

AIBE Sample Paper – 10

All India Bar Examination XXI

Duration: 210 Minutes

Maximum Marks: 100

Instructions

- This paper contains **100** Multiple Choice Questions covering 19 legal subjects, grouped into five thematic Parts: **A** – Constitutional & Public Law (Q1–Q19), **B** – Criminal Law (Q20–Q45), **C** – Civil & Procedural Law (Q46–Q62), **D** – Personal & Specialised Laws (Q63–Q88), **E** – ADR & Professional Ethics (Q89–Q100).
- Each correct answer carries **+1 mark**. Wrong and unattempted answers carry **0 marks** (no negative marking).
- AIBE is an **open-book** examination. Candidates may refer to printed Bare Acts, study material, and books. Handwritten notes are strictly prohibited.
- Only **one** option is correct. Total time: 3 hours 30 minutes.

Part A: Constitutional & Public Law

Q1. In *Council of Civil Service Unions v. Minister for the Civil Service* (the GCHQ case, 1985) Lord Diplock classified the grounds on which administrative action may be subjected to judicial review under three broad heads. These three heads are:

- (A) Illegality, irrationality and procedural impropriety
- (B) Mala fides, bias and natural justice
- (C) Ultra vires, estoppel and waiver
- (D) Negligence, nuisance and breach of statutory duty

Q2. Where an administrative authority misdirects itself in law, fails to understand the statute conferring power on it, or acts outside the scope of that power, the action is liable to be quashed. In the language of the GCHQ classification, this ground of judicial review is described as:



- (A) Procedural impropriety
- (B) Illegality
- (C) Irrationality
- (D) Proportionality

Q3. An administrative decision that is so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question could have arrived at it is liable to be struck down. This standard, traceable to *Associated Provincial Picture Houses v. Wednesbury Corporation* (1948), corresponds to the GCHQ head of:

- (A) Illegality
- (B) Procedural impropriety
- (C) Irrationality (Wednesbury unreasonableness)
- (D) Legitimate expectation

Q4. A statute empowers a licensing authority to grant or refuse a licence “as it thinks fit.” The authority refuses a particular application solely to settle a personal score with the applicant, in bad faith. The refusal may be set aside on the ground of:

- (A) Promissory estoppel
- (B) Res judicata
- (C) Legitimate expectation
- (D) Mala fides (abuse of discretion)

Q5. A Minister, in whom a statute vests discretion to consider each case on its merits, instead adopts an inflexible rule that he will never grant a particular kind of permission, and applies it mechanically to every applicant. The exercise of discretion is bad because the authority has:

- (A) Fettered its own discretion by a rigid self-imposed rule
- (B) Acted with reasonable consistency



- (C) Validly delegated its power
- (D) Exercised a quasi-judicial function
- Q6.** A statutory authority empowered to fix the price of a commodity “having regard to the cost of production” fixes it by reference instead to the political popularity of the decision, ignoring cost data altogether. The order is open to challenge because the authority:
- (A) Acted within its jurisdiction
- (B) Took into account an irrelevant consideration and ignored a relevant one
- (C) Exercised a power coupled with a duty
- (D) Acted under the doctrine of necessity
- Q7.** An officer who is required by statute to apply his own mind and form his own satisfaction before passing a detention order instead signs the order placed before him by a subordinate without examining the material at all. The order is vitiated by:
- (A) Excessive delegation by the legislature
- (B) Promissory estoppel
- (C) Non-application of mind
- (D) Constructive res judicata
- Q8.** The principles of natural justice are not invariable; they yield in certain situations. Which of the following is recognised as a situation in which the requirement of a prior hearing may be excluded?
- (A) Whenever the authority considers a hearing inconvenient
- (B) Whenever the decision is administrative rather than quasi-judicial
- (C) Whenever the affected person is a Government servant
- (D) Where urgency and the need for prompt action make a prior hearing impracticable



- Q9.** Where a statute, expressly or by necessary implication, excludes the right to be heard, or where the function being performed is purely legislative in character (such as the framing of rules of general application), the rules of natural justice:
- (A) Stand excluded to that extent
 - (B) Continue to apply with full rigour notwithstanding the statute
 - (C) Are converted into a right of appeal
 - (D) Must be enforced by way of mandamus in every case
- Q10.** In *Ajay Hasia v. Khalid Mujib Sehravardi* (1981) the Supreme Court laid down tests to determine whether a body is an “other authority” and therefore “State” within the meaning of Article 12. The decisive consideration under those tests is whether the body is:
- (A) Registered as a society or a company
 - (B) Functionally, financially and administratively under the deep and pervasive control of the Government
 - (C) Engaged in any commercial activity whatsoever
 - (D) Located on land owned by the Government
- Q11.** In *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology* (2002) a seven-judge Bench reconsidered the test for “State” under Article 12. The Court held that the question is to be decided by asking whether the body is:
- (A) Receiving any grant of public money in any form
 - (B) Performing a public duty of any description
 - (C) Financially, functionally and administratively dominated by, or under the deep and pervasive control of, the Government, such control being particular to the body and not merely regulatory
 - (D) Created by a statute, irrespective of the degree of Government control



- Q12.** The expression “the State” is defined for the purposes of Part III of the Constitution by Article 12 to include the Government and Parliament of India, the Government and Legislature of each State, all local authorities, and:
- (A) The judiciary in the exercise of its judicial functions
 - (B) Every private citizen acting in a public-spirited capacity
 - (C) Foreign States having diplomatic relations with India
 - (D) Other authorities within the territory of India or under the control of the Government of India
- Q13.** A writ petition under Article 226 is filed against a private company that is not an instrumentality of the State, seeking enforcement of an obligation. The High Court will ordinarily entertain the petition against such a private body where:
- (A) The body is discharging a public function or a public duty
 - (B) The petitioner has no other private remedy in contract
 - (C) The company employs more than a specified number of workmen
 - (D) The dispute involves a claim for unliquidated damages
- Q14.** The writ jurisdiction of the High Court under Article 226 is wider than that of the Supreme Court under Article 32 in one important respect, namely that Article 226 may be invoked:
- (A) Only for the enforcement of fundamental rights
 - (B) For the enforcement of fundamental rights and “for any other purpose,” including the enforcement of ordinary legal rights
 - (C) Only against the Union Government
 - (D) Only in matters concerning land revenue
- Q15.** As a rule of self-imposed restraint, a High Court will normally decline to entertain a writ petition under Article 226 where an equally efficacious



alternative remedy is available. This rule of alternative remedy does not, however, operate as an absolute bar and may be relaxed where:

- (A) The petitioner merely prefers the writ court for speed
- (B) The amount in dispute is large
- (C) The order is challenged as wholly without jurisdiction, as a breach of natural justice, or as a violation of a fundamental right
- (D) The alternative remedy lies before a tribunal rather than a civil court

Q16. Under Section 8 of the Right to Information Act, 2005, certain categories of information are exempt from disclosure. Which of the following is expressly included among the exemptions in Section 8(1)?

- (A) Information relating to the salary of any public servant
- (B) Information regarding the working hours of a public office
- (C) The name of the public authority maintaining the record
- (D) Information the disclosure of which would prejudicially affect the sovereignty and integrity of India, or the security of the State

Q17. Section 8(2) of the Right to Information Act, 2005, contains an important overriding provision. It permits a public authority to allow access to information otherwise exempt under Section 8(1) where:

- (A) The public interest in disclosure outweighs the harm to the protected interests
- (B) The applicant is a journalist or a researcher
- (C) The information is more than twenty years old in every case
- (D) The applicant pays an additional fee prescribed for exempt information

Q18. The Lokpal and Lokayuktas Act, 2013, was enacted to provide for a body to inquire into allegations of corruption against certain public functionaries. Under the scheme of the Act, the institution at the level of the Union



is the Lokpal, while the corresponding institution at the level of a State is the:

- (A) Central Vigilance Commission
- (B) Lokayukta
- (C) State Information Commission
- (D) Comptroller and Auditor-General

Q19. Under the Lokpal and Lokayuktas Act, 2013, the Lokpal consists of a Chairperson and Members. The Act requires that the Chairperson of the Lokpal be:

- (A) A serving Member of Parliament
- (B) A serving civil servant of the rank of Secretary to the Government
- (C) A person who is or has been a Chief Justice of India, or a Judge of the Supreme Court, or an eminent person fulfilling the prescribed qualifications
- (D) The senior-most serving Judge of the concerned High Court

Part B: Criminal Law

Q20. A finds a thief at night breaking into his house with the apparent design of committing house-breaking by night, and there is reasonable apprehension that death or grievous hurt will otherwise be the consequence. A kills the intruder. The right of private defence of property here:

- (A) Extends to voluntarily causing death, the case falling within Section 103 IPC
- (B) Does not extend to causing death in any property offence
- (C) Extends only to causing hurt short of death under Section 104 IPC
- (D) Is unavailable because the property could have been recovered later

Q21. The right of private defence of property extends to the voluntary causing of death only where the offence occasioning the exercise of the right is



of a description enumerated in Section 103 IPC. Which of the following is NOT one of those enumerated offences?

- (A) Robbery
- (B) House-breaking by night
- (C) Theft simpliciter not attended by reasonable apprehension of death or grievous hurt
- (D) Mischief by fire committed on any building used as a human dwelling

Q22. Where the offence committed against property is theft, mischief, or house-trespass under circumstances not falling within Section 103 IPC, the right of private defence of property under Section 104 IPC extends to:

- (A) Voluntarily causing death of the wrong-doer
- (B) The voluntary causing to the wrong-doer of any harm other than death
- (C) No defensive harm at all, the remedy being only a police complaint
- (D) Causing death only with prior permission of a Magistrate

Q23. Under Section 105 IPC, the right of private defence of property against theft continues:

- (A) From the moment the thief forms the intention, even before any act
- (B) Indefinitely, until the stolen property is finally restored by a court decree
- (C) Until the offender has effected his retreat with the property, or the assistance of the public authorities is obtained, or the property has been recovered
- (D) Only during the actual physical removal of the property and not a moment longer

Q24. Regarding the commencement of the right of private defence of property, Section 105 IPC provides that the right:



- (A) Commences when a reasonable apprehension of danger to the property commences
- (B) Commences only after the property has actually been damaged or removed
- (C) Commences from the time the accused is informed of the offence by a third party
- (D) Never arises in respect of immovable property

Q25. Under Section 105 IPC the right of private defence of property against robbery continues as long as:

- (A) The stolen articles remain unrecovered, regardless of any continuing threat
- (B) The offender causes or attempts to cause to any person death or hurt or wrongful restraint, or as long as the fear of instant death, hurt, or personal restraint continues
- (C) The robber remains within the territorial jurisdiction of the same police station
- (D) A period of twenty-four hours has not elapsed from the robbery

Q26. A, a surgeon, in good faith and with B's consent operates upon B to remove a diseased part, knowing the operation is likely to cause B's death but not intending to cause death, and B dies. Under which provision is A protected?

- (A) Section 87 IPC, as the harm was a known but not intended consequence
- (B) Section 92 IPC, consent being immaterial in an emergency
- (C) Section 88 IPC, the act being done in good faith for the benefit of the person consenting
- (D) No protection, since A knew death was likely

Q27. The essential distinction between Section 87 IPC and Section 88 IPC, both dealing with consent, lies in that:



- (A) Section 87 protects acts not intended and not known to be likely to cause death or grievous hurt, while Section 88 protects acts done in good faith for the consenting person's benefit even where death is known to be likely but is not intended
- (B) Section 87 requires the consent of a person below twelve years
- (C) Section 88 protects acts done with intent to cause death so long as there is consent
- (D) Both sections require the act to be for the benefit of the consenting person

Q28. A and B, by mutual consent, engage in a fencing bout for amusement. A, without any foul intention and not knowing himself likely to cause death, accidentally causes B grievous hurt. The protection available to A is found in:

- (A) Section 88 IPC, the act being for B's benefit
- (B) Section 90 IPC, defining free consent
- (C) Section 80 IPC, accident in doing a lawful act
- (D) Section 87 IPC, the harm being neither intended nor known to be likely, and B above eighteen having consented to suffer such harm

Q29. A dishonestly finds and retains a wallet dropped on the road by B, B being traceable, with the intention of keeping it for himself. A's act most precisely constitutes:

- (A) Dishonest misappropriation of property under Section 403 IPC
- (B) Theft under Section 378 IPC, since the property was movable
- (C) Criminal breach of trust under Section 405 IPC
- (D) Cheating under Section 415 IPC

Q30. The cardinal distinction between criminal misappropriation under Section 403 IPC and criminal breach of trust under Section 405 IPC is that:



- (A) Criminal misappropriation always involves a public servant whereas breach of trust does not
- (B) In criminal breach of trust the property comes into the accused's possession by virtue of an entrustment or dominion, which the accused then dishonestly converts, whereas in criminal misappropriation possession is innocently come by without any entrustment
- (C) Criminal misappropriation requires the use of force, while breach of trust does not
- (D) There is no difference; the two terms are interchangeable

Q31. A is entrusted by B with money to be paid over to C. A dishonestly retains the money for his own use. The offence committed by A is:

- (A) Criminal misappropriation under Section 403 IPC
- (B) Theft under Section 378 IPC
- (C) Extortion under Section 383 IPC
- (D) Criminal breach of trust under Section 405 IPC, the property having been entrusted

Q32. On a complaint disclosing a cognizable offence in respect of which the police have refused to register or investigate, the most appropriate course for the aggrieved person before the Magistrate is to invoke:

- (A) Section 156(3) CrPC, empowering a Magistrate competent under Section 190 to order an investigation
- (B) Section 200 CrPC, by way of examination of the complainant on oath only
- (C) Section 482 CrPC, the inherent powers of the High Court
- (D) Section 144 CrPC, prohibitory orders

Q33. A direction by a Magistrate under Section 156(3) CrPC to the police to investigate a cognizable offence is ordinarily passed:



- (A) Only after the Magistrate has taken cognizance and recorded the complainant's evidence
- (B) Only by the Court of Session
- (C) At the pre-cognizance stage, in exercise of the Magistrate's power under Section 190 CrPC, before taking cognizance of the offence
- (D) Only with the prior sanction of the State Government

Q34. Under Section 161 CrPC, a statement made by a witness to a police officer during investigation:

- (A) Must be signed by the person making it
- (B) Must be recorded on oath before a Magistrate
- (C) Is by itself substantive evidence at the trial
- (D) Need not be signed by the person making it, and if reduced to writing is recorded by the police officer

Q35. Under Section 162 CrPC, a statement made to a police officer in the course of investigation, when reduced to writing, may be used at the trial:

- (A) As substantive evidence of the facts stated, at the instance of the prosecution
- (B) For any purpose whatsoever by either party without restriction
- (C) To corroborate the prosecution witnesses
- (D) Only by the accused, and with the permission of the court by the prosecution, to contradict the maker of the statement in the manner provided by Section 145 of the Evidence Act

Q36. The bar in Section 162 CrPC against the use of police statements does NOT apply to:

