All India Bar Examination - VIII Solutions

1. "Mere illegality of the strike does not per se spell unjustifiability". J. Krishna Iyer In which case declared so

(A) Chandramalai Estate v. Its workmen
(B) Associated Cement Ltd., v. Their workmen
(C) Gujarat Steel Tubes v. Gujarat Steel Tubes Mazdoor Sabha
(D) Indian General Navigation of Railway Co. Ltd., v.Their workmen

Correct Answer: (C) Gujarat Steel Tubes v. Gujarat Steel Tubes Mazdoor Sabha

Solution:

Step 1: Understanding the Concept:
The question asks to identify the case in which Justice V.R. Krishna Iyer made the famous observation distinguishing between the 'legality' and the 'justifiability' of a strike. A strike can be legal (following the procedures under the Industrial Disputes Act, 1947) or illegal (in contravention of those procedures). Independently, a strike can be justified (for a valid reason, like unfair labour practices) or unjustified.

Step 2: Detailed Explanation:
In the landmark case of **Gujarat Steel Tubes v. Gujarat Steel Tubes Mazdoor Sabha (1980)**, Justice Krishna Iyer, delivering the judgment, articulated this crucial distinction.
He opined that the two are different concepts. A strike might be illegal because the procedural requirements were not met, but it could still be perfectly justified if the workers were protesting against gross unfair labour practices by the management.
Conversely, a strike could be perfectly legal (all notices given, procedures followed) but might be unjustified if the demands of the workers are unreasonable or disproportionate.
Therefore, the court held that the illegality of a strike is not the sole determinant of its justifiability, and the relief to be granted to the workmen would depend on the facts and circumstances of each case, considering both aspects. The quote "Mere illegality of the strike does not per se spell unjustifiability" is directly from this judgment.

Step 3: Final Answer:
The correct case is **Gujarat Steel Tubes v. Gujarat Steel Tubes Mazdoor Sabha**.

2. Entry No.22 of the Concurrent List deals with——

(A) Social security and insurance, employment and unemployment
(B) Industrial disputes concerning Union employees
(C) Trade unions and industrial and labour disputes
(D) Regulation of labour and safety in mines and oil fields

Correct Answer: (C) Trade unions and industrial and labour disputes

Solution:

Step 1: Understanding the Concept:
The Constitution of India, under the Seventh Schedule, distributes legislative powers between the Union and the States into three lists: List I (Union List), List II (State List), and List III (Concurrent List). Matters in the Concurrent List can be legislated upon by both the Parliament and the State Legislatures. The question asks about the subject matter of Entry 22 in this list.

Step 2: Detailed Explanation:
Let's examine the entries in the Concurrent List (List III) of the Seventh Schedule.
- **Entry 22:** "Trade Unions; industrial and labour disputes." This entry directly matches option (C).
- **Entry 23:** "Social security and social insurance; employment and unemployment." This corresponds to option (A).
- **Entry 24:** "Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits."
- Matters concerning Union employees fall under the Union List.
- Regulation of labour and safety in mines and oilfields is covered under Entry 55 of the Union List (List I).

Step 3: Final Answer:
Based on the constitutional provision, Entry 22 of the Concurrent List explicitly deals with "Trade unions and industrial and labour disputes".

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3. Which Article under the Constitution of India talks about the participation of workers in the management of Industries?

(A) 43
(B) 43A
(C) 43B
(D) 42

Correct Answer: (B) 43A

Solution:

Step 1: Understanding the Concept:
The question asks for the specific Article in the Constitution of India that mandates the state to take steps for securing the participation of workers in the management of industries. This provision is a part of the Directive Principles of State Policy (DPSP) in Part IV of the Constitution.

Step 2: Detailed Explanation:
Let's analyze the given options, which are all from Part IV (DPSP):
- **Article 43:** It directs the State to secure for all workers a living wage, conditions of work ensuring a decent standard of life, and full enjoyment of leisure and social and cultural opportunities. It also promotes cottage industries.
- **Article 43A:** It states, "The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry." This was inserted by the **Constitution (42nd Amendment) Act, 1976**, and it directly addresses the question.
- **Article 43B:** It deals with the promotion of co-operative societies. It was inserted by the Constitution (97th Amendment) Act, 2011.
- **Article 42:** It directs the State to make provisions for securing just and humane conditions of work and for maternity relief.

Step 3: Final Answer:
The article that explicitly talks about the participation of workers in the management of industries is **Article 43A**.

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4. Pick out the case that is popularly called as the Solicitor's Case.

(A) Ahmedabad Textile Industry's Research Association v. State of Bombay
(B) National Union of Commercial Employees v. Industrial Tribunal, Bombay
(C) Salem Advocates Bar Association v. Union of India

(D) Central Machine Tools Institute v. Dy. Registrar of Trade Unions

Correct Answer: (B) National Union of Commercial Employees v. Industrial Tribunal, Bombay

Solution:

Step 1: Understanding the Concept:
The question asks to identify a specific landmark case by its popular name, the "Solicitor's Case". This case is famous for its discussion on whether certain professional establishments, like a solicitor's firm, fall under the definition of 'industry' as defined in the Industrial Disputes Act, 1947.

Step 2: Detailed Explanation:
The case of **National Union of Commercial Employees v. Industrial Tribunal, Bombay, AIR 1962 SC 1080**, is popularly known as the Solicitor's Case.
In this case, the Supreme Court had to decide whether the office of a solicitor (a lawyer) is an 'industry'. The court held that a solicitor's firm is not an industry because the services provided are based on the individual skill, knowledge, and intellectual capacity of the professional. It observed that the professional service is characterized by a direct personal relationship with the client and lacks the commercial or production-oriented nature of an 'industry'. The contribution of capital or labour is not the primary factor.
This judgment was later revisited and its scope was narrowed by the landmark ruling in *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, which gave a much wider interpretation to the term 'industry'.

Step 3: Final Answer:
The case popularly known as the Solicitor's Case is **National Union of Commercial Employees v. Industrial Tribunal, Bombay**.

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5. Identify the case that is related to the need for promotion and preservation of internal democracy within trade unions

(A) Jay Engineering Works Ltd. v. State of West Bengal
(B) Railway Union v. Registrar of Trade Unions
(C) ONGC Workmens Association v. State of West Bengal
(D) Hanumantha Rao v. Dy. Registrar of Trade Unions

Correct Answer: (C) ONGC Workmens Association v. State of West Bengal

Solution:

Step 1: Understanding the Concept:
The question seeks to identify a case law that specifically deals with the principle of 'internal democracy' within trade unions. This principle implies that a trade union should function democratically, with its leadership and decisions reflecting the genuine will of its members, rather than being controlled by a select few.

Step 2: Detailed Explanation:
In the case of **ONGC Workmen's Association v. State of West Bengal (1988)**, the Supreme Court emphasized the importance of internal democracy for the proper functioning of a trade union. The court observed that a trade union's legitimacy and its right to represent workers depend on its democratic character. The court held that prolonged litigation over internal leadership disputes harms the interests of the workers. It stressed the need for regular elections and adherence to democratic principles in the union's constitution to ensure that the leadership is truly representative of the members' wishes. The court stated that without internal democracy, a trade union cannot be an effective bargaining agent for the workers.

Step 3: Final Answer:
The case that is directly related to the need for internal democracy within trade unions is **ONGC Workmens Association v. State of West Bengal**.

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6. In tort, there are two broad categories of activities for which a plaintiff may be held strictly liable

(A) Possession of certain animals and abnormally dangerous activities.
(B) Assault and battery
(C) Battery and negligence
(D) None of the above

Correct Answer: (A) Possession of certain animals and abnormally dangerous activities.

Solution:

Step 1: Understanding the Concept:
The question is about the doctrine of 'Strict Liability' in the Law of Torts. Strict liability is a legal principle where a party can be held liable for damages or injury without proof of fault or negligence. It is applied in situations considered to be inherently dangerous.

Step 2: Detailed Explanation:
The doctrine of strict liability, famously laid down in the English case of **Rylands v. Fletcher**, applies to situations where a person is held liable even if they were not negligent. The core idea is that one who engages in certain types of activities does so at their own peril. Historically and in modern tort law, this principle applies to two main categories:
1. **Keeping of dangerous animals:** A distinction is made between animals that are dangerous by nature (*ferae naturae*, like a lion or tiger) and animals that are normally harmless (*mansuetae naturae*, like a dog or a cow). For the first category, the keeper is strictly liable for any harm caused. For the second, liability arises only if the keeper knew of the animal's dangerous propensity.
2. **Abnormally dangerous activities:** This is the principle from *Rylands v. Fletcher*. It applies when a person brings onto their land and collects and keeps there anything likely to do mischief if it escapes. This is also referred to as a "non-natural use of land." Storing large quantities of water, gas, or explosives are classic examples.

Assault, battery, and negligence are distinct torts that generally require proof of intent or fault (breach of a duty of care), unlike strict liability.

Step 3: Final Answer:
The two broad categories for strict liability are the possession of certain animals and engagement in abnormally dangerous activities.

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7. Selvi's daughter Kavita had married Shivakumar of a different caste against the wishes of her family. Shivakumar was brutally killed in 2004, and Selvi and two others became the suspects. Since the prosecution's case depended entirely on circumstantial evidence, it sought the court's permission to conduct polygraphy and brain-mapping tests on the three persons. The court granted permission and the tests were conducted. When the results of the polygraphy test indicated signs of deception, the prosecution sought the court's permission to perform narcoanalysis on the three persons. The magistrate directed the three to undergo narcoanalysis. All of them challenged this decision in the Karnataka High Court, but failed to get relief. They then went in appeal to the Supreme Court. The Court held

(A) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Ar-

ticles 20(3) and 21 of the Constitution.
(B) Compulsory brain-mapping and polygraph tests and narcoanalysis were valid under Articles 20(3) and 21 of the Constitution.
(C) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 20(1) and 21 of the Constitution.
(D) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 14 and 21 of the Constitution.

Correct Answer: (A) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 20(3) and 21 of the Constitution.

Solution:

Step 1: Understanding the Concept:
The question describes the facts leading to the landmark Supreme Court case of **Selvi & Ors. vs. State of Karnataka (2010)**. It asks for the final holding of the Supreme Court regarding the constitutionality of compulsory administration of investigative techniques like polygraphy (lie-detector test), brain-mapping (P300 test), and narcoanalysis (truth serum).

Step 2: Detailed Explanation:
The Supreme Court, in its comprehensive judgment, analyzed these techniques in the light of fundamental rights. The key findings were:
1. **Violation of Article 20(3) (Right against Self-Incrimination):** The Court held that forcing an individual to undergo these tests amounts to 'testimonial compulsion'. The results obtained are in the nature of testimony or communication from the accused's mind, and if this is done without consent, it violates the right against self-incrimination, which states that "No person accused of any offence shall be compelled to be a witness against himself."
2. **Violation of Article 21 (Right to Life and Personal Liberty):** The Court also held that these tests are an intrusion into the mental privacy of an individual, which is an integral part of the right to personal liberty under Article 21. Forcing someone to speak or reveal information against their will is a violation of their dignity and autonomy.
The Court did clarify that these tests can be administered if the accused voluntarily consents to them, after being fully informed of the consequences and having access to a lawyer. However, compulsory administration is unconstitutional.
Article 20(1) deals with ex post facto laws, and Article 14 deals with the right to equality, which were not the primary grounds for the decision.

Step 3: Final Answer:
The Supreme Court held that the compulsory administration of these tests violates both Article 20(3) and Article 21 of the Constitution.

Quick Tip

For case-based questions, identify the key legal provisions involved (here, Articles 20(3) and 21) and the court's interpretation of them. The *Selvi v. State of Karnataka* case is crucial for understanding the modern scope of the right against self-incrimination and the right to privacy.

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8. According to Art. 71 Disputes arising in connection with the elections of a President or Vice-President are to be enquired into and decided by

(A) The Supreme Court
(B) High Court
(C) Both by High Court and Supreme Court
(D) Tribunal established for that purpose.

Correct Answer: (A) The Supreme Court

Solution:

Step 1: Understanding the Concept:
The question pertains to the constitutional provision that specifies the forum for resolving disputes related to the election of the President and Vice-President of India. This is a matter of original and exclusive jurisdiction.

Step 2: Key Formula or Approach:
The relevant constitutional provision is Article 71.
Article 71(1): "All doubts and disputes arising out of or in connection with the election of a President or Vice-President shall be inquired into and decided by the Supreme Court whose decision shall be final."

Step 3: Detailed Explanation:
The Constitution of India explicitly grants the Supreme Court the sole authority to adjudicate on disputes concerning the presidential and vice-presidential elections. This is part of the Supreme Court's original jurisdiction. No other court, including any High Court or any special tribunal, has the power to hear such matters. The decision of the Supreme Court in this regard is final and cannot be appealed.

Step 4: Final Answer:
According to Article 71, all election disputes of the President or Vice-President are to be decided exclusively by **The Supreme Court**.

9. The Water (Prevention and Control of Pollution) Act 1974 regulates....

(A) The discharge of hazardous pollutants into the nation's surface water.
(B) The emission of hazardous air pollutants.
(C) Waste disposal of sea.
(D) The transportation of hazardous materials.

Correct Answer: (A) The discharge of hazardous pollutants into the nation's surface water.

Solution:

Step 1: Understanding the Concept:
The question asks about the primary regulatory scope of the Water (Prevention and Control of Pollution) Act, 1974. This requires understanding the main objective of this specific environmental legislation.

Step 2: Detailed Explanation:
The preamble of the Water (Prevention and Control of Pollution) Act, 1974, states that it is "An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water...".
The Act establishes the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs) to achieve these objectives. Its main functions include:
- Setting standards for sewage and trade effluents that can be discharged into water bodies.
- Making, varying or revoking any order prohibiting the discharge of any poisonous, noxious or polluting matter into streams or wells.
- Establishing and maintaining a system of permits for the discharge of pollutants.
Therefore, its primary focus is on regulating the discharge of pollutants into the nation's surface and groundwater.
- The emission of air pollutants is regulated by the **Air (Prevention and Control of Pollution) Act, 1981**.
- Waste disposal and transportation of hazardous materials are covered more broadly under the **Environment (Protection) Act, 1986**, and specific rules made thereunder, like the Hazardous Wastes (Management and Handling) Rules.

Step 3: Final Answer:
The Water Act, 1974, primarily regulates the discharge of pollutants into the nation's water bodies, making option (A) the most accurate choice.

10. It was held by the Supreme Court that noise pollution beyond permissible limits cannot be tolerated, even if such noise was a direct result of and was connected with religious activities in the case of

(A) Vellore Citizens Welfare Forum vs. Union of India
(B) Church of God (Full Gospel) in India vs. KKR Majestic Colony Welfare Association
(C) Rural Enlightenment Kendra v Union of India
(D) Narmada Bachao Andolan v Union of India

Correct Answer: (B) Church of God (Full Gospel) in India vs. KKR Majestic Colony Welfare Association

Solution:

Step 1: Understanding the Concept:
The question asks to identify the specific Supreme Court case that established the principle that freedom of religion does not extend to causing noise pollution that infringes upon the rights of others. This involves balancing the fundamental right to religion (Article 25) with the fundamental right to life, which includes the right to a peaceful and pollution-free environment (Article 21).

Step 2: Detailed Explanation:
In the case of **Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association, AIR 2000 SC 2773**, the Supreme Court dealt with a complaint about noise pollution caused by the use of loudspeakers for prayers in a church. The Court held that:
- The right to profess, practice, and propagate religion under Article 25 is not an absolute right and is subject to public order, morality, and health.
- No religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice amplifiers or beating of drums.
- The right to life under Article 21 includes the right to a decent environment and the right to live peacefully. A citizen has a right to leisure, which is disturbed by excessive noise.
Therefore, the court concluded that religious activities cannot be a justification for causing noise pollution beyond permissible limits.
- *Vellore Citizens Welfare Forum* is related to the 'precautionary principle' and 'polluter pays principle' in the context of tanneries.
- *Rural Enlightenment Kendra* (Doon Valley case) is related to mining and environmental protection.
- *Narmada Bachao Andolan* deals with issues of displacement and rehabilitation related to large

dam projects.

Step 3: Final Answer:
The correct case is **Church of God (Full Gospel) in India vs. KKR Majestic Colony Welfare Association**.

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11. The Supreme Court observed, Where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability. In such a case, the measure of compensation must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. The larger and more prosperous the enterprise, the greater must be the amount of compensation payable by it for the harm caused on account of an accident in the carrying on of the hazardous or inherently dangerous activity by the enterprise. - Name the case.

(A) Subhash Kumar Vs State of Bihar 1991
(B) Rural Litigation and Entitlement. Kendra Vs State of U.P. 1985
(C) M.C. Mehta Vs Union of India 1986
(D) Union Carbide v Union of India, 1984

Correct Answer: (C) M.C. Mehta Vs Union of India 1986

Solution:

Step 1: Understanding the Concept:
The passage quoted in the question is the classic articulation of the principle of **Absolute Liability**. This principle was evolved by the Indian Supreme Court as a more stringent standard than the English principle of Strict Liability (from *Rylands v. Fletcher*). The key feature of absolute liability is that it does not permit any of the exceptions available under strict liability (like Act of God, plaintiff's consent, etc.).

Step 2: Detailed Explanation:
This principle was laid down by the Supreme Court in the case of **M.C. Mehta v. Union of India, AIR 1987 SC 1086**. This case is also known as the **Oleum Gas Leak case**.
Following a leak of oleum gas from a plant of Shriram Food and Fertilisers Ltd. in Delhi, the

Supreme Court, under the leadership of Chief Justice P.N. Bhagwati, formulated this new rule. The Court stated that an enterprise engaged in a hazardous or inherently dangerous activity owes an absolute and non-delegable duty to the community to ensure that no harm results. If harm does occur, the enterprise is absolutely liable to compensate, and the quantum of compensation should be correlated to the size and capacity of the enterprise to have a deterrent effect.
This principle was a departure from the rule in *Rylands v. Fletcher* and was considered more suitable for a modern industrialised society.
- The *Union Carbide* case is related to the Bhopal Gas Tragedy, but the principle of absolute liability was formally established and articulated in the *M.C. Mehta* case that followed. The year 1986 in the option refers to when the case was filed and heard, with the main judgment delivered in early 1987.

