

AILET 2026 LLM Question Paper with Solutions

Time Allowed :2 Hours	Maximum Marks :100	Total Questions :100
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General Instructions

1. *No clarification on the Question Paper can be sought. Answer the questions as they are.*
2. *There will be 100 Multiple Choice Questions (MCQs) of one mark each to be answered in the OMR Response Sheet only. Total marks are 100. Answer ALL the Questions.*
3. *There will be Negative Marking for Multiple Choice Questions (MCQs). For every wrong answer 0.25 marks will be deducted.*
4. *Candidates have to indicate the most appropriate answer by darkening one of the four responses provided, with only BLACK/BLUE BALL POINT PEN in the OMR Response Sheet.*
5. *Answering the question by any method other than the method mentioned above shall be considered wrong answer.*
6. *More than one response to a question shall be counted as wrong answer.*
7. *The candidate shall not write anything on the OMR Response Sheet other than the details required and in the spaces provided for.*
8. *After the examination is over, the candidate can carry the Question Booklet along with candidate's copy of the OMR Response Sheet. Candidate will hand over the original OMR Response Sheet to the invigilator.*
9. *The use of any unfair means by any candidate will result in the cancellation of his/her candidature.*
10. *Impersonation is an offence and the candidate, apart from disqualification, may have to face criminal prosecution.*
11. *Electronic gadgets like mobile phones, digital watch, pagers and calculators etc. are strictly not permitted inside the Test Centre/Hall.*
12. *The candidates shall not leave the hall before the end of the Test.*

1. "Delegated legislation is a growing child called upon to relieve the parent of the strain of overwork and capable of attending to minor matters, while the parent manages the main business" is a metaphor by:

- (A) Sir Carleton Kemp Allen
- (B) Sir John William Salmond
- (C) James Finn Garner

(D) Sir Cecil Carr

Correct Answer: (D) Sir Cecil Carr

Solution:

Step 1: Understanding the Concept: The question identifies a famous definition/metaphor regarding Delegated Legislation, which refers to laws made by executive authorities under powers given by the legislature.

Step 2: Detailed Explanation:

- Sir Cecil Carr, a distinguished authority on administrative law and author of the book *Delegated Legislation*, used this metaphor to justify the existence of delegated legislation.
- He compared the Legislature (Parliament) to a "parent" and Delegated Legislation to a "growing child".
- The Logic: The "parent" (Legislature) is too busy with the "main business" (broad policy and major laws) and suffers from "overwork". Therefore, it delegates the "minor matters" (details, rules, regulations) to the "child" (Executive).
- This highlights the functional necessity of delegated legislation in a modern welfare state where the legislature lacks the time and technical expertise for every detail.

💡 Quick Tip

Key Jurist Definitions:

- **Salmond:** Delegated legislation is that which proceeds from any authority other than the sovereign power.
- **Cecil Carr:** "Growing child" metaphor; "Inevitable evil".

2. The *Droit administratif* is of _____ model.

- (A) Indian
(B) French
(C) Britain
(D) German

Correct Answer: (B) French

Solution:

Step 1: Understanding the Concept: *Droit administratif* refers to a distinct system of administrative law governing the relationship between the state and its citizens.

Step 2: Detailed Explanation:

- **Origin:** It is the French system of administrative law.
- **Key Feature:** It operates on the principle that the government and its servants have a special legal status. Disputes involving the administration are not heard by ordinary civil courts but by special Administrative Courts (the highest being the *Conseil d'État*).

- Comparison: It stands in contrast to the British/English "Rule of Law" model (advocated by A.V. Dicey), where the same ordinary courts adjudicate disputes for both private citizens and government officials.
- India follows the English model (Single court system) but has incorporated principles of administrative law.

💡 Quick Tip

Dicey's Critique: A.V. Dicey famously criticized Droit administratif for exempting officials from the ordinary law of the land, though modern scholars view it as a robust system for holding the state accountable.

3. 'The Path of the Law' is the most famous essay by:

- (A) Lon L. Fuller
- (B) David Kennedy
- (C) Oliver Wendell Holmes Jr
- (D) William W. Fisher

Correct Answer: (C) Oliver Wendell Holmes Jr

Solution:

Step 1: Understanding the Concept: This question asks for the author of a foundational text in American Legal Realism.

Step 2: Detailed Explanation:

- "The Path of the Law" (1897) is a seminal essay (originally a speech) by Oliver Wendell Holmes Jr.
- Core Concepts:
 - The Bad Man Theory: To understand the law, one should look at it from the perspective of a "bad man" who cares only about the material consequences (punishment) of his actions, not the vague moral obligations.
 - Prediction Theory: "The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law."
 - Separation of Law and Morals: He argued for a distinction between legal duty and moral duty.

💡 Quick Tip

Famous Quote: "The life of the law has not been logic: it has been experience." — *O.W. Holmes Jr.*

4. ‘Law as a Means to an End’ is the famous work of:

- (A) Friedrich Carl Von Savigny
- (B) Rudolf Von Ihering
- (C) Eugen Ehrlich
- (D) Karl Heinrich Marx

Correct Answer: (B) Rudolf Von Ihering

Solution:

Step 1: Understanding the Concept: This work relates to the Sociological School of Jurisprudence, focusing on the purpose of law.

Step 2: Detailed Explanation:

- Rudolf Von Ihering (German Jurist) authored *Der Zweck im Recht*, translated as "Law as a Means to an End".
- Philosophy: He is known as the "Father of Modern Sociological Jurisprudence."
- Key Idea: He rejected the Historical School's view (Savigny) that law evolves unconsciously like language. Instead, he argued that law is a result of conscious human purpose (Zweck) to serve social interests.
- Social Utilitarianism: Law is a tool to balance individual interests with social interests to minimize conflict.

💡 Quick Tip

Ihering's Metaphor: "The Stone and the Pitcher" — Law is the coercion organized in a set form by the State. Focus on "Purpose" and "Interest".

5. Which of the following code regarding the expression ‘Counterfeit’ defined under the Bharatiya Nyaya Sanhita, 2023 is true?

- (A) Imitation should be exact
- (B) Imitation should be partly exact
- (C) Imitation should be reasonably exact
- (D) It is not essential that imitation should be exact

Correct Answer: (D) It is not essential that imitation should be exact

Solution:

Step 1: Understanding the Concept: The definition of "Counterfeit" in the Bharatiya Nyaya Sanhita (BNS), 2023 (which replaced the IPC), retains the core principle regarding the quality of imitation required for an offense.

Step 2: Detailed Explanation:

- Definition: A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance to practice deception.

- The Rule: The specific explanation attached to the definition (typically in Section 2(6) of BNS or corresponding provisions like Section 179 context) clarifies that:
- "It is not essential to counterfeiting that the imitation should be exact."
- Reasoning: The law focuses on the intent to deceive. If the resemblance is sufficient to deceive a person, the offense is committed, even if a skilled observer could spot the difference.

💡 Quick Tip

Presumption of Intention: If a person causes a resemblance so close that it might deceive, the court presumes they intended to deceive unless proved otherwise.

6. In which of the following cases, the Supreme Court of India held that the Governor must perform his role of a friend, philosopher and guide with dispassion, guided not by considerations of political expediency but by the sanctity of the constitutional oath he undertakes?

- (A) *State of Kerala v. The Governor for State of Kerala*, WPC 1264/2023
 (B) *State of Tamil Nadu v. Governor of Tamil Nadu*, 2025 INSC 48
 (C) *B.P. Singhal v. Union of India*, (2010) 6 SCC 331
 (D) *Shivraj Singh Chouhan v. Speaker, Madhya Pradesh Legislative Assembly*, (2020) INSC 335

Correct Answer: (B) *State of Tamil Nadu v. Governor of Tamil Nadu*, 2025 INSC 48

Solution:

Step 1: Understanding the Concept: The question relates to the constitutional role of the Governor under Article 200 (assent to bills) and recent Supreme Court interventions regarding gubernatorial inaction.

Step 2: Detailed Explanation:

- In the landmark case of *State of Tamil Nadu v. Governor of Tamil Nadu* (2025 INSC 48), the Supreme Court addressed the issue of the Governor withholding assent to bills passed by the State Legislature.
- The Court heavily criticized the practice of "pocket veto" by Governors.
- The Observation: The Court remarked that the Governor is a titular head and must act as a "friend, philosopher and guide" to the state government.
- It explicitly stated that the Governor's actions must be guided by the "sanctity of the constitutional oath" rather than "political expediency," emphasizing that they cannot indefinitely sit on bills.

 Quick Tip

Trend in Federalism: Recent SC judgments (Punjab, Kerala, Tamil Nadu cases) have consistently held that the Governor cannot use the proviso to Article 200 to kill legislation by delay.

7. Under the Factories Act, 1948 which of the following statements is correct about overtime and its calculation?

- (A) Piece-rated workers are excluded from overtime calculations under all circumstances
- (B) Overtime is payable only if a worker works more than ten hours a day
- (C) Overtime for work beyond nine hours a day or forty-eight hours a week is payable at twice the ordinary rate; the definition of “ordinary rate” includes basic wages and certain allowances but excludes bonuses and overtime itself
- (D) State Governments have no power to prescribe registers or compute cash equivalents of concessional supplies when calculating ordinary rate

Correct Answer: (C) Overtime for work beyond nine hours a day or forty-eight hours a week is payable at twice the ordinary rate; the definition of “ordinary rate” includes basic wages and certain allowances but excludes bonuses and overtime itself

Solution:

Step 1: Understanding the Concept: This question tests knowledge of Section 59 of the Factories Act, 1948, which regulates “Extra wages for overtime”.

Step 2: Detailed Explanation:

- Threshold: Overtime applies if a worker works for more than 9 hours/day OR more than 48 hours/week.
- Rate: The worker is entitled to wages at the rate of twice his ordinary rate of wages.
- “Ordinary Rate of Wages”:
 - Includes: Basic wages + Dearness Allowance (DA) + Cash equivalent of concessional food/supplies.
 - Excludes: Bonus and overtime wages.
- Therefore, Statement (C) correctly summarizes all these legal provisions.
- Statement (A) is incorrect (piece-rated workers are covered). Statement (B) is incorrect (threshold is 9 hours).

 Quick Tip

Calculation Formula:

$$\text{OT Wages} = 2 \times (\text{Basic} + \text{DA} + \text{Concessions})$$

. Note that Bonus is strictly excluded.

8. Which of the following statement is correct regarding the powers of the High Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the proceedings emanating from application under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005?

- (A) Remedy is not available for quashing the proceedings
- (B) Interference of High Court is warranted only in case of gross illegality or gross abuse of the process of law
- (C) Proceedings are predominantly of a civil nature therefore the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023 do not apply
- (D) High Court must adopt a hands-off approach while dealing with welfare legislation specially enacted to give justice to women who suffer from domestic violence

Correct Answer: (B) Interference of High Court is warranted only in case of gross illegality or gross abuse of the process of law

Solution:

Step 1: Understanding the Concept: Section 528 of BNSS preserves the inherent powers of the High Court (previously Section 482 CrPC). The question concerns its application to the Domestic Violence (DV) Act.

Step 2: Detailed Explanation:

- **Nature of Proceedings:** DV Act proceedings are quasi-civil/quasi-criminal. While the remedies are civil, the procedure often follows the criminal code.
- **High Court's Power:** The High Court can exercise its inherent power under Section 528 BNSS to quash DV proceedings to prevent abuse of the process of the court or to secure the ends of justice.
- **Limitation:** However, the Supreme Court has held that this power should be exercised sparingly.
- **Correct View (Option B):** Interference is warranted only in cases of gross illegality or gross abuse of process (e.g., dragging distant relatives into the case without evidence). It is not a routine remedy.

 **Quick Tip**

Quashing Test: The High Court looks at the allegations in the complaint. If they are absurd or inherently improbable, it may quash. Otherwise, trial must proceed.

9. Criminal trials and proceedings held under the Bharatiya Nagarik Suraksha Sanhita, 2023 in electronic mode, by use of electronic communication or use of audio-video electronic means are_____ .

- (A) permissible as a rule of convenience
- (B) not permissible

- (C) expressly provided
(D) implicit

Correct Answer: (C) expressly provided

Solution:

Step 1: Understanding the Concept: The BNSS, 2023 introduced significant reforms to digitize the criminal justice system.

Step 2: Detailed Explanation:

- Section 530 of BNSS specifically deals with "Trial and proceedings to be held in electronic mode."
- Unlike the old CrPC where video conferencing was used based on judicial guidelines (e.g., for remand), the BNSS makes it a statutory provision.
- The Code states that all trials, inquiries, and proceedings may be held in electronic mode.
- Thus, the use of electronic means is expressly provided in the statute itself, not just implied or a matter of convenience.

💡 Quick Tip

Digital Era: BNSS mandates/enables "e-FIR", "e-evidence", and "e-trials" to reduce delays and physical presence requirements.

10. An advocate who practices in the Court of any Magistrate_____ .

- (A) may sit as a Magistrate in that Court
(B) may sit as a Magistrate in any Court within the local jurisdiction of that Court
(C) may sit as a Magistrate in that Court or in any Court within the local jurisdiction of that Court with special permission of High Court
(D) shall not sit as a Magistrate in that Court or in any Court within the local jurisdiction of that Court

Correct Answer: (D) shall not sit as a Magistrate in that Court or in any Court within the local jurisdiction of that Court

Solution:

Step 1: Understanding the Concept: This question pertains to judicial ethics and conflict of interest, codified in the procedural law (Section 526 of BNSS or equivalent old 480 CrPC).

Step 2: Detailed Explanation:

- The law strictly prohibits an advocate from acting as a judicial officer in the same jurisdiction where they practice law.
- The Rule: "No pleader who practises in the Court of any Magistrate shall sit as a Magistrate in that Court or in any Court within the local jurisdiction of that Court."

- Purpose: To ensure impartiality. A lawyer cannot judge cases involving colleagues they work with or oppose daily, nor can they judge cases in a court where they have clients.
- The prohibition is absolute ("shall not sit").

💡 Quick Tip

Nemo judex in causa sua: No one should be a judge in their own cause (or where they have an interest).

11. In exercise of power vested under Section 524 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the State Government may, after consultation with the High Court, by notification, direct that references in Sections_____to an Executive Magistrate shall be construed as references to a Judicial Magistrate of the first class.

- (A) 125, 126, 135, 164 and 166
- (B) 127, 128, 129, 164 and 166
- (C) 137, 138, 139, 164 and 166
- (D) 153, 154, 155, 164 and 166

Correct Answer: (B) 127, 128, 129, 164 and 166

Solution:

Step 1: Understanding the Concept: Section 524 of BNSS allows the State to transfer specific functions from the Executive Magistrate (Police/Admin) to the Judicial Magistrate (Courts) to ensure better separation of powers.

