

AIBE Sample Paper – 7

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.** Article 368 of the Constitution prescribes the procedure for amendment. A constitutional amendment that seeks to change the manner of election of the President, the extent of the executive or legislative power of the Union and the States, or any of the Lists in the Seventh Schedule, additionally requires:
- (A) A simple majority of the members present and voting in each House
 - (B) The prior assent of the Rajya Sabha alone
 - (C) A two-thirds majority of the total membership of the Lok Sabha only
 - (D) Ratification by the legislatures of not less than one-half of the States by resolutions
- Q2.** In *I. R. Coelho v. State of Tamil Nadu* (2007) a nine-judge Bench of the



Supreme Court examined laws placed in the Ninth Schedule after 24 April 1973. The Court held that such laws are:

- (A) Wholly immune from judicial review by virtue of Article 31B
- (B) Open to challenge on the ground that they damage or destroy the basic structure of the Constitution
- (C) Valid only if enacted by Parliament and not by State legislatures
- (D) Beyond the scope of any judicial scrutiny whatsoever

Q3. The Finance Commission, a body constituted by the President at the expiry of every fifth year or earlier, makes recommendations on the distribution of the net proceeds of taxes between the Union and the States. The Finance Commission is constituted under:

- (A) Article 280
- (B) Article 275
- (C) Article 263
- (D) Article 282

Q4. The Goods and Services Tax Council, which makes recommendations to the Union and the States on matters such as rates and exemptions of GST, was created by the Constitution (One Hundred and First Amendment) Act, 2016, and finds its place in:

- (A) Article 246A
- (B) Article 269A
- (C) Article 279A
- (D) Article 270

Q5. Parliament may by law provide for the adjudication of any dispute relating to the use, distribution or control of the waters of any inter-State river or river valley, and may also provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of such a dispute. This power is conferred by:



- (A) Article 263
- (B) Article 131
- (C) Article 257
- (D) Article 262

Q6. The Constitution (Seventy-third Amendment) Act, 1992, which gave constitutional status to Panchayati Raj institutions, inserted into the Constitution a new:

- (A) Part IXA containing Articles 243P to 243ZG and the Twelfth Schedule
- (B) Part VIII relating to Union Territories
- (C) Part IX containing Articles 243 to 243-O and the Eleventh Schedule
- (D) Part XIV-A relating to tribunals

Q7. The Constitution (Seventy-fourth Amendment) Act, 1992, dealing with urban local self-government, added the Twelfth Schedule listing the subjects that may be entrusted to municipalities. The Twelfth Schedule enumerates:

- (A) Eleven subjects for Panchayats
- (B) The division of legislative powers between the Union and the States
- (C) The languages recognised by the Constitution
- (D) Eighteen subjects relating to the functions of municipalities such as urban planning and regulation of land use

Q8. Article 371A contains special provisions with respect to a particular State, providing that no Act of Parliament in respect of Naga customary law and procedure, ownership and transfer of land, and administration of civil and criminal justice involving Naga customary law shall apply unless the Legislative Assembly so decides. This special provision relates to the State of:

- (A) Mizoram



- (B) Sikkim
- (C) Manipur
- (D) Nagaland

Q9. In *L. Chandra Kumar v. Union of India* (1997) the Supreme Court considered the constitutional validity of provisions enacted under Articles 323A and 323B. The Court held that:

- (A) Tribunals can wholly oust the jurisdiction of the High Courts under Articles 226 and 227
- (B) Decisions of tribunals are final and not subject to review by any constitutional court
- (C) The power of judicial review vested in the High Courts under Articles 226/227 and in the Supreme Court under Article 32 is part of the basic structure and cannot be excluded, though tribunals may act as courts of first instance
- (D) Tribunals are wholly unconstitutional and must be abolished

Q10. In *M. C. Mehta v. Kamal Nath* (1997) the Supreme Court applied a doctrine to hold that certain natural resources such as rivers, forests and the air are held by the State as a trustee for the free and unrestricted use of the general public. This doctrine is the:

- (A) Doctrine of public trust
- (B) Polluter pays principle
- (C) Doctrine of res nullius
- (D) Doctrine of eminent domain

Q11. The principle of sustainable development, accepted by Indian courts as part of environmental jurisprudence, essentially requires that:

- (A) Economic development must be halted to protect the environment
- (B) Environmental protection must always yield to industrial growth



- (C) Development and protection of the environment must go hand in hand so that the needs of the present are met without compromising the ability of future generations to meet their own needs
- (D) Natural resources may be exploited freely so long as compensation is paid

Q12. The precautionary principle, recognised by the Supreme Court as an essential feature of sustainable development, places the burden of proof regarding the environmental safety of an activity on:

- (A) The person or developer who proposes to undertake the activity, to show that it is environmentally benign
- (B) The objector who challenges the activity
- (C) The State Pollution Control Board exclusively
- (D) The general public affected by the activity

Q13. The Right to Information Act, 2005, casts an obligation on every public authority to maintain and disclose information. The Act expressly recognises that an exemption from disclosure may be overridden where:

- (A) The information relates to any third party
- (B) The information concerns the internal working of the authority
- (C) The public interest in disclosure outweighs the harm to the protected interests
- (D) The applicant fails to disclose his reasons for seeking the information

Q14. Under the Right to Information Act, 2005, an applicant who is aggrieved by a decision of the Central Public Information Officer may file a second appeal, after the first appeal, before the:

- (A) Central Information Commission
- (B) High Court having territorial jurisdiction
- (C) Concerned administrative ministry



(D) Central Administrative Tribunal

Q15. Where a statute confers discretionary power on an administrative authority, the courts insist that the discretion be exercised reasonably and not be allowed to stand abdicated. An authority commits an error of law when it:

(A) Applies its mind to the relevant facts before deciding

(B) Fetters its own discretion by rigidly applying a self-imposed rule or acts under the dictation of another authority

(C) Gives reasons for its decision

(D) Hears the affected party before acting

Q16. The exercise of administrative discretion may be struck down by courts on the ground that the authority took into account legally irrelevant considerations or failed to take into account relevant considerations. This head of judicial control is best described as:

(A) Abuse of discretion through relevant and irrelevant considerations

(B) Breach of a contractual term

(C) Mere procedural irregularity having no effect

(D) A purely political question outside judicial scrutiny

Q17. The basic-structure doctrine operates as a limitation upon the amending power of Parliament under Article 368. Which of the following is the most accurate statement of its effect?

(A) Parliament cannot amend the Constitution at all

(B) Parliament may amend any provision of the Constitution, including Fundamental Rights, but cannot so amend it as to damage or destroy its basic or essential features

(C) Only the Fundamental Rights are beyond the amending power

(D) The amending power is unlimited and no part of the Constitution is immune



- Q18.** Grants-in-aid to the States out of the Consolidated Fund of India, which the Finance Commission may recommend to States in need of assistance, are provided for under:
- (A) Article 268
 - (B) Article 275
 - (C) Article 270
 - (D) Article 271
- Q19.** Under the GST regime, while ordinary recommendations of the GST Council guide the legislatures, the Supreme Court in *Union of India v. Mohit Minerals* (2022) clarified that the recommendations of the GST Council are:
- (A) Binding on both Parliament and the State legislatures in all respects
 - (B) Persuasive and not binding, reflecting the collaborative and federal nature of the Council, since both the Union and the States have simultaneous power to legislate on GST
 - (C) Binding only on the State legislatures and not on Parliament
 - (D) Of no legal relevance whatsoever

Part B: Criminal Law

- Q20.** To sustain a conviction for abetment of suicide under Section 306 IPC, the prosecution must establish abetment as defined in Section 107 IPC. Which of the following is the essential mental requirement the courts insist upon?
- (A) A clear mens rea to instigate or aid the deceased in committing suicide, with a proximate live link
 - (B) Mere harassment, without more, coupled with the victim's suicide
 - (C) The accused and the deceased having resided together for at least one year
 - (D) A written suicide note naming the accused as the sole cause



- Q21.** A bank cashier, while employed and entrusted with cash in his official capacity, dishonestly misappropriates a sum belonging to the bank. He is a public servant for the purposes of the offence. Under which provision is the aggravated form of his offence punishable?
- (A) Section 403 IPC (dishonest misappropriation of property)
 - (B) Section 406 IPC (criminal breach of trust, simpliciter)
 - (C) Section 409 IPC (criminal breach of trust by a public servant, banker, etc.)
 - (D) Section 420 IPC (cheating)
- Q22.** X, intending to cause wrongful loss to his neighbour, diverts a public irrigation channel so that the neighbour's standing crop is destroyed, though X gains nothing himself. Which offence is most accurately made out?
- (A) No offence, since X derived no benefit
 - (B) Criminal trespass under Section 441 IPC
 - (C) Mischief under Section 425 IPC, punishable under Section 427 IPC where loss exceeds fifty rupees
 - (D) Theft under Section 378 IPC
- Q23.** In a prosecution for defamation under Section 499 IPC, the accused, a newspaper editor, pleads the First Exception. To succeed under this Exception, he must show that the imputation was:
- (A) Made in good faith, irrespective of its truth
 - (B) A fair comment on a literary work submitted for public judgment
 - (C) Conveyed in confidence to a person having a lawful interest
 - (D) True **and** that its publication was for the public good
- Q24.** A citizen publishes an opinion criticising the manner in which an elected Minister has discharged his public functions. He is prosecuted under Section 499 IPC. Which Exception most directly protects this expression?



- (A) The Ninth Exception (imputation made in good faith for protection of interest)
- (B) The Second Exception (public conduct of public servants)
- (C) The Tenth Exception (caution conveyed in good faith)
- (D) The First Exception (truth for public good)

Q25. Which of the following statements best reflects the position of mens rea in statutory offences under Indian criminal law?

- (A) Mens rea is irrelevant to every statutory offence
- (B) Mens rea is always required and can never be dispensed with by statute
- (C) There is a presumption that mens rea is an essential ingredient, but it may be excluded expressly or by necessary implication, as in certain regulatory or strict-liability offences
- (D) Mens rea is required only for offences punishable with death or life imprisonment

Q26. An accused who has been admitted to bail later threatens prosecution witnesses and attempts to abscond. The prosecution seeks cancellation of the bail already granted. Under the CrPC, the power to cancel bail granted under Section 437 by a Magistrate primarily lies under:

- (A) Section 436 CrPC
- (B) Section 438 CrPC
- (C) Section 167(2) CrPC
- (D) Section 437(5) CrPC (and Section 439(2) for the Sessions Court/High Court)

Q27. The principle governing cancellation of bail is distinct from the principle for refusing bail at the threshold. Which proposition correctly states the settled position?



- (A) Bail once granted can be cancelled merely because a higher court would not have granted it
- (B) Very cogent and overwhelming circumstances, such as tampering with evidence or threatening witnesses, are required to cancel bail already granted, as held in *Dolat Ram v. State of Haryana*
- (C) Cancellation of bail requires no reasons to be recorded
- (D) Bail can never be cancelled once an accused is released

Q28. Plea bargaining under Chapter XXIA CrPC is available to an accused only in respect of certain offences. The Chapter expressly excludes its application where:

- (A) The offence is punishable with imprisonment for a term not exceeding seven years
- (B) The accused is a first-time offender
- (C) The offence affects the socio-economic condition of the country, or is committed against a woman or a child below fourteen, or is punishable with death, imprisonment for life, or imprisonment exceeding seven years
- (D) The complainant consents to the bargain

Q29. An application for plea bargaining under Section 265-B CrPC must be:

- (A) Filed by the public prosecutor on behalf of the State
- (B) Filed by the accused voluntarily, containing a brief description of the case, and accompanied by an affidavit that he has filed it voluntarily after understanding its nature and extent of punishment
- (C) Filed only after conviction is recorded
- (D) Permitted only where the accused has a previous conviction for a similar offence

Q30. The Public Prosecutor seeks to withdraw from the prosecution of an accused before judgment. Under Section 321 CrPC, the court's role in granting consent is to:



- (A) Act as a rubber stamp and grant consent automatically
- (B) Grant consent only if the accused agrees to plead guilty
- (C) Refuse consent in every case involving a public servant
- (D) Apply its judicial mind to ensure the withdrawal is in furtherance of, and not in derogation of, the interests of justice and made in good faith

Q31. Which of the following is a recognised ground on which the High Court may exercise its inherent power to quash a criminal proceeding?

- (A) That the trial court is likely to acquit the accused
- (B) That the allegations in the FIR, even if taken at face value, do not prima facie constitute any offence
- (C) That the accused is a person of good social standing
- (D) That the complainant has not paid the requisite court fee

Q32. A first offender is convicted of an offence not punishable with death or life imprisonment. The court, having regard to his age, character and antecedents, considers releasing him instead of sentencing him to imprisonment. The appropriate course is to invoke:

- (A) Section 360 CrPC / the Probation of Offenders Act, 1958, to release on probation of good conduct or after admonition
- (B) Section 357 CrPC for compensation only
- (C) Section 235(2) CrPC mandating maximum sentence
- (D) Section 433 CrPC for commutation by the appropriate Government

Q33. An accused makes a confession before the police and later retracts it at trial. Which proposition correctly states the evidentiary value of such a retracted confession?

