

AIBE Sample Paper – 8

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.** The Preamble to the Constitution declares India to be a “Sovereign Socialist Secular Democratic Republic.” The words “Socialist” and “Secular” were not part of the Preamble as originally adopted but were inserted by:
- (A) The Constitution (First Amendment) Act, 1951
(B) The Constitution (Forty-second Amendment) Act, 1976
(C) The Constitution (Forty-fourth Amendment) Act, 1978
(D) The Constitution (Eighty-sixth Amendment) Act, 2002
- Q2.** In *S. R. Bommai v. Union of India* (1994) the Supreme Court examined the place of secularism in the constitutional scheme. The Court held that secularism is:
- (A) A part of the basic structure of the Constitution



- (B) A mere directive principle not enforceable by courts
- (C) A privilege available only to religious minorities
- (D) A matter left entirely to the discretion of the State legislatures
- Q3.** A State Government dismissed on the ground that its actions were subversive of the secular fabric of the Constitution challenges the proclamation under Article 356. Following *S. R. Bommai v. Union of India* (1994), the satisfaction of the President under Article 356 is:
- (A) Wholly immune from judicial scrutiny as a political question
- (B) Subject to judicial review on grounds such as mala fides or irrelevant material
- (C) Reviewable only by the Rajya Sabha and not by any court
- (D) Conclusive once the Proclamation is laid before Parliament
- Q4.** The doctrine that the legislative, executive and judicial organs of the State must each function within their own sphere, recognised by the Supreme Court as forming part of the basic structure of the Constitution, is best described as the doctrine of:
- (A) Pith and substance
- (B) Colourable legislation
- (C) Eclipse
- (D) Separation of powers
- Q5.** Judicial review of legislative and executive action is regarded by the Supreme Court as an essential and unalterable feature of the Constitution. The power of the High Courts to exercise this judicial review flows principally from:
- (A) Article 32 alone
- (B) Article 131
- (C) Articles 226 and 227



(D) Article 143

Q6. The concept of the “rule of law,” classically associated with A. V. Dicey and treated by Indian courts as part of the basic structure, in its core sense requires that:

- (A) No person shall be deprived of life or liberty except according to procedure established by law, and all are equally subject to the ordinary law
- (B) The executive may act without the authority of law in matters of public interest
- (C) Ministers and civil servants enjoy immunity from the ordinary courts
- (D) Law is whatever the legislature declares, immune from any judicial control

Q7. Article 245 read with Article 246 distributes legislative power between Parliament and the State Legislatures with reference to the three Lists in the Seventh Schedule. The exclusive power of a State Legislature to make laws for the State is referable to:

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

Q8. Where a State law and a Union law on a matter in the Concurrent List are repugnant to each other, Article 254(1) ordinarily provides that:

- (A) The State law prevails and the Union law is void to the extent of the repugnancy
- (B) Both laws are void for the area of conflict
- (C) The Union law prevails and the State law is void to the extent of the repugnancy



(D) The conflict must be referred to the Supreme Court before either law can operate

Q9. A State Legislature passes a law on a Concurrent List subject which is repugnant to an existing Union law. Under Article 254(2), the State law may nevertheless prevail in that State if:

(A) It is published in the Official Gazette of the State

(B) It is ratified by one-half of the other State Legislatures

(C) It is passed by a two-thirds majority of the State Assembly

(D) It has been reserved for the consideration of the President and has received his assent

Q10. Parliament is ordinarily not competent to legislate on a matter enumerated in the State List. Under Article 249, Parliament may make a law for the whole or any part of the territory of India on a State List matter if:

(A) The Lok Sabha so resolves by a simple majority

(B) The Rajya Sabha passes a resolution, supported by not less than two-thirds of the members present and voting, that it is necessary in the national interest

(C) The President issues a proclamation to that effect

(D) One-half of the State Legislatures request such a law

Q11. Two or more States desire that Parliament should legislate on a matter in the State List in respect of those States. Under Article 252, Parliament may pass such a law if:

(A) The Legislatures of those States pass resolutions requesting Parliament to legislate, and the law then applies to those States

(B) The Rajya Sabha passes a national-interest resolution by a two-thirds majority

(C) The President is satisfied that a grave emergency exists

(D) The Governors of those States recommend the legislation



- Q12.** Parliament enacts a law to give effect to an international treaty or convention on a subject that would otherwise fall within the State List. The constitutional source of Parliament's competence to enact such a law is:
- (A) Article 249
 - (B) Article 252
 - (C) Article 253
 - (D) Article 254
- Q13.** A Bill passed by the Legislative Assembly of a State is presented to the Governor for assent. Under Article 200, the Governor may, instead of assenting or withholding assent, also:
- (A) Amend the Bill himself and then assent to it
 - (B) Reserve the Bill for the consideration of the President
 - (C) Refer the Bill directly to the Supreme Court for an advisory opinion
 - (D) Dissolve the Legislative Assembly that passed the Bill
- Q14.** Where a Bill which derogates from the powers of the High Court so as to endanger the position designed for that court is presented to the Governor, the first proviso to Article 200 directs the Governor:
- (A) Not to assent, but to reserve the Bill for the consideration of the President
 - (B) To assent to the Bill at once
 - (C) To return the Bill to the High Court for its opinion
 - (D) To withhold assent finally and conclusively
- Q15.** A Bill is reserved by the Governor for the consideration of the President. Under Article 201, where the President directs the Governor to return the Bill (not being a Money Bill) to the House with a message, the House must:
- (A) Reconsider the Bill within a fixed period of six months



- (B) Treat the Bill as automatically enacted on the President's direction
- (C) Refer the Bill to the Supreme Court before reconsideration
- (D) Reconsider the Bill, after which it is again presented to the President, who is not bound to assent

Q16. The Legislature of a State is not in session and the Governor is satisfied that circumstances exist requiring immediate action. The power of the Governor to promulgate an Ordinance having the same force as an Act of the State Legislature is conferred by:

- (A) Article 123
- (B) Article 200
- (C) Article 213
- (D) Article 356

Q17. An Ordinance promulgated by the Governor under Article 213, if not earlier withdrawn, must be laid before the State Legislature and ordinarily ceases to operate at the expiration of:

- (A) Six weeks from the reassembly of the Legislature
- (B) Six months from the date of promulgation
- (C) One year from the date of promulgation
- (D) The current session of the Legislature

Q18. The Supreme Court has held that an undertrial, a convict, or a public-spirited person may move the court by simply addressing a letter to a judge, which is then treated as a writ petition. This relaxed mode of access is commonly called:

- (A) A curative petition
- (B) A review petition under Article 137
- (C) A special leave petition under Article 136
- (D) Epistolary (letter-petition) jurisdiction in public interest litigation



- Q19.** In the development of public interest litigation in India, the relaxation of the traditional rule of *locus standi*, permitting a bona fide public-spirited person to approach the court on behalf of those unable to do so themselves, is most closely associated with the decision in:
- (A) *A. K. Gopalan v. State of Madras* (1950)
 - (B) *Golak Nath v. State of Punjab* (1967)
 - (C) *S. P. Gupta v. Union of India* (1981)
 - (D) *Indra Sawhney v. Union of India* (1992)

Part B: Criminal Law

- Q20.** A, during a quarrel, gives B a single blow with a stick on a non-vital part of the body, intending only to cause bodily injury likely to cause death though not sufficient in the ordinary course of nature to cause death, and B dies. The act falls within:
- (A) Culpable homicide not amounting to murder, falling within Section 299 IPC, punishable under the first part of Section 304 IPC
 - (B) Murder under Section 300 IPC, secondly
 - (C) Causing death by a rash or negligent act under Section 304A IPC
 - (D) Punishment for murder under Section 302 IPC
- Q21.** The line dividing culpable homicide from murder turns on the difference between clause (b) of Section 299 and clause Thirdly of Section 300 IPC. Which factor is decisive in placing an injury within Section 300 Thirdly?
- (A) That the injury was caused on a vital part of the body, regardless of intention
 - (B) That the accused used a weapon of any kind
 - (C) That the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death
 - (D) That death in fact resulted from the injury



- Q22.** During a sudden fight in the heat of passion upon a sudden quarrel, A kills B without premeditation and without taking undue advantage or acting in a cruel manner. The most accurate classification of A's offence is:
- (A) Murder under Section 300 IPC, since death was intended
 - (B) Culpable homicide not amounting to murder, the act falling within Exception 4 to Section 300 IPC
 - (C) No offence, the fight being mutual
 - (D) Causing death by a rash act under Section 304A IPC
- Q23.** For Exception 4 to Section 300 IPC (sudden fight) to apply and reduce murder to culpable homicide not amounting to murder, which of the following conditions is NOT required?
- (A) The fight must be sudden and in the heat of passion upon a sudden quarrel
 - (B) There must be no premeditation
 - (C) The offender must not have taken undue advantage or acted in a cruel or unusual manner
 - (D) It is immaterial which party offered the provocation or committed the first assault
- Q24.** A registered medical practitioner administers, in good faith and with the patient's consent, a recognised line of treatment which unfortunately results in the patient's death. The prosecution seeks to charge him under Section 304A IPC. The standard the court will apply to determine criminal negligence is:
- (A) Mere absence of the highest degree of skill suffices for conviction
 - (B) Any deviation from the textbook procedure
 - (C) Negligence so gross as to indicate a very high degree of culpability, judged by the standard of an ordinary competent practitioner, as laid down in *Jacob Mathew v. State of Punjab*



(D) The civil standard of reasonable care applied in tort

Q25. A motorist drives at an excessive speed in a crowded market and, without any intention to cause death or knowledge that death is likely, knocks down and kills a pedestrian. The offence is most accurately punishable under:

(A) Section 304 IPC, Part II (culpable homicide not amounting to murder)

(B) Section 302 IPC (murder)

(C) Section 279 IPC alone (rash driving), death being irrelevant

(D) Section 304A IPC (causing death by a rash or negligent act not amounting to culpable homicide)

Q26. A, in a quarrel, voluntarily causes hurt to B by stabbing him with a knife, an instrument likely to cause death used as a weapon of offence. B recovers. The offence is punishable under:

(A) Section 324 IPC (voluntarily causing hurt by dangerous weapons or means)

(B) Section 323 IPC (voluntarily causing hurt)

(C) Section 334 IPC (voluntarily causing hurt on provocation)

(D) Section 304A IPC (death by negligence)

Q27. A causes grievous hurt to B by means of a sharp-edged weapon. The distinguishing feature that attracts Section 326 IPC rather than Section 325 IPC is that:

(A) The hurt caused must be a fracture of bone

(B) The grievous hurt is caused by an instrument for shooting, stabbing or cutting, or any instrument likely to cause death, or by fire, poison or corrosive substance

(C) The victim must be hospitalised for more than twenty days

(D) There must be an intention to kill



- Q28.** Which of the following correctly states the relationship between Sections 324 and 326 IPC and the simple forms in Sections 323 and 325 IPC?
- (A) Sections 324 and 326 apply only where the victim dies
 - (B) Sections 323 and 325 require use of a firearm
 - (C) All four sections carry the same punishment
 - (D) Sections 324 and 326 are aggravated forms attracted where the hurt or grievous hurt is caused by dangerous weapons or means specified in those sections
- Q29.** A private complainant approaches a Magistrate alleging the commission of an offence. The power of the Magistrate to take cognizance of an offence upon receiving such a complaint is conferred by:
- (A) Section 154 CrPC (information in cognizable cases)
 - (B) Section 190 CrPC (cognizance of offences by Magistrates)
 - (C) Section 156 CrPC (police investigation in cognizable cases)
 - (D) Section 173 CrPC (report of police officer on completion of investigation)
- Q30.** Having taken cognizance of an offence on a complaint, the Magistrate proceeds to examine the complainant and the witnesses present, on oath, reducing the substance of the examination to writing. This step is governed by:
- (A) Section 161 CrPC (examination of witnesses by police)
 - (B) Section 202 CrPC (postponement of issue of process)
 - (C) Section 200 CrPC (examination of complainant)
 - (D) Section 204 CrPC (issue of process)
- Q31.** Before issuing process, the Magistrate may, if he thinks fit, postpone the issue of process and either inquire into the case himself or direct an investigation to be made for the purpose of deciding whether there is sufficient ground for proceeding. This power is contained in:



- (A) Section 202 CrPC
- (B) Section 200 CrPC
- (C) Section 203 CrPC
- (D) Section 209 CrPC

Q32. After examining the complainant and considering the result of any inquiry or investigation, the Magistrate is of opinion that there is no sufficient ground for proceeding. He records his reasons and dismisses the complaint. He acts under:

- (A) Section 200 CrPC
- (B) Section 202 CrPC
- (C) Section 204 CrPC
- (D) Section 203 CrPC

Q33. Where the Magistrate, after the complaint procedure, is of opinion that there is sufficient ground for proceeding and the case is a summons case, he issues a summons for the attendance of the accused. The provision empowering the issue of process is:

- (A) Section 202 CrPC
- (B) Section 203 CrPC
- (C) Section 204 CrPC
- (D) Section 205 CrPC

Q34. A case triable exclusively by the Court of Session is committed to it. After opening of the prosecution case, the Judge considers the record and the documents and hears the parties, and is of opinion that there is not sufficient ground for proceeding against the accused. The Judge shall:

- (A) Frame a charge under Section 228 CrPC
- (B) Discharge the accused, recording reasons, under Section 227 CrPC



- (C) Acquit the accused under Section 232 CrPC
- (D) Convict the accused under Section 235 CrPC

Q35. In a trial before a Court of Session, after the Judge frames a charge and the accused pleads not guilty, the next stage in the order prescribed by Sections 225 to 235 CrPC is that:

- (A) The Judge immediately pronounces judgment
- (B) The accused is called upon to enter on his defence first
- (C) The Public Prosecutor sums up the case before any evidence
- (D) A date is fixed for the examination of witnesses and the prosecution leads its evidence (Section 230–231 CrPC)

Q36. In a Sessions trial, after hearing arguments the Judge finds the accused guilty. The course mandated by Section 235(2) CrPC before passing sentence is that the Judge shall:

- (A) Hear the accused on the question of sentence and then pass sentence according to law
- (B) Pass sentence forthwith on the same day without any further hearing
- (C) Refer the matter to the High Court for confirmation in every case
- (D) Release the accused on probation in every case

Q37. The requirement under Section 235(2) CrPC that the accused be heard on the question of sentence after conviction primarily serves to:

- (A) Give the accused a fresh opportunity to plead not guilty
- (B) Enable the prosecution to lead additional evidence on guilt
- (C) Afford the convict a real and effective opportunity to place mitigating circumstances relevant to the choice and quantum of sentence
- (D) Permit the court to review its finding of guilt

Q38. A witness deposes that immediately on hearing a cry he ran to the spot and saw the accused running away with a bloodstained knife, and the



victim lying injured. The statement of the deceased and the surrounding acts done at the time are sought to be proved. Their relevance rests on the principle of:

- (A) Admissions under Section 18
- (B) Facts forming part of the same transaction, relevant under Section 6 of the Indian Evidence Act, 1872 (*res gestae*)
- (C) Opinion of experts under Section 45
- (D) Character evidence under Section 52

Q39. During investigation, the police arrange for a witness to pick out the accused from among several persons of similar appearance, the witness not having seen the accused before except at the time of the offence. The evidentiary purpose and relevancy of such a Test Identification Parade is best explained by:

- (A) Section 27 of the Indian Evidence Act, 1872 (discovery of facts)
- (B) Section 32 (statements of persons who cannot be called)
- (C) Section 25 (confession to police officer)
- (D) Section 9 of the Indian Evidence Act, 1872 (facts necessary to identify or establish the identity of any person being relevant)

Q40. Which of the following correctly states the evidentiary status of a Test Identification Parade held during investigation?