Step 3: Final Answer:
The case that established the principle of absolute liability as described in the passage is **M.C. Mehta Vs Union of India**.

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12. Article 48-A and Article 51-A (g) were inserted in the Constitution by

(A) The Constitution (42nd Amendment) Act, 1978
(B) The Constitution (42nd Amendment) Act, 1976
(C) The Constitution (43rd Amendment) Act, 1978
(D) The Constitution (44th Amendment) Act, 1978

Correct Answer: (B) The Constitution (42nd Amendment) Act, 1976

Solution:

Step 1: Understanding the Concept:
The question is about a specific constitutional amendment that introduced key provisions related to environmental protection into the Constitution of India.

Step 2: Detailed Explanation:
Both the articles mentioned are cornerstones of environmental jurisprudence in India.
- **Article 48-A** was added to the Directive Principles of State Policy (Part IV). It states: "The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."

- **Article 51-A** was added as a new part, Part IV-A, laying down the Fundamental Duties of citizens. Clause (g) of this article states that it shall be the duty of every citizen of India "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures."
Both these provisions were inserted into the Constitution by the **Constitution (42nd Amendment) Act, 1976**, during the period of the Emergency. This amendment made numerous changes and is often referred to as the 'Mini-Constitution'.

Step 3: Final Answer:
The correct option is The Constitution (42nd Amendment) Act, 1976.

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13. According to Environmental (Protection) Act of 1986 "environmental pollutant" means

(A) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
(B) any substance present in such concentration as may be, or tend to be, injurious to environment
(C) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to a person
(D) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to the society

Correct Answer: (A) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

Solution:

Step 1: Understanding the Concept:
The question asks for the specific definition of the term "environmental pollutant" as provided in the Environment (Protection) Act, 1986. This requires knowledge of the definitions section of the statute.

Step 2: Key Formula or Approach:
The relevant statutory provision is Section 2(b) of the Environment (Protection) Act, 1986.
Section 2(b): '"environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;'

Step 3: Detailed Explanation:
Comparing the definition from the Act with the given options:
- Option (A) is an exact match of the definition provided in Section 2(b) of the Act.
- Option (B) is similar but less precise as it omits the form of the substance (solid, liquid, or gaseous).
- Option (C) and (D) are incorrect because they limit the injurious effect to a "person" or "society," whereas the Act uses the much broader term "environment." The environment itself includes water, air, land, and the interrelationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property. So, injury to the environment is a much wider concept.

Step 4: Final Answer:
The definition that correctly reflects the text of the Act is option (A).

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14. A is in possession of property claimed by B and C adversely. A does not claim any interest in the property and is ready to deliver it to the rightful owner. A can institute——- suit

(A) Friendly suit
(B) Caveat
(C) Interpleader
(D) Restitution

Correct Answer: (C) Interpleader

Solution:

Step 1: Understanding the Concept:
The scenario describes a situation where a person (A) is in possession of property or money that they do not claim for themselves, but which is being claimed by two or more other persons (B and C) against each other. The question asks for the name of the legal proceeding that 'A' can initiate to resolve this situation.

Step 2: Key Formula or Approach:
This situation is addressed by the provisions for an 'Interpleader Suit' under the Code of Civil Procedure, 1908 (CPC). The relevant provisions are:
- **Section 88 of CPC**: Lays down the conditions under which an interpleader suit can be filed.
- **Order XXXV of CPC**: Provides the detailed procedure for such suits.

Step 3: Detailed Explanation:
An **Interpleader suit** is a lawsuit initiated by a party who holds property on behalf of another, to decide who among two or more rival claimants is the rightful owner. The person filing the suit (the plaintiff, 'A' in this case) must be a neutral stakeholder. Their objective is not to win the property, but to get a judicial decision on whom to deliver the property to, thereby protecting themselves from future litigation from the unsuccessful claimant.
In the given problem:
- 'A' is the neutral stakeholder in possession of the property.
- 'B' and 'C' are the rival claimants.
- 'A' does not claim any interest in the property.
This is the classic scenario for filing an interpleader suit.
- A **Caveat** is a notice filed to a court to prevent an ex-parte order.
- **Restitution** is the restoration of something lost or stolen to its proper owner.
- A **Friendly suit** is a non-adversarial suit to get a court's opinion.

Step 4: Final Answer:
The correct legal action for A to take is to institute an **Interpleader** suit.

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15. An Executive Magistrate may require security for keeping good behavior from habitual offenders for a period not more than

(A) 6 months
(B) 3 months
(C) 1 year
(D) 3 years

Correct Answer: (D) 3 years

Solution:

Step 1: Understanding the Concept:
The question relates to the preventive powers of an Executive Magistrate under the Code of Criminal Procedure, 1973 (CrPC). Specifically, it concerns the maximum duration for which a security bond for good behaviour can be demanded from a habitual offender.

Step 2: Key Formula or Approach:
The relevant provisions are in Chapter VIII of the CrPC, which deals with "Security for Keeping the Peace and for Good Behaviour".

- **Section 110 of CrPC**: Empowers an Executive Magistrate to require security for good behaviour from persons who are habitual offenders (e.g., thieves, robbers, forgers, etc.).
- **Section 117 of CrPC**: Deals with the order to give security. It states that if upon inquiry it is proved necessary to require security, the Magistrate shall make an order accordingly. The period for which security is required shall not exceed **three years**.

Step 3: Detailed Explanation:
Section 110 provides the grounds on which an Executive Magistrate can initiate proceedings against a person believed to be a habitual offender. If, after conducting an inquiry as laid out in the subsequent sections, the Magistrate is satisfied that such action is necessary, an order is passed under Section 117. This section sets the maximum limit for such a security bond. While the Magistrate can order a bond for any period up to three years (e.g., one year, two years), they cannot exceed this maximum limit of three years.

Step 4: Final Answer:
The maximum period for which an Executive Magistrate can require security for good behaviour from habitual offenders is **3 years**.

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16. The police officer executing the warrant may use adequate force to access the place where search is to be conducted when

(A) A free ingress is not possible
(B) The occupant of the place is a hardened criminal and there is possibility to escape
(C) The area is in such a nature that problem may arise at any time
(D) None of these

Correct Answer: (A) A free ingress is not possible

Solution:

Step 1: Understanding the Concept:
The question deals with the powers of a police officer while executing a search warrant, specifically the circumstances under which they are legally permitted to use force to enter a property. This is governed by the Code of Criminal Procedure, 1973 (CrPC).

Step 2: Key Formula or Approach:
The relevant provision is **Section 47 of the CrPC**, which deals with the search of a place entered by a person sought to be arrested. The principles of this section are also applicable to

executing search warrants.
Section 47(1): It states that any police officer with authority to arrest may enter any place where the person to be arrested has entered. The person residing in or in charge of the place shall, on demand, allow him free ingress and all reasonable facilities for a search.
Section 47(2): "If ingress to such place cannot be obtained under sub-section (1), it shall be lawful in any case for a person acting under a warrant... to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance."

Step 3: Detailed Explanation:
The law requires the police officer to first demand entry. Only if "free ingress is not possible" or admittance is refused after announcing their purpose, are they authorized to use force, such as breaking open a door. The other options, like the occupant being a hardened criminal or the area being problematic, are not the legal prerequisites for using force to enter. The sole legal condition is the inability to gain peaceful entry after proper demand.

Step 4: Final Answer:
The police officer may use adequate force to access the place when **a free ingress is not possible**.

17. As per the provisions of the Code of Criminal Procedure, in case of merger of the complaint with the police report the procedure to be followed for the trial shall be of——-

(A) The complaint case
(B) The case instituted on the police report
(C) Both as per the convenience during the trial.
(D) None of these

Correct Answer: (B) The case instituted on the police report

Solution:

Step 1: Understanding the Concept:
The question addresses a specific procedural situation under the Code of Criminal Procedure, 1973 (CrPC). It occurs when a Magistrate takes cognizance of an offence based on a private complaint, and it is discovered that a police investigation is also underway for the same offence.

The question asks which procedure is followed when these two are clubbed together for trial.

Step 2: Key Formula or Approach:
The relevant provision governing this scenario is **Section 210 of the CrPC**.
- **Section 210(1):** When a complaint case is pending and it is made to appear to the Magistrate that a police investigation is in progress in relation to the offence which is the subject-matter of the complaint case, the Magistrate shall stay the proceedings of the complaint case and call for a report on the matter from the police officer conducting the investigation.
- **Section 210(2):** If a police report is made under Section 173 and the Magistrate takes cognizance of any offence against any person who is an accused in the complaint case, the Magistrate shall try the complaint case and the case arising out of the police report together.
- **Section 210(3):** "If the police report does not relate to any accused in the complaint case or if the Magistrate does not take cognizance of any offence on the police report, he shall proceed with the inquiry or trial which was stayed by him, in accordance with the provisions of this Code." The key part for this question is what happens when they are tried together. The established procedure, as derived from the structure of the section, is that the merged trial follows the procedure for a case instituted on a police report.

Step 3: Detailed Explanation:
When a complaint case and a case instituted on a police report (challan case) are clubbed together under Section 210, they are tried as one case. The procedure to be followed is that of a **case instituted on a police report**. This is because a case based on a police investigation is generally more comprehensive, involving collection of evidence, statements of witnesses under Section 161, and other materials which are not available in a complaint case. Therefore, the law mandates following the procedure applicable to cases instituted on a police report for the amalgamated trial.

Step 4: Final Answer:
The procedure to be followed for the trial shall be that of **the case instituted on the police report**.

---

18. Peek v. Gurney is a famous case relating to

(A) Mistake
(B) Misrepresentation
(C) Fraud
(D) Frustration of contract

Correct Answer: (B) Misrepresentation

Solution:

Step 1: Understanding the Concept:
The question asks to identify the area of contract law to which the landmark English case of *Peek v. Gurney* belongs. This case is pivotal in understanding the scope of liability for false statements made during contractual negotiations.

Step 2: Detailed Explanation:
Peek v. Gurney (1873) is a leading authority on **misrepresentation**, specifically fraudulent misrepresentation, in the context of a company prospectus.
Facts of the case: The promoters of a company issued a prospectus containing false statements. The appellant, Peek, did not buy shares directly from the company based on this prospectus. Instead, he bought shares later on the open stock market. When the company went into liquidation, he sued the promoters (Gurney and others) for his losses, claiming he had relied on the false statements in the prospectus.
The Ruling: The House of Lords held that the promoters were not liable to Peek. The court reasoned that the purpose of a prospectus is to induce the original subscribers (allottees) to buy shares from the company. Once the shares are allotted, the prospectus has served its purpose. It is not intended to be relied upon by subsequent purchasers in the secondary market. Therefore, there was no misrepresentation *to Peek*.
While the case involves false statements made knowingly (which is fraud), its primary legal principle relates to who can sue for misrepresentation and establishes that the representation must be made to the party who is misled. Therefore, it is a foundational case in the law of misrepresentation. Given the options, Misrepresentation (B) is the broader and more accurate legal category for this case's principle, although Fraud (C) is also involved in the facts. In legal education, it is most famously cited under the heading of Misrepresentation.

Step 3: Final Answer:
The case of *Peek v. Gurney* is a famous case relating to **Misrepresentation**.

19. Law is conceived as a form of the power value – conceived by

(A) Bentham and Austin
(B) Hart

(C) C Lasswell and McDougal
(D) Karl Olivecrona

Correct Answer: (C) C Lasswell and McDougal

Solution:

Step 1: Understanding the Concept:
The question asks to identify the jurists who viewed law as a form of "power value." This perspective originates from the American Realist school of jurisprudence, which emphasizes a policy-oriented approach to law, seeing it as a tool for achieving social goals or "values."

Step 2: Detailed Explanation:
- **Bentham and Austin** belong to the Analytical/Positivist school. They defined law as the "command of the sovereign," which is backed by sanction. While this involves power, their focus was on the source and structure of law, not on law as a value system itself.
- **H.L.A. Hart** was a leading figure in modern legal positivism. He conceived law as a system of primary and secondary rules, moving away from the simplistic command theory.
- **Karl Olivecrona** was a Scandinavian Realist who saw law as a set of psychological facts, independent of morality or legislative command. He viewed legal rules as "independent imperatives" that shape human behavior.
- **Harold Lasswell and Myres McDougal**, associated with the Yale school of policy sciences, developed a unique jurisprudential approach. They argued that law is a process of authoritative decision-making used to achieve certain social values. They identified eight key values, including power, wealth, respect, and skill. In their framework, law is not just a set of rules but a continuous process of making policy choices to maximize these values in society. Thus, they explicitly conceived law in relation to the "power value."

Step 3: Final Answer:
The jurists who conceived law as a form of the power value are **C Lasswell and McDougal**.

---

20. The development of the tradition of natural justice into one of natural law is usually attributed to the

(A) Stoics
(B) Positivists
(C) Historical School

(D) Analytical School

Correct Answer: (A) Stoics

Solution:

Step 1: Understanding the Concept:
The question traces the historical and philosophical origin of natural law, which is the foundation for the principles of natural justice. Natural law theory posits that there are universal moral and ethical principles inherent in human nature and that these principles form the basis for a just legal system.

Step 2: Detailed Explanation:
- The **Stoics**, ancient Greek and Roman philosophers (like Cicero), are credited with developing the concept of natural law. They believed in 'logos' – a universal reason or divine law that governs the cosmos. They argued that human law should align with this higher, rational natural law to be considered just. This idea of a universal, inherent justice is the direct ancestor of modern concepts of natural justice.
- **Positivists** (like Austin and Hart) and the **Analytical School** are essentially the same. They argue that law is what is 'posited' or laid down by the sovereign or a recognized authority. They separate law from morality and would not attribute the development of natural justice to a higher moral law.
- The **Historical School** (like Savigny) believed that law is not made but is found in the customs, traditions, and spirit of the people (*Volksgeist*). Their focus was on the organic growth of law from society, not on universal rational principles.

Step 3: Final Answer:
The development and popularization of the idea of natural law, from which natural justice principles are derived, is historically attributed to the **Stoics**.

---

21. The requirement to give reasons in administrative decisions which affect rights and liabilities has been held to be mandatory by the Supreme Court in .....

(A) S.N. Mukherjee v/s Union of India
(B) State of Orissa v/s Dr. Binapani Dei
(C) State of Maharashtra v/s Jalgaon Municipal Council

(D) Motilal Padampat Sugar Mills Co. Ltd. v/s State of U.P

Correct Answer: (A) S.N. Mukherjee v/s Union of India

Solution:

Step 1: Understanding the Concept:
This question pertains to a fundamental principle of administrative law, often considered the third pillar of natural justice: the duty to give a 'reasoned decision' (*audi alteram partem* - hear the other side; *nemo judex in causa sua* - no one should be a judge in their own cause; and the duty to give reasons). This duty ensures fairness, transparency, and accountability, and allows for effective judicial review.

Step 2: Detailed Explanation:
While the principle was discussed in earlier cases, the Supreme Court comprehensively laid down the law on this subject in **S.N. Mukherjee v. Union of India, AIR 1990 SC 1984**. In this landmark judgment, the Court held that:
1. The requirement to record reasons is a principle of natural justice.
2. It is a necessary safeguard that checks the arbitrary exercise of power by administrative authorities.
3. It introduces clarity and satisfies the party against whom the order is made.
4. The duty to give reasons is a rule, and the absence of this duty is an exception. An authority must give reasons for its decision unless a statute expressly or by necessary implication excludes this requirement.
- *State of Orissa v. Dr. Binapani Dei* is a foundational case for *audi alteram partem.*
- *Motilal Padampat Sugar Mills* is a key case on promissory estoppel.
- While *State of Maharashtra v. Jalgaon Municipal Council* also deals with administrative law, *S.N. Mukherjee* is the leading authority specifically on the mandatory nature of giving reasons.

Step 3: Final Answer:
The case that made the requirement to give reasons in administrative decisions mandatory is **S.N. Mukherjee v/s Union of India**.

---

22. Donoughmore Committee Report on Minister's Powers, 1932, relates to

(A) England
(B) Australia

(C) U.S.A
(D) None of the above

Correct Answer: (A) England

Solution:

Step 1: Understanding the Concept:
The question asks for the country of origin of the Donoughmore Committee Report. This report is a historical and foundational document in the development of modern administrative law.

Step 2: Detailed Explanation:
The **Donoughmore Committee**, officially known as the **Committee on Ministers' Powers**, was established in 1929 in the United Kingdom (specifically, England). Its purpose was to investigate the concerns raised by Lord Chief Justice Hewart in his book "The New Despotism," where he criticized the growing power of the executive branch of government through delegated legislation and administrative tribunals.
The committee submitted its report in **1932**. The report is significant for:
- Classifying governmental functions into legislative, judicial, and administrative.
- Making recommendations for controlling delegated legislation.
- Upholding the principles of natural justice for administrative tribunals.
This report heavily influenced the evolution of administrative law in England and other Commonwealth countries, including India.

Step 3: Final Answer:
The Donoughmore Committee Report relates to **Engla**
nd.

---

23. Sec. 47(3), Motor Vehicles Act empowers the Regional Transport Authority to limit the number of stage carriage permits. Explain the nature of the function exercised.

(A) This is a judicial function, as the Authority's decision is based on an official policy.
(B) This is a quasi-judicial function, as the Authority's decision is based on an official policy.
(C) This is an administrative function, as the Authority's decision is based on an official policy.
(D) None of the above

Correct Answer: (B) This is a quasi-judicial function, as the Authority's decision is based on an official policy.

