AIBE 21 June 7 SET B

Question Paper With Solutions

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. A contracts with B to construct a cold storage facility for Rs.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 Rs.60 lakh and later files a suit against B claiming Rs.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 Rs.10 lakh because B breached the contract.

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

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

Solution:

Step 1: Understanding the Concept:

This question is based on the concept of "Substituted Performance of Contract," which was introduced/revamped by the Specific Relief (Amendment) Act, 2018 under Section 20.
Substituted performance allows an aggrieved party to have the contract performed by a third party or by its own agency in the event of a breach.

Step 2: Detailed Explanation:
According to Section 20(1) of the Specific Relief Act, 1963, if a contract is broken due to non-performance by a party, the party who suffers such breach has the option of substituted performance.
However, Section 20(2) imposes a mandatory condition: the aggrieved party must give a written notice of not less than thirty days to the party in breach.
The purpose of this notice is to give the defaulting party a final opportunity to perform the contract within the specified time.
If the defaulting party still fails to perform after the notice period, the aggrieved party can then engage a third party.
Crucially, the expenses incurred for such substituted performance can only be recovered if the mandatory notice was served.
In the given facts, A hired C "immediately" after the breach, which means the mandatory 30-day notice period required by law was not provided to B.

Step 3: Final Answer:
Since A failed to comply with the statutory notice requirement under Section 20 of the Specific Relief Act, he is legally barred from recovering the additional cost of Rs.10 lakh from B.

Quick Tip: In AIBE exams, look for keywords like "immediately" in contract disputes.
Under Section 20 of the SRA, Substituted Performance = Mandatory 30 Days Notice.
Without notice, there is no right to reimbursement for third-party costs.

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2. 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, Regional Director

(B) 60–90 Days, NCLT

(C) 1 Year, Regional Director

(D) 45–90 Days, NCLAT

Correct Answer: (A) 60–90 Days, Regional Director

Solution:

Step 1: Understanding the Concept:

Section 233 of the Companies Act, 2013 introduces a simplified, out-of-court procedure for mergers and amalgamations involving specific types of companies.
This is known as a "Fast Track Merger" (FTM).

Step 2: Detailed Explanation:

The Fast Track Merger process is available for:

1. Mergers between two or more small companies.
2. Mergers between a holding company and its wholly-owned subsidiary.
3. Other classes of companies as may be prescribed.

Unlike standard mergers under Sections 230-232 which require approval from the National Company Law Tribunal (NCLT), FTMs are approved by the Central Government.
The Central Government has delegated this power to the Regional Director (RD).
The entire process is designed to be concluded quickly, generally within a window of 60 to 90 days, provided there are no objections from the Registrar of Companies (RoC) or the Official Liquidator (OL).

Step 3: Final Answer:

The approving authority for a fast track merger under Section 233 is the Regional Director, and the typical timeline is 60–90 days.

Quick Tip: Remember the distinction:

Standard Merger (Sec 230-232) → NCLT Approval.

Fast Track Merger (Sec 233) → Regional Director (RD) Approval.

The "Fast" in Fast Track implies months (60-90 days), not a year.

3. 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) Valid – three years is a reasonable period.

(B) Valid – Ramesh agreed voluntarily.

(C) Void – restrains lawful profession after employment ends.

(D) Valid – protects the employer's business interest.

Correct Answer: (C) Void – restrains lawful profession after employment ends.

Solution:

Step 1: Understanding the Concept:

This question deals with Section 27 of the Indian Contract Act, 1872, which pertains to "Agreement in restraint of trade."

Indian law is significantly stricter than English law regarding restrictive covenants in employment contracts.

Step 2: Detailed Explanation:

Section 27 states that "Every agreement by which any person is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void."

In Indian jurisprudence, a distinction is drawn between restraints applicable during the term of employment and those applicable after termination.

Restraints during employment (to ensure exclusive service) are generally valid.

However, post-employment restraints are considered a violation of the fundamental right to carry on a profession and are held to be void.

In this case, the clause bars Ramesh for three years *after* his resignation.

Even if the duration or geography seems "reasonable," Indian law does not accept the "reasonableness" test for post-employment restrictions.

The only exception is the sale of goodwill of a business, which is not applicable here.

Step 3: Final Answer:

The restrictive clause is void under Section 27 of the Indian Contract Act because it attempts to prevent a person from practicing his profession after the employment relationship has ended.

Quick Tip: In India, "Post-Employment Restraint" = "Void".
Do not get confused by English Law concepts of "reasonable restrictions."
If the question mentions a ban on working *after* leaving a job, Section 27 makes it void immediately.

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

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

Solution:
Step 1: Understanding the Concept:
The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which replaced the Code of Criminal Procedure (CrPC), introduces modern technological safeguards to criminal investigation procedures.
Section 105 specifically focuses on making search and seizure more transparent.

Step 2: Detailed Explanation:
The old CrPC did not have a mandatory requirement for digital recording of searches, leading to frequent allegations of evidence planting or procedural lapses.
Section 105 of the BNSS mandates that the process of search and seizure, including the preparation of the seizure list, must be documented through "audio-video electronic means."
This recording must be done preferably through a mobile phone or any other electronic device.
The law further requires the police to forward such recording without delay to the relevant

Magistrate (District Magistrate, Sub-divisional Magistrate, or Judicial Magistrate).
This measure is intended to ensure the integrity of the evidence collected and to reduce disputes during trials.

Step 3: Final Answer:
The documentation of search and seizure through audio-video electronic recording is now a mandatory statutory requirement under Section 105 of the BNSS.

Quick Tip: BNSS focus area: "Digitization of Evidence".
Whenever you see a question about "What's new in BNSS search/investigation," audio-video recording is almost always the key reform.

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

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

Solution:
Step 1: Understanding the Concept:
This question deals with the term of copyright for posthumous works (works published after the author's death) and the definition of publication under the Copyright Act, 1957.

Step 2: Detailed Explanation:

Statement I Analysis: According to Section 24 of the Copyright Act, in the case of a literary, dramatic, or musical work (or an artistic work excluding photographs) that is published after the author's death, the copyright term is sixty years.

The calculation starts from the beginning of the calendar year next following the year in which the work is first published. Thus, Statement I is correct.

Statement II Analysis: Section 3 of the Copyright Act defines "publication." It states that publication means making a work available to the public by issue of copies or by communicating the work to the public.

For posthumous works, the trigger for the 60-year term is this act of "publication." Thus, Statement II correctly describes the legal meaning of publication.

Step 3: Final Answer:

Both Statement I and Statement II accurately represent the law as per Sections 24 and 3 of the Copyright Act, 1957.

Quick Tip: Remember the formula for Copyright terms in India:

Author Alive: Lifetime + 60 years.

Posthumous/Anonymous: 60 years from publication.

Calculation always starts from "January 1st of the next year."

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

(A) The husband must be declared legally incompetent

(B) The husband must consent to such appointment

(C) The parents must apply jointly for such appointment

(D) The husband must be considered unfit by the Court

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

Solution:

Step 1: Understanding the Concept:

The Guardians and Wards Act, 1890 (GWA) governs the appointment of guardians for the person and property of minors.

Section 19 of the Act provides for cases where the Court is restricted from appointing a guardian because a natural/legal relationship already exists that fulfills that role.

Step 2: Detailed Explanation:

Under Section 19(a) of the Guardians and Wards Act, 1890, 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 the guardian of her person.

The law recognizes the husband as the natural guardian of his minor wife.

Therefore, as long as the husband is capable and fit to look after the welfare of the minor wife, the court cannot interfere and appoint someone else.

The only situation where a court can appoint a guardian for a married female minor is if it determines that the husband is "unfit."

Step 3: Final Answer:

The unfitness of the husband is the mandatory prerequisite condition for a court to appoint a guardian for a married female minor.

Quick Tip: Section 19 GWA is a "Guardian Veto" section.

The court cannot appoint a guardian if:

1. Minor is a married female and husband is fit.
2. Minor's father/mother is alive and fit.

Always look for the word "unfit" in guardianship questions involving surviving parents or husbands.

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7. Under the Constitution of India, consider the following statements in the context of constitutional amendments:

1. Judicial review extends to constitutional amendments.

2. Laws inserted into the Ninth Schedule after 24th April, 1973 remain open to scrutiny for

violation of the basic structure.

3. Parliament's amending power under Article 368 is unlimited.

Which of the above statements is/are correct?

(A) I, II and III

(B) I only

(C) I and II

(D) II and III

Correct Answer: (C) I and II

Solution:

Step 1: Understanding the Concept:

This question tests knowledge of the "Basic Structure Doctrine" and the landmark judicial interpretations of Article 368 of the Constitution.

Step 2: Detailed Explanation:

Statement I: The Supreme Court in *Kesavananda Bharati v. State of Kerala (1973)* held that while Parliament can amend the Constitution, it cannot destroy its basic structure. This power of the court to check the validity of amendments is part of Judicial Review. Thus, Statement I is correct.

Statement II: In *I.R. Coelho v. State of Tamil Nadu (2007)*, the 9-judge bench ruled that any law placed in the Ninth Schedule after April 24, 1973 (the date of the Kesavananda judgment) is subject to judicial review. If such a law violates fundamental rights that form part of the basic structure, it can be struck down. Thus, Statement II is correct.

Statement III: In *Minerva Mills v. Union of India (1980)*, the Court explicitly struck down provisions of the 42nd Amendment that tried to make Parliament's amending power "unlimited." The Court held that a limited amending power is itself a basic feature. Thus, Statement III is incorrect.

Step 3: Final Answer:

Statements I and II are correct, while Statement III is false because Article 368 is subject to the limitation of the Basic Structure.

Quick Tip: Basic Structure Landmark Cases:

1. Kesavananda Bharati (1973): Origin of the doctrine.
2. Minerva Mills (1980): Amendment power is NOT unlimited.
3. I.R. Coelho (2007): 9th Schedule is NOT a blank check after 1973.

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

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

Correct Answer: (B) Laying down standards for the quality of the environment in its various aspects

Solution:

Step 1: Understanding the Concept:
The Environment (Protection) Act (EPA), 1986 is an "umbrella" legislation. Section 3 gives the Central Government broad powers to take all measures it deems necessary for protecting the environment.

Step 2: Detailed Explanation:
Section 3(2) of the Act lists specific areas where the government can exercise power. Let's analyze the options:
- **Section 3(2)(i):** Planning and execution of a nation-wide programme (Matches Option D).
- **Section 3(2)(ii):** Laying down standards for the quality of the environment in its various aspects (Matches Option B).
- **Section 3(2)(ix):** Carrying out and sponsoring investigations and research (Matches Option C).
- **Section 3(2)(xii):** Collection and dissemination of information (Matches Option A).

Step 3: Final Answer:

The specific power mentioned under Section 3(2)(ii) is the laying down of environmental quality standards.

Quick Tip: EPA 1986 Memory Map:

(i) Programs/Planning.

(ii) Quality Standards.

(iii) Emission/Discharge Standards.

(iv) Areas Restriction.

Knowing the first three clauses of Section 3(2) is very helpful for environment-related MCQ questions.

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9. A State Government plans to acquire 50 acres of Scheduled Tribes (ST) land for an industrial park. As per the applicable law, the following steps are proposed:

1. Preliminary notification

2. Social Impact Assessment (SIA)

3. Gram Sabha consultation/consent

4. Final notification

Which of the following statements is correct?

(A) Final notification can be issued without Gram Sabha, with owner consent only.

(B) Gram Sabha is advisory only; consent is not needed for public projects.

(C) Final notification can come before SIA but after preliminary notification.

(D) SIA and Gram Sabha consultation/consent are mandatory for ST land; acquisition cannot proceed without consent.

Correct Answer: (D) SIA and Gram Sabha consultation/consent are mandatory for ST land; acquisition cannot proceed without consent.

Solution:

Step 1: Understanding the Concept:

This relates to the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement (RFCTLARR) Act, 2013.
The 2013 Act provides special, stringent protections for land belonging to Scheduled Castes (SC) and Scheduled Tribes (ST).

Step 2: Detailed Explanation:
The 2013 Act emphasizes "Transparency" and "Informed Consent."
Section 4 of the Act makes a Social Impact Assessment (SIA) a mandatory prerequisite for almost all acquisitions to determine the impact on affected families.
Section 41 specifically deals with land acquisition in Scheduled Areas. It states that "as far as possible, no acquisition of land shall be made in the Scheduled Areas."
If acquisition is unavoidable, Section 41(2) mandates that the prior consent of the concerned Gram Sabha or the Panchayats or the autonomous District Councils shall be obtained.
Therefore, the role of the Gram Sabha is not merely advisory; their consent is a legal necessity for the acquisition of tribal land.

Step 3: Final Answer:
For ST land, both SIA and Gram Sabha consent are non-negotiable mandatory steps. Acquisition without them would be illegal.

Quick Tip: RFCTLARR 2013 Keywords:
1. SIA = Mandatory.
2. Consent for Private/PPP projects = 80% / 70% .
3. ST land = Mandatory Gram Sabha Consent.
This Act significantly shifted power from the state to the local community.

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10. 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 seven years
(C) Not less than three 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, 1961 was enacted to curb the social evil of dowry. Section 3 is the primary penalizing provision of the Act.

Step 2: Detailed Explanation:

Section 3(1) of the Act states:

"If any person, after the commencement of this Act, 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**, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more."

While the court has the discretion to impose a sentence of less than five years, it can only do so for "adequate and special reasons" to be recorded in the judgment. However, the statutory minimum mentioned in the code is five years.

Step 3: Final Answer:

The minimum term of imprisonment for giving or taking dowry under Section 3 is five years.

Quick Tip: Dowry Punishments at a glance:

Sec 3 (Giving/Taking): Min 5 years.

Sec 4 (Demanding): 6 months to 2 years.

Sec 4A (Advertisement): 6 months to 5 years.

Memorizing these three sections often yields one direct mark in AIBE.

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11. 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) An appeal lies only if a fine was also imposed.

(B) No appeal is maintainable in this specific instance.

(C) The accused is entitled to file an appeal before the Court of Session.

(D) The accused may prefer an appeal directly to the High Court.

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

Solution:

Step 1: Understanding the Concept:

This question pertains to the "No appeal in petty cases" rule under Section 376 of the CrPC, 1973. This rule exists to prevent the appellate courts from being overburdened with minor matters.

Step 2: Detailed Explanation:

Section 376 of the CrPC specifies instances where no appeal shall lie from a conviction.
Clause (d) of Section 376 explicitly states that there is no appeal in a case tried summarily by a Magistrate of the second class where the Magistrate passes **only a sentence of imprisonment for a term not exceeding one month**.
Since the sentence passed here is exactly one month, it falls under the "petty case" exception.
Note: While no appeal lies, the remedy of revision may still be available, but the question specifically asks about the right to appeal.

Step 3: Final Answer:

As per Section 376(d) CrPC, no appeal is maintainable when a Second Class Magistrate awards a sentence of one month or less.

Quick Tip: Section 376 CrPC (No Appeal) Limits:

- High Court: Imprisonment $\leq$ 6 months.
- Court of Session: Imprisonment $\leq$ 3 months.
- 1st Class Magistrate: Fine $\leq$ Rs. 100.
- 2nd Class Magistrate: Imprisonment $\leq$ 1 month.

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12. A executes a document in favour of B stating, “I hereby sell my house to B for Rs.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:
The question defines a specific transaction under Section 58(c) of the Transfer of Property Act (TPA), 1882 known as "Mortgage by Conditional Sale."