- (A) It is substantive evidence by itself and a conviction can rest solely on it
- (B) It is inadmissible for any purpose
- (C) It is conclusive proof of identity under Section 4 of the Act
- (D) It is not substantive evidence; it only corroborates the identification made by the witness in court and lends assurance to the investigation

Q41. Under Section 114 of the Indian Evidence Act, 1872, the court may presume the existence of certain facts. Illustration (a) to Section 114 per-



mits the court to presume that:

- (A) A man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession
- (B) Every accused person is presumed guilty until proven innocent
- (C) A confession to a police officer is true
- (D) Official acts are always irregular

Q42. The presumption raised under Section 114 of the Indian Evidence Act, 1872, including its illustrations, is best described as:

- (A) A conclusive presumption of law that cannot be rebutted
- (B) A discretionary presumption of fact which the court may draw having regard to the common course of natural events and human conduct, and which is rebuttable
- (C) A mandatory presumption requiring the court to convict
- (D) Irrelevant to criminal trials

Q43. A is charged with murder under Section 302 IPC. The evidence establishes that the fatal injury was caused without any intention or knowledge but by a rash and negligent act. The court should:

- (A) Acquit A altogether, as the charge was for murder
- (B) Convict A under Section 302 IPC notwithstanding the absence of intention
- (C) Convict A under Section 304A IPC, the lesser offence being made out on the evidence
- (D) Order a retrial in every case

Q44. A intentionally fires a gun at B from a short distance aiming at the chest, an injury sufficient in the ordinary course of nature to cause death, and B dies. In the absence of any general exception, the offence is:



- (A) Murder under Section 300 IPC, Thirdly, punishable under Section 302 IPC
- (B) Culpable homicide not amounting to murder under Section 304 IPC
- (C) Causing death by a rash act under Section 304A IPC
- (D) Grievous hurt under Section 326 IPC

Q45. Two persons exchange abuses; A, on the spur of the moment and while deprived of self-control by grave and sudden provocation given by B, strikes B and causes his death without premeditation. The most appropriate classification, assuming the conditions are satisfied, is:

- (A) Murder under Section 302 IPC
- (B) Culpable homicide not amounting to murder, the act falling within Exception 1 to Section 300 IPC (grave and sudden provocation)
- (C) Death by negligence under Section 304A IPC
- (D) No offence at all

Part C: Civil & Procedural Law

Q46. Under Order II of the Code of Civil Procedure, 1908, every suit must so far as practicable be framed so as to afford ground for a final decision upon the subjects in dispute and to prevent further litigation concerning them. This requirement that the whole claim arising in respect of a cause of action be included in one suit is best described as the rule that the plaintiff must:

- (A) split the cause of action across as many suits as he chooses
- (B) include in the suit the whole of the claim he is entitled to make in respect of the cause of action
- (C) join an unlimited number of unconnected defendants in one suit as a matter of right
- (D) file a fresh suit for each relief separately to preserve his options

Q47. A plaintiff has a single cause of action against the defendant for arrears of rent amounting to a definite sum. He institutes a suit but deliberately



omits a portion of his claim without the leave of the court, intending to recover the omitted portion later by a separate suit. Under Order II Rule 2 of the Code of Civil Procedure, 1908, the consequence is that:

- (A) he may sue for the omitted portion afterwards as of right, the rule having no bearing on the matter
- (B) the court must consolidate the two suits automatically without any application
- (C) he shall not afterwards sue for the portion so omitted, the omission operating as a relinquishment of that part of the claim
- (D) the omitted portion can be added only by amending the plaint after decree

Q48. Order II Rule 3 of the Code of Civil Procedure, 1908, permits a plaintiff to unite in the same suit several causes of action against the same defendant. The true nature of this provision is that joinder of causes of action is:

- (A) permissive, the plaintiff being entitled but not bound to join several causes of action, subject to the court's power to order separate trials to avoid embarrassment
- (B) compulsory in every case, failing which the suit is barred
- (C) never allowed once a single cause of action has been pleaded
- (D) dependent solely on the consent of the defendant

Q49. In a suit where the joinder of several causes of action has embarrassed or delayed the trial or is otherwise inconvenient, the court is empowered to order separate trials or make such other order as may be expedient. The misjoinder of causes of action, as distinct from the non-joinder of a necessary party, ordinarily results in:

- (A) automatic dismissal of the entire suit on that ground alone
- (B) the suit abating in its entirety without the possibility of severance
- (C) the transfer of the suit to a criminal court



(D) an order for separate trials of the misjoined causes rather than the outright dismissal of the suit

Q50. During the pendency of a civil suit, the plaintiff wishes to require the defendant to answer in writing, on affidavit, specific questions bearing on the matters in controversy, so as to ascertain the defendant's case and narrow the issues. Under the Code of Civil Procedure, 1908, the appropriate mode for this discovery is:

- (A) the delivery of interrogatories in writing for the examination of the opposite party, with the leave of the court, under Order XI
- (B) the examination of the defendant as a witness only at the final hearing
- (C) an application for the appointment of a receiver under Order XL
- (D) a notice to admit the genuineness of documents under Order XII

Q51. Under Order XI of the Code of Civil Procedure, 1908, a party seeking discovery and inspection of documents in the possession or power of the opposite party which relate to the matters in question may apply for an order. The court will, however, refuse leave to deliver interrogatories or order discovery where it is of opinion that:

- (A) the documents are relevant to the matters in controversy between the parties
- (B) the discovery is necessary for disposing fairly of the suit or for saving costs
- (C) it is not necessary either for disposing fairly of the suit or for saving costs, in which case the application may be disallowed
- (D) the party seeking discovery has filed a written statement

Q52. In the course of pleadings, the defendant in his written statement expressly and unequivocally admits a specific fact alleged by the plaintiff which is sufficient to entitle the plaintiff to the relief claimed. Under Or-



der XII Rule 6 of the Code of Civil Procedure, 1908, the court may, upon such admission of fact made in the pleading or otherwise:

- (A) ignore the admission and insist upon a full trial in every case
- (B) make such order or give such judgment upon the admissions as it may think fit, without waiting for the determination of any other question between the parties
- (C) refer the admission to arbitration as a matter of course
- (D) treat the admission as a confession governed by the law of evidence in criminal trials

Q53. Order XIII of the Code of Civil Procedure, 1908, deals with the production, impounding and return of documents. Where a document produced before the court appears to be one in respect of which the proper stamp duty or penalty has not been paid, or where the court considers it necessary in the interests of justice, the court may:

- (A) destroy the document immediately upon production
- (B) hand the document over to the opposite party for safe keeping
- (C) refuse to look at the document for any purpose whatsoever
- (D) impound the document and retain it in the custody of the court subject to the provisions of law

Q54. Under the Indian Contract Act, 1872, where a contract is silent as to who is to perform it and the contract does not appear to have been made on the footing that it was to be performed personally by the promisor, the promise may be performed by:

- (A) the promisor, or his representatives, or by a competent person employed by him, as contemplated by Section 40 of the Act
- (B) the promisee alone and never by any agent
- (C) a stranger to the contract in every case irrespective of its nature
- (D) the court on behalf of the promisor



- Q55.** A contract for the supply of goods fixes a particular time for performance but does not specify the place at which the goods are to be delivered, and the promisor has not undertaken to perform without application by the promisee. Under Sections 46 to 50 of the Indian Contract Act, 1872, in such a case the promisee:
- (A) need do nothing, the promisor being bound to seek him out at his own risk
 - (B) must apply to the promisor to appoint a reasonable place for the performance of the promise, and perform it at the place so appointed
 - (C) may insist on performance only at the registered office of the court
 - (D) is discharged from the contract for want of a stipulated place
- Q56.** A debtor owes several distinct debts to the same creditor and makes a payment which is insufficient to discharge all of them, without expressly intimating to which debt the payment is to be applied, and the circumstances are not indicative of any intention. Under Sections 59 to 61 of the Indian Contract Act, 1872, the appropriation of the payment is governed by the rule that:
- (A) the debt that arose latest in time must always be discharged first
 - (B) the payment lapses to the State if no appropriation is made
 - (C) the debtor alone can appropriate even after the money has been received
 - (D) the creditor may apply it at his discretion to any lawful debt actually due to him, including a time-barred debt
- Q57.** Two parties to a subsisting contract agree, before any breach, to substitute a new contract for the old one, with the result that the original contract need not be performed. Under Section 62 of the Indian Contract Act, 1872, this substitution of a new contract for an existing one is known as:
- (A) remission of performance under Section 63



- (B) appropriation of payments under Section 59
- (C) novation, whereby the original contract need not be performed
- (D) ratification of an unauthorised act

Q58. A creditor, of his own accord, agrees to accept from his debtor a lesser sum than the amount due in full satisfaction of the whole debt, or to extend the time for performance. Under Section 63 of the Indian Contract Act, 1872, such an arrangement is valid even without fresh consideration because the section permits the promisee to:

- (A) dispense with or remit, wholly or in part, the performance of the promise made to him, or extend the time for such performance
- (B) recover the balance subsequently notwithstanding the remission
- (C) compel the debtor to furnish fresh consideration in every case
- (D) treat the contract as void for want of consideration

Q59. A pedestrian is injured in a collision brought about by the combined negligence of the drivers of two separate vehicles, each of whom independently contributed to the single, indivisible injury. As regards the liability of such joint or concurrent tortfeasors towards the injured plaintiff, the established position is that:

- (A) the plaintiff must sue both drivers together and can recover only half from each
- (B) each tortfeasor is jointly and severally liable for the whole damage, and the plaintiff may recover the entire amount from any one of them, leaving that tortfeasor to seek contribution
- (C) the plaintiff can recover nothing where two persons are at fault
- (D) liability is borne only by the driver who was first in time at the scene

Q60. In an action for negligence the defendant pleads that the plaintiff, by his own want of care, contributed to the harm he suffered. Applying the rule of contributory negligence together with the principle of the “last



opportunity” as understood in cases such as *Davies v. Mann*, the correct statement of the modern Indian position is that:

- (A) any contributory negligence by the plaintiff is an absolute bar to all recovery
- (B) the defendant is wholly absolved the moment any carelessness of the plaintiff is shown
- (C) the “last opportunity” rule requires the plaintiff to bear the entire loss in all cases
- (D) the party who had the last opportunity of avoiding the accident is regarded as responsible, and apportionment of damages according to the degree of fault is now generally adopted

Q61. In the case of a continuing breach of contract or a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues. This principle is embodied in the Limitation Act, 1963, in:

- (A) Section 5, which permits condonation of delay in filing appeals
- (B) Section 14, dealing with exclusion of time of proceeding bona fide in a wrong court
- (C) Section 22, which provides for a continuing breach or continuing wrong
- (D) Section 18, dealing with the effect of an acknowledgment in writing

Q62. A debtor makes a part-payment of the principal of a debt before the expiration of the prescribed period of limitation, the fact of the payment appearing in his own handwriting in the document recording it. Under Section 19 of the Limitation Act, 1963, the legal effect of such part-payment is that:

- (A) it has no effect whatever on the running of limitation
- (B) it extinguishes the debt altogether



- (C) a fresh period of limitation is computed from the time when the payment was made, provided the requisite writing exists
- (D) it can only benefit the debtor and never the creditor

Part D: Personal & Specialised Laws

- Q63.** Under the law of the Mitakshara joint family, a partition once made may exceptionally be reopened by the court. Which of the following is a recognised ground on which a partition that has already been effected may be reopened?
- (A) Fraud, mistake or the fraudulent obtaining of a larger share by one coparcener
 - (B) The mere subsequent rise in the market value of a coparcener's allotted share
 - (C) A unilateral demand by any coparcener at any time without assigning reasons
 - (D) The birth of a son to a coparcener after the partition is complete
- Q64.** Reunion under Hindu law is a concept distinct from a fresh partition. For a valid reunion of a previously divided Mitakshara family, which of the following conditions must be satisfied?
- (A) Reunion may take place between a coparcener and any stranger by agreement
 - (B) Reunion can be effected only between persons who were parties to the original partition, namely father, brother or paternal uncle
 - (C) A reunion is presumed in law whenever divided members continue to live together
 - (D) Reunion requires the sanction of a civil court before it can take effect
- Q65.** Before the Hindu Succession (Amendment) Act, 2005, a son was under a pious obligation to discharge his father's lawful debts not tainted by immorality. What is the effect of the 2005 amendment on this doctrine of pious obligation?



- (A) It has been retained in full and now extends equally to daughters
- (B) It was abolished with retrospective effect from 1956
- (C) It has been abolished for debts contracted on or after the commencement of the 2005 amendment, while subsisting rights of creditors for earlier debts are saved
- (D) It applies only where the father is alive at the time of the suit

Q66. Under Section 11 of the Hindu Minority and Guardianship Act, 1956, a de facto guardian of a Hindu minor is one who, without legal authority, manages the minor's affairs. The section provides that such a de facto guardian:

- (A) Has the same powers of disposal as a natural guardian
- (B) May alienate immovable property with the prior permission of the District Court
- (C) Is recognised as the testamentary guardian of the minor
- (D) Shall have no power to deal with or dispose of any part of the minor's property by reason only of his being a de facto guardian

Q67. Under Section 8 of the Hindu Minority and Guardianship Act, 1956, a natural guardian who alienates the immovable property of a Hindu minor without the previous permission of the court enters into a transaction that is:

- (A) Voidable at the instance of the minor or any person claiming under him
- (B) Void ab initio and incapable of any ratification
- (C) Valid and binding on the minor in all circumstances
- (D) Binding only if the alienation was for legal necessity proved later

Q68. Sections 21 and 22 of the Hindu Adoptions and Maintenance Act, 1956, deal with the maintenance of dependants of a deceased Hindu. Who among the following is a "dependant" entitled to maintenance out of the estate of the deceased under Section 21?