Step 2: Detailed Explanation:

- The text of Section 524 explicitly enumerates the sections that can be transferred.
- These sections are:
 - 127: Security for keeping the peace.
 - 128: Security for good behaviour.
 - 129: Dispersal of assembly by use of civil force.
 - 164: Conditional order for removal of nuisance.
 - 166: Power to prohibit repetition or continuance of public nuisance.
- The correct set of numbers listed in the Act is 127, 128, 129, 164 and 166.

💡 Quick Tip

These sections relate to Preventive Justice and Public Order, usually handled by Executive Magistrates, but can be shifted to Judicial Magistrates.

12. In computing the period of limitation under the provisions of Bharatiya Nagarik Suraksha Sanhita, 2023, in relation to an offender, the day from which such period is to be computed_____ .

- (A) shall be excluded
- (B) shall be included
- (C) may be included
- (D) may be excluded

Correct Answer: (A) shall be excluded

Solution:

Step 1: Understanding the Concept: This question deals with the calculation of the "Period of Limitation" (the time limit within which a court can take cognizance of an offense), specifically under Section 471 of BNSS (formerly Section 469 CrPC).

Step 2: Detailed Explanation:

- The Rule: When calculating the limitation period for taking cognizance of an offense, the law provides a benefit to the calculation to avoid ambiguity.
- Section 471(1)(a): The period of limitation commences on the date of the offense.
- Section 471(2): In computing the said period, the day from which such period is to be computed shall be excluded.
- Example: If an offense happens on 1st January and the limitation is 1 year, the count starts effectively from 2nd January.

💡 Quick Tip

General Legal Principle: In almost all limitation laws (Civil or Criminal), the first day (the day the cause of action arises) is always excluded.

13. According to Section 49 of the Bharatiya Sakshya Adhiniyam, 2023, in criminal proceedings, the fact that the accused has a bad character is _____, unless evidence has been given that he has a good character in which case it becomes _____.

- (A) admissible, not admissible
- (B) not admissible, admissible
- (C) relevant, irrelevant
- (D) irrelevant, relevant

Correct Answer: (D) irrelevant, relevant

Solution:

Step 1: Understanding the Concept: This question tests the rules of evidence regarding the character of the accused in criminal cases, specifically Section 49 of BSA, 2023 (formerly Section 54 of the Indian Evidence Act).

Step 2: Detailed Explanation:

- General Rule: In criminal proceedings, the fact that the accused has a bad character is irrelevant. The prosecution cannot lead evidence of bad character just to show the accused is likely to have committed the crime.
- Exception: However, if the accused leads evidence to show they have a good character (to prove innocence), then the shield is lost.
- Result: In that case, the fact that the accused has a bad character becomes relevant, and the prosecution can introduce such evidence to rebut the claim.
- Thus, the sequence is: Irrelevant → Relevant.

💡 Quick Tip

Character Evidence Rule:

- Good character: Always Relevant in criminal cases.
- Bad character: Irrelevant (unless good character is pleaded or character is a fact in issue).

14. According to Section 61 of the Bharatiya Sakshya Adhiniyam, 2023, admissibility of electronic or digital record in the evidence, have the same _____ as other document.

- (A) relevancy, admissibility and enforceability
 (B) legal effect, validity and enforceability
 (C) reliability, validity and enforceability
 (D) relevancy, admissibility and validity

Correct Answer: (B) legal effect, validity and enforceability

Solution:

Step 1: Understanding the Concept: Section 61 of BSA, 2023 replaces the old Section 65B of the Evidence Act. It establishes the foundational admissibility of electronic records.

Step 2: Detailed Explanation:

- The section explicitly states that nothing in the Adhiniyam shall deny admissibility to a record solely because it is electronic.
- The Statutory Wording: It declares that such electronic or digital records shall (subject to authentication under Section 63) have the same legal effect, validity and enforceability as other documents.
- This provision gives electronic records a status equivalent to primary paper documents ("other documents").

💡 Quick Tip

Keyword Association:

- Section 61 BSA: Admissibility & Status (Legal effect, Validity, Enforceability).
- Section 63 BSA: Certificate requirement (Authentication).

15. Consider the following statements:

- (i) The identification of an accused by a witness in court is substantive evidence.
- (ii) The evidence of identification in test identification parade is primary evidence but not substantive evidence.
- (iii) Test identification parade can be used only to corroborate identification of the accused by a witness in the court.

Choose the correct answer

- (A) (i) and (ii) are correct but (iii) incorrect
- (B) (i) and (ii) are incorrect but (iii) is correct
- (C) (i) and (iii) are correct but (ii) incorrect
- (D) (i) (ii) and (iii) are correct

Correct Answer: (C) (i) and (iii) are correct but (ii) incorrect

Solution:

Step 1: Understanding the Concept:

The question relates to the evidentiary value of identification of an accused, specifically distinguishing between identification in court and a Test Identification Parade (TIP).

Step 2: Analysis of Statements:

- **Statement (i):** The identification of an accused by a witness in the court is substantive evidence. This is **Correct**. The sworn testimony given before the court is the substantive evidence on which a conviction can be based.
- **Statement (ii):** The evidence of identification in a test identification parade is primary evidence but not substantive evidence. This is **Incorrect**. TIP held during the investigation stage is not primary or substantive evidence. It is a part of the investigation under Section 162 of the CrPC and is relevant under Section 9 of the Indian Evidence Act solely for corroboration or contradiction. It is generally considered hearsay if not backed by court identification, and definitely not "primary evidence" in the strict sense used here to imply superior weight over court testimony.
- **Statement (iii):** Test identification parade can be used only to corroborate identification of the accused by a witness in the court. This is **Correct**. The main purpose of TIP is to satisfy the investigating agency that the investigation is proceeding in the right direction and to corroborate the witness's testimony in court.

Step 3: Conclusion:

Since statements (i) and (iii) are correct, and statement (ii) is incorrect, option (C) is the right choice.

💡 Quick Tip

Remember: "Identification in Court" = Substantive Evidence. "TIP" = Corroborative Evidence (Section 9, IEA).

16. Which of the following Latin maxims is related to relevancy of dying declaration?

- (A) *Actus Curias Neminem Gravabit*
- (B) *Nemo Moriturus Proesumitur Mentiri*
- (C) *Nullum Tempus Aut Locus Occurrit Regi*
- (D) *Lex Non Cogit Ad Impossibilia*

Correct Answer: (B) *Nemo Moriturus Proesumitur Mentiri*

Solution:

Step 1: Understanding the Concept:

A dying declaration is admissible under Section 32(1) of the Indian Evidence Act. The admissibility is based on a specific legal maxim reflecting the belief that a dying person will not lie.

Step 2: Analyzing the Maxims:

- (A) *Actus Curiae Neminem Gravabit*: An act of the court shall prejudice no man.
- (B) *Nemo Moriturus Praesumitur Mentiri*: A man will not meet his maker with a lie in his mouth (literally: no one dying is presumed to lie). This is the foundation of the admissibility of dying declarations.
- (C) *Nullum Tempus Aut Locus Occurrit Regi*: No time or place runs against the King (Law of Limitation does not apply to the Crown/State).
- (D) *Lex Non Cogit Ad Impossibilia*: The law does not compel the doing of impossibilities.

Step 4: Conclusion:

The correct maxim is *Nemo Moriturus Praesumitur Mentiri*.

💡 Quick Tip

Connect keywords: "Moriturus" relates to "Mortality/Death". This helps identify the maxim for Dying Declaration instantly.

17. Choose the correct answer regarding the doctrine of restitution under Section 144 of the Code of Civil Procedure 1908:

- (A) The expression 'restitution' is clearly defined under Section 144 of the Code of Civil Procedure 1908
- (B) Section 144 confers a new substantive right on the parties for the tortious act caused due to erroneous decree or order passed by the court

- (C) Section 144 does not confer any new substantive right. It merely regulates the power of the court to restore the parties so far as they can be restored
- (D) The courts do not have the inherent power to make restitution under Section 144 of the Code of Civil Procedure 1908

Correct Answer: (C) Section 144 does not confer any new substantive right. It merely regulates the power of the court to restore the parties so far as they can be restored

Solution:

Step 1: Understanding Section 144 CPC:

Section 144 of the CPC deals with the doctrine of restitution. The principle is that "no one shall be prejudiced by an act of the Court" (*Actus Curiae Neminem Gravabit*).

Step 2: Analyzing the Options:

- (A) Incorrect. The term 'restitution' is not explicitly defined in the definition clause, though the section explains the mechanism.
- (B) Incorrect. Restitution is not a new substantive right but a procedural mechanism to undo the harm done by an erroneous decree that has been varied or reversed.
- (C) **Correct.** The section recognizes the inherent duty of the court to restore the status quo ante. It regulates the power to ensure parties are placed in the position they would have held had the erroneous decree not been passed.
- (D) Incorrect. Courts *do* have inherent power to grant restitution, and Section 144 is a statutory recognition of this power (and Section 151 can apply where Section 144 strictly doesn't).

 Quick Tip

Restitution puts the clock back. It is not a new right but a correction of a mistake made by the legal process itself.

18. Which of the following maxims is not related to doctrine of *res judicata*?

- (A) *Nemo Debet Bis Vexari Pro Una Et Eadem Causa*
- (B) *Nemo Tenetur Se Ipsum Prodere*
- (C) *Interest Reipublicae Ut Sit Finis Litium*
- (D) *Res Judicata Pro Veritate Occipitur*

Correct Answer: (B) *Nemo Tenetur Se Ipsum Prodere*

Solution:

Step 1: Understanding *Res Judicata*:

Res Judicata (Section 11, CPC) prevents the same issue from being tried again between the same parties.

Step 2: Analyzing the Maxims:

- (A) *Nemo Debet Bis Vexari...*: No one should be vexed twice for the same cause. (Related to Res Judicata).
- (B) *Nemo Tenetur Se Ipsum Prodere*: No one is bound to accuse himself (Right against self-incrimination). This is related to Criminal Law (Article 20(3) of Constitution), **not** Res Judicata.
- (C) *Interest Reipublicae Ut Sit Finis Litium*: It is in the interest of the State that there be an end to litigation. (Related to Res Judicata).
- (D) *Res Judicata Pro Veritate Occipitur*: A judicial decision must be accepted as correct. (Related to Res Judicata).

💡 Quick Tip

Identify the "odd one out". Option (B) is about self-incrimination ("Prodere" $\approx$ Betray/Accuse), which is distinct from civil procedure concepts like Res Judicata.

19. Where the court has passed a decree for the payment of money and the decree is silent with respect to the payment of interest during the period from the date of the decree to the date of payment, it shall be deemed that

- (A) Court has refused such interest and therefore no separate suit shall be instituted for the payment of interest
- (B) Court has refused such interest; however, a separate suit may be instituted for the payment of interest
- (C) Court has not refused such interest; however, a separate suit may be instituted for the payment of interest
- (D) Court has not refused such interest but adjusted the payment of interest in the cost of the suit

Correct Answer: (A) Court has refused such interest and therefore no separate suit shall be instituted for the payment of interest

Solution:

Step 1: Understanding Section 34 of CPC:

Section 34 of the Code of Civil Procedure deals with interest. Sub-section (2) specifically addresses this scenario.

Step 2: Legal Provision:

Section 34(2) states: "Where such a decree is silent with respect to the payment of further interest... the Court shall be deemed to have refused such interest, and a separate suit therefore shall not lie."

Step 3: Conclusion:

If the decree is silent on future interest (from decree date to payment date), it is deemed refused, and a separate suit is barred.

💡 Quick Tip

Silence on interest = Refusal. This is a "Deeming Provision" in Section 34(2) CPC.

20. All questions relating to executability or non-executability of a decree have been conferred within the exclusive jurisdiction of the court executing the decree by virtue of the provision _____ of the Code of Civil Procedure 1908.

- (A) Section 10
- (B) Section 11
- (C) Section 33
- (D) Section 47

Correct Answer: (D) Section 47

Solution:

Step 1: Identify the Subject Matter:

The question is about questions determined by the executing court regarding execution, discharge, or satisfaction of a decree.

Step 2: Analyze Options:

- Section 10: Res Sub-Judice (Stay of suit).
- Section 11: Res Judicata.
- Section 33: Judgment and Decree.
- **Section 47:** Questions to be determined by the Court executing decree. It mandates that all questions arising between the parties to the suit relating to the execution, discharge, or satisfaction of the decree shall be determined by the Court executing the decree and not by a separate suit.

💡 Quick Tip

Section 47 is the "Gatekeeper" of execution proceedings, preventing separate suits for execution-related matters.

21. Section 135 of the Transfer of Property Act 1882 deals with the provision for the assignment of rights under the policy of _____ insurance.

- (A) Life
- (B) Marine
- (C) Fire
- (D) Agriculture

Correct Answer: (B) Marine

Solution:

Step 1: Direct Section Reference:

Section 135 of the Transfer of Property Act, 1882 is explicitly titled "Assignment of rights under policy of marine insurance."

Step 2: Context:

- Section 130 deals with Actionable Claims.
- Section 135 specifically addresses Marine Insurance policies.
- Life Insurance assignment is generally governed by Section 38 of the Insurance Act, 1938.
- Fire insurance assignment often requires insurer consent, governed by general contract/property principles, but Section 135 is exclusively for Marine.

💡 Quick Tip

TPA Section 135 = Marine Insurance. This is a specific statutory provision often asked in objective exams.

22. 'X' transfers his property in favor of an unborn person 'Y' in accordance with the principle of Section 13 of the Transfer of Property Act 1882. 'Y' acquires interest in the property upon his birth, although 'Y' is not entitled to enjoy the property immediately on his birth. The interest of 'Y' in the property is

- (A) Contingent interest
- (B) Vested interest
- (C) Future interest
- (D) Irregular interest

Correct Answer: (B) Vested interest

Solution:**Step 1: Analyze the Situation:**

Transfer to an unborn person is valid if preceded by a prior life interest (Section 13).

Step 2: Application of Section 20 TPA:

Section 20 of the Transfer of Property Act states: "Where, on a transfer of property, an interest therein is created for the benefit of a person not then living, he acquires upon his birth, unless a contrary intention appears from the terms of the transfer, a **vested interest**, although he may not be entitled to the enjoyment thereof immediately on his birth."

Step 3: Conclusion:

Upon birth, the interest becomes vested, even if possession (enjoyment) is postponed until the termination of the prior life interest.

💡 Quick Tip

Key Rule: Unborn Person + Birth = Vested Interest (Section 20 TPA).

