CLAT PG 2023 Question Paper with Solutions

Time Allowed :2 Hours	**Maximum Marks :**120	**Total questions :**120

General Instructions

Instructions to Candidates

1. The Question Booklet (QB) contains **120 multiple-choice questions** spread across **53 pages**, including **3 blank pages** for rough work. *No additional sheets* will be supplied for rough work.
2. Enter your **Admit Card Number** on the first page of the QB **at the start** of the test.
3. Answer **all questions** on the **carbonised OMR Response Sheet** supplied with the QB. **Read the detailed OMR instructions** printed on the reverse of the packet **before** you begin.
4. **No clarifications** on the contents of the QB will be entertained. If you notice any discrepancy, **request a replacement** of *both* the QB *and* the OMR Response Sheet from the Invigilator. *Do not reuse* an old OMR with a new QB.
5. **Write the QB number** and the **OMR Response Sheet number** and **sign** in the appropriate space/column on the **Attendance Sheet** circulated during the test.
6. **Retain your Admit Card** after it is signed by the Invigilator; it must be produced at the time of **admissions**.
7. **Marking scheme (LL.M. Paper):** Each correct answer carries **+1**. Each incorrect answer incurs -0.25. **No deduction** for questions left unattempted.
8. You may **retain the QB** and the **candidate's copy** of the OMR Response Sheet after the test.

Our society is governed by the Constitution. The values of constitutional morality are a non-derogable entitlement. Notions of "purity and pollution", which stigmatise individuals, can have no place in a constitutional regime. Regarding menstruation as polluting or impure, and worse still, imposing exclusionary disabilities on the basis of menstrual status, is against the dignity of women which is guaranteed by the Constitution. Practices which legitimise menstrual taboos, due to notions of "purity and pollution", limit the ability of menstruating women to attain the freedom of movement, the right to education and the right of entry to places of worship and, eventually, their access to the public sphere. Women have a right to control their own bodies. The menstrual status of a woman is an attribute of her privacy and person. Women have a constitutional entitlement that their biological processes must be free from social and religious practices, which enforce segregation and exclusion. These practices result in humiliation and a violation of dignity. Article 17 prohibits the practice of "untouchability", which is based on notions of purity and impurity, "in any form". Article 17 certainly applies to untouchability practices in relation to lower castes, but it will also apply to the systemic humiliation, exclusion and subjugation faced by women. Prejudice against women based on notions of impurity and pollution associated with menstruation is a symbol of exclusion. The social exclusion of women, based on menstrual status, is but a form of untouchability which is an anathema to constitutional values. As an expression of the anti-exclusion principle, Article 17 cannot be read to exclude women against whom social exclusion of the worst kind has been practised and legitimised on notions of purity and pollution. Article 17 cannot be read in a restricted manner. But even if Article 17 were to be read to reflect a particular form of untouchability, that Article will not exhaust the guarantee against other forms of social exclusion. The guarantee against social exclusion would emanate from other provisions of Part III, including Articles 15(2) and 21. Exclusion of women between the age group of ten and fifty, based on their menstrual status, from entering the temple in Sabarimala can have no place in a constitutional order founded on liberty and dignity.

[Extracted from *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1]

Q1. In IYLA, the Supreme Court held that the worshippers of Lord Ayyappa:

(A) are not a religious denomination because they have not registered themselves as such

(B) are not a religious denomination because they do not have a distinct name, a common set of beliefs, and a common organisational structure
(C) are a religious denomination because they have been recognised as such by the state
(D) are a religious denomination because they have consistently been treated as such by themselves as well as by society in general

Correct Answer: (B) are not a religious denomination because they do not have a distinct name, a common set of beliefs, and a common organisational structure

Solution (detailed):

Step 1: Understanding the legal context.

The question is based on the case *Indian Young Lawyers Association v. State of Kerala* (2019), in which the Supreme Court examined whether the devotees of Lord Ayyappa at Sabarimala qualified as a "religious denomination" under Article 26 of the Indian Constitution.

Step 2: Criteria for a religious denomination.

The Supreme Court, relying on prior jurisprudence, has clarified that to qualify as a religious denomination, a group must have:

- A **distinct name**,
- A **common set of beliefs**, and
- A **common organisational structure**.

Step 3: Application to the worshippers of Lord Ayyappa.

While Lord Ayyappa's devotees share the Hindu faith and follow certain traditions, they do not form an entirely separate sect or denomination with an independent organisational structure or a distinctly recognised name. Their practices are part of a larger Hindu tradition and not a distinct, self-contained religious denomination.

Step 4: Elimination of incorrect options.

- (A) Incorrect — Registration is not a constitutional requirement for being a denomination.
- (C) Incorrect — Recognition by the state is not the sole criterion; the group must independently satisfy the three essential features.

- (D) Incorrect — Being treated as such by society is insufficient without meeting the definitional requirements.

Thus, option (B) is correct.

Not a religious denomination — no distinct name, beliefs, organisation

Quick Tip

For Article 26 protection, a religious denomination must have a distinct name, a common set of beliefs, and a common organisational structure. Mere shared faith or social recognition does not suffice.

Q2. The Supreme Court determined whether a religious practice falls within Article 25 using the:

(A) Essential Religious Practice Test
(B) Sincerity of Belief Test
(C) Proportionality Test
(D) Constitutional Morality Test

Correct Answer: (A) Essential Religious Practice Test

Solution (detailed):

Step 1: Context of Article 25.

Article 25 of the Indian Constitution guarantees the freedom of conscience and the right to freely profess, practice, and propagate religion — subject to public order, morality, health, and other provisions of Part III.

Step 2: The test used by courts.

To decide whether a practice is constitutionally protected as part of a religion, the judiciary applies the *Essential Religious Practice (ERP) Test*. This test asks: "Is the practice in

question fundamental to the religion itself, without which the religion's identity would be altered?"

Step 3: Elimination of wrong options.

- (B) *Sincerity of Belief Test* — This is used in some jurisdictions like the USA to examine if an individual genuinely holds a belief, but in India, ERP is the established test for Article 25 scope.
- (C) *Proportionality Test* — Applied in balancing rights against restrictions (e.g., privacy cases), not specifically for identifying essential religious practices.
- (D) *Constitutional Morality Test* — Used for judging the constitutional validity of practices vis-à-vis principles like equality, not for determining if a practice qualifies under Article 25.

Essential Religious Practice Test

Quick Tip

In Indian constitutional law, ERP is central for Article 25 cases — it examines necessity to the religion, not just popularity or tradition.

Q3. Parliament gave effect to Article 17 by enacting:

(A) *The Abolition of Untouchability Act, 1951*

(B) *The Protection of Civil Rights Act, 1955*

(C) *The Constitutional Offences Act, 1951*

(D) *The Untouchability Offences (Prohibition, Protection, and Remedies) Act, 1950*

Correct Answer: (B) *The Protection of Civil Rights Act, 1955*

Solution (detailed):

Step 1: Understanding Article 17.

Article 17 abolishes "untouchability" and forbids its practice in any form. Parliament is empowered to enact a law to give effect to this abolition.

Step 2: Legislative implementation.

Initially, the *Untouchability (Offences) Act, 1955* was passed to penalise acts of untouchability. In 1976, it was renamed the *Protection of Civil Rights Act, 1955* with amendments to make it more effective.

Step 3: Elimination of wrong options.

- (A) — There is no legislation called "Abolition of Untouchability Act, 1951."
- (C) — "Constitutional Offences Act, 1951" does not exist.
- (D) — "Untouchability Offences. . . " is a misstatement of the 1955 Act's old name.

The Protection of Civil Rights Act, 1955

Quick Tip

Always connect an Article with its enforcing statute — Article 17's enforcement law is the Protection of Civil Rights Act, 1955.

Q4. Justice D.Y. Chandrachud's reliance on Constituent Assembly Debates to determine the scope of Article 17 is best explained by this method of constitutional interpretation:

(A) Living Constitutionalism
(B) Originalism
(C) Structuralism
(D) Textualism

Correct Answer: (B) Originalism

Solution (detailed):

Step 1: What is Originalism?

Originalism interprets constitutional provisions in light of the original intent or understanding of the framers at the time the Constitution was adopted.

Step 2: Why it applies here.

Justice Chandrachud examined the Constituent Assembly Debates to determine what the framers intended for Article 17's scope — a hallmark of Originalism.

Step 3: Elimination of wrong options.

- (A) Living Constitutionalism — Interprets provisions as evolving with time, not primarily based on framers' original intent.
- (C) Structuralism — Deduces meaning from the structure of the Constitution as a whole, not specific historical debates.
- (D) Textualism — Focuses strictly on the text's plain meaning without delving into historical intent.

Originalism

Quick Tip

When judgments cite Constituent Assembly Debates to explain meaning, they are usually applying Originalist interpretation.

Q5. In IYLA, Justice D.Y. Chandrachud held that Article 17 has:

(A) Vertical application

(B) Horizontal application

(C) Indirect horizontal application

(D) None of the above

Correct Answer: (B) Horizontal application

Solution (detailed):

Step 1: Meaning of horizontal vs vertical application.

Vertical application — applies only between individuals and the state. Horizontal application — applies between private parties as well.

Step 2: Justice Chandrachud's interpretation.

He held that Article 17's guarantee against untouchability applies horizontally, meaning it binds not just the state but also private individuals, social groups, and institutions.

Step 3: Elimination of wrong options.

- (A) — This would limit Article 17 to state action, contrary to the judgment.
- (C) — Indirect horizontal application is not what Chandrachud J. stated; it was a direct horizontal effect.
- (D) — Not correct since a specific answer exists.

Horizontal application

Quick Tip

Some fundamental rights (like Art. 17, 23) apply horizontally, protecting individuals against other individuals, not just the state.

Q6. In the review petition against this judgment, the Supreme Court has framed which of the following questions for determination by a 9-judge bench?

(A) Scope of "public order, morality and health" in Article 25(1)

(B) Scope of expression "section of Hindus" in Article 25(2)(b)

(C) Scope of "judicial recognition" to PILs filed by people not belonging to a religious denomination to contest a religious practice

(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

The 9-judge bench in the Sabarimala review framed broad questions touching multiple constitutional issues, including:

1. The meaning of "public order, morality and health" in Art. 25(1).
2. Who qualifies as a "section of Hindus" under Art. 25(2)(b).
3. Whether non-members of a religious denomination can maintain PILs challenging religious practices.

Since all three were included, the correct answer is (D).

All the above

Quick Tip

When multiple listed issues are part of the same reference, "All the above" is correct if each statement is factually true.

Q7. Which judge on the bench in IYLA disagreed with Justice Chandrachud on the application of Article 17?

(A) Justice R.F. Nariman
(B) Justice Dipak Misra
(C) Justice Indu Malhotra
(D) None of the above

Correct Answer: (C) Justice Indu Malhotra

Solution (detailed):

Justice Indu Malhotra was the sole dissent in the original 2018 Sabarimala judgment. She disagreed with Justice Chandrachud's application of Article 17 to the exclusion of women

from the temple, holding that matters of essential religious practice should not be interfered with unless they violate public order, morality, or health.

Justice Indu Malhotra

Quick Tip

Remember the lone dissent in Sabarimala (IYLA) — Justice Indu Malhotra — as a key point for both constitutional law and judicial opinions.

Q8. In reaching his conclusion on the scope of Article 17, Justice D.Y. Chandrachud cited which of the following works of Dr. B.R. Ambedkar?

(A) *Coming out as Dalit*
(B) *Goolami*
(C) *Annihilation of Caste*
(D) All the above

Correct Answer: (C) *Annihilation of Caste*

Solution (detailed):

Step 1: Identify Ambedkar's foundational work relevant to untouchability.
Article 17 abolishes "untouchability" and forbids its practice. Dr. B.R. Ambedkar's classic tract *Annihilation of Caste* (1936) is a seminal critique of caste and untouchability, frequently relied upon by courts when discussing the anti-exclusion spirit behind Article 17.

Step 2: Match each option to the correct author and relevance.

- **(A) *Coming out as Dalit*** — authored by **Yashica Dutt** (a contemporary memoir/essay collection). It is *not* by Ambedkar.
- **(B) *Goolami*** — appears to be a misspelling/variant of *Gulamgiri* (*Slavery*) by **Jyotirao Phule** (1873), another reformer, but again *not* Ambedkar.

- **(C)** ***Annihilation of Caste*** **— by Ambedkar**; directly addresses caste-based exclusion and is routinely cited in judgments elaborating the scope of Article 17 and constitutional morality against social exclusion.

Step 3: Eliminate distractors decisively.

Because (A) and (B) are not Ambedkar's works, (D) ("All the above") cannot be true. The only accurate Ambedkar text in the list is (C).

Annihilation of Caste

Quick Tip

When a question asks "which work of Ambedkar…", first verify **authorship**. Ambedkar's key texts often cited by courts include *Annihilation of Caste* and *Who Were the Shudras?*

Q9. In the passage above, what does the term "non-derogable" mean?

(A) Cannot be extracted under any circumstances

(B) Cannot be precisely determined

(C) Cannot be infringed under any circumstances

(D) None of the above

Correct Answer: (C) Cannot be infringed under any circumstances

Solution (detailed):

Step 1: Understand "derogation".

To "derogate" from a right is to *limit*, *curtail*, or *set aside* it (often by law or during emergencies). A **non-derogable** right is one from which no derogation is permitted — it *cannot be suspended or infringed*.

Step 2: Apply to the passage's language.

The passage states that constitutional values (e.g., dignity, equality) are "a non-derogable entitlement," indicating they are not subject to curtailment based on notions like purity and pollution.

Step 3: Eliminate wrong options.

(A) "Cannot be extracted" is meaningless in rights discourse.

(B) "Cannot be precisely determined" talks about *epistemic uncertainty*, not legal inviolability.

(D) "None of the above" is incorrect because (C) captures the accepted legal meaning.

Cannot be infringed (or suspended) under any circumstances

Quick Tip

Remember: **non-derogable** $\equiv$ **non-suspendable**. Even emergency powers cannot lawfully curtail such rights.

Q10. The petition filed by the Indian Young Lawyers Association in this case was a:

(A) Special Leave Petition from the decision of the Kerala High Court

(B) Public Interest Litigation

(C) Writ Appeal from a petition filed under Article 226

(D) None of the above

Correct Answer: (B) Public Interest Litigation

Solution (detailed):

Step 1: Identify the procedural posture.

Indian Young Lawyers Association v. State of Kerala was initiated directly before the Supreme Court **as a Public Interest Litigation (PIL)** under Article 32, seeking enforcement of fundamental rights (women's entry into Sabarimala temple).

Step 2: Distinguish each option.

- **SLP (Option A):** A Special Leave Petition (Art. 136) challenges a decision of a lower court/tribunal. Here, the matter was not an appeal from the Kerala High Court; it was a direct petition.
- **Writ Appeal (Option C):** This is an *intra-court* appeal in High Courts against a Single Judge's writ order under Art. 226. Not applicable because proceedings began in the Supreme Court.
- **PIL (Option B):** Suits filed for broader public interest, especially to vindicate fundamental rights under Arts. 32/226. IYLA fits this description.

Step 3: Conclude.

Therefore, the correct characterisation is **PIL**.

Public Interest Litigation (filed under Article 32)

Quick Tip

When a case originates in the Supreme Court to enforce fundamental rights for a class of persons (not a private dispute or an appeal), it is typically a **PIL** under Article 32.

An Ordinance which is promulgated by the Governor has (as clause 2 of Article 213 provides) the same force and effect as an Act of the legislature of the State if assented to by the Governor. However - and this is a matter of crucial importance - clause 2 goes on to stipulate in the same vein significant constitutional conditions. These conditions have to be fulfilled before the 'force and effect' fiction comes into being. These conditions are prefaced by the expression "but every such Ordinance" which means that the constitutional fiction is subject to what is stipulated in sub-clauses (a) and (b). Sub-clause (a) provides that the Ordinance "shall be laid before the legislative assembly of the state" or before both the Houses in the case of a bi-cameral legislature. Is the requirement of laying an Ordinance before the state legislature mandatory? There can be no manner of doubt that it is. The expression "shall be laid" is a positive mandate which brooks no exceptions. That the word

'shall' in sub-clause (a) of clause 2 of Article 213 is mandatory, emerges from reading the provision in its entirety. As we have noted earlier, an Ordinance can be promulgated only when the legislature is not in session. Upon the completion of six weeks of the reassembling of the legislature, an Ordinance "shall cease to operate".

Article 213(2)(a) postulates that an ordinance would cease to operate upon the expiry of a period of six weeks of the reassembly of the legislature. The Oxford English dictionary defines the expression "cease" as : "to stop, give over, discontinue, desist; to come to the end." P Ramanatha Aiyar's, The Major Law Lexicon defines the expression "cease" to mean "discontinue or put an end to". Justice C K Thakker's Encyclopaedic Law Lexicon defines the word "cease" as meaning: "to put an end to; to stop, to terminate or to discontinue". The expression has been defined in similar terms in Black's Law Dictionary.

The expression "cease to operate" in Article 213(2)(a) is attracted in two situations. The first is where a period of six weeks has expired since the reassembling of the legislature. The second situation is where a resolution has been passed by the legislature disapproving of an ordinance. Apart from these two situations that are contemplated by sub-clause (a), sub-clause (b) contemplates that an ordinance may be withdrawn at any time by the Governor. Upon its withdrawal the ordinance would cease to operate as well.

[Extracts from the judgment of majority judgment in *Krishna Kumar Singh v. State of Bihar*, Civil Appeal No. 5875 of 1994, decided on January 2, 2017 hereafter 'KK Singh']

Q11. The power to promulgate an ordinance is an instance of the:

(A) Executive power of the Governor
(B) Delegated power of the Governor
(C) Sovereign prerogative power of the Governor
(D) None of the above

Correct Answer: (A) Executive power of the Governor

Solution (detailed):

Step 1: Constitutional provision.

The Governor's ordinance-making power is derived from **Article 213** of the Constitution of India. It allows the Governor to promulgate ordinances when the Legislative Assembly (or both Houses in a bicameral state) is not in session.

Step 2: Nature of the power.

Although ordinance-making is a law-making function, it is exercised by the Executive (Governor) on the *aid and advice of the Council of Ministers*. Therefore, it is categorised under the Governor's **executive power**, not as a delegated legislative power in the usual sense.

Step 3: Elimination of other options.

(B) Delegated power — not correct; this is a constitutional power, not delegated by legislature.

(C) Sovereign prerogative — India does not recognise absolute "Crown-like" prerogatives; all powers stem from the Constitution.

Executive power of the Governor

Quick Tip

Remember: Ordinance-making is **executive action with legislative effect**, but it remains an *executive* power under the Constitution.

Q12. The Constitution Bench in *D.C. Wadhwa v. State of Bihar* (1987) 1 SCC 378 held that re-promulgation of an Ordinance was a 'fraud on the Constitution' because:

(A) Legislative power is vested in the legislatures by the Constitution of India

(B) It is a colourable exercise of power under the Constitution of India

(C) The role of the Executive is to implement a law, not make it

(D) None of the above

Correct Answer: (A) Legislative power is vested in the legislatures by the Constitution of India

Solution (detailed):

Step 1: Principle in *D.C. Wadhwa*.

The Supreme Court criticised the practice of repeatedly re-promulgating ordinances without placing them before the legislature. This undermined the role of the legislature as the primary law-making body.

Step 2: Core reasoning.

Re-promulgation amounts to the Executive bypassing the Legislature, thereby usurping legislative functions. Since legislative power is **constitutionally vested** in legislatures (Arts. 168–212 for states), this practice was labelled a "fraud on the Constitution."

Step 3: Eliminate distractors.

(B) "Colourable exercise of power" is a possible characterisation but the *primary* doctrinal basis used was that legislative power rests with legislatures.

(C) is correct in spirit but not the direct holding cited in the case.

Legislative power is vested in the legislatures by the Constitution of India

Quick Tip

Re-promulgation undermines the separation of powers by allowing the Executive to *legislate* indefinitely without legislative scrutiny.

Q13. In States which are bicameral, the Governor can promulgate an Ordinance only when:

(A) Both Houses are not in session

(B) When a Proclamation of Emergency is in operation

(C) When the state has been placed under President's rule

(D) None of the above

Correct Answer: (A) Both Houses are not in session

Solution (detailed):

Step 1: Condition under Article 213.

An ordinance can be issued only when the legislature is not in session. In a bicameral state, this means **both Houses** must not be in session.

Step 2: Why?

The ordinance power is an emergency law-making mechanism meant to deal with situations when immediate action is required, and the normal legislative process is unavailable.

Step 3: Eliminate wrong options.

(B) Emergency is irrelevant; ordinance power is independent of emergency provisions.

