

AIBE 18 Question Paper with Solution (Set B)

Question 1: Which of the following is incorrect with respect to diary of proceedings in investigation as per the Code of Criminal Procedure, 1973?

- (A) The statements of witnesses recorded during investigation shall be inserted in the diary.
- (B) The diary shall be duly paginated.
- (C) The diary may be used as evidence.
- (D) Can be used by the police officers to refresh memory.

Correct Answer: (C) The diary may be used as evidence.

Solution: As per the Code of Criminal Procedure, 1973, the investigation diary is meant for internal use by the police and cannot be used as primary evidence in court. It can, however, be used to refresh the memory of police officers or by the court to verify facts.

Quick Tip

Investigation diaries are not admissible as evidence; they serve as records to support investigations and refresh memory.

Question 2: In which of the following cases manner of committing offence is not required to be mentioned in the charge as per the Code of Criminal Procedure, 1973?

- (A) A is accused of the theft of a certain article at a certain time and place.
- (B) A is accused of cheating B at a given time and place.
- (C) A is accused of disobeying a direction of the law with intent to save B from punishment.
- (D) A is accused of giving false evidence at a given time and place.

Correct Answer: (A) A is accused of the theft of a certain article at a certain time and place.

Solution: For the offence of theft, it is sufficient to specify the time, place, and article involved, without detailing the manner in which the theft was committed. In contrast, certain other offences, such as cheating or disobedience, may require specific details.

Quick Tip

Details of the offence's manner are not always required, particularly for straightforward crimes like theft.

Question 3: Which of the following offences may be tried summarily as per the Code of Criminal Procedure, 1973?

- (A) Offence under Section 454 of the IPC.
- (B) Offence under Section 504 of the IPC.
- (C) Offence punishable with imprisonment for a term not exceeding two years.
- (D) Offence punishable with life imprisonment.

Correct Answer: (C) Offence punishable with imprisonment for a term not exceeding two years.

Solution: The Code of Criminal Procedure, 1973, allows summary trials for offences punishable with imprisonment not exceeding two years, as these cases are relatively minor and can be resolved quickly.

Quick Tip

Summary trials are suitable for minor offences with lighter punishments to expedite the judicial process.

Question 4: Which of the following Section of the Code of Criminal Procedure, 1973 provides for reference to High Court?

- (A) Section 275
- (B) Section 325
- (C) Section 383
- (D) Section 395

Correct Answer: (D) Section 395

Solution: Section 395 of the Code of Criminal Procedure, 1973, allows a court to refer certain questions of law to the High Court when it feels that such questions require higher judicial interpretation.

Quick Tip

Section 395 facilitates the escalation of complex legal questions to the High Court for authoritative resolution.

Question 5: A person accused of the following offence may not be granted bail under Section 438 of the Code of Criminal Procedure, 1973:

- i. Accused of offence under Section 376AB of the IPC.
- ii. Accused of offence under Section 376DA of the IPC.
- iii. Accused of offence under Section 376DB of the IPC.

- (A) i & ii
- (B) ii & iii
- (C) iii & i
- (D) i, ii & iii

Correct Answer: (D) i, ii & iii

Solution: Section 438 of the CrPC provides for anticipatory bail, but it is not applicable for offences under Sections 376AB, 376DA, and 376DB of the IPC, which pertain to serious sexual offences and carry stringent provisions that restrict anticipatory bail.

Quick Tip

Anticipatory bail is generally not granted for heinous offences, particularly those involving severe sexual assault.

Question 6: Which of the following act if done by any Magistrate, even in good faith without being empowered, shall vitiate the proceedings as per the Code of Criminal Procedure, 1973?

- (A) Tender a pardon under Section 306 of CrPC.
- (B) Recall a case and try it under Section 410 of the CrPC.
- (C) Attaches property under Section 83 of the CrPC.
- (D) Hold an inquest under Section 176 of the CrPC.

Correct Answer: (C) Attaches property under Section 83 of the CrPC.

Solution: According to the CrPC, a Magistrate must be duly empowered to attach property under Section 83. If a Magistrate without proper authority performs this action, even in good faith, it will vitiate the proceedings.

Quick Tip

Property attachment requires specific authorization; doing so without empowerment affects the validity of the proceedings.

Question 7: Which of the following is material for deciding the jurisdiction of the Civil Court in the light of the Code of Civil Procedure, 1908?

- (A) Averments made in the plaint
- (B) Averments made in the written statement
- (C) Both (A) & (B)
- (D) Neither (A) nor (B)

Correct Answer: (A) Averments made in the plaint

Solution: Jurisdiction of a Civil Court is determined by the averments made in the plaint at the time of filing. The court looks at the statements and claims in the plaint to decide its jurisdiction, not the contents of the written statement.

Quick Tip

The contents of the plaint are crucial for determining the jurisdiction of a Civil Court.