- (A) Any confession made to a police officer



- (B) A statement falling within the provisions of clause (1) of Section 32 of the Evidence Act (dying declaration) or affording an explanation under Section 27 of the Evidence Act
- (C) Statements of all prosecution witnesses generally
- (D) Statements recorded under Section 161 that have been signed

Q37. A statement or confession recorded by a Magistrate under Section 164 CrPC must be recorded:

- (A) By any police officer of the rank of Inspector or above
- (B) Only in the presence of the accused's relatives
- (C) By the Magistrate in the manner provided, after explaining to the maker that he is not bound to make it and that it may be used against him, and only upon being satisfied it is voluntary
- (D) Without any requirement that the maker be informed of his rights

Q38. Before recording a confession under Section 164 CrPC, the Magistrate must satisfy himself that the confession is being made voluntarily. A confession recorded in breach of these safeguards is:

- (A) Always admissible irrespective of the breach
- (B) Curable only by the accused's later ratification
- (C) Admissible if the police officer was present throughout
- (D) Liable to be excluded or rendered unreliable, the mandatory safeguards going to its voluntariness and admissibility

Q39. Section 235(2) CrPC requires that, in a trial before a Court of Session resulting in conviction, the judge shall:

- (A) Pronounce sentence immediately without hearing the accused
- (B) Hear the accused on the question of sentence and then pass sentence according to law
- (C) Refer the question of sentence to the High Court in every case



(D) Hear only the public prosecutor on sentence

Q40. The requirement of a hearing on sentence under Section 235(2) CrPC was authoritatively explained by the Supreme Court as a valuable safeguard, particularly bearing on sentencing discretion, in:

(A) *R. v. Dudley and Stephens*

(B) *Hadley v. Baxendale*

(C) *Santa Singh v. State of Punjab*, emphasising the mandatory nature of the hearing on sentence

(D) *Carlill v. Carbolic Smoke Ball Co.*

Q41. Where an accused pleads that his act, though prima facie an offence, falls within a General Exception of the IPC such as private defence, Section 105 of the Indian Evidence Act 1872 places:

(A) No burden on the accused, the prosecution disproving every exception

(B) The burden of proving the existence of circumstances bringing the case within the exception upon the accused, the court presuming the absence of such circumstances

(C) The burden upon the court to investigate the exception

(D) The burden upon the complainant to disprove the exception

Q42. Under Section 112 of the Indian Evidence Act 1872, the fact that a child was born during the continuance of a valid marriage between the mother and any man is conclusive proof of legitimacy unless:

(A) The husband alleges that the wife was of bad character

(B) A DNA test is merely demanded by the husband without more

(C) The child does not physically resemble the husband

(D) It can be shown that the parties to the marriage had no access to each other at any time when the child could have been begotten



- Q43.** Under Section 138 of the Indian Evidence Act 1872, the order in which a witness is examined is:
- (A) Cross-examination, then examination-in-chief, then re-examination
 - (B) Re-examination, then cross-examination, then examination-in-chief
 - (C) Examination-in-chief, then cross-examination (if the adverse party so desires), then re-examination (if the party calling so desires)
 - (D) Examination-in-chief and cross-examination conducted simultaneously
- Q44.** The scope of re-examination of a witness under Section 138 of the Indian Evidence Act 1872 is, as a rule:
- (A) Unlimited, permitting any fresh matter at the party's choice
 - (B) Directed to the explanation of matters referred to in cross-examination, with new matter allowed only by the court's permission, in which event the adverse party may further cross-examine upon that matter
 - (C) Confined to leading questions only
 - (D) Available to the cross-examining party alone
- Q45.** Under Sections 141 to 143 of the Indian Evidence Act 1872, leading questions:
- (A) May be freely asked in examination-in-chief without any objection
 - (B) Are wholly prohibited in cross-examination
 - (C) Are permitted only when the witness is declared hostile
 - (D) Must not, if objected to by the adverse party, be asked in examination-in-chief or re-examination except with the court's permission, but may ordinarily be asked in cross-examination

Part C: Civil & Procedural Law

- Q46.** A defendant against whom a decree has been partly passed does not file his own appeal within the period of limitation. The plaintiff, however,



files an appeal against that part of the decree which went against him. The defendant now wishes, without an independent appeal, to object to the finding on which the part of the decree against him rested. Under the Code of Civil Procedure, 1908, the defendant may achieve this by:

- (A) filing a cross-objection in the plaintiff's appeal under Order XLI Rule 22, even though he had not himself appealed the decree
- (B) nothing at all, because failure to file an independent appeal extinguishes every right to be heard in the appellate court
- (C) filing a fresh suit on the same cause of action in the trial court
- (D) compelling the appellate court to remand the matter to the trial court suo motu

Q47. In an appeal under Order XLI of the Code of Civil Procedure, 1908, the appellant seeks to lead documentary evidence that he did not produce before the trial court. The appellate court is inclined to receive it only because the appellant now finds his case weak and wishes to fill a lacuna in his proof. Applying Order XLI Rule 27, the additional evidence:

- (A) must be admitted as a matter of right whenever an appellant offers it
- (B) may be admitted only if the respondent expressly consents in writing
- (C) ought not to be admitted, since Order XLI Rule 27 permits additional evidence only in limited circumstances and not to enable a party to patch up a weak case or fill a self-created lacuna
- (D) can never be admitted at the appellate stage under any circumstance

Q48. During the pendency of a suit one of two plaintiffs dies, and the right to sue does not survive to the surviving plaintiff alone but to the surviving plaintiff together with the legal representatives of the deceased. No application to bring the legal representatives on record is made within the prescribed time. Under Order XXII of the Code of Civil Procedure, 1908, the consequence in respect of the deceased plaintiff's interest is that:



- (A) the entire suit continues unaffected, the death of a co-plaintiff being wholly immaterial
- (B) the court is bound to dismiss the suit against all parties forthwith
- (C) the surviving plaintiff automatically inherits the deceased's share without any procedural step
- (D) the suit abates so far as the deceased plaintiff is concerned, unless the abatement is set aside on sufficient cause being shown

Q49. In a money suit the sole defendant dies after issues are framed but before judgment. The right to sue survives, and the plaintiff fails to apply to substitute the legal representatives of the deceased defendant within the period of limitation for such an application. Under Order XXII Rule 4 of the Code of Civil Procedure, 1908, the suit:

- (A) proceeds to decree against the dead defendant as if he were alive
- (B) abates as against the deceased defendant for failure to bring the legal representatives on record within time, subject to the power to set aside abatement
- (C) is automatically converted into a suit against the State
- (D) must be decreed in favour of the plaintiff by default

Q50. A litigant, aggrieved by a decree of a subordinate court but unsure of the correct legal principle governing a question on which the subordinate court itself entertains a reasonable doubt, learns that the subordinate court may state a case and refer the question for the opinion of the High Court. This procedure, by which the court below itself sends a question of law to the High Court, is properly described as a:

- (A) reference under Section 113 read with Order XLVI, made by the subordinate court to the High Court
- (B) review under Section 114, applied for by the aggrieved party to the same court
- (C) revision under Section 115, invoked by the party in the High Court



(D) second appeal under Section 100 of the Code

Q51. A decree has been passed by a court from which no appeal lies. The party against whom it is passed discovers, after the decree, an important matter of evidence which after the exercise of due diligence was not within his knowledge at the time the decree was passed, and which would materially have affected the decision. The appropriate remedy he should seek, and from which forum, is:

(A) a reference to the High Court under Section 113

(B) a review of the decree under Section 114 read with Order XLVII, applied for to the very court that passed the decree

(C) a revision before the High Court under Section 115 as a matter of right

(D) a fresh appeal to the Supreme Court under Article 136

Q52. A subordinate court has decided a case in which it appears to have exercised a jurisdiction not vested in it by law, but no appeal lies from the order and the High Court is moved to correct the jurisdictional error. The power the High Court exercises in calling for the record of such a case and satisfying itself as to the regularity of the exercise of jurisdiction is best classified as:

(A) review under Section 114, since the same court reconsiders its own order

(B) reference under Section 113, since a question of law is involved

(C) revision under Section 115, which is confined to errors of jurisdiction and not to mere errors of fact or law within jurisdiction

(D) an ordinary first appeal under Section 96 of the Code

Q53. Under the Indian Contract Act, 1872, an agreement in restraint of the marriage of any person, other than a minor, is declared void. An adult man agrees, for valuable consideration, that he will never marry at all. Applying Section 26 of the Act, this agreement is:



- (A) void, being an agreement in restraint of marriage under Section 26
- (B) perfectly valid, since a person is free to bargain away his right to marry
- (C) voidable at the option of the promisor only
- (D) enforceable provided the consideration is adequate

Q54. Two parties enter into an agreement for the sale of “a hundred tons of oil” without specifying the kind of oil, and there is nothing in the surrounding circumstances or prior dealings to indicate which oil was intended. Under Section 29 of the Indian Contract Act, 1872, such an agreement is:

- (A) valid, the court being bound to choose the cheapest oil available
- (B) voidable at the buyer’s option once the price is paid
- (C) enforceable only after registration
- (D) void for uncertainty, the meaning of the agreement being not certain and not capable of being made certain

Q55. A agrees to pay B a sum of money if B will marry C, who is already married to D and whose marriage is governed by a law under which it is dissolved only by death. C does not die during the lifetime of the parties. Under Section 36 of the Indian Contract Act, 1872, the agreement is:

- (A) valid, the marriage being merely postponed
- (B) void, being an agreement to do an act contingent on an impossible event
- (C) enforceable as soon as C is widowed at any future time
- (D) voidable at the option of B alone

Q56. A and B agree that A shall pay B Rs. 1,000 if it rains on a particular day and that B shall pay A the like sum if it does not, neither party having any interest in the happening or non-happening of the event other than the sum he stands to win or lose. Under Section 30 of the Indian Contract Act, 1872, the agreement is:



- (A) a valid contract of insurance
- (B) enforceable because the consideration is mutual and lawful
- (C) void only as against the loser but enforceable by the winner
- (D) a wagering agreement, and is void; no suit lies to recover anything won upon it

Q57. The loser of a wager in a State where wagering agreements are merely void (and not forbidden by any special State statute) borrows money from a third party in order to pay the gambling debt, the lender knowing the purpose. When the lender sues to recover the loan, the position under the Indian Contract Act, 1872, is that the:

- (A) loan is itself void and irrecoverable because the wager is void
- (B) collateral transaction of loan is not necessarily void, a wagering agreement being void but not unlawful, so the lender may ordinarily recover the loan
- (C) lender may recover only the winnings of the wager and nothing else
- (D) lender is liable to be prosecuted along with the borrower

Q58. The owner of a factory discharges thick, malodorous smoke that drifts continuously onto the neighbouring residential property, substantially and unreasonably interfering with the neighbour's use and enjoyment of his land. The neighbour sues. In the tort of private nuisance, the gist of the actionable wrong, as distinct from trespass, is that there must be:

- (A) a direct physical entry by the defendant onto the plaintiff's land
- (B) proof that the defendant intended to cause harm in every case
- (C) an unreasonable and substantial interference with the plaintiff's use or enjoyment of his land or some right over it
- (D) a written notice served before any interference occurs

Q59. A person lawfully enters an inn under authority given by law, but once inside commits an act wholly inconsistent with the purpose for which



the law gave him entry. Applying the doctrine recognised in *The Six Carpenters' Case*, the legal effect of his subsequent wrongful act upon his originally lawful entry is that he becomes a:

- (A) licensee whose entry remains lawful for all purposes
- (B) bailee answerable only in contract
- (C) trespasser ab initio, his abuse of an authority given by law rendering even his original entry wrongful from the beginning
- (D) gratuitous guest with no liability whatsoever

Q60. A claimant who has suffered loss through the defendant's breach or tort fails to take reasonable steps that were open to him to reduce that loss, and the loss is thereby aggravated. On the assessment of damages, the principle of mitigation requires that the claimant:

- (A) recovers the full unmitigated loss regardless of what he could have done
- (B) recovers nothing at all because he failed to mitigate
- (C) recovers double the loss as a penalty against the wrongdoer
- (D) cannot recover for that part of the loss which is due to his own failure to take reasonable steps to mitigate, though the burden of proving such failure lies on the defendant

Q61. A enters into a written contract to render personal services of an artistic and skilful nature that are dependent on his personal volition and continuous supervision, and the breach can be adequately compensated in money. B sues for specific performance of the contract of personal service. Under Section 14 of the Specific Relief Act, 1963, the suit is:

- (A) maintainable, since every written contract is specifically enforceable
- (B) not maintainable, a contract of a determinable nature, dependent on personal qualifications or requiring continuous supervision, or where compensation in money is an adequate relief, being one that cannot be specifically enforced



- (C) maintainable only if A is a minor
- (D) maintainable provided the consideration exceeds a stated amount

Q62. In a suit for the specific performance of a contract for the sale of immovable property, the question arises as to who, besides a party to the contract, may obtain specific performance of it. Under Section 15 of the Specific Relief Act, 1963, specific performance of a contract may be obtained by, among others:

- (A) any member of the public who learns of the contract
- (B) only the State Government in every case
- (C) a stranger who offers a higher price to the seller
- (D) the representative in interest or the principal of a party, except where the personal qualifications of that party formed a material ingredient of the contract

Part D: Personal & Specialised Laws

Q63. Section 23(1) of the Hindu Marriage Act, 1955, lays down certain bars to matrimonial relief. Where a petition for divorce is founded on the ground of cruelty, the court must be satisfied, before granting relief, that the petitioner:

- (A) Has obtained the prior written consent of the respondent
- (B) Has not in any manner been accessory to or connived at or condoned the cruelty complained of
- (C) Has filed the petition within thirty days of the act of cruelty
- (D) Has first attempted to take the dispute to a panchayat

Q64. Among the bars to relief under Section 23(1) of the Hindu Marriage Act, 1955, is the requirement that the petition must not be presented in collusion. "Collusion" in this context refers to:

- (A) An improper agreement or understanding between the parties to obtain the relief by deceiving the court



- (B) A passive failure by one spouse to resist the other's wrongdoing
- (C) The forgiveness by the wronged spouse of the matrimonial offence
- (D) A delay by the petitioner in approaching the court for relief

Q65. Section 23(1)(b) of the Hindu Marriage Act, 1955, bars relief where the petitioner has condoned the matrimonial offence. "Condonation" in the law of matrimonial causes essentially means:

- (A) A secret arrangement between the spouses to mislead the court
- (B) Active encouragement by one spouse of the other's adultery
- (C) Conditional forgiveness coupled with reinstatement of the offending spouse to the matrimonial position, which may revive on subsequent misconduct
- (D) An unexplained and inordinate delay in instituting the petition

Q66. Section 23(1)(d) of the Hindu Marriage Act, 1955, requires the court to be satisfied that there has not been any unnecessary or improper delay in instituting the proceeding. The effect of this bar is that:

- (A) Every petition filed after one year of the wrong is automatically dismissed
- (B) Where there is unexplained and unreasonable delay amounting to acquiescence, the court may, having regard to the circumstances, refuse the relief sought
- (C) Delay is wholly irrelevant once a ground for divorce is proved
- (D) The petition must in all cases be filed within ninety days of the matrimonial wrong

Q67. Section 23(1)(a) of the Hindu Marriage Act, 1955, bars relief where the petitioner is "taking advantage of his or her own wrong or disability". This provision embodies the principle that:

- (A) A petitioner who is himself the author of the situation forming the basis of relief cannot use his own wrong as a ground to obtain a decree



- (B) A petitioner may rely on his own wrong if the respondent does not object
- (C) The bar applies only to petitions for restitution of conjugal rights
- (D) Self-induced disability strengthens the petitioner's claim to relief

Q68. Section 10 of the Hindu Adoptions and Maintenance Act, 1956, lays down who may be adopted. Which of the following conditions must be satisfied for a person to be capable of being taken in adoption?