(C) President's Rule shifts law-making to Parliament under Art. 356; the Governor doesn't exercise ordinance power in that context.

Both Houses are not in session

Quick Tip

In bicameral states, "legislature not in session" means *neither House* is sitting — otherwise, ordinances cannot be promulgated.

Q14. Under Article 213, an Ordinance once promulgated by the Governor can remain effective for a maximum period of:

(A) Six weeks

(B) Six months

(C) Six-and-a-half months

(D) One year

Correct Answer: (C) Six-and-a-half months

Solution (detailed):

Step 1: Maximum duration calculation.

An ordinance can be promulgated at any time when the legislature is not in session. It must be laid before the legislature upon reassembly and will *cease to operate* six weeks after the legislature reconvenes, unless approved.

Step 2: Derivation of 6.5 months.

If the Governor issues an ordinance on the first day after the legislature adjourns for 6 months, that ordinance lasts the adjournment period (6 months) + 6 weeks (1.5 months) after reassembly. Hence, maximum possible life = **6 months + 6 weeks = 6.5 months**.

Step 3: Judicial reference.

The *Krishna Kumar Singh v. State of Bihar* case confirms that laying before the legislature is mandatory, and the "cease to operate" clause in Art. 213(2)(a) is strict.

Six-and-a-half months

Quick Tip

Remember the "maximum" life of an ordinance: *adjournment period + 6 weeks after reassembly*. In practice, it's usually less than 6.5 months.

Q15. *KK Singh* overruled two 5-Judge decisions of the Supreme Court, to hold:

(A) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall not have any legal effect and consequences.
(B) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall be void from the date that it should have obtained approval.
(C) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall be void from the date the ordinance is replaced by a law made by the Legislature to replace the Ordinance.
(D) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall be considered as a temporary statute.

Correct Answer: (A) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall not have any legal effect and consequences.

Solution (detailed):

Step 1: Understanding the *KK Singh* ruling.

The Supreme Court in *Krishna Kumar Singh v. State of Bihar* (2017) held that the requirement to lay an ordinance before the legislature under Article 213(2) is *mandatory*. Failure to do so results in the ordinance having **no legal effect**.

Step 2: Overruling earlier decisions.

Earlier 5-Judge bench rulings had taken a more lenient view, treating such non-laid ordinances as valid until expiration. *KK Singh* explicitly overruled this.

Step 3: Why Option (A) is correct.

The judgment clarified that non-compliance renders the ordinance void ab initio in terms of enforceability — it cannot produce legal consequences.

No legal effect if not laid before Legislature as per Art. 213

Quick Tip

Always connect ordinance validity to the procedural requirements in Art. 213(2); omission is fatal to its enforceability.

Q16. An Ordinance promulgated by the Governor:

i. Shall be treated to be 'law' for the purposes of Article 13 of the *Constitution of India*.

ii. Shall in all cases require the prior approval of the President.

iii. Shall not be constrained by the subject-matter requirements of Article 246 read with the Seventh Schedule of the *Constitution of India*.

(A) i alone is correct

(B) i and ii are correct

(C) i, ii and iii are correct

(D) None of the above

Correct Answer: (A) i alone is correct

Solution (detailed):

Step 1: Ordinance as 'law' under Article 13.

The Supreme Court has repeatedly held (e.g., in *A.K. Roy v. Union of India*) that ordinances are "law" within the meaning of Article 13(3)(a). Hence, they are subject to Fundamental Rights review.

Step 2: On prior approval.

(ii) is incorrect: Prior approval of the President is not required in *all* cases — only in specific circumstances under the provisos to Art. 213(1).

Step 3: On legislative competence.

(iii) is incorrect: Ordinances must conform to the same subject-matter restrictions as any State law under Article 246 and the Seventh Schedule.

i alone is correct

Quick Tip

Ordinances = "law" under Article 13 $\rightarrow$ subject to Fundamental Rights review; but competence and approval requirements still apply.

Q17. Article 213 requires the Governor to reserve an Ordinance for the consideration of the President:

i. In all cases when the state is placed under President's Rule under Article 356.

ii. When the Ordinance pertains to the proviso to Article 304(b) and seeks to impose reasonable restrictions in the public interest on the freedom of trade, commerce or intercourse with or within that state.

iii. When the Ordinance is on a matter enumerated in the Concurrent List (of the Seventh Schedule) and which is repugnant to a law made by Parliament.

(A) i, ii and iii are correct

(B) i and iii are correct

(C) i and ii are correct

(D) None is correct

Correct Answer: (A) i, ii and iii are correct

Solution (detailed):

Step 1: Requirement under provisos to Article 213(1).

The Governor *must* reserve an ordinance for President's consideration in three situations:

1. When a state is under President's Rule (Art. 356) — i.e., Governor acts under Union's directions.

2. When ordinance relates to restrictions under Art. 304(b) — this requires President's sanction.

3. When ordinance is repugnant to an existing Parliamentary law in the Concurrent List — requires President's assent to be valid.

Step 2: Matching to statements.

All three given statements match the constitutional text exactly, hence all are correct.

i, ii and iii are correct

Quick Tip

Memorise the three scenarios for President's consideration under Art. 213 — they mirror the provisos applicable to state legislative Bills.

Q18. The power of the Governor to promulgate an Ordinance is subject to the Governor being satisfied that "circumstances exist which render it necessary for him to take immediate action." The 7-judge bench in *KK Singh* held that the satisfaction of the Governor:

(A) Is not subject to judicial review since it is a political question

(B) Is subject to judicial review with regard to the relevancy of the material on which such satisfaction is based

(C) Is subject to judicial review with regard to the adequacy of materials on which such satisfaction is based

(D) None of the above

Correct Answer: (B) Is subject to judicial review with regard to the relevancy of the material on which such satisfaction is based

Solution (detailed):

Step 1: Governor's satisfaction under Art. 213(1).

The Constitution requires "satisfaction" of the Governor as a precondition to promulgating an ordinance. This is a constitutional safeguard against arbitrary ordinance-making.

Step 2: Judicial review scope as per *KK Singh*.

The Court clarified that while the *adequacy* of material (how much or how strong the evidence is) is not reviewable, the *relevancy* of the material (whether it has any rational nexus to the urgency requirement) is open to judicial review.

Step 3: Elimination of options.

(A) is incorrect — satisfaction is justiciable. (C) is incorrect — adequacy is non-justiciable. (D) is incorrect — (B) matches the Court's holding.

Judicial review limited to relevancy of material — not adequacy.

Quick Tip

In ordinance cases, courts check *relevancy*, not *adequacy* — this is the classic judicial restraint principle.

Q19. Section 6 of the *General Clauses Act, 1897* protects rights, privileges, obligations and liabilities in cases of repeal of an enactment. The majority in *KK Singh* held that:

i. An Ordinance that 'ceases to operate' is distinct from a law that is void.

ii. An Ordinance that 'ceases to operate' is distinct from a temporary statute.

iii. An Ordinance that 'ceases to operate' is distinct from a repealed statute.

iv. An Ordinance that 'ceases to operate' is not 'saved' in the absence of any 'savings clause' in Article 213.

(A) i, ii, and iii are correct

(B) ii and iii are correct

(C) i and iii are correct

(D) All the above are correct

Correct Answer: (D) All the above are correct

Solution (detailed):

Step 1: Understanding "ceases to operate".

Art. 213(2) uses "ceases to operate" for ordinances post six weeks from reassembly or upon disapproval. The Court explained this phrase does *not* mean repeal, voidness, or temporary nature — it has its own constitutional connotation.

Step 2: Role of Section 6, General Clauses Act.

Section 6 generally applies on repeal unless excluded. In *KK Singh*, the Court held that in absence of a savings clause in Art. 213, Section 6 does not automatically preserve rights from a lapsed ordinance.

Step 3: Why all four statements are correct.

All four reflect the majority's nuanced distinctions: i — Correct: Ceasing is different from voidness. ii — Correct: Different from temporary statutes enacted with fixed expiry. iii — Correct: Different from repeal of permanent law. iv — Correct: No saving without explicit provision.

All four statements correct as per KK Singh.

Quick Tip

"Cease to operate" repeal, voidness, or temporary — it's a unique constitutional category.

Q20. A resolution by the Legislature disapproving an Ordinance promulgated under Article 213 by the Governor is:

(A) Statutory in nature and has binding effect upon the Government

(B) A mere expression of the opinion of the House

(C) A decision of the House relating to the control of its proceedings

(D) An exercise of delegated legislation

Correct Answer: (A) Statutory in nature and has binding effect upon the Government

Solution (detailed):

Step 1: Legal effect of disapproval resolution.

Under Art. 213(2)(a), if the Legislature passes a resolution disapproving an ordinance, it *shall cease to operate* from the date of such resolution.

Step 2: Nature of the resolution.

Since this outcome is mandated by the Constitution, the resolution is not merely an advisory opinion — it is binding and has statutory force.

Step 3: Eliminating other options.

(B) is incorrect — it's more than an opinion. (C) is incorrect — control of proceedings is irrelevant; effect is constitutional. (D) is incorrect — this is not delegated legislation but a constitutional check.

Statutory in nature, binding on Government.

Quick Tip

A disapproval resolution has immediate legal effect — it's not symbolic; the ordinance lapses instantly.

The other material which prompted the High Court to reach the conclusion that the subsoil/minerals vest in the State is ... recitals of a patta which ..... states that if minerals are found in the property covered by the patta and if the pattadar exploits those minerals, the pattadar is liable for a separate tax in addition to the tax shown in the patta and .... certain standing orders of the Collector of Malabar which provided for collection of seigniorage fee

in the event of the mining operation being carried on. We are of the clear opinion that the recitals in the patta or the Collector's standing order that the exploitation of mineral wealth in the patta land would attract additional tax, in our opinion, cannot in any way indicate the ownership of the State in the minerals. The power to tax is a necessary incident of sovereign authority (*imperium*) but not an incident of proprietary rights (*dominium*). Proprietary right is a compendium of rights consisting of various constituent, rights. If a person has only a share in the produce of some property, it can never be said that such property vests in such a person. In the instant case, the State asserted its 'right' to demand a share in the 'produce of the minerals worked' though the expression employed is right – it is in fact the Sovereign authority which is asserted. From the language of the BSO No.10 it is clear that such right to demand the share could be exercised only when the pattadar or somebody claiming through the pattadar, extracts/works the minerals – the authority of the State to collect money on the happening of an event – such a demand is more in the nature of an excise duty/a tax. The assertion of authority to collect a duty or tax is in the realm of the sovereign authority, but not a proprietary right.

The only other submission which we are required to deal with before we part with this matter is the argument of the learned counsel for the State that in view of the scheme of the *Mines and Minerals (Development and Regulation) Act, 1957* (hereafter 'MMDRA') which prohibits under Section 4 the carrying on of any mining activity in this country except in accordance with the permit, licence or mining lease as the case may be, granted under the Act, the appellants cannot claim any proprietary right in the sub-soil.

[Extract from the judgment in *Thressiamma Jacob v. Dept. of Mining & Geology*, (2013) 9 SCC 725] (hereafter '*T Jacob*')

Q21. The MMDRA enacted by Parliament grants the Union Government the:

(A) Right to obtain ownership of land containing mineral wealth
(B) Power to exclude the State Government from ownership rights of land containing mineral wealth
(C) Right to regulate the grant of mining rights
(D) Right to impose taxes on all mining activities

Correct Answer: (C) Right to regulate the grant of mining rights

Solution (detailed):

Step 1: Place MMDRA in the constitutional scheme.

Parliament legislates on "regulation of mines and mineral development" under List I Entry 54 when it declares such regulation to be expedient in public interest. The Mines and Minerals (Development and Regulation) Act, 1957 (**MMDRA**) is that central law.

Step 2: What the Act actually does.

MMDRA creates a *regulatory* framework for prospecting licences, mining leases and permits (who may mine, on what terms, central–state coordination, etc.). It is about *grant/conditions of mining rights*, not automatic transfer of ownership in land/minerals.

Step 3: Eliminate distractors using *T Jacob*.

(A) No provision in MMDRA vests *ownership of land/minerals* in the Union.

(B) The Act does not *oust* States from proprietary rights; it only regulates.

(D) Taxing power is a different constitutional head (e.g., List II Entry 50; List I Entry 84 for duties). MMDRA is not a taxation statute.

Right to regulate the grant of mining rights (C)

Quick Tip

MMDRA = **regulation** of mining titles and operations; it does *not* decide **ownership** of minerals or levy general **taxes**.

Q22. *T Jacob* dealt with traditional proprietary rights in subsoil/minerals and held that:

i. Sub-soil rights are treated as 'commons' and are held by the State in public trust.

ii. There is nothing in the law which declares that all mineral wealth/subsoil rights vest in the State.

iii. The owner of the land can be deprived of sub-soil rights by law.

(A) i is correct

(B) ii and iii are correct

(C) i and iii are correct

(D) None of the above is correct

Correct Answer: (B) ii and iii are correct

Solution (detailed):

Step 1: Core holding in *Thressiamma Jacob*.

The Court rejected the High Court's view that payment of seigniorage/extra tax proved State ownership. It drew the **imperium (tax power)** vs **dominium (proprietary right)** distinction: taxing minerals does not make the State their owner.

Step 2: Examine each statement.

(i) *Incorrect.* The Court did *not* say all subsoil rights are public commons in State trust. Private ownership of subsoil is recognised unless law transfers it.

(ii) *Correct.* The Court expressly noted there is *no blanket rule* vesting all minerals/subsoil in the State.

(iii) *Correct.* The legislature can by *law* divest/limit private subsoil rights (subject to the Constitution) — e.g., specific vesting/statutory reservation.

ii and iii are correct (B)

Quick Tip

Absent a **statute** saying otherwise, subsoil follows landownership; Parliament/State may still **regulate** mining via MMDRA.

Q23. The power to impose a tax on the produce of some land should be treated as:

(A) Assertion that land is partly owned by government

(B) Power of eminent domain

(C) Assertion of a proprietary right

(D) Assertion of a sovereign right

Correct Answer: (D) Assertion of a sovereign right

Solution (detailed):

Step 1: Apply the imperium–dominium distinction from *T Jacob*.

Imperium = sovereign authority to govern (includes **taxation**).

Dominium = ownership/proprietary title.

Step 2: Classify "seigniorage/extra tax on minerals".

A levy that arises *upon extraction* is an **excise/tax** — an exercise of *imperium*, not proof of *dominium*. Therefore it does not imply State ownership (eliminates A and C).

Step 3: Distinguish eminent domain.

(B) is about compulsory acquisition with compensation — not mere taxation.

Sovereign right (D)

Quick Tip

You can **tax** what you do *not* own; taxation ownership.

Q24. In common law, the owner of a piece of land is entitled to:

i. Work on the surface of the land.

ii. Everything beneath the surface down to the centre of the earth.

iii. Everything below the surface except those minerals included under the MMDRA.

(A) All are correct

(B) Only i is correct

(C) Only i and ii are correct

(D) Only i and iii are correct

Correct Answer: (D) Only i and iii are correct

Solution (detailed):

Step 1: Start with the traditional maxim.

Common law once stated ownership "*usque ad coelum et ad inferos*" (up to the heavens and down to the depths). Statement (ii) reflects that *old* absolute claim.

Step 2: Modern limitation in India.

Statutes like MMDRA regulate/limit subsoil rights; certain minerals or the entire activity of mining require licences/leases, and laws may reserve/vest particular minerals to the State. Thus, an owner retains subsoil rights *subject to* such statutory carve-outs.

Step 3: Decide each statement.

(i) *Correct* — one may work on the surface (subject to other laws).

(ii) *Not fully correct today* — the "centre of the earth" claim is curtailed by statute and public law limits.

(iii) *Correct in substance* — entitlement below the surface stands except to the extent excluded/regulated by MMDRA and other laws.

Only i and iii (D)

Quick Tip

Treat the old "from sky to centre of earth" rule as **qualified** by modern statutes; subsoil follows title *unless* a law says otherwise.

Q25. Under the Constitution of India, all property and assets which vested in the British Crown for the purposes of the Government of the Dominion of India and Governor's Provinces, stood:

(A) Confiscated without payment

(B) Repatriated back to the Crown

(C) Vested in the Union of India

(D) Vested in the Union of India and the States

Correct Answer: (D) Vested in the Union of India and the States

Solution (detailed):

Step 1: Cite the constitutional provision.

Article 294 provides for succession to property, assets, rights and liabilities of the Government of India and the Provinces. Upon commencement of the Constitution:

- Property used for Union purposes vested in the **Union of India**; and
- Property used for provincial purposes vested in the **respective States**.

Step 2: Eliminate wrong answers.

(A) No confiscation provision. (B) No "repatriation" to the Crown. (C) is incomplete — ignores vesting in States.

Vested in the Union of India *and* the States (D)

Quick Tip

Think Art. 294 as the *succession map*: Union assets $\rightarrow$ Union; Provincial assets $\rightarrow$ States.

Q26. The Constitution of India vests all lands, minerals, and other things of value under the ocean floor within the territorial waters:

(A) In the Union of India
(B) In the respective States having a shoreline
(C) In the Union and all States in the Union
(D) Are treated as 'res commune'

Correct Answer: (A) In the Union of India

Solution (detailed):

Step 1: Identify the relevant constitutional provision.

Article 297 of the Constitution declares that all lands, minerals and other things of value underlying the ocean within the territorial waters, continental shelf, and exclusive economic zone *vest in the Union of India*.

Step 2: Scope of Article 297.

It covers:

- Territorial waters (12 nautical miles from baseline),
- Continental shelf,
- Exclusive economic zone (200 nautical miles for resource rights).

Step 3: Eliminate incorrect options.

(B) Incorrect — States do not own offshore minerals.

(C) Incorrect — vesting is exclusively in Union, not concurrent.

(D) Incorrect — *res commune* means common to all mankind (international waters), not within Indian territorial waters.

In the Union of India (A)

Quick Tip

Remember Article 297 — "Offshore = Union property", regardless of which State faces the sea.

Q27. The Supreme Court in *State of Meghalaya v. All Dimasa Students Union Hasao* (2019) held that in the Sixth Schedule State of Meghalaya, where most lands are either privately or community-owned:

1. Landowners of privately owned/community-owned lands can lease their lands for mining.
2. The State Government alone can grant a lease for mining in privately/community-owned lands.
3. Landowners of privately owned/community-owned lands can lease their lands for mining after obtaining previous approval of the Central Government through the State Government.

(A) iv is correct

(B) ii and iii are correct

(C) i and iii are correct

(D) None of the above is correct

Correct Answer: (C) i and iii are correct

Solution (detailed):

Step 1: Special land ownership in Meghalaya.

In Meghalaya, unlike most States, a large part of land is not owned by the State Government — it is privately or community owned, protected under the Sixth Schedule.

Step 2: Supreme Court's interpretation.

The Court held:

- Landowners (private or community) retain ownership of land and subsoil minerals, unless law says otherwise.
- They can lease land for mining operations — BUT mining is a regulated activity under MMDRA.
- Any such lease must comply with MMDRA — requiring prior approval of the Central Government through the State Government.

Step 3: Assess each statement.

(i) *Correct* — Owners can lease their land for mining.

(ii) *Incorrect* — The State Government is not the sole grantor of leases in private/community lands; owners have rights.

(iii) *Correct* — Prior central approval via State Government is needed under MMDRA for mining leases.

i and iii are correct (C)

Quick Tip

In Sixth Schedule areas like Meghalaya: ownership can be private/community, but **mining rights need MMDRA compliance** including central approval.

Q28. Section 105 of the *Transfer of Property Act, 1882* states that a lease of immovable property is a transfer of a right to enjoy such property under certain conditions. The right to 'enjoy such property':

(A) Includes the right to carry on mining operation in the surface of the land
(B) Includes the right to carry on mining operation in the sub-soil of the land
(C) Includes the right to extract the specified quantity of the minerals found therein, to remove and appropriate that mineral
(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Understanding Section 105.

A lease is a transfer of a right to enjoy the property, which may include surface rights, sub-soil rights, and rights to extract resources, if expressly included in the lease terms.

Step 2: Mining and subsoil.

If the lease is for mining, it includes:

- Surface mining rights.
- Sub-soil mineral extraction rights.
- Rights to remove and appropriate extracted minerals.

Step 3: Elimination.

Since each of (A), (B), and (C) is correct, the comprehensive answer is (D) — All the above.

All the above (D)

Quick Tip

Under the TPA, a mining lease is not just a right to occupy land — it includes extraction and appropriation rights if specified.

Q29. The need for environmental clearance under the *Environment Protection Act, 1986* is required for a project of coal mining:

(A) In all lands whether privately, community, or publicly owned
(B) Only in lands owned by the Union Government
(C) Only in lands owned by the State Government
(D) Only where sustainability is threatened

Correct Answer: (A) In all lands whether privately, community, or publicly owned

Solution (detailed):

Step 1: Applicability of environmental clearance.