Solution:

Step 1: Understanding the Concept:
The question asks to classify the nature of the function performed by a Regional Transport Authority (RTA) when deciding on the number of permits to issue. This requires distinguishing between administrative, judicial, and quasi-judicial functions.
- **Administrative function**: Purely executive, applying a rule without discretion or adjudication of rights.
- **Judicial function**: Performed by a court, involves a dispute between parties, application of law to facts, and a binding decision.
- **Quasi-judicial function**: A function performed by an administrative authority that has some characteristics of a judicial function. It involves investigation, hearing parties, and making a decision that affects the rights of individuals. The authority is required to act fairly and follow principles of natural justice.

Step 2: Detailed Explanation:
When the RTA decides to limit the number of stage carriage permits under the Motor Vehicles Act, it is not just mechanically applying a rule. The decision-making process involves:
1. A proposal to limit permits.
2. Hearing objections from interested parties (like existing operators or potential applicants).
3. Considering factors like public interest, adequacy of existing services, etc.
4. Making a decision that directly affects the rights of individuals to carry on a trade or business.

This process has the trappings of a judicial inquiry—it involves a dispute (*lis inter partes*) and the determination of rights. However, it is performed by an administrative body, not a court, and is often guided by policy considerations. Therefore, it is not purely judicial but is best described as **quasi-judicial**. The fact that the decision is based on an official policy does not make it purely administrative; rather, the policy guides the quasi-judicial discretion.

Step 3: Final Answer:
The function exercised by the RTA is a **quasi-judicial function**.

---

24. In which famous case this issue had come up. Whether the advocate had committed a professional misconduct and is guilty of the offence of the criminal contempt of the Court for having interfered with and obstructed the course of justice by trying to threaten, overawe and overbear the Court by using insulting, disrespectful and threatening language.

(A) Vinay Chandra Mishra, In Re
(B) Ex -Capt. Harish Uppal V. Union of India
(C) Hikmat Ali Khan v. Ishwar Prasad Arya and ors
(D) None of the above

Correct Answer: (A) Vinay Chandra Mishra, In Re

Solution:

Step 1: Understanding the Concept:
The question describes a severe form of professional misconduct by an advocate, which also amounts to criminal contempt of court. It asks to identify the landmark case where these specific facts were adjudicated by the Supreme Court.

Step 2: Detailed Explanation:
The facts described in the question precisely match the case of **In Re: Vinay Chandra Mishra, (1995) 2 SCC 584**.
In this case, Mr. Vinay Chandra Mishra, a senior advocate and then Chairman of the Bar Council of India, was accused of using insulting, disrespectful, and threatening language against a judge of the Allahabad High Court during a judicial proceeding. He was trying to pressure the judge into passing a favorable order.
The Supreme Court took up the matter and held that such conduct not only constituted gross professional misconduct but also amounted to criminal contempt of court, as it scandalized the court and interfered with the administration of justice. The Court found him guilty and sentenced him to simple imprisonment and suspended his license to practice as an advocate for three years.
- *Ex-Capt. Harish Uppal* is the landmark case where the Supreme Court held that lawyers have no right to go on strike or call for a boycott of courts.
- *Hikmat Ali Khan* also deals with professional misconduct (involving an assault within court premises) but the facts described in the question are the specific subject matter of the *Vinay Chandra Mishra* case.

Step 3: Final Answer:
The famous case with these specific facts is **Vinay Chandra Mishra, In Re**.

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25. "Misconduct" would cover any activity or conduct which his professional brethren of good repute and competency would reasonably regard as disgraceful or dishonorable. It may be

noted that the scope of "misconduct" is not restricted by technical interpretations of rules of conduct. This was proven conclusively in the case of

(A) Noratanman Courasia v. M. R. Murali
(B) Bar Council of Maharashtra v. M.V. Dabholkar
(C) In N.G. Dastane v. Shrikant S. Shinde
(D) B. M. Verma v. Uttrakhand Regulatory Commission

Correct Answer: (A) Noratanman Courasia v. M. R. Murali

Solution:

Step 1: Understanding the Concept:
The question asks to identify the case that provided the broad, non-technical definition of "misconduct" for professionals. The definition cited emphasizes the judgment of peers ("professional brethren of good repute") in determining what constitutes disgraceful or dishonorable conduct.

Step 2: Detailed Explanation:
The definition of 'misconduct' quoted in the question is a classic legal formulation. It was authoritatively laid down by the Supreme Court in the case of **Noratanmal Chouraria v. M.R. Murli, (2004) 5 SCC 689**. The court, in this case, was dealing with the issue of professional misconduct by an advocate. It held that the term 'misconduct' is not a precise term with a specific legal meaning. It is an elastic concept that has to be judged based on the facts and circumstances of each case. The court approved the test laid down in earlier cases that misconduct is conduct that would be reasonably regarded as disgraceful or dishonorable by one's professional peers.
- **Bar Council of Maharashtra v. M.V. Dabholkar** is a very important case on professional ethics, particularly concerning advertising by advocates, but the specific quote is from *Noratanmal Chouraria*.
- **N.G. Dastane v. Shrikant S. Shinde** also deals with professional misconduct, but it's more known for clarifying that even a single act can sometimes amount to misconduct.
- **B. M. Verma v. Uttrakhand Regulatory Commission** is not a primary landmark case on this point.

Step 3: Final Answer:
The definition was conclusively established in the case of **Noratanman Courasia v. M. R. Murali**.

26. Retention of money deposited with advocate for the decree holder even after execution proceedings was held as an instance of misconduct in which case

(A) In Re DC Saxena
(B) M Veerendra Rao v Tek Chand
(C) Shambhu Ram Yadav v. Hanuman Das Khatry
(D) Prahlad Saran Gupta v. Bar Council of India

Correct Answer: (D) Prahlad Saran Gupta v. Bar Council of India

Solution:

Step 1: Understanding the Concept:
The question asks to identify the case where an advocate's retention of a client's money was held to be professional misconduct. This falls under the advocate's duty of accountability and integrity towards their client. Misappropriation or wrongful retention of client funds is considered a grave form of professional misconduct.

Step 2: Detailed Explanation:
In the case of **Prahlad Saran Gupta v. Bar Council of India, AIR 1997 SC 1338**, the advocate had retained the money that was deposited with him for the decree-holder client even after the execution proceedings were over. He failed to return this money to the client despite repeated requests. The Supreme Court held that the advocate was guilty of gross professional misconduct. The act of wrongfully retaining the client's money is a breach of trust and brings disrepute to the legal profession.
- *In Re DC Saxena* deals with contempt of court.
- *Shambhu Ram Yadav v. Hanuman Das Khatry* deals with an advocate appearing for both sides.
- *M Veerendra Rao v Tek Chand* also pertains to professional misconduct, but the specific instance of retaining decree money is famously associated with the Prahlad Saran Gupta case.

Step 3: Final Answer:
The correct case is **Prahlad Saran Gupta v. Bar Council of India**.

27. In which case, where the advocate of one of the parties was asking for continuous adjournments to the immense inconvenience of the opposite party, it was held by the Supreme

Court that seeking adjournments for postponing the examination of witnesses who were present without making other arrangements for examining such witnesses is a dereliction of the duty that an advocate owed to the Court, amounting to misconduct.

(A) N.G. Dastane v. Shrikant S. Shinde
(B) Sambhu Ram Yadav v.Hanuman Das Khatry
(C) Noratanman Courasia v. M. R. Murali
(D) None of the above

Correct Answer: (A) N.G. Dastane v. Shrikant S. Shinde

Solution:

Step 1: Understanding the Concept:
The question refers to an advocate's duty to the court, which includes assisting the court in the speedy administration of justice. Seeking unnecessary or frivolous adjournments, especially when witnesses are present and ready to be examined, is a tactic that wastes the court's time and causes hardship to the opposing party. The Supreme Court has held this to be a form of professional misconduct.

Step 2: Detailed Explanation:
In the case of **N.G. Dastane v. Shrikant S. Shinde, (2001) 6 SCC 135**, the Supreme Court strongly deprecated the practice of advocates seeking repeated adjournments without valid reasons. The court observed that an advocate has a duty to the court as well as to the client. Seeking adjournments for the purpose of delaying proceedings, particularly when witnesses have traveled to be present in court, is a breach of this duty. The court held that such conduct amounts to professional misconduct as it obstructs the administration of justice.
- *Sambhu Ram Yadav* dealt with representing conflicting parties.
- *Noratanman Courasia* provided a broad definition of what constitutes misconduct.

Step 3: Final Answer:
The ruling was made in the case of **N.G. Dastane v. Shrikant S. Shinde**.

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28. The judgment in ..... skews the delicate balance, carefully crafted by the Model Law (and enshrined in s 34), between finality of arbitral awards on one hand and permissible judicial review on the other.

(A) Renu Sagar Power Co vs. General Electric Corporation
(B) ONGC vs. Saw Pipes Ltd.
(C) Sundaram Finance vs. NEPC
(D) Olympus Superstructures Pvt. Ltd vs. Meena Vijay Khetan

Correct Answer: (B) ONGC vs. Saw Pipes Ltd.

Solution:

Step 1: Understanding the Concept:
The question refers to a landmark judgment in arbitration law that significantly expanded the scope of judicial review of arbitral awards under Section 34 of the Arbitration and Conciliation Act, 1996. The core principle of modern arbitration law is minimal judicial intervention to ensure the finality of awards. The question implies that a particular judgment disturbed this balance by broadening the grounds for challenge.

Step 2: Detailed Explanation:
The case being referred to is **Oil Natural Gas Corporation Ltd. v. Saw Pipes Ltd., (2003) 5 SCC 705**. In this case, the Supreme Court interpreted the term "public policy of India" under Section 34. The court gave it a very wide meaning, holding that an award could be set aside if it was "patently illegal." This "patent illegality" ground was not explicitly mentioned in the Act but was read into the concept of public policy. This decision was widely criticized for opening the floodgates for challenging arbitral awards on their merits, thereby undermining the finality of the arbitration process and going against the spirit of the UNCITRAL Model Law. The law was later amended in 2015 to narrow down the scope of "public policy" and clarify the "patent illegality" ground, largely to undo the effects of the *Saw Pipes* judgment.
- *Renu Sagar* had earlier defined "public policy" in a much narrower sense.
- *Sundaram Finance* and *Olympus Superstructures* deal with other aspects of arbitration.

Step 3: Final Answer:
The judgment is **ONGC vs. Saw Pipes Ltd.**

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29. The Supreme Court in ..... held that irrespective of where the 'central management and control is exercised' by a company, companies incorporated in India, cannot choose foreign law as the governing law of their arbitration.

(A) TDM Infrastructure (P) Ltd. v. UE Development India (P) Ltd.
(B) Comed Chemicals Ltd. v. C.N. Ramchand
(C) Shreejee Traco (I) Pvt. Ltd. v. Paperline International Inc
(D) Bhatia International v. Bulk Trading

Correct Answer: (A) TDM Infrastructure (P) Ltd. v. UE Development India (P) Ltd.

Solution:

Step 1: Understanding the Concept:
The question is about the arbitrability of disputes between two Indian parties and their ability to choose a foreign seat of arbitration or foreign governing law. The Supreme Court has clarified that two Indian parties are bound by Indian law and cannot derogate from it by choosing a foreign legal system for their dispute.

Step 2: Detailed Explanation:
In the case of **TDM Infrastructure (P) Ltd. v. UE Development India (P) Ltd., (2008) 14 SCC 271**, the Supreme Court addressed this issue squarely. The court held that if both parties to an arbitration agreement are Indian, they cannot opt out of the Indian legal framework. The intention of the legislature is to make the provisions of Part I of the Arbitration and Conciliation Act, 1996, applicable to all arbitrations held within India between Indian parties. The court clarified that the nationality of the company is determined by its place of incorporation. Therefore, two companies incorporated in India are Indian nationals and cannot choose a foreign seat or foreign governing law for their arbitration. The 'central management and control' test is relevant for determining tax residency, not for the purpose of the Arbitration Act.

Step 3: Final Answer:
The correct case is **TDM Infrastructure (P) Ltd. v. UE Development India (P) Ltd.**

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30. Which Section of the 1996 Arbitration Act permits the parties to engage in conciliation process even while the arbitral proceedings are on?

(A) Sec.30
(B) Sec.10
(C) Sec.40
(D) Sec.20

Correct Answer: (A) Sec.30

Solution:

Step 1: Understanding the Concept:
The question asks for the specific provision in the Arbitration and Conciliation Act, 1996, that allows and encourages settlement between parties during the course of arbitration proceedings, including through methods like conciliation.

Step 2: Key Formula or Approach:
The relevant section is Section 30 of the Act.
Section 30 - Settlement:
(1) It is not incompatible with an arbitration agreement for an arbitral tribunal to encourage settlement of the dispute and, with the agreement of the parties, the arbitral tribunal may use mediation, conciliation or other procedures at any time during the arbitral proceedings to encourage settlement.
(2) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

Step 3: Detailed Explanation:
Section 30 explicitly empowers the arbitral tribunal to facilitate settlement. It clarifies that with the consent of the parties, the tribunal can use procedures like conciliation even while the arbitration is ongoing. If a settlement is reached, it can be recorded as an "award on agreed terms," which has the same status and effect as a regular arbitral award.
- Section 10 deals with the number of arbitrators.
- Section 40 deals with the effect of the death of a party.
- Section 20 deals with the place of arbitration.

Step 4: Final Answer:
The section that permits parties to engage in conciliation during arbitration is **Sec. 30**.

---

31. The presumption of continuance of life is contained in Sec. ..... of the Evidence Act

(A) 107
(B) 108
(C) 207

(D) 115

Correct Answer: (A) 107

Solution:

Step 1: Understanding the Concept:
The Indian Evidence Act, 1872, contains several presumptions. The question asks for the section that deals with the presumption that a person is still alive if they were known to be alive recently.

Step 2: Key Formula or Approach:
Let's examine the relevant sections:
- **Section 107 - Burden of proving death of person known to have been alive within thirty years**: "When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it." This section creates a presumption of the continuance of life.
- **Section 108 - Burden of proving that person is alive who has not been heard of for seven years**: This section is the counterpoint to Section 107. It states that when a person has not been heard of for seven years by those who would naturally have heard of him, the burden of proving that he is alive shifts to the person who affirms it. This creates a presumption of death.
- Section 115 deals with Estoppel.
- There is no Section 207 in the Indian Evidence Act.

Step 3: Detailed Explanation:
The question specifically asks for the presumption of the "continuance of life." Section 107 directly provides this. It establishes that if someone was alive within the last 30 years, the law will presume they are still alive, and the party claiming they are dead must prove it.

Step 4: Final Answer:
The presumption of continuance of life is contained in **Sec. 107**.

---

32. Testimony of a witness to the existence or non- existence of the fact or facts in issue is/are

(A) Oral evidence
(B) Original evidence

(C) Direct evidence
(D) Both(a) and (b)

Correct Answer: (A) Oral evidence

Solution:

Step 1: Understanding the Concept:
The question asks to classify the testimony given by a witness in court. This requires understanding the basic classifications of evidence under the Indian Evidence Act, 1872.

Step 2: Detailed Explanation:
Let's analyze the terms:
- **Oral Evidence**: Section 3 of the Evidence Act defines "Evidence" to mean and include "(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence;". The testimony of a witness is precisely this.
- **Direct Evidence**: This refers to evidence which, if believed, directly proves a fact in issue without any inference or presumption. The testimony of an eyewitness is a classic example of direct evidence. So, testimony can be direct evidence.
- **Original Evidence**: This term is usually used to contrast with 'hearsay evidence'. Original evidence is the direct testimony of a witness about what they perceived, whereas hearsay is testimony about what someone else said.

While a witness's testimony can be both direct and original, its fundamental classification under the Evidence Act's definition section is **Oral Evidence**. The Act primarily divides evidence into two main categories: Oral Evidence and Documentary Evidence. Other classifications like direct, circumstantial, original, hearsay, etc., are functional descriptions. Given the options, "Oral evidence" is the most accurate and foundational classification for a witness's statement in court.

Step 3: Final Answer:
The most fitting classification for the testimony of a witness as per the Evidence Act is **Oral evidence**.

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33. Who authored the book The First Principles of Jurisprudence

(A) Salmond
(B) Black Stone
(C) Austin
(D) Winfield

Correct Answer: (A) Salmond

Solution:

Step 1: Understanding the Concept:
The question asks to identify the author of a foundational work in jurisprudence. This requires knowledge of the major works of prominent legal philosophers. While there are several books with similar titles, the question likely refers to the spirit and content of the works by the jurists listed.

Step 2: Detailed Explanation:
- **Sir John Salmond** was a renowned jurist from the Analytical school. His famous work, "Jurisprudence, or the Theory of the Law," is known for its systematic and analytical approach, breaking down legal concepts into their fundamental components or "first principles." His treatment of legal concepts like rights, possession, and personality is considered foundational. While the exact title "The First Principles of Jurisprudence" is more famously associated with other authors not listed (like W.N. Hohfeld or Sir William Markby), within the given choices, Salmond's work is the one most closely aligned with an exposition of the 'first principles' of the subject.
- **John Austin** authored "The Province of Jurisprudence Determined," which is famous for its command theory of law.
- **Sir William Blackstone** wrote the "Commentaries on the Laws of England," a comprehensive treatise on English common law.
- **Winfield** is a leading authority on the Law of Torts.

Given the options, Salmond's structured and elemental approach in his major work makes him the most plausible answer.

Step 3: Final Answer:
The author most fittingly associated with a work on the first principles of jurisprudence among the given options is **Salmond**.

34. Special Summons under Section.206 of the Criminal Procedure Code can be issued by

(A) A Magistrate only
(B) A Magistrate as well as the Court of Sessions
(C) The Court of Sessions
(D) The High Court

Correct Answer: (A) A Magistrate only

Solution:

Step 1: Understanding the Concept:
The question is about the power to issue a "special summons" under Section 206 of the Code of Criminal Procedure, 1973 (CrPC). This provision is designed to expedite the trial of petty offences.

Step 2: Key Formula or Approach:
Section 206(1) of CrPC: "If, in the opinion of a Magistrate taking cognizance of a petty offence, the case may be summarily disposed of under section 260, the Magistrate shall, except where he is, for reasons to be recorded in writing, of a contrary opinion, issue summons to the accused requiring him..."
This procedure allows the accused to plead guilty by post and pay a specified fine without appearing in court.

Step 3: Detailed Explanation:
The text of Section 206 explicitly and exclusively mentions the "Magistrate". The power is vested in the Magistrate who takes cognizance of a petty offence. The provision does not grant this power to the Court of Sessions or the High Court. The procedure is specifically for summary trials of petty offences, which are handled at the Magisterial level.

Step 4: Final Answer:
Special Summons under Section 206 of the CrPC can be issued by **A Magistrate only**.

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35. Mare Liberum (The Freedom of the Seas), first published in 1609, is a book in Latin on international law written by

(A) Austin
(B) Hugo Grotius

(C) Arvid Pardo
(D) Starke

Correct Answer: (B) Hugo Grotius

Solution:

Step 1: Understanding the Concept:
The question asks to identify the author of the seminal work "Mare Liberum," a foundational text in the development of international law, particularly the Law of the Sea.

Step 2: Detailed Explanation:
Hugo Grotius (1583-1645), a Dutch jurist and philosopher, is widely regarded as one of the fathers of modern international law. In 1609, he published *Mare Liberum* (The Freedom of the Seas) anonymously. In this short treatise, he formulated the new principle that the sea was international territory and all nations were free to use it for seafaring trade. This was a direct challenge to the claims of various naval powers to exclusive sovereignty over vast areas of the sea (*mare clausum* or closed sea). The principles laid down by Grotius in this book became the bedrock of the modern doctrine of the freedom of the high seas.
- **Arvid Pardo** is famous for proposing the "common heritage of mankind" principle for the seabed in the 20th century.
- **Austin** and **Starke** are well-known jurists, but not the authors of this 17th-century work.

Step 3: Final Answer:
The author of *Mare Liberum* is **Hugo Grotius**.

---

36. The Indian who is presently a member of International Court of Justice

(A) Justice A.S. Anand
(B) Justice Bhagwati
(C) Justice Dalveer Bhandari
(D) Justice Nagendra Singh

Correct Answer: (C) Justice Dalveer Bhandari

Solution:

Step 1: Understanding the Concept:
The question requires knowledge of the current composition of the International Court of Justice (ICJ), the principal judicial organ of the United Nations, and specifically the identity of the Indian judge serving on its bench.

Step 2: Detailed Explanation:
Justice Dalveer Bhandari is the current member of the International Court of Justice from India. He has been a member of the Court since 27 April 2012. He was re-elected for a full nine-year term on 20 November 2017, which runs until 2026. Prior to this, he was a senior judge in the Supreme Court of India.
- Justice Nagendra Singh was also a distinguished Indian judge at the ICJ and served as its President.
- Justice A.S. Anand and Justice Bhagwati were eminent Chief Justices of India but were not members of the ICJ.

Step 3: Final Answer:
The Indian who is presently a member of the International Court of Justice is **Justice Dalveer Bhandari**.

---

37. International Criminal Court is based on

(A) Rio Conference
(B) Rome Statute of the International Criminal Court.
(C) Part of U.N. Charter
(D) Yugoslavakia Statute of the International Criminal Court

Correct Answer: (B) Rome Statute of the International Criminal Court.

Solution:

Step 1: Understanding the Concept:
The question asks for the founding treaty or legal instrument that established the International Criminal Court (ICC).

Step 2: Detailed Explanation:
The **International Criminal Court (ICC)** is an intergovernmental organization and international tribunal that sits in The Hague, Netherlands. The ICC has jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes, and

the crime of aggression.
The ICC was established by a treaty called the **Rome Statute of the International Criminal Court**. The statute was adopted at a diplomatic conference in Rome, Italy on 17 July 1998 and it entered into force on 1 July 2002. This statute is the court's founding legal document, outlining its jurisdiction, structure, and functions.
- The ICC is not part of the United Nations system, unlike the International Court of Justice (ICJ), which is a UN organ established by the UN Charter. The ICC has a cooperation agreement with the UN.
- The Rio Conference was on environment and development.
- The statute for the International Criminal Tribunal for the former Yugoslavia was specific to that ad hoc tribunal.

Step 3: Final Answer:
The International Criminal Court is based on the **Rome Statute of the International Criminal Court**.

---

38. Constitutive and declaratory theories of state relate to

(A) Law of the Sea
(B) Law of Air space
(C) Law of Outer Space
(D) State Recognition

Correct Answer: (D) State Recognition

Solution:

Step 1: Understanding the Concept:
The question asks to which area of international law the "constitutive" and "declaratory" theories belong. These are two fundamental and opposing theories that explain the legal effect of recognizing a new state.

Step 2: Detailed Explanation:
The two main theories of **State Recognition** are:
1. **Constitutive Theory**: According to this theory, an entity does not become a state under international law until it is recognized as such by other existing states. The act of recognition "constitutes" or creates the statehood. It is a necessary precondition.

2. **Declaratory Theory**: This theory holds that an entity becomes a state as soon as it meets the factual criteria for statehood (defined territory, permanent population, government, and capacity to enter into relations with other states), as laid down in the Montevideo Convention. The act of recognition by other states is merely a formal acknowledgment or "declaration" of an already existing fact. It does not create the state.
These theories are central to the debate on how and when a new state legally comes into existence.

Step 3: Final Answer:
The constitutive and declaratory theories relate to **State Recognition**.

---

39. Tabula rasa under International Law relates to

(A) State Recognition
(B) Universal Sucession
(C) State Sucession
(D) Sources of International Law

Correct Answer: (C) State Sucession

Solution:

Step 1: Understanding the Concept:
The question asks for the area of international law where the principle of "*tabula rasa*" is applied. "*Tabula rasa*" is a Latin term that means "clean slate."

Step 2: Detailed Explanation:
The "clean slate" or *tabula rasa* principle is a doctrine in the law of **State Succession**. State succession concerns the legal consequences that arise when one state replaces another state in the responsibility for the international relations of a territory.
Specifically, the *tabula rasa* principle applies to treaty obligations. As per this doctrine, a newly independent state (typically a former colony) is not bound by the treaties entered into by the predecessor state that formerly controlled its territory. The new state starts with a "clean slate" and is free to decide whether to adopt or reject the treaties of its predecessor. This principle is codified in the Vienna Convention on Succession of States in respect of Treaties (1978).
Universal succession is a different theory where the successor state inherits all rights and obligations, which is the opposite of *tabula rasa*.

Step 3: Final Answer:
Tabula rasa under International Law relates to **State Sucession**.

---

40. With reference to Cyber Crimes worm attack

(A) needs the virus to attach
(B) do not need the virus to attach
(C) needs the host to attach
(D) do not need the host to attach

Correct Answer: (D) do not need the host to attach

Solution:

Step 1: Understanding the Concept:
The question asks to identify a key characteristic of a computer "worm," distinguishing it from other types of malware like viruses.

Step 2: Detailed Explanation:
- A **computer virus** is a type of malicious code that, when executed, replicates by inserting copies of itself into other computer programs or data files. A virus requires a "host" program to attach to and needs human action (like running the infected program) to spread.
- A **computer worm**, on the other hand, is a standalone malware computer program that replicates itself in order to spread to other computers. Unlike a virus, it does not need to attach itself to an existing program. Worms often use a computer network to spread themselves, relying on security vulnerabilities on the target computer to access it. They are self-replicating and can spread without any human intervention.
Therefore, a worm is a standalone piece of software and does not need a host program to attach to.

Step 3: Final Answer:
A worm attack **do not need the host to attach**.

41. An attempt to acquire sensitive information such as usernames, passwords, and credit card details (and sometimes, indirectly, money) by masquerading as a trustworthy entity in an electronic communication – is known as

(A) Salami Attacks
(B) Phishing
(C) Data diddling:
(D) Forgery

Correct Answer: (B) Phishing

Solution:

Step 1: Understanding the Concept:
The question provides a definition of a specific type of cybercrime and asks for its name. The key elements are: acquiring sensitive information, masquerading as a trustworthy entity, and using electronic communication.

Step 2: Detailed Explanation:
The described activity is the classic definition of **Phishing**. Phishing attacks typically use deceptive emails, instant messages, or fake websites that are designed to look like they are from legitimate organizations (like banks, social media sites, or online payment processors) to trick users into revealing their personal and financial information. The term is a homophone of "fishing," alluding to the use of a bait to catch a victim.
- **Salami Attack**: A series of minor attacks that together result in a larger attack. Often used for financial fraud where tiny amounts of money are sliced off from multiple accounts.
- **Data Diddling**: The unauthorized alteration of data before or during its input into a computer system.
- **Forgery**: Creating a false document or altering a real one with the intent to defraud. While phishing involves deception, "forgery" is a broader legal term. "Phishing" is the specific term for this type of online scam.

Step 3: Final Answer:
The described cybercrime is known as **Phishing**.

42. The Act to provide legal recognition for the transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "Electronic Commerce" is dealt under

(A) Information Technology Act
(B) Information and Communication Technology Act
(C) Information Communication Act
(D) Information and Cyber Space Act

Correct Answer: (A) Information Technology Act

Solution:

Step 1: Understanding the Concept:
The question asks for the name of the primary legislation in India that governs electronic commerce and provides legal validity to electronic transactions and records.

Step 2: Detailed Explanation:
The preamble of the **Information Technology Act, 2000** states its objective as: "An Act to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as 'electronic commerce', which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Bankers' Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto."
This preamble directly matches the description given in the question. The Act's official and common name is the Information Technology Act, 2000. The other options are incorrect or non-existent titles.

Step 3: Final Answer:
The act is the **Information Technology Act**.

43. "Asymmetric Crypto System" under Information Technology Act means a system of a secure key pair consisting of a private key for creating a digital signature and

(A) an individual key to verify the digital signature
(B) a lock to verify the digital signature
(C) a public key to verify the digital signature
(D) a Government key to verify the digital signature

Correct Answer: (C) a public key to verify the digital signature

Solution:

Step 1: Understanding the Concept:
The question asks for the definition of an "asymmetric crypto system" as defined in the Information Technology Act, 2000. This is the technological foundation for digital signatures.

Step 2: Key Formula or Approach:
Section 2(1)(f) of the Information Technology Act, 2000 defines "asymmetric crypto system" as "a system of a secure key pair consisting of a private key for creating a digital signature and a public key to verify the digital signature."

Step 3: Detailed Explanation:
An asymmetric crypto system, also known as public-key cryptography, uses two related keys:
1. **Private Key**: This key is kept secret by the owner. It is used to create the digital signature (i.e., to sign a document electronically).
2. **Public Key**: This key is made publicly available. It is used to verify a digital signature created by the corresponding private key.
The system is "asymmetric" because the key used for signing (private) is different from the key used for verification (public). The definition in the Act perfectly reflects this mechanism. Option (C) is a direct and accurate completion of the statutory definition.

Step 4: Final Answer:
The system consists of a private key for creating a digital signature and **a public key to verify the digital signature**.

44. Sec 43A Of the Information Technology Act deals with

(A) Compensation for failure to protect data
(B) Punishment for sending offensive messages
(C) Identity Theft
(D) Impersonation

Correct Answer: (A) Compensation for failure to protect data

Solution:

Step 1: Understanding the Concept:
The question asks for the subject matter of Section 43A of the Information Technology Act, 2000. This section is a crucial part of India's data protection framework.

Step 2: Key Formula or Approach:
The heading of **Section 43A of the IT Act** is **"Compensation for failure to protect data."**
The section states that where a body corporate, possessing, dealing or handling any sensitive personal data or information in a computer resource which it owns, controls or operates, is negligent in implementing and maintaining reasonable security practices and procedures and thereby causes wrongful loss or wrongful gain to any person, such body corporate shall be liable to pay damages by way of compensation to the person so affected.

Step 3: Detailed Explanation:
- Option (A) directly corresponds to the title and content of Section 43A. It establishes civil liability for corporations that fail to secure sensitive personal data.
- Punishment for sending offensive messages is dealt with under Section 66A (which was struck down by the Supreme Court) and other related sections.
- Identity Theft is punishable under Section 66C.
- Impersonation is punishable under Section 66D.

Step 4: Final Answer:
Sec 43A of the Information Technology Act deals with **Compensation for failure to protect data**.

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45. The persons taking part in the commission of an offence have been divided into two classes. They are

(A) Principal and abettors
(B) Principle and disciples
(C) Principal and accessory
(D) Debtor and holder

Correct Answer: (A) Principal and abettors

Solution:

Step 1: Understanding the Concept:
The question asks for the classification of participants in the commission of an offence. This relates to the concept of joint liability in criminal law, where different individuals can be held responsible for a crime based on their roles.

Step 2: Detailed Explanation:
In the context of the Indian Penal Code (IPC), participants in a crime are generally classified based on their level of involvement.
- **Principal Offender**: The person who actually commits the crime.
- **Abettor**: Under Chapter V of the IPC (Sections 107-120), an abettor is someone who instigates, engages in a conspiracy for, or intentionally aids the commission of an offence. The concept of abetment covers those who assist before or at the time of the crime.
The classification "Principal and abettors" is a direct and accurate description of the different roles recognized under the IPC. The term "Accessory" (as in option C) is more commonly used in English common law and distinguishes between accessory before the fact and accessory after the fact. While the concepts are similar, "abettor" is the specific term used in the IPC. Therefore, option (A) is the most appropriate answer in the Indian legal context.

Step 3: Final Answer:
The persons taking part in the commission of an offence can be divided into **Principal and abettors**.

---

46. What is the period of limitation prescribed for the suit instituted by a mortgagor to recover possession of immoveable property mortgaged?

(A) 3 years
(B) 10 years
(C) 30 years

(D) 12 years

Correct Answer: (C) 30 years

Solution:

Step 1: Understanding the Concept:
The question asks for the limitation period for a suit by a mortgagor to recover possession of the mortgaged property. This type of suit is legally known as a suit for redemption.

Step 2: Key Formula or Approach:
The period of limitation for various suits is provided in the Schedule to the Limitation Act, 1963. We need to find the relevant article for a suit for redemption.
- **Article 61** of the Schedule to the Limitation Act, 1963, deals with suits by a mortgagor.
- **Article 61(a)**: "To redeem or recover possession of immovable property mortgaged."
- The period of limitation prescribed is **Thirty years**.
- The time from which the period begins to run is "When the right to redeem or to recover possession accrues."

Step 3: Detailed Explanation:
A mortgagor's right to get back his property after paying off the mortgage debt is called the right of redemption. A suit to enforce this right is a suit for redemption. According to Article 61 of the Limitation Act, the mortgagor has 30 years to file this suit from the date his right to redeem accrues.

Step 4: Final Answer:
The period of limitation is **30 years**.

---

47. Sections 12-15 of the Limitation Act, 1963 provide for exclusion of time in computing the period of limitation prescribed by law. Which of the following falls inside the ambit of exclusion?

(A) Day on which judgment/order/award is pronounced
(B) Time during which stay/injunction operated
(C) Time during which the defendant had been out of India.
(D) All the above

Correct Answer: (D) All the above

Solution:

Step 1: Understanding the Concept:
The question asks which of the given scenarios are covered under the provisions for "exclusion of time" in computing the limitation period, as provided in Sections 12 to 15 of the Limitation Act, 1963.

Step 2: Key Formula or Approach:
Let's analyze the relevant sections:
- **Section 12 (Exclusion of time in legal proceedings)**: Section 12(2) states that in computing the period of limitation for an appeal or an application for leave to appeal or for revision or for review of a judgment, the day on which the judgment complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be revised or reviewed shall be excluded. So, (A) is covered.
- **Section 15 (Exclusion of time in certain other cases)**: Section 15(1) states that in computing the period of limitation for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order... shall be excluded. So, (B) is covered.
- **Section 15(5)**: "In computing the period of limitation for any suit the time during which the defendant has been absent from India... shall be excluded." So, (C) is covered.

Step 3: Detailed Explanation:
All three situations described in options (A), (B), and (C) are explicitly mentioned in Sections 12 and 15 of the Limitation Act as periods of time that must be excluded when calculating whether a suit or application is filed within the prescribed time limit. Therefore, all of them fall within the ambit of exclusion.

Step 4: Final Answer:
The correct answer is **All the above**.

---

48. Provisions regarding Corporate Social Responsibility are incorporated in the Companies Act, 2013 under

(A) Section-101
(B) Section-111
(C) Section - 135
(D) Section-235

Correct Answer: (C) Section - 135

Solution:

Step 1: Understanding the Concept:
The question asks for the specific section in the Companies Act, 2013, that contains the provisions for Corporate Social Responsibility (CSR).

Step 2: Key Formula or Approach:
The relevant section in the Companies Act, 2013 is:
- **Section 135**: Titled "Corporate Social Responsibility". This section mandates certain companies (based on their net worth, turnover, or net profit) to constitute a CSR Committee of the Board and spend a specified amount (at least 2% of average net profits of the preceding three years) on CSR activities. The activities that qualify as CSR are listed in Schedule VII of the Act.

Step 3: Detailed Explanation:
- Section 101 deals with the notice of meetings.
- Section 111 deals with the circulation of members' resolutions.
- Section 235 deals with the power to acquire shares of shareholders dissenting from a scheme or contract approved by the majority.
Therefore, the correct section that incorporates CSR provisions is Section 135.

Step 4: Final Answer:
Provisions regarding Corporate Social Responsibility are incorporated under **Section - 135**.

---

49. What is Corporate Social Responsibility among the following?

(A) Employee benefits
(B) Project based protection of national heritage
(C) Programs undertaken outside India
(D) Mere donations

Correct Answer: (B) Project based protection of national heritage

Solution:

Step 1: Understanding the Concept:
The question asks to identify a valid Corporate Social Responsibility (CSR) activity from the given options, as per the Companies Act, 2013. The Act specifies the types of activities that qualify as CSR in its Schedule VII.