Question 8: Which of the following cannot be considered as the suit of civil nature for

Section 9 of the Code of Civil Procedure, 1908?

- (A) Suit for recovery of voluntary payments or offerings.
- (B) Suit for rights of franchise.
- (C) Suit for specific reliefs.
- (D) Suit relating to rights of worship.

Correct Answer: (A) Suit for recovery of voluntary payments or offerings.

Solution: Section 9 of the CPC allows civil courts to entertain suits of civil nature. However, suits for the recovery of voluntary payments or offerings do not qualify as civil nature suits, as they do not pertain to enforceable private rights.

Quick Tip

Civil suits require enforceable rights, while voluntary payments or offerings do not involve enforceable claims.

Question 9: Which of the following provision of the Code of Civil Procedure, 1908 makes the doctrine of res judicata applicable in representative suits?

- (A) Section 11, Explanation V
- (B) Section 11, Explanation VI
- (C) Section 11, Explanation VII
- (D) Section 11, Explanation VIII

Correct Answer: (B) Section 11, Explanation VI

Solution: Section 11, Explanation VI of the CPC applies the doctrine of res judicata to representative suits, ensuring that a decision in a representative suit binds all parties represented, preventing re-litigation of the same issue.

Quick Tip

Res judicata in representative suits avoids repetitive litigation by binding all parties represented in the initial suit.

Question 10: In which of the following situations a court will not issue summons for personal appearance to the defendant?

- (A) If defendant resides within the local limit of the court's jurisdiction.
- (B) If defendant resides within 40 miles from the court.
- (C) If defendant resides 250 miles away from the court in an area having public conveyance available.
- (D) Woman to whom Section 132 of the Civil Procedure Code, 1908 does not apply.

Correct Answer: (C) If defendant resides 250 miles away from the court in an area having public conveyance available.

Solution: As per the CPC, the court generally issues summons within a reasonable distance to facilitate personal appearance. If the defendant resides 250 miles away in an area where public conveyance is available, the court may avoid issuing summons for personal appearance due to the impracticality of distance.

Quick Tip

Courts consider practicality when summoning defendants over long distances, especially if public conveyance is available.

Question 11: In which of the following situation plaintiff is precluded from bringing a fresh suit as per the Code of Civil Procedure, 1908?

- (A) Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.
- (B) Dismissal of suit because neither party appeared.
- (C) Dismissal of suit because plaintiff did not appear.
- (D) Dismissal of suit because plaintiff did not apply for fresh summons within given time limit once it returned unserved.

Correct Answer: (C) Dismissal of suit because plaintiff did not appear.

Solution: Under the CPC, if a suit is dismissed because the plaintiff does not appear, the plaintiff is generally precluded from bringing a fresh suit on the same cause of action unless the court permits restoration.

Quick Tip

Non-appearance by the plaintiff leading to dismissal usually bars the plaintiff from filing the same suit again.

Question 12: How many times at max. may an adjournment be granted to a party during hearing of the suit as per the Code of Civil Procedure, 1908?

- (A) Two times
- (B) Three times
- (C) Four times
- (D) No limit prescribed

Correct Answer: (B) Three times

Solution: As per the CPC, adjournments are limited to a maximum of three per party during the hearing of a suit. This rule aims to expedite the judicial process by preventing unnecessary delays.

Quick Tip

Limiting adjournments helps in reducing delays and ensures timely justice.

Question 13: Which of the following Amendment Act made the provision in the Code of Civil Procedure, 1908 to produce a witness without a summons?

- (A) The Code of Civil Procedure (Amendment) Act, 1976
- (B) The Code of Civil Procedure (Amendment) Act, 1999
- (C) The Code of Civil Procedure (Amendment) Act, 2002
- (D) Such provision does not exist.

Correct Answer: (B) The Code of Civil Procedure (Amendment) Act, 1999

Solution: The Code of Civil Procedure (Amendment) Act, 1999 introduced provisions allowing parties to produce witnesses without requiring a summons in certain circumstances, aimed at simplifying the process and reducing delays in court proceedings.

Quick Tip

Allowing witness production without summons can expedite legal proceedings by reducing procedural delays.

Question 14: Which of the following is not included in the word costs as provided under the Code of Civil Procedure, 1908?

- (A) The expenses of the witnesses incurred.
- (B) Legal fees and expenses incurred.
- (C) Fooding and lodging expenses incurred.
- (D) Any other expenses incurred in connection with the proceedings.

Correct Answer: (C) Fooding and lodging expenses incurred.

Solution: Under the CPC, “costs” generally cover expenses directly related to the conduct of litigation, such as witness expenses and legal fees. However, costs do not typically include incidental expenses like food and lodging unless specifically awarded by the court.

Quick Tip

Costs in civil cases focus on litigation-related expenses, excluding personal costs like food and lodging.