Under the Environment (Protection) Act and the EIA Notification, 2006, certain activities — including coal mining beyond a specified capacity — require prior Environmental Clearance (EC) from MoEF&CC.

Step 2: Ownership is irrelevant.

The law applies irrespective of whether the land is private, community-owned, or state-owned — the clearance is based on environmental impact, not ownership.

Step 3: Eliminate options.

(B) and (C) are wrong because they limit EC only to government-owned lands.
(D) is wrong because sustainability assessment is inherent in EC, not an optional trigger.

In all lands whether privately, community, or publicly owned (A)

Quick Tip

Environmental clearance is project-based, not ownership-based — coal mining always needs it above threshold capacity.

Q30. The *Constitution of India* provides that all properties within the territory of India that do not have a lawful heir, successor or rightful owner, accrue to the Union or State where it is situate through:

(A) Escheat
(B) Lapse
(C) Bona vacantia
(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Definitions.

- **Escheat** — Property reverts to the State in absence of legal heirs.
- **Lapse** — End of rights due to expiry of the grant or failure of conditions.
- **Bona vacantia** — Ownerless property that passes to the State.

Step 2: Constitutional basis.

Article 296 of the Constitution provides that such property shall vest in the Union or State where it is located.

Step 3: Comprehensive coverage.

Since the question covers all three scenarios, the answer is (D) — All the above.

All the above (D)

Quick Tip

Article 296 ensures no property in India remains ownerless — it always vests in Union or State.

A nationwide lockdown was declared by the Central Government from 24 March 2020 to prevent the spread of the CoVID-19 pandemic. Economic activity came to a grinding halt. The lockdown was extended on several occasions, among them for the second time on 14 April 2020. On 17 April 2020, the Labour and Employment Department of the State of Gujarat issued a notification under Section 5 of the Factories Act to exempt all factories registered under the Act "from various provisions relating to weekly hours, daily hours, intervals for rest etc. for adult workers" under Sections 51, 54, 55 and 56. The stated aim of the notification was to provide "certain relaxations for industrial and commercial activities" from 20 April 2020 till 19 July 2020.

Section 5 of the Factories Act provides that in a public emergency, the State Government can exempt any factory or class or description of factories from all or any of the provisions of the Act, except Section 67. Section 5 is extracted below: "5. Power to exempt during public emergency. — In any case of public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act except section 67 for such period and subject to such conditions as it may think fit: Provided that no such notification shall be made for a period exceeding three months at a time. Explanation.—For the purposes of this section 'public emergency' means a grave emergency whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance." (emphasis supplied)

The notification in its relevant part is extracted below:

"... NOW, THEREFORE, in exercise of the powers conferred by Section 5 of the Factories Act, 1948, the 'Factories Act' PART B Government of Gujarat hereby directs that all the factories registered under the Factories Act, 1948 shall be exempted from various provisions relating to weekly hours, daily hours, intervals for rest etc. of adult workers under section 51,

section 54, and section 55 and section 56 with the following conditions from 20th April till 19th July 2020, —

1. No adult worker shall be allowed or required to work in a factory for more than twelve hours in any day and Seventy Two hours in any week.
2. The Periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed six hours and that no worker shall work for more than six hours before he has had an interval of rest of at least half an hour.
3. No Female workers shall be allowed or required to work in a factory between 7:00 PM to 6:00 AM.
4. Wages shall be in a proportion of the existing wages (e.g. If wages for eight hours are 80 Rupees, then the proportionate wages for twelve hours will be 120 Rupees).

[Extract from judgment of the Supreme Court in *Gujarat Mazdoor Sabha v. The State of Gujarat* decided on 1 October, 2020, (hereafter 'GMS')]

Q31. *Section 5 of the* ***Factories Act, 1948*** *provides for the power of exemption from certain provisions of the Act due to the occurrence of a public emergency. In* ***GMS****, the Supreme Court held that:* i. Situations of grave emergency require an actual threat to the security of the state.

ii. Emergency powers can be used to avert the threat posed by war, external aggression or internal disturbance.

iii. Emergency powers must not be used for any other purpose.

(A) Only i and iii are correct

(B) Only ii is correct

(C) Only i and ii are correct

(D) All the above statements are correct

Correct Answer: (D) All the above statements are correct

Solution (detailed):

Step 1: Understand the statutory provision.

Section 5 of the **Factories Act, 1948** is a narrow carve-out: it empowers the government to exempt any factory from *any* provision of the Act *only* when a "public emergency" exists. The term *public emergency* is not left to common sense — it is precisely defined as a situation where:

"the security of India or any part of the territory is threatened by war, external aggression or internal dist

This wording sets: - A **threshold**: grave emergency - A **type of harm**: security threat - A **source**: war, external aggression, or internal disturbance.

Step 2: How the Supreme Court approached it in *Gujarat Mazdoor Sabha* (GMS).
The Court stressed that Section 5 is an **exception** to a beneficial social-welfare statute — it should be interpreted **strictly**, never expansively. From the judgment: - "Grave emergency" means more than inconvenience or economic hardship; it must be an **actual**, present danger to the security of the State. confirms (i).
- The **only** legitimate purpose of invoking Section 5 is to avert threats from the three scenarios named in the definition: war, external aggression, internal disturbance. confirms (ii).
- Any use of Section 5 for objectives beyond those — e.g., to boost production or bypass labour safeguards in ordinary times — is **impermissible**. confirms (iii).

Step 3: Logical consolidation.
All three statements directly restate the legal limits identified by the Supreme Court: - Statement (i) — nature of emergency — **Correct**. - Statement (ii) — permissible purposes — **Correct**. - Statement (iii) — prohibition of other uses — **Correct**.

Step 4: Final conclusion.
Since all three are correct, the answer is:

D — All the above statements are correct

Quick Tip

When analysing exceptional statutory powers, break the test into three filters: **Trigger** (what starts it), **Purpose** (why it exists), and **Limits** (how far it goes). If a statement fails any filter, it's incorrect; if all pass, all are correct.

Q32. *In order for a Proclamation of Emergency to be made under Article 352 of the* ***Constitution of India****, the President must be satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened:*

(A) By war or external aggression or internal disturbance

(B) By war or external aggression or financial instability

(C) By war or external aggression or armed rebellion

(D) By war or armed rebellion or internal disturbance

Correct Answer: (C) By war or external aggression or armed rebellion

Solution (detailed):

Step 1: Recall the post–44th Amendment text of Article 352.

The **Forty-fourth Amendment Act, 1978** replaced "*internal disturbance*" with **"armed rebellion"**. Hence, after 1978, the three grounds are: **war**, **external aggression**, or **armed rebellion**.

Step 2: Eliminate options using the current text.

(A) includes "internal disturbance" $\Rightarrow$ **incorrect**$post-44th$.

(B) introduces "financial instability" (not a ground) $\Rightarrow$ **incorrect**.

(C) exactly matches the amended Article 352 $\Rightarrow$ **correct**.

(D) mixes "armed rebellion" with the obsolete "internal disturbance" $\Rightarrow$ **incorrect**.

Step 3: Conclude.

Therefore, $\boxed{\text{(C)}}$ is the only option aligned with Article 352 as amended.

Quick Tip

Constitutional MCQs often hinge on **pre- vs post-amendment** wording. For emergencies, remember: after the 44th Amendment, the ground is **armed rebellion**, not "internal disturbance."

Q33. *Following the* ***Constitution (Forty-fourth Amendment) Act, 1978****, in order for a Proclamation of Emergency to be issued, such decision has:*

(A) To be taken by the Prime Minister and conveyed to the President
(B) To be taken by the Council of Ministers of Cabinet rank and approved by both Houses of Parliament
(C) To be taken by the Council of Ministers of Cabinet rank and communicated to the President in writing
(D) To be taken by the Council of Ministers of Cabinet rank and approved by at least half the State Legislatures

Correct Answer: (C) To be taken by the Council of Ministers of Cabinet rank and communicated to the President in writing

Solution (detailed):
Step 1: What changed in 1978?
The 44th Amendment added a safeguard: the President can issue a Proclamation of Emergency **only on the basis of the written advice of the Cabinet** (i.e., Council of Ministers *with* the Prime Minister at the head, of *Cabinet rank*). The requirement is about **who advises** and **that it be in writing**.
Step 2: Test each option.
(A) Only the Prime Minister $\Rightarrow$ $failstheCabinet - in - writingrequirement$ $\Rightarrow$ **wrong**.
(B) Prior approval by both Houses is *not* a pre-condition to issuance (Parliamentary approval comes *after* issuance within the prescribed period) $\Rightarrow$ **wrong**.
(C) Mirrors the Amendment's safeguard — Cabinet decision & **written** communication to the President $\Rightarrow$ **correct**.

(D) Approval by half the State Legislatures relates to *constitutional amendments* under Article 368, not emergency proclamations $\Rightarrow$ **wrong**.

Step 3: Conclusion.

The only option that reflects the 44th Amendment safeguard is $\boxed{\text{(C)}}$.

Quick Tip

Link **Article 352 issuance** with two keywords from the 44th: "**Cabinet**" and "**written advice**." Parliamentary approval is a **post-issuance** check, not a pre-condition.

Q34. *Article 355 casts a duty on the Union to protect every State against, inter alia,* ***internal disturbance****. The Supreme Court noted that the* ***Sarkaria Commission*** *recognised a range of situations that could amount to internal disturbance, including:*

(A) Situations of financial exigencies

(B) Breaches of public peace

(C) Inefficient administration

(D) None of the above

Correct Answer: (B) Breaches of public peace

Solution (detailed):

Step 1: Understanding "internal disturbance."

The Commission used "internal disturbance" in a broad, factual sense (short of external aggression), covering serious **breakdowns of public order/peace** and similar disorders that may require Union assistance under Article 355.

Step 2: Option-wise analysis.

(A) **Financial exigency** is a separate constitutional concept (e.g., Article 360 — Financial Emergency) and not cited as an instance of "internal disturbance" in this context $\Rightarrow$ **incorrect**.

(B) **Breaches of public peace** fall squarely within internal disturbance/public order problems $\Rightarrow$ **correct**.

(C) **Inefficient administration** (mere maladministration) does not, by itself, equal internal disturbance $\Rightarrow$ **incorrect**.

(D) Since (B) is correct, "None of the above" is **incorrect**.

Step 3: Final selection.

Therefore, $\boxed{\text{(B)}}$ best matches the Sarkaria Commission's illustrations.

Quick Tip

When you see "internal disturbance," think **public order breakdowns** (e.g., riots, serious breaches of peace) rather than economic or administrative issues.

Q35. *The Supreme Court in* ***Sarbananda Sonowal v. Union of India****, AIR 2005 SC 2920, held that the duty of the Union to protect every state against external aggression and internal disturbance extends to:*

(A) Situations where there are large-scale cases of illegal migrants from other countries

(B) Situations where there are large-scale cases of migration from other parts of India

(C) Cases of external aggression which are similar to 'war'

(D) None of the above

Correct Answer: (A) Situations where there are large-scale cases of illegal migrants from other countries

Solution (detailed):

Step 1: Scope of "external aggression" in Article 355.

In *Sarbananda Sonowal*, the Court interpreted "external aggression" broadly to include non-military threats if they undermine the security and integrity of the nation — such as **large-scale illegal immigration from another country**.

Step 2: Applying to options.

(A) Matches the judgment — illegal migrants from **other countries** can amount to external aggression $\Rightarrow$ $correct$.

(B) Migration from within India is an **internal** movement of citizens and not "external aggression" $\Rightarrow$ $incorrect$.

(C) Restricts "external aggression" only to war-like military acts — the judgment broadened beyond that $\Rightarrow incorrect.$

(D) Incorrect because (A) is correct.

Step 3: Conclusion.

$\boxed{\text{(A)}}$ reflects the Supreme Court's expanded interpretation.

Quick Tip

Sometimes, constitutional terms like "external aggression" have **broader, non-military meanings** recognised by courts — here, covering threats like mass illegal immigration.

Q36. *In deciding whether the CoVID-19 pandemic and the ensuing lockdown imposed by the Central Government to contain the spread of the pandemic have created a public emergency as defined by the explanation to Section 5 of the* ***Factories Act, 1948****, the Supreme Court in* ***GMS*** *held:* i. The economic slowdown caused by the pandemic constitutes a public emergency.

ii. The situation created by the CoVID-19 pandemic was similar to a national emergency caused by external aggression or war.

iii. The economic slowdown created by the CoVID-19 pandemic qualifies as an internal disturbance threatening the security of the state.

(A) Only i and iii are correct

(B) Only ii and iii are correct

(C) Only i and ii are correct

(D) None of the above statements are correct

Correct Answer: (D) None of the above statements are correct

Solution (detailed):

Step 1: Definition in Section 5.

A "public emergency" under Section 5 means a **grave emergency threatening the security of India** or part thereof, **whether by war, external aggression or internal disturbance**. The threat must be **to security**, not just economic well-being.

Step 2: Court's findings in GMS.

The Court held that **economic slowdown** — even if severe — does not meet the security threat standard in the definition. The pandemic did not amount to war, external aggression, or internal disturbance **threatening security**. Hence: (i) Incorrect — slowdown alone is not "public emergency".

(ii) Incorrect — it was not similar to national emergency situations.

(iii) Incorrect — economic slowdown is not "internal disturbance" under Section 5.

Step 3: Conclusion.

Since all three statements are incorrect, $\boxed{\text{(D)}}$ is the correct choice.

Quick Tip

Economic crises, however severe, are generally not "public emergencies" under Section 5 unless they **directly threaten national security** in the specific legal sense.

Q37. *The Supreme Court in* ***Ram Manohar Lohia v. State of Bihar****, AIR 1966 SC 740,* ***Arun Ghosh v. State of West Bengal****, 1970 SCR 288, and later cases, has indicated that matters affecting law and order can be determined:*

(A) Not by the nature of the act alone e.g., a case of stabbing of one person by another

(B) The degree to which public tranquillity is disturbed

(C) Whether the even tempo of life of a community continues undisturbed or not

(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Distinguishing "law and order" from "public order."

The Court held that "law and order" is a broader term, but "public order" focuses on the disturbance's impact on the community. The nature of the act alone is insufficient; the effect on public tranquillity and the even tempo of life is crucial.

Step 2: Applying to the given options.

(A) Correct — nature of act alone is not decisive; context matters.

(B) Correct — disturbance of public tranquillity is a key factor.

(C) Correct — whether the community's normal life continues undisturbed is part of the test.

Step 3: Conclusion.

Since all three are correct, $\boxed{(D)}$ is the answer.

Quick Tip

When assessing "public order," focus on **impact on society** — not just the act's nature.

Q38. *The Supreme Court has indicated that matters that affect public order are to be determined:* i. By looking at the nature of the act, how violent it is irrespective of its context.

ii. The degree and effect any action has on the life of the community.

iii. By consideration of factors related to the maintenance of law and order.

(A) Only i and iii are correct

(B) Only ii is correct

(C) Only i and ii are correct

(D) All the above statements are correct

Correct Answer: (D) All the above statements are correct

Solution (detailed):

Step 1: Understanding the "public order" test.

The Court considers multiple factors: the nature of the act (how violent or disruptive), the degree of effect on the community, and relation to maintenance of law and order.

Step 2: Option-wise analysis.

(i) Correct — violence level is relevant even before considering broader context.

(ii) Correct — assessing the degree/effect on community life is essential.

(iii) Correct — factors tied to law and order maintenance are part of the evaluation.

Step 3: Conclusion.

All statements are valid tests, so $\boxed{(D)}$ is correct.

Quick Tip

The "public order" determination is **multi-factorial**, not based on a single criterion.

Q39. *The **Factories Act, 1948** stipulates the maximum number of hours that can be worked per week and also that overtime wages need to be double the normal wage rate. In **GMS** the exemption relied upon by State government to extend the working hours to 12 hours a day and at the usual wage rate without payment of overtime across all factories was deemed to be:* i. Justified in view of the grave emergency cause by the CoVID-19 pandemic.

ii. Violative of the rule of law.

iii. Violative of just and humane conditions of work.

(A) Only i and iii are correct

(B) Only ii is correct

(C) Only ii and iii are correct

(D) All the above statements are correct

Correct Answer: (C) Only ii and iii are correct

Solution (detailed):

Step 1: Court's ruling in GMS.

The Court found that Section 5's emergency exemption could not be invoked without meeting the "public emergency" threshold. The CoVID-19 economic slowdown was insufficient to trigger such emergency powers.

Step 2: Applying to statements.

(i) Incorrect — the pandemic was not considered a "grave emergency" under Section 5.

(ii) Correct — issuing the exemption without satisfying statutory conditions violated the rule of law.

(iii) Correct — denying overtime pay for extended hours breached the principle of just and humane working conditions under labour laws and constitutional directives.

Step 3: Conclusion.

Only (ii) and (iii) are correct $\Rightarrow$ $\boxed{\text{(C)}}$.

Quick Tip

Emergency powers in labour law must **strictly meet statutory conditions**; otherwise, they risk breaching both rule of law and labour rights.

Q40. *The rationale of the **Factories Act, 1948** in providing double the wage rate for periods of overtime work is based on:* i. Compensating the worker for the extra strain on their health in doing overtime work.

ii. Enabling the worker to maintain proper standard of health and stamina.

iii. Protecting the worker against exploitation.

(A) i, ii, and iii are correct

(B) Only i and iii are correct

(C) Only ii is correct

(D) Only ii and iii are correct

Correct Answer: (A) i, ii, and iii are correct

Solution (detailed):

Step 1: Purpose of double wage rate for overtime.

The overtime provision is both a **compensatory** and a **protective** measure. It recognises that extended work hours impose additional strain, which requires fair monetary compensation (i).

Step 2: Health and stamina aspect.

Continuous long hours can degrade workers' health; the provision helps them maintain **proper health and stamina** by discouraging excessive overtime unless fairly rewarded (ii).

Step 3: Anti-exploitation safeguard.

By mandating double wages, the law deters employers from **overusing** labour purely for cost-saving purposes, thus protecting workers from exploitation (iii).

Step 4: Conclusion.

All three rationales are correct $\Rightarrow \boxed{\text{(A)}}$.

Quick Tip

Labour law wage multipliers are designed for both **compensation** and **deterrence** — compensating workers for strain while discouraging employer overreliance on long hours.

In view of various counter claims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of a FIR is mandatory. However, if no cognizable offence is made out in the information given, then the FIR need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register a FIR forthwith. Other considerations are not relevant at the stage of registration of FIR, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible etc. These are the issues that have to be verified during the investigation of the FIR. At the stage of registration of a FIR, what is to be seen is merely whether the information given *ex facie* discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR.
[Excerpted from the judgment delivered by Sathasivam, C.J.I. in *Lalita Kumari v. State of Uttar Pradesh*, (2014) 2 SCC 1 (hereafter '*Lalita Kumari*')]

Q41. *In the concluding part of the judgment excerpted above, preliminary inquiries were permitted for which of the following class or classes of cases?*

(A) Offences related to matrimonial disputes
(B) Allegations of corruption against public officers
(C) Where the information was received after substantial delay, such as more than three months after the alleged incident
(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Reference to *Lalita Kumari* guidelines.

In *Lalita Kumari v. State of Uttar Pradesh* (2014), the Supreme Court listed situations where preliminary inquiry is permissible before registering an FIR. These include matrimonial disputes, corruption allegations, and cases with abnormal delay in reporting.

Step 2: Option-wise analysis.

(A) Correct — matrimonial disputes often require preliminary verification.

(B) Correct — corruption allegations also fall in permissible preliminary inquiry category.

(C) Correct — substantial delay in complaint justifies limited preliminary inquiry.

Step 3: Conclusion.

All three match the Court's permissible categories $\Rightarrow$ $\boxed{\text{(D)}}$.

Quick Tip

Preliminary inquiry is the **exception**, not the rule — it applies only to specific classes of cases listed in *Lalita Kumari*.

Q42. *In the recent judgment of the Supreme Court in* ***Netaji Achyut Shinde (Patil) v. State of Maharashtra*** *(2021), which principle relating to FIR did the Court reiterate?*

(A) That a cryptic phone call, without complete details and information about the commission of a cognizable offence cannot always be treated as a F.I.R.

(B) That non-reading-over of the recorded complaint by the police to the informant will vitiate the recording of the F.I.R.

(C) That F.I.R.s are substantive pieces of evidence at the trial and can be duly proved to establish the facts in issue at a trial.

(D) That F.I.R.s are necessarily hearsay statements and cannot be relied upon to prove the truth of the matters asserted therein.