- (A) The person to be adopted may be of any religion provided he consents
- (B) The person to be adopted must have completed eighteen years of age
- (C) The person to be adopted must in every case be a male child
- (D) The person to be adopted must be a Hindu, must not already have been adopted, must be unmarried (unless custom permits otherwise), and must not have completed fifteen years of age (unless custom permits otherwise)

Q69. Section 11 of the Hindu Adoptions and Maintenance Act, 1956, prescribes conditions for a valid adoption. Where the adoption is of a son, one mandatory condition is that:

- (A) The adoptive father must obtain the permission of the District Court
- (B) The adopted son must be older than the adoptive father by at least ten years
- (C) The adoptive father or mother must not have a Hindu son, son's son or son's son's son living at the time of the adoption
- (D) The adoption must be registered before a notary within seven days

Q70. Section 11 of the Hindu Adoptions and Maintenance Act, 1956, requires that the child to be adopted must actually be given and taken in adoption. The legal significance of this requirement of "giving and taking" is that:



- (A) It is a mere formality which may be dispensed with by a written deed
- (B) It is required only where the adopted child is a daughter
- (C) It can be substituted by registration of the adoption deed alone
- (D) The physical act of giving and taking the child, by the parties or under their authority, with intent to transfer the child from one family to the other, is an essential ceremony without which the adoption is not valid

Q71. Under Section 11 of the Hindu Adoptions and Maintenance Act, 1956, where the adoption is of a daughter, the adoptive father or mother must not have, at the time of adoption, a living:

- (A) Hindu daughter or son's daughter (whether by legitimate blood relationship or by adoption)
- (B) Brother or sister of the full blood
- (C) Married son living separately
- (D) Widowed mother dependent on the family

Q72. Section 2 of the Dissolution of Muslim Marriages Act, 1939, enumerates the grounds on which a woman married under Muslim law is entitled to obtain a decree for the dissolution of her marriage. Which of the following is one such statutory ground?

- (A) That the husband has taken a second wife with the wife's consent
- (B) That the husband has been sentenced to imprisonment for a period of seven years or upwards
- (C) That the wife wishes to remarry a man of her own choice
- (D) That the husband has refused to migrate abroad with the wife

Q73. The Dissolution of Muslim Marriages Act, 1939, also preserves to a wife the so-called "option of puberty" (*khyar-ul-bulugh*). Under this doctrine, a Muslim woman is entitled to a decree for dissolution of her marriage where:



- (A) She, having been given in marriage by her father or other guardian before she attained the age of fifteen years, repudiated the marriage before attaining the age of eighteen years, provided the marriage was not consummated
- (B) She has simply changed her mind about the marriage after attaining majority
- (C) The marriage was performed in the presence of fewer than two witnesses
- (D) Her husband has failed to provide her with a separate residence

Q74. Under the Dissolution of Muslim Marriages Act, 1939, a wife may seek dissolution on the ground that her husband “treats her with cruelty”. Which of the following falls within the statutory description of cruelty under Section 2(viii)?

- (A) The husband’s mere refusal to take the wife on a pilgrimage
- (B) The husband works in a different town from the wife
- (C) The husband associates with women of evil repute or leads an infamous life, or attempts to force the wife to lead an immoral life
- (D) The husband declines to purchase ornaments for the wife

Q75. Under Muslim law a widow whose dower (mahr) remains wholly or partly unpaid enjoys a recognised right in respect of her deceased husband’s property. This right is correctly described as:

- (A) A right to sell the property and appropriate the entire sale proceeds towards her dower
- (B) A right of full ownership in the property to the exclusion of all heirs
- (C) A right to claim the dower only from the State treasury
- (D) A right to retain possession of her husband’s property, obtained lawfully and without force or fraud, until her dower debt is satisfied, holding it against the heirs and creditors



- Q76.** The widow's right to retain possession of her husband's property for an unpaid dower does not, by itself, confer title. Which of the following correctly states the nature of this right?
- (A) It is a possessory right or a species of lien, and not a right of ownership, transferable and heritable but liable to be defeated on payment of the dower
 - (B) It vests absolute ownership of the property in the widow
 - (C) It entitles the widow to charge interest on the unpaid dower at a fixed statutory rate
 - (D) It extinguishes automatically on the death of the husband
- Q77.** Section 43 of the Transfer of Property Act, 1882, embodies the doctrine of "feeding the grant by estoppel". The doctrine operates where a person:
- (A) Fraudulently or erroneously represents that he is authorised to transfer certain immovable property and professes to transfer it for consideration, and afterwards acquires an interest in it, the transferee may at his option require the transfer to operate on that interest
 - (B) Transfers property which he never claimed to own, and later acquires it
 - (C) Transfers property to a minor who later attains majority
 - (D) Gifts property which is afterwards lost by the donor
- Q78.** The doctrine of feeding the grant by estoppel under Section 43 of the Transfer of Property Act, 1882, is, however, subject to an important limitation in favour of third parties. The proviso protects:
- (A) The original transferor who repents of the transfer
 - (B) Any subsequent transferee, whether or not he acted in good faith
 - (C) The rights of a transferee in good faith for consideration without notice of the existence of the earlier option
 - (D) Only transferees who are relatives of the transferor



- Q79.** Section 127 of the Transfer of Property Act, 1882, deals with onerous gifts. Where a single gift comprises several things, one of which is burdened by an onerous obligation while the others are beneficial, the donee:
- (A) May accept only the beneficial things and reject the burdened one
 - (B) Is bound to accept the burdened thing but may reject the beneficial ones
 - (C) May modify the obligation with the court's permission
 - (D) Can take nothing by the gift unless he accepts it fully, including the onerous obligation, where the things form a single transfer
- Q80.** Section 128 of the Transfer of Property Act, 1882, defines the liability of a "universal donee", that is, a person to whom the whole of the donor's property is given. Such a universal donee is:
- (A) Wholly exempt from the debts and liabilities of the donor
 - (B) Liable for the donor's debts without any limit, even beyond the property received
 - (C) Liable only for debts contracted by the donor after the date of the gift
 - (D) Personally liable for all the debts due by and liabilities of the donor at the time of the gift, to the extent of the property comprised in the gift
- Q81.** The doctrine of constructive notice in company law presumes that persons dealing with a company have read and understood its public documents. The doctrine accordingly provides that:
- (A) An outsider is deemed to have notice of the contents of the company's registered Memorandum and Articles of Association, which are public documents open to inspection
 - (B) An outsider is deemed to know the internal proceedings of the board of directors



- (C) The company is presumed to have notice of all contracts entered into by its agents
- (D) Constructive notice extends to the private minute books of the company

Q82. The rigour of the doctrine of constructive notice is mitigated by the rule of indoor management. In which of the following situations does the protection of the indoor-management rule remain available to the outsider?

- (A) Where the outsider had actual knowledge of the irregularity in the internal management
- (B) Where the outsider, having satisfied himself that the transaction was consistent with the Memorandum and Articles, assumed in good faith that the internal procedures had been duly complied with
- (C) Where the very document relied upon by the outsider is a forgery
- (D) Where the circumstances were suspicious and ought to have put the outsider on inquiry

Q83. An act done by a company which is wholly beyond the objects set out in its Memorandum of Association is described as ultra vires the company. Even the rule of indoor management does not protect an outsider in such a case because:

- (A) An ultra vires act is merely voidable at the option of the company
- (B) An ultra vires act becomes valid once acted upon by the outsider
- (C) An ultra vires act, being beyond the company's capacity, is void and cannot be ratified even by the unanimous consent of all the shareholders
- (D) An ultra vires act is binding if the board ratifies it later

Q84. Under the Companies Act, 2013, a company may alter the objects clause of its Memorandum of Association. The procedure for such an alteration requires:



- (A) A mere ordinary resolution passed at a board meeting
- (B) A special resolution of the company and compliance with the procedural requirements, including filing with the Registrar, before the alteration takes effect
- (C) The unanimous consent of all creditors of the company
- (D) The prior sanction of the National Company Law Tribunal in every case

Q85. Under the Companies Act, 2013, the Articles of Association may be altered by a company. A limitation on this power of alteration is that:

- (A) The articles can never be altered once registered
- (B) An alteration requires only an ordinary resolution in all cases
- (C) An alteration must not be inconsistent with the Act or the Memorandum, must not be a fraud on the minority, and cannot compel a member to take more shares or increase his liability without his written consent
- (D) An alteration can deprive a member of vested rights freely

Q86. Section 17 of the Copyright Act, 1957, governs the first ownership of copyright. Where a work is made by an author in the course of his employment under a contract of service with a newspaper, magazine or similar periodical, the first owner of the copyright is, in the absence of any agreement to the contrary:

- (A) The author alone in every respect
- (B) The Government, the work being treated as a public document
- (C) The editor of the periodical in his personal capacity
- (D) The proprietor of the newspaper or periodical, so far as the copyright relates to publication in or reproduction for the purpose of the periodical, the author retaining the residue

Q87. Section 22 of the Copyright Act, 1957, prescribes the term of copyright in published literary, dramatic, musical and artistic works. In the case



of such a work published within the lifetime of the author, copyright subsists until:

- (A) Sixty years from the date of first publication
- (B) The lifetime of the author only
- (C) The expiry of sixty years from the beginning of the calendar year next following the year in which the author dies
- (D) Fifty years from the date of the author's death

Q88. Section 42 of the Trade Marks Act, 1999, permits the assignment of an unregistered trade mark. An assignment of a trade mark made “without the goodwill” of the business concerned is valid only if:

- (A) The assignee is a relative of the assignor
- (B) The assignor or the assignee applies to the Registrar within the prescribed period for directions with respect to advertisement of the assignment, and advertises it in accordance with those directions
- (C) The assignment is approved by the Central Government
- (D) The mark has been in use for at least ten years

Part E: ADR & Professional Ethics

Q89. An arbitral award is made and a signed copy is received by the aggrieved party. It later wishes to challenge the award under Section 34 of the Arbitration and Conciliation Act, 1996, but lets several months pass. On the period within which such an application to set aside an award may be entertained, the correct position is:

- (A) An application under Section 34 may be filed at any time before the award is sought to be enforced, there being no fixed limitation
- (B) An application must be made within three months from the date of receipt of the award, and the court may, on sufficient cause, entertain it within a further period of thirty days but not thereafter
- (C) An application may be made within three years, the ordinary residuary period of limitation applying to it



(D) An application may be made within thirty days only, with no power in the court to condone any delay whatsoever

Q90. A party against whom a domestic arbitral award has been made files an application under Section 34 to set the award aside, the arbitration having been conducted after the 2015 amendments. It assumes that the mere filing of that application automatically suspends the operation of the award and bars its enforcement. On the position regarding stay of an award under Section 36 after the 2015 amendment, the correct position is:

- (A) The mere filing of a Section 34 application automatically renders the award unenforceable until the application is decided
- (B) An award can never be stayed once made, and enforcement must proceed regardless of any pending challenge
- (C) After the 2015 amendment, the filing of a Section 34 application does not by itself render the award unenforceable; the award-debtor must make a separate application for stay, which the court may grant on such conditions as it deems fit
- (D) A stay of the award is granted as a matter of right the moment the Section 34 application is filed, without any separate application

Q91. A question arises in a domestic arbitration as to whether the law of limitation that governs proceedings in court applies to arbitral proceedings as well, so that stale claims may be barred before the tribunal. On the applicability of the Limitation Act, 1963, to arbitrations under the Arbitration and Conciliation Act, 1996, the correct position is:

- (A) Section 43 provides that the Limitation Act, 1963, shall apply to arbitrations as it applies to proceedings in court, so that a claim time-barred before the tribunal is liable to be rejected
- (B) The Limitation Act has no application at all to arbitral proceedings, which are governed only by the agreement of the parties



- (C) Limitation applies only to court proceedings under Sections 9 and 34 and never to the reference itself
- (D) An arbitral tribunal alone decides whether limitation applies, the Limitation Act having been wholly excluded from arbitrations

Q92. An application under Section 9 in respect of an arbitration is first made before one competent court. Later, with regard to the same arbitration agreement, applications are sought to be filed before a different court. On which court is to have jurisdiction over the arbitral proceedings and all subsequent applications, the correct position under the Arbitration and Conciliation Act, 1996 is:

- (A) Any court within whose territory any part of the cause of action arose may simultaneously exercise jurisdiction over different applications in the same arbitration
- (B) The High Court of the State alone has jurisdiction over every application connected with the arbitration, regardless of where the first application was made
- (C) There is no rule fixing jurisdiction; the parties may approach any court of their choice for each successive application
- (D) Under Section 42, where an application has been made in a court, that court alone shall have jurisdiction over the arbitral proceedings and all subsequent applications shall be made in that court and in no other court

Q93. A foreign award is sought to be enforced in India under Part II of the Arbitration and Conciliation Act, 1996. The court declines to enforce it, refusing recognition. The party in whose favour the award stands wishes to appeal against that refusal. On the right of appeal in such foreign-award enforcement matters, the correct position is:

- (A) No appeal of any kind lies in foreign-award matters; the order of the enforcing court is final and unappealable
- (B) Under Section 50, an appeal lies from an order refusing to enforce a



foreign award, while no appeal lies from an order enforcing it, with a further appeal to the Supreme Court being preserved

- (C) An appeal lies equally from an order enforcing and from an order refusing to enforce a foreign award, the right being symmetrical
- (D) Appeals in foreign-award matters are governed entirely by Section 37, which applies to Part II without modification

Q94. A plaintiff wishes to institute a commercial suit not contemplating any urgent interim relief. He proposes to file it directly in the Commercial Court without first attempting any settlement. On the requirement of pre-institution mediation under the Commercial Courts Act, 2015, the correct position is:

- (A) Pre-institution mediation is a matter of pure choice, and a suit may always be filed straightaway irrespective of any mediation
- (B) The requirement of pre-institution mediation applies only to suits seeking urgent interim relief, and never to ordinary commercial suits
- (C) Under Section 12A, a suit which does not contemplate any urgent interim relief shall not be instituted unless the plaintiff first exhausts the remedy of pre-institution mediation in the prescribed manner
- (D) Pre-institution mediation, even where applicable, is merely directory, so that non-compliance can never affect the maintainability of the suit