Question 15: What period is prescribed under the Code of Civil Procedure, 1908 for defendant to enter an appearance for filing address for service of notice on him in case of a suit where summary procedure is to be applied?

- (A) Seven days from the date of receiving of summons.
- (B) Ten days from the date of receiving of summons.

- (C) Fifteen days from the date of receiving of summons.
- (D) Thirty days from the date of receiving of summons.

Correct Answer: (B) Ten days from the date of receiving of summons.

Solution: In cases where summary procedure is applied under Order XXXVII of the CPC, a defendant is required to enter an appearance within ten days from the date of receiving the summons to proceed with the case.

Quick Tip

Summary procedures require quick responses; hence, the defendant must respond within ten days.

Question 16: Under which of the following provisions of the Code of Civil Procedure, 1908 the appellate court may remit an issue for trial to lower court?

- (A) Order XLI Rule 23
- (B) Order XLI Rule 23-A
- (C) Order XLI Rule 24
- (D) Order XLI Rule 25

Correct Answer: (D) Order XLI Rule 25

Solution: Order XLI Rule 25 of the CPC allows an appellate court to frame and remit an issue for trial to the lower court when it finds it necessary for a just decision in the appeal.

Quick Tip

Order XLI Rule 25 enables appellate courts to ensure all relevant issues are thoroughly examined by remitting them to the trial court.

Question 17: A is accused of the murder of B by beating him. Which of the following will not be considered as relevant fact forming part of the same transaction as per the Indian Evidence Act, 1872?

- (A) Whatever said by A or B at the time of beating.
- (B) Whatever done by A or B at the time of beating.
- (C) Whatever said by by-standers at the time of beating.
- (D) Whatever said by A or B a day before the day of beating.

Correct Answer: (D) Whatever said by A or B a day before the day of beating.

Solution: Under the Indian Evidence Act, 1872, only statements or actions directly related to the incident and occurring at the same time are considered part of the same transaction. Statements made a day before the beating would not qualify as part of the same transaction.

Quick Tip

For a fact to be relevant as part of the same transaction, it must be closely connected in time and context to the main incident.

Question 18: Which of the following provisions of the Indian Evidence Act, 1872 says that the confession to a police officer shall not be proved against him?

- (A) Section 24
- (B) Section 25
- (C) Section 26
- (D) Section 27

Correct Answer: (B) Section 25

Solution: Section 25 of the Indian Evidence Act, 1872, provides that a confession made to a police officer is inadmissible as evidence against the person making the confession, to prevent abuse of authority and ensure fair trials.

Quick Tip

Confessions to police officers are not admissible in court under Section 25, ensuring confessions are made voluntarily and in a fair setting.

Question 19: Under which of the following provision of the Indian Evidence Act, 1872 dying declaration may be admitted as evidence?

- (A) Section 25
- (B) Section 29
- (C) Section 32
- (D) Section 37

Correct Answer: (C) Section 32

Solution: Section 32 of the Indian Evidence Act, 1872, allows the admission of a dying declaration as evidence, considering it credible as it is made by a person who believes they are about to die and thus has no motive to lie.

Quick Tip

Dying declarations are considered reliable under Section 32, as the declarant has little reason to be untruthful in such circumstances.

Question 20: Which of the following is correct according to the Indian Evidence Act, 1872 pertaining to proof of contents of the documents?

- (A) Contents of the documents shall be proved by primary evidence.
- (B) Contents of the documents may be proved by secondary evidence.
- (C) Contents of the documents shall be proved by both primary and secondary evidence.
- (D) Contents of documents may be proved either by primary or by secondary evidence.

Correct Answer: (D) Contents of documents may be proved either by primary or by secondary evidence.

Solution: According to the Indian Evidence Act, 1872, the contents of a document can be proved by primary evidence (the original document itself) or, in certain circumstances, by secondary evidence (e.g., copies of the document).

Quick Tip

Primary evidence is preferred, but secondary evidence is permissible when primary evidence is unavailable.

Question 21: Which of the following is a correct statement as per the Indian Evidence Act, 1872?

- (A) Leading questions may be asked in examination-in-chief.
- (B) Leading questions may be asked in cross-examination.
- (C) Leading questions may be asked in re-examination.
- (D) Leading questions cannot be asked in cross-examination.

Correct Answer: (B) Leading questions may be asked in cross-examination.

Solution: Under the Indian Evidence Act, leading questions, which suggest the answer, are generally permitted in cross-examination but not in examination-in-chief or re-examination unless the court allows.

Quick Tip

Leading questions are allowed in cross-examination to challenge the witness's credibility.

Question 22: In which of the following case did the Supreme Court of India clarify the admissibility of electronic record as evidence?