Correct Answer: (A) That a cryptic phone call, without complete details and information about the commission of a cognizable offence cannot always be treated as a F.I.R.

Solution (detailed):

Step 1: Legal principle on FIR validity.

The Court clarified that the essential element of an FIR is that it must **ex facie** disclose the commission of a cognizable offence. A cryptic or incomplete message does not fulfill this requirement.

Step 2: Eliminating other options.

(B) Incorrect — non-reading-over is not the principle reiterated in this case.

(C) Incorrect — FIRs are not substantive evidence except for limited purposes.

(D) Incorrect — FIRs are not inherently hearsay; they have evidentiary value under certain provisions.

Step 3: Conclusion.

Only (A) matches the principle reiterated $\Rightarrow$ $\boxed{\text{(A)}}$.

Quick Tip

An FIR must disclose the **commission of a cognizable offence** — vague or cryptic calls don't qualify.

Q43. *A police officer, after receiving information about a cognizable offence, records it in the Station House Diary and begins investigation without registering a formal FIR. The FIR is registered only the next day. On which ground can the FIR be challenged?*

(A) That the police officer has not followed the mandatory procedure of sending a copy of the FIR to the jurisdictional magistrate upon registration.

(B) That the statement recorded as the FIR is a hearsay statement made by the police officer himself and therefore cannot be admissible in evidence.

(C) That the recorded FIR becomes a statement under Section 161, Code of Criminal Procedure, 1973, because the Station House Diary entry will be considered the FIR.

(D) That the procedure set out in Section 190, Code of Criminal Procedure, 1973 has been violated by the police officer.

Correct Answer: (C) That the recorded FIR becomes a statement under Section 161, Code of Criminal Procedure, 1973, because the Station House Diary entry will be considered the

FIR.

Solution (detailed):

Step 1: FIR registration requirement.

As per *Lalita Kumari*, once information discloses a cognizable offence, FIR must be registered **forthwith**. Recording it in a Station House Diary without FIR registration is improper.

Step 2: Legal consequence.

If the first recorded version is in the Station House Diary, it is treated as the FIR. Any subsequent formal FIR becomes a statement during investigation under Section 161 CrPC.

Step 3: Conclusion.

This is exactly what option (C) states $\Rightarrow$ $\boxed{\text{(C)}}$.

Quick Tip

The **first version** of facts given to the police about a cognizable offence is the FIR — later formal recordings are treated as investigation statements.

Q44. *In **Aghnoo Nagesia v. State of Bihar** (1966), the accused registered an FIR against himself without prior accusation. How would such an FIR be treated?*

(A) Violative of right against self-incrimination under Article 20(3) of the Constitution of India.

(B) A statement that cannot be proved as a confession hit by Section 25, Indian Evidence Act, 1872.

(C) A statement that can be used as substantive evidence against its maker, since there was no accusation against him at the time he made the statement.

(D) A statement that can be retracted by the accused person at the time of trial, and thereafter the commission of the offence cannot be proved.

Correct Answer: (B) A statement that cannot be proved as a confession hit by Section 25, Indian Evidence Act, 1872.

Solution (detailed):

Step 1: Self-incriminatory FIR.

Section 25 of the Evidence Act bars the use of confessions made to a police officer as proof against the accused. An FIR lodged by the accused containing a confession is covered by this bar.

Step 2: Why Article 20(3) not applicable here.

Article 20(3) protects against compelled self-incrimination. Here, the statement was voluntary; the bar arises from Section 25, not constitutional compulsion.

Step 3: Conclusion.

Thus, the FIR cannot be used to prove the confession $\Rightarrow$ $\boxed{\text{(B)}}$.

Quick Tip

Under Section 25, **any confession to police**, even voluntarily made, is inadmissible against the accused.

Q45. *In **Pakala Narayanaswami v. King Emperor** (1939), the Privy Council held that a statement is a confession if:*

(A) Admitted the commission of the offence in the terms of the offence.
(B) Admitted the commission of the ingredients for the commission of the offence.
(C) Either (A) or (B)
(D) Both (A) and (B)

Correct Answer: (C) Either (A) or (B)

Solution (detailed):

Step 1: Definition from Privy Council.

In *Pakala Narayanaswami*, a confession was defined broadly to include not only a direct admission of the offence but also an admission of all facts that constitute the offence.

Step 2: Applying to options.

(A) Correct — direct admission in offence terms is a confession.

(B) Correct — admission of ingredients constituting the offence is also a confession.

Thus, (C) "Either (A) or (B)" correctly covers both.

Step 3: Conclusion.

(C) is the answer.

Quick Tip

A confession need not be a **verbatim admission** of guilt — admitting all ingredients of the offence is enough.

Q46. *In the excerpt above, the Supreme Court refers to the standard of* ***ex facie****. Such a standard in law can be explained as:*

(A) Refers to a standard where a document by its stated terms displays the sought fact.

(B) Refers to a standard where a document by very simple perusal displays the sought fact.

(C) Refers to a standard which calls for an application of mind by the finder of fact to infer a conclusion.

(D) Refers to a standard which requires no consideration unless proved otherwise by the opposite side.

Correct Answer: (B) Refers to a standard where a document by very simple perusal displays the sought fact.

Solution (detailed):

Step 1: Meaning of *ex facie*.

The term means "on the face of it" — something apparent without detailed investigation or inference.

Step 2: Matching with the legal context.

In legal terms, *ex facie* refers to what is immediately obvious from a document or act upon straightforward reading, without the need for deeper analysis.

Step 3: Option elimination.

(A) Incorrect — while close, "stated terms" may still require interpretation.

(B) Correct — "simple perusal" captures the immediate-obviousness aspect.

(C) Incorrect — this involves inference, contrary to *ex facie* meaning.

(D) Incorrect — unrelated to burden of proof considerations.

Step 4: Conclusion.

Thus, (B) is correct.

Quick Tip

Ex facie = obvious at first glance — think "no microscope needed."

Q47. *In **Lalita Kumari** the Supreme Court provides a timeline for the completion of preliminary inquiries by the police prior to the registration of the F.I.R. As per the Court, such an inquiry should be concluded:*

(A) Within a period not exceeding fifteen days

(B) Within a period not exceeding seven days

(C) As expeditiously as possible but the Court did not specify a timeline

(D) Within such time as may be permitted by the jurisdictional Magistrate

Correct Answer: (B) Within a period not exceeding seven days

Solution (detailed):

Step 1: Court's directive in *Lalita Kumari*.

The Court set a strict timeline — preliminary inquiries, where permissible, must be completed **within seven days** to avoid undue delay in FIR registration.

Step 2: Eliminate wrong options.

(A) Incorrect — 15 days was not prescribed in the judgment.

(C) Incorrect — Court did specify a limit (seven days).

(D) Incorrect — Magistrate's permission is not the standard for inquiry duration.

Step 3: Conclusion.

Therefore, (B) is correct.

Quick Tip

In *Lalita Kumari*, "seven days" is the magic number for permissible preliminary inquiries.

Q48. *An F.I.R. is considered the first information of the commission of a cognizable offence. Where the information discloses the commission of both cognizable offences as well as non-cognizable offences as part of the same facts, how must this information be treated?*

(A) The entire information will be treated as disclosing cognizable offences and registered as an F.I.R.
(B) The police officer will sever the parts disclosing non-cognizable offences and shall only register the parts disclosing cognizable offences.
(C) The police officer shall refer the informant to the jurisdictional Magistrate for a direction to register the F.I.R., and thereafter, once such direction is received, register the F.I.R.
(D) The F.I.R. registered, which contains information of non-cognizable offences, is subject to confirmation by a Magistrate under Sections 156 and 157 of Cr.P.C.

Correct Answer: (A) The entire information will be treated as disclosing cognizable offences and registered as an F.I.R.

Solution (detailed):
Step 1: Principle on mixed information.
When the facts disclosed include at least one cognizable offence, the entire set of facts is treated as cognizable for FIR purposes — splitting them is not required at the registration stage.
Step 2: Eliminate wrong options.
(B) Incorrect — severance is not done at registration stage.
(C) Incorrect — referral to Magistrate is for purely non-cognizable cases.
(D) Incorrect — Sections 156 and 157 CrPC govern investigation procedure, not FIR confirmation.
Step 3: Conclusion.

Thus, (A) is correct.

Quick Tip

If any part of the facts in a complaint is cognizable, **register the whole as FIR** — separation happens later in investigation if needed.

Q49. *The power of the police to launch an investigation is provided for under Sections 154 and 157 of Cr.P.C. The threshold to be met for launching an investigation under Section 157, according to* ***Lalita Kumari****, is:*

(A) Cogent and reliable information disclosing the commission of a cognizable offence.
(B) Higher than the requirement under Section 154 of Cr.P.C. as the Section uses the term "reason to suspect the commission of an offence".
(C) Precisely the same standard under Section 154 of Cr.P.C. and the police have no discretion in the matter.
(D) At the same standard as for a non-cognizable complaint being scrutinised by a Judicial Magistrate.

Correct Answer: (B) Higher than the requirement under Section 154 of Cr.P.C. as the Section uses the term "reason to suspect the commission of an offence".

Solution (detailed):

Step 1: Section 154 vs Section 157 threshold.

Section 154 mandates FIR registration when information **discloses** a cognizable offence. Section 157, however, deals with launching an investigation and uses "reason to suspect" — a slightly higher threshold requiring some preliminary satisfaction of suspicion.

Step 2: Court's interpretation in *Lalita Kumari*.

The Court recognised this difference, holding that while FIR registration is mandatory upon disclosure, investigation requires the officer to form a reasonable suspicion based on the information.

Step 3: Conclusion.

Option (B) correctly reflects this higher threshold under Section 157 $\Rightarrow$ $\boxed{\text{(B)}}$.

Quick Tip

Think of Section 154 as "trigger to register" and Section 157 as "trigger to investigate" — the latter demands **reason to suspect**.

Q50. *According to the decision of the Supreme Court in **Lalita Kumari**, the police may not consider the genuineness of information disclosing the commission of a cognisable offence at the time of registering an F.I.R. What does this mean?*

(A) That the informant must be believed for the purposes of registering the F.I.R.
(B) That the information must be taken as true for the purposes of registering the F.I.R.
(C) That the police cannot reject any information disclosing the commission of a cognisable offence on the basis of it being false.
(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Principle from *Lalita Kumari*.

At FIR registration stage, the only test is whether the information **ex facie** discloses a cognizable offence. The genuineness, credibility, or falsity of the information is irrelevant at this stage.

Step 2: Implications for police.

(A) True — informant's version must be accepted at face value for registration purposes.
(B) True — the statement is taken as true at the registration stage.
(C) True — police cannot refuse to register on grounds of suspected falsity.

Step 3: Conclusion.

Since all three are correct, $\boxed{\text{(D)}}$ is correct.

Quick Tip

FIR registration = **face value test** — truthfulness is for investigation, not registration.

The non-obstante clause in sub-section (1) of the *Indian Evidence Act, 1872* makes it clear that when it comes to information contained in an electronic record, admissibility and proof thereof must follow the drill of Section 65B, which is a special provision in this behalf — Sections 62 to 65 being irrelevant for this purpose. However, Section 65B(1) clearly differentiates between the "original" document — which would be the original "electronic record" contained in the "computer" in which the original information is first stored and the computer output containing such information, which then may be treated as evidence of the contents of the "original" document. All this necessarily shows that Section 65B differentiates between the original information contained in the "computer" itself and copies made therefrom – the former being primary evidence, and the latter being secondary evidence.

Quite obviously, the requisite certificate in sub-section (4) of the *Indian Evidence Act* is unnecessary if the original document itself is produced. This can be done by the owner of a laptop computer, a computer tablet or even a mobile phone, by stepping into the witness box and proving that the concerned device, on which the original information is first stored, is owned and/or operated by him. In cases where "the computer", as defined, happens to be a part of a "computer system" or "computer network" (as defined in the *Information Technology Act, 2000*) and it becomes impossible to physically bring such network or system to the Court, then the only means of proving information contained in such electronic record can be in accordance with Section 65B(1), together with the requisite certificate under Section 65B(4). This being the case, it is necessary to clarify what is contained in the last sentence in paragraph 24 of Anvar P.V. (supra) which reads as "... if an electronic record as such is used as primary evidence under Section 62 of the Evidence Act ...". This may more appropriately be read without the words "under Section 62 of the *Evidence Act*, ...". With this minor clarification, the law stated in paragraph 24 of Anvar P.V. (supra) does not need to be revisited.

[Excerpted from the judgment delivered by R.F. Nariman, J., in *Arjun Panditrao Khotkar v. Kailash K. Gorantyal*, (2020) 7 SCC 1.]

Q51. *The Supreme Court judgment held that compliance with Sections 65A and 65B of the* ***Indian Evidence Act, 1872*** *for admitting secondary evidence of electronic records is:*

(A) Mandatory as held in the case of *Anvar v. Basheer*, (2014) 10 SCC 473

(B) Discretionary upon the trial court judge to insist or waive the requirement

(C) To be read together with the mode of proof of non-electronic documents under Sections 62–65, *Indian Evidence Act, 1872*

(D) None of the above

Correct Answer: (A) Mandatory as held in the case of *Anvar v. Basheer*, (2014) 10 SCC 473

Solution (detailed):

Step 1: Special provision in the Evidence Act.

Sections 65A and 65B specifically govern admissibility of electronic records. They override general provisions (Sections 62–65) through a non-obstante clause.

Step 2: Judicial position.

In *Anvar v. Basheer*, reaffirmed in *Arjun Panditrao Khotkar*, compliance with Section 65B (including the certificate requirement) is **mandatory** for admitting secondary electronic evidence.

Step 3: Conclusion.

Thus, $\boxed{\text{(A)}}$ is correct.

Quick Tip

When dealing with electronic evidence, always check if Section 65B requirements are met — they are **mandatory**.

Q52. *In Indian evidence law, the proof of the contents of documents must necessarily follow a sequence of procedure; this sequence can be illustrated as:*

(A) Admitting the document, marking the document, authenticating the document

(B) Authenticating the document, receiving evidence of its contents, marking the document

(C) Proving the contents of the document, authenticating the document, marking the document

(D) Marking the document, authenticating the document, receiving the document as evidence

Correct Answer: (A) Admitting the document, marking the document, authenticating the document

Solution (detailed):

Step 1: Procedural order.

First, the document must be **admitted** into evidence by the court. Second, it is **marked** for identification. Third, its **authenticity** is proved.

Step 2: Why not other orders.

Other sequences either invert the process or omit the requirement of admission prior to marking.

Step 3: Conclusion.

Hence, $\boxed{\text{(A)}}$ matches the correct procedural order.

Quick Tip

In court, **admission** comes first, then **marking**, then **authentication**.

Q53. *Where the original document, such as the original computer device containing the electronic record, is produced before the court, Section 65B(4) certificate is not required. However, the owner of the device must testify that it belongs to them. This function by a witness is most appropriately understood as:*

(A) The act of authentication of a document

(B) The act of proving contents of a document

(C) The act of corroborating the evidence of a document

(D) The act of solving the problem of hearsay associated with documents

Correct Answer: (A) The act of authentication of a document

Solution (detailed):

Step 1: Primary evidence context.

When the original electronic record is produced, it is primary evidence. Still, the court must be satisfied that it is what it purports to be.

Step 2: Role of the witness.

The owner's testimony confirms authorship/control, thereby **authenticating** the document/device.

Step 3: Conclusion.

This is an act of authentication $\Rightarrow$ $\boxed{\text{(A)}}$.

Quick Tip

Primary evidence still needs **authentication** — ownership or authorship proof connects it to the case.

Q54. *Under the **Indian Evidence Act, 1872**, oral evidence as to the contents of documents:*

(A) Cannot be admitted

(B) Generally cannot be admitted except when accepted as admissible secondary evidence under Section 65, *Indian Evidence Act, 1872*

(C) Generally can be admitted except when barred by the rule against hearsay

(D) Generally can be admitted except when considered unreliable due to impeachment of the witness

Correct Answer: (B) Generally cannot be admitted except when accepted as admissible secondary evidence under Section 65, *Indian Evidence Act, 1872*

Solution (detailed):

Step 1: Best evidence rule.

The contents of documents must be proved by producing the document itself, unless exceptions apply.

Step 2: Exception.

Under Section 65, oral evidence is permissible only when secondary evidence of the document is admissible.

Step 3: Conclusion.

Thus, $\boxed{\text{(B)}}$ is correct.

Quick Tip

Document contents $\rightarrow$ use the **document itself**, unless secondary evidence is allowed under Section 65.

Q55. *Where primary evidence of an electronic record cannot be produced, and the secondary evidence is not accompanied by a Section 65B(4) certificate, the court may:*

(A) Never admit such evidence
(B) May only admit such evidence where it is satisfied that procuring such a certificate would result in unfair prejudice, and where the document is crucial evidence
(C) May admit such evidence if satisfied that the party adducing such evidence was unable to procure the certificate despite best efforts and that it was impossible for them to do so
(D) Admit such evidence after a scrutiny of the fact it purports to prove, and only do so for proof of relevant facts, and never for the proof of facts in issue as defined under Section 3, *Indian Evidence Act, 1872*

Correct Answer: (C) May admit such evidence if satisfied that the party adducing such evidence was unable to procure the certificate despite best efforts and that it was impossible for them to do so

Solution (detailed):

Step 1: Strict requirement and relaxation.

While Section 65B(4) is mandatory, the Supreme Court in *Arjun Panditrao Khotkar* recognised an exception where the certificate cannot be obtained despite best efforts.

Step 2: Conditions for relaxation.

The court must be satisfied that: 1. Best efforts were made. 2. It was impossible for the party to obtain the certificate.

Step 3: Conclusion.

Only (C) matches these conditions $\Rightarrow$ $\boxed{\text{(C)}}$.

Quick Tip

Section 65B certificate = mandatory, but courts can relax if **impossibility despite best efforts** is shown.

Q56. *A plaintiff seeks to adduce a secondary electronic record into evidence without complying with Section 65B, Indian Evidence Act, 1872. The respondent does not object at trial. On appeal, the respondent argues that the evidence was inadmissible for want of a Section 65B certificate. Relying on* ***Sonu v. State of Haryana****, (2017) 8 SCC 570, what should the court hold?*

(A) An appellate court should declare the evidence inadmissible in line with the mandatory nature of Section 65B.
(B) An appellate court should remand the matter to trial declaring the said evidence inadmissible.
(C) An objection to the method of proof cannot be raised at the appellate stage as the original party could have cured the defect at trial.
(D) Since the respondent did not object to admissibility, the document automatically stands proved.

Correct Answer: (C) An objection to the method of proof cannot be raised at the appellate stage as the original party could have cured the defect at trial.

Solution (detailed):

Step 1: Identify the nature of the defect.

Want of a **Section 65B certificate** for secondary electronic evidence is a **defect in the mode/method of proof**, not an inherent inadmissibility of the document itself.

Step 2: Rule from *Sonu*.

The Supreme Court clarified that objections to **mode of proof** must be taken **at the trial**, when the defect is **curable**. If a party keeps silent and allows the evidence in, it **cannot** later raise the objection for the first time in appeal. $\Rightarrow Appellatechallengeisbarred.$

Step 3: Test the options.

(A) Wrong — ignores waiver/acquiescence principle in *Sonu*.

(B) Wrong — no remand necessary; the right to object was waived.

(C) Correct — captures *Sonu*: no appellate objection to curable method-of-proof defects.

(D) Overbroad — absence of objection does not mean the document is "automatically proved" for all purposes; it only forecloses the belated objection.

$\boxed{\text{(C)}}$

Quick Tip

If a defect is **curable** (e.g., missing 65B(4) certificate), object **then and there** at trial; silence usually waives the point and bars an appeal on that ground.

Q57. *The Supreme Court in* ***Anvar v. Basheer****, (2014) 10 SCC 473, overruled* ***State (NCT of Delhi) v. Navjot Sandhu*** *(2005) 11 SCC 600. Which holding was overruled?*

(A) That in cases of criminal conspiracy, the method of proof of the conspiracy is controlled by Section 10, *Indian Evidence Act, 1872*, and not Section 65B.

(B) That irrespective of compliance with Section 65B, contents of electronic documents could be proved through Sections 62–65 of the *Indian Evidence Act, 1872*.

(C) That electronic documents, being a special class of general documents, had to be proved through expert opinion under Section 45, *Indian Evidence Act, 1872*.

(D) That the document sought to be proved must first be marked and then admitted into evidence for its contents, and that this sequence may not be reversed.

Correct Answer: (B) That irrespective of compliance with Section 65B, contents of

electronic documents could be proved through Sections 62–65 of the *Indian Evidence Act, 1872*.

Solution (detailed):

Step 1: Special regime for electronic records.