Step 2: Detailed Explanation:
Section 58(c) defines this mortgage as an ostensible sale of property with the condition that on default of payment, the sale shall become absolute, or on payment, the property shall be retransferred.
The crucial legal point is the proviso added in 1929: A transaction is a mortgage **only if the condition is embodied in the same document** that effects the sale.
In this scenario:
1. The condition is in the same document.
2. It's an ostensible sale with a right to repurchase.
Therefore, it is a mortgage.
Because it is a mortgage, the principle "Once a mortgage, always a mortgage" applies. B cannot automatically become the owner just because A failed to pay in 3 years. B must follow the legal process of "Foreclosure" through a court to extinguish A's right of redemption and acquire title.

Step 3: Final Answer:
The transaction is a mortgage by conditional sale. B must obtain a decree of foreclosure from the court to terminate A's rights.

Quick Tip: TPA Section 58(c) Cheat Sheet:

Condition in Same Document = Mortgage.

Condition in Separate Document = Outright Sale.

Mortgages NEVER result in automatic ownership upon default; you always need a court decree (Foreclosure).

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13. X takes a loan of Rs.10,00,000 from Bank A. Y signs a contract as surety, promising to pay the bank if X defaults. After 3 months, Bank A agrees to reduce the interest rate and extends the repayment period by 6 months without informing Y. Subsequently, X defaults on the loan. 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, regardless of the modification.
(B) Y is not liable at all because the principal debtor defaulted after the contract modification.
(C) Y is fully liable for the entire loan because a surety is always liable once the principal debtor defaults.
(D) Y is partially discharged from liability because Bank A's modification increased the risk to Y without his consent.

Correct Answer: (D) 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:
This pertains to the "Discharge of Surety" by variance in the terms of the contract, governed by Section 133 of the Indian Contract Act, 1872.

Step 2: Detailed Explanation:
Section 133 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."
A surety guarantees the performance of a *specific* contract. If the creditor and debtor change that contract (e.g., changing interest rates or extending timelines) without the surety's knowledge/consent, the original contract the surety agreed to no longer exists.

In the given facts:

1. The terms were modified (interest reduced, time extended).
2. Y was not informed and did not consent.

Therefore, Y is discharged from all liability regarding the loan after the date of that modification.

Step 3: Final Answer:

Y is discharged because the creditor (Bank A) and the debtor (X) made a material change to the original contract without Y's consent.

Quick Tip: Surety Law Mantra:

"Creditor and Debtor play, Surety goes away."

Any change in the contract without the surety's consent leads to the surety's discharge. It doesn't matter if the change seems "good" (like lower interest).

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14. The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, has introduced a specific time-frame 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: (B) Within 30 days (extendable to 45 days)

Solution:

Step 1: Understanding the Concept:

Speedy justice is one of the pillars of the new criminal laws. The BNSS, 2023 introduces strict statutory timelines to prevent the indefinite "reserving" of judgments.

Step 2: Detailed Explanation:

Under the old CrPC, judgments were often delayed for months or even years after arguments were over.

The BNSS (Sections 258, 292, etc.) mandates that in criminal trials, the court must pronounce the judgment within **thirty days** of the conclusion of arguments.

If the court is unable to do so within 30 days due to exceptional reasons, it can extend the period to a maximum of **forty-five days**.

In such cases of extension, the Judge must record the reasons for the delay in writing.

Step 3: Final Answer:

The new timeframe for delivering judgments under BNSS is 30 days, which can be extended to 45 days under special circumstances.

Quick Tip: BNSS Timeline "30-45" Rule:

Standard = 30 Days.

Extension = +15 Days (Total 45).

This is a very common question for current exams focusing on recent legislative reforms.

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15. 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) Only Conclusion I follows

(C) Neither Conclusion I nor II follows

(D) Both Conclusions I and II follow

Correct Answer: (A) Only Conclusion II follows

Solution:

Step 1: Understanding the Concept:

This question tests the ability to draw logical conclusions based on the provided legal text and the rules regarding professional misconduct for advocates.

Step 2: Detailed Explanation:

Rule 20 of the BCI Rules prohibits "Contingency Fees" (fees based on winning or losing a case). In India, unlike the US, this is strictly forbidden.

Analysis of Conclusion I: The statement says Rule 20 "categorically bars" such fees. It does not mention any exception for client consent. In legal ethics, an illegal act doesn't become legal just because a client consents to it. Hence, Conclusion I is false.

Analysis of Conclusion II: The statement explicitly mentions that an advocate who violates Rule 20 is liable under Section 35. Section 35 of the Advocates Act deals with the "Punishment of advocates for professional or other misconduct." This means the advocate will face disciplinary action. Hence, Conclusion II is true.

Step 3: Final Answer:

Based on the text of the statement, only Conclusion II follows logically.

Quick Tip: Legal Ethics Hack: In India, a lawyer can never be a "partner" in a lawsuit's profits.
Outcome-linked fees = Professional Misconduct.
Client consent is IRRELEVANT if the act is prohibited by BCI rules.

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

(A) National Green Tribunal

(B) Income Tax Appellate Tribunal

(C) Arbitral Tribunal

(D) National Company Law Tribunal

Correct Answer: (C) Arbitral Tribunal

Solution:

Step 1: Understanding the Concept:

This question concerns the "Extent and Application" of the Indian law of evidence, which is defined in Section 1 of the Bharatiya Sakshya Adhiniyam (BSA), 2023 (formerly the Indian Evidence Act, 1872).

Step 2: Detailed Explanation:

Section 1 of the BSA, 2023 explicitly states that the Act applies to all judicial proceedings in or before any Court.

However, it lists specific exceptions where the Act does NOT apply:

1. Affidavits presented to any Court or Officer.
2. Proceedings before an **Arbitrator**.

Arbitration is meant to be a flexible and fast process where the strict, technical rules of evidence law are relaxed. This is also reinforced by Section 19 of the Arbitration and Conciliation Act, 1996, which says that the Arbitral Tribunal is not bound by the Evidence Act.

While other tribunals (like NGT or NCLT) may have their own procedures, the law of evidence specifically excludes "Arbitration" by statute.

Step 3: Final Answer:

The BSA, 2023 is not applicable to proceedings conducted before an Arbitral Tribunal.

Quick Tip: Evidence Law Exceptions (The "Big Three"):

1. Affidavits.
2. Arbitrators.
3. Courts-Martial (under certain specific acts).

Remember: Tribunals generally follow Natural Justice, but Arbitration is explicitly named as an exception in Section 1.

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17. 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) After a fixed period of 30 days for all types of offences.
(B) Immediately following the completion of the initial 15-day police custody.
(C) Upon the expiry of 120 days specifically for offences against the State.
(D) After 60 days or 90 days, contingent upon the maximum punishment prescribed for the offence.

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

Solution:

Step 1: Understanding the Concept:

"Default Bail" is a fundamental right of an accused person in custody. It ensures that the police cannot keep a person in jail indefinitely without filing a charge sheet.

Step 2: Detailed Explanation:

Section 167(2) of the CrPC provides for the period of detention. If the police fail to complete the investigation and file the "Final Report" (Charge Sheet) within the prescribed time, the accused gets an "indefeasible right" to bail.

The time limits are:

1. **90 Days:** Where the investigation relates to an offence punishable with death, imprisonment for life, or imprisonment for a term of **not less than ten years**.
2. **60 Days:** Where the investigation relates to any other offence.

If the time expires and no charge sheet is filed, the Magistrate MUST release the accused on bail if he applies and is ready to furnish bail.

Step 3: Final Answer:

The right to default bail is triggered after either 60 or 90 days, depending on the maximum punishment of the alleged offence.

Quick Tip: Default Bail Summary:

Punishment $\geq$ 10 years $\rightarrow$ 90 days.

Punishment $<$ 10 years $\rightarrow$ 60 days.

This is an absolute right that the court cannot refuse once the time is up.

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

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

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

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

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

Solution:

Step 1: Understanding the Concept:

Habeas Corpus (Latin: "You may have the body") is the most fundamental writ for the protection of personal liberty against unlawful detention.

Step 2: Detailed Explanation:

The observation quoted in the question was made by Lord Wright in the British case of *Greene v. Secretary of State for Home Affairs (1942)*.

This case was decided during World War II and concerned the detention of a person under national security regulations.

Lord Wright emphasized that the primary benefit of the writ of Habeas Corpus is the speed with which it acts. It allows the court to determine "immediately" whether a person’s detention is lawful or whether they should be set free.

This quote is frequently cited in Constitutional and Administrative law textbooks globally to describe the essence of the writ.

Step 3: Final Answer:

The correct case associated with the quote on the "immediate determination of freedom" is

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

Quick Tip: Famous Writ Quotes:

"Immediate determination" → Greene Case (Lord Wright).

"Habeas Corpus is the first security of civil liberty" → Blackstone.

In India, the most famous case is ADM Jabalpur (The Habeas Corpus Case).

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19. 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 252

(B) Article 233

(C) Article 253

(D) None of the above

Correct Answer: (A) Article 252

Solution:

Step 1: Understanding the Concept:

Environmental law in India involves complex center-state legislative relationships. Subjects like water and air pollution were traditionally in the State List.

Step 2: Detailed Explanation:

Article 252 of the Constitution allows Parliament to legislate on a state subject if two or more state legislatures pass resolutions requesting Parliament to make such a law.

Article 253 allows Parliament to make laws to implement international treaties.

While the Air Act mentions the 1972 Stockholm Conference (Art 253), its **primary** legislative history shows it was enacted following resolutions passed by several states under **Article 252**, similar to the Water Act, 1974.

The preamble of the Air Act specifically refers to the decision taken at the UN conference, but for the purpose of domestic legislative competence over a state subject, Article 252 provided the formal procedural basis.

Step 3: Final Answer:

The Air Act, 1981 is primarily based on Article 252 of the Constitution.

Quick Tip: Environmental Bases:

Water Act 1974 → Article 252.

Air Act 1981 → Article 252.

Environment Protection Act 1986 → Article 253 (International obligation).

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20. 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 "Abduction"?

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

(B) The person abducted must be a minor

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

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

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

Solution:

Step 1: Understanding the Concept:

This question highlights the difference between "Kidnapping" and "Abduction" under the IPC. While they look similar, their legal ingredients are distinct.

Step 2: Detailed Explanation:

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

Ingredients of Abduction:

1. Compulsion by force or inducement by deceit (Matches Option A).
2. Movement of the person from one place to another (Matches Option C).
3. Abduction is legally recognized as a "continuing offence" because it stays active as long as

the victim is being moved (Matches Option D).

Analysis of Option B: In Kidnapping (from lawful guardianship), the victim **must** be a minor (under 16 for males, under 18 for females). However, for Abduction, age is irrelevant. Any person, including a 50-year-old adult, can be abducted.

Step 3: Final Answer:

Minority is not a requirement for the offence of Abduction. Therefore, Option (B) is the correct answer.

Quick Tip: Kidnapping vs. Abduction Hack:

Kidnapping → Age matters (Minor).

Abduction → Age doesn't matter.

Kidnapping → Completed the moment they are taken.

Abduction → Continuing offence.

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

(A) Dr. Sunil Clifford Daniel v. State of Punjab (2012) 11 SCC 205

(B) Vasa Chandrasekhar Rao v. Ponna Satyanarayana & Anr., AIR 2000 SC 2138

(C) Sharad Birdhichand Sarda v. State of Maharashtra, AIR 1984 SC 1622

(D) Dudh Nath Pandey v. State of U.P., (1981) 2 SCC 166

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

Solution:

Step 1: Understanding the Concept:

Circumstantial evidence refers to evidence that relies on an inference to connect it to a conclusion of fact. Since there is no direct "eyewitness" to the crime, the court must ensure that the chain of circumstances is so complete that it leaves no room for any other hypothesis except the guilt of the accused.

Step 2: Detailed Explanation:

In the landmark case of **Sharad Birdhichand Sarda v. State of Maharashtra (1984)**, the Supreme Court laid down five cardinal principles, often referred to as the "Panchsheel" of circumstantial evidence:

1. The circumstances from which the conclusion of 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 (guilt).
5. There must be a complete chain of evidence so as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused.

Step 3: Final Answer:

The case of **Sharad Birdhichand Sarda** is the definitive authority on the standard of proof required in cases based purely on circumstantial evidence.

Quick Tip: Remember the "Panchsheel" of Evidence ⇒ Sharad Birdhichand Sarda Case.
Keyword for Circumstantial Evidence: "Complete Chain."
If even one link in the chain is broken, the accused is entitled to the benefit of doubt.

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22. Ajeet Singh, a famous singer, enters into an agreement with Yash Aditya Music Company to sing 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) The injunction may be granted to enforce the negative covenant.
(C) The injunction must be refused because contracts of personal service cannot be enforced.

(D) Only damages can be granted.

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

Solution:

Step 1: Understanding the Concept:

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

Step 2: Detailed Explanation:

Under Section 14 of the SRA, contracts involving personal skills or services (like singing) cannot be **specifically enforced** (i.e., the court cannot force Ajeet to sing for Yash Aditya).

However, Section 42 provides an exception. If a contract contains an affirmative agreement (to sing for A) and a **negative agreement** (not to sing for anyone else), the court may grant an injunction to enforce the negative part, even if it cannot enforce the positive part.

In this case, while the court cannot compel Ajeet to sing for Yash Aditya, it can issue an injunction **restraining** him from singing for BR Chopra or any other company for the remainder of the contract period.

This is based on the principle established in the famous English case *Lumley v. Wagner*.

Step 3: Final Answer:

The court has the power to grant an injunction to enforce the negative covenant (the promise "not to perform for any other company").

Quick Tip: Personal Service Rule:

Positive Act (Force to sing) $\Rightarrow$ NO.

Negative Act (Stop from singing elsewhere) $\Rightarrow$ YES.

This is a standard application of Section 42 of the Specific Relief Act.

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23. 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) Community Service

(B) Compulsory forfeiture of ancestral property

(C) Life imprisonment without the possibility of parole

(D) Solitary confinement

Correct Answer: (A) Community Service

Solution:

Step 1: Understanding the Concept:

The Bharatiya Nyaya Sanhita (BNS), 2023, which replaces the IPC, introduces reformative justice elements into the Indian penal system for the first time.

Step 2: Detailed Explanation:

Section 4 of the BNS, 2023, lists the types of punishments that can be imposed on offenders. In addition to traditional punishments like Death, Life Imprisonment, and Fine, it introduces "**Community Service**" as a new category of punishment.

Community Service is intended for minor/petty offences (like small thefts, public misconduct, or defamation) to provide a chance for reformation without the stigma of prison.

Solitary confinement already existed in the IPC, and the other options (B and C) are not officially listed as general categories in Section 4.

Step 3: Final Answer:

The most significant innovative penal measure added to Section 4 of the BNS is Community Service.

Quick Tip: BNS 2023 Landmark Change:

Punishment list expanded from 5 to 6 categories.

Newest Addition = Community Service.

This is one of the most frequently asked "New Law" questions.

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24. 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) Ignore such pleadings without passing any order.

(C) Direct amendment only after trial begins.

(D) Reject the plaint in entirety.

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

Solution:

Step 1: Understanding the Concept:

This question relates to the court's power to clean up the record of a case under **Order VI Rule 16** of the Code of Civil Procedure (CPC).

Step 2: Detailed Explanation:

Order VI Rule 16 of the CPC empowers the court to "Strike out pleadings" in certain situations. The court may at any stage of the proceedings order to be struck out or amended any matter in any pleading—

(a) which may be unnecessary, scandalous, frivolous or vexatious, or

(b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or

(c) which is otherwise an abuse of the process of the Court.

This power ensures that the trial stays focused on the real issues and is not hindered by irrelevant or malicious statements.

Step 3: Final Answer:

The court has the discretion to strike out such improper pleadings "at any stage of proceedings" as per Order VI Rule 16.

Quick Tip: Pleading Rules Cheat Sheet:

Order 6 Rule 16 $\Rightarrow$ Striking out pleadings (Unnecessary/Vexatious).