- (A) A retracted confession can never be acted upon under any circumstances



- (B) A confession to a police officer is itself inadmissible under Section 25; even an otherwise admissible confession, once retracted, ordinarily requires corroboration in material particulars before conviction
- (C) A retracted confession alone is sufficient to convict without any corroboration
- (D) Retraction converts the confession into substantive defence evidence

Q34. A confession is made by an accused person while in custody. For it to be relevant under the Indian Evidence Act, 1872, it must be free from the vices in Sections 24 to 26. Section 24 renders a confession irrelevant if it appears to have been caused by:

- (A) Any question whatsoever put by a Magistrate
- (B) A delay in recording the statement
- (C) Inducement, threat or promise proceeding from a person in authority, having reference to the charge and offering a temporal advantage or avoidance of evil
- (D) The mere presence of a relative of the accused

Q35. A dying person makes more than one dying declaration which are inconsistent with each other. The correct approach for the court is to:

- (A) Reject all the declarations automatically because of inconsistency
- (B) Always prefer the last declaration regardless of its reliability
- (C) Convert the declarations into hearsay and exclude them entirely
- (D) Examine each declaration in light of the surrounding facts, the fitness of the declarant's mind, and rely on the one found truthful and reliable, the consistency being a relevant factor

Q36. Before a dying declaration can be relied upon, the court must be satisfied that the declarant was in a fit state of mind to make it. The best evidence of such fitness is ordinarily:



- (A) The statement of the deceased's family members alone
- (B) A certification or contemporaneous assessment, usually by the attending doctor, that the declarant was conscious and mentally fit to make the statement
- (C) The mere fact that the declaration was recorded by a police officer
- (D) The length of the declaration

Q37. A man is found in possession of recently stolen goods and is charged accordingly. He claims a lawful explanation for the possession. Regarding how he came to possess the goods, the burden under the Indian Evidence Act is governed by:

- (A) Section 101, placing the whole burden on the prosecution throughout
- (B) Section 102, shifting the entire burden of the offence to him
- (C) Section 106, since the manner of his coming into possession is a fact especially within his knowledge, the burden of explaining it lies on him
- (D) Section 103, requiring the court to presume his guilt

Q38. Which statement correctly distinguishes Section 101 from Section 106 of the Indian Evidence Act, 1872?

- (A) Section 106 relieves the prosecution of its primary burden to prove the offence
- (B) Section 101 applies only to civil cases and Section 106 only to criminal cases
- (C) Both sections place an identical burden in every case
- (D) Section 101 places the general burden of proving the case on the party asserting it, while Section 106 is an exception that casts on a person the burden of proving facts especially within his knowledge

Q39. A husband is charged with abetting his wife's suicide. There is evidence of cruelty, but it ceased several months before the death, and the im-



mediate cause of death is unconnected. Applying Section 306 read with Section 107 IPC, conviction is most likely to fail because:

- (A) Cruelty by a husband can never amount to abetment
- (B) A wife's suicide is not an offence in law
- (C) There is no proximate and live link between the alleged instigation and the act of suicide, and no positive act proximate to the suicide
- (D) Section 306 applies only to strangers, not spouses

Q40. For criminal breach of trust by a public servant under Section 409 IPC, which combination of ingredients must coexist?

- (A) Entrustment in the capacity of a public servant **and** dishonest misappropriation or conversion or disposal in violation of the direction of law
- (B) Mere negligence in handling public funds
- (C) Possession of public property without entrustment
- (D) Cheating a public servant into parting with property

Q41. A factory owner is prosecuted under a regulatory statute for selling adulterated food. He pleads absence of knowledge of the adulteration. If the statute is construed to create a strict-liability offence, the effect is that:

- (A) The prosecution must still prove full mens rea
- (B) The accused must be acquitted for want of intention in every case
- (C) Liability attaches on proof of the prohibited act itself, and absence of knowledge is generally not a defence, mens rea having been excluded by necessary implication
- (D) The offence is automatically converted into a civil wrong

Q42. The court is asked to quash a complaint on the ground that it is manifestly mala fide and instituted with an ulterior motive for wreaking vengeance and to spite the accused due to private grudge. This ground for quashing:



- (A) Is not a recognised ground for quashing in any circumstance
- (B) Requires the accused first to undergo the entire trial
- (C) Applies only to FIRs and never to private complaints
- (D) Is a recognised category where inherent powers may be exercised to prevent abuse of the process of court

Q43. Consent of the court under Section 321 CrPC for withdrawal from prosecution can be sought:

- (A) Only after the judgment of conviction is pronounced
- (B) By the Public Prosecutor or Assistant Public Prosecutor in charge of a case, with the consent of the court, at any time before the judgment is pronounced
- (C) Only by the accused himself
- (D) Only during the stage of investigation

Q44. Which act would amount to mischief under Section 425 IPC?

- (A) Lawfully demolishing one's own dilapidated wall on one's own land
- (B) Merely entering another's property without permission
- (C) Taking another's movable property dishonestly out of his possession
- (D) Causing the destruction of property, or any change in it that destroys or diminishes its value or utility, with intent or knowledge of causing wrongful loss or damage to the public or any person

Q45. In a plea bargaining proceeding, once a mutually satisfactory disposition is worked out and the court records it, the court, while awarding sentence, may grant the benefit of Section 265-E CrPC by:

- (A) Awarding the maximum sentence prescribed for the offence
- (B) Releasing the accused on probation, or sentencing to one-fourth of the punishment provided or extendable for the offence, where a minimum is not prescribed, in accordance with the statutory scheme



- (C) Acquitting the accused in every case
- (D) Doubling the prescribed punishment as a deterrent

Part C: Civil & Procedural Law

- Q46.** Under the Code of Civil Procedure, 1908, the formal expression of an adjudication which conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit is properly termed a:
- (A) judgment, being the statement of the grounds of the decision
 - (B) mere order passed in the course of the proceedings
 - (C) decree, as defined in Section 2(2) of the Code, while the judgment is the statement of the grounds upon which the decree is founded
 - (D) plaint setting out the cause of action
- Q47.** Under Order XLIII Rule 1 of the Code of Civil Procedure, 1908, an appeal lies from which of the following orders?
- (A) every interlocutory order passed in the suit
 - (B) an order under Order IX Rule 9 rejecting an application to set aside the dismissal of a suit for default, among the other orders specifically enumerated therein
 - (C) an order merely framing the issues in the suit
 - (D) an order adjourning the hearing of the suit
- Q48.** Under Section 13 of the Code of Civil Procedure, 1908, a foreign judgment shall be conclusive between the same parties except, among other grounds, where the judgment:
- (A) is in favour of an Indian party
 - (B) was delivered by a court of a Commonwealth country
 - (C) awards a sum exceeding a prescribed monetary limit



(D) has not been pronounced by a court of competent jurisdiction, or is founded on an incorrect view of international law or a refusal to recognise Indian law, or is obtained by fraud, among the grounds listed

Q49. Under Section 14 of the Code of Civil Procedure, 1908, where a document purporting to be a certified copy of a foreign judgment is produced, the court shall presume that:

- (A) such judgment was pronounced by a court of competent jurisdiction, unless the contrary appears on the record or is proved
- (B) the judgment is conclusive and cannot be challenged on any ground
- (C) the foreign court applied Indian law in every respect
- (D) the parties to the foreign judgment were Indian nationals

Q50. Under Section 80 of the Code of Civil Procedure, 1908, no suit shall be instituted against the Government or against a public officer in respect of an act purporting to be done in his official capacity until the expiration of:

- (A) one year from the date of the cause of action
- (B) ninety days from the registration of the plaint
- (C) two months next after notice in writing has been delivered to or left at the office of the prescribed authority, stating the cause of action and the relief claimed
- (D) the disposal of any departmental inquiry

Q51. Under Section 88 read with Order XXXV of the Code of Civil Procedure, 1908, an interpleader suit is one which may be instituted where two or more persons claim adversely to one another the same debt, sum of money or other property from a person who:

- (A) is himself one of the rival claimants to the property



- (B) claims no interest in the subject-matter other than charges or costs and is ready to deliver it to the rightful claimant, but is in doubt as to which of the claimants is entitled
- (C) seeks to recover the property for his own benefit
- (D) has wrongfully detained the property of all the claimants

Q52. Under Order I Rule 8 of the Code of Civil Procedure, 1908, where there are numerous persons having the same interest in one suit, a representative suit may be instituted by or against one or more of them on behalf of all, provided that:

- (A) every interested person is impleaded by name as a party
- (B) the consent in writing of all the persons represented is first obtained
- (C) the suit relates only to immovable property
- (D) the permission of the court is obtained and notice of the institution of the suit is given to all persons so interested, at the plaintiff's expense, by personal service or public advertisement as the court directs

Q53. Under Section 74 of the Indian Contract Act, 1872, where a contract has been broken and a sum is named in the contract as the amount to be paid in case of such breach, the party complaining of the breach is entitled to receive:

- (A) the named sum in full in every case, irrespective of actual loss
- (B) reasonable compensation not exceeding the amount so named, whether or not actual damage or loss is proved to have been caused thereby, as explained in *Fateh Chand v. Balkishan Dass*
- (C) nothing at all unless actual loss is strictly proved to the last rupee
- (D) double the named amount by way of penalty

Q54. Under Section 39 of the Indian Contract Act, 1872, where a party to a contract has refused to perform, or disabled himself from performing, his promise in its entirety before the time for performance, the promisee, as in *Hochster v. De La Tour*, may:



- (A) put an end to the contract and sue at once for breach, unless he has signified by words or conduct his acquiescence in its continuance
- (B) only wait until the date fixed for performance and never sue earlier
- (C) compel specific performance regardless of the refusal
- (D) treat the contract as void from the very beginning

Q55. Under Section 70 of the Indian Contract Act, 1872, where one party has partly performed a contract which is later discharged or where work is done under a contract that becomes void, a claim on the principle of quantum meruit allows the party to recover:

- (A) the entire contract price as if the contract had been fully performed
- (B) nothing, since the contract is no longer enforceable
- (C) reasonable remuneration for so much as he has actually done or for the benefit conferred, that is, payment as much as is earned
- (D) only nominal damages of one rupee

Q56. Under Section 23 of the Indian Contract Act, 1872, the consideration or object of an agreement is unlawful, and the agreement therefore void, where the court regards it as:

- (A) merely unprofitable to one of the parties
- (B) disadvantageous in commercial terms
- (C) entered into between persons of unequal bargaining power
- (D) forbidden by law, or of such a nature that, if permitted, it would defeat the provisions of any law, or fraudulent, or involving injury to person or property, or opposed to public policy

Q57. Under Section 30 of the Indian Contract Act, 1872, agreements by way of wager are void, and the legal effect of this provision is that:

- (A) the winner may always sue the loser to recover the amount won



- (B) no suit shall be brought for recovering anything alleged to be won on any wager, or entrusted to any person to abide the result of any game or uncertain event on which a wager is made
- (C) such agreements are merely voidable at the option of the loser
- (D) the stake-holder is bound to pay the winner in all events

Q58. Under Section 27 of the Indian Contract Act, 1872, every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind is, to that extent:

- (A) void, subject to the saving for the sale of goodwill of a business as set out in the exception
- (B) valid and fully enforceable in every case
- (C) voidable at the option of the party restrained
- (D) enforceable only if the restraint is for a reasonable duration

Q59. Under Section 28 of the Indian Contract Act, 1872, an agreement which restricts a party absolutely from enforcing his rights under or in respect of a contract by the usual legal proceedings in the ordinary tribunals, or which limits the time within which he may do so, is:

- (A) fully valid as a matter of freedom of contract
- (B) valid only if both parties are merchants
- (C) void to that extent, subject to the saving for contracts to refer disputes to arbitration
- (D) enforceable if reduced to writing and registered

Q60. On the question of the vicarious liability of the State in tort for the acts of its servants, the distinction drawn in *Kasturi Lal v. State of U.P.* and *State of Rajasthan v. Vidhyawati* is that the State:

- (A) is liable for every act of its servants without exception
- (B) can never be made vicariously liable in tort under any circumstances



- (C) is liable only where the injured person is a Government employee
- (D) is not liable for torts committed by its servants in the exercise of sovereign functions, but is liable where the act is done in the discharge of a non-sovereign function such as an ordinary commercial or welfare activity

Q61. In an action for the tort of malicious prosecution, the plaintiff must establish, in addition to damage, that the prosecution was instituted by the defendant and that it:

- (A) ended in the conviction of the plaintiff
- (B) terminated in the plaintiff's favour, that it was instituted without reasonable and probable cause, and that the defendant acted maliciously
- (C) was based on a complaint reduced to writing
- (D) was conducted by a public prosecutor rather than a private person

Q62. Under Section 34 of the Specific Relief Act, 1963, a person entitled to any legal character or to any right as to property may institute a suit for a declaration, but the proviso bars the court from making any declaration where the plaintiff:

- (A) being able to seek further relief than a mere declaration of title, omits to do so
- (B) is a minor at the date of the suit
- (C) seeks the declaration against the Government
- (D) has already obtained an injunction in a related suit

Part D: Personal & Specialised Laws

Q63. Under Section 24 of the Hindu Marriage Act, 1955, a claim for maintenance *pendente lite* and expenses of the proceedings may be made by —

- (A) Only the wife, never the husband



- (B) Either the wife or the husband, whoever has no independent income sufficient for support
- (C) Only the spouse against whom divorce is sought
- (D) Only the minor children of the marriage

Q64. While deciding an application under Section 24 HMA for interim maintenance and litigation expenses, the court is, as far as possible, required to dispose of it —

- (A) Within sixty days from the date of service of notice on the respondent
- (B) Only after the final decree of divorce is passed
- (C) Only after the wife proves cruelty
- (D) Within three years of the filing of the petition