Sections **65A–65B** create a **self-contained code** for electronic evidence. - General provisions (Secs. 62–65) do not apply to **secondary** electronic records unless 65B is satisfied.

Step 2: What *Navjot Sandhu* had said.

It allowed proof of electronic records via the general secondary-evidence provisions even without a 65B certificate.

Step 3: What *Anvar* held.

It **overruled** that view, making **65B compliance mandatory** for secondary electronic evidence (later affirmed and clarified in *Arjun Panditrao Khotkar*).

Step 4: Select the option.

Only (B) states the specific holding that was overruled. - $\boxed{\text{(B)}}$.

Quick Tip

Remember the sequence: *Navjot Sandhu* (lenient) $\rightarrow$ *Anvar* (65B mandatory) $\rightarrow$ *Arjun Panditrao* (clarifies exceptions for impossibility).

Q58. *The judgment of the Supreme Court in **Tomaso Bruno v. State of U.P.**, (2015) 3 SCC (Cri) 54, has been held to be per incuriam. In law, a judgment is per incuriam when:*

(A) The judgment is against binding precedent of a higher court or larger bench.

(B) The judgment is against binding provisions of law applicable to the subject.

(C) Both (A) and (B)

(D) Neither (A) nor (B)

Correct Answer: (C) Both (A) and (B)

Solution (detailed):

Step 1: Meaning of *per incuriam*.

A decision is **per incuriam** if rendered in **ignorance of a binding statute/rule** or a **binding precedent** of a coordinate larger bench or higher court.

Step 2: Apply to the options.

(A) Captures the precedent limb $\Rightarrow$ $correct$.

(B) Captures the statutory-provision limb $\Rightarrow$ $correct$.

Therefore (C) "Both (A) and (B)" is right; (D) is wrong.

Step 3: Conclusion.

$\boxed{\text{(C)}}$ is the correct choice.

Quick Tip

Per incuriam = decided in **ignorance of binding law or binding precedent**. Such decisions don't carry precedential weight.

Q59. *X gets his Will drafted by a scribe, attested by two witnesses. After X's death, one son challenges it. One attesting witness is called, but says he does not remember due execution. Z seeks to examine the scribe as a witness to its execution. Can the scribe be examined at this stage?*

(A) Yes, since one attesting witness has not recalled the execution, any other evidence is admissible under Section 71, *Indian Evidence Act, 1872*.

(B) No, since another attesting witness who has not been summoned must first be examined under Section 68, *Indian Evidence Act, 1872*.

(C) No, since one attesting witness has denied execution, no other evidence can prove the Will.

(D) Yes, since the scribe is a direct witness to the execution of the Will, and his evidence is admissible under Section 60, *Indian Evidence Act, 1872*.

Correct Answer: (A) Yes, since one attesting witness has not recalled the execution, any other evidence is admissible under Section 71, *Indian Evidence Act, 1872*.

Solution (detailed):

Step 1: Section 68 requirement.

For proving a Will, at least one attesting witness must be called to prove execution (Section 68).

Step 2: What if the attesting witness cannot recall execution?

If such a witness either denies or fails to recollect execution, Section 71 permits other evidence to be given to prove execution.

Step 3: Apply to facts.

Here, the attesting witness said he did not remember the due execution. This is a case of failure to recollect, triggering Section 71, allowing the scribe to be examined.

Step 4: Eliminate wrong options.

(B) is wrong because Section 71 does not require exhausting all attesting witnesses if one has failed to recall.

(C) is wrong — denial vs. non-recollection are distinct; here it is non-recollection.

(D) is incomplete — while the scribe can be examined, it's under Section 71, not just Section 60.

(A)

Quick Tip

Section 71 acts as a safety net — if an attesting witness refuses or fails to recollect execution, other evidence (including from a scribe) may be given.

Q60. *When must the certificate under Section 65B(4) of the Indian Evidence Act, 1872 be produced in criminal trials? What has the Supreme Court held?*

(A) It must generally be produced at the time of production of documents, typically with the chargesheet.

(B) If missing or deficient, it may be supplied at a later stage in the trial, and the court can allow it.

(C) Any application during trial to add documents must be examined to avoid unfair prejudice to the accused.
(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Timing as per precedent.

The certificate should ideally accompany the electronic record when first produced (often with the chargesheet).

Step 2: Flexibility in production.

The Court has allowed late submission if justified, provided it does not cause prejudice to the accused.

Step 3: Safeguards during trial.

When allowing additional documents or certificates, courts must ensure the defence is not unfairly prejudiced and has adequate opportunity to respond.

Step 4: Options analysis.

All three statements (A), (B), and (C) are correct; hence (D) is right.

$$\boxed{\text{(D)}}$$

Quick Tip

Section 65B(4) certificate should be filed early, but courts may permit later filing with safeguards against prejudice to the accused.

There are two different ways we can think about law and law-making. To put it crudely: we can think of law as partisan, as nothing more than the expression in legislative terms of the particular ideology or policies of a political party; or we can think of law as neutral, as something that stands above party politics, at least in the sense that once passed it ought to command the obedience and respect of everyone.

[Political] Parties compete for control of Parliament because they want their values, their ideology, and their programme to be reflected in the law of the land. No-one doubts that the Commons stage is the most important, and the reason surely is that the House of Commons is the institution most subject to popular control. If laws passed by one Parliament turn out to be unpopular, the electorate can install a majority that is sworn to repeal them. That is what elections and representative politics are all about. On this model, it is simply fatuous to pretend that law is somehow 'above' politics. Maybe there are some laws on which everyone agrees, no matter what their ideology. Everyone agrees there should be a law against murder, for example, and that there should be basic rules of the road. But as soon as we turn to the fine print, it is surprisingly difficult to find a consensus on the detail of any legislative provision. And in many cases, even the fundamental principles are the subject of fierce political dispute. What this model stresses, then, is that legislative attitudes are necessarily partisan attitudes. So long as there is tight party discipline in Parliament, legislative decisions will be taken on the basis of the ideology of the leadership of the party in power. The partisan model stresses the legitimacy of these attitudes and this form of decision-making.
By contrast, what I call 'the neutral model' enjoins a certain respect for law and law-making which goes beyond purely partisan views. According to this model there is something special about law, and it carries with it special non-partisan responsibilities. Proponents of the neutral model do not deny that laws are made by party politicians, and that legislation is often motivated by disputed values and ideologies. Their view is that when a law is being made, something solemn is being decided in Parliament in the name of the whole society. Though it is reasonable for bills to be proposed and debated along partisan lines, the decision procedures of Parliament are designed to indicate not merely which is the stronger party, but what is to be the view of society as a whole on some matter for the time being. The result, the outcome, is a decision of the House as a whole: it is, literally, an act of Parliament, not merely an act of the Conservative party or an act of the Labour party, whichever commands the majority. By virtue of the parliamentary process, it transcends partisan politics, and presents itself as a norm enacted for and on behalf of the entire community.
On the neutral model, the social function idea tends to receive more emphasis than the political prevalence. For this reason, the neutral model often focuses on aspects of the legal system that do not involve explicitly partisan initiatives. It focuses on those areas of law

where there is something approaching unanimity (such as the fundamental principles of the criminal law and some of the basic tenets of private law). And it focuses particularly on 'the common law'. When common law doctrine strikes out in new directions, the change is usually presented as the product of reasoning which is independent of politics, as though there were an evolving 'logic' of the law which could proceed untainted by partisan values or ideology.

[Excerpted, with edits, from *The Law*, by Jeremy Waldron, Routledge, Oxon, 1990.]

Q61. *Partyland's political scenario involves frequent reversal of previous ruling party's laws whenever a new party gains majority. Which model of law would Waldron most likely see this as?*

(A) Partyland is not an actual democracy
(B) The situation is an illustration of the neutral model of law
(C) The situation is an illustration of the partisan model of law
(D) Partyland is not an actual republic

Correct Answer: (C) The situation in Partyland is an illustration of the partisan model of law

Solution (detailed):

Step 1: Recall Waldron's definition of partisan model.

Under the partisan model, legislation reflects the ideology of the party in power, and when the majority changes, laws are often repealed or replaced to match the new party's ideology.

Step 2: Apply to facts.

In Partyland, after each election, the ruling party reverses the previous party's policies and enacts its own — a direct sign of the partisan model.

Step 3: Eliminate wrong options.

(B) is wrong — the neutral model stresses laws being respected beyond partisan politics, which is not happening here.

(A) and (D) are irrelevant to the question; Partyland can still be democratic/republican despite partisan legislation.

(C)

Quick Tip

Frequent legislative reversals after elections often indicate a partisan model of law, not a neutral one.

Q62. *After a second term, the Public Party in Partyland removes judicial discretion, requiring judges to apply laws strictly as codified. Which model of law do these changes align with?*

(A) The neutral model of law

(B) The partisan model of law

(C) Equally with both, the neutral and partisan model of law

(D) With neither the neutral nor the partisan model of law

Correct Answer: (B) The partisan model of law

Solution (detailed):

Step 1: Understanding judicial role under models.

Neutral model supports law being respected beyond party lines. Partisan model sees law as expression of ruling party ideology.

Step 2: Apply to facts.

Here, laws are changed drastically by the ruling party, and judges are required to apply them strictly without discretion — entrenching the party's ideology in legal application.

Step 3: Eliminate wrong options.

(A) is wrong — no neutrality here, since the purpose is partisan control.

(C) is wrong — both models are not equally reflected.

(D) is wrong — it matches the partisan model.

(B)

Quick Tip

Limiting judicial discretion to enforce a ruling party's laws strictly is a hallmark of the partisan model.

Q63. *Public Party enacts a "workers' tax" law, but the Worker's Party in one state refuses to implement it. Which model of law does this refusal align with?*

(A) The partisan model of law

(B) The neutral model of law

(C) Equally with both the neutral and partisan model of law

(D) With neither the neutral nor the partisan model of law

Correct Answer: (A) The partisan model of law

Solution (detailed):

Step 1: Understanding refusal in context.

Under the neutral model, laws once enacted should be respected by all levels of government as representing society as a whole.

Step 2: Apply to facts.

The Worker's Party refuses to implement the law because it disagrees ideologically — this is partisan behaviour, rejecting a law based on political stance rather than neutral respect for legislation.

Step 3: Eliminate wrong options.

(B) is wrong — the neutral model demands compliance regardless of party.

(C) is wrong — the action is entirely partisan.

(D) is wrong — it fits the partisan model clearly.

$\boxed{\text{(A)}}$

Quick Tip

When a political entity refuses to enforce a validly enacted law due to ideological opposition, it reflects the partisan model.

Q64. *Based on the passage, which of the following is the most accurate statement regarding the Basic Structure doctrine in Indian Constitutional law?*

(A) As it places limits on the amending power of Parliament, it is closer to the partisan rather than the neutral model of law.
(B) As it emerged from a series of judicial decisions rather than legislation, it is a product of partisan rather than neutral law-making.
(C) It does not reflect any of the attributes of either the neutral or partisan model of law.
(D) As it places limits on the amending power of Parliament, it is closer to the neutral rather than the partisan model of law.

Correct Answer: (D) As it places limits on the amending power of Parliament, it is closer to the neutral rather than the partisan model of law.

Solution:

Step 1: Understanding the Basic Structure doctrine.

The doctrine ensures that even the Parliament cannot alter certain fundamental features of the Constitution, thereby protecting non-partisan constitutional values.

Step 2: Linking to models.

This aligns with the neutral model, which emphasizes law-making for the entire community rather than advancing party ideology.

Step 3: Elimination.

(A) is incorrect — it is not partisan in nature.
(B) is incorrect — judicial origin does not make it partisan.
(C) is incorrect — it clearly matches neutral model principles.

$\boxed{\text{(D)}}$

Quick Tip

Limits on Parliament's powers to preserve core constitutional values usually align with the neutral model.

Q65. *Based on the passage, which of the following is Waldron most likely to agree with?*

(A) Legislators always make laws based on their party's ideology, rather than any non-partisan interests
(B) Legislators make laws based on non-partisan considerations
(C) Laws are made on the basis of the needs and demands of society from time to time
(D) Law and law-making can be understood using the partisan or the neutral model

Correct Answer: (D) Law and law-making can be understood using the partisan or the neutral model

Solution:
Step 1: Recalling Waldron's framework.
The passage outlines two distinct models: partisan and neutral, as lenses to interpret law-making.
Step 2: Linking to question.
Waldron acknowledges both models and uses them to understand different legislative behaviours.
Step 3: Eliminating other options.
(A) is too absolute — not "always."
(B) and (C) do not match his balanced model-based view.

$\boxed{\text{(D)}}$

Quick Tip

In exams, when a thinker proposes two clear frameworks, answers often reflect acknowledgment of both rather than a single extreme.

Q66. *Which of the following most strongly supports the neutral model of law and law-making?*

(A) Once enacted, legislation is regarded as an act of Parliament as a whole, rather than any political party

(B) Party whips ensure members vote in line with party ideology

(C) Social welfare laws are enacted for the benefit of weaker sections of society

(D) Elections to legislatures are hotly contested

Correct Answer: (A) The fact that once enacted, legislation is regarded as an act of Parliament as a whole, rather than any political party

Solution:

Step 1: Neutral model principle.

Neutral model views laws as acts for the entire society, transcending party politics.

Step 2: Apply to facts.

Option (A) directly captures this essence — once a law is enacted, it belongs to the whole Parliament, not just the ruling party.

Step 3: Elimination.

(B) is clearly partisan.

(C) may be bipartisan, but not inherently neutral in Waldron's sense.

(D) is about elections, not law-making philosophy.

$\boxed{\text{(A)}}$

Quick Tip

Look for language in options that emphasizes unity, whole society, or transcending party lines for neutral model questions.

Q67. *Which statement is a proponent of the neutral model of law-making most likely to agree with?*

(A) Democracy is desirable, and increased voter turnout proves law-making is non-partisan
(B) Legislators should represent their constituents' interests and vote only for their party's promised laws
(C) Child pornography is heinous, and bipartisan political votes for strong punishments show law-making is non-partisan
(D) Judges are not elected and should not have law-making powers through legislation or case law

Correct Answer: (C) Everyone agrees that child pornography is heinous, and bipartisan votes for punishments show law-making is non-partisan

Solution:

Step 1: Recall neutral model's focus.

Neutral model applies where there is broad consensus on legislation beyond party ideology.

Step 2: Apply to facts.

Option (C) describes a law supported across parties due to shared societal values — a clear example of non-partisan law-making.

Step 3: Elimination.

(A) voter turnout does not necessarily indicate non-partisan law-making.
(B) is partisan.
(D) is about judicial role, not legislative neutrality.

$\boxed{\text{(C)}}$

Quick Tip

In neutral model questions, look for scenarios of universal agreement across political lines.

Q68. *Which of the following arguments most strongly supports the partisan model of law-making?*

(A) Calling a legislation an act of Parliament rather than the act of a political party shows that it is the view of society as a whole on some matter, and thus deserving of respect by members of all political parties
(B) Merely calling a legislation an act of Parliament does not take away from the fact that it is partisan, since it was introduced by a political party, and voted for by its members on the party's directions, in furtherance of the party's ideological agenda.
(C) Calling a legislation an act of Parliament indicates that politicians have the liberty to vote for or against legislation on the basis of their idea of the rule of law, rather than on the basis of their party's ideological agenda.
(D) The mere act of calling a legislation an act of Parliament shows that it is the result of the collective effort of legislators from different political parties, and therefore, non-partisan in nature.

Correct Answer: (B) Merely calling a legislation an act of Parliament does not take away from the fact that it is partisan, since it was introduced by a political party, and voted for by its members on the party's directions, in furtherance of the party's ideological agenda.

Solution:
Step 1: Understanding the partisan model.
Partisan model sees legislation as an expression of a party's ideology and political goals.
Step 2: Matching to options.
(B) clearly points out that legislation's partisan nature remains despite the label "act of Parliament," as it reflects the ruling party's ideological agenda.
Step 3: Elimination.

(A), (C), and (D) all convey neutrality or collective agreement, aligning more with the neutral model.

$\boxed{\text{(B)}}$

Quick Tip

For partisan model questions, look for emphasis on party control, ideological direction, and voting discipline.

Q69. *General elections are held again in Partyland, and the Public Party wins power again. It introduces a law allowing legislators to vote against their party whip without being disqualified. Which model of law does this align with?*

(A) The neutral model of law
(B) The partisan model of law
(C) Equally with both, the neutral and the partisan model of law
(D) With neither the neutral nor the partisan model of law

Correct Answer: (A) The neutral model of law

Solution:

Step 1: Linking facts to the models.

Allowing legislators to vote freely without party whip enforcement reduces partisan control, enabling decisions based on conscience or societal interest.

Step 2: Model match.

This reflects the neutral model's emphasis on transcending party lines for the sake of collective decision-making.

Step 3: Elimination.

(B) is incorrect — the law reduces, not strengthens, partisanship.
(C) is incorrect — it doesn't equally reflect both models.

(D) is incorrect — it clearly matches the neutral model.

$\boxed{\text{(A)}}$

Quick Tip

Removal of party whip constraints generally signals a shift toward the neutral model of law-making.

Q70. *Which statement, if true, would most weaken the neutral model of law's arguments about common law?*

(A) Common law doctrine evolves over time, and in some instances may take much longer to evolve than the passage of a legislation.
(B) Common law doctrine only evolves based on a form of reasoning specific to the law and is not affected by the personal values or ideologies of judges.
(C) The evolution of common law doctrine proceeds in a purely logical manner and is not affected by any partisan values or ideology.
(D) The evolution of common law doctrine is directed by the partisan interests of judges and is not divorced from political values or ideology.

Correct Answer: (D) The evolution of common law doctrine is directed by the partisan interests of judges and is not divorced from political values or ideology.

Solution:
Step 1: Neutral model's stance on common law.
Neutral model treats common law as evolving in a non-partisan, logic-based way, free from political bias.
Step 2: Weakening this view.
If common law is actually driven by judges' partisan interests, it undermines the neutral model's claim of political independence.

Step 3: Elimination.

(A) talks about speed of change — irrelevant to neutrality.

(B) and (C) actually support the neutral model, not weaken it.

$\boxed{(D)}$

Quick Tip

To weaken a neutrality claim, introduce evidence of bias, ideology, or partisan influence in the process.

If a person enters into a transaction which is surely likely to result in loss, he cannot be accused of insider trading. In other words, the actual gain or loss is immaterial, but the motive for making a gain is essential.

The words, "likely to materially affect the price" appearing in the main part of Regulation 2(ha) gain significance for the simple reason that profit motive, if not actual profit should be the motivating factor for a person to indulge in insider trading. This is why the information in Item No.(vii) of the Explanation under Regulation 2(ha) may have to be examined with reference to the words "likely to materially affect the price". Keeping this in mind let us now come back to the facts of the case.

Gammon Infrastructure Projects Limited ("GIPL") was awarded a contract for the execution of a project, whose total cost was admittedly 1,648 crores. Simplex Infrastructure Limited ("SIL") was awarded a contract for a project whose cost was 940 crores. Both GIPL and SIL created Special Purpose Vehicles and then they entered into two shareholders Agreements. Under these Agreements, GIPL and SIL will have to make investments in the Special Purpose Vehicles created by each other, in such a manner that each of them will hold 49% equity interest in the other's project.

It means that GIPL could have acquired 49% equity interest in the project worth 940 crores and SIL would have acquired 49% equity interest in a project worth 1,648 crore.

In arithmetical terms, the acquisition by GIPL, of an equity interest in SIL's project was worth 460 crores approximately. Similarly, the acquisition by SIL, of the equity interest in GIPL's project was worth 807.52 crores. Therefore, the cancellation of the shareholders Agreements resulted in GIPL gaining very hugely in terms of order book value. In such circumstances an ordinary man of prudence would expect an increase in the value of the shares of GIPL and would wait for the market trend to show itself up, if he actually desired to indulge in insider trading. But the respondent did not wait for the information about the market trend, after the information became public. The reason given by him, which is also accepted by the Whole-Time Member ("WTM") and the Tribunal is that he had to dispose of his shares as well as certain other properties for the purpose of honouring a Corporate Debt Restructuring ("CDR") package. It is on record that if the CDR package had not gone through successfully, the parent company of GIPL namely, Gammon India Ltd., could have gone for bankruptcy.

Therefore, the Tribunal was right in thinking that the respondent had no motive or intention to indulge in insider trading because he had a pressing necessity.

As a matter of fact, the Tribunal found that the closing price of shares rose, after the disclosure of the information. This shows that the unpublished price sensitive information was such that it was likely to be more beneficial to the shareholders, after the disclosure was made. Any person desirous of indulging in insider trading, would have waited till the information went public, to sell his holdings. The respondent did not do this, obviously on account of a pressing necessity.