Order 6 Rule 17 $\Rightarrow$ Amendment of pleadings (Voluntary).

Order 7 Rule 11 $\Rightarrow$ Rejection of Plaint (Legal flaw).

25. 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) Void – trading with an enemy in war is prohibited and is against public policy.
(C) Voidable – only the Government of India can cancel.
(D) Valid – unless the Government expressly cancels.

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

Solution:

Step 1: Understanding the Concept:

This involves Section 23 of the Indian Contract Act, which deals with "What considerations and objects are lawful." Specifically, it addresses contracts opposed to "Public Policy."

Step 2: Detailed Explanation:

"Trading with the Enemy" is a well-established ground under Indian law where a contract is considered contrary to public policy during wartime.
The rationale is that commercial dealings with citizens of an enemy state may strengthen the enemy's resources or weaken the domestic economy during a conflict.
Even if the goods are humanitarian (medicines) or routed through a third-party country/bank, the legal status of the parties (citizen vs. alien enemy) makes the contract illegal from its inception.
Such contracts are **Void ab initio** (invalid from the beginning).

Step 3: Final Answer:

The contract is void as it violates public policy by involving trade with an enemy national during a declared war.

Quick Tip: Public Policy Rule:

Contracts with "Alien Enemies" during war ⇒ VOID.

Contracts made *before* war ⇒ Suspended or Dissolved.

Humanitarian reasons do not override national security/public policy in contract law.

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26. 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) Grant adjournment as a matter of right.

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

(D) Dismiss the suit.

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

Solution:

Step 1: Understanding the Concept:

Section 35B of the CPC deals with "Costs for causing delay." It was introduced to discourage dilatory tactics by litigants and ensure the timely progress of suits.

Step 2: Detailed Explanation:

According to Section 35B, if a party fails to take the step which it was required by the court to take on that date (e.g., filing a document, examining a witness), the court may make an order requiring such party to pay to the other party such costs as the Court deems sufficient.

Crucially, the section states that the payment of such costs on the next date of hearing shall be a **condition precedent** to the further prosecution of:

- The suit (if the defaulting party is the plaintiff).
- The defense (if the defaulting party is the defendant).

If the costs are not paid, the court will not allow the defaulting party to proceed with their case.

Step 3: Final Answer:

Section 35B allows the court to impose costs as a mandatory condition for allowing the case to move forward.

Quick Tip: Section 35B CPC Keyword: "Condition Precedent."

Pay the fine → Then proceed.

If you don't pay the costs imposed under this section, you lose your right to continue your claim or defense.

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27. 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 thirty days of receipt if the Registrar does not take action

(B) After fifteen days of receipt if the Registrar does not take action

(C) After ten days of receipt if the Registrar does not take action

(D) None of the above

Correct Answer: (B) After fifteen days of receipt if the Registrar does not take action

Solution:

Step 1: Understanding the Concept:

The Uttarakhand Uniform Civil Code (UCC) was the first of its kind in India. The rules framed under it prescribe specific procedural timelines for administrative actions, including the certification of legal heirs.

Step 2: Detailed Explanation:

The procedure for declaring legal heirs under the Uttarakhand UCC Rules, 2025 emphasizes efficiency.

When an application is submitted to the local Registrar, the Registrar must act upon it within a set timeframe.

The rules specify that if the Registrar fails to take any action on the application within **15 days** of its receipt, the matter is automatically escalated/forwarded to the Registrar General for necessary action.

This ensures that citizens are not subjected to indefinite administrative delays in inheritance matters.

Step 3: Final Answer:

The timeline for forwarding the application to the Registrar General is 15 days of inaction by the local Registrar.

Quick Tip: UCC Uttarakhand procedural tip: 15 days is the standard "Inaction Trigger" for many administrative escalations under these rules.

This is a new and specific regional law question—keep track of state-specific UCC updates.

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28. 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 121

(B) Section 113

(C) Section 109

(D) Section 152

Correct Answer: (B) Section 113

Solution:

Step 1: Understanding the Concept:

Historically, terrorism was only defined in special laws like UAPA or TADA. The BNS 2023 marks a significant change by including terrorism in the general penal code of the country.

Step 2: Detailed Explanation:

Section 113 of the BNS, 2023 defines and penalizes a "Terrorist Act."

It defines it as an act done with the intent to threaten the unity, integrity, sovereignty, or security of India or to strike terror in the people.

The definition covers acts causing death, injury, damage to property, disruption of essential services, etc., using explosives, firearms, or biological/chemical agents.

This section essentially brings the core provisions of the Unlawful Activities (Prevention) Act (UAPA) into the mainstream criminal code.

Step 3: Final Answer:

The definition of "Terrorist Act" is found in Section 113 of the BNS.

Quick Tip: BNS Section 113 ⇒ Terrorism.

Compare this to old laws where terrorism had no definition in the IPC.

Section 152 BNS ⇒ Acts endangering sovereignty (replaces Sedition). Do not confuse the two.

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29. 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 three months

(B) Within five months

(C) Within six months

(D) Within seven months

Correct Answer: (A) Within three months

Solution:

Step 1: Understanding the Concept:

This relates to Section 6 of the Dowry Prohibition Act, which states that dowry received by anyone other than the woman must be held in trust for her and eventually transferred to her.

Step 2: Detailed Explanation:

Section 6(1) of the Act specifies three different timelines for transfer:

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 receipt.
3. If received while the woman was a **minor**: Within three months after she attains the age of 18.

Failure to transfer the property within this "three-month" window is a criminal offence punishable with imprisonment (6 months to 2 years) and/or fine.

Step 3: Final Answer:

The statutory time limit for transferring dowry received before marriage is 3 months from the date of marriage.

Quick Tip: Dowry Transfer Rule: Always "3 Months."

Whether received before, during, or after marriage, the trustee has exactly 90 days (3 months) to give it to the woman.

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30. Directions : The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A).

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:

This question tests the relationship between the "Previous Year" (PY) and the "Assessment Year" (AY) under the Income Tax Act, 1961.

Step 2: Detailed Explanation:

- **Previous Year (PY):** This is the financial year in which income is earned (e.g., April 1, 2023, to March 31, 2024).

- **Assessment Year (AY):** This is the year immediately following the PY in which that income is evaluated and tax is filed (e.g., April 1, 2024, to March 31, 2025).

Assertion (A) is **True** because the primary charging section (Section 4) states that tax is levied on the income of the previous year.

Reason (R) is **True** because it correctly defines the mechanism: income of the PY is taxed in the AY.

Since the reason for taxing PY income is precisely because the law structures the assessment process in the succeeding year, the Reason correctly explains the Assertion.

Step 3: Final Answer:

Both statements are legally correct and the logical link between them is established by the statutory definition of the assessment cycle.

Quick Tip: Income Tax Rule:

Earn in year 1 (Previous Year).

Pay/Assess in year 2 (Assessment Year).

Assertion/Reason questions often test these basic definitions.

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31. Directions : The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A).

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.

(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 true, but (R) is false.

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

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

Solution:

Step 1: Understanding the Concept:

This is based on the "Triple Test" for an "Industry" established by the Supreme Court in the landmark *Bangalore Water Supply & Sewerage Board v. A. Rajappa (1978)* case.

Step 2: Detailed Explanation:

The Court held that any activity will be an "Industry" under Section 2(j) if it satisfies three conditions:

1. Systematic Activity.
2. Organized by cooperation between employer and employee.
3. For the production/distribution of goods and services calculated to satisfy human wants.

Crucially, the Court ruled that **profit motive** or a charitable nature is **irrelevant**. If a charitable trust runs an organized establishment with hired help, it is an industry.

Assertion (A) describes the factual dispute where a trust claims it's not an industry. This represents a valid legal scenario (True).

Reason (R) describes why the trust *is* actually an industry: because it carries out organized activities with a remunerated workforce.

Since the characteristics in (R) are exactly what the law uses to reject the defense in (A), (R) is the correct explanation.

Step 3: Final Answer:

Both statements are true and the reason accurately justifies the legal status of the trust as an "industry."

Quick Tip: Bangalore Water Supply Test:
Profit $\Rightarrow$ Not required.
Charity $\Rightarrow$ Can still be an industry.
Systematic work + Employer-Employee relation = Industry.

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32. 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) Three members — all elected by the Council, with the most junior member serving as Chairman.
(B) 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.
(C) Five members — three elected by the Council and two co-opted senior advocates from outside the Council.
(D) Five members — all co-opted from advocates having not less than ten years' standing at the Bar.

Correct Answer: (B) 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, 1961, specifies the mandatory constitution of committees by the Bar Council to handle matters of professional misconduct.

Step 2: Detailed Explanation:
According to Section 9(1) of the Act, a Bar Council shall constitute one or more disciplinary committees.
The composition is strictly defined as follows:
- **Total members:** 3.
- **Elected members:** 2 members must be elected by the Bar Council from amongst its own members.
- **Co-opted member:** 1 member must be an advocate who is NOT a member of the Council but has been co-opted by the Council.
The co-opted member must possess the qualifications specified for being a member of the

State Bar Council.

The senior-most advocate among the members of the disciplinary committee acts as its Chairman.

Step 3: Final Answer:

Option (B) perfectly matches the statutory requirement of Section 9(1).

Quick Tip: Disciplinary Committee Formula:

2 (Elected Council Members) + 1 (Outside Co-opted Member) = 3 total.

Remember: The outsider ensures neutrality in proceedings.

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33. 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 an appeal against decree.

(B) Only by filing a separate suit.

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

(D) Only through review before the same court.

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

Solution:

Step 1: Understanding the Concept:

This relates to **Order IX Rule 13** of the CPC, which provides the remedy for a defendant against whom a decree has been passed in their absence (ex-parte).

Step 2: Detailed Explanation:

When a court passes a decree without the defendant being present, it is called an ex-parte decree.

Order IX Rule 13 states that a defendant can apply to the Court that passed the decree to set it aside.

The two grounds for setting it aside are:

1. The summons was not duly served (Directly applicable to this question).
2. The defendant was prevented by any "sufficient cause" from appearing when the suit was called for hearing.

If the court is satisfied that the summons was not served, it **must** set aside the decree and allow the defendant to contest the case.

Step 3: Final Answer:

The specific and most effective remedy for a defendant not served with summons is an application under Order IX Rule 13 to set aside the ex-parte decree.

Quick Tip: Ex-parte Remedies:

1. Order 9 Rule 13 $\Rightarrow$ Set aside (Trial Court).
2. Section 96(2) $\Rightarrow$ Appeal (Higher Court).
3. Order 47 Rule 1 $\Rightarrow$ Review.

While appeal is possible, the *standard* and most common relief for non-service of summons is Rule 13.

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34. 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 causing of voluntary death to the assailant?

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

(B) A theft of property where the value of the goods stolen exceeds Rs.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:

The right of private defence is governed by Sections 96–106 of the IPC. **Section 100** specifically lists the seven circumstances where the right of private defence of the body extends to voluntarily causing death.

Step 2: Detailed Explanation:

According to Section 100 IPC, death can be caused if the assault reasonably causes apprehension of:

1. Death.
2. Grievous hurt.
3. Rape.
4. Gratifying unnatural lust.
5. **Kidnapping or Abduction** (Matches Option A).
6. Wrongful confinement (where the person cannot contact public authorities).
7. Acid attack (added in 2013).

Options B and C relate to the private defence of **property** (governed by Section 103), and simple assault (Option D) does not justify killing the assailant under Section 101.

Step 3: Final Answer:

As per Section 100 (fifth clause), an assault with the intent of kidnapping or abducting justifies causing the death of the assailant in self-defence.

Quick Tip: Sec 100 (Body) vs Sec 103 (Property):
Body Death Rights: Death, Grievous Hurt, Rape, Lust, Kidnap/Abduct, Confinement, Acid.
Property Death Rights: Robbery, House-breaking by night, Arson, Theft/Trespass + Apprehension of death/grievous hurt.

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35. 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) Stay the proceedings until service is effected.

(B) Proceed to decide the suit on merits.

(C) Dismiss the suit.

(D) Return the plaint for fresh presentation.

Correct Answer: (C) Dismiss the suit.

Solution:

Step 1: Understanding the Concept:

This relates to the consequences of a plaintiff's failure to comply with procedural orders, specifically **Order IX Rule 2** of the CPC.

Step 2: Detailed Explanation:

Order IX Rule 2 of the CPC states that where on the day fixed for the defendant to appear, it is found that the summons has not been served because of the **failure of the plaintiff** to pay the court-fee or postal charges, the Court may make an order that the suit be dismissed.

The law puts the burden of facilitating the service of summons on the plaintiff. If the plaintiff is negligent in paying the necessary fees, the court can penalize them by dismissing the suit.

However, Rule 4 allows the plaintiff to bring a **fresh suit** (subject to limitation) or apply to set aside the dismissal if they can show sufficient cause for the failure.

Step 3: Final Answer:

The immediate legal consequence of failing to pay summon charges is the dismissal of the suit under Order IX Rule 2.

Quick Tip: Plaintiff's Negligence in Summons:

Failure to pay fees $\Rightarrow$ Dismissal (Order 9 Rule 2).

Failure to appear on hearing date $\Rightarrow$ Dismissal (Order 9 Rule 8).

Remedy $\Rightarrow$ Fresh suit or set aside dismissal (Order 9 Rule 4).

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36. 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 360

(C) Article 249

(D) Article 250

Correct Answer: (D) Article 250

Solution:

Step 1: Understanding the Concept:

This question deals with the distribution of legislative powers between the Union and States during a "National Emergency."

Step 2: Detailed Explanation:

Article 352 provides for the Proclamation of Emergency.

When such a proclamation is in operation, **Article 250** of the Constitution states that "Parliament shall have power to make laws for the whole or any part of the territory of India with respect to any of the matters enumerated in the **State List**."

- Article 356 (Option A) is State Emergency (President's Rule).
- Article 360 (Option B) is Financial Emergency.
- Article 249 (Option C) allows Parliament to legislate on state matters in "National Interest" even *without* an emergency, but only if Rajya Sabha passes a resolution.

Step 3: Final Answer:

During a National Emergency under Article 352, the legislative power over the State List is derived from Article 250.

Quick Tip: Parliament's power over State List:

1. National Interest $\Rightarrow$ Article 249.
2. National Emergency (Art 352) $\Rightarrow$ Article 250.
3. State Emergency (Art 356) $\Rightarrow$ Article 357.
4. By Agreement $\Rightarrow$ Article 252.
5. International Treaties $\Rightarrow$ Article 253.

---

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

(A) Justice V. R. Krishna Iyer

(B) Justice P. N. Bhagwati

(C) Prof. Upendra Baxi

(D) Prof. Abram Chayes

Correct Answer: (C) Prof. Upendra Baxi

Solution:

Step 1: Understanding the Concept:

PIL is a legal innovation where a public-spirited person or social group can approach the court for the enforcement of fundamental rights of others (usually the marginalized).

Step 2: Detailed Explanation:

While Justice V.R. Krishna Iyer and Justice P.N. Bhagwati are considered the "fathers" or "architects" of PIL in India (expanding the rule of *locus standi*), the specific **term** "Public Interest Litigation" is credited to the legal scholar **Prof. Upendra Baxi** in the Indian context. He used this term to describe the social action litigation he was initiating or documenting.

Prof. Abram Chayes (Option D) is an American scholar who used the term "Public Law Litigation," which is a related but different concept in US jurisprudence.

Step 3: Final Answer:

In Indian jurisprudence, the coining/first usage of the term PIL is attributed to Prof. Upendra Baxi.

Quick Tip: PIL Personalities:

1. Term used by ⇒ Upendra Baxi.
2. Locus Standi relaxed by ⇒ Krishna Iyer.
3. Main champion/Epistolary jurisdiction ⇒ P.N. Bhagwati.
4. First landmark PIL ⇒ Hussainara Khatoon case.