- (A) Anvar P.V. v P.K. Basheer
- (B) State of Haryana v Jai Singh
- (C) State of Maharashtra v Natwarlal Damodardas Soni
- (D) State of Punjab v Jagir Singh

Correct Answer: (A) Anvar P.V. v P.K. Basheer

Solution: In *Anvar P.V. v P.K. Basheer*, the Supreme Court clarified the requirements for

the admissibility of electronic records as evidence, stating that electronic records must meet specific criteria outlined under Section 65B of the Indian Evidence Act.

Quick Tip

The *Anvar P.V.* case established guidelines for electronic evidence, emphasizing adherence to Section 65B.

Question 23: Which of the following is incorrect statement in the light of Indian Evidence Act, 1872?

- (A) Confession always goes against a person making it.
- (B) Admissions are conclusive as to the matters admitted.
- (C) Admissions may operate as an estoppel.
- (D) Confession is a statement, written or oral, which is a direct admission of guilt.

Correct Answer: (B) Admissions are conclusive as to the matters admitted.

Solution: Admissions are not always conclusive proof of the matters admitted; they can be rebutted. They are only prima facie evidence and may operate as estoppel in certain circumstances.

Quick Tip

Admissions provide prima facie evidence but are not always conclusive; they can be contested in court.

Question 24: Which of the following Section of the Indian Evidence Act, 1872 is an exception to the hearsay rule?

- (A) Section 32(1)
- (B) Section 32(2)
- (C) Section 32(3)
- (D) Section 32(5)

Correct Answer: (A) Section 32(1)

Solution: Section 32(1) of the Indian Evidence Act is an exception to the hearsay rule, as it allows statements made by a person who cannot be called as a witness, such as in the case of dying declarations, to be admissible in court.

Quick Tip

Hearsay is generally inadmissible, but Section 32(1) permits exceptions, such as dying declarations.

Question 25: Which of the following is not a recognized alternate dispute resolution mechanism under the Code of Civil Procedure, 1908?

- (A) Arbitration
- (B) Conciliation
- (C) Lok Adalat
- (D) Negotiation

Correct Answer: (D) Negotiation

Solution: The recognized ADR mechanisms under the Code of Civil Procedure include arbitration, conciliation, mediation, and Lok Adalat. Negotiation, while an informal method of dispute resolution, is not formally recognized under the CPC as an ADR mechanism.

Quick Tip

ADR mechanisms like arbitration and Lok Adalat are legally recognized, while negotiation lacks formal recognition under the CPC.

Question 26: Which of the following is incorrect statement with respect to Lok Adalat?

- (A) No court fee is required in Lok Adalat.
- (B) Lok Adalat can deal with all civil & criminal matters.
- (C) Award of Lok Adalat is a deemed decree.
- (D) No appeal against the award of Lok Adalat is allowed.

Correct Answer: (B) Lok Adalat can deal with all civil & criminal matters.

Solution: Lok Adalats primarily handle civil, matrimonial, and compoundable criminal cases. They cannot deal with all criminal matters, especially non-compoundable offences. This makes statement (B) incorrect.

Quick Tip

Lok Adalats focus on amicable resolutions and cannot handle serious criminal cases that are non-compoundable.

Question 27: Which of the following is incorrect with respect to arbitration agreement as per the Arbitration and Conciliation Act, 1996?

- (A) Arbitration agreement may be written as well as oral.
- (B) Arbitration agreement may be in the form of a separate agreement.
- (C) Arbitration agreement may be in the form of an arbitration clause in a contract.
- (D) Arbitration agreement may be for all or certain disputes which may arise between the parties.

Correct Answer: (A) Arbitration agreement may be written as well as oral.

Solution: According to the Arbitration and Conciliation Act, 1996, an arbitration agreement must be in writing. Oral agreements are not recognized as valid arbitration agreements under the Act.

Quick Tip

For validity, arbitration agreements must be documented in writing; oral agreements are not enforceable under the Act.

Question 28: In which of the following circumstances an arbitrator may not be challenged as per the Arbitration and Conciliation Act, 1996?

- (A) When a justifiable doubt as to his independence arises.

- (B) When a justifiable doubt as to his impartiality arises.
- (C) When he possesses the qualifications agreed by the party.
- (D) When he becomes ineligible as per the seventh schedule of the Act.

Correct Answer: (C) When he possesses the qualifications agreed by the party.

Solution: An arbitrator cannot be challenged merely for possessing the qualifications agreed upon by the parties. Challenges are valid when there are justifiable doubts regarding the arbitrator's independence, impartiality, or eligibility per the seventh schedule.

Quick Tip

The agreed qualifications of an arbitrator cannot be grounds for challenge unless other doubts exist about impartiality or eligibility.

Question 29: When may two persons be said to be related to each other by half-blood in accordance with the Hindu Marriage Act, 1955?

- (A) When they are descended from a common ancestor by the same wife.
- (B) When they are descended from a common ancestor by different wives.
- (C) When they are descended from a common ancestress by different husbands.
- (D) When they are not descended from a common ancestor at all.