[Excerpted from the judgment delivered by Ramasubramanian, J., in *Securities and Exchange Board of India v. Abhijit Rajan*, CA No. 563 of 2020 (hereafter '*A Rajan*')]

Q71. *In A Rajan, which of the following are essential prerequisites for an insider to fall within the mischief of "insider trading" under the Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations, 1992?*

(A) Lack of access to price sensitive information

(B) A profit motive

(C) Mens rea

(D) Abstaining from dealing in securities of a company about which the insider has price

sensitive information

Correct Answer: (B) A profit motive

Solution:

Step 1: Understanding the case context.

The judgment in *A Rajan* clarifies that actual gain or loss is immaterial, but the **motive for making a gain** is essential for insider trading.

Step 2: Applying to the question.

Here, the insider must have engaged in the trade with a **profit motive**, even if the profit is not ultimately realized.

Step 3: Elimination of incorrect options.

(A) is incorrect — having access to price-sensitive information is a condition, but the question asks for an *essential prerequisite* per the judgment.

(C) ”Mens rea” is a general legal term for guilty intent, but the case focuses specifically on a profit motive, which is narrower.

(D) abstaining from dealing is the opposite of engaging in insider trading, so it is irrelevant.

$\boxed{\text{(B)}}$

Quick Tip

In insider trading cases, courts often stress motive — here, the **profit motive** — over actual monetary outcomes.

Q72. *Which of the following are the key facts in A Rajan?*

(A) The respondent sold the shares of the company about which he had unpublished price sensitive information (“UPSI”) after the rise in price of the shares consequential to the disclosure of the UPSI.

(B) The respondent did not possess any UPSI about the company whose shares he sold.

(C) The respondent sold the shares of the company about which he had UPSI **before** the rise in price of the shares consequential to the disclosure of the UPSI in his possession.
(D) The respondent did not sell any shares of the company about which he had UPSI.

Correct Answer: (C) The respondent sold the shares of the company about which he had UPSI before the rise in price of the shares consequential to the disclosure of the UPSI in his possession.

Solution:

Step 1: Extracting facts from the judgment.

The respondent possessed UPSI about GIPL, but sold shares **before** the price rise that occurred after the public disclosure of the UPSI.

Step 2: Motive determination.

He sold due to a pressing financial necessity (honouring a CDR package), not to profit from the price change.

Step 3: Elimination of wrong options.

(A) is wrong — he sold **before** the rise, not after.
(B) is wrong — he did possess UPSI.
(D) is wrong — he did sell the shares.

$\boxed{\text{(C)}}$

Quick Tip

When distinguishing insider trading from legitimate trades, **timing** of the transaction relative to the public release of information is critical.

Q73. Based on the passage, what is ‘insider trading‘ under the Insider Trading Regulations?

(A) Dealing in the securities of a company about which one does not have UPSI, without any desire to make a profit.

(B) Dealing in the securities of a company about which one has UPSI, without any desire to make a profit.
(C) Dealing in the securities of a company about which one does not have UPSI, with the desire to make a profit.
(D) Dealing in the securities of a company about which one has UPSI, with the desire to make a profit.

Correct Answer: (D) Dealing in the securities of a company about which one has UPSI, with the desire to make a profit.

Solution (detailed):

Step 1: Understanding UPSI and insider trading definition.

From the passage, UPSI means "Unpublished Price Sensitive Information". The key factor for insider trading is that the person **possesses UPSI** and engages in securities transactions using this information.

Step 2: Importance of profit motive.

The passage states that "the actual gain or loss is immaterial, but the motive for making a gain is essential." This means that the intention to profit from the UPSI is necessary for the act to be considered insider trading, regardless of whether a profit is ultimately realized.

Step 3: Eliminating incorrect options.

- (A) Incorrect — No UPSI is involved, so cannot be insider trading.
- (B) Incorrect — While UPSI is involved, absence of profit motive excludes it from being insider trading.
- (C) Incorrect — No UPSI is involved, even though there is a profit motive.
- (D) Correct — Involves UPSI *and* a profit motive, fulfilling the definition in the passage.

D

Quick Tip

In insider trading, two conditions are critical: possession of UPSI and intention to profit from it. Without either, the definition is not satisfied.

Q74. Based on the passage, what was the impact of the cancellation of the shareholders' agreements between SIL and GIPL?

(A) There was a decrease in the closing prices of the shares after this information was disclosed.
(B) There was an increase in the closing prices of the shares after this information was disclosed.
(C) There was no change in the closing prices of the shares after this information was disclosed.
(D) The company's securities were delisted from the stock exchange.

Correct Answer: (B) There was an increase in the closing prices of the shares after this information was disclosed.

Solution (detailed):
Step 1: Identifying the relevant passage.
The passage clearly states: "the Tribunal found that the closing price of shares rose, after the disclosure of the information."
Step 2: Interpreting the statement.
"Closing price rose" means there was an increase in the share price after disclosure. This indicates a positive market reaction.
Step 3: Eliminating incorrect options.

- (A) Incorrect — Opposite of what the passage states.
- (C) Incorrect — The passage confirms there *was* a change.
- (D) Incorrect — There is no mention of delisting from the stock exchange.

Thus, (B) is the only correct choice.

$\boxed{B}$

Quick Tip

Always match the exact language in the passage ("rose" $\rightarrow$ "increase") to eliminate opposite or irrelevant options quickly.

Q75. Which of the following approaches has been adopted in several jurisdictions, including India, to determine cases of insider trading?

(A) Parity of information
(B) Lifting the corporate veil
(C) Indoor management
(D) Constructive notice

Correct Answer: (A) Parity of information

Solution (detailed):

Step 1: Concept of "parity of information."

The "parity of information" approach means that all market participants should have equal access to material, price-sensitive information before trading.

Step 2: Passage reference.

The passage references this approach as being used in India and other jurisdictions for insider trading regulation.

Step 3: Elimination of other options.

- (B) Lifting the corporate veil — Used in company law to identify real owners, not directly for insider trading tests.
- (C) Indoor management — Relates to assumptions outsiders can make about a company's internal affairs.

- (D) Constructive notice — Legal presumption of knowledge of public documents, not relevant here.

A

Quick Tip

For insider trading, remember that "parity of information" ensures a fair market where no one trades with a secret advantage.

Q76. What reason did *A Rajan* give for selling his shares in the company about which he had UPSI?

(A) He expected a huge rise in the share price of GIPL upon the disclosure of the UPSI in his possession.
(B) It was a compulsory requirement under the shareholders' agreement with SIL.
(C) He needed funds to buy the securities of SIL.
(D) He needed funds to honour a CDR package.

Correct Answer: (D) He needed funds to honour a CDR package.

Solution (detailed):
Step 1: Extracting the relevant detail from the passage.
The passage notes: "The reason given by him... is that he had to dispose of his shares... for the purpose of honouring a Corporate Debt Restructuring ('CDR') package."
Step 2: Why this matters legally.
This reason was accepted by the Tribunal, indicating there was no profit motive — an essential element for insider trading was missing.
Step 3: Eliminating wrong options.

- (A) Incorrect — The passage says he *did not* wait for a price rise, which would be expected if this was his motive.

- (B) Incorrect — No mention of a compulsory shareholder agreement sale.
- (C) Incorrect — No mention of buying SIL securities.

D

Quick Tip

When a question involves a person's motive, look for explicit statements in the passage that clarify intent — here, "pressing necessity" outweighed profit motive.

Q77. Which of the following did the court in *A Rajan* say was clarified in *SEBI v. Kanaiyalal Baldevbhai Patel*, (2017) 15 SCC 1, as regards the *SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003* (the "FUTP Regulations")?

(A) That *mens rea* is an indispensable requirement to attract the rigour of the FUTP Regulations
(B) That *mens rea* is not an indispensable requirement to attract the rigour of the FUTP Regulations
(C) That *mens rea* is not an indispensable requirement to attract the rigour of the Insider Trading Regulations
(D) That *mens rea* is an indispensable requirement to attract the rigour of the Insider Trading Regulations

Correct Answer: (B) That *mens rea* is not an indispensable requirement to attract the rigour of the FUTP Regulations

Solution (detailed):
Step 1: Understanding the court's clarification.

The court referred to the *SEBI v. Kanaiyalal Baldevbhai Patel* case, which clarified that under the FUTP Regulations, *mens rea* (criminal intent) is not a mandatory requirement for a violation.

Step 2: Application to the question.

This means that even without proving intent, an act violating the FUTP Regulations can still be penalized.

Step 3: Eliminating incorrect options.

- (A) Incorrect — This reverses the actual clarification.
- (C) and (D) Incorrect — They refer to Insider Trading Regulations, whereas the question specifically refers to FUTP Regulations.

B

Quick Tip

In securities law, some regulations are "strict liability" — violations can occur without proving criminal intent.

Q78. The Insider Trading Regulations are no longer in force. Which of the following is the current set of regulations governing insider trading in India?

(A) The FUTP Regulations
(B) *The SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018*
(C) *The SEBI (Prohibition of Insider Trading) Regulations, 2015*
(D) *The SEBI (Listing Obligations and Disclosure Requirements) Regulations 2015*

Correct Answer: (C) *The SEBI (Prohibition of Insider Trading) Regulations, 2015*

Solution (detailed):

Step 1: Identifying the updated regulation.

The passage specifies that the older Insider Trading Regulations have been replaced by the *SEBI (Prohibition of Insider Trading) Regulations, 2015*.

Step 2: Eliminating incorrect options.

- (A) FUTP Regulations — Deal with fraud and unfair trade, not insider trading specifically.
- (B) Issue of Capital and Disclosure — Relates to public issue disclosures, not insider trading.
- (D) Listing Obligations — Relates to corporate governance and disclosures, not insider trading.

C

Quick Tip

Always check for the latest amendments or replacements of regulations — insider trading in India is now governed by the 2015 regulations.

Q79. What did *A Rajan* hold regarding the information related to the termination of the shareholders' agreements between GIPL and SIL?

(A) It was not in the respondent's possession
(B) It had no impact on the closing price of GIPL's shares
(C) It was not price sensitive information
(D) It was price sensitive information

Correct Answer: (D) It was price sensitive information

Solution (detailed):

Step 1: Passage evidence.

The passage states that the closing prices of shares rose after disclosure, meaning the information was likely to materially affect share prices — fulfilling the definition of price sensitive information.

Step 2: Elimination.

- (A) Incorrect — He possessed the information.
- (B) Incorrect — There was an impact (increase).
- (C) Incorrect — The market reaction proves it was price sensitive.

D

Quick Tip

Price sensitive information is judged by its likely material effect on share prices, not just actual price movement.

Q80. In *A Rajan*, the court opined that a person who wanted to indulge in insider trading would have:

(A) Held on to the shares, and only sold them after the news about the termination of the shareholders' agreements with SIL was made public.
(B) Sold the shares before the news about the termination of the shareholders' agreements with SIL was made public.
(C) Held on to the shares and not sold them under any circumstances.
(D) Never have bought GIPL's shares in the first place.

Correct Answer: (A) Held on to the shares, and only sold them after the news about the termination of the shareholders' agreements with SIL was made public.

Solution (detailed):

Step 1: Logic from the passage.

The passage states that anyone intending to profit from insider trading would wait for the positive market reaction after disclosure before selling shares.

Step 2: Elimination.

- (B) Incorrect — Selling before disclosure forfeits profit from the price increase.
- (C) Incorrect — Selling at the right time is the key to profit; not selling at all makes no gain.
- (D) Incorrect — Irrelevant to the context of timing.

$\boxed{\text{A}}$

Quick Tip

For profit-driven insider trading, timing is crucial — the trader waits for the market to react to the disclosed UPSI before acting.

The Russian Federation's specific claims alleging genocide, and invoking that alleged genocide as the basis for military action against Ukraine, include:

1. On 21 February 2022, the President of the Russian Federation stated in an official address that there was a "genocide" occurring in Ukraine, "which almost 4 million people are facing".
2. The President of the Russian Federation then announced a "special military operation" and stated that "[t]he purpose of this operation is to protect people who, for eight years now, have been facing humiliation and genocide perpetrated by the Kiev regime."
3. In an interview on 25 February 2022, the Russian Ambassador to the European Union was asked about President Putin's reference to genocide as justification for Russia's unlawful acts against Ukraine and said "[w]e can turn to the official term of genocide as coined in international law. If you read the definition it fits pretty well."

Ukraine has emphatically denied that any act of genocide has occurred in the Luhansk and Donetsk oblasts or elsewhere in Ukraine, and that Russia has any lawful basis whatsoever to take action in and against Ukraine for the purpose of preventing and punishing genocide. Therefore, the parties' dispute over first, the existence of acts of genocide, and second, Russia's claim to legal authority to take military action in and against Ukraine to punish and prevent such alleged genocide, is a dispute that concerns the interpretation, application or fulfilment of the [1] Convention. Accordingly, the Court should recognize its jurisdiction on a *prima facie* basis for purposes of indicating provisional measures.
[Excerpted from: *Request for the Indication of Provisional Measures Submitted by Ukraine*, February 26, 2022, in *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation)*, International Court of Justice]

Q81. Ukraine filed the application excerpted above concerning "a dispute... relating to the interpretation, application and fulfilment of" an international convention (the "Convention"), whose name has been replaced with '[1]' in the excerpt above. What is the full name of the Convention?

(A) *Convention on the Elimination of All Forms of Discrimination against Women, 1979*
(B) *Convention on the Prevention and Punishment of the Crime of Genocide, 1948*
(C) *International Covenant on Civil and Political Rights, 1966*
(D) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984*

Correct Answer: (B) *Convention on the Prevention and Punishment of the Crime of Genocide, 1948*

Solution (detailed):

Step 1: Context from the passage.

The dispute between Ukraine and Russia, as described, concerns allegations of genocide in Luhansk and Donetsk and Russia's claim of legal authority to take military action to prevent or punish such genocide.

Step 2: Identifying the relevant convention.

The only international treaty directly dealing with the prevention and punishment of genocide is the *Convention on the Prevention and Punishment of the Crime of Genocide, 1948*.

Step 3: Eliminating incorrect options.

- (A) Concerns discrimination against women, irrelevant to genocide.
- (C) Concerns civil and political rights generally, not specifically genocide.
- (D) Concerns torture and degrading treatment, not genocide.

B

Quick Tip

When a dispute explicitly involves "genocide" in international law, the relevant treaty is the 1948 Genocide Convention.

Q82. Article IX of the Convention provides that disputes between Contracting Parties relating to the interpretation, application or fulfilment of the Convention shall be submitted to the International Court of Justice ("ICJ") at the request of:

(A) The United Nations High Commissioner for Refugees
(B) Any State not party to the dispute
(C) The Secretary-General of the United Nations
(D) Any of the parties to the dispute

Correct Answer: (D) Any of the parties to the dispute

Solution (detailed):

Step 1: Understanding Article IX.

Article IX of the Genocide Convention states that disputes regarding the interpretation, application, or fulfilment of the Convention "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

Step 2: Application to the question.

This provision allows direct access to the ICJ for either party involved in the dispute without requiring third-party initiation.

Step 3: Eliminating incorrect options.

- (A) and (C) Incorrect — These are UN officials, but they are not empowered under Article IX to submit disputes.
- (B) Incorrect — States not party to the dispute have no standing to request submission.

D

Quick Tip

Always check the exact treaty text — in the Genocide Convention, Article IX gives direct standing to the disputing parties to approach the ICJ.

Q83. Article II of the Convention defines 'genocide' to mean certain acts, "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group". Which of the following is **not** included in the list of such acts under Article II of the Convention?

(A) Killing members of the group
(B) Promoting the cultural activities of the group
(C) Imposing measures intended to prevent births within the group
(D) Forcibly transferring children of the group to another group

Correct Answer: (B) Promoting the cultural activities of the group

Solution (detailed):

Step 1: Understanding Article II's definition of genocide.

Article II lists specific prohibited acts such as killing members of the group, causing serious bodily or mental harm, imposing measures to prevent births, and forcibly transferring children.

Step 2: Identify the outlier.

Promoting cultural activities is not an act aimed at destroying a group; in fact, it is the opposite.

Step 3: Elimination.

- (A), (C), and (D) — All listed in Article II.
- (B) — Not listed and contrary to the destructive purpose of genocide.

$\boxed{\text{B}}$

Quick Tip

When asked for what is *not* included in a definition, look for actions inconsistent with the definition's destructive intent.

Q84. The ICJ held hearings for provisional measures in response to Ukraine's application excerpted above on March 7, 2022. Which of the following did the Russian Federation do in relation to these hearings?

(A) It appeared before the ICJ, and also submitted written pleadings objecting to the ICJ's jurisdiction over the matter
(B) It chose not to appear before the ICJ, and did not submit any written pleadings either
(C) It chose not to appear before the ICJ, and submitted written pleadings objecting to the ICJ's jurisdiction over the matter
(D) It appeared before the ICJ, but chose not to submit any written pleadings

Correct Answer: (C) It chose not to appear before the ICJ, and submitted written pleadings objecting to the ICJ's jurisdiction over the matter

Solution (detailed):

Step 1: Passage reference.

The procedural history of the case shows Russia declined to appear in person at the hearings but sent written communications challenging ICJ jurisdiction.

Step 2: Elimination.

- (A) and (D) — Incorrect because Russia did not attend in person.
- (B) — Incorrect because Russia)did submit written pleadings.

C

Quick Tip

In ICJ proceedings, absence from oral hearings does not prevent a state from filing written objections.

Q85. Which of the following relates to the conditions under which States may resort to war or the use of armed force in general?

(A) *Jus gentium*
(B) *Jus ad bellum*
(C) *Jus in bello*
(D) *Jus cogens*

Correct Answer: (B) *Jus ad bellum*

Solution (detailed):

Step 1: Definition.

Jus ad bellum refers to the body of law governing the right to engage in war — the "right to war".

Step 2: Differentiating terms.

- *Jus in bello* — Laws applicable during conflict.
- *Jus gentium* — Law of nations.

- *Jus cogens* — Peremptory norms.

B

Quick Tip

Remember: "ad bellum" → before war; "in bello" → during war.

Q86. Who among the following is the author of the work *Mare Liberium*, and is also often called the 'Father' of modern international law?

(A) Jeremy Bentham
(B) Baruch Spinoza
(C) Hugo Grotius
(D) Mohamed ElBaradei

Correct Answer: (C) Hugo Grotius

Solution (detailed):

Step 1: Historical background.

Mare Liberium ("The Free Sea") was published in 1609 by Hugo Grotius, advocating free navigation and trade across seas.

Step 2: Recognition.

Grotius's works laid the foundation for the modern system of international law, earning him the title "Father of International Law".

Step 3: Elimination.

- (A) Jeremy Bentham — Coined the term "international law" but did not write *Mare Liberium*.
- (B) Baruch Spinoza — Philosopher, not primary figure in maritime law.
- (D) Mohamed ElBaradei — Modern diplomat, unrelated to this historical work.

C

Quick Tip

Hugo Grotius's *Mare Liberium* is a cornerstone of maritime freedom and early international law.

Q87. Article 38(1) of the *Statute of the International Court of Justice* recognises certain sources of law that it must apply in deciding disputes submitted to it. Which of the following is or are included under Article 38(1)?

(A) International conventions, whether general or particular, establishing rules expressly recognised by the contesting states
(B) International custom, as evidence of a general practice accepted as law
(C) The general principles of law recognised by civilised nations
(D) All the above

Correct Answer: (D) All the above

Solution (detailed):

Step 1: Recall the text of Article 38(1).

Article 38(1) lists the principal sources the ICJ shall apply:
(a) *international conventions (treaties)* establishing rules expressly recognised by the states;
(b) *international custom* as evidence of a general practice accepted as law;
(c) *the general principles of law* recognised by civilised nations;
(d) *judicial decisions and the teachings of the most highly qualified publicists* as subsidiary means for the determination of rules of law.

Step 2: Map options to Article 38(1).

Option (A) matches 38(1)(a); Option (B) matches 38(1)(b); Option (C) matches 38(1)(c).
All three are indeed *principal* sources under Article 38(1) $\Rightarrow$ **all of them are correct**.

Step 3: Conclude.

Since (A), (B), and (C) are each true statements of 38(1), the option that captures this is (D) *All the above*.

D

Quick Tip

Remember the 3 + 1 structure of Article 38(1): *Treaties, Custom, General Principles* as principal sources, plus *judicial decisions & publicists* as subsidiary means.

Q88.

Article 38(2) of the *Statute of the International Court of Justice* provides that Article 38 "shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto". Which of the following is the meaning of the phrase *ex aequo et bono*?

(A) The thing speaks for itself

(B) According to the right and good

(C) By that very fact or act

(D) Towards all

Correct Answer: (B) According to the right and good

Solution (detailed):

Step 1: Decode the Latin phrase.

Ex aequo et bono literally means "according to what is fair (right) and good" $\Rightarrow$ $deciding one quitable considerations rather than strict legal rules, but only with parties' consent.$

Step 2: Eliminate look-alike Latin terms.

(A) "The thing speaks for itself" = *res ipsa loquitur* (tort law maxim), not applicable.

(C) "By that very fact" = *ipso facto*, not equity.

(D) "Towards all" = *erga omnes*, describes obligations owed to the international community, not a decision basis.

Step 3: Conclude.

Only (B) captures the accepted meaning of *ex aequo et bono*.

$$\boxed{\text{B}}$$

Quick Tip

Associate *ex aequo et bono* with "equity with consent"; the ICJ may apply it only if both parties agree.

Q89.

Which among the following was established by the UN General Assembly in 1947, under Article 13(1)(a) of the *UN Charter*, to "initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification"?

(A) The International Law Commission

(B) The International Court of Justice

(C) The International Criminal Court

(D) The World Trade Organisation

Correct Answer: (A) The International Law Commission

Solution (detailed):

Step 1: Identify the UN body with a codification mandate.

In 1947 the UNGA created the **International Law Commission (ILC)** to promote the progressive development and codification of international law $\Rightarrow exactlythemandatequoted.$

Step 2: Eliminate distractors by founding instruments/dates.

(B) ICJ was established in 1945 by the UN Charter/ICJ Statute, not by a 1947 GA resolution with a codification mission.

(C) ICC was created much later by the 1998 Rome Statute; it is independent of the UNGA.

(D) WTO began in 1995 under the Marrakesh Agreement; not a UNGA creation and not a codification body.

Step 3: Conclude.

Therefore, only (A) fits the date, creator, and purpose.

$$\boxed{\text{A}}$$

Quick Tip

Link "codification and progressive development" $\Rightarrow$ $International Law Commission (ILC); \backslash adjudication$" $\Rightarrow$ $ICJ; \backslash criminal accountability$" $\Rightarrow ICC; \backslash trade regime$" $\Rightarrow WTO.$

Q90.

Who among the following first coined the term 'genocide'?

(A) Hersch Lauterpacht

(B) Judge Radhabinod Pal

(C) Raphael Lemkin

(D) Mirjan Damaška

Correct Answer: (C) Raphael Lemkin

Solution (detailed):

Step 1: Historical origin of the term.

The word **"genocide"** was coined by Polish–Jewish jurist **Raphael Lemkin** in 1944 in his work *Axis Rule in Occupied Europe*, combining Greek *genos* (race/tribe) + Latin *cide* (killing).

Step 2: Eliminate alternatives with brief context.

(A) Hersch Lauterpacht championed the concept of *crimes against humanity* and "human rights," but did not coin "genocide."

(B) Radhabinod Pal served on the Tokyo Tribunal; known for his dissent, not for coining "genocide."

(D) Mirjan Damaška is a noted scholar of comparative criminal procedure; not associated with the term's origin.

Step 3: Conclude.

Thus, the correct attribution is to **Raphael Lemkin**.

C

Quick Tip

Remember: Lemkin (genocide, 1944) $\Rightarrow ledtothe1948GenocideConvention; Lauterpacht(crimesagain$ $Nurembergle gacy.$

Food Corporation of India ("FCI" or "Corporation"), the Appellant herein, procures and distributes foodgrains across the length and breadth of the country as a part of its statutory duties. In the process, it enters into many contracts with transport contractors. In one such contract, the subject matter of present appeals, the Corporation empowered itself (under clause XII (a)) to recover damages, losses, charges, costs and other expenses suffered due to the contractors' negligence from the sums payable to them. The short question arising for consideration is whether the demurrages imposed on the Corporation by the Railways can be, in turn, recovered by the Corporation from the contractors as "charges" recoverable under clause XII (a) of the contract. In other words, does contractors' liability for "charges", if any, include demurrages?

"**XII [Road Transport Contract].** Recovery of losses suffered by the Corporation (a) *The Corporation shall be at liberty to reimburse themselves for any damages, losses, charges, costs or expenses suffered or incurred by them, or any amount payable by the Contractor as Liquidated Damages as provided in Clauses X above...*"

Interpretation of contracts concerns the discernment of the true and correct intention of the parties to it. Words and expressions used in the contract are principal tools to ascertain such

intention. While interpreting the words, courts look at the expressions falling for interpretation in the context of other provisions of the contract and also in the context of the contract as a whole. These are intrinsic tools for interpreting a contract. As a principle of interpretation, courts do not resort to materials external to the contract for construing the intention of the parties. There are, however, certain exceptions to the rule excluding reference or reliance on external sources to interpret a contract. One such exception is in the case of a latent ambiguity, which cannot be resolved without reference to extrinsic evidence. Latent ambiguity exists when words in a contract appear to be free from ambiguity; however, when they are sought to be applied to a particular context or question, they are amenable to multiple outcomes.

It was observed that "…Extrinsic evidence, in cases of latent ambiguity, is admissible both to ascertain where necessary, the meaning of the words used, and to identify the objects to which they are to be applied."

The Corporation in the present contract has chosen not to include the power to recover demurrages and as such the expression "charges" cannot be interpreted to include demurrages. Demurrage is undoubtedly a charge, however, such a textual understanding would not help us decipher the true and correct intention of the parties to the present contract. After examining the contract in its entirety, including its nature and scope, the Court concluded that the contractors' liability in the present contract was clearly distinguishable from other contracts entered into by the Corporation in 2010 and 2018, which included loading and unloading of foodgrains from the railway wagons within the scope of contractors' duties, thereby necessitating the inclusion of demurrages as a penalty for non-performance of contractual duties.

[Extracted from: Food Corporation of India v. Abhijit Paul, (CA 8572-8573/2022), Judgment of Justices A.S. Bopanna and P.S. Narasimha, 18 November 2022]

Q91. According to the Court, how was this Road Transport Contract different from FCI's earlier contracts with transport contractors?

(A) FCI's earlier contracts had expired

(B) The present contract did not include loading and unloading of foodgrains from the railway wagons within the scope of contractor's duties
(C) Earlier contracts were executed by FCI with contractors who were both handlers and transporters
(D) Earlier contracts were not validly executed

Correct Answer: (B) The present contract did not include loading and unloading of foodgrains from the railway wagons within the scope of contractor's duties

Solution (detailed):
Step 1: Understanding the context.
The Court compared the present Road Transport Contract with FCI's earlier Handling and Transport Contracts of 2010 and 2018. Those earlier contracts included loading and unloading foodgrains from railway wagons as part of the contractor's scope of duties.
Step 2: Key distinction.
The present contract omitted these loading/unloading duties. As a result, penalties such as demurrages for non-performance in those areas were not relevant or recoverable under the present contract.
Step 3: Elimination.

- (A) Incorrect — The question is about the difference in scope, not contract expiry.
- (C) Incorrect — Although earlier contracts did involve handling and transport, the Court's emphasis was on the omission of loading/unloading duties.
- (D) Incorrect — There is no indication earlier contracts were invalid.

$\boxed{B}$

Quick Tip

When comparing contracts in legal interpretation, note differences in scope of work — these directly affect liabilities and penalties.

Q92. What is the extrinsic evidence that the Court used?

(A) Work order under the Road Transport Contract

(B) FCI's Handling and Transport Contracts of 2010 and 2018

(C) Tender documents filed by the contractors

(D) FCI's Handbook on Movement Operations

Correct Answer: (B) FCI's Handling and Transport Contracts of 2010 and 2018

Solution (detailed):

Step 1: Concept of extrinsic evidence in latent ambiguity.

The judgment explains that while courts generally interpret contracts using intrinsic evidence, they may use extrinsic evidence to resolve latent ambiguities — where terms seem clear but their application to facts is uncertain.

Step 2: Application in this case.

The Court faced ambiguity over whether "charges" in the present contract included demurrages. To clarify, it compared the present contract with earlier Handling and Transport Contracts (2010, 2018), which explicitly included loading/unloading duties and thus a direct link to demurrage penalties.

Step 3: Elimination.

- (A) Incorrect — Work orders are operational documents, not cited here as interpretive evidence.
- (C) Incorrect — Tender documents were not the reference for resolving the ambiguity.
- (D) Incorrect — Handbook not cited in this context.

B

Quick Tip

Extrinsic evidence can include prior contracts between the same parties — useful for understanding consistent or changed intentions.

Q93. The Court referred to *Union of India v. Raman Iron Foundry* (1974) to explain that contractual terms cannot be interpreted in isolation, following strictly etymological rules or be guided by popular connotation of terms, at variance with the contractual context. This principle of interpretation of contracts is known as:

(A) Ejusdem generis
(B) Mischief rule
(C) Literal rule
(D) Rule of contextual interpretation

Correct Answer: (D) Rule of contextual interpretation

Solution (detailed): Step 1: Understanding the principle.
The case illustrates that meaning must be drawn from the context of the entire contract, not from isolated word meanings or popular definitions.
Step 2: Eliminate incorrect principles.
(A) *Ejusdem generis* applies to interpreting lists of words of the same class.
(B) Mischief rule focuses on remedying the defect the law sought to address.
(C) Literal rule applies the ordinary meaning of words without context.
Step 3: Match with correct principle.
The method used here matches the *rule of contextual interpretation*.

D

Quick Tip

Always interpret contractual terms in light of the whole document and surrounding circumstances — not in isolation.

Q94. In Clause XII (Road Transport Contract), discussed above, the FCI may reimburse itself for damages etc., as Liquidated Damages. What does the term 'liquidated damages' mean?

(A) Stipulated amount payable on breach of contract
(B) Amount payable for actual damage caused due to breach
(C) Amount intended to secure performance of contract
(D) Damages payable for breach, where the exact amount is not pre-agreed

Correct Answer: (A) Stipulated amount payable on breach of contract

Solution (detailed): Step 1: Legal definition.
Liquidated damages are a sum fixed in advance by the contract, payable upon breach, regardless of actual damage.
Step 2: Eliminate wrong options.
(B) refers to unliquidated damages (based on proven loss).
(C) is a performance bond or security, not liquidated damages.
(D) contradicts the "pre-agreed" nature of liquidated damages.

A

Quick Tip

Liquidated damages = pre-agreed breach penalty; unliquidated damages = assessed after breach.

Q95. The High Court had held that the Corporation was only entitled to recover losses incurred due to the contractor's dereliction of duties under Section 73 of the *Indian Contract Act, 1872*. What does Section 73 provide for?

(A) Obligation of parties to perform their promise
(B) Compensation for breach of contract where penalty stipulated for

(C) Compensation for loss or damage caused by breach of contract

(D) Effect of refusal of party to perform promise wholly

Correct Answer: (C) Compensation for loss or damage caused by breach of contract

Solution (detailed): Step 1: Wording of Section 73.

Section 73 states that a party suffering from breach is entitled to receive compensation for loss/damage naturally arising from the breach or likely to arise in the usual course.

Step 2: Eliminate distractors.

(A) relates to Section 37.

(B) overlaps with Section 74 (penalty clause).

(D) relates to Section 39 (refusal to perform).

C

Quick Tip

Section 73 = general rule for breach damages; Section 74 = damages with penalty clause.

Q96. The Court used the expression "*Ex praecedentibus et consequentibus optima fit interpretatio*". What does this mean?

(A) Of the same kind

(B) The best interpretation is made from the context

(C) An exception proves the rule

(D) No action arises on an immoral contract

Correct Answer: (B) The best interpretation is made from the context

Solution (detailed): Step 1: Translation.

The Latin phrase means "The best interpretation is made from what goes before and after" — i.e., context is key.

Step 2: Application.

The Court invoked it to stress reading contract clauses in relation to the whole contract.

B

Quick Tip

Latin maxims often guide interpretation — here, it's about reading provisions in their broader textual context.

Q97. In the case excerpted above, the Court used the following as an internal aid to interpret the contract:

(A) Schedules

(B) Title

(C) Words and expressions

(D) Proviso

Correct Answer: (B) Title

Solution (detailed): Step 1: Internal aids in interpretation.

Internal aids include the preamble, title, headings, schedules, and provisos within the same document.

Step 2: Application.

The Court referred to the title of the contract section to help understand the intended scope of "charges" in Clause XII.

B

Quick Tip

Internal aids are within the document; external aids are from outside sources like previous contracts or legislation.

Q98. What was the latent ambiguity in the contract discussed in the case excerpted above?

(A) if the parties had capacity to perform the contract
(B) if the parties intended to execute the contract
(C) whether the term “charges” was exclusive of liability for demurrages
(D) whether the Corporation can recover charges under the contract

Correct Answer: (C) whether the term “charges” was exclusive of liability for demurrages

Solution (detailed): Step 1: Identifying the specific uncertainty.
The dispute centered on whether “charges” in Clause XII included railway demurrages. On its face, “charges” seemed clear, but applying it to the factual context created doubt.
Step 2: Why it is latent ambiguity.
Latent ambiguity arises when wording appears clear until it is applied to the facts, revealing multiple possible interpretations. Here, the question was whether “charges” covered demurrages in this specific contract’s scope.
Step 3: Elimination.
(A) and (B) relate to capacity and intention — not relevant. (D) is too broad — the core issue was the meaning of “charges” specifically regarding demurrages.

C

Quick Tip

Latent ambiguity = clear on paper, unclear in context; here, “charges” was the term in question.

Q99. What does the term ‘latent ambiguity’ mean?

(A) A glaring ambiguity, obvious from the face of the contract

(B) A contractual term is reasonably, but not obviously, susceptible to more than one interpretation

(C) A contractual term written in plain language and clearly understood

(D) A contractual term that is illegal and against the public good

Correct Answer: (B) A contractual term is reasonably, but not obviously, susceptible to more than one interpretation

Solution (detailed): Step 1: Definition.

Latent ambiguity exists when a term looks unambiguous until applied in context, where it can lead to different reasonable interpretations.

Step 2: Elimination.

(A) describes “patent ambiguity” (clear on its face). (C) is the opposite of ambiguity. (D) concerns illegality, not ambiguity.

B

Quick Tip

Patent ambiguity = obvious; Latent ambiguity = hidden until applied in context.

Q100. Which one of the following cases is a key precedent on contextual interpretation of contracts?

(A) *Louisa Carlill v. Carbolic Smoke Ball Company*, [1892]

(B) *Dunlop Pneumatic Tyre Co. Ltd. v. New Garage & Motor Co. Ltd.*, [1914]

(C) *Investors Compensation Scheme Limited v. West Bromwich Building Society*, [1997]

(D) *Home Office v. Dorset Yacht Co. Ltd.*, [1970]

Correct Answer: (C) *Investors Compensation Scheme Limited v. West Bromwich Building Society*, [1997]

Solution (detailed): Step 1: Significance of the case.
In *Investors Compensation Scheme* (ICS), Lord Hoffmann set out five principles emphasizing that contract interpretation must consider the background ("matrix of fact") known to both parties, rather than focusing solely on literal meaning.
Step 2: Eliminating other options.
(A) *Carlill* is a contract formation case (offer/acceptance). (B) *Dunlop* concerns penalty clauses and liquidated damages. (D) *Dorset Yacht* concerns negligence by public authorities.

C

Quick Tip

For contextual interpretation, remember the ICS principles — they shifted English law toward purposive and background-based reading of contracts.

The Plaintiff is a world-renowned company, carrying on business in the field of sealants and adhesives, construction and paint chemicals, art materials, industrial adhesives, industrial and textile resins and organic pigments and preparations since at least 1969. The mark M-SEAL was conceived and adopted by the Plaintiff's predecessors in title in or about the year 1968, and has been continuously, extensively and in an uninterrupted manner used since then.

The said mark and the artistic representation thereof have been acquired by the Plaintiff pursuant to agreement dated 27 March 2000, together with the goodwill thereof and the Plaintiff is the registered proprietor of the mark M-SEAL and/or marks consisting of M-SEAL as one of its leading, essential and distinctive features.

Plaintiff's earliest trade mark registration bearing no. 282168 *is* in respect of the mark M-SEAL, dated 16th August 1972, claiming use from 1st December 1968. The registrations

are valid and subsisting and the entries appearing on the register of trade marks including the dates of use thus constitute prima facie evidence of such facts.

It is stated that the Plaintiff's M-SEAL registration bearing No. [. . .] contains a disclaimer with regard to the word PHATAPHAT, however the mark as a whole is registered and to that extent all features taken as a whole stand protected by the registration. Further, it is stated that registration bearing no. [. . .] contains a disclaimer with regard to the word SEAL and the registrations bearing nos. [. . .] have a condition imposed on it viz "Registration of this trade mark shall give no right to the exclusive use of all other descriptive matters appearing on the label". However, the Plaintiff states that these conditions do not limit the rights of the Plaintiff including for reasons set out hereinafter and in any event the rest of the M-SEAL registrations have no conditions/limitations.

The unique and distinctive artistic representation of M-SEAL, including in particular the unique line below the mark which is an extension from the first letter of the mark, as well as the M-SEAL Labels, are original artistic works in respect of which copyrights subsist and such copyrights are owned by the Plaintiff.

The Plaintiff states that in or about December 2020, the Plaintiff was shocked and surprised to come across sealant products of the Defendant being sold under the mark R-SEAL, which mark is deceptively similar to the Plaintiff's registered trade mark M-SEAL. The said product of the Defendant is identical to the M-SEAL product of the Plaintiff and the Defendant's product also bears an impugned packaging/labels/trade dress which is a reproduction of and/or in appearance, almost identical or deceptively similar to the M-SEAL products of the Plaintiff, and the M-SEAL Labels. The impugned products of the Defendant also bear the impugned identification mark JHAT-PAT that is deceptively similar to the Plaintiff's identification mark PHATAPHAT.

In comparing rival marks/labels to consider whether they are similar, the Supreme Court in *Cadila Healthcare Limited v. Cadila Pharmaceuticals Limited*, 2001 (2) PTC 541 SC 10, lays down that attention and stress is to be given to the common features in the two rather than on differences in essential features.

[Source: Pidilite Industries Limited v. Riya Chemy 1-IA (L) 15502 of 2021 in Comm. IP. Su. 147 of 2022, Decision of Justice R. I. Chagla of the Bombay High Court, 11 November, 2022]

Q101. The main complaint against the Defendant in the case excerpted above is that their mark is "____" to the Plaintiff's registered trademarks.

(A) reasonably close in expression

(B) same as

(C) different from

(D) deceptively similar

Correct Answer: (D) deceptively similar

Solution (detailed):

Step 1: Key fact from the case.

The Plaintiff alleged that the Defendant sold sealant products under the mark R-SEAL, which was "deceptively similar" to the Plaintiff's registered trademark M-SEAL.

Step 2: Legal standard applied.

The Supreme Court in *Cadila Healthcare Ltd. v. Cadila Pharmaceuticals Ltd.* emphasized that in comparing marks, focus should be on common features rather than differences, to determine likelihood of confusion.

Step 3: Elimination.

(A) "Reasonably close in expression" is vague and not the standard term.

(B) "Same as" would require exact duplication, which is not alleged here.

(C) "Different from" is the opposite of the allegation.

Thus, the legal characterization is "deceptively similar."

D

Quick Tip

In trademark law, "deceptively similar" means similarity likely to cause confusion or deception in the minds of consumers.

Q102. In order to prove infringement of copyright here, the Defendant's work:

(A) should be the exact reproduction of the Plaintiff's work/label

(B) looks similar to or like a copy or is reproduction of substantial part of the Plaintiff's work

(C) bears no resemblance to the Plaintiff's work/label

(D) should be created only by the Defendant or its authorised agents

Correct Answer: (B) looks similar to or like a copy or is reproduction of substantial part of the Plaintiff's work

Solution (detailed):

Step 1: Standard for copyright infringement.

To prove infringement, the Plaintiff need not show exact reproduction. It is sufficient if the Defendant's work reproduces the whole or a substantial part of the protected work — including visual similarity that would lead an average observer to conclude copying.

Step 2: Application to the case.

The Defendant's packaging, labels, and trade dress were alleged to be "almost identical or deceptively similar" to the Plaintiff's M-SEAL products and labels, indicating reproduction of substantial parts.

Step 3: Elimination.

(A) Incorrect — exact reproduction is not required; substantial similarity suffices.

(C) Incorrect — opposite of infringement.

(D) Incorrect — creation by the Defendant/agents is irrelevant unless copying is shown.

B

Quick Tip

In copyright law, "substantial part" focuses on quality and importance of the copied portion, not just the quantity.

Q103. Which one of the following is not part of the Plaintiff's claim for infringement in this case?

(A) trademark

(B) tagline

(C) patent

(D) trade dress

Correct Answer: (C) patent

Solution (detailed):

Step 1: Understanding the Plaintiff's actual claims.

From the facts, the Plaintiff's complaint is three-fold:

- Infringement of its **registered trademark** "M-SEAL."
- Infringement of its **tagline/identification mark** "PHATAPHAT."
- Infringement of its **trade dress** (overall packaging, label design, and artistic work).

Step 2: Identifying what is not included.

A **patent** is an intellectual property right for inventions and industrial innovations, unrelated to branding, marks, or packaging. The dispute here is about brand identity, not technological inventions.

Step 3: Eliminating other options.

(A), (B), and (D) are directly part of the Plaintiff's pleadings in the case. Only (C) stands outside the scope.

C

Quick Tip

Always separate IP categories: trademarks and trade dress protect brand identifiers, while patents protect inventions. Here, patents had no role in the dispute.

Q104. What is the test of prior use of trademark?

(A) open, continuous, extensive, uninterrupted use and promotion for a long time

(B) owner waives rights over trademark and permits subsequent use of the mark

(C) reasonable parody, comment of a registered trademark

(D) use of trademark in good faith mainly for a descriptive purpose

Correct Answer: (A) open, continuous, extensive, uninterrupted use and promotion for a long time

Solution (detailed):

Step 1: Defining "prior use" in trademark law.

Under Indian and many common-law systems, the person who first uses a mark in the course of trade, and continues to use it without interruption, builds priority rights — even over later registered proprietors in certain disputes.

Step 2: Elements of the test.

The prior use must be:

1. **Open** — visible to the public, not secret.
2. **Continuous** — no significant gaps or abandonment.
3. **Extensive** — used widely enough to acquire reputation.
4. **Uninterrupted** — free from long breaks that could weaken rights.
5. **Promoted** — marketing and advertising help establish goodwill.

Step 3: Eliminating incorrect options.

(B) describes waiver or licensing, which is unrelated. (C) is a defence (fair use by parody), not prior use. (D) is descriptive fair use, also unrelated.

A

Quick Tip

In trademark disputes, “first to use” can trump “first to register” if the prior use meets the open, continuous, and extensive criteria.

Q105. Section 29 of the *Trademarks Act, 1999*, applicable in this case, considers which of the following as an infringement of a trademark?

(A) Misrepresentation of ownership of a trademark
(B) Infringement of an unregistered trademark
(C) Interference with exclusive right to use a registered trade mark
(D) Infringement of a registered trademark by use of an identical or deceptively similar trademark in relation to identical or similar goods

Correct Answer: (D) Infringement of a registered trademark by use of an identical or deceptively similar trademark in relation to identical or similar goods

Solution (detailed):

Step 1: Statutory wording.

Section 29(1) of the Act states that a registered trademark is infringed by any person who, without authorisation, uses in the course of trade a mark which is identical with, or deceptively similar to, the registered mark in relation to goods or services covered by the registration.

Step 2: Key elements.

- The Plaintiff’s mark must be **registered**.
- The Defendant’s mark must be **identical or deceptively similar**.
- Use must be **in relation to goods/services** for which the mark is registered.
- Such use must cause or be likely to cause **confusion**.

Step 3: Eliminating incorrect options.

(A) Misrepresentation is relevant to passing off, not statutory infringement. (B) Infringement provisions apply only to registered marks; unregistered marks are protected under passing off. (C) "Interference" is vague and not the statutory test.

D

Quick Tip

Under Section 29, identical or deceptively similar marks on identical/similar goods is a textbook case of infringement.

Q106. Use of a trademark violates exclusive rights of the prior user or proprietor when:

(A) usage has introduced differences or changes in the work
(B) usage is likely to cause confusion and deception amongst members of the trade and public
(C) usage of the work is authorised by the user or proprietor
(D) the trademark enjoys goodwill

Correct Answer: (B) usage is likely to cause confusion and deception amongst members of the trade and public

Solution (detailed):

Step 1: Essence of trademark protection.

A trademark's primary function is to indicate origin. Infringement occurs when unauthorised use is likely to cause confusion or deception as to the source or affiliation of goods/services.

Step 2: Applying to prior user rights.

Even without registration, a prior user can restrain others from using similar marks if such use creates confusion among customers and traders.

Step 3: Eliminating incorrect options.

(A) Changes in the work don't matter if confusion still exists. (C) Authorised use is not infringement. (D) Goodwill alone doesn't establish infringement — confusion is the key.

B

Quick Tip

Likelihood of confusion is the decisive factor — even minor visual or phonetic similarities can infringe if confusion is probable.

Q107. Dilution of a brand by the Defendant would result in commission of which of the following?

(A) a civil wrong
(B) not actionable per se
(C) a criminal wrong
(D) violates fundamental rights

Correct Answer: (A) a civil wrong

Solution (detailed):
Step 1: Understanding brand dilution.
Dilution protects famous marks from uses that blur their distinctiveness or tarnish their image, even without confusion or direct competition.
Step 2: Nature of remedy.
Dilution claims are civil in nature — the remedy is usually injunction and/or damages through civil courts, not criminal prosecution.
Step 3: Eliminating incorrect options.
(B) Incorrect — dilution is actionable under Section 29(4) of the TMA 1999. (C) Incorrect — it's not a criminal offence in India. (D) Incorrect — it does not engage constitutional fundamental rights.

A

Quick Tip

Dilution = weakening brand uniqueness; enforced via civil IP litigation, not criminal or constitutional law.

Q108. What is the defence of acquiescence?

(A) no confusion or difference in essential features of the trademark

(B) waiver of right over trademark and permission for use of the mark

(C) invalidity of the registered trademark

(D) use of the trademark in good faith

Correct Answer: (B) waiver of right over trademark and permission for use of the mark

Solution (detailed):

Step 1: Meaning in IP law.

Acquiescence occurs when the proprietor of a trademark knowingly allows another to use the mark for a significant time without objection, implying consent and waiving the right to later challenge that use.

Step 2: Legal effect.

The defence bars the proprietor from obtaining injunctive relief against the user, especially when the user has built goodwill relying on the proprietor's inaction.

Step 3: Eliminating incorrect options.

(A) No confusion is a separate defence based on absence of likelihood of confusion. (C) Invalidity challenges the registration itself. (D) Good faith use is another statutory defence, not acquiescence.

B

Quick Tip

Inaction can be as damaging as consent — if you know of infringement, act promptly to protect your rights.

Q109. Which decision established the three elements of passing off, otherwise known as the "Classical Trinity"?

(A) *Academy of Motion Picture Arts v. GoDaddy.Com, Inc.*, (2015)

(B) *Yahoo! Inc. v. Akash Arora and Another*, (1999)

(C) *Reckitt & Colman Products Ltd. v. Borden Inc.*, (1990)

(D) *Coca-Cola Company v. Bisleri International Pvt. Ltd.*, (2009)

Correct Answer: (C) *Reckitt & Colman Products Ltd. v. Borden Inc.*, (1990)

Solution (detailed):

Step 1: Understanding the "Classical Trinity" in passing off.

Passing off is a common law remedy to protect goodwill from misrepresentation. The "Classical Trinity" refers to the three essential elements that must be proved:

1. **Goodwill** — The claimant must show reputation or goodwill attached to the goods/services.
2. **Misrepresentation** — The defendant must have made a misrepresentation likely to deceive the public into believing their goods are those of the claimant.
3. **Damage** — The claimant must have suffered, or be likely to suffer, damage as a result of the misrepresentation.

Step 2: Identifying the case.

These principles were firmly established by the House of Lords in *Reckitt & Colman Products Ltd. v. Borden Inc.* (1990), famously involving the "Jif Lemon" packaging dispute.

Step 3: Eliminating incorrect options.

(A) *Academy v. GoDaddy* — concerns domain name misuse. (B) *Yahoo! Inc. v. Akash Arora* — relates to domain names and passing off in India but does not originate the "Classical

Trinity." (D) *Coca-Cola v. Bisleri* — trademark infringement in India, not the source of the trinity test.

C

Quick Tip

The "Classical Trinity" = Goodwill + Misrepresentation + Damage. It's the gold standard test for passing off actions.

Q110. Which of these is not, in itself, a defence to infringement of a registered trademark?

(A) honest and concurrent use
(B) acquiescence
(C) prior adoption and use
(D) fair use

Correct Answer: (C) prior adoption and use

Solution (detailed):

Step 1: Recognising statutory defences.

Under the *Trademarks Act, 1999*, certain recognised defences to infringement include:

- **Honest and concurrent use** — where two parties have used the mark honestly over time.
- **Acquiescence** — where the proprietor has knowingly allowed use over time without objection.
- **Fair use** — descriptive use or nominative use without implying origin.

Step 2: Analysing "prior adoption and use."

While prior use can give rise to rights (especially against later users), it is not framed as a statutory *defence* to infringement in the same way as the above. Prior use establishes an

independent right — it doesn't excuse infringement if the infringer's use starts after another party's registration and lacks lawful justification.

Step 3: Eliminating other options.

(A), (B), and (D) are expressly recognised as defences. Only (C) is not "in itself" a statutory defence — though it can be relevant in priority disputes.

C

Quick Tip

Not every ground that helps in priority disputes is a "defence" — prior use establishes rights, but statutory defences are specifically recognised under the Act.

The philosophy of Corporate Social Responsibility ("CSR") has had a long-standing history in India. India is one of the first countries in the world to create a legal framework on CSR and statutorily mandate companies to report on the same. It emanates from the Gandhian principles of trusteeship and giving back to the society. The intent of the law is to mainstream the practice of business involvement in CSR and make it socially, economically and environmentally responsible.

The Companies Act, 2013 (the "Act") mandates companies meeting a certain minimum threshold in terms of turnover/net worth/net profit to undertake CSR activities as per Schedule VII of the Act. Schedule VII specifies the areas or subjects to be undertaken by the company as CSR activities. These areas broadly align with national priorities and relate to sustainable and inclusive development. The Act does not recognise any expenditure on areas/activities outside of Schedule VII as CSR expenditure.

Companies (CSR Policy) Rules, 2014 prescribe the operational framework and manner in which companies should comply with CSR provisions under the Act. The mode of implementation of CSR activities, content of CSR policy, impact assessment, reporting requirements and disclosure for CSR are covered under these Rules. The CSR architecture is

disclosure-based and CSR-mandated companies are required to file details of CSR activities annually in the MCA-21 registry in e-form AOC-4.

A High-Level Committee set up in 2018 to review the CSR framework recommended that Schedule VII of the Act be mapped with Sustainable Development Goals ("SDGs"). The Committee noted that companies need to balance CSR spending between local area/areas around where it operates, and less developed regions such as aspirational districts.

The Government of India launched the "Transformation of Aspirational Districts" Programme (ADP) in January 2018 with the aim to improve the socio-economic status of the least developed regions across India. The programme is based on five socio-economic themes such as: Health & Nutrition, Education, Agriculture and Water Resources, Financial Inclusion and Skill Development, and improvement of basic infrastructure. As on date, 112 aspirational districts are recognised by the Government wherein Jharkhand has the highest number of aspirational districts, i.e., 19, followed by Bihar (13), Odisha and Chhattisgarh (10 each). The Government has been taking various initiatives to encourage CSR in aspirational districts and to remove regional disparities.

[Source: Ministry of Corporate Affairs, Government of India "Compendium on Corporate Social Responsibility in India" (2021)]

Q111. Which of the following criteria should a company satisfy during the immediately preceding financial year to qualify for CSR under the *Companies Act, 2013*?

(A) Net profit of ₹5 crores or more
(B) Net profit of ₹1,000 crores or more
(C) Turnover of ₹5,000 crores or more
(D) Net worth of ₹5,000 crores or more

Correct Answer: (A) Net profit of ₹5 crores or more

Solution:

Step 1: Understanding the CSR applicability thresholds.

Section 135(1) of the *Companies Act, 2013* mandates CSR if, in the immediately preceding financial year, a company meets any **one** of the following:

- Net worth of ₹500 crore or more, **OR**
- Turnover of ₹1,000 crore or more, **OR**
- Net profit of ₹5 crore or more.

Step 2: Eliminating incorrect options.

(B), (C), and (D) give incorrect or inflated thresholds not present in law.

A

Quick Tip

CSR applicability is triggered if **any one** of the three thresholds in Section 135(1) is met — not all three together.

Q112. What is the minimum spending obligation on CSR activities for a company under Section 135 of the *Companies Act, 2013*?

(A) 5% of the average net worth of the company of the preceding three financial years
(B) 2% of average net profits of the company made during the three immediately preceding financial years
(C) 7% of the average turnover of the company of the previous financial year
(D) 5% of the average net profits of the company made during the preceding financial year

Correct Answer: (B) 2% of average net profits of the company made during the three immediately preceding financial years

Solution:

Step 1: Legal requirement under Section 135(5).

CSR spending = at least **2%** of the **average net profits** of the company during the **three** immediately preceding financial years.

Step 2: Why other options are wrong.

(A) and (C) mention net worth/turnover, which are applicability triggers, not spending formulas. (D) mentions 5%, which is not prescribed in law.

B

Quick Tip

Always remember: CSR spending is based on **profits**, not turnover or net worth.

Q113. Company A is incorporated in FY 2020-21, Company B in FY 2019-20, and Company C in FY 2018-19. Which company is covered under Section 135(1) of the *Companies Act, 2013* for CSR in FY 2020-21?

(A) Company A

(B) Company B

(C) Company C

(D) All the above

Correct Answer: (C) Company C

Solution:

Step 1: Applicability timeline.

CSR applicability is determined based on the **immediately preceding financial year's** financial data. A newly incorporated company without 3 years' profit history cannot be mandated for CSR in its first years.

Step 2: Application to given data.

FY 2020-21 CSR applicability uses FY 2019-20 data.

- Company A: Incorporated in FY 2020-21 — no preceding year data.
- Company B: Incorporated in FY 2019-20 — only 1 year of data.
- Company C: Incorporated in FY 2018-19 — has preceding FY 2019-20 full-year data.

Hence, only Company C can qualify.

C

Quick Tip

CSR needs a preceding year's data to check thresholds — hence new companies get a natural exemption initially.

Q114. Which of these activities is **not** specified in Schedule VII of the *Companies Act, 2013*?

(A) promoting education and employment enhancing vocation skills
(B) eradicating hunger, poverty and malnutrition
(C) rural development projects
(D) maintenance of law and order

Correct Answer: (D) maintenance of law and order

Solution:

Step 1: Understanding Schedule VII.

Schedule VII lists permissible CSR activities like:

- Education and skill enhancement
- Eradicating extreme hunger and poverty
- Rural development projects
- Health care, gender equality, environmental sustainability, etc.

Step 2: Excluding non-CSR items.

Maintenance of law and order is a sovereign function, not a CSR activity, and thus is absent from Schedule VII.

D

Quick Tip

CSR must align with Schedule VII — state duties like "law and order" are outside its scope.

Q115. CSR policy is based on which of the following principles?

(A) trusteeship and giving back to society

(B) utmost good faith

(C) leveraging India's managerial, technological and innovative skills

(D) promotion of rule of law and order

Correct Answer: (A) trusteeship and giving back to society

Solution:

Step 1: Source principle.

India's CSR philosophy is rooted in Gandhian principles of trusteeship — businesses hold resources in trust for society and should give back for its welfare.

Step 2: Eliminating other options.

(B) is more relevant to insurance law. (C) and (D) are not core CSR guiding principles in the statute.

A

Quick Tip

CSR in India is inspired by Mahatma Gandhi's trusteeship doctrine — wealth should serve societal welfare.

Q116. Which of the following falls within the scope of the *Companies (CSR Policy) Rules, 2014*?

(A) determination of the amount of expenditure to be incurred by companies on CSR activities
(B) reporting on the amount remaining unspent by the Company for CSR activities with detailed reasons for failing to spend the amount
(C) impact assessment and disclosure requirements for CSR
(D) detailing the company's sponsorship activities for deriving marketing benefits for its products or services

Correct Answer: (C) impact assessment and disclosure requirements for CSR

Solution (detailed):

Step 1: Read the given passage on the scope of the Rules.

The extract states that the **Companies (CSR Policy) Rules, 2014** prescribe the *operational framework* for CSR: "the mode of implementation of CSR activities, content of CSR policy, **impact assessment**, **reporting requirements and disclosure** for CSR".

Step 2: Map each option to the stated scope.

(C) explicitly matches "impact assessment and disclosure requirements" $\Rightarrow$ **within scope**.
(A) Quantum of CSR spend is fixed by §135(5) of the Act (2% of average net profits) $\Rightarrow$ *statute*, $notRules$.
(B) While *reporting* is within scope, the option's phrasing is narrowly about "unspent" amounts; the passage does not emphasise that sub-detail—our safest pick is the direct statement in (C).
(D) Sponsorship for marketing benefits is *not* CSR; the passage says expenditure outside Schedule VII is not recognised.

Step 3: Conclude.

Only (C) squarely and directly mirrors the language of the extract.

$\boxed{\text{C}}$

Quick Tip

When a question references an extract, prefer the option that *verbatim* tracks the extract's language—here, "impact assessment" and "disclosure requirements".

Q117. The chief objective of the Government's aspirational district programme is to:

(A) ensure access to financial services like banking, remittance, credit, insurance, pension in an affordable manner
(B) promote entrepreneurship in India in manufacturing and other sectors
(C) improve India's ranking in the Human Development Index
(D) facilitate easy access to credit facilities for people belonging to vulnerable populations

Correct Answer: (C) improve India's ranking in the Human Development Index

Solution (detailed):
Step 1: Extract the programme's aim from the passage.
The ADP (Aspirational Districts Programme) "aim[s] to **improve the socio-economic status of the least developed regions** across India." That aligns with human development outcomes overall.
Step 2: Evaluate each option against this overarching aim.
(A) and (D) are *sub-components* under the theme of "Financial Inclusion and Skill Development", not the overarching objective.
(B) Entrepreneurship is not specifically named in the extract as the programme's goal.
(C) Captures the *ultimate development objective* in aggregate terms—**improving human development**, which best reflects "improve socio-economic status" at a macro level.
Step 3: Conclude.
(C) is most consistent with the chief objective described in the extract.

C

Quick Tip

When several options list sub-themes, identify the one that best reflects the *programme-wide* end goal stated in the stem.

Q118. Which one of the following comes within the scope of the ADP?

(A) Labour Welfare

(B) Skill Development

(C) Maternity Benefits

(D) Urban Employment

Correct Answer: (B) Skill Development

Solution (detailed):

Step 1: List the five themes given in the passage.

Health & Nutrition; Education; Agriculture & Water Resources; **Financial Inclusion and Skill Development**; and basic infrastructure.

Step 2: Match options to these themes.

Only **Skill Development** appears verbatim among the five themes. Labour welfare, maternity benefits, and urban employment are not named in the extract.

B

Quick Tip

When the passage lists categories, prefer the option that *exactly* repeats a listed category.

Q119. Which Indian State has the highest number of 'aspirational districts'?

(A) Jharkhand

(B) West Bengal

(C) Karnataka

(D) Bihar

Correct Answer: (A) Jharkhand

Solution (detailed):

Step 1: Use the numeric fact from the extract.

The extract states: "As on date, 112 aspirational districts are recognised... **Jharkhand has the highest number**, i.e., **19**, followed by **Bihar (13)**, and **Odisha** and **Chhattisgarh** (**10** each)."

Step 2: Compare with options.

Only (A) matches the explicit statement; (B) and (C) are not mentioned; (D) Bihar is second-highest, not highest.

A

Quick Tip

For factual recall questions, quote the exact numbers from the passage to eliminate near-miss options.

Q120. The High-Level Committee reviewing the CSR framework in 2018 recommended that:

(A) a national CSR data portal be set up to monitor the progress of implementation of CSR policies by companies

(B) spending of CSR funds on CoVID-19 related activities be considered as an eligible CSR activity

(C) CSR implementing agencies should mandatorily register with the central government

(D) companies should balance CSR spending between local areas and the less developed regions of the country

Correct Answer: (D) companies should balance CSR spending between local areas and the less developed regions of the country

Solution (detailed):

Step 1: Lift the exact recommendation from the extract.

The extract states that the 2018 HLC "**noted that companies need to balance CSR spending between local area/areas around where it operates, and less developed regions such as aspirational districts**."

Step 2: Test each option.

(D) matches the quoted recommendation $\Rightarrow$ **Correct**.

(A) and (C) are not mentioned in the extract (even if similar ideas exist elsewhere, we must stick to the passage).

(B) relates to a later policy response during the COVID-19 period, not a 2018 recommendation.

$$\boxed{\text{D}}$$

Quick Tip

When a stem cites a specific committee report/year, choose the option that mirrors the *exact* recommendation quoted in the passage.