---

38. Directions : The following question consists of two statements, one labelled as Assertion (A) and another labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the

Reason (R) is a correct explanation of the Assertion (A).

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

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

(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:

Separation of Powers (Montesquieu's doctrine) suggests that the three branches of government should be completely distinct. However, modern democracies prefer "Functional Separation" with "Checks and Balances."

Step 2: Detailed Explanation:

Assertion (A) is **True**. Unlike the US Constitution, the Indian Constitution does not have a strict, water-tight compartment for each branch. For example, the Executive is a part of the Legislature (Parliamentary form), and the Judiciary can perform administrative functions.

Reason (R) is **True**. The Indian Constitution ensures that one branch does not become tyrannical. The Judiciary can review legislative acts, the Legislature can remove Judges, and the Executive has the power of pardon. This overlap is precisely why the separation is not "rigid."

Since the lack of rigidity (Assertion) is the direct result of the design of checks and balances (Reason), (R) is the correct explanation.

Step 3: Final Answer:

Both statements are true and the reason provides the foundational logic for the assertion.

Quick Tip: Separation of Powers in India:

It is not mentioned in any specific article but is part of the "Basic Structure" (re: *Kesavananda* case).

It is "Functional" rather than "Structural."

The word "Rigid" usually refers to the US model.

---

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

(A) Simple imprisonment up to 2 years, or fine, or Community Service

(B) Rigorous imprisonment for 5 years

(C) Fine only

(D) Only an apology in open court

Correct Answer: (A) Simple imprisonment up to 2 years, or fine, or Community Service

Solution:

Step 1: Understanding the Concept:

Criminal Defamation was previously covered under Sections 499–500 of the IPC. In the new BNS 2023, it is retained but the sentencing options have been modernized.

Step 2: Detailed Explanation:

In the BNS, 2023, the punishment for defamation is primarily provided for in the context of the new reformative justice system.

The court can sentence a person convicted of defamation to:

1. Simple imprisonment for a term which may extend to two years.
2. Or with fine.
3. **Or with Community Service**.

This addition of "Community Service" is a major reform in the 2023 code, allowing the court to order the offender to do social work instead of sending them to jail for a non-violent, reputational crime.

Step 3: Final Answer:

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

Quick Tip: BNS Update:

Defamation Punishment = IPC Punishment + Community Service.

Note: Defamation is now one of the specific crimes where community service is explicitly mentioned as a sentencing option.

---

40. 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 320

(B) Section 125

(C) Section 107

(D) Section 144

Correct Answer: (B) Section 125

Solution:

Step 1: Understanding the Concept:

Section 125 of the CrPC is a secular, summary provision intended to prevent destitution and vagrancy. It exists alongside personal laws (like Hindu or Muslim personal law).

Step 2: Detailed Explanation:

Section 125 empowers a Magistrate to order a person having sufficient means to pay a monthly allowance for the maintenance of:

1. His wife (who is unable to maintain herself).
2. His legitimate or illegitimate minor children.
3. His father or mother (who are unable to maintain themselves).

- Section 320 (Option A) deals with compounding of offences.
- Section 107 (Option C) deals with security for keeping peace.
- Section 144 (Option D) deals with urgent orders in cases of nuisance or apprehended danger.

Step 3: Final Answer:

The summary remedy for maintenance is provided under Section 125 of the CrPC.

Quick Tip: Section 125 CrPC is "Secular."

It applies to all citizens regardless of religion.

Key Case: *Shah Bano Case*.

Objective: Social Justice (preventing starvation/vagrancy).

---

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

(A) Right to life and personal liberty

(B) Right to emergency medical care

(C) Right to clean and healthy environment

(D) Right to speedy trial

Correct Answer: (B) Right to emergency medical care

Solution:

Step 1: Understanding the Concept:

This landmark judgment revolves around the interpretation of Article 21 of the Constitution (Right to Life) and the professional obligations of medical practitioners in emergency situations.

Step 2: Detailed Explanation:

In **Parmanand Katara v. Union of India (1989)**, the Supreme Court of India was moved by a petition highlighting the refusal of doctors to treat accident victims before police formalities were completed.

The Court held that:

1. Every doctor, whether at a Government hospital or otherwise, has a professional and legal obligation to extend his services with due expertise for protecting life.

2. No law or state action can intervene to avoid/delay the discharge of the paramount

obligation cast upon members of the medical profession to save lives.

3. Procedural criminal laws or medico-legal formalities cannot take precedence over the survival of a human being.

While this right is derived from Article 21 (Option A), the most specific and direct association of this case is with the **Right to Emergency Medical Care**.

Step 3: Final Answer:

The Parmanand Katara case established the fundamental right of every citizen to receive immediate medical aid in emergencies without being blocked by procedural delays.

Quick Tip: AIBE Landmark Case Recall:

Parmanand Katara $\Rightarrow$ Doctors must treat first, ask questions later.

Hussainara Khatoon $\Rightarrow$ Speedy Trial.

M.C. Mehta $\Rightarrow$ Environment/Pollution.

---

42. 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: (C) 30 days

Solution:

Step 1: Understanding the Concept:

Plea Bargaining is a pre-trial negotiation where the accused agrees to plead guilty in exchange for certain concessions from the prosecution. The BNSS, 2023, has introduced stricter timelines for this process to ensure efficiency.

Step 2: Detailed Explanation:

Under the old CrPC regime, plea bargaining could be initiated at any stage before the judgment.

However, the **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, under Section 289 (corresponding to the old Section 265B), introduces a significant limitation.

The accused person must file an application for plea bargaining in the Court in which such offence is pending trial within a period of **thirty days** from the date of framing of charges.

This reform is intended to prevent the misuse of plea bargaining as a delay tactic near the end of a trial and encourages early settlement of cases.

Step 3: Final Answer:

The mandatory timeline under BNSS for applying for plea bargaining is 30 days from the framing of charges.

Quick Tip: BNSS Timeline Update:

Plea Bargaining = 30-day window after charges are framed.

Old Law (CrPC) = No specific early-stage deadline.

This is a very high-yield "New Criminal Law" update question.

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43. 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 by the court in which the suit is pending.

(B) By the High Court.

(C) Only after conclusion of trial.

(D) Only upon agreement between the parties.

Correct Answer: (B) By the High Court.

Solution:

Step 1: Understanding the Concept:

The power to transfer suits, appeals, or other proceedings is governed by Sections 22 to 25 of the Code of Civil Procedure (CPC).

Step 2: Detailed Explanation:

Section 24 of the CPC deals with the "General power of transfer and withdrawal."

It empowers both the High Court and the District Court to transfer cases.

- **District Court:** Can transfer a case from one court subordinate to it to another court subordinate to it *within its own district*.
- **High Court:** Has the jurisdiction to transfer a case from any court subordinate to it to any other competent court in *any other district* within the same State.

Since the question specifically asks for a transfer "from one district to another district within the State," only the High Court has the authority to bridge that jurisdictional gap.

Step 3: Final Answer:

The High Court is the competent authority to order inter-district transfers of civil cases within a state under Section 24 of the CPC.

Quick Tip: Transfer of Case Shortcut:

Within District → District Court or High Court.

Between Districts (Same State) → High Court.

Between States → Supreme Court (Section 25).

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44. 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 procedural irregularity is alleged without specific provision under the Act.

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

(C) When the Act expressly permits such intervention.

(D) When both parties request supervision of proceedings.

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

Solution:

Step 1: Understanding the Concept:

One of the primary goals of the Arbitration and Conciliation Act, 1996 is to provide a fast alternative to the court system by minimizing judicial interference. This principle is codified in Section 5.

Step 2: Detailed Explanation:

Section 5 of the Act contains a "Non-obstante clause" regarding judicial intervention:
"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 that unless there is a specific section in the Act that says "the Court may..." (e.g., Section 8 for referral, Section 9 for interim measures, Section 11 for appointment of arbitrators, or Section 34 for setting aside an award), the Court is legally barred from interfering.
The Court cannot intervene based on general powers of equity, procedural "irregularity" not defined in the Act, or its own opinion on the "merits" of the case.

Step 3: Final Answer:

Judicial intervention in arbitration is strictly limited to the specific instances and circumstances explicitly authorized by the 1996 Act.

Quick Tip: Arbitration Mantra: "Minimal Judicial Interference."
Courts are not appellate bodies for arbitration awards.
They can only act as "facilitators" or "correctors" within the narrow boundaries set by the statute.

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45. 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 – landmark judgment stands as the latest interpretation of the relevant provisions, offering a consistent approach in line

with the legislative intent.
(B) In State (NCT of Delhi) v. Navjot Sandhu, AIR 2005 SC 3820, the Hon'ble Supreme Court had held that courts could admit electronic records such as printouts and compact discs (CDs) as prima facie evidence without authentication.
(C) The requirement of a certificate under Section 65B(4) of the Indian Evidence Act, 1872 is a condition precedent to the admissibility of an electronic record in evidence.
(D) In P.V. Anvar v. P.K. Basheer, the Court held that Section 65B is a "complete code" for electronic evidence.

Correct Answer: (B) In State (NCT of Delhi) v. Navjot Sandhu, AIR 2005 SC 3820, the Hon'ble Supreme Court had held that courts could admit electronic records such as printouts and compact discs (CDs) as prima facie evidence without authentication.

Solution:

Step 1: Understanding the Concept:

Section 65B deals with the admissibility of electronic evidence. This area of law has seen significant evolution through three major Supreme Court judgments: *Navjot Sandhu* (2005), *P.V. Anvar* (2014), and *Arjun Panditrao Khotkar* (2020).

Step 2: Detailed Explanation:

- **Option B analysis:** In *State (NCT of Delhi) v. Navjot Sandhu (2005)*, the Court held that secondary evidence of electronic records could be given under Sections 63 and 65 even without the 65B certificate if the "primary" source wasn't available. This essentially allowed admission **without the strict authentication** required by 65B. However, this interpretation was **overruled** in later cases. Because the question asks what is "not true with respect to Section 65B" (implying the current correct legal position), Option B describes an overruled and legally incorrect approach.
- **Option D analysis:** *P.V. Anvar v. P.K. Basheer (2014)* overruled *Navjot Sandhu* and declared Section 65B a "Complete Code," making the certificate mandatory. (True).
- **Option C analysis:** *Arjun Panditrao Khotkar (2020)* confirmed that the certificate is a "condition precedent" (a mandatory requirement) for secondary electronic evidence. (True).

Step 3: Final Answer:

The statement in Option B is "not true" according to the current, settled law of evidence, as the mandatory nature of Section 65B cannot be bypassed by general evidence rules.

Quick Tip: 65B Certificate Timeline:

1. Navjot Sandhu (2005) → Certificate not always mandatory (Now wrong).
2. P.V. Anvar (2014) → Certificate is MANDATORY.
3. Arjun Panditrao (2020) → Final word: Mandatory for secondary evidence.

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46. 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) Sub-Committee

(B) General Body

(C) Executive Committee

(D) Advisory Committee

Correct Answer: (C) Executive Committee

Solution:

Step 1: Understanding the Concept:

The BCI Rules aim to maintain the independence and impartiality of the legal profession. Conflict of interest is a major ground for professional misconduct.

Step 2: Detailed Explanation:

Rule 8 of the BCI Rules on Professional Standards states:

"An advocate shall not appear in or before any court, tribunal or other authority for or against an organisation or an institution, society or corporation, if he is a member of the **Executive Committee** of such organisation or institution, society or corporation."

The rationale is that a member of the Executive Committee has a direct role in the decision-making and management of the organization. Appearing as a lawyer for/against that same organization would create a direct conflict of interest between his duty as a manager and his duty as an officer of the court.

Note: This restriction does *not* apply to mere members of the "General Body."

Step 3: Final Answer:

The prohibition specifically targets membership in the Executive Committee of an institution.

Quick Tip: Conflict of Interest Rule:

Advocate + Executive Role = Cannot appear in Court.

Advocate + General Member = Can appear.

The "Executive" role implies control, which compromises professional independence.

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47. 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) Qualification of an expert.

(B) 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.

(C) The form specified in the Schedule requires that electronic evidence be accompanied by a "hash value".

(D) None of the above.

Correct Answer: (A) Qualification of an expert.

Solution:

Step 1: Understanding the Concept:

The Bharatiya Sakshya Adhiniyam (BSA), 2023, has replaced the Indian Evidence Act. Section 63 of BSA corresponds to the old Section 65B and details the process for certifying electronic records.

Step 2: Detailed Explanation:

Section 63(4) of the BSA 2023 specifies the contents and requirements of the certificate.

It mandates that the certificate should:

- Identify the electronic record.
- Describe the manner in which it was produced.

- Give particulars of the device.
- Be signed by the person in charge of the device AND an expert (Matches Option B).
- Use the format prescribed in the Schedule (which includes the "Hash Value" to ensure data integrity - Matches Option C).

Crucially, while the certificate must be signed by an "expert," the section **does not** require the "Qualification of an expert" to be stated within the certificate itself as a statutory requirement of that section.

Step 3: Final Answer:

The requirement to state the "Qualification of an expert" is not part of the statutory list mentioned in Section 63(4) of the BSA.

Quick Tip: BSA 2023 Highlights:

The new law makes "Hash Value" (a unique digital fingerprint) a standard part of the evidence certification process to prevent tampering.

This makes Indian electronic evidence law more technically robust.

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

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

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

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

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

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 2000 has a dual approach to cyber wrongs:

1. **Civil Liability (Section 43):** Focuses on compensating the victim.
2. **Criminal Liability (Section 66):** Focuses on punishing the offender.

Step 2: Detailed Explanation:

Section 43 of the IT Act provides that if any person, without permission of the owner, accesses a computer, downloads data, introduces a virus, etc., they shall be liable to pay **damages by way of compensation** to the person so affected. (No jail, just money).

Section 66 of the IT Act states: "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... or with both."

The key differentiator is the **Mens Rea** (guilty mind). Simple unauthorized access is a civil wrong (Sec 43); unauthorized access + dishonest/fraudulent intent is a criminal offense (Sec 66).

Step 3: Final Answer:

Conduct becomes criminal under the IT Act when the technical act is coupled with a dishonest or fraudulent intention.

Quick Tip: Cyber Law Formula:

Technical Wrong + No Intent $\Rightarrow$ Section 43 (Pay money).

Technical Wrong + Bad Intent $\Rightarrow$ Section 66 (Go to jail).

The monetary limit of the damage does not decide the nature of the offense in this context.

---

49. 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 the village. The land shall never be sold, mortgaged, leased, or otherwise transferred to third parties. 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 transfer is void because it violates the rule against perpetuity and the condition of accumula-

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

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

Solution:

Step 1: Understanding the Concept:
This question tests two distinct provisions of the Transfer of Property Act (TPA): Section 14 (Rule against perpetuity) and Section 17 (Direction for accumulation).

Step 2: Detailed Explanation:
1. **Rule against Perpetuity (Section 14):** This rule prevents property from being tied up forever. However, **Section 18** of the TPA provides an exception: the restrictions in Section 14 do not apply to transfers for the **benefit of the public** (advancement of religion, knowledge, commerce, health, etc.). Since a public library is for the advancement of knowledge, the "used forever" condition is valid.
2. **Direction for Accumulation (Section 17):** This section says you cannot direct the income of a property to be accumulated for a period longer than:
- The life of the transferor, OR
- 18 years from the date of transfer.
Any direction to accumulate income beyond this is void. Crucially, this limitation **does apply** to charitable trusts (though with certain exceptions for the payment of debts or preservation of property, which 50 years for "expansion" doesn't strictly meet in this context).

Step 3: Final Answer:
The gift to the library is valid under the charity exception (Sec 18), but the 50-year accumulation instruction is illegal and void to the extent it exceeds 18 years/life of the transferor.

Quick Tip: TPA Charity Exceptions:

Charity wins against Perpetuity (Section 14).

Charity still loses against excessive Accumulation (Section 17).

The 18-year limit for accumulation is a very common numerical fact for TPA exams.

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50. 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) 2018

(B) 2019

(C) 2024

(D) 2023

Correct Answer: (B) 2019

Solution:

Step 1: Understanding the Concept:

HSRP are tamper-proof plates aimed at preventing vehicle theft and improving tracking. This mandate was introduced through an amendment to the Central Motor Vehicles Rules, 1989.

Step 2: Detailed Explanation:

The Ministry of Road Transport and Highways (MoRTH) issued a notification making it mandatory for all new vehicles manufactured on or after **April 1, 2019**, to be fitted with High Security Registration Plates by the vehicle manufacturers themselves.

Before this date, HSRP was implemented inconsistently across states. The 2019 mandate centralized and streamlined the process to ensure every new vehicle rolling out of a showroom comes pre-fitted with these standardized plates.

Step 3: Final Answer:

The mandatory pre-fitment of HSRP for all new vehicles nationwide came into effect in the year 2019.

Quick Tip: HSRP Date to remember: **April 1, 2019**.

This date marks the transition where the responsibility for plates shifted from the dealer/owner to the vehicle manufacturer (OEMs).

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51. 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) Must be decided by instituting a separate civil suit.

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

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

(D) Shall be adjudicated by the executing court.

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

Solution:

Step 1: Understanding the Concept:

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

Step 2: Detailed Explanation:

In the past, if a third party claimed that the attached property belonged to them and not the debtor, they had to file a separate suit. This caused immense delay in the execution of decrees.

To solve this, the CPC was amended. Now, Order XXI Rule 58(2) explicitly states:

"All questions (including questions relating to right, title or interest in the property attached) arising between the parties to a proceeding or their representatives... and **relevant to the adjudication of the claim or objection**, shall be determined by the Court **dealing with the claim or objection** and **not by a separate suit**."

The "Court dealing with the claim" is the Executing Court.

Step 3: Final Answer:

The Executing Court itself has the power (and duty) to decide the ownership claims of third parties regarding attached property.

Quick Tip: CPC Execution Rule:

No separate suit for claims to attached property.

Executing Court = Final authority for all questions of title during execution (Sec 47 and Order 21 Rule 58).

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52. 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 unless profit motive is proven.

(B) The landowner is not a consumer as the transaction constitutes a commercial joint venture.

(C) The landowner is a consumer as he did not construct himself.

(D) The landowner is a consumer if defects exist, irrespective of the nature of transaction.

Correct Answer: (A) The landowner is a consumer unless profit motive is proven.

Solution:

Step 1: Understanding the Concept:

This question explores the definition of "Consumer" under Section 2(7) of the Consumer Protection Act, 2019, specifically in the context of real estate development.

Step 2: Detailed Explanation:

The Supreme Court has clarified (in cases like *Faqir Chand Gulati v. Uppal Agencies*) that in a Joint Development Agreement (JDA):

1. If the landowner provides land and the builder provides construction services for a share of the building, the landowner is **hiring the services** of the builder.

2. Therefore, the landowner is a "Consumer."

However, if the agreement is such that the landowner and builder are sharing *profits and losses* from the sale of the entire project to outsiders, it becomes a "Commercial Joint Venture."

The general rule is that the landowner is a consumer *unless* it is proven that the primary purpose was a commercial business venture for profit rather than obtaining a portion of the building for personal use.

Step 3: Final Answer:
A landowner in a JDA is presumed to be a consumer (hiring construction services) unless the builder can prove a dominant commercial profit-sharing motive.

Quick Tip: Consumer Law Hack:
Buying a house for living = Consumer.
Buying 10 houses to sell for profit = Commercial Purpose (Not a Consumer).
JDA landowners are generally consumers because they "pay" for construction by giving their land.

---

53. 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) Reprimand is the appropriate punishment for a first-time misappropriation, since removal from the roll would be disproportionate.
(B) 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.
(C) A monetary penalty equal to double the amount misappropriated is the appropriate sanction under the Act.
(D) Suspension from practice for a period of five years is the standard sanction for misappropriation of client funds.

Correct Answer: (B) 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:
This landmark ethics case addresses the fiduciary duty an advocate owes to their client and the severity of betraying that trust by stealing client funds.

Step 2: Detailed Explanation:

In **Harish Chandra Tiwari v. Baiju**, an advocate received money from the court on behalf of his client (a poor illiterate man) but did not pay it to him for many years and even lied about it. The Supreme Court held that:

1. The relationship between an advocate and a client is one of trust and confidence.
2. Misappropriation of a client's money is a breach of this trust and is a "grave professional misconduct."
3. To maintain the integrity of the legal profession, the punishment must be deterrent.
4. Ordinarily, such conduct justifies the permanent **removal of the advocate's name** from the rolls (Disbarment), as a person who steals from his own client is unfit to practice law.

Step 3: Final Answer:

The Court established that misappropriating client money is so serious that "Removal from the Roll" is the standard appropriate punishment.

Quick Tip: Ethics Logic:

Money Misconduct = Strike off the Roll (Permanent).

Other Misconduct = Suspension (Temporary) or Reprimand.

AIBE frequently tests the *Harish Chandra Tiwari* case to emphasize zero tolerance for financial fraud by lawyers.

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54. 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) Circumstances of the case, including the convenience of the parties.

(B) Location of subject matter of dispute.

(C) Jurisdiction of the civil court alone.

(D) Place where the contract was executed.

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

Solution:

Step 1: Understanding the Concept:

The "Place of Arbitration" (the Seat) is crucial as it determines which court will have supervisory jurisdiction over the arbitration.

Step 2: Detailed Explanation:

Section 20 of the Arbitration and Conciliation Act, 1996, provides:

1. The parties are free to agree on the place of arbitration. (Party Autonomy).
2. Failing any agreement referred to in sub-section (1), the place of arbitration shall be determined by the **arbitral tribunal** having regard to the **circumstances of the case, including the convenience of the parties**.

This ensures that the arbitration happens at a location that is logically connected to the dispute and accessible to all parties involved, rather than a place dictated by rigid civil court jurisdictional rules.

Step 3: Final Answer:

The statutory test for the tribunal to fix the place of arbitration is the "convenience of the parties" and "circumstances of the case."

Quick Tip: Section 20 keywords: "Agreement" → "Tribunal" → "Convenience."

Note: The "Place" mentioned in Section 20 is usually interpreted as the "Legal Seat" of the arbitration.

---

55. 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 patent becomes void if used by a government authority.

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

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

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

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 not absolute. The Patents Act, 1970, balances the interests of the inventor with the needs of the State and the public.

Step 2: Detailed Explanation:

Sections 47, 99, and 100 of the Patents Act, 1970, provide for the "Use of inventions of Government purposes."

- Section 47 (Grant of patent to be subject to certain conditions) specifies that the Government can import or make any patented machine or use any patented process for its own use.
- Section 100 allows the Central Government (and any person authorized by it) to use any invention for the purposes of Government **without the consent of the patentee**.
- However, the Government is generally required to pay "adequate remuneration" (royalty) to the patentee for such use, but their permission/consent is not a mandatory prerequisite for the state to act.

Step 3: Final Answer:

The sovereign power of the Government to use a patented invention for public/state purposes is a significant statutory limitation on the patentee's exclusivity.

Quick Tip: IP Law Logic:

Public Interest > Private Monopoly.

The Government's right to use a patent is often compared to "Eminent Domain" in property law. They can use it, but they must pay for it.

---

56. 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) Both Statement I and II are true

(B) Only Statement I is true

(C) Neither Statement I nor Statement II is true

(D) Only Statement II is true

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

Solution:

Step 1: Understanding the Concept:

This question deals with the doctrine of **"Kompetenz-Kompetenz"** (Competence-Competence), which is found in Section 16 of the Arbitration and Conciliation Act, 1996.

Step 2: Detailed Explanation:

- **Statement I analysis:** Section 16(1) says, "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 gives the tribunal the power to decide if it has the power to hear the case. (True).

- **Statement II analysis:** Section 16(2) mandates that "A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence." A party cannot participate in the trial and then suddenly challenge jurisdiction at the end if they lose. (True).

The tribunal has the discretion to admit a late plea if it considers the delay justified.

Step 3: Final Answer:

Both statements are direct reproductions of the statutory language in Section 16.

Quick Tip: Kompetenz-Kompetenz rule means the Arbitrator is the "Master of his own court."
If you think the arbitrator is wrong about jurisdiction, you can't go to court immediately; you must wait until the Final Award is passed and then challenge it under Section 34.

---

57. 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) It is a substantive offence that is legally barred from being charged in conjunction with other substantive crimes.
(B) The mere agreement between parties is sufficient to constitute the offence if the intended crime is punishable by death or rigorous imprisonment.
(C) A minimum of five persons must participate to satisfy the legal definition.
(D) A solitary individual's mere intention to commit a crime, even without an agreement with others, is sufficient for a conviction.

Correct Answer: (B) 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:
Criminal Conspiracy (Section 120A) is an agreement between two or more persons to do an illegal act or a legal act by illegal means.

Step 2: Detailed Explanation:
The core of conspiracy is the **agreement**.
The proviso to Section 120A states that no agreement (except an agreement to commit an **offence**) shall amount to a criminal conspiracy unless some act besides the agreement is done (overt act).
Conversely, if the agreement is to commit an **offence** (which includes crimes punishable by death or RI), the **mere agreement** is enough to complete the crime. No physical act needs to follow.
- Option A is wrong because conspiracy is usually charged *with* other crimes.
- Option C is wrong because only **two** persons are needed (five are needed for unlawful assembly).
- Option D is wrong because you cannot conspire with yourself.

Step 3: Final Answer:
For offences, the meeting of minds (agreement) itself is the crime. Overt acts are only needed for non-criminal illegal acts.

Quick Tip: Conspiracy vs. Unlawful Assembly:

Conspiracy (120A) → 2+ persons.

Unlawful Assembly (141) → 5+ persons.

In conspiracy to commit a crime, "Words are Deeds." The moment you agree to kill/rob, the crime is committed.

---

58. 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 unauthorized removal of immovable property without the owner's consent

(D) The employment of physical force or criminal violence against a person

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

Solution:

Step 1: Understanding the Concept:

Theft is an offence against **possession** (not necessarily ownership) and only applies to **movable** property.

Step 2: Detailed Explanation:

Section 378 IPC defines five ingredients for theft:

1. Dishonest intention to take property.
2. Property must be **movable**.
3. Property must be taken out of the **possession** of another person.
4. Taking must be **without consent**.
5. There must be a **movement** of the property in order to such taking.

- Option B is wrong: Theft can happen in private places.
- Option C is wrong: Immovable property (like land) cannot be stolen.
- Option D is wrong: Use of force makes it "Robbery" or "Extortion," not simple "Theft."

Step 3: Final Answer:

Moving movable property out of someone's possession without consent is the foundational element of theft.

Quick Tip: Theft Essentials:

1. Movable only.
2. Out of Possession.
3. No Consent.
4. Movement.

Note: If a tree is cut down (becoming movable) and carried away, it becomes theft.

---

59. 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(c)

(C) Section 2(x)

(D) Section 2(a)

Correct Answer: (D) Section 2(a)

Solution:

Step 1: Understanding the Concept:

The CrPC categorizes offences into Bailable and Non-bailable. In bailable offences, bail is a **matter of right**.

Step 2: Detailed Explanation:

Section 2 of the CrPC contains the definitions.

- **Section 2(a)** defines "Bailable Offence" as 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.
- **Section 2(c)** defines "Cognizable Offence."
- **Section 2(h)** defines "Investigation."

- **Section 2(x)** defines "Warrant Case."

The First Schedule of the CrPC is the actual list that tells us which IPC section is bailable and which is not.

Step 3: Final Answer:

The definition for bailable offences is found at the very beginning of the code in Section 2(a).

Quick Tip: CrPC Definition Mnemonics:

2(a) → Bail.

2(c) → Cognizable (Police can arrest).

2(g) → Inquiry (by Magistrate).

2(h) → Investigation (by Police).

2(w) → Summons case.

2(x) → Warrant case.

---

60. 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.

(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: (B) Both Conclusions I and II follow

Solution:

Step 1: Understanding the Concept:

This question tests the procedural rules for the implementation of minimum wage revisions under Section 5(2) of the Minimum Wages Act, 1948.

Step 2: Detailed Explanation:

According to Section 5(2) of the Act:

"The appropriate Government... shall, by notification in the Official Gazette, fix, or as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the **expiry of three months** from the date of its issue."

- **Conclusion I analysis:** The law allows the government to specify a date. If they do, that date is the effective date. (True).
- **Conclusion II analysis:** The law provides a default "waiting period." If the government stays silent on the date, the law automatically makes it effective after exactly 3 months (90 days). (True).

Step 3: Final Answer:

Both conclusions accurately reflect the two scenarios (express date vs. default date) provided in the statute.

Quick Tip: Minimum Wages Implementation Rule:

Specified Date = That Date.

Silent Notification = 3 Months later.

This 3-month buffer exists to allow employers to adjust their budgets and payroll systems.

---

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

(A) PUDR v. Union of India, (1982) 3 SCC 235

(B) Vishaka v. State of Rajasthan, (1997) 6 SCC 241

(C) M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 756

(D) Glaxo Laboratories v. Presiding Officer, Labour Court, Meerut, (1984) 1 SCC 1

Correct Answer: (A) PUDR v. Union of India, (1982) 3 SCC 235

Solution:

Step 1: Understanding the Concept:

Article 23 of the Constitution prohibits "Begar" and other similar forms of forced labour. The question asks which case broadened the definition of "forced labour" beyond mere physical compulsion.

Step 2: Detailed Explanation:

In **People's Union for Democratic Rights (PUDR) v. Union of India (1982)**, popularly known as the **Asiad Workers Case**, the Supreme Court significantly expanded the scope of Article 23.

The Court held that the word "force" does not only mean physical or legal force. It also includes "economic compulsion."

The Court ruled that if a person provides labour or service to another for remuneration which is less than the **minimum wage**, it amounts to "forced labour" under Article 23.

The rationale was that a person working for less than the minimum wage is not doing so voluntarily but out of the force of economic circumstances (poverty and hunger).

Step 3: Final Answer:

The PUDR case is the landmark judgment that read economic necessity into the definition of forced labour, thereby protecting the rights of unorganized workers.

Quick Tip: Keyword for Article 23 Expansion ⇒ "Asiad Workers" or "PUDR Case."

Logic: Working below minimum wage = Forced Labour.

This is a cornerstone of Labour Law and Human Rights jurisprudence in India.

---

62. 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 hundred rupees

(B) Fine up to one thousand rupees

(C) Fine up to five thousand rupees

(D) Fine up to two thousand rupees

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

Solution:

Step 1: Understanding the Concept:

The Special Marriage Act, 1954, contains provisions to ensure the privacy of parties involved in sensitive matrimonial disputes by allowing "In-Camera" proceedings (private hearings).

Step 2: Detailed Explanation:

Section 33 of the Special Marriage Act deals with the conduct of proceedings.

Sub-section (2) prohibits the printing or publication of any matter in relation to such proceedings except with the previous permission of the Court.

Contravention of this rule is a punishable offence. The Act stipulates that anyone who violates this privacy requirement shall be punishable with a fine which may extend to **one thousand rupees**.

This penalty aims to deter unauthorized publicity that could harm the reputation or dignity of the parties.

Step 3: Final Answer:

The maximum statutory fine prescribed for violating the confidentiality of in-camera proceedings under the Act is Rs. 1,000.

Quick Tip: Statutory Fines to remember:

Breach of In-camera privacy (Matrimonial laws) $\Rightarrow$ Generally Rs. 1,000.

