

# AIBE Sample Paper – 4

## 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 *E. P. Royappa v. State of Tamil Nadu* (1974), the Supreme Court expanded the content of Article 14 by holding that equality is antithetic to arbitrariness, so that any State action which is arbitrary is, by that very fact, a denial of equality. This is known as the:
- (A) Reasonable-classification test  
(B) Arbitrariness test (new doctrine of equality)  
(C) Doctrine of legitimate expectation  
(D) Rule against bias
- Q2.** Article 19(1)(b) guarantees the right to assemble peaceably and without arms. The reasonable restrictions that the State may impose on this freedom, in the interests of the sovereignty and integrity of India or public order, are authorised by:



- (A) Article 19(3)
- (B) Article 19(2)
- (C) Article 19(5)
- (D) Article 19(6)

**Q3.** Article 25(1) guarantees freedom of conscience and the right freely to profess, practise and propagate religion. Under the doctrine evolved by the courts, this protection extends only to those practices that are:

- (A) Approved by a majority of the community
- (B) Sanctioned by a written scripture
- (C) Essential or integral to the religion concerned
- (D) Of recent origin within the faith

**Q4.** Under Article 30(1), the right to establish and administer educational institutions of their choice is conferred upon:

- (A) All citizens of India
- (B) Minorities, whether based on religion or language
- (C) Religious minorities only
- (D) Backward classes notified by the State

**Q5.** A State legislature and Parliament both enact laws on a matter enumerated in the Concurrent List, and the two are repugnant to each other. Article 254(1) provides that, in such a case, the State law shall be void to the extent of the repugnancy and:

- (A) The law made by Parliament shall prevail
- (B) The later of the two laws shall prevail
- (C) Both laws shall stand suspended until reconciled
- (D) The State law shall prevail within that State

**Q6.** A Proclamation of President's Rule under Article 356 is issued when the President is satisfied that the government of a State cannot be carried on



in accordance with the Constitution. In *S. R. Bommai v. Union of India* (1994), the Supreme Court held that such a Proclamation is:

- (A) Wholly immune from judicial scrutiny as a political question
- (B) Conclusive once approved by Parliament and never reviewable
- (C) Valid only if the Governor's report is unanimous
- (D) Subject to judicial review and can be struck down if based on irrelevant or mala fide grounds

**Q7.** The subjects on which only Parliament has the exclusive power to make laws — such as defence, foreign affairs, banking and currency — are enumerated in:

- (A) The State List (List II)
- (B) The Concurrent List (List III)
- (C) The Union List (List I)
- (D) The residuary entry

**Q8.** Article 29(1) protects the right of any section of citizens having a distinct language, script or culture of its own to conserve the same. Unlike Article 30, the protection of Article 29(1) is available to:

- (A) Religious minorities alone
- (B) Any section of citizens, whether a minority or the majority
- (C) Linguistic minorities alone
- (D) Foreign nationals resident in India

**Q9.** The anti-defection provisions, which disqualify a member of a House for defection from the political party on whose ticket he was elected, are contained in:

- (A) The Tenth Schedule to the Constitution
- (B) The Ninth Schedule to the Constitution
- (C) Article 102 alone



(D) The Representation of the People Act, 1951

**Q10.** The Constitution (Forty-second Amendment) Act, 1976, among other changes, inserted into the Preamble two words describing the character of the Indian Republic. These words were:

- (A) “Sovereign” and “Democratic”
- (B) “Federal” and “Republican”
- (C) “Equality” and “Fraternity”
- (D) “Socialist” and “Secular”

**Q11.** Article 19(1)(c) guarantees the right to form associations or unions. In *All India Bank Employees’ Association v. National Industrial Tribunal* (1961), the Supreme Court held that this right does NOT carry with it a guaranteed concomitant right to:

- (A) Form a trade union
- (B) Continue the association in existence
- (C) Achievement of the object of the union, such as an effective right to strike or to collective bargaining
- (D) Be a member of more than one association

**Q12.** Articles 25 to 28 deal with the freedom of religion. Article 27 specifically provides that no person shall be compelled to pay any taxes the proceeds of which are specifically appropriated:

- (A) Towards the salaries of religious teachers in State schools
- (B) In payment of expenses for the promotion or maintenance of any particular religion or denomination
- (C) For the secular administration of religious endowments
- (D) Towards a fee for services rendered by a religious body

**Q13.** In administrative law, a decision is challenged on the ground that it is so unreasonable that no reasonable authority could ever have come to it.



This standard of review, traceable to *Associated Provincial Picture Houses v. Wednesbury Corporation* (1948), is known as:

- (A) Wednesbury unreasonableness
- (B) The doctrine of proportionality
- (C) The doctrine of laches
- (D) The rule against bias

**Q14.** The doctrine of promissory estoppel allows a party to enforce a clear and unequivocal promise acted upon to his detriment. As laid down in *Motilal Padampat Sugar Mills v. State of U.P.* (1979), the doctrine can be invoked against the Government, but it cannot be used to:

- (A) Bind the Government to any executive promise whatsoever
- (B) Claim damages from a public officer personally
- (C) Compel the Government to act contrary to a statutory provision or to fetter its legislative power
- (D) Enforce an oral assurance given by a clerk

**Q15.** During a Proclamation of National Emergency under Article 352, Article 19 is affected. After the Constitution (Forty-fourth Amendment) Act, 1978, the freedoms under Article 19 may be suspended only where the emergency is declared on the ground of:

- (A) Internal disturbance of any kind
- (B) Financial instability of the Union
- (C) Failure of constitutional machinery in a State
- (D) War or external aggression

**Q16.** Article 19(1)(d) guarantees to every citizen the right to move freely throughout the territory of India. Reasonable restrictions on this freedom may be imposed in the interests of the general public or for the protection of the interests of any Scheduled Tribe under:



- (A) Article 19(2)
- (B) Article 19(5)
- (C) Article 19(3)
- (D) Article 19(4)

**Q17.** A Proclamation of National Emergency under Article 352, once issued, must be laid before each House of Parliament and ceases to operate unless approved by resolutions of both Houses within:

- (A) One month from the date of its issue
- (B) Two months from the date of its issue
- (C) Six months from the date of its issue
- (D) Three months from the date of its issue

**Q18.** Where a State law on a Concurrent List subject is repugnant to an earlier law made by Parliament, the State law may nevertheless prevail in that State if, under the proviso to Article 254(2), the State law has been:

- (A) Passed by a two-thirds majority of the State legislature
- (B) Notified in the Official Gazette of the State
- (C) Reserved for the consideration of the President and has received his assent
- (D) Ratified by one-half of the other State legislatures

**Q19.** Article 28(1) provides a specific prohibition concerning religious instruction. It lays down that no religious instruction shall be provided in any educational institution that is:

- (A) Receiving any aid out of State funds
- (B) Established under a religious endowment or trust
- (C) Recognised by the State for grant purposes
- (D) Wholly maintained out of State funds



**Part B: Criminal Law**

- Q20.** A strikes B with a stick causing bodily pain that lasts a few hours but leaves no lasting injury. The harm caused is “hurt” and not “grievous hurt” because, under ss.319–320 IPC, “hurt” means:
- (A) Any of the eight kinds of injury enumerated in s.320
  - (B) Only an injury that endangers life
  - (C) Permanent disfiguration of the head or face
  - (D) Bodily pain, disease or infirmity caused to any person
- Q21.** During a quarrel A breaks B’s tooth and fractures his arm. The Magistrate must treat the offence as “grievous hurt” because s.320 IPC enumerates a closed list of categories of grievous hurt, which includes:
- (A) Any hurt that causes bodily pain for one day
  - (B) A bruise or swelling that heals within a week
  - (C) Emasculation, permanent loss of sight or hearing, fracture or dislocation of a bone or tooth, and the like
  - (D) Any hurt accompanied by abusive words
- Q22.** Among the eight clauses of grievous hurt in s.320 IPC, the residuary clause makes any hurt grievous if it causes the sufferer to be in severe bodily pain, or unable to follow his ordinary pursuits, during the space of:
- (A) Seven days
  - (B) Ten days
  - (C) Fifteen days
  - (D) Twenty days
- Q23.** A halts B on a public road and, by standing in his way, prevents B from proceeding in a direction in which B has a right to proceed, but B is free to go back or take any other route. A has committed:



- (A) Wrongful restraint under s.339 IPC
- (B) Wrongful confinement under s.340 IPC
- (C) Assault under s.351 IPC
- (D) Criminal force under s.350 IPC

**Q24.** A locks B inside a room from which B cannot get out in any direction whatsoever, keeping him within certain circumscribing limits. The offence and the section that distinguish this from a mere obstruction are:

- (A) Wrongful restraint, s.339 IPC
- (B) Wrongful confinement, s.340 IPC
- (C) Assault, s.351 IPC
- (D) Kidnapping, s.359 IPC

**Q25.** Which statement correctly distinguishes wrongful restraint (s.339 IPC) from wrongful confinement (s.340 IPC)?

- (A) Wrongful restraint partially obstructs a person's movement in a particular direction, while wrongful confinement keeps him within circumscribing limits so that he cannot move beyond them at all
- (B) Restraint requires keeping a person within certain limits, whereas confinement merely obstructs one direction
- (C) Both require total deprivation of liberty in every direction
- (D) Confinement can be committed only inside a building, restraint only on a road

**Q26.** A, intending to cause B to apprehend that he is about to strike him, shakes his fist at B who is within striking distance, but does not actually touch B. A has committed:

- (A) Criminal force under s.350 IPC
- (B) Hurt under s.319 IPC
- (C) Wrongful restraint under s.339 IPC



(D) Assault under s.351 IPC

**Q27.** Under s.349 IPC a person is said to use “force” to another when, among other things, he causes motion, change of motion, or cessation of motion to that other. When such force is used without consent and in order to commit an offence, or intending to cause injury, fear or annoyance, it becomes:

(A) Assault under s.351 IPC

(B) Criminal force under s.350 IPC

(C) Grievous hurt under s.320 IPC

(D) Abduction under s.362 IPC

**Q28.** Which statement correctly states the relationship between assault (s.351 IPC) and criminal force (s.350 IPC)?

(A) Assault always requires actual contact, criminal force never does

(B) Assault and criminal force are identical in every respect

(C) Criminal force involves actual use of force on another, whereas assault is the making of a gesture or preparation causing apprehension that criminal force is about to be used; every use of criminal force includes an assault

(D) Criminal force can be committed only by words, assault only by acts

**Q29.** A entices B, a girl aged fifteen years, out of the keeping of her lawful guardian without the guardian’s consent. The age threshold for “kidnaping from lawful guardianship” under s.361 IPC in the case of a female is that she must be under:

(A) Sixteen years

(B) Eighteen years

(C) Twenty-one years

(D) Fifteen years



- Q30.** Which statement correctly distinguishes kidnapping from lawful guardianship (s.361 IPC) from abduction (s.362 IPC)?
- (A) Both require the use of force in every case
  - (B) Abduction can be committed only against minors
  - (C) Kidnapping requires deceitful means, abduction requires only enticement
  - (D) Kidnapping is committed against a minor (under 16 if male, under 18 if female) or a person of unsound mind and the consent of the minor is immaterial; abduction relates to any person and requires moving him by force or deceitful means
- Q31.** Under s.359 IPC kidnapping is of two kinds. They are kidnapping from India (s.360) and:
- (A) Kidnapping from lawful guardianship (s.361)
  - (B) Kidnapping for ransom
  - (C) Kidnapping by deceit
  - (D) Kidnapping of a person of unsound mind only
- Q32.** A, suddenly finding his wife in a compromising position with B, instantly loses self-control and, in that heat, kills B before any cooling time passes. The provision that may reduce A's offence from murder to culpable homicide not amounting to murder is:
- (A) Exception 1 to s.300 IPC (grave and sudden provocation)
  - (B) Exception 4 to s.300 IPC (sudden fight)
  - (C) Section 84 IPC (unsoundness of mind)
  - (D) Section 81 IPC (necessity)
- Q33.** Which of the following is NOT a condition required for the defence of grave and sudden provocation under Exception 1 to s.300 IPC?
- (A) The provocation must be both grave and sudden



- (B) The provocation must deprive the accused of the power of self-control
- (C) The accused must not have sought the provocation as an excuse for killing
- (D) A long interval (cooling time) must have elapsed between the provocation and the killing

**Q34.** A fires a loaded pistol at B with the intention of killing him and under such circumstances that, if death had been caused, it would amount to murder; B is only wounded. The offence A has committed is:

- (A) Voluntarily causing hurt under s.323 IPC
- (B) Grievous hurt under s.325 IPC
- (C) Attempt to murder under s.307 IPC
- (D) Assault under s.351 IPC

**Q35.** For a conviction under s.307 IPC (attempt to murder), it is well settled that:

- (A) The victim must have actually died
- (B) It is not essential that bodily injury capable of causing death should have been inflicted; the intention or knowledge and an act towards the offence suffice
- (C) Only a completed murder can be punished
- (D) A mere intention without any act is enough

**Q36.** A police officer arrests P without a warrant on suspicion of a cognizable offence. The general powers of a police officer to arrest a person without a warrant or order of a Magistrate are set out in:

- (A) Section 41 CrPC
- (B) Section 57 CrPC
- (C) Section 167 CrPC
- (D) Section 437 CrPC



- Q37.** On arresting P without a warrant, the officer must forthwith communicate to him the full particulars of the offence or grounds for the arrest. This right of the arrested person is guaranteed by:
- (A) Section 50 CrPC
  - (B) Section 41 CrPC
  - (C) Section 57 CrPC
  - (D) Section 437 CrPC
- Q38.** Under s.57 CrPC, a person arrested without a warrant shall not be detained in custody by the police for a period longer than is reasonable, and in any case, excluding journey time, not more than:
- (A) Twelve hours
  - (B) Twenty-four hours
  - (C) Forty-eight hours
  - (D) Seventy-two hours
- Q39.** The well-known guidelines on the rights of an arrested person, including the preparation of an arrest memo and the duty to inform a friend or relative of the arrest (now reflected in s.50A CrPC), were laid down by the Supreme Court in:
- (A) *Maneka Gandhi v. Union of India*
  - (B) *A. K. Gopalan v. State of Madras*
  - (C) *D. K. Basu v. State of West Bengal*
  - (D) *Joginder Kumar v. State of U.P.* only
- Q40.** P is arrested and the investigation cannot be completed within twenty-four hours. The Magistrate's power to authorise detention of the accused beyond that period, and the accused's right to default (statutory) bail on the prosecution's failure to file the charge-sheet in time, are governed by:



- (A) Section 41 CrPC
- (B) Section 57 CrPC
- (C) Section 437 CrPC
- (D) Section 167(2) CrPC

**Q41.** Under the proviso to s.167(2) CrPC, the maximum period of detention pending investigation, on the expiry of which the accused becomes entitled to default bail, is ninety days where the offence is punishable with death, imprisonment for life or imprisonment for not less than ten years, and otherwise:

- (A) Fifteen days
- (B) Thirty days
- (C) Sixty days
- (D) Forty-five days

**Q42.** P, accused of a non-bailable offence, applies for bail before the Magistrate. The provision empowering a court (other than the High Court or Court of Session) to grant bail in non-bailable offences, subject to the statutory restrictions, is:

- (A) Section 436 CrPC
- (B) Section 437 CrPC
- (C) Section 438 CrPC
- (D) Section 439 CrPC

**Q43.** In the trial of a husband for the abetment of his wife's suicide within seven years of marriage, where it is shown that she was subjected to cruelty, the court may presume that he abetted the suicide. This presumption is provided by:

- (A) Section 113A of the Indian Evidence Act, 1872
- (B) Section 113B of the Indian Evidence Act, 1872



- (C) Section 114A of the Indian Evidence Act, 1872
- (D) Section 114 of the Indian Evidence Act, 1872

**Q44.** A is tried as an accomplice who gives evidence against his fellow offenders. The combined effect of s.133 and illustration (b) to s.114 of the Indian Evidence Act, 1872 is that:

- (A) An accomplice is an incompetent witness whose evidence must be rejected
- (B) An accomplice's evidence must always be corroborated by another accomplice
- (C) An accomplice is a competent witness and a conviction is not illegal merely because it rests on his uncorroborated testimony, yet the court may presume him unworthy of credit unless corroborated in material particulars
- (D) The evidence of an accomplice can never be acted upon in any circumstances

**Q45.** During trial the prosecution seeks to put to its own witness, in examination-in-chief, a question suggesting the answer it desires, the question being objected to as a leading question. The provision governing leading questions, and the stage at which they may be asked as of right, is:

- (A) Section 137, which permits leading questions in examination-in-chief
- (B) Section 138, which bars all leading questions at every stage
- (C) Section 145, which deals only with leading questions to an expert
- (D) Section 142, under which leading questions may not, if objected to, be asked in examination-in-chief or re-examination without the court's permission, but may be asked in cross-examination

### Part C: Civil & Procedural Law

**Q46.** Under Section 96 of the Code of Civil Procedure, 1908, an appeal (first appeal) from an original decree lies to the court authorised to hear appeals, and in such an appeal the appellate court may:



- (A) examine questions of law alone
- (B) examine only a substantial question of law
- (C) re-examine questions of fact as well as questions of law
- (D) not interfere with any finding of the trial court

**Q47.** Under Section 100 of the Code of Civil Procedure, 1908, a second appeal to the High Court from an appellate decree shall lie only where the High Court is satisfied that the case involves:

- (A) any error of fact in the judgment below
- (B) a fresh appreciation of the entire evidence
- (C) a difference of opinion between the two courts below
- (D) a substantial question of law

**Q48.** An intra-court appeal from the judgment of a Single Judge of a High Court to a Division Bench of the same High Court, where permitted by the relevant statute or rules, is commonly known as a:

- (A) reference under Section 113
- (B) revision under Section 115
- (C) letters patent appeal
- (D) review under Section 114

**Q49.** Under Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908, a person aggrieved by a decree may apply for review to the court that passed it on the ground of:

- (A) discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge, or some mistake or error apparent on the face of the record
- (B) an erroneous view of law taken by the same court
- (C) the availability of a remedy by way of appeal
- (D) a mere change in the subsequent law declared by a higher court



- Q50.** Under Section 115 of the Code of Civil Procedure, 1908, the revisional jurisdiction of the High Court may be exercised over a subordinate court which has:
- (A) decided a question of fact wrongly
  - (B) exercised a jurisdiction not vested in it by law, failed to exercise a jurisdiction so vested, or acted illegally or with material irregularity in the exercise of its jurisdiction
  - (C) passed any interlocutory order whatsoever
  - (D) delivered a judgment with which the High Court disagrees on the merits
- Q51.** Under Section 113 of the Code of Civil Procedure, 1908, a subordinate court may state a case and refer it for the opinion of the High Court where:
- (A) the court entertains a reasonable doubt on a question of law as to the validity of any Act, Ordinance or Regulation
  - (B) a party simply requests a reference
  - (C) the decree has already been executed
  - (D) the suit involves a small money claim
- Q52.** Under Order XL Rule 1 of the Code of Civil Procedure, 1908, a court may appoint a receiver where it appears to be just and convenient, and the legal character of a receiver so appointed is that of:
- (A) the agent of the plaintiff alone
  - (B) the agent of the defendant alone
  - (C) an officer of the court holding the property for the benefit of the rightful party
  - (D) a co-owner of the property in dispute
- Q53.** Under Order XXVI of the Code of Civil Procedure, 1908, a commission may be issued by the court for the purpose of, among other things:



- (A) pronouncing the final judgment in the suit
- (B) executing the decree against the judgment-debtor
- (C) framing the issues between the parties
- (D) examining a witness, making a local investigation, or examining or adjusting accounts

**Q54.** Where a person who is not bound by law to do so pays money which another is bound by law to pay, and is thereupon entitled to be reimbursed, the obligation arises under Section 69 of the Indian Contract Act, 1872 as:

- (A) a contingent contract
- (B) a quasi-contract (an obligation resembling those created by contract)
- (C) a wagering agreement
- (D) a contract of guarantee

**Q55.** Under Section 70 of the Indian Contract Act, 1872, where a person lawfully does something for another, not intending to do so gratuitously, and the other enjoys the benefit thereof, the latter is bound to:

- (A) make compensation to the former in respect of, or to restore, the thing so done or delivered
- (B) pay only if a written contract had been executed beforehand
- (C) return the thing only if expressly demanded within one month
- (D) do nothing, since there was no agreement

**Q56.** Under Sections 31 and 32 of the Indian Contract Act, 1872, a “contingent contract” is a contract to do or not to do something if some collateral event does or does not happen, and such a contract:

- (A) is void in all circumstances
- (B) is enforceable even if the event has become impossible
- (C) must always be performed immediately on formation



(D) cannot be enforced by law unless and until that event has happened

**Q57.** Under Section 35 of the Indian Contract Act, 1872, a contingent contract to do or not to do anything if a specified uncertain event does not happen within a fixed time may be enforced when:

(A) the event has actually happened within the fixed time

(B) the time fixed has expired and such event has not happened, or before the time fixed it becomes certain that such event will not happen

(C) the contract is reduced to writing and registered

(D) either party so elects at any time

**Q58.** Under Section 55 of the Indian Contract Act, 1872, where time is of the essence of the contract and a party fails to perform within the fixed time, the contract:

(A) is void from the beginning

(B) must still be specifically performed despite the delay

(C) becomes voidable at the option of the promisee

(D) can never be rescinded by the promisee

**Q59.** In the law of torts, the essential distinction between libel and slander is that:

(A) libel is a spoken defamatory statement, while slander is in permanent form

(B) both libel and slander require proof of special damage in every case

(C) the distinction has been wholly abolished in Indian law

(D) libel is defamation in a permanent form (such as writing or print) and is actionable per se, whereas slander is defamation in a transient form (such as spoken words) and is generally actionable only on proof of special damage



- Q60.** In an action for defamation, where the defendant proves that the defamatory statement made by him is true in substance and in fact, he may rely on the defence of:
- (A) fair comment
  - (B) absolute privilege
  - (C) justification (truth)
  - (D) qualified privilege
- Q61.** The test of remoteness of damage in the law of torts, namely that a defendant is liable only for damage which is the reasonably foreseeable consequence of his wrongful act, was laid down in:
- (A) *Re Polemis* (the direct-consequence test)
  - (B) *Overseas Tankship (UK) Ltd v. Morts Dock & Engineering Co Ltd* (The Wagon Mound) (the reasonable-foreseeability test)
  - (C) *Ashby v. White*
  - (D) *Bird v. Jones*
- Q62.** Under Section 38 of the Specific Relief Act, 1963, a perpetual injunction may be granted to a plaintiff to prevent the breach of an obligation existing in his favour, and such an injunction is:
- (A) granted by the decree made at the hearing and upon the merits of the suit, perpetually enjoining the defendant from the assertion of a right inconsistent with the plaintiff's
  - (B) granted only by an interim order during the pendency of the suit
  - (C) a direction compelling the defendant to perform a positive act
  - (D) available only where damages would fully compensate the plaintiff

**Part D: Personal & Specialised Laws**

- Q63.** Under Section 7 of the Hindu Marriage Act, 1955, where the customary rites of a marriage include the *saptapadi*, the marriage becomes complete and binding:



- (A) when the seventh step is taken jointly by the bride and groom before the sacred fire
- (B) on the mere exchange of garlands between the parties
- (C) only upon registration of the marriage with the Registrar
- (D) on the tying of the *mangalsutra* alone, irrespective of the steps

**Q64.** A Hindu man, whose wife is living and from whom he has not been divorced, marries a second woman during the subsistence of the first marriage. The second marriage is:

- (A) voidable at the option of the second wife under Section 12
- (B) void under Section 11 of the Hindu Marriage Act, 1955 as contravening clause (i) of Section 5
- (C) perfectly valid if the first wife gives consent in writing
- (D) merely irregular and curable by subsequent registration

**Q65.** Under Section 12 of the Hindu Marriage Act, 1955, a marriage is *voidable* and may be annulled on the ground that:

- (A) the parties are within the prohibited degrees of relationship
- (B) either party had a spouse living at the time of the marriage
- (C) the consent of the petitioner was obtained by force or by fraud as to a material fact
- (D) the parties are *sapindas* of each other

**Q66.** Which of the following best distinguishes a void marriage under Section 11 from a voidable marriage under Section 12 of the Hindu Marriage Act, 1955?

- (A) a void marriage is valid until annulled, whereas a voidable marriage is a nullity from the start
- (B) both require a decree of court before they cease to have effect
- (C) a void marriage cannot be questioned once the parties have cohabited



(D) a void marriage is no marriage at all from its inception, whereas a voidable marriage remains valid until annulled by a decree

**Q67.** Under Section 18 of the Hindu Adoptions and Maintenance Act, 1956, a Hindu wife may live separately from her husband without forfeiting her claim to maintenance where the husband:

(A) is guilty of desertion or treats her with such cruelty as to cause a reasonable apprehension of harm

(B) has merely lost his employment temporarily

(C) has refused to permit her to take up paid employment

(D) has declined to relocate to her parental town

**Q68.** Under Section 20 of the Hindu Adoptions and Maintenance Act, 1956, the obligation of a Hindu to maintain his or her aged or infirm parents and an unmarried daughter arises:

(A) only in respect of sons, never daughters

(B) only if the parents have no other surviving children

(C) to the extent that the parent or unmarried daughter is unable to maintain herself or himself out of her or his own earnings or property

(D) only where a court has first passed a maintenance order

**Q69.** A wife obtains a maintenance order under Section 18 of the Hindu Adoptions and Maintenance Act, 1956. Regarding her parallel remedy under Section 125 of the Code of Criminal Procedure, the correct position is that:

(A) the civil remedy under HAMA wholly bars any application under Section 125 CrPC

(B) Section 125 CrPC is a speedy, summary remedy to prevent vagrancy and operates independently, though amounts already received may be adjusted



- (C) only one of the two forums can ever be approached, and the choice is irrevocable
- (D) Section 125 CrPC is available only to Hindu wives and to no other community

**Q70.** Under Section 6 of the Hindu Minority and Guardianship Act, 1956, in respect of a Hindu minor boy or unmarried girl, the natural guardian is:

- (A) the mother first, and after her the father, in all cases
- (B) any near relative nominated by the family panchayat
- (C) the father, and after him the mother (the custody of a child below five years ordinarily being with the mother)
- (D) the District Judge in every case

**Q71.** In *Githa Hariharan v. Reserve Bank of India* (1999), the Supreme Court interpreted the word “after” in Section 6(a) of the Hindu Minority and Guardianship Act, 1956 to mean that:

- (A) the mother can never act as natural guardian during the father’s lifetime
- (B) the father’s guardianship is absolute and indefeasible
- (C) the provision was struck down as wholly unconstitutional
- (D) the mother may act as natural guardian even during the father’s lifetime where he is absent or indifferent, “after” not meaning only after his death

**Q72.** Under the Hindu Minority and Guardianship Act, 1956, and as repeatedly affirmed by the courts, the paramount consideration in deciding the custody or guardianship of a minor is:

- (A) the welfare of the minor
- (B) the superior financial position of the father
- (C) the religious preference of the paternal grandfather



(D) the strict preferential order of guardians alone, regardless of all else

**Q73.** Under Muslim law, *mahr* (dower) is best described as:

- (A) a gift made by the wife's father to the husband at the time of marriage
- (B) a sum of money or property payable by the husband to the wife as an incident and consideration of the marriage
- (C) a tax payable to the State on every Muslim marriage
- (D) a charitable endowment created for the benefit of the community

**Q74.** Where the *mahr* is fixed but the time of its payment is not specified, and no custom indicates otherwise, the dower is presumed to be:

- (A) entirely deferred until the death of the husband
- (B) proper (*mahr-i-misl*) only and left unfixed
- (C) prompt and payable on demand
- (D) waived altogether unless claimed within one year of the marriage