Q65. A husband files for divorce alleging that his wife has, without reasonable cause, withdrawn from his society and lived separately with the intention of permanently abandoning him for a continuous period of not less than two years before the petition. This is the statutory ground of —

- (A) Cruelty
- (B) Desertion
- (C) Adultery
- (D) Conversion

Q66. Under Section 13(1)(ii) of the Hindu Marriage Act, 1955, a marriage may be dissolved on the ground that the other party —

- (A) Has been suffering from a venereal disease
- (B) Has not consummated the marriage
- (C) Has ceased to be a Hindu by conversion to another religion
- (D) Is of an unsound temperament

Q67. Under Section 16 of the Hindu Marriage Act, 1955, a child of a marriage which is null and void or which is annulled as voidable —



- (A) Is in all cases illegitimate and has no rights whatsoever
- (B) Is deemed legitimate, but acquires rights only in the property of its parents and not in the property of any other person
- (C) Is deemed legitimate and inherits the coparcenary property of the whole joint family
- (D) Can be legitimated only by a subsequent valid marriage of the parents

Q68. Mental cruelty as a ground for divorce under the Hindu Marriage Act was authoritatively explained, with illustrative categories of cruelty laid down, in —

- (A) *Samar Ghosh v. Jaya Ghosh*
- (B) *Bipinchandra v. Prabhavati*
- (C) *Lily Thomas v. Union of India*
- (D) *Sarla Mudgal v. Union of India*

Q69. Under classical Muslim law, the right of *hizanat* (custody of a child of tender years) primarily belongs to the —

- (A) Mother, who has the first right to custody during the child's tender age
- (B) Father, as the natural guardian, from the birth of the child
- (C) Eldest paternal uncle of the child
- (D) State, until the child attains majority

Q70. Muslim law distinguishes *hizanat* from guardianship. The natural guardian (*wali*) of the person and property of a minor is ordinarily the —

- (A) Mother
- (B) Father
- (C) Maternal grandmother
- (D) Qazi alone



- Q71.** The right of *shufaa* (pre-emption) in Muslim law entitles a person —
- (A) To inherit a share equal to that of a male heir
 - (B) To revoke a completed gift at will
 - (C) To purchase, in preference to others, immovable property sold to a stranger, by substituting himself for the buyer
 - (D) To claim maintenance from the buyer of the property
- Q72.** Under Sunni (Hanafi) law the testamentary power of a Muslim is limited so that a bequest by *wasiyat* —
- (A) May cover the whole of the estate without any consent
 - (B) Cannot exceed one-third of the net estate, and a bequest to an heir requires the consent of the other heirs after the testator's death
 - (C) Must always be in writing and registered
 - (D) Is valid only if made in favour of a charity
- Q73.** A Muslim governed by Hanafi law bequeaths the whole of his property to a stranger by will. After his death the heirs do not consent. The bequest —
- (A) Is wholly void
 - (B) Takes effect in full because the heirs cannot object
 - (C) Is valid only to the extent of one-third of the net estate
 - (D) Is valid only to the extent of two-thirds of the estate
- Q74.** Section 14 of the Transfer of Property Act, 1882 (the rule against perpetuity) provides that no transfer can make property inalienable for a period extending beyond —
- (A) Twelve years from the date of transfer
 - (B) The lifetime of the transferor only
 - (C) The life or lives of persons living at the date of transfer plus the minority of the ultimate beneficiary



(D) Twenty-one years in all cases, regardless of any life in being

Q75. Under Section 19 of the Transfer of Property Act, 1882, an interest is said to be *vested* when —

(A) It creates an immediate right of present or future enjoyment, not conditional upon any uncertain event

(B) It is to take effect only on the happening of a specified uncertain event

(C) It can never be transferred during the holder's life

(D) It depends solely on the survival of the transferor

Q76. X transfers property to Y “if Y returns from England.” Y's return being uncertain, the interest created in Y under Sections 20-21 of the TPA is —

(A) A vested interest from the date of transfer

(B) An absolute interest from the date of transfer

(C) Void for uncertainty

(D) A contingent interest, taking effect only on the happening of the specified uncertain event

Q77. The doctrine of election under Section 35 of the Transfer of Property Act is founded on the principle that —

(A) A person may both approbate and reprobate the same instrument

(B) One who takes a benefit under an instrument must also bear the burden under it, and cannot accept and reject the same instrument

(C) No transfer can be made in favour of an unborn person

(D) Equity follows the law absolutely

Q78. Under the Indian Easements Act, 1882, an easement is a right which —

(A) The owner or occupier of certain land (the dominant heritage) possesses, for its beneficial enjoyment, to do or to prevent something on other land (the servient heritage) not his own



- (B) The owner of land enjoys over his own land
- (C) Arises only by a registered sale deed
- (D) Is a purely personal right unconnected with any land

Q79. A right of way acquired by a dominant owner over a servient owner's land by twenty years of peaceable, open and uninterrupted enjoyment as of right is an easement —

- (A) Of necessity
- (B) By express grant only
- (C) By prescription
- (D) Of a quasi-easement nature

Q80. Under the Companies Act, 2013, a person who subscribes for shares or debentures on the faith of a prospectus containing an untrue statement may, against the company and the persons responsible —

- (A) Claim damages but never rescind the contract
- (B) Only file a criminal complaint and nothing more
- (C) Have no remedy, as a prospectus is a mere invitation
- (D) Sue for compensation for the loss sustained by reason of the mis-statement, in addition to other remedies such as rescission

Q81. Which of the following correctly distinguishes a *share* from a *debenture* in a company?

- (A) A shareholder is a creditor of the company, while a debenture-holder is an owner
- (B) A share represents ownership and ordinarily carries voting rights, whereas a debenture represents a loan and ordinarily carries no voting rights but a right to fixed interest
- (C) Both shares and debentures always carry equal voting rights
- (D) Debentures can be issued only after the winding up of the company



- Q82.** The Corporate Social Responsibility obligation under Section 135 of the Companies Act, 2013 requires companies meeting the prescribed thresholds to spend, in every financial year, at least —
- (A) Ten per cent of the net profits of the immediately preceding financial year
 - (B) One per cent of the turnover of the current financial year
 - (C) Two per cent of the average net profits made during the three immediately preceding financial years
 - (D) Five per cent of the paid-up share capital
- Q83.** Under the Designs Act, 2000, an “industrial design” that may be registered refers to —
- (A) Any mode or principle of construction, or anything which is a mere mechanical device
 - (B) A trade mark or a property mark
 - (C) An invention capable of industrial application
 - (D) The features of shape, configuration, pattern, ornament or composition of lines or colours applied to an article, judged solely by the eye, and not any mode of construction
- Q84.** Under the Geographical Indications of Goods (Registration and Protection) Act, 1999, a geographical indication identifies goods as —
- (A) Originating or manufactured in a territory, region or locality, where a given quality, reputation or other characteristic is essentially attributable to that geographical origin
 - (B) Manufactured by a single named company anywhere in the world
 - (C) Any goods bearing a registered trade mark
 - (D) Goods exported under a special licence
- Q85.** Under Section 52 of the Copyright Act, 1957, a fair dealing with a literary work for the purposes of private use, including research, criticism or



review —

- (A) Always amounts to infringement of copyright
- (B) Requires the prior written permission of the author in every case
- (C) Is permitted only after the term of copyright has expired
- (D) Does not constitute an infringement of copyright

Q86. For the purposes of income tax in India, an individual's liability to tax on his global income depends primarily on his —

- (A) Citizenship alone
- (B) Religion
- (C) Place of birth
- (D) Residential status, determined by his physical presence in India during the relevant previous year

Q87. Under Section 66C of the Information Technology Act, 2000, dishonestly or fraudulently making use of the electronic signature, password or any other unique identification feature of another person constitutes the offence of —

- (A) Identity theft
- (B) Publishing of obscene material
- (C) Tampering with computer source documents
- (D) Failure to protect data

Q88. Under the Motor Vehicles Act, 1988, a claim by a third party for compensation arising out of a motor accident is, as a rule, to be adjudicated by —

- (A) The High Court in its original jurisdiction only
- (B) A criminal court alone
- (C) The insurance company's internal committee, finally
- (D) The Motor Accidents Claims Tribunal constituted under the Act



Part E: ADR & Professional Ethics

- Q89.** In an arbitration governed by the Arbitration and Conciliation Act, 1996, the respondent contends before the arbitral tribunal that there is no valid arbitration agreement at all and that the tribunal therefore has no authority to proceed. On who is to decide this objection going to the tribunal's own authority, the correct position is:
- (A) Only a civil court can decide whether the tribunal has authority; the tribunal must stay its hands until the court rules
 - (B) The arbitral tribunal may rule on its own jurisdiction, including on objections to the existence or validity of the arbitration agreement, under the principle of *kompetenz-kompetenz*
 - (C) The objection can be raised only after the award is made, never during the reference
 - (D) Such an objection automatically terminates the arbitration without any decision
- Q90.** A party's plea that the arbitral tribunal lacks jurisdiction is rejected by the tribunal, which then continues and makes a final award. As to the relation between such a rejection and the remedy under Section 34 of the Arbitration and Conciliation Act, 1996, the correct position is:
- (A) The party may immediately appeal the rejection to the High Court before the award is made
 - (B) No remedy of any kind survives once the tribunal rejects the plea
 - (C) Where the tribunal rejects the plea and continues, the aggrieved party must wait and may challenge that ruling only in an application to set aside the final award under Section 34
 - (D) The rejection can be challenged only by a writ petition under Article 226
- Q91.** An order is passed by an arbitral tribunal *accepting* a plea that it has no jurisdiction, so that the reference cannot proceed. The disappointed



claimant wishes to challenge that order at once. Under the Arbitration and Conciliation Act, 1996, an appeal against such an order lies under:

- (A) Section 37(2)(a), which makes an order of the tribunal accepting the plea that it has no jurisdiction an appealable order
- (B) Section 34, by way of a fresh suit on the merits
- (C) No provision, because orders of an arbitral tribunal can never be appealed
- (D) Section 36, dealing with execution of the order as a decree

Q92. A party resists a reference to arbitration by alleging that the underlying contract is tainted by fraud. Distinguishing the kind of fraud that ousts arbitration from the kind that does not, the correct position under Indian law is:

- (A) Any allegation of fraud, however trivial, automatically renders the entire dispute non-arbitrable
- (B) Fraud can never be examined by an arbitral tribunal under any circumstances
- (C) Allegations of fraud bar arbitration only if the dispute also involves a criminal prosecution that has resulted in conviction
- (D) A mere allegation of fraud simpliciter does not oust arbitration; only fraud that permeates the whole contract or has serious public-law implications makes the dispute non-arbitrable, as held in *A. Ayyasamy v. A. Paramasivam* (2016)

Q93. Several categories of disputes are treated as non-arbitrable because they involve rights *in rem* or sovereign and public-interest functions that only courts or special tribunals may decide. Identifying such a non-arbitrable category, the correct position is:

- (A) An ordinary commercial dispute over breach of a supply contract
- (B) Disputes relating to testamentary matters (grant of probate or letters of administration) and matters of guardianship, which are non-



arbitrable as they fall within the exclusive domain of the court, as explained in *Booz Allen & Hamilton v. SBI Home Finance* (2011)

- (C) A dispute about the price payable under a sale of goods
- (D) A claim for liquidated damages under a construction contract

Q94. A student of ADR is asked to distinguish arbitration from conciliation and mediation. On the essential feature that sets arbitration apart from the other two, the correct position is:

- (A) Arbitration alone is voluntary, while conciliation and mediation are always compulsory
- (B) Arbitration alone is confidential, while conciliation and mediation are public
- (C) In arbitration the neutral third party (the arbitrator) renders a binding, adjudicatory award, whereas a conciliator or mediator only assists the parties towards a settlement that binds them by their own consent
- (D) Arbitration is non-binding advice, while conciliation produces a binding decree

Q95. Parties to a pending civil suit reach a lawful compromise and wish the court to record it and pass a decree in its terms. The provision of the Code of Civil Procedure, 1908 that requires such a compromise to be in writing and signed by the parties, and empowers the court to record it and pass a decree accordingly, is:

- (A) Order XXIII Rule 3, under which a lawful agreement or compromise in writing and signed by the parties is recorded and a decree is passed in accordance with it, so far as it relates to the suit
- (B) Order VII Rule 11, on rejection of a plaint
- (C) Order XXI Rule 1, on the mode of paying money under a decree
- (D) Order VI Rule 17, on amendment of pleadings



- Q96.** The Bar Council of India discharges several statutory functions, among them the maintenance of standards of the profession and the promotion of legal education. Which of the following correctly states a function of the Bar Council of India under the Advocates Act, 1961?
- (A) It conducts the trial of every advocate accused of a crime in place of the criminal courts
 - (B) It appoints the judges of the High Courts and the Supreme Court
 - (C) It levies and collects income tax from all advocates on the roll
 - (D) It lays down standards of professional conduct and etiquette for advocates, promotes legal education and lays down standards in consultation with the Universities and State Bar Councils, and recognises Universities whose law degrees qualify for enrolment
- Q97.** An advocate agrees with his client that he will charge no fee if the suit is lost, but will take twenty-five per cent of the amount decreed if the suit succeeds. On the validity of such a fee arrangement under the rules of professional conduct, the correct position is:
- (A) It is perfectly valid because the client has freely consented to it
 - (B) It is professional misconduct; the Bar Council of India Rules forbid an advocate from stipulating a fee contingent on the results of litigation or agreeing to share in the proceeds, as affirmed in *In re: G, a Senior Advocate* (1954)
 - (C) It is permitted so long as the percentage does not exceed fifty per cent of the decretal amount
 - (D) It is allowed only in matrimonial and not in commercial matters
- Q98.** An advocate is approached by a prospective client in a matter within the advocate's field and within his competence, where his fee can be met. The advocate, with no reasonable ground, declines the brief because the client is socially unpopular. On the advocate's duty to accept briefs, the correct position is:
- (A) An advocate is free to refuse any brief for any reason whatsoever