Correct Answer: (C) When they are descended from a common ancestress by different husbands.

Solution: Under the Hindu Marriage Act, "half-blood" refers to individuals who share a common ancestor or ancestress but are descended through different spouses. In this case, it applies to those descended from a common ancestress by different husbands.

Quick Tip

Half-blood relations share a common parent or ancestor, often differing by maternal or paternal lineage.

Question 30: Which of the following is generally not considered as a valid condition for a Hindu marriage as per the Hindu Marriage Act, 1955?

- (A) The parties should not have a spouse living at the time of the marriage.
- (B) The parties should be within the degrees of prohibited relationship.
- (C) The parties should not be sapindas of each other.
- (D) The parties should not be suffering from epilepsy.

Correct Answer: (D) The parties should not be suffering from epilepsy.

Solution: The Hindu Marriage Act previously considered epilepsy as a disqualification for marriage. However, this condition was later removed as a requirement, so it is no longer a valid condition under the Act.

Quick Tip

Epilepsy is no longer considered a disqualification for Hindu marriage, reflecting progressive changes in the law.

Question 31: Section 13(1) of the Hindu Marriage Act, 1955 provides for the following:

- i. Grounds for restitution of conjugal rights
 - ii. Grounds for judicial separation
 - iii. Grounds for divorce
- (A) i & ii
 - (B) ii & iii
 - (C) iii & i
 - (D) Only iii

Correct Answer: (B) ii & iii

Solution: Section 13(1) of the Hindu Marriage Act, 1955 provides grounds for both judicial separation and divorce. Restitution of conjugal rights is covered under Section 9, not Section 13.

Quick Tip

Section 13(1) addresses grounds for judicial separation and divorce, while restitution of conjugal rights falls under Section 9.

Question 32: What is the meaning of the batil marriage in Muslim Law?

- (A) Valid marriage
- (B) Void marriage
- (C) Voidable marriage
- (D) Irregular marriage

Correct Answer: (B) Void marriage

Solution: In Muslim law, a “batil” marriage refers to a void marriage, meaning it is null and has no legal effect from the outset. Such a marriage does not create any marital rights or obligations between the parties.

Quick Tip

In Muslim law, “batil” signifies a marriage that is legally void and holds no validity.

Question 33: What is ‘a contract of marriage which may be dissolved by the wife under a power delegated to her’ called under the Muslim Law?

- (A) Talaq-us-sunnat
- (B) Talaq-ul-biddat
- (C) Talaq-i-tafweez
- (D) Talaq-a-hasan

Correct Answer: (C) Talaq-i-tafweez

Solution: In Muslim law, *Talaq-i-tafweez* refers to a form of divorce where the husband delegates the power of talaq to his wife, allowing her to dissolve the marriage under specified conditions.

Quick Tip

Talaq-i-tafweez provides a wife with the authority to initiate divorce under delegated power from her husband.

Question 34: A Hindu boy and a Hindu girl may be married under the following law:

- i. The Hindu Marriage Act, 1955
 - ii. The Special Marriage Act, 1954
- (A) Only i is correct.
(B) Only ii is correct.
(C) Both i and ii are correct.
(D) Neither i nor ii is correct.

Correct Answer: (C) Both i and ii are correct.

Solution: Hindu marriages can be solemnized under either the Hindu Marriage Act, 1955, or the Special Marriage Act, 1954. The latter allows interfaith marriages and provides an option for Hindus who wish to marry under a secular framework.

Quick Tip

Hindu couples may choose either the Hindu Marriage Act or the secular Special Marriage Act to solemnize their marriage.

Question 35: Through which of the following Amendment Act the rights in the coparcenary property is made available to a girl child as well?

- (A) The Hindu Succession (Amendment) Act, 2002
(B) The Hindu Succession (Amendment) Act, 2004
(C) The Hindu Succession (Amendment) Act, 2005
(D) The Hindu Succession (Amendment) Act, 2006

Correct Answer: (C) The Hindu Succession (Amendment) Act, 2005

Solution: The Hindu Succession (Amendment) Act, 2005 granted equal rights to daughters in the coparcenary property, allowing them the same inheritance rights as sons.

Quick Tip

The 2005 Amendment to the Hindu Succession Act promoted gender equality by granting daughters equal coparcenary rights.

Question 36: What should be the age difference between the adoptive father and his adopted daughter for a valid adoption?

- (A) 15 years
- (B) 18 years
- (C) 21 years
- (D) No specific age difference required.

Correct Answer: (C) 21 years

Solution: According to the Hindu Adoption and Maintenance Act, 1956, there must be an age difference of at least 21 years between the adoptive father and the adopted daughter to ensure propriety in the adoption process.

Quick Tip

An age gap of 21 years is mandatory between adoptive father and adopted daughter to maintain cultural appropriateness.