Step 2: Detailed Explanation:
Let's analyze the options in light of Schedule VII of the Companies Act, 2013:
- **(A) Employee benefits**: Activities undertaken in pursuance of the normal course of business of the company and activities for the benefit of only the employees of the company and their families are explicitly excluded from the definition of CSR.
- **(B) Project based protection of national heritage**: Schedule VII includes activities relating to "protection of national heritage, art and culture including restoration of buildings and sites of historical importance and works of art; setting up public libraries; promotion and development of traditional arts and handicrafts". This option fits perfectly within this description.
- **(C) Programs undertaken outside India**: The CSR rules generally specify that the activities must be undertaken within India. There are limited exceptions, but as a general rule, this is not considered CSR.
- **(D) Mere donations**: While contributions to specified funds (like the PM's National Relief Fund) are CSR, a 'mere donation' to any entity may not qualify. The activity must be in line with the projects or programs specified in the company's CSR policy. Political contributions are also expressly excluded.

Step 3: Final Answer:
The most accurate example of a CSR activity among the choices is **Project based protection of national heritage**.

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50. Talak-e-tafwiz is

(A) Talak by delegation
(B) Triple Talak
(C) Talak by agreement
(D) Improper Talak

Correct Answer: (A) Talak by delegation

Solution:

Step 1: Understanding the Concept:
The question asks for the meaning of the term "Talaq-e-Tafwiz" in Muslim personal law. This is one of the forms of divorce available.

Step 2: Detailed Explanation:
Talaq-e-Tafwiz translates to "delegated divorce." It is a form of divorce in which the husband, at the time of marriage or after, delegates his power to pronounce talaq to his wife or to a third party. This delegation can be absolute or conditional. If the wife is delegated this power, she can exercise it to dissolve the marriage upon the fulfillment of the specified conditions (if any) without further consent from the husband. This is a significant right that can be secured for the wife in the marriage contract (*Nikahnama*).
- Triple Talaq is known as *Talaq-e-Biddat*.
- Divorce by mutual agreement is known as *Mubarat* or *Khula* (depending on the terms).

Step 3: Final Answer:
Talaq-e-tafwiz is **Talak by delegation**.

---

51. Any immovable property possessed by a female Hindu, acquired before or after the commencement of Hindu Succession Act, shall be held by her after the commencement of the Act as,.

(A) A limited owner
(B) A full owner
(C) No ownership
(D) Not as absolute owner

Correct Answer: (B) A full owner

Solution:

Step 1: Understanding the Concept:
The question is about the nature of property rights of a Hindu female after the enactment of the Hindu Succession Act, 1956. This Act was a revolutionary piece of legislation that reformed Hindu property law.

Step 2: Key Formula or Approach:
The relevant statutory provision is **Section 14 of the Hindu Succession Act, 1956**.
Section 14(1) states: "Any property possessed by a Female Hindu, whether acquired before

or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner."

Explanation: This section converted the traditional "limited estate" or "woman's estate," which a Hindu female held with restrictions on alienation, into an "absolute estate" or full ownership.

Step 3: Detailed Explanation:

Before 1956, under traditional Hindu law, a female generally held property as a limited owner with very restricted rights of disposal. Section 14 of the Hindu Succession Act, 1956, brought a radical change. It applies to any property 'possessed' by a female Hindu, regardless of when it was acquired (before or after 1956). It elevates her ownership status from that of a limited owner to that of a **full owner**, giving her absolute rights, including the right to dispose of the property as she wishes.

Step 4: Final Answer:

The property shall be held by her as **A full owner**.

---

52. Who was the founder of Analytical School of Law?

(A) Jhering
(B) Bentham
(C) John Austin
(D) August Comte

Correct Answer: (C) John Austin

Solution:

Step 1: Understanding the Concept:

The question asks to identify the founder of the Analytical School of Jurisprudence. This school of thought, also known as Legal Positivism, focuses on law 'as it is' (*positum*), rather than law 'as it ought to be.' It analyzes the basic concepts of a legal system like rights, duties, and the nature of law itself.

Step 2: Detailed Explanation:

- **John Austin (1790–1859)** is widely regarded as the 'father of the English Analytical School'. He provided the most systematic and comprehensive treatment of positivism. His famous theory defined law as the "command of the sovereign backed by a sanction." His approach was to

analyze legal concepts by breaking them down into their constituent elements.
- **Jeremy Bentham** was Austin's intellectual predecessor and a major influence. He also advocated for a scientific analysis of law. While Bentham laid much of the groundwork, Austin is credited with formally founding and structuring the school.
- **Jhering (Ihering)** was a German jurist associated with the Sociological School of Jurisprudence.
- **Auguste Comte** was a founder of the discipline of sociology and the doctrine of positivism in a broader philosophical sense, not specifically in law.

Step 3: Final Answer:
The founder of the Analytical School of Law is considered to be **John Austin**.

---

53. There was a contract to supply oil-seeds. But the Government rendered the sale and purchase of oil-seed illegal under the Defence of India Rules. Identify the effect.

(A) Party at default is held liable
(B) Both parties are discharged from the performance of such contract
(C) Both parties are directed specific performance of the contract
(D) None of the above

Correct Answer: (B) Both parties are discharged from the performance of such contract

Solution:

Step 1: Understanding the Concept:
The scenario describes a situation where a contract, which was legal and possible to perform when it was made, subsequently becomes impossible or unlawful to perform due to a change in the law. This is known as the doctrine of "Supervening Impossibility" or "Frustration of Contract."

Step 2: Key Formula or Approach:
The relevant provision is **Section 56 of the Indian Contract Act, 1872**. The second paragraph of this section states: "A contract to do an act which, after the contract is made, becomes impossible, or, by reason of some event which the promisor could not prevent, unlawful, becomes void when the act becomes impossible or unlawful."

Step 3: Detailed Explanation:
In the given case, the contract to supply oil-seeds was valid when formed. However, the sub-

sequent government order under the Defence of India Rules made the sale and purchase of oil-seeds illegal. This supervening illegality makes the performance of the contract unlawful. According to Section 56, the effect is that the contract becomes void. When a contract becomes void, both parties are discharged from their respective obligations to perform. There is no question of one party being at default or seeking specific performance of a contract that is now illegal.

Step 4: Final Answer:
The effect is that **Both parties are discharged from the performance of such contract**.

---

54. Principles evolved in Hadley v. Baxendale are the basis of Section ..... of the Indian Contract Act.

(A) 74
(B) 55
(C) 87
(D) 73

Correct Answer: (D) 73

Solution:

Step 1: Understanding the Concept:
The question asks which section of the Indian Contract Act, 1872, incorporates the legal principles regarding the measure of damages for breach of contract that were established in the famous English case of *Hadley v. Baxendale*.

Step 2: Detailed Explanation:
The landmark case of **Hadley v. Baxendale (1854)** laid down the two main rules for determining the remoteness of damages in a breach of contract case:
1. Damages that arise naturally, i.e., according to the usual course of things, from the breach.
2. Damages that may reasonably be supposed to have been in the contemplation of both parties, at the time they made the contract, as the probable result of the breach.

These principles are codified in **Section 73 of the Indian Contract Act, 1872**. The first paragraph of Section 73 provides for compensation for loss or damage which naturally arose in the usual course of things from the breach (Rule 1) or which the parties knew, when they made the contract, to be likely to result from the breach (Rule 2).

- Section 74 deals with compensation for breach of contract where a penalty is stipulated (liquidated damages).
- Section 55 deals with the effect of failure to perform at a fixed time in a contract in which time is essential.
- There is no Section 87 in the manner suggested; the numbering in that part of the Act is different.

Step 3: Final Answer:
The principles are the basis of **Section 73** of the Indian Contract Act.

---

55. Section 6 of the specific Relief Act,1963 states thus: 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———, recover possession thereof, notwithstanding any other title that may be set up in such suit

(A) Application
(B) Restitution application
(C) Suit
(D) Reference

Correct Answer: (C) Suit

Solution:

Step 1: Understanding the Concept:
The question is about the nature of the legal proceeding that can be initiated under Section 6 of the Specific Relief Act, 1963, to recover possession of immovable property after being wrongfully dispossessed.

Step 2: Key Formula or Approach:
Let's look at the wording of **Section 6(1) of the Specific Relief Act, 1963**:
"If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person through whom he has been in possession or any person claiming through him may, by **suit**, recover possession thereof, notwithstanding any other title that may be set up in such **suit**."
The section heading itself is "Suit by person dispossessed of immovable property."

Step 3: Detailed Explanation:
The statutory language of Section 6 itself makes it clear that the remedy provided is by filing a "suit." This is a summary remedy based purely on possession; the court in such a suit will not go into the question of title. The objective is to discourage people from taking the law into their own hands. The legal action to be initiated is a formal civil suit in a court of law, not a mere application or reference.

Step 4: Final Answer:
The person dispossessed may recover possession by **Suit**.

---

56. As per the Specific Relief Act,1963, identify the situation wherein any person interested in a contract may sue to have it rescinded, and such rescission may be adjudged by the court

(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.
(C) Both (a) and (b)
(D) None of the above

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

Solution:

Step 1: Understanding the Concept:
The question asks for the grounds on which a court can grant the remedy of rescission of a contract under the Specific Relief Act, 1963. Rescission is the unwinding of a contract, restoring the parties to the position they were in before the contract was made.

Step 2: Key Formula or Approach:
The relevant provision is **Section 27 of the Specific Relief Act, 1963**, titled "When rescission may be adjudged or refused."
Section 27(1) lists the grounds:
"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: Detailed Explanation:
Both options provided in the question are direct quotes from the clauses of Section 27(1).
- Option (A) refers to situations like contracts entered into due to coercion, fraud, misrepresentation, or undue influence (which are voidable), or contracts that are terminable by their own terms.
- Option (B) refers to illegal contracts where the illegality is not obvious, and the defendant is the guiltier party, allowing the less guilty plaintiff to seek rescission.
Since both are valid and distinct grounds listed in the Act, the correct choice is the one that includes both.

Step 4: Final Answer:
The correct answer is **Both (a) and (b)**.

---

57. A/An ..... is one which is drawn by one person and accepted by another, without consideration, merely to enable the drawer to raise money on the bill by discounting it.

(A) Bills in sets
(B) Documentary bill
(C) Bearer instrument
(D) Accommodation bill

Correct Answer: (D) Accommodation bill

Solution:

Step 1: Understanding the Concept:
The question provides a definition for a specific type of bill of exchange under the law of negotiable instruments. The key features are that it is drawn and accepted without any real debt or consideration between the parties, for the sole purpose of providing financial accommodation to one of them.

Step 2: Detailed Explanation:
The instrument described is an **Accommodation Bill**. In this arrangement, one person (the accommodation party) signs the bill as a drawer, acceptor, or endorser, without receiving value, to lend their name and creditworthiness to another person (the accommodated party). The accommodated party can then take this bill to a bank and get it discounted (receive cash against it). The parties involved are known as accommodation parties, and their liability is to the

holder for value, but they have a right of recourse against the party they accommodated. It is essentially a loan instrument disguised as a trade bill.
- **Bills in sets**: Used in foreign trade, where a bill is drawn in multiple parts to ensure at least one part reaches the destination.
- **Documentary bill**: A bill of exchange that is accompanied by documents of title to goods, like a bill of lading.
- **Bearer instrument**: An instrument that is payable to whoever holds it (the bearer).

Step 3: Final Answer:
The described instrument is an **Accommodation bill**.

---

58. Which provision of the Negotiable Instruments Act discusses about material alteration of an instrument and its effects

(A) Section 77
(B) Section 88
(C) Section 87
(D) Section 78

Correct Answer: (C) Section 87

Solution:

Step 1: Understanding the Concept:
The question asks for the specific section of the Negotiable Instruments Act, 1881, that deals with the legal consequences of making a "material alteration" to a negotiable instrument (like a cheque, promissory note, or bill of exchange).

Step 2: Key Formula or Approach:
The relevant statutory provision is **Section 87 of the Negotiable Instruments Act, 1881**.
Section 87. Effect of material alteration.— "Any material alteration of a negotiable instrument renders the same void as against any one who is a party thereto at the time of making such alteration and does not consent thereto, unless it was made in order to carry out the common intention of the original parties;"

Step 3: Detailed Explanation:
Section 87 lays down a strict rule regarding unauthorized changes to an instrument. A 'material

alteration' is one which changes the legal character, rights, or liabilities of the parties to the instrument. Examples include changing the date, sum payable, time of payment, or place of payment.
The effect of such an unconsented material alteration is that the instrument becomes void. This means all parties who were on the instrument at the time of the alteration are discharged from their liability.
- Section 77 deals with expressing the rate of exchange.
- Section 88 protects an acceptor or indorser who pays a materially altered instrument if the alteration is not apparent.
- Section 78 deals with to whom payment should be made.

Step 4: Final Answer:
The provision that discusses material alteration and its effects is **Section 87**.

---

59. A transfer's property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the lifetime of B. D survives B. At B's death

(A) The property passes to D
(B) The property reverts back to A's heirs
(C) The property is declared as having no owner
(D) None of the above

Correct Answer: (A) The property passes to D

Solution:

Step 1: Understanding the Concept:
This problem involves the interpretation of a transfer under the Transfer of Property Act, 1882. It deals with a life estate followed by a remainder interest given to two persons with a condition of survivorship. The key is to determine the nature of the interest created for C and D.

Step 2: Detailed Explanation:
1. A creates a **life interest** in favour of B. This means B can enjoy the property for his lifetime.
2. After B's death, the property is to go to C and D, but with a crucial condition: "or to the survivor of them." This phrase creates a **contingent interest** under Section 24 of the Transfer of Property Act.

3. The interest for C and D is contingent upon them surviving the life-tenant, B. The property is to be taken by them only if they are alive at the time of B's death.
4. The problem states that C dies during B's lifetime. Therefore, C did not fulfill the condition of surviving B. C's potential interest is extinguished upon his death.
5. D, however, survives B. D has fulfilled the condition.
6. Therefore, upon B's death, the entire property passes to the sole survivor, D.

Step 3: Final Answer:
At B's death, the property passes entirely to D, who is the survivor.

---

60. A transfer Rs. 500 to his niece C, if she will desert her husband. The transfer is

(A) Void
(B) Voidable
(C) Valid
(D) None of the above

Correct Answer: (A) Void

Solution:

Step 1: Understanding the Concept:
The question is about a transfer of property that is subject to a condition. We need to determine the validity of the transfer based on the nature of the condition imposed, under the provisions of the Transfer of Property Act, 1882.

Step 2: Key Formula or Approach:
The relevant provision is **Section 25 of the Transfer of Property Act, 1882**.
Section 25. Conditional transfer.— "An interest created on a transfer of property and dependent upon a condition fails if the fulfilment of the condition is impossible, or is forbidden by law, or is of such a nature that, if permitted, it would defeat the provisions of any law, or is fraudulent, or involves or implies injury to the person or property of another, or the Court regards it as **immoral** or **opposed to public policy**."

Step 3: Detailed Explanation:
In this case, the transfer of Rs. 500 to C is dependent on a condition precedent: C must desert her husband.
- A condition that encourages the separation of a married couple is considered immoral and

opposed to public policy.
- The law seeks to preserve the institution of marriage. A condition that induces a wife to leave her husband is detrimental to this public policy.
- Since the fulfillment of the condition is immoral and opposed to public policy, Section 25 applies.
- According to Section 25, if the condition precedent is void for being immoral or against public policy, the transfer itself fails and is therefore **void**.

Step 4: Final Answer:
The transfer is **Void**.

---

61. Amendments made in the year———— through the insertion of Sec.————- to the Civil Procedure Code introduced provisions to enable the courts to refer pending cases to arbitration, conciliation and mediation to facilitate early and amicable resolution of disputes.

(A) 1989,98
(B) 1990,88
(C) 1999,89
(D) 2001,88

Correct Answer: (C) 1999,89

Solution:

Step 1: Understanding the Concept:
The question asks about the specific amendment to the Code of Civil Procedure, 1908 (CPC) that introduced the mechanism for courts to refer cases to Alternative Dispute Resolution (ADR) processes.

Step 2: Key Formula or Approach:
This major change was brought about by the insertion of a new section, **Section 89**, into the CPC. This section empowers the court, where it appears there are elements of a settlement, to formulate the terms and refer the parties to one of the five ADR forums: arbitration, conciliation, judicial settlement (including settlement through Lok Adalat), or mediation.
This section was inserted by the **Code of Civil Procedure (Amendment) Act, 1999**. It came into force on 1st July 2002.

Step 3: Detailed Explanation:
The purpose of inserting Section 89 was to reduce the burden on the courts and to promote amicable settlements. The Law Commission of India had recommended this change to integrate ADR mechanisms into the formal judicial process. The amendment was passed in the year 1999, and the section inserted was Section 89.

Step 4: Final Answer:
The amendments were made in the year **1999** through the insertion of **Sec. 89**.

---

62. The Companies Act of 1956 accords recognition only to accounting standards whereas under Section 2(7) of the Companies Act of 2013 the recognition is accorded to both accounting and ———- standards.

(A) Financing
(B) Auditing
(C) Business
(D) Responsibility

Correct Answer: (B) Auditing

Solution:

Step 1: Understanding the Concept:
The question highlights a key difference between the Companies Act, 1956, and the Companies Act, 2013, regarding the types of standards that are given statutory recognition. The 2013 Act significantly strengthened the regulatory framework for financial reporting and auditing.

Step 2: Detailed Explanation:
The Companies Act, 2013, for the first time, gave statutory backing not only to Accounting Standards but also to **Auditing Standards**.
- **Accounting Standards** (prescribed under Section 133) dictate how financial transactions should be recorded and presented in the financial statements (like the Balance Sheet and Profit & Loss Account).
- **Auditing Standards** (prescribed under Section 143(10)) provide the guidelines and principles that an auditor must follow while conducting an audit of a company's financial statements.
The 2013 Act's parallel statutory recognition and mandatory compliance with Auditing Standards was a major step towards improving the quality and reliability of audits in India.

Step 3: Final Answer:
The Companies Act, 2013, accords recognition to both accounting and **Auditing** standards.

---

63. Companies Act, 2013 allows the formation of

(A) Two persons company only
(B) Seven persons company only
(C) Two or more persons company only
(D) One person company also.