Q95. In a contract dispute, one party resists a reference to arbitration by alleging that the transaction is vitiated by fraud, contending that allegations of fraud can never be decided by an arbitral tribunal. On the arbitrability of fraud, as the law has evolved through the decisions of the Supreme Court, the correct position is:

- (A) Moving away from the earlier view in *N. Radhakrishnan*, the Court in *A. Ayyasamy v. A. Paramasivam* and *Avitel Post Studioz v. HSBC* held that mere allegations of fraud do not oust arbitration, and only



serious fraud that permeates the whole contract or has a public-law flavour is non-arbitrable

- (B) Every dispute in which fraud is alleged is automatically non-arbitrable and must be tried only by a civil court
- (C) Allegations of fraud, however serious, are always arbitrable without exception, the tribunal being competent in all cases
- (D) The arbitrability of fraud depends solely on the monetary value of the claim and not on the nature of the allegations

Q96. An association of advocates, aggrieved by a proposed law, calls upon members of the Bar to abstain from work and to boycott the courts for several days. The validity of such calls to strike was authoritatively settled by the Supreme Court. On the right of advocates to strike or to give a call for boycott of courts, the correct position is:

- (A) Advocates enjoy an unqualified right to strike and to boycott courts whenever a bar association so resolves
- (B) A strike by advocates is always lawful so long as it is peaceful and is limited to a single day
- (C) There is no settled law on the question, and the propriety of an advocates' strike is left to each bar association
- (D) In *Ex-Capt. Harish Uppal v. Union of India* the Supreme Court held that lawyers have no right to strike or to give a call for boycott of courts, and may at most, in the rarest of cases, abstain symbolically for a day, the dignity and functioning of the courts not being allowed to suffer

Q97. A person duly enrolled as an advocate on a State roll claims that, by virtue of such enrolment under the Advocates Act, 1961, he is entitled as of right to practise the profession of law before courts and tribunals throughout the territory of India. On the nature and extent of an advocate's right to practise, the correct position is:



- (A) An advocate may practise only before the courts of the State on whose roll his name appears and nowhere else
- (B) An advocate enrolled on a State roll has, under the Advocates Act, 1961, the right to practise the profession of law before all courts, tribunals and authorities throughout India, subject to the conditions and rules made under the Act
- (C) The right to practise belongs only to senior advocates and advocates-on-record, ordinary advocates having no such right
- (D) Enrolment confers no right to practise; a separate licence must be obtained from each court before appearance

Q98. A practising advocate is approached by an indigent litigant who is unable to pay any fee and who has been provided assistance under the legal-aid scheme. The advocate wonders whether he is under any professional obligation to render service in such pro bono or legal-aid matters. On the duty of an advocate in this regard, the correct position is:

- (A) An advocate owes no duty whatever towards indigent or legal-aid litigants and may decline such work as a matter of course
- (B) An advocate may take up legal-aid work only if the State pays him the full market fee for the engagement
- (C) It is a recognised professional obligation of an advocate to render legal assistance to the poor and the needy, and an advocate who accepts a legal-aid brief must conduct it with the same diligence and care as a paid brief
- (D) An advocate undertaking pro bono work is held to a lower standard of care, since no fee is charged

Q99. An advocate engaged in regular practice declines to accept a brief offered to him by a prospective client, citing his own convenience and a vague disinclination to appear, though no genuine conflict or disability prevents him. On the position under the rules framed by the Bar Council of India regarding an advocate's acceptance of briefs, the correct position is:



- (A) An advocate is ordinarily bound to accept any brief in the courts or tribunals in which he professes to practise, at a fee consistent with his standing and the nature of the case, and may refuse to accept a particular brief only for special reasons
- (B) An advocate is wholly free to accept or refuse any brief at his absolute discretion without any professional norm bearing upon the matter
- (C) An advocate must accept every brief offered to him without exception and can never refuse any engagement on any ground
- (D) An advocate may refuse a brief only with the prior written permission of the Bar Council of the State

Q100. A person is found guilty of contempt of court. Separately, a question arises as to the longest period after which no proceedings for contempt may be initiated at all. On the punishment for contempt and the limitation for initiating contempt proceedings under the Contempt of Courts Act, 1971, the correct position is:

- (A) There is no statutory ceiling on the punishment and no period of limitation for initiating contempt proceedings under the Act
- (B) Contempt is punishable with imprisonment up to two years and a fine of any amount, and proceedings may be initiated at any time without limit
- (C) The punishment may extend to seven years' imprisonment, and proceedings must be initiated within one year of the contempt
- (D) Under Section 12, contempt is punishable with simple imprisonment up to six months or with fine up to two thousand rupees or both, and under Section 20 no court shall initiate any proceedings for contempt after the expiry of one year from the date on which the contempt is alleged to have been committed



Detailed Solutions

Q1.

Solution

Concept — Grounds of Judicial Review (GCHQ): In *Council of Civil Service Unions v. Minister for the Civil Service* (1985) Lord Diplock grouped the grounds of review under three heads — illegality, irrationality and procedural impropriety — while leaving open the future development of proportionality.

Step 1 — Eliminate the others: Mala fides and bias are particular species *within* these heads, not the classification itself; ultra vires/estoppel and negligence/nuisance belong to other branches of law. Only option (A) reproduces Lord Diplock's actual tripartite scheme.

Tip: Memorise the trio “illegality + irrationality + procedural impropriety” as the GCHQ heads.

Final Answer: Illegality, irrationality and procedural impropriety ⇒ A

Answer: (A) [Go Back to Q1](#)

Q2.

Solution

Concept — Illegality: Under the GCHQ scheme (*Council of Civil Service Unions v. Minister*, 1985), “illegality” means that the decision-maker must correctly understand the law that regulates the power and must give effect to it; a misdirection in law or acting outside the conferred power falls under this head.

Step 1 — Eliminate the others: Procedural impropriety concerns failure of fair-procedure rules; irrationality is *Wednesbury* unreasonableness in the substance of the decision; proportionality tests the balance of means and ends. A mistake of law touching the very scope of power is squarely illegality.

Tip: “Wrong law / no power = illegality”; “unfair procedure = procedural impropriety.”

Final Answer: Illegality ⇒ B

Answer: (B) [Go Back to Q2](#)



Q3.

Solution

Concept — Irrationality / Wednesbury Unreasonableness: A decision so unreasonable that no reasonable authority could ever have come to it is reviewable. The standard originates in *Associated Provincial Picture Houses v. Wednesbury Corporation* (1948) and was placed under the head “irrationality” in the GCHQ case.

Step 1 — Eliminate the others: Illegality is about the scope of power; procedural impropriety is about fair procedure; legitimate expectation protects a settled assurance or practice. The description of an outrageous, illogical decision is the classic irrationality test.

Tip: Link “Wednesbury” with the word “irrationality” — they are two names for the same head.

Final Answer: Irrationality (Wednesbury unreasonableness) ⇒

Answer: (C) [Go Back to Q3](#)

Q4.

Solution

Concept — Abuse of Discretion: Mala Fides: Even discretion expressed in the widest terms (“as it thinks fit”) must be exercised honestly and for the purpose for which it was conferred. Where power is used in bad faith — to satisfy a personal grudge — the action is an abuse of discretion and is void.

Step 1 — Eliminate the others: Promissory estoppel and legitimate expectation arise from assurances, not present here; res judicata bars re-litigation of decided issues. The vice in the refusal is its dishonest motive, i.e. mala fides.

Tip: Bad-faith use of statutory power = mala fides = a recognised abuse of discretion.

Final Answer: Mala fides (abuse of discretion) ⇒

Answer: (D) [Go Back to Q4](#)



Q5.

Solution

Concept — Fettering of Discretion: An authority on whom discretion is conferred must keep it alive and decide each case on its own merits. Adopting a rigid, inflexible policy and applying it mechanically, without willingness to consider exceptions, amounts to a wrongful fettering of discretion.

Step 1 — Eliminate the others: A reasonable, consistent practice is permissible only if the authority remains ready to depart in a deserving case; valid delegation and quasi-judicial classification do not describe the vice here. The flaw is the self-imposed rule that the authority will “never” grant permission.

Tip: A policy is fine; a closed mind is not — inflexible rules fetter discretion.

Final Answer: Fettering of discretion by a rigid self-imposed rule ⇒

Answer: (A) [Go Back to Q5](#)

Q6.

Solution

Concept — Irrelevant Considerations: Where a statute directs the authority to have regard to specified matters (here, cost of production), it must consider those relevant factors and must not be guided by extraneous, irrelevant ones. Acting on political popularity while ignoring cost data vitiates the order.

Step 1 — Eliminate the others: The authority did *not* act within jurisdiction; “power coupled with a duty” and “doctrine of necessity” do not describe the defect. The order fails because relevant considerations were ignored and irrelevant ones taken in.

Tip: Two sides of one coin — ignoring relevant factors or weighing irrelevant ones both invalidate discretion.

Final Answer: Irrelevant considerations taken, relevant ones ignored ⇒

Answer: (B) [Go Back to Q6](#)



Q7.

Solution

Concept — Non-application of Mind: When the statute requires the authority itself to be satisfied on the material, it must actually examine that material and form its own opinion. Mechanically signing an order prepared by a subordinate, without scrutiny, shows non-application of mind and invalidates the order.

Step 1 — Eliminate the others: Excessive delegation concerns the legislature handing over essential law-making power; estoppel and constructive res judicata are unrelated doctrines. The defect is the officer's failure to apply his own mind.

Tip: "Rubber-stamping" another's draft = non-application of mind.

Final Answer: Non-application of mind ⇒

Answer: (C) [Go Back to Q7](#)

Q8.

Solution

Concept — Exceptions to Natural Justice (Emergency): Natural justice is flexible; a prior hearing may be dispensed with where urgency demands immediate action — for example, the sealing of a dangerous building or the seizure of contaminated food — as recognised in administrative-law jurisprudence following *Maneka Gandhi v. Union of India* (1978).

Step 1 — Eliminate the others: Mere inconvenience to the authority, the administrative/quasi-judicial label, or the fact that the person is a Government servant do not by themselves exclude a hearing. Genuine urgency that makes a prior hearing impracticable does.

Tip: Emergency may postpone or exclude a *prior* hearing — often a post-decisional hearing then suffices.

Final Answer: Urgency making a prior hearing impracticable ⇒

Answer: (D) [Go Back to Q8](#)



Q9.

Solution

Concept — Statutory Exclusion and Legislative Action: Natural justice can be excluded by a statute expressly or by necessary implication, and it does not apply to functions that are purely legislative in character, such as the making of subordinate legislation or rules of general application, where individual hearings are not required.

Step 1 — Eliminate the others: Natural justice does not survive “with full rigour” against a clear statutory exclusion, nor is it transformed into a right of appeal or always enforceable by mandamus. In these situations it stands excluded to that extent.

Tip: Rule-making of general application = legislative function = no individual hearing.

Final Answer: Natural justice stands excluded to that extent ⇒

[Go Back to Q9](#)

Q10.

Solution

Concept — “Other Authorities” under Article 12: In *Ajay Hasia v. Khalid Mujib Sehravardi* (1981) the Supreme Court set out indicia for treating a body as an instrumentality or agency of the State — inter alia, Government share-holding, financial assistance, monopoly status, and, crucially, deep and pervasive State control.

Step 1 — Eliminate the others: The mere form of incorporation (society or company), engagement in commercial activity, or location on Government land is not decisive. The decisive test is functional, financial and administrative control by the Government.

Tip: *Ajay Hasia* = form is irrelevant; control and Government character are what matter.

Final Answer: Deep and pervasive Government control ⇒

[Go Back to Q10](#)



Q11.

Solution

Concept — Refined Test in *Pradeep Kumar Biswas*: In *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology* (2002) the seven-judge Bench held that a body is “State” under Article 12 only if it is financially, functionally and administratively dominated by, or under the deep and pervasive control of, the Government, that control being particular to the body and not merely general regulatory control.

Step 1 — Eliminate the others: A mere grant of money, performance of a public duty, or statutory creation is not by itself enough; ordinary regulatory control common to all bodies does not convert a body into “State.” The control must be specific and pervasive.

Tip: *Pradeep Kumar Biswas* narrowed *Ajay Hasia* — regulatory control \neq deep, particular control.

Final Answer: Deep, pervasive control particular to the body \Rightarrow

[Go Back to Q11](#)

Q12.

Solution

Concept — Definition of “State” (Article 12): Article 12 provides that, unless the context otherwise requires, “the State” includes the Government and Parliament of India, the Government and Legislature of each State, all local authorities and other authorities within the territory of India or under the control of the Government of India.

Step 1 — Eliminate the others: The judiciary in its judicial functions, private citizens, and foreign States are not part of the Article 12 definition. The catch-all clause is precisely “other authorities” within India or under the Union’s control.

Tip: Learn the four limbs of Art. 12 verbatim; the elastic phrase is “other authorities.”

Final Answer: Other authorities within India or under Union control \Rightarrow

[Go Back to Q12](#)



Q13.

Solution

Concept — Article 226 against Private Bodies: A writ under Article 226 lies not only against the State and its instrumentalities but also against any person or body — even a private one — when it is discharging a public function or a public duty, so that the obligation sought to be enforced has a public-law character.

Step 1 — Eliminate the others: The absence of a contractual remedy, the size of the workforce, or a claim for damages does not create writ jurisdiction over a private body. The decisive factor is the public function/public duty being performed.

Tip: “Public duty” is the gateway for Art. 226 against an otherwise private body.

Final Answer: Where it discharges a public function or duty ⇒ **A**

Answer: (A) [Go Back to Q13](#)

Q14.

Solution

Concept — Scope of Article 226: The High Court’s power under Article 226 extends to issuing writs for the enforcement of fundamental rights “and for any other purpose.” This makes Article 226 wider than Article 32, which is confined to fundamental rights; under Article 226 even ordinary legal rights can be enforced.

Step 1 — Eliminate the others: Article 226 is not limited to fundamental rights, not limited to the Union Government, and not confined to land-revenue matters. The phrase “for any other purpose” is the key expansion.

Tip: Art. 32 = fundamental rights only; Art. 226 = fundamental rights “+ any other purpose.”

Final Answer: For fundamental rights and “any other purpose” ⇒ **B**

Answer: (B) [Go Back to Q14](#)

Q15.

Solution

Concept — Alternative-Remedy Rule: The existence of an equally efficacious alternative remedy is a rule of self-imposed restraint, not a bar to jurisdiction. The High Court may still entertain a writ where the order is wholly without jurisdiction, in breach of natural justice, or violative of a fundamental right (as recognised in *Whirlpool Corporation v. Registrar of Trade Marks*, 1998).



Step 1 — Eliminate the others: A mere preference for speed, the size of the claim, or the forum of the alternative remedy does not justify bypassing it. The recognised exceptions turn on jurisdiction, natural justice and fundamental rights.

Tip: Three classic exceptions — no jurisdiction, breach of natural justice, fundamental-right violation.

Final Answer: No jurisdiction / breach of natural justice / fundamental-right violation ⇒ C

Answer: (C) [Go Back to Q15](#)

Q16.

Solution

Concept — RTI Exemptions, Section 8(1): Section 8(1) of the Right to Information Act, 2005, lists categories exempt from disclosure. Clause (a) exempts information the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, or relations with a foreign State.

Step 1 — Eliminate the others: Salary details, office working hours, and the name of the public authority are ordinarily disclosable, not exempt. Only the sovereignty/security clause falls within the Section 8(1) exemptions.

Tip: Section 8(1)(a) — sovereignty, integrity and security head the exemption list.

Final Answer: Information prejudicial to sovereignty/security of the State ⇒ D

Answer: (D) [Go Back to Q16](#)

Q17.

Solution

Concept — Public-Interest Override, Section 8(2): Section 8(2) of the RTI Act, 2005, provides that notwithstanding the Official Secrets Act and the exemptions in Section 8(1), a public authority may allow access to information if the public interest in disclosure outweighs the harm to the protected interests.

Step 1 — Eliminate the others: The override does not depend on the applicant's profession, a uniform twenty-year rule, or payment of an extra fee. The single test is whether public interest in disclosure outweighs the protected harm.

Tip: Section 8(2) = the “public-interest outweighs harm” safety valve over the exemptions.



Final Answer: Public interest in disclosure outweighs the harm ⇒

Answer: (A) [Go Back to Q17](#)

Q18.

Solution

Concept — Lokpal and Lokayukta: The Lokpal and Lokayuktas Act, 2013, establishes the Lokpal for the Union and requires every State to establish a Lokayukta to inquire into allegations of corruption against public functionaries. The Lokayukta is thus the State-level counterpart of the Lokpal.

Step 1 — Eliminate the others: The Central Vigilance Commission, the State Information Commission, and the Comptroller and Auditor-General are distinct bodies with different mandates. The State analogue of the Lokpal under this Act is the Lokayukta.

Tip: Lokpal = Union level; Lokayukta = State level, under the 2013 Act.

Final Answer: Lokayukta ⇒

Answer: (B) [Go Back to Q18](#)

Q19.

Solution

Concept — Composition of the Lokpal: Under the Lokpal and Lokayuktas Act, 2013, the Lokpal comprises a Chairperson and up to eight Members. The Chairperson must be a person who is, or has been, a Chief Justice of India or a Judge of the Supreme Court, or an eminent person of impeccable integrity fulfilling the prescribed qualifications.

Step 1 — Eliminate the others: A serving Member of Parliament, a serving civil servant, or a serving High Court Judge is disqualified from being the Chairperson; the office demands judicial eminence or comparable eminent-person status, free of current office.

Tip: Lokpal Chairperson = ex-CJI / ex-SC Judge / eminent person of integrity.

Final Answer: A former CJI / SC Judge or qualified eminent person ⇒

Answer: (C) [Go Back to Q19](#)



Q20.

Solution

Concept — Private defence of property extending to death, s.103 IPC: Section 103 IPC permits the voluntary causing of death of a wrong-doer where the offence against property is robbery, house-breaking by night, mischief by fire on a dwelling, or theft/mischief/house-trespass attended by reasonable apprehension of death or grievous hurt.

Step 1 — Applying the facts: A nocturnal intruder committing house-breaking by night with reasonable apprehension of death or grievous hurt squarely falls within s.103; the right therefore extends to causing death.

Tip: s.103 is the property-side counterpart to s.100 for the body.

Final Answer: Right extends to causing death under s.103 IPC ⇒

Answer: (A) [Go Back to Q20](#)

Q21.

Solution

Concept — Enumerated offences under s.103 IPC: Death may be voluntarily caused in defence of property only for the offences listed in s.103, namely robbery, house-breaking by night, mischief by fire on a dwelling, and theft, mischief or house-trespass under circumstances raising a reasonable apprehension of death or grievous hurt.

Step 1 — Identifying the exclusion: Bare theft, unaccompanied by any reasonable apprehension of death or grievous hurt, is not in the s.103 list; for such cases s.104 limits defence to harm short of death.

Tip: No apprehension of death/grievous hurt then s.104, not s.103.

Final Answer: Theft simpliciter is not within s.103 ⇒

Answer: (C) [Go Back to Q21](#)



Q22.

Solution

Concept — Private defence of property limited to harm other than death, s.104 IPC: Where the property offence is theft, mischief or house-trespass not of a kind enumerated in s.103, s.104 IPC confines the right to the voluntary causing of any harm *other than death*.

Step 1 — Eliminating distractors: Causing death is barred in such cases, but the defender is not left remediless during the assault; lawful defensive harm short of death is permitted.

Tip: s.103 allows death; s.104 caps the right at harm short of death.

Final Answer: Any harm other than death under s.104 IPC ⇒ B

Answer: (B) [Go Back to Q22](#)

Q23.

Solution

Concept — Continuance of the right against theft, s.105 IPC: Section 105 IPC provides that the right of private defence of property against theft continues until the offender has effected his retreat with the property, or the assistance of the public authorities is obtained, or the property has been recovered.

Step 1 — Eliminating distractors: The right is neither perpetual nor tied to a final court decree; it ends on retreat, recovery, or arrival of public help.

Tip: Theft: defence ends on retreat / public help / recovery.

Final Answer: Continues until retreat, public help, or recovery ⇒ C

Answer: (C) [Go Back to Q23](#)

Q24.

Solution

Concept — Commencement of the right, s.105 IPC: Section 105 IPC declares that the right of private defence of property commences when a reasonable apprehension of danger to the property commences.

Step 1 — Applying the rule: The defender need not wait for actual damage or removal; a reasonable apprehension of imminent danger to the property is enough to trigger the right.



Tip: Apprehension, not actual harm, starts the s.105 clock.

Final Answer: Commences with reasonable apprehension of danger ⇒ A

Answer: (A) [Go Back to Q24](#)

Q25.

Solution

Concept — Continuance against robbery, s.105 IPC: For robbery, s.105 IPC provides that the right continues as long as the offender causes or attempts to cause to any person death, hurt, or wrongful restraint, or as long as the fear of instant death, hurt, or personal restraint continues.

Step 1 — Eliminating distractors: The right turns on the continuing threat to the person, not on territorial jurisdiction, an arbitrary time limit, or mere non-recovery of articles.

Tip: Robbery is a personal-threat offence, so its defence tracks the fear of instant harm.

Final Answer: As long as the offender threatens or the fear of instant harm continues ⇒ B

Answer: (B) [Go Back to Q25](#)

Q26.

Solution

Concept — Consent for a person's benefit in good faith, s.88 IPC: Section 88 IPC exempts an act not intended to cause death, done in good faith for the benefit of the person consenting, even if the doer knows it is likely to cause death; the standard illustration is the surgeon who operates knowing death is probable but intending only cure.

Step 1 — Applying the facts: A operates in good faith, with consent, for B's benefit, without intending death though knowing it likely. This is the precise field of s.88, not s.87.

Tip: s.88 forgives known-but-not-intended death where the act is for the consentor's benefit.

Final Answer: Protected under s.88 IPC ⇒ C

Answer: (C) [Go Back to Q26](#)



Q27.

Solution

Concept — s.87 versus s.88 IPC: Section 87 protects acts that are neither intended nor known to be likely to cause death or grievous hurt to a consenting adult; s.88 protects acts done in good faith for the consenting person's benefit even where death is known to be likely, provided it is not intended.

Step 1 — The decisive line: The difference lies in foresight of death: s.87 excludes acts known to be likely to cause death, while s.88 extends to them so long as the purpose is the consenter's benefit and death is not intended.

Tip: s.87 = harmless sport/consent; s.88 = beneficial act despite known risk of death.

Final Answer: s.87 excludes known likelihood of death; s.88 forgives it if for benefit ⇒

Answer: (A) [Go Back to Q27](#)

Q28.

Solution

Concept — Acts not intended and not known to cause death, s.87 IPC: Section 87 IPC protects harm caused by an act not intended and not known by the doer to be likely to cause death or grievous hurt, where the person harmed is above eighteen and has consented, expressly or impliedly, to suffer that harm.

Step 1 — Applying the facts: A friendly fencing bout between consenting adults, with no foul intent and no knowledge of likely death, is the textbook s.87 situation; the accidental grievous hurt is excused.

Tip: s.87 covers consensual sport where death/grievous hurt was neither intended nor foreseen.

Final Answer: Protected under s.87 IPC ⇒

Answer: (D) [Go Back to Q28](#)



Q29.

Solution

Concept — Dishonest misappropriation, s.403 IPC: Section 403 IPC punishes the dishonest misappropriation or conversion to one's own use of movable property; possession is innocently obtained, but the subsequent dishonest retention completes the offence.

Step 1 — Applying the facts: A comes upon the lost wallet without any entrustment and without trespass to possession, so there is no theft or breach of trust; his dishonest decision to keep it from a traceable owner is criminal misappropriation under s.403.

Tip: Finder who dishonestly keeps a traceable owner's goods then s.403, not s.378.

Final Answer: Criminal misappropriation under s.403 IPC ⇒

Answer: (A) [Go Back to Q29](#)

Q30.

Solution

Concept — s.403 versus s.405 IPC: The hinge is entrustment. Criminal breach of trust under s.405 IPC presupposes property entrusted to, or under the dominion of, the accused, which he then dishonestly converts; criminal misappropriation under s.403 involves property whose possession is innocently come by, without any entrustment.

Step 1 — Eliminating distractors: Neither offence requires a public servant or the use of force, and the two are plainly not interchangeable; the presence or absence of entrustment is decisive.

Tip: Entrustment present = s.405; possession innocently acquired = s.403.

Final Answer: Entrustment distinguishes s.405 from s.403 ⇒

Answer: (B) [Go Back to Q30](#)



Q31.

Solution

Concept — Criminal breach of trust, s.405 IPC: Where a person is entrusted with property and dishonestly misappropriates or converts it to his own use in violation of the trust, the offence is criminal breach of trust under s.405 IPC.

Step 1 — Applying the facts: B entrusted A with money to be paid over to C. A's dishonest retention is a violation of that entrustment, squarely within s.405, not mere misappropriation under s.403.

Tip: Money handed over to be passed on, then kept dishonestly = s.405.

Final Answer: Criminal breach of trust under s.405 IPC ⇒ D

Answer: (D) [Go Back to Q31](#)

Q32.

Solution

Concept — Magistrate's power to direct investigation, s.156(3) CrPC: A Magistrate empowered under s.190 CrPC may, under s.156(3), direct the police to investigate a cognizable offence, a remedy explained in *Sakiri Vasu v. State of U.P.* where the police decline to register or investigate.

Step 1 — Choosing the correct course: For an unregistered or uninvestigated cognizable offence, the proper and least cumbersome remedy is a s.156(3) application, not a private complaint under s.200 or invoking High Court powers under s.482 at the threshold.

Tip: Cognizable offence, police inaction then s.156(3) before the Magistrate.

Final Answer: Invoke s.156(3) CrPC ⇒ A

Answer: (A) [Go Back to Q32](#)

Q33.

Solution

Concept — Pre-cognizance nature of s.156(3) CrPC: An order under s.156(3) CrPC is passed at the pre-cognizance stage in exercise of the Magistrate's power referable to s.190; once cognizance is taken, the post-cognizance machinery of ss.200 and 202 applies instead, as clarified in *Devarapalli Lakshminarayana Reddy v. V. Narayana Reddy*.

Step 1 — Applying the rule: The very purpose of s.156(3) is to set investigation



in motion before cognizance, so it cannot be conditioned on prior cognizance or the recording of complainant's evidence.

Tip: s.156(3) operates before cognizance; ss.200/202 after.

Final Answer: Passed at the pre-cognizance stage under s.190 ⇒ C

Answer: (C) [Go Back to Q33](#)

Q34.

Solution

Concept — Statements to police, s.161 CrPC: A police officer investigating a case may examine witnesses orally, and s.161(3) CrPC expressly provides that a statement reduced to writing shall not be signed by the person making it.

Step 1 — Eliminating distractors: Such statements are recorded by the officer, are not on oath, are unsigned, and are not substantive evidence; their limited use is governed by s.162.

Tip: s.161 statements are unsigned and not substantive evidence.

Final Answer: Need not be signed; recorded by the police officer ⇒ D

Answer: (D) [Go Back to Q34](#)

Q35.

Solution

Concept — Use of police statements, s.162 CrPC: A statement to the police during investigation cannot be used for any purpose at the trial save that the accused, and with the court's permission the prosecution, may use it to contradict its maker in the manner provided by s.145 of the Evidence Act.

Step 1 — Applying the limit: Such statements are never substantive evidence and cannot be used to corroborate; the only permitted use is contradiction of the maker as a prior inconsistent statement.

Tip: s.162 allows contradiction only, via s.145 Evidence Act; never corroboration.

Final Answer: Only to contradict the maker under s.145 Evidence Act ⇒ D

Answer: (D) [Go Back to Q35](#)



Q36.

Solution

Concept — Exceptions to the s.162 CrPC bar: The bar in s.162 CrPC does not apply to a statement falling within clause (1) of s.32 of the Evidence Act, such as a dying declaration, nor to a statement affording an explanation admissible under s.27 of the Evidence Act.

Step 1 — Eliminating distractors: Confessions to police are hit by ss.25–26 of the Evidence Act, not saved by s.162; ordinary witness statements remain barred; mere signature does not lift the bar.

Tip: s.162 carves out dying declarations (s.32(1)) and s.27 disclosure statements.

Final Answer: Statements within s.32(1) or s.27 Evidence Act ⇒

Answer: (B) [Go Back to Q36](#)

Q37.

Solution

Concept — Statement or confession before a Magistrate, s.164 CrPC: A confession under s.164 CrPC must be recorded by the Magistrate, who must first explain to the maker that he is not bound to confess and that any confession may be used against him, and must record it only on being satisfied that it is voluntary.

Step 1 — Eliminating distractors: A police officer cannot record a s.164 confession; presence of relatives is no requirement; informing the maker of his rights is mandatory, not optional.

Tip: s.164 = Magistrate + caution + voluntariness check.

Final Answer: Recorded by the Magistrate after caution, on satisfaction of voluntariness ⇒

Answer: (C) [Go Back to Q37](#)

Q38.

Solution

Concept — Effect of breach of s.164 CrPC safeguards: The caution and voluntariness safeguards in s.164 CrPC are mandatory and go to the very admissibility and reliability of the confession, as stressed in *Kartar Singh v. State of Punjab*; a confession recorded in breach is liable to be excluded or treated as unreliable.

Step 1 — Eliminating distractors: A defective confession is not saved merely



because a police officer was present, nor cured by later ratification, nor admissible irrespective of the breach.

Tip: Non-compliance with s.164 safeguards undermines voluntariness and admissibility.

Final Answer: Liable to be excluded or rendered unreliable ⇒ D

Answer: (D) [Go Back to Q38](#)

Q39.

Solution

Concept — Hearing on sentence, s.235(2) CrPC: Section 235(2) CrPC mandates that on a conviction the judge shall hear the accused on the question of sentence and then pass sentence according to law, giving effect to bifurcated trial and individualised sentencing.

Step 1 — Applying the rule: The hearing is the accused's right and cannot be denied; the judge does not sentence immediately, nor refer the matter to the High Court, nor confine the hearing to the prosecutor alone.

Tip: Conviction first, then a separate hearing on sentence under s.235(2).

Final Answer: Hear the accused on sentence, then pass sentence ⇒ B

Answer: (B) [Go Back to Q39](#)

Q40.

Solution

Concept — Mandatory nature of the s.235(2) hearing: In *Santa Singh v. State of Punjab* the Supreme Court held the hearing on sentence under s.235(2) CrPC to be a mandatory and valuable safeguard, its denial vitiating the sentence and ordinarily warranting a remand for compliance.

Step 1 — Eliminating distractors: The remaining options are contract and common-law cases (*Hadley v. Baxendale*, *Carlill*, *Dudley and Stephens*) wholly unconnected with s.235(2).

Tip: Associate *Santa Singh* with the s.235(2) sentence hearing.

Final Answer: *Santa Singh v. State of Punjab* ⇒ C

Answer: (C) [Go Back to Q40](#)



Q41.

Solution

Concept — Burden of proving an exception, s.105 Evidence Act: Section 105 of the Indian Evidence Act 1872 casts on the accused the burden of proving the existence of circumstances bringing his case within any General Exception, and the court shall presume the absence of such circumstances.

Step 1 — Applying the rule: When an accused pleads private defence, he must establish facts supporting the plea; the prosecution does not have to disprove every exception in advance, though the accused's standard is only the preponderance of probabilities.

Tip: Plead an Exception, you carry the burden under s.105 Evidence Act.

Final Answer: Burden of proving the exception is on the accused ⇒ B

Answer: (B) [Go Back to Q41](#)

Q42.

Solution

Concept — Presumption of legitimacy, s.112 Evidence Act: Section 112 of the Indian Evidence Act 1872 makes birth during a valid marriage conclusive proof of legitimacy, the sole escape being proof of non-access, that is, that the parties had no access to each other at any time when the child could have been begotten.

Step 1 — Eliminating distractors: Allegations of bad character, want of resemblance, or a bare demand for a DNA test cannot displace the conclusive presumption; only non-access does, as affirmed in *Goutam Kundu v. State of West Bengal*.

Tip: The only rebuttal to s.112 is proof of non-access.

Final Answer: Proof of non-access during the relevant period ⇒ D

Answer: (D) [Go Back to Q42](#)

Q43.

Solution

Concept — Order of examination, s.138 Evidence Act: Section 138 of the Indian Evidence Act 1872 fixes the sequence: examination-in-chief, then cross-examination if the adverse party so desires, and then re-examination if the party calling the witness so desires.

Step 1 — Applying the rule: The order is fixed and cannot be inverted or run



simultaneously; cross-examination follows the chief, and re-examination, where sought, comes last.

Tip: Chief then cross then re-examination is the invariable order under s.138.

Final Answer: Chief, then cross-examination, then re-examination ⇒

Answer: (C) [Go Back to Q43](#)

Q44.

Solution

Concept — Scope of re-examination, s.138 Evidence Act: Under s.138 of the Indian Evidence Act 1872, re-examination is directed to the explanation of matters referred to in cross-examination; if new matter is introduced, it is only by leave of the court, whereupon the adverse party may further cross-examine on that matter.

Step 1 — Eliminating distractors: Re-examination is not an open licence for fresh matter, is not confined to leading questions, and belongs to the party who called the witness, not the cross-examiner.

Tip: Re-examination explains the cross; new matter needs the court's leave.

Final Answer: Limited to explaining cross-examination, new matter only by leave ⇒

Answer: (B) [Go Back to Q44](#)

Q45.

Solution

Concept — Leading questions, ss.141–143 Evidence Act: A leading question (s.141) must not, if objected to by the adverse party, be asked in examination-in-chief or re-examination except with the court's permission (s.142), but may ordinarily be asked in cross-examination (s.143).

Step 1 — Eliminating distractors: Leading questions are not freely allowed in chief, are not prohibited in cross-examination, and their use in cross is not contingent on the witness being declared hostile.

Tip: Lead in cross; do not lead in chief without leave.

Final Answer: Barred in chief/re-examination if objected to, allowed in cross-examination ⇒

Answer: (D) [Go Back to Q45](#)



Q46.

Solution

Concept — Cross-objection in appeal (O41 R22, CPC): Order XLI Rule 22 allows a respondent, even though he has not himself filed an appeal or cross-appeal, to support the decree on any ground decided against him and to take a cross-objection to the decree by filing it ordinarily within one month of service of notice of the day fixed for hearing.

Step 1 — Apply to the facts: The defendant let his own appeal time lapse, but the plaintiff's appeal opens the door; he may now file a cross-objection under O41 R22 rather than starting a fresh suit or doing nothing.

Tip: Cross-objection is a substantive remedy and survives even if the main appeal is withdrawn or dismissed for default.

Final Answer: Cross-objection under Order XLI Rule 22 ⇒

[Go Back to Q46](#)

Q47.

Solution

Concept — Additional evidence in appeal (O41 R27, CPC): Order XLI Rule 27 confines the reception of additional evidence in appeal to limited situations — where the lower court refused evidence that ought to have been admitted, where the evidence was not within the party's knowledge despite due diligence, or where the appellate court itself requires it to pronounce judgment. The principle in *K. Venkataramiah v. A. Seetharama Reddy* (1963) is that it is not to fill a self-created lacuna.

Step 1 — Apply to the facts: The appellant seeks to patch up a weak case, which is precisely the forbidden ground; the evidence ought not to be admitted.

Tip: Additional evidence is the exception, never the rule; the court must record reasons under O41 R27(2).

Final Answer: Ought not to be admitted to fill a lacuna ⇒

[Go Back to Q47](#)



Q48.

Solution

Concept — Abatement on death of a plaintiff (O22 R3, CPC): Order XXII Rule 3 provides that where one of several plaintiffs dies and the right to sue does not survive to the survivors alone, the legal representatives of the deceased must be brought on record; if no such application is made within the limitation period, the suit abates so far as the deceased plaintiff is concerned (R3(2)).

Step 1 — Apply to the facts: The right survived to the survivor jointly with the deceased's representatives, and no application was made; hence partial abatement, which may be set aside under O22 R9 on sufficient cause.

Tip: Abatement is only as to the deceased's interest, not automatic dismissal of the whole suit.

Final Answer: The suit abates qua the deceased plaintiff, subject to setting aside ⇒

Answer: (D) [Go Back to Q48](#)

Q49.

Solution

Concept — Abatement on death of a defendant (O22 R4, CPC): Order XXII Rule 4 requires that where a sole or one of several defendants dies and the right to sue survives, the legal representatives be substituted; failure to apply within limitation causes the suit to abate as against the deceased defendant (R4(3)), subject to the power under O22 R9 to set aside abatement on sufficient cause.

Step 1 — Apply to the facts: The plaintiff did not move within time, so the suit abates against the dead defendant; no decree can run against a dead man.

Tip: Limitation for substitution is 90 days; for setting aside abatement, 60 days from abatement (Limitation Act, Arts. 120, 121).

Final Answer: Suit abates against the deceased defendant, subject to setting aside ⇒

Answer: (B) [Go Back to Q49](#)



Q50.

Solution

Concept — Reference (s.113 & O46, CPC): A reference is the procedure by which a subordinate court itself states a case and refers a question of law or usage having the force of law, on which it entertains a reasonable doubt, for the opinion of the High Court. It moves upward from court to court, not at the instance of a party seeking relief in the High Court.

Step 1 — Distinguish: Review (s.114) is the same court reconsidering its own decree at a party's instance; revision (s.115) is the High Court correcting a jurisdictional error invoked by a party. Only reference originates with the subordinate court referring a doubt.

Tip: Reference = court to court; review = same court; revision = party to High Court.

Final Answer: Reference under Section 113 read with Order XLVI ⇒

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Q51.

Solution

Concept — Review (s.114 & O47, CPC): Section 114 read with Order XLVII Rule 1 permits a person aggrieved by a decree from which no appeal is allowed to apply for review to the very court that passed it, on the discovery of new and important matter or evidence not within his knowledge after due diligence, on account of a mistake or error apparent on the face of the record, or for any other sufficient reason.

Step 1 — Apply to the facts: New evidence discovered after the decree, with no appeal lying, is the classic ground for review before the same court, not reference or revision.

Tip: Review lies to the same court; the discovery must be of matter that could not earlier be produced despite due diligence.

Final Answer: Review under Section 114 read with Order XLVII to the same court ⇒

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Q52.

Solution

Concept — Revision (s.115, CPC): Section 115 empowers the High Court to call for the record of any case decided by a subordinate court in which no appeal lies, where the subordinate court appears to have exercised a jurisdiction not vested in it, failed to exercise a jurisdiction so vested, or acted illegally or with material irregularity in the exercise of its jurisdiction. The principle in *D.L.F. Housing v. Sarup Singh* (1969) is that revision goes to jurisdiction, not mere error within jurisdiction.

Step 1 — Apply to the facts: The court exercised a jurisdiction not vested in it and no appeal lies, the very situation s.115 addresses; review and reference do not fit.

Tip: Revision corrects jurisdictional errors only, not errors of fact or law made within jurisdiction.

Final Answer: Revision under Section 115 confined to jurisdictional error ⇒

[Go Back to Q52](#)

Q53.

Solution

Concept — Restraint of marriage (s.26, Contract Act): Section 26 of the Indian Contract Act, 1872, declares every agreement in restraint of the marriage of any person, other than a minor, to be void. The restraint may be total or partial; both are struck down, the law favouring freedom of marriage.

Step 1 — Apply to the facts: An adult's agreement never to marry at all is a complete restraint of marriage and is void under s.26, irrespective of the adequacy of consideration.

Tip: Only restraints on a minor's marriage escape s.26; for adults, even a partial restraint is void.

Final Answer: Void as an agreement in restraint of marriage ⇒

[Go Back to Q53](#)



Q54.

Solution

Concept — Agreements void for uncertainty (s.29, Contract Act): Section 29 provides that agreements, the meaning of which is not certain or capable of being made certain, are void. An agreement to sell “oil” generically, with nothing to identify the kind, leaves the subject matter uncertain.

Step 1 — Apply to the facts: “A hundred tons of oil” with no indicator of the kind of oil cannot be made certain; the agreement is void for uncertainty. The court will not arbitrarily pick the cheapest oil.

Tip: If prior dealing or trade usage fixed the meaning (say, the parties always traded coconut oil), the agreement would be saved.

Final Answer: Void for uncertainty under Section 29 ⇒

Answer: (D) [Go Back to Q54](#)

Q55.

Solution

Concept — Contingent on an impossible event (s.36, Contract Act): Section 36 declares void a contingent agreement to do or not to do anything if an impossible event happens, whether the impossibility was known to the parties or not. Marriage to a person already lawfully married, whose marriage is dissolved only by death, cannot lawfully occur during the subsistence of that marriage.

Step 1 — Apply to the facts: Marrying C while C remains married to D is an impossible (because unlawful and impossible during D’s life) event in the contemplated period; the agreement is void from the outset under s.36.

Tip: Distinguish s.32 (contingency on an uncertain future event) from s.36 (contingency on an impossible event, void ab initio).

Final Answer: Void, being contingent on an impossible event ⇒

Answer: (B) [Go Back to Q55](#)



Q56.

Solution

Concept — Wagering agreements (s.30, Contract Act): Section 30 makes agreements by way of wager void, and no suit lies to recover anything alleged to be won on a wager or entrusted to abide the result. A wager involves two persons holding opposite views on an uncertain event, each standing to win or lose on its outcome, with no interest beyond the stake.

Step 1 — Apply to the facts: Neither party has any interest in the rain other than the sum staked, and the mutual promises depend wholly on the chance event; this is a textbook wager and is void.

Tip: An insurable interest converts a contingent payment from a void wager into a valid insurance contract.

Final Answer: A void wagering agreement; no suit lies ⇒

Answer: (D) [Go Back to Q56](#)

Q57.

Solution

Concept — Collateral transactions to a wager (s.30, Contract Act): A wagering agreement is void but not unlawful (except where a special State statute forbids it). Consequently collateral transactions are not tainted with illegality; a loan advanced to pay a gambling debt is ordinarily recoverable, as held in *Gherulal Parakh v. Mahadeodas Maiya* (1959).

Step 1 — Apply to the facts: In a State where wagers are merely void, the lender's knowledge of the purpose does not bar recovery; the loan is a valid collateral contract.

Tip: In Maharashtra and Gujarat (former Bombay), wagers are forbidden by statute, so even collateral loans become unenforceable.

Final Answer: Collateral loan is recoverable, the wager being void but not unlawful ⇒

Answer: (B) [Go Back to Q57](#)



Q58.

Solution

Concept — Private nuisance: Private nuisance is an unlawful, unreasonable and substantial interference with a person's use or enjoyment of his land or of some right over or in connection with it. Unlike trespass, which is a direct physical entry and is actionable per se, nuisance is an indirect interference actionable only on proof of substantial harm, as in *St. Helen's Smelting Co. v. Tipping* (1865).

Step 1 — Apply to the facts: The drifting smoke does not require physical entry by the defendant; it unreasonably and substantially interferes with the neighbour's enjoyment of land, which is the gist of nuisance.

Tip: Remedies for private nuisance are damages, injunction and abatement; trespass needs no proof of damage, nuisance does.

Final Answer: Unreasonable and substantial interference with use or enjoyment of land ⇒ C

Answer: (C) [Go Back to Q58](#)

Q59.

Solution

Concept — Trespass ab initio: Where a person enters land or premises under an authority given by law (not by the party), and then abuses that authority by a positive wrongful act, the law treats his entry as wrongful from the very beginning. The doctrine was laid down in *The Six Carpenters' Case* (1610), and the abuse must be by misfeasance, not mere non-feasance.

Step 1 — Apply to the facts: Lawful entry into the inn under authority of law, followed by an act inconsistent with that authority, renders the entrant a trespasser ab initio.

Tip: The doctrine operates only where authority is given by law; abuse of a private licence does not work retrospectively.

Final Answer: Trespasser ab initio under *The Six Carpenters' Case* ⇒ C

Answer: (C) [Go Back to Q59](#)



Q60.

Solution

Concept — Mitigation and measure of damages: A claimant is required to take all reasonable steps to mitigate the loss flowing from the wrong, and cannot recover for any part of the loss attributable to his own failure to do so, as explained in *British Westinghouse v. Underground Electric Rlys.* (1912). The burden of proving a failure to mitigate lies on the wrongdoer.

Step 1 — Apply to the facts: Loss aggravated by the claimant's neglect of reasonable steps is irrecoverable to that extent, but the defendant must prove the unreasonableness; the claimant is not wholly barred.

Tip: Mitigation requires only reasonable steps, never extraordinary or risky measures, and the claimant may recover the cost of reasonable mitigation.

Final Answer: No recovery for loss caused by failure to mitigate; burden on defendant ⇒ D

Answer: (D) [Go Back to Q60](#)

Q61.

Solution

Concept — Contracts not specifically enforceable (s.14, Specific Relief Act): Section 14 of the Specific Relief Act, 1963, lists contracts that cannot be specifically enforced, including those where compensation in money is an adequate relief, contracts of a determinable nature, and those involving the performance of a continuous duty or so dependent on personal qualifications that the court cannot enforce specific performance of their material terms.

Step 1 — Apply to the facts: A contract of personal artistic service, dependent on personal volition and requiring continuous supervision, with money being adequate compensation, squarely falls outside specific enforcement; the suit is not maintainable.

Tip: The remedy for breach of a personal-service contract is damages, and at most an injunction restraining breach of a negative stipulation.

Final Answer: Not maintainable under Section 14 ⇒ B

Answer: (B) [Go Back to Q61](#)



Q62.

Solution

Concept — Persons who may obtain specific performance (s.15, Specific Relief Act): Section 15 of the Specific Relief Act, 1963, enumerates who may obtain specific performance, including any party to the contract and the representative in interest or the principal of a party, except where the personal qualifications of that party formed a material ingredient of the contract.

Step 1 — Apply to the facts: A representative in interest or principal may enforce the contract, subject to the personal-qualification exception; a stranger or a member of the public, and one offering a higher price, has no such right.

Tip: Section 15 is exhaustive on who may sue; privity, assignment and the personal-qualification proviso govern eligibility.

Final Answer: The representative in interest or principal of a party, subject to the proviso ⇒

Answer: (D) [Go Back to Q62](#)

Q63.

Solution

Concept — Bars to matrimonial relief (s.23 HMA): Section 23(1)(a) of the Hindu Marriage Act, 1955, obliges the court, in every proceeding, to satisfy itself that the petitioner is not in any way accessory to, conniving at, or condoning the matrimonial wrong before a decree is granted, as explained in *Dastane v. Dastane* (1975).

Step 1 — Apply to cruelty: On a cruelty petition the court must be satisfied that the petitioner has not been accessory to or connived at or condoned the cruelty; only then is relief due. Consent of the respondent, a thirty-day limit, or a panchayat reference are not statutory pre-conditions.

Tip: Read s.23(1) as a checklist the judge runs through even if the respondent does not appear.

Final Answer: Not accessory to, conniving at or condoning the cruelty ⇒

Answer: (B) [Go Back to Q63](#)



Q64.

Solution

Concept — Collusion (s.23(1)(c) HMA): Collusion is an improper agreement or understanding between the spouses to procure the divorce by deceiving the court, for instance by manufacturing or suppressing evidence; the bar is rooted in s.23(1)(c) of the Hindu Marriage Act, 1955.

Step 1 — Distinguish the cognate bars: Connivance is passive consent to the other's wrong, condonation is forgiveness with reinstatement, and delay is the s.23(1)(d) bar. Only the deceit-of-court element identifies collusion.

Tip: Collusion looks at the parties cheating the *court*; connivance looks at one spouse permitting the *other's* misconduct.

Final Answer: An improper agreement to deceive the court ⇒

Answer: (A) [Go Back to Q64](#)

Q65.

Solution

Concept — Condonation (s.23(1)(b) HMA): Condonation under Section 23(1)(b) of the Hindu Marriage Act, 1955, is conditional forgiveness of the matrimonial offence together with reinstatement of the offending spouse; it is implied condonation if cohabitation is resumed, as in *Dastane v. Dastane* (1975).

Step 1 — Note the revival: The forgiveness is conditional: a fresh act of misconduct revives the original cause of action. A secret arrangement is collusion, encouragement of adultery is connivance, and delay is a separate bar.

Tip: Condoned cruelty or adultery can be “un-condoned” by later misconduct of the same spouse.

Final Answer: Conditional forgiveness with reinstatement, revivable on fresh misconduct ⇒

Answer: (C) [Go Back to Q65](#)



Q66.

Solution

Concept — Unnecessary or improper delay (s.23(1)(d) HMA): Section 23(1)(d) of the Hindu Marriage Act, 1955, directs the court to be satisfied that there has been no unnecessary or improper delay in instituting the proceeding before granting relief.

Step 1 — Effect of the bar: Where delay is unexplained and unreasonable, amounting to acquiescence, the court may, in its discretion and on the facts, refuse relief. The Act prescribes no rigid one-year, ninety-day or thirty-day cut-off for this bar, nor is delay irrelevant.

Tip: The bar is discretionary — the question is whether the delay shows the petitioner has acquiesced.

Final Answer: Unreasonable delay amounting to acquiescence may lead the court to refuse relief ⇒

[Go Back to Q66](#)

Q67.

Solution

Concept — Petitioner's own wrong (s.23(1)(a) HMA): Section 23(1)(a) of the Hindu Marriage Act, 1955, bars relief where the petitioner is in any way taking advantage of his or her own wrong or disability for the purpose of the relief.

Step 1 — The principle: A petitioner who has himself authored the situation forming the foundation of the petition cannot found a decree on that very wrong; the maxim that none may profit from his own wrong is statutorily embedded. Respondent's silence cannot cure it, and self-induced disability defeats rather than aids the claim.

Tip: Common in restitution and "own-wrong" divorce arguments — the wrongdoer cannot weaponise his wrong.

Final Answer: The petitioner cannot use his own wrong to obtain a decree ⇒

[Go Back to Q67](#)



Q68.

Solution

Concept — Who may be adopted (s.10 HAMA): Section 10 of the Hindu Adoptions and Maintenance Act, 1956, lists four cumulative conditions: the person must be a Hindu, must not already have been adopted, must be unmarried (unless custom permits), and must not have completed fifteen years (unless custom permits).

Step 1 — Eliminate the others: A non-Hindu adoptee, an eighteen-year age requirement, or a “male only” rule each contradict the section. Only the composite statement in option (D) reproduces s.10 faithfully.

Tip: Two “unless custom otherwise” relaxations in s.10 — marriage and the fifteen-year ceiling.

Final Answer: Hindu, not previously adopted, unmarried, under fifteen (subject to custom) ⇒

Answer: (D) [Go Back to Q68](#)

Q69.

Solution

Concept — Conditions for valid adoption (s.11 HAMA): Section 11(i) of the Hindu Adoptions and Maintenance Act, 1956, provides that where a son is adopted, the adoptive father or mother must not have a Hindu son, son’s son or son’s son’s son (whether by blood or adoption) living at the time of the adoption.

Step 1 — Eliminate the others: No District Court permission is required, the ten-year age gap rule applies only where adopter and adoptee are of opposite sex under s.11(iv), and notarised registration within seven days is not a statutory ceremony.

Tip: “No existing son-line male” for adopting a son; “no existing daughter-line female” for adopting a daughter.

Final Answer: No living Hindu son, son’s son or son’s son’s son ⇒

Answer: (C) [Go Back to Q69](#)



Q70.

Solution

Concept — Ceremony of giving and taking (s.11(vi) HAMA): Section 11(vi) of the Hindu Adoptions and Maintenance Act, 1956, makes the actual giving and taking of the child in adoption an essential requisite; the datta homam is no longer compulsory but the physical transfer is, as affirmed in *Lakshman Singh Kothari v. Smt. Rup Kanwar* (1961).

Step 1 — Why mere deeds fail: A registered deed raises a presumption under s.16 but cannot substitute for the actual giving and taking with intent to transfer the child between families. The requirement applies to sons and daughters alike.

Tip: Registration helps prove adoption but cannot replace the act of giving and taking.

Final Answer: Actual giving and taking is an essential ceremony ⇒

Answer: (D) [Go Back to Q70](#)

Q71.

Solution

Concept — Adoption of a daughter (s.11(ii) HAMA): Section 11(ii) of the Hindu Adoptions and Maintenance Act, 1956, provides that where a daughter is adopted, the adoptive father or mother must not have a Hindu daughter or son's daughter (by legitimate blood relationship or by adoption) living at the time of adoption.

Step 1 — Eliminate the others: A living brother or sister, a married son living separately, or a dependent widowed mother are not disqualifying conditions under s.11(ii).

Tip: Mirror of s.11(i): the existing female descendant in the same line bars adoption of a daughter.

Final Answer: No living Hindu daughter or son's daughter ⇒

Answer: (A) [Go Back to Q71](#)



Q72.

Solution

Concept — Wife's grounds for dissolution (s.2 DMMA 1939): Section 2 of the Dissolution of Muslim Marriages Act, 1939, lists the grounds on which a Muslim wife may obtain a decree, including under s.2(iii) that the husband has been sentenced to imprisonment for seven years or upwards.

Step 1 — Eliminate the others: A second marriage with the wife's own consent, a wish to remarry, or refusal to migrate abroad are not statutory grounds. Imprisonment for seven years or more is the precise ground in s.2(iii).

Tip: The seven-year-sentence ground takes effect only once the sentence has become final.

Final Answer: Husband sentenced to seven years' imprisonment or more ⇒

Answer: (B) [Go Back to Q72](#)

Q73.

Solution

Concept — Option of puberty (*khyar-ul-bulugh*, s.2(vii) DMMA): Section 2(vii) of the Dissolution of Muslim Marriages Act, 1939, allows a wife to obtain dissolution where, having been given in marriage by father or guardian before fifteen, she repudiated the marriage before eighteen, the marriage not having been consummated.

Step 1 — Eliminate the others: A mere change of mind after majority, a witness defect, or a husband's failure to provide separate residence do not satisfy the option of puberty. The age-fifteen marriage, repudiation before eighteen, and non-consummation are essential.

Tip: Three pegs: married before 15, repudiated before 18, marriage not consummated.

Final Answer: Marriage before fifteen, repudiated before eighteen, not consummated ⇒

Answer: (A) [Go Back to Q73](#)



Q74.

Solution

Concept — Cruelty as a ground (s.2(viii) DMMA): Section 2(viii) of the Dissolution of Muslim Marriages Act, 1939, defines cruelty to include the husband associating with women of evil repute, leading an infamous life, or attempting to force the wife to lead an immoral life.

Step 1 — Eliminate the others: Refusal of a pilgrimage, working in another town, or declining to buy ornaments fall far short of the statutory species of cruelty enumerated in s.2(viii)(a) to (f).

Tip: Section 2(viii) also covers habitual assault, disposing of the wife's property, and obstructing her religious practice.

Final Answer: Associating with women of ill repute or forcing an immoral life ⇒ C

Answer: (C) [Go Back to Q74](#)

Q75.

Solution

Concept — Widow's right to retain possession for unpaid dower: A Muslim widow whose dower is unpaid may, if she has lawfully and without force or fraud obtained possession of her husband's property, retain it against heirs and creditors until her dower is satisfied, as settled in *Maina Bibi v. Chaudhri Vakil Ahmad* (1924).

Step 1 — Eliminate the others: She cannot sell and pocket the whole proceeds, the right is not ownership, and dower is a debt against the estate, not a State liability.

Tip: Possession must be peaceful and lawful at its inception for the right to arise.

Final Answer: Retain lawful possession against heirs and creditors until dower is paid ⇒ D

Answer: (D) [Go Back to Q75](#)



Q76.

Solution

Concept — Nature of the dower-possession right: The widow's right to retain possession is a possessory right in the nature of a lien, not a right of ownership; it is heritable and transferable but is defeated on payment of the dower, as clarified in *Maina Bibi v. Chaudhri Vakil Ahmad* (1924).

Step 1 — Eliminate the others: It does not vest ownership, does not carry a statutory interest rate, and does not extinguish on the husband's death — on the contrary it operates against his heirs.

Tip: Think “lien to secure a debt”, not “title” — payment of dower ends the right.

Final Answer: A possessory lien, heritable and transferable, defeated by payment of dower ⇒

Answer: (A) [Go Back to Q76](#)

Q77.

Solution

Concept — Feeding the grant by estoppel (s.43 TPA): Section 43 of the Transfer of Property Act, 1882, provides that where a person fraudulently or erroneously represents that he is authorised to transfer property and transfers it for consideration, then on his afterwards acquiring an interest, the transferee may, at his option, require the transfer to operate on that interest.

Step 1 — Eliminate the others: A transfer of property never claimed to be owned, a transfer to a minor, or a lost gift are outside s.43, which turns on a representation of authority plus after-acquired title and consideration.

Tip: Two essentials — a misrepresentation of authority and a transfer for consideration; the after-acquired interest then “feeds” the grant.

Final Answer: The after-acquired interest feeds the earlier transfer at the transferee's option ⇒

Answer: (A) [Go Back to Q77](#)



Q78.

Solution

Concept — Proviso to s.43 TPA: The proviso to Section 43 of the Transfer of Property Act, 1882, protects the rights of a transferee in good faith for consideration without notice of the existence of the option created in favour of the earlier transferee.

Step 1 — Eliminate the others: A repentant transferor gets no protection, a transferee acting otherwise than in good faith is not saved, and relationship to the transferor is irrelevant; only the bona fide purchaser for value without notice is protected.

Tip: Section 43 protects the first transferee, but its proviso defers to a later bona fide purchaser without notice.

Final Answer: A transferee in good faith for value without notice of the option ⇒ C

Answer: (C) [Go Back to Q78](#)

Q79.

Solution

Concept — Onerous gifts (s.127 TPA): Section 127 of the Transfer of Property Act, 1882, provides that where a gift is in the form of a single transfer of several things, one burdened by an obligation and the others not, the donee can take nothing by the gift unless he accepts it fully.

Step 1 — Single versus separate transfers: The donee cannot cherry-pick the beneficial items and reject the burdened one where they form one transfer; he is not bound to take only the burdened thing, nor may he have the court rewrite the obligation. Separate independent transfers stand on a different footing.

Tip: “All or nothing” where a single onerous gift bundles benefit and burden together.

Final Answer: The donee must accept the whole single gift, burden and all ⇒ D

Answer: (D) [Go Back to Q79](#)



Q80.

Solution

Concept — Universal donee (s.128 TPA): Section 128 of the Transfer of Property Act, 1882, provides that where a gift consists of the donor's whole property, the donee is personally liable for all the debts due by and liabilities of the donor at the time of the gift, to the extent of the property comprised in the gift.

Step 1 — Note the ceiling: Liability is capped at the value of the property received, so neither full exemption nor unlimited liability is correct; and the liabilities fixed are those existing at the time of the gift, not later debts.

Tip: A universal donee inherits the donor's debts only up to what he actually got.

Final Answer: Liable for the donor's existing debts to the extent of the property gifted ⇒ D

Answer: (D) [Go Back to Q80](#)

Q81.

Solution

Concept — Doctrine of constructive notice: Persons dealing with a company are deemed to have read and understood its registered Memorandum and Articles, which are public documents open to inspection at the office of the Registrar; this is the doctrine of constructive notice.

Step 1 — Eliminate the others: The doctrine does not extend to internal board proceedings or private minute books, nor does it impute knowledge of agents' contracts to the company. It fixes outsiders with notice of the *public* constitutional documents only.

Tip: Constructive notice is the company's shield; indoor management is the outsider's counter-shield.

Final Answer: Outsiders are deemed to know the public Memorandum and Articles ⇒ A

Answer: (A) [Go Back to Q81](#)



Q82.

Solution

Concept — Indoor-management rule and its exceptions: The rule in *Royal British Bank v. Turquand* (1856) protects an outsider who, having found the transaction consistent with the public documents, assumes in good faith that the internal procedures have been duly followed.

Step 1 — Apply the exceptions: The protection is lost where the outsider has actual knowledge of the irregularity, where the document is a forgery, or where suspicious circumstances put him on inquiry. Only the good-faith assumption of regular internal compliance attracts protection.

Tip: Knowledge, forgery, suspicion and acts wholly ultra vires are the classic exceptions to *Turquand*.

Final Answer: Good-faith assumption of due internal compliance is protected ⇒

Answer: (B) [Go Back to Q82](#)

Q83.

Solution

Concept — Ultra vires acts: An act beyond the objects clause of the Memorandum is ultra vires the company and void, as laid down in *Ashbury Railway Carriage & Iron Co. v. Riche* (1875); it cannot be ratified even by the unanimous consent of all shareholders.

Step 1 — Why *Turquand* fails here: The indoor-management rule presupposes a transaction within the company's capacity; an ultra vires act has no capacity at all, so it is void rather than voidable, and cannot be cured by acting upon it or by later board ratification.

Tip: Ultra vires goes to capacity (void); irregular procedure goes to authority (curable by *Turquand*).

Final Answer: An ultra vires act is void and not ratifiable even unanimously ⇒

Answer: (C) [Go Back to Q83](#)



Q84.

Solution

Concept — Alteration of the objects clause: Under Section 13 of the Companies Act, 2013, a company may alter the objects clause of its Memorandum by passing a special resolution and complying with the procedural requirements, including filing the resolution with the Registrar, before the alteration becomes effective.

Step 1 — Eliminate the others: A board ordinary resolution is insufficient, the unanimous consent of all creditors is not required, and Tribunal sanction is needed only for specific matters (such as a change of registered office from one State to another), not for every objects alteration.

Tip: Memorandum alterations turn on a *special* resolution plus Registrar filing.

Final Answer: Special resolution and filing with the Registrar ⇒ B

Answer: (B) [Go Back to Q84](#)

Q85.

Solution

Concept — Alteration of Articles (s.14 Companies Act, 2013): A company may alter its Articles by special resolution, but the power is limited: the alteration must not conflict with the Act or the Memorandum, must not be a fraud on the minority, and cannot compel a member to take more shares or increase his liability without his written consent.

Step 1 — Eliminate the others: Articles are not unalterable, an ordinary resolution does not suffice, and an alteration cannot freely strip a member of vested rights. Only the qualified power in option (C) is correct.

Tip: Bona fide for the company's benefit and no increased member liability without consent — the twin checks on Article alteration.

Final Answer: Alteration is valid only within these statutory and equitable limits ⇒ C

Answer: (C) [Go Back to Q85](#)



Q86.

Solution

Concept — First ownership of copyright (s.17 Copyright Act, 1957): The proviso (a) to Section 17 of the Copyright Act, 1957, provides that for a work made by an author employed by a newspaper or periodical under a contract of service, the proprietor is the first owner so far as the copyright relates to publication in the periodical, the author retaining the rest.

Step 1 — Eliminate the others: The author does not own it for all purposes, the Government is not the owner, and the editor in his personal capacity is not the proprietor. The split-ownership rule of proviso (a) governs.

Tip: Employer owns the periodical-publication right; the author keeps, for example, the right to bring out a book.

Final Answer: The proprietor owns the periodical-publication copyright, author keeps the residue ⇒ D

Answer: (D) [Go Back to Q86](#)

Q87.

Solution

Concept — Term of copyright (s.22 Copyright Act, 1957): Section 22 of the Copyright Act, 1957, provides that in published literary, dramatic, musical or artistic works, copyright subsists until sixty years from the beginning of the calendar year next following the year in which the author dies.

Step 1 — Eliminate the others: The term is not measured from first publication, nor confined to the author's lifetime, nor fixed at fifty years post-death. The "life plus sixty (from the next calendar year)" rule is the statutory term.

Tip: Different categories: photographs, sound recordings and cinematograph films run sixty years from publication, not from the author's death.

Final Answer: Sixty years from the year following the author's death ⇒ C

Answer: (C) [Go Back to Q87](#)



Q88.

Solution

Concept — Assignment without goodwill (s.42 Trade Marks Act, 1999): Section 42 of the Trade Marks Act, 1999, makes an assignment of a trade mark otherwise than in connection with the goodwill of the business effective only if the assignor or assignee applies to the Registrar within the prescribed period for directions as to advertisement and advertises the assignment accordingly.

Step 1 — Eliminate the others: The validity does not turn on the parties being relatives, on Central Government approval, or on a minimum ten-year use; the advertisement-and-direction requirement is the statutory condition.

Tip: A mark may be assigned with or without goodwill (s.38–42), but a without-goodwill assignment carries the advertisement condition.

Final Answer: Apply to the Registrar for directions and advertise the assignment

⇒

[Go Back to Q88](#)

Q89.

Solution

Concept — Limitation to challenge an award (Section 34): Section 34(3) of the Arbitration and Conciliation Act, 1996, fixes a three-month period from receipt of the award to apply to set it aside, with a single further period of thirty days condonable on sufficient cause and not thereafter, as affirmed in *Union of India v. Popular Construction Co.*

Step 1 — Eliminate the others: There is no open-ended or three-year residuary window for a Section 34 challenge, and the thirty-day extension is the outer limit; the court has no power to condone delay beyond “three months plus thirty days.”

Tip: Read Section 34(3) as “3 months + 30 days, full stop” — the proviso uses “but not thereafter.”

Final Answer: Three months, extendable by thirty days only ⇒

[Go Back to Q89](#)



Q90.

Solution

Concept — No automatic stay of award (Section 36, post-2015): After the 2015 amendment, Section 36(2) makes clear that the mere filing of a Section 34 application does not by itself render the award unenforceable; under Section 36(3) the award-debtor must separately apply for a stay, which the court may grant on conditions, a regime explained in *Hindustan Construction Co. v. Union of India*.

Step 1 — Eliminate the others: The pre-2015 position of an automatic stay on filing was deliberately abolished; nor is the award immune from any stay — a conditional stay on a separate application is the correct middle course.

Tip: Filing Section 34 \neq stay; a fresh Section 36(3) application is needed.

Final Answer: Separate stay application required; no automatic stay \Rightarrow

Answer: (C) [Go Back to Q90](#)

Q91.

Solution

Concept — Limitation Act applies to arbitrations (Section 43): Section 43(1) provides that the Limitation Act, 1963, shall apply to arbitrations as it applies to proceedings in court, so that a claim which would be barred by limitation in a suit is equally barred before the arbitral tribunal, as held in *Voltas Ltd. v. Rolta India Ltd.*

Step 1 — Eliminate the others: It is wrong to say the Limitation Act is wholly excluded or that it touches only Sections 9 and 34; the bar of limitation reaches the reference and the substantive claims themselves.

Tip: A stale claim is dead before the arbitrator just as before a court — Section 43.

Final Answer: Limitation Act applies to arbitrations under Section 43 \Rightarrow

Answer: (A) [Go Back to Q91](#)



Q92.

Solution

Concept — Exclusive jurisdiction of one court (Section 42): Section 42 provides that where an application under Part I has been made in a court, that court alone shall have jurisdiction over the arbitral proceedings, and all subsequent applications shall be made only in that court, to prevent forum-shopping and conflicting orders (*State of West Bengal v. Associated Contractors*).

Step 1 — Eliminate the others: Parties cannot pick a fresh court for each application, nor does the State High Court automatically swallow jurisdiction; the first competent court seised under Part I retains it.

Tip: “First court seised under Part I keeps the whole arbitration” — Section 42.

Final Answer: The court first approached retains exclusive jurisdiction ⇒ D

Answer: (D) [Go Back to Q92](#)

Q93.

Solution

Concept — Appeal in foreign-award matters (Section 50): Section 50 of the Arbitration and Conciliation Act, 1996, allows an appeal from an order refusing to enforce a foreign award, but provides no appeal against an order enforcing it, while expressly saving the right of further appeal to the Supreme Court.

Step 1 — Eliminate the others: The right of appeal is deliberately one-sided, favouring enforcement; it is neither symmetrical nor wholly absent, and Section 37 (Part I) does not govern Part II foreign-award appeals.

Tip: Under Section 50 you can appeal a *refusal* to enforce, not an *order* enforcing.

Final Answer: Appeal lies from refusal to enforce under Section 50 ⇒ B

Answer: (B) [Go Back to Q93](#)

Q94.

Solution

Concept — Mandatory pre-institution mediation (Section 12A): Section 12A of the Commercial Courts Act, 2015, mandates that a commercial suit which does not contemplate any urgent interim relief shall not be instituted unless the plaintiff first exhausts pre-institution mediation; the Supreme Court in *Patil Automation v. Rakheja Engineers* held this requirement mandatory and a non-compliant suit



liable to rejection.

Step 1 — Eliminate the others: The remedy is not optional or merely directory, nor confined to suits seeking urgent relief — on the contrary, suits seeking urgent interim relief are the ones *exempted* from the requirement.

Tip: No urgent relief ⇒ mediate first; urgent relief ⇒ Section 12A is bypassed.

Final Answer: Pre-institution mediation is mandatory under Section 12A ⇒ C

Answer: (C) [Go Back to Q94](#)

Q95.

Solution

Concept — Arbitrability of fraud: The earlier view in *N. Radhakrishnan v. Maestro Engineers* that allegations of fraud must go to a civil court was diluted in *A. Ayyasamy v. A. Paramasivam* and finally in *Avitel Post Studios v. HSBC*, where the Court held that mere allegations of fraud do not defeat arbitration, and only serious fraud permeating the entire contract or carrying a public-law element is non-arbitrable.

Step 1 — Eliminate the others: It is no longer correct that all fraud disputes are non-arbitrable, nor that fraud is always arbitrable without exception; the value of the claim is irrelevant to arbitrability.

Tip: “Simple fraud → arbitrable; serious, contract-permeating fraud → court” (*Ayyasamy/Avitel*).

Final Answer: Only serious fraud is non-arbitrable after *Ayyasamy/Avitel* ⇒ A

Answer: (A) [Go Back to Q95](#)

Q96.

Solution

Concept — No right to strike (*Harish Uppal*): In *Ex-Capt. Harish Uppal v. Union of India* (2003) the Supreme Court held that lawyers have no right to go on strike or to give a call for boycott of courts, since it obstructs the administration of justice; at most, in the rarest of cases and for one day, the Bar may register protest symbolically without disrupting court work.

Step 1 — Eliminate the others: There is no unqualified right to strike, nor is a one-day or “peaceful” strike automatically lawful; the matter is not left to each association — the law is settled against any right to strike.



Tip: Remember *Harish Uppal* — duty to the court overrides any call to boycott.

Final Answer: Lawyers have no right to strike or boycott courts ⇒ D

Answer: (D) [Go Back to Q96](#)

Q97.

Solution

Concept — Right to practise (Advocates Act, 1961): Section 30 read with Section 33 of the Advocates Act, 1961, confers on every advocate whose name is entered on a State roll the right to practise before all courts, tribunals and authorities throughout the territory of India, subject to the conditions and rules framed under the Act.

Step 1 — Eliminate the others: The right is not confined to the State of enrolment, is not the monopoly of senior advocates or advocates-on-record, and arises from enrolment itself without any further court-by-court licence.

Tip: One enrolment, nationwide right to practise — subject to statutory conditions.

Final Answer: Right to practise throughout India, subject to the Act ⇒ B

Answer: (B) [Go Back to Q97](#)

Q98.

Solution

Concept — Duty in pro bono / legal-aid work: The Bar Council of India Rules on professional conduct, read with the spirit of Article 39A and the Legal Services Authorities Act, 1987, recognise it as an advocate's duty to render assistance to the poor and needy; an advocate who accepts a legal-aid brief must conduct it with the same care and diligence as a fully paid brief.

Step 1 — Eliminate the others: An advocate cannot disclaim all duty to indigent litigants, cannot insist on a full market fee as a condition of legal-aid work, and is not held to any lower standard merely because no fee is charged.

Tip: “Same diligence, paid or pro bono” — the standard of care does not drop for legal-aid briefs.

Final Answer: Legal-aid briefs demand the same diligence as paid briefs ⇒ C

Answer: (C) [Go Back to Q98](#)



Q99.

Solution

Concept — Duty to accept briefs (BCI Rule): Rule 11 of the Bar Council of India Rules (Standards of Professional Conduct, Section II) provides that an advocate is bound to accept any brief in the courts or tribunals in which he professes to practise, at a fee consistent with his standing and the nature of the case, and may refuse to accept a particular brief only for special reasons.

Step 1 — Eliminate the others: The advocate's discretion is not absolute, but neither is he bound to accept *every* brief without exception; nor does refusal require prior written permission of the State Bar Council — only “special reasons” justify declining.

Tip: Default is “accept”; refusal needs a special reason (the cab-rank style duty under Rule 11).

Final Answer: Ordinarily bound to accept; may refuse only for special reasons
⇒

Answer: (A) [Go Back to Q99](#)

Q100.

Solution

Concept — Punishment and limitation for contempt: Section 12 of the Contempt of Courts Act, 1971, prescribes that contempt is punishable with simple imprisonment up to six months or fine up to two thousand rupees or both, while Section 20 bars any court from initiating contempt proceedings after one year from the date the contempt is alleged to have been committed (*Pallav Sheth v. Custodian*).

Step 1 — Eliminate the others: There is both a statutory ceiling on punishment and a one-year limitation; the figures of two years, seven years, or “no limit” do not match Sections 12 and 20.

Tip: “6 months / Rs. 2000 (Section 12); 1-year limitation (Section 20).”

Final Answer: Six months or Rs. 2000 under Section 12; one-year limit under Section 20 ⇒

Answer: (D) [Go Back to Q100](#)



Answer Key

Q	Ans	Q	Ans	Q	Ans	Q	Ans	Q	Ans
1	A	2	B	3	C	4	D	5	A
6	B	7	C	8	D	9	A	10	B
11	C	12	D	13	A	14	B	15	C
16	D	17	A	18	B	19	C	20	A
21	C	22	B	23	C	24	A	25	B
26	C	27	A	28	D	29	A	30	B
31	D	32	A	33	C	34	D	35	D
36	B	37	C	38	D	39	B	40	C
41	B	42	D	43	C	44	B	45	D
46	A	47	C	48	D	49	B	50	A
51	B	52	C	53	A	54	D	55	B
56	D	57	B	58	C	59	C	60	D
61	B	62	D	63	B	64	A	65	C
66	B	67	A	68	D	69	C	70	D
71	A	72	B	73	A	74	C	75	D
76	A	77	A	78	C	79	D	80	D
81	A	82	B	83	C	84	B	85	C
86	D	87	C	88	B	89	B	90	C
91	A	92	D	93	B	94	C	95	A
96	D	97	B	98	C	99	A	100	D