23. The general rule for the apportionment of income between the transferor and transferee under Section 36 of the Transfer of Property Act 1882 is that such income shall be deemed to accrue due from

- (A) Day to day basis
- (B) Every fortnight basis
- (C) Monthly basis
- (D) Yearly basis

Correct Answer: (A) Day to day basis

Solution:

Step 1: Understanding Section 36 TPA:

Section 36 deals with "Apportionment of periodical payments determination of apportionment."

Step 2: Legal Provision:

It states that in the absence of a contract or local usage to the contrary, all rents, annuities, pensions, dividends, and other periodical payments in the nature of income shall, upon the transfer of the interest of the person entitled to receive them, be deemed, as between the transferor and the transferee, to accrue due from **day to day**, and to be apportionable accordingly.

 Quick Tip

Section 36 TPA Rule: Income accrues daily. This makes calculation precise for the date of transfer.

24. Choose the correct answer regarding the doctrine of part performance.

- (A) The transferee, being already in possession, merely continuing in possession of the property is sufficient to constitute a part performance of the contract in his favor
- (B) It is to be shown that the person claiming the benefit of part performance was not willing to perform his part of the contract, even though he is entitled for the protection of doctrine of part performance
- (C) It is obligatory upon the person claiming the benefit of part performance to show that he was ready and willing to perform his part of the contract
- (D) It is sufficient to show that the transferor had orally or in writing contracted to transfer for consideration any immovable property and the transferee has taken possession of the property

Correct Answer: (C) It is obligatory upon the person claiming the benefit of part performance to show that he was ready and willing to perform his part of the contract

Solution:

Step 1: Understanding Section 53A TPA (Part Performance):

Section 53A protects a transferee who has taken possession of a property based on a written contract, even if the formal instrument of transfer hasn't been registered.

Step 2: Analyzing the Requisites:

- (A) Incorrect. If the transferee is already in possession, they must do some *act in furtherance* of the contract. Merely continuing in possession is not enough.
- (B) Incorrect. The transferee *must* be willing to perform their part.
- (C) **Correct.** The section explicitly states that the transferee must have performed or be willing to perform his part of the contract. This "readiness and willingness" is a mandatory condition.
- (D) Incorrect. Section 53A requires the contract to be **in writing** and signed. An oral contract is not sufficient for the doctrine of part performance.

💡 Quick Tip

Section 53A Essentials: Written Contract + Possession + Act in Furtherance + Willingness to Perform.

25. The Universal Donee is liable for

- (A) All the debts and liabilities of the donor at the time of the gift to the extent of the property comprised therein
- (B) All the debts and liabilities of the donor undertaken by the donee irrespective of the value of the gift
- (C) All the debts of the donor at the time of the gift to the extent of the half of the value of the gift
- (D) All the debts and liabilities of the donor at the time of the gift to the extent of the three-fourth of the value of the gift

Correct Answer: (A) All the debts and liabilities of the donor at the time of the gift to the extent of the property comprised therein

Solution:

Step 1: Direct Section Reference (Section 128 TPA):

Section 128 defines a Universal Donee as one who receives the whole of the donor's property.

Step 2: Liability Scope:

The section states that the universal donee is personally liable for all the debts due by and liabilities of the donor at the time of the gift, **to the extent of the property comprised therein.**

Step 3: Conclusion:

The liability is not unlimited; it is capped by the value of the assets received.

💡 Quick Tip

Universal Donee inherits assets AND liabilities, but liabilities are limited to the value of the assets (no personal liability beyond the gift's value).

26. Which of the statements regarding the characteristics of ‘Charges’ given under Section 100 of the Transfer of Property Act 1882, is not true?

- (A) A charge may be created on the property by act of parties
- (B) A charge may be created on the property by operation of law
- (C) A charge on the property amounts to a mortgage
- (D) All the provisions of the Transfer of Property Act 1882 relating to simple mortgage shall, so far as may be, apply to charge

Correct Answer: (C) A charge on the property amounts to a mortgage

Solution:

Step 1: Understanding Section 100 TPA:

Section 100 defines a ‘Charge’. It exists where immovable property of one person is by act of parties or operation of law made security for the payment of money to another, *and the transaction does not amount to a mortgage*.

Step 2: Analyzing Options:

- (A) True. Charges can be created by act of parties.
- (B) True. Charges can be created by operation of law.
- (C) **False.** The definition specifically says “and the transaction *does not amount to a mortgage*”. A charge is not a mortgage (no transfer of interest).
- (D) True. Section 100 explicitly states that provisions relating to a simple mortgage shall apply to charges.

 Quick Tip

Charge $\neq$ Mortgage. In a Mortgage, there is a transfer of interest. In a Charge, there is only a right to payment out of the property.

27. Which of the following is not required to prove a Will?

- (A) Will is executed by the testator
- (B) It was the last will executed by the testator
- (C) It must pass test of satisfaction of prudent mind
- (D) It must pass test of mathematical accuracy

Correct Answer: (D) It must pass test of mathematical accuracy

Solution:

Step 1: Legal Requirements for a Will:

To prove a Will in a court of law (under the Indian Evidence Act and Indian Succession Act), one must show:

- Due execution by the testator (signature, witnesses).

- Testamentary capacity (sound mind).
- That it is the last will (revocability).
- The court satisfies its conscience (satisfaction of a prudent mind) regarding the genuineness.

Step 2: Evaluating Option (D):

"Mathematical accuracy" is not a legal standard for proving wills. Proof in civil matters is based on the "preponderance of probabilities" and the satisfaction of the conscience of the court, not mathematical certainty.

💡 Quick Tip

Law deals with probabilities and the "prudent man" standard, not mathematical certainty.

28. Who is not a domestic worker under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?

- (A) Woman who is directly employed to do household work for remuneration in cash
- (B) Woman who is employed to do household work for remuneration in cash through any agency on a temporary basis
- (C) Woman who is a member of employer's family and directly employed to do household work for remuneration in cash
- (D) Woman who is employed to do household work for remuneration in kind

Correct Answer: (C) Woman who is a member of employer's family and directly employed to do household work for remuneration in cash

Solution:

Step 1: Definition of Domestic Worker:

Section 2(e) of the Act defines "domestic worker".

Step 2: Exclusion Clause:

The definition includes women employed directly or through an agency, for cash or kind, **"but does not include any member of the family of the employer."**

Step 3: Conclusion:

Option (C) refers to a family member, who is explicitly excluded from the definition of a domestic worker under this Act.

💡 Quick Tip

Family members working in the household are not "employees" or "domestic workers" under the POSH Act 2013.

29. Which of the following statement is false regarding settlement of matter through conciliation under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013?

- (A) Settlement may be initiated at the request of the aggrieved woman
- (B) Monetary settlement can be made as a basis of conciliation
- (C) Monetary settlement cannot be made as a basis of conciliation
- (D) Once a settlement is arrived, no further inquiry shall be conducted by the Internal Committee

Correct Answer: (B) Monetary settlement can be made as a basis of conciliation

Solution:

Step 1: Section 10 of the POSH Act:

Section 10 allows for conciliation at the request of the aggrieved woman before an inquiry is initiated.

Step 2: Proviso to Section 10(1):

The proviso specifically states: "**Provided that no monetary settlement shall be made as a basis of conciliation.**"

Step 3: Conclusion:

Statement (B) contradicts the explicit legal provision forbidding monetary settlement as the basis for conciliation. Therefore, it is the false statement.

💡 Quick Tip

Conciliation in Sexual Harassment cases cannot be about "buying silence". Monetary settlement is strictly prohibited as a basis for conciliation.

30. Taking measurements of convicts for the purposes of identification and investigation in criminal matters is expressly authorized under the_____.

- (A) The Constitution of India
- (B) Bharatiya Nagarik Suraksha Sanhita, 2023
- (C) Bharatiya Sakshya Adhinyam, 2023
- (D) The Criminal Procedure (Identification) Act, 2022

Correct Answer: (D) The Criminal Procedure (Identification) Act, 2022

Solution:

Step 1: Current Legislation:

The *Identification of Prisoners Act, 1920* was repealed and replaced by **The Criminal Procedure (Identification) Act, 2022.**

Step 2: Scope of the New Act:

This Act expressly authorizes police officers to take "measurements" (fingerprints, palm prints, foot prints, photos, iris and retina scan, biological samples, etc.) of convicts and other persons for the purposes of identification and investigation.

💡 Quick Tip

The 2022 Act modernized the 1920 Act to include biometric data like iris scans and biological samples under the term "measurements".

31. The child born through assisted reproductive technology shall be deemed to be a biological child of -----.

- (A) Donor couple
- (B) Commissioning couple
- (C) Woman who approaches assisted reproductive technology clinic
- (D) Aggrieved biological mother

Correct Answer: (B) Commissioning couple

Solution:

Step 1: Relevant Act:

The Assisted Reproductive Technology (Regulation) Act, 2021.

Step 2: Section 24 Reference:

Section 24 of the Act states that a child born through assisted reproductive technology shall be deemed to be a **biological child of the commissioning couple** and the said child shall be entitled to all the rights and privileges available to a natural child.

💡 Quick Tip

The law aims to secure the legitimacy of the child. The "Commissioning Couple" (parents who sought the treatment) are the legal parents, not the donor.

32. Which of the following is not a commercial surrogacy under the Surrogacy (Regulation) Act, 2021?

- (A) Trading the services of surrogate motherhood by way of giving payment
- (B) Trading the services of surrogate motherhood by way of giving incentives in kind
- (C) Insurance coverage for the surrogate mother during the process of surrogacy
- (D) Buying of human embryo

Correct Answer: (C) Insurance coverage for the surrogate mother during the process of surrogacy

Solution:

Step 1: Definition of Commercial Surrogacy:

The Surrogacy (Regulation) Act, 2021 prohibits commercial surrogacy. Commercial surrogacy involves commercialization of surrogacy services or procedures, including selling/buying embryos or trading services for payment, reward, benefit, fees, etc.

Step 2: Exception:

The definition of commercial surrogacy specifically excludes payment for:

- Medical expenses incurred on the surrogate mother.
- **Insurance coverage** for the surrogate mother.

These are considered essential protections for the surrogate, not "commercial trading."

💡 Quick Tip

Altruistic Surrogacy is allowed. Altruistic includes medical expenses + insurance. Anything beyond that (profit/fee) is Commercial Surrogacy.

33. The Parliament has enacted an Act to provide for the constitution of the Commission for the purpose of protecting and improving the quality of the air in the National Capital Region and adjoining areas. The name of the Act is

- (A) The Air Quality Management in National Capital Region Act, 2021
- (B) The Air Quality Management in National Capital Region and Adjoining Areas Act, 2021
- (C) The Commission for Air Quality Management in National Capital Region Act, 2021
- (D) The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021

Correct Answer: (D) The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021

Solution:

Step 1: Understanding the Concept: The question tests knowledge of recent Environmental Legislation enacted to curb air pollution in Delhi-NCR.

Step 2: Detailed Explanation:

- To address the severe air pollution in Delhi and its surrounding regions, the Parliament enacted a specific law replacing the Environment Pollution (Prevention and Control) Authority (EPCA).
- The full and correct title of the statute is "The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021".
- It establishes the Commission for Air Quality Management (CAQM) as a statutory body.
- Option (D) correctly includes "Commission", "National Capital Region", and "Adjoining Areas".

💡 Quick Tip

Always look for the complete scope in the title: It covers not just the NCR but also "Adjoining Areas" (parts of Punjab, Haryana, Rajasthan, and UP contributing to pollution).

34. Which of the following is not a Social Security Organisation under the Code on Social Security, 2020?

- (A) The Central Board of Trustees of Employees' Provident Fund
- (B) The Life Insurance Corporation
- (C) The Employees' State Insurance Corporation
- (D) The National Social Security Board for Unorganised Workers

Correct Answer: (B) The Life Insurance Corporation

Solution:

Step 1: Understanding the Concept: The Code on Social Security, 2020 consolidates laws relating to social security. Section 6 of the Code specifically constitutes certain bodies as "Social Security Organisations".

Step 2: Detailed Explanation:

- Section 6 of the Code lists the following as Social Security Organisations:
 1. The Central Board of Trustees (EPFO)
 2. The Employees' State Insurance Corporation (ESIC)
 3. The National Social Security Board for Unorganised Workers
 4. State Unorganised Workers' Social Security Boards
 5. State Building and Other Construction Workers' Welfare Boards
- Life Insurance Corporation (LIC) is a statutory corporation established under the LIC Act, 1956. While it provides insurance, it is not constituted as a "Social Security Organisation" under the definition provided in the Code on Social Security, 2020.

💡 Quick Tip

The Code on Social Security subsumed laws like the EPF Act and ESI Act. LIC operates independently under its own Act.

35. Person with intersex variations means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from _____ of male or female body.

- (A) biological standard
- (B) social standard
- (C) normative standard
- (D) legal standard

Correct Answer: (C) normative standard

Solution:

Step 1: Understanding the Concept: This definition is taken from the Transgender Persons (Protection of Rights) Act, 2019.

Step 2: Detailed Explanation:

- Section 2(i) of the Act defines "person with intersex variations".
- The text states: "...means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from the normative standard of male or female body."
- The term "normative standard" refers to the typical biological presentation expected of male or female bodies in medical science.

💡 Quick Tip

Legal definitions in statutes often use precise terminology. For biological deviations, the law uses "normative standard" rather than "biological" or "social" standard.

36. 'Harm', in relation to a product liability under the Consumer Protection Act, 2019 does not include

- (A) Damage to any property on account of breach of warranty conditions
- (B) Damage to any property, other than the product itself
- (C) Emotional distress attendant to damage to property
- (D) Mental agony attendant to damage to property

Correct Answer: (A) Damage to any property on account of breach of warranty conditions

Solution:

Step 1: Understanding the Concept: The question focuses on the definition of "harm" under Section 2(22) of the Consumer Protection Act, 2019, specifically in the context of Product Liability.

Step 2: Detailed Explanation:

- Section 2(22) defines "harm" to include:
 - (i) damage to any property, other than the product itself;
 - (ii) personal injury, illness, or death;
 - (iii) mental agony or emotional distress attendant to personal injury or damage to property.
- Exceptions: The definition explicitly states that "harm" shall not include:
 - any harm to the product itself;
 - damage to the property on account of breach of warranty conditions;
 - any commercial or economic loss.
- Therefore, Option (A) is the correct exclusion.

💡 Quick Tip

Product Liability covers safety defects causing external harm. Pure economic loss or warranty breaches (contractual issues) are excluded from the definition of "harm" in this context.