- (A) A prosperous married daughter living with a wealthy husband
- (B) The widowed daughter-in-law of the deceased, to the extent she is unable to maintain herself from her own earnings or property or from the estate of her husband
- (C) A distant cousin of the deceased who was financially independent
- (D) Any creditor of the deceased Hindu

Q69. Under the Hindu Adoptions and Maintenance Act, 1956, where a dependant has not obtained any share in the estate of the deceased by testamentary or intestate succession, the liability to maintain that dependant falls upon:

- (A) The State Government out of public funds
- (B) The eldest surviving male member alone, irrespective of the estate taken
- (C) Those who take the estate of the deceased, in proportion to the value of the share of the estate taken by each
- (D) Only the widow of the deceased

Q70. Under Muslim law, the acknowledgment of paternity is a recognised mode of establishing legitimacy where direct proof of marriage is not available. For a valid acknowledgment of paternity, which of the following conditions must be satisfied?

- (A) The child acknowledged must be known to be the offspring of zina (illicit intercourse) or of another man
- (B) The acknowledgment must be made in the presence of two male witnesses only
- (C) The acknowledgment can confer legitimacy even where the child is proved to be the child of another
- (D) The ages of the acknowledger and the child must be such that the relationship of father and child is possible, and the paternity must not be expressly established in another



- Q71.** Under Muslim law a distinction is drawn between a de jure guardian and a de facto guardian of the property of a minor. Which of the following statements correctly describes the position of a de facto guardian?
- (A) A de facto guardian has no power to transfer any right or interest in the immovable property of the minor, and such a transfer is void
 - (B) A de facto guardian has full authority to sell the minor's immovable property
 - (C) A de facto guardian ranks above the father in the order of guardianship
 - (D) A de facto guardian may be appointed only by the Kazi
- Q72.** In Muslim law the doctrine of mushaa concerns a gift (hiba) of an undivided share in property capable of division. The settled position regarding a hiba of mushaa is that:
- (A) A gift of an undivided share in divisible property is wholly void and incapable of being cured
 - (B) A gift of mushaa in divisible property is irregular (fasid) but may be perfected by subsequent partition and delivery of the specific share
 - (C) A gift of an undivided share can never be made under Muslim law
 - (D) Mushaa applies only to gifts made in favour of a charitable institution
- Q73.** Section 10 of the Transfer of Property Act, 1882, deals with conditions restraining alienation. Where property is transferred subject to a condition absolutely restraining the transferee from parting with or disposing of his interest, the condition is:
- (A) Valid and fully enforceable against the transferee
 - (B) Valid only if it restrains alienation for a period not exceeding ten years
 - (C) Void, except in the case of a lease where the condition is for the benefit of the lessor, and except a transfer to or for the benefit of a



woman (not being a Hindu, Muhammadan or Buddhist) restraining anticipation

(D) Void in every case without any exception

Q74. Section 13 of the Transfer of Property Act, 1882, governs a transfer for the benefit of an unborn person. Which of the following correctly states the requirement of Section 13?

(A) An interest may be created directly in favour of an unborn person

(B) The unborn person may be given a limited life interest only

(C) A transfer to an unborn person is void in all circumstances

(D) The interest in favour of the unborn person must be preceded by a prior interest, and the unborn person must be given the whole of the remaining interest so that it amounts to the absolute interest

Q75. Section 25 of the Transfer of Property Act, 1882, deals with conditional transfers. Where an interest is created on the fulfilment of a condition that is impossible, or is forbidden by law, or is of such a nature that, if permitted, it would defeat the provisions of any law, the transfer is:

(A) Void

(B) Valid, the condition alone being ignored

(C) Voidable at the option of the transferor

(D) Valid if the impossibility was unknown to the parties

Q76. Under the law of conditional transfers, the rule in Section 25 of the Transfer of Property Act is to be contrasted with a condition subsequent. Where a transfer is made subject to a condition precedent that the transferee shall pay a sum of money which is impossible to pay, the appropriate consequence under Section 25 is that:

(A) The transferee takes the property free of the condition

(B) The transfer fails because the interest is created on the fulfilment of an impossible condition



- (C) The transferor must waive the condition before the transfer takes effect
- (D) The court will substitute a reasonable condition for the impossible one

Q77. In company law, a promoter who brings a company into existence stands in a fiduciary relationship with it. Which of the following correctly describes the consequence where a promoter sells his own property to the company at a profit without disclosing the profit?

- (A) The sale is automatically valid as the promoter owns the property
- (B) The promoter is entitled to retain the profit as remuneration
- (C) The company may, on discovering the undisclosed profit, rescind the contract or compel the promoter to account for the secret profit
- (D) No fiduciary duty arises until the company is registered

Q78. A pre-incorporation contract is one entered into by promoters on behalf of a company that is not yet in existence. Under the legal position governing such contracts, which of the following is correct?

- (A) The company is automatically bound by the contract once it is incorporated
- (B) The promoter is never personally liable on such a contract
- (C) Such a contract is void and incapable of producing any legal effect whatsoever
- (D) A company, not being in existence at the time of the contract, cannot be bound by it nor ratify it; it may, however, become bound where the contract is warranted by the terms of incorporation and is adopted after incorporation

Q79. Under the Companies Act, 2013, an allotment of shares made in contravention of the conditions relating to the minimum subscription and the requirements as to application money is termed an irregular allot-



ment. The general consequence of such an irregular allotment is that the allotment is:

- (A) Voidable at the option of the allottee, subject to the conditions and time limits prescribed by law
- (B) Void ab initio and incapable of ratification
- (C) Always valid and binding on the company
- (D) Voidable at the option of the company alone

Q80. The allotment of shares by a company is treated in law as an acceptance of the applicant's offer to take shares. For a valid allotment, which of the following is an essential requirement?

- (A) The allotment may be made at any time, however unreasonable the delay
- (B) The allotment must be made by a person having authority, within a reasonable time, communicated to the applicant, and absolute and unconditional
- (C) The allotment is complete the moment the board resolves to allot, even without despatch to the applicant
- (D) The allotment need not be communicated to the applicant at all

Q81. Section 57 of the Copyright Act, 1957, recognises the special or moral rights of the author of a work, which subsist independently of the author's copyright and even after its assignment. These rights principally include the right:

- (A) To prevent the work from ever being published after assignment
- (B) To recover royalties from every subsequent purchaser of a copy
- (C) To claim authorship of the work and to restrain or claim damages for any distortion, mutilation or modification that would be prejudicial to his honour or reputation
- (D) To assign the moral rights together with the economic rights



- Q82.** The moral rights conferred by Section 57 of the Copyright Act, 1957, are often described by the expressions “paternity right” and “integrity right”. Which of the following best describes the integrity right?
- (A) The right of the author to be identified as the creator of the work
 - (B) The right to transfer the work to legal heirs
 - (C) The right to demand a fresh edition of the work
 - (D) The right to restrain or seek damages for any distortion, mutilation, modification or other act in relation to the work which would be prejudicial to the author’s honour or reputation
- Q83.** Section 9 of the Trade Marks Act, 1999, sets out the absolute grounds for refusal of registration. A mark is liable to be refused under this section where it:
- (A) Is devoid of any distinctive character, or consists exclusively of marks or indications which serve to designate the kind, quality, quantity or geographical origin of the goods
 - (B) Is identical with an earlier registered mark of another proprietor
 - (C) Is similar to a well-known mark already on the register
 - (D) Is likely to cause confusion because of an earlier trade mark
- Q84.** Section 11 of the Trade Marks Act, 1999, sets out the relative grounds for refusal of registration. A mark is liable to be refused under this section where it:
- (A) Consists exclusively of the shape of goods resulting from their nature
 - (B) Because of its identity or similarity with an earlier trade mark and the identity or similarity of the goods or services, is likely to cause confusion on the part of the public
 - (C) Is devoid of any distinctive character
 - (D) Consists of a customary indication in the current language of the trade



- Q85.** Under Section 9 of the Trade Marks Act, 1999, the bar against registration of a mark devoid of distinctive character is not absolute. A descriptive or otherwise non-distinctive mark may still be registered where:
- (A) The applicant pays an enhanced registration fee
 - (B) The mark is used only outside India
 - (C) Before the date of application the mark has in fact acquired a distinctive character as a result of the use made of it, or is a well-known trade mark
 - (D) The mark is renewed within the prescribed period
- Q86.** A daughter who became a coparcener by virtue of the Hindu Succession (Amendment) Act, 2005, seeks partition of the joint family property. Regarding her right to demand partition, the correct position is that:
- (A) She may seek partition only with the consent of her brothers
 - (B) She may seek partition only after the death of the father
 - (C) She has no right to seek partition, only a right to maintenance
 - (D) She has the same right to seek partition as a son, being a coparcener by birth
- Q87.** In Muslim law, the guardianship of the property of a minor vests in a definite order of persons. Among the following, who is the de jure guardian of the property of a minor entitled in the first instance?
- (A) The father of the minor
 - (B) The mother of the minor
 - (C) The brother of the minor
 - (D) The maternal grandfather of the minor
- Q88.** A promoter purchases a property for a sum of money before the company is formed and later sells it to the company at a higher price after making full disclosure to an independent board of directors. The legal effect of such a transaction is that:



- (A) The transaction is void because a promoter can never deal with the company
- (B) The company must in all cases rescind the transaction
- (C) The transaction is valid and the profit is retainable, the fiduciary duty being satisfied by full disclosure to an independent board
- (D) The promoter is liable to account for the profit despite disclosure

Part E: ADR & Professional Ethics

Q89. During an arbitration under the Arbitration and Conciliation Act, 1996, a party becomes aware that the sole arbitrator was appointed otherwise than in accordance with the agreed procedure, yet it proceeds to file its statement of defence and contests the matter on the merits without raising any objection. Months later, dissatisfied with the conduct of the reference, it seeks to complain of that very irregularity. On the consequence of its earlier silence, the correct position is:

- (A) An objection to the constitution of the tribunal can be raised at any time up to the making of the award, irrespective of prior conduct
- (B) A party which knows that a requirement of the agreement has not been complied with and yet proceeds without stating its objection without undue delay is deemed to have waived its right to object under Section 4
- (C) Such an irregularity can never be waived because it goes to the root of the reference
- (D) Only a civil court, and not the tribunal, can record a waiver of an objection

Q90. Two commercial parties sign a purchase order which states that the order is placed “subject to the seller’s standard terms and conditions,” and those standard terms, printed in a separate document, contain a detailed arbitration clause. A dispute arises and the buyer denies that any arbitration agreement binds it. On whether the arbitration clause has been validly incorporated, the correct position under the Arbitration and Conciliation Act, 1996 is:



- (A) An arbitration clause can never be incorporated by reference; it must be reproduced in full in the signed contract
- (B) Incorporation by reference is permitted only where both documents are signed by the same parties on the same day
- (C) Under Section 7(5), the reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement if the contract is in writing and the reference is such as to make that clause part of the contract
- (D) A general reference to standard terms is always sufficient to import the arbitration clause, even without any writing

Q91. A dispute arises out of an international commercial contract between an Indian company and a foreign company, the agreement providing for arbitration seated abroad under the New York Convention. The foreign party, when sued in a civil court in India on the same dispute, applies to have the parties referred to arbitration. The judicial authority finds the arbitration agreement valid, operative and capable of being performed. The power and duty of the court to refer the parties to arbitration in such a foreign-seated matter is found in:

- (A) Section 45, which obliges a judicial authority, on the request of a party, to refer the parties to arbitration unless it finds the agreement null and void, inoperative or incapable of being performed
- (B) Section 8, which alone governs every reference to arbitration whether the seat is in India or abroad
- (C) Section 11, dealing with the appointment of arbitrators by the court
- (D) Section 89 of the Code of Civil Procedure, 1908

Q92. During a domestic arbitration seated in India and conducted after the 2015 amendments, the arbitral tribunal passes an order under Section 17 directing a party to furnish security and to preserve certain goods. The party flouts the order. On the enforceability of such an interim order made by the tribunal, the correct position is:



- (A) An order under Section 17 is a mere recommendation and is wholly unenforceable
- (B) The order can be enforced only after the final award is made and not before
- (C) A party must first obtain a fresh, identical order from the civil court under Section 9 before any enforcement is possible
- (D) After the 2015 amendment, an order of the tribunal under Section 17 is deemed to be an order of the court and is enforceable in the same manner as if it were an order of the court under the Code of Civil Procedure, 1908

Q93. A party to an arbitration agreement seeks interim protection. It has the choice between approaching the court under Section 9 and approaching the constituted arbitral tribunal under Section 17 of the Arbitration and Conciliation Act, 1996. On the relationship between these two provisions after the 2015 amendments, the correct position is:

- (A) Section 9 and Section 17 are identical in every respect, so the choice is wholly immaterial
- (B) Once the arbitral tribunal is constituted, the court ordinarily shall not entertain a Section 9 application unless it finds that circumstances exist which may render the Section 17 remedy not efficacious
- (C) A party may freely invoke Section 9 at the same time as Section 17, and the court must decide regardless of the tribunal
- (D) Section 17 is available only to the respondent, while Section 9 is available only to the claimant

Q94. A consumer has a money dispute of a modest value with a public-utility electricity provider over an inflated bill. He wishes to use a Permanent Lok Adalat in respect of this public-utility service. On the jurisdiction of the Permanent Lok Adalat under the Legal Services Authorities Act, 1987, the correct position is:



- (A) A Permanent Lok Adalat has jurisdiction in respect of disputes relating to specified public-utility services, but not where the dispute relates to an offence that is non-compoundable, and subject to the pecuniary limit fixed by the Act
- (B) A Permanent Lok Adalat may try any dispute whatever, civil or criminal, without any pecuniary or subject-matter limit
- (C) A Permanent Lok Adalat can act only after a regular suit has been instituted and a decree passed
- (D) A Permanent Lok Adalat has jurisdiction only over compoundable criminal offences and nothing else