Question 37: Which of the following case may be considered as the first reported case of PIL in India?

- (A) S.P. Gupta v Union of India
- (B) Hussainara Khatoon v State of Bihar
- (C) M.C. Mehta v Union of India
- (D) Kalyaneshwari v Union of India

Correct Answer: (B) *Hussainara Khatoon v State of Bihar*

Solution: The case of *Hussainara Khatoon v State of Bihar* in 1979 is considered the first major case of Public Interest Litigation (PIL) in India. It highlighted the rights of undertrial prisoners and the need for speedy justice.

Quick Tip

The *Hussainara Khatoon* case marked the beginning of PIL in India, focusing on human rights and justice for undertrial prisoners.

Question 38: Who among the following is considered as the father of PIL in India?

- (A) Justice S.R. Das
- (B) Justice V.R. Krishna Iyer
- (C) Justice P.N. Bhagwati
- (D) Justice H.R. Khanna

Correct Answer: (C) Justice P.N. Bhagwati

Solution: Justice P.N. Bhagwati is widely regarded as the father of Public Interest Litigation (PIL) in India. He played a key role in developing and expanding the concept of PIL to provide justice to marginalized sections of society.

Quick Tip

Justice P.N. Bhagwati pioneered PIL in India, making it a powerful tool for social justice and legal reform.

Question 39: Against which of the following a PIL cannot be filed?

- (A) Against a State Government
- (B) Against Central Government
- (C) Against a private party
- (D) Against Municipal Corporation

Correct Answer: (C) Against a private party

Solution: Public Interest Litigation (PIL) is generally filed to address issues affecting the public interest and is typically directed against state actors or public bodies. PIL cannot be filed against private individuals or entities unless there is a significant public interest aspect involving state or statutory obligations.

Quick Tip

PIL is primarily aimed at addressing actions by state or public bodies; private disputes are outside its scope.

Question 40: In the light of the guidelines issued by the Supreme Court of India on which of the following issue a PIL cannot be entertained by the Court?

- (A) Bonded labour matters.
- (B) Petition from jail for pre-mature release.
- (C) Matters pertaining to neglected children.
- (D) Petitions against police for refusing to register a case.

Correct Answer: (B) Petition from jail for pre-mature release.

Solution: According to the Supreme Court guidelines, PILs are not intended to address individual grievances, such as petitions for pre-mature release from jail. PILs are designed to address issues of larger public interest, such as bonded labor and child welfare.

Quick Tip

PILs focus on societal concerns and public welfare, not personal grievances like requests for early release from jail.

Question 41: In which of the following landmark case it was held that Principles of Natural Justice were applicable not only to judicial and quasi-judicial functions, but also to administrative functions?

- (A) A.K. Kraipak v Union of India

- (B) Ram Jawaya Kapoor v State of Punjab
- (C) Sonik Industries Rajkot v Municipal Corporation, Rajkot
- (D) Maneka Gandhi v Union of India

Correct Answer: (B) Ram Jawaya Kapoor v State of Punjab

Solution: In *Ram Jawaya Kapoor v State of Punjab*, the Supreme Court held that the principles of natural justice apply to both judicial and administrative functions, marking a broad interpretation of natural justice within administrative law.

Quick Tip

The *Ram Jawaya Kapoor* case expanded the scope of natural justice to administrative functions, emphasizing fair process.

Question 42: In which of the following judgment did the Supreme Court comprehensively reconsider *S.P. Sampath Kumar v Union of India* case?

- (A) J.B. Chopra v Union of India
- (B) L. Chandra Kumar v Union of India
- (C) R.K. Jain v Union of India
- (D) S.K. Sarkar v Vinay Chandra Mishra

Correct Answer: (B) L. Chandra Kumar v Union of India

Solution: In *L. Chandra Kumar v Union of India*, the Supreme Court extensively reviewed and overruled certain aspects of *S.P. Sampath Kumar* related to the powers and independence of administrative tribunals.

Quick Tip

L. Chandra Kumar is a landmark case that upheld judicial review by High Courts over administrative tribunals.

Question 43: Who among the following defined administrative law as ‘the law relating

to the control of governmental power’?

- (A) Ivor Jennings
- (B) Wade
- (C) K.C. Davis
- (D) Garner

Correct Answer: (B) Wade

Solution: Sir William Wade defined administrative law as “the law relating to the control of governmental power,” focusing on how public authorities’ actions are regulated by legal principles.

Quick Tip

Administrative law balances governmental power and accountability, as highlighted in Wade’s definition.

Question 44: What penalty is prescribed for persons illegally practising in courts under the Advocate Act, 1961?