**Q75.** If the husband fails to pay the *prompt* dower on demand, the wife's recognised remedy under Muslim law is to:

- (A) forfeit the dower entirely
- (B) have the marriage automatically dissolved without any proceeding
- (C) claim double the amount of the dower as a penalty
- (D) refuse to live with the husband and decline conjugal relations until the prompt dower is paid

**Q76.** On the death of the husband, an unpaid dower debt of the widow:

- (A) ranks as an unsecured debt payable out of the husband's estate, and a widow lawfully in possession may retain possession until it is satisfied
- (B) is extinguished altogether and cannot be claimed at all



- (C) takes priority over even the husband's secured creditors
- (D) can be recovered only from the husband's heirs personally and never from his estate

**Q77.** Under Section 58 of the Transfer of Property Act, 1882, a mortgage in which the mortgagor delivers possession of the mortgaged property to the mortgagee and authorises him to retain such possession until repayment, the rents and profits being in lieu of interest (or of principal, or both), is a:

- (A) simple mortgage
- (B) usufructuary mortgage
- (C) English mortgage
- (D) mortgage by conditional sale

**Q78.** Under Section 58 of the Transfer of Property Act, 1882, a mortgage created by the deposit of title deeds in a notified town, without any registered instrument, is known as a:

- (A) simple mortgage
- (B) English mortgage
- (C) mortgage by deposit of title deeds (equitable mortgage)
- (D) anomalous mortgage

**Q79.** Under Section 60 of the Transfer of Property Act, 1882, the right of the mortgagor, on payment of the mortgage money, to recover possession of the property and to have the mortgage deed re-conveyed is called the:

- (A) right of foreclosure
- (B) right of marshalling
- (C) right of subrogation
- (D) right of redemption



- Q80.** A stipulation in a mortgage deed that prevents or unreasonably fetters the mortgagor from redeeming the property after the debt is satisfied is, in equity, treated as a:
- (A) clog on the equity of redemption, and is therefore void
  - (B) valid covenant fully binding on the mortgagor
  - (C) condition precedent to any redemption
  - (D) lawful penalty enforceable by the mortgagee
- Q81.** Under the Companies Act, 2013, in the absence of any provision in the articles regarding the appointment of the first directors of a company, the first directors are deemed to be:
- (A) the auditors of the company
  - (B) the individual subscribers to the memorandum
  - (C) the Registrar of Companies and his nominees
  - (D) the company's bankers
- Q82.** Which of the following is a duty of a director expressly codified in Section 166 of the Companies Act, 2013?
- (A) to guarantee a minimum dividend to the shareholders every year
  - (B) to personally indemnify all creditors of the company
  - (C) to act in good faith in order to promote the objects of the company for the benefit of its members as a whole, and not to achieve any undue gain or advantage
  - (D) to attend every general meeting of every group company
- Q83.** Under Section 169 of the Companies Act, 2013, a company may remove a director (other than one appointed by the Tribunal) before the expiry of his period of office by:
- (A) a mere resolution of the Board of Directors
  - (B) a special resolution passed by postal ballot only



- (C) an order of the Registrar without any meeting
- (D) an ordinary resolution passed in general meeting, after giving the director a reasonable opportunity of being heard

**Q84.** Under Section 3 of the Patents Act, 1970, which of the following is *not* patentable, being expressly excluded from the meaning of “invention”?

- (A) the mere discovery of a scientific principle or the formulation of an abstract theory
- (B) a new and useful machine that satisfies the test of inventive step
- (C) a new chemical process resulting in a new product
- (D) an improved industrial article having a real technical effect

**Q85.** Under Section 53 of the Patents Act, 1970 (as amended in 2005), the term of every patent granted is:

- (A) fourteen years from the date of grant
- (B) twenty years from the date of filing of the application
- (C) sixty years from the death of the inventor
- (D) perpetual so long as the renewal fee continues to be paid

**Q86.** Under Section 84 of the Patents Act, 1970, a compulsory licence in respect of a patent may be applied for, after three years from the date of grant, on the ground that:

- (A) the patentee has earned excessive profits abroad
- (B) the invention has become technically obsolete
- (C) the reasonable requirements of the public have not been satisfied, or the invention is not available at a reasonably affordable price, or is not worked in the territory of India
- (D) the patentee has assigned the patent to a foreign company

**Q87.** Under the Factories Act, 1948, an adult worker shall not ordinarily be



required or allowed to work in a factory for more than the following number of hours in any week:

- (A) forty hours
- (B) forty-four hours
- (C) sixty hours
- (D) forty-eight hours

**Q88.** Under the Income-tax Act, 1961, an individual is generally treated as “resident” in India in a previous year if, among the tests, he is in India in that year for a period or periods amounting in all to:

- (A) one hundred and eighty-two days or more (subject to the alternative 60-day plus 365-day test)
- (B) thirty days or more in that year only
- (C) three hundred days or more in that year
- (D) ninety days in the immediately preceding year only

### Part E: ADR & Professional Ethics

**Q89.** Under Section 11 of the Arbitration and Conciliation Act, 1996, where the parties fail to agree on a procedure for appointing a sole arbitrator and one party does not respond, who is empowered to make the appointment on an application by the other party?

- (A) The District Magistrate of the place of arbitration
- (B) The Supreme Court or High Court, as the case may be, or any person or institution designated by such Court
- (C) The Central Government through the Law Ministry
- (D) The local Bar Council having jurisdiction

**Q90.** A person is approached to act as an arbitrator. Before accepting the appointment, what does Section 12(1) of the Arbitration and Conciliation Act, 1996 require of him?



- (A) He must furnish a security deposit equal to the claim amount
- (B) He must obtain prior approval of the High Court
- (C) He must disclose in writing any circumstances likely to give rise to justifiable doubts as to his independence or impartiality
- (D) He must be a retired judge of a constitutional court

**Q91.** The Fifth Schedule to the Arbitration and Conciliation Act, 1996 (introduced by the 2015 amendment) serves which function in relation to a proposed arbitrator?

- (A) It lists grounds that guide in determining whether circumstances exist giving rise to justifiable doubts as to independence or impartiality
- (B) It fixes the scale of fees payable to the arbitrator
- (C) It prescribes the language of the arbitral proceedings
- (D) It lists the documents to be annexed to the award

**Q92.** A party wishes to challenge the appointment of an arbitrator on the ground of justifiable doubts as to impartiality. Under Section 13(2) of the Arbitration and Conciliation Act, 1996, within what period and before whom must the challenge first be made, absent any agreed procedure?

- (A) Within thirty days, directly before the High Court
- (B) Within sixty days, before the principal civil court
- (C) At any time before the award, before the Bar Council
- (D) Within fifteen days of becoming aware of the constitution of the tribunal or of the ground, by written statement to the arbitral tribunal itself

**Q93.** Where the mandate of an arbitrator terminates because he becomes unable to perform his functions, Section 15 of the Arbitration and Conciliation Act, 1996 provides that a substitute arbitrator shall be appointed:

- (A) Only by the High Court in every case



- (B) According to the rules that were applicable to the appointment of the arbitrator being replaced
- (C) By the remaining arbitrators acting alone, irrespective of the original procedure
- (D) By the party who originally nominated him, without reference to any rule

**Q94.** Section 31(3) of the Arbitration and Conciliation Act, 1996 requires that an arbitral award shall:

- (A) Be signed only by the presiding arbitrator
- (B) Be made orally and reduced to writing within one year
- (C) State the reasons upon which it is based, unless the parties have agreed that no reasons are to be given or it is an award on agreed terms
- (D) Always be registered with the Sub-Registrar before it becomes binding

**Q95.** Section 31A of the Arbitration and Conciliation Act, 1996 deals with the regime for costs. Which of the following is the general rule it lays down?

- (A) Each party must invariably bear its own costs in all cases
- (B) The unsuccessful party shall be ordered to pay the costs of the successful party, though the tribunal may make a different order for reasons recorded in writing
- (C) Costs follow the seniority of the counsel engaged
- (D) Only the arbitrator's fee can be awarded as costs, never legal fees

**Q96.** During a conciliation under Part III of the Arbitration and Conciliation Act, 1996, one party shares certain information with the conciliator subject to a specific condition that it be kept confidential. What is the conciliator's duty under Section 70?

- (A) He must not disclose that specific information to the other party



- (B) He must disclose the substance of that information to the other party so as to obtain its observations
- (C) He must forward it to the arbitral tribunal for record
- (D) He must publish it in the proceedings as evidence

**Q97.** Under Section 73 and Section 74 of the Arbitration and Conciliation Act, 1996, a written settlement agreement drawn up and signed by the parties in a successful conciliation:

- (A) Has the same status and effect as an arbitral award on agreed terms under Section 30
- (B) Is merely a private contract with no enforceability
- (C) Requires confirmation by the High Court before it is binding
- (D) Operates only as a moral understanding between the parties

**Q98.** Which of the following persons is, by the Advocates Act, 1961 and the Bar Council of India Rules, ordinarily entitled to practise the profession of law and plead before courts in India?

- (A) Any law graduate, whether or not enrolled on a State roll
- (B) Only Senior Advocates designated by the courts
- (C) An advocate whose name is entered on the roll of a State Bar Council, subject to the classes of advocates recognised under Section 16
- (D) Any person holding a power of attorney from a litigant

**Q99.** An advocate, while arguing his case, becomes aware of a binding decision of the jurisdictional High Court that is directly against his client's contention and which the opponent has not cited. As a matter of an advocate's duty to the court, he should:

- (A) Suppress the decision since the opponent failed to find it
- (B) Misstate its ratio so as to neutralise it
- (C) Withdraw from the case immediately



(D) Draw the court's attention to the adverse binding authority and then distinguish it, as he must not mislead the court

**Q100.** An advocate publishes an article alleging, without basis, that a sitting High Court judge decided a matter corruptly so as to lower the authority of the court. This conduct most squarely attracts which category of contempt under the Contempt of Courts Act, 1971?

- (A) Civil contempt under Section 2(b)
- (B) No contempt, being protected free speech in every case
- (C) Contempt only if a third party files a private suit for defamation
- (D) Criminal contempt under Section 2(c), in the nature of scandalising the court



**Detailed Solutions**

Q1.

**Solution**

**Concept — Arbitrariness Test under Article 14:** In *E. P. Royappa v. State of Tamil Nadu* (1974) the Supreme Court held that equality is a dynamic concept and is antithetic to arbitrariness; where an act is arbitrary it is implicit in it that it is unequal and therefore violative of Article 14. This added a new dimension beyond the traditional classification test.

**Step 1 — Eliminate the others:** The reasonable-classification test (intelligible differentia plus rational nexus) is the older limb of Article 14, not what *Royappa* introduced. Legitimate expectation and the rule against bias are distinct administrative-law principles.

**Tip:** See Art. 14, Bare Act — “*Royappa* = arbitrariness itself violates equality.”

**Final Answer:** Arbitrariness test (new doctrine of equality) ⇒

[Go Back to Q1](#)

Q2.

**Solution**

**Concept — Freedom of Assembly:** Article 19(1)(b) guarantees the right to assemble peaceably and without arms. Reasonable restrictions on this freedom, in the interests of the sovereignty and integrity of India or public order, are authorised by Article 19(3).

**Step 1 — Match clause to freedom:** Article 19(2) limits free speech, 19(5) limits movement and residence, and 19(6) limits trade and profession. The freedom of assembly in 19(1)(b) is paired with its restriction clause 19(3).

**Tip:** See Art. 19, Bare Act — map (b)→(3): “assembly = clause 19(3).”

**Final Answer:** Article 19(3) ⇒

[Go Back to Q2](#)



Q3.

**Solution**

**Concept — Essential Religious Practices Doctrine:** Article 25(1) protects freedom of conscience and the right to profess, practise and propagate religion, but the courts protect only those practices that are essential or integral to the religion. *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt* (1954) laid down this essentiality enquiry.

**Step 1 — Eliminate the others:** The test is not majority approval, mere scriptural mention, or recency; the question is whether the practice forms an integral and essential part of the faith such that its absence would alter the religion's character.

**Tip:** See Art. 25, Bare Act — “essential-practices test” (*Shirur Mutt*).

**Final Answer:** Essential or integral to the religion concerned ⇒  C

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

Q4.

**Solution**

**Concept — Minority Educational Rights:** Article 30(1) confers on all minorities, whether based on religion or language, the right to establish and administer educational institutions of their choice. *T. M. A. Pai Foundation v. State of Karnataka* (2002) clarified that the minority status is determined State-wise.

**Step 1 — Eliminate the others:** The right is not given to all citizens generally, nor confined to religious minorities alone; it expressly covers linguistic minorities too. Backward classes as such are not the subject of Article 30.

**Tip:** See Art. 30(1), Bare Act — “minorities, religious OR linguistic.”

**Final Answer:** Minorities, whether based on religion or language ⇒  B

**Answer: (B)** [Go Back to Q4](#)

Q5.

**Solution**

**Concept — Repugnancy in the Concurrent List:** Article 254(1) provides that if a law made by a State legislature is repugnant to a law made by Parliament on a Concurrent List subject, the law made by Parliament shall prevail and the State law shall, to the extent of the repugnancy, be void.

**Step 1 — Eliminate the others:** The rule is not “later law prevails,” nor suspen-



sion of both, nor State supremacy. Subject to the proviso to Article 254(2), it is the Union law that prevails over the repugnant State law.

**Tip:** See Art. 254(1), Bare Act — “repugnancy on List III ⇒ Union law prevails.”

**Final Answer:** The law made by Parliament shall prevail ⇒

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

Q6.

### Solution

**Concept — President’s Rule and Judicial Review:** Under Article 356 the President may assume the functions of a State government on satisfaction that constitutional machinery has failed. In *S. R. Bommai v. Union of India* (1994) a nine-judge Bench held that the Proclamation is subject to judicial review and can be struck down if based on irrelevant, extraneous or mala fide grounds; the floor of the House, not the Governor’s subjective assessment, is the proper test of majority.