Q95. A law student is asked to distinguish the conciliation mechanism under Part III of the Arbitration and Conciliation Act, 1996 from the Lok Adalat mechanism under the Legal Services Authorities Act, 1987. On the essential distinction between the two, the correct position is:

- (A) Both produce a settlement that operates as a decree of a civil court, with identical statutory effect
- (B) Neither produces any binding outcome; both are purely advisory in every case
- (C) A settlement reached in conciliation takes effect as an arbitral award on agreed terms binding the parties, whereas an award of a Lok Adalat is deemed to be a decree of a civil court and is final with no appeal
- (D) A Lok Adalat award can be freely appealed to the High Court, while a conciliation settlement cannot be enforced at all

Q96. An advocate enrolled on a State roll is offered, and wishes to accept, a salaried full-time post as the legal manager of a private company while continuing to appear in courts as a practising advocate. On the permissibility of this under the rules framed by the Bar Council of India under the Advocates Act, 1961, the correct position is:



- (A) An advocate may freely hold any full-time salaried employment and continue to practise, there being no restriction whatever
- (B) Full-time employment is permitted so long as the advocate's employer consents in writing
- (C) There is no rule on the subject; the matter is left entirely to the advocate's discretion
- (D) An advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern while practising, and on taking up such employment must intimate the Bar Council and cease to practise so long as the employment continues

Q97. A litigant wishes to file and conduct a matter in the Supreme Court of India and is told that the petition must be filed through a particular category of advocate who has cleared a prescribed examination and maintains a registered office and clerk within a fixed radius of the Court. The category of advocate alone competent to act and file appearances and pleadings before the Supreme Court is the:

- (A) Senior advocate, who alone may file and act in every matter
- (B) Advocate-on-record, who alone is entitled to act, file appearances and lodge pleadings on behalf of a party before the Supreme Court
- (C) Notary public appointed under the Notaries Act
- (D) Any advocate whatsoever on a State roll, without any further qualification

Q98. An advocate has been designated and appointed by the State as a part-time law officer with limited duties, and separately wishes to know the broader rule on whether holding certain offices or engagements disqualifies him from practice. On the restrictions on an advocate's right to practise, the correct position is:

- (A) An advocate who personally engages in any trade or business that is inconsistent with the dignity of the profession, or who acts in a



manner the rules forbid, may be restrained from practising or be subject to disciplinary action, the right to practise not being absolute

- (B) Once enrolled, an advocate's right to practise is absolute and can never be restricted on any ground
- (C) An advocate may carry on any trade or business of his choice alongside practice without any limitation
- (D) The right to practise can be taken away only by an Act of Parliament naming the individual advocate

Q99. An advocate completes a brief and a dispute arises over fees, certain client papers and documents remaining in the advocate's possession. Separately, after the engagement has wholly ended, the former client objects that the advocate may disclose confidential matters learnt during the retainer. On the advocate's position as to fees, documents and confidentiality, the correct position under the standards of professional conduct is:

- (A) The advocate may disclose his former client's confidences freely once the engagement is over, and has no duty regarding the client's papers
- (B) The advocate must hand over the papers but is free to sue the client for fees in any manner, and confidentiality ends with the engagement
- (C) An advocate's duty to keep his client's communications confidential continues even after the engagement ends, and while questions of fees and any lien over papers are governed by the rules and prevailing position, the advocate must not exploit or misuse the client's documents or confidences
- (D) Confidentiality binds the advocate only while the matter is pending and lapses the moment the case concludes

Q100. In the course of a civil proceeding, a party gives a solemn undertaking to the court, recorded in the order, that it will not alienate a particular property pending disposal. In wilful breach of that undertaking, and with full knowledge of it, the party transfers the property. The aggrieved side



moves for contempt. On the nature of such a breach under the Contempt of Courts Act, 1971, the correct position is:

- (A) Breach of an undertaking given to a court is never contempt; the only remedy is a fresh suit for damages
- (B) Such a breach amounts to criminal contempt because it scandalises the court
- (C) Breach of an undertaking is a purely contractual matter outside the contempt jurisdiction altogether
- (D) Wilful breach of an undertaking given to a court is treated as wilful disobedience of an order of the court and constitutes civil contempt under Section 2(b) of the Contempt of Courts Act, 1971



Detailed Solutions

Q1.

Solution

Concept — Insertion of “Socialist” and “Secular”: The Preamble as originally enacted read “Sovereign Democratic Republic.” The words “Socialist,” “Secular” and “Integrity” were added by the Constitution (Forty-second Amendment) Act, 1976, during the Emergency.

Step 1 — Eliminate the others: The First Amendment (1951) dealt with the Ninth Schedule and reasonable restrictions; the Forty-fourth (1978) restored several pre-Emergency safeguards; the Eighty-sixth (2002) added Article 21A on education. Only the Forty-second Amendment touched the Preamble’s wording.

Tip: Remember “42nd = Socialist, Secular, Integrity” added to the Preamble.

Final Answer: The Forty-second Amendment, 1976 ⇒

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

Q2.

Solution

Concept — Secularism as Basic Structure: In *S. R. Bommai v. Union of India* (1994) the nine-judge Bench held that secularism is one of the basic features of the Constitution, and that a State government acting against the secular fabric can attract action under Article 356.

Step 1 — Apply the holding: Secularism is not a minority privilege nor a non-justiciable directive; it pervades Articles 25–28 and the Preamble and binds every organ of the State. It is therefore part of the unamendable basic structure.

Tip: *Bommai* = federalism, secularism and judicial review of Art. 356 all in one case.

Final Answer: A part of the basic structure ⇒

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



Q3.

Solution

Concept — Judicial Review of Article 356: *S. R. Bommai v. Union of India* (1994) settled that the President's satisfaction under Article 356 is not beyond judicial scrutiny; the proclamation can be struck down if based on mala fides, on wholly irrelevant or extraneous material, or on no material at all.

Step 1 — Eliminate the others: The “political question” immunity and the idea of conclusiveness on laying before Parliament were both rejected. Parliamentary approval is a check but does not oust the court's power of review.

Tip: Floor test, not the Governor's subjective report, is the proper test of majority — a key *Bommai* takeaway.

Final Answer: Subject to judicial review on grounds such as mala fides ⇒

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

Q4.

Solution

Concept — Separation of Powers: The principle that the legislature, executive and judiciary each operate within their assigned spheres is recognised as part of the basic structure (*Kesavananda Bharati; Indira Nehru Gandhi v. Raj Narain*).

Step 1 — Eliminate the others: Pith and substance is a test of legislative competence; colourable legislation concerns doing indirectly what cannot be done directly; the doctrine of eclipse deals with pre-Constitution laws inconsistent with fundamental rights. None describes the tripartite distribution of governmental functions.

Tip: “Each organ in its own sphere” = separation of powers, a basic-structure feature.

Final Answer: Separation of powers ⇒

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



Q5.

Solution

Concept — Source of High Court Judicial Review: Judicial review is a basic feature. For the High Courts, the power to issue writs and to superintend lower courts and tribunals flows from Articles 226 and 227 respectively.

Step 1 — Eliminate the others: Article 32 is the Supreme Court's writ jurisdiction; Article 131 is the Court's original jurisdiction in Centre-State disputes; Article 143 is the advisory jurisdiction. Only Articles 226 and 227 confer the High Courts' review and supervisory power.

Tip: 226 = writ power, 227 = power of superintendence; both are with the High Courts.

Final Answer: Articles 226 and 227 ⇒

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

Q6.

Solution

Concept — Rule of Law: The rule of law, treated as part of the basic structure, in its Diceyan core means the absence of arbitrary power, equality before the ordinary law, and that no one is deprived of life or liberty save by lawful procedure (reflected in Article 14 and Article 21).

Step 1 — Eliminate the others: An executive acting without legal authority, officials immune from the ordinary courts, and law immune from judicial control are all antitheses of the rule of law.

Tip: Rule of law = supremacy of law + equality before law + no arbitrariness.

Final Answer: Deprivation only by law, all equally subject to ordinary law ⇒

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

Q7.

Solution

Concept — Distribution of Legislative Power (Arts 245–246): Article 246 read with the Seventh Schedule allots List I to Parliament exclusively, List II (State List) to the State Legislatures exclusively, and List III (Concurrent) to both.

Step 1 — Apply the allocation: The exclusive legislative power of a State Legislature is referable to the State List (List II). The Union List is Parliament's exclusive



domain; the Concurrent List is shared; the residuary power vests in Parliament under Article 248.

Tip: List II = State's own; List I = Centre's own; List III = shared.

Final Answer: The State List (List II) ⇒

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

Q8.

Solution

Concept — Doctrine of Repugnancy (Art 254(1)): Where a State law and a Union law on a Concurrent List matter are repugnant, Article 254(1) provides that the Union law prevails and the State law is void to the extent of the repugnancy.

Step 1 — Eliminate the others: The State law does not prevail under clause (1); both are not voided; and no prior reference to the Supreme Court is required for the repugnancy rule to operate.

Tip: Concurrent-List clash → Centre wins (Art. 254(1)), unless the Art. 254(2) exception applies.

Final Answer: The Union law prevails; State law void to the extent of repugnancy ⇒

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

Q9.

Solution

Concept — Exception in Art 254(2): A repugnant State law on a Concurrent List subject may prevail in that State if it has been reserved for the consideration of the President and has received his assent. Parliament, however, retains power to add to, amend or repeal such a State law.

Step 1 — Eliminate the others: Mere Gazette publication, ratification by other States, or a two-thirds State-Assembly majority cannot save a repugnant State law; only Presidential assent under Art. 254(2) does.

Tip: Art. 254(2) = “President’s assent saves the State law” — a frequently tested escape clause.

Final Answer: Reserved for and assented to by the President ⇒

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



Q10.

Solution

Concept — Parliament Legislating on a State Subject (Art 249): Article 249 permits Parliament to legislate on a State List matter for the whole or any part of India if the Rajya Sabha resolves, by not less than two-thirds of the members present and voting, that it is necessary or expedient in the national interest.

Step 1 — Eliminate the others: A simple Lok Sabha resolution, a Presidential proclamation, or requests by half the States are not the route under Article 249. The resolution must come from the Rajya Sabha as the chamber representing the States.

Tip: Art. 249 = Rajya Sabha 2/3 “national interest” resolution; the law lasts up to one year, extendable.

Final Answer: A two-thirds Rajya Sabha national-interest resolution ⇒

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

Q11.

Solution

Concept — Legislation by Consent of States (Art 252): Where the Legislatures of two or more States pass resolutions requesting Parliament to legislate on a State List matter, Article 252 empowers Parliament to enact a law for those States, and any other State may later adopt it.

Step 1 — Eliminate the others: A Rajya Sabha national-interest resolution is Art. 249; a grave-emergency satisfaction is Art. 250 (during emergency); a Governor’s recommendation is irrelevant. Art. 252 turns on resolutions of the State Legislatures themselves.

Tip: Art. 252 = States “invite” Parliament; the resulting law can be amended or repealed only by Parliament.

Final Answer: State Legislatures pass resolutions requesting Parliament ⇒

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



Q12.

Solution

Concept — Legislation for Treaties (Art 253): Article 253 empowers Parliament to make any law for the whole or any part of India for implementing any treaty, agreement or convention with other countries, notwithstanding the distribution of powers in the Seventh Schedule.

Step 1 — Eliminate the others: Art. 249 needs a Rajya Sabha resolution; Art. 252 needs State resolutions; Art. 254 is the repugnancy rule. Only Art. 253 lets Parliament override the State List to honour an international obligation.

Tip: Treaty/convention implementation = Art. 253; no State consent or Rajya Sabha resolution is needed.

Final Answer: Article 253 ⇒

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

Q13.

Solution

Concept — Governor's Assent to Bills (Art 200): On a Bill presented under Article 200, the Governor may assent, withhold assent, return the Bill (if not a Money Bill) for reconsideration, or reserve it for the consideration of the President.

Step 1 — Eliminate the others: The Governor cannot himself amend the Bill, cannot make an advisory reference to the Supreme Court, and cannot dissolve the Assembly as an assent option. Reservation for the President is the recognised additional course.

Tip: Art. 200 options: assent / withhold / return / reserve — the last sends it to the President under Art. 201.

Final Answer: Reserve the Bill for the consideration of the President ⇒

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



Q14.

Solution

Concept — Mandatory Reservation (First Proviso to Art 200): The second proviso to Article 200 directs that where a Bill would, if it became law, so derogate from the powers of the High Court as to endanger the position designed for that court, the Governor shall not assent but shall reserve it for the consideration of the President.

Step 1 — Apply the proviso: Here reservation is compulsory, not discretionary. The Governor can neither assent at once nor finally withhold assent on his own, nor seek the High Court's opinion.

Tip: Bill threatening High Court's position → Governor "shall reserve" for the President.

Final Answer: Not to assent, but to reserve for the President ⇒

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

Q15.

Solution

Concept — Reserved Bills (Art 201): When a Bill is reserved for the President, he may assent or withhold assent. If he directs the Governor to return the Bill (not a Money Bill) with a message, the House must reconsider it within six months, and the Bill is then again presented to the President — who is still not bound to assent.

Step 1 — Eliminate the others: The Bill is not automatically enacted, nor referred to the Supreme Court. Mere reconsideration "within six months" is incomplete because the President's renewed discretion is the key feature.

Tip: Under Art. 201 the President has no "shall assent on reconsideration" obligation, unlike the President under Art. 111 after a second passage.

Final Answer: Reconsider; re-presented to President, who is not bound to assent ⇒

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



Q16.

Solution

Concept — Governor’s Ordinance Power (Art 213): Article 213 empowers the Governor, when the State Legislature (or either House where bicameral) is not in session and immediate action is needed, to promulgate Ordinances having the same force as an Act of the Legislature.

Step 1 — Eliminate the others: Article 123 is the President’s ordinance power at the Union level; Article 200 deals with assent to Bills; Article 356 is President’s Rule. The Governor’s ordinance power is Article 213 alone.

Tip: 123 = President’s ordinance; 213 = Governor’s ordinance — a common confusion in MCQs.

Final Answer: Article 213 ⇒

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

Q17.

Solution

Concept — Duration of a State Ordinance (Art 213): An Ordinance under Article 213 must be laid before the State Legislature and ceases to operate at the expiration of six weeks from the reassembly of the Legislature (or earlier, if a disapproving resolution is passed), unless withdrawn before that.