37. The definition of ‘Wages’ under the Code on Wages, 2019 includes

- (A) Conveyance allowance
- (B) Retaining allowance
- (C) House rent allowance
- (D) Overtime allowance

Correct Answer: (B) Retaining allowance

Solution:

Step 1: Understanding the Concept: The Code on Wages, 2019 introduced a unified definition of "Wages" in Section 2(y).

Step 2: Detailed Explanation:

- Section 2(y) defines wages as all remuneration expressed in terms of money.
- Inclusions (Explicit):
 1. Basic Pay
 2. Dearness Allowance (DA)
 3. Retaining Allowance (allowance paid for the period of non-employment/lay-off to retain the employee).
- Exclusions (Explicit):
 1. Bonus
 2. House Accommodation value
 3. Contribution to PF
 4. Conveyance allowance
 5. House Rent Allowance (HRA)
 6. Overtime allowance
- Thus, Retaining Allowance is the only option included in the core definition.

 Quick Tip

Formula for Wages (Code on Wages): Basic + DA + Retaining Allowance. Most other allowances (HRA, OT, Conveyance) are excluded unless they exceed 50% of total remuneration.

38. An offence punishable under the Muslim Women (Protection of Rights on Marriage) Act, 2019 is ----- .

- (A) cognizable and compoundable
- (B) non-cognizable and compoundable
- (C) cognizable and non-compoundable
- (D) non-cognizable and non-compoundable

Correct Answer: (A) cognizable and compoundable

Solution:

Step 1: Understanding the Concept: This Act criminalizes the practice of Triple Talaq. Section 7 specifies the nature of the offence.

Step 2: Detailed Explanation:

- Cognizable: Section 7(c) states the offence is cognizable (police can arrest without warrant) if information is given by the married woman or her blood/marriage relative.
- Compoundable: Section 7(b) states the offence is compoundable (can be settled) at the instance of the married woman with the permission of the Magistrate.
- It is also Non-Bailable (bail can only be granted by a Magistrate, not police).
- Hence, Option (A) is correct.

 Quick Tip

CCC: Cognizable, Compoundable, (but) Non-Bailable. Note that compoundability requires the wife's consent and Magistrate's permission.

39. Any pronouncement of talaq by a Muslim husband upon his wife, in any manner shall be_____.

- (A) void and invalid
- (B) void and illegal
- (C) voidable and illegal
- (D) voidable and immoral

Correct Answer: (B) void and illegal

Solution:

Step 1: Understanding the Concept: Section 3 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 declares the status of Talaq-e-biddat (instant triple talaq).

Step 2: Detailed Explanation:

- Section 3 states: "Any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal."
- Void: It has no legal effect (the marriage remains intact).
- Illegal: It is contrary to law and attracts criminal liability (punishment up to 3 years).

 Quick Tip

Remember the exact statutory phrase: "Void and Illegal". Void means civilly ineffective; Illegal means criminally punishable.

40. According to India International Arbitration Centre Act 2019, the India International Arbitration Centre is an institution of _____ importance.

- (A) public
- (B) commercial
- (C) national
- (D) economic

Correct Answer: (C) national

Solution:

Step 1: Understanding the Concept: The Act was passed to establish an independent body to create a hub for arbitration in India.

Step 2: Detailed Explanation:

- Section 2 of the India International Arbitration Centre Act, 2019 makes a specific declaration.
- It states: "The India International Arbitration Centre is hereby declared to be an institution of national importance."
- This declaration is crucial for the Centre's status and funding.

💡 Quick Tip

Institutions established by Parliament for high-priority sectors (like IITs, AIIMS, and now IIAC) are typically declared institutions of "National Importance".

41. Under the Mental Healthcare Act 2017, offering an option for treatment or a setting for treatment which meets the person's treatment needs and imposes the least restriction on the person's rights is called

- (A) Least restrictive alternative
- (B) Least restrictive environment
- (C) Less restrictive option
- (D) All the above

Correct Answer: (A) Least restrictive alternative

Solution:

Step 1: Understanding the Concept: The Mental Healthcare Act, 2017 emphasizes rights-based treatment.

Step 2: Detailed Explanation:

- Section 2(q) defines "least restrictive alternative".
- It refers to offering an option for treatment or a setting for treatment which meets the person's treatment needs and imposes the least restriction on the person's rights.

- This principle ensures that a person is not confined to a mental health establishment if they can be treated in the community or home.

💡 Quick Tip

The term used in the Act is strictly "Alternative", not "Environment" or "Option". It is a core principle of modern mental health jurisprudence.

42. Which of the following is not a principle for empowerment of persons with disabilities adopted by the United Nations General Assembly on 13 December 2006 in its Convention on the Rights of Persons with Disabilities?

- (A) Equality of opportunity
- (B) Accessibility
- (C) Freedom of Religion
- (D) Equality between men and women

Correct Answer: (C) Freedom of Religion

Solution:

Step 1: Understanding the Concept: The question refers to the General Principles listed in Article 3 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Step 2: Detailed Explanation:

- Article 3 lists 8 General Principles: 1. Respect for inherent dignity and individual autonomy. 2. Non-discrimination. 3. Full and effective participation and inclusion in society. 4. Respect for difference and acceptance. 5. Equality of opportunity (Option A). 6. Accessibility (Option B). 7. Equality between men and women (Option D). 8. Respect for the evolving capacities of children with disabilities.
- Freedom of Religion, while a human right, is not listed as a specific guiding principle for empowerment in Article 3 of the UNCRPD.

💡 Quick Tip

The principles focus on access, equality, and inclusion. Religion is a substantive right, not a procedural principle of the Convention's framework.

43. Which court is designated to be a Special Court to try the offences under the Rights of Persons with Disabilities Act, 2016?

- (A) Chief Judicial Magistrate
- (B) Court of Session
- (C) Metropolitan Magistrate
- (D) District Court

Correct Answer: (B) Court of Session

Solution:

Step 1: Understanding the Concept: Section 84 of the Rights of Persons with Disabilities Act, 2016 deals with the designation of Special Courts for speedy trials.

Step 2: Detailed Explanation:

- Section 84 states: "For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act."
- Therefore, the Sessions Court is the designated authority.

 Quick Tip

For most serious special acts (SC/ST Act, POCSO, RPWD), the Court of Session is typically the designated Special Court.

44. The term 'claim' defined under the Insolvency and Bankruptcy Code, 2016 includes right to remedy for----- .

- (A) breach of contract
- (B) breach of trust
- (C) breach of fundamental rights
- (D) tort

Correct Answer: (A) breach of contract

Solution:

Step 1: Understanding the Concept: The definition of "Claim" is fundamental to the Insolvency and Bankruptcy Code (IBC) to determine who is a creditor.

Step 2: Detailed Explanation:

- Section 3(6) of the IBC defines "claim" as:
 - (a) a right to payment...
 - (b) a right to remedy for breach of contract under any law for the time being in force, if such breach gives rise to a right to payment, whether or not such right is reduced to judgment, fixed, disputed, undisputed, legal, equitable, secured or unsecured.
- The definition specifically mentions breach of contract giving rise to a right to payment.

 Quick Tip

IBC deals with debts. A remedy for breach of contract that results in a monetary liability constitutes a "claim".

45. Which of the following entity is not expressly named as a ‘financial sector regulator’ under the Insolvency and Bankruptcy Code, 2016?

- (A) Reserve Bank of India
- (B) World Bank
- (C) Securities and Exchange Board of India
- (D) Insurance Regulatory and Development Authority of India

Correct Answer: (B) World Bank

Solution:

Step 1: Understanding the Concept: Section 3(18) of the IBC defines "financial sector regulator".

Step 2: Detailed Explanation:

- The definition expressly lists Indian regulatory authorities:
 - Reserve Bank of India (RBI)
 - Securities and Exchange Board of India (SEBI)
 - Insurance Regulatory and Development Authority of India (IRDAI)
 - Pension Fund Regulatory and Development Authority (PFRDA)
- The World Bank is an international financial institution, not an Indian regulator, and is not named in the code.

 Quick Tip

Only domestic regulators having jurisdiction over financial markets in India are included in this definition.

46. Which section of the Insolvency and Bankruptcy Code, 2016 is not related to extortionate credit transactions?

- (A) Section 50
- (B) Section 51
- (C) Section 167
- (D) Section 173

Correct Answer: (D) Section 173

Solution:

Step 1: Understanding the Concept: The IBC has provisions to avoid or reverse "extortionate credit transactions" (unfair loans) entered into by the debtor.

Step 2: Detailed Explanation:

- Section 50: Extortionate credit transactions (Corporate Insolvency).
- Section 51: Orders of Adjudicating Authority in respect of Section 50.

- Section 167: Orders of Adjudicating Authority in respect of extortionate credit transactions (Individual/Partnership Insolvency).
- Section 173: Deals with "Mutual credit and set-off" in the context of bankruptcy order administration. It is not related to extortionate credit transactions.

💡 Quick Tip

Extortionate transactions allow courts to reopen unfair loans. Section 50/51 applies to Companies; Section 167 applies to Individuals.

47. If a bankrupt dies, the bankruptcy proceedings shall _____ .

- (A) become barred
- (B) cease
- (C) continue as if the deceased were alive
- (D) cease against the deceased and continue against the other debtors

Correct Answer: (C) continue as if the deceased were alive

Solution:

Step 1: Understanding the Concept: This concerns the procedural impact of the death of a debtor during bankruptcy proceedings under the IBC (Section 169).

Step 2: Detailed Explanation:

- Section 169 of the IBC, 2016 states: "If a bankrupt dies, the bankruptcy proceedings shall, so far as may be, continue as if he were alive."
- This ensures that the estate of the bankrupt can still be administered and distributed to creditors despite the death.

💡 Quick Tip

Bankruptcy attaches to the estate of the person. Therefore, proceedings survive the death of the individual to resolve claims against that estate.

48. Which of the following range of age is provided for aftercare under the Juvenile Justice (Care and Protection of Children) Act, 2015?

- (A) 16 to 21
- (B) 18 to 21
- (C) 16 to 18
- (D) 15 to 18

Correct Answer: (B) 18 to 21

Solution:

Step 1: Understanding the Concept: Aftercare is provided to children who leave Child Care Institutions upon attaining majority (18 years) to help them reintegrate into society.

Step 2: Detailed Explanation:

- Section 46 of the JJ Act, 2015 states that any child leaving a child care institution on completion of eighteen years of age may be provided with financial support to facilitate re-integration into the mainstream of society.
- This support is provided for a period of three years, i.e., from age 18 to 21.

 Quick Tip

Aftercare starts when "Child" status ends (18 years). It lasts for 3 years. Hence, 18-21.

49. According to Section 2(34) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the 'Inter-country adoption' means

- (A) Adoption of a child from one country to another country
- (B) Adoption of a child from any country by an Indian resident
- (C) Adoption of a child from India by a nonresident Indian
- (D) Adoption of a child from any country by an Indian citizen

Correct Answer: (C) Adoption of a child from India by a nonresident Indian

Solution:

Step 1: Understanding the Concept: Section 2(34) specifically defines this term to regulate adoptions of Indian children by people living abroad.

Step 2: Detailed Explanation:

- Section 2(34) defines "inter-country adoption" as "adoption of a child from India by non-resident Indian or by a person of foreign nationality."
- Option (C) captures the "from India by a nonresident Indian" aspect correctly.
- Option (A) is too generic. Option (B) describes inter-country adoption into India (which is covered but the standard definition focuses on the child leaving India or coming to India, and (C) is the closest strict legal definition text usually cited).
- Note: The full definition covers both outgoing (from India to foreign) and incoming (foreign to India), but for the purpose of the options provided, (C) is the one that aligns with the specific text often tested: "Child from India -i NRI/Foreigner".

 Quick Tip

Inter-country adoption in the JJ Act focuses heavily on protecting Indian children being adopted abroad.

50. In which of the following cases, the Supreme Court of India has directed to install CCTV cameras and recording equipment in the office of agency which carries out interrogations and holding of accused takes place in the same manner as it would in a police station?

- (A) State of Maharashtra v. Keshao Vishwanath Sonone, 2020 SCC OnLine SC 1040
- (B) Paramvir Singh Saini v. Baljit Singh, AIR 2020 SC 64
- (C) Rohtas v. State of Haryana, AIR 2012 SC 2297
- (D) Chaman Lal v. State of Himachal Pradesh, AIR 2021 SC 46

Correct Answer: (B) Paramvir Singh Saini v. Baljit Singh, AIR 2020 SC 64

Solution:

Step 1: Understanding the Concept: This is a landmark judgment regarding custodial torture and transparency in police stations and investigative agencies (CBI, ED, NIA, etc.).

Step 2: Detailed Explanation:

- In *Paramvir Singh Saini v. Baljit Singh* (2020), the Supreme Court mandated the installation of CCTV cameras with audio recording and night vision in all police stations.
- The Court extended this direction to offices of central agencies (like CBI, ED, NIA) where interrogation of accused persons takes place, stating they must also have CCTV coverage to prevent human rights abuses.

💡 Quick Tip

This case acts as a follow-up to the D.K. Basu guidelines, making CCTVs mandatory rather than just recommended.

51. ‘Solidarite par similitude’ means:

- (A) Society rests on the need for satisfying common interests
- (B) Need for division of work
- (C) No judge is free to refuse to decide a case on the ground that legal authority provides no precise answer
- (D) Answer to every conceivable legal problem is implicit in social facts

Correct Answer: (A) Society rests on the need for satisfying common interests

Solution:

Step 1: Understanding the Concept: This concept comes from the sociological school of law, specifically the work of Leon Duguit (influenced by Durkheim).

Step 2: Detailed Explanation:

- Duguit distinguished between two types of social solidarity:
 - 1. Solidarité par similitude (Mechanical Solidarity): Cohesion arising because individuals have common needs, beliefs, and interests. They are similar to one another.
 - 2. Solidarité par division du travail (Organic Solidarity): Cohesion arising from the division of labor, where individuals depend on each other's different functions (Option B).

- Therefore, 'Solidarite par similitude' corresponds to Option (A).

💡 Quick Tip

Similitude = Similarity. Society bonds because people are the same (common interests). Division of labor = Differences. Society bonds because people are different but interdependent.

52. Auguste Comte in his famous work 'The Course in Positive Philosophy' developed an idea of the law of the progression of three stages of sociology. Which of the following is not part of three stages notion of Auguste Comte?

- (A) Theological Stage
- (B) Political Stage
- (C) Metaphysical Stage
- (D) Positive Stage

Correct Answer: (B) Political Stage

Solution:

Step 1: Understanding the Concept: Auguste Comte, the father of Sociology, proposed the Law of Three Stages to describe the evolution of human thought.

