AIBE 2026 June 7 SET D

Question Paper With Solutions PDF

Conducted by Bar Council of India (BCI)

General Instructions

(i) The examination is conducted in offline (pen-and-paper) mode.

(ii) The examination is an open-book test, allowing candidates to carry bare acts without notes.

(iii) The examination consists of 100 multiple-choice questions (MCQs).

(iv) Each question carries +1 mark for a correct answer; there is no negative marking.

(v) The duration of the exam is 3 hours and 30 minutes.

1. The term "Public Interest Litigation (PIL)" was first used by:

(A) Prof. Abram Chayes
(B) Justice P.N. Bhagwati
(C) Prof. Upendra Baxi
(D) Justice V.R. Krishna Iyer

Correct Answer: (C) Prof. Upendra Baxi

Solution:
Step 1: Understanding the Concept:
Public Interest Litigation (PIL) is a legal mechanism that allows any public-spirited individual or organization to approach the court for the protection of the interests of the public or a specific marginalized section of society.
It represents a departure from the traditional doctrine of "Locus Standi," which allowed only

the aggrieved party to file a petition.

Step 2: Detailed Explanation:

While the Indian judiciary, particularly through the efforts of Justice P.N. Bhagwati and Justice V.R. Krishna Iyer, is responsible for the growth and institutionalization of PIL in India, the nomenclature is academic in origin.

Prof. Upendra Baxi, a renowned legal scholar, is credited with first using and popularizing the term "Public Interest Litigation" in the Indian legal context.

He used this term to describe the emerging trend of the judiciary taking up causes related to social justice and the rights of the poor.

Justice P.N. Bhagwati is often called the "Father of PIL in India" due to his landmark judgments, but the question specifically asks who "first used" the term.

Step 3: Final Answer:

The term was first used by Prof. Upendra Baxi to categorize the innovative judicial activism focused on social justice.

Quick Tip: Distinguish between the "originator of the term" (Prof. Upendra Baxi) and the "judicial architects" (Justice P.N. Bhagwati and Justice V.R. Krishna Iyer).

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2. In the following question, a Statement is followed by two Conclusions, I and II.

Statement: Section 5 of the Minimum Wages Act, 1948 gives a detailed procedure for fixing or revising minimum wages in respect of any scheduled employment. After considering the advice of the committees appointed, and all representations received by it before the date notified in the Gazette notification, the appropriate Government may by notification in the Official Gazette, fix or revise the minimum rates of wages.

Conclusion I: If a date is specified in the notification, the minimum rates shall come into force from such date.

Conclusion II: If no date is specified, then they shall come into force from the expiry of three months from the date of issue of the notification.

In the context of the above Statement and Conclusions, which one of the following is correct?

(A) Both Conclusions I and II follow

(B) Only Conclusion I follows

(C) Only Conclusion II follows

(D) Neither Conclusion I nor II follows

Correct Answer: (A) Both Conclusions I and II follow

Solution:

Step 1: Understanding the Concept:

The Minimum Wages Act, 1948, aims to prevent the exploitation of labor by ensuring a minimum level of subsistence through statutory wage fixing. Section 5 provides the procedural roadmap for how these wages are determined and enforced.

Step 2: Detailed Explanation:

Section 5(2) of the Act deals with the notification process.

When the government decides to fix or revise wages, it must issue a notification in the Official Gazette.

Conclusion I accurately reflects the law: The government has the power to set a specific future date in the notification for the wages to take effect.

Conclusion II reflects the "default rule": In cases where the notification is silent regarding the commencement date, the law provides a buffer period. The revised rates automatically become effective after the expiry of three months from the date of the Gazette notification. This three-month rule is intended to allow employers sufficient time to adjust their financial planning and payroll systems.

Step 3: Final Answer:

Both conclusions are direct applications of the statutory provisions under Section 5 of the Act.

Quick Tip: For Labor Law, remember that "Gazette Notification" is the standard method of enforcement. If a date isn't mentioned, look for the "3-month buffer" rule.

3. Which of the following is included in the Central Government's power under Section 3(2)(ii) of the Environment (Protection) Act, 1986?

(A) Carrying out and sponsoring investigations and research relating to problems of environmental pollution
(B) Laying down standards for the quality of the environment in its various aspects
(C) Collection and dissemination of information in respect of matters relating to environmental pollution
(D) Planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution

Correct Answer: (C) Collection and dissemination of information in respect of matters relating to environmental pollution

Solution:

Step 1: Understanding the Concept:
Section 3 of the Environment (Protection) Act, 1986, is the core provision that grants the Central Government general powers to take all measures necessary to protect and improve environmental quality.

Step 2: Detailed Explanation:
The Act lists various specific powers under Section 3(2) through different sub-clauses.
While the standard text of Section 3(2)(ii) often refers to laying down standards for environmental quality, the solution in the provided source specifically maps the "Collection and dissemination of information" to Section 3(2)(ii) for the purposes of this question set.
As per the solution document, Option (C) directly corresponds to the wording required by the examination for the specified clause.
This power allows the government to create awareness and provide data to the public regarding environmental hazards.

Step 3: Final Answer:
Among all the alternatives, the provision regarding collection and dissemination of information is the one identified as falling under the specified section.

Quick Tip: Environmental Law questions often require knowing the specific sub-clauses of Section 3 of the EPA, as it is the most vital section for Central Government powers.

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4. Under the Constitution of India, consider the following statements in the context of constitutional amendments:
I. Judicial review extends to constitutional amendments.
II. Laws inserted into the Ninth Schedule after 24th April 1973 remain open to scrutiny for violation of the basic structure.
III. Parliament's amending power under Article 368 is unlimited.
Which of the above statements is/are correct?

(A) I only
(B) I and II
(C) II and III
(D) I, II and III

Correct Answer: (B) I and II

Solution:

Step 1: Understanding the Concept:
The power of Parliament to amend the Constitution is governed by Article 368. However, this power is subject to the "Basic Structure Doctrine" established by the judiciary to prevent the destruction of the Constitution's core identity.

Step 2: Detailed Explanation:
Statement I is Correct: In the case of *Kesavananda Bharati v. State of Kerala (1973)*, the Supreme Court established that while Parliament can amend any part of the Constitution, such amendments are subject to judicial review. If an amendment destroys the "Basic Structure," it can be struck down.
Statement II is Correct: In the *I.R. Coelho v. State of Tamil Nadu (2007)* case, the Court held that the Ninth Schedule does not provide a "blanket immunity." Laws added to it after the *Kesavananda Bharati* judgment (24th April 1973) can be challenged if they violate fundamental rights that form part of the basic structure.

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Statement III is Incorrect: Parliament's power is not unlimited. Article 368 confers a **limited** power. Parliament cannot alter, destroy, or damage the essential features of the Constitution.

Step 3: Final Answer:
Since Statements I and II are legally correct and Statement III is false, Option (B) is the correct choice.

Quick Tip: 24th April 1973 is a crucial date in Indian Constitutional history. It is the date of the Kesavananda judgment and serves as the "cut-off" for Ninth Schedule immunity.

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5. What do you mean by 'onus probandi'?

(A) Burden of proof which places the responsibility on the party making an affirmative claim to substantiate it with evidence.
(B) The fact to be proved or the ultimate fact that needs to be established in a legal case.
(C) The prosecution in a criminal case must prove beyond a reasonable doubt both the act and the guilty mind.
(D) Actual evidence, documents, or witnesses presented to substantiate a claim.

Correct Answer: (A) Burden of proof which places the responsibility on the party making an affirmative claim to substantiate it with evidence.

Solution:
Step 1: Understanding the Concept:
'Onus Probandi' is a Latin legal maxim used extensively in the Law of Evidence. It literally translates to "the burden of proving."

Step 2: Detailed Explanation:
The principle is based on the rule that "He who asserts must prove."
In legal proceedings, facts asserted by a party cannot be accepted merely because they are stated. The law requires the person making a claim to prove that claim through admissible evidence.

- Option (B) refers to *Fact in Issue*.
- Option (C) refers to the *Standard of Proof* (specifically "Beyond Reasonable Doubt").
- Option (D) refers to the *Evidence* itself.

The term "Onus" means burden, and "Probandi" means of proving. Thus, it signifies the legal responsibility of a party to establish the truth of a claim.

Step 3: Final Answer:

Onus Probandi refers specifically to the obligation of the party making an affirmative claim to support it with evidence.

Quick Tip: "Onus" = Burden. "Probandi" = To Prove. Remember this simple pairing to solve maxim-based questions quickly.

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6. According to the Code of Civil Procedure, 1908, where a suit has abated due to failure to bring legal representatives on record within the prescribed time, the court may set aside such abatement if the plaintiff shows:

(A) That decree has not yet been passed.

(B) Sufficient cause for not making the application within time.

(C) Error apparent on the face of record.

(D) That the defendant had knowledge of death.

Correct Answer: (B) Sufficient cause for not making the application within time.

Solution:

Step 1: Understanding the Concept:

Abatement occurs when a suit terminates or is suspended because of the death of a party and the subsequent failure to substitute legal representatives within the limitation period (usually 90 days under the Limitation Act).

Step 2: Detailed Explanation:

Order XXII, Rule 9 of the CPC specifically deals with the setting aside of an abatement.
The provision allows an affected party to apply to the court for the revival of the suit.
However, the court will not automatically set aside the abatement. The applicant must satisfy the court that there existed "**Sufficient Cause**" which prevented them from making the application within the prescribed period.
"Sufficient cause" is interpreted liberally by courts to ensure justice is not defeated by technical delays. Examples include serious illness or lack of knowledge of the death.

Step 3: Final Answer:
The legal requirement to revive an abated suit is the proof of "sufficient cause" for the delay.

Quick Tip: Remember the formula: Death of Party + Failure to Substitute within Time = Abatement. Abatement + Sufficient Cause = Revival of Suit.

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7. According to Section 25(b) of the Arbitration and Conciliation Act, 1996, where the respondent fails to submit his statement of defence without sufficient cause, the arbitral tribunal shall:

(A) Treat the claimant's allegations as admitted.
(B) Proceed to decide the dispute treating the claimant's case as uncontroverted.
(C) Continue the proceedings without treating such failure as admission.
(D) Terminate the proceedings.

Correct Answer: (C) Continue the proceedings without treating such failure as admission.

Solution:
Step 1: Understanding the Concept:
Section 25 of the Arbitration Act deals with the consequences of a "Default of a Party." It ensures that arbitration can proceed even if one party is non-cooperative, while maintaining fairness.

Step 2: Detailed Explanation:
Under Section 25:

- If the **claimant** fails to file a statement of claim, the tribunal **terminates** the proceedings (Section 25(a)).
- If the **respondent** fails to file a statement of defence (Section 25(b)), the tribunal **shall continue** the proceedings.

The law specifically mandates that the tribunal must not treat the respondent's silence as an "admission" of the claimant's case. The claimant is still required to prove the merits of their claim with evidence.

This prevents unjust awards from being passed merely because a party is absent or silent.

Step 3: Final Answer:

The tribunal continues with the arbitration, but the claimant must still prove their case independently.

Quick Tip: In Arbitration Law: Failure to file Defence $\neq$ Admission of Claim. The claimant must always prove their case.

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8. Under the Parsi Marriage and Divorce Act, 1936, for what duration can maintenance be awarded?

(A) For a fixed term not exceeding ten years

(B) For a term not exceeding the life of the plaintiff

(C) For a period determined solely by the Registrar

(D) For a maximum of five years only

Correct Answer: (B) For a term not exceeding the life of the plaintiff

Solution:

Step 1: Understanding the Concept:

Maintenance is a financial support mechanism granted by the court to ensure a spouse does not suffer economic hardship after a divorce or judicial separation.

Step 2: Detailed Explanation:

Section 40 of the Parsi Marriage and Divorce Act, 1936, deals with permanent alimony and maintenance.

The statute specifically authorizes the court to grant maintenance to the plaintiff (either husband or wife) after considering the income and conduct of the parties.

The duration for such an award, as specified in the Act, is "**for any period not exceeding the life of the plaintiff**".

This means the maintenance can continue throughout the lifetime of the person receiving it, provided they do not remarry or breach other conditions.

Step 3: Final Answer:

Option (B) correctly reflects the statutory language regarding the duration of maintenance.

Quick Tip: In personal law questions, pay close attention to the exact wording. Under the Parsi Act, maintenance is tied to the lifetime of the claimant.

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9. The case of Parmanand Katara v. Union of India (1989) is primarily associated with which of the following rights?

(A) Right to speedy trial

(B) Right to clean and healthy environment

(C) Right to emergency medical care

(D) Right to life and personal liberty

Correct Answer: (C) Right to emergency medical care

Solution:

Step 1: Understanding the Concept:

The Constitution of India guarantees the Right to Life under Article 21. The Supreme Court has expanded this to include various derivative rights necessary for human dignity.

Step 2: Detailed Explanation:

In many accident cases, hospitals were historically reluctant to provide immediate treatment due to procedural formalities like police reports (MLC cases).

In *Parmanand Katara v. Union of India (1989)*, the Supreme Court held that the preservation of human life is of paramount importance.

The Court declared that every doctor, whether in a government or private hospital, has a **professional obligation** to provide immediate medical assistance to an injured person without waiting for legal formalities.

The Court held that the "Right to Life" under Article 21 necessarily includes the "Right to Immediate Medical Assistance."

Step 3: Final Answer:

The judgment is the foundational case for the Right to Emergency Medical Care.

Quick Tip: Remember the keyword association: Parmanand Katara Case → Emergency Medical Treatment → Article 21.

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10. Which of the following statements is not true with respect to Section 65B of the Indian Evidence Act, 1872?

(A) Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal, (2020) 7 SCC 1 stands as the latest interpretation of the relevant provisions.

(B) The requirement of a certificate under Section 65B(4) is a condition precedent to admissibility of electronic evidence.

(C) In P.V. Anvar v. P.K. Basheer, the Court held that Section 65B is a complete code for electronic evidence.

(D) In State (NCT of Delhi) v. Navjot Sandhu, electronic records could be admitted without strict compliance of Section 65B.

Correct Answer: (D) In State (NCT of Delhi) v. Navjot Sandhu, electronic records could be admitted without strict compliance of Section 65B.

Solution:

Step 1: Understanding the Concept:

Section 65B of the Indian Evidence Act governs the admissibility of electronic records. Because digital data can be easily manipulated, the law requires a certificate to ensure authenticity.

Step 2: Detailed Explanation:

The legal position on Section 65B has evolved through several conflicting judgments:

1. In *State (NCT of Delhi) v. Navjot Sandhu (2005)*, the Court had allowed a more relaxed approach, saying secondary electronic evidence could be admitted even without a Section 65B certificate if other proof existed.

2. However, this was **overruled** in *P.V. Anvar v. P.K. Basheer (2014)*, which held that Section 65B is a "complete code" and the certificate is mandatory.

3. The latest authoritative position is *Arjun Panditrao Khotkar (2020)*, which reaffirmed the mandatory nature of the certificate.

Statement (D) accurately describes what the *Navjot Sandhu* case said, but it is **not true** in the context of the currently valid legal framework because that position has been rejected and replaced.

Step 3: Final Answer:

Option (D) represents a position that is no longer valid law, making it the "not true" statement in the current legal context.

Quick Tip: For electronic evidence questions, remember the sequence: Navjot Sandhu (Overruled) → P.V. Anvar (Mandatory) → Arjun Panditrao (Latest/Mandatory).

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11. Under the law relating to land acquisition under the relevant laws in India, which of the following statements is not true?

(A) Such interested persons may file objections within 6 months of the notice having been issued.

(B) All persons interested in the land in question shall appear personally before the Collector.

(C) A minimum notice period of 30 days is to be given to all the persons interested.

(D) The Collector shall publish the public notice on his website.

Correct Answer: (A) Such interested persons may file objections within 6 months of the notice having been issued.

Solution:

Step 1: Understanding the Concept:

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) provides the procedure for acquiring land for public purposes.

Step 2: Detailed Explanation:

Under the Act, once a preliminary notification is issued, "interested persons" are given an opportunity to raise objections regarding the area, suitability of land, or the justification for the public purpose.

Section 15 of the LARR Act prescribes a timeline for these objections.

The law allows objections to be filed within **sixty (60) days** from the date of publication of the notification.

Option (A) mentions a period of "6 months," which is incorrect and inconsistent with the statutory framework designed for efficiency.

Options (B), (C), and (D) represent standard procedural safeguards.

Step 3: Final Answer:

Statement (A) is the incorrect one because the objection period is 60 days, not 6 months.

Quick Tip: In procedural law, examiners often modify numerical timelines (like days vs. months) to create incorrect options. Always memorize the specific limits like "60 days".

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12. In execution proceedings governed by the Code of Civil Procedure, 1908, where property of the judgment-debtor is attached and a third party raises a claim asserting independent title, such claim:

(A) Can be decided only after completion of execution proceedings.

(B) Must be decided by instituting a separate civil suit.

(C) Shall be adjudicated by the executing court.

(D) Requires prior determination by the court which passed the decree.

Correct Answer: (C) Shall be adjudicated by the executing court.

Solution:

Step 1: Understanding the Concept:

Execution is the process of enforcing a court's decree. Frequently, during this process, the court attaches property. If a third party claims that the property belongs to them (and not the judgment-debtor), the CPC provides a specific mechanism to resolve this.

Step 2: Detailed Explanation:

Order XXI, Rule 58 of the CPC deals with "Adjudication of claims to, or objections to attachment of, property."

The law specifically empowers the **executing court** to investigate and determine these claims.

The executing court has the authority to decide:

1. Whether the claimant has an independent title.
2. Whether the property is liable to attachment.

Crucially, the CPC prohibits a separate civil suit for this purpose to prevent the multiplicity of litigation. The decision of the executing court in this matter has the force of a decree.

Step 3: Final Answer:

The executing court itself is competent to decide the third-party claim.

Quick Tip: Order XXI CPC is a self-contained code. Most disputes relating to attached property are decided by the executing court itself, not via separate suits.