Step 1 — Eliminate the others: “Six months” or “one year” from promulgation and “end of the session” are incorrect measures; the constitutional period runs from the reassembly of the House.

Tip: Ordinance life = six weeks from reassembly; mirrors Art. 123 for the President’s ordinances.

Final Answer: Six weeks from the reassembly of the Legislature ⇒

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



Q18.

Solution

Concept — Epistolary Jurisdiction: In the public interest litigation era the Supreme Court relaxed procedure so that even a letter addressed to a judge by an aggrieved or public-spirited person could be treated as a writ petition. This is the epistolary (letter-petition) jurisdiction, illustrated by cases such as *Sunil Batra v. Delhi Administration*.

Step 1 — Eliminate the others: A curative petition (*Rupa Ashok Hurra*), a review petition under Article 137, and a special leave petition under Article 136 are distinct, formal remedies, not the informal letter-as-petition device.

Tip: Letter → writ petition = epistolary jurisdiction, a hallmark of Indian PIL.

Final Answer: Epistolary (letter-petition) jurisdiction in PIL ⇒ D

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

Q19.

Solution

Concept — Relaxation of *Locus Standi*: *S. P. Gupta v. Union of India* (1981), the Judges' Transfer case, is the leading authority liberalising *locus standi*, allowing a bona fide public-spirited person to approach the court on behalf of those who cannot do so themselves.

Step 1 — Eliminate the others: *A. K. Gopalan* (1950) concerned preventive detention and Article 21; *Golak Nath* (1967) dealt with the amendability of fundamental rights; *Indra Sawhney* (1992) concerned reservations. None expanded standing for PIL.

Tip: *S. P. Gupta* = “any member of the public” may sue for the disadvantaged — foundation of PIL standing.

Final Answer: *S. P. Gupta v. Union of India* (1981) ⇒ C

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



Q20.

Solution

Concept — Culpable homicide v. murder, ss.299 and 304 IPC: An intention to cause bodily injury likely to cause death (but not sufficient in the ordinary course of nature to cause death) falls within culpable homicide under s.299, not murder, as explained in *Virsa Singh v. State of Punjab*.

Step 1 — Applying the facts: A single blow on a non-vital part with intention only to cause injury likely to cause death attracts s.299 and is punishable under the first part of s.304 IPC, not s.300 or s.302.

Tip: "Likely to cause death" is s.299; "sufficient in the ordinary course of nature" is s.300.

Final Answer: Culpable homicide under s.299, punishable under the first part of s.304 IPC ⇒

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

Q21.

Solution

Concept — Section 300 Thirdly IPC, the *Virsa Singh* test: Murder under clause Thirdly requires that the bodily injury intended to be inflicted is objectively sufficient in the ordinary course of nature to cause death, as laid down in *Virsa Singh v. State of Punjab*.

Step 1 — Distinguishing s.299(b): The dividing line is the sufficiency of the intended injury to cause death, not merely the site of injury, use of weapon, or that death resulted. Those are neutral factors.

Tip: Prove the injury was intended and that it was sufficient in the ordinary course of nature to cause death.

Final Answer: Injury sufficient in the ordinary course of nature to cause death ⇒

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



Q22.

Solution

Concept — Exception 4 to Section 300 IPC (sudden fight): Culpable homicide is not murder if committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, the offender not having taken undue advantage or acted in a cruel manner.

Step 1 — Applying the facts: A killing without premeditation, in heat of passion on a sudden quarrel, without undue advantage or cruelty, squarely attracts Exception 4, reducing the offence to culpable homicide not amounting to murder.

Tip: Sudden fight plus heat of passion plus no undue advantage equals Exception 4.

Final Answer: Culpable homicide not amounting to murder under Exception 4 ⇒

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

Q23.

Solution

Concept — Conditions of Exception 4 to s.300 IPC: The Exception requires a sudden fight, in the heat of passion upon a sudden quarrel, without premeditation, and that the offender did not take undue advantage or act in a cruel or unusual manner.

Step 1 — Identifying the non-requirement: The Explanation to Exception 4 states that it is immaterial which party offered the provocation or committed the first assault. That is therefore NOT a required condition but a settled feature.

Tip: Who struck first is irrelevant under Exception 4.

Final Answer: It is immaterial which party offered the provocation or struck first ⇒

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



Q24.

Solution

Concept — Medical negligence under s.304A IPC, *Jacob Mathew* standard: For criminal liability the negligence must be gross, of a very high degree, judged by the standard of an ordinarily competent practitioner exercising ordinary skill, as held in *Jacob Mathew v. State of Punjab*.

Step 1 — Eliminating the distractors: Mere lack of the highest skill, a deviation from the textbook, or the civil tort standard of reasonable care are insufficient for a s.304A conviction of a doctor.

Tip: Criminal medical negligence demands gross negligence, not ordinary lack of care.

Final Answer: Gross negligence judged by the ordinary competent practitioner standard ⇒

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

Q25.

Solution

Concept — Death by rash or negligent act, s.304A IPC: Where death is caused by a rash or negligent act not amounting to culpable homicide, that is, without intention to cause death or knowledge that death is likely, the offence is s.304A IPC.

Step 1 — Applying the facts: A motorist who kills a pedestrian by rash driving, with neither intention nor knowledge, is liable under s.304A, not s.304 Part II or s.302; s.279 alone ignores the death caused.

Tip: No intention and no knowledge but death caused by rashness equals s.304A.

Final Answer: Section 304A IPC ⇒

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



Q26.

Solution

Concept — Voluntarily causing hurt by dangerous weapons, s.324 IPC: Whoever voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which used as a weapon of offence is likely to cause death, is punishable under s.324 IPC.

Step 1 — Applying the facts: A stab with a knife, a cutting instrument likely to cause death, causing hurt, attracts the aggravated s.324, not the simple s.323; s.334 (hurt on provocation) and s.304A (death by negligence) do not fit.

Tip: Dangerous weapon plus hurt equals s.324; dangerous weapon plus grievous hurt equals s.326.

Final Answer: Section 324 IPC ⇒

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

Q27.

Solution

Concept — Grievous hurt by dangerous weapons, s.326 IPC: Section 326 is attracted where grievous hurt is caused by an instrument for shooting, stabbing or cutting, or any instrument likely to cause death, or by fire, heated substance, poison or corrosive or explosive substance.

Step 1 — Distinguishing s.325: The aggravating feature over s.325 is the means employed, namely a dangerous weapon or substance, not the kind of grievous hurt, period of hospitalisation, or an intention to kill.

Tip: The weapon or means used, not the hurt alone, escalates s.325 to s.326.

Final Answer: Grievous hurt caused by a dangerous weapon or specified means ⇒

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



Q28.

Solution

Concept — Scheme of ss.323–326 IPC: Sections 323 (hurt) and 325 (grievous hurt) are the simple forms; ss.324 and 326 are their aggravated counterparts where the hurt or grievous hurt is caused by dangerous weapons or means specified in those provisions.

Step 1 — Eliminating the distractors: The sections do not require the victim's death, the simple forms do not require a firearm, and the four sections carry different punishments. Only the aggravation-by-means proposition is correct.

Tip: 323/325 simple; 324/326 aggravated by dangerous means.

Final Answer: Sections 324 and 326 are the aggravated forms for dangerous weapons or means ⇒ D

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

Q29.

Solution

Concept — Cognizance on a complaint, s.190 CrPC: A Magistrate may take cognizance of an offence upon receiving a complaint of facts constituting the offence, upon a police report, or upon information received or his own knowledge. The power flows from s.190 CrPC.

Step 1 — Eliminating the distractors: Section 154 is the FIR provision, s.156 deals with police investigation, and s.173 with the final report. Taking cognizance on a complaint is squarely under s.190.

Tip: Cognizance equals s.190; FIR equals s.154.

Final Answer: Section 190 CrPC ⇒ B

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

Q30.

Solution

Concept — Examination of complainant, s.200 CrPC: A Magistrate taking cognizance on a complaint shall examine upon oath the complainant and the witnesses present, the substance of such examination being reduced to writing and signed.

Step 1 — Eliminating the distractors: Section 161 is police examination of wit-



nesses, s.202 is postponement of process, and s.204 is issue of process. The on-oath examination of the complainant is s.200.

Tip: On-oath examination of complainant equals s.200.

Final Answer: Section 200 CrPC ⇒

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

Q31.

Solution

Concept — Inquiry or investigation before process, s.202 CrPC: The Magistrate may postpone the issue of process and either inquire into the case himself or direct an investigation, to decide whether there is sufficient ground for proceeding.

Step 1 — Eliminating the distractors: Section 200 is examination of the complainant, s.203 is dismissal, and s.209 is committal to the Court of Session. The postponement-and-inquiry power is s.202.

Tip: Postponement of process for inquiry equals s.202.

Final Answer: Section 202 CrPC ⇒

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

Q32.

Solution

Concept — Dismissal of complaint, s.203 CrPC: If, after considering the statements on oath and the result of any inquiry or investigation under s.202, the Magistrate finds no sufficient ground for proceeding, he shall dismiss the complaint, briefly recording his reasons.

Step 1 — Eliminating the distractors: Section 200 is examination, s.202 is inquiry, and s.204 is issue of process. A reasoned dismissal for want of sufficient ground is s.203.

Tip: No sufficient ground plus reasons recorded equals dismissal under s.203.

Final Answer: Section 203 CrPC ⇒

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



Q33.

Solution

Concept — Issue of process, s.204 CrPC: Where there is sufficient ground for proceeding, the Magistrate issues a summons (summons case) or a warrant (warrant case) for the attendance of the accused. The power to issue process is s.204 CrPC.

Step 1 — Eliminating the distractors: Section 202 is postponement, s.203 is dismissal, and s.205 deals with dispensing with personal attendance. The issue of summons or warrant on sufficient ground is s.204.

Tip: Sufficient ground plus summons/warrant equals s.204.

Final Answer: Section 204 CrPC ⇒

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

Q34.

Solution

Concept — Discharge in a Sessions trial, s.227 CrPC: If, upon consideration of the record and documents and after hearing the parties, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused recording his reasons.

Step 1 — Eliminating the distractors: Section 228 is framing of charge, s.232 is acquittal after evidence, and s.235 is judgment. At the threshold, want of sufficient ground means discharge under s.227.

Tip: No sufficient ground at the outset equals discharge under s.227, not acquittal.

Final Answer: Discharge under s.227 CrPC ⇒

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

Q35.

Solution

Concept — Sequence of a Sessions trial, ss.225–235 CrPC: After the charge is framed and read (s.228) and the accused pleads not guilty, the court fixes a date for examination of witnesses, and the prosecution leads its evidence under ss.230–231.

Step 1 — Eliminating the distractors: Judgment cannot precede evidence, the accused enters on his defence only after the prosecution evidence (s.233), and the



Public Prosecutor opens but does not sum up before evidence. The next step is the prosecution evidence.

Tip: Charge to plea to prosecution evidence (ss.230–231) to defence to judgment.

Final Answer: Date fixed for prosecution evidence under ss.230–231 ⇒

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

Q36.

Solution

Concept — Hearing on sentence, s.235(2) CrPC: Where the accused is convicted, the Judge shall, unless he proceeds under s.360, hear the accused on the question of sentence and then pass sentence on him according to law, as affirmed in *Santa Singh v. State of Punjab*.

Step 1 — Eliminating the distractors: The Judge does not sentence forthwith without hearing, nor must he refer every case to the High Court or grant probation in every case. A separate hearing on sentence is mandatory.

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

Final Answer: Hear the accused on sentence, then sentence according to law ⇒

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

Q37.

Solution

Concept — Purpose of s.235(2) CrPC: The mandatory hearing on sentence exists to afford the convict a real and effective opportunity to place mitigating circumstances bearing on the choice and quantum of sentence, as explained in *Santa Singh v. State of Punjab*.

Step 1 — Eliminating the distractors: The hearing is not a fresh chance to plead not guilty, nor for the prosecution to lead more evidence on guilt, nor to review the finding of guilt. Its object is sentencing fairness.

Tip: The s.235(2) hearing is about mitigation, not guilt.

Final Answer: Opportunity to place mitigating circumstances on sentence ⇒

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



Q38.

Solution

Concept — Same transaction (res gestae), s.6 Indian Evidence Act, 1872: Facts so connected with a fact in issue as to form part of the same transaction are relevant, whether they occurred at the same time and place or at different times and places.

Step 1 — Applying the facts: The cry, the accused fleeing with a bloodstained knife and the injured victim are contemporaneous acts forming part of the same transaction, relevant under s.6, not admissions, expert opinion, or character.

Tip: Spontaneous, contemporaneous acts of the same transaction equal s.6 res gestae.

Final Answer: Facts forming part of the same transaction, s.6 ⇒

[Go Back to Q38](#)

Q39.

Solution

Concept — Identification, s.9 Indian Evidence Act, 1872: Facts which establish the identity of any person whose identity is relevant are themselves relevant under s.9. A Test Identification Parade derives its relevancy from this provision.

Step 1 — Eliminating the distractors: Section 27 concerns discovery, s.32 dying declarations and the like, and s.25 confessions to police. Identification of the accused by a witness rests on s.9.

Tip: TIP relevancy flows from s.9 (identity of persons).

Final Answer: Section 9, Indian Evidence Act, 1872 ⇒

[Go Back to Q39](#)

Q40.

Solution

Concept — Evidentiary value of a TIP: A Test Identification Parade held during investigation is not substantive evidence; it serves to corroborate the identification of the accused made by the witness in court and to assure the investigation, as held in *Malkhansingh v. State of M.P.*

Step 1 — Eliminating the distractors: A TIP is neither substantive proof on which a conviction can rest by itself, nor inadmissible, nor conclusive proof under



s.4. It is corroborative only.

Tip: Substantive identification is in court; the TIP merely corroborates it.

Final Answer: Not substantive; it corroborates the in-court identification ⇒ **D**

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

Q41.

Solution

Concept — Presumption under s.114 IEA, 1872, Illustration (a): The court may presume, under Illustration (a) to s.114, that a man in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

Step 1 — Eliminating the distractors: There is no presumption of guilt of the accused, a confession to police is irrelevant under s.25, and official acts are presumed regular, not irregular. Only the recent-possession presumption fits.

Tip: Recent and unexplained possession of stolen goods raises the s.114 Illustration (a) presumption.

Final Answer: Possessor of recently stolen goods presumed thief or receiver ⇒ **A**

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

Q42.

Solution

Concept — Nature of the s.114 IEA presumption: Section 114 raises a discretionary presumption of fact (*may presume*) which the court draws having regard to the common course of natural events, human conduct and public and private business. It is rebuttable.

Step 1 — Eliminating the distractors: It is neither a conclusive presumption of law, nor a mandatory presumption compelling conviction, nor irrelevant to criminal trials. It is permissive and rebuttable.

Tip: "May presume" equals a rebuttable presumption of fact, not of law.

Final Answer: A discretionary, rebuttable presumption of fact ⇒ **B**

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



Q43.

Solution

Concept — Conviction for minor offence, s.304A on a s.302 charge: Where the evidence does not establish intention or knowledge but only a rash or negligent act causing death, the court may convict for the lesser offence under s.304A IPC though the charge was for murder, the latter including the former on the facts.

Step 1 — Eliminating the distractors: A total acquittal ignores the proved rash act, and s.302 cannot stand absent intention or knowledge. A blanket retrial is unnecessary. The proper course is conviction under s.304A.

Tip: A graver charge can yield conviction for the lesser offence that the evidence proves.

Final Answer: Convict under s.304A IPC ⇒

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

Q44.

Solution

Concept — Murder, s.300 Thirdly IPC: An intentional injury to the chest by a gunshot at close range, sufficient in the ordinary course of nature to cause death, falls within clause Thirdly of s.300 and, absent any exception, is murder punishable under s.302, as in *Virsa Singh v. State of Punjab*.

Step 1 — Eliminating the distractors: The facts are not s.304 (the injury is sufficient to cause death), not s.304A (the act is intentional, not merely rash), and not s.326 (death resulted). It is murder.

Tip: Intended injury sufficient in the ordinary course to cause death equals s.300 Thirdly.

Final Answer: Murder under s.300 Thirdly, punishable under s.302 ⇒

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



Q45.

Solution

Concept — Grave and sudden provocation, Exception 1 to s.300 IPC: Culpable homicide is not murder if the offender, while deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation, subject to the stated provisos.

Step 1 — Applying the facts: A striking B on the spur of the moment, deprived of self-control by grave and sudden provocation and without premeditation, falls within Exception 1, reducing the offence to culpable homicide not amounting to murder.

Tip: Loss of self-control on grave and sudden provocation equals Exception 1, not s.304A.

Final Answer: Culpable homicide not amounting to murder under Exception 1 ⇒

[Go Back to Q45](#)

Q46.

Solution

Concept — Frame of suit & whole claim (Order II, CPC): Order II Rule 1 of the Code of Civil Procedure, 1908 requires that every suit be framed so as to afford ground for a final decision on the disputes and to prevent further litigation, and Order II Rule 2 requires the plaintiff to include the whole of the claim arising from the cause of action.

Step 1 — Apply the rule: Option (B) restates this duty exactly. Splitting (A) and filing a fresh suit for each relief (D) are precisely what Order II is designed to prevent, and unlimited joinder of unconnected defendants (C) is not a right but is regulated by Order I.

Tip: Order II Rule 1 + 2 together aim at avoiding a multiplicity of suits.

Final Answer: Include the whole claim in respect of the cause of action ⇒

[Go Back to Q46](#)



Q47.

Solution

Concept — Splitting of claims (Order II Rule 2, CPC): Order II Rule 2 of the Code of Civil Procedure, 1908 provides that where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue for the portion so omitted, unless the leave of the court has been obtained.

Step 1 — Apply to the facts: The plaintiff deliberately omitted part of a single cause of action without leave; the bar in (C) therefore operates and the omitted portion is treated as relinquished. There is no automatic right to sue later (A), no automatic consolidation (B), and the rule is not an amendment-after-decree mechanism (D).

Tip: One cause of action = one suit; omission without leave bars the rest.

Final Answer: He cannot afterwards sue for the omitted portion ⇒

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

Q48.

Solution

Concept — Joinder of causes of action (Order II Rule 3, CPC): Order II Rule 3 of the Code of Civil Procedure, 1908 permits a plaintiff to unite several causes of action against the same defendant in the same suit. The provision is enabling, not mandatory.

Step 1 — Identify its character: The plaintiff is entitled but not bound to join several causes of action, and the court retains power under Order II Rule 6 to order separate trials where joinder may embarrass or delay the trial, so (A) is correct. It is not compulsory (B), it is not prohibited after a single cause is pleaded (C), and it does not depend solely on the defendant's consent (D).

Tip: “May join” in Order II Rule 3 signals a permissive, not compulsory, rule.

Final Answer: Permissive joinder, subject to the court's power to order separate trials ⇒

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



Q49.

Solution

Concept — Misjoinder of causes of action (Order II Rule 6, CPC): Under the Code of Civil Procedure, 1908 a misjoinder of causes of action is a curable irregularity; Order II Rule 6 empowers the court to order separate trials or make such other order as may be expedient where the joinder embarrasses or delays the trial.

Step 1 — Distinguish the consequences: Mere misjoinder does not by itself entail dismissal (B) or abatement (C), and certainly not transfer to a criminal court (D). The proper course is severance and separate trials, so (D) in the option order, the separate-trials option, is correct.

Tip: Misjoinder is an irregularity; the remedy is severance, not dismissal.

Final Answer: An order for separate trials rather than dismissal ⇒ D

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

Q50.

Solution

Concept — Discovery by interrogatories (Order XI, CPC): Order XI Rules 1 to 11 of the Code of Civil Procedure, 1908 allow a party, with the leave of the court, to deliver interrogatories in writing for the examination of the opposite party, who must answer them on affidavit.

Step 1 — Match the device to the purpose: The plaintiff wishes to compel written, sworn answers to specific questions to ascertain the opponent's case; this is exactly interrogatories under Order XI, so (A) is correct. Examination only at the final hearing (B), appointment of a receiver (C) and a notice to admit documents under Order XII (D) serve different functions.

Tip: Interrogatories test the case on affidavit; inspection deals with documents.

Final Answer: Delivery of interrogatories under Order XI with leave of the court ⇒ A

Answer: (A) [Go Back to Q50](#)



Q51.

Solution

Concept — Limits on discovery (Order XI Rule 2, CPC): Order XI of the Code of Civil Procedure, 1908 expressly confines discovery: leave to deliver interrogatories or an order for discovery will be refused where the court is of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

Step 1 — Identify the disqualifying ground: The relevance of the documents (A) and the necessity of discovery for fair disposal or saving costs (B) are reasons to allow, not refuse, discovery, and the mere filing of a written statement (D) is irrelevant. The court refuses only where discovery is not necessary for fair disposal or saving costs, so (C) is correct.

Tip: The touchstone is necessity “for fairly disposing of the suit or for saving costs.”

Final Answer: Refusal where discovery is not necessary for fair disposal or costs

⇒ C

Answer: (C) [Go Back to Q51](#)

Q52.

Solution

Concept — Judgment on admissions (Order XII Rule 6, CPC): Order XII Rule 6 of the Code of Civil Procedure, 1908 empowers the court, where admissions of fact have been made in the pleadings or otherwise, to make such order or give such judgment on the admissions as it thinks fit, without waiting for the determination of any other question between the parties.

Step 1 — Apply to the clear admission: An express, unequivocal admission entitling the plaintiff to relief lets the court act under Order XII Rule 6, so (B) is correct. The court need not insist on a full trial in every case (A), the admission is not referred to arbitration as of course (C), and Order XII admissions are civil-procedure admissions, not criminal confessions (D).

Tip: A clear admission lets the court short-circuit the trial under Order XII Rule 6.

Final Answer: The court may give judgment on the admissions as it thinks fit

⇒ B

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



Q53.

Solution

Concept — Production and impounding of documents (Order XIII, CPC): Order XIII of the Code of Civil Procedure, 1908 governs the production, impounding and return of documents; the court may impound a document and keep it in its custody, for instance where the proper stamp duty has not been paid or it is otherwise necessary in the interests of justice.

Step 1 — Apply the power: The lawful course is to impound and retain the document in the court's custody subject to law, so (D) in the option order, the impounding option, is correct. The court cannot destroy the document (A), hand it to the opposite party (B), or refuse to look at it for any purpose (C).

Tip: Insufficiently stamped or suspect documents are impounded, not destroyed.

Final Answer: Impound and retain the document in the custody of the court ⇒ D

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

Q54.

Solution

Concept — By whom a contract may be performed (Section 40, Contract Act): Section 40 of the Indian Contract Act, 1872 provides that if it appears the parties intended the promise to be performed by the promisor himself, it must be so performed; otherwise the promisor or his representatives may employ a competent person to perform it.

Step 1 — Apply to a non-personal contract: Where the contract is not founded on personal skill or confidence, performance by the promisor, his representatives, or a competent person employed by him is good performance, so (A) is correct. It need not be the promisee personally (B), a stranger cannot perform in every case (C), and the court does not perform for the promisor (D).

Tip: Personal-skill contracts must be performed personally; others may be delegated.

Final Answer: Promisor, his representatives, or a competent person he employs, under Section 40 ⇒ A

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



Q55.

Solution

Concept — Place for performance (Sections 46–50, Contract Act): Under Sections 46 to 50 of the Indian Contract Act, 1872, where a promise is to be performed on a certain day but no place is fixed and the promisor has not undertaken to perform without application, the promisee must apply for the appointment of a reasonable place and perform the promise there (Section 49).

Step 1 — Apply to the facts: As no place was specified, the promisee must ask the promisor to appoint a reasonable place and perform there, so (B) is correct. The promisor is not bound to seek the promisee out at his own risk in such a case (A), performance is not tied to a court's office (C), and the contract is not discharged merely for want of a stipulated place (D).

Tip: No fixed place plus a fixed time means the promisee must apply for a reasonable place.

Final Answer: Apply for appointment of a reasonable place and perform there (Section 49) ⇒ B

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

Q56.

Solution

Concept — Appropriation of payments (Sections 59–61, Contract Act): Sections 59 to 61 of the Indian Contract Act, 1872 lay down a hierarchy: if the debtor intimates the application (Section 59) it governs; failing that, the creditor may apply the payment at his discretion to any lawful debt actually due, including a time-barred debt (Section 60); failing both, payments are applied in order of time (Section 61).

Step 1 — Apply the second rule: Here the debtor gave no intimation and the circumstances showed no intention, so the right of appropriation passes to the creditor under Section 60, and (D) in the option order, the creditor-discretion option, is correct. The latest-debt-first rule (A) is wrong, the money does not lapse to the State (B), and the debtor cannot appropriate after the creditor has received the money (C).

Tip: Debtor's intimation first; then creditor's discretion; finally order of time.

Final Answer: Creditor may apply it to any lawful debt due, even a time-barred one ⇒ D



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

Q57.

Solution

Concept — Novation (Section 62, Contract Act): Section 62 of the Indian Contract Act, 1872 provides that if the parties to a contract agree to substitute a new contract for it, or to rescind or alter it, the original contract need not be performed. The substitution of a new contract for an old one is termed novation.

Step 1 — Identify the device: A pre-breach agreement substituting a new contract so that the old one need not be performed is novation, so (C) is correct. Remission under Section 63 concerns dispensing with performance (A), appropriation under Section 59 concerns payments (B), and ratification concerns adopting an unauthorised act (D).

Tip: Novation = substitution of contract; remission = giving up performance.

Final Answer: Novation under Section 62, the original contract need not be performed ⇒ C

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

Q58.

Solution

Concept — Remission of performance (Section 63, Contract Act): Section 63 of the Indian Contract Act, 1872 provides that every promisee may dispense with or remit, wholly or in part, the performance of the promise made to him, or may extend the time for performance, or accept any satisfaction he thinks fit, and such remission needs no fresh consideration.

Step 1 — Apply to the facts: A creditor voluntarily accepting a lesser sum in full satisfaction, or extending time, is exercising the power of remission under Section 63, so (A) is correct. He cannot then recover the balance (B), no fresh consideration is required (C), and the contract is not void for want of consideration (D).

Tip: Section 63 is the Indian statutory escape from the common-law rule in *Pinel's Case*.

Final Answer: The promisee may remit performance or extend time under Section 63 ⇒ A



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

Q59.

Solution

Concept — Joint and several tortfeasors: Where two or more persons by their concurrent negligence cause a single, indivisible injury, they are joint or concurrent tortfeasors, jointly and severally liable for the whole damage. The injured party may recover the entire sum from any one of them, who may then seek contribution from the others.

Step 1 — Apply to the collision: As the single injury resulted from the combined negligence of both drivers, each is liable for the whole, and the plaintiff may recover the entire amount from any one of them, so (B) is correct. The plaintiff need not sue both together or recover only half from each (A), recovery is not defeated merely because two are at fault (C), and liability does not turn on who was first at the scene (D).

Tip: Joint tortfeasors = full liability on each; contribution is sorted out between them.

Final Answer: Each is jointly and severally liable for the whole damage ⇒ B

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

Q60.

Solution

Concept — Contributory negligence & last opportunity: Under the rule of contributory negligence, illustrated by the “last opportunity” principle in *Davies v. Mann*, the party who had the last chance of avoiding the accident is treated as responsible; modern practice, however, leans towards apportioning damages according to the respective degrees of fault.

Step 1 — State the modern position: Contributory negligence is no longer an absolute bar; the last-opportunity test attributes responsibility, and damages are generally apportioned by fault, so (D) in the option order, the apportionment option, is correct. Treating any contributory negligence as a complete bar (A), absolving the defendant on any carelessness of the plaintiff (B), or making the plaintiff bear the entire loss (C) are all incorrect.

Tip: “Last opportunity” fixes responsibility; apportionment shares the loss by fault.

Final Answer: Last opportunity fixes responsibility, with damages apportioned by



fault ⇒ D

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

Q61.

Solution

Concept — Continuing breach or wrong (Section 22, Limitation Act): Section 22 of the Limitation Act, 1963 provides that in the case of a continuing breach of contract or a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong continues.

Step 1 — Match the principle to the section: The recurring fresh limitation for a continuing breach or wrong is the very content of Section 22, so (C) is correct. Section 5 deals with condonation of delay (A), Section 14 with exclusion of time spent bona fide in a wrong court (B), and Section 18 with acknowledgment in writing (D).

Tip: A continuing wrong renews limitation each day it persists, under Section 22.

Final Answer: Section 22, continuing breach or continuing wrong ⇒ C

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

Q62.

Solution

Concept — Effect of part-payment (Section 19, Limitation Act): Section 19 of the Limitation Act, 1963 provides that where part-payment of a debt is made before the expiration of the prescribed period, a fresh period of limitation is to be computed from the time of the payment, provided the fact of payment appears in the handwriting of, or in a writing signed by, the person making it.

Step 1 — Apply to the facts: The part-payment of principal before expiry, recorded in the debtor's own handwriting, satisfies Section 19, so a fresh period runs from the date of payment, making (C) correct. It is not without effect (A), it does not extinguish the debt (B), and it benefits the creditor by extending limitation, not only the debtor (D).

Tip: Part-payment plus the required writing restarts the limitation clock under Section 19.

Final Answer: A fresh period of limitation runs from the date of part-payment ⇒ C



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

Q63.

Solution

Concept — Reopening of Partition: A partition once completed is generally final, but Hindu law permits it to be reopened in exceptional cases. Fraud, mistake, undue influence, or one coparcener fraudulently securing a larger or better share are settled grounds, as recognised in *Ratnam Chettiar v. S. M. Kuppuswami Chettiar* (1976).

Step 1 — Eliminate the others: A later rise in market value, a fresh unilateral demand, or the birth of a son after a completed partition do not by themselves justify reopening. Only vitiating factors such as fraud or mistake do.

Tip: Reopening = fraud / mistake / minor's prejudice; not mere afterthought or market shift.

Final Answer: Fraud, mistake or fraudulent grabbing of a larger share ⇒ **A**

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

Q64.

Solution

Concept — Reunion under Hindu Law: Reunion is the bringing together of a once-divided family into a renewed joint status. Under the Mitakshara, reunion can take place only between persons who were parties to the original partition, namely the father, brother or paternal uncle, and not with a stranger.

Step 1 — Eliminate the others: Reunion with a stranger is impossible; mere continuation of living together does not raise a presumption of reunion; and no court sanction is required, an intention to reunite being essential.

Tip: Reunion = father, brother, or paternal uncle only; intention to reunite is the key fact.

Final Answer: Only between parties to the original partition ⇒ **B**

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



Q65.

Solution

Concept — Abolition of Pious Obligation: Section 6(4) of the Hindu Succession Act, 1956, as substituted by the Amendment Act of 2005, bars a creditor from proceeding against a son, grandson or great-grandson on the ground of the pious obligation for any debt contracted on or after the commencement of the 2005 amendment. Pre-amendment debts and rights are saved.

Step 1 — Eliminate the others: The doctrine has not been retained, nor extended to daughters; it was not abolished retrospectively from 1956; and it does not turn on whether the father is alive.

Tip: Post-2005 debts = no pious obligation; earlier debts = creditor's rights preserved.

Final Answer: Abolished for debts on or after the 2005 amendment, earlier rights saved ⇒ C

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

Q66.

Solution

Concept — De Facto Guardian, HMGA s.11: Section 11 of the Hindu Minority and Guardianship Act, 1956, declares that after the commencement of the Act no person shall be entitled to dispose of, or deal with, the property of a Hindu minor merely on the ground of his being the de facto guardian of the minor.

Step 1 — Eliminate the others: A de facto guardian has no powers of disposal at all and cannot be equated with a natural guardian; he cannot alienate even with court permission, and he is certainly not a testamentary guardian.

Tip: De facto guardian = zero power to alienate; contrast natural guardian under s.8.

Final Answer: No power to deal with or dispose of the minor's property ⇒ D

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



Q67.

Solution

Concept — Alienation by Natural Guardian, HMGA s.8: Section 8 requires the previous permission of the court for a natural guardian to mortgage, charge or transfer by sale, gift or exchange the immovable property of a Hindu minor. An alienation made in disregard of this requirement is voidable at the instance of the minor or any person claiming under him.

Step 1 — Eliminate the others: The transaction is not void ab initio; it is voidable, so the minor may avoid it on attaining majority. It is neither automatically valid nor saved merely by proof of later necessity without court sanction.

Tip: No court permission under s.8 = voidable, not void.

Final Answer: Voidable at the instance of the minor ⇒ **A**

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

Q68.

Solution

Concept — Dependants under HAMA s.21: Section 21 of the Hindu Adoptions and Maintenance Act, 1956, enumerates the dependants of a deceased Hindu, including the widowed daughter-in-law to the extent she is unable to maintain herself out of her own earnings or property, or from her husband's estate, or from her father or mother.

Step 1 — Eliminate the others: A prosperous married daughter able to maintain herself, a financially independent distant cousin, and a creditor of the deceased are not dependants entitled to maintenance under Section 21.

Tip: "Dependant" under s.21 turns on relationship plus inability to maintain oneself.

Final Answer: The widowed daughter-in-law unable to maintain herself ⇒ **B**

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



Q69.

Solution

Concept — Liability for Maintenance, HAMA s.22: Section 22 provides that the heirs of a deceased Hindu are bound to maintain his dependants out of the estate inherited by them. Where a dependant has not obtained a share by will or intestacy, those who take the estate are liable in proportion to the value of the share each has taken.

Step 1 — Eliminate the others: The liability is not on the State, nor on the eldest male member alone irrespective of the estate, nor confined to the widow. It is a proportionate charge on those who actually take the estate.

Tip: Maintenance burden follows the estate, shared in proportion to what each heir takes.

Final Answer: Those who take the estate, in proportion to their shares ⇒

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

Q70.

Solution

Concept — Acknowledgment of Paternity: Under Muslim law, where a marriage cannot be directly proved, legitimacy may be established by acknowledgment, as explained in *Muhammad Allahdad Khan v. Muhammad Ismail* (1888). The acknowledgment is valid only where the child's illegitimacy is not proved, the ages make the relationship possible, and paternity is not established in another.

Step 1 — Eliminate the others: Acknowledgment fails where the child is known to be the offspring of zina or of another man; there is no rigid two-witness requirement; and it cannot confer legitimacy on a child proved to be another's.

Tip: Acknowledgment presumes a lawful marriage; it cannot legitimise proven illegitimacy.

Final Answer: Ages must permit the relationship and paternity must not be established elsewhere ⇒

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



Q71.

Solution

Concept — De Facto Guardian in Muslim Law: A de facto guardian is one who, having no legal authority, assumes charge of a minor's property. The Privy Council in *Imbandi v. Mutsaddi* (1918) held that such a guardian has no power to transfer any right or interest in the minor's immovable property, and any such transfer is void.

Step 1 — Eliminate the others: A de facto guardian cannot sell immovable property; he does not rank above the father, who is the de jure guardian; and he is not an appointee of the Kazi.

Tip: Muslim de facto guardian = unauthorised intermeddler; alienation by him is void.

Final Answer: No power to transfer the minor's immovable property; transfer void ⇒

[Go Back to Q71](#)

Q72.

Solution

Concept — Gift of Mushaa: Mushaa denotes an undivided share in property. Under Hanafi law a hiba of mushaa in property capable of division is irregular (fasid), not void, and is perfected by a subsequent partition and delivery of the specific share to the donee.

Step 1 — Eliminate the others: The gift is not wholly void and incurable; nor is a gift of an undivided share absolutely barred; and mushaa is not confined to charitable gifts. The defect lies in want of separate possession, which partition cures.

Tip: Mushaa in divisible property = irregular but curable by partition and delivery.

Final Answer: Irregular, but perfected by partition and delivery ⇒

[Go Back to Q72](#)



Q73.

Solution

Concept — Condition Restraining Alienation, TPA s.10: Section 10 of the Transfer of Property Act, 1882, makes a condition absolutely restraining the transferee from alienating his interest void. Two exceptions are recognised: a condition in a lease for the benefit of the lessor, and a transfer to or for the benefit of a woman (not a Hindu, Muhammadan or Buddhist) restraining anticipation.

Step 1 — Eliminate the others: An absolute restraint is not enforceable, and the section is not subject to a ten-year cap. It is void subject only to the two statutory exceptions, so a “void in every case” answer is inaccurate.

Tip: Absolute restraint = void; partial restraint = generally valid.

Final Answer: Void, save the lease and married-woman exceptions ⇒ C

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

Q74.

Solution

Concept — Transfer for Unborn Person, TPA s.13: Section 13 forbids a direct transfer to an unborn person. The interest must be preceded by a prior life interest, and the entire remaining interest must vest in the unborn person, so that he takes an absolute interest and not a mere limited estate.

Step 1 — Eliminate the others: A direct gift to an unborn person is not permitted; the unborn person cannot be given a mere life interest under s.13; and a transfer for an unborn’s benefit, made through a prior interest, is not void in all circumstances.

Tip: Prior interest + whole residue to the unborn = valid; a clipped interest fails.

Final Answer: Preceded by a prior interest, with the whole residue to the unborn ⇒ D

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



Q75.

Solution

Concept — Conditional Transfer, TPA s.25: Section 25 provides that an interest created on the fulfilment of a condition which is impossible, forbidden by law, fraudulent, injurious to person or property, or opposed to public policy, or which would defeat any law, fails. Such a transfer is void.

Step 1 — Eliminate the others: The transfer is not saved by merely ignoring the condition, since the interest itself is dependent on the unlawful or impossible condition. It is void, not voidable, and ignorance of the impossibility does not validate it.

Tip: Bad condition precedent = the whole transfer is void under s.25.

Final Answer: The transfer is void ⇒

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

Q76.

Solution

Concept — Impossible Condition Precedent, TPA s.25: Where an interest is created on the fulfilment of a condition precedent that is impossible of performance, Section 25 renders the transfer ineffective, since the interest can never vest. The transfer fails along with the impossible condition.

Step 1 — Eliminate the others: The transferee does not take free of an impossible condition precedent, because the very vesting depends on it; the transferor is not required to waive it; and the court does not rewrite the condition into a reasonable one.

Tip: Impossible condition precedent = no vesting; the transfer fails.

Final Answer: The transfer fails on the impossible condition ⇒

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



Q77.

Solution

Concept — Promoter's Fiduciary Duty: A promoter occupies a fiduciary position towards the company he forms. As laid down in *Erlanger v. New Sombrero Phosphate Co.* (1878), a promoter who sells his own property to the company at a profit must make full disclosure; if he conceals the profit, the company may rescind the sale or recover the secret profit.

Step 1 — Eliminate the others: The sale is not automatically valid merely because the promoter owns the property; the profit cannot be retained as remuneration when undisclosed; and the fiduciary duty arises during promotion, not only after registration.

Tip: Undisclosed promoter profit = rescission or account for the secret profit.

Final Answer: Company may rescind or recover the secret profit ⇒

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

Q78.

Solution

Concept — Pre-Incorporation Contracts: A company has no capacity to contract before incorporation, so it cannot be bound by, nor ratify, a pre-incorporation contract, as held in *Kelner v. Baxter* (1866). Under Sections 15 and 19 of the Specific Relief Act, 1963, the company may, however, become bound where the contract is warranted by the terms of incorporation and is adopted after incorporation.

Step 1 — Eliminate the others: The company is not automatically bound on incorporation; the promoter may be personally liable on the contract; and such a contract is not a complete nullity, since it can be adopted in the manner the Specific Relief Act allows.

Tip: No ratification by a non-existent company; adoption under the Specific Relief Act is the route.

Final Answer: Company cannot ratify, but may be bound on adoption if warranted by incorporation ⇒

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



Q79.

Solution

Concept — Irregular Allotment: An allotment made in breach of the statutory conditions as to minimum subscription and application money is an irregular allotment. The settled consequence is that such an allotment is voidable at the option of the allottee, who may avoid it within the time and on the conditions prescribed.

Step 1 — Eliminate the others: The allotment is not void ab initio, nor always valid, nor voidable at the option of the company. The protection of the avoidance right is conferred on the applicant.

Tip: Irregular allotment = voidable by the allottee within the prescribed time.

Final Answer: Voidable at the option of the allottee ⇒

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

Q80.

Solution

Concept — Valid Allotment of Shares: An allotment is the acceptance of the applicant's offer to take shares and must satisfy the ordinary rules of acceptance. It must be made by a duly authorised person, within a reasonable time, be absolute and unconditional, and be communicated to the applicant.

Step 1 — Eliminate the others: An allotment after an unreasonable delay lapses; a mere board resolution without communication is incomplete; and a complete absence of communication cannot bind the applicant.

Tip: Allotment = authorised + reasonable time + absolute + communicated.

Final Answer: Authorised, timely, absolute and communicated ⇒

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

Q81.

Solution

Concept — Author's Special Rights, Copyright s.57: Section 57 of the Copyright Act, 1957, preserves the author's special (moral) rights independently of, and even after assignment of, the copyright. These are the right to claim authorship and the right to restrain or claim damages for distortion, mutilation or modification prejudicial to honour or reputation, affirmed in *Amar Nath Sehgal v. Union of India* (2005).



Step 1 — Eliminate the others: Section 57 does not give a right to bar all publication after assignment, nor a right to royalties from every purchaser, and the moral rights are personal to the author and not assignable with the economic rights.

Tip: s.57 = paternity right + integrity right, surviving assignment.

Final Answer: Right to claim authorship and to restrain prejudicial distortion ⇒ C

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

Q82.

Solution

Concept — Integrity Right, Copyright s.57: The moral rights under Section 57 comprise the paternity right (to be identified as author) and the integrity right. The integrity right is the right to restrain, or to claim damages for, any distortion, mutilation, modification or other act in relation to the work that would be prejudicial to the author's honour or reputation.

Step 1 — Eliminate the others: Being identified as creator is the paternity right, not the integrity right; transferring the work to heirs and demanding a fresh edition are not moral rights under s.57.

Tip: Paternity = “who made it”; integrity = “do not deface it”.

Final Answer: Right to restrain prejudicial distortion or mutilation ⇒ D

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

Q83.

Solution

Concept — Absolute Grounds, Trade Marks Act s.9: Section 9 lists the absolute grounds for refusal. A mark is refused if it is devoid of distinctive character, or consists exclusively of marks or indications designating the kind, quality, quantity, intended purpose, values or geographical origin of the goods or services, or has become customary in the trade.

Step 1 — Eliminate the others: Identity or similarity with an earlier mark, similarity with a well-known mark, and likelihood of confusion with an earlier trade mark are relative grounds under Section 11, not absolute grounds under Section 9.

Tip: s.9 = intrinsic defects of the mark; s.11 = conflict with earlier marks.



Final Answer: Devoid of distinctive character or merely descriptive ⇒

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

Q84.

Solution

Concept — Relative Grounds, Trade Marks Act s.11: Section 11 sets out the relative grounds for refusal. A mark is refused where, because of its identity or similarity with an earlier trade mark and the identity or similarity of the goods or services, there exists a likelihood of confusion on the part of the public, including a likelihood of association with the earlier mark.

Step 1 — Eliminate the others: Marks consisting exclusively of the shape resulting from the nature of goods, marks devoid of distinctive character, and customary indications are absolute grounds under Section 9, not relative grounds under Section 11.

Tip: s.11 turns on conflict with an earlier mark and likelihood of confusion.

Final Answer: Likelihood of confusion with an earlier trade mark ⇒

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

Q85.

Solution

Concept — Acquired Distinctiveness, Trade Marks Act s.9: The proviso to Section 9(1) saves a mark that would otherwise be refused for want of distinctiveness, where, before the date of application, it has in fact acquired a distinctive character through use, or is a well-known trade mark. This is the principle of secondary meaning.

Step 1 — Eliminate the others: Payment of an enhanced fee, use confined to outside India, and renewal within the prescribed period do not cure an inherent lack of distinctiveness; only acquired distinctiveness or well-known status does.

Tip: Descriptive mark + proven acquired distinctiveness = registrable under the s.9 proviso.

Final Answer: Where the mark has acquired distinctiveness by use before application ⇒

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



Q86.

Solution

Concept — Daughter Coparcener's Right to Partition: Under Section 6 of the Hindu Succession Act, 1956, as amended in 2005, a daughter becomes a coparcener by birth in the same manner as a son, with the same rights and liabilities. *Vineeta Sharma v. Rakesh Sharma* (2020) confirmed that this right is by birth and does not depend on the father being alive on 9 September 2005.

Step 1 — Eliminate the others: Her right to seek partition is not subject to her brothers' consent, is not postponed to the father's death, and is not reduced to a mere right of maintenance. She enjoys a coparcener's full right to demand partition.

Tip: Post-2005 daughter = coparcener by birth, with the same partition right as a son.

Final Answer: Same right to seek partition as a son ⇒

[Go Back to Q86](#)

Q87.

Solution

Concept — Guardian of Minor's Property in Muslim Law: The legal (de jure) guardians of a minor's property in Muslim law follow a definite order: the father; the executor appointed by the father's will; the father's father; and the executor appointed by the grandfather. The father is thus the de jure guardian entitled in the first instance.

Step 1 — Eliminate the others: The mother, though a preferred guardian of the person of a young child (hizanat), is not the de jure guardian of property; the brother and the maternal grandfather do not figure in the recognised order of property guardianship.

Tip: Property guardian order = father → father's executor → paternal grandfather → his executor.

Final Answer: The father of the minor ⇒

[Go Back to Q87](#)



Q88.

Solution

Concept — Disclosure to an Independent Board: A promoter's fiduciary duty is discharged by full and fair disclosure of any profit, either to an independent board of directors or to the existing and intended shareholders, as recognised in *Erlanger v. New Sombrero Phosphate Co.* (1878). Where disclosure is full, the profit may be lawfully retained.

Step 1 — Eliminate the others: A promoter is not absolutely barred from dealing with the company; the company is not bound to rescind where there has been full disclosure; and the promoter is not liable to account for a profit he has properly disclosed.

Tip: Full disclosure to an independent board = promoter keeps the profit lawfully.

Final Answer: Valid and profit retainable on full disclosure ⇒

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

Q89.

Solution

Concept — Waiver of the Right to Object (s.4): Section 4 of the Arbitration and Conciliation Act, 1996 provides that a party which knows that any requirement of the agreement or of a derogable provision of the Act has not been complied with, and yet proceeds with the arbitration without stating its objection without undue delay, shall be deemed to have waived its right to object. The principle was applied in *Narayan Prasad Lohia v. Nikunj Kumar Lohia* (2002).

Step 1 — Apply to the facts: The party knew of the defective appointment, yet filed its defence and contested on the merits without protest. Under s.4 that conduct is a deemed waiver; the irregularity here is of a derogable kind and can indeed be waived, so the contrary options fail.

Tip: s.4 = “knows + proceeds without objecting” ⇒ waiver of a derogable requirement.

Final Answer: The party is deemed to have waived its objection under Section 4 ⇒

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



Q90.

Solution

Concept — Incorporation by Reference (s.7(5)): Section 7(5) of the Arbitration and Conciliation Act, 1996 provides that the reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement if the contract is in writing and the reference is such as to make that clause part of the contract. The distinction between a general and a specific reference was explained in *M. R. Engineers & Contractors v. Som Datt Builders* (2009).

Step 1 — Apply to the facts: The signed purchase order is in writing and refers to the seller's standard terms which contain the arbitration clause; where the reference imports those terms into the contract, the clause is incorporated. An arbitration clause therefore need not be reproduced verbatim, nor must both documents be signed on the same day, and a bare reference without any writing will not do.

Tip: s.7(5) needs (i) a written contract and (ii) a reference apt to make the clause part of it.

Final Answer: The clause is validly incorporated under Section 7(5) ⇒

[Go Back to Q90](#)

Q91.

Solution

Concept — Reference in a Foreign-Award Matter (s.45): Section 45, in Part II Chapter I of the Arbitration and Conciliation Act, 1996 (New York Convention awards), obliges a judicial authority, when seized of an action in a matter covered by such an arbitration agreement, to refer the parties to arbitration on the request of a party, unless it finds that the agreement is null and void, inoperative or incapable of being performed.

Step 1 — Distinguish s.45 from s.8: Section 8 governs references in domestic (Part I) matters; for a foreign-seated New York Convention arbitration the correct gateway is s.45. Section 11 concerns appointment of arbitrators and s.89 CPC concerns court-annexed ADR, neither of which is the referral power here. Since the court found the agreement valid, operative and capable of performance, it must refer the parties.

Tip: Part II foreign matter ⇒ refer under s.45 (not s.8, which is Part I).

Final Answer: The court refers the parties to arbitration under Section 45 ⇒

[Go Back to Q91](#)



Q92.

Solution

Concept — Enforceability of a s.17 Interim Order (post-2015): The 2015 amendment recast Section 17 of the Arbitration and Conciliation Act, 1996 by inserting sub-section (2), which provides that an order of the arbitral tribunal under Section 17 shall be deemed to be an order of the court for all purposes and shall be enforceable in the same manner as if it were an order of the court under the Code of Civil Procedure, 1908. This cured the enforceability gap noted in *M. D. Army Welfare Housing Organisation v. Sumangal Services* (2004).

Step 1 — Eliminate the distractors: A post-2015 s.17 order is no longer a toothless recommendation; it need not await the final award, nor must a party first re-obtain an identical order under s.9. It is directly enforceable as a court order.

Tip: s.17(2) (post-2015) = tribunal's interim order is enforceable like a court order under the CPC.

Final Answer: A Section 17 order is enforceable as an order of the court under the CPC ⇒ D

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

Q93.

Solution

Concept — s.9 versus s.17 after 2015: Section 9(3) of the Arbitration and Conciliation Act, 1996, inserted in 2015, provides that once the arbitral tribunal has been constituted, the court shall not entertain an application under Section 9(1) unless it finds that circumstances exist which may not render the remedy under Section 17 efficacious. The object, explained in *Arcelor Mittal Nippon Steel India v. Essar Bulk Terminal* (2021), is to channel interim relief to the tribunal once it is in place.

Step 1 — Eliminate the distractors: The two provisions are not identical, a party cannot freely run both forums in parallel after the tribunal is constituted, and neither remedy is confined to one side of the cause. The court steps back in favour of s.17 unless that remedy would be inefficacious.

Tip: Post-constitution ⇒ s.17 is the default; s.9 only if s.17 would not be efficacious (s.9(3)).

Final Answer: After constitution of the tribunal, s.9 is not entertained unless s.17 would be inefficacious ⇒ B



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

Q94.

Solution

Concept — Permanent Lok Adalat Jurisdiction (Ch. VI-A, LSA Act): Sections 22-A to 22-E of the Legal Services Authorities Act, 1987 establish Permanent Lok Adalats for disputes relating to specified public-utility services. Their jurisdiction is a pre-litigation one: under Section 22-C a party may apply before the dispute is brought to court, but the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable, and only up to the pecuniary limit fixed by the Act (raised by amendment).

Step 1 — Apply to the facts: Electricity is a public-utility service, so a modest-value civil bill dispute falls within the Permanent Lok Adalat's pre-litigation jurisdiction, subject to the pecuniary cap and the exclusion of non-compoundable offences. The options claiming unlimited jurisdiction, a post-decree role, or a purely criminal-offence remit are wrong.

Tip: PLA = pre-litigation, public-utility services, pecuniary cap, no non-compoundable offences (s.22-C).

Final Answer: The PLA has jurisdiction over the public-utility dispute within the pecuniary cap and excluding non-compoundable offences ⇒

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

Q95.

Solution

Concept — Conciliation versus Lok Adalat: Under Section 73 read with Section 74 of the Arbitration and Conciliation Act, 1996, a settlement agreement drawn up in conciliation has the same status and effect as an arbitral award on agreed terms under Section 30. By contrast, Section 21 of the Legal Services Authorities Act, 1987 provides that every award of a Lok Adalat shall be deemed to be a decree of a civil court, is final and binding, and no appeal shall lie against it.

Step 1 — Eliminate the distractors: The two outcomes are not identical in status (one is an award on agreed terms, the other a deemed decree), neither is merely advisory once a settlement/award is reached, and a Lok Adalat award is expressly not appealable while a conciliation settlement is enforceable. Option C states the distinction correctly.

Tip: Conciliation settlement = award on agreed terms (ss.73-74/30); Lok Adalat



award = deemed decree, no appeal (s.21).

Final Answer: Conciliation settlement is an award on agreed terms; a Lok Adalat award is a deemed decree, final and unappealable ⇒ C

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

Q96.

Solution

Concept — Bar on Full-Time Employment (BCI Rules, s.49 Advocates Act): Rule 49 of the Bar Council of India Rules, framed under Section 49(1)(c) of the Advocates Act, 1961, provides that an advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern so long as he continues to practise. On taking up such employment he must intimate the Bar Council, which shall remove his name from the roll of practising advocates for that period. The position was applied in *Satish Kumar Sharma v. Bar Council of H.P.* (2001).

Step 1 — Eliminate the distractors: It is not true that an advocate may freely hold full-time salaried employment and practise, nor does the employer's consent cure the bar, nor is the matter left to the advocate's discretion with no rule. Full-time salaried employment and active practice cannot co-exist.

Tip: BCI Rule 49 — full-time salaried job ⇒ cease to practise for that period.

Final Answer: An advocate may not be a full-time salaried employee while practising and must cease practice for that period ⇒ D

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

Q97.

Solution

Concept — Advocate-on-Record: Under Article 145 of the Constitution and the Supreme Court Rules, 2013 (Order IV), only an advocate-on-record (AOR) — an advocate who has cleared the prescribed AOR examination and maintains a registered office and clerk within the stipulated radius of the Court — is entitled to act, file appearances and lodge pleadings on behalf of a party before the Supreme Court of India.

Step 1 — Eliminate the distractors: A senior advocate is barred from filing or acting directly and must appear with an AOR or other advocate; a notary public has no such standing; and not every advocate on a State roll may file in the Supreme



Court without being an AOR. The competent category is the advocate-on-record.

Tip: Only the AOR may “act” (file/lodge) in the Supreme Court; seniors only “plead.”

Final Answer: Only an advocate-on-record may act and file pleadings before the Supreme Court ⇒

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

Q98.

Solution

Concept — Restrictions on Practising: Although Section 30 of the Advocates Act, 1961 confers the right to practise, that right is not absolute. The Bar Council of India Rules forbid an advocate from engaging personally in any business or trade inconsistent with the dignity of the profession and prescribe standards of conduct; breach exposes the advocate to disciplinary action and to being restrained from practice. The disciplinary scheme is found in Sections 35 to 37, and the regulatory character of the right was affirmed in *Bar Council of India v. A. K. Balaji* (2018).

Step 1 — Eliminate the distractors: The right to practise is therefore not absolute and incapable of restriction, an advocate may not carry on any inconsistent trade or business at will, and the right need not be removed by a Bill of attainder naming the individual. It is regulated by the Act and the Rules.

Tip: Right to practise (s.30) is real but regulated; inconsistent trade/misconduct ⇒ restraint or discipline.

Final Answer: The right to practise is not absolute and may be restricted for inconsistent trade or misconduct ⇒

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

Q99.

Solution

Concept — Fees, Lien and Continuing Confidentiality: The advocate’s duty to his client, codified in the Bar Council of India Rules (Chapter II, Section II, Rules 17-19 and allied rules) and reflecting Section 126 of the Indian Evidence Act, 1872, includes a duty not to disclose communications made in the course of and for the purpose of the engagement — a duty that continues even after the engagement ends. The advocate must not misuse the client’s papers, and questions of fees and any retaining lien are governed by the rules and the prevailing position,



as discussed in *R. D. Saxena v. Balram Prasad Sharma* (2000).

Step 1 — Eliminate the distractors: It is wrong that the advocate may disclose confidences freely once the matter ends, or that confidentiality lapses on conclusion of the case, or that he may deal with the papers as he likes. The duty of confidentiality survives, and the client's documents may not be exploited.

Tip: Confidentiality (s.126 Evidence Act) continues after the brief ends; do not misuse client papers.

Final Answer: The duty of confidentiality continues after the engagement and the client's papers must not be misused ⇒ C

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

Q100.

Solution

Concept — Breach of Undertaking as Civil Contempt (s.2(b)): Section 2(b) of the Contempt of Courts Act, 1971 defines civil contempt as wilful disobedience to any judgment, decree, direction, order, writ or other process of a court, or wilful breach of an undertaking given to a court. A solemn undertaking recorded by the court stands on the same footing as an injunction, as held in *Babu Ram Gupta v. Sudhir Bhasin* (1979).

Step 1 — Apply to the facts: The party, with full knowledge of its recorded undertaking not to alienate, wilfully transferred the property. That is wilful breach of an undertaking and squarely falls within civil contempt under s.2(b). It is neither outside the contempt jurisdiction, nor criminal contempt (which concerns scandalising or obstructing justice under s.2(c)).

Tip: s.2(b) civil contempt expressly covers “wilful breach of an undertaking given to a court.”

Final Answer: Wilful breach of an undertaking to the court is civil contempt under Section 2(b) ⇒ D

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



Answer Key

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