**Step 1 — Eliminate the others:** The Court rejected total immunity from review and the idea that parliamentary approval makes it conclusive; it nowhere required a unanimous Governor’s report. Reviewability on relevant material is the holding.

**Tip:** See Art. 356, Bare Act — “*Bommai* = President’s Rule is justiciable; floor test.”

**Final Answer:** Subject to judicial review; can be struck down for irrelevant or mala fide grounds ⇒

**Answer: (D)** [Go Back to Q6](#)

Q7.

### Solution

**Concept — Distribution of Legislative Powers:** The Seventh Schedule divides legislative subjects into three Lists. Subjects of national importance — defence, foreign affairs, banking, currency, atomic energy — on which only Parliament can legislate are placed in the Union List (List I), as provided by Article 246(1).

**Step 1 — Eliminate the others:** The State List (List II) covers matters of local interest such as police and public health; the Concurrent List (List III) holds matters on which both may legislate; the residuary power lies in Article 248, not in any enumerated entry.

**Tip:** See Art. 246 with Seventh Schedule, Bare Act — “List I = exclusive Union



subjects.”

**Final Answer:** The Union List (List I) ⇒

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

Q8.

### Solution

**Concept — Conservation of Culture under Article 29(1):** Article 29(1) protects the right of “any section of the citizens” having a distinct language, script or culture to conserve the same. Its language is wider than Article 30 and is not confined to minorities; it protects the majority as well.

**Step 1 — Eliminate the others:** It is not limited to religious or linguistic minorities, nor extended to foreign nationals (it speaks of “citizens”). The phrase “any section of the citizens” makes even a majority section eligible to invoke it.

**Tip:** See Art. 29(1), Bare Act — “any section of citizens” — not minority-only, unlike Art. 30.

**Final Answer:** Any section of citizens, whether a minority or the majority ⇒

**Answer:** (B) [Go Back to Q8](#)

Q9.

### Solution

**Concept — Anti-Defection Law:** The Tenth Schedule, inserted by the Constitution (Fifty-second Amendment) Act, 1985, contains the anti-defection provisions disqualifying a member who voluntarily gives up membership of his party or votes against its whip. The Speaker/Chairman decides such disqualifications, subject to review (*Kihoto Hollohan v. Zachillhu*, 1992).

**Step 1 — Eliminate the others:** The Ninth Schedule protects laws from challenge under Part III; Articles 102 and 191 deal with other disqualifications and merely refer to the Tenth Schedule; the Representation of the People Act, 1951 governs electoral disqualifications, not defection.

**Tip:** See Tenth Schedule, Bare Act — “defection = Tenth Schedule (52nd Amendment).”

**Final Answer:** The Tenth Schedule to the Constitution ⇒

**Answer:** (A) [Go Back to Q9](#)



Q10.

**Solution**

**Concept — 42nd Amendment and the Preamble:** The Constitution (Forty-second Amendment) Act, 1976 amended the Preamble to insert the words “Socialist” and “Secular” (and “Integrity”), describing India as a “Sovereign Socialist Secular Democratic Republic.”

**Step 1 — Eliminate the others:** “Sovereign,” “Democratic,” “Equality” and “Fraternity” were already part of the original 1950 Preamble; “Federal” and “Republican” as a pair were never inserted. The 42nd Amendment added precisely “Socialist” and “Secular.”

**Tip:** See Preamble notes, Bare Act — “42nd (1976) added Socialist, Secular, Integrity.”

**Final Answer:** “Socialist” and “Secular” ⇒

**Answer: (D)** [Go Back to Q10](#)

Q11.

**Solution**

**Concept — Freedom of Association:** Article 19(1)(c) guarantees the right to form associations or unions. In *All India Bank Employees’ Association v. National Industrial Tribunal* (1961) the Supreme Court held that the right to form a union does not carry a guaranteed concomitant right to the fulfilment of the union’s objects, such as an effective right to strike or to collective bargaining.

**Step 1 — Eliminate the others:** The very right to form and to continue a trade union, and to be a member of more than one, falls within 19(1)(c). What is excluded is a constitutional guarantee of the union’s success or its weapons like strike.

**Tip:** See Art. 19(1)(c), Bare Act — “right to form ≠ right to achieve its objects.”

**Final Answer:** Achievement of the object of the union (e.g. right to strike) ⇒

**Answer: (C)** [Go Back to Q11](#)



Q12.

**Solution**

**Concept — Freedom from Religious Taxation:** Article 27 provides that no person shall be compelled to pay any taxes the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination. It secures the secular character of State revenue.

**Step 1 — Eliminate the others:** A “fee” for services and the cost of secular administration of endowments are not within the bar (they are not taxes for promoting a religion); the bar is against compulsory taxes earmarked for a particular religion or denomination.

**Tip:** See Art. 27, Bare Act — “no tax to promote a particular religion” (tax, not fee).

**Final Answer:** Expenses for promotion or maintenance of any particular religion or denomination ⇒

**Answer: (B)** [Go Back to Q12](#)

Q13.

**Solution**

**Concept — Wednesbury Unreasonableness:** In *Associated Provincial Picture Houses v. Wednesbury Corporation* (1948) the standard was laid down that a decision may be quashed if it is so unreasonable that no reasonable authority, properly directing itself, could ever have arrived at it. Indian courts apply this to review administrative action.

**Step 1 — Eliminate the others:** Proportionality is a stricter, separate standard of review; laches concerns delay in seeking a remedy; the rule against bias is a facet of natural justice. The described “no reasonable authority” test is Wednesbury.

**Tip:** See admin-law notes — “*Wednesbury* = manifestly absurd/unreasonable decision.”

**Final Answer:** Wednesbury unreasonableness ⇒

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



Q14.

**Solution**

**Concept — Promissory Estoppel against the Government:** In *Motilal Padampat Sugar Mills v. State of U.P.* (1979) the Supreme Court held that promissory estoppel can be enforced against the Government, but it cannot be invoked to compel the Government to act in contravention of a statutory provision or to fetter the exercise of its legislative or sovereign functions.

**Step 1 — Eliminate the others:** The doctrine does not bind the Government to every executive promise unconditionally, does not lie for personal damages against an officer, and is not limited to oral assurances by a clerk. Its true limit is that it cannot override a statute or legislative power.

**Tip:** See admin-law notes — “no estoppel against statute or legislative function.”

**Final Answer:** Compel the Government to act contrary to a statute or to fetter its legislative power ⇒  C

**Answer: (C)** [Go Back to Q14](#)

Q15.

**Solution**

**Concept — National Emergency and Article 19:** Under Article 358, the freedoms in Article 19 are automatically suspended during a National Emergency, but only where the Emergency under Article 352 is declared on the ground of war or external aggression. The Constitution (Forty-fourth Amendment) Act, 1978 inserted this safeguard so that an emergency on the ground of “armed rebellion” does not suspend Article 19.

**Step 1 — Eliminate the others:** “Internal disturbance” was replaced by “armed rebellion” by the 44th Amendment and does not trigger suspension of Article 19. Financial instability (Article 360) and failure of State machinery (Article 356) are different emergencies altogether.

**Tip:** See Art. 358, Bare Act — “Art. 19 suspended only on war/external aggression” (post-44th).

**Final Answer:** War or external aggression ⇒  D

**Answer: (D)** [Go Back to Q15](#)



Q16.

**Solution**

**Concept — Freedom of Movement:** Article 19(1)(d) guarantees the right to move freely throughout the territory of India. Reasonable restrictions in the interests of the general public or for the protection of the interests of any Scheduled Tribe are authorised by Article 19(5), which governs both freedom of movement (d) and residence (e).

**Step 1 — Match clause to freedom:** Article 19(2) limits speech, 19(3) limits assembly and 19(4) limits associations. Movement and residence are paired with the single restriction clause 19(5), which expressly mentions Scheduled Tribes.

**Tip:** See Art. 19, Bare Act — “(d)&(e) movement/residence → clause 19(5).”

**Final Answer:** Article 19(5) ⇒

**Answer: (B)** [Go Back to Q16](#)

Q17.

**Solution**

**Concept — Parliamentary Approval of Emergency:** After the Constitution (Forty-fourth Amendment) Act, 1978, a Proclamation of National Emergency under Article 352 must be approved by resolutions of both Houses of Parliament within one month from the date of its issue, failing which it ceases to operate (the original period was two months).

**Step 1 — Fix the figure:** The 44th Amendment shortened the approval window to one month and required a special majority for approval. Two, three and six months are distractors not reflecting the present text of Article 352.

**Tip:** See Art. 352, Bare Act — “approval within one month” (post-44th); continues 6 months thereafter.

**Final Answer:** One month from the date of its issue ⇒

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



Q18.

**Solution**

**Concept — Proviso to Article 254(2):** Although a repugnant State law on a Concurrent List subject is ordinarily void, Article 254(2) saves it within that State if the State law was reserved for the consideration of the President and has received his assent; it then prevails over the earlier Union law in that State.

**Step 1 — Eliminate the others:** A special majority in the State legislature, Gazette notification or ratification by other States are not the conditions. Presidential assent after reservation is the constitutional mechanism, though Parliament may still later override under the further proviso.

**Tip:** See Art. 254(2), Bare Act — “State law saved by President’s assent after reservation.”

**Final Answer:** Reserved for the President’s consideration and has received his assent ⇒  C

**Answer: (C)** [Go Back to Q18](#)

Q19.

**Solution**

**Concept — Religious Instruction in State Institutions:** Article 28(1) lays down that no religious instruction shall be provided in any educational institution wholly maintained out of State funds. This preserves the secular character of fully State-funded education.

**Step 1 — Eliminate the others:** Institutions merely aided by, or recognised by, the State are governed by Article 28(2) and (3), where instruction may be given subject to consent; institutions under a religious endowment are expressly excepted by Article 28(1) itself. The absolute bar applies only to wholly State-maintained institutions.

**Tip:** See Art. 28(1), Bare Act — “wholly State-funded ⇒ no religious instruction at all.”

**Final Answer:** Wholly maintained out of State funds ⇒  D

**Answer: (D)** [Go Back to Q19](#)



Q20.

**Solution**

**Concept — Hurt (s.319 IPC):** Section 319 defines “hurt” as bodily pain, disease or infirmity caused to any person. It is the lesser of the two species of bodily injury, punishable under s.323; the aggravated form, grievous hurt, is dealt with separately in s.320.

**Step 1 — Apply to the facts:** A’s stick-blow causes only transient bodily pain with no lasting injury, so it is plain “hurt” under s.319. The eight enumerated categories and life-endangering or disfiguring injuries belong to grievous hurt (s.320), not to the definition of simple hurt.

**Tip:** See s.319 IPC — “hurt = bodily pain, disease or infirmity.”

**Final Answer:** Bodily pain, disease or infirmity caused to any person ⇒  D

**Answer: (D)** [Go Back to Q20](#)

Q21.

**Solution**

**Concept — Grievous Hurt (s.320 IPC):** Section 320 designates only eight kinds of hurt as “grievous”: emasculation; permanent privation of the sight of either eye; permanent privation of hearing of either ear; privation of any member or joint; destruction or permanent impairing of the powers of any member or joint; permanent disfiguration of the head or face; fracture or dislocation of a bone or tooth; and the residuary clause.

**Step 1 — Apply to the facts:** A breaks B’s tooth and fractures his arm; both fall squarely within the “fracture or dislocation of a bone or tooth” clause, so the hurt is grievous. Bodily pain for a day, a healing bruise, or abuse do not meet the s.320 list.

**Tip:** See s.320 IPC — “eight closed categories; fracture / dislocation is one.”

**Final Answer:** Emasculation, loss of sight or hearing, fracture or dislocation, and the like ⇒  C

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



Q22.

**Solution**

**Concept — Residuary Clause of Grievous Hurt (s.320 IPC):** The eighth (residuary) clause of s.320 makes a hurt grievous if it causes the sufferer to be in severe bodily pain, or unable to follow his ordinary pursuits, during the space of twenty days.

**Step 1 — Fix the period:** The statutory period is twenty days, not seven, ten or fifteen. Where the disability or severe pain lasts that long, an otherwise simple hurt is elevated to grievous hurt.

**Tip:** See s.320 (eighthly) IPC — “twenty days of severe pain / disability.”

**Final Answer:** Twenty days ⇒

**Answer: (D)** [Go Back to Q22](#)

Q23.

**Solution**

**Concept — Wrongful Restraint (s.339 IPC):** Section 339 provides that whoever voluntarily obstructs any person so as to prevent him from proceeding in any direction in which that person has a right to proceed commits wrongful restraint. The obstruction is partial; the person may still move in other directions.

**Step 1 — Apply to the facts:** A blocks only B’s forward path while B remains free to go back or take another route. This partial obstruction is wrongful restraint under s.339, not the total restraint of wrongful confinement (s.340), and involves neither assault nor criminal force.

**Tip:** See s.339 IPC — “restraint = partial obstruction of a direction.”

**Final Answer:** Wrongful restraint under s.339 IPC ⇒

**Answer: (A)** [Go Back to Q23](#)

Q24.

**Solution**

**Concept — Wrongful Confinement (s.340 IPC):** Section 340 provides that whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits commits wrongful confinement. It is an aggravated form of wrongful restraint, requiring total restraint within bounds.



**Step 1 — Apply to the facts:** B is locked in a room and cannot get out in any direction at all; he is kept within circumscribing limits. That is wrongful confinement under s.340, distinct from the partial obstruction of s.339.

**Tip:** See s.340 IPC — “confinement = restraint within circumscribing limits.”

**Final Answer:** Wrongful confinement, s.340 IPC ⇒  B

**Answer:** (B) [Go Back to Q24](#)

Q25.

### Solution

**Concept — Restraint vs Confinement (ss.339–340 IPC):** Wrongful restraint (s.339) is a partial obstruction preventing movement in a particular direction; wrongful confinement (s.340) is total restraint keeping the person within circumscribing limits so that he cannot proceed beyond them at all. Confinement is thus restraint plus boundedness.