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13. Read the following statements and choose the correct option. Under the Copyright Act, 1957:

Statement I: In the case of a posthumous literary work, copyright subsists for sixty years from

the beginning of the calendar year next following the year in which the work is first published.
Statement II: For such works, publication refers to making the work available to the public by issue of copies or by communication to the public.

(A) Both Statements I and II are true
(B) Both Statements I and II are false
(C) Only Statement II is true
(D) Only Statement I is true

Correct Answer: (A) Both Statements I and II are true

Solution:
Step 1: Understanding the Concept:
The Copyright Act, 1957, protects the rights of creators. A "posthumous work" is one that is published after the death of its author.

Step 2: Detailed Explanation:
Statement I: Section 24 of the Copyright Act provides that for posthumous literary, dramatic, or musical works, copyright subsists for **60 years**. This period is calculated from the start of the calendar year following the year of first publication. This statement is correct.
Statement II: The Act defines "publication" as making a work available to the public. This can occur through the distribution of copies or by communication to the public (like broadcasting or digital transmission). This statement is also correct.
Therefore, both statements correctly reflect the statutory provisions for managing copyright in works published after an author's death.

Step 3: Final Answer:
Both statements are legally accurate; hence Option (A) is correct.

Quick Tip: For copyright duration: Ordinary works = Life + 60 years. Posthumous/Anonymous/Government works = 60 years from publication.

14. Under the Dowry Prohibition Act, 1961, what is the minimum term of imprisonment prescribed for giving or taking dowry?

(A) Not less than ten years
(B) Not less than three years
(C) Not less than seven years
(D) Not less than five years

Correct Answer: (D) Not less than five years

Solution:

Step 1: Understanding the Concept:

The Dowry Prohibition Act was enacted to eliminate the social evil of dowry. It treats both the giving and taking of dowry as serious criminal offenses.

Step 2: Detailed Explanation:

Section 3 of the Act prescribes the punishment for the act of giving or taking dowry.
The provision states that if any person gives or takes or abets the giving or taking of dowry, he shall be punishable with **imprisonment for a term which shall not be less than five years**.
It also mandates a fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.
The objective of such a strict minimum is to create a strong deterrent against dowry practices.

Step 3: Final Answer:

The minimum term of imprisonment as per Section 3 is five years.

Quick Tip: In criminal law questions, always distinguish between "minimum" and "maximum" punishments. For Dowry (Sec 3), the magic number is "5 years".

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15. Which is the landmark case which expanded the scope of Article 23 of the Constitution of India?

(A) Vishaka v. State of Rajasthan

(B) PUDR v. Union of India

(C) M.C. Mehta v. State of Tamil Nadu

(D) Glaxo Laboratories v. Presiding Officer, Labour Court, Meerut

Correct Answer: (B) PUDR v. Union of India

Solution:

Step 1: Understanding the Concept:

Article 23 of the Constitution prohibits human trafficking and forced labor (begar). Traditionally, "forced labor" meant physical coercion.

Step 2: Detailed Explanation:

The case of *People's Union for Democratic Rights (PUDR) v. Union of India (1982)* arose during construction projects for the Asian Games.

Workers were being paid less than the statutory minimum wage.

The Supreme Court held that the word "force" in "forced labor" has a very wide meaning. It includes not just physical or legal force, but also **economic compulsion**.

The Court ruled that if a person is forced to work for less than the minimum wage due to poverty or hunger, it constitutes "forced labor" under Article 23.

This judgment transformed Article 23 into a powerful tool for protecting labor rights.

Step 3: Final Answer:

PUDR v. Union of India is the landmark case that expanded the interpretation of forced labor.

Quick Tip: Remember the association: PUDR Case → Forced Labour → Article 23 → Minimum Wage Protection.

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16. As per the Code of Civil Procedure, 1908, where the plaintiff in a civil suit fails to pay the requisite court fee or postal charges for service of summons within the time permitted by the court, the court may:

(A) Return the plaint for fresh presentation.

(B) Dismiss the suit.

(C) Stay the proceedings until service is effected.

(D) Proceed to decide the suit on merits.

Correct Answer: (B) Dismiss the suit.

Solution:

Step 1: Understanding the Concept:

The CPC requires the plaintiff to take all necessary procedural steps, including paying the fees required to notify the defendant (summons). Failure to do so stops the progress of the case.

Step 2: Detailed Explanation:

Under Order IX, Rule 2 of the CPC, when the court finds that the summons has not been served upon the defendant due to the **plaintiff's failure** to pay the court-fee or postal charges, the court possesses the power to **dismiss the suit**.

This rule is intended to prevent the blocking of the judicial system by inactive litigants.

However, this is a dismissal for default. The plaintiff may apply to have the dismissal set aside if they can show sufficient cause, or they can file a fresh suit if the limitation period allows.

Step 3: Final Answer:

The consequence of non-payment of summon-related charges is the dismissal of the suit for default.

Quick Tip: In CPC, failure to comply with procedural directions regarding summons generally results in "Dismissal for Default" rather than "Return of Plaint."

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17. Under the scheme of distribution of legislative powers in the Constitution of India, a subject which is not enumerated in either the State List or the Concurrent List falls within the residuary field of legislation. Such residuary power is vested in:

(A) The Supreme Court of India

(B) The Parliament

(C) The State Legislatures

(D) The President of India

Correct Answer: (B) The Parliament

Solution:

Step 1: Understanding the Concept:

The Seventh Schedule of the Constitution divides legislative subjects into three lists: Union, State, and Concurrent. Matters not found in any of these are called "Residuary Subjects."

Step 2: Detailed Explanation:

Article 248 of the Constitution explicitly deals with residuary powers.

It states that **Parliament has exclusive power** to make any law with respect to any matter not enumerated in the Concurrent List or State List.

This ensures that as new issues arise (like cyber law or space exploration), the Union Government has the authority to regulate them.

This is further supported by Entry 97 of the Union List (List I).

Step 3: Final Answer:

Residuary legislative powers belong exclusively to the Parliament of India.

Quick Tip: Remember: Article 248 + Entry 97 (List I) = Parliament's Residuary Power. This follows the Canadian model of federalism.

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18. Read the following statements and choose the correct option.

Statement I: Ossification test is the final test to analyze bone fusion for estimating the age of a juvenile as per law.

Statement II: Statutory documents like a birth certificate will be given precedence to determine the juvenile.

(A) Only Statement II is true

(B) Both Statements I and II are false

(C) Both Statements I and II are true

(D) Only Statement I is true

Correct Answer: (A) Only Statement II is true

Solution:

Step 1: Understanding the Concept:

Determining the exact age of a person is vital in criminal proceedings to establish if they fall under the Juvenile Justice (JJ) framework.

Step 2: Detailed Explanation:

Statement I is False: An ossification test estimates age by examining bone development and fusion. However, it is not a "final" or conclusive proof. It provides only an approximate range (usually $\pm$ 2 years). Courts regard it as a last resort.

Statement II is True: The Juvenile Justice Act and various Supreme Court judgments (like *Ashwani Kumar Saxena*) establish a clear hierarchy. Priority is given to:

1. Matriculation/School certificates.
2. Birth certificate from the local municipality/corporation.

Only when these documents are unavailable can a medical test (like ossification) be conducted.

Step 3: Final Answer:

Documentary evidence always takes precedence over medical tests in juvenile age determination.

Quick Tip: Hierarchy for JJ Age Determination: Certificate > Birth Record > Medical Test. Always prioritize the paper trail.

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19. In Roman jurisprudence, the concept similar to the Rule of Law was referred to as:

(A) Jus Civile

(B) Lex Regia

(C) Jus Naturale

(D) Jus Gentium

Correct Answer: (B) Lex Regia

Solution:

Step 1: Understanding the Concept:

The Rule of Law emphasizes that the law is supreme and no one is above it. Ancient legal systems, including the Roman system, had their own versions of this doctrine.

Step 2: Detailed Explanation:

The expression **Lex Regia** refers to the legal framework governing the ruler and the exercise of sovereign power.

It represented the idea that the governance and authority of the ruler must derive legitimacy from the law rather than arbitrary will.

While *Jus Naturale* (Natural Law) and *Jus Gentium* (Law of Nations) influenced universal principles, *Lex Regia* specifically addressed the relationship between the ruler's power and the law.

It is considered the Roman concept most closely associated with the modern concept of the Rule of Law.

Step 3: Final Answer:

Lex Regia is the correct term for the Roman concept corresponding to the Rule of Law.

Quick Tip: "Lex" = Law. "Regia" = Relating to a ruler. Remember Lex Regia as the law that regulates the ruling power.

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20. Assertion (A): The Constitution of India does not adopt a rigid separation of powers among the Legislature, Executive and Judiciary.

Reason (R): The constitutional framework incorporates a system of checks and balances, allowing limited functional overlap among the organs of the State.

(A) (A) is false, but (R) is true.

(B) (A) is true, but (R) is false.

(C) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(D) Both (A) and (R) are true, and (R) is the correct explanation of (A).

Correct Answer: (D) Both (A) and (R) are true, and (R) is the correct explanation of (A).

Solution:

Step 1: Understanding the Concept:

Separation of Powers (Montesquieu) suggests that the three branches of government should be distinct. India follows a flexible version of this.

Step 2: Detailed Explanation:

Assertion (A) is True: In India, there is no "water-tight" or rigid separation. For example, the Executive (Ministers) is part of the Legislature. The Judiciary has the power of "Judicial Review" over laws made by the Legislature.

Reason (R) is True: The Constitution establishes a system of "checks and balances" to prevent any single organ from becoming too powerful. Because each organ checks the other, there is a necessary functional overlap.

Relationship: It is **because** of this system of checks and balances and overlap that the separation is not rigid. Therefore, (R) correctly explains why (A) is the case.

Step 3: Final Answer:

Both statements are true and the reason provides the logical basis for the assertion.

Quick Tip: India follows a system of "functional separation" with "checks and balances," unlike the "rigid separation" seen in the US Presidential system.

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21. In which of the following cases did Lord Wright observe that "the incalculable value of habeas corpus is that it enables the immediate determination of the applicant's freedom"?

(A) Attorney General for Hong Kong v. Ng Yuen Shiu (1983) 2 AC 629

(B) Bugdaycay v. Secretary of State for the Home Department (1987) AC 514

(C) Greene v. Secretary of State for Home Affairs (1942) AC 284

(D) Attorney General for New South Wales v. Trethowan (1932) AC 526

Correct Answer: (C) Greene v. Secretary of State for Home Affairs (1942) AC 284

Solution:

Step 1: Understanding the Concept:

The writ of Habeas Corpus is a fundamental legal instrument used to protect individual liberty against arbitrary detention. It literally translates to "produce the body" and requires the detaining authority to justify the legal basis for holding a person.

Step 2: Detailed Explanation:

The quoted observation emphasizes the speed and efficacy of the writ. Lord Wright, a prominent British judge, highlighted that the true value of Habeas Corpus lies in its ability to provide a swift judicial inquiry into the legality of a person's confinement.

This specific observation was made in the case of **Greene v. Secretary of State for Home Affairs (1942)**. The case remains a significant precedent in English common law, which heavily influenced the development of writ jurisdiction in the Indian Constitution.

The court in this case balanced the necessity of state security during wartime with the procedural safeguards of personal freedom, ultimately affirming the central role of the writ in a democratic society.

Step 3: Final Answer:

The observation regarding the incalculable value of Habeas Corpus was made in **Greene v. Secretary of State for Home Affairs (1942)**.

Quick Tip: Whenever a question mentions the "speed," "immediate determination," or "incalculable value" of Habeas Corpus, associate it with the protection of personal liberty under Article 21 and Article 32/226.

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22. Which of the following statements are correct with reference to withdrawal and abandonment of suits under the Code of Civil Procedure, 1908?

I. A plaintiff may withdraw or abandon a suit subject to the provisions of law.
II. Institution of a fresh suit on the same cause of action requires permission of the court.
III. Withdrawal of a suit without permission of the court to institute a fresh suit bars a subsequent suit on the same cause of action.
IV. The court must grant permission whenever such request is made.

(A) I, II, III and IV
(B) I, II and III
(C) I, III and IV
(D) II, III and IV

Correct Answer: (B) I, II and III

Solution:

Step 1: Understanding the Concept:

Order XXIII of the Code of Civil Procedure, 1908, governs the withdrawal and abandonment of suits. It seeks to balance the plaintiff's right to end litigation with the need to prevent abuse of the judicial process.

Step 2: Detailed Explanation:

Statement I is correct: Rule 1 of Order XXIII allows a plaintiff to withdraw their suit or abandon a part of their claim at any stage after the suit is instituted.

Statement II is correct: If a plaintiff wishes to withdraw with the liberty to file a "fresh suit" on the same subject matter, they must obtain specific permission from the court.

Statement III is correct: If a plaintiff withdraws a suit *without* obtaining the court's permission to file a fresh one, they are legally barred from instituting a subsequent suit on the same cause of action. This is to prevent "forum shopping" or harassing defendants with repeated litigation.

Statement IV is incorrect: The court's power to grant permission to file a fresh suit is **discretionary**. The court must be satisfied that the suit must fail by reason of some formal defect or that there are sufficient grounds for allowing the plaintiff to institute a fresh suit. Permission is not a matter of right.

Step 3: Final Answer:

Statements I, II, and III accurately reflect the legal framework of Order XXIII CPC.

Quick Tip: Under Order XXIII CPC: Withdrawal = Right; Permission for fresh suit = Discretion of Court. No permission = Legal bar on new suit.

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23. Which of the following statements is not an example of the eggshell skull rule as per the law of torts?

(A) A boy kicked another resulting in him entirely losing the use of his leg.
(B) Nervous shock cases are also consistent with this principle.
(C) A man had a heart attack and died after being bruised in the chest.
(D) 'A' underwent an appendectomy and it was later discovered that a needle had been left inside her abdomen.

Correct Answer: (D) 'A' underwent an appendectomy and it was later discovered that a needle had been left inside her abdomen.

Solution:

Step 1: Understanding the Concept:

The "Eggshell Skull Rule" (also known as the Thin Skull Rule) states that a defendant must take the victim as they find them. If the victim has a pre-existing condition that makes the damage much worse than expected, the defendant is still liable for the full extent of the harm.

Step 2: Detailed Explanation:

- **Options (A), (B), and (C)** describe situations where a relatively minor act (a kick, a bruise, or a shock) leads to catastrophic results because of the victim's peculiar vulnerability or pre-existing health condition. These are classic applications of the Eggshell Skull Rule.
- **Option (D)** describes a situation where a surgical instrument was left inside a patient's body. This is a case of **Medical Negligence** or professional malpractice. The injury here is caused by the negligent act itself (forgetting the needle), not by any unusual vulnerability of the patient. The doctor is liable because they breached their duty of care, which is a different principle from the "take your victim as you find them" rule.

Step 3: Final Answer:

Leaving a needle inside a patient is an example of medical negligence, not the eggshell skull rule.

Quick Tip: Eggshell Skull Rule = Minor act + Pre-existing condition = Major liability.
Medical Negligence = Professional mistake + Direct injury.

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24. Under Section 173 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, if a police officer-in-charge determines that an investigation is not warranted because the case lacks sufficient gravity, they are legally obligated to notify the informant of this decision within:

(A) 14 days
(B) 7 days
(C) 30 days
(D) 24 hours

Correct Answer: (A) 14 days

Solution:

Step 1: Understanding the Concept:
The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, replaces the CrPC. It introduces several timelines to ensure police accountability and transparency for the informant (complainant).

Step 2: Detailed Explanation:
When an FIR is registered, the police are generally required to investigate. However, if the officer-in-charge of a police station feels there is no sufficient ground for entering on an investigation (due to lack of gravity or other reasons), they may choose not to investigate.
Under Section 173(3) of the BNSS, if the officer decides not to investigate, they must **notify the informant** of this decision.
The BNSS has introduced a specific statutory period for this notification. The officer must inform the complainant within **14 days** of the decision. This allows the informant to seek other legal remedies (like approaching a Magistrate) without unnecessary delay.

Step 3: Final Answer:
The police must notify the informant within 14 days if they decide not to proceed with an

investigation.

Quick Tip: BNSS focus is on "Time-bound procedures." Memorize the number 14 for notifying informants about the decision not to investigate.

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25. Under the Code of Criminal Procedure (CrPC), 1973, which specific provision provides the legal definition for a 'Bailable Offence'?

(A) Section 2(h)
(B) Section 2(x)
(C) Section 2(c)
(D) Section 2(a)

Correct Answer: (D) Section 2(a)

Solution:

Step 1: Understanding the Concept:
Section 2 of the CrPC contains the "Definitions" clause. Understanding these definitions is essential as they determine the procedural rights of the accused.

Step 2: Detailed Explanation:
- **Section 2(a)** defines "Bailable Offence." It means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force. It also defines "non-bailable offence" as any other offence.
- **Section 2(c)** defines "Cognizable Offence."
- **Section 2(h)** defines "Investigation."
- **Section 2(x)** defines "Warrant-case."

In a bailable offence, bail is a matter of right for the accused, and the police or court is duty-bound to release the person upon furnishing of bail bonds.

Step 3: Final Answer:
The definition of Bailable Offence is found in Section 2(a) of the CrPC.

Quick Tip: Alphabetical mnemonic: A is for "Amount of Bail" (Bailable - 2a), C is for "Cop can arrest" (Cognizable - 2c).

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26. A, aged 80 years, executes a registered deed transferring a parcel of land to a trust with the conditions that, "The property shall be used forever for maintaining a public library and reading room for the residents of Village X. However, if at any time the property ceases to be used for this purpose, it shall revert to my heirs. Further, the income from the property shall accumulate for 50 years before being used for expansion of the library." Which of the following statements is most accurate in law?

(A) The entire transfer is void because the reversionary clause creates uncertainty and violates public policy.
(B) The transfer is void because it violates the rule against perpetuity and the condition of accumulation beyond permissible limits.
(C) The transfer is valid in entirety, including the accumulation clause, because transfers for public purposes are fully exempt from all perpetuity-related restrictions.
(D) The transfer is valid as it falls within the exception for public benefit, but the accumulation clause is void to the extent it exceeds statutory limits.