Correct Answer: (D) One person company also.

Solution:

Step 1: Understanding the Concept:
The question asks about the types of companies that can be formed under the Companies Act, 2013, highlighting a significant new type introduced by this Act.

Step 2: Detailed Explanation:
The Companies Act, 2013, continues to allow the formation of traditional companies:
- **Private Company**: Requires a minimum of two members.
- **Public Company**: Requires a minimum of seven members.
However, a major innovation of the 2013 Act was the introduction of the concept of a **One Person Company (OPC)**.
- **Section 2(62)** of the Act defines "one person company" as a company which has only one person as a member.
This new structure allows a single entrepreneur to form a company with the benefit of limited liability, which was not possible under the 1956 Act (which required at least two people even for a private company). Therefore, the 2013 Act allows for the formation of a "One person company also," in addition to the other types.

Step 3: Final Answer:
The Companies Act, 2013 allows the formation of a **One person company also**.

64. Pigeon Hole theory was proposed by

(A) Winfield
(B) Salmond
(C) Black Stone
(D) Lord Knight

Correct Answer: (B) Salmond

Solution:

Step 1: Understanding the Concept:
The question asks to identify the jurist who proposed the "Pigeon-Hole Theory" in the Law of Torts. This theory is one of two fundamental views on the nature and scope of tortious liability.

Step 2: Detailed Explanation:
The two opposing theories are:
1. **Salmond's "Pigeon-Hole" Theory**: Sir John Salmond was the main proponent of this theory. He argued that there is no general principle of liability. Instead, there is a definite number of specific, named torts (like assault, battery, negligence, defamation, etc.), which he likened to "pigeon-holes." A plaintiff's claim will only succeed if the facts of their case can fit into one of these existing pigeon-holes. If no specific tort can be found, there is no remedy. This is summarized as the "Law of Torts" (a collection of specific torts).
2. **Winfield's Theory**: In contrast, Sir Percy Winfield argued that there is a general principle of liability. He stated that every unjustifiable harm is a tort unless there is a specific legal justification for it. His view is summarized as the "Law of Tort" (a single, unified concept).
The "Pigeon Hole" theory is thus famously associated with **Salmond**.

Step 3: Final Answer:
The Pigeon Hole theory was proposed by **Salmond**.

65. According to Motor Vehicles Act, 1988 no person under the age of ——-years shall drive a motor vehicle in any public place

(A) 20
(B) 16
(C) 18
(D) 21

Correct Answer: (C) 18

Solution:

Step 1: Understanding the Concept:
The question asks for the general minimum age for driving a motor vehicle in a public place as prescribed by the Motor Vehicles Act, 1988.

Step 2: Key Formula or Approach:
The relevant statutory provision is **Section 4 of the Motor Vehicles Act, 1988**.
Section 4. Age limit in connection with driving of motor vehicles.—
(1) No person under the age of **eighteen years** shall drive a motor vehicle in any public place: Provided that a motor cycle with engine capacity not exceeding 50cc may be driven in a public place by a person after attaining the age of sixteen years.
(2) No person under the age of twenty years shall drive a transport vehicle in any public place.

Step 3: Detailed Explanation:
The general rule, as stated in sub-section (1), is that the minimum age for driving any motor vehicle is 18 years. There are exceptions for very light motorcycles (16 years, an exception that is now largely historical) and a higher age limit for transport vehicles (20 years). Since the question asks for the general rule without specifying the type of vehicle, the correct answer is 18 years.

Step 4: Final Answer:
No person under the age of **18** years shall drive a motor vehicle in any public place.

66. According to The Consumer Protection Act, 1986 what is the limitation period applicable to the three forums in entertaining a complaint

(A) 2 years from the date on which the cause of action has arisen
(B) 2 years from which the article was purchased
(C) 3 years
(D) None of the above

Correct Answer: (A) 2 years from the date on which the cause of action has arisen

Solution:

Step 1: Understanding the Concept:
The question asks for the period of limitation for filing a complaint before the consumer forums (District Forum, State Commission, and National Commission) under the Consumer Protection Act, 1986.

Step 2: Key Formula or Approach:
The relevant provision is **Section 24A of the Consumer Protection Act, 1986**.
Section 24A. Limitation period.—
(1) The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within **two years from the date on which the cause of action has arisen**.
(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Forum, the State Commission or the National Commission, as the case may be, that he had sufficient cause for not filing the complaint within such period.

Step 3: Detailed Explanation:
The Act provides a clear limitation period of two years. Crucially, this period starts from the date the "cause of action" arises, not necessarily from the date of purchase. The cause of action is the event or set of facts that gives the consumer the right to sue (e.g., the day a defect is discovered, the day a service is refused, etc.). Option (A) correctly states both the period (2 years) and the starting point (date of cause of action).

Step 4: Final Answer:
The limitation period is **2 years from the date on which the cause of action has arisen**.

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67. Any person aggrieved by an order made by the District forum may prefer an appeal against such order to the ———- within a period of ———- days from the date of the order.

(A) State Commission,30
(B) State Tribunal,30
(C) State Forum, 30
(D) State Commission, 60

Correct Answer: (A) State Commission,30

Solution:

Step 1: Understanding the Concept:
The question asks about the appellate hierarchy and the limitation period for filing an appeal against an order of the District Forum under the Consumer Protection Act, 1986.

Step 2: Key Formula or Approach:
The relevant statutory provision is **Section 15 of the Consumer Protection Act, 1986**.
Section 15. Appeal.— "Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the **State Commission** within a period of **thirty days** from the date of the order..."

Step 3: Detailed Explanation:
The Act establishes a three-tier quasi-judicial machinery:
1. District Forum at the district level.
2. State Commission at the state level.
3. National Commission at the national level.
The appellate route is from the District Forum to the State Commission. Section 15 explicitly provides the appellate authority (State Commission) and the limitation period (30 days).

Step 4: Final Answer:
An appeal may be preferred to the **State Commission** within a period of **30** days.

---

68. The National Consumer Dispute Redressal Commission was constituted in the year

(A) 1998
(B) 1988
(C) 1999
(D) 2000

Correct Answer: (B) 1988

Solution:

Step 1: Understanding the Concept:
The question asks for the year in which the National Consumer Disputes Redressal Commission (NCDRC), the apex body of the consumer protection machinery in India, was established.

Step 2: Detailed Explanation:
The Consumer Protection Act was passed by the Parliament in 1986. Following the enactment of the law, the central government took steps to establish the national-level commission. The National Consumer Disputes Redressal Commission (NCDRC) was constituted by the Central Government in the year **1988** under Section 9(c) of the Consumer Protection Act, 1986. Its head office is in New Delhi.

Step 3: Final Answer:
The National Consumer Dispute Redressal Commission was constituted in the year **1988**.

---

69. A sees B running away from a room and afterwards sees C lying down in a pool of blood in the same room. A's evidence in as afar as seeing B running away is direct but as far as the murder is concerned, it is a ———-

(A) Primary evidence
(B) Circumstantial evidence
(C) Real evidence
(D) Substantial evidence

Correct Answer: (B) Circumstantial evidence

Solution:

Step 1: Understanding the Concept:
The question requires classifying a piece of evidence based on its relationship to the fact in issue. The fact in issue is whether B murdered C. We need to distinguish between direct and circumstantial evidence.

Step 2: Detailed Explanation:
- **Direct Evidence**: Evidence that, if believed, directly proves a fact in issue without the need

for any inference. For example, if A had seen B stabbing C, A's testimony would be direct evidence of the murder.
- **Circumstantial Evidence**: Evidence of a relevant fact from which the fact in issue can be inferred. It does not directly prove the fact in issue but establishes circumstances that point towards it.
In this scenario:
- A did not see B killing C.
- A saw a circumstance: B running away from the room where C was found dead.
- This fact (B running away) does not directly prove the murder. However, it is a highly relevant fact from which a court might infer B's guilt (the conduct of an absconder).
Therefore, A's testimony about seeing B run away is **circumstantial evidence** with respect to the murder of C.
- Primary evidence relates to documents. Real evidence refers to material objects. Substantial evidence refers to the weight of evidence.

Step 3: Final Answer:
As far as the murder is concerned, the evidence is **Circumstantial evidence**.

---

70. A statement made by an accused person before the trial begins, by which he admits to have committed the offence, but which he repudiates at the trial is known as ———-

(A) Extra-judicial confession
(B) Judicial confession
(C) Retracted confession
(D) Voluntary confession

Correct Answer: (C) Retracted confession

Solution:

Step 1: Understanding the Concept:
The question asks for the specific legal term for a confession that is made by an accused before the trial but is later taken back or denied by the accused during the trial.

Step 2: Detailed Explanation:
Let's analyze the types of confessions:
- **Judicial Confession**: A confession made before a court or a magistrate in the due course of legal proceedings (e.g., under Section 164 of CrPC).

- **Extra-judicial Confession**: A confession made to any person other than a judge or magistrate (e.g., to a private citizen).
- **Retracted Confession**: This is not a separate type but a description of what happens to a confession (either judicial or extra-judicial) when the accused who made it later denies having made it or alleges that it was made under duress or was untrue. The scenario described in the question—admitting before trial and repudiating at trial—is the exact definition of a retracted confession.
- **Voluntary Confession**: Refers to the nature of the confession, meaning it was made freely, without any threat, promise, or inducement.

Step 3: Final Answer:
The statement is known as a **Retracted confession**.

---

71. Expert opinion under Sec.45 is

(A) A conclusive proof
(B) Not a conclusive proof
(C) Supportive and corroborative in nature
(D) None of these

Correct Answer: (C) Supportive and corroborative in nature

Solution:

Step 1: Understanding the Concept:
The question asks about the evidentiary value of an expert opinion given under Section 45 of the Indian Evidence Act, 1872.

Step 2: Detailed Explanation:
Section 45 allows the court to take the opinion of a person specially skilled in fields like foreign law, science, art, or handwriting identification (an "expert"). The Supreme Court of India has consistently held that the evidence of an expert is not a substantive piece of evidence and does not constitute conclusive proof.
- The role of the expert is purely advisory. The expert assists the court in reaching a proper conclusion on technical matters.
- The court is not bound by the expert's opinion. The final decision rests with the judge, who

must assess the expert's testimony along with all other evidence on record.
- Therefore, expert opinion is considered to be of a **supportive and corroborative nature**. It can be used to strengthen or contradict other evidence but cannot be the sole basis for a conviction.
Option (B) is also correct, but Option (C) is a more complete and precise description of the legal status of expert evidence. It is not only "not conclusive" but also serves a specific purpose, which is to support and corroborate.

Step 3: Final Answer:
Expert opinion under Sec.45 is **Supportive and corroborative in nature**.

---

72. ..... of the Companies Act, 2013 requires disclosure in the prospectus of names and addresses of CFO about sources of promoters' contribution among other things.

(A) Section 36
(B) Section 37
(C) Section 26
(D) Section 38

Correct Answer: (C) Section 26

Solution:

Step 1: Understanding the Concept:
The question asks for the section of the Companies Act, 2013, that specifies the contents of a prospectus, including details about key personnel and promoters. A prospectus is a crucial document for a public issue of shares, providing investors with the necessary information to make an informed decision.

Step 2: Key Formula or Approach:
The relevant provision is **Section 26 of the Companies Act, 2013**.
Section 26. Matters to be stated in prospectus.—
(1) Every prospectus issued by or on behalf of a public company... shall be dated and signed and shall state such information and set out such reports on financial information as may be specified by the Securities and Exchange Board in consultation with the Central Government... This section and the rules made thereunder mandate extensive disclosures, including the names and addresses of the directors, Chief Financial Officer (CFO), promoters, the sources of the

promoters' contribution, and details of the objects of the issue.

Step 3: Detailed Explanation:
- Section 26 is the primary section that governs the contents and registration of a prospectus.
- Section 36 deals with punishment for fraudulently inducing persons to invest money.
- Section 37 deals with action by affected persons for fraudulent practices.
- Section 38 deals with punishment for personation for acquisition of securities.

Therefore, the section requiring disclosures in the prospectus is Section 26.

Step 4: Final Answer:
Section 26 of the Companies Act, 2013 requires these disclosures.

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73. Sec 253 of the Companies Act, 2013 deals with

(A) Determination of Sickness
(B) Liability of Directors
(C) Promoters
(D) Memorandum

Correct Answer: (A) Determination of Sickness

Solution:

Step 1: Understanding the Concept:
The question asks for the subject matter of Section 253 of the Companies Act, 2013. This section is part of Chapter XIX of the Act, which deals with the Revival and Rehabilitation of Sick Companies.

Step 2: Key Formula or Approach:
The heading of **Section 253 of the Companies Act, 2013** is **"Determination of sickness"**.
This section lays down the criteria by which a company can be determined to be a "sick company." A company could apply to the Tribunal (National Company Law Tribunal) for a determination of sickness if its secured creditors representing fifty percent or more of its outstanding debt have taken action to recover their debts.

Step 3: Detailed Explanation:
The purpose of this section was to create a formal process to identify companies in financial

distress so that measures for their revival and rehabilitation could be initiated. This entire framework under the Companies Act has now been largely superseded by the Insolvency and Bankruptcy Code, 2016, but Section 253 remains in the statute book and specifically deals with the determination of sickness.

Step 4: Final Answer:
Sec 253 of the Companies Act, 2013 deals with **Determination of Sickness**.

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74. If by imposing solitary confinement there is total deprivation of comraderie (friendship) amongst co-prisoners coming and taking and being talked to, it would offend Ar.21 of the Constitution. The liberty to move, mix, mingle, talk, share company with co-prisoners if substantially curtailed would be violative of Art. 21 –This was held in the case of

(A) Suni Batra Vs. Delhi Administration AIR 1978 SC 1675
(B) Kishore Singh Vs State of Rajasthan AIR1981 SC 625
(C) D.K. Basu Vs State of West Bengal AIR 1997 SC610
(D) Parmanand Katara Vs Union of India - AIR 1989, SC 2039

Correct Answer: (A) Suni Batra Vs. Delhi Administration AIR 1978 SC 1675

Solution:

Step 1: Understanding the Concept:
The question asks to identify the landmark Supreme Court case that held that solitary confinement, which curtails a prisoner's right to interact with fellow prisoners, is a violation of the Right to Life and Personal Liberty under Article 21 of the Constitution. This case is a cornerstone of prisoners' rights jurisprudence in India.

Step 2: Detailed Explanation:
In the case of **Sunil Batra v. Delhi Administration**, the Supreme Court, through the powerful judgments of Justice V.R. Krishna Iyer, held that prisoners are not stripped of their fundamental rights upon incarceration. The Court ruled that imposing solitary confinement is a severe punishment that can only be imposed by a court of law and not by prison authorities. It was held that subjecting a prisoner to solitary confinement without due judicial process is a gross violation of their fundamental right under Article 21, as it deprives them of human companionship and leads to mental and psychological degradation. The words in the question are a paraphrase of the reasoning given in this judgment.

- *D.K. Basu* deals with the rights of an arrested person and procedures for arrest.
- *Parmanand Katara* deals with the right to medical assistance for accident victims.
- *Kishore Singh* also deals with prisoners' rights but *Sunil Batra* is the specific and leading authority on solitary confinement.

Step 3: Final Answer:
This was held in the case of **Suni Batra Vs. Delhi Administration**.

---

75. In State of Karnataka Vs Union of India AIR 1978 SC 68, Appointment of a commission by the Union government under S. 3(1) of the Commission of Inquiry Act (60 of 1952) to look into the charges of corruption etc against the Chief Minister and other Ministers of a state was challenged. It was held,

(A) Arbitrary under Art.14
(B) Violates federal principle
(C) Jurisdiction of the Court is ousted and hence violates the Basic Structure of the Constitution
(D) Federal Structure is not jeopardized.

Correct Answer: (D) Federal Structure is not jeopardized.

Solution:

Step 1: Understanding the Concept:
The question concerns a landmark case on Indian federalism. The core issue was whether the Central Government could appoint a commission of inquiry to investigate corruption allegations against a State's Chief Minister and other ministers without encroaching upon the State's autonomy, thus violating the federal structure.

Step 2: Detailed Explanation:
In **State of Karnataka v. Union of India**, a seven-judge bench of the Supreme Court upheld the Central Government's power to appoint such a commission. The court's reasoning was:
1. The scheme of the Indian Constitution is one of **cooperative federalism**, not of two strictly separate and competing sovereignties.
2. The power of inquiry is a mechanism to ensure purity in public life, which is a matter of national concern.
3. The Commission of Inquiry Act allows the Centre to inquire into any "definite matter of

public importance." Corruption at high levels, even within a State, is such a matter.
4. An inquiry is only a fact-finding process and does not amount to the Centre taking over the executive or legislative functions of the State.
Therefore, the Court concluded that the appointment of the commission by the Union Government did not undermine the state's powers and the **federal structure was not jeopardized**.

Step 3: Final Answer:
It was held that the **Federal Structure is not jeopardized**.

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76. Equality is a dynamic concept with many... aspects and dimensions and it cannot be "cribbed, cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies - this was stated in the case of

(A) Jespar & Slong v. State of Meghalaya, AIR 2004 SC 3533
(B) Vajravelu Mudiliar Vs. Special Dty Collector, AIR 1965 SC 1017
(C) E. P. Royappa v. State of T.N. AIR 1974 S C 555
(D) In Punjab Communication Ltd. v. Union of India - 1999 (4) SCC 727

Correct Answer: (C) E. P. Royappa v. State of T.N. AIR 1974 S C 555

Solution:

Step 1: Understanding the Concept:
The question quotes a famous passage from a Supreme Court judgment that introduced a new and dynamic interpretation of the Right to Equality under Article 14 of the Constitution. This new interpretation holds that any state action which is arbitrary is, by its very nature, a denial of equality.