**Step 1 — Test the options:** Option A correctly captures the distinction. The reverse description, the claim that both require total deprivation, and the place-based limitation all misstate the law.

**Tip:** See ss.339–340 IPC — “restraint partial; confinement total within limits.”

**Final Answer:** Restraint partial; confinement keeps within circumscribing limits ⇒  A

**Answer:** (A) [Go Back to Q25](#)

Q26.

### Solution

**Concept — Assault (s.351 IPC):** Section 351 provides that whoever makes any gesture or preparation intending or knowing it to be likely that it will cause any person present to apprehend that he is about to use criminal force commits an assault. No actual contact is required; the apprehension is the gist.

**Step 1 — Apply to the facts:** A shakes his fist within striking distance, intending B to apprehend a blow, but does not touch B. The threatening gesture causing apprehension is an assault under s.351; without contact there is no criminal force (s.350) and no hurt (s.319).

**Tip:** See s.351 IPC — “gesture causing apprehension = assault, no touch needed.”

**Final Answer:** Assault under s.351 IPC ⇒  D



**Answer: (D)** [Go Back to Q26](#)

Q27.

### Solution

**Concept — Criminal Force (s.350 IPC):** “Force” is defined in s.349 (causing motion, change of motion, or cessation of motion, etc.). Section 350 makes it criminal force where a person intentionally uses force on another without consent, in order to commit an offence, or intending or knowing it likely to cause injury, fear or annoyance to that other.

**Step 1 — Apply:** The facts reproduce the ingredients of s.350 — force used without consent, with the proscribed intent. That is criminal force, not mere assault (which is the threat), and certainly not grievous hurt or abduction.

**Tip:** See ss.349–350 IPC — “force + offence / injury / fear / annoyance = criminal force.”

**Final Answer:** Criminal force under s.350 IPC ⇒ **B**

**Answer: (B)** [Go Back to Q27](#)

Q28.

### Solution

**Concept — Assault vs Criminal Force (ss.350–351 IPC):** Criminal force (s.350) is the actual use of force on another with the proscribed intent, whereas assault (s.351) is the gesture or preparation causing apprehension that criminal force is about to be used. Every use of criminal force necessarily includes an assault, but an assault need not ripen into criminal force.

**Step 1 — Test the options:** Option C states this relationship correctly. Assault does not require contact, the two are not identical, and the word-versus-act distinction is false.

**Tip:** See ss.350–351 IPC — “assault = threat; criminal force = the act; force includes assault.”

**Final Answer:** Criminal force is the actual use; assault the apprehension; force includes assault ⇒ **C**

**Answer: (C)** [Go Back to Q28](#)



Q29.

**Solution**

**Concept — Kidnapping from Lawful Guardianship (s.361 IPC):** Section 361 makes it an offence to take or entice a minor or person of unsound mind out of the keeping of the lawful guardian without consent. The age limit is sixteen years for a male and eighteen years for a female.

**Step 1 — Apply to the facts:** B is a girl. For a female the threshold is under eighteen, so enticing a fifteen-year-old girl out of guardianship is kidnapping under s.361. Sixteen is the male threshold; twenty-one and fifteen are not the statutory limits.

**Tip:** See s.361 IPC — “under 16 male, under 18 female.”

**Final Answer:** Eighteen years ⇒  B

**Answer: (B)** [Go Back to Q29](#)

Q30.

**Solution**

**Concept — Kidnapping vs Abduction (ss.361–362 IPC):** Kidnapping from guardianship (s.361) protects minors (under 16 if male, under 18 if female) and persons of unsound mind; the minor’s consent is immaterial and no force is needed. Abduction (s.362) applies to any person and requires compelling him by force, or inducing him by deceitful means, to go from any place.

**Step 1 — Test the options:** Option D states both definitions correctly. Force is not essential to kidnapping, abduction is not confined to minors, and the means are not swapped as the other options suggest.

**Tip:** See ss.361–362 IPC — “kidnapping = minor, consent immaterial; abduction = any person, by force or deceit.”

**Final Answer:** Kidnapping protects minors (consent immaterial); abduction is any person by force or deceit ⇒  D

**Answer: (D)** [Go Back to Q30](#)



Q31.

**Solution**

**Concept — Two Kinds of Kidnapping (s.359 IPC):** Section 359 declares that kidnapping is of two kinds: kidnapping from India, defined in s.360, and kidnapping from lawful guardianship, defined in s.361.

**Step 1 — Eliminate:** “Kidnapping for ransom,” “by deceit,” and kidnapping limited to persons of unsound mind are not the statutory species under s.359. The correct second kind is kidnapping from lawful guardianship (s.361).

**Tip:** See s.359 IPC — “from India (s.360) and from lawful guardianship (s.361).”

**Final Answer:** Kidnapping from lawful guardianship (s.361) ⇒

[Go Back to Q31](#)

Q32.

**Solution**

**Concept — Grave and Sudden Provocation (Exception 1 to s.300 IPC):** Exception 1 to s.300 provides that culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation. The offence is thereby reduced to culpable homicide not amounting to murder.

**Step 1 — Apply to the facts:** A is suddenly confronted with his wife’s adultery, instantly loses self-control, and kills before any cooling time. This is the classic grave-and-sudden-provocation scenario under Exception 1, not sudden fight (Exception 4), insanity (s.84) or necessity (s.81).

**Tip:** See Exception 1 to s.300 IPC — “grave + sudden provocation, no cooling time.”

**Final Answer:** Exception 1 to s.300 IPC (grave and sudden provocation) ⇒

[Go Back to Q32](#)



Q33.

**Solution**

**Concept — Conditions of Exception 1 to s.300 IPC:** The exception requires that the provocation be both grave and sudden, that it deprive the accused of the power of self-control, that the accused not have sought or voluntarily provoked it as an excuse for killing, and that he act before there is time for the passion to cool.

**Step 1 — Identify the odd one out:** The defence demands that the killing be done *before* cooling time, not *after* a long interval. A long elapse of time defeats the plea, so option D is NOT a required condition.

**Tip:** See Exception 1 to s.300 IPC — “act before passion cools; long gap destroys the plea.”

**Final Answer:** A long cooling interval before the killing ⇒  D

**Answer: (D)** [Go Back to Q33](#)

Q34.

**Solution**

**Concept — Attempt to Murder (s.307 IPC):** Section 307 punishes whoever does any act with such intention or knowledge, and under such circumstances, that if he thereby caused death he would be guilty of murder. The offence is complete on the act being done with the requisite intent; the victim need not die.

**Step 1 — Apply to the facts:** A fires a loaded pistol at B intending to kill, in circumstances amounting to murder had death resulted; B is only wounded. That is attempt to murder under s.307, not simple hurt, grievous hurt or assault.

**Tip:** See s.307 IPC — “act with murderous intent; death need not follow.”

**Final Answer:** Attempt to murder under s.307 IPC ⇒  C

**Answer: (C)** [Go Back to Q34](#)

Q35.

**Solution**

**Concept — Ingredients of s.307 IPC:** As clarified in *State of Maharashtra v. Balram Bama Patil* and *Om Prakash v. State of Punjab*, to attract s.307 it is not essential that bodily injury capable of causing death be actually inflicted; what matters is the intention or knowledge accompanied by an act towards committing the offence.



**Step 1 — Test the options:** Death is not required (else it would be murder); a mere intention without any overt act is insufficient. Option B states the settled position — intent or knowledge plus an act suffices, even without a fatal-capacity injury.

**Tip:** See s.307 IPC — “intent + an act; fatal-capacity injury not essential.”

**Final Answer:** Bodily injury capable of death not essential; intent plus act suffices ⇒  B

**Answer: (B)** [Go Back to Q35](#)

Q36.

### Solution

**Concept — Arrest Without Warrant (s.41 CrPC):** Section 41 enumerates the situations in which a police officer may arrest any person without an order from a Magistrate and without a warrant, principally where the person is concerned in a cognizable offence (subject to the safeguards introduced by the 2008 amendment).

**Step 1 — Eliminate:** s.57 caps detention at twenty-four hours, s.167 governs detention beyond that period and default bail, and s.437 deals with bail in non-bailable offences. The general power of warrantless arrest is in s.41.

**Tip:** See s.41 CrPC — “when police may arrest without a warrant.”

**Final Answer:** Section 41 CrPC ⇒  A

**Answer: (A)** [Go Back to Q36](#)

Q37.

### Solution

**Concept — Right to be Informed of Grounds (s.50 CrPC):** Section 50 obliges a police officer arresting any person without a warrant to forthwith communicate to him the full particulars of the offence or other grounds for the arrest. This statutory right mirrors the guarantee in Article 22(1) of the Constitution.

**Step 1 — Eliminate:** s.41 confers the power to arrest, s.57 fixes the twenty-four-hour limit, and s.437 concerns bail. The right to be told the grounds of arrest is in s.50.

**Tip:** See s.50 CrPC — “arrested person must be told the grounds forthwith.”

**Final Answer:** Section 50 CrPC ⇒  A



**Answer: (A)** [Go Back to Q37](#)

**Q38.**

### Solution

**Concept — 24-Hour Limit (s.57 CrPC):** Section 57 provides that a person arrested without a warrant shall not be detained by the police for longer than is reasonable, and in any case, in the absence of a special order under s.167, not more than twenty-four hours exclusive of the journey time to the Magistrate. This reflects Article 22(2) of the Constitution.

**Step 1 — Apply:** The ceiling is twenty-four hours, not twelve, forty-eight or seventy-two. Beyond it, production before a Magistrate and an order under s.167 are required.

**Tip:** See s.57 CrPC — “no police custody beyond 24 hours without s.167 order.”

**Final Answer:** Twenty-four hours ⇒ **B**

**Answer: (B)** [Go Back to Q38](#)

**Q39.**

### Solution

**Concept — Arrest Safeguards (D. K. Basu):** In *D. K. Basu v. State of West Bengal* the Supreme Court laid down detailed requirements for arrest and detention, including preparation of an arrest memo attested by a witness, and informing a friend or relative of the arrest, later given statutory form in ss.41B–41D and 50A CrPC.

**Step 1 — Eliminate:** *Maneka Gandhi* concerns Article 21 due process generally, *A. K. Gopalan* is the older preventive-detention case, and *Joginder Kumar* stressed that arrest is not automatic but did not lay down the full memo guidelines. The arrest-memo and intimation directions come from *D. K. Basu*.

**Tip:** See *D. K. Basu* — “arrest memo + inform a relative.”

**Final Answer:** *D. K. Basu v. State of West Bengal* ⇒ **C**

**Answer: (C)** [Go Back to Q39](#)



Q40.

**Solution**

**Concept — Remand and Default Bail (s.167(2) CrPC):** Section 167(2) empowers the Magistrate to authorise detention of the accused beyond the initial twenty-four hours where investigation is incomplete, and its proviso confers the indefeasible right to default (statutory) bail if the prosecution fails to file the charge-sheet within the prescribed period.

**Step 1 — Eliminate:** s.41 is the arrest power, s.57 the twenty-four-hour cap, and s.437 the Magistrate's bail power in non-bailable offences. Remand and default bail are governed by s.167(2).

**Tip:** See s.167(2) CrPC — “remand + default bail on late charge-sheet.”

**Final Answer:** Section 167(2) CrPC ⇒  D

**Answer: (D)** [Go Back to Q40](#)

Q41.

**Solution**

**Concept — Default Bail Periods (proviso to s.167(2) CrPC):** The proviso fixes the maximum detention pending investigation at ninety days for offences punishable with death, imprisonment for life, or imprisonment for not less than ten years, and sixty days for any other offence, after which the accused is entitled to default bail on being prepared to furnish bail.

**Step 1 — Apply:** For the lesser category the period is sixty days, not fifteen, thirty or forty-five. As held in *Bikramjit Singh v. State of Punjab*, the right to default bail is indefeasible once the period expires without a charge-sheet.

**Tip:** See proviso to s.167(2) CrPC — “90 days serious / 60 days otherwise.”

**Final Answer:** Sixty days ⇒  C

**Answer: (C)** [Go Back to Q41](#)



Q42.

**Solution**

**Concept — Bail in Non-Bailable Offences (s.437 CrPC):** Section 437 empowers a court other than the High Court or Court of Session to release on bail a person accused of a non-bailable offence, subject to restrictions such as the bar where there appear reasonable grounds that the accused is guilty of an offence punishable with death or imprisonment for life.

**Step 1 — Eliminate:** s.436 deals with bail in bailable offences (a matter of right), s.438 with anticipatory bail by the High Court or Court of Session, and s.439 with the special powers of those superior courts. The Magistrate's power in non-bailable offences is s.437.

**Tip:** See s.437 CrPC — “Magistrate's bail power in non-bailable offences.”

**Final Answer:** Section 437 CrPC ⇒

[Go Back to Q42](#)

Q43.

**Solution**

**Concept — Presumption of Abetment of Suicide (s.113A Indian Evidence Act, 1872):** Section 113A provides that where a woman commits suicide within seven years of marriage and it is shown that her husband or his relative subjected her to cruelty, the court *may* presume, having regard to all the circumstances, that the suicide was abetted by the husband or that relative.

**Step 1 — Eliminate:** s.113B deals with the presumption as to dowry death (a mandatory “shall presume”), s.114A with the presumption of absence of consent in certain rape prosecutions, and s.114 with general presumptions. The abetment-of-suicide presumption is in s.113A.

**Tip:** See s.113A Evidence Act — “suicide within 7 years + cruelty ⇒ may presume abetment.”

**Final Answer:** Section 113A of the Indian Evidence Act, 1872 ⇒

[Go Back to Q43](#)



Q44.

**Solution**

**Concept — Accomplice Evidence (ss.133 & 114(b) Evidence Act):** Section 133 declares an accomplice a competent witness and provides that a conviction is not illegal merely because it proceeds upon his uncorroborated testimony. Illustration (b) to s.114 adds that the court *may* presume an accomplice unworthy of credit unless corroborated in material particulars.

**Step 1 — Reconcile the two:** Read together, the rule of law (s.133) is tempered by a rule of prudence (s.114(b)): corroboration is not legally essential but is ordinarily insisted upon. Option B captures this; the accomplice is neither incompetent nor incapable of being believed.

**Tip:** See ss.133 & 114(b) Evidence Act — “competent; conviction valid uncorroborated, but corroboration prudent.”

**Final Answer:** Competent witness; conviction valid uncorroborated, yet corroboration prudent ⇒

**Answer: (C)** [Go Back to Q44](#)

Q45.

**Solution**

**Concept — Leading Questions (s.142 Evidence Act):** Section 141 defines a leading question as one suggesting the answer desired. Section 142 provides that leading questions must not, if objected to by the adverse party, be asked in examination-in-chief or re-examination without the court’s permission, though the court will permit them as to introductory or undisputed matters; s.143 allows them freely in cross-examination.

**Step 1 — Eliminate:** s.137 merely defines the three stages of examination, s.138 sets their order, and s.145 concerns cross-examination as to previous written statements. The rule on leading questions in chief is in s.142.

**Tip:** See s.142 Evidence Act — “no leading questions in chief if objected; allowed in cross.”

**Final Answer:** Section 142 — barred in chief / re-examination if objected, allowed in cross ⇒

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



Q46.

**Solution**

**Concept — First appeal (Section 96, CPC):** A first appeal under Section 96 of the Code of Civil Procedure, 1908 lies from an original decree, and the first appellate court is the final court of fact, as affirmed in *Santosh Hazari v. Purushottam Tiwari*.

**Step 1 — Scope of a first appeal:** Being an appeal against the original decree, the first appellate court may re-examine and re-appreciate both questions of fact and questions of law. Confining it to law alone (A) or to a substantial question of law (B) describes a second appeal, and (D) wrongly denies any interference.

**Tip:** See s.96, Bare Act, CPC — “first appeal = facts AND law.”

**Final Answer:** Re-examination of questions of fact as well as law ⇒  C

Answer: (C) [Go Back to Q46](#)

Q47.

**Solution**

**Concept — Second appeal (Section 100, CPC):** After the 1976 amendment, a second appeal under Section 100 of the Code of Civil Procedure, 1908 lies to the High Court only on a substantial question of law, as explained in *Santosh Hazari v. Purushottam Tiwari*.

**Step 1 — The sole gateway:** The High Court must be satisfied that the case involves a substantial question of law, which it must formulate. A second appeal cannot be entertained on an error of fact (A), a fresh appreciation of evidence (B), or mere divergence of opinion between the courts below (C).

**Tip:** See s.100, Bare Act, CPC — “second appeal = substantial question of law only.”

**Final Answer:** A substantial question of law ⇒  D

Answer: (D) [Go Back to Q47](#)



Q48.

**Solution**

**Concept — Letters patent appeal:** An intra-court appeal from a judgment of a Single Judge of a High Court to a Division Bench of the same court, where the charter or statute so provides, is the letters patent appeal (LPA).

**Step 1 — Distinguish the remedies:** A reference (s.113) is a question stated for the High Court's opinion, a revision (s.115) corrects jurisdictional error of a subordinate court, and a review (s.114) is reconsideration by the same court. Only the intra-court appeal to a larger Bench is the letters patent appeal.

**Tip:** Remember — “Single Judge to Division Bench of the same High Court = LPA.”

**Final Answer:** Letters patent appeal ⇒  C

**Answer: (C)** [Go Back to Q48](#)

Q49.

**Solution**

**Concept — Review (Section 114 and Order XLVII Rule 1, CPC):** Review is reconsideration by the very court that passed the decree. Section 114 read with Order XLVII Rule 1 of the Code of Civil Procedure, 1908 confines it to narrow grounds, as in *Board of Control for Cricket in India v. Netaji Cricket Club*.

**Step 1 — The permissible grounds:** Review lies on discovery of new and important matter not within knowledge despite due diligence, or on a mistake or error apparent on the face of the record. A mere erroneous view of law (B) is not enough, the availability of appeal (C) generally bars review, and a later change in law (D) is not a ground.

**Tip:** See O47 R1, Bare Act — “new evidence OR error apparent on the face of the record.”

**Final Answer:** New matter despite due diligence, or error apparent on the face of the record ⇒  A

**Answer: (A)** [Go Back to Q49](#)



Q50.

**Solution**

**Concept — Revision (Section 115, CPC):** The revisional power under Section 115 of the Code of Civil Procedure, 1908 is supervisory and is confined to jurisdictional error, as laid down in *Major S.S. Khanna v. Brig. F.J. Dillon*.

**Step 1 — The three jurisdictional limbs:** The High Court may interfere where the subordinate court has 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. A wrong finding of fact (A), any interlocutory order (C), or mere disagreement on the merits (D) is outside revisional scope.

**Tip:** See s.115, Bare Act — “revision corrects jurisdictional error, not error of fact/law on merits.”

**Final Answer:** Jurisdictional error of the three statutory kinds ⇒

**Answer: (B)** [Go Back to Q50](#)

Q51.

**Solution**

**Concept — Reference (Section 113, CPC):** A reference under Section 113 of the Code of Civil Procedure, 1908 allows a subordinate court to state a case for the High Court’s opinion, particularly where it doubts the validity of a law.

**Step 1 — The condition for reference:** The proviso requires a reasonable doubt on a question of law as to the validity of any Act, Ordinance or Regulation. A reference is not made on a mere party request (B), it is irrelevant that the decree has been executed (C), and the size of the money claim (D) is immaterial.

**Tip:** See s.113, Bare Act — “doubt about validity of a law = court states a case to the High Court.”

**Final Answer:** A reasonable doubt on the validity of an Act, Ordinance or Regulation ⇒

**Answer: (A)** [Go Back to Q51](#)



Q52.

**Solution**

**Concept — Receiver (Order XL Rule 1, CPC):** A receiver may be appointed under Order XL Rule 1 of the Code of Civil Procedure, 1908 where it is just and convenient to protect the property in dispute pending adjudication.

**Step 1 — Legal character of a receiver:** A receiver is an officer or representative of the court, not the agent of any party, and holds the property for the benefit of the party ultimately found entitled. Hence he is neither the plaintiff's agent (A), nor the defendant's agent (B), nor a co-owner (D).

**Tip:** See O40 R1, Bare Act — “receiver = officer of the court, an impartial custodian.”

**Final Answer:** An officer of the court holding the property for the rightful party ⇒  C

**Answer: (C)** [Go Back to Q52](#)

Q53.

**Solution**

**Concept — Commissions (Order XXVI, CPC):** Order XXVI of the Code of Civil Procedure, 1908 empowers the court to issue commissions for specified purposes connected with the conduct of the suit.

**Step 1 — The purposes for a commission:** A commission may be issued to examine a witness, to make a local investigation, or to examine or adjust accounts (among others such as partition). It cannot be issued to pronounce the judgment (A), to execute the decree (B), or to frame the issues (C), all of which are judicial functions of the court itself.

**Tip:** See O26, Bare Act — “commission = examine witness / local investigation / accounts.”

**Final Answer:** Examining a witness, making a local investigation, or adjusting accounts ⇒  D

**Answer: (D)** [Go Back to Q53](#)



Q54.

**Solution**

**Concept — Quasi-contract (Section 69, Contract Act):** Sections 68 to 72 of the Indian Contract Act, 1872 create certain relations resembling those created by contract. Section 69 entitles a person who pays money another is bound by law to pay to be reimbursed.

**Step 1 — Classify the obligation:** Such reimbursement is not founded on any agreement but on an obligation imposed by law to prevent unjust enrichment, that is, a quasi-contract. It is not a contingent contract (A), a wagering agreement (C), or a guarantee (D), none of which fits an obligation arising without consensus.

**Tip:** See s.69, Bare Act — “pay what another is bound to pay = quasi-contractual reimbursement.”

**Final Answer:** A quasi-contract under Section 69 ⇒

**Answer: (B)** [Go Back to Q54](#)

Q55.

**Solution**

**Concept — Non-gratuitous act (Section 70, Contract Act):** Section 70 of the Indian Contract Act, 1872 obliges a person who enjoys the benefit of a lawful, non-gratuitous act done for him to compensate the doer, as discussed in *State of West Bengal v. B.K. Mondal & Sons*.

**Step 1 — The statutory liability:** Where the act is lawful, done not gratuitously, and its benefit is enjoyed, the beneficiary must make compensation in respect of, or restore, the thing so done or delivered. A prior written contract (B) is not required, there is no one-month-demand rule (C), and the absence of agreement does not negate the duty (D).

**Tip:** See s.70, Bare Act — “lawful + non-gratuitous + benefit enjoyed = compensate.”

**Final Answer:** Make compensation for, or restore, the thing so done or delivered ⇒

**Answer: (A)** [Go Back to Q55](#)



Q56.

**Solution**

**Concept — Contingent contract (Sections 31 and 32, Contract Act):** A contingent contract under Section 31 of the Indian Contract Act, 1872 depends on the happening or non-happening of a collateral uncertain event, and Section 32 governs its enforcement.

**Step 1 — Enforcement on the event:** A contingent contract to do or not to do something on the happening of an event cannot be enforced unless and until that event has happened, and becomes void if the event becomes impossible. It is therefore not void in all cases (A), not enforceable after impossibility (B), and need not be performed immediately on formation (C).

**Tip:** See ss.31–32, Bare Act — “contingent contract enforceable only when the event happens.”

**Final Answer:** Cannot be enforced unless and until that event has happened ⇒

[Go Back to Q56](#)

Q57.

**Solution**

**Concept — Contract contingent on non-happening within fixed time (Section 35, Contract Act):** Section 35 of the Indian Contract Act, 1872 deals with contracts contingent on a specified event not happening within a fixed time.

**Step 1 — When such a contract may be enforced:** It may be enforced when the fixed time has expired and the event has not happened, or before the time expires it becomes certain that the event will not happen. Enforcement does not arise where the event has actually happened in time (A), registration is not the test (C), and it cannot be enforced at the mere election of a party (D).

**Tip:** See s.35, Bare Act — “non-happening within fixed time = enforce on lapse of time or certainty of non-happening.”

**Final Answer:** Time expired without the event, or certainty within time that it will not happen ⇒

[Go Back to Q57](#)



Q58.

**Solution**

**Concept — Time as the essence of the contract (Section 55, Contract Act):** Section 55 of the Indian Contract Act, 1872 governs the effect of failure to perform at the fixed time where time is of the essence, as considered in *Chand Rani v. Kamal Rani*.

**Step 1 — Effect of delay:** Where time is of the essence and a party fails to perform within the stipulated time, the contract becomes voidable at the option of the promisee. It is not void from the beginning (A), it does not have to be specifically performed despite delay (B), and the promisee is not barred from rescinding (D).

**Tip:** See s.55, Bare Act — “time of the essence + delay = voidable at the promisee’s option.”

**Final Answer:** Becomes voidable at the option of the promisee ⇒  C

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

Q59.

**Solution**

**Concept — Libel and slander (defamation):** Defamation is the publication of a statement that lowers a person in the estimation of right-thinking members of society. The common law divides it into libel and slander.

**Step 1 — Draw the distinction:** Libel is defamation in a permanent form (writing, print, picture) and is actionable per se, whereas slander is defamation in a transient form (spoken words, gestures) and is generally actionable only on proof of special damage, subject to recognised exceptions. Hence (A) inverts the two, (B) wrongly requires special damage in every case, and (C) is incorrect as the distinction survives.

**Tip:** Remember — “libel = permanent, actionable per se; slander = transient, needs special damage.”

**Final Answer:** Libel is permanent and actionable per se; slander is transient and generally needs special damage ⇒  D

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



Q60.

**Solution**

**Concept — Defences to defamation (justification):** In an action for defamation the principal defences are justification (truth), fair comment, and privilege (absolute or qualified).

**Step 1 — Identify the truth defence:** Where the defendant proves the defamatory imputation is true in substance and in fact, the defence is justification (truth), a complete defence because the law will not permit a person to recover damages for an injury to a character he does not possess. Fair comment (A) protects honest opinion on a matter of public interest, while absolute (B) and qualified (D) privilege protect statements made on privileged occasions.

**Tip:** Remember — “truth in substance and fact = justification, a complete defence.”

**Final Answer:** Justification (truth) ⇒  C

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

Q61.

**Solution**

**Concept — Remoteness of damage (reasonable foreseeability):** The modern test for remoteness of damage is whether the harm was a reasonably foreseeable consequence of the defendant’s wrongful act, laid down in *Overseas Tankship (UK) Ltd v. Morts Dock & Engineering Co Ltd* (The Wagon Mound).

**Step 1 — Foreseeability over directness:** *The Wagon Mound* replaced the earlier direct-consequence test of *Re Polemis* with the reasonable-foreseeability test. *Ashby v. White* (C) concerns injuria sine damno and *Bird v. Jones* (D) concerns false imprisonment, both unrelated to remoteness.

**Tip:** Remember — “remoteness today = reasonable foreseeability (*Wagon Mound*), not directness (*Re Polemis*).”

**Final Answer:** *The Wagon Mound* (reasonable-foreseeability test) ⇒  B

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



Q62.

**Solution**

**Concept — Perpetual injunction (Section 38, Specific Relief Act):** A perpetual injunction under Section 38 of the Specific Relief Act, 1963 finally restrains the defendant from infringing an obligation existing in the plaintiff's favour, distinct from a mandatory injunction under Section 39.

**Step 1 — Nature of the relief:** A perpetual injunction can be granted only by the decree made at the hearing and upon the merits of the suit, thereby perpetually enjoining the defendant from asserting a right inconsistent with the plaintiff's. It is not merely an interim order (B), it is preventive rather than a command to do a positive act (which is a mandatory injunction) (C), and it is not denied merely because some damages are claimable (D).

**Tip:** See s.38, Bare Act — “perpetual injunction = final, granted by decree on the merits.”

**Final Answer:** Granted by the decree on the merits, perpetually restraining the defendant ⇒

**Answer: (A)** [Go Back to Q62](#)

Q63.