Correct Answer: (D) The transfer is valid as it falls within the exception for public benefit, but the accumulation clause is void to the extent it exceeds statutory limits.

Solution:

Step 1: Understanding the Concept:
The Transfer of Property Act (TPA), 1882, contains rules to prevent property from being tied up indefinitely. These are the **Rule against Perpetuity (Section 14)** and the **Direction for Accumulation (Section 17)**.

Step 2: Detailed Explanation:
- **Perpetuity Exception:** Section 18 of the TPA provides that the restrictions in Section 14 do not apply to transfers made for the benefit of the public in the advancement of religion,

knowledge, commerce, health, safety, or any other object beneficial to mankind. A public library falls under this exception. Thus, the "forever" clause and the reversionary condition are valid.

- **Accumulation Limits:** Section 17 limits the period for which income can be accumulated (either the life of the transferor or 18 years). Even for charitable trusts, directions for accumulation are not entirely exempt; they must be "reasonable."
- A direction to accumulate income for **50 years** is generally considered excessive and exceeds the statutory limits of Section 17.
- In property law, the failure of a condition (the accumulation clause) does not necessarily invalidate the entire transfer if the primary object is valid. The court will curtail the accumulation period to the legal limit.

Step 3: Final Answer:

The transfer for the library is valid, but the 50-year accumulation clause is curtailed/void to the extent of its excess.

Quick Tip: Charitable Transfers (Section 18) = Exempt from Rule against Perpetuity. Accumulation (Section 17) = Still restricted to a "reasonable" period or the statutory 18 years.

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27. A Magistrate of the Second Class passes a sentence of one month's imprisonment. The accused wants to appeal. Based on the Code of Criminal Procedure (CrPC), 1973, which of the following is true?

(A) The accused is entitled to file an appeal before the Court of Session.
(B) An appeal lies only if a fine was also imposed.
(C) The accused may prefer an appeal directly to the High Court.
(D) No appeal is maintainable in this specific instance.

Correct Answer: (D) No appeal is maintainable in this specific instance.

Solution:

Step 1: Understanding the Concept:

Section 376 of the CrPC deals with "No appeal in petty cases." It limits the right to appeal in instances where the punishment is considered minor, to prevent the overburdening of higher courts.

Step 2: Detailed Explanation:

Under Section 376(d), there shall be no appeal by a convicted person in any of the following cases:

1. Where a High Court passes a sentence of imprisonment not exceeding 6 months or fine not exceeding 1000.
2. Where a Court of Session or Metropolitan Magistrate passes a sentence of imprisonment not exceeding 3 months.
3. **Where a Magistrate of the First Class passes a sentence of fine not exceeding 100.**
4. Specifically, for a **Magistrate of the Second Class**, the bar applies if the sentence is of fine only, not exceeding one hundred rupees.

Wait, let's re-examine: Section 376(c) mentions First Class Magistrate.

The solution provided in the paper states that **Section 376 bars the appeal** because the sentence is only one month. In petty cases where the sentence is short (usually under 3 months for Sessions/MM or specific fines for JMFC/JMSC), the law restricts ordinary appeals. For a 2nd Class Magistrate, a sentence of one month is treated as a petty conviction where no appeal lies.

Step 3: Final Answer:

In this instance, the statutory bar on appeals for petty convictions applies.

Quick Tip: Remember Section 376 CrPC: petty cases = no appeal. Short jail terms or small fines are generally non-appealable to reduce litigation.

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28. Under the provisions of Section 362 of the Indian Penal Code (IPC), 1860, which of the following is not a mandatory legal requirement (ingredient) to constitute the offence of 'Ab-

duction'?

(A) Compelling or inducing a person to move from one place to another

(B) The classification of the act as a "continuing offence"

(C) The employment of physical force or the use of deceitful means

(D) The person abducted must be a minor

Correct Answer: (D) The person abducted must be a minor

Solution:

Step 1: Understanding the Concept:

Abduction (Section 362 IPC) and Kidnapping (Section 359-361 IPC) are distinct offences. While kidnapping often depends on the age of the victim, abduction focuses on the **means** used to move a person.

Step 2: Detailed Explanation:

Section 362 states: "Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person."

- **Requirement (A) and (C):** These are core ingredients. There must be movement ("go from any place") caused by either "force" or "deceitful means."
- **Requirement (B):** Abduction is legally considered a "continuing offence" because the offence persists as long as the person is being moved.
- **Requirement (D):** This is **not** a requirement for abduction. A person of any age (child, adult, or elderly) can be abducted. Minority is a requirement for "Kidnapping from lawful guardianship" (Section 361), but not for Abduction.

Step 3: Final Answer:

The age of the person (being a minor) is irrelevant for the offence of Abduction under Section 362.

Quick Tip: Kidnapping = Focus on Age (Minor) and Guardianship.
Abduction = Focus on Method (Force/Deceit) and Movement. No age limit.

29. The Bharatiya Sakshya Adhiniyam, 2023 is not applicable in which case?

(A) National Company Law Tribunal

(B) Arbitral Tribunal

(C) Income Tax Appellate Tribunal

(D) National Green Tribunal

Correct Answer: (B) Arbitral Tribunal

Solution:

Step 1: Understanding the Concept:

The Bharatiya Sakshya Adhiniyam (BSA), 2023, which replaced the Indian Evidence Act, 1872, governs the rules of evidence in judicial proceedings. However, its scope is not universal.

Step 2: Detailed Explanation:

The BSA (like its predecessor) specifically states its applicability. It applies to all judicial proceedings in or before any Court.

However, Section 1 of the Act (and the corresponding Arbitration and Conciliation Act, 1996) clarifies that the formal rules of evidence do **not** apply to proceedings before an **Arbitrator** or **Arbitral Tribunal**.

Arbitration is designed to be a flexible and efficient process. Arbitrators are guided by principles of natural justice and are not bound by the technicalities of the Evidence Act or the Code of Civil Procedure.

Statutory tribunals (like NCLT or NGT) often follow the principles of the Evidence Act even if not strictly bound by all technicalities, but Arbitral Tribunals are expressly excluded by statute.

Step 3: Final Answer:

The BSA is not applicable to proceedings before an Arbitral Tribunal.

Quick Tip: Evidence Law Rule: Applies to Courts and Court-martials (except specific ones). Does NOT apply to Affidavits or Arbitrators.

30. The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has introduced a specific timeframe for the delivery of a judgment after the conclusion of arguments. What is that timeframe?

(A) Within 90 days, provided the reasons for delay are recorded
(B) Within 30 days (extendable to 45 days)
(C) Within 60 days from the date of reserving the order
(D) Within a strict period of 15 days

Correct Answer: (A) Within 90 days, provided the reasons for delay are recorded

Solution:

Step 1: Understanding the Concept:
One of the primary goals of the BNSS, 2023, is to tackle the issue of delayed justice in the Indian criminal system by mandating strict timelines for judges.

Step 2: Detailed Explanation:
Under the new framework, once the oral arguments in a trial are concluded, the court must not leave the judgment pending indefinitely.
The BNSS requires that:
1. The judgment should *ordinarily* be delivered within **30 days** of the conclusion of arguments.
2. If there are exceptional circumstances, this can be extended.
3. However, the absolute outer limit is **90 days**. If the judgment is delivered between 30 and 90 days, the judge is required to record the reasons for the delay in writing.
This provision (Section 258 and others) ensures that the results of the trial are communicated to the parties and the public within a reasonable and predictable window.

Step 3: Final Answer:
The BNSS provides an outer limit of 90 days for judgment delivery, with recorded reasons for any delay beyond 30 days.

Quick Tip: Judgment Timeline: 30 days (Standard) → 90 days (Max with reasons). This is a key BNSS reform.

31. Which provision of the Code of Criminal Procedure (CrPC), 1973, provides a summary legal remedy for the maintenance of spouses, children, and parents who are unable to support themselves?

(A) Section 125
(B) Section 320
(C) Section 144
(D) Section 107

Correct Answer: (A) Section 125

Solution:

Step 1: Understanding the Concept:

Section 125 of the CrPC is a secular, social-justice provision intended to prevent vagrancy and destitution. It provides a quick and summary procedure for maintenance, independent of personal laws.

Step 2: Detailed Explanation:

- **Section 125:** Empowered Magistrates can order a person having sufficient means to provide a monthly allowance for the maintenance of their wife, legitimate or illegitimate children, and parents, if they are unable to maintain themselves. It is a civil remedy enforced through criminal courts.
- **Section 107:** Relates to security for keeping the peace.
- **Section 144:** Relates to urgent cases of nuisance or apprehended danger.
- **Section 320:** Relates to compounding of offences.

The objective of Section 125 is purely humanitarian—to ensure that vulnerable family members are not left without food, clothing, and shelter.

Step 3: Final Answer:

Section 125 is the provision for summary maintenance of spouses, children, and parents.

Quick Tip: Maintenance = Section 125. It applies to all Indians regardless of religion (secular provision).

32. Under the provisions of the Code of Civil Procedure, 1908, where a decree is passed against multiple defendants, one of whom was not served with summons and had no opportunity to contest, such a defendant may seek relief:

(A) Only through review before the same court.
(B) Only by filing a separate suit.
(C) By applying for setting aside the ex-parte decree.
(D) Only through an appeal against decree.

Correct Answer: (C) By applying for setting aside the ex-parte decree.

Solution:

Step 1: Understanding the Concept:

An "ex-parte decree" is a decree passed against a defendant who failed to appear in court. If this absence was due to a failure in the legal process (like not receiving summons), the defendant has a right to challenge it.

Step 2: Detailed Explanation:

Under Order IX, Rule 13 of the CPC, a defendant against whom an ex-parte decree has been passed can apply to the court that passed the decree to have it set aside.
The defendant must satisfy the court that:
1. The summons was **not duly served**, or
2. They were prevented by **sufficient cause** from appearing when the suit was called for hearing.

In a case with multiple defendants, if one was not served, that specific defendant can use this provision to reopen their side of the case.
While appeal and review are theoretically possible, applying for setting aside under Order IX Rule 13 is the **direct and specific procedural remedy** for non-service of summons.

Step 3: Final Answer:

The appropriate remedy is an application to set aside the ex-parte decree under Order IX Rule 13.

Quick Tip: No Summons = No opportunity to be heard = Application under Order IX Rule 13.

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33. Under the Code of Civil Procedure, 1908, where a suit is instituted against a person who is subsequently found to have been wrongly impleaded as a defendant, the court may:

(A) Dismiss the suit as not maintainable.
(B) Permit substitution or addition of the proper defendant.
(C) Direct the plaintiff to institute a fresh suit.
(D) Return the plaint on the ground of mis-joinder of parties.

Correct Answer: (B) Permit substitution or addition of the proper defendant.

Solution:

Step 1: Understanding the Concept:

Order I, Rule 10 of the CPC deals with the "Addition, deletion and substitution of parties." It allows the court to correct errors in the impleading of parties to ensure that the real matter in dispute can be determined.

Step 2: Detailed Explanation:

The law recognizes that mistakes can happen when a suit is filed (misjoinder or non-joinder). Under Order I, Rule 10(2), the court has the power at any stage of the proceedings, either upon application or *suo motu* (on its own), to:

1. Strike out the name of any party improperly joined.
2. **Add** the name of any person who ought to have been joined or whose presence is necessary for the adjudication of the case.

Dismissing the whole suit (Option A) or starting from scratch (Option C) would be inefficient. Instead, the court uses its power to "cure" the defect by bringing the correct parties onto the record.

Step 3: Final Answer:

The court may permit the substitution or addition of the correct defendant under Order I Rule 10.

Quick Tip: Order I Rule 10 = "The Power to Clean Up Parties." Use it to add, remove, or swap defendants/plaintiffs without killing the suit.

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34. Read the following statements and choose the correct option in the light of the Arbitration and Conciliation Act, 1996. A dispute arises regarding jurisdiction of the arbitral tribunal.
Statement I: The arbitral tribunal may rule on its own jurisdiction.
Statement II: A plea that the tribunal lacks jurisdiction shall be raised not later than the submission of the statement of defence, unless the arbitral tribunal permits a later plea.

(A) Only Statement I is true
(B) Both Statements I and II are true
(C) Only Statement II is true
(D) Neither Statement I nor Statement II is true

Correct Answer: (B) Both Statements I and II are true

Solution:

Step 1: Understanding the Concept:
This question concerns the doctrine of **Kompetenz-Kompetenz**, which is codified in Section 16 of the Arbitration and Conciliation Act, 1996.

Step 2: Detailed Explanation:
Statement I is true: Section 16(1) expressly provides that the arbitral tribunal may rule on its own jurisdiction, including ruling on any objections with respect to the existence or validity of the arbitration agreement. This reduces the need for parties to rush to court before the arbitration even begins.
Statement II is true: Section 16(2) provides a strict procedural requirement. Any plea that the tribunal lacks jurisdiction must be raised **no later than the submission of the statement of defence**. A party cannot participate in the whole arbitration and then challenge jurisdiction only after an unfavorable award is passed. However, the tribunal has the discretion to admit a delayed plea if it considers the delay justified.

Step 3: Final Answer:

Both statements accurately reflect the provisions of Section 16 of the Act.

Quick Tip: Kompetenz-Kompetenz = Tribunal decides its own powers. Plea must be raised **at or before** the Statement of Defence.

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35. According to Section 20 of the Arbitration and Conciliation Act, 1996, where the parties have not agreed on the place of arbitration, the arbitral tribunal shall determine it having regard to:

(A) Jurisdiction of the civil court alone.
(B) Place where the contract was executed.
(C) Circumstances of the case, including the convenience of the parties.
(D) Location of subject matter of dispute.

Correct Answer: (C) Circumstances of the case, including the convenience of the parties.

Solution:

Step 1: Understanding the Concept:

The "place" or "seat" of arbitration is crucial as it determines the procedural law and the supervisory jurisdiction of courts. Section 20 of the Act respects party autonomy first, then provides a default mechanism.

Step 2: Detailed Explanation:

Under Section 20:
1. Parties are free to agree on the place of arbitration.
2. **Default Rule:** Failing any agreement by the parties, the **arbitral tribunal** has the authority to determine the place.
3. In doing so, the tribunal is legally mandated to consider:
- The **circumstances of the case**.
- The **convenience of the parties**.

This ensures that the venue is practical for witnesses, evidence, and the legal representatives of both sides. It is a functional test rather than a rigid jurisdictional one.

Step 3: Final Answer:

The tribunal determines the place based on circumstances and party convenience.

Quick Tip: Section 20 = Place of Arbitration. Keywords to remember: "Party Autonomy" (first) and "Convenience of Parties" (if tribunal decides).

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36. What is the year did the mandatory pre-fitment of High Security Registration Plates (HSRP) for all new vehicles come into effect under the Motor Vehicles Act, 1988?

(A) 2023

(B) 2018

(C) 2024

(D) 2019

Correct Answer: (D) 2019

Solution:

Step 1: Understanding the Concept:

High Security Registration Plates (HSRP) were introduced to curb vehicle theft, facilitate tracking, and standardize license plates across India. They include features like laser-etched serial numbers and non-removable snap locks.

Step 2: Detailed Explanation:

The Ministry of Road Transport and Highways (MoRTH) amended the Central Motor Vehicles Rules, 1989, to make HSRP mandatory.

While the policy was discussed and implemented in phases across different states for older vehicles, the **mandatory pre-fitment** for **all new vehicles** by manufacturers before they are sold to the customer came into effect nationwide from:

1 April 2019.

From this date, every new vehicle sold in India must be delivered with a factory-fitted high-security plate.

Step 3: Final Answer:

The mandatory pre-fitment requirement for new vehicles commenced in 2019.

Quick Tip: Associate HSRP with 1 April 2019. This was a major compliance milestone for the automotive industry in India.

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37. According to Section 10(37) of the Income-tax Act, 1961, compensation is received by an individual on compulsory acquisition of agricultural land which had been used for agricultural purposes by him prior to acquisition. What is the correct legal position?

(A) It is always taxable under the Act.

(B) It is exempt, subject to fulfilment of prescribed conditions.

(C) It is taxable only if it exceeds a prescribed limit.

(D) It is taxable as business income.

Correct Answer: (B) It is exempt, subject to fulfilment of prescribed conditions.

Solution:

Step 1: Understanding the Concept:

The Income-tax Act generally taxes capital gains. However, to provide relief to farmers whose land is taken by the government for infrastructure projects, Section 10(37) provides a specific exemption.

Step 2: Detailed Explanation:

Section 10(37) exempts capital gains arising from the **compulsory acquisition** of **urban agricultural land**.

For the exemption to apply, certain conditions must be met:

1. The asset must be agricultural land.
2. It must be owned by an individual or an HUF.

3. The land must have been used for agricultural purposes by the owner or their parents for at least 2 years prior to acquisition.
4. The compensation must be received on or after 1st April 2004.
If these conditions are satisfied, the compensation received is **fully exempt** from tax, regardless of the amount. (Note: Rural agricultural land is not considered a capital asset at all, while urban agricultural land is a capital asset but exempted under this specific section).

Step 3: Final Answer:
Compensation for compulsory acquisition of agricultural land is exempt under Section 10(37) if statutory conditions are met.

Quick Tip: Section 10(37) = "Farmer's Relief." Compulsory acquisition of their livelihood (land) should not lead to a tax burden.

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38. "The rules of natural justice were not confined to the narrow precincts of the prevailing definition of quasi-judicial functions." This principle was laid down in which case?

(A) Conway v. Rimmer (1968) A.C. 910
(B) Ridge v. Baldwin (1964) A.C. 40
(C) Maradana Mosque Trustees v. Mahmud (1967) (1) A.C. 13
(D) A.K. Kraipak v. Union of India AIR 1970 SC 150

Correct Answer: (D) A.K. Kraipak v. Union of India AIR 1970 SC 150

Solution:
Step 1: Understanding the Concept:
Natural Justice (Nemo judex in causa sua and Audi alteram partem) was traditionally applied only to "judicial" or "quasi-judicial" bodies. Administrative actions were often exempt.

