

AIBE 20 Question Paper Set C with Solution

Time Allowed :3 Hours	Maximum Marks :100	Total Questions :100
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General Instructions

Read the following instructions very carefully:

1. The AIBE (All India Bar Examination) 19 will be conducted in offline mode (pen and paper based).
2. The question paper will consist of Multiple Choice Questions (MCQs) with four options, out of which only one will be correct.
3. Each correct answer will be awarded 1 mark. There is no negative marking for incorrect answers.
4. The examination will cover subjects prescribed by the Bar Council of India (BCI), including both core and optional subjects.
5. Candidates must carry their Admit Card and a valid Photo ID proof to the examination center.
6. Use only a blue/black ballpoint pen to mark answers on the OMR sheet.
7. Rough work should be done only in the space provided in the question paper/answer sheet.
8. No electronic gadgets, mobile phones, or programmable calculators are permitted inside the examination hall.
9. Candidates must follow the instructions of the invigilators strictly. Any unfair means will lead to disqualification.

1. The President can declare a National Emergency under Article 352 on which grounds?

- (A) War, external aggression, or armed rebellion
- (B) Economic instability
- (C) Internal disturbance
- (D) State disagreement

Correct Answer: (A) War, external aggression, or armed rebellion

Solution:

Article 352 of the Constitution of India empowers the President to declare a National Emergency.

The specific grounds mentioned in the Article are "war", "external aggression", or "armed rebellion".

The term "internal disturbance" was originally in the Constitution but was replaced by "armed rebellion" through the 44th Constitutional Amendment Act, 1978, to prevent misuse.

"Economic instability" is a ground for Financial Emergency under Article 360, not National Emergency.

Therefore, Option (A) correctly lists the grounds for Article 352.

 Quick Tip

Remember the "44th Amendment" (1978) specifically replaced "internal disturbance" with "armed rebellion" in Article 352 to safeguard civil liberties after the 1975 Emergency.

2. Under Article 368, the Constitution can be amended by which majority?

- (A) Simple majority
- (B) Two-thirds majority in Parliament
- (C) Majority of State Assemblies
- (D) Judicial order

Correct Answer: (B) Two-thirds majority in Parliament

Solution:

Article 368 deals with the Power of Parliament to amend the Constitution and the procedure thereof.

It primarily mandates a "Special Majority," which is defined as a majority of the total membership of each House AND a majority of not less than two-thirds of the members of that House present and voting.

Option (A) "Simple majority" applies to ordinary legislative business and specific constitutional provisions outside the scope of Article 368 (like formation of new states).

Option (C) is only required for specific amendments affecting federal structure (ratification by states), but is not the primary majority rule for Parliament itself.

Therefore, "Two-thirds majority" (Option B) is the standard description for an Article 368 amendment.

 Quick Tip

Article 368 requires a "Special Majority": 50% of Total Membership + 2/3rds of Present and Voting. Don't confuse this with Simple Majority (50% of Present and Voting).

3. Which Article of the Constitution abolishes untouchability?

- (A) Article 15
- (B) Article 16
- (C) Article 17
- (D) Article 18

Correct Answer: (C) Article 17

Solution:

Article 17 of the Constitution explicitly states: "Untouchability is abolished and its practice in any form is forbidden."

Article 15 deals with the prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.

Article 16 deals with equality of opportunity in matters of public employment.

Article 18 deals with the abolition of titles.

Therefore, Article 17 is the specific provision abolishing untouchability.

 Quick Tip

Mnemonic: "Untouchability" acts like a barrier or a wall. The number 17 can visually resemble a wall/barrier getting broken. Alternatively, associate 1-7 (danger) with the social evil of untouchability.

4. Fundamental Duties were added to the Constitution by which Amendment?

- (A) 42nd Amendment
- (B) 44th Amendment
- (C) 73rd Amendment
- (D) 74th Amendment

Correct Answer: (A) 42nd Amendment

Solution:

Fundamental Duties (Article 51A) were not part of the original Constitution.

They were introduced by the 42nd Constitutional Amendment Act, 1976, based on the recommendations of the Swaran Singh Committee.

The 44th Amendment (1978) primarily reversed the distortions introduced during the Emergency.

The 73rd and 74th Amendments (1992) deal with Panchayats and Municipalities, respectively.

Therefore, the 42nd Amendment is the correct answer.

 Quick Tip

The 42nd Amendment (1976) is often called the "Mini-Constitution" because it added so many provisions, including Fundamental Duties and the words "Socialist, Secular, Integrity" to the Preamble.

5. The concept of "Basic Structure" of the Constitution was established in which case?

- (A) Golaknath case
- (B) Kesavananda Bharati case
- (C) Minerva Mills case
- (D) ADM Jabalpur case

Correct Answer: (B) Kesavananda Bharati case

Solution:

The "Basic Structure" doctrine implies that Parliament cannot alter the fundamental features of the Constitution.

This doctrine was judicially propounded by a 13-judge bench of the Supreme Court in the landmark case of *Kesavananda Bharati v. State of Kerala* (1973).

The Golaknath case (1967) had ruled that Fundamental Rights could not be amended, but it did not establish the Basic Structure doctrine itself.

The Minerva Mills case (1980) later strengthened and applied the Basic Structure doctrine.

Therefore, Kesavananda Bharati is the foundational case for this concept.

 Quick Tip

Kesavananda Bharati (April 24, 1973) is the most critical date in Indian Constitutional history. It saved the Constitution's identity from being completely rewritten by a parliamentary majority.