Step 2: Detailed Explanation:

- The three stages are: 1. Theological Stage (Fictitious): Explanations based on supernatural beings/Gods. 2. Metaphysical Stage (Abstract): Explanations based on abstract concepts/essences. 3. Positive Stage (Scientific): Explanations based on scientific observation and laws.
- Political Stage is not one of the stages in Comte's theory.

💡 Quick Tip

Mnemonic: TMP. Theological → Metaphysical → Positive.

53. Consider the following statements.

- (i) Prorogation puts an end to a session of the House and the same House cannot meet again after prorogation.
- (ii) The power to prorogue a House is formally vested in the President, but he acts on the advice of the Prime Minister.
- (iii) A Bill pending in the House gets lapsed by the prorogation of the House.

Choose the correct answer from the options provided below:

- (A) (i) and (ii) are correct but (iii) incorrect
- (B) (i) and (ii) are incorrect but (iii) correct
- (C) (i) and (iii) are correct but (ii) incorrect

(D) (i) and (iii) are incorrect but (ii) correct

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

Solution:

Step 1: Understanding the Concept: Prorogation terminates a session of Parliament. Article 107 of the Constitution deals with the lapsing of bills.

Step 2: Detailed Explanation:

- Statement (i): Correct. Prorogation ends the session, not the life of the House (Dissolution does that). However, the House cannot meet again until summoned by the President for the next session.
- Statement (ii): Correct. Under Article 85(2), the President prorogues the Houses. Per Article 74, he acts on the aid and advice of the Council of Ministers (headed by PM).
- Statement (iii): Incorrect. Article 107(3) explicitly states: "A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses." Bills only lapse on dissolution of the Lok Sabha (with specific conditions).

 Quick Tip

Prorogation vs Dissolution:

- Prorogation: Ends Session. Bills do NOT lapse.
- Dissolution: Ends Lok Sabha life. Pending bills in LS lapse.

54. Consider the below given statements.

(i) Reservation provided for women in public employment is characterized as 'horizontal reservation'.

(ii) Reservation provided for women in public employment is characterized as 'vertical reservation'.

(iii) Reservation provided for Other Backward Class in public employment is characterized as 'horizontal reservation'.

Choose the correct answer from the options given below:

(A) (i) and (ii) are true, but (iii) is untrue

(B) (i) and (iii) are true, but (ii) is untrue

(C) (ii) and (iii) are untrue, but (i) is true

(D) (i) and (iii) are untrue, but (ii) is true

Correct Answer: (C) (ii) and (iii) are untrue, but (i) is true

Solution:

Step 1: Understanding the Concept: The Indian Constitution allows for two types of reservations:

- **Vertical Reservation:** Applicable to social categories under Article 16(4) like SC, ST, and OBC. These are mutually exclusive categories.

- **Horizontal Reservation:** Applicable to special categories under Article 16(1) or 15(3) that cut across the vertical categories, such as Women, Persons with Disabilities (PwD), and Ex-servicemen.

Step 2: Analyzing the Statements:

- **Statement (i):** "Reservation provided for women... is horizontal reservation." (**True**) - As established in *Indra Sawhney v. Union of India* and *Rajesh Kumar Daria v. RPSC*.
- **Statement (ii):** "Reservation provided for women... is vertical reservation." (**False**)
- **Statement (iii):** "Reservation provided for OBC... is horizontal reservation." (**False**) - OBC reservation is Vertical.

Step 3: Conclusion: Since only statement (i) is true, Option (C) is the correct choice.

 Quick Tip

Interlocking Reservations: Horizontal reservations are "interlocking," meaning a woman selected under the horizontal quota will be placed in her respective vertical category (SC/ST/OBC/General).

55. One person is said to be _____ of another if the two are related by blood or adoption wholly through males.

- (A) Cognate
- (B) Agnate
- (C) Uterine blood
- (D) Full blood

Correct Answer: (B) Agnate

Solution:

Step 1: Understanding the Concept: Section 3 of the Hindu Succession Act, 1956 defines various relationships:

- **Agnate (Section 3(1)(a)):** Two persons are agnates if they are related by blood or adoption **wholly through males**.
- **Cognate (Section 3(1)(c)):** Two persons are cognates if they are related by blood or adoption but **not wholly through males** (i.e., there is at least one female link).
- **Full Blood:** Related by the same father and same mother.
- **Uterine Blood:** Related by the same mother but different fathers.

Step 2: Analysis: The question specifies the relationship is "wholly through males". This matches the definition of Agnate.

 Quick Tip

Mnemonic: **A**gnate = **A**ll males. **C**ognate = **C**ontains a female link.

56. Consider the given statements.

(i) After the commencement of the Hindu Succession (Amendment) Act 2005, the court shall not recognise any pious obligation of a son under the Hindu law to discharge any debt due from his father.

(ii) Right of creditor to proceed against a son to recover any debt due from his father solely on the ground of the pious obligation under the Hindu law shall not be affected if the debt was contracted before the commencement of the Hindu Succession (Amendment) Act 2005.

Choose the correct answer from the options given below.

- (A) Both (i) and (ii) are true
- (B) Both (i) and (ii) are untrue
- (C) (i) true and (ii) untrue
- (D) (ii) true and (i) untrue

Correct Answer: (A) Both (i) and (ii) are true

Solution:

Step 1: Understanding the Concept: The Hindu Succession (Amendment) Act, 2005, significantly altered the liability of sons regarding their father's debts under the doctrine of "Pious Obligation".

Step 2: Detailed Explanation:

- **Section 6(4)** of the amended Act abolished the Pious Obligation doctrine. It states that no court shall recognize any right to proceed against a son, grandson, or great-grandson for the recovery of any debt due from his father/grandfather/great-grandfather solely on the ground of pious obligation. **(Statement (i) is True)**
- **Proviso to Section 6(4):** However, the Act explicitly saves the rights of creditors for debts contracted **before** the commencement of the 2005 Amendment. It states that the right of a creditor to proceed against the son... shall not be affected if such debt was contracted before such commencement. **(Statement (ii) is True)**

 Quick Tip

The 2005 Amendment Act is prospective regarding the abolition of Pious Obligation. Pre-2005 debts are still recoverable under the old doctrine.

57. Consider the given statements.

(i) The expression 'Property' in Article 300A of the Constitution of India includes land and building.

(ii) The expression 'Property' in Article 300A of the Constitution of India includes intangibles like copyrights and other intellectual property.

Choose the correct answer from the options given below.

- (A) (i) true and (ii) untrue
- (B) (ii) true and (i) untrue

- (C) Both (i) and (ii) are true
(D) Both (i) and (ii) are untrue

Correct Answer: (C) Both (i) and (ii) are true

Solution:

Step 1: Understanding the Concept: Article 300A states: "No person shall be deprived of his property save by authority of law."

Step 2: Detailed Explanation:

- The Supreme Court has interpreted the term "Property" in Article 300A (and formerly Article 19(1)(f)) in a very wide sense.
- It includes both corporeal rights (land, buildings, money) and incorporeal rights (copyrights, patents, contract rights, right to receive pension, etc.).
- Therefore, both statements correctly describe the ambit of 'Property' under the Constitution.

 Quick Tip

In *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, the SC reiterated that 'property' has a wide connotation extending to all kinds of interests and rights.

58. Which of the following is not necessary for the expression 'religious denomination' considered under Article 26 of the Constitution of India?

- (A) Collection of individuals who have a common faith
(B) Common organization
(C) Designation of a distinctive name
(D) Common community or societal status

Correct Answer: (D) Common community or societal status

Solution:

Step 1: Understanding the Concept: The Supreme Court, in the case of *S.P. Mittal v. Union of India* (and earlier in the *Shirur Mutt* case), laid down three essential conditions for a group to be considered a "religious denomination" under Article 26:

1. It must be a collection of individuals who have a system of beliefs or doctrines which they regard as conducive to their spiritual well-being (Common Faith).
2. It must have a common organization.
3. It must be designated by a distinctive name.

Step 2: Analysis: Options (A), (B), and (C) correspond to the three established legal tests. Option (D) ("Common community or societal status") is not a legal requirement for a religious denomination.

💡 Quick Tip

Remember the "Three-Pronged Test" from the *Shirur Mutt* case: Belief, Organization, Name.

59. Which of the following philosopher made a famous argument usually called as the 'function argument'?

- (A) Aristotle
- (B) Socrates
- (C) Saint Augustine
- (D) Jeremy Bentham

Correct Answer: (A) Aristotle

Solution:

Step 1: Understanding the Concept: The "Function Argument" (or ergon argument) is a central concept in ancient Greek philosophy, specifically in ethics.

Step 2: Detailed Explanation:

- Aristotle, in his work *Nicomachean Ethics*, argued that to determine the "good" for a human being, one must first identify the characteristic "function" (ergon) of a human being.
- He concluded that the unique function of humans is "rational activity of the soul," and thus the human good is acting in accordance with reason (virtue).

💡 Quick Tip

Aristotle → *Nicomachean Ethics* → Teleology (Purpose/Function) → Eudaimonia (Flourishing).

60. Mr. Rao holds 99.9% of the equity of Timber Co. Ltd. Timber Co.'s timber stock was insured in Mr. Rao's individual name and was destroyed by fire.

Timber Co. sues the insurer for the loss. Which outcome is most consistent with the well settled principle of separate corporate personality ?

- (A) The insurer must pay Mr. Rao because he is the beneficial owner of the shares
- (B) The claim fails because courts will always pierce the veil where one shareholder controls a company
- (C) Mr. Rao and Timber Company are jointly liable; each must bear a portion of the loss
- (D) Timber Company can recover because the company is a separate legal person and alone owns the insured property

Correct Answer: (B) The claim fails because courts will always pierce the veil where one shareholder controls a company

Solution:

Step 1: Understanding the Concept: This question is based on the famous case of *Macaura v. Northern Assurance Co. Ltd.* (1925). The core principle is the "Separate Legal Personality" of a company (established in *Salomon v. Salomon*).

Step 2: Analyzing the Case Logic:

- Facts: Mr. Rao (shareholder) insured the company's assets in his own name.
- Legal Rule: A company is a distinct legal entity from its shareholders. The assets belong to the company, not the shareholder.
- Result: A shareholder (even a 99.9% one) has no insurable interest in the property of the company. Therefore, the insurance policy taken in the shareholder's name is void regarding the company's goods.
- Outcome: The claim must fail. The insurer is not liable to pay.

Step 3: Evaluating Options:

- (A) is incorrect; beneficial ownership does not create an insurable interest in corporate assets.
- (D) is incorrect in its conclusion ("can recover"). If the company sues, the insurer will reject the claim because the policy is in Rao's name, not the Company's name. (Though the reasoning part about "separate legal person" is correct).
- (B) states "The claim fails", which is the correct legal outcome. *Note: The reasoning provided in the option ("courts will always pierce the veil") is legally flawed/contradictory (courts actually refused to pierce the veil in Macaura), but in multiple-choice questions for this specific case, the option indicating the claim's failure is the intended answer.*

💡 Quick Tip

Macaura Rule: No Insurable Interest for Shareholders. The assets belong to the company, not the individual.

61. Definition of 'Plant' given under Section 43(3) of the Income Tax Act 1961 does not include

- (A) Tea bushes used for the purposes of the business or profession
- (B) Ships used for the purposes of the business or profession
- (C) Vehicles used for the purposes of the business or profession
- (D) Scientific apparatus and surgical equipment used for the purposes of the business or profession

Correct Answer: (A) Tea bushes used for the purposes of the business or profession

Solution:

Step 1: Understanding the Concept: Section 43(3) of the Income Tax Act, 1961 defines the term "plant" for the purpose of depreciation.

Step 2: Detailed Explanation:

- The definition states: "‘plant’ includes ships, vehicles, books, scientific apparatus and surgical equipment used for the purposes of the business or profession but does not include tea bushes or livestock or buildings or furniture and fittings."
- Therefore, tea bushes are expressly excluded.

 Quick Tip

Definition of Plant: Includes: Ships, Vehicles, Books, Surgical Equipment. Excludes: Tea bushes, Livestock, Buildings.

62. The standard of care to be taken by bailee for the goods bailed is same as

- (A) Owner takes care of his own goods
- (B) Man of ordinary prudence takes care of his own goods
- (C) Man of ordinary prudence is expected to take care the goods of others
- (D) Man of high prudence takes care of his own goods

Correct Answer: (B) Man of ordinary prudence takes care of his own goods

Solution:

Step 1: Understanding the Concept: This question relates to Section 151 of the Indian Contract Act, 1872, which lays down the duty of care for a bailee.

Step 2: Detailed Explanation:

- **Section 151:** "In all cases of bailment the bailee is bound to take as much care of the goods bailed to him as a man of ordinary prudence would, under similar circumstances, take of his own goods of the same bulk, quality and value as the goods bailed."
- This establishes the "Ordinary Prudence" test.

 Quick Tip

The standard is not "Special Skill" or "High Prudence," but simply what a reasonable person would do with their own property.

63. Consider the given statements.

- (i) The payment of compensation for the violation of fundamental rights is not to be understood, as it is generally understood in a civil action for damages under the private law.
- (ii) The relief of monetary compensation allowed by the court in the proceedings under Article 32 of the Constitution of India are the exemplary damages.

Choose the correct answer from the options given below.

- (A) Both (i) and (ii) are true
- (B) Both (i) and (ii) are untrue

- (C) (i) true and (ii) untrue
(D) (ii) true and (i) untrue

Correct Answer: (A) Both (i) and (ii) are true

Solution:

Step 1: Understanding the Concept: These statements are derived from landmark judgments like *Nilabati Behera v. State of Orissa* (1993) regarding "Constitutional Torts" and compensation for violation of Article 21.

Step 2: Detailed Explanation:

- **Statement (i):** The Supreme Court held that the remedy under Article 32/226 is a public law remedy, distinct from private law tort actions. It is based on strict liability for the state's failure to protect rights. (True)
- **Statement (ii):** The compensation awarded is in the nature of "exemplary damages" or "palliative" measures to vindicate the fundamental right, acknowledging that the state has wronged the citizen. (True)

 Quick Tip

Keywords: *Rudul Sah, Nilabati Behera*. Concept: **Public Law Remedy**, distinct from Civil Damages.

64. In which of the landmark judgment of the Supreme Court of India held that the principle of *res judicata* applies to a petition filed under Article 32 of the Constitution if a similar petition, on the same cause of action, has already been dismissed on merits by a High Court under Article 226?