- (B) An advocate must accept every brief offered, even where there is a clear conflict of interest or the fee is wholly inadequate
- (C) An advocate is bound to accept a brief in the courts in which he professes to practise, at a fee consistent with his standing and the nature of the case, and special circumstances are needed to justify a refusal, the cab-rank principle
- (D) An advocate may accept a brief only after disclosing the client's identity and instructions to the opposite party

Q99. A person commits an act that scandalises the authority of the Supreme Court, and the question arises as to the source of that Court's power to punish for contempt of itself. The constitutional foundation of the power of the Supreme Court and of every High Court to punish for contempt is found in:

- (A) Article 129, which declares the Supreme Court a court of record with power to punish for contempt of itself, read with Article 215, which confers the like status and power on every High Court
- (B) Article 32 alone, which deals only with the enforcement of fundamental rights
- (C) Article 136, which concerns special leave to appeal
- (D) Article 226, which confers writ jurisdiction on the High Courts only

Q100. A contemnor, having been found guilty of contempt of court, tenders an unconditional apology to the court and seeks to be exonerated. On the role of an apology in purging contempt under the Contempt of Courts Act, 1971, the correct position is:

- (A) An apology, once tendered, must in every case be accepted and the contemnor automatically discharged
- (B) An apology can never be entertained by a court in contempt proceedings
- (C) Tendering an apology amounts to an admission of guilt that bars the court from imposing any punishment at all



(D) Under the proviso to Section 12(1), an apology may be accepted and the accused discharged or the punishment remitted if the court is satisfied that it is bona fide; a qualified or tactical apology need not be accepted



Detailed Solutions

Q1.

Solution

Concept — Procedure for Amendment under Article 368: Article 368 provides three modes of amendment. Provisions touching the federal structure — the manner of election of the President, the executive and legislative powers of the Union and States, the distribution of legislative power, and the Lists in the Seventh Schedule — require, in addition to a special majority in each House, ratification by the legislatures of not less than one-half of the States.

Step 1 — Eliminate the others: A simple majority covers only ordinary or non-368 changes; a Rajya Sabha assent alone or a Lok Sabha two-thirds alone is not the prescribed route. The entrenched, federally significant matters demand the special majority plus State ratification.

Tip: See Art. 368, Bare Act — “federal entries = special majority + half the States ratify.”

Final Answer: Ratification by one-half of the State legislatures ⇒

[Go Back to Q1](#)

Q2.

Solution

Concept — Ninth Schedule and Basic-Structure Review: In *I. R. Coelho v. State of Tamil Nadu* (2007) the nine-judge Bench held that Article 31B does not confer blanket immunity; laws inserted in the Ninth Schedule after 24 April 1973 (the date of *Kesavananda*) can be tested against the basic-structure doctrine if they abrogate or abridge fundamental rights.

Step 1 — Eliminate the others: The whole point of *Coelho* was to reject total immunity and total non-justiciability; the source of the law (Parliament or State) is irrelevant to the basic-structure test.

Tip: Remember the watershed date 24 April 1973 — post-1973 Ninth-Schedule laws face basic-structure scrutiny.

Final Answer: Open to challenge on the basic-structure ground ⇒

[Go Back to Q2](#)



Q3.

Solution

Concept — Finance Commission: Article 280 requires the President to constitute a Finance Commission at the expiry of every fifth year, or earlier if needed, to recommend the distribution of net tax proceeds between the Union and the States and the principles governing grants-in-aid.

Step 1 — Eliminate the others: Article 263 deals with the Inter-State Council, Article 275 with statutory grants-in-aid, and Article 282 with discretionary grants for any public purpose. Only Article 280 creates the Finance Commission.

Tip: See Art. 280, Bare Act — “280 = Finance Commission, every five years.”

Final Answer: Article 280 ⇒

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

Q4.

Solution

Concept — GST Council: The Constitution (One Hundred and First Amendment) Act, 2016, inserted Article 279A, empowering the President to constitute the Goods and Services Tax Council to make recommendations on rates, exemptions, model laws and threshold limits of GST.

Step 1 — Eliminate the others: Article 246A grants concurrent power to levy GST, Article 269A deals with levy and apportionment of GST on inter-State trade, and Article 270 with distribution of taxes. The Council itself is the creation of Article 279A.

Tip: See Art. 279A, Bare Act — “279A = GST Council (the body).”

Final Answer: Article 279A ⇒

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

Q5.

Solution

Concept — Inter-State Water Disputes: Article 262 empowers Parliament to provide by law for the adjudication of disputes relating to inter-State river waters, and to bar the jurisdiction of the Supreme Court and all other courts over such disputes. The Inter-State River Water Disputes Act, 1956, was enacted under this Article.



Step 1 — Eliminate the others: Article 263 concerns the Inter-State Council, Article 131 the original jurisdiction of the Supreme Court in Centre-State disputes generally, and Article 257 the control of the Union over States. The specific water-dispute power and the ouster of jurisdiction lie in Article 262.

Tip: See Art. 262, Bare Act — “262 = river-water disputes + courts barred.”

Final Answer: Article 262 ⇒ D

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

Q6.

Solution

Concept — 73rd Amendment and Panchayati Raj: The Constitution (Seventy-third Amendment) Act, 1992, inserted Part IX (Articles 243 to 243-O) and the Eleventh Schedule, conferring constitutional status on Panchayati Raj institutions and listing 29 subjects that may be devolved to them.

Step 1 — Eliminate the others: Part IXA and the Twelfth Schedule were inserted by the 74th Amendment for municipalities; Part VIII deals with Union Territories and Part XIV-A with tribunals. The Panchayat reform is Part IX with the Eleventh Schedule.

Tip: Pair them — “73rd → Part IX + Eleventh Schedule (rural).”

Final Answer: Part IX and the Eleventh Schedule ⇒ C

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

Q7.

Solution

Concept — 74th Amendment and Municipalities: The Constitution (Seventy-fourth Amendment) Act, 1992, added Part IXA and the Twelfth Schedule, which enumerates eighteen subjects — such as urban planning, regulation of land use, water supply and slum improvement — that may be entrusted to municipalities.

Step 1 — Eliminate the others: The eleven subjects refer to neither schedule correctly (the Eleventh Schedule actually carries 29 Panchayat subjects); the Seventh Schedule divides legislative powers, and the Eighth Schedule lists languages. The Twelfth Schedule carries eighteen municipal subjects.

Tip: “74th → Part IXA + Twelfth Schedule, eighteen urban subjects.”

Final Answer: Eighteen subjects relating to municipalities ⇒ D



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

Q8.

Solution

Concept — Special Provisions under Article 371A: Article 371A makes special provisions for Nagaland, protecting Naga religious and social practices, customary law and procedure, administration of civil and criminal justice involving Naga customary law, and ownership and transfer of land, so that Parliamentary laws on these subjects apply only if the Nagaland Assembly so resolves.

Step 1 — Eliminate the others: Mizoram is covered by Article 371G, Sikkim by Article 371F and Manipur by Article 371C. The specific safeguards for Naga customary law are unique to Article 371A.

Tip: “371A = Nagaland (Naga customary law + land).”

Final Answer: Nagaland ⇒ D

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

Q9.

Solution

Concept — Tribunals and Judicial Review: In *L. Chandra Kumar v. Union of India* (1997) the Supreme Court held that the power of judicial review conferred on the High Courts under Articles 226/227 and on the Supreme Court under Article 32 forms part of the basic structure and cannot be excluded by clauses (2)(d) of Articles 323A and 323B; tribunals can function as courts of first instance, subject to High Court scrutiny.

Step 1 — Eliminate the others: The Court did not allow tribunals to oust the High Courts, nor make their decisions final and unreviewable, nor declare tribunals wholly unconstitutional. It struck a balance preserving constitutional review.

Tip: “*L. Chandra Kumar* = judicial review of HC/SC is basic structure; tribunals are supplemental, not substitutional.”

Final Answer: Judicial review is basic structure; tribunals act as first-instance fora ⇒ C

Answer: (C) [Go Back to Q9](#)



Q10.

Solution

Concept — Public Trust Doctrine: In *M. C. Mehta v. Kamal Nath* (1997) the Supreme Court adopted the public trust doctrine, holding that the State holds natural resources like rivers, forests, lakes and the air as a trustee for the benefit of the public, and cannot transfer them to private parties in a manner that defeats this trust.

Step 1 — Eliminate the others: The polluter-pays principle fixes liability for clean-up; *res nullius* treats resources as owned by no one (the opposite of public trust); eminent domain is the State's power to acquire private property. The trustee idea is the public trust doctrine.

Tip: “*Kamal Nath* = public trust: State is trustee of natural resources.”

Final Answer: Doctrine of public trust ⇒ A

Answer: (A) [Go Back to Q10](#)

Q11.

Solution

Concept — Sustainable Development: Indian courts have accepted sustainable development, drawn from the Brundtland formulation and affirmed in environmental jurisprudence, as requiring that development and environmental protection proceed together so that present needs are met without compromising the ability of future generations to meet theirs — the principle of intergenerational equity.

Step 1 — Eliminate the others: The doctrine neither halts development, nor subordinates the environment to industry, nor permits free exploitation on payment of compensation. It seeks a balance between the two.

Tip: “Sustainable development = balance + intergenerational equity.”

Final Answer: Development and environmental protection hand in hand ⇒ C

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



Q12.

Solution

Concept — Precautionary Principle: A facet of sustainable development, the precautionary principle requires anticipatory action against environmental degradation and shifts the onus of proof onto the developer or actor to show that the proposed activity is environmentally benign, rather than requiring objectors to prove harm.

Step 1 — Eliminate the others: The burden does not lie on the objector, nor exclusively on the Pollution Control Board, nor on the affected public; the proponent must establish environmental safety.

Tip: “Precautionary principle = burden of proof on the developer.”

Final Answer: On the person proposing the activity ⇒

Answer: (A) [Go Back to Q12](#)

Q13.

Solution

Concept — RTI and Public-Interest Override: The Right to Information Act, 2005, lists exemptions in Section 8(1), but Section 8(2) provides that access may nonetheless be granted where the public interest in disclosure outweighs the harm to the protected interests, advancing transparency and accountability.

Step 1 — Eliminate the others: A mere third-party connection or the internal nature of the working does not automatically defeat disclosure, and Section 6(2) bars asking the applicant for reasons. The decisive test is the public-interest balance.

Tip: “RTI s.8(2) = public interest can override an exemption.”

Final Answer: Where public interest in disclosure outweighs the harm ⇒

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



Q14.

Solution

Concept — Appeals under the RTI Act: Under the Right to Information Act, 2005, the first appeal lies to an officer senior to the Central Public Information Officer (Section 19(1)); a second appeal lies to the Central Information Commission under Section 19(3), which is the apex appellate authority at the Union level.

Step 1 — Eliminate the others: The High Court is not the statutory second-appeal forum, nor is the administrative ministry or the Central Administrative Tribunal. The second appeal goes to the Central Information Commission.

Tip: “RTI s.19(3) = second appeal to the Information Commission.”

Final Answer: Central Information Commission ⇒

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

Q15.

Solution

Concept — Judicial Control of Administrative Discretion: A repository of discretionary power must genuinely exercise it. An authority errs in law if it fetters its discretion by mechanically applying a rigid self-made rule, or acts under the dictation of a superior or another body, because that amounts to a failure to exercise the discretion the statute vested in it.

Step 1 — Eliminate the others: Applying its mind to relevant facts, giving reasons, and hearing the affected party are proper, indeed required, exercises of discretion — not errors. The error lies in abdication or dictation.

Tip: “Non-exercise of discretion = fettering or acting under dictation.”

Final Answer: Fetters its discretion or acts under dictation ⇒

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

Q16.

Solution

Concept — Abuse of Discretion: Among the recognised heads of judicial control over administrative discretion is its abuse, which occurs when the authority is guided by considerations that are legally irrelevant or omits to weigh considerations that are legally relevant. Such an exercise is liable to be quashed.

Step 1 — Eliminate the others: A contractual breach is a private-law matter,



a harmless procedural irregularity does not vitiate the decision, and the matter is not an unreviewable political question. The relevant/irrelevant considerations test is a head of abuse of discretion.

Tip: “Ignore the relevant, weigh the irrelevant = abuse of discretion.”

Final Answer: Abuse of discretion through relevant and irrelevant considerations ⇒

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

Q17.

Solution

Concept — Basic-Structure Doctrine and Article 368: The basic-structure doctrine holds that Parliament’s amending power under Article 368, though wide enough to reach every Article including Fundamental Rights, cannot be used to damage or destroy the essential features or basic structure of the Constitution.

Step 1 — Eliminate the others: It is incorrect that Parliament cannot amend at all, that only Fundamental Rights are entrenched, or that the amending power is unlimited. The correct position is amendable but not destructible as to its core.

Tip: “Amend yes, abrogate the core no — that is basic structure.”

Final Answer: May amend any provision but not damage the basic structure ⇒

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

Q18.

Solution

Concept — Grants-in-Aid under Article 275: Article 275 provides for statutory grants-in-aid from the Consolidated Fund of India to such States as Parliament determines to be in need of assistance, charged on that Fund, on the recommendation of the Finance Commission.