6. Right to Education is provided under which Article?

- (A) Article 19
- (B) Article 21
- (C) Article 21A
- (D) Article 29

Correct Answer: (C) Article 21A

Solution:

The Right to Education (RTE) guarantees free and compulsory education to all children of the age of 6 to 14 years.

This right was inserted into the Constitution by the 86th Constitutional Amendment Act, 2002.

It was added as Article 21A, distinct from Article 21 (Right to Life).

Article 29 deals with the protection of interests of minorities.

Therefore, Article 21A is the specific provision for the Right to Education.

 Quick Tip

Article 21A (Fundamental Right), Article 45 (DPSP), and Article 51A(k) (Fundamental Duty) all relate to education, reflecting its importance across all parts of the Constitution.

7. Which Article provides for the establishment of the Supreme Court?

- (A) Article 124
- (B) Article 125
- (C) Article 126
- (D) Article 127

Correct Answer: (A) Article 124

Solution:

Article 124(1) states: "There shall be a Supreme Court of India consisting of a Chief Justice of India and... other Judges."

It establishes the constitution and jurisdiction of the Supreme Court.

Article 125 deals with the salaries of Judges.

Article 126 deals with the appointment of an acting Chief Justice.

Article 127 deals with the appointment of ad hoc Judges.

Therefore, Article 124 is the correct article for the establishment of the SC.

 Quick Tip

Chapter IV of Part V of the Constitution deals with the Union Judiciary. It starts with Article 124. Remember: 1-2-4 spells out the "One" Supreme Court.

8. Which Constitutional Amendment is known as the Mini-Constitution?

- (A) 24th Amendment
- (B) 42nd Amendment
- (C) 44th Amendment
- (D) 52nd Amendment

Correct Answer: (B) 42nd Amendment

Solution:

The 42nd Amendment Act (1976) brought about the most extensive changes to the Constitution in its history.

It amended the Preamble, added Fundamental Duties, changed the DPSP, and altered judicial powers and federal provisions.

Due to the sheer volume and scope of these changes, it is popularly known as the "Mini-Constitution."

The 24th Amendment affirmed Parliament's power to amend Fundamental Rights.

The 52nd Amendment introduced the Anti-Defection Law.

Therefore, the 42nd Amendment is the correct answer.

💡 Quick Tip

42nd (1976): Added "Socialist, Secular". 44th (1978): Removed property right, fixed Emergency provisions. Confusing the two is a common error; associate 42 with "addition/building" (Mini-Const) and 44 with "correction/restoration".

9. The phrase "procedure established by law" appears in which Article?

- (A) Article 14
- (B) Article 19
- (C) Article 21
- (D) Article 25

Correct Answer: (C) Article 21

Solution:

Article 21 states: "No person shall be deprived of his life or personal liberty except according to procedure established by law."

This phrase "procedure established by law" was adopted from the Japanese Constitution.

Article 14 uses "Equality before law" and "Equal protection of laws."

Article 19 protects specific freedoms (speech, assembly, etc.).

Therefore, the phrase is unique to Article 21 in this context.

💡 Quick Tip

While the text says "procedure established by law," the Supreme Court in the *Maneka Gandhi case* interpreted this to essentially mean "Due Process of Law" (fair, just, and reasonable procedure).

10. Which of the following is a Directive Principle of State Policy (DPSP)?

- (A) Right to Equality
- (B) Right to Freedom
- (C) Equal pay for equal work
- (D) Right to Education

Correct Answer: (C) Equal pay for equal work

Solution:

Directive Principles of State Policy (DPSPs) are contained in Part IV of the Constitution (Articles 36-51).

"Equal pay for equal work" for both men and women is a directive principle mentioned under Article 39(d).

Option (A) "Right to Equality" (Articles 14-18) is a Fundamental Right.

Option (B) "Right to Freedom" (Articles 19-22) is a Fundamental Right.

Option (D) "Right to Education" (Article 21A) is a Fundamental Right.

Therefore, (C) is the only DPSP in the list.

Quick Tip
Differentiate between Fundamental Rights (Justiciable, Part III) and DPSPs (Non-justiciable, Part IV). Any economic goal like "equal pay" or "living wage" is typically a DPSP.

11. Which BNSS section deals with "arrest by a private person"?

- (A) Section 40
- (B) Section 43
- (C) Section 45
- (D) Section 50

Correct Answer: (A) Section 40

Solution:

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, replaced the Code of Criminal Procedure (CrPC), 1973.

Under the old CrPC, "Arrest by private person and procedure on such arrest" was covered under Section 43.

In the new BNSS, this provision has been moved to Section 40.

It empowers a private individual to arrest a person who commits a non-bailable and cognizable offence in their presence.

Therefore, Section 40 is the correct answer under BNSS.

💡 Quick Tip

When transitioning from CrPC to BNSS, note that Section numbers have shifted. Old CrPC S.43 (Private Arrest) → New BNSS S.40.

12. Which BNSS section prescribes procedure for receiving information about a cognizable offence (FIR)?

- (A) Section 173
- (B) Section 175
- (C) Section 176
- (D) Section 177

Correct Answer: (A) Section 173

Solution:

Under the old CrPC, the registration of a First Information Report (FIR) for cognizable offences was governed by Section 154.

In the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, this provision corresponds to Section 173.

Section 173 of BNSS details how information regarding the commission of a cognizable offence is to be recorded (orally or electronically) and mandates the registration of the FIR.

Therefore, Section 173 is the correct answer.

 Quick Tip

The "FIR Section" is one of the most critical to remember. CrPC Section 154 is now BNSS Section 173. Note also that BNSS S.173 explicitly accommodates electronic communication (e-FIR).