Step 2: Detailed Explanation:
This revolutionary jurisprudential shift was articulated by Justice P.N. Bhagwati in the landmark case of **E. P. Royappa v. State of Tamil Nadu**. Prior to this case, Article 14 was primarily tested on the doctrine of "reasonable classification." The Royappa case introduced the "new doctrine" or the "anti-arbitrariness" test. The Court held that equality is a dynamic concept and cannot be confined to the traditional test. It established that Article 14 strikes at arbitrariness in state action because an arbitrary action is inherently unequal. The famous quote, "equality and arbitrariness are sworn enemies," is the essence of this new doctrine, which

was further developed in *Maneka Gandhi v. Union of India*.

Step 3: Final Answer:
This was stated in the case of **E. P. Royappa v. State of T.N.**

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77. Period of limitation for execution of the order of maintenance is——- from the date on which it becomes due

(A) 1 year
(B) 5 years
(C) 6 years
(D) 15 years

Correct Answer: (A) 1 year

Solution:

Step 1: Understanding the Concept:
The question asks for the specific limitation period for enforcing a maintenance order passed under the Code of Criminal Procedure, 1973 (CrPC).

Step 2: Key Formula or Approach:
The provision for enforcement of a maintenance order is contained in **Section 125(3) of the CrPC**. This subsection allows a Magistrate to issue a warrant for levying the amount due. The limitation period is specified in the proviso to this subsection.
Proviso to Section 125(3): "Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of **one year** from the date on which it became due."

Step 3: Detailed Explanation:
The law requires the person entitled to maintenance to be diligent in claiming it. An application for the execution of a maintenance order for any particular month's arrears must be filed within one year from the date that amount became due. If an application is filed late, the court cannot issue a warrant to recover the amount for which the limitation period has expired.

Step 4: Final Answer:
The period of limitation for execution of the order of maintenance is **1 year**.

78. Section 41-B is incorporated into the Criminal Procedure Code on the basis of which of the following decisions

(A) Nandini Satpati v. P.L.Dani
(B) Sunil Batra v. Delhi Administration
(C) Prem Shankar Shukla v. Delhi Administration
(D) D.K.Basu v. State of West Bengal

Correct Answer: (D) D.K.Basu v. State of West Bengal

Solution:

Step 1: Understanding the Concept:
The question asks for the landmark Supreme Court judgment whose guidelines led to the insertion of Section 41-B into the Code of Criminal Procedure (CrPC). This section deals with the procedure of arrest and the duties of the arresting officer.

Step 2: Detailed Explanation:
In the historic case of **D.K. Basu v. State of West Bengal, AIR 1997 SC 610**, the Supreme Court expressed deep concern over custodial violence and deaths. To curb such abuses of power, the Court issued a set of 11 mandatory guidelines to be followed by the police during arrest and detention. These guidelines included requirements like the arresting officer bearing clear identification, preparing a memo of arrest attested by a witness, informing a friend or relative of the arrested person, and informing the arrested person of their rights.
To give statutory backing to these judicial directives, the Parliament amended the CrPC in 2008 (effective from 2009) and inserted several new provisions, including **Section 41-B**, which is titled "Procedure of arrest and duties of officer making arrest." This section codifies many of the guidelines laid down in the *D.K. Basu* case.
- *Nandini Satpati* deals with the right against self-incrimination (Article 20(3)).
- *Sunil Batra* and *Prem Shankar Shukla* deal with prisoners' rights and handcuffing.

Step 3: Final Answer:
Section 41-B was incorporated on the basis of the decision in **D.K.Basu v. State of West Bengal**.

79. Chapter dealing with Plea Bargaining has been inserted by

(A) The Criminal Law (Amendment) Act, 1993
(B) The Criminal Law (Amendment) Act, 2005
(C) The Code of Criminal Procedure (Amendment) Act, 2001
(D) The Code of Criminal (Amendment) Act, 1993

Correct Answer: (B) The Criminal Law (Amendment) Act, 2005

Solution:

Step 1: Understanding the Concept:
The question asks to identify the specific amendment act that introduced the concept of Plea Bargaining into the Indian criminal justice system.

Step 2: Detailed Explanation:
Based on the recommendations of the Malimath Committee on Reforms of the Criminal Justice System, the concept of Plea Bargaining was introduced in India to reduce the pendency of cases and provide a quicker resolution for certain offences.
A new chapter, **Chapter XXI-A**, titled "Plea Bargaining," was inserted into the Code of Criminal Procedure, 1973. This was done by **The Criminal Law (Amendment) Act, 2005**. The provisions came into force on 5th July 2006. This chapter (Sections 265-A to 265-L) lays down the detailed procedure for an accused to apply for plea bargaining in cases involving certain specified offences.

Step 3: Final Answer:
The Chapter on Plea Bargaining was inserted by **The Criminal Law (Amendment) Act, 2005**.

80. As per the Criminal Procedure Code, during investigation a search can be conducted without warrant by

(A) Judicial officer
(B) Any Person
(C) The investigating officer
(D) Any police officer

Correct Answer: (C) The investigating officer

Solution:

Step 1: Understanding the Concept:
The question is about the power to conduct a search without a warrant during the investigation phase of a criminal case, as provided under the Code of Criminal Procedure (CrPC).

Step 2: Key Formula or Approach:
The general rule is that a search of a place requires a search warrant issued by a court. However, the CrPC provides an important exception to this rule during an investigation to prevent the destruction or concealment of evidence.
The relevant provision is **Section 165 of the CrPC**.
Section 165. Search by police officer.— (1) "Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation... may be found in any place... and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may... search, or cause search to be made, for such thing in any place..."

Step 3: Detailed Explanation:
Section 165 specifically empowers either an officer in charge of a police station or an investigating officer to conduct a search without a warrant if they believe evidence might be lost by the time a warrant is obtained. The power is not given to "any police officer" (it's restricted) or "any person" or a "judicial officer" (who issues warrants, but doesn't conduct searches without them). Therefore, "The investigating officer" is the most accurate answer.

Step 4: Final Answer:
A search can be conducted without a warrant by **The investigating officer**.

81. Prosecution for the offence of defamation can be initiated only

(A) On the complaint of the aggrieved party
(B) On the basis of an F.I.R
(C) On the basis of a police report
(D) If it is a matter related to domestic affairs of a family

Correct Answer: (A) On the complaint of the aggrieved party

Solution:

Step 1: Understanding the Concept:
The question is about the specific procedure for initiating legal proceedings for the offence of defamation under the Indian Penal Code. This involves a special rule regarding how a court can take cognizance of this offence.

Step 2: Key Formula or Approach:
The procedure is governed by **Section 199 of the Code of Criminal Procedure, 1973**.
Section 199(1). Prosecution for defamation.— "No Court shall take cognizance of an offence punishable under Chapter XXI of the Indian Penal Code (45 of 1860) [which deals with defamation] except upon a **complaint** made by some **person aggrieved** by the offence..."

Step 3: Detailed Explanation:
- The offence of defamation under Section 499 IPC is a non-cognizable offence. This means the police cannot register an FIR and start an investigation on their own.
- More importantly, Section 199 CrPC creates a specific bar. It mandates that the legal process can only be set in motion by a "complaint" (a petition filed directly before a Magistrate) and not by a police report (which follows an FIR).
- Furthermore, the complaint must be filed by the "aggrieved party," i.e., the person who has been defamed.
Therefore, the only way to initiate a prosecution for defamation is by the aggrieved person filing a private complaint before a Magistrate.

Step 4: Final Answer:
Prosecution for defamation can be initiated only **On the complaint of the aggrieved party**.

82. Where territorial jurisdiction of a court is transferred after passing a decree, an execution application may be filed

(A) In the court which had passed the decree
(B) In the Court to which territorial jurisdiction was transferred only
(C) In either of the court under a or b
(D) In any court in India

Correct Answer: (C) In either of the court under a or b

Solution:

Step 1: Understanding the Concept:
The question is about identifying the proper court for filing an execution application when the area, where the cause of action arose or the defendant resides, is transferred from the jurisdiction of the court that passed the decree to another court.

Step 2: Key Formula or Approach:
The relevant provisions are Section 37 and Section 38 of the Code of Civil Procedure, 1908 (CPC).
- **Section 38** states that a decree may be executed either by the Court which passed it, or by the Court to which it is sent for execution.
- **Section 37** defines the expression "Court which passed a decree". Clause (b) of this section is crucial here. It states that the expression includes, "where the Court of first instance has ceased to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed was instituted at the time of making the application for the execution of the decree, would have jurisdiction to try such suit."

Step 3: Detailed Explanation:
Based on these provisions, both courts have jurisdiction to execute the decree.
1. The court which originally passed the decree retains its jurisdiction to execute it as the "court which passed the decree".
2. The court to which the territorial jurisdiction has been transferred now has jurisdiction because it is the court that would be competent to try the suit if it were filed today. As per Section 37(b), it is also considered the "court which passed the decree" for the purpose of execution.
Therefore, the decree-holder has the option to file the execution application in either of the two courts.

Step 4: Final Answer:
An execution application may be filed in **either of the court under a or b**.

83. When a decree is transferred for execution to another court and if the decree holder has reasons to apprehend that the judgment debtor will dispose of the property before it is attached by the other court, he may apply to the court which passed the decree to issue a——— to attach the property at once.

(A) Caveat
(B) Restitution order
(C) Attachment order
(D) Precept

Correct Answer: (D) Precept

Solution:

Step 1: Understanding the Concept:
The question describes a situation where a decree-holder needs an urgent, temporary measure to prevent the judgment-debtor from alienating property located in another court's jurisdiction, while the formal process of transferring the decree for execution is underway.

Step 2: Key Formula or Approach:
This specific remedy is provided under **Section 46 of the Code of Civil Procedure, 1908**, which is titled "Precepts".
Section 46(1) states: "Upon the application of the decree-holder, the Court which passed the decree may, whenever it thinks fit, issue a **precept** to any other Court which would be competent to execute such decree to attach any property belonging to the judgment-debtor and specified in the precept."

Step 3: Detailed Explanation:
A precept is an order or direction given by the court which passed the decree to another competent court to attach the property of the judgment-debtor. Its purpose is to act as a temporary safeguard. It prevents the judgment-debtor from disposing of the property to defeat the execution. The attachment under a precept is valid for two months unless extended by the court which passed the decree or unless the decree itself is transferred to the attaching court for execution.
- A Caveat is a notice to a court to prevent an ex-parte order.
- A Restitution order restores a party to a position they were in before a wrongful order.
- An Attachment order is the final order of attachment, whereas a precept is a direction to another court to issue one.

Step 4: Final Answer:
The court may be asked to issue a **Precept**.

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84. Where the right to the discovery or the inspection sought depends on the determination of any issue in the suit, the court may try that issue as a ———- before deciding upon the right to discovery or inspection

(A) Special issue
(B) Preliminary issue
(C) Res judicata
(D) Res sub judice

Correct Answer: (B) Preliminary issue

Solution:

Step 1: Understanding the Concept:
The question deals with a procedural aspect of discovery and inspection in a civil suit. It refers to a situation where the right of a party to see certain documents or get certain information from the other party first depends on the court's decision on a particular issue in the suit.

Step 2: Key Formula or Approach:
This procedure is governed by **Order XI, Rule 20 of the Code of Civil Procedure, 1908**.
Order XI, Rule 20. Premature discovery.— "Where the Court is of opinion that any right to discovery or inspection sought depends on the determination of any issue or question in dispute in the suit... the Court may order that such issue or question be determined first, and reserve the question as to the discovery or inspection."
The issue that is decided first before other issues to determine the course of the suit is known as a **preliminary issue**. (See also Order XIV, Rule 2).

Step 3: Detailed Explanation:
For example, in a suit for accounts, the defendant might deny that there is any liability to account at all. Here, the plaintiff's right to inspect the account books (inspection) depends on the determination of the issue of whether the defendant is liable to account. The court can decide to try this issue of liability first as a **preliminary issue**. If the court finds the defendant is not liable, the suit is dismissed, and the question of inspecting the account books does not arise.

- *Res judicata* and *Res sub judice* are principles that bar the trial of a suit itself, not just a procedural step within it.

Step 4: Final Answer:
The court may try that issue as a **Preliminary issue**.

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85. Identify a case where set off can be pleaded

(A) Claim for un liquidated damages
(B) Suit for recovery of ascertained sum of money
(C) Suit for a sum legally non-recoverable
(D) None of the above

Correct Answer: (B) Suit for recovery of ascertained sum of money

Solution:

Step 1: Understanding the Concept:
The question asks to identify the essential condition for a defendant to claim a "set-off" in a civil suit. A set-off is a counter-claim by the defendant against the plaintiff, which can be used to reduce or extinguish the plaintiff's claim.

Step 2: Key Formula or Approach:
The rules for a legal set-off are contained in **Order VIII, Rule 6 of the Code of Civil Procedure, 1908**. The key conditions are:
1. The suit must be for the recovery of money.
2. The defendant's claim against the plaintiff must be for an **ascertained sum of money**.
3. The sum claimed by the defendant must be legally recoverable (i.e., not time-barred).
4. Both parties must fill the same character as they fill in the plaintiff's suit.

Step 3: Detailed Explanation:
Let's analyze the options based on these conditions:
- (A) Claim for unliquidated damages: This is a claim for a sum that is not fixed or determined, like compensation for defamation. It cannot be set-off.
- (B) Suit for recovery of ascertained sum of money: This is the primary condition. "Ascertained sum" means a sum that is fixed and specific. If the plaintiff sues for an ascertained sum, the defendant can set-off another ascertained sum owed to him by the plaintiff. This is the classic case where set-off is allowed.

- (C) Suit for a sum legally non-recoverable: For example, a time-barred debt. This cannot be claimed by way of set-off.

Step 4: Final Answer:
Set-off can be pleaded in a **Suit for recovery of ascertained sum of money**.

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86. Leading questions can be asked during

(A) Re-examination
(B) Examination-in-chief
(C) Cross-examination
(D) None of these

Correct Answer: (C) Cross-examination

Solution:

Step 1: Understanding the Concept:
The question is about the stage of a witness's examination in court during which "leading questions" are permissible. A leading question is one which suggests the answer the questioner wishes to receive.

Step 2: Key Formula or Approach:
The rules are laid out in the Indian Evidence Act, 1872.
- **Section 141** defines a leading question.
- **Section 142** states that leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief or in a re-examination, except with the permission of the Court.
- **Section 143** states: "**Leading questions may be asked in cross-examination**."

Step 3: Detailed Explanation:
The law has a clear demarcation:
- In **Examination-in-chief** (when a lawyer questions their own witness) and **Re-examination**, the goal is for the witness to tell their story in their own words. Leading questions are disallowed as they would allow the lawyer to put words in the witness's mouth.
- In **Cross-examination** (when a lawyer questions the opposing party's witness), the goal is to test the veracity of the witness's testimony and discredit them. The law permits the use of

leading questions as a tool to control the witness and elicit specific admissions or contradictions.

Step 4: Final Answer:
Leading questions can be asked during **Cross-examination**.

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87. Estoppel is a rule by which a party to litigation is/are———

(A) Stopped from asserting or denying a fact
(B) Prevented from appearing in person
(C) Prevented from hiding an evidence
(D) Both (a) and (b)

Correct Answer: (A) Stopped from asserting or denying a fact

Solution:

Step 1: Understanding the Concept:
The question asks for the basic definition and effect of the doctrine of Estoppel in the law of evidence.

Step 2: Key Formula or Approach:
The principle of estoppel is codified in **Section 115 of the Indian Evidence Act, 1872**.
Section 115. Estoppel.— "When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to **deny the truth of that thing**."

Step 3: Detailed Explanation:
The essence of estoppel is that a person is precluded or "estopped" (stopped) from going back on a previous representation (of fact) they made, if another person has relied on that representation to their detriment. It is a rule of equity and fairness designed to prevent a person from taking unfair advantage by contradicting a previous statement or action. Thus, it effectively stops a party from asserting something contrary to what they previously represented, or denying a fact they previously affirmed.
The other options are incorrect. Estoppel does not prevent a party from appearing in person or from hiding evidence (which is dealt with by other procedural rules).

Step 4: Final Answer:
Estoppel is a rule by which a party is **Stopped from asserting or denying a fact**.

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88. Under Sec.122 of the Evidence Act, a communication made to the spouse during marriage

(A) Remains privileged after the dissolution of marriage by divorce but not so on after death
(B) Does not remain privileged after the dissolution of marriage by divorce, but remains privileged even after death
(C) Does not remain privileged after dissolution of marriage by divorce or death
(D) Remains privileged communication after the dissolution of marriage by divorce or death.

Correct Answer: (D) Remains privileged communication after the dissolution of marriage by divorce or death.

Solution:

Step 1: Understanding the Concept:
The question is about the duration and scope of the privilege attached to communications between spouses, as provided under Section 122 of the Indian Evidence Act, 1872. This is known as spousal privilege or marital privilege.

Step 2: Key Formula or Approach:
Section 122. Communications during marriage.— "No person who **is or has been married** shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married..."
The key phrase is "is or has been married."

Step 3: Detailed Explanation:
The use of the words "has been married" indicates that the privilege does not end when the marriage ends. The privilege attaches to the communication itself at the time it was made (i.e., "during marriage"). Once a communication is privileged under this section, it remains privileged forever.
- This means that even after the marriage is dissolved by a decree of divorce, one ex-spouse cannot be compelled to disclose what the other said during the marriage.
- Similarly, after the death of one spouse, the surviving spouse cannot be compelled to disclose such communications.
The privilege is absolute and continues even after the marital relationship ceases to exist,

whether by divorce or death.

Step 4: Final Answer:
The communication **Remains privileged communication after the dissolution of marriage by divorce or death**.

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89. Which provision under the Criminal Procedure Code reflects the principle of autrefois acquit/autrefois convict

(A) Sec.300
(B) Sec.305
(C) Sec.306
(D) Sec.311

Correct Answer: (A) Sec.300

Solution:

Step 1: Understanding the Concept:
The question asks for the section in the Code of Criminal Procedure, 1973 (CrPC) that codifies the principle of double jeopardy. The maxims "*autrefois acquit*" (formerly acquitted) and "*autrefois convict*" (formerly convicted) are common law principles that mean a person cannot be tried again for the same offence for which he has already been either acquitted or convicted.