- (A) *Maneka Gandhi v. Union of India*, AIR 1977 SC 821
(B) *A.K. Gopalan v. State of Madras*, AIR 1952 SC 115
(C) *Kharak Singh v. State of U.P.*, AIR 1965 SC 342
(D) *Daryao v. State of Uttar Pradesh*, AIR 1961 SC 1457

Correct Answer: (D) *Daryao v. State of Uttar Pradesh*, AIR 1961 SC 1457

Solution:

Step 1: Understanding the Concept: The question addresses the interplay between Writ Jurisdiction of High Courts (Art. 226) and the Supreme Court (Art. 32).

Step 2: Detailed Explanation:

- In *Daryao v. State of U.P.*, the Supreme Court held that the rule of *res judicata* (Section 11 CPC principle) is based on public policy and applies to writ proceedings.
- If a petitioner approaches the High Court under Article 226 and the petition is dismissed on merits, they cannot subsequently approach the Supreme Court under Article 32 on the same facts/cause of action. They should instead file an appeal.
- Exception: This rule does not apply to Habeas Corpus petitions.

💡 Quick Tip

Res Judicata: Once decided by a competent court (HC), the matter is closed. Remedy is Appeal, not a fresh Writ under Art 32.

65. A suit for recovery of possession of immovable property under Section 6 of the Specific Relief Act, 1963 can be instituted by a person who has been dispossessed -----.

- (A) without their consent
- (B) by due process of law
- (C) with their consent
- (D) by a court order

Correct Answer: (A) without their consent

Solution:

Step 1: Understanding the Concept: Section 6 of the Specific Relief Act provides a speedy remedy for restoring possession to a person who has been illegally dispossessed.

Step 2: Detailed Explanation:

- **Section 6(1)** states: "If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person claiming through him may, by suit, recover possession thereof..."
- The essential ingredients are: 1. Plaintiff was in possession. 2. Dispossessed without consent. 3. Otherwise than in due course of law. 4. Suit filed within 6 months.

💡 Quick Tip

Section 6 is a "Summary Suit". It does not decide title, only possession.

66. A suit for 'rectification of instruments' can be filed under Section 26 of the Specific Relief Act, 1963 when instrument -----.

- (A) is void
- (B) does not express the true intention of the parties
- (C) is illegal
- (D) is for an immoral purpose

Correct Answer: (B) does not express the true intention of the parties

Solution:

Step 1: Understanding the Concept: Rectification is an equitable remedy granted when a written document fails to record the actual agreement reached by the parties.

Step 2: Detailed Explanation:

- **Section 26** of the Specific Relief Act states that rectification may be claimed:
- "When, through fraud or a mutual mistake of the parties, a contract or other instrument in writing does not express their real intention..."
- The court can then direct the instrument to be rectified to reflect the true intention.

💡 Quick Tip

Keywords for Rectification: Fraud or Mutual Mistake → Failure to express Real Intention.

67. The remedy of 'rescission of a contract' is available under the Specific Relief Act, 1963 when the contract is -----.

- (A) Voidable
- (B) Void
- (C) Illegal
- (D) Unenforceable

Correct Answer: (A) Voidable

Solution:

Step 1: Understanding the Concept:

Rescission refers to the unmaking of a contract between parties. Under the Specific Relief Act, 1963, the court can adjudge a contract to be rescinded in specific circumstances.

Step 2: Legal Provision (Section 27 of SRA, 1963):

Section 27(1) states that any person interested in a contract may sue to have it rescinded, and such rescission may be adjudged by the court in any of the following cases, namely: (a) where the contract is **voidable** or terminable by the plaintiff; (b) where the contract is unlawful for causes not apparent on its face and the defendant is more to blame than the plaintiff.

Step 3: Conclusion:

Since "Voidable" is explicitly mentioned in Section 27(1)(a) as a ground for rescission, it is the correct answer.

💡 Quick Tip

Remember: Rescission is primarily for "Voidable" contracts (where consent was not free). A "Void" agreement is void *ab initio* and does not technically require rescission in the same way, though courts can declare it void.

68. Under Section 10 of the Specific Relief Act, 1963 a court can enforce specific performance of a contract when -----.

- (A) act agreed to be done is one which an ordinary person can do
- (B) there is no standard for ascertaining the actual damage caused by the non-performance

- (C) contract is for sale of a movable property
(D) act agreed to be done is one which an ordinary person cannot do

Correct Answer: (B) there is no standard for ascertaining the actual damage caused by the non-performance

Solution:

Step 1: Understanding Section 10 (Pre-Amendment Context/General Principle):

Before the 2018 Amendment to the Specific Relief Act, Section 10 laid down specific cases in which specific performance of a contract was enforceable.

Step 2: The Specific Grounds:

The court could enforce specific performance when: (a) there exists **no standard for ascertaining the actual damage** caused by the non-performance of the act agreed to be done; or (b) when the act agreed to be done is such that compensation in money for its non-performance would not afford adequate relief.

Step 3: Conclusion:

Option (B) directly corresponds to the statutory language defining when specific performance is granted (specifically referring to the uniqueness of the obligation where damages cannot be calculated). Although the 2018 amendment made specific performance the general rule subject to exceptions, exam questions often reference the traditional grounds or the text prior to amendment depending on the context of the syllabus. Option (B) is the standard legal principle for granting specific relief.

 Quick Tip

Key phrase for Specific Performance: "Inadequacy of Damages". If money can't fix it or you can't calculate the loss, the court orders performance.

69. Which provision of the Charter of the United Nations provides for the codification and progressive development of International Law?

- (A) Article 10
(B) Article 21
(C) Article 13(1)(a)
(D) Article 25

Correct Answer: (C) Article 13(1)(a)

Solution:

Step 1: Analyze the UN Charter Articles:

The UN Charter assigns the General Assembly the responsibility to initiate studies and make recommendations for specific purposes.

Step 2: Specific Provisions:

- **Article 13(1)(a):** States that the General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political field and encouraging the **progressive development of international law and its codification.**

- Article 10: Functions and powers of the General Assembly (general).
- Article 25: Obligations of Member States to accept Security Council decisions.

Step 3: Conclusion:

Article 13(1)(a) is the specific empowering provision for the codification of international law (which led to the creation of the ILC).

💡 Quick Tip

"13 is lucky for International Law". Article 13 gave birth to the International Law Commission (ILC).

70. In which year the International Law Commission (ILC) was established?

- (A) 1930
- (B) 1945
- (C) 1947
- (D) 1950

Correct Answer: (C) 1947

Solution:

Step 1: Historical Fact:

The International Law Commission (ILC) was established by the United Nations General Assembly to fulfill the mandate of Article 13(1)(a).

Step 2: Establishment Date:

It was established by UN General Assembly Resolution 174 (II) on **21 November 1947**.

💡 Quick Tip

UN Charter = 1945. ILC = 1947. It took 2 years after the UN was formed to set up the body for legal codification.

71. The Hague Codification Conference of 1930 mainly dealt with which of the following topics?

- (A) Nationality, territorial waters, responsibility of States for damage done in their territory to the persons or property of foreigners
- (B) Trade law, maritime piracy, environmental law
- (C) Human rights, war crimes, international courts
- (D) Intellectual property, space law, environmental treaties

Correct Answer: (A) Nationality, territorial waters, responsibility of States for damage done in their territory to the persons or property of foreigners

Solution:

Step 1: Context of the 1930 Conference:

The League of Nations convened the First Conference for the Codification of International Law in The Hague in 1930.

Step 2: Agenda Topics:

The conference focused on three specific subjects deemed ripe for codification: 1. Nationality (resulted in the Convention on Certain Questions Relating to the Conflict of Nationality Laws). 2. Territorial Waters (no convention was adopted due to disagreements on the breadth of the territorial sea). 3. Responsibility of States (specifically regarding damage to foreigners; no convention adopted).

Step 3: Conclusion:

Option (A) accurately lists the three specific agenda items of the 1930 Hague Conference.

💡 Quick Tip

Mnemonic: **NTR** (Nationality, Territorial waters, Responsibility). These were the 3 pillars of the 1930 Hague Conference.

72. Which of the following is true regarding the term ‘honourable acquittal’?

- (A) Honourable acquittal is statutorily defined term
- (B) An acquittal of accused on disbelieving the prosecution evidence in toto
- (C) An acquittal of accused on benefit of doubt
- (D) An acquittal of accused on compassion of the prosecution

Correct Answer: (B) An acquittal of accused on disbelieving the prosecution evidence in toto

Solution:**Step 1: Understanding "Honourable Acquittal":**

The term "Honourable Acquittal" is not defined in the Code of Criminal Procedure (CrPC). It is a concept evolved by judicial pronouncements, primarily in Service Jurisprudence (reinstatement of employees after criminal cases).

Step 2: Distinguishing from Benefit of Doubt:

- Acquittal on Benefit of Doubt: The prosecution failed to prove the case beyond reasonable doubt, but suspicion may remain. - Honourable Acquittal: The court finds that the accused was falsely implicated or there is absolutely no evidence against them. It implies a clean chit.

Step 3: Analyzing Option (B):

"Disbelieving the prosecution evidence in toto" implies that the court found the evidence completely unreliable or false, leading to a full exoneration. This aligns with the judicial understanding of an honourable acquittal (e.g., Deputy Inspector General of Police v. S. Samuthiram).

💡 Quick Tip

Honourable Acquittal = Clean Slate. Benefit of Doubt = "You got lucky because proof was insufficient".

73. Under what circumstances the benefit of doubt can be accepted?

- (A) By establishing preponderance of evidences in favour of the accused
- (B) By establishing equal preponderance of evidences in favour and against the accused
- (C) Due to the failure of prosecution to establish guilt of the accused beyond reasonable doubt
- (D) Only by discretion of the court

Correct Answer: (C) Due to the failure of prosecution to establish guilt of the accused beyond reasonable doubt

Solution:

Step 1: The Golden Rule of Criminal Jurisprudence:

In criminal law, the burden of proof lies on the prosecution to prove the guilt of the accused beyond reasonable doubt.

Step 2: Benefit of Doubt:

If there is any reasonable doubt regarding the guilt of the accused (i.e., a plausible alternative explanation exists consistent with innocence), that doubt must be resolved in favor of the accused. This is not a matter of "preponderance of probability" (which applies to civil cases) but a strict standard of proof required for conviction.

Step 3: Conclusion:

Option (C) correctly defines the basis for granting the benefit of doubt.

Quick Tip
Criminal Case = Beyond Reasonable Doubt. Civil Case = Preponderance of Probability.

74. Which of the following international conventions co-ordinates cybercrime investigations among States parties?

- (A) United Nations Convention Against Transnational Organized Crime
- (B) Rome Statute of the International Criminal Court
- (C) Agreement on the Enforcement of Sentences with the International Criminal Court
- (D) Budapest Convention on Cybercrime

Correct Answer: (D) Budapest Convention on Cybercrime

Solution:

Step 1: Identify the Subject Matter:

The question asks about "Cybercrime investigations".

Step 2: Analyze the Conventions:

- (A) UNTOC (Palermo Convention): Deals with organized crime (trafficking, smuggling), not specifically cybercrime.
- (B) Rome Statute: Establishing the ICC for war crimes, genocide, etc.

- (D) Budapest Convention: The Council of Europe Convention on Cybercrime (2001), known as the Budapest Convention, is the first international treaty seeking to address Internet and computer crime by harmonizing national laws and improving investigative techniques and cooperation.

💡 Quick Tip

Budapest = Cybercrime. It is the only binding international instrument on this issue currently in force.

75. Which of the following international agreements provides an international registration system for appellations of origin?

- (A) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)
- (B) Lisbon Agreement for the Protection of Appellations of Origin and their International Registration
- (C) Madrid Agreement Concerning the International Registration of Appellations of Origin
- (D) Paris Convention for the Registration of Appellations of Origin

Correct Answer: (B) Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Solution:

Step 1: Identify the Agreement's Purpose:

The question specifically asks for an "international registration system for appellations of origin".

Step 2: Evaluate Options:

- (A) TRIPS: Sets minimum standards but does not provide a central registration system.
- (B) Lisbon Agreement: Administered by WIPO, it provides for the protection of appellations of origin and their international registration.
- (C) Madrid Agreement: This relates to the International Registration of **Marks** (Trademarks), not Appellations of Origin specifically (though related).
- (D) Paris Convention: General industrial property protection, no specific registration system for appellations.

💡 Quick Tip

Madrid = Trademarks. Lisbon = Appellations of Origin (Geographical Indications).
Hague = Industrial Designs. Patent Cooperation Treaty (PCT) = Patents.

76. In which of the following cases has the Supreme Court of India directed the Central Government to constitute a National Tribunals Commission (NTC), an independent body to supervise the functioning of tribunals in India?

- (A) *Madras Bar Association v. Union of India* (2021) 7 SCC 369
- (B) *Union of India v. Debts Recovery Tribunal Bar Assn.* (2013) 2 SCC 574
- (C) *National Company Law Tribunal Bar Association v. Union of India* 2022 SCC OnLine SC 985
- (D) *Registrar General, High Court of Judicature at Madras v. Tamil Nadu Public Service Commission* 2017 SCC OnLine SC 514

Correct Answer: (A) *Madras Bar Association v. Union of India* (2021) 7 SCC 369

Solution:

Step 1: Background of the Case:

The Supreme Court has been consistently pushing for the independence of Tribunals. In the 2021 judgment concerning the Tribunal Reforms (Rationalization and Conditions of Service) Ordinance/Act, the Court emphasized the need for an independent body.

Step 2: The Decision:

In *Madras Bar Association v. Union of India* (2021), the Supreme Court directed the Union to constitute a National Tribunals Commission (NTC) to oversee the selection, functioning, and infrastructure of tribunals, ensuring their independence from the executive.

 Quick Tip

Case Law Hack: The "Madras Bar Association" has been the petitioner in a series of landmark cases (2010, 2014, 2020, 2021) challenging Tribunal rules. If the question is about Tribunal reform/independence, this is usually the answer.

77. Which of the following is the basis for social contract?

- (A) *Pactum subjectionis*
- (B) *Pactum unionis*
- (C) Both a) and b)
- (D) *Pacta sunt servanda*

Correct Answer: (C) Both a) and b)

Solution:

Step 1: Understanding Social Contract Theory:

Social contract theory typically involves two stages or elements of the agreement: 1. ***Pactum Unionis***: The agreement by individuals to form a society (union). 2. ***Pactum Subjectionis***: The agreement by that society to submit to a sovereign authority or government.

Step 2: Conclusion:

Both elements are essential to the classical social contract concept (Hobbes, Locke, Pufendorf). Therefore, (C) is the correct answer. Note: *Pacta sunt servanda* is a principle of International Law (agreements must be kept), not the basis of Social Contract theory itself.

 Quick Tip

Unionis = Create Society. Subjectionis = Create Government. Both make the Social Contract.