- (A) Imprisonment upto 3 months
- (B) Imprisonment upto 6 months
- (C) Imprisonment upto 9 months
- (D) Imprisonment upto 12 months

Correct Answer: (B) Imprisonment upto 6 months

Solution: The Advocate Act, 1961 prescribes a penalty of up to six months of imprisonment for unauthorized practice in courts. This provision aims to maintain professional standards and prevent unauthorized individuals from appearing in court.

Quick Tip

The Act penalizes unauthorized practice to protect legal standards and client interests.

Question 45: Which provision of the Advocate Act, 1961 empowers the Bar Council of India to prescribe the standard of professional conduct and etiquette to be observed by advocates?

- (A) Section 42
- (B) Section 42A
- (C) Section 48A
- (D) Section 49

Correct Answer: (D) Section 49

Solution: Section 49 of the Advocate Act, 1961 grants the Bar Council of India the authority to establish standards of professional conduct and etiquette for advocates. This helps ensure integrity and professionalism in the legal profession.

Quick Tip

Section 49 empowers the Bar Council of India to enforce professional standards in legal practice.

Question 46: Which of the following is incorrect according to the Bar Council of India Rules?

- (A) An Advocate can plead in any matter in which he is himself pecuniarily interested.
- (B) An advocate shall appear in court at all times only in the prescribed dress.
- (C) An Advocate shall not stand as a surety for his client.
- (D) An Advocate shall not influence the decision of a court by any improper means.

Correct Answer: (A) An Advocate can plead in any matter in which he is himself pecuniarily interested.

Solution: According to the Bar Council of India Rules, an advocate cannot represent a case where he has a pecuniary interest, as this would create a conflict of interest. Thus, statement (A) is incorrect as per the rules.

Quick Tip

Advocates must avoid cases with personal financial interests to maintain impartiality and professional integrity.

Question 47: Which of the following authority acts as an appellate authority against the order made by the disciplinary committee of the Bar Council of India?

- (A) Chairman of the Bar Council of India
- (B) Vice-chairman of the Bar Council of India
- (C) High Courts
- (D) Supreme Court of India

Correct Answer: (D) Supreme Court of India

Solution: The Supreme Court of India acts as the appellate authority for orders made by the disciplinary committee of the Bar Council of India. Appeals against disciplinary actions by the Bar Council can be directed to the Supreme Court.

Quick Tip

The Supreme Court serves as the final appellate authority for disciplinary matters involving advocates in India.

Question 48: In which of the following situations a one person company (OPC) will mandatorily get converted into either private or public company?

- (A) In case the paid-up share capital of an OPC exceeds twenty-five lakh rupees.
- (B) In case the paid-up share capital of an OPC exceeds fifty lakh rupees.
- (C) In case the paid-up share capital of an OPC exceeds seventy-five lakh rupees.
- (D) In case the paid-up share capital of an OPC exceeds one crore rupees.

Correct Answer: (B) In case the paid-up share capital of an OPC exceeds fifty lakh rupees.

Solution: Under the Companies Act, 2013, an OPC is required to convert into a private or

public company if its paid-up share capital exceeds fifty lakh rupees or its average annual turnover exceeds two crore rupees in the preceding three financial years.

Quick Tip

An OPC must transition to a private or public company when it surpasses certain financial thresholds, including a fifty-lakh rupee share capital limit.

Question 49: What is the minimum number of directors required for a public company as per the Companies Act, 2013?

- (A) 2
- (B) 3
- (C) 5
- (D) 7

Correct Answer: (B) 3

Solution: According to the Companies Act, 2013, a public company must have a minimum of three directors. Private companies require a minimum of two, while an OPC needs only one director.

Quick Tip

The minimum director requirement differs by company type, with public companies needing at least three.

Question 50: In which of the following case did the Supreme Court of India explain the Precautionary Principle in detail?

- (A) Vellore Citizens' Welfare Forum v Union of India
- (B) A.P. Pollution Control Board v M.V. Nayudu
- (C) Indian Council for Enviro-Legal Action v Union of India
- (D) M.C. Mehta v Kamal Nath

Correct Answer: (A) Vellore Citizens' Welfare Forum v Union of India

Solution: In *Vellore Citizens' Welfare Forum v Union of India*, the Supreme Court elaborated on the Precautionary Principle, emphasizing preventive action to protect the environment from potential harm, even in the absence of full scientific certainty.

Quick Tip

The Precautionary Principle encourages proactive measures to prevent environmental damage.

Question 51: Which of the following is a landmark case on the public trust doctrine in Environmental Law?

- (A) Vellore Citizens' Welfare Forum v Union of India
- (B) Olga Tellis v Bombay Municipal Corporation
- (C) Indian Council for Enviro-Legal Action v Union of India
- (D) M.C. Mehta v Kamal Nath

Correct Answer: (D) M.C. Mehta v Kamal Nath

Solution: The Supreme Court in *M.C. Mehta v Kamal Nath* applied the public trust doctrine, establishing that natural resources are held in trust by the government for the public and cannot be misused for private gain.