Step 2: Key Formula or Approach:
This fundamental principle of criminal law is detailed in **Section 300 of the CrPC**.
Section 300(1) states: "A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under sub-section (1) of section 221, or for which he might have been convicted under sub-section (2) thereof."

Step 3: Detailed Explanation:
Section 300 provides a comprehensive statutory protection against double jeopardy, going even further than Article 20(2) of the Constitution. It bars a second trial not just for the same offence but also for any other offence based on the same facts for which the person could have

been tried in the first trial.
- Section 305 deals with the procedure when a corporation is an accused.
- Section 306 deals with the tender of pardon to an accomplice.
- Section 311 gives the court power to summon material witnesses.

Step 4: Final Answer:
The provision is **Sec.300**.

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90. Which Section under the Transfer of Property Act, 1882 discuss about the rights and liabilities of buyer and the seller of immovable property

(A) 45
(B) 54
(C) 55
(D) 44

Correct Answer: (C) 55

Solution:

Step 1: Understanding the Concept:
The question asks for the specific section in the Transfer of Property Act, 1882, that lays down the detailed duties and rights of the seller and buyer in a transaction involving the sale of immovable property.

Step 2: Key Formula or Approach:
Let's analyze the relevant sections:
- **Section 54** of the TPA defines "Sale" as a transfer of ownership in exchange for a price paid or promised. It also specifies how a sale is made (i.e., by a registered instrument).
- **Section 55** of the TPA is titled "Rights and liabilities of buyer and seller." This section is a comprehensive provision that details the obligations of the seller (e.g., to disclose material defects, produce title deeds, execute a proper conveyance) and the buyer (e.g., to disclose facts that increase the value of the property, to pay the purchase-money), as well as their respective rights.
- Section 44 deals with the transfer by a co-owner.

- Section 45 deals with joint transfers for consideration.

Step 3: Detailed Explanation:
While Section 54 defines what a sale is, it is Section 55 that explicitly and elaborately discusses the reciprocal rights and duties that arise between the buyer and the seller in such a transaction, both before and after the completion of the sale.

Step 4: Final Answer:
The section that discusses the rights and liabilities of the buyer and seller is **Section 55**.

---

91. Identify the wrong statement from the following

(A) An indemnity is for reimbursement of a loss, while a guarantee is for security of the creditor.
(B) In a contract of indemnity the liability of the indemnifier is secondary and arises when the contingent event occurs. In case of contract of guarantee the liability of surety is primary and arises when the principal debtor defaults.
(C) The indemnifier after performing his part of the promise has no rights against the third party and he can sue the third party only if there is an assignment in his favor. Whereas in a contract of guarantee, the surety steps into the shoes of the creditor on discharge of his liability, and may sue the principal debtor.
(D) In a contract of indemnity the liability of the indemnifier is primary and arises when the contingent event occurs. In case of contract of guarantee the liability of surety is secondary and arises when the principal debtor defaults.

Correct Answer: (B) In a contract of indemnity the liability of the indemnifier is secondary and arises when the contingent event occurs. In case of contract of guarantee the liability of surety is primary and arises when the principal debtor defaults.

Solution:

Step 1: Understanding the Concept:
The question requires identifying the incorrect statement that distinguishes between a contract of indemnity (Section 124, Indian Contract Act) and a contract of guarantee (Section 126, Indian Contract Act).

Step 2: Detailed Explanation:
Let's analyze each statement:
- **(A) Correct.** A contract of indemnity is a promise to save another from loss caused by the

promisor's conduct or another person's conduct. Its purpose is reimbursement. A guarantee is a promise to perform the promise or discharge the liability of a third person in case of his default. Its purpose is to give the creditor an additional layer of security.
- **(C) Correct.** In an indemnity contract, there is no privity of contract between the indemnifier and the third party causing the loss. Thus, the indemnifier cannot sue the third party in his own name without an assignment. In a guarantee, the surety, upon paying the creditor, is subrogated to the rights of the creditor and can sue the principal debtor.
- **(D) Correct.** In indemnity, there are only two parties. The indemnifier's liability is primary and absolute. In guarantee, there are three parties (creditor, principal debtor, surety). The principal debtor's liability is primary, and the surety's liability is secondary and co-extensive, arising only upon the principal debtor's default.
- **(B) Incorrect.** This statement makes two fundamental errors. It claims the indemnifier's liability is secondary (it is primary) and the surety's liability is primary (it is secondary). This is the exact opposite of the correct legal position described in statement (D).

Step 3: Final Answer:
The wrong statement is **(B)**.

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92. Which is true of contracts of agency?

(A) The relation between the agent and the principal is of a trust
(B) It is only when a person acts as a representative of the other in the creation, modification or termination of contractual obligations; between that other and third persons that he is an agent.
(C) The only essence of a contract of agency is the agent's representative capacity.
(D) None of the above

Correct Answer: (B) It is only when a person acts as a representative of the other in the creation, modification or termination of contractual obligations; between that other and third persons that he is an agent.

Solution:

Step 1: Understanding the Concept:
The question asks for the most accurate and comprehensive definition of a contract of agency. Agency is a legal relationship where one person (the agent) is authorized to act on behalf of another (the principal) to create a legal relationship with a third party.

Step 2: Detailed Explanation:
- **(A)** While an agent has a fiduciary duty towards the principal (a duty of trust and confidence), the relationship is not a legal "trust" in the strict sense of the Indian Trusts Act. So, this statement is imprecise.
- **(C)** An agent's representative capacity is indeed the essence of agency. However, this statement is very brief.
- **(B)** This statement provides the most complete and legally accurate definition. It correctly identifies the core function of an agent: to act as a representative of the principal in dealings with third parties. The outcome of this representation is the creation, modification, or termination of legal (specifically contractual) obligations between the principal and the third party. This captures the full legal effect of the agency relationship. It is more descriptive and accurate than (C).

Step 3: Final Answer:
The truest statement about contracts of agency is **(B)**.

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93. Point out an example not related to a contract of bailment

(A) Delivering a watch or radio for repair
(B) Leaving a car or scooter at a parking stand
(C) Leaving luggage in a cloak room
(D) A shareholder executes an agreement/bond favoring the company thereby agreeing to satisfy the company for any loss caused as a consequence of his own act.

Correct Answer: (D) A shareholder executes an agreement/bond favoring the company thereby agreeing to satisfy the company for any loss caused as a consequence of his own act.

Solution:

Step 1: Understanding the Concept:
The question requires identifying which of the given scenarios does not fit the definition of a "bailment" under the Indian Contract Act, 1872.

Step 2: Key Formula or Approach:
Section 148 of the Indian Contract Act defines bailment as the "delivery of goods by one person to another for some purpose, upon a contract that they shall, when the purpose is accomplished, be returned or otherwise disposed of according to the directions of the person

delivering them." The key elements are (1) delivery of possession of (2) movable goods (3) for a specific purpose, with an agreement to return them.

Step 3: Detailed Explanation:
- **(A)** Delivering a watch for repair: This is a classic example of bailment. Goods (watch) are delivered for a purpose (repair) and are to be returned.
- **(B)** Leaving a car at a parking stand: This is a bailment for safe custody. Possession of the car is transferred to the parking operator for the purpose of safekeeping.
- **(C)** Leaving luggage in a cloak room: This is also a bailment for safe custody.
- **(D)** A shareholder executing a bond to satisfy the company for loss: This is a promise to compensate for a potential future loss. There is no delivery of goods. This is a contract of **indemnity** (as defined in Section 124 of the Contract Act), not a contract of bailment.

Step 4: Final Answer:
The example not related to a contract of bailment is **(D)**.

> The defining feature of bailment is the transfer of *possession* of *movable goods*. If there is no delivery of goods, there can be no bailment. Always check for this essential element first.

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94. A corporate resolution is not an offer unless efforts are made to communicate it. Which case held so

(A) Blair v. Western Mutual Benefit Association
(B) R. v. Dawood
(C) Harvela Investments Ltd. v. Royal Trust Co. of Canada,
(D) None of the above

Correct Answer: (A) Blair v. Western Mutual Benefit Association

Solution:

Step 1: Understanding the Concept:
The question asks for the case law that established a fundamental principle of contract law: an offer must be communicated. Specifically, it applies this principle to a corporate context, stating that an internal decision or resolution of a company does not become a legally binding offer until it is communicated to the intended offeree.

Step 2: Detailed Explanation:
The principle that an uncommunicated internal decision does not constitute an offer is a well-established one. The classic authority for this in the context of a corporate resolution is the American case **Blair v. Western Mutual Benefit Association**. In this case, the board

of directors passed a resolution to renew an agent's contract for another year. However, this resolution was not communicated to the agent. The court held that the uncommunicated resolution was not an offer, and therefore no contract was formed. It was merely evidence of the company's intention, which could be changed before it was communicated.
- *Harvela Investments* is a famous case on referential bids in auctions.
- *R. v. Dawood* is a criminal law case.

Step 3: Final Answer:
The case that held so is **Blair v. Western Mutual Benefit Association**.

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95. A issued a warrant to a police officer to arrest P. But the officer arrests Q after the due inquiry believing Q to be P. Here

(A) P is liable for criminal negligence
(B) P has committed no offence by virtue of S.76 IPC
(C) P has committed an offence of wrongful confinement
(D) None of these.

Correct Answer: (D) None of these.

Solution:

Step 1: Understanding the Concept:
The question describes a scenario where a police officer, acting under a warrant to arrest P, mistakenly arrests Q. The question then asks about the liability of P. The structure of the question and options appears to be flawed or intended to be tricky. Let's analyze the liability of each party.

Step 2: Detailed Explanation:
1. **Liability of the Police Officer**: The police officer acted under a warrant, which is a legal command. He arrested Q instead of P due to a mistake of fact ("believing Q to be P") and did so in good faith ("after due inquiry"). Under **Section 76 of the Indian Penal Code (IPC)**, "Nothing is an offence which is done by a person who is... by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it." Therefore, the police officer has committed no offence.
2. **Liability of P**: P is the person who was supposed to be arrested. He has done nothing in the entire scenario. He is merely the subject of a warrant. He cannot be held liable for criminal

negligence, wrongful confinement, or any other offence based on these facts.
3. **Analyzing the Options**: - (A) P is liable for criminal negligence: Incorrect. P has done nothing. - (B) P has committed no offence by virtue of S.76 IPC: Incorrect. Section 76 is a defense available to the officer, not a provision defining an offence or lack thereof for P. P has committed no offence, but not because of Section 76. - (C) P has committed an offence of wrongful confinement: Incorrect. P has not confined anyone.
Since none of the options correctly describe the legal situation regarding P, the most appropriate answer is that none of the given statements are correct.

Step 3: Final Answer:
The correct answer is **None of these**.

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96. Durham doctrine means

(A) That an accused is not criminally liable if his unlawful act is the product of immature understanding due to immature age
(B) That an accused is not criminally liable if his unlawful act is the product of mental disease or mental defect
(C) That an accused is criminally liable if his unlawful act even if it is the product of mental disease or mental defect
(D) None of these

Correct Answer: (B) That an accused is not criminally liable if his unlawful act is the product of mental disease or mental defect

Solution:

Step 1: Understanding the Concept:
The question asks for the definition of the "Durham doctrine," which is a specific legal test for the defense of insanity in criminal law.

Step 2: Detailed Explanation:
The Durham rule, also known as the "product test," originated from the 1954 United States Court of Appeals case, *Durham v. United States*. The rule states that an accused is not criminally responsible if their unlawful act was the **product of a mental disease or mental defect**.
- This test is different from the more common **M'Naghten Rule** (followed in India under

Section 84 IPC), which focuses on whether the accused knew the nature of the act or that it was wrong.
- The Durham rule is broader because it only requires a causal link between the mental illness and the criminal act. If the act was a "product" of the disease, the accused is not guilty.
- Option (A) describes the defense of infancy (doli incapax), not insanity.
- Option (C) states the opposite of the doctrine.

Step 3: Final Answer:
The Durham doctrine means **That an accused is not criminally liable if his unlawful act is the product of mental disease or mental defect**.

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97. De minimus non curat lex implies

(A) Every person is liable for his own acts
(B) Trifling acts do not constitute an offence
(C) Necessity knows no law
(D) Nothing is an offence which is done in private defense

Correct Answer: (B) Trifling acts do not constitute an offence

Solution:

Step 1: Understanding the Concept:
The question asks for the meaning of the Latin legal maxim "*De minimis non curat lex*".

Step 2: Detailed Explanation:
The maxim literally translates to "**The law does not concern itself with trifles**". It is a legal doctrine by which a court refuses to consider trivial or insignificant matters. In the context of criminal law, it means that even if an act technically fits the definition of an offence, it will not be treated as a crime if the harm caused is extremely slight or negligible.
This principle is embodied in **Section 95 of the Indian Penal Code**, which states, "Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm."
The other options relate to different legal principles:
- (A) is the general rule of liability.
- (C) relates to the defense of necessity (*Necessitas non habet legem*).

- (D) relates to the right of private defense.

Step 3: Final Answer:
The maxim implies that **Trifling acts do not constitute an offence**.

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98. P and Q agree to commit theft in R's house, but no theft is actually committed. Here P and Q are guilty of

(A) Abetment of conspiracy
(B) Abetment by instigation
(C) No offence
(D) Criminal conspiracy

Correct Answer: (D) Criminal conspiracy

Solution:

Step 1: Understanding the Concept:
The question describes a situation where two people agree to commit an offence, but do not proceed to commit it. The issue is whether the mere agreement itself constitutes a crime.

Step 2: Key Formula or Approach:
This scenario is governed by the provisions on criminal conspiracy in the Indian Penal Code.
- **Section 120A. Definition of criminal conspiracy.**— "When two or more persons agree to do, or cause to be done,— (1) an illegal act, or (2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:"
- **Proviso to Section 120A**: "Provided that no agreement except an agreement to commit an **offence** shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof."

Step 3: Detailed Explanation:
In this case, P and Q agree to commit theft. Theft is an "offence" under the IPC. According to the proviso to Section 120A, when the agreement is to commit an offence, the mere agreement itself is sufficient to constitute the crime of criminal conspiracy. It is not necessary for any further act (an "overt act") to be done in furtherance of that agreement. Since P and Q agreed to commit the offence of theft, they are guilty of criminal conspiracy the moment they make the agreement, regardless of whether the theft is actually committed or not.

Step 4: Final Answer:
P and Q are guilty of **Criminal conspiracy**.

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99. Ramu is suffering from disease of the heart. Rahul his heir rushes into his room and shouts in his ear "your house has been destroyed by fire" intending thereby to kill Ramu. Ramu dies of the shock. Here Rahul is liable for the offence of

(A) Attempt to murder
(B) Murder
(C) Culpable homicide
(D) Abetment to murder

Correct Answer: (B) Murder

Solution:

Step 1: Understanding the Concept:
The question asks to determine the offence committed by Rahul based on his act, intention, knowledge, and the resulting death of Ramu. This requires an analysis under the provisions for culpable homicide and murder in the Indian Penal Code.

Step 2: Detailed Explanation:
1. **Causation**: Did Rahul cause Ramu's death? Explanation 1 to Section 299 (Culpable Homicide) states that a person who causes bodily injury to another who is labouring under a disorder and thereby accelerates their death is deemed to have caused that death. Causing a severe shock which leads to a fatal heart attack in a person known to have a heart condition qualifies as causing death.
2. **Culpable Homicide (Section 299)**: Is the act culpable homicide? It is, if it is done with: (a) the intention of causing death; or (b) the intention of causing such bodily injury as is likely to cause death; or (c) the knowledge that the act is likely to cause death. The facts explicitly state that Rahul acted with the **intention to kill Ramu**. So, condition (a) is met. The act is culpable homicide.
3. **Murder (Section 300)**: Is the culpable homicide murder? Culpable homicide is murder if the act by which the death is caused falls under any of the four clauses of Section 300. - **Clause 1 of Section 300**: "culpable homicide is murder, if the act by which the death is caused is done with the **intention of causing death**..." Since the facts clearly state that Rahul's intention was to kill Ramu, his act directly falls under the first clause of Section 300.

It is murder. It does not fall under any of the exceptions to Section 300.

Step 3: Final Answer:
Here Rahul is liable for the offence of **Murder**.

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100. The doctrine of civil conspiracy was enunciated by the House of Lords in

(A) Walsby v. Anley
(B) Moghul Steamship Company v. Mc. Gregor Gow and Company
(C) Allen v. Flood
(D) Quinn v. Leathem

Correct Answer: (D) Quinn v. Leathem

Solution:

Step 1: Understanding the Concept:
The question asks to identify the landmark English case that clearly established the tort of civil conspiracy, particularly the "conspiracy to injure."

Step 2: Detailed Explanation:
The tort of conspiracy involves an agreement between two or more persons to cause injury to another, which then results in actual damage. The law evolved through a series of key House of Lords cases:
- **Mogul Steamship Co. v. McGregor, Gow & Co. (1892)**: In this case, a group of shipping companies combined to drive a rival out of business by offering lower prices. The House of Lords held this was not an unlawful conspiracy because their primary object was to protect and expand their own trade, not to injure the plaintiff. It established that a combination using lawful means for a legitimate purpose is not actionable.
- **Allen v. Flood (1898)**: This case established that a single individual, acting lawfully, does not commit a tort by inducing an employer not to hire someone, even if the motive is malicious.
- **Quinn v. Leathem (1901)**: This is the pivotal case. Here, trade union officials threatened a butcher with a strike unless he dismissed his non-union employees. The butcher suffered losses and sued. The House of Lords held the officials liable for conspiracy. They distinguished *Mogul Steamship* by finding that the predominant purpose of the combination was not to advance their own legitimate interests, but to deliberately injure the butcher. This case firmly established that a combination of persons to willfully injure a person in their trade is

an actionable tort if it results in damage. It is considered the classic enunciation of the doctrine.

Step 3: Final Answer:
The doctrine of civil conspiracy was enunciated by the House of Lords in **Quinn v. Leathem**.