**Solution**

**Concept — Ceremonies of a Hindu marriage:** Section 7 of the Hindu Marriage Act, 1955 provides that a Hindu marriage may be solemnised according to the customary rites and ceremonies of either party. Where these include the *saptapadi* (the taking of seven steps before the sacred fire), the marriage becomes complete and binding when the seventh step is taken, as affirmed in *Bhaurao Shankar Lokhande v. State of Maharashtra* (1965).

**Step 1 — Identify the operative act:** Section 7(2) is explicit that completion occurs on the seventh step. Garlands (B), registration (C) and the *mangalsutra* alone (D) are not the statutory point of completion where *saptapadi* is the custom.

**Tip:** *Saptapadi* custom ⇒ marriage binding on the *seventh step*.

**Final Answer:** On the taking of the seventh step before the sacred fire ⇒

**Answer: (A)** [Go Back to Q63](#)



Q64.

**Solution**

**Concept — Bigamy and void marriage:** Section 5(i) of the Hindu Marriage Act, 1955 requires that neither party has a spouse living at the time of the marriage. A marriage in breach of this condition is declared *void* by Section 11, that is, void *ab initio*.

**Step 1 — Eliminate:** (A) such a marriage is void, not merely voidable; (C) the first wife's consent cannot validate a bigamous marriage; (D) it is not a curable irregularity — it is a nullity and also an offence under s.17 HMA read with s.494 IPC.

**Tip:** Spouse living + no divorce  $\Rightarrow$  second marriage void under s.11.

**Final Answer:** Void under Section 11 for breach of Section 5(i)  $\Rightarrow$  **B**

**Answer: (B)** [Go Back to Q64](#)

Q65.

**Solution**

**Concept — Voidable marriages:** Section 12 of the Hindu Marriage Act, 1955 lists the grounds on which a marriage is voidable, including under s.12(1)(c) that the consent of the petitioner was obtained by force or by fraud as to the nature of the ceremony or a material fact concerning the respondent.

**Step 1 — Eliminate:** Prohibited degrees (A), a spouse living (B) and *sapinda* relationship (D) all fall under Section 11 and make the marriage *void*, not voidable. Only consent vitiated by force or fraud is a Section 12 ground.

**Tip:** Force/fraud, impotence, pregnancy by another, unsound mind  $\Rightarrow$  voidable (s.12).

**Final Answer:** Consent obtained by force or fraud as to a material fact  $\Rightarrow$  **C**

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



Q66.

**Solution**

**Concept — Void vs voidable marriage:** A void marriage under Section 11 of the Hindu Marriage Act, 1955 is no marriage at all from its inception and confers no marital status; no decree is strictly necessary, though a declaration may be obtained. A voidable marriage under Section 12 is valid and subsisting until and unless it is annulled by a decree of nullity at the instance of the aggrieved party.

**Step 1 — Eliminate:** (A) reverses the two concepts; (B) is wrong because a void marriage needs no annulling decree to be a nullity; (C) cohabitation does not cure a void marriage.

**Tip:** Void = nullity from day one; Voidable = good until a court annuls it.

**Final Answer:** Void = no marriage from inception; voidable = valid until annulled  
⇒  D

**Answer: (D)** [Go Back to Q66](#)

Q67.

**Solution**

**Concept — Wife's right to separate residence and maintenance:** Section 18(1) of the Hindu Adoptions and Maintenance Act, 1956 entitles a Hindu wife to maintenance from her husband during her lifetime. Section 18(2) permits her to live separately without forfeiting that claim on enumerated grounds, including desertion and such cruelty as to cause a reasonable apprehension of harm or injury.

**Step 1 — Eliminate:** (B) temporary unemployment of the husband is not a listed ground; (C) refusing permission to work is not within s.18(2); (D) refusal to relocate to the wife's parental town is not a statutory ground.

**Tip:** s.18(2) grounds include desertion, cruelty, another living wife, conversion, leprosy etc.

**Final Answer:** Desertion or cruelty causing reasonable apprehension of harm ⇒  
 A

**Answer: (A)** [Go Back to Q67](#)



Q68.

**Solution**

**Concept — Maintenance of children and aged parents:** Section 20 of the Hindu Adoptions and Maintenance Act, 1956 obliges a Hindu, male or female, to maintain his or her legitimate or illegitimate children and aged or infirm parents. By s.20(3) the obligation to maintain an unmarried daughter or a parent extends only in so far as the claimant is unable to maintain herself or himself out of her or his own earnings or other property.

**Step 1 — Eliminate:** (A) the duty binds both sons and daughters; (B) it is not conditioned on the absence of other children; (D) the duty is statutory and does not await a prior court order.

**Tip:** s.20 maintenance hinges on the claimant's *inability* to maintain self.

**Final Answer:** To the extent the parent or unmarried daughter cannot maintain herself or himself ⇒

**Answer: (C)** [Go Back to Q68](#)

Q69.

**Solution**

**Concept — HAMA s.18 and CrPC s.125 interplay:** The civil right to maintenance under Section 18 HAMA and the summary remedy under Section 125 of the Code of Criminal Procedure are distinct and independent. Section 125 is a secular, speedy measure to prevent vagrancy and destitution; the two remedies coexist, the criminal court adjusting any amount actually paid or recovered.

**Step 1 — Eliminate:** (A) the civil remedy does not oust the s.125 jurisdiction; (C) a party is not irrevocably confined to one forum; (D) s.125 CrPC applies across communities, not only to Hindu wives.

**Tip:** s.125 CrPC = quick, secular, anti-vagrancy; runs parallel to civil maintenance.

**Final Answer:** The two remedies operate independently, with adjustment of amounts received ⇒

**Answer: (B)** [Go Back to Q69](#)



Q70.

**Solution**

**Concept — Natural guardian:** Section 6(a) of the Hindu Minority and Guardianship Act, 1956 provides that the natural guardian of a Hindu minor boy or unmarried girl is the father, and after him the mother; the proviso adds that the custody of a minor who has not completed five years of age shall ordinarily be with the mother.

**Step 1 — Eliminate:** (A) reverses the statutory order; (B) a panchayat nominee is not the natural guardian under the Act; (D) the District Judge acts only as a testamentary or court-appointed guardian, not as the natural guardian by default.

**Tip:** Order = father, then mother; child under 5 ordinarily with mother.

**Final Answer:** The father, and after him the mother (child under five ordinarily with mother) ⇒  C

**Answer: (C)** [Go Back to Q70](#)

Q71.

**Solution**

**Concept — Interpretation of “after”:** In *Githa Hariharan v. Reserve Bank of India* (1999), the Supreme Court read the word “after” in Section 6(a) HMGA harmoniously with Articles 14 and 15. “After” was held not to mean only after the father’s death, but also in his absence, indifference, or where for any reason he is unable or unwilling to act; in such cases the mother can be the natural guardian even during his lifetime.

**Step 1 — Eliminate:** (A) directly contradicts the ruling; (B) the father’s right is not absolute; (C) the provision was read down, not struck down.

**Tip:** *Githa Hariharan* — “after” includes the father’s absence/indifference, not just death.

**Final Answer:** The mother may act as guardian during the father’s lifetime in his absence or indifference ⇒  D

**Answer: (D)** [Go Back to Q71](#)



Q72.

**Solution**

**Concept — Welfare principle:** Section 13 of the Hindu Minority and Guardianship Act, 1956 declares that in the appointment or declaration of any person as guardian of a Hindu minor, the welfare of the minor shall be the paramount consideration, overriding even the statutory order of preference among guardians.

**Step 1 — Eliminate:** (B) financial superiority is one factor only, not paramount; (C) a grandfather's religious preference is not the test; (D) the preferential order yields to the minor's welfare under s.13.

**Tip:** Custody/guardianship — “welfare of the minor” is the polestar (s.13).

**Final Answer:** The welfare of the minor ⇒

**Answer: (A)** [Go Back to Q72](#)

Q73.

**Solution**

**Concept — Nature of mahr/dower:** Under Muslim law, *mahr* (dower) is a sum of money or other property which the husband is obliged to pay to the wife in consideration of, and as an incident to, the marriage. It is a right of the wife and a debt due from the husband, not a bride-price paid to her family.

**Step 1 — Eliminate:** (A) it is paid by the husband to the wife, not by her father to the husband; (C) it is not a tax to the State; (D) it is not a charitable endowment (that would be a *wakf*).

**Tip:** Mahr = husband's obligation *to the wife* as an incident of *nikah*.

**Final Answer:** A sum payable by the husband to the wife as an incident of the marriage ⇒

**Answer: (B)** [Go Back to Q73](#)

Q74.

**Solution**

**Concept — Prompt and deferred dower:** Dower is of two kinds — prompt (*mu'ajjal*), payable on demand, and deferred (*mu'wajjal*), payable on dissolution by death or divorce. Where the dower is fixed but the parties have not specified how it is to be split and no custom governs, the rule (especially under Hanafi law) is to presume the dower to be *prompt*, payable on demand.



**Step 1 — Eliminate:** (A) treating the whole as deferred is the opposite presumption; (B) *mahr-i-misl* (proper dower) is relevant only where no dower was fixed at all; (D) there is no rule deeming an unclaimed fixed dower waived in a year.

**Tip:** Fixed dower, time silent  $\Rightarrow$  presumed *prompt* (payable on demand).

**Final Answer:** The dower is presumed prompt and payable on demand  $\Rightarrow$   C

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

Q75.

### Solution

**Concept — Wife's remedy for unpaid prompt dower:** Prompt dower is payable on demand. Until it is paid, the wife is entitled to refuse to live with the husband and to decline conjugal relations, this being her recognised coercive remedy. She may also sue to recover the dower as a debt.

**Step 1 — Eliminate:** (A) non-payment does not cause the wife to forfeit her dower; (B) the marriage is not automatically dissolved by mere non-payment; (C) there is no rule entitling her to double the amount as a penalty.

**Tip:** Unpaid prompt dower  $\Rightarrow$  wife may withhold cohabitation *and* sue for the debt.

**Final Answer:** She may refuse cohabitation until the prompt dower is paid  $\Rightarrow$   D

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

Q76.

### Solution

**Concept — Widow's lien for dower:** On the husband's death the unpaid dower is a debt against his estate, ranking with other unsecured debts and payable before legacies and distribution among heirs. A widow who has lawfully obtained possession of her husband's property in lieu of her dower may retain that possession until the dower debt is satisfied (the widow's right of retention).

**Step 1 — Eliminate:** (B) the debt is not extinguished by the husband's death; (C) it does not rank above secured creditors; (D) it is recoverable from the estate, not only personally from the heirs.

**Tip:** Dower = unsecured debt of the estate + widow's right of *retention*.

**Final Answer:** An unsecured debt of the estate, with a right of retention in a possessing widow  $\Rightarrow$   A



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

Q77.

### Solution

**Concept — Usufructuary mortgage:** Section 58(d) of the Transfer of Property Act, 1882 defines a usufructuary mortgage as one where the mortgagor delivers possession (or binds himself to deliver possession) of the mortgaged property to the mortgagee, and authorises him to retain it until repayment and to receive the rents and profits in lieu of interest, or of principal, or of both.

**Step 1 — Eliminate:** (A) in a simple mortgage possession is not delivered; (C) an English mortgage involves an absolute transfer with a covenant to re-transfer on repayment; (D) a mortgage by conditional sale is an ostensible sale defeasible on repayment.

**Tip:** Possession + rents in lieu of interest/principal  $\Rightarrow$  usufructuary mortgage.

**Final Answer:** A usufructuary mortgage under s.58(d)  $\Rightarrow$  **B**

**Answer: (B)** [Go Back to Q77](#)

Q78.

### Solution

**Concept — Mortgage by deposit of title deeds:** Section 58(f) of the Transfer of Property Act, 1882 provides that where a person in a notified town delivers to a creditor or his agent documents of title to immovable property, with intent to create a security thereon, the transaction is a mortgage by deposit of title deeds, commonly called an equitable mortgage. No registered instrument is required.

**Step 1 — Eliminate:** (A) a simple mortgage needs a registered deed and binds the mortgagor personally; (B) an English mortgage is a registered transaction; (D) an anomalous mortgage is a residuary combination under s.58(g).

**Tip:** Deposit of title deeds in a notified town  $\Rightarrow$  equitable mortgage, s.58(f).

**Final Answer:** A mortgage by deposit of title deeds (equitable mortgage)  $\Rightarrow$  **C**

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



Q79.

**Solution**

**Concept — Right of redemption:** Section 60 of the Transfer of Property Act, 1882 confers on the mortgagor, on payment of the mortgage money at the proper time and place, the right to require the mortgagee to deliver the mortgage deed, to deliver possession where the mortgagee is in possession, and to re-transfer the property. This is the statutory right of redemption.

**Step 1 — Eliminate:** (A) foreclosure is the *mortgagee's* remedy; (B) marshalling concerns ordering of securities among creditors; (C) subrogation is the substitution of one person to the rights of another.

**Tip:** “Once a mortgage, always a mortgage” — s.60 redemption is the mortgagor’s core right.

**Final Answer:** The right of redemption under s.60 ⇒

[Go Back to Q79](#)

Q80.

**Solution**

**Concept — Clog on redemption:** Equity protects the mortgagor’s right of redemption. Any condition in or contemporaneous with the mortgage that prevents, postpones unreasonably, or otherwise fetters redemption after the debt is satisfied is a “clog on the equity of redemption” and is void, the principle being illustrated by *Stanley v. Wilde* and applied to s.60 TPA.

**Step 1 — Eliminate:** (B) such a fetter is not a valid binding covenant; (C) it is not a legitimate condition precedent; (D) it is not an enforceable penalty — equity will not permit the redemption right to be clogged.

**Tip:** Anything that bars or fetters redemption = clog ⇒ void.

**Final Answer:** A clog on the equity of redemption, and therefore void ⇒

[Go Back to Q80](#)



Q81.

**Solution**

**Concept — First directors:** Under the scheme of the Companies Act, 2013 (s.152(1)), where no provision is made in the articles for the appointment of the first directors, the subscribers to the memorandum who are individuals shall be deemed to be the first directors of the company until directors are duly appointed in general meeting.

**Step 1 — Eliminate:** (A) auditors are not directors; (C) the Registrar registers the company but does not become its director; (D) the bankers have no such capacity.

**Tip:** Articles silent on first directors  $\Rightarrow$  individual subscribers to the MoA are first directors.

**Final Answer:** The individual subscribers to the memorandum  $\Rightarrow$

**Answer: (B)** [Go Back to Q81](#)

Q82.

**Solution**

**Concept — Duties of directors:** Section 166 of the Companies Act, 2013 codifies directors' duties. Section 166(2) requires a director to act in good faith in order to promote the objects of the company for the benefit of its members as a whole, and in the best interests of the company, its employees, the shareholders, the community and for the protection of environment, and not to achieve any undue gain or advantage (s.166(4)).

**Step 1 — Eliminate:** (A) no director can guarantee dividends; (B) directors do not personally indemnify all creditors; (D) there is no duty to attend every meeting of every group company.

**Tip:** s.166 — good faith, due care, no conflict, no undue gain.

**Final Answer:** To act in good faith to promote the company's objects for the members as a whole  $\Rightarrow$

**Answer: (C)** [Go Back to Q82](#)



Q83.

**Solution**

**Concept — Removal of directors:** Section 169 of the Companies Act, 2013 empowers a company to remove a director (other than a director appointed by the Tribunal under s.242) before the expiry of his period of office by passing an *ordinary resolution* in general meeting, after special notice, and after giving the director a reasonable opportunity of being heard.

**Step 1 — Eliminate:** (A) the Board alone cannot remove a director appointed by members; (B) the removal is by an ordinary resolution, not a special resolution by postal ballot only; (C) the Registrar has no power to remove a director by mere order.

**Tip:** s.169 removal = special notice + ordinary resolution + hearing.

**Final Answer:** By an ordinary resolution in general meeting after a hearing ⇒

**Answer: (D)** [Go Back to Q83](#)

Q84.

**Solution**

**Concept — Non-patentable subject-matter:** Section 3 of the Patents Act, 1970 enumerates what are not inventions. Section 3(c) excludes the mere discovery of a scientific principle or the formulation of an abstract theory (and the mere discovery of any living thing or non-living substance occurring in nature).

**Step 1 — Eliminate:** A new and useful machine (B), a new chemical process yielding a new product (C) and an improved article with a technical effect (D) can each satisfy novelty, inventive step and industrial application, and are patentable subject-matter; a bare scientific principle is not.

**Tip:** s.3 excludes discoveries, abstract theories, mere admixtures, business methods, etc.

**Final Answer:** Mere discovery of a scientific principle or an abstract theory ⇒

**Answer: (A)** [Go Back to Q84](#)



Q85.

**Solution**

**Concept — Term of a patent:** Section 53 of the Patents Act, 1970, as amended by the Patents (Amendment) Act, 2005, provides that the term of every patent shall be twenty years from the date of filing of the application, subject to payment of the prescribed renewal fees.

**Step 1 — Eliminate:** (A) fourteen years was the older term for product/process patents under the unamended Act; (C) sixty years from the inventor's death is the copyright-style measure, not patent law; (D) a patent is not perpetual.

**Tip:** Patent term = 20 years from the date of *filing* (s.53).

**Final Answer:** Twenty years from the date of filing of the application ⇒

**Answer: (B)** [Go Back to Q85](#)

Q86.

**Solution**

**Concept — Compulsory licensing:** Section 84 of the Patents Act, 1970 allows any interested person, after three years from the grant of a patent, to apply for a compulsory licence on the grounds that the reasonable requirements of the public with respect to the patented invention have not been satisfied, or that the invention is not available to the public at a reasonably affordable price, or that it is not worked in the territory of India.

**Step 1 — Eliminate:** (A) profits earned abroad are not a s.84 ground; (B) technical obsolescence is not a listed ground; (D) assignment to a foreign company is not, by itself, a ground.

**Tip:** s.84 grounds — public requirements / affordability / not worked in India.

**Final Answer:** Public requirements unmet, not affordable, or not worked in India ⇒

**Answer: (C)** [Go Back to Q86](#)



Q87.

**Solution**

**Concept — Weekly hours of work:** Section 51 of the Factories Act, 1948 provides that no adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week. (Section 54 further caps daily hours at nine.)

**Step 1 — Eliminate:** (A) forty and (B) forty-four hours understate the statutory ceiling; (C) sixty hours exceeds it (sixty is only the outer limit on total hours including overtime in a week under s.64 rules, not the ordinary weekly limit).

**Tip:** Factories Act — weekly limit 48 hours (s.51), daily limit 9 hours (s.54).

**Final Answer:** Forty-eight hours in any week ⇒

**Answer: (D)** [Go Back to Q87](#)

Q88.

**Solution**

**Concept — Residential status:** Section 6(1) of the Income-tax Act, 1961 lays down the basic conditions for residence. An individual is resident in India in a previous year if he is in India for 182 days or more in that year; alternatively, if he is in India for 60 days or more in that year and 365 days or more in the four preceding years.

**Step 1 — Eliminate:** (B) thirty days is not a residence test; (C) three hundred days is not the threshold; (D) ninety days in the preceding year alone is not the statutory rule.

**Tip:** Residence basic test — 182 days, or 60 days + 365 days over four prior years.

**Final Answer:** 182 days or more in the year (subject to the 60-day plus 365-day test) ⇒

**Answer: (A)** [Go Back to Q88](#)

Q89.

**Solution**

**Concept — Appointment of sole arbitrator (s.11):** Section 11 of the Arbitration and Conciliation Act, 1996 governs appointment of arbitrators; where parties fail to agree, the appointment is made by the Supreme Court or High Court (or its designate) depending on whether the arbitration is international commercial or domestic, as explained in *TRF Ltd. v. Energo Engineering Projects Ltd.*



**Step 1 — Default mechanism:** On a sole arbitrator, if parties cannot agree within thirty days of a request, the appointment is made under s.11(5)/(6) by the competent Court or any person/institution designated by it. Bar Council, Magistrate or Government have no such role.

**Tip:** HC for domestic, SC for international commercial arbitration.

**Final Answer:** The Court (SC/HC) or its designate appoints ⇒ **B**

**Answer: (B)** [Go Back to Q89](#)

Q90.

### Solution

**Concept — Duty of disclosure (s.12(1)):** Section 12(1) of the Act obliges a person approached for appointment to disclose in writing any circumstances likely to give rise to justifiable doubts as to independence or impartiality, the touchstone applied in *HRD Corporation v. GAIL (India) Ltd.*

**Step 1 — Eliminate distractors:** No security deposit, no prior High Court approval, and no requirement of being a retired judge is imposed by s.12(1); the sole statutory pre-condition is honest written disclosure in the form of the Sixth Schedule.

**Tip:** Disclosure is a continuing duty throughout the proceedings.

**Final Answer:** Written disclosure of doubts as to independence/impartiality ⇒ **C**

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

Q91.

### Solution

**Concept — Fifth Schedule (s.12(1)):** The Fifth Schedule, inserted by the 2015 amendment and drawn from the IBA Guidelines, lists categories that *guide* in determining whether justifiable doubts as to independence or impartiality exist, as noted in *Voestalpine Schienen GmbH v. DMRC*.

**Step 1 — Distinguish from Seventh Schedule:** The Fifth Schedule is a guide for doubts; the Seventh Schedule lists relationships that make a person *ineligible*. It does not deal with fees, language or annexures.

**Tip:** Fifth = grounds for doubt; Seventh = de jure ineligibility (s.12(5)).

**Final Answer:** It guides on justifiable doubts as to impartiality ⇒ **A**



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

Q92.

### Solution

**Concept — Challenge procedure (s.13(2)):** Failing an agreed procedure, s.13(2) of the Act requires the challenging party, within fifteen days of becoming aware of the tribunal's constitution or of the disqualifying circumstance, to send a written statement of reasons to the arbitral tribunal.

**Step 1 — Tribunal decides first:** The tribunal (including the challenged arbitrator) decides the challenge under s.13(3); the party cannot rush to the High Court at this stage. Hence options pointing to court/Bar Council at the threshold are wrong.

**Tip:** If the challenge fails, the tribunal continues and the ground is raised at the s.34 stage.

**Final Answer:** Fifteen days, by written statement to the tribunal ⇒

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

Q93.

### Solution

**Concept — Substitution of arbitrator (s.15):** Section 15 of the Act provides that where the mandate terminates and an arbitrator is to be substituted, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment of the arbitrator being replaced, as affirmed in *Yashwith Constructions v. Simplex Concrete Piles*.

**Step 1 — Mirror the original procedure:** The same appointing mechanism (party nomination/institution/Court) is repeated. It is neither always the High Court, nor the remaining arbitrators alone, nor an unfettered re-nomination.

**Tip:** Hearings may be repeated at the tribunal's discretion under s.15(3).

**Final Answer:** As per the rules applicable to the original appointment ⇒

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



Q94.

**Solution**

**Concept — Reasoned award (s.31(3)):** Section 31(3) of the Act requires an arbitral award to state the reasons on which it is based, unless the parties have agreed that no reasons are to be given, or the award is an award on agreed terms under s.30.

**Step 1 — Form requirements:** An award must be in writing and signed by the members of the tribunal (s.31(1)); a reasoned award is the norm. There is no requirement of compulsory registration before it binds the parties.

**Tip:** Absence of reasons (without agreement) is a frequent ground for challenge under s.34.

**Final Answer:** It must state reasons, save the two recognised exceptions ⇒

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Q95.

**Solution**

**Concept — Regime for costs (s.31A):** Section 31A, inserted in 2015, codifies a “costs follow the event” rule: the general rule is that the unsuccessful party shall be ordered to pay the costs of the successful party, though the tribunal may make a different order for reasons recorded in writing.

**Step 1 — Scope of costs:** “Costs” under s.31A(2) is wide and includes fees and expenses of arbitrators, courts, witnesses, legal fees and institutional fees, not merely the arbitrator’s fee.

**Tip:** The tribunal weighs the conduct of parties and any frivolous claims while departing from the general rule.

**Final Answer:** Loser pays winner’s costs, subject to reasoned departure ⇒

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Q96.

**Solution**

**Concept — Disclosure of information (s.70):** Section 70 of the Act, in Part III on conciliation, ordinarily requires the conciliator to disclose the substance of information received from a party to the other party; but its proviso forbids disclosure where the information is given subject to a specific condition of confidentiality.

**Step 1 — Apply the proviso:** Because the party expressly imposed confidentiality, the conciliator must *not* disclose that specific information. He cannot forward it to a tribunal or treat it as evidence, conciliation being non-adjudicatory.

**Tip:** Read s.70 with s.75, which casts a general duty of confidentiality on all conciliation matters.

**Final Answer:** He must not disclose the confidentially-shared information ⇒

[Go Back to Q96](#)

Q97.

**Solution**

**Concept — Status of settlement (ss.73–74):** Under s.73 the parties draw up and sign a settlement agreement; s.74 then provides that such a settlement agreement shall have the same status and effect as an arbitral award on agreed terms under s.30, a position endorsed in *Haresh Dayaram Thakur v. State of Maharashtra*.

**Step 1 — Enforceability:** Equation with a s.30 award means it is final, binding and enforceable as a decree under s.36; it is not a mere private contract, a moral understanding, or something needing High Court confirmation.

**Tip:** The conciliator authenticates the agreement under s.73(3).

**Final Answer:** Same status as an arbitral award on agreed terms (s.30) ⇒

[Go Back to Q97](#)

Q98.

**Solution**

**Concept — Right to practise and classes of advocates (ss.16, 29, 33):** The Advocates Act, 1961 recognises advocates as the single principal class entitled to practise; s.16 sub-divides them into senior advocates and (other) advocates, and only an advocate on a State roll may plead before courts.

**Step 1 — Eliminate distractors:** A bare law graduate not enrolled cannot prac-



tise; the right is not confined to Senior Advocates; and a power-of-attorney holder is not thereby entitled to practise law. The correct statement is the enrolled advocate under the s.16 classification.

**Tip:** Enrolment on a State roll under s.24 is the gateway; s.29/s.33 reserve court practice for advocates.

**Final Answer:** An advocate on a State roll, per the s.16 classes ⇒

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

Q99.

### Solution

**Concept — Duty to the court & adverse authority:** An advocate's paramount duty is to the court; under the BCI Standards of Professional Conduct (duties to the court) he must not mislead the court and must place before it binding authority directly on the point, even if adverse, the principle reflected in *Hari Shankar Rastogi v. Girdhari Sharma*.

**Step 1 — Correct course of action:** He should disclose the adverse binding High Court decision and then attempt to distinguish it on facts or law. Suppressing it, misstating its ratio, or needlessly withdrawing all breach the duty of candour.

**Tip:** Fairness to the court and the opponent overrides zealous advocacy.

**Final Answer:** Disclose the adverse authority and distinguish it ⇒

**Answer:** (D) [Go Back to Q99](#)

Q100.

### Solution

**Concept — Criminal contempt / scandalising the court (s.2(c)):** Section 2(c) of the Contempt of Courts Act, 1971 defines criminal contempt to include any publication that scandalises or lowers the authority of any court; baseless imputations of corruption against a judge fall here, as held in *In re: Arundhati Roy and C.K. Daphtary v. O.P. Gupta*.

**Step 1 — Classify the conduct:** An unfounded allegation of judicial corruption tends to lower the court's authority and is not civil contempt (which is wilful disobedience under s.2(b)). It is neither absolutely protected speech nor dependent on a private defamation suit.

**Tip:** Truth is a defence under s.13(b) only if bona fide and in public interest.



**Final Answer:** Criminal contempt under s.2(c), scandalising the court ⇒

[Go Back to Q100](#)



## Answer Key

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