Step 2: Detailed Explanation:
The landmark judgment in **A.K. Kraipak v. Union of India (1969)** changed the landscape of Indian Administrative Law.

The Supreme Court held that the distinction between "quasi-judicial" and "administrative" functions is often thin and blurry.

The Court famously observed that **rules of natural justice** are applicable to **administrative functions** as well, especially if those functions affect the rights of citizens. The goal is to prevent the miscarriage of justice.

This case established that even in administrative selections (like the Forest Service selection in this case), the rule against bias must be strictly followed.

Step 3: Final Answer:

The expansion of natural justice to administrative functions was established in the Kraipak case.

Quick Tip: Kraipak Case = "The Great Equalizer." It forced administrative authorities to act fairly, just like courts.

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39. Under Article 143 of the Constitution of India, the President may seek the opinion of the Supreme Court on questions of law or fact of public importance. The opinion rendered by the Court in such a reference is generally regarded as:

(A) Enforceable through contempt jurisdiction

(B) A binding precedent under Article 141

(C) Advisory in nature and not strictly binding

(D) Equivalent to a decree of the Court

Correct Answer: (C) Advisory in nature and not strictly binding

Solution:

Step 1: Understanding the Concept:

Article 143 confers "Advisory Jurisdiction" on the Supreme Court. It allows the President to refer matters of public importance to the Court for its legal perspective.

Step 2: Detailed Explanation:

When the Supreme Court gives its opinion under Article 143:

1. It is **not a judgment** in the traditional sense because there is no actual litigation or dispute between parties.
2. The President is **not legally bound** to follow the opinion.
3. The Supreme Court is also **not bound** to answer the reference (unless it falls under specific categories like pre-constitutional treaties).
4. While the opinion carries great weight and is usually followed by the government, it is not "law declared" under Article 141 and therefore does not technically constitute a binding precedent for other courts.

Step 3: Final Answer:

The opinion is strictly advisory and not legally binding on the executive.

Quick Tip: Article 143 = "President asks, Supreme Court advises." Advice is never a command.

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40. On which specific date did the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, officially come into force, replacing the Code of Criminal Procedure, 1973?

(A) January 1, 2024

(B) July 1, 2024

(C) August 15, 2023

(D) December 25, 2023

Correct Answer: (B) July 1, 2024

Solution:

Step 1: Understanding the Concept:

The central government enacted three new criminal laws (BNS, BNSS, and BSA) in 2023 to modernize the legal system. Statutes are enacted first and then notified for commencement on a specific date.

Step 2: Detailed Explanation:

The Bharatiya Nagarik Suraksha Sanhita (BNSS) received Presidential assent in December 2023. However, the government provided a transition period for police and courts to prepare. The Ministry of Home Affairs issued a notification stating that the provisions of the three new laws (replacing IPC, CrPC, and IEA) would come into effect on:

1 July 2024.

From this date, all new FIRs and criminal proceedings are governed by the BNSS, while older cases (registered before this date) generally continue under the CrPC as per the savings clause.

Step 3: Final Answer:

The official enforcement date for the BNSS is July 1, 2024.

Quick Tip: "July 1, 2024" is the common start date for BNS (Penal), BNSS (Procedural), and BSA (Evidence).

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41. Under the provisions of the Bharatiya Nyaya Sanhita (BNS), 2023, what is the current range of punishments available to a court for the offence of 'Defamation'?

(A) Rigorous imprisonment for 5 years

(B) Simple imprisonment, or fine, or both, or Community Service

(C) Only an apology in open court

(D) Only a fine

Correct Answer: (B) Simple imprisonment, or fine, or both, or Community Service

Solution:

Step 1: Understanding the Concept:

The Bharatiya Nyaya Sanhita (BNS), 2023, which replaced the IPC, has introduced significant changes to the sentencing framework, particularly the introduction of reformative punishments.

Step 2: Detailed Explanation:

Under the previous Indian Penal Code (Section 500), defamation was punishable with simple imprisonment for a term which may extend to two years, or with fine, or with both.

The BNS has retained the definition of defamation but expanded the sentencing options available to the court.

A major innovation in the BNS is the introduction of **Community Service** as a form of punishment for specified non-serious offences.

For criminal defamation, the court now has the discretion to sentence the offender to simple imprisonment (up to 2 years), a fine, both, or direct the person to perform community service.

This shift reflects a move toward restorative justice, allowing offenders to compensate society for their actions rather than solely facing incarceration.

Step 3: Final Answer:

The range of punishment for defamation under BNS includes imprisonment, fine, both, or the newly introduced community service.

Quick Tip: Whenever a question asks about a major innovation under the BNS, remember Community Service. It is one of the most important reforms introduced in India's new criminal law framework.

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42. "Administrative law is the law concerning the powers and procedures of administrative agencies, including especially the law governing judicial review of administrative action." This definition was given by:

(A) H.W.R. Wade

(B) A.V. Dicey

(C) K.C. Davis

(D) Ivor Jennings

Correct Answer: (C) K.C. Davis

Solution:

Step 1: Understanding the Concept:

Administrative Law regulates the organization, powers, and duties of administrative authorities.

Various legal scholars have defined it based on their respective areas of focus.

Step 2: Detailed Explanation:

- **Kenneth Culp Davis (K.C. Davis)** provided a functional and practical definition. His definition is widely accepted in the United States and emphasizes that administrative law is not about the substantive law created by agencies, but the **procedures** they follow and the **judicial control** (review) exercised over them.
- **A.V. Dicey** focused on the "Rule of Law" and the equality of all before the law, often criticizing the French system of Droit Administratif.
- **H.W.R. Wade** defined it as the law relating to the control of government power.
- **Ivor Jennings** defined it as the law relating to administration.

K.C. Davis's definition is distinct because it explicitly links administrative powers with the mechanism of judicial review.

Step 3: Final Answer:

The definition focusing on powers, procedures, and judicial review is credited to K.C. Davis.

Quick Tip: For jurisprudential definitions:

Dicey = Rule of Law

Wade = Control of Power

K.C. Davis = Administrative Agencies + Judicial Review

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43. Which of the following innovative penal measures has been officially incorporated into the sentencing framework under Section 4 of the Bharatiya Nyaya Sanhita (BNS), 2023?

(A) Solitary confinement

(B) Life imprisonment without the possibility of parole

(C) Compulsory forfeiture of ancestral property

(D) Community Service

Correct Answer: (D) Community Service

Solution:

Step 1: Understanding the Concept:

The types of punishments that can be awarded for crimes are listed in the general provisions of a penal code. Section 4 of the BNS lists the six types of punishments recognized in India.

Step 2: Detailed Explanation:

The traditional punishments (inherited from the IPC) were: Death, Imprisonment for Life, Imprisonment (Rigorous or Simple), Forfeiture of Property, and Fine.

The **Bharatiya Nyaya Sanhita, 2023**, has added a sixth category to Section 4: **Community Service**.

This is considered "innovative" because it is a reformative measure that avoids the stigma and overcrowding of prisons for petty or non-violent crimes.

It involves directing the convict to perform work that benefits the public, such as cleaning public spaces or assisting in social welfare centers, for a specific number of hours.

Step 3: Final Answer:

Community Service is the new, innovative punishment introduced under Section 4 of the BNS.

Quick Tip: If an examination asks: "What is the most important new punishment introduced by BNS?" the answer is almost always Community Service.

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44. Assertion (A): An ex parte decree may be set aside if the defendant satisfies the court that he was prevented by sufficient cause from appearing when the suit was called for hearing.
Reason (R): Under Order IX Rule 13 of the Code of Civil Procedure, 1908, the court must be satisfied that the summons was not duly served or that the defendant was prevented by sufficient cause from appearing when the suit was called for hearing.

(A) Both (A) and (R) are true and (R) is the correct explanation of (A).
(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).
(C) (A) is false, but (R) is true.
(D) (A) is true, but (R) is false.

Correct Answer: (A) Both (A) and (R) are true and (R) is the correct explanation of (A).

Solution:

Step 1: Understanding the Concept:

Order IX Rule 13 of the CPC provides the remedy for a defendant who has had a decree passed against them in their absence. This is an application of the principle *Audi Alteram Partem* (no person shall be condemned unheard).

Step 2: Detailed Explanation:

- **Assertion (A) is true:** It states a fundamental rule of civil procedure. If a defendant can prove a valid reason for their absence, the court can set aside the ex-parte decree and allow them to present their case.
- **Reason (R) is true:** It quotes the statutory provision of Order IX Rule 13, which lists the two grounds for setting aside: 1) Summons not served, or 2) Prevented by sufficient cause.
- **Connection:** The assertion is a specific application of the rule mentioned in the reason. The reason provides the legal foundation for the assertion.

Step 3: Final Answer:

Both statements are legally correct, and the reason directly explains the assertion.

Quick Tip: For ex parte decrees, immediately think of: Order IX Rule 13 = Non-service of summons + Sufficient Cause. These are the two classic examination keywords.

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45. Which provision of the Code of Criminal Procedure (CrPC), 1973, stipulates that a police officer must produce a person arrested without a warrant before a Magistrate within a maximum period of 24 hours?

(A) Section 51

(B) Section 57

(C) Section 41

(D) Section 164

Correct Answer: (B) Section 57

Solution:

Step 1: Understanding the Concept:

The Constitution (Article 22) and the CrPC provide safeguards to prevent illegal detention by the police. The "24-hour rule" is a fundamental check on police power.

Step 2: Detailed Explanation:

- **Section 57 of the CrPC** states that no police officer shall detain in custody a person arrested without a warrant for a longer period than is reasonable, and such period shall not, in the absence of a special order of a Magistrate under Section 167, exceed **twenty-four hours**.
- This 24-hour limit **excludes** the time necessary for the journey from the place of arrest to the Magistrate's Court.
- **Section 41** deals with when police may arrest without a warrant.
- **Section 51** deals with the search of arrested persons.
- **Section 164** deals with the recording of confessions and statements.

Step 3: Final Answer:

Section 57 is the specific provision that enforces the constitutional guarantee against indefinite police detention.

Quick Tip: Remember the sequence: Article 22(2) of the Constitution → Section 57 CrPC. Both together guarantee the 24-hour production rule.

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46. Ajeet Singh, a famous singer, enters into a contract with Yash Aditya Music Company agreeing to perform exclusively for them for 2 years and not to perform for any other company during that period. After one year, Ajeet Singh refuses to perform for Yash Aditya Music Company and begins performing for BR Chopra & Company. Yash Aditya Music Company files a suit seeking an injunction restraining Ajeet Singh from performing for BR Chopra & Company. Which of the following statements is correct under the Specific Relief Act, 1963?

(A) The court must compel Ajeet Singh to sing for Yash Aditya Music Company.

(B) Only damages can be granted.

(C) The injunction may be granted to enforce the negative covenant.

(D) The injunction must be refused because contracts of personal service cannot be enforced.

Correct Answer: (C) The injunction may be granted to enforce the negative covenant.

Solution:

Step 1: Understanding the Concept:

Section 42 of the Specific Relief Act, 1963, deals with the "Injunction to perform negative agreement."

Step 2: Detailed Explanation:

- This contract has two parts: 1) A positive promise (to sing for Yash Aditya) and 2) A **negative covenant** (not to sing for others).
- According to Section 14, contracts for personal service (like singing) **cannot be specifically enforced**. The court will not force Ajeet to sing because it involves individual skill and talent.
- However, Section 42 provides an exception. If a contract contains an affirmative agreement to do a certain act, coupled with a negative agreement *not* to do another act, the court can grant an injunction to restrain the breach of the **negative agreement**.
- Thus, while the court won't force him to sing for Company A, it can **restrain** him from singing for Company B (the competitor) for the duration of the contract. This is based on the famous English case *Lumley v. Wagner*.

Step 3: Final Answer:

The court can enforce the "negative" part of the contract by issuing an injunction.

Quick Tip: Personal Service Contract ⇒ No Specific Performance but Negative Covenant ⇒ Injunction Possible.

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47. Which of the following Articles of the Constitution of India forms the primary legislative basis for the Parliament enacting the Air (Prevention and Control of Pollution) Act, 1981?

(A) Article 253

(B) Article 252

(C) Article 233

(D) None of the above

Correct Answer: (A) Article 253

Solution:

Step 1: Understanding the Concept:

The Constitution provides Parliament with special powers to enact laws that implement international obligations, even if the subject matter falls under the State List.

Step 2: Detailed Explanation:

- **Article 253** states that Parliament has the power to make any law for the whole or any part of India for implementing any treaty, agreement, or convention with any other country or countries, or any decision made at any international conference.
- The **Air Act, 1981** was enacted to implement the decisions taken at the **United Nations Conference on the Human Environment** held in Stockholm in 1972 (Stockholm Conference).
- Since environmental protection involves subjects like agriculture, public health, and land (which are State subjects), Article 253 provided the necessary constitutional authority for the Union Parliament to legislate on a national scale.

Step 3: Final Answer:

Article 253 is the primary legislative source for implementing international environmental treaties.

Quick Tip: Whenever an environmental statute is linked to the Stockholm Conference or any international convention, immediately think of Article 253 (Treaty-implementation power).

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48. The Information Technology Act, 2000, distinguishes between civil liability and criminal liability in case of misuse of computer resources. In which of the following situations would such conduct attract criminal punishment rather than mere compensation?

(A) When the affected party chooses to initiate criminal proceedings

(B) When the act is done dishonestly or fraudulently in addition to unauthorised access

(C) When the damage to computer resources exceeds a prescribed monetary limit

(D) When access to a computer system is without permission, irrespective of intent

Correct Answer: (B) When the act is done dishonestly or fraudulently in addition to unauthorised access

Solution:

Step 1: Understanding the Concept:

The IT Act separates "Contraventions" (civil) from "Offences" (criminal). The dividing line is usually the presence of a specific *mens rea* or criminal intent.

Step 2: Detailed Explanation:

- **Section 43** deals with civil liability. It lists various acts like accessing a computer without permission, downloading data, or introducing a virus. For these acts, the person is liable to pay **damages by way of compensation** to the affected person.
- **Section 66** deals with criminal liability. It states that if any person, **dishonestly or fraudulently**, does any act referred to in Section 43, he shall be punishable with imprisonment for a term which may extend to three years or with fine.
- Therefore, simple unauthorized access is a civil wrong. However, when that access is coupled with a "dishonest" (wrongful gain/loss) or "fraudulent" (intent to defraud) intention, it becomes a crime.

Step 3: Final Answer:

Dishonest or fraudulent intent is the key element that converts a civil contravention into a criminal offence under the IT Act.

Quick Tip: Unauthorized Access = Civil Liability but Unauthorized Access + Dishonest/Fraudulent Intent = Criminal Liability.

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49. Which of the following is not stated in Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023, with regard to a certificate to verify the authenticity of electronic evidence?

(A) Signed by both the person in charge of the computer or communication device and an expert, with the certificate adhering to the format prescribed in the Adhiniyam's Schedule.
(B) The form specified in the Schedule requires that electronic evidence be accompanied by a 'hash value'.
(C) Qualification of an expert.
(D) None of the above

Correct Answer: (C) Qualification of an expert

Solution:

Step 1: Understanding the Concept:
Section 63 of the BSA, 2023 (replacing Sec 65B of the IEA) deals with the admissibility of electronic records. It mandates a certificate to prove the integrity of the data.

Step 2: Detailed Explanation:
- Section 63(4) of the BSA, 2023, details the requirements for this certificate.
- **Requirement (A):** The new law requires the certificate to be signed by a person in charge of the device AND an expert. This is stated in the law.
- **Requirement (B):** The BSA emphasizes technical integrity. The prescribed form requires a **hash value** (a unique digital fingerprint) to ensure the data hasn't been altered. This is also stated in the new framework.
- **Option (C):** While the law requires an "expert" to sign, it does not lay down the specific "qualification of an expert" **within Section 63(4)** itself. Qualifications of experts are typically governed by rules or other general sections regarding expert testimony.

Step 3: Final Answer:
The specific qualification criteria for the expert are not part of the mandatory content of the certificate as described in Section 63(4).

Quick Tip: The BSA 2023 added "Expert signature" and "Hash Value" as mandatory requirements for electronic records. These are the two biggest changes from the old Section 65B IEA.

50. Assertion (A): The respondent was engaged as a Safai Karamchari in a charitable trust. The dispute originated when he was terminated due to repeated absence from duty. The trust challenged the award on the grounds that it was not an 'industry' under Section 2(j) of the Industrial Disputes Act, 1947, and therefore the worker was not a workman, making Section 25-F inapplicable.
Reason (R): The trust engaged in multifarious activities including commercial ventures and hired employees for commercial and charitable activities in an organized manner with proper remuneration. In the context of the above Assertion and Reason under the Industrial Disputes Act, 1947, which one of the following is correct?

(A) Both (A) and (R) are true, but (R) is not the correct explanation of (A).
(B) Both (A) and (R) are true, and (R) is the correct explanation of (A).
(C) (A) is false, but (R) is true.
(D) (A) is true, but (R) is false.

Correct Answer: (B) Both (A) and (R) are true, and (R) is the correct explanation of (A).

Solution:

Step 1: Understanding the Concept:
The definition of "Industry" under Section 2(j) was famously interpreted in the *Bangalore Water Supply* case (1978). The key test is whether there is a systematic activity involving cooperation between employer and employee for the production of goods or services.

Step 2: Detailed Explanation:
- **Assertion (A) is true:** It describes a common legal dispute where a charitable organization tries to claim exemption from labor laws by saying they are not an "industry."
- **Reason (R) is true:** It sets out the facts that lead to the legal conclusion. Even if an organization is "charitable" or "educational," if it operates in an organized, business-like manner with employees and commercial ventures, it **is an industry**.
- **Relationship:** Because the trust operated in an organized manner (as stated in R), the legal challenge mentioned in A would fail, as the trust would indeed be classified as an industry. The facts in the reason provide the basis for the application of the law.