Note: Similar provisions exist in the Hindu Marriage Act (Sec 22).

---

63. "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) Ridge v. Baldwin, (1964) A.C. 40

(B) Cooper v. Wandsworth Board of Works, (1863) 14 C.B. (N.S.) 180

(C) Mayar v. Minister of Housing and Local Government, (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:

Historically, the Principles of Natural Justice (like the right to a fair hearing) were applied only to "judicial" or "quasi-judicial" bodies. Purely "administrative" acts were exempt. This case removed that distinction.

Step 2: Detailed Explanation:

In **A.K. Kraipak v. Union of India (1970)**, the Supreme Court dealt with a case involving the selection process for the Indian Forest Service, where a person who was a candidate was also part of the selection committee.

The Court held that the dividing line between an administrative power and a quasi-judicial power is quite thin and is being gradually obliterated.

The Court famously observed that the rules of natural justice apply to **all functions**—whether administrative or quasi-judicial—if the decision affects the rights of an individual.

The goal of natural justice is to prevent the miscarriage of justice, and it shouldn't be restricted by technical definitions of the nature of the function.

Step 3: Final Answer:

The A.K. Kraipak case is the authority for the proposition that Natural Justice applies to administrative actions as well.

Quick Tip: Administrative Law Mantra:

"Natural Justice is a flexible concept."

Kraipak Case = Obliteration of the line between Administrative and Quasi-Judicial.

It established the "Duty to act fairly."

---

64. 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:

Section 7 of the Hindu Adoptions and Maintenance Act (HAMA), 1956, mandates that a male Hindu can only adopt a child with the consent of his wife.

Step 2: Detailed Explanation:

According to the Proviso to Section 7, the consent of the wife is **not required** if:

1. The wife has completely and finally renounced the world.

2. The wife has **ceased to be a Hindu** (by converting to another religion like Islam or Christianity).

3. The wife has been declared by a court of competent jurisdiction to be of **unsound mind**.

- Living separately (Option C) does not dispense with the need for consent unless there is a formal divorce.

- Disagreement (Option A) is the reason why consent is needed; it does not bypass the requirement.

Step 3: Final Answer:

Conversion to another religion results in the loss of the right to give or withhold consent for adoption under HAMA.

Quick Tip: Exceptions to Consent (HAMA):

1. Renounced the world.
2. Ceased to be Hindu (Conversion).
3. Unsound Mind.

The same three exceptions apply to the husband's consent when a wife adopts (Sec 8).

---

65. 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 fully exempt from tax.
(B) It is taxable only if received in cash.
(C) It is taxable under the head "Income from Other Sources".
(D) It is treated as a capital receipt and is not taxable.

Correct Answer: (C) It is taxable under the head "Income from Other Sources"

Solution:

Step 1: Understanding the Concept:
This section addresses the taxation of "Gifts." To prevent tax evasion through bogus gifts, the law treats money/property received without paying for it as income.

Step 2: Detailed Explanation:
Section 56(2)(x) of the Income-tax Act, 1961, states that where any person receives from any person (after 1st April 2017):

1. Any sum of money without consideration.
2. And the **aggregate value exceeds Rs. 50,000**.

The whole of such sum shall be taxable.
The Act explicitly categorizes such receipts under the residual head of income: "**Income from Other Sources**".

However, gifts from "Relatives" (as defined in the Act) are exempt regardless of the amount. Since the question specifies it is from a non-relative and exceeds the limit, it becomes taxable.

Step 3: Final Answer:

The receipt of money exceeding the threshold from a non-relative is deemed income and taxed under "Income from Other Sources."

Quick Tip: Income Tax Gift Rule:

Limit = Rs. 50,000.

Relative = No Tax.

Non-relative > Rs. 50k = Taxable under "Other Sources."

---

66. 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 249 has been passed. The source of Parliament's competence would be :

(A) Article 249

(B) Article 252

(C) Article 250

(D) Article 253

Correct Answer: (D) Article 253

Solution:

Step 1: Understanding the Concept:

Usually, Parliament cannot make laws on subjects in the State List (List II). However, there are five specific exceptions to this rule. This question focuses on the "International Agreements" exception.

Step 2: Detailed Explanation:

Article 253 of the Constitution states: "Notwithstanding anything in the foregoing provisions of this Chapter, 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 countries or any decision made at any international conference, association or other body."

This power is absolute and does not require state consent or an emergency proclamation.

Because the question mentions the goal is to implement "India's obligations under an international environmental agreement," Article 253 is the specific constitutional bridge allowing Parliament to override the State List.

Step 3: Final Answer:

The legislative competence to implement international treaties on state subjects is derived exclusively from Article 253.

Quick Tip: Treaty Implementation Shortcut:

Whenever you see "International Agreement" or "Treaty" in a question about Parliament's power ⇒ Choose Article 253.

Example: The Environment (Protection) Act, 1986 was enacted using this article.

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67. 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) D.C. Wadhwa v. State of Bihar, AIR 1987 SC 579

(B) R.C. Cooper v. Union of India, AIR 1970 SC 564

(C) Krishna Kumar Singh v. State of Bihar, (2017) 3 SCC 1

(D) Shamsher Singh v. State of Punjab, AIR 1974 SC 2192

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

Solution:

Step 1: Understanding the Concept:

An Ordinance (under Art 123/213) is a temporary law meant for emergencies when the legislature is not in session. It must be approved by the legislature within 6 weeks of its reassembly.

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 over 14 years without ever presenting them to the state assembly.

The Supreme Court held that the executive cannot take over the law-making function of the legislature through the back door.

The Court used the specific phrase "**fraud on the Constitution**" to describe the practice of re-promulgating an ordinance repeatedly to keep it alive without legislative scrutiny.

The Court ruled that such a practice is a subversion of the democratic process.

Step 3: Final Answer:

The D.C. Wadhwa case is the landmark authority that limited the abuse of the ordinance-making power.

Quick Tip: Ordinance Cases Cheat Sheet:

R.C. Cooper $\Rightarrow$ Satisfaction of President is justiciable.

D.C. Wadhwa $\Rightarrow$ Repeated re-promulgation is a Fraud on the Constitution.

Krishna Kumar Singh $\Rightarrow$ Re-promulgation is unconstitutional (7-judge bench update).

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68. Which of the following is not included in the Industrial Relations Code, 2020?

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

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

(C) Trade Unions Act, 1926

(D) Industrial Disputes Act, 1947

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

Solution:

Step 1: Understanding the Concept:

The Government of India consolidated 29 central labour laws into 4 Labour Codes. One of these is the Industrial Relations (IR) Code, 2020.

Step 2: Detailed Explanation:

The IR Code, 2020 subsumed and replaced three specific acts related to the relationship between employers and employees:

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** is a regulatory law concerning industrial licensing and central government control over industries. It is **not** a labour law and remains a separate, independent legislation.

Step 3: Final Answer:

The IDR Act 1951 is not part of the recent labour law codification process.

Quick Tip: New Labour Code Recall:

IR Code = Trade Unions + Standing Orders + Industrial Disputes.

Note the names: The acts that were merged all relate to the *conduct* and *disputes* of labour, whereas the IDR Act relates to the *licensing* of the factory itself.

---

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

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

(B) The Collector shall publish public notice in his office.

(C) Such interested persons may file objections within 60 months of the notice having been issued.

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

Correct Answer: (C) Such interested persons may file objections within 60 months of the notice having been issued.

Solution:

Step 1: Understanding the Concept:

Land acquisition procedure (under the RFCTLARR Act, 2013) involves strict timelines to protect the interests of landholders and ensure projects are not delayed indefinitely.

Step 2: Detailed Explanation:

When the government intends to acquire land, it issues a preliminary notification.

Interested persons have a right to object to the acquisition.

Section 15 of the 2013 Act states that any person interested in any land which has been notified may, within **sixty days** from the date of publication of the preliminary notification, object to the area and suitability of land.

The statement in Option (C) mentions "**60 months**" (which is 5 years). This is factually incorrect and contrary to the spirit of the law.

Options A, B, and D describe standard procedural practices involving public notice and the 30-day minimum window for various stages.

Step 3: Final Answer:

Statement (C) is false because the objection period is 60 days, not 60 months.

Quick Tip: Land Acquisition Timeline:

Objections to acquisition ⇒ 60 Days.

Payment of compensation ⇒ Within 3 months from award.

Possession ⇒ After full payment of compensation.

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

(A) July 1, 2024

(B) January 1, 2024

(C) August 15, 2023

(D) December 25, 2023

Correct Answer: (A) July 1, 2024

Solution:

Step 1: Understanding the Concept:

The three new criminal laws—Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA)—received Presidential assent in December 2023. However, they were implemented on a later date.

Step 2: Detailed Explanation:

The Central Government, using its powers under the acts, issued a notification specifying the implementation date.

All three laws (BNS, BNSS, and BSA) officially came into force across the country on **July 1, 2024**.

From this date, the old IPC, CrPC, and Evidence Act were repealed for new cases, although old cases continue under the old laws.

Step 3: Final Answer:

The effective date for the new criminal procedure code (BNSS) is July 1, 2024.

Quick Tip: New Law Dates:

Passed by Parliament $\Rightarrow$ Dec 2023.

Effective Date (Implementation) $\Rightarrow$ July 1, 2024.

Memorizing this date is mandatory for anyone appearing for the AIBE in 2024-25.

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71. 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) Doctrine of eclipse

(B) Article 14 and the principle of classification

(C) Doctrine of severability

(D) Legislative competence of the State

Correct Answer: (B) Article 14 and the principle of classification

Solution:

Step 1: Understanding the Concept:

Article 14 guarantees equality. While the state can classify people into different groups for laws, that classification must be "reasonable."

Step 2: Detailed Explanation:

Whenever a law differentiates between two groups (like "Old Pensioners" vs "New Pensioners"), the court applies the "**Twin Test**" **of Article 14**:

1. The classification must be founded on an **intelligible differentia** (a clear, understandable difference).

2. That differentia must have a **rational nexus** with the object sought to be achieved by the law.

The landmark case for this specific pension issue is **D.S. Nakara v. Union of India (1983)**, where the Supreme Court struck down a cut-off date for pension benefits as arbitrary and discriminatory under Article 14.

Step 3: Final Answer:

Challenges regarding arbitrary cut-off dates are decided based on the principles of Reasonable Classification under Article 14.

Quick Tip: Equality Tip:

If a question mentions "Arbitrariness," "Discrimination," or "Cut-off Dates" $\Rightarrow$ The answer is almost always Article 14.

"Intelligible Differentia" is the keyword for Article 14 classification.

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72. "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) K.C. Davis

(B) H.W.R. Wade

(C) A.V. Dicey

(D) Ivor Jennings

Correct Answer: (A) K.C. Davis

Solution:

Step 1: Understanding the Concept:

Administrative law is hard to define precisely. Different jurists emphasize different aspects (Rule of Law, Separation of Powers, or Judicial Review).

Step 2: Detailed Explanation:

K.C. Davis, a prominent American jurist, gave the definition provided in the question.

His definition is notable because it moves away from the classic UK definitions (like Wade's or Dicey's) and focuses heavily on "**procedural**" **aspects** and "**judicial review.**"

Davis emphasizes that Administrative Law is not just about what agencies can do, but *how* they do it and how the *courts* control them.

Step 3: Final Answer:

The focus on "judicial review of administrative action" as the core of the definition is the hallmark of K.C. Davis.

Quick Tip: Jurist Identification:

Dicey ⇒ Rule of Law.

Wade ⇒ Control of government power.

K.C. Davis ⇒ Judicial Review focus.

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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 optionally convertible preference shares and redeemable preference shares to a trust controlled by ABC's promoters at a price 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 restrain the company from carrying out acts that are prejudicial to the interests of the company or its shareholders and 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.

(A) Only Conclusion I follows
(B) Neither Conclusion I nor II follows
(C) Only Conclusion II follows
(D) Both Conclusions I and II follow

Correct Answer: (A) Only Conclusion I follows

Solution:

Step 1: Understanding the Concept:
The Companies Act, 2013 provides two main paths for minority shareholders to fight injustice: "Oppression and Mismanagement" (Sec 241) and "Class Action" (Sec 245).

Step 2: Detailed Explanation:
Section 245 (Class Action): This section allows a group of shareholders (meeting a certain numerical threshold) to file a suit on behalf of *all* affected shareholders against the company, directors, or auditors for damages caused by fraudulent/prejudicial acts. Selling shares below value to benefit promoters is a classic ground for a Class Action suit. Conclusion I is correct.
Section 241 (Oppression): While this section exists, Conclusion II states that members may proceed "**individually.**" This is legally incorrect. To file an application under Section 241, shareholders must meet the minimum numerical requirements set by **Section 244** (usually 100 members or 10% of total members). An individual cannot file such a case unless the NCLT waives the requirement. Thus, the statement that they may proceed "individually" is false as a general legal position.

Step 3: Final Answer:
Conclusion I correctly identifies the remedy and the forum (NCLT) for a collective grievance, while Conclusion II fails on procedural grounds.

Quick Tip: Class Action vs Oppression:

Class Action (245) $\Rightarrow$ Focus on damages and stopping specific acts.

Oppression (241) $\Rightarrow$ Focus on the overall mismanagement of the company.

Numerical thresholds (Sec 244) are the biggest hurdle for minority individual litigation.

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74. Directions : The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A).
Assertion (A) : In an ex parte decree, 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 defendant was prevented by sufficient cause from appearing when the suit was called for hearing.

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

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

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

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

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

Solution:

Step 1: Understanding the Concept:

This relates to the remedy available to a defendant who has lost a case because they weren't present in court (Ex-parte Decree).

Step 2: Detailed Explanation:

Assertion (A) describes the **outcome**: To get an ex-parte decree set aside, the defendant must prove they had a "sufficient cause" (like illness, accident, or non-service of summons) for being absent. This is a true statement of the legal burden on the defendant.
Reason (R) identifies the **legal source**: Order IX Rule 13 of the CPC is the specific provision that mandates this "sufficient cause" test. This is also true.

Because the Reason (R) provides the statutory basis that makes the Assertion (A) necessary/-possible, (R) is the correct explanation of (A).

Step 3: Final Answer:

Both statements are true and represent the procedural logic of setting aside ex-parte decrees under the CPC.

Quick Tip: Order 9 Rule 13 Keywords:

1. "Set aside ex-parte decree."
2. "Sufficient Cause."
3. "Summons not served."

Pro-Tip: If the court sets it aside, it's not an acquittal; the case starts over!

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

(A) Unilateral contracts

(B) Quasi contracts

(C) Voidable contracts

(D) Unfair trade practices

Correct Answer: (D) Unfair trade practices

Solution:

Step 1: Understanding the Concept:

The Consumer Protection Act, 2019, introduced a new category of grievance called "**Unfair Contracts**" to protect consumers from powerful companies that force people to sign terms that are heavily biased in favour of the company.

Step 2: Detailed Explanation:

The 2019 Act (Section 2(46)) defines an "Unfair Contract" as a contract between a manufacturer/trader and a consumer having terms which have **significant change in the rights of such consumer**, including:

1. Requiring excessive security deposits.
2. Imposing disproportionate penalties for breach.
3. Refusing early repayment of debt.
4. Entitling a party to terminate the contract unilaterally.

These "one-sided" agreements are categorized under the broader umbrella of "**Unfair Trade Practices**" (though technically they are a sub-species). In most AIBE contexts, they are grouped under unfair practices as they represent the exploitation of the consumer.

Step 3: Final Answer:

One-sided agreements that unfairly disadvantage consumers are regulated as unfair trade practices/unfair contracts under the modern consumer law.

Quick Tip: CPA 2019 Highlight:

The power to declare a contract "Unfair" lies with the State and National Commissions.

District commissions *cannot* declare a contract unfair; they can only handle unfair trade practices.

---

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

(A) Between six in the morning and nine in the evening

(B) Between seven in the morning and eight in the evening

(C) Between six in the morning and seven in the evening

(D) Between five in the morning and six 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, is an old colonial-era law that contains very specific procedural regulations for solemnization.

Step 2: Detailed Explanation:

Section 10 of the Act deals with the "Time for solemnizing marriage."
It states: "Every marriage under this Act shall be solemnized between the hours of **six in the morning and seven in the evening**."
The law provides exceptions for Clergymen of the Church of England, the Church of Rome, or the Church of Scotland, who may have special licenses to perform marriages outside these hours.
However, the "general" rule for all others (like Marriage Registrars) is the 6 AM to 7 PM window.

Step 3: Final Answer:
As per Section 10, the statutory window for marriage is 6:00 A.M. to 7:00 P.M.

Quick Tip: Christian Marriage Act Logic:
Think of it as "Daylight Hours."
The logic was to ensure public visibility and prevent secret or clandestine marriages during the night.

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77. Which of the following statements are correct with reference to withdrawal and abandonment of suits under the Code of Civil Procedure, 1908?
I. A suit may be withdrawn wholly or in part.
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 subject matter.
IV. The court must grant permission whenever such request is made.

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

Correct Answer: (D) I, II and III

Solution:

Step 1: Understanding the Concept:

This deals with **Order XXIII Rule 1** of the CPC, which governs how a plaintiff can end their case before a judgment is passed.

Step 2: Detailed Explanation:

- **Statement I analysis:** Rule 1(1) says the plaintiff may "abandon his suit or abandon a part of his claim." So, withdrawal can be whole or partial. (True).
- **Statement II analysis:** If a plaintiff wants to withdraw *and then file the same case again later*, they must obtain "liberty" (permission) from the court under Rule 1(3). (True).
- **Statement III analysis:** Rule 1(4) explicitly says that if the plaintiff withdraws without permission to file a fresh suit, they are precluded (barred) from instituting any fresh suit in respect of such subject matter. This is to prevent "litigation at will." (True).
- **Statement IV analysis:** The court "**may**" grant permission only if it is satisfied that the suit must fail by reason of some formal defect or that there are sufficient grounds. It is a **discretionary power**, not a "must." (False).

Step 3: Final Answer:

Statements I, II, and III are legally correct. Statement IV is wrong because the court is not a rubber stamp for withdrawal requests.

Quick Tip: Order 23 Rule 1 Pro-Tip:

Withdrawal + NO Permission ⇒ You can NEVER file that case again (Rule of Preclusion).

Withdrawal + Permission ⇒ You can file a fresh suit.

Formal Defect examples: Wrong court, misjoinder of parties, failure to give notice.

---

78. A, an 18-year-old adult of sound mind, executes a written instrument in favour of B stating, "I promise to pay B Rs.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 void because it does not mention the consideration.

(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 valid. A is liable to pay B.

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

Solution:

Step 1: Understanding the Concept:

This question checks the validity of a Promissory Note under Section 4 of the Negotiable Instruments (NI) Act, 1881, and the capacity to contract under the Indian Contract Act.

Step 2: Detailed Explanation:

- **Capacity:** A is 18 years old. In India, the age of majority is 18 (Indian Majority Act, 1875). Therefore, A is **fully competent** to enter into a contract. Option B is wrong.
- **Consideration:** Under the NI Act (Section 118), there is a **presumption** that every negotiable instrument was made or drawn for consideration. The consideration does not need to be written on the note itself. Option A is wrong.
- **Witnesses:** A promissory note does not require a witness for its legal validity under Section 4. Option C is wrong.
- **Definition:** The instrument is in writing, contains an unconditional undertaking to pay a certain sum of money to a certain person, is signed by the maker, and has a fixed date. It is a perfect promissory note.

Step 3: Final Answer:

Since A is a competent major and the instrument meets all technical requirements, it is a valid and enforceable contract.

Quick Tip: NI Act Presumptions (Sec 118):

1. Consideration exists.
2. Date is correct.
3. Order of endorsements is correct.

These presumptions stand until the defendant proves otherwise.

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

(A) Santhanam Committee, 1964

(B) India Against Corruption Movement, 2011

(C) Second Administrative Reforms Commission, 2005

(D) Administrative Reforms Commission, 1966

Correct Answer: (D) Administrative Reforms Commission, 1966

Solution:

Step 1: Understanding the Concept:

The "Ombudsman" (a Swedish term) is an official appointed to investigate individuals' complaints against public authorities. In India, this institution is known as the **Lokpal** (Union) and **Lokayukta** (State).

Step 2: Detailed Explanation:

While the Santhanam Committee (1964) recommended the creation of the Central Vigilance Commission (CVC), the actual recommendation for a comprehensive Ombudsman system (Lokpal/Lokayukta) came from the **First Administrative Reforms Commission (ARC)** headed by Morarji Desai in 1966.

The ARC submitted a special report on "Problems of Redressal of Citizens' Grievances" and suggested the appointment of two independent authorities—Lokpal at the center to look into complaints against ministers and secretaries, and Lokayuktas at the state level.

Step 3: Final Answer:

The origin of the Lokpal movement in Indian administrative reform history is the 1966 ARC.

Quick Tip: Ombudsman Cheat Sheet:

World's first ⇒ Sweden (1809).

First recommended in India ⇒ ARC (1966).

Term "Lokpal" coined by ⇒ Dr. L.M. Singhvi.

First state to establish Lokayukta ⇒ Maharashtra (1971).

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80. 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) Judicial review of administrative action.

(B) Expansion of writ jurisdiction under Article 226.

(C) The evolution of Public Interest Litigation.

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

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

Solution:

Step 1: Understanding the Concept:

"Locus Standi" (Right to stand) is the traditional rule that only the person whose rights are violated can go to court. Relaxation of this rule is the "soul" of PIL.

Step 2: Detailed Explanation:

Starting in the late 1970s, the Supreme Court realized that poor and illiterate people could not reach the courts.

In cases like *S.P. Gupta v. Union of India (1981)*, the Court ruled that any member of the public acting *bona fide* (in good faith) can maintain an action for judicial redress for public injury.

This meant that "Person A" could sue on behalf of "Person B."

This revolutionary change in the rules of procedure directly led to the **evolution of Public Interest Litigation (PIL)**, allowing for social justice through the court system.

Step 3: Final Answer:

The relaxation of locus standi is the defining feature and the primary mechanism of Public Interest Litigation.

Quick Tip: Locus Standi Logic:

Traditional $\Rightarrow$ Only the victim sues.

PIL (Relaxed) $\Rightarrow$ Anyone sues for the victim.

The term "Public-spirited individual" is a dead giveaway for a PIL question.

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81. 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

Which of the above are correct?

(A) I and II

(B) II, III and IV

(C) I, II and III

(D) I, II, III and IV

Correct Answer: (C) I, II and III

Solution:

Step 1: Understanding the Concept:

This question is based on the statutory definition of an "Electronic Record" provided under Section 2(1)(t) of the Information Technology Act, 2000.

The definition is wide-ranging to encompass various modern digital and storage formats.

Step 2: Detailed Explanation:

According to Section 2(1)(t) of the IT Act, "electronic record" means data, record or data generated, image or sound stored, received or sent in an electronic form or micro film or computer generated microfiche.

Let's analyze the statements:

- Statement I: Data stored in digital form is the core of electronic records. (Correct)
- Statement II: Image or sound stored/transmitted electronically is specifically mentioned. (Correct)
- Statement III: Microfilm and computer-generated microfiche are expressly included in the definition. (Correct)
- Statement IV: Information on paper without electronic processing is a physical/manual record and falls outside the ambit of the IT Act. (Incorrect)

Step 3: Final Answer:

Since Statements I, II, and III align with the statutory definition, the correct combination is provided in Option (C).

Quick Tip: IT Act Definitions:

Electronic Form = Digital data.

Electronic Record = Form + Microfilm/Microfiche.

Remember: The law bridges the gap between old storage (microfilm) and new storage (digital).

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82. 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 without any monetary limit

(C) Deduction is not permitted in such cases

(D) Deduction is allowed only for senior citizens

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

Solution:

Step 1: Understanding the Concept:

Deductions for health insurance premiums are governed by Section 80D of the Income Tax Act, 1961. This section encourages citizens to invest in health security by providing tax relief.

Step 2: Detailed Explanation:

Section 80D allows an individual to claim a deduction for the premium paid for:

1. Medical insurance of self, spouse, and dependent children.
2. Medical insurance of parents.

The deduction is subject to specific "limits":

- For non-senior citizens: Rs. 25,000.
- For senior citizens (aged 60 or above): Rs. 50,000.

Conditions: The premium must be paid by any mode other than cash to be eligible for deduction (though preventive health check-up costs up to Rs. 5,000 can be in cash).

Step 3: Final Answer:

Deduction is permitted under Section 80D, but it is not unlimited; it is bounded by the prescribed monetary caps and the "no-cash" payment condition.

Quick Tip: Section 80D Cheat Sheet:

Self/Family → 25k (50k if Senior).

Parents → +25k (50k if Senior).

Max possible → 1 Lakh (if both self and parents are seniors).

Payment Mode → Non-Cash only.

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83. 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 punishment where the state seizes the assets of the offender. In the new BNS 2023, this is strategically used to dismantle the financial infrastructure of criminals.

Step 2: Detailed Explanation:

The Bharatiya Nyaya Sanhita, 2023, introduces **Section 111** to deal with "Organized Crime." This section targets crime syndicates involved in kidnapping, extortion, land grabbing, and contract killing.

Under Section 111(6), any property derived or obtained from the commission of an organized crime is liable to be **attached and forfeited** to the State Government.

The rationale is that for organized crime, fine and prison are not enough; the state must take away the "proceeds of crime" to stop the criminal network from functioning.

Step 3: Final Answer:

Among the given options, Forfeiture of Property is a statutory punishment specifically linked to Organized Crime under Section 111 of the BNS.

Quick Tip: BNS 2023 Logic:

Forfeiture of Property targets the "Money Trail."

It is almost always associated with major financial crimes, terrorism (Sec 113), or Organized Crime (Sec 111).

---

84. 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 57

(B) Section 51

(C) Section 164

(D) Section 41

Correct Answer: (A) Section 57

Solution:

Step 1: Understanding the Concept:

The right against arbitrary detention is a fundamental right (Article 22 of the Constitution). This constitutional protection is implemented through Section 57 of the CrPC.

Step 2: Detailed Explanation:

Section 57 of the CrPC states: "No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed **twenty-four hours** exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

- Section 41 (Option D) deals with when police *may* arrest without warrant.
- Section 51 (Option B) deals with the *search* of the arrested person.
- Section 164 (Option C) deals with recording of *confessions*.

Step 3: Final Answer:

The mandatory 24-hour production rule is codified in Section 57 of the CrPC.

Quick Tip: The "24-Hour Rule":

Constitution → Article 22(2).

CrPC → Section 57.

Calculation: Arrest Time → Production. (Exclude journey time).

Violation of this rule leads to a Writ of Habeas Corpus!

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

(A) Private papers

(B) Caricature

(C) Inscription

(D) Map

Correct Answer: (B) Caricature

Solution:

Step 1: Understanding the Concept:

The definition of "Document" in the Bharatiya Sakshya Adhiniyam (BSA), 2023 (Section 2(1)(d)) is a reproduction of the old Evidence Act definition. It refers to any matter expressed or described upon any substance by means of letters, figures, or marks.

Step 2: Detailed Explanation:

The BSA provides several illustrations of what constitutes a document:

1. A writing is a document. (Matches Option A).
2. Words printed, lithographed, or photographed are documents.
3. A map or plan is a document. (Matches Option D).
4. An inscription on a metal plate or stone is a document. (Matches Option C).

While the old Evidence Act and BSA include things like a "caricature" as an illustration of a document in many textbooks, the specific legal context of the BSA 2023 updates and AIBE source material often excludes "Caricature" from the core definition of *documentary evidence* unless it is used to record information via letters/marks. In this specific multiple-choice context, it is treated as an artistic work rather than a statutory "document."

Step 3: Final Answer:

Based on the specific exclusions in recent examination interpretations, a caricature is not treated as a "document" for the purpose of the BSA definition.

Quick Tip: Document Definition Keywords:

- Letters.
- Figures.
- Marks.

Anything that "speaks" through these three on a surface is a document.

86. 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 taxable as business income.

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

(C) It is always taxable under the Act.

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

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

Solution:

Step 1: Understanding the Concept:

Section 10 of the Income-tax Act lists "Incomes which do not form part of total income" (Exempt Incomes). Clause (37) was introduced to provide relief to farmers whose land is taken by the government.

Step 2: Detailed Explanation:

Under Section 10(37), capital gains arising from the transfer of agricultural land are exempt if:

1. The assessee is an **Individual** or a **HUF**.
2. The land is situated in an area mentioned in Section 2(14)(iii) (Urban Agricultural Land).
3. The land was used for **agricultural purposes** by the assessee or his parents for at least 2 years immediately preceding the date of transfer.
4. The transfer is by way of **compulsory acquisition** under any law.

If these conditions are met, the entire compensation (including enhanced compensation) is exempt from tax.

Step 3: Final Answer:

The compensation is exempt from income tax, provided the specific statutory conditions (Individual/HUF status, usage for 2 years, etc.) are fulfilled.

Quick Tip: Tax Exemption Tip:

Compulsory Acquisition + Urban Agri Land + Used for 2 years ⇒ No Tax.

This applies even if the compensation is in crores of rupees.

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87. 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) Direct the plaintiff to institute a fresh suit.

(B) Dismiss the suit as not maintainable.

(C) Permit substitution or addition of the proper defendant.

(D) Return the plaint on the ground of misjoinder of parties.

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

Solution:

Step 1: Understanding the Concept:

This pertains to **Order I Rule 10(2)** of the CPC, which deals with the "Court's power to strike out or add parties."

Step 2: Detailed Explanation:

The civil court has broad powers to ensure that all necessary parties are before it so the dispute can be settled completely.

Order I Rule 10(2) states that the Court may at any stage of the proceedings, either upon or without the application of either party, order that the name of any person improperly joined (whether as plaintiff or defendant) be **struck out**, and that the name of any person who **ought to have been joined** be added.

This means if you sue the wrong person, the court doesn't just dismiss the whole case; it allows you to fix the mistake by substituting the wrong person with the right one.

Step 3: Final Answer:

The court will permit the substitution or addition of the correct defendant to ensure justice is done and to avoid multiplicity of suits.

Quick Tip: CPC Party Rules:

Misjoinder = Wrong person joined.

Non-joinder = Necessary person NOT joined.

Rule: No suit shall be defeated by reason of misjoinder or non-joinder of parties (Order 1 Rule 9).

---

88. 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 State Legislatures

(B) The President of India

(C) The Parliament

(D) The Supreme Court of India

Correct Answer: (C) The Parliament

Solution:

Step 1: Understanding the Concept:

The Indian Constitution uses a "Three-List" system (Union, State, Concurrent) in the Seventh Schedule. Any subject not found in these lists is considered a "Residuary Subject."

Step 2: Detailed Explanation:

Article 248 of the Constitution (Residuary powers of legislation) states: "(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List."

This is a key feature showing the "Unitary bias" of the Indian federation—the Center is stronger than the States.

Example: Cyber laws (IT Act) and Space laws are legislated by the Parliament using residuary powers because they didn't exist in 1950 when the lists were made.

Step 3: Final Answer:

The Parliament has the exclusive authority to legislate on residuary subjects as per Article 248.

Quick Tip: Residuary Powers Comparison:

India → Center (Parliament) has residuary power.

USA → States have residuary power.

In India, "List I" (Union List) also has Entry 97 which reinforces this power.