Step 1 — Eliminate the others: Article 268 deals with duties levied by the Union but collected and appropriated by the States, Article 270 with the distribution of taxes between the Union and States, and Article 271 with a surcharge for Union purposes. Need-based grants-in-aid fall under Article 275.

Tip: “275 = statutory grants-in-aid to needy States.”

Final Answer: Article 275 ⇒



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

Q19.

Solution

Concept — Nature of GST Council Recommendations: In *Union of India v. Mohit Minerals* (2022) the Supreme Court held that the recommendations of the GST Council under Article 279A are persuasive and not binding, because Article 246A confers simultaneous legislative power on Parliament and the State legislatures, reflecting cooperative and fiscal federalism.

Step 1 — Eliminate the others: The recommendations are not binding on both, nor binding on the States alone, nor legally irrelevant. They guide but do not compel either legislature.

Tip: “*Mohit Minerals* = GST Council recommendations are persuasive, not binding.”

Final Answer: Persuasive and not binding ⇒ B

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

Q20.

Solution

Concept — Abetment of suicide, s.306 read with s.107 IPC: Abetment requires instigation, engaging in conspiracy, or intentional aiding. For s.306 the prosecution must prove a clear mens rea to abet and a proximate live link to the suicide, as held in *Ramesh Kumar v. State of Chhattisgarh* and *S.S. Chheena v. Vijay Kumar Mahajan*.

Step 1 — Eliminating the distractors: Mere harassment, cohabitation, or a suicide note naming the accused do not by themselves prove the requisite intention to instigate. The mental element of abetment is indispensable.

Tip: No mens rea plus no proximate act equals no s.306.

Final Answer: A clear mens rea to instigate or aid, with a proximate live link ⇒ A

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



Q21.

Solution

Concept — Criminal breach of trust by a banker/public servant, s.409 IPC: Where a person entrusted with property in the capacity of a public servant, banker, merchant, factor, broker, attorney or agent commits criminal breach of trust, the aggravated punishment under s.409 applies, not the ordinary s.406.

Step 1 — Applying to the cashier: A bank cashier entrusted with cash in his official capacity who dishonestly misappropriates it squarely attracts s.409, which carries a heavier sentence than s.403, s.406 or the unrelated s.420.

Tip: Entrustment in a fiduciary/official capacity escalates CBT to s.409.

Final Answer: Section 409 IPC ⇒ C

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

Q22.

Solution

Concept — Mischief, ss.425 and 427 IPC: Section 425 defines mischief as causing destruction of property or a change diminishing its value/utility, with intent or knowledge of causing wrongful loss or damage. A personal gain is not required; wrongful loss to another suffices.

Step 1 — Applying the facts: X diverts a channel intending to destroy the neighbour's crop. The destruction with intent to cause wrongful loss is mischief; where the loss exceeds fifty rupees it is punishable under s.427. It is not theft or criminal trespass.

Tip: Mischief looks to wrongful loss caused, not benefit gained.

Final Answer: Mischief under s.425, punishable under s.427 ⇒ C

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

Q23.

Solution

Concept — First Exception to s.499 IPC (truth for public good): It is not defamation to impute anything which is *true* concerning any person if it is for the public good that the imputation should be made or published. Both truth **and** public good must be shown.

Step 1 — Why the others fail: Good faith irrespective of truth, fair comment on



a literary work, or a confidential communication belong to other Exceptions. The First Exception uniquely demands the twin test of truth plus public good.

Tip: First Exception equals truth AND public good, both cumulative.

Final Answer: True and published for the public good ⇒ D

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

Q24.

Solution

Concept — Second Exception to s.499 IPC (public conduct of public servants):

It is not defamation to express in good faith any opinion respecting the conduct of a public servant in the discharge of his public functions, or respecting his character so far as it appears in that conduct.

Step 1 — Applying the facts: Criticism of how a Minister discharges public functions is precisely the field the Second Exception protects. The Ninth and Tenth Exceptions concern protection of interest and cautions; the First concerns truth.

Tip: Comment on official conduct in good faith equals Second Exception.

Final Answer: The Second Exception ⇒ B

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

Q25.

Solution

Concept — Mens rea in statutory offences: There is a presumption that mens rea is an essential ingredient of every offence, but the legislature may exclude it expressly or by necessary implication, as recognised in *State of Maharashtra v. Mayer Hans George* and *Nathulal v. State of M.P.*

Step 1 — Choosing the precise statement: It is wrong to say mens rea is always irrelevant, or always required, or required only for capital offences. The accurate position is the rebuttable presumption that can be displaced for regulatory/strict-liability offences.

Tip: Presume mens rea; rebut only by express words or necessary implication.

Final Answer: Presumed but may be excluded expressly or by necessary implication ⇒ C

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



Q26.

Solution

Concept — Cancellation of bail, ss.437(5) and 439(2) CrPC: A Magistrate who has released a person on bail under s.437 may, under s.437(5), direct his arrest and commit him to custody. The Sessions Court and High Court enjoy the wider power under s.439(2).

Step 1 — Eliminating the rest: Section 436 deals with bail in bailable offences, s.438 with anticipatory bail, and s.167(2) with default bail. None governs cancellation. The correct source is s.437(5)/s.439(2).

Tip: Magistrate cancels under 437(5); Sessions/HC under 439(2).

Final Answer: Section 437(5) (and s.439(2)) CrPC ⇒ D

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

Q27.

Solution

Concept — Principles for cancellation of bail: Cancellation requires very cogent and overwhelming circumstances, such as tampering with evidence, threatening witnesses or absconding, as laid down in *Dolat Ram v. State of Haryana* and reaffirmed in later rulings.

Step 1 — Distinguishing grant from cancellation: Bail cannot be cancelled merely because a superior court may not have granted it; reasons must be recorded; and bail is certainly cancellable in fit cases. Only option (B) states the correct test.

Tip: Refusing bail and cancelling bail rest on different, stricter tests.

Final Answer: Very cogent, overwhelming circumstances (*Dolat Ram*) ⇒ B

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

Q28.

Solution

Concept — Scope and exclusions of plea bargaining, Ch.XXIA CrPC: Section 265-A confines plea bargaining to offences punishable with imprisonment up to seven years, and excludes offences affecting the socio-economic condition of the country, offences against a woman or a child below fourteen, and offences punishable with death or life imprisonment.



Step 1 — Identifying the exclusion: Option (C) lists exactly these statutory exclusions. The seven-year ceiling makes the offence eligible, not excluded, so (A) is wrong; first-offender status and complainant consent are not the test.

Tip: Over seven years, socio-economic, woman/child under 14 equals barred.

Final Answer: Socio-economic, woman/child under 14, or beyond seven years
⇒ C

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

Q29.

Solution

Concept — Application for plea bargaining, s.265-B CrPC: The accused must file the application voluntarily, giving a brief description of the case, accompanied by an affidavit that it is filed voluntarily after understanding the nature and extent of punishment.

Step 1 — Why the others fail: It cannot be filed by the prosecutor on the State's behalf, nor after conviction, nor is it confined to repeat offenders. The voluntariness and affidavit requirement is the heart of s.265-B.

Tip: Accused files, voluntarily, with an affidavit; court verifies in camera.

Final Answer: Filed voluntarily by the accused with the prescribed affidavit ⇒ B

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

Q30.

Solution

Concept — Withdrawal from prosecution, s.321 CrPC: The Public Prosecutor may withdraw with the consent of the court, which must apply its judicial mind to see that withdrawal furthers the interests of justice and is in good faith, as explained in *Sheonandan Paswan v. State of Bihar*.

Step 1 — The court's supervisory role: The court is not a rubber stamp; nor does consent turn on the accused pleading guilty or on the status of the accused. The judicial-mind test in (D) is correct.

Tip: s.321 consent is a judicial, not a ministerial, act.

Final Answer: Apply judicial mind in furtherance of justice ⇒ D

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



Q31.

Solution

Concept — Quashing of proceedings, s.482 CrPC: Among the categories for exercising inherent power is where the allegations in the FIR or complaint, even taken at their face value and accepted in entirety, do not prima facie constitute any offence or make out a case against the accused.

Step 1 — Eliminating the distractors: The likelihood of acquittal, the accused's social standing, or non-payment of court fee are not grounds. Only the no-prima-facie-offence test in (B) is recognised.

Tip: Take the allegations at face value; if no offence, quash.

Final Answer: Allegations disclose no prima facie offence ⇒ **B**

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

Q32.

Solution

Concept — Probation/sentencing, s.360 CrPC and the Probation of Offenders Act, 1958: For a first offender convicted of an offence not punishable with death or life imprisonment, the court may, having regard to age, character and antecedents, release him on probation of good conduct or after due admonition.

Step 1 — Why the others fail: Section 357 deals only with compensation, s.235(2) with the hearing on sentence, and s.433 with commutation by Government. The reformatory release is provided by s.360 / the 1958 Act.

Tip: First offender plus minor offence equals consider probation, not jail.

Final Answer: Section 360 CrPC / Probation of Offenders Act, 1958 ⇒ **A**

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

Q33.

Solution

Concept — Retracted confession and corroboration: A confession to a police officer is inadmissible under s.25 of the Indian Evidence Act, 1872. Even an otherwise admissible confession, once retracted, is a weak piece of evidence that ordinarily needs corroboration in material particulars before it can found a conviction, as held in *Pyare Lal Bhargava v. State of Rajasthan*.

Step 1 — Calibrating the rule: It is neither true that a retracted confession can



never be used, nor that it alone suffices, nor that retraction makes it defence evidence. The prudent rule of corroboration in (B) is correct.

Tip: Retracted confession plus material corroboration equals safe to act upon.

Final Answer: Police confession barred by s.25; retracted one needs corroboration

⇒ B

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

Q34.

Solution

Concept — Inducement, threat or promise, s.24 Indian Evidence Act, 1872: A confession is irrelevant if it appears to have been caused by an inducement, threat or promise proceeding from a person in authority, having reference to the charge and giving the accused reasonable grounds to suppose a temporal advantage or avoidance of an evil.

Step 1 — Eliminating the rest: A Magistrate's question, mere delay, or a relative's presence do not vitiate a confession under s.24. The four-fold test of authority, reference to charge, and temporal benefit/evil is what matters.

Tip: s.24 vice equals authority plus charge-linked temporal carrot or stick.

Final Answer: Inducement, threat or promise by a person in authority ⇒ C

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

Q35.

Solution

Concept — Multiple and inconsistent dying declarations: Where there are several dying declarations, the court must examine each in light of the surrounding circumstances and the fitness of the declarant's mind, and may act on the one found truthful and reliable; consistency is a relevant but not conclusive factor, per *Lakhan v. State of M.P.*

Step 1 — Why the others fail: Inconsistency does not lead to automatic rejection, nor does the court mechanically prefer the last statement, nor are they excluded as hearsay. The reliability-based approach in (D) governs.

Tip: Test each declaration for truth and the maker's fitness of mind.

Final Answer: Rely on the truthful, reliable declaration after scrutiny ⇒ D



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

Q36.

Solution

Concept — Fitness of mind for a dying declaration: A dying declaration can be acted upon only if the court is satisfied the declarant was conscious and in a fit mental state. The best assurance is ordinarily a contemporaneous certification by the attending doctor, as stressed in *Paniben v. State of Gujarat*.

Step 1 — Eliminating the rest: Family members' say-so alone, the mere recording by a police officer, or the length of the declaration do not establish fitness. Medical certification of a fit state of mind is the safest evidence.

Tip: Look for the doctor's fitness endorsement before relying on the statement.

Final Answer: Medical/contemporaneous certification of fitness of mind ⇒

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

Q37.

Solution

Concept — Facts especially within knowledge, s.106 Indian Evidence Act, 1872: When any fact is especially within the knowledge of a person, the burden of proving it lies on him. The manner in which an accused came into possession of recently stolen goods is peculiarly within his knowledge.

Step 1 — Applying to recent possession: While the prosecution bears the general burden under s.101, the explanation for possessing recently stolen property falls on the accused under s.106. Sections 102 and 103 do not shift the whole offence or presume guilt.

Tip: Recent possession of stolen goods triggers an s.106 duty to explain.

Final Answer: Section 106, the explanation lies on the accused ⇒

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



Q38.

Solution

Concept — s.101 versus s.106 Indian Evidence Act, 1872: Section 101 lays the general rule that the burden of proof lies on the party who asserts the existence of facts. Section 106 is a limited exception casting on a person the burden of proving facts especially within his knowledge; it does not relieve the prosecution of its primary burden.

Step 1 — Choosing the precise statement: Section 106 supplements, not supplants, s.101; neither is confined to civil or criminal cases exclusively; and they do not impose identical burdens. Option (D) states the distinction correctly.

Tip: s.106 is a narrow exception, never a substitute for the prosecution's case.

Final Answer: s.101 general burden; s.106 narrow exception for special knowledge ⇒ D

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

Q39.

Solution

Concept — Proximate live link in s.306/s.107 IPC: For abetment of suicide there must be a proximate and live link between the alleged instigation and the act of suicide, together with a positive act proximate in time, as held in *Ramesh Kumar* and *S.S. Chheena*.

Step 1 — Applying the facts: Cruelty that ceased months earlier, with an unconnected immediate cause of death, breaks the proximate link. Conviction fails for want of that link, not because spouses or wives are exempt or cruelty can never abet.

Tip: Remote cruelty without a live link does not sustain s.306.

Final Answer: No proximate, live link to the suicide ⇒ C

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



Q40.

Solution

Concept — Ingredients of s.409 IPC: The offence requires (i) entrustment of property, or dominion over it, in the capacity of a public servant, and (ii) dishonest misappropriation, conversion to own use, or disposal in violation of any direction of law or contract governing the trust.

Step 1 — Why the others fail: Mere negligence is not dishonesty; possession without entrustment lacks the foundational element; and cheating a public servant is a different offence. Both limbs in (A) must coexist.

Tip: Official entrustment plus dishonest dealing equals s.409.

Final Answer: Entrustment as a public servant plus dishonest misappropriation ⇒ A

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

Q41.

Solution

Concept — Strict-liability offences and mens rea: Where a regulatory statute is construed to impose strict liability, the presumption of mens rea is taken to be excluded by necessary implication, and liability attaches on proof of the prohibited act itself.

Step 1 — Applying to adulterated food: In such offences absence of knowledge is generally no defence, the legislative purpose being effective public welfare regulation. The prosecution need not prove full mens rea, nor is acquittal automatic, nor does the offence become a civil wrong.

Tip: Strict liability equals do the act, bear the consequence, knowledge apart.

Final Answer: Liability on the act alone; knowledge no defence ⇒ C

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



Q42.

Solution

Concept — Quashing for mala fide proceedings, s.482 CrPC: Among the recognised categories for exercising inherent power is where the criminal proceeding is manifestly attended with mala fides or instituted with an ulterior motive for wreaking vengeance and to spite the accused due to private grudge.

Step 1 — Eliminating the rest: It is not true that mala fide institution is no ground, nor that the accused must first stand trial, nor that the category is confined to FIRs. Inherent power extends to both FIRs and private complaints to prevent abuse of process.

Tip: Vengeance-driven, mala fide prosecutions are quashable abuse of process.

Final Answer: A recognised abuse-of-process category for quashing ⇒ D

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

Q43.

Solution

Concept — Stage and authority for s.321 CrPC withdrawal: The Public Prosecutor or Assistant Public Prosecutor in charge of a case may, with the consent of the court, withdraw from the prosecution of any person at any time before the judgment is pronounced.

Step 1 — Why the others fail: Withdrawal cannot await a conviction, cannot be moved by the accused, and is not confined to the investigation stage. The correct frame is the prosecutor moving before judgment with the court's consent.

Tip: Prosecutor plus court's consent plus before judgment equals valid s.321 withdrawal.

Final Answer: By the Prosecutor, with consent of court, before judgment ⇒ B

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



Q44.

Solution

Concept — Definition of mischief, s.425 IPC: Whoever, with intent or knowledge that he is likely to cause wrongful loss or damage to the public or any person, causes the destruction of property or any change in it that destroys or diminishes its value or utility, commits mischief.

Step 1 — Eliminating the rest: Lawfully demolishing one's own wall lacks wrongful intent; mere entry is criminal trespass; dishonest taking of movable property is theft. Only option (D) reproduces the s.425 ingredients.

Tip: Mischief equals damage/diminution of value plus intent/knowledge of wrongful loss.

Final Answer: Destruction or value-diminishing change with the requisite intent ⇒ D

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

Q45.

Solution

Concept — Sentencing on plea bargaining, s.265-E CrPC: On a mutually satisfactory disposition the court may release the accused on probation, or, where a minimum sentence is not prescribed, sentence him to one-fourth of the punishment provided or extendable for the offence, applying the graded scheme of s.265-E.

Step 1 — Eliminating the rest: The whole object of plea bargaining is a reduced, not maximised or doubled, sentence, and it does not result in an automatic acquittal. The concessional sentencing in (B) is correct.

Tip: Plea bargaining yields probation or a fractional, reduced sentence.

Final Answer: Probation or one-fourth of the prescribed punishment per s.265-E ⇒ B

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



Q46.

Solution

Concept — Decree, judgment and order (CPC): Section 2(2) of the Code of Civil Procedure, 1908 defines a decree as the formal expression of an adjudication which conclusively determines the rights of the parties on the matters in controversy, while Section 2(9) defines a judgment as the statement by the judge of the grounds of a decree or order.

Step 1 — Distinguish the three: The judgment (A) gives the grounds but is not itself the formal adjudication; an order (B) is the formal expression of a decision which is not a decree; the plaint (D) is the pleading instituting the suit. Only the decree fits the definition in the stem.

Tip: Remember — “judgment states the reasons, the decree is the formal result.”

Final Answer: Decree under Section 2(2), CPC ⇒

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

Q47.

Solution

Concept — Appealable orders (Order XLIII, CPC): Order XLIII Rule 1 of the Code of Civil Procedure, 1908 sets out an exhaustive list of orders from which an appeal lies; orders not so enumerated are not separately appealable and can only be challenged in an appeal from the decree under Section 105.

Step 1 — Apply the list: An order under Order IX Rule 9 refusing to set aside a dismissal for default is expressly listed in Order XLIII Rule 1, so (B) is appealable. Routine interlocutory orders (A), framing of issues (C) and adjournments (D) are not within the enumerated list.

Tip: See O43 R1, CPC — “only the listed orders are independently appealable.”

Final Answer: An order under Order IX Rule 9 among those enumerated ⇒

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



Q48.

Solution

Concept — Foreign judgments (Section 13, CPC): Section 13 of the Code of Civil Procedure, 1908 makes a foreign judgment conclusive as to any matter directly adjudicated upon, subject to six exceptions, as applied in *R. Viswanathan v. Rukn-ul-Mulk Syed Abdul Wajid*.

Step 1 — Identify the exceptions: The clauses of Section 13 deny conclusiveness where the judgment is not by a court of competent jurisdiction, is not on the merits, is founded on an incorrect view of international law or refuses to recognise Indian law, is contrary to natural justice, is obtained by fraud, or sustains a claim founded on a breach of Indian law. Options (A), (B) and (C) are not grounds at all.

Tip: See s.13, CPC — six grounds, including “fraud” and “competent jurisdiction.”

Final Answer: Want of competent jurisdiction, incorrect international law, or fraud, among the listed grounds ⇒ D

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

Q49.

Solution

Concept — Presumption on foreign judgment (Section 14, CPC): Section 14 of the Code of Civil Procedure, 1908 provides a rebuttable presumption regarding the competence of the foreign court when a certified copy of its judgment is produced.

Step 1 — State the presumption: On production of a certified copy, the court shall presume that the foreign judgment was pronounced by a court of competent jurisdiction, unless the contrary appears on the record or is proved; thus (A) is correct. The judgment is not beyond challenge (B), Indian law is not deemed applied (C), and nationality of parties is not presumed (D).

Tip: Pair s.13 (when conclusive) with s.14 (presumption of competence).

Final Answer: Presumption that the foreign court was competent, unless rebutted ⇒ A

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



Q50.

Solution

Concept — Notice to the Government (Section 80, CPC): Section 80 of the Code of Civil Procedure, 1908 requires a two-month prior written notice before a suit against the Government or a public officer acting in his official capacity, as construed in *Bihari Chowdhary v. State of Bihar*.

Step 1 — Apply the period: The notice must be delivered to or left at the office of the prescribed authority, stating the cause of action, the name and place of residence of the plaintiff and the relief claimed, and the suit must await the expiry of two months. The periods in (A) and (B) and the contingency in (D) are not the statutory requirement.

Tip: See s.80, CPC — “two months notice; leave of court for urgent relief under s.80(2).”

Final Answer: Two months after a written notice under Section 80 ⇒

[Go Back to Q50](#)

Q51.

Solution

Concept — Interpleader suit (Section 88, Order XXXV, CPC): An interpleader suit under Section 88 read with Order XXXV of the Code of Civil Procedure, 1908 enables a stakeholder, who claims no beneficial interest, to compel rival claimants to litigate their competing claims among themselves.

Step 1 — Apply the conditions: The plaintiff must claim no interest other than charges or costs, be ready to deliver the property to the rightful claimant, and be in genuine doubt as to entitlement; that is option (B). A person who is himself a rival claimant (A), claims for his own benefit (C) or has wrongfully detained the property (D) cannot interplead.

Tip: Remember — “the interpleader is a disinterested stakeholder, not a claimant.”

Final Answer: A disinterested stakeholder in doubt as to the rightful claimant ⇒

[Go Back to Q51](#)



Q52.

Solution

Concept — Representative suit (Order I Rule 8, CPC): Order I Rule 8 of the Code of Civil Procedure, 1908 allows one or more persons to sue or be sued on behalf of numerous persons having the same interest, with the leave of the court.

Step 1 — Apply the conditions: The court's permission must be obtained and notice of the institution of the suit must be given to all interested persons by personal service or public advertisement as the court directs, at the plaintiff's expense; that is option (D). Impleading every person by name (A) defeats the very purpose, written consent of all (B) is not required, and the rule is not confined to immovable property (C).

Tip: See O1 R8, CPC — “same interest + court's permission + notice to the class.”

Final Answer: Permission of the court and notice to all interested persons ⇒ D

Answer: (D) [Go Back to Q52](#)

Q53.

Solution

Concept — Liquidated damages vs penalty (Section 74, Contract Act): Section 74 of the Indian Contract Act, 1872 entitles the aggrieved party to reasonable compensation not exceeding the sum named in the contract, whether or not actual loss is proved, as laid down in *Fateh Chand v. Balkishan Dass*.

Step 1 — Apply the rule: Indian law does not strictly distinguish liquidated damages from a penalty; the named sum is only the ceiling, and the court awards reasonable compensation up to that figure. Hence the full named sum is not automatic (A), proof of loss to the last rupee is not required (C), and there is no doubling (D).

Tip: See s.74 — “named sum is a maximum, not a guaranteed payout.”

Final Answer: Reasonable compensation not exceeding the named sum ⇒ B

Answer: (B) [Go Back to Q53](#)



Q54.

Solution

Concept — Anticipatory breach (Section 39, Contract Act): Section 39 of the Indian Contract Act, 1872 deals with refusal to perform before the time fixed, and the doctrine of anticipatory breach derives from *Hochster v. De La Tour*.

Step 1 — Apply the rule: On an anticipatory repudiation the promisee may either put an end to the contract and sue at once, or keep it alive and await performance; if he signifies acquiescence in continuance he loses the right to terminate. That is option (A); he is not bound to wait (B), cannot insist on performance after a clear refusal as a matter of course (C), and the contract is not void ab initio (D).

Tip: Remember — “repudiation gives an immediate right to sue, unless the promisee elects to wait.”

Final Answer: The promisee may end the contract and sue at once ⇒

[Go Back to Q54](#)

Q55.

Solution

Concept — Quantum meruit (Section 70, Contract Act): A claim for quantum meruit, meaning “as much as is earned,” allows recovery of reasonable remuneration for work done where a contract is discharged before complete performance or becomes void, resting on Section 70 of the Indian Contract Act, 1872.

Step 1 — Apply the principle: The party who has lawfully done part of the work or conferred a benefit may recover a reasonable sum for what was actually done; he cannot claim the full contract price as if performance were complete (A), is not denied all relief (B), and is not confined to nominal damages (D).

Tip: *Quantum meruit* = “payment as much as is earned” for part performance.

Final Answer: Reasonable remuneration for the work actually done ⇒

[Go Back to Q55](#)



Q56.

Solution

Concept — Unlawful object (Section 23, Contract Act): Section 23 of the Indian Contract Act, 1872 declares the consideration or object of an agreement unlawful in the enumerated situations, rendering the agreement void.

Step 1 — Apply the section: The object or consideration is unlawful if it is forbidden by law, would defeat the provisions of any law, is fraudulent, involves injury to person or property, or is immoral or opposed to public policy; that is option (D). Mere lack of profit (A), commercial disadvantage (B) or unequal bargaining power (C) does not make consideration unlawful.

Tip: See s.23 — “forbidden, defeats law, fraudulent, injurious, immoral, or against public policy.”

Final Answer: Forbidden by law, defeating law, fraudulent, injurious or against public policy ⇒

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

Q57.

Solution

Concept — Wagering agreements (Section 30, Contract Act): Section 30 of the Indian Contract Act, 1872 declares agreements by way of wager void and bars any suit to recover anything won on a wager.

Step 1 — Apply the section: No suit lies to recover anything alleged to be won on a wager, or entrusted to a stakeholder to abide the result of a game or uncertain event; hence the winner cannot sue (A), the agreement is void rather than voidable (C), and the stakeholder is not bound to pay over the stake (D).

Tip: See s.30 — “wagers are void; no recovery of winnings.”

Final Answer: No suit can be brought to recover anything won on a wager ⇒

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



Q58.

Solution

Concept — Restraint of trade (Section 27, Contract Act): Section 27 of the Indian Contract Act, 1872 makes every agreement in restraint of a lawful profession, trade or business void to that extent, subject to a single statutory exception.

Step 1 — Apply the section: The only exception saves a restraint accepted by the seller of the goodwill of a business, within specified local limits and so long as the buyer carries on a like business, where the limits are reasonable. Such restraints are not generally valid (B), not merely voidable (C), and Indian law, unlike English law, does not uphold a restraint simply because its duration is reasonable (D).

Tip: See s.27 — “all trade restraints void, save the sale-of-goodwill exception.”

Final Answer: Void to that extent, subject to the sale-of-goodwill exception ⇒ A

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

Q59.

Solution

Concept — Restraint of legal proceedings (Section 28, Contract Act): Section 28 of the Indian Contract Act, 1872 renders void any agreement that absolutely restricts a party from enforcing his contractual rights through the ordinary tribunals, or that curtails the time for doing so.

Step 1 — Apply the section: Such restraints are void to that extent, subject to the saving for agreements to refer present or future disputes to arbitration; that is option (C). The clause is not validated by freedom of contract (A), by the parties being merchants (B), or by registration (D).

Tip: See s.28 — “absolute bar on legal remedies is void, but arbitration clauses are saved.”

Final Answer: Void to that extent, subject to the saving for arbitration ⇒ C

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



Q60.

Solution

Concept — Vicarious liability of the State: The liability of the State in tort for acts of its servants turns on the sovereign / non-sovereign distinction, drawn in *Kasturi Lal v. State of U.P.* and *State of Rajasthan v. Vidhyawati*.

Step 1 — Apply the distinction: The State is not liable for torts committed by its servants in the exercise of sovereign functions, but is liable where the wrongful act is done in a non-sovereign function such as an ordinary commercial or welfare activity; that is option (D). The State is neither liable for everything (A) nor wholly immune (B), and the injured person need not be a Government employee (C).

Tip: Remember — “sovereign function = immunity; non-sovereign function = liability.”

Final Answer: Liable for non-sovereign functions, not for sovereign functions ⇒ D

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

Q61.

Solution

Concept — Malicious prosecution: The tort of malicious prosecution protects against the misuse of criminal or quasi-criminal process and requires proof of several cumulative elements, as set out in *West Bengal State Electricity Board v. Dilip Kumar Ray*.

Step 1 — Apply the elements: The plaintiff must prove that the defendant prosecuted him, that the prosecution ended in the plaintiff’s favour, that it was instituted without reasonable and probable cause, that the defendant acted maliciously, and that the plaintiff suffered damage; that is option (B). A conviction (A) defeats the action, and neither a written complaint (C) nor prosecution by a public prosecutor (D) is an essential element.

Tip: Remember the cumulative test — “favourable termination + absence of cause + malice + damage.”

Final Answer: Favourable termination, want of reasonable cause and malice ⇒ B

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



Q62.

Solution

Concept — Declaratory decree and its bar (Sections 34 and 41, Specific Relief Act): Section 34 of the Specific Relief Act, 1963 allows a suit for a declaration of legal character or right to property, but its proviso bars a bare declaration where consequential relief is available and not sought.

Step 1 — Apply the proviso: Where the plaintiff is able to seek further relief than a mere declaration of title and omits to do so, the court shall make no declaration; that is option (A). Minority (B), the identity of the defendant as the Government (C) or a prior injunction (D) are not the statutory bar in the proviso to Section 34.

Tip: See s.34 proviso — “ask for the consequential relief, not a bare declaration.”

Final Answer: Where further relief is available but not sought, the bar applies ⇒ A

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

Q63.

Solution

Concept — Interim maintenance, s.24 HMA: Section 24 of the Hindu Marriage Act, 1955 is gender-neutral; relief may be sought by “the wife or the husband” who has no independent income sufficient for support and the necessary expenses of the proceeding (*Manish Jain v. Akanksha Jain*).

Step 1 — Who may apply: The text of s.24 expressly covers either spouse, so it is not confined to the wife or to the spouse against whom divorce is sought; minor children claim under s.26, not s.24.

Tip: s.24 is interim and applicant-neutral; permanent alimony is under s.25.

Final Answer: Either spouse lacking sufficient independent income may apply ⇒ B

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



Q64.

Solution

Concept — Time-limit under s.24 HMA: The proviso to Section 24 HMA directs that an application for interim maintenance and litigation expenses shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.

Step 1 — Apply the proviso: The relief is expressly interim, so it cannot await the final decree; the statute fixes a sixty-day target, not three years, and proof of cruelty belongs to the main petition.

Tip: Remember “s.24 = 60 days” for the disposal target.

Final Answer: Within sixty days of service of notice ⇒

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

Q65.

Solution

Concept — Desertion, s.13(1)(ib) HMA: Desertion is the abandonment of one spouse by the other without reasonable cause and without consent, with the intention of permanently forsaking the deserted spouse, for a continuous period of not less than two years (*Bipinchandra v. Prabhavati*).

Step 1 — Identify the elements: Withdrawal from society plus the *animus deserendi* (intention to permanently abandon) for two years is the very definition of desertion, distinct from cruelty, adultery or conversion.

Tip: Desertion requires both *factum* of separation and *animus deserendi*.

Final Answer: The ground pleaded is desertion ⇒

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

Q66.

Solution

Concept — Conversion as a ground, s.13(1)(ii) HMA: Section 13(1)(ii) of the Hindu Marriage Act, 1955 makes it a ground for divorce that the other party has ceased to be a Hindu by conversion to another religion.

Step 1 — Eliminate distractors: Venereal disease was a separate ground (now omitted), non-consummation goes to nullity/voidability under ss.11-12, and “un-sound temperament” is not a statutory ground; conversion alone fits clause (ii).



Tip: Clause sequence: (ia) cruelty, (ib) desertion, (ii) conversion.

Final Answer: Conversion to another religion ⇒ C

Answer: (C) [Go Back to Q66](#)

Q67.

Solution

Concept — Legitimacy of children, s.16 HMA: Section 16 confers legitimacy on children of void (s.11) and voidable (s.12) marriages, but sub-section (3) limits their inheritance to the property of their parents and no other person (*Revanasiddappa v. Mallikarjun*).

Step 1 — Apply the limitation: Such children are deemed legitimate yet cannot, by virtue of s.16(3), claim in the property of any person other than their parents; they are not automatically illegitimate, nor do they take the whole coparcenary.

Tip: s.16: legitimate “for purposes of property” but parent-property only.

Final Answer: Legitimate, but rights only in parents’ property ⇒ B

Answer: (B) [Go Back to Q67](#)

Q68.

Solution

Concept — Mental cruelty: In *Samar Ghosh v. Jaya Ghosh* (2007) the Supreme Court enumerated illustrative instances of mental cruelty as a ground for divorce under s.13(1)(ia) HMA.

Step 1 — Distinguish the others: *Bipinchandra* concerns desertion, while *Lily Thomas* and *Sarla Mudgal* deal with bigamy on conversion; only *Samar Ghosh* catalogued mental cruelty.

Tip: Link the case to its core ratio, not just the names.

Final Answer: *Samar Ghosh v. Jaya Ghosh* ⇒ A

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



Q69.

Solution

Concept — Hizanat (custody): Under Muslim law *hizanat* is the right of custody of a child of tender years, which vests first in the mother; it is distinct from guardianship of the person and property.

Step 1 — Mother's preferential right: The mother has the first right to the custody of her child during infancy, irrespective of the father's superior guardianship; the right is for the welfare of the child and is not held by an uncle or the State.

Tip: *Hizanat* = mother's custody; *wilayat* = father's guardianship.

Final Answer: The mother has the first right of custody ⇒

[Go Back to Q69](#)

Q70.

Solution

Concept — Natural guardian (wali): In Muslim law the natural guardian of a minor's person and property is the father; on his death guardianship passes to the persons he appoints by will, then to the paternal grandfather, and so on.

Step 1 — Separate custody from guardianship: The mother's right of *hizanat* is only custody during tender years; she is not the natural guardian, which is the father, while the Qazi appoints a guardian only in default.

Tip: Mother = custodian, Father = guardian under Muslim law.

Final Answer: The father is the natural guardian ⇒

[Go Back to Q70](#)

Q71.

Solution

Concept — Pre-emption (shufaa): The right of *shufaa* is the right of a person to acquire, by substituting himself for the buyer, immovable property sold to a stranger, in preference to that buyer, on the same terms.

Step 1 — Identify the substance: It is neither an inheritance share, nor a power to revoke a gift, nor a maintenance claim; it is a preferential right of purchase enforced by the pre-emptor stepping into the buyer's shoes.

Tip: *Shufaa* demands prompt assertion (the demands of *talab*).



Final Answer: A preferential right of purchase \Rightarrow C

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

Q72.

Solution

Concept — Will (wasiyat) limits: Under Sunni (Hanafi) law a Muslim may bequeath only up to one-third of the net estate (after debts and funeral expenses); a bequest beyond one-third, or in favour of an heir, requires the consent of the other heirs given after the testator's death.

Step 1 — Apply the dual rule: The one-third ceiling and the heir-consent rule operate together; a will need not be registered, nor confined to charity, nor can it cover the whole estate without consent.

Tip: "One-third without consent; more (or to an heir) only with consent."

Final Answer: One-third limit, with heir-consent exception \Rightarrow B

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

Q73.

Solution

Concept — Bequest exceeding one-third: Where a Hanafi Muslim bequeaths more than one-third to a stranger and the heirs withhold consent, the bequest is valid only up to one-third of the net estate; the excess fails.

Step 1 — Compute the effect: Without heir-consent the will cannot reach the whole or two-thirds, nor is it wholly void; it operates to the permitted one-third and the balance passes by inheritance.

Tip: No consent \Rightarrow bequest abates to the bequeathable one-third.

Final Answer: Valid only up to one-third \Rightarrow C

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



Q74.

Solution

Concept — Rule against perpetuity, s.14 TPA: Section 14 of the Transfer of Property Act, 1882 forbids a transfer that postpones vesting beyond the life or lives in being at the date of transfer plus the minority of the ultimate beneficiary.

Step 1 — State the permissible period: The maximum is “lives in being + minority of the unborn ultimate beneficiary” (not a flat 21 years, nor merely the transferor’s life); vesting must occur within this span.

Tip: Indian rule uses “minority” (up to 18), unlike the English 21-year gross.

Final Answer: Lives in being plus minority of the ultimate beneficiary ⇒ C

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

Q75.

Solution

Concept — Vested interest, s.19 TPA: Under Section 19, an interest is vested when it is created in favour of a person without specifying the time it is to take effect, or on the happening of an event that must happen; it is not defeated by the holder’s death before enjoyment.

Step 1 — Test the definition: A vested interest gives an immediate, unconditional right of present or future enjoyment; it is freely transferable and heritable, unlike a contingent interest hinging on an uncertain event.

Tip: Vested = certain right, possibly postponed enjoyment.

Final Answer: Immediate right not conditional on an uncertain event ⇒ A

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

Q76.

Solution

Concept — Contingent interest, ss.20-21 TPA: Under Section 21, where an interest is to take effect only on the happening of a specified uncertain event, it is a contingent interest until that event occurs.

Step 1 — Apply to the facts: “If Y returns from England” is an uncertain event, so Y’s interest is contingent, not vested or absolute, and certainly not void merely because it is conditional.



Tip: Uncertain condition precedent \Rightarrow contingent interest.

Final Answer: A contingent interest \Rightarrow

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

Q77.

Solution

Concept — Doctrine of election, s.35 TPA: Section 35 embodies the equitable rule that a person who takes a benefit under an instrument must adopt the whole of it and relinquish anything inconsistent with it; he cannot approbate and reprobate.

Step 1 — State the maxim: “He who takes the benefit must bear the burden” (*qui sentit commodum sentire debet et onus*); one may not accept and reject parts of the same instrument.

Tip: Election applies where a transferor purports to give away another’s property and also benefits that owner.

Final Answer: Must take the burden with the benefit \Rightarrow

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

Q78.

Solution

Concept — Easement, s.4 Easements Act: Section 4 defines an easement as a right which the owner or occupier of certain land (dominant heritage) possesses, for the beneficial enjoyment of that land, to do and continue to do, or to prevent, something on other land (servient heritage) not his own.

Step 1 — Note the essentials: There must be a dominant and a servient heritage in different ownership; a right over one’s own land or a purely personal right is not an easement, and it need not arise only by sale deed.

Tip: Two heritages + different owners + beneficial enjoyment = easement.

Final Answer: A right over another’s servient land for the dominant land \Rightarrow

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



Q79.

Solution

Concept — Easement by prescription, s.15 Easements Act: A right of way enjoyed peaceably, openly and as of right, without interruption, for twenty years, is acquired by prescription under Section 15 of the Indian Easements Act, 1882.

Step 1 — Match the facts: Long, open, uninterrupted user as of right points to prescription, not to necessity, express grant or a quasi-easement (which arises on severance of tenements).

Tip: Twenty years' user as of right ⇒ prescriptive easement.

Final Answer: An easement by prescription ⇒ C

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

Q80.

Solution

Concept — Misstatement in prospectus, Companies Act 2013: Section 35 confers civil liability for any untrue statement in a prospectus: a subscriber who sustains loss may recover compensation from the company, directors, promoters and experts responsible, alongside remedies like rescission.

Step 1 — Choose the full remedy: The subscriber is not limited to a criminal complaint (s.34/447) nor left without remedy; compensation for loss is available in addition to rescission for misrepresentation.

Tip: Prospectus misstatement triggers both civil (s.35) and criminal (s.34) liability.

Final Answer: Compensation for loss plus other remedies ⇒ D

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

Q81.

Solution

Concept — Share v. debenture: A share is a part of the company's capital conferring ownership and ordinarily voting rights (Companies Act, 2013, s.43); a debenture is an instrument of debt acknowledging a loan, ordinarily carrying fixed interest but no vote.

Step 1 — Locate the true distinction: The shareholder is an owner/member, the debenture-holder a creditor; thus the statement reversing these roles is wrong, and they do not carry equal votes or issue only on winding up.



Tip: Shareholder = member/owner; debenture-holder = creditor.

Final Answer: Share = ownership with vote; debenture = loan with interest ⇒ B

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

Q82.

Solution

Concept — CSR, s.135 Companies Act 2013: Companies crossing the prescribed net-worth, turnover or net-profit thresholds must spend, in every financial year, at least two per cent of the average net profits made during the three immediately preceding financial years on CSR activities.

Step 1 — Apply the formula: The base is the three-year average net profit, and the rate is two per cent; it is not ten per cent, nor tied to paid-up capital or turnover.

Tip: “2 per cent of average net profit of preceding 3 years.”

Final Answer: Two per cent of three-year average net profits ⇒ C

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

Q83.

Solution

Concept — Design, s.2(d) Designs Act 2000: A registrable “design” means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to an article by any industrial process, which appeal to and are judged solely by the eye.

Step 1 — Exclude what is not a design: The definition expressly excludes any mode or principle of construction, mere mechanical devices, trade or property marks, and inventions; only the eye-appeal aesthetic features qualify.

Tip: Design protects appearance, not function or technical idea.

Final Answer: Eye-appeal features applied to an article ⇒ D

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



Q84.

Solution

Concept — Geographical indication, GI Act 1999: A GI under Section 2(1)(e) identifies agricultural, natural or manufactured goods as originating in a territory, region or locality, where a given quality, reputation or other characteristic is essentially attributable to that geographical origin.

Step 1 — Fix the link to place: The essence is the connection between the goods and their geographical source (e.g., Darjeeling Tea), not a single company, a trade mark, or an export licence.

Tip: GI ties quality/reputation to a *place*, not a single producer.

Final Answer: Goods linked to a geographical origin ⇒

[Go Back to Q84](#)

Q85.

Solution

Concept — Fair dealing, s.52 Copyright Act 1957: Section 52 lists acts that do not amount to infringement; a fair dealing with a literary work for private or personal use, including research, criticism or review, is among them.

Step 1 — Apply the exception: Because s.52 expressly excludes such fair dealing from infringement, no prior permission is needed and the use is lawful during the copyright term itself.

Tip: s.52 = statutory exceptions; “fair dealing” is a defence to infringement.

Final Answer: It is not an infringement of copyright ⇒

[Go Back to Q85](#)

Q86.

Solution

Concept — Residential status, Income-tax Act 1961: Liability to tax in India depends on residential status under Section 6, fixed by the individual’s physical presence in India during the previous year, not on citizenship, religion or place of birth.

Step 1 — Apply the basis: A resident and ordinarily resident is taxed on global income, while a non-resident is taxed only on Indian-source income; the scope of global taxation thus turns on residence.



Tip: Residence (presence in India), not citizenship, drives Indian income tax.

Final Answer: Residential status by physical presence ⇒ D

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

Q87.

Solution

Concept — Identity theft, s.66C IT Act 2000: Section 66C punishes whoever fraudulently or dishonestly makes use of the electronic signature, password or any other unique identification feature of another person, an offence styled “identity theft.”

Step 1 — Match the offence: Publishing obscene material is s.67, tampering with source documents is s.65, and failure to protect data is s.43A/s.72A; misusing another’s unique credentials is squarely s.66C identity theft.

Tip: 66C = identity theft; 66D = cheating by personation; 67 = obscenity.

Final Answer: The offence is identity theft ⇒ A

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

Q88.

Solution

Concept — Claims Tribunal, MV Act 1988: Sections 165-166 of the Motor Vehicles Act, 1988 provide for Motor Accidents Claims Tribunals to adjudicate claims for compensation arising out of motor accidents, including third-party claims.

Step 1 — Identify the forum: Such compensation claims go to the Tribunal, not to a High Court’s original side, a criminal court, or an insurer’s internal committee; the Tribunal’s jurisdiction is special and exclusive.

Tip: Accident compensation → MACT; criminal liability is separate.

Final Answer: The Motor Accidents Claims Tribunal ⇒ D

Answer: (D) [Go Back to Q88](#)



Q89.

Solution

Concept — Competence of the Tribunal (s.16): Section 16(1) of the Arbitration and Conciliation Act, 1996 embodies the doctrine of *kompetenz-kompetenz*: the arbitral tribunal may rule on its own jurisdiction, including any objection to the existence or validity of the arbitration agreement, the agreement being treated as separable from the main contract.

Step 1 — Eliminate the distractors: The tribunal need not stay its hands for a civil court, the jurisdictional plea is to be raised *during* the reference (not only after the award), and such a plea does not by itself terminate the proceedings. The tribunal decides its own competence.

Tip: See s.16(1) Bare Act — “the tribunal may rule on its own jurisdiction.”

Final Answer: The tribunal rules on its own jurisdiction under *kompetenz-kompetenz* ⇒ B

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

Q90.

Solution

Concept — Rejection of the Plea (s.16(5)/(6)): Under Section 16(5) of the Arbitration and Conciliation Act, 1996, where the tribunal rejects a plea that it lacks jurisdiction, it shall continue with the proceedings and make an award; Section 16(6) then provides that a party aggrieved by such an award may make an application to set it aside under Section 34. There is no immediate interlocutory appeal against the rejection.

Step 1 — Eliminate the others: An immediate appeal to the High Court is barred, a writ under Article 226 is not the prescribed route, and a remedy does survive — but only at the s.34 stage after the award. The plea merges into the challenge to the final award.

Tip: s.16(5) = continue and award; s.16(6) = challenge later under s.34.

Final Answer: Challenge the rejection only in a Section 34 application against the final award ⇒ C

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



Q91.

Solution

Concept — Appealable Orders (s.37): Section 37 of the Arbitration and Conciliation Act, 1996 enumerates the limited orders from which an appeal lies. Section 37(2)(a) expressly makes appealable an order of the arbitral tribunal *accepting* the plea, referred to in Section 16(2) or 16(3), that it has no jurisdiction or is exceeding the scope of its authority.

Step 1 — Eliminate the others: A fresh suit on the merits is not the remedy, s.36 concerns enforcement (not appeal), and it is not true that tribunal orders are never appealable — the Act carves out specific appealable categories. An order accepting the no-jurisdiction plea is one of them.

Tip: s.37(2)(a) appeal lies only where the tribunal *accepts* the plea; rejection goes to s.34.

Final Answer: Appeal under Section 37(2)(a) against the order accepting the no-jurisdiction plea ⇒

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

Q92.

Solution

Concept — Arbitrability of Fraud: The arbitrability of fraud was settled in *A. Ayyasamy v. A. Paramasivam* (2016): a mere allegation of fraud simpliciter is arbitrable, but a serious allegation of fraud that permeates the entire contract, including the arbitration clause, or has implications in the public domain takes the dispute out of the arbitral forum and into the court.

Step 1 — Eliminate the others: Not every trivial fraud allegation ousts arbitration, a tribunal *can* examine ordinary fraud, and arbitrability does not hinge on a prior criminal conviction. The test is the seriousness and pervasiveness of the fraud.

Tip: Fraud simpliciter → arbitrable; fraud permeating the contract / public-law implications → not arbitrable.

Final Answer: Only serious, all-pervading fraud ousts arbitration, per *A. Ayyasamy* ⇒

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



Q93.

Solution

Concept — Non-Arbitrable Disputes (rights *in rem*): In *Booz Allen & Hamilton v. SBI Home Finance* (2011) the Supreme Court held that disputes involving rights *in rem* and certain reserved categories are non-arbitrable: criminal offences, matrimonial disputes, guardianship matters, insolvency and winding-up, testamentary matters (probate, letters of administration) and eviction governed by special statutes.

Step 1 — Eliminate the others: An ordinary breach-of-supply dispute, a sale-price dispute and a liquidated-damages claim are all rights *in personam* arising from contract, and are fully arbitrable. Testamentary and guardianship matters are reserved for the court.

Tip: Rights *in personam* (contractual) → arbitrable; rights *in rem* (status, probate, insolvency) → not.

Final Answer: Testamentary and guardianship matters are non-arbitrable, per *Booz Allen* ⇒ B

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

Q94.

Solution

Concept — Arbitration vs Conciliation/Mediation: The defining feature of arbitration under the Arbitration and Conciliation Act, 1996 is adjudication: the arbitrator hears the parties and renders a binding award (s.35) enforceable as a decree. Conciliation (Part III) and mediation are *facilitative* — the neutral helps the parties negotiate, and any settlement binds them by their own consent rather than by an imposed decision.

Step 1 — Eliminate the others: It is not that arbitration alone is voluntary or alone confidential (conciliation too is consensual and confidential), nor is arbitration mere non-binding advice. The true distinction is the binding, adjudicatory nature of the arbitral award.

Tip: Arbitration = adjudication (binding award); conciliation/mediation = assisted settlement (consent-based).

Final Answer: The arbitrator renders a binding adjudicatory award; the conciliator/mediator only assists ⇒ C

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



Q95.

Solution

Concept — Recording a Compromise (O23 R3 CPC): Order XXIII Rule 3 of the Code of Civil Procedure, 1908 provides that where a suit is adjusted wholly or in part by a *lawful* agreement or compromise in writing and signed by the parties, the court shall record it and pass a decree in accordance therewith so far as it relates to the suit. *Gurpreet Singh v. Chatur Bhuj Goel* (1988) stresses the writing-and-signature requirement.

Step 1 — Eliminate the others: Order VII Rule 11 (rejection of plaint), Order XXI Rule 1 (payment under a decree) and Order VI Rule 17 (amendment of pleadings) are unconnected with recording a compromise. The relevant provision is O23 R3.

Tip: A valid compromise decree needs (i) a lawful agreement, (ii) in writing, (iii) signed by the parties.

Final Answer: Order XXIII Rule 3 of the CPC, 1908 ⇒

[Go Back to Q95](#)

Q96.

Solution

Concept — Functions of the Bar Council of India: The Advocates Act, 1961 entrusts the Bar Council of India with the functions of laying down standards of professional conduct and etiquette for advocates, promoting legal education and laying down its standards in consultation with the Universities and State Bar Councils, and recognising on a reciprocal basis the Universities whose law degree qualifies for enrolment as an advocate.

Step 1 — Eliminate the others: The BCI does not try advocates for crimes (that is for the criminal courts), it does not appoint judges, and it does not levy income tax. Its sphere is professional standards, legal education and the recognition of law degrees.

Tip: Think rule-making + legal education + recognition of degrees + standards of conduct = BCI's core functions.

Final Answer: It sets standards of conduct, promotes legal education and recognises qualifying Universities ⇒

[Go Back to Q96](#)



Q97.

Solution

Concept — Prohibition on Contingency Fees: The Bar Council of India Rules (Standards of Professional Conduct and Etiquette, Part VI, Chapter II) forbid an advocate from stipulating for a fee contingent on the results of litigation or from agreeing to share in the proceeds of the litigation. *In re: G, a Senior Advocate of the Supreme Court* (1954) holds that such a percentage-of-recovery arrangement is opposed to public policy and amounts to professional misconduct.

Step 1 — Eliminate the others: Client consent cannot validate a contingency fee, there is no permissible percentage ceiling, and the bar applies across all matters — it is not confined to matrimonial disputes. A success-linked share is forbidden outright.

Tip: An advocate's fee may never be a share of the spoils of the suit; it is misconduct, per *In re: G*.

Final Answer: A contingency/percentage fee is professional misconduct ⇒ B

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

Q98.

Solution

Concept — Duty to Accept Briefs (the cab-rank rule): The Bar Council of India Rules (Section II, duty to the client) provide that an advocate is bound to accept any brief in the courts or tribunals in which he professes to practise, at a fee consistent with his standing and the nature of the case, and that special circumstances may justify his refusal to accept a particular brief.

Step 1 — Eliminate the others: An advocate is not free to refuse for any reason at all, nor is he obliged to accept where there is a real conflict of interest or a wholly inadequate fee, and accepting a brief is not conditioned on disclosing the client's identity and instructions to the opponent. The governing idea is the cab-rank principle with narrow exceptions.

Tip: Accept the brief unless "special circumstances" (conflict, inadequate fee, personal involvement) justify refusal.

Final Answer: He is bound to accept the brief at a proper fee, absent special circumstances ⇒ C

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



Q99.

Solution

Concept — Constitutional Contempt Power (Arts 129 & 215): Article 129 of the Constitution declares the Supreme Court to be a court of record having all the powers of such a court, including the power to punish for contempt of itself. Article 215 confers the identical status and power of a court of record on every High Court. These powers are independent of, and not exhausted by, the Contempt of Courts Act, 1971.

Step 1 — Eliminate the others: Article 32 deals with enforcement of fundamental rights, Article 136 with special leave to appeal, and Article 226 with the writ jurisdiction of High Courts — none is the source of the contempt power. That source is Articles 129 and 215.

Tip: Art 129 = Supreme Court contempt power; Art 215 = High Court contempt power; both “courts of record.”

Final Answer: Article 129 for the Supreme Court and Article 215 for the High Courts ⇒

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

Q100.

Solution

Concept — Apology and Purging of Contempt: The proviso to Section 12(1) of the Contempt of Courts Act, 1971 provides that the accused may be discharged, or the punishment awarded may be remitted, on apology being made to the satisfaction of the court; and an apology shall not be rejected merely because it is qualified or conditional if it is otherwise bona fide.

Step 1 — Eliminate the others: An apology is not bound to be accepted in every case, it is not true that an apology can never be entertained, and tendering an apology is not treated as an admission that bars all punishment. The court accepts a genuine apology in its discretion; a merely tactical apology may be refused.

Tip: An apology must be *bona fide*, not a “weapon of defence” to purge a deliberate contempt.

Final Answer: A bona fide apology may purge contempt under the proviso to Section 12(1) ⇒

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



Answer Key

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