Step 3: Final Answer:
The commercial and organized nature of the trust's activities (Reason) is why it falls under the

definition of industry, explaining why the labor protections apply.

Quick Tip: Remember the Triple Test from the Bangalore Water Supply Case: 1. Systematic Activity, 2. Employer-Employee cooperation, 3. Production of goods/services. If these are met, it's an Industry, even if charitable.

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51. In accordance with the provisions of the Code of Civil Procedure, 1908, where a court, while examining pleadings, finds certain averments to be unnecessary and capable of prejudicing or delaying the fair trial, the court, in such a case, may:

(A) Strike out such pleadings at any stage of proceedings.
(B) Direct amendment only after trial begins.
(C) Ignore such pleadings without passing any order.
(D) Reject the plaint in entirety.

Correct Answer: (A) Strike out such pleadings at any stage of proceedings.

Solution:

Step 1: Understanding the Concept:
Order VI Rule 16 of the CPC deals with "Striking out pleadings." This is a discretionary power of the court to ensure the litigation remains focused and fair.

Step 2: Detailed Explanation:
The court may, **at any stage of the proceedings**, order to be struck out or amended any matter in any pleading which may:
1. Be unnecessary, scandalous, frivolous, or vexatious,
2. Tend to prejudice, embarrass, or delay the fair trial of the suit, or
3. Be an abuse of the process of the court.

This power can be exercised even before the trial begins or during the trial. The goal is to "clean" the record of irrelevant material that might distract from the core issues.

Step 3: Final Answer:

The court has the power to strike out objectionable pleadings at any point during the litigation.

Quick Tip: Keywords for Order VI Rule 16: Scandalous, Frivolous, Prejudicial, Delaying. Whenever these words appear, think of the power to "Strike Out" at "Any Stage."

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52. During an India - Country X war, India declares X an enemy. A (an Indian citizen) enters into a contract to supply medicines to B (a citizen of X) via a neutral intermediary and a bank. Which of the following is most accurate under the Indian Contract Act, 1872?

(A) Valid - goods are humanitarian and payment is via a neutral country.
(B) Valid unless the Government expressly cancels.
(C) Voidable only the Government of India can cancel.
(D) Void - trading with an enemy in war is prohibited and is against public policy.

Correct Answer: (D) Void - trading with an enemy in war is prohibited and is against public policy.

Solution:

Step 1: Understanding the Concept:
Section 23 of the Contract Act states that an agreement is void if its object is opposed to "public policy." Trading with an enemy during wartime is a well-established head of public policy.

Step 2: Detailed Explanation:
- When a war breaks out, citizens of the opposing nations are considered "alien enemies."
- Contracts made **during** the war with an alien enemy are void *ab initio* because they might indirectly aid the enemy's economy or war effort.
- The use of a "neutral intermediary" or the "humanitarian nature" of the goods does not change the legal status. The law prohibits all commercial intercourse with the enemy.
- Existing contracts made **before** the war are either suspended or dissolved, but new contracts made during the war are completely void.

Step 3: Final Answer:

The contract is void as it violates national security interests and is contrary to public policy.

Quick Tip: Public Policy heads: 1. Trading with enemy, 2. Stifling prosecution, 3. Restraint of marriage/trade. These make an agreement void regardless of the parties' intentions.

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53. Section 233 of the Companies Act, 2013, deals with "fast track merger". What is the time duration and the concerned authority for approval?

(A) 60-90 Days, NCLT
(B) 1 Year, Regional Director
(C) 45-90 Days, NCLAT
(D) 60-90 Days, Regional Director

Correct Answer: (D) 60-90 Days, Regional Director

Solution:

Step 1: Understanding the Concept:

Standard mergers (Sec 230-232) are lengthy and require NCLT approval. Section 233 was introduced to provide a simplified "fast track" route for certain types of companies.

Step 2: Detailed Explanation:

- **Applicability:** Fast track mergers are available for mergers between: 1) Two or more small companies, or 2) A holding company and its wholly-owned subsidiary.
- **Authority:** Instead of the NCLT, the scheme is processed by the **Regional Director (RD)**, acting on behalf of the Central Government.
- **Timeline:** The entire process, from filing the scheme with the Registrar and Official Liquidator to receiving the final order from the RD, is designed to be completed within a window of approximately **60 to 90 days**.

This reduces the administrative burden and legal costs for smaller corporate groups.

Step 3: Final Answer:

The fast track merger is approved by the Regional Director within a 60-90 day timeframe.

Quick Tip: Companies Law Shortcut:

Ordinary Merger = NCLT approval.

Fast Track Merger = Regional Director approval.

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54. A contracts with B to construct a cold storage facility for 50 lakh within 6 months. After the expiry of the time period, B fails to perform the contract. A immediately hires C to complete the construction at 60 lakh and later files a suit against B claiming 10 lakh as the additional cost incurred. Which of the following statements is correct under the Specific Relief Act, 1963?

(A) A can recover only if the court first declares B guilty of breach.

(B) A must sue only for damages and not substituted performance.

(C) A can recover 10 lakh because B breached the contract.

(D) A cannot recover the cost because A did not give B prior notice.

Correct Answer: (C) A can recover 10 lakh because B breached the contract.

Solution:

Step 1: Understanding the Concept:

Section 20 of the Specific Relief Act (as amended in 2018) introduced the concept of **Substituted Performance**. It allows the party suffering from a breach to get the work done by a third party.

Step 2: Detailed Explanation:

- When B fails to perform, A has the right to "substituted performance." This means A can hire someone else (C) to finish the job.
- Section 20 states that once the promisee (A) has exercised this right, they are entitled to recover the **expenses and costs** actually incurred from the party in breach (B).
- In this case, A had to pay 10 lakh extra ($60 - 50 = 10$).
- Since B breached the contract, A is legally entitled to recover this difference.
- (Note: The law requires a 30-day notice to the defaulting party before hiring a third party,

but based on the provided answer key, the focus is on the entitlement to the 10 lakh due to the breach).

Step 3: Final Answer:
The innocent party can recover the additional costs incurred for substituted performance from the defaulting party.

Quick Tip: Substituted Performance Formula: Recoverable Amount = Cost of hiring third party − Original contract price.

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55. A mandatory PUC Certificate is provided under which Section and Rule?

(A) Section 190(2) of the Motor Vehicles Act, 1988 and Rules 115 and 116 of the Centre Motor Vehicles Rules, 1989
(B) Section 177(3) of the Motor Vehicles Act, 1988 and Rules 117 and 118 of the Centre Motor Vehicles Rules, 1989
(C) Section 160(1) of the Motor Vehicles Act, 1988 and Rules 109 and 110 of the Centre Motor Vehicles Rules, 1989
(D) Section 120(3) of the Motor Vehicles Act, 1988 and Rules 122 and 123 of the Centre Motor Vehicles Rules, 1989

Correct Answer: (A) Section 190(2) of the Motor Vehicles Act, 1988 and Rules 115 and 116 of the Centre Motor Vehicles Rules, 1989

Solution:
Step 1: Understanding the Concept:
Pollution Under Control (PUC) certificates are mandatory for all vehicles to ensure they meet environmental emission standards. The legal authority for this comes from the main Act and the accompanying Rules.

Step 2: Detailed Explanation:
- **Section 190(2) of the Motor Vehicles Act:** This section makes it an offence to drive a vehicle

that violates standards prescribed in relation to air pollution. It provides for fines and possible suspension of the driving license for repeat offenders.

- **Rule 115 of the Central Motor Vehicles Rules (CMVR):** Prescribes the emission standards for different types of vehicles.
- **Rule 116 of the CMVR:** Sets out the procedure for testing the vehicle and the requirement for every vehicle to carry a valid PUC certificate after the first year of registration.

Step 3: Final Answer:

The combination of Section 190(2) of the Act and Rules 115/116 of the CMVR creates the mandatory PUC framework.

Quick Tip: PUC Shortcut: Section 190(2) is for the **punishment**, Rule 115 is for the **standards**, and Rule 116 is for the **certificate** itself.

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56. Judicial intervention in arbitration proceedings is limited under Section 5 of the Arbitration and Conciliation Act, 1996. In which of the following situations may a court intervene?

(A) When both parties request supervision of proceedings.

(B) When procedural irregularity is alleged without specific provision under the Act.

(C) When the court considers the award unjust on facts.

(D) When the Act expressly permits such intervention.

Correct Answer: (D) When the Act expressly permits such intervention.

Solution:

Step 1: Understanding the Concept:

One of the main objectives of the 1996 Act is to minimize the role of courts in the arbitral process to ensure efficiency and finality. This is codified in Section 5.

Step 2: Detailed Explanation:

- **Section 5** states: "Notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene **except where so provided in this Part**."

- This means courts have no "inherent" power to interfere in arbitration. They can only step in if there is a specific section allowing it.
- Examples of **express permission**: Section 8 (referring parties to arbitration), Section 9 (interim measures), Section 11 (appointment of arbitrators), and Section 34 (setting aside an award).
- Allegations of unfairness or requests by parties (without statutory basis) are not sufficient grounds for intervention.

Step 3: Final Answer:

Court intervention is strictly restricted to cases where the Arbitration Act specifically authorizes it.

Quick Tip: Section 5 is known as the "Minimal Intervention Principle." The court can step in only when the Act specifically opens the door.

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57. Which of the following is not a document as per the Bharatiya Sakshya Adhiniyam, 2023?

(A) Private papers

(B) Caricature

(C) Map

(D) Inscription

Correct Answer: (B) Caricature

Solution:

Step 1: Understanding the Concept:

The definition of "document" determines what can be produced as evidence. The BSA 2023 has modernized this definition to include digital records.

Step 2: Detailed Explanation:

- Under the old IEA, the definition of "document" included caricatures.
- However, the **Bharatiya Sakshya Adhiniyam, 2023**, defines a document as any matter expressed, described, or recorded upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used for the purpose of recording that matter.
- It specifically lists examples like: a writing, a map, a plan, an inscription on a stone, etc.
- According to the provided AIBE answer key for this set, **caricature** is no longer categorized as a "document" in the legal sense intended by the new statute, which focuses more on information-bearing records.

Step 3: Final Answer:

Among the choices, a caricature is excluded from the primary statutory list of documents under the BSA 2023 framework.

Quick Tip: BSA 2023 focus: Document = Record of information. While maps and inscriptions record facts, caricatures are often viewed as purely artistic expressions.

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58. A State Government plans to acquire 50 acres of Scheduled Tribes (ST) land for an industrial park. Which of the following statements is correct?

(A) Final notification can be issued without Gram Sabha, with owner consent only.
(B) Final notification can come before SIA but after preliminary notification.
(C) SIA and Gram Sabha consultation/consent are mandatory for ST land; acquisition can't proceed without consent.
(D) Gram Sabha is advisory only; consent is not needed for public projects.

Correct Answer: (C) SIA and Gram Sabha consultation/consent are mandatory for ST land; acquisition can't proceed without consent.

Solution:

Step 1: Understanding the Concept:

The LARR Act, 2013, provides special protection for Scheduled Areas and lands belonging to

Scheduled Tribes to prevent displacement and protect their cultural identity.

Step 2: Detailed Explanation:

- **Section 4** of the Act requires a Social Impact Assessment (SIA) for almost all acquisitions.
- **Section 41** specifically addresses Scheduled Tribes. It states that, as far as possible, no acquisition shall take place in Scheduled Areas.
- If acquisition is unavoidable, **prior consent of the concerned Gram Sabha** or the Panchayats at the appropriate level must be obtained. This is not just "advisory"; it is a mandatory legal prerequisite.
- Furthermore, the acquisition cannot bypass the SIA process, which helps evaluate the project's impact on the tribal community's livelihood.

Step 3: Final Answer:

Acquiring tribal land requires both a Social Impact Assessment and the mandatory consent of the Gram Sabha.

Quick Tip: ST Land Acquisition = No Consent, No Acquisition. This is the strongest protection under the 2013 Act.

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59. Under the Bharatiya Nyaya Sanhita (BNS), 2023, 'Forfeiture of Property' is listed as a punishment. In which specific case is this most commonly applied?

(A) Organized Crime (Section 111)

(B) Offences involving simple hurt or minor physical injury

(C) Cases of rash or negligent driving

(D) Instances of minor or petty theft

Correct Answer: (A) Organized Crime (Section 111)

Solution:

Step 1: Understanding the Concept:

Forfeiture of property is a severe economic punishment. It involves the state taking ownership of the assets of the criminal, especially those gained through illegal activities.

Step 2: Detailed Explanation:

- The BNS includes Section 111, which defines and punishes **Organized Crime** (syndicates, gangs, etc.).
- Organized crime often involves massive financial gains through smuggling, trafficking, or kidnapping.
- To dismantle these networks, the law provides for the forfeiture of property that has been derived from or used in organized crime.
- Punishments for minor offences like theft or rash driving focus on imprisonment or fines, not the confiscation of all assets/property.

Step 3: Final Answer:

Forfeiture of property is a primary tool used against organized crime to hit the financial backbone of criminal syndicates.

Quick Tip: Whenever you see "forfeiture of property" in a modern BNS context, immediately think of organized crime (Sec 111) or proceeds of crime.

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60. According to the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, an accused person intending to apply for 'Plea Bargaining' must do so within how many days following the formal framing of charges?

(A) 7 days

(B) 15 days

(C) 30 days

(D) 60 days

Correct Answer: (B) 15 days

Solution:

Step 1: Understanding the Concept:

Plea Bargaining allows an accused to plead guilty for a lesser sentence. The BNSS has introduced stricter timelines for this process to ensure it isn't used to delay the trial indefinitely.

Step 2: Detailed Explanation:

- Under the old CrPC, plea bargaining could be applied for at any stage before judgment.
- The **BNSS 2023 (Section 290)** has significantly changed this. It now mandates that the accused must file an application for plea bargaining **within fifteen days** from the date of framing of charges.
- If the application is filed after this 15-day window, it will not be entertained.
- This ensures that the accused makes a quick decision, saving the court's time and allowing for a speedy resolution of the case.

Step 3: Final Answer:

The statutory period for applying for plea bargaining under the BNSS is 15 days from the framing of charges.

Quick Tip: BNSS focus is on "Early stage decision-making." Associate Plea Bargaining with the number "15 days" post-charges.

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61. The five Golden Principles with respect to Circumstantial Evidence were laid down in which Supreme Court Judgment?

(A) Sharad Birdhichand Sarda v. State of Maharashtra, 1984 AIR 1622
(B) Vasa Chandrasekhar Rao v. Ponna Satyanarayana & Anr., 2000 AIR SC 2138
(C) Dudh Nath Pandey v. State of U.P., 1981 SCC (2) 166
(D) Dr. Sunil Clifford Daniel v. State of Punjab (2012) 11 SCC 205

Correct Answer: (A) Sharad Birdhichand Sarda v. State of Maharashtra, 1984 AIR 1622

Solution:

Step 1: Understanding the Concept:

Circumstantial evidence is evidence of facts from which the existence of the fact in issue can be logically inferred. Since it is indirect evidence, courts must exercise extreme caution before convicting an accused based solely on such a chain of events.

Step 2: Detailed Explanation:

In the landmark case of **Sharad Birdhichand Sarda v. State of Maharashtra (1984)**, the Supreme Court established the "Five Golden Principles" (also known as the *Panchsheel* of circumstantial evidence).

These principles require that:

1. The circumstances from which the guilt is to be drawn should be fully established.
2. The facts so established should be consistent only with the hypothesis of the guilt of the accused.
3. The circumstances should be of a conclusive nature and tendency.
4. They should exclude every possible hypothesis except the one to be proved.
5. There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused.

Step 3: Final Answer:

The *Sharad Birdhichand Sarda* judgment remains the primary authority for cases relying on circumstantial evidence.

Quick Tip: Whenever an examination question mentions "Five Golden Principles," "Panchsheel of Circumstantial Evidence," or "Chain of Circumstances," think of Sharad Birdhichand Sarda (1984).

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62. Which of the following does not fall under the framework of presumption under Section 2 of the Bharatiya Sakshya Adhiniyam, 2023?

(A) Conclusive proof

(B) Unassailable proof

(C) May be

(D) Shall presume

Correct Answer: (B) Unassailable proof

Solution:

Step 1: Understanding the Concept:

Presumptions are legal inferences that a court is either allowed or required to draw from established facts. The Bharatiya Sakshya Adhiniyam (BSA), 2023, retains the standard classifications of presumptions used in the previous evidence law.

Step 2: Detailed Explanation:

The BSA recognizes three specific categories of presumptions:

1. **May Presume (Option C):** The court has the discretion to either regard a fact as proved until it is disproved or call for proof of it.

2. **Shall Presume (Option D):** The court *must* regard the fact as proved unless and until it is disproved.

3. **Conclusive Proof (Option A):** When one fact is declared to be conclusive proof of another, the court shall not allow evidence to be given for the purpose of disproving it.

"**Unassailable proof**" (Option B) is not a legal term or category mentioned in the statute. It is an informal English expression and has no place in the formal framework of legal presumptions.

Step 3: Final Answer:

"Unassailable proof" is the distractor as it is not a statutory classification under Section 2 of the BSA.

Quick Tip: Memorize the three technical expressions: "May Presume," "Shall Presume," and "Conclusive Proof." Any other term like "Irrefutable" or "Unassailable" is likely incorrect.

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63. Assertion (A): Income-tax is levied on the total income of a person for the previous year. Reason (R): Income earned during the previous year is assessed to tax in the immediately succeeding assessment year under the Income-tax Act, 1961.

(A) (A) is false, but (R) is true.

(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(C) Both (A) and (R) are true and (R) is the correct explanation of (A).

(D) (A) is true, but (R) is false.

Correct Answer: (C) Both (A) and (R) are true and (R) is the correct explanation of (A).

Solution:

Step 1: Understanding the Concept:

The Income-tax Act distinguishes between the year in which income is earned and the year in which it is evaluated for tax payment.

Step 2: Detailed Explanation:

- **Previous Year:** This is the financial year (April 1 to March 31) in which a person earns their income.
- **Assessment Year:** This is the 12-month period immediately following the previous year, during which that income is reported and taxed.
- **Assertion (A) is True:** The fundamental rule of tax law is that you pay tax on what you earned in the "Previous Year."
- **Reason (R) is True:** It defines the relationship between the two years. It explains the "why" and "when" of the assessment process.
- **Relationship:** Because the law mandates that the assessment happen in the succeeding year, the levy of tax is necessarily based on the previous year's total income.

Step 3: Final Answer:

Both statements are true and the Reason correctly provides the procedural logic for the Assertion.

Quick Tip: Simple memory trick: "Earn first (Previous Year), Assess later (Assessment Year)." This cycle is the foundation of direct taxation.

64. Under the Indian Christian Marriage Act, 1872, between which hours must a marriage generally be solemnized?

(A) Between seven in the morning and eight in the evening
(B) Between five in the morning and six in the evening
(C) Between six in the morning and seven in the evening
(D) Between six in the morning and nine in the evening

Correct Answer: (C) Between six in the morning and seven in the evening

Solution:

Step 1: Understanding the Concept:

The Indian Christian Marriage Act, 1872, provides specific procedural rules for the solemnization of marriages to ensure transparency and public notice.

Step 2: Detailed Explanation:

Section 25 of the Act deals with the "Time for solemnizing marriage."
It states that every marriage under this Act shall be solemnized between the hours of **six in the morning and seven in the evening**.
This rule is intended to prevent clandestine or secret marriages.
However, the Act also provides an exception: Marriages can be solemnized at other times if a special license is obtained from the relevant authority or if the marriage is performed by a Clergyman of the Church of England or Church of Rome under specific church rules.

Step 3: Final Answer:

The general statutory window for solemnization is 6:00 A.M. to 7:00 P.M.

Quick Tip: For the Indian Christian Marriage Act, remember the 13-hour window: 6 AM to 7 PM.

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65. A, an 18-year-old adult of sound mind, executes a written instrument in favour of B stating, "I promise to pay B 75,000 on 1st April next year." A is fully competent, has signed the note, and the instrument contains all essential elements of a promissory note. B sues A for recovery

after 1st April when A defaults. Examine the correct legal position.

(A) The promissory note is valid; A is liable to pay B.

(B) The promissory note is voidable at A's option since A is only 18 years of age.

(C) The promissory note is valid only if a third party signs as witness.

(D) The promissory note is void because it does not mention the consideration.

Correct Answer: (A) The promissory note is valid; A is liable to pay B.

Solution:

Step 1: Understanding the Concept:

A promissory note (Section 4, NI Act) is an unconditional undertaking by the maker to pay a certain sum of money to a certain person.

Step 2: Detailed Explanation:

- **Capacity:** In India, a person attains majority at 18 years of age (Indian Majority Act). Since A is 18 and of sound mind, A is fully competent to contract and execute negotiable instruments.
- **Consideration:** Under Section 118 of the Negotiable Instruments Act, there is a **legal presumption** that every negotiable instrument was made or drawn for consideration. It is not mandatory to mention the word "consideration" in the text of the note.
- **Formalities:** A promissory note does not require a witness (attestation) to be valid, unlike a gift deed or a will.
- **Liability:** Since all essential elements (unconditional promise, certain sum, certain parties, signature) are present, A is legally bound to pay on the specified date.

Step 3: Final Answer:

A is a competent adult and the instrument is legally binding; hence A is liable for the default.

Quick Tip: NI Act Rule: Consideration is always **presumed** until the contrary is proved. You don't have to write "for value received" on the note.

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66. Under which specific provision of the Bharatiya Nyaya Sanhita (BNS), 2023, has the

definition of a 'Terrorist Act' been formally integrated into India's general penal legislation for the first time?

(A) Section 113
(B) Section 152
(C) Section 109
(D) Section 121

Correct Answer: (A) Section 113

Solution:

Step 1: Understanding the Concept:
Historically, terrorism was governed by special laws like TADA, POTA, or the UAPA. The BNS has integrated these serious crimes into the general penal code of the country to consolidate criminal law.

Step 2: Detailed Explanation:
- **Section 113 of the BNS, 2023**, defines a "Terrorist Act." It covers acts committed with the intent to threaten the unity, integrity, security, or sovereignty of India or to strike terror in the people.
- This marks a significant shift as the general criminal code (which replaces the IPC) now directly addresses terrorism.
- **Section 109** relates to Organized Crime.
- **Section 152** deals with acts endangering sovereignty, unity, and integrity (replacing the old Sedition law).
- **Section 121** relates to waging war against the Government of India (retained from IPC).

Step 3: Final Answer:
The new definition and punishment for Terrorist Acts are found in Section 113 of the BNS.

Quick Tip: Remember the BNS sequence: Sec 109 (Organized Crime), Sec 111 (Petty Organized Crime), Sec 113 (Terrorism).

67. Assertion (A): The right to privacy has been judicially recognised as an integral part of Article 21 of the Constitution of India.

Reason (R): Privacy is expressly enumerated as a separate Fundamental Right in Part III of the Constitution of India. In the context of the Constitution of India and the decision in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017), which one of the following is correct?

(A) (A) is false, but (R) is true.

(B) Both (A) and (R) are true, but (R) is not the correct explanation of (A).

(C) Both (A) and (R) are true, and (R) is the correct explanation of (A).

(D) (A) is true, but (R) is false.

Correct Answer: (D) (A) is true, but (R) is false.

Solution:

Step 1: Understanding the Concept:

Fundamental rights in India are either "express" (written in the text) or "derived" (discovered by the courts through interpretation).

Step 2: Detailed Explanation:

- **Assertion (A) is True:** In the landmark 2017 *Puttaswamy* judgment, a nine-judge bench unanimously held that the Right to Privacy is a Fundamental Right under Article 21 (Right to Life and Personal Liberty).
- **Reason (R) is False:** The Constitution **does not** have a separate, written article titled "Right to Privacy." It is not "expressly enumerated" like the Right to Equality (Art 14) or Freedom of Speech (Art 19). Instead, it is an *implied* right derived from the reading of Article 21.
- Because the reason claim that it is "expressly enumerated" is factually and legally wrong, Option (D) is the correct choice.

Step 3: Final Answer:

Privacy is a judicially recognized right, but it remains an implied right rather than a textually express one.

Quick Tip: Don't confuse "Fundamental" with "Expressly Written." Privacy is fundamental because of the Court's interpretation, not because of a specific header in Part III.

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68. Under constitutional jurisprudence in India, repeated re-promulgation of Ordinances without placing them before the Legislature was described by the Supreme Court as a "fraud on the Constitution" in which decision?

(A) R.C. Cooper v. Union of India, AIR 1970 SC 564
(B) Shamsher Singh v. State of Punjab, AIR 1974 SC 2192
(C) Krishna Kumar Singh v. State of Bihar, (2017) 3 SCC 1
(D) D.C. Wadhwa v. State of Bihar, AIR 1987 SC 579

Correct Answer: (D) D.C. Wadhwa v. State of Bihar, AIR 1987 SC 579

Solution:

Step 1: Understanding the Concept:
Ordinances (Art 123 and 213) are meant to be emergency legislative measures when the Parliament or State Assembly is not in session. They must be approved by the legislature once it reconvenes.

Step 2: Detailed Explanation:
In **D.C. Wadhwa v. State of Bihar (1987)**, the petitioner challenged the practice of the Bihar Governor who had re-promulgated 256 ordinances between 1967 and 1981, some for as long as 14 years, without ever placing them before the Legislative Assembly.
The Supreme Court held that the executive cannot take over the law-making function of the legislature through the power of ordinances.
The Court famously described this mechanical and repeated re-promulgation as a "**fraud on the Constitution**" and a subversion of the democratic legislative process.
(Note: This was later reaffirmed and expanded in *Krishna Kumar Singh (2017)*).

Step 3: Final Answer:
The D.C. Wadhwa case is the primary authority that restricted the misuse of ordinance-making powers.

Quick Tip: Associate "Ordinance Abuse" and "Fraud on the Constitution" with D.C. Wadhwa. Bihar is usually the state context in these ordinance cases.

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69. The Supreme Court of India in Harish Chandra Tiwari v. Baiju, (2002) 2 SCC 67, while considering the appropriate punishment for misappropriation of a client's money by an advocate, held that:

(A) A monetary penalty equal to double the amount misappropriated is the appropriate sanction.
(B) Reprimand is the appropriate punishment for a first-time misappropriation.
(C) Suspension from practice for a period of five years is the standard sanction.
(D) Misappropriation of a client's money constitutes one of the gravest forms of professional misconduct and ordinarily warrants removal of the advocate's name from the State roll.

Correct Answer: (D) Misappropriation of a client's money constitutes one of the gravest forms of professional misconduct and ordinarily warrants removal of the advocate's name from the State roll.

Solution:

Step 1: Understanding the Concept:
The relationship between an advocate and a client is a fiduciary one, built on absolute trust. Misusing a client's funds is a breach of this trust and a violation of professional ethics.

Step 2: Detailed Explanation:
In the case of **Harish Chandra Tiwari v. Baiju**, an advocate had taken money from a poor client meant for the court and pocketed it for himself.
The Supreme Court emphasized that the legal profession is a noble one and requires the highest standards of integrity.
The Court held that misappropriation of client's money is not just "misconduct" but one of the **gravest violations** of professional ethics.
The Court ruled that such a person has no right to remain in the legal profession, and the standard punishment should be the **removal of their name from the roll of advocates** (permanent disbarment), rather than a mere suspension or fine.

Step 3: Final Answer:

The judgment mandates the harshest possible disciplinary action for financial dishonesty by lawyers.

Quick Tip: In Professional Ethics, "Misappropriation of client money" = "Removal from the State Roll." There is zero tolerance for financial fraud in the fiduciary relationship.

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70. According to Section 56(2)(x), of the Income-tax Act, 1961, if an individual receives a sum of money, without consideration, from a person other than a relative, and the amount exceeds the prescribed limit. What is the correct legal position?

(A) It is taxable under the head 'Income from Other Sources'.

(B) It is fully exempt from tax.

(C) It is treated as a capital receipt and is not taxable.

(D) It is taxable only if received in cash.

Correct Answer: (A) It is taxable under the head 'Income from Other Sources'.

Solution:

Step 1: Understanding the Concept:

To prevent tax evasion through "gifts," the Income-tax Act taxes sums of money received without payment (consideration), provided they exceed a certain limit and aren't from specified exempt sources.

Step 2: Detailed Explanation:

Under **Section 56(2)(x)**, if an individual receives money:

1. Without consideration (as a gift).
2. From a person **other than a relative** (as defined in the Act).
3. And the total amount exceeds **50,000** in a financial year.

The entire sum becomes taxable.

Since this income does not fall under Salaries, House Property, Business, or Capital Gains, it is

categorized under the residual head: "**Income from Other Sources.**"
Gifts from relatives or gifts received on the occasion of marriage are exempt regardless of the amount.

Step 3: Final Answer:
Gifts from non-relatives exceeding the limit are treated as taxable income under "Other Sources."

Quick Tip: Section 56(2)(x) Rule: Non-relative gift $> 50,000 =$ Taxable as Other Sources. Relative gift $=$ Always Exempt.

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71. Under the Constitution of India, Parliament enacts legislation to implement India's obligations under an international environmental agreement. The subject ordinarily falls within the State List and no resolution under Article 252 has been passed. The source of Parliament's competence would be:

(A) Article 250
(B) Article 252
(C) Article 253
(D) None of the above

Correct Answer: (C) Article 253

Solution:
Step 1: Understanding the Concept:
Article 253 provides a specific exception to the distribution of legislative powers to ensure that the Union can fulfill India's international commitments.

Step 2: Detailed Explanation:
- **Article 253:** "Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country... or any decision made at any international conference."
- This power exists **notwithstanding** the fact that the subject matter might be in the State List

(List II).
- **Article 250** relates to legislating on State subjects during an Emergency.
- **Article 252** requires two or more States to pass a resolution requesting Parliament to legislate.
- Since the question specifies that the law is for an **international agreement** and no Article 252 resolution was passed, Article 253 is the only valid source of competence.

Step 3: Final Answer:
Article 253 is the "Treaty-making and implementing" power of the Parliament.

Quick Tip: International Treaty implementation = Article 253. It is the Union's "trump card" to legislative on State subjects for global obligations.

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72. Under the Indian Penal Code (IPC), 1860, in which of the following scenarios does the "Right of Private Defence of the Body" extend to the extent of voluntarily causing death to the assailant?

(A) An assault committed with the specific intention of kidnapping or abducting a person
(B) A case of theft where the value of the stolen property exceeds 10,000
(C) An act of criminal trespass occurring on open, vacant land
(D) A simple assault committed without the use of a weapon

Correct Answer: (A) An assault committed with the specific intention of kidnapping or abducting a person

Solution:
Step 1: Understanding the Concept:
Section 100 of the IPC lists specific situations where the right of private defence of the body extends to causing death. This is only allowed when the threat to the body is extreme.

Step 2: Detailed Explanation:
Under Section 100, death can be caused in defence of the body against:

1. Reasonable apprehension of death.
2. Reasonable apprehension of grievous hurt.
3. Assault with intent to commit rape or gratify unnatural lust.
4. **Assault with intent to kidnap or abduct.**
5. Assault with intent to wrongfully confine a person under circumstances which create an inability to reach public authorities.
6. Act of throwing or attempting to throw acid.

Kidnapping and abduction are considered grave threats to personal liberty and safety, justifying the use of lethal force in self-defence. Theft and trespass (Option B and C) relate to the **Right of Private Defence of Property** (governed by Sec 103), where death can only be caused in cases like robbery, dacoity, or house-breaking at night.

Step 3: Final Answer:

Option (A) is a classic ground recognized under Section 100 IPC for causing death in self-defence.

Quick Tip: Remember Section 100 IPC Keywords: Death, Grievous Hurt, Rape, Unnatural Lust, Kidnapping, Abduction, Acid. These allow you to "voluntarily cause death."

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73. In the following question, a Statement is followed by two Conclusions, I and II.
Statement: Allegations have been made by the Minority Shareholders that ABC's promoters sold the optionally convertible preference shares and redeemable preference shares to a trust controlled by ABC's promoters at prices significantly below their fair market value, thereby causing a financial loss to ABC and its shareholders. What is the recourse for minority shareholders under law?
Conclusion I: The Minority Shareholders can file for class action under Section 245 of the Companies Act, 2013, seeking directions from NCLT to either reverse the sale of optionally convertible preference shares and redeemable preference shares or to compensate the Minority Shareholders.
Conclusion II: The aggrieved members may proceed individually to protect their rights against acts of oppression or mismanagement under Section 241 of the Companies Act, 2013.

In the context of the above Statement and Conclusions, which one of the following is correct?

(A) Neither Conclusion I nor II follows

(B) Only Conclusion I follows

(C) Only Conclusion II follows

(D) Both Conclusions I and II follow

Correct Answer: (D) Both Conclusions I and II follow

Solution:

Step 1: Understanding the Concept:

The Companies Act, 2013, provides robust protection for minority shareholders against "Oppression and Mismanagement" by the promoters or majority shareholders.

Step 2: Detailed Explanation:

- **Conclusion I (Section 245):** This section allows a group of members or depositors to file a **Class Action** suit before the NCLT. If they believe the company's management is acting against the company's interests (like selling assets below market value), they can seek compensation or restraining orders. This is a collective remedy.
- **Conclusion II (Section 241):** This section deals with **Oppression and Mismanagement**. If an individual member or a group feels the company's affairs are being conducted in a manner prejudicial to them or the company (such as siphoning off funds through undervaluation), they can apply to the NCLT for relief.
- Both sections provide different but valid pathways for minority shareholders to seek justice in the scenario described in the statement.

Step 3: Final Answer:

Minority shareholders have both collective (Sec 245) and individual/group (Sec 241) remedies available.

Quick Tip: Remember: Section 241 = Oppression/Mismanagement; Section 245 = Class Action. Both are key protections for small shareholders.

74. The adoption of an Ombudsman-type institution in India was first recommended by which of the following?

(A) Santhanam Committee, 1964
(B) Administrative Reforms Commission, 2005
(C) Administrative Reforms Commission, 1966
(D) India Against Corruption Movement, 2011

Correct Answer: (C) Administrative Reforms Commission, 1966

Solution:

Step 1: Understanding the Concept:

An "Ombudsman" is an independent official who investigates complaints against government authorities. In India, this role is performed by the Lokpal (at the Union) and Lokayukta (at the States).

Step 2: Detailed Explanation:

- The idea of an ombudsman originated in Scandinavian countries (Sweden).
- In India, the **First Administrative Reforms Commission (ARC)** was established in 1966 under the chairmanship of Morarji Desai (and later K. Hanumanthaiah).
- The 1966 ARC released a report on "Problems of Redressal of Citizens' Grievances," in which it **first recommended** the creation of two independent authorities: a "Lokpal" to look into complaints against Union-level officials (including Ministers) and "Lokayuktas" for State-level officials.
- The Santhanam Committee (1964) dealt with the prevention of corruption but focused more on the Vigilance Commission.

Step 3: Final Answer:

The foundational recommendation for the Lokpal/Lokayukta system came from the 1966 ARC.

Quick Tip: For Public Administration: 1966 ARC = First Lokpal recommendation. The term "Lokpal" was actually coined by Dr. L.M. Singhvi.

75. X takes a loan of 10,00,000 from Bank A. Y signs a contract as surety... Bank A agrees to reduce the interest rate and extends the repayment period by 6 months without informing Y... Which of the following statements correctly describes Y's liability under the Indian Contract Act, 1872?

(A) Y is liable only if the bank sues the principal debtor first...
(B) Y is not liable at all because the principal debtor defaulted after the contract modification.
(C) Y is partially discharged from liability because Bank A's modification increased the risk to Y without his consent.
(D) Y is fully liable for the entire loan because a surety is always liable once the principal debtor defaults.

Correct Answer: (C) Y is partially discharged from liability because Bank A's modification increased the risk to Y without his consent.

Solution:

Step 1: Understanding the Concept:

A surety's liability is strictly based on the terms they agreed to. If the creditor and principal debtor change the contract without the surety's consent, it is called a "Variance."

Step 2: Detailed Explanation:

- **Section 133 of the Indian Contract Act, 1872**, deals with "Discharge of surety by variance in terms of contract."
- It states: "Any variance, made without the surety's consent, in the terms of the contract between the principal debtor and the creditor, **discharges the surety** as to transactions subsequent to the variance."
- In this case, the reduction of interest and extension of time are material changes to the original deal Y guaranteed.
- Since Y was not informed and did not consent, Y is discharged from liability for the modified portions of the loan/agreement. The law protects the surety from being held responsible for a risk they did not sign up for.

Step 3: Final Answer:

The variance in the original contract without the surety's consent results in the discharge of the surety's liability for subsequent transactions.

Quick Tip: Section 133 rule: Creditor + Debtor change terms without Surety = Surety is free. This is the "Principle of Variance."

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76. Whether a landowner who enters into a Joint Development Agreement with a builder, contributing land in exchange for 50% of the developed property and a monetary deposit can file a complaint under the Consumer Protection Act, 2019 alleging construction defects and delay? Which of the following statements is most accurate?

(A) The landowner is a consumer as he did not construct himself.
(B) The landowner is a consumer unless profit motive is proven.
(C) The landowner is not a consumer as the transaction constitutes a commercial joint venture.
(D) The landowner is a consumer if defects exist, irrespective of the nature of the transaction.

Correct Answer: (C) The landowner is not a consumer as the transaction constitutes a commercial joint venture.

Solution:

Step 1: Understanding the Concept:

A "Consumer" (Sec 2(7) of CPA 2019) is someone who buys goods or hires services for consideration, but excludes persons who obtain them for **commercial purposes**.

Step 2: Detailed Explanation:

- In a **Joint Development Agreement (JDA)**, the landowner and the builder enter into a partnership where one provides land and the other provides expertise/finance to build a project.
- They share the finished units (e.g., 50-50). The primary motive is profit-sharing or property development for commercial gain.
- Various Supreme Court and NCDRC judgments have held that in a JDA, the landowner is a **partner in a joint venture** and not a mere purchaser of construction services.
- Because it is a commercial arrangement between two business entities (even if one is an individual), the landowner does not fall within the definition of a "consumer." They must seek

relief in a civil court or through arbitration, not a consumer forum.

Step 3: Final Answer:
A joint venture for property development is a commercial transaction, disqualifying the partner (landowner) from being a consumer.

Quick Tip: Consumer Protection Rule: Profit Sharing/Commercial Venture = Not a Consumer. If the landowner just **bought** an apartment, they would be a consumer. In JDA, they are a **partner**.

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77. Pursuant to the definition provided in Section 378 of the Indian Penal Code (IPC), 1860, which of the following constitutes an essential element of the offence of 'Theft'?

(A) The movement of movable property out of a person's possession without their consent
(B) The requirement that the property must be removed from a public location exclusively
(C) The employment of physical force or criminal violence against a person
(D) The unauthorized movement of immovable property without the owner's consent

Correct Answer: (A) The movement of movable property out of a person's possession without their consent

Solution:
Step 1: Understanding the Concept:
Section 378 defines theft. It involves five essential ingredients. If any one is missing, it is not theft.

Step 2: Detailed Explanation:
The ingredients of theft are:
1. **Dishonest Intention** to take property.
2. The property must be **movable property**. (Option D is wrong because immovable property cannot be stolen).
3. The property must be taken out of the **possession** of another person. (Note: Possession, not necessarily ownership).

4. The taking must be **without consent**.

5. There must be **movement** of that property in order to such taking.

- **Option (B) is wrong:** Theft can happen anywhere (private or public).

- **Option (C) is wrong:** Use of force converts theft into **Robbery** (Sec 390). Theft is a non-violent crime against property.

Step 3: Final Answer:

The act of "moving" movable property out of someone's possession without consent is the core physical act (actus reus) of theft.

Quick Tip: Theft Formula: Dishonest Intent + Movable Property + Possession + No Consent + Movement. If force is added, it becomes Robbery. If taken from a person's body/fear, it's Extortion.

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78. Under the constitutional framework of India, the Supreme Court gradually relaxed the traditional rule of locus standi, thereby allowing public-spirited individuals to approach the Court for enforcement of fundamental rights of others. This development is most closely associated with:

(A) The evolution of Public Interest Litigation.

(B) Judicial review of administrative action.

(C) Enforcement of fundamental rights through individual petitions alone.

(D) Expansion of writ jurisdiction under Article 226.

Correct Answer: (A) The evolution of Public Interest Litigation.

Solution:

Step 1: Understanding the Concept:

"Locus Standi" means the right of a party to appear and be heard by a court. Traditionally, only the person whose own rights were violated could sue.

Step 2: Detailed Explanation:

- In the late 1970s and early 80s (starting with cases like *S.P. Gupta v. Union of India*), the

Supreme Court realized that poor and marginalized people often cannot reach the court themselves.

- To ensure "Access to Justice" for all, the Court relaxed the *Locus Standi* rule. It allowed any **public-spirited citizen** or NGO to file a petition on behalf of those who cannot approach the court due to poverty or disability.
- This judicial innovation is the bedrock of **Public Interest Litigation (PIL)**.
- While this often involves Article 32 or 226, the specific *process of relaxing the rules for third parties* is synonymous with the birth of PIL in India.

Step 3: Final Answer:

The relaxation of the "standing" requirement is the defining characteristic of the PIL movement.

Quick Tip: If a question contains "public-spirited person," "social activist," or "relaxation of locus standi," the answer is almost always Public Interest Litigation (PIL).

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79. Ramesh's job contract with M/s XYZ bars him from joining any rival software firm in India for three years post-resignation. But after resigning within three years, he joins a competitor. XYZ company filed a suit to enforce the restrictive clause. Under the Indian Contract Act, 1872, what is the legal position?

(A) Void-restrains lawful profession after employment ends.

(B) Valid Ramesh agreed voluntarily.

(C) Valid protects the employer's business interest.

(D) Valid-three years is a reasonable period.

Correct Answer: (A) Void-restrains lawful profession after employment ends.

Solution:

Step 1: Understanding the Concept:

Section 27 of the Indian Contract Act states: "Every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind, is **to that extent void**."

Step 2: Detailed Explanation:

- In India, the law is very strict regarding "restraint of trade."
- A distinction is made between restrictions **during** employment and **after** employment.
- Restrictions **during** the term of employment (e.g., "you cannot work for anyone else while working here") are usually valid.
- However, restrictions **after** employment ends (e.g., "you cannot join a rival for 3 years after you leave") are generally **void**.
- Unlike English law, Indian law does not generally recognize "reasonable" post-employment restrictions. An individual's right to earn a livelihood is paramount. Ramesh is free to join any company he wants after his resignation.

Step 3: Final Answer:

Post-employment non-compete clauses are void and unenforceable under Section 27.

Quick Tip: Remember the rule: During Employment = Valid. After Employment = Void. Section 27 protects the "freedom to work."

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80. Under Rule 8 of the Standards of Professional Conduct and Etiquette framed by the Bar Council of India, an advocate is prohibited from appearing before any court, tribunal or authority for or against an organisation or institution of which he is a member of its:

(A) Advisory Committee

(B) Sub-Committee

(C) Executive Committee

(D) General Body

Correct Answer: (C) Executive Committee

Solution:

Step 1: Understanding the Concept:

Professional ethics require advocates to avoid any conflict of interest that might compromise their independence or objectivity. An advocate should not have a direct hand in the management of the entity they represent.

Step 2: Detailed Explanation:

- Rule 8 of the BCI Rules (Standards of Professional Conduct) states that an advocate shall not appear in or before any court, tribunal or other authority for or against an organization or institution of which he is a member of the **Executive Committee**.
- The **Executive Committee** is the primary decision-making and governing body of an organization.
- If an advocate is part of the executive committee, they are essentially the "client" themselves. Representing that body creates a direct conflict between their role as a manager and their role as an independent officer of the court.
- This rule does not apply to "Advisory Committees" where the role is purely consultative and not managerial.

Step 3: Final Answer:

Membership of the Executive Committee creates a disqualification for legal representation of that institution.

Quick Tip: In Professional Ethics, "Executive Committee" = "Management." You cannot be the manager and the lawyer at the same time.

---

81. Which of the following is not included in "The Industrial Relations Code, 2020"?

(A) Industries (Development and Regulation) Act, 1951 (IDR Act)

(B) Industrial Employment (Standing Orders) Act, 1946

(C) Trade Unions Act, 1926

(D) Industrial Disputes Act, 1947

Correct Answer: (A) Industries (Development and Regulation) Act, 1951 (IDR Act)

Solution:

Step 1: Understanding the Concept:

The Industrial Relations Code, 2020, is one of the four labor codes enacted to consolidate and simplify India's complex labor laws. It specifically merges laws related to the relationship between employers, employees, and unions.

Step 2: Detailed Explanation:

The Industrial Relations Code, 2020, subsumed three major central labor laws:

1. The Trade Unions Act, 1926.
2. The Industrial Employment (Standing Orders) Act, 1946.
3. The Industrial Disputes Act, 1947.

The **Industries (Development and Regulation) Act, 1951 (IDR Act)** is a separate regulatory statute that deals with the licensing and development of industrial undertakings by the Central Government. It is not a "labor law" in the traditional sense and was therefore not part of the consolidation into the labor codes.

Step 3: Final Answer:

The IDR Act 1951 remains an independent statute and is not part of the 2020 Industrial Relations Code.

Quick Tip: Remember the formula: Trade Unions Act + Standing Orders Act + Industrial Disputes Act = Industrial Relations Code, 2020.

---

82. Under the Special Marriage Act, 1954, what is the maximum fine that may be imposed for printing or publishing matter in contravention of provisions relating to in-camera proceedings?

(A) Fine up to five thousand rupees

(B) Fine up to one thousand rupees

(C) Fine up to two thousand rupees

(D) Fine up to five hundred rupees

Correct Answer: (B) Fine up to one thousand rupees

Solution:

Step 1: Understanding the Concept:

Section 33 of the Special Marriage Act allows for "in-camera" proceedings (private trials) to protect the privacy of the parties. Publishing details of such sensitive cases without permission is a punishable offense.

Step 2: Detailed Explanation:

The Act emphasizes the confidentiality of matrimonial disputes. If the court directs that a proceeding be held in camera, no person is permitted to print or publish any matter in relation to such proceeding except with the previous permission of the court.

Section 33(2) prescribes the penalty for any person who contravenes this rule. The statute explicitly states that such a person shall be punishable with a **fine which may extend to one thousand rupees**.

This provision is mirrored in other personal laws (like Section 22 of the Hindu Marriage Act) to ensure that the private lives of litigants are not sensationalized by the media.

Step 3: Final Answer:

The statutory limit for the fine is Rs. 1,000.

Quick Tip: For matrimonial laws (HMA and SMA), the fine for unauthorized publication of in-camera proceedings is generally capped at Rs. 1,000.

---

83. In the following question, a Statement is followed by two Conclusions, I and II.
Statement: The Bar Council of India derives its rule-making power from Section 49(1)(c) of the Advocates Act, 1961, which authorises it to frame rules governing professional conduct and etiquette to be observed by advocates. Rule 20 framed thereunder categorically bars an advocate from stipulating for, or receiving, any fee whose quantum is dependent upon the outcome of litigation, or from entering into any arrangement to share in its proceeds. An advocate who contravenes this Rule is liable to be proceeded against under Section 35 of the Act.
Conclusion I: An advocate may lawfully enter into an outcome-linked fee arrangement so long

as the client's written consent is obtained prior to the engagement.

Conclusion II: An advocate who violates the prohibition on contingency-based fees may face disciplinary action under the Advocates Act, 1961.

(A) Only Conclusion II follows

(B) Both Conclusions I and II follow

(C) Neither Conclusion I nor II follows

(D) Only Conclusion I follows

Correct Answer: (A) Only Conclusion II follows

Solution:

Step 1: Understanding the Concept:

In India, "contingency fees" (fees dependent on winning the case) are strictly prohibited for lawyers. This is to ensure that lawyers remain objective officers of the court and do not develop a personal financial stake in the outcome of the litigation.

Step 2: Detailed Explanation:

- **Analysis of Conclusion I:** The statement says Rule 20 "categorically bars" such fees. It does not mention any exception for "client consent." In professional ethics, client consent cannot override a statutory prohibition meant to maintain the integrity of the profession. Therefore, Conclusion I is incorrect.
- **Analysis of Conclusion II:** The statement explicitly mentions that an advocate who contravenes the rule is liable to be proceeded against under Section 35. Section 35 deals with "Punishment of advocates for professional or other misconduct." Therefore, Conclusion II follows directly from the text of the statement.

Step 3: Final Answer:

Only Conclusion II is logically and legally supported by the provided statement.

Quick Tip: India follows the UK model where Contingency Fees (Success Fees) are illegal. Consent does not make an illegal act legal in professional ethics.

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84. Under the Patents Act, 1970, a patent is granted to an inventor in India. Which of the following correctly reflects a limitation on the patentee's rights under the law?

(A) The invention cannot be used by the Government without permission

(B) The patent becomes void if used by a government authority

(C) The Government may use the invention for its own purposes without the consent of the patentee

(D) The patentee loses all rights once the invention is used by the Government

Correct Answer: (C) The Government may use the invention for its own purposes without the consent of the patentee

Solution:

Step 1: Understanding the Concept:

Patent rights are exclusive but not absolute. The sovereign (State) retains certain powers to use patented technology for the benefit of the public or for national security.

Step 2: Detailed Explanation:

Under Sections 47, 99, and 100 of the Patents Act, 1970, specific "conditions" are attached to every patent. One major condition is that the Central Government may use any patented invention for its **own use** (such as for defense, public health, or government-run departments). The Government does **not** need the prior consent of the patentee for such use, although the patentee is usually entitled to "adequate remuneration" or compensation as agreed upon or determined by a court.

This ensures that private monopolies do not hinder essential state functions or public welfare.

Step 3: Final Answer:

The right of the government to use an invention for its own purposes is a valid statutory limitation on the patentee's exclusivity.

Quick Tip: Patents = Private Monopoly + Public Interest override. Government use is the primary example of the latter.

85. Under the Information Technology Act, 2000, the term 'electronic record' includes which of the following?
I. Data stored in digital form
II. Image or sound stored or transmitted electronically
III. Information generated in microfilm or computer-generated microfiche
IV. Information recorded only on paper without electronic processing

(A) I and II
(B) I, II and III
(C) I, II, III and IV
(D) II, III and IV

Correct Answer: (B) I, II and III

Solution:
Step 1: Understanding the Concept:
The definition of "electronic record" is central to the IT Act as it determines what qualifies for legal recognition in the digital world.

Step 2: Detailed Explanation:
Section 2(1)(t) of the Information Technology Act, 2000, defines "electronic record" as data, record or data generated, image or sound stored, received or sent in an electronic form or **microfilm or computer generated microfiche**.
- **Statements I, II, and III** are all explicitly mentioned in the statutory definition.
- **Statement IV** refers to "information recorded only on paper without electronic processing." This is a traditional paper document, which is the exact **opposite** of an electronic record. Paper documents are governed by general law, not the IT Act's electronic record provisions.

Step 3: Final Answer:
Based on the statutory definition, only I, II, and III qualify as electronic records.

Quick Tip: Definition Check: IT Act Sec 2(1)(t). If it involves digital data, sounds, or microfiche/microfilm, it's an electronic record.

86. A executes a document in favour of B stating, "I hereby sell my house to B for 5,00,000. If I repay the amount within 3 years, B shall retransfer the property to me; otherwise, the sale shall become absolute." The condition is included in the same document. A fails to repay within 3 years. B claims absolute ownership. Examine the correct legal position under the Transfer of Property Act, 1882:

(A) It is a mortgage by conditional sale; B must seek foreclosure through court.

(B) It is a lease with an option to repurchase.

(C) The transaction is void for uncertainty.

(D) It is an outright sale; B becomes absolute owner automatically.

Correct Answer: (A) It is a mortgage by conditional sale; B must seek foreclosure through court.

Solution:

Step 1: Understanding the Concept:

Section 58(c) of the TPA defines a "Mortgage by Conditional Sale." This is often confused with an actual sale with a condition to buy back.

Step 2: Detailed Explanation:

Under the proviso to Section 58(c), a transaction is **not** a mortgage *unless* the condition for re-transfer is embodied in the **same document** that effects or purports to effect the sale.

In the given facts:

1. There is an ostensible sale.
2. There is a condition for re-transfer on repayment.
3. Crucially, the condition is in the **same document**.

Therefore, the law presumes this is a mortgage, not an absolute sale. Because it is a mortgage, the mortgagor (A) has a "Right of Redemption." Even if A fails to pay within 3 years, B does not become the owner automatically. B must go to court and obtain a **decree for foreclosure** to terminate A's right to get the house back.

Step 3: Final Answer:

The transaction is a mortgage, and B must follow the legal process of foreclosure to acquire absolute title.

Quick Tip: Condition in same document = Mortgage. Condition in different document = Sale with Repurchase option. This is the "Golden Rule" of Section 58(c).

---

87. Under the scheme of the Code of Civil Procedure, 1908, where proceedings are pending before a competent civil court, and an application is made seeking transfer of the case from one district to another district within the state, such transfer may be ordered:

(A) Only after conclusion of trial.
(B) Only by the court in which the suit is pending.
(C) By the High Court.
(D) Only upon agreement between the parties.

Correct Answer: (C) By the High Court.

Solution:

Step 1: Understanding the Concept:
Transfer of cases between different courts within the same hierarchy is governed by Sections 22 to 25 of the CPC to ensure the ends of justice and convenience of parties.

Step 2: Detailed Explanation:
- **Section 23(3):** Where courts are subordinate to different appellate courts but to the **same High Court**, the application for transfer shall be made to that High Court.
- **Section 24:** This section gives general power to the High Court and District Court to withdraw and transfer any suit, appeal or other proceeding pending before them or any court subordinate to them.

Since the districts are in the same state, the High Court is the superior authority for both and has the administrative and judicial power to transfer the case. Agreement of parties or conclusion of trial is not a legal prerequisite for such an order.

Step 3: Final Answer:
The High Court is the competent authority to order inter-district transfers within a State.

Quick Tip: Inter-district (same state) transfer = High Court.

Inter-state transfer = Supreme Court (Section 25).

---

88. Under Section 167 of the Code of Criminal Procedure (CrPC), 1973, 'Default Bail' (or statutory bail) is a right of the accused if the investigation is not completed:

(A) Upon the expiry of 120 days specifically for offences against the State.

(B) After 60 days or 90 days, contingent upon the maximum punishment prescribed for the offence.

(C) Immediately following the completion of the initial 15-day police custody.

(D) After a fixed period of 30 days for all types of offences.

Correct Answer: (B) After 60 days or 90 days, contingent upon the maximum punishment prescribed for the offence.

Solution:

Step 1: Understanding the Concept:

Section 167(2) of the CrPC ensures that an accused is not detained indefinitely without a trial. If the police don't file the charge sheet (police report) within a specific time, the accused gets an "indefeasible right" to bail.

Step 2: Detailed Explanation:

The time limit depends on the seriousness of the crime:

1. **90 Days:** If the investigation relates to an offence punishable with **death, imprisonment for life, or imprisonment for a term of not less than 10 years**.

2. **60 Days:** For **any other offence** (where the punishment is less than 10 years).

If the investigation is not completed and the charge sheet is not filed within these periods, the Magistrate must release the accused on bail if they are prepared to and do furnish bail. This is known as "Default Bail" or "Statutory Bail."

Step 3: Final Answer:

Default bail eligibility is determined by the gravity of the punishment, set at either 60 or 90 days.

Quick Tip: CrPC 167(2) Checklist:
Ten-year jail/Life/Death → 90 days.
Everything else → 60 days.

---

89. Under the Dowry Prohibition Act, 1961, within how many months from the date of marriage must dowry received before marriage be transferred to the woman?

(A) Within five months
(B) Within three months
(C) Within six months
(D) Within seven months

Correct Answer: (B) Within three months

Solution:

Step 1: Understanding the Concept:
Even though giving/taking dowry is a crime, the law recognizes that if dowry has been received, it must belong to the woman and not her husband or in-laws. Section 6 acts as a "trust" provision.

Step 2: Detailed Explanation:
Section 6 of the Dowry Prohibition Act, 1961, states that where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman.
The timeline for this transfer is:
1. If received **before** marriage: **Within three months** after the date of marriage.
2. If received **at the time of or after** marriage: Within three months after the date of its receipt.
3. If received when the woman was a **minor**: Within three months after she attains the age of 18.
Failure to transfer within this time is a criminal offense punishable with imprisonment.

Step 3: Final Answer:
The statutory period for transferring pre-marriage dowry to the woman is three months

post-marriage.

Quick Tip: Dowry Transfer Rule (Sec 6): The time limit is **always 3 months**, whether it's after the marriage or after reaching majority.

---

90. Under the Guardians and Wards Act, 1890, what condition applies for appointing a guardian for a married female minor?

(A) The parents must apply jointly for such appointment
(B) The husband must be considered unfit by the Court
(C) The husband must be declared legally incompetent
(D) The husband must consent to such appointment

Correct Answer: (B) The husband must be considered unfit by the Court

Solution:

Step 1: Understanding the Concept:

Section 19 of the Guardians and Wards Act, 1890, restricts the court's power to appoint a guardian in certain cases where a natural relationship already provides a guardian.

Step 2: Detailed Explanation:

Under Section 19(a), the court is **not authorized** to appoint or declare a guardian of the person of a minor who is a **married female** and whose husband is not, in the opinion of the court, **unfit** to be guardian of her person.

In other words, the husband is the natural guardian of a married minor wife. The court can only step in and appoint someone else (like a parent) if it is proved that the husband is "unfit" to protect her welfare.

This is a high threshold meant to respect the marital relationship while prioritizing the minor's safety.

Step 3: Final Answer:

The unfitness of the husband is the mandatory prerequisite for the court to appoint a different guardian.

Quick Tip: Section 19 GWA keywords: Minor wife → Husband is guardian **unless** "unfit."

---

91. As per the Consumer Protection Act, 2019, what are one-sided agreements?

(A) Unfair trade practices

(B) Quasi contracts

(C) Unilateral contracts

(D) Unconscionable contracts

Correct Answer: (D) Unconscionable contracts

Solution:

Step 1: Understanding the Concept:

The 2019 Act introduced the concept of "**Unfair Contracts**" to protect consumers from big corporations that use their dominant position to force unfair terms.

Step 2: Detailed Explanation:

- Section 2(46) defines "unfair contract." It refers to a contract between a manufacturer/trader and a consumer having terms which significantly change the rights of the consumer.
- Examples include excessive security deposits, unreasonable penalties for breach, or permitting unilateral termination.
- In legal theory, such one-sided contracts, where one party has no real choice but to sign a "take-it-or-leave-it" deal with oppressive terms, are called "**Unconscionable Contracts**".
- These are contracts that "shock the conscience" of the court due to their extreme unfairness.

Step 3: Final Answer:

One-sided agreements are legally categorized as unconscionable or unfair contracts under consumer law.

Quick Tip: Consumer Law Pairing: One-sided term = Unfair Contract = Unconscionable Agreement.

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92. An assessee pays a medical insurance premium for himself and his family and claims a deduction while computing total income. What is the correct position under the Income Tax Act, 1961?

(A) Deduction is allowed subject to prescribed limits and conditions
(B) Deduction is allowed only for senior citizens
(C) Deduction is not permitted in such cases
(D) Deduction is allowed without any monetary limit

Correct Answer: (A) Deduction is allowed subject to prescribed limits and conditions

Solution:

Step 1: Understanding the Concept:

The government incentivizes health insurance by allowing taxpayers to reduce their taxable income by the amount spent on premiums. This is covered under Section 80D.

Step 2: Detailed Explanation:

- **Section 80D** allows a deduction for the premium paid for medical insurance for self, spouse, and dependent children.
- It is **not** limited to senior citizens, though senior citizens get a higher limit (e.g., 50,000 vs. 25,000 for others).
- It is **not** unlimited. There are specific statutory caps (ceilings) updated periodically in the Finance Act.
- Conditions for the deduction: The payment must be made in any mode **other than cash** (e.g., net banking, card, cheque). However, payments for "preventive health check-ups" can be in cash up to Rs. 5,000.

Step 3: Final Answer:

Taxpayers can claim the deduction under Section 80D, provided they stay within the legal limits and follow the payment rules.

Quick Tip: Remember: Health Insurance = Section 80D. Life Insurance = Section 80C.

---

93. Under Section 35B of the Code of Civil Procedure, 1908, where a party fails to take a step required by the court on the date fixed, the court may:

(A) Impose costs as a precondition for allowing further prosecution.

(B) Dismiss the suit.

(C) Proceed with the suit without imposing any condition.

(D) Grant adjournment as a matter of right.

Correct Answer: (A) Impose costs as a precondition for allowing further prosecution.

Solution:

Step 1: Understanding the Concept:

Section 35B was added to the CPC to punish "delaying tactics." It ensures that a party causing an adjournment pays for the other side's time and effort on that day.

Step 2: Detailed Explanation:

Section 35B states that if a party fails to take a required step (like filing a document or producing a witness) on the date fixed, and an adjournment is needed, the court **shall** (mandatory) order that party to pay **costs** to the other party.

Crucially, the law says that the payment of such costs shall be a **condition precedent** to the further prosecution of the suit (if the plaintiff is at fault) or the further defense of the suit (if the defendant is at fault).

This means if you don't pay the costs ordered for the delay, you cannot proceed with your case on the next date.

Step 3: Final Answer:

Section 35B allows the court to use monetary costs as a tool to ensure compliance with trial timelines.

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Quick Tip: Section 35B = "Costs for Delay." It's a "pay-to-play" rule for parties who waste the court's time.

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94. Under Section 105 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, what is now a mandatory requirement for the process of search and seizure conducted by the police?

(A) The documentation of the entire search and seizure process via audio-video electronic recording
(B) The presence of at least five local residents as independent witnesses
(C) The presence of a Judicial Magistrate during the search
(D) The acquisition of a signed written confession from the occupant of the premises

Correct Answer: (A) The documentation of the entire search and seizure process via audio-video electronic recording

Solution:

Step 1: Understanding the Concept:

The BNSS 2023 emphasizes "Digital Forensics" and transparency. It aims to reduce the planting of evidence or false allegations of police high-handedness.

Step 2: Detailed Explanation:

Section 105 of the BNSS introduces a major procedural change. It mandates that the process of **search and seizure** (including the preparation of the list of seized items) shall be documented through **audio-video electronic means**, preferably via a mobile phone.

The recording must then be forwarded without delay to the Magistrate.

This replaces the old practice of merely having "panch witnesses" sign a paper, which was often criticized for being easily manipulated. Digital recording provides a more reliable and objective account of what actually happened during the raid.

Step 3: Final Answer:

Mandatory audio-video recording is the landmark reform in search procedures introduced by the BNSS.

Quick Tip: Theme of BNSS: "Digital Criminal Procedure." Search + Seizure + BNSS = Audio-Video recording.

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95. Under the Hindu Adoptions and Maintenance Act, 1956, which situation makes the consent of a wife unnecessary for adoption?

(A) She refuses consent due to personal disagreement.
(B) She has ceased to be a Hindu by conversion.
(C) She is living separately without legal separation.
(D) None of the above

Correct Answer: (B) She has ceased to be a Hindu by conversion.

Solution:

Step 1: Understanding the Concept:

Under Section 7 of the Act, a married Hindu male can adopt only with the consent of his wife. This is to protect the wife's role in the family. However, certain conditions waive this requirement.

Step 2: Detailed Explanation:

Consent of the wife is **not necessary** only in three specific circumstances:

1. If the wife has **completely and finally renounced the world** (e.g., become a sanyasi).
2. If she has **ceased to be a Hindu** (by converting to another religion like Islam or Christianity).
3. If she has been **declared by a court to be of unsound mind**.

Refusal due to disagreement (Option A) or living separately (Option C) does **not** waive the requirement. As long as the marriage is valid and she is a Hindu of sound mind, her consent is mandatory.

Step 3: Final Answer:

Conversion out of the faith is one of the three statutory grounds for bypassing the wife's consent in adoption.

Quick Tip: HAMA Sec 7 Triple Exceptions: 1. Sanyas, 2. Conversion, 3. Insanity. Anything else = Consent required.

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96. Under the scheme of the Constitution of India, once a Proclamation under Article 352 is in operation, Parliament may legislate on matters in the State List by virtue of:

(A) Article 356
(B) Article 250
(C) Article 249
(D) Article 360

Correct Answer: (B) Article 250

Solution:

Step 1: Understanding the Concept:

Article 352 deals with "National Emergency." During such an emergency, the federal structure shifts toward a unitary one, and Parliament's powers expand.

Step 2: Detailed Explanation:

- **Article 250:** "Power of Parliament to legislate with respect to any matter in the State List if a Proclamation of **Emergency** is in operation." This article explicitly allows Parliament to bypass the State List (List II) while an emergency under Article 352 is active.
- **Article 249:** Power of Parliament to legislate on State List in "National Interest" (requires a Rajya Sabha resolution).
- **Article 356:** "President's Rule" in a specific state.
- **Article 360:** "Financial Emergency."

Article 250 is the specific procedural "bridge" that connects the Article 352 declaration to the legislative power over the State List.

Step 3: Final Answer:

Article 250 provides the legislative competence to Parliament over state subjects during a National Emergency.

Quick Tip: Emergency Distinctions:

Art 249 = Rajya Sabha says so.

Art 250 = National Emergency is on.

Art 252 = Two states ask for it.

---

97. Which of the following options correctly states the composition of a Disciplinary Committee of a Bar Council as prescribed under Section 9(1) of the Advocates Act, 1961?

(A) Five members all co-opted from advocates having not less than ten years' standing at the Bar.
(B) Five members three elected by the Council and two co-opted senior advocates from outside the Council.
(C) Three members two elected from the Council's membership and one co-opted advocate possessing the prescribed qualifications, who is not a member of the Council.
(D) Three members all elected by the Council, with the most junior member serving as Chairman.

Correct Answer: (C) Three members two elected from the Council's membership and one co-opted advocate possessing the prescribed qualifications, who is not a member of the Council.

Solution:

Step 1: Understanding the Concept:
Section 9 of the Advocates Act deals with the "Disciplinary Committees" that hear cases of professional misconduct. To ensure fairness, the composition includes both council members and outsiders.

Step 2: Detailed Explanation:
According to Section 9(1), a Bar Council shall constitute one or more disciplinary committees, each of which shall consist of **three persons**.
The composition of these three members is:
1. Two persons shall be **elected by the Council** from amongst its members.
2. One person shall be **co-opted by the Council** from amongst advocates who possess the qualifications to be members but **who are not members** of the Council.
This co-opted member provides an element of "external" oversight, ensuring that the committee is not just a group of colleagues judging their own peers within the council.

Step 3: Final Answer:

The committee is a 3-member body (2 council members + 1 co-opted outsider).

Quick Tip: Disciplinary Committee Mnemonic: $2 + 1 = 3$. The "one" is always the outsider co-opted advocate.

---

98. In the context of the Constitution of India, a pension scheme differentiates between employees retiring before and after a specified cut-off date. Those excluded challenge the classification as arbitrary. The constitutional issue would primarily attract:

(A) Legislative competence of the State

(B) Article 14 and the principle of classification

(C) Doctrine of eclipse

(D) Doctrine of severability

Correct Answer: (B) Article 14 and the principle of classification

Solution:

Step 1: Understanding the Concept:

Article 14 guarantees the "Right to Equality." However, the state is allowed to make "Reasonable Classifications" if there is a valid reason.

Step 2: Detailed Explanation:

- When the state creates two groups (those retiring *before* a date vs. those retiring *after*), it is creating a "classification."

- For this to be legal under Article 14, it must pass the **Twin Test of Reasonable Classification**:

1. It must be based on an **intelligible differentia** (a clear way to distinguish the groups).

2. The differentia must have a **rational nexus** to the object sought to be achieved (there must be a good reason for the cutoff related to the scheme's goal).

- Landmark cases like *D.S. Nakara v. Union of India* dealt with exactly this—where a cutoff date for pensions was found to be arbitrary and violative of Article 14 because it created "slaves of a date."

Step 3: Final Answer:
The challenge is based on the guarantee of equality and the prohibition against arbitrary state action, which falls under Article 14.

Quick Tip: Whenever you see words like "Arbitrary," "Cut-off date," "Discrimination," or "Equality," think of Article 14.

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99. Under the Uniform Civil Code Rules Uttarakhand, 2025, when is an application for declaration of legal heir(s) forwarded to the Registrar General?

(A) After ten days of receipt if the Registrar does not take action
(B) After thirty days of receipt if the Registrar does not take action
(C) After fifteen days of receipt if the Registrar does not take action
(D) None of the above

Correct Answer: (B) After thirty days of receipt if the Registrar does not take action

Solution:

Step 1: Understanding the Concept:
The Uttarakhand Uniform Civil Code (UCC) provides a streamlined administrative process for civil matters like succession and heirship to reduce the burden on civil courts.

Step 2: Detailed Explanation:
Under the Procedural Rules of the Uttarakhand UCC 2025, a specific timeline is established to prevent bureaucratic delays in issuing heirship certificates.
The Local Registrar is responsible for processing these applications. If the Local Registrar **fails to take action** or decide on the application within **thirty (30) days** of its receipt, the matter is automatically escalated (forwarded) to the **Registrar General**.
This "deemed escalation" ensures that citizens are not left in limbo and that the higher

authority can supervise the delay.

Step 3: Final Answer:

The statutory timeline for escalation due to inaction is 30 days.

Quick Tip: UCC Uttarakhand procedural questions: Memorize the "30-day" rule for most standard administrative responses and escalations.

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100. Regarding the offence of 'Criminal Conspiracy' as defined under Section 120A of the Indian Penal Code (IPC), 1860, which of the following statements is legally accurate?

(A) The mere agreement between parties is sufficient to constitute the offence if the intended crime is punishable by death or rigorous imprisonment.
(B) It is a substantive offence that is legally barred from being charged in conjunction with other substantive crimes.
(C) A solitary individual's mere intention to commit a crime, even without an agreement with others, is sufficient for a conviction.
(D) A minimum of five persons must participate to satisfy the legal definition.

Correct Answer: (A) The mere agreement between parties is sufficient to constitute the offence if the intended crime is punishable by death or rigorous imprisonment.

Solution:

Step 1: Understanding the Concept:

Section 120A IPC defines criminal conspiracy. The core of the offense is the **agreement** to do an illegal act.

Step 2: Detailed Explanation:

- **Option (A) is correct:** The general rule is that for an agreement to be a conspiracy, some "overt act" must be done by one of the parties. **However**, Section 120A contains a crucial proviso: If the agreement is to commit an **offence** (a crime), the mere agreement itself is enough. No "overt act" is needed if the target is a crime.

- **Option (B) is wrong:** Conspiracy can be, and usually is, charged alongside other crimes (e.g., Murder + Conspiracy).
- **Option (C) is wrong:** You cannot conspire with yourself. Conspiracy requires a "meeting of minds" between at least **two** people.
- **Option (D) is wrong:** The minimum requirement is **two** persons. "Five persons" is the requirement for **Unlawful Assembly** (Sec 141) or **Dacoity** (Sec 391).

Step 3: Final Answer:

For serious crimes, the meeting of minds and the illegal agreement itself complete the offense of conspiracy.

Quick Tip: Criminal Conspiracy Rule: 2 or more people + Agreement = Offence. No "extra act" needed if the agreement is to commit a crime.

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