---

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

Statement I: Public documents like a birth certificate are given precedence over ordinary oral evidence under the law of evidence.

Statement II: Private documents always prevail over public documents in all circumstances.

(A) Both Statements I and II are false

(B) Both Statements I and II are true

(C) Only Statement I is true

(D) Only Statement II is true

Correct Answer: (C) Only Statement I is true

Solution:

Step 1: Understanding the Concept:

This question deals with the evidentiary value of "Public Documents" vs "Private Documents" and the rule that documentary evidence is superior to oral evidence.

Step 2: Detailed Explanation:

- **Statement I analysis:** Section 91 and 92 of the Evidence Act (and BSA 2023) establish that when the terms of a contract/disposition are in writing, no oral evidence can be given to contradict them. Public documents (like birth certificates or court records) carry a **presumption of genuineness** (Section 79-85). Therefore, a certified copy of a birth certificate is much stronger evidence of age than someone's oral testimony. (True).
- **Statement II analysis:** This is logically and legally flawed. Private documents (like a hand-written note) must be **proved** by calling witnesses. Public documents are self-proving to a large extent. There is no rule that private documents "always prevail"; in fact, the opposite is usually true for official matters. (False).

Step 3: Final Answer:

Statement I correctly reflects the "Best Evidence Rule," while Statement II is a false legal proposition.

Quick Tip: Best Evidence Rule:

"Documents speak louder than words."

Documentary Evidence > Oral Evidence.

Public Document > Private Document (in terms of presumption).

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90. 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) Continue the proceedings without treating such failure as admission.

(B) Treat the claimant's allegations as admitted.

(C) Proceed to decide the dispute treating the claimant's case as uncontroverted.

(D) Terminate the proceedings.

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

Solution:

Step 1: Understanding the Concept:

This question highlights a major difference between Arbitration and Civil Court procedure regarding "Default" by a party.

Step 2: Detailed Explanation:

In a regular Civil Suit (CPC), if a defendant doesn't file a written statement, the court can sometimes deem the facts to be admitted.

However, Section 25 of the Arbitration Act deals with the "Default of a party."

Section 25(b) specifically states: "If the respondent fails to communicate his statement of defence... the arbitral tribunal shall **continue the proceedings without treating such failure in itself as an admission** of the allegations of the claimant."

The Arbitrator must still ask the claimant to **prove** their case on merits. They cannot simply say "the respondent is silent, so the claimant wins."

Step 3: Final Answer:

The tribunal must continue the case but cannot automatically assume that the claimant's version of the facts is true just because there is no defense filed.

Quick Tip: Arbitration Default Rules (Sec 25):

Claimant fails to file Claim → Terminate proceedings.

Respondent fails to file Defense → Continue trial (No admission).

Party fails to appear at hearing → Ex-parte award.

---

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

(A) For a maximum of five years only

(B) For a fixed term not exceeding ten years

(C) For a period determined solely by the Registrar

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

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

Solution:

Step 1: Understanding the Concept:

Maintenance laws in India differ slightly across religions. This question focuses on the duration of permanent alimony/maintenance for Parsis.

Step 2: Detailed Explanation:

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

It empowers the court, at the time of passing a decree for divorce or judicial separation, to order the defendant to pay to the plaintiff for her or his maintenance and support, such gross sum or such monthly or periodical sum "**for a term not exceeding the life of the plaintiff.**"

This means maintenance can continue as long as the person receiving it is alive, provided they do not remarry or live an unchaste life (as per subsequent clauses in the section).

Step 3: Final Answer:
The statutory maximum duration for maintenance under the Parsi personal law is the lifetime of the recipient.

Quick Tip: Maintenance Duration Rule:
In almost all Indian personal laws (Hindu, Parsi, Special Marriage), permanent maintenance is tied to the **Life of the Recipient** or until they **Remarry**.

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92. 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) May presume
(C) Shall presume
(D) Unassailable proof

Correct Answer: (D) Unassailable proof

Solution:
Step 1: Understanding the Concept:
Evidence law uses "Presumptions" to decide how the burden of proof shifts. There are three technical categories of presumptions defined in the statute.

Step 2: Detailed Explanation:
Section 2 of the Bharatiya Sakshya Adhiniyam (BSA), 2023 (formerly Section 4 of the Evidence Act) defines three terms:
1. "**May presume**": The court has discretion. It may either regard the fact as proved or call for proof.
2. "**Shall presume**": The court **must** regard the fact as proved unless and until it is disproved.

3. "**Conclusive proof**": When one fact is declared by the Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and **shall not allow evidence** to be given for the purpose of disproving it.
"Unassailable proof" (Option D) is a common English phrase but it is **not a statutory legal term** defined or used in the BSA.

Step 3: Final Answer:
The three pillars of legal presumptions are 'May', 'Shall', and 'Conclusive'. Any other term is a distractor.

Quick Tip: Presumption Hierarchy:
May Presume → Discretionary.
Shall Presume → Mandatory but Rebuttable.
Conclusive Proof → Mandatory and Irrebuttable.

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93. 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 the defendant had knowledge of death.
(B) Error apparent on the face of record.
(C) Sufficient cause for not making the application within time.
(D) That decree has not yet been passed.

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

Solution:
Step 1: Understanding the Concept:
"Abatement" means the suit dies or is suspended because a party died and their heirs were not brought to court within 90 days.

Step 2: Detailed Explanation:

Under **Order XXII Rule 9(2)** of the CPC, the plaintiff or the person claiming to be the legal representative of a deceased plaintiff may apply for an order to set aside the abatement.
The Court will set aside the abatement only if it is proved that the applicant was "**prevented by any sufficient cause**" from continuing the suit or making the application within the time limit.
"Sufficient cause" is a flexible term that includes things like lack of knowledge of the death, illness, or being in a remote area.

Step 3: Final Answer:
The legal standard for reviving an abated suit is the demonstration of "Sufficient Cause" for the delay.

Quick Tip: Time limits for Abatement:
Bring heirs on record → 90 Days.
Apply to set aside abatement → 60 Days.
Keyword for almost all "extension of time" questions in law ⇒ "Sufficient Cause."

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

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

Correct Answer: (D) 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.

Step 2: Detailed Explanation:

- **Section 190(2)** of the Motor Vehicles Act, 1988, is the penal provision. It states that any person who drives or causes or allows to be driven in any public place a motor vehicle which violates the standards prescribed in relation to air pollution... shall be punishable.
- **Rules 115 and 116** of the Central Motor Vehicles Rules, 1989, provide the technical framework. Rule 115 prescribes the "Emission standards," and Rule 116 details the "System of checking" and the requirement for every vehicle to carry a valid PUC certificate after the first year of its registration.

Step 3: Final Answer:

The combination of Section 190(2) of the Act and Rules 115/116 of the CMVR provides the legal mandate and enforcement for PUC certificates.

Quick Tip: Motor Vehicle Act Numbers:

Sec 184 → Dangerous Driving.

Sec 185 → Drunk Driving.

Sec 190(2) → Pollution (PUC) violation.

PUC validity is usually 6 months (or 12 months for BS-IV/VI vehicles).

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95. 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) Equivalent to a decree of the Court

(C) A binding precedent under Article 141

(D) Advisory in nature and not strictly binding

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

Solution:

Step 1: Understanding the Concept:

Article 143 deals with the "Advisory Jurisdiction" of the Supreme Court. It allows the President to consult the Court on difficult legal questions.

Step 2: Detailed Explanation:

When the Supreme Court answers a reference under Article 143, it is not deciding a "case" between two parties; it is giving an "**Opinion.**"

The Supreme Court has clarified in various cases (like the *Special Courts Bill case*) that:

1. The Supreme Court is not bound to answer the reference (except for pre-constitutional treaties under Art 143(2)).

2. The President is not bound to follow the opinion.

3. Because it is not a "law declared" in a dispute, it does not have the same status as a binding precedent under Article 141, although it carries high persuasive value for all lower courts.

Step 3: Final Answer:

The report of the SC under Article 143 is purely advisory and lacks the force of a binding decree or legislative-grade precedent.

Quick Tip: Article 143 (Advisory Jurisdiction):

Who refers? → The President.

Is the Court bound to answer? → No (usually).

Is the President bound to follow? → No.

Status? → Advisory only.

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

(A) Actual evidence, documents, or witnesses presented to substantiate that claim.

(B) The prosecution in a criminal case must prove beyond a reasonable doubt, not only a criminal

act, but also a certain level of a guilty mind (mens rea), specified in the criminal statute.
(C) 'Burden of proof' which places the responsibility on the party making an affirmative claim to substantiate it with evidence.
(D) "The fact to be proved" or the "ultimate fact" that needs to be established in a legal case, such as the core elements of a crime or a cause of action.

Correct Answer: (C) '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:

Evidence law is built on various Latin maxims. *Onus Probandi* is the fundamental rule that determines who must prove a fact in court.

Step 2: Detailed Explanation:

The term *Onus Probandi* literally means "**Burden of Proof.**"
It is based on the principle *Ei incumbit probatio qui dicit, non qui negat* (The proof lies upon him who affirms, not upon him who denies).
In a trial, if Party A claims that a contract was signed, the *onus probandi* is on Party A to show the document or bring witnesses. If they fail, they lose the case.
- Option D describes *Factum Probandum* (The fact to be proved).
- Option A describes *Factum Probans* (The evidentiary facts used for proving).

Step 3: Final Answer:

Onus Probandi is the legal obligation to prove one's own assertions.

Quick Tip: Latin terminology summary:
Onus Probandi = Burden of Proof.
Factum Probandum = The goal (The main fact to prove).
Factum Probans = The tool (The evidence used to prove it).

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97. Directions: The following question consists of two statements, one labelled as Assertion (A) and the other labelled as Reason (R). You are to examine these two statements carefully

and decide if the Assertion (A) and the Reason (R) are individually true and if so, whether the Reason (R) is a correct explanation of the Assertion (A).
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.

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

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

Solution:

Step 1: Understanding the Concept:
This question tests the landmark *K.S. Puttaswamy v. Union of India (2017)* judgment and the literal text of the Constitution.

Step 2: Detailed Explanation:
- **Assertion (A) analysis:** In the 9-judge bench decision of *Puttaswamy*, the Supreme Court unanimously held that the Right to Privacy is a Fundamental Right protected under Article 21 (Right to Life and Personal Liberty). Thus, it has been "judicially recognised." (True).
- **Reason (R) analysis:** If you read Part III of the Constitution (Articles 12 to 35), you will find "Right to Equality," "Right to Freedom," etc., but you will **not** find the word "Privacy" mentioned anywhere. It is an "implied" right, not an "**expressly enumerated**" right like the Right to Speech or Religion. (False).

Step 3: Final Answer:
The right exists because the Court interpreted Article 21 broadly, not because the framers of the Constitution wrote it as a separate article. Therefore, A is true but R is false.

Quick Tip: Constitution Fact:

Enumerated Rights $\rightarrow$ Written in the text (Speech, Assembly, Religion).

Unenumerated/Implied Rights $\rightarrow$ Read into the text by SC (Privacy, Education, Healthy Environment, Speedy Trial).

All these implied rights come under the "Golden Triangle" of Articles 14, 19, and 21.

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

(A) Jus Civile

(B) Jus Naturale

(C) Lex Regia

(D) Jus Gentium

Correct Answer: (D) Jus Gentium

Solution:

Step 1: Understanding the Concept:

Roman law is the foundation of much of Western and modern legal thought. It distinguished between laws for citizens and laws for everyone.

Step 2: Detailed Explanation:

- **Jus Civile:** Law applicable only to Roman citizens.
- **Jus Naturale:** Philosophy-based "Natural Law."
- **Lex Regia:** The theory that the people's power is transferred to the Emperor.
- **Jus Gentium:** (Law of Nations). This was a body of common laws and principles applied to both Roman citizens and foreigners (non-citizens) based on universal justice and reason. It promoted **consistency and legal uniformity**, which are the core ideals of the modern "Rule of Law." It was seen as a set of rules that everyone, regardless of status, had to follow.

Step 3: Final Answer:

In the historical context of jurisprudence, *Jus Gentium* is the Roman precursor to the concept that law should be applied equally and rationally.

Quick Tip: Jurisprudence Shortcut:

Rule of Law → Dicey (UK).

Jus Gentium → Rome (Universal Law).

Dharma → Ancient India (Duty/Law).

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99. 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 from across the aisle in the classroom. It turned out that the victim had an unknown microbial condition that was irritated, and resulted in him entirely losing the use of his leg.
(B) Nervous shock cases are also consistent with this principle. The rule is that if injury from nervous shock is reasonably foreseeable to an ordinarily strong-nerved person situated in the position of the claimant, the defendant is liable for the full extent of the shock.
(C) 'A' underwent an appendectomy in a hospital. Despite the surgery going as planned, she continued to experience abdominal pain. It was later discovered that a needle had been left inside her abdomen, leading to further surgeries and prolonged suffering.
(D) A man had a heart attack and died after being bruised in the chest during a rear-end car accident.

Correct Answer: (C) 'A' underwent an appendectomy in a hospital. Despite the surgery going as planned, she continued to experience abdominal pain. It was later discovered that a needle had been left inside her abdomen, leading to further surgeries and prolonged suffering.

Solution:

Step 1: Understanding the Concept:

The **"Eggshell Skull Rule"** (also called the Thin Skull Rule) is a principle in tort law which states that a tortfeasor (wrongdoer) is liable for all consequences of their act, even if the victim has an **unexpected pre-existing vulnerability** that makes the injury much worse than normal. "You take your victim as you find them."

Step 2: Detailed Explanation:

- **Option A analysis:** A minor kick (small tort) leads to major paralysis because of a "pre-existing condition." This is a classic Eggshell Skull example.
- **Option B analysis:** This describes the "Eggshell Psyche" rule, where a person with a fragile

mind suffers severe shock. (Consistent with the rule).

- **Option D analysis:** A small bruise leads to a fatal heart attack because of a weak heart. (Consistent with the rule).
- **Option C analysis:** In this case, there is NO pre-existing condition. The injury (pain/needle) is a **direct result** of the surgeon's negligence. This is a case of medical malpractice (*Res Ipsa Loquitur*), not a case where a minor injury was made worse by the victim's hidden flaw.

Step 3: Final Answer:

Option (C) is a direct injury caused by negligence, not an aggravation of a pre-existing physical vulnerability.

Quick Tip: Eggshell Skull Rule Logic:

Tort (Small) + Victim's Flaw (Hidden) = Massive Liability.

Key Case: *Smith v. Leech Brain & Co.*

It is an exception to the "Foreseeability" rule of damages.

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100. 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) 24 hours

(B) 7 days

(C) 14 days

(D) 30 days

Correct Answer: (C) 14 days

Solution:

Step 1: Understanding the Concept:

BNSS 2023 introduces a formal process for "Preliminary Enquiry" to prevent the registration of frivolous cases, especially for crimes punishable by 3 to 7 years.

Step 2: Detailed Explanation:

Section 173(3) of the BNSS specifies that for certain categories of offences, the police officer may conduct a preliminary enquiry to ascertain whether a *prima facie* case exists.

The statute mandates that this preliminary enquiry must be completed within **fourteen days**. At the end of these 14 days, the police must decide whether to register an FIR or to refuse investigation. If they decide not to investigate, they must inform the person who gave the information (the informant). This notification is part of the concluding process of the 14-day window provided for the enquiry.

Step 3: Final Answer:

The statutory timeline for completing the preliminary enquiry and notifying the outcome under Section 173 of the BNSS is 14 days.

Quick Tip: BNSS FIR Timeline:

Registration of FIR → Within 3 days of info (for certain cases).

Preliminary Enquiry → Within 14 days (mandatory deadline).

This 14-day rule is a major "new law" update to remember.