78. Appointing a person as director to act in place of a director of a company during his absence for a period of not less than three months from India is known as:

- (A) Alternate Director
- (B) Additional Director
- (C) Resident Director
- (D) Nominee Director

Correct Answer: (A) Alternate Director

Solution:

Step 1: Legal Provision (Companies Act, 2013):

Section 161(2) of the Companies Act, 2013 deals with the appointment of an Alternate Director.

Step 2: Definition:

The Board of Directors may appoint a person to act as an alternate director for a director during his absence for a period of not less than three months from India.

Step 3: Other Options:

- Additional Director: Appointed between AGMs to hold office till the next AGM (Sec 161(1)). - Nominee Director: Appointed by a financial institution (Sec 161(3)).

 Quick Tip

Keywords: "Absence" + "3 Months from India" = Alternate Director.

79. The process of legal analysis requires

- (A) Quality to appreciate legal facts
- (B) Critical vision towards law and social science
- (C) Determination of what law applies to a legal question and how it applies
- (D) Determination of procedure of enactment of the statute

Correct Answer: (C) Determination of what law applies to a legal question and how it applies

Solution:

Step 1: Defining Legal Analysis:

Legal analysis is the process of identifying the issue, finding the relevant rule of law (statute or precedent), and applying that rule to the specific facts of the case to reach a conclusion (IRAC method: Issue, Rule, Application, Conclusion).

Step 2: Evaluating Options:

Option (C) perfectly encapsulates this process: "Determination of what law applies... and how it applies". Options (A) and (B) are traits of a lawyer/jurist but not the definition of the *process* itself. Option (D) is legislative history/interpretation, not general legal analysis.

💡 Quick Tip

Think of the IRAC method. Analysis is the bridge between the "Law" and the "Facts".

80. A company creates a charge on plant and machinery on Day 1 but files particulars with the Registrar on Day 60. Meanwhile, the company defaults and the chargeholder seeks to enforce the security. Under the Companies Act, 2013, which is most likely:

- (A) The charge is valid and enforceable despite late registration
- (B) The charge is void ab initio and unenforceable because registration was not made within 30 days
- (C) The charge is valid as between parties but the unregistered status affects priority against a liquidator or subsequent purchasers
- (D) The charge automatically crystallises on Day 31 and is enforceable

Correct Answer: (C) The charge is valid as between parties but the unregistered status affects priority against a liquidator or subsequent purchasers

Solution:

Step 1: Registration Requirements (Section 77):

A charge must be registered within 30 days. The Registrar may allow extension (up to 60 days with additional fees, and further extension with ad valorem fees).

Step 2: Consequence of Non-Registration (Section 77(3) & (4)):

- If a charge is NOT registered, it is void against the liquidator and any creditor of the company (Sec 77(3)). - However, Sec 77(4) explicitly states that this shall not prejudice any contract or obligation for the repayment of the money secured.

Step 3: Analyzing the Situation:

The charge was filed on Day 60. Even if we assume it wasn't condoned yet or is treated as unregistered for the sake of the dispute context: The contract/debt remains valid between the company and the lender. However, the *security interest* (charge) is void against a liquidator or other creditors who have priority. Option (C) best reflects this legal nuance—it is valid inter-partes (as a debt obligation/contract) but loses its standing as a secured charge against the liquidator/third parties. *Note: Under current rules, registration can be allowed within 60 days on payment of fees, but the question implies a conflict arising due to the delay/status.*

💡 Quick Tip

Unregistered Charge = Unsecured Debt. The company still owes the money (valid inter-partes), but the lender loses the security (void against liquidator).

81. Consider the following Assertion [A] and Reasoning [R]:

[A] The Supreme Court of India ordinarily does not interfere with order of acquittal passed by the High Court in the favor of accused.

[R] The power vested in the Court under Article 136 of the Constitution is plenary, hence the Court itself set the limits by permitting invocation of this power in very exceptional circumstances.

Choose the most suitable answer from the below given options.

- (A) Both [A] and [R] are true and [R] is a correct explanation of [A]
- (B) Both [A] and [R] are true but [R] is not a correct explanation of [A]
- (C) [A] is true and [R] is false
- (D) [A] is false and [R] is true

Correct Answer: (A) Both [A] and [R] are true and [R] is a correct explanation of [A]

Solution:

Step 1: Analyzing Assertion [A]:

It is a settled principle of law that under Article 136 (Special Leave Petition), the Supreme Court does not merely sit as a regular court of appeal against acquittals. It intervenes only if there is "gross miscarriage of justice" or "perversity". Thus, [A] is True.

Step 2: Analyzing Reasoning [R]:

Article 136 confers a wide, discretionary, and plenary power ("Special Leave"). Because the power is so vast, the Court has self-imposed limitations to ensure it is not flooded with ordinary appeals. It restricts usage to "exceptional circumstances". Thus, [R] is True.

Step 3: Establishing the Link:

Why does the Court not ordinarily interfere with acquittals ([A])? Because the power under Art 136 is extraordinary/plenary and meant for exceptional cases only ([R]). Therefore, [R] correctly explains [A].

 Quick Tip

Article 136 is a "Residual Power". It is discretionary, not a right of appeal. Hence, the court limits its own interference.

82. Which of the following statement is true, regarding a document which is deemed admitted under Order XII, Rule 2-A of the Code of Civil Procedure 1908?

- (A) Admitted document is conclusive proof as to its contents
- (B) Admitted document can only be used to contradict the party by whom it is deemed admitted, not otherwise
- (C) Court may require any such deemed admitted document to be proved otherwise than by such admission
- (D) Court shall not require any such deemed admitted document to be proved otherwise than by such admission

Correct Answer: (C) Court may require any such deemed admitted document to be proved otherwise than by such admission

Solution:

Step 1: Analyze Order XII, Rule 2-A of CPC:

Order XII deals with Admissions. Rule 2-A was inserted by the 1976 Amendment. It states: "A document which a party is required to admit under rule 2 and is not denied... shall be deemed to be admitted..."

Step 2: The Proviso:

The rule contains a crucial proviso: "Provided that the Court may, in its discretion, require any document so admitted to be proved otherwise than by such admission."

Step 3: Conclusion:

While the general rule is that admitted facts need not be proved (Section 58, Evidence Act), the CPC explicitly retains the Court's discretion to demand proof even for deemed admissions to prevent fraud or injustice. Thus, Option (C) matches the statutory proviso.

 Quick Tip

Admission is the best evidence, but it is not conclusive (unless it operates as Estoppel). The Court always retains discretion to ask for independent proof (Proviso to Order XII R. 2A).

83. Under the Companies Act, 2013, which combination of liabilities attaches to a person who authorised the issue of a prospectus containing a material untrue statement?

- (A) Civil liability to compensate subscribers, and criminal liability under the Act unless defenses available are proved
- (B) Only civil liability, criminal sanctions were abolished
- (C) Only criminal liability, civil claims must be pursued against the company alone
- (D) No liability if the person is a non-executive director

Correct Answer: (A) Civil liability to compensate subscribers, and criminal liability under the Act unless defenses available are proved

Solution:

Step 1: Understanding the Concept: The Companies Act, 2013 imposes strict liabilities regarding the contents of a prospectus to protect public investors. Misstatements in a prospectus can lead to two distinct types of legal consequences for those responsible: Criminal Liability (Penal) and Civil Liability (Monetary).

Step 2: Detailed Explanation:

- **Criminal Liability (Section 34):** This section states that if a prospectus includes any statement that is untrue or misleading, every person who authorizes the issue of such prospectus shall be liable for fraud under Section 447. This involves imprisonment and hefty fines. Liability is strict unless the person proves the statement was immaterial or they had reasonable grounds to believe it was true.

- **Civil Liability (Section 35):** This section deals with compensating the investor. If a person subscribes to securities based on the misleading statement and sustains a loss, the directors, promoters, and those who authorized the issue are liable to pay compensation to every subscriber for the loss or damage sustained.
- **Conclusion:** The Act does not choose one over the other; both liabilities attach simultaneously to the person authorizing the prospectus. They can only escape if they successfully prove specific statutory defenses (e.g., withdrawal of consent).

💡 Quick Tip

Memory Aid:

- **Section 34:** Jail (Criminal/Fraud).
- **Section 35:** Compensation (Civil/Damages).

84. Within legal positivism, substantial effort has been devoted for analysing fundamental legal concepts and such analysis serves the basis for

- (A) Carrying out the process of legal interpretation
- (B) Conceptual framework for legal dogmatics and philosophy of law
- (C) Both a) and b) are correct
- (D) Both a) and b) are incorrect

Correct Answer: (B) Conceptual framework for legal dogmatics and philosophy of law

Solution:

Step 1: Understanding the Concept: Legal Positivism, particularly Analytical Jurisprudence (associated with Austin, Hart, Kelsen), focuses on the structural analysis of law "as it is" rather than its moral content.

Step 2: Detailed Explanation:

- The primary goal of analytical positivism is to define and analyze fundamental legal concepts like "Right," "Duty," "Liability," "Person," and "State."
- Why analyze them? This analysis creates a logical structure or a "Conceptual Framework".
- Role of the Framework: This framework acts as the grammar of law. It serves as the foundation for Legal Dogmatics (the academic study of valid legal rules within a specific system) and the general Philosophy of Law.
- While interpretation (Option A) uses these concepts, the primary function of the analysis itself is to build the theoretical scaffolding (the framework) that allows the legal system to be studied scientifically. Therefore, Option (B) is the more precise and scholarly answer describing the outcome of positivist analysis.

💡 Quick Tip

Think of Positivism as the "Anatomy" of law. It maps the skeleton (concepts/framework) so that others can study the body (dogmatics).

85. A captain's throwing cargo overboard to stop his ship going down: he might well claim, in mitigation, that he had no choice. The excusing condition argued reflecting the source of action as

- (A) External force
- (B) Internal choice
- (C) Mixed action
- (D) Involuntary mix action

Correct Answer: (C) Mixed action

Solution:

Step 1: Understanding the Concept: This question references a classic philosophical example from Aristotle's Nicomachean Ethics (Book III), dealing with the nature of voluntary vs. involuntary actions.

Step 2: Detailed Explanation:

- The Scenario: A captain throws goods overboard (jettison) during a storm to save the ship and crew.
- The Dilemma: Did he want to destroy the goods? No. Did he throw them himself? Yes.
- Aristotle's Classification: Such actions are called "Mixed Actions".
- They are Voluntary in execution: The principle of movement is in the agent (the captain physically chooses to throw the box).
- They are Involuntary in the abstract: No rational person would choose to destroy property for its own sake; the choice is forced by the external circumstance (the storm).
- Therefore, the action is a mix of voluntary agency and involuntary necessity.

💡 Quick Tip

Mixed Action: Action done from fear of greater evils (Duress/Necessity). It is voluntary at the moment of action but involuntary in intent.

86. Mother's right to care and custody of a child under Muslim law is known as

- (A) Hazina
- (B) Hizanat
- (C) Dower
- (D) Kadela

Correct Answer: (B) Hizanat

Solution:

Step 1: Understanding the Concept: Muslim Personal Law distinguishes between the physical custody of a child and legal guardianship.

Step 2: Detailed Explanation:

- Hizanat (Custody): This refers to the right of the mother to the physical care and upbringing of her young children. Under Sunni law, a mother retains Hizanat of her son until he is 7 years old and her daughter until she attains puberty.
- Wilayat (Guardianship): This refers to the legal authority over the child and their property, which typically belongs to the father.
- Other Terms: Dower refers to Mahr (nuptial gift). Hazina and Kadela are not standard legal terms in this context.

 Quick Tip

Remember the distinction: Hizanat is for nurturing (Mother's priority); Wilayat is for supervision/property (Father's priority).

87. Which relief is not among those that may be sought in a class-action or oppression/mismanagement application to the Tribunal ?

- (A) Restraining the company from acting on a resolution obtained by suppression or misstatement of material facts
- (B) Declaring void any alteration of memorandum procured by fraud
- (C) Ordering the company's immediate deregistration without hearing the company
- (D) Claiming damages or compensation from directors for fraudulent or unlawful conduct

Correct Answer: (C) Ordering the company's immediate deregistration without hearing the company

Solution:

Step 1: Understanding the Concept: Sections 241, 242 (Oppression and Mismanagement), and 245 (Class Action) of the Companies Act, 2013, empower the National Company Law Tribunal (NCLT) to provide various reliefs to aggrieved shareholders.

Step 2: Detailed Explanation:

- Valid Reliefs: The Tribunal can restrain the company from acting on invalid resolutions (Option A), declare changes to the Memorandum void if obtained by fraud (Option B), and award damages against directors (Option D).
- The Exception (Option C):
- Natural Justice: A fundamental principle of law is Audi Alteram Partem (No one should be condemned unheard). The Tribunal cannot order a draconic measure like "immediate deregistration" without giving the company a chance to be heard.

- Procedure: While the Tribunal can order the winding up of a company (Section 242(2)(m)), it is a structured process, not an immediate summary execution without a hearing.

💡 Quick Tip

In administrative and corporate law questions, any option that suggests taking adverse action "without hearing" the other party is almost always the correct answer for "what is NOT allowed."

88. Distinction between the 'sale' and 'agreements to sell' is necessary to determine

- (A) Rights and liabilities of the parties
- (B) Nature of goods
- (C) Description of property
- (D) Price

Correct Answer: (A) Rights and liabilities of the parties

Solution:

Step 1: Understanding the Concept: Section 4 of the Sale of Goods Act, 1930, distinguishes between a 'Sale' (where property transfers immediately) and an 'Agreement to Sell' (where property transfers in the future).

Step 2: Detailed Explanation:

- Risk vs. Ownership: The general rule is *res perit domino* (risk follows ownership).
- Sale: Ownership passes to the buyer. If goods are destroyed, the buyer bears the loss (Liability). The seller can sue for the price (Right).
- Agreement to Sell: Ownership remains with the seller. If goods are destroyed, the seller bears the loss. The seller can usually only sue for damages, not the price.
- Conclusion: The distinction is crucial because it determines the Rights (remedies available) and Liabilities (who bears the risk) of the buyer and seller.

💡 Quick Tip

Sale = Executed Contract (Risk is with Buyer). Agreement to Sell = Executory Contract (Risk is with Seller).

89. The 'right to development' and 'right to a healthy environment' have been considered as

- (A) First generation rights
- (B) Second generation rights

- (C) Third generation rights
- (D) Fourth generation rights

Correct Answer: (C) Third generation rights

Solution:

Step 1: Understanding the Concept: Human rights are often classified into "generations" (a theory proposed by Karel Vasak) based on the principles of Liberty, Equality, and Fraternity.

Step 2: Detailed Explanation:

- First Generation (Liberty): Civil and political rights (Right to life, vote, free speech). These are negative rights (state should not interfere).
- Second Generation (Equality): Economic, social, and cultural rights (Right to work, food, housing). These are positive rights (state must provide).
- Third Generation (Fraternity/Solidarity): Collective rights that require global cooperation. These include the Right to Development, Right to a Healthy Environment, and Right to Peace.

 Quick Tip

Classification Guide:

- Gen 1: "Freedom from..." (Blue Rights)
- Gen 2: "Right to..." (Red Rights)
- Gen 3: "Collective/Global..." (Green Rights)

90. The expression 'Capital asset' given under Section 2(14) of the Income Tax Act 1961, does not include:

- (A) Raw materials held for the purposes of business or profession of an assessee
- (B) Securities held by a Foreign Institutional Investor, who has invested in accordance with the regulations made under the Securities and Exchange Board of India Act 1992
- (C) Precious stones sewn into a wearing apparel
- (D) Agricultural land in India, situated within the jurisdiction of a municipality

Correct Answer: (A) Raw materials held for the purposes of business or profession of an assessee

Solution:

Step 1: Understanding the Concept: Section 2(14) of the Income Tax Act defines "Capital Asset" as property of any kind held by an assessee, but it provides a specific list of exclusions (items that are NOT capital assets).

Step 2: Detailed Explanation:

- Option (A): Stock-in-trade, consumable stores, or raw materials held for business are expressly excluded from the definition of Capital Asset (Section 2(14)(i)). They are treated as revenue assets/business inventory.
- Option (B): Securities held by FIIs are expressly included as capital assets under Section 2(14)(b).
- Option (C): Personal effects are generally excluded, but Jewellery is an exception (i.e., it IS a capital asset). "Precious stones sewn into wearing apparel" falls under the definition of Jewellery (Explanation 1 to s. 2(14)). Thus, it is a Capital Asset.
- Option (D): Agricultural land is excluded only if it is in a rural area. Land within a municipality (Urban Agricultural Land) IS a Capital Asset (Section 2(14)(iii)).

💡 Quick Tip

Always check if agricultural land is "Rural" or "Urban". Urban land is a Capital Asset. Rural land is not.

91. The provision regarding the appointment of income-tax authorities is given under _____ of the Income Tax Act 1961.

- (A) Section 115
- (B) Section 116
- (C) Section 117
- (D) Section 118

Correct Answer: (C) Section 117

Solution:

Step 1: Understanding the Concept: Chapter XIII of the Income Tax Act establishes the administrative hierarchy.

Step 2: Detailed Explanation:

- Section 116: Defines the "Classes" of Income-tax authorities (e.g., CBDT, Commissioners, Officers).
- Section 117: Deals with the "Appointment" of these authorities. It empowers the Central Government to appoint persons to these roles.
- Section 118: Deals with the "Control" of Income-tax authorities (who is subordinate to whom).
- Therefore, the specific provision for Appointment is Section 117.

💡 Quick Tip

Sequence of Sections: 116 (Who?) → 117 (Hiring/Appointment) → 118 (Hierarchy/Control).

92. For the purposes of Section 13A of the Income Tax Act 1961, the word 'Political party' means a political party registered under _____ .

- (A) Section 139(4B) of the Income Tax Act 1961
- (B) Section 16 of the Representation of the People Act 1950
- (C) Schedule 10 of the Constitution of India 1950
- (D) Section 29A of the Representation of the People Act 1951

Correct Answer: (D) Section 29A of the Representation of the People Act 1951

Solution:

Step 1: Understanding the Concept: Section 13A of the IT Act grants tax exemptions to political parties. It requires a specific legal definition for eligibility.

Step 2: Detailed Explanation:

- To claim this exemption, the entity must fit the legal definition of a "Political Party".
- The Explanation to Section 13A specifically adopts the definition from Election Law.
- It states that "political party" means a political party registered under Section 29A of the Representation of the People Act, 1951.
- Section 29A is the statutory provision governing the registration of political parties with the Election Commission of India.

💡 Quick Tip
RPA 1951, Section 29A is the foundational section for the legal existence of any political party in India.

93. 'Ex-debito justitiae' means

- (A) Repayment of debt
- (B) From a debt of justice
- (C) Former debt payment is uncertain
- (D) Time barred debt

Correct Answer: (B) From a debt of justice

Solution:

Step 1: Understanding the Concept: This is a Latin legal maxim used in procedural and constitutional law.

Step 2: Detailed Explanation:

- Etymology: Ex (From) + Debito (Debt/Obligation) + Justitiae (Justice).
- Meaning: It translates to "from a debt of justice" or "as a matter of right".
- Legal Application: It refers to a remedy that the court is bound to grant because justice demands it, as opposed to a remedy that is discretionary (ex gratia).

- Example: If a court order was passed without jurisdiction or by fraud, the aggrieved party has a right *ex debito justitiae* to have it set aside; the court cannot refuse.

💡 Quick Tip

Ex debito justitiae: A Right (Court must do it). Discretionary: A Choice (Court may do it).

94. In which of the following cases, the concept of curative petition was evolved by the Supreme Court of India?

- (A) *Union of India v. K.P.S. Gill Raghuvanshi*, AIR 2017 SC 3258
- (B) *Savita Kumari v. Union of India*, (1993) 2 SCC 357
- (C) *P.N. Ishwar Iyer v. Registrar, Supreme Court of India*, AIR 1982 SC 808
- (D) *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771

Correct Answer: (D) *Rupa Ashok Hurra v. Ashok Hurra*, AIR 2002 SC 1771

Solution:

Step 1: Understanding the Concept:

A **Curative Petition** is the final remedy available for redressal of grievances in court after the dismissal of a review petition. It is meant to prevent a gross miscarriage of justice.

Step 2: Case Law Analysis:

The concept was evolved by a Constitution Bench of the Supreme Court in the landmark case of ***Rupa Ashok Hurra v. Ashok Hurra (2002)***. The Court held that to prevent abuse of its process and to cure a gross miscarriage of justice, it may reconsider its judgments in exercise of its inherent powers.

Step 3: Conditions for Curative Petition:

It can be filed only if the petitioner establishes that there was a violation of the principles of natural justice or an apprehension of bias by the judge.

💡 Quick Tip

Chronology of Remedies: Original Judgment → Review Petition → Curative Petition (Final).

95. Which of the following statement regarding the application of Bharatiya Nyaya Sanhita, 2023 is not true?

- (A) Provision of the Sanhita shall apply to any offence committed by any person in any place without and beyond India committing offence targeting a computer resource located in India
- (B) Provision of the Sanhita shall not apply to any offence committed by any person in any place without and beyond India committing offence targeting a computer resource located in India

- (C) Provision of the Sanhita shall apply to any offence committed by any citizen of India in any place without and beyond India
- (D) The word 'Offence' includes every act committed outside India, which if committed in India, would be punishable under this Sanhita

Correct Answer: (B) Provision of the Sanhita shall not apply to any offence committed by any person in any place without and beyond India committing offence targeting a computer resource located in India

Solution:

Step 1: Extraterritorial Jurisdiction (Section 1/2 of BNS 2023):

Like the IPC (Section 4), the Bharatiya Nyaya Sanhita (BNS) applies to offences committed beyond India.

Step 2: Specific Provisions:

The BNS expressly applies to:

- Any citizen of India in any place without and beyond India.
- Any person on any ship or aircraft registered in India.
- **Any person in any place without and beyond India committing an offence targeting a computer resource located in India.**

Step 3: Analyzing Option (B):

Statement (B) claims that the Sanhita shall *not* apply to persons targeting computer resources in India from outside. This contradicts the specific statutory provision that grants extraterritorial jurisdiction in such cases. Therefore, statement (B) is **not true**.

💡 Quick Tip

Targeting a computer resource in India gives Indian courts jurisdiction even if the hacker is abroad. This rule comes from the IT Act amendment to IPC, retained in BNS.

96. Which of the following communication does not come within the meaning of 'Electronic communication' as defined under the Bharatiya Nagarik Suraksha Sanhita, 2023?

- (A) Communication of content transmitted or transferred from one person to another by means of an electronic device or electronic form as may be specified by notification, by the respective governments
- (B) Communication of content transmitted or transferred from one device to another by means of an electronic device or electronic form as may be specified by notification, by the Central Government
- (C) Communication of content transmitted or transferred from a person to a device by means of an electronic device or electronic form as may be specified by notification, by the Central Government

(D) Communication of content transmitted or transferred from a device to a person by means of an electronic device or electronic form as may be specified by notification, by the Central Government

Correct Answer: (A) Communication of content transmitted or transferred from one person to another by means of an electronic device or electronic form as may be specified by notification, by the respective governments

Solution:

Step 1: Definition of Electronic Communication (Section 2 of BNSS):

The definition of "electronic communication" in the Bharatiya Nagarik Suraksha Sanhita (BNSS) includes communication transmitted:

- From a person to another person.
- From one device to another device.
- From a person to a device.
- From a device to a person.

Step 2: Identifying the Error:

The crucial part of the definition states that the devices/forms may be specified by notification by the **Central Government**. Option (A) mentions "by the **respective governments**". Since the BNSS is a central code, the power to notify such definitions lies with the Central Government, not respective state governments. Thus, Option (A) is the incorrect definition.

 Quick Tip

Read the tail end of the options carefully. In Central Acts (like BNSS/BNS), definitions are usually notified by the "Central Government", not "State" or "Respective Governments".

97. Which of the following is *not* an act included in the exclusive rights of performers under Section 38A(1) of Copyright Act, 1957?

- (A) Making a sound or visual recording of the performance
- (B) Broadcasting the performance to the public
- (C) Selling or renting copies of the recording
- (D) Translating the lyrics of a song performed

Correct Answer: (D) Translating the lyrics of a song performed

Solution:

Step 1: Performer's Rights (Section 38A):

Section 38A gives performers the exclusive right to do or authorize:

- Making a sound/visual recording of the performance.
- Reproduction of such recording.

- Issuance of copies.
- Communication to the public (Broadcasting).
- Selling or giving on commercial rental.

Step 2: Distinction from Author's Rights:

The lyrics of a song are a "literary work". The right to translate a literary work belongs to the **author** (lyricist) under Section 14(a), not the performer (singer). Therefore, translating lyrics is not a performer's right.

💡 Quick Tip

Performers own the "performance" (how they sing/act). Authors own the "work" (the lyrics/script). Translation is a change to the work, so it's the Author's right.

98. Which of the following statement is not true regarding the object of the National Green Tribunal Act 2010?

- (A) Protection of Right to healthy environment construed as a part of the right to life under Article 21 of the Constitution by judicial pronouncements
- (B) Implementation of the Directive Principles of the State Policy under Article 39 of the Constitution of India
- (C) Enforcement of any legal right relating to environment and giving relief and compensation for damages to person or property
- (D) To take appropriate steps for the protection and improvement of the human environment in pursuance of the decision taken at United Nations Conference on the Human Environment held at Stockholm in June, 1972

Correct Answer: (B) Implementation of the Directive Principles of the State Policy under Article 39 of the Constitution of India

Solution:

Step 1: Analyze the Preamble of NGT Act, 2010:

The Preamble explicitly mentions:

- The right to a healthy environment under **Article 21**.
- The implementation of decisions taken at the **Stockholm Conference (1972)** and Rio Conference (1992).
- The enforcement of legal rights relating to the environment.

Step 2: Constitutional Provisions for Environment:

The specific Directive Principle related to the environment is **Article 48A** (Protection and improvement of environment and safeguarding of forests and wild life), not Article 39 (which relates to livelihood, distribution of resources, etc.). Thus, mentioning Article 39 as the primary object is incorrect.

 Quick Tip

Environment in Constitution = Article 21 (Fundamental Right) + Article 48A (DPSP) + Article 51A(g) (Duty). Article 39 is generally about economic justice.

99. What must be shown before the court to obtain an injunction to stop nuisance?

- (A) Convenience of applicant
- (B) Guilt of defendant
- (C) No alternative legal remedy exists
- (D) Gravity and permanent character of injury complained

Correct Answer: (D) Gravity and permanent character of injury complained

Solution:

Step 1: Remedies for Nuisance:

Nuisance is a tort. The remedies are abatement, damages, or injunction.

Step 2: Requirements for Injunction:

Injunction is an equitable remedy. Courts do not grant injunctions for trivial matters. To obtain an injunction (to stop the nuisance), the plaintiff must prove that the injury caused is of such a **grave and permanent character** that damages would not be an adequate remedy.

Step 3: Analyzing Options:

(A) Convenience alone is not enough (balance of convenience applies to temporary injunctions). (B) "Guilt" is a criminal law term. (D) accurately describes the substantial nature of harm required for a permanent injunction.

 Quick Tip

Injunctions are for "irreparable" or "grave" injuries where money (damages) isn't enough to fix the problem.

100. Match the following.

- | | |
|---|--|
| I. Chief Election Commissioner | A. Elected by Rajya Sabha |
| II. Deputy Chairman of Rajya Sabha | B. Elected by Members of Lok Sabha |
| III. Speaker of Lok Sabha | C. Appointed by the President |
| IV. Chairman of Public Accounts Committee | D. Appointed by the Speaker of Lok Sabha |
- (A) I-C, II-A, III-B, IV-D
(B) I-A, II-C, III-B, IV-D
(C) I-C, II-B, III-A, IV-D
(D) I-A, II-B, III-D, IV-C

Correct Answer: (A) I-C, II-A, III-B, IV-D

Solution:

Step 1: Analyze Each Pair:

- **I. Chief Election Commissioner:** Under Article 324(2), the CEC is appointed by the **President**. (Matches **C**).
- **II. Deputy Chairman of Rajya Sabha:** Under Article 89(2), the Deputy Chairman is chosen by the Council of States (Rajya Sabha) from amongst its members. Thus, **Elected by Rajya Sabha**. (Matches **A**).
- **III. Speaker of Lok Sabha:** Under Article 93, the Speaker is chosen by the House of the People (Lok Sabha). Thus, **Elected by Members of Lok Sabha**. (Matches **B**).
- **IV. Chairman of Public Accounts Committee (PAC):** By convention and rules (Rule 258 of Lok Sabha Rules), the Chairman of the PAC is appointed by the **Speaker of Lok Sabha** from amongst the members of the committee. (Matches **D**).

Step 2: Conclusion:

The correct sequence is I-C, II-A, III-B, IV-D.

💡 Quick Tip

Remember: The Vice-President is the Ex-officio Chairman of Rajya Sabha, but the *Deputy* Chairman is elected by the House members.