Quick Tip

The public trust doctrine mandates that the government holds natural resources in trust for the people.

Question 52: In which of the following cases was Section 66A of the Information Technology Act, 2000 struck down by the Supreme Court?

- (A) Shreya Singhal v Union of India
- (B) K.A. Abbas v Union of India
- (C) Kartar Singh v State of Punjab

(D) Maneka Gandhi v Union of India

Correct Answer: (A) Shreya Singhal v Union of India

Solution: In *Shreya Singhal v Union of India*, the Supreme Court struck down Section 66A of the Information Technology Act, 2000, ruling that it violated the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution.

Quick Tip

Shreya Singhal case was a landmark decision that protected freedom of speech in the digital age.

Question 53: In which of the following case an electronic record shall not be attributed to the originator as per the Information Technology Act, 2000?

- (A) Electronic record sent by the originator himself.
- (B) Electronic record sent by an authorised person.
- (C) Electronic record sent by an automated system programmed by him.
- (D) Electronic record sent by an unauthorized person.

Correct Answer: (D) Electronic record sent by an unauthorized person.

Solution: Under the Information Technology Act, 2000, an electronic record is attributed to the originator if it was sent by the originator or by an authorized person or an automated system set up by the originator. If an unauthorized person sends the record, it cannot be attributed to the originator.

Quick Tip

Electronic records are attributed to the originator only if they are sent by authorized sources or systems under their control.

Question 54: What is the maximum period for which any woman shall be entitled to maternity benefit under the Maternity Benefit Act, 1961?

- (A) 6 weeks
- (B) 8 weeks
- (C) 12 weeks
- (D) 26 weeks

Correct Answer: (D) 26 weeks

Solution: The Maternity Benefit (Amendment) Act, 2017 increased the maximum entitlement period for maternity benefit from 12 weeks to 26 weeks, supporting the health and well-being of mothers and their newborns.

Quick Tip

The Maternity Benefit Act now provides 26 weeks of paid leave to support working mothers.

Question 55: For what duration is a woman entitled to leave with wages for tubectomy operation as per the Maternity Benefit Act, 1961?

- (A) 2 weeks
- (B) 4 weeks
- (C) 6 weeks
- (D) 8 weeks

Correct Answer: (A) 2 weeks

Solution: Under the Maternity Benefit Act, 1961, a woman is entitled to a paid leave of 2 weeks for undergoing a tubectomy operation.

Quick Tip

The Maternity Benefit Act provides specific post-operative leave entitlements to support women's health.

Question 56: What should be the minimum number of workers originally employed in any factory for having at least one canteen in the factory as per the Factories Act, 1948?

- (A) 100 workers
- (B) 150 workers
- (C) 200 workers
- (D) 250 workers

Correct Answer: (D) 250 workers

Solution: According to the Factories Act, 1948, if a factory employs 250 or more workers, it must have at least one canteen for the workers.

Quick Tip

Canteen facilities are mandated in factories with 250 or more workers to ensure basic welfare provisions.

Question 57: Who among the following is not included in the definition of a workman as per the Industrial Disputes Act, 1947?

- (A) A supervisor drawing a monthly salary of ₹6,000.
- (B) A supervisor drawing monthly salary of ₹8,000.
- (C) A supervisor drawing monthly salary of ₹10,000.
- (D) A supervisor drawing monthly salary of ₹12,000.

Correct Answer: (D) A supervisor drawing monthly salary of ₹12,000.

Solution: Under the Industrial Disputes Act, 1947, a supervisor earning above a certain threshold (typically ₹10,000) is not classified as a workman. Hence, a supervisor with a salary of ₹12,000 falls outside the definition.

Quick Tip

The term “workman” has salary limits under the Industrial Disputes Act, excluding higher-paid supervisory roles.

Question 58: Who has defined tort as 'tortious liability arises from the breach of duty primarily fixed by law; this duty is towards persons generally and its breach is redressible by an action for unliquidated damages'?

- (A) Lindsell
- (B) Pollock
- (C) Salmond
- (D) Winfield

Correct Answer: (D) Winfield

Solution: Winfield provided this definition, emphasizing that tortious liability arises from a duty fixed by law, which, when breached, can be redressed by unliquidated damages.

Quick Tip

Winfield's definition focuses on tort law's foundation in legal duties and redress through unliquidated damages.

Question 59: The Gloucester Grammar School case relates to which of the following important maxims?

- (A) Damnum sine injuria
- (B) Injuria sine damno
- (C) Ubi jus ibi remedium
- (D) Volenti non fit injuria

Correct Answer: (A) Damnum sine injuria

Solution: The Gloucester Grammar School case established the principle of *damnum sine injuria*, meaning damage without legal injury. In this case, financial loss without a legal right being violated was not compensable.

Quick Tip

Damnum sine injuria refers to cases where loