on time, the court shuts down the suit—remember "Order VII Rule 11" for rejection due to insufficient fees!

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**38. In execution proceedings governed by the Code of Civil Procedure, 1908, where property of the judgment-debtor is attached and a third party raises a claim asserting independent title, such claim:**

- (A) Requires prior determination by the court which passed the decree.
- (B) Can be decided only after completion of execution proceedings.
- (C) Must be decided by instituting a separate civil suit.
- (D) Shall be adjudicated by the executing court.

**Correct Answer:** (D) Shall be adjudicated by the executing court.

**Solution:****Step 1: Understanding the Concept:**

This scenario is governed by Order XXI, Rule 58 of the CPC, which deals with the adjudication of claims to, or objections to the attachment of, property.

**Step 2: Detailed Explanation:**

- Order XXI Rule 58 mandates that where any claim is preferred to, or any objection is made to the attachment of, any property attached in execution of a decree, the Court executing the decree shall proceed to adjudicate upon the claim or objection.
- This rule was specifically designed to ensure that such claims are not relegated to separate, long-drawn-out civil suits, thereby facilitating a speedy execution of the decree.
- All questions relating to the right, title, or interest in the property attached are to be determined by the executing court itself, not by a separate suit.

**Step 3: Final Answer:**

The executing court has the mandate to adjudicate such claims. Option (D) is correct.

**Quick Tip:** Order XXI Rule 58 is the "all-in-one" provision for attachment objections. The executing court is not just a facilitator; it is also the judge for title claims arising during the execution!

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**39. Which of the following does not fall under the framework of presumption under Section 2 of the Bharatiya Sakshya Adhiniyam, 2023?**

- (A) Unassailable proof
- (B) Shall presume
- (C) Conclusive proof
- (D) May be

**Correct Answer:** (A) Unassailable proof

**Solution:**

**Step 1: Understanding the Concept:**

The Bharatiya Sakshya Adhiniyam (BSA), 2023, defines how courts evaluate the existence of facts through the lens of "presumptions." These are categorized as "May presume," "Shall presume," and "Conclusive proof."

**Step 2: Detailed Explanation:**

- Section 2 of the BSA, 2023, defines the definitions used in the Act.
- "May presume": Gives the court discretion to presume a fact or call for further proof.
- "Shall presume": Compels the court to regard a fact as proved unless and until it is disproved.
- "Conclusive proof": Provides that when one fact is declared to be conclusive proof of another, the court shall not allow evidence to be given for the purpose of disproving it.
- "Unassailable proof" is not a legal term or a category of presumption defined under the BSA, 2023.

**Step 3: Final Answer:**

"Unassailable proof" does not fall under the framework of presumption in the Act. Option (A) is correct.

**Quick Tip:** The three pillars of presumption in the BSA are "May," "Shall," and "Conclusive." If you see "Unassailable," it's an intruder—not a defined category in the law!

40. In the following question, a Statement is followed by two Conclusions, I and II.

**Statement:** Allegations have been made by the Minority Shareholders that ABC's promoters sold the optionally convertible preference shares and redeemable preference shares to a trust controlled by ABC's promoters at prices significantly below their fair market value, thereby causing a financial loss to ABC and its shareholders. What is the recourse for minority shareholders under law?

**Conclusion I:** The Minority Shareholders can file for class action under Section 245 of the Companies Act, 2013, seeking directions from NCLT to either reverse the sale of optionally convertible preference shares and redeemable preference shares or to compensate the Minority Shareholders.

**Conclusion II:** The aggrieved members may proceed individually to protect their rights against acts of oppression or mismanagement under Section 241 of the Companies Act, 2013.

In the context of the above Statement and Conclusions, which one of the following is correct?

- (A) Neither Conclusion I nor II follows
- (B) Both Conclusions I and II follow
- (C) Only Conclusion I follows
- (D) Only Conclusion II follows

**Correct Answer:** (B) Both Conclusions I and II follow

**Solution:**

**Step 1: Understanding the Concept:**

This problem addresses remedies for minority shareholders against promoter malfeasance in

corporate law under the Companies Act, 2013.

**Step 2: Detailed Explanation:**

- Conclusion I refers to Section 245, which provides the mechanism for "Class Action" suits. Shareholders can collectively approach the NCLT to claim damages or seek the reversal of acts that are prejudicial to the company or its members, which directly fits the scenario of undervalued share transfers by promoters.
- Conclusion II refers to Section 241, which allows members to apply to the NCLT for relief in cases of "oppression and mismanagement." This is a well-established remedy for minority shareholders who believe the affairs of the company are being conducted in a manner prejudicial to public interest or their own interests.
- Both sections are valid legal recourses available to minority shareholders in the given circumstances.

**Step 3: Final Answer:**

Since both legal avenues provided in the conclusions are accurate, option (B) is correct.

**Quick Tip:** Remember: "Class Action" (Section 245) is for collective redress, while "Oppression and Mismanagement" (Section 241) is a broader remedy for protecting minority interest. Both are powerful tools for shareholders against promoters!

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**41. Which of the following options correctly states the composition of a Disciplinary Committee of a Bar Council as prescribed under Section 9(1) of the Advocates Act, 1961?**

- (A) Five members — all co-opted from advocates having not less than ten years' standing at the Bar.
- (B) Three members — two elected from the Council's membership and one co-opted advocate possessing the prescribed qualifications, who is not a member of the Council.
- (C) Five members — three elected by the Council and two co-opted senior advocates from outside the Council.
- (D) Three members — all elected by the Council, with the most junior member serving as Chairman.

**Correct Answer:** (B) Three members — two elected from the Council's membership and one co-opted advocate possessing the prescribed qualifications, who is not a member of the Council.

### **Solution:**

#### **Step 1: Understanding the Concept:**

The Advocates Act, 1961, governs the professional ethics and disciplinary procedures for advocates in India. The Disciplinary Committee is the statutory body tasked with hearing and deciding professional misconduct cases.

#### **Step 2: Detailed Explanation:**

- Section 9(1) of the Advocates Act explicitly states that a Bar Council shall constitute one or more Disciplinary Committees, each consisting of three members.
- The composition is strictly defined: two members must be elected by the Council from amongst its members, and one member must be co-opted by the Council from amongst advocates who possess the prescribed qualifications and are not members of the Council.

#### **Step 3: Final Answer:**

This specific structure ensures both internal representation and external/independent perspective. Option (B) is the correct description.

**Quick Tip:** Section 9(1) mandate: "3 members = 2 Elected + 1 Co-opted (non-member)." This ratio is crucial for the independence of the disciplinary proceedings!

---

**42. In accordance with the provisions of the Code of Civil Procedure, 1908, where a court, while examining pleadings, finds certain averments to be unnecessary and capable of prejudicing or delaying the fair trial, the court, in such a case, may:**

- (A) Direct amendment only after trial begins.
- (B) Reject the plaint in entirety.
- (C) Strike out such pleadings at any stage of proceedings.
- (D) Ignore such pleadings without passing any order.

**Correct Answer:** (C) Strike out such pleadings at any stage of proceedings.

### **Solution:**

#### **Step 1: Understanding the Concept:**

Order VI Rule 16 of the CPC, 1908, grants the court the power to "strike out" pleadings that are unnecessary, scandalous, frivolous, or vexatious to ensure a fair and efficient trial.

#### **Step 2: Detailed Explanation:**

- The court has the authority to strike out or amend any matter in any pleading if it is found to be unnecessary, scandalous, or if it tends to prejudice, embarrass, or delay the fair trial of the suit.
- Crucially, this power can be exercised "at any stage of the proceedings." It is not limited to a specific time before the trial begins, allowing the court to maintain procedural order throughout the litigation.

#### **Step 3: Final Answer:**

The correct action is to strike out such pleadings at any stage. Option (C) is the correct answer.

**Quick Tip:** Order VI Rule 16 is the "clean-up" tool for pleadings. If a party litters the record with irrelevant or delay-causing nonsense, the Court has the power to simply strike it out at any point!

---

**43. Under Rule 8 of the Standards of Professional Conduct and Etiquette framed by the Bar Council of India, an advocate is prohibited from appearing before any court, tribunal or authority for or against an organisation or institution of which he is a member of its:**

- (A) General Body
- (B) Advisory Committee
- (C) Sub-Committee
- (D) Executive Committee

**Correct Answer:** (D) Executive Committee

### Solution:

#### Step 1: Understanding the Concept:

The Bar Council of India (BCI) rules are designed to prevent conflicts of interest. An advocate's duty of loyalty to their client must not be compromised by their personal participation in the governance of an organization.

#### Step 2: Detailed Explanation:

- Rule 8 of the Standards of Professional Conduct and Etiquette explicitly states that an advocate should not appear before any court, tribunal, or authority for or against an organization or institution if he is a member of the "Executive Committee" or any other board of management of the same.
- This ensures that an advocate does not have a conflict between their professional duty to the court and their management responsibilities within an institution.

#### Step 3: Final Answer:

The prohibition applies specifically to the Executive Committee, making (D) correct.

**Quick Tip:** Conflict of interest check: If you are on the "Executive Committee" of an organization, you cannot represent it in court! It's a fundamental rule of professional independence.

---

**44. Under the Dowry Prohibition Act, 1961, within how many months from the date of marriage must dowry received before marriage be transferred to the woman?**

- (A) Within six months
- (B) Within three months
- (C) Within five months
- (D) Within seven months

**Correct Answer:** (B) Within three months

### Solution:

#### Step 1: Understanding the Concept:

Section 6 of the Dowry Prohibition Act, 1961, ensures that dowry (defined as property received in connection with marriage) is ultimately held for the benefit of the woman.

#### Step 2: Detailed Explanation:

- Section 6(1) states that where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman:
  - (a) If it was received before marriage, within three months after the date of marriage.
  - (b) If it was received at the time of or after the marriage, within three months after the date of its receipt.
- This provision protects the woman's rights over the property given as dowry.

#### Step 3: Final Answer:

The timeframe stipulated by the Act is within three months from the date of marriage for dowry received before the marriage. Option (B) is correct.

**Quick Tip:** Remember the "Rule of Three": Under the Dowry Prohibition Act, the transfer deadline is always "three months" from the event (marriage or receipt)!

---

**45. Under Section 167 of the Code of Criminal Procedure (CrPC), 1973, 'Default Bail' or statutory bail is a right of the accused if the investigation is not completed:**

- (A) Immediately following the completion of the initial 15-day police custody.
- (B) Upon the expiry of 120 days specifically for offences against the State.
- (C) After a fixed period of 30 days for all types of offences.
- (D) After 60 days or 90 days, contingent upon the maximum punishment prescribed for the offence.

**Correct Answer:** (D) After 60 days or 90 days, contingent upon the maximum punishment prescribed for the offence.

### Solution:

#### Step 1: Understanding the Concept:

Section 167(2) of the CrPC, often called the "Default Bail" provision, is a statutory guarantee that an accused will not be held indefinitely in custody without a charge sheet being filed.

#### Step 2: Detailed Explanation:

- The Magistrate may authorize detention for a total of 90 days if the offense is punishable with death, imprisonment for life, or imprisonment for a term of not less than 10 years.
- For any other offense, the period is 60 days.
- If the investigation agency fails to file a charge sheet within these respective periods, the accused becomes entitled to be released on bail, provided they are prepared to and do furnish bail.

#### Step 3: Final Answer:

Default bail is contingent upon the 60-day or 90-day threshold, making (D) the correct answer.

**Quick Tip:** Default bail (Section 167 CrPC) is an "indefeasible right." Just memorize the rule: 90 days for serious crimes (10+ years/life/death), 60 days for everything else!

---

**46. Which of the following innovative penal measures has been officially incorporated into the sentencing framework under Section 4 of the Bharatiya Nyaya Sanhita (BNS), 2023?**

- (A) Solitary confinement
- (B) Life imprisonment without the possibility of parole
- (C) Compulsory forfeiture of ancestral property
- (D) Community Service

**Correct Answer:** (D) Community Service

### Solution:

#### Step 1: Understanding the Concept:

The Bharatiya Nyaya Sanhita (BNS), 2023, modernizes the penal framework in India by introducing restorative justice principles alongside traditional retributive punishments.

**Step 2: Detailed Explanation:**

- Section 4 of the BNS, 2023, specifically lists the punishments to which offenders are liable under the Sanhita.
- For the first time in Indian criminal law, "Community Service" has been explicitly included as a form of punishment, specifically for petty offenses, reflecting a shift toward reformative rather than purely punitive justice.

**Step 3: Final Answer:**

Community Service is the innovative penal measure incorporated in the BNS. Option (D) is correct.

**Quick Tip:** BNS 2023 = Community Service. This is a major reformative step aimed at decongesting jails for minor offenses by substituting custodial sentences with service to society.

---

**47. Read the following statements and choose the correct option. Statement I: Ossification test is the final test to analyze bone fusion for estimating the age of a juvenile as per law. Statement II: Statutory documents like a birth certificate will be given precedence to determine the juvenile. In the context of the above statements under the Indian Evidence Act, 1872, which one of the following options is correct?**

- (A) Only Statement II is true
- (B) Both Statements I and II are false
- (C) Both Statements I and II are true
- (D) Only Statement I is true

**Correct Answer:** (A) Only Statement II is true

**Solution:**

**Step 1: Understanding the Concept:**

Determining the age of a juvenile (specifically under the Juvenile Justice Act) requires a hierarchy of evidence. The law prioritizes documentary proof over medical examinations.

**Step 2: Detailed Explanation:**

- Statement I is false because the ossification test is not the "final test." It is a supportive/supplementary medical assessment used only when reliable documentary evidence is unavailable.
- Statement II is true. Under the Juvenile Justice (Care and Protection of Children) Act, the hierarchy for age determination mandates that a birth certificate from the school or the municipal authority takes precedence over medical tests like ossification.

**Step 3: Final Answer:**

Only Statement II is true. Option (A) is correct.

**Quick Tip:** Age Determination Hierarchy: (1) Birth Certificate / Matriculation Certificate > (2) Municipal Birth Record > (3) Ossification Test (as a last resort). Never mistake the medical test for the primary evidence!

---

**48. According to the Code of Civil Procedure, 1908, where a suit has abated due to failure to bring legal representatives on record within the prescribed time, the court may set aside such abatement if the plaintiff shows:**

- (A) That decree has not yet been passed.
- (B) Error apparent on the face of record.
- (C) That the defendant had knowledge of death.
- (D) Sufficient cause for not making the application within time.

**Correct Answer:** (D) Sufficient cause for not making the application within time.

**Solution:****Step 1: Understanding the Concept:**

When a party to a suit dies, the suit may "abate" if the legal representatives are not brought on record in time. Order XXII of the CPC provides the procedure to revive such a suit.

**Step 2: Detailed Explanation:**

- Order XXII, Rule 9 of the CPC states that where a suit abates, no fresh suit shall be brought on the same cause of action.
- However, the plaintiff (or person claiming to be a legal representative) may apply to the court to set aside the abatement.
- The court has the discretion to set aside the abatement if it is satisfied that the applicant was prevented by "sufficient cause" from continuing the suit or making the application within the prescribed time.

**Step 3: Final Answer:**

The plaintiff must show "sufficient cause" for the delay. Option (D) is the correct answer.

**Quick Tip:** Order XXII Rule 9 is the remedy for "Abatement." If you miss the timeline to bring legal representatives on record, "Sufficient Cause" is your only way back into the suit!

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**49. Under the Information Technology Act, 2000, the term 'electronic record' includes which of the following? I. Data stored in digital form II. Image or sound stored or transmitted electronically III. Information generated in microfilm or computer-generated microfiche IV. Information recorded only on paper without electronic processing. Which of the above are correct?**

- (A) I, II, III and IV
- (B) I, II and III
- (C) II, III and IV
- (D) I and II

**Correct Answer:** (B) I, II and III

### Solution:

#### Step 1: Understanding the Concept:

Section 2(1)(t) of the Information Technology Act, 2000, provides the definition of "electronic record."

#### Step 2: Detailed Explanation:

- The Act defines an electronic record as data, record, or data generated, image or sound stored, received, or sent in an electronic form or microfilm or computer-generated microfiche.
- Statements I, II, and III are specifically covered by this definition.
- Statement IV is incorrect because information recorded "only on paper without electronic processing" is a traditional document, not an electronic record under the Act.

#### Step 3: Final Answer:

I, II, and III are correct. Option (B) is the correct answer.

**Quick Tip:** Remember: "Electronic record" requires an electronic medium (digital, microfilm, etc.). Anything strictly paper-based without digital processing is just a document, not an electronic record!

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**50. Which of the following is not stated in Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023, with regard to a certificate to verify the authenticity of electronic evidence?**

- (A) Signed by both the person in charge of the computer or communication device and an expert, with the certificate adhering to the format prescribed in the Adhiniyam's Schedule.
- (B) Qualification of an expert.
- (C) The form specified in the Schedule requires that electronic evidence be accompanied by a 'hash value'.
- (D) None of the above

**Correct Answer:** (D) None of the above

### Solution:

#### Step 1: Understanding the Concept:

Section 63 of the Bharatiya Sakshya Adhiniyam (BSA), 2023, deals with the admissibility of electronic records. Section 63(4) significantly modifies the previous certification requirements under the Evidence Act.

#### Step 2: Detailed Explanation:

- Section 63(4) and the corresponding Schedule of the BSA, 2023, introduce more comprehensive certification requirements.
- The Act now mandates that the certificate must be signed by the person in charge and an expert (A), it requires the expert's qualifications (B), and it explicitly requires the 'hash value' of the electronic data (C).
- Since all the listed elements are indeed requirements or components of the certification process under the new Act, none of these options is "not stated."

#### Step 3: Final Answer:

All the provided options are stated or prescribed. Thus, (D) is the correct answer.

**Quick Tip:** The BSA 2023 raises the bar for electronic evidence! Always check for the "Hash Value" and the mandatory "Expert signature" to ensure compliance with the new Schedule.

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**51. The Information Technology Act, 2000, distinguishes between civil liability and criminal liability in cases of misuse of computer resources. In which of the following situations would such conduct attract criminal punishment rather than mere compensation?**

- (A) When the damage to computer resources exceeds a prescribed monetary limit
- (B) When the act is done dishonestly or fraudulently in addition to unauthorised access
- (C) When the affected party chooses to initiate criminal proceedings
- (D) When access to a computer system is without permission, irrespective of intent

**Correct Answer:** (B) When the act is done dishonestly or fraudulently in addition to unauthorised access

### Solution:

#### Step 1: Understanding the Concept:

The IT Act separates "Contraventions" (handled civilly via adjudication) from "Offences" (handled as crimes). Criminal liability requires an element of intent, such as dishonesty or fraud.

#### Step 2: Detailed Explanation:

- Mere unauthorized access may often lead to civil liability (compensation under Section 43).
- However, Chapter XI of the Act specifies criminal offences. For example, hacking under Section 66, or identity theft/cheating under Sections 66C and 66D, requires the act to be committed "dishonestly" or "fraudulently."
- Criminal law focuses on the mens rea (guilty mind), whereas civil liability under the IT Act focuses on the fact of damage or unauthorized access.

#### Step 3: Final Answer:

Dishonest or fraudulent intent elevates the conduct from a civil breach to a criminal offence. Option (B) is correct.

**Quick Tip:** Civil = Compensation (Section 43). Criminal = Intent (Dishonesty/Fraud). If you see "Dishonestly or Fraudulently," it is almost certainly a criminal offence under the IT Act!

---

**52. Under the provisions of Section 362 of the Indian Penal Code (IPC), 1860, which of the following is not a mandatory legal requirement (ingredient) to constitute the offence of 'Abduction'?**

- (A) The employment of physical force or the use of deceitful means
- (B) Compelling or inducing a person to move from one place to another
- (C) The person abducted must be a minor
- (D) The classification of the act as a "continuing offence"

**Correct Answer:** (C) The person abducted must be a minor

### Solution:

#### Step 1: Understanding the Concept:

Section 362 of the IPC defines abduction as compelling or inducing someone to move from one place to another by force or deceit. It is distinct from kidnapping, which often involves specific age requirements.

#### Step 2: Detailed Explanation:

- Section 362 does not specify that the person abducted must be a minor. Any person—adult or minor—can be the subject of abduction if the necessary force or deceit is used.
- Options (A) and (B) are the core ingredients of the section (force/deceit and moving from one place to another).
- Abduction is generally regarded as a continuing offence (Option D) because the act of moving the person continues as long as the person is in the control of the abductor.

#### Step 3: Final Answer:

The age of the person is not a requirement for abduction. Therefore, (C) is the correct answer.

**Quick Tip:** "Kidnapping" (from lawful guardianship) often involves minors, but "Abduction" (Section 362) applies to anyone. If the question asks for a "mandatory ingredient," remember that "minority" is NOT one of them!

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53. A contracts with B to construct a cold storage facility for 50 lakh within 6 months. After the expiry of the time period, B fails to perform the contract. A immediately hires C to complete the construction at 60 lakh and later files a suit against B claiming 10 lakh as the additional cost incurred. Which of the following statements is correct under the Specific Relief Act, 1963?

- (A) A must sue only for damages and not substituted performance.
- (B) A cannot recover the cost because A did not give B prior notice.
- (C) A can recover 10 lakh because B breached the contract.
- (D) A can recover only if the court first declares B guilty of breach.

**Correct Answer:** (B) A cannot recover the cost because A did not give B prior notice.

### Solution:

#### Step 1: Understanding the Concept:

The Specific Relief Act, 1963 (amended in 2018), introduced the concept of "substituted performance" under Section 20.

#### Step 2: Detailed Explanation:

- Section 20(2) of the Act mandates that if a party seeks substituted performance (hiring a third party like 'C' to do the work), they must first provide a written notice to the party in default (B) requiring them to perform within a period of not less than 30 days.
- If the party (A) fails to provide this prior notice, they lose the statutory right to recover the additional costs incurred from the defaulting party (B).

#### Step 3: Final Answer:

Since 'A' did not give the mandatory notice required by the Act, 'A' cannot recover the additional 10 lakh. Option (B) is correct.

**Quick Tip:** Section 20 is the "Substituted Performance" section. The magic number is "30 days"—you MUST give the defaulter 30 days' notice before hiring someone else if you want to recover the extra cost!

---

#### 54. Mandatory PUC Certificate is provided under which Section and Rule?

- (A) Section 177(3) of the Motor Vehicles Act, 1988 and Rules 117 and 118 of the Centre Motor Vehicles Rules, 1989
- (B) Section 190(2) of the Motor Vehicles Act, 1988 and Rules 115 and 116 of the Centre Motor Vehicles Rules, 1989
- (C) Section 160(1) of the Motor Vehicles Act, 1988 and Rules 109 and 110 of the Centre Motor Vehicles Rules, 1989
- (D) Section 120(4) of the Motor Vehicles Act, 1988 and Rules 121 and 122 of the Centre Motor Vehicles Rules, 1989

**Correct Answer:** (B) Section 190(2) of the Motor Vehicles Act, 1988 and Rules 115 and 116 of the Central Motor Vehicles Rules, 1989

**Solution:**

**Step 1: Understanding the Concept:**

Pollution Under Control (PUC) certificates are a mandatory requirement for motor vehicles in India to ensure compliance with emission standards.

**Step 2: Detailed Explanation:**

- Section 190(2) of the Motor Vehicles Act, 1988, stipulates the penalties and requirements for vehicles failing to comply with emission standards.
- Rule 115 of the Central Motor Vehicles Rules (CMVR), 1989, provides the specific technical requirements for emission standards, and Rule 116 details the requirement for the PUC certificate.

**Step 3: Final Answer:**

The legal basis is Section 190(2) of the Act and Rules 115/116 of the CMVR. Option (B) is the correct answer.

**Quick Tip:** Remember: Rule 115/116 = PUC. If your vehicle doesn't have a valid certificate as per Rule 116, you are in violation of the emission standards set out in Rule 115!

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**55. Judicial intervention in arbitration proceedings is limited under Section 5 of the Arbitration and Conciliation Act, 1996. In which of the following situations may a court intervene?**

- (A) When both parties request supervision of proceedings.
- (B) When the Act expressly permits such intervention.
- (C) When procedural irregularity is alleged without specific provision under the Act.
- (D) When the court considers the award unjust on facts.

**Correct Answer:** (B) When the Act expressly permits such intervention.

### Solution:

#### Step 1: Understanding the Concept:

Section 5 of the Arbitration and Conciliation Act, 1996, embodies the principle of "minimum judicial intervention." It mandates that no judicial authority shall intervene in arbitration matters except where so provided in Part I of the Act.

#### Step 2: Detailed Explanation:

- The arbitration process is designed to be autonomous. Therefore, court intervention is not a matter of party request (A) or the court's subjective view on justice (D).
- Intervention is strictly permissible only when specific sections of the Act (such as Section 9 for interim measures or Section 34 for challenging an award) expressly authorize it.

#### Step 3: Final Answer:

The court can intervene only when the Act expressly permits such intervention. Option (B) is correct.

**Quick Tip:** Section 5 is the "Non-Interference" rule. Unless you can point to a specific section in the Act that allows for judicial action, the Court has no jurisdiction to step into an arbitration proceeding!

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56. Which of the following statements are correct with reference to withdrawal and abandonment of suits under the Code of Civil Procedure, 1908? I. A plaintiff may withdraw or abandon a suit subject to the provisions of law. II. Institution of a fresh suit on the same cause of action requires permission of the court. III. Withdrawal of a suit without permission of the court to institute a fresh suit bars a subsequent suit on the same cause of action. IV. The court must grant permission whenever such request is made. Which of the above statements are correct?

- (A) I, II, III and IV
- (B) I, II and III
- (C) I, III and IV
- (D) II, III and IV

**Correct Answer:** (B) I, II and III

**Solution:**

**Step 1: Understanding the Concept:**

Order XXIII, Rule 1 of the CPC governs the withdrawal and abandonment of suits.

**Step 2: Detailed Explanation:**

- Statements I, II, and III are correct summaries of the law: A plaintiff can withdraw a suit (I), permission is required for a fresh suit on the same cause of action (II), and failing to obtain such permission bars a fresh suit (III).
- Statement IV is incorrect because the court has judicial discretion. Permission is not granted as a matter of right but is based on "sufficient grounds" or a "formal defect."

**Step 3: Final Answer:**

Statements I, II, and III are correct. Option (B) is the correct answer.

**Quick Tip:** Order XXIII Rule 1: Withdrawal is a choice, but fresh litigation is a privilege that requires Court permission. The Court's discretion is key here, not the plaintiff's whim!

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**57. Under the provisions of the Code of Civil Procedure, 1908, where a decree is passed against multiple defendants, one of whom was not served with summons and had no opportunity to contest, such a defendant may seek relief:**

- (A) Only through an appeal against decree.
- (B) By applying for setting aside the ex-parte decree.
- (C) Only through review before the same court.
- (D) Only by filing a separate suit.

**Correct Answer:** (B) By applying for setting aside the ex-parte decree.

**Solution:**

**Step 1: Understanding the Concept:**

When a defendant is not served with a summons, the trial court lacks jurisdiction over them, making any resulting decree "ex-parte" and liable to be set aside.

**Step 2: Detailed Explanation:**

- Order IX, Rule 13 of the CPC specifically provides the remedy for a defendant against whom an ex-parte decree has been passed.
- A defendant who proves that summons were not duly served or that they were prevented by sufficient cause from appearing when the suit was called on for hearing may apply to the court by which the decree was passed for an order to set it aside.

**Step 3: Final Answer:**

The appropriate remedy is to apply to set aside the ex-parte decree. Option (B) is correct.

**Quick Tip:** Order IX Rule 13 is your remedy for an ex-parte decree! Lack of service is a fundamental violation of natural justice, making setting aside the decree the standard procedural recourse.

---

**58. Under Section 35B of the Code of Civil Procedure, 1908, where a party fails to take a step required by the court on the date fixed, the court may:**

- (A) Grant adjournment as a matter of right.
- (B) Dismiss the suit.
- (C) Impose costs on the defaulting party.
- (D) Proceed ex-parte against the defaulting party.

**Correct Answer:** (C) Impose costs on the defaulting party.

**Solution:****Step 1: Understanding the Concept:**

Section 35B of the CPC is a disciplinary provision designed to discourage unnecessary delays by parties in conducting their cases, thereby ensuring the speedy trial of suits.

**Step 2: Detailed Explanation:**

- Section 35B provides that if any party to a suit fails to take a step which they were required to take by the court on a date fixed, the court may impose "costs" upon such party.
- These costs are to be paid to the other party to compensate them for the delay and the wasted time of the court.
- The objective is not to penalize the party by dismissal, but to ensure procedural compliance through financial deterrents.

**Step 3: Final Answer:**

The court is empowered to impose costs for such procedural delays. Option (C) is the correct answer.

**Quick Tip:** Think of Section 35B as the "delay penalty." If you aren't ready with your required steps on the scheduled date, the court hits your pocketbook with costs, not necessarily the case itself!

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**59. Under Article 143 of the Constitution of India, the President may seek the opinion of the Supreme Court on questions of law or fact of public importance. The opinion rendered by the Court in such a reference is generally regarded as:**

- (A) Advisory in nature and not strictly binding
- (B) Equivalent to a decree of the Court
- (C) A binding precedent under Article 141
- (D) Enforceable through contempt jurisdiction

**Correct Answer:** (A) Advisory in nature and not strictly binding

**Solution:****Step 1: Understanding the Concept:**

Article 143 constitutes the "Advisory Jurisdiction" of the Supreme Court, allowing the President of India to consult the Court on significant public matters.

**Step 2: Detailed Explanation:**

- By definition, an "advisory opinion" is meant to guide the executive branch.
- While these opinions hold immense persuasive value and are highly respected by other courts and the government, they are not strictly binding as a judicial decree or a final judgment in a case (though they effectively shape law).
- Because it arises from a consultation and not a contentious dispute between parties, it lacks the formal status of a binding judgment under Article 141, although in practice, it is rarely disregarded.

**Step 3: Final Answer:**

The opinion is advisory in nature. Option (A) is correct.

**Quick Tip:** Article 143 = Advisory Jurisdiction. It's the Court's way of giving expert legal advice to the President; it's high-level guidance, not a court order or a decree!

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**60. On which specific date did the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, officially come into force, replacing the Code of Criminal Procedure, 1973?**

- (A) July 1, 2024
- (B) January 1, 2024
- (C) December 25, 2023
- (D) August 15, 2023

**Correct Answer:** (A) July 1, 2024

**Solution:****Step 1: Understanding the Concept:**

The criminal justice system in India underwent a major overhaul with the replacement of the IPC, CrPC, and the Indian Evidence Act with the BNS, BNSS, and BSA, respectively.

**Step 2: Detailed Explanation:**

- The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, was enacted to modernize criminal procedural law.
- The Government of India notified the date of commencement for the new criminal laws (BNSS, BNS, and BSA) as July 1, 2024.
- Consequently, the Code of Criminal Procedure, 1973, stood repealed from this date.

**Step 3: Final Answer:**

The effective date of commencement was July 1, 2024. Option (A) is correct.

**Quick Tip:** July 1, 2024: Mark this date! It is the "New Era" for Indian criminal procedure. The old CrPC is history, and the BNSS is the new procedural guidebook.

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**61. According to Section 10(37), of the Income-tax Act, 1961, compensation is received by an individual on compulsory acquisition of agricultural land which had been used for agricultural purposes by him prior to acquisition. What is the correct legal position?**

- (A) It is always taxable under the Act.
- (B) It is exempt, subject to fulfilment of prescribed conditions.
- (C) It is taxable as business income.
- (D) It is taxable only if it exceeds a prescribed limit.

**Correct Answer:** (B) It is exempt, subject to fulfilment of prescribed conditions.

**Solution:**

**Step 1: Understanding the Concept:**

Section 10(37) of the Income-tax Act provides a specific exemption for capital gains arising from the compulsory acquisition of urban agricultural land, provided certain criteria are met.

**Step 2: Detailed Explanation:**

- To qualify for this exemption, the land must have been used for agricultural purposes by the individual or their parent for at least two years immediately preceding the date of transfer.

- The transfer must be by way of compulsory acquisition under any law or a transfer where the consideration is approved by the Central Government or Reserve Bank of India.
- If these conditions are satisfied, the capital gains are exempt from income tax.

**Step 3: Final Answer:**

The compensation is exempt from tax, provided the prescribed conditions are fulfilled. Option (B) is correct.

**Quick Tip:** Section 10(37) = Agricultural Land Exemption. If the land is "urban" but was used for "farming" for 2+ years before it was compulsorily taken, the tax man won't touch the capital gains!

---

62. Which of the following is not a document as per the Bharatiya Sakshya Adhiniyam, 2023?

- (A) Caricature
- (B) Private papers
- (C) Inscription
- (D) Map

**Correct Answer:** (D) Map

**Solution:**

**Step 1: Understanding the Concept:**

The definition of "document" under the BSA, 2023, aligns with the traditional definition under the Indian Evidence Act, covering any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means.

**Step 2: Detailed Explanation:**

- The definition explicitly includes writing, maps, plans, caricatures, inscriptions, and other graphical representations as documents.
- Wait, the question asks which is not a document. Let us re-examine the legal definition. Under the BSA, maps, plans, and caricatures are all listed as examples of documents.

- Correction: Upon reviewing the standard definition in the Act, all four options (Caricature, Private papers, Inscription, Map) are actually considered documents. If this is a multiple-choice question where one must be selected as "not" a document, please note that legally, all of these qualify.

**Step 3: Final Answer:**

Since the law explicitly defines caricatures, inscriptions, and maps as documents, and private papers clearly qualify, there may be a technical error in the question's premise. However, based on the statutory definition provided in the BSA, all listed items are documents.

**Quick Tip:** "Document" = Anything with meaning expressed on a surface! If it's a map, a caricature, an inscription, or a paper, the law treats it as a "document" for evidence purposes.

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**63. The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has introduced a specific timeframe for the delivery of a judgment after the conclusion of arguments. What is that timeframe?**

- (A) Within 90 days, provided the reasons for delay are recorded
- (B) Within a strict period of 15 days
- (C) Within 30 days (extendable to 45 days)
- (D) Within 60 days from the date of reserving the order

**Correct Answer:** (C) Within 30 days (extendable to 45 days)

**Solution:**

**Step 1: Understanding the Concept:**

The BNSS, 2023, aims to reduce pendency in courts by mandating strict timelines for the pronouncement of judgments in criminal trials.

**Step 2: Detailed Explanation:**

- Under the BNSS, the court is mandated to deliver a judgment within 30 days from the date of conclusion of arguments.

- This period can be extended for a further period of 15 days, but only if the court records the specific reasons for the delay, making it a total of 45 days in certain circumstances.

**Step 3: Final Answer:**

The timeframe is 30 days, extendable to 45 days. Option (C) is correct.

**Quick Tip:** BNSS Judgement Rule:  $30 + 15 = 45$ . Judges now have a maximum of 45 days (with recorded reasons) to deliver their final verdict after arguments conclude!

---

**64. Under which specific provision of the Bharatiya Nyaya Sanhita (BNS), 2023, has the definition of a 'Terrorist Act' been formally integrated into India's general penal legislation for the first time?**

- (A) Section 121
- (B) Section 152
- (C) Section 113
- (D) Section 109

**Correct Answer:** (C) Section 113

**Solution:**

**Step 1: Understanding the Concept:**

The BNS, 2023, marks a significant shift by incorporating terrorism-related offences directly into general criminal law, which were previously governed by special statutes like the UAPA (Unlawful Activities Prevention Act).

**Step 2: Detailed Explanation:**

- Section 113 of the BNS defines a "Terrorist Act." This is a landmark shift as it codifies offences relating to terrorism, such as acts causing death, injuries, or damage to property with the intent to threaten the unity, integrity, or security of India, within the main penal code.

**Step 3: Final Answer:**

The definition is integrated under Section 113. Option (C) is correct.

**Quick Tip:** BNS Section 113 is the new home for "Terrorist Act" definitions! It bridges the gap between special laws and general criminal legislation.

**65. Under the Special Marriage Act, 1954, what is the maximum fine that may be imposed for printing or publishing matter in contravention of provisions relating to in-camera proceeding?**

- (A) Fine up to five hundred rupees
- (B) Fine up to five thousand rupees
- (C) Fine up to one thousand rupees
- (D) Fine up to two thousand rupees

**Correct Answer:** (C) Fine up to one thousand rupees

**Solution:**

**Step 1: Understanding the Concept:**

Section 33 of the Special Marriage Act, 1954, deals with the prohibition of publication of reports of proceedings held in-camera to protect the privacy of the parties.

**Step 2: Detailed Explanation:**

- Section 33 states that if any person prints or publishes any matter in contravention of the provision relating to the court proceedings being held in private (in-camera), they shall be punishable with a fine which may extend up to one thousand rupees.

**Step 3: Final Answer:**

The maximum fine is one thousand rupees. Option (C) is correct.

**Quick Tip:** Privacy is paramount in Special Marriage Act proceedings. Publication of in-camera details is a strict "no-go," punishable by a fine of up to 1,000!

---

66. According to Section 56(2)(x), of the Income-tax Act, 1961, if an individual receives a sum of money, without consideration, from a person other than a relative, and the amount exceeds the prescribed limit. What is the correct legal position?

- (A) It is taxable only if received in cash.
- (B) It is fully exempt from tax.
- (C) It is taxable under the head 'Income from Other Sources'.
- (D) It is treated as a capital receipt and is not taxable.

**Correct Answer:** (C) It is taxable under the head 'Income from Other Sources'.

**Solution:**

**Step 1: Understanding the Concept:**

Section 56(2)(x) of the Income-tax Act is a "deeming provision" (an anti-abuse provision) designed to prevent the laundering of unaccounted money through gifts.

**Step 2: Detailed Explanation:**

- This section provides that if an individual receives any sum of money exceeding 50,000 during a financial year without consideration from a non-relative, the entire amount is taxable as income in the hands of the receiver.
- This income falls specifically under the residuary head of income: "Income from Other Sources."

**Step 3: Final Answer:**

Such receipts are taxable under 'Income from Other Sources', making (C) the correct position.

**Quick Tip:** Section 56(2)(x) = The "Gift Tax" trap. Any non-relative "gift" over 50,000 is fully taxable as "Income from Other Sources." Always check your relative status before accepting gifts!

---

67. In the following question, a Statement is followed by two Conclusions, I and II. Statement: Section 5 of the Minimum Wages Act, 1948 gives a detailed procedure for fixing or revising minimum wages in respect of any scheduled employment. After considering the advice of the

committees appointed, and all representations received by it before the date notified in the Gazette notification, the appropriate Government may by notification in the official gazette, fix or revise the minimum rates of wages. **Conclusion I:** If a date is specified in the notification, the minimum rates shall come into force from such date. **Conclusion II:** If no date is specified, then they shall come into force from the expiry of three months from the date of issue of the notification. In the context of the above Statement and Conclusions, which one of the following is correct?

- (A) Only Conclusion II follows
- (B) Only Conclusion I follows
- (C) Both Conclusions I and II follow
- (D) Neither Conclusion I nor II follows

**Correct Answer:** (C) Both Conclusions I and II follow

**Solution:**

**Step 1: Understanding the Concept:**

This question pertains to Section 5(2) of the Minimum Wages Act, 1948, which governs the enforcement and effective date of government notifications regarding wage revisions.

**Step 2: Detailed Explanation:**

- Section 5(2) of the Act clearly stipulates that the notification for wage revision shall specify the date on which it comes into force.
- It further mandates that if no such date is specified, the notification shall come into force on the expiry of three months from the date of its issue.
- Both conclusions accurately reflect the statutory provisions of Section 5(2).

**Step 3: Final Answer:**

Both conclusions follow logically and legally from the Act. Option (C) is correct.

**Quick Tip:** Remember the "Three-Month Default" rule: Minimum wage notifications are effective from the date they say, but if they forget a date, the law automatically defaults to an expiry of three months!

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68. Under the Code of Criminal Procedure (CrPC), 1973, which specific provision provides the legal definition for a 'Bailable Offence'?

- (A) Section 2(x)
- (B) Section 2(h)
- (C) Section 2(c)
- (D) Section 2(a)

**Correct Answer:** (D) Section 2(a)

**Solution:**

**Step 1: Understanding the Concept:**

Section 2 of the CrPC, 1973, is the "definitions" section, laying the groundwork for interpreting the entire Code.

**Step 2: Detailed Explanation:**

- Section 2(a) of the CrPC defines "bailable offence" as an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force.
- Section 2(c) defines "cognizable offence," while other sub-clauses define various other terms.

**Step 3: Final Answer:**

Section 2(a) is the correct provision for the definition of bailable offence. Option (D) is correct.

**Quick Tip:** Alphabetical trick: "A" for "A" (a) in Section 2(a) stands for "bailable" (the first thing you want to know in criminal law is usually about bail!).

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69. **Directions:** The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A). **Assertion (A):** Income-tax is levied on the total income of a person for the previous year. **Reason (R):** Income earned during the previous year is

**assessed to tax in the immediately succeeding assessment year under the Income-tax Act, 1961.**

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

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

**Solution:**

**Step 1: Understanding the Concept:**

The fundamental structure of the Income-tax Act, 1961, relies on the distinction between the "Previous Year" (when income is earned) and the "Assessment Year" (when it is taxed).

**Step 2: Detailed Explanation:**

- Assertion (A) is true: Tax is indeed levied on the total income of a person earned during the previous year.
- Reason (R) is true: Under the scheme of the Act, income earned in the previous year is assessed and taxed in the following year, known as the Assessment Year.
- The reason (R) explains why the income of the previous year is the base for taxation—because the Act prescribes that the assessment occurs in the following year. Therefore, (R) correctly explains (A).

**Step 3: Final Answer:**

Both statements are true and (R) explains (A). Option (D) is correct.

**Quick Tip:** Previous Year = The Year of Earning. Assessment Year = The Year of Taxing. This relationship is the bedrock of India's taxation system!

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**70. Under the Bharatiya Nyaya Sanhita (BNS), 2023, 'Forfeiture of Property' is listed as a punishment. In which specific case is this most commonly applied?**

- (A) Instances of minor or petty theft
- (B) Organized Crime (Section 111)
- (C) Cases of rash or negligent driving
- (D) Offences involving simple hurt or minor physical injury

**Correct Answer:** (B) Organized Crime (Section 111)

**Solution:**

**Step 1: Understanding the Concept:**

The BNS, 2023, incorporates "Forfeiture of Property" as a penal measure to target the illicit financial gains derived from serious criminal activities, particularly organized crime.

**Step 2: Detailed Explanation:**

- Section 111 of the BNS, 2023, specifically defines Organized Crime. It empowers the court to order the forfeiture of property derived from, or involved in, such activities.
- This is a strategic penal measure designed to dismantle the economic foundation of criminal syndicates, which is not applicable to petty offences or minor injuries.

**Step 3: Final Answer:**

The forfeiture of property is primarily and most commonly linked to Organized Crime. Option (B) is correct.

**Quick Tip:** Forfeiture = Removing the "fruits of crime." If you engage in Organized Crime (Section 111), the BNS empowers the law to take away the assets you built with illegal gains!

---

**71. An assessee pays a medical insurance premium for himself and his family and claims a deduction while computing total income. What is the correct position under the Income Tax Act, 1961?**

- (A) Deduction is allowed without any monetary limit
- (B) Deduction is allowed only for senior citizens
- (C) Deduction is not permitted in such cases

(D) Deduction is allowed subject to prescribed limits and conditions

**Correct Answer:** (D) Deduction is allowed subject to prescribed limits and conditions

**Solution:**

**Step 1: Understanding the Concept:**

Section 80D of the Income Tax Act, 1961, provides for deductions in respect of health insurance premiums paid by an individual.

**Step 2: Detailed Explanation:**

- Section 80D allows an individual to claim a deduction for medical insurance premiums paid for themselves, their spouse, and dependent children.
- This deduction is not unlimited; it is subject to specific monetary caps depending on the age of the individuals (e.g., higher limits for senior citizens) and the mode of payment (must be through non-cash methods).

**Step 3: Final Answer:**

The deduction is allowed subject to prescribed limits and conditions specified under Section 80D. Option (D) is correct.

**Quick Tip:** Section 80D = Health Insurance Deduction. Always check the "limit" (it varies by age) and remember that "Cash" payments are generally not allowed for this deduction!

---

**72. Under the Dowry Prohibition Act, 1961, what is the minimum term of imprisonment prescribed for giving or taking dowry?**

- (A) Not less than three years
- (B) Not less than seven years
- (C) Not less than ten years
- (D) Not less than five years

**Correct Answer:** (D) Not less than five years

### Solution:

#### Step 1: Understanding the Concept:

Section 3 of the Dowry Prohibition Act, 1961, deals with the penalty for giving or taking dowry.

#### Step 2: Detailed Explanation:

- According to Section 3 of the Act, if any person gives, takes, or abets the giving or taking of dowry, they shall be punishable with imprisonment for a term which shall not be less than five years (Note: Following the 1986 amendment, the term was increased).
- However, based on the options provided and the standard interpretation of the original Act's threshold, "not less than five years" is the statutory requirement under current law.
- Correction: Upon checking the current statutory provision (Section 3), the minimum imprisonment is "not less than five years." Since option (D) states five years, that is the most accurate reflection of the current law.

#### Step 3: Final Answer:

The minimum term of imprisonment is not less than five years. Thus, option (D) is correct.

**Quick Tip:** The "Five-Year Rule": The 1986 amendment to the Dowry Prohibition Act made the law stricter, raising the minimum mandatory sentence for giving or taking dowry to five years!

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**73. “The rules of natural justice were not confined to the narrow precincts of the prevailing definition of quasi-judicial functions.” This principle was laid down in which case?**

- (A) A.K. Kraipak v. Union of India AIR 1970 SC 150
- (B) Ridge v. Baldwin (1964) A.C. 40
- (C) Maradana Mosque Trustees v. Mahmud (1967) (1) A.C. 13
- (D) Conway v. Rimmer (1968) A.C. 910

**Correct Answer:** (A) A.K. Kraipak v. Union of India AIR 1970 SC 150

### Solution:

#### Step 1: Understanding the Concept:

This landmark Indian Supreme Court judgment revolutionized Administrative Law by expanding the scope of "Natural Justice" beyond the strict, formal boundaries of "quasi-judicial" acts to include administrative actions.

#### Step 2: Detailed Explanation:

- Before A.K. Kraipak, the prevailing view was that natural justice rules only applied to bodies performing quasi-judicial functions.
- The Supreme Court in this case declared that the distinction between quasi-judicial and administrative acts was becoming blurred and that natural justice must apply to administrative processes to ensure fairness and prevent arbitrariness.

#### Step 3: Final Answer:

The principle was laid down in A.K. Kraipak v. Union of India. Option (A) is correct.

**Quick Tip:** "Kraipak" = Breaking the wall! It broke the wall between quasi-judicial and administrative functions, making "Fairness" the universal requirement for all state actions.

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74. Under the Constitution of India, consider the following statements in the context of constitutional amendments: I. Judicial review extends to constitutional amendments. II. Laws inserted into the Ninth Schedule after 24th April, 1973 remain open to scrutiny for violation of the basic structure. III. Parliament's amending power under Article 368 is unlimited. Which of the above statements is/are correct?

- (A) I and II
- (B) II and III
- (C) I only
- (D) I, II and III

**Correct Answer:** (A) I and II

### Solution:

#### Step 1: Understanding the Concept:

The "Basic Structure Doctrine" established in Kesavananda Bharati (1973) serves as the primary limitation on Parliament's power to amend the Constitution.

#### Step 2: Detailed Explanation:

- Statement I is correct: Since I.R. Coelho v. State of Tamil Nadu (2007), it is established that the judiciary can review constitutional amendments to ensure they do not violate the basic structure.
- Statement II is correct: The Supreme Court (in I.R. Coelho) ruled that while the Ninth Schedule provides immunity, laws added to it after the date of the Kesavananda Bharati judgment (24 April 1973) are not immune from basic structure scrutiny.
- Statement III is incorrect: Parliament's power under Article 368 is not unlimited; it is subject to the limitation of not destroying the basic structure of the Constitution.

#### Step 3: Final Answer:

Statements I and II are correct. Option (A) is correct.

**Quick Tip:** Remember the "Basic Structure" threshold: April 24, 1973 (Kesavananda Bharati date) is the "cut-off." Post-1973, everything in the Ninth Schedule is open to judicial challenge!

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**75. Which of the following is included in the Central Government's power under Section 3(2)(ii) of the Environment (Protection) Act, 1986?**

- (A) Planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution
- (B) Laying down standards for the quality of the environment in its various aspects
- (C) Collection and dissemination of information in respect of matters relating to environmental pollution
- (D) Carrying out and sponsoring investigations and research relating to problems of environmental pollution

**Correct Answer:** (B) Laying down standards for the quality of the environment in its various aspects

**Solution:**

**Step 1: Understanding the Concept:**

Section 3 of the Environment (Protection) Act, 1986, details the powers of the Central Government to take measures for protecting and improving the environment.

**Step 2: Detailed Explanation:**

- Section 3(2)(ii) explicitly empowers the Central Government to "lay down standards for the quality of the environment in its various aspects."
- Other options relate to different subsections of Section 3 (e.g., Section 3(2)(i) covers nation-wide programmes, Section 3(2)(iii) covers investigations/research, and Section 3(2)(iv) covers information dissemination).

**Step 3: Final Answer:**

Section 3(2)(ii) relates to laying down quality standards. Option (B) is correct.

**Quick Tip:** Section 3(2)(ii) = Quality Standards! If the government is setting permissible limits for air/water/noise quality, they are acting under this specific subsection.

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**76. Under the Parsi Marriage and Divorce Act, 1936, for what duration can maintenance be awarded?**

- (A) For a fixed term not exceeding ten years
- (B) For a maximum of five years only
- (C) For a term not exceeding the life of the plaintiff
- (D) For a period determined solely by the Registrar

**Correct Answer:** (C) For a term not exceeding the life of the plaintiff

### **Solution:**

#### **Step 1: Understanding the Concept:**

Section 40 of the Parsi Marriage and Divorce Act, 1936, provides for the award of alimony and maintenance to the wife (or the husband, in certain circumstances) in suits brought under the Act.

#### **Step 2: Detailed Explanation:**

- The court has the power to order the defendant to pay for the maintenance and support of the plaintiff.
- The statutory provision explicitly states that such payment may be for any term not exceeding the life of the plaintiff, subject to the plaintiff remaining chaste and unmarried.

#### **Step 3: Final Answer:**

The court can order maintenance for a term not exceeding the life of the plaintiff. Option (C) is correct.

**Quick Tip:** Parsi Marriage Act Rule: Maintenance is intended to support the plaintiff throughout their life, provided they remain unmarried and chaste. It is not limited to a short, fixed period of years!

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77. A, an 18-year-old adult of sound mind, executes a written instrument in favour of B stating, "I promise to pay B 75,000 on 1st April next year." A is fully competent, has signed the note, and the instrument contains all essential elements of a promissory note. B sues A for recovery after 1st April when A defaults. Examine the correct legal position.

- (A) The promissory note is voidable at A's option since A is only 18 years of age.
- (B) The promissory note is void because it does not mention the consideration.
- (C) The promissory note is valid; A is liable to pay B.
- (D) The promissory note is valid only if a third party signs as witness.

**Correct Answer:** (C) The promissory note is valid; A is liable to pay B.

### **Solution:**

#### **Step 1: Understanding the Concept:**

Under the Indian Majority Act, 1875, and the Indian Contract Act, 1872, an 18-year-old is a major and fully competent to contract.

#### **Step 2: Detailed Explanation:**

- A person who has attained the age of 18 is legally an adult (major). A contract entered into by a major of sound mind is legally binding.
- A promissory note under the Negotiable Instruments Act, 1881, does not require the mention of consideration on its face to be valid, as consideration is presumed by law.
- No witness is required for the validity of a promissory note between the maker and the payee.

#### **Step 3: Final Answer:**

The note is valid, and A is liable. Option (C) is correct.

**Quick Tip:** Age of Majority = 18! Once you turn 18, you are fully responsible for your contracts. Also, remember: Promissory notes don't need witness signatures to be legally enforceable!

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**78. Which of the following is not included in “The Industrial Relations Code, 2020”?**

- (A) Industries (Development and Regulation) Act, 1951 (IDR Act)
- (B) Industrial Disputes Act, 1947
- (C) Trade Unions Act, 1926
- (D) Industrial Employment (Standing Orders) Act, 1946

**Correct Answer:** (A) Industries (Development and Regulation) Act, 1951 (IDR Act)

### **Solution:**

#### **Step 1: Understanding the Concept:**

The Industrial Relations Code, 2020, was enacted to consolidate and simplify three major

existing labour laws.

**Step 2: Detailed Explanation:**

- The Code consolidates: (1) The Industrial Disputes Act, 1947; (2) The Trade Unions Act, 1926; and (3) The Industrial Employment (Standing Orders) Act, 1946.
- The Industries (Development and Regulation) Act, 1951, focuses on industrial licensing and regulation of production capacity, not industrial relations between employers and employees; thus, it is not part of this Code.

**Step 3: Final Answer:**

The IDR Act is not included in the Code. Option (A) is correct.

**Quick Tip:** The Code "consolidates 3": Disputes, Unions, and Standing Orders. If you see the "IDR Act" (licensing), it's the odd one out!

---

**79. "Administrative law is the law concerning the powers and procedures of administrative agencies, including especially the law governing judicial review of administrative action." This definition was given by:**

- (A) Ivor Jennings
- (B) H.W.R. Wade
- (C) A.V. Dicey
- (D) K.C. Davis

**Correct Answer:** (D) K.C. Davis

**Solution:**

**Step 1: Understanding the Concept:**

Administrative Law scholars have defined the subject differently based on their focus on either the "powers" of agencies or the "control" mechanisms (like judicial review).

**Step 2: Detailed Explanation:**

- Kenneth Culp Davis, a preeminent American jurist, defined Administrative Law with a focus on administrative agencies and the judicial review of their actions.
- A.V. Dicey, by contrast, focused on the "rule of law" and the immunity of state officials. Ivor Jennings and H.W.R. Wade offered broader or more process-oriented definitions.

**Step 3: Final Answer:**

This specific definition is attributed to K.C. Davis. Option (D) is correct.

**Quick Tip:** When you see "Administrative Agencies" + "Judicial Review" in the same definition, think of K.C. Davis. His American-influenced approach is famous for this concise framing!

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**80. Under the Code of Civil Procedure, 1908, where a suit is instituted against a person who is subsequently found to have been wrongly impleaded as a defendant, the court may:**

- (A) Direct the plaintiff to institute a fresh suit.
- (B) Permit substitution or addition of the proper defendant.
- (C) Return the plaint on the ground of mis-joinder of parties.
- (D) Dismiss the suit as not maintainable.

**Correct Answer:** (B) Permit substitution or addition of the proper defendant.

**Solution:****Step 1: Understanding the Concept:**

Order I, Rule 10 of the CPC, 1908, provides the court with the power to correct errors in the parties to a suit to ensure that the real question in controversy can be effectively determined.

**Step 2: Detailed Explanation:**

- Under Order I, Rule 10(2), the Court may, at any stage of the proceedings, either upon or without the application of either party, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and the name of any person who ought to

have been joined, or whose presence before the Court is necessary, be added.

- This ensures that a suit does not fail merely due to a "mis-joinder" or "non-joinder" of parties.

### Step 3: Final Answer:

The court's power is to permit substitution or addition to fix the parties. Option (B) is correct.

**Quick Tip:** Order I Rule 10 is the "Correction Tool." If you sue the wrong person, the Court doesn't throw out the suit; it lets you swap or add the correct party!

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**81. Directions:** The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A). Assertion (A): The respondent was engaged as a Safai Karamchari in a charitable trust. The dispute originated when he was terminated due to repeated absence from duty. The trust challenged the award on the grounds that it was not an 'industry' under Section 2(j) of the Industrial Disputes Act, 1947, and therefore the worker was not a workman, making Section 25-F inapplicable. Reason (R): The trust engaged in multifarious activities including commercial ventures and hired employees for commercial and charitable activities in an organized manner with proper remuneration. In the context of the above Assertion and Reason under the Industrial Disputes Act, 1947, which one of the following is correct?

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

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

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

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

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

### Solution:

#### Step 1: Understanding the Concept:

The definition of "industry" under the Industrial Disputes Act (following the Bangalore Water Supply case) includes institutions that systematically carry out organized activities, even if they have charitable objectives.

**Step 2: Detailed Explanation:**

- Assertion (A) is true: This describes a typical legal challenge where a charitable employer argues it is not an "industry" to escape employment regulations.
- Reason (R) is true: The systematic engagement in commercial/charitable activities using organized labor and remuneration meets the "Triple Test" (Bangalore Water Supply) for an industry.
- (R) is the correct explanation: Because the trust engaged in organized activities (as described in R), it is an industry under Section 2(j), which defeats the trust's argument in (A).

**Step 3: Final Answer:**

Both are true, and (R) explains why the trust's challenge in (A) would fail. Option (C) is correct.

**Quick Tip:** Bangalore Water Supply Case: If an activity is organized, systematic, and uses paid labor, it is an "industry"—even if it's a charity!

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**82. A, aged 80 years, executes a registered deed transferring a parcel of land to a trust with the conditions that, "The property shall be used forever for maintaining a public library and reading room for the residents of Village X. However, if at any time the property ceases to be used for this purpose, it shall revert to my heirs. Further, the income from the property shall accumulate for 50 years before being used for expansion of the library." Which of the following statements is most accurate in law?**

- (A) The transfer is valid as it falls within the exception for public benefit, but the accumulation clause is void to the extent it exceeds statutory limits.
- (B) The transfer is valid in entirety, including the accumulation clause, because transfers for public purposes are fully exempt from all perpetuity-related restrictions.
- (C) The transfer is void because it violates the rule against perpetuity and the condition of accumulation beyond permissible limits.

(D) The entire transfer is void because the reversionary clause creates uncertainty and violates public policy.

**Correct Answer:** (A) The transfer is valid as it falls within the exception for public benefit, but the accumulation clause is void to the extent it exceeds statutory limits.

**Solution:**

**Step 1: Understanding the Concept:**

This problem involves the Transfer of Property Act (TPA), 1882, specifically the Rule against Perpetuity (Section 14) and the Rule against Accumulation (Section 17).

**Step 2: Detailed Explanation:**

- Public Purpose Exception: Under Section 18 of the TPA, the Rule against Perpetuity does not apply to a transfer of property for the benefit of the public (e.g., a library). Thus, the transfer is valid.
- Rule against Accumulation: Section 17 provides that where the terms of a transfer direct that the income from the property shall be accumulated, such direction is valid only for a limited period (usually 18 years from the date of transfer). Any accumulation beyond this period is void. A 50-year accumulation clause exceeds this limit and is therefore void.

**Step 3: Final Answer:**

The transfer for the library is valid, but the 50-year accumulation is excessive and partially void. Option (A) is correct.

**Quick Tip:** "Public Charity" = Perpetuity is allowed! But "Accumulation" (Section 17) has strict limits (usually 18 years). You cannot hoard income forever even for a charity!

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**83. What is the year did the mandatory pre-fitment of High Security Registration Plates (HSRP) for all new vehicles come into effect under the Motor Vehicles Act, 1988?**

- (A) 2024
- (B) 2019

(C) 2023

(D) 2018

**Correct Answer:** (B) 2019

**Solution:**

**Step 1: Understanding the Concept:**

The Ministry of Road Transport and Highways (MoRTH) amended the Central Motor Vehicles Rules (CMVR) to mandate HSRP for all new vehicles to prevent counterfeiting and aid in vehicle identification.

**Step 2: Detailed Explanation:**

- Through a notification, the government made the pre-fitment of HSRP mandatory for all new vehicles manufactured on or after April 1, 2019.
- This was done to ensure uniformity and enhance national security protocols concerning motor vehicles.

**Step 3: Final Answer:**

The mandate came into effect in 2019. Option (B) is correct.

**Quick Tip:** HSRP = 2019. If you see a vehicle manufactured after April 2019 without an HSRP, it is officially non-compliant with the CMVR!

---

**84. As per the Consumer Protection Act, 2019, what are one-sided agreements?**

(A) Unfair trade practices

(B) Unilateral contracts

(C) Unconscionable

(D) Quasi contracts

**Correct Answer:** (A) Unfair trade practices

### Solution:

#### Step 1: Understanding the Concept:

The Consumer Protection Act, 2019, expanded the definition of "Unfair Trade Practice" to include contracts that are heavily biased in favor of the service provider or seller at the expense of the consumer.

#### Step 2: Detailed Explanation:

- Section 2(47) of the Consumer Protection Act, 2019, defines "unfair trade practice." It explicitly includes agreements that contain "one-sided" terms, which cause significant detriment to the consumer, as a category of such practices.
- Such terms allow for unfair termination, lopsided liability, or unreasonable conditions.

#### Step 3: Final Answer:

One-sided agreements are classified as unfair trade practices. Option (A) is correct.

**Quick Tip:** Consumer Protection Act, 2019 = Tougher on "One-Sidedness." If a contract puts the consumer at a massive, unfair disadvantage, the law calls it an "Unfair Trade Practice"!

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**85. Which is the landmark case which expanded the scope of Article 23 of the Constitution of India?**

- (A) PUDR v. Union of India, (1982) 3 SCC 235
- (B) M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 756
- (C) Glaxo Laboratories v. Presiding Officer, Labour Court, Meerut, (1984) 1 SCC 1
- (D) Vishaka v. State of Rajasthan, (1997) 6 SCC 241

**Correct Answer:** (A) PUDR v. Union of India, (1982) 3 SCC 235

### Solution:

#### Step 1: Understanding the Concept:

Article 23 prohibits "forced labor" and "begar." The PU DR (People's Union for Democratic Rights) case significantly broadened this definition.

**Step 2: Detailed Explanation:**

- In the PU DR case, the Supreme Court held that "forced labor" under Article 23 includes labor provided for less than minimum wages. The Court reasoned that if a person is paid less than the minimum wage, they are effectively being forced to work out of economic necessity, which is a form of exploitation prohibited by the Constitution.

**Step 3: Final Answer:**

The PU DR case expanded the scope of Article 23. Option (A) is correct.

**Quick Tip:** PU DR Case = "No Minimum Wage = Forced Labor." The Supreme Court made it clear that economic exploitation disguised as low wages violates the constitutional protection against forced labor!

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**86. Under the scheme of the Code of Civil Procedure, 1908, where proceedings are pending before a competent civil court, and an application is made seeking transfer of the case from one district to another district within the state, such transfer may be ordered:**

- (A) Only upon agreement between the parties.
- (B) By the High Court.
- (C) Only after conclusion of trial.
- (D) Only by the court in which the suit is pending.

**Correct Answer:** (B) By the High Court.

**Solution:**

**Step 1: Understanding the Concept:**

Section 24 of the Code of Civil Procedure (CPC), 1908, governs the general power of transfer and withdrawal of suits, appeals, or other proceedings.

**Step 2: Detailed Explanation:**

- Under Section 24(1), the High Court or the District Court may, at any stage, transfer any suit, appeal, or other proceeding pending before it for trial or disposal to any court subordinate to it and competent to try or dispose of the same.
- When a transfer is required between different districts within the same state, the High Court has the jurisdiction to order such transfer.

**Step 3: Final Answer:**

The High Court has the authority to order such transfers. Option (B) is correct.

**Quick Tip:** Section 24 CPC: High Court = State-wide transfer power. If you need to move a case across district lines, the High Court is the competent authority to make it happen!

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**87. Under the Constitution of India, Parliament enacts legislation to implement India's obligations under an international environmental agreement. The subject ordinarily falls within the State List and no resolution under Article 252 has been passed. The source of Parliament's competence would be:**

- (A) Article 252
- (B) Article 249
- (C) Article 253
- (D) Article 250

**Correct Answer:** (C) Article 253

**Solution:****Step 1: Understanding the Concept:**

Article 253 grants Parliament the special power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement, or convention with any other country or countries.

**Step 2: Detailed Explanation:**

- Even if a subject matter falls within the State List, Article 253 operates as an overriding provision. This allows Parliament to legislate on subjects otherwise reserved for states if the purpose is to fulfill international obligations (like an environmental treaty).

**Step 3: Final Answer:**

The source of competence is Article 253. Option (C) is correct.

**Quick Tip:** Article 253 = "International Overdrive." When India signs an international treaty, the Parliament gets the power to legislate on any subject (even State List ones) to fulfill that commitment!

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**88. Directions:** The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A). **Assertion (A):** The Constitution of India does not adopt a rigid separation of powers among the Legislature, Executive and Judiciary. **Reason (R):** The constitutional framework incorporates a system of checks and balances, allowing limited functional overlap among the organs of the State. In the context of the Constitution of India, which one of the following is correct?

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

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

**Solution:****Step 1: Understanding the Concept:**

The Indian Constitution follows a parliamentary system of government, which inherently blends executive and legislative functions, rather than a rigid separation like the American

model.

**Step 2: Detailed Explanation:**

- Assertion (A) is true: The Indian model is characterized by functional overlap (e.g., the Prime Minister and Cabinet must be members of the Legislature).
- Reason (R) is true: This overlap is intentional to ensure "checks and balances," where each organ remains accountable to the others, preventing the concentration of absolute power in any single branch.
- Since the functional overlap described in (R) is the reason why the system is not rigid, (R) provides the correct explanation for (A).

**Step 3: Final Answer:**

Both are true and (R) is the correct explanation. Option (A) is correct.

**Quick Tip:** "Checks and Balances" = The key to Indian democracy! Because the executive is part of the legislature, there cannot be a "rigid" separation. It is a system of cooperation and control.

---

**89. Read the following statements and choose the correct option in the light of the Arbitration and Conciliation Act, 1996. A dispute arises regarding jurisdiction of the arbitral tribunal. Statement I: The arbitral tribunal may rule on its own jurisdiction. Statement II: A plea that the tribunal lacks jurisdiction shall be raised not later than the submission of the statement of defence, unless the arbitral tribunal permits a later plea.**

- (A) Both Statements I and II are true
- (B) Only Statement I is true
- (C) Neither Statement I nor Statement II is true
- (D) Only Statement II is true

**Correct Answer:** (A) Both Statements I and II are true

**Solution:**

**Step 1: Understanding the Concept:**

This refers to the doctrine of "Kompetenz-Kompetenz," found in Section 16 of the Arbitration and Conciliation Act, 1996.

**Step 2: Detailed Explanation:**

- Statement I is true: Section 16(1) empowers the arbitral tribunal to rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement.
- Statement II is true: Section 16(2) mandates that a plea regarding the lack of jurisdiction must be raised no later than the submission of the statement of defence, unless the tribunal, in its discretion, allows a later submission.

**Step 3: Final Answer:**

Both statements accurately reflect the law. Option (A) is correct.

**Quick Tip:** Section 16 = "Kompetenz-Kompetenz." The Arbitrator acts as the judge of their own jurisdiction! If you have a dispute about the tribunal's authority, raise it early (by the defence statement) or risk losing the right to challenge.

---

**90. Under the provisions of the Bharatiya Nyaya Sanhita (BNS), 2023, what is the current range of punishments available to a court for the offence of 'Defamation'?**

- (A) Only a fine
- (B) Simple imprisonment, or fine, or both, or Community Service
- (C) Rigorous imprisonment for 5 years
- (D) Only an apology in open court

**Correct Answer:** (B) Simple imprisonment, or fine, or both, or Community Service

**Solution:****Step 1: Understanding the Concept:**

Section 356 of the BNS, 2023, defines the offence of defamation and the corresponding punishments, marking a modern shift by including community service as a penal option.

**Step 2: Detailed Explanation:**

- Under Section 356(2) of the BNS, the punishment for defamation is simple imprisonment for a term which may extend up to two years, or with fine, or with both, or with Community Service.

- This introduction of "Community Service" as a mode of punishment aligns with the BNS's broader philosophy of restorative justice for non-heinous offences.

**Step 3: Final Answer:**

The punishment includes imprisonment, fine, or community service. Option (B) is correct.

**Quick Tip:** BNS 2023 Update: Defamation now carries "Community Service" as a punishment option! This is a significant departure from the older IPC provisions.

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**91. The Bharatiya Sakshya Adhiniyam, 2023 is not applicable in which case?**

- (A) Income Tax Appellate Tribunal
- (B) National Company Law Tribunal
- (C) Arbitral Tribunal
- (D) National Green Tribunal

**Correct Answer:** (C) Arbitral Tribunal

**Solution:**

**Step 1: Understanding the Concept:**

The Bharatiya Sakshya Adhiniyam (BSA), 2023, like the Indian Evidence Act before it, applies to all judicial proceedings in or before any Court, but it does not apply to proceedings before an arbitrator.

**Step 2: Detailed Explanation:**

- Section 1(2) of the BSA, 2023, clarifies that it applies to all judicial proceedings in or before any Court, including court-martial.
- However, it explicitly excludes proceedings before an arbitrator. Arbitral proceedings are governed by the Arbitration and Conciliation Act, 1996, which stipulates that the tribunal is not bound by the strict technical rules of the Evidence Act (or the BSA).

**Step 3: Final Answer:**

The Act is not applicable to Arbitral Tribunals. Option (C) is correct.

**Quick Tip:** "Evidence Law vs. Arbitration": Arbitrators have procedural flexibility! They are NOT bound by the strict rules of the Evidence Act or the new BSA.

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**92. Pursuant to the definition provided in Section 378 of the Indian Penal Code (IPC), 1860, which of the following constitutes an essential element of the offence of 'Theft'?**

- (A) The employment of physical force or criminal violence against a person
- (B) The unauthorized movement of immovable property without the owner's consent
- (C) The movement of movable property out of a person's possession without their consent
- (D) The requirement that the property must be removed from a public location exclusively

**Correct Answer:** (C) The movement of movable property out of a person's possession without their consent

**Solution:**

**Step 1: Understanding the Concept:**

Section 378 defines 'Theft' as dishonestly taking any movable property out of the possession of any person without their consent.

**Step 2: Detailed Explanation:**

- Essential ingredients of theft include: (1) Dishonest intention, (2) Property must be movable,

(3) Taken out of someone's possession, (4) Taken without consent, and (5) Moved in order to such taking.

- Immovable property (B) cannot be the subject of theft. Force or violence (A) typically distinguishes Robbery/Extortion from simple Theft.

**Step 3: Final Answer:**

Option (C) correctly lists the essential elements required for theft.

**Quick Tip:** Theft = Movable Property! If you can't pick it up and move it (like land or a house), it cannot be stolen under the definition of Section 378.

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**93. Under the Hindu Adoptions and Maintenance Act, 1956, which situation makes the consent of a wife unnecessary for adoption?**

- (A) She has ceased to be a Hindu by conversion.
- (B) She is living separately without legal separation.
- (C) She refuses consent due to personal disagreement.
- (D) none of the above

**Correct Answer:** (A) She has ceased to be a Hindu by conversion.

**Solution:**

**Step 1: Understanding the Concept:**

Section 7 of the Hindu Adoptions and Maintenance Act, 1956, requires the consent of the wife for a married Hindu male to adopt a child.

**Step 2: Detailed Explanation:**

- The proviso to Section 7 states that the consent of the wife is not necessary if she has ceased to be a Hindu, has finally and completely renounced the world, or has been declared to be of unsound mind by a court of competent jurisdiction.
- Other scenarios, like personal disagreement or separation without a legal decree, do not

dispense with the requirement for consent.

**Step 3: Final Answer:**

Conversion to another religion is a valid ground where consent is unnecessary. Option (A) is correct.

**Quick Tip:** Section 7: Wife's consent is mandatory for adoption by a husband, unless she is no longer Hindu, is of unsound mind (judicially declared), or has renounced the world!

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**94. Under the constitutional framework of India, the Supreme Court gradually relaxed the traditional rule of locus standi, thereby allowing public-spirited individuals to approach the Court for enforcement of fundamental rights of others. This development is most closely associated with:**

- (A) Enforcement of fundamental rights through individual petitions alone.
- (B) Judicial review of administrative action.
- (C) The evolution of Public Interest Litigation.
- (D) Expansion of writ jurisdiction under Article 226.

**Correct Answer:** (C) The evolution of Public Interest Litigation.

**Solution:**

**Step 1: Understanding the Concept:**

The traditional rule of 'locus standi' (only the person whose rights are affected can sue) was a significant barrier to justice for the poor and marginalized. The Supreme Court relaxed this rule to create the mechanism of Public Interest Litigation (PIL).

**Step 2: Detailed Explanation:**

- Through landmark cases starting in the 1980s (like S.P. Gupta v. Union of India), the Court recognized that "public-spirited" individuals could file petitions on behalf of those who are unable to approach the court themselves.
- This transformation is the hallmark of the evolution of PIL in India, shifting the focus from

"who is standing" to "what is the public wrong."

**Step 3: Final Answer:**

This judicial shift is defined by the evolution of Public Interest Litigation. Option (C) is correct.

**Quick Tip:** Locus Standi Relaxation = PIL! If you see "public-spirited individuals" approaching the Court for others, it is definitely a PIL.

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**95. Ramesh's job contract with M/s XYZ bars him from joining any rival software firm in India for three years post-resignation. But after resigning within three years, he joins a competitor. XYZ company filed a suit to enforce the restrictive clause. Under the Indian Contract Act, 1872, what is the legal position?**

- (A) Void – restrains lawful profession after employment ends.
- (B) Valid – protects the employer's business interest.
- (C) Valid – Ramesh agreed voluntarily.
- (D) Valid – three years is a reasonable period.

**Correct Answer:** (A) Void – restrains lawful profession after employment ends.

**Solution:**

**Step 1: Understanding the Concept:**

Section 27 of the Indian Contract Act, 1872, declares any agreement in restraint of trade, profession, or business to be void.

**Step 2: Detailed Explanation:**

- Indian courts have consistently held that a post-employment restraint (non-compete clause) is a restraint of trade.
- Even if the period is "reasonable" or the employee signed "voluntarily," the law prohibits such clauses that stop an individual from practicing their lawful profession after their employment has concluded.

**Step 3: Final Answer:**

The clause is void under Section 27. Option (A) is correct.

**Quick Tip:** Section 27 is absolute! In India, you cannot stop an ex-employee from joining a competitor after they leave. Any such "non-compete" clause is void.

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**96. Under the scheme of the Constitution of India, once a Proclamation under Article 352 is in operation, Parliament may legislate on matters in the State List by virtue of:**

- (A) Article 356
- (B) Article 250
- (C) Article 360
- (D) Article 249

**Correct Answer:** (B) Article 250

**Solution:**

**Step 1: Understanding the Concept:**

While Article 352 is the "trigger" (the Proclamation of Emergency), it is Article 250 that explicitly confers the legislative power upon Parliament to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the State List during the operation of such an emergency.

**Step 2: Detailed Explanation:**

- Article 250 provides that Parliament can legislate on State List subjects while a Proclamation of Emergency is in force.
- Article 249 refers to legislation in the national interest by the Rajya Sabha, and Article 356 relates to the President's Rule.

**Step 3: Final Answer:**

The specific authority to legislate on State List matters during an emergency under Article 352

comes from Article 250. Option (B) is correct.

**Quick Tip:** Emergency Legislation: Article 352 declares the emergency, but Article 250 is the "switch" that gives Parliament the power to pass laws on State List subjects!

**97. Under the Indian Penal Code (IPC), 1860, in which of the following scenarios does the “Right of Private Defence of the Body” extend to the extent of voluntarily causing death to the assailant?**

- (A) An assault committed with the specific intention of kidnapping or abducting a person
- (B) An act of criminal trespass occurring on open, vacant land
- (C) A simple assault committed without the use of a weapon
- (D) A case of theft where the value of the stolen property exceeds 10,000

**Correct Answer:** (A) An assault committed with the specific intention of kidnapping or abducting a person

**Solution:**

**Step 1: Understanding the Concept:**

Section 100 of the IPC enumerates specific circumstances under which the right of private defence of the body extends to the causing of death.

**Step 2: Detailed Explanation:**

- Section 100(d) explicitly includes kidnapping or abduction as an offence that justifies the exercise of the right of private defence to the extent of causing death.
- Options (B) and (D) relate to the right of private defence of property (Section 103), not the body, and (C) is a minor assault that does not reach the threshold for causing death.

**Step 3: Final Answer:**

The right extends to death in cases of kidnapping or abduction. Option (A) is correct.

**Quick Tip:** Section 100 = "Right to Kill" (in self-defence). If someone tries to kidnap or abduct you, the law allows you to go as far as causing death to save yourself!

**98. Under constitutional jurisprudence in India, repeated re-promulgation of Ordinances without placing them before the Legislature was described by the Supreme Court as a “fraud on the Constitution” in which decision?**

- (A) Shamsher Singh v. State of Punjab, AIR 1974 SC 2192
- (B) Krishna Kumar Singh v. State of Bihar, (2017) 3 SCC 1
- (C) D.C. Wadhwa v. State of Bihar, AIR 1987 SC 579
- (D) R.C. Cooper v. Union of India, AIR 1970 SC 564

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

**Solution:**

**Step 1: Understanding the Concept:**

The Ordinance-making power (Article 123/213) is an emergency power meant for exigencies, not a substitute for the legislative process.

**Step 2: Detailed Explanation:**

- In D.C. Wadhwa v. State of Bihar, the Supreme Court held that the re-promulgation of Ordinances without placing them before the state legislature is a subversion of the democratic legislative process and a "fraud on the Constitution."
- Note: While Krishna Kumar Singh (2017) later clarified and expanded on this by stating that ordinances can be judicially reviewed, D.C. Wadhwa is the seminal case that coined the phrase "fraud on the Constitution" in this specific context.

**Step 3: Final Answer:**

The phrase is famously associated with D.C. Wadhwa. Option (C) is correct.

**Quick Tip:** D.C. Wadhwa = "Fraud on the Constitution." Ordinance-making is for emergencies, not a way to bypass the elected Assembly or Parliament!

99. Read the following statements and choose the correct option. Under the Copyright Act, 1957: Statement I: In the case of a posthumous literary work, copyright subsists for sixty years from the beginning of the calendar year next following the year in which the work is first published. Statement II: For such works, publication refers to making the work available to the public by issue of copies or by communication to the public.

- (A) Both Statements I and II are false
- (B) Only Statement II is true
- (C) Both Statements I and II are true
- (D) Only Statement I is true

**Correct Answer:** (C) Both Statements I and II are true

**Solution:**

**Step 1: Understanding the Concept:**

Section 24 of the Copyright Act, 1957, deals with the term of copyright for posthumous works (works published after the author's death).

**Step 2: Detailed Explanation:**

- Statement I is true: Section 24 prescribes that for posthumous works, the term is 60 years from the year following the first publication.
- Statement II is true: The Act defines "publication" (Section 3) as making a work available to the public by the issue of copies or by communicating it to the public, which applies to how such posthumous terms are calculated.

**Step 3: Final Answer:**

Both statements correctly state the law. Option (C) is correct.

**Quick Tip:** Copyright for Posthumous works = 60 years after the publication year! It's not based on the author's death, but on the date of publication.

**100. According to Section 20 of the Arbitration and Conciliation Act, 1996, where the parties have not agreed on the place of arbitration, the arbitral tribunal shall determine it having regard to:**

- (A) Place where the contract was executed.
- (B) Location of subject matter of dispute.
- (C) Circumstances of the case, including the convenience of the parties.
- (D) Jurisdiction of the civil court alone.

**Correct Answer:** (C) Circumstances of the case, including the convenience of the parties.

**Solution:**

**Step 1: Understanding the Concept:**

Section 20 of the Arbitration and Conciliation Act, 1996, deals with the "Place of Arbitration." It emphasizes party autonomy first, but provides a fallback mechanism when parties fail to agree.

**Step 2: Detailed Explanation:**

- Section 20(1) allows parties to agree on the place of arbitration.
- Section 20(2) states that if the parties fail to reach an agreement, the arbitral tribunal shall determine the place of arbitration having regard to the circumstances of the case, including the convenience of the parties.

**Step 3: Final Answer:**

The tribunal determines the place based on the circumstances and convenience. Option (C) is correct.

**Quick Tip:** Place of Arbitration Rule: "Autonomy First, Convenience Second." If the contract is silent on the location, the Arbitrator chooses, and "convenience" is the guiding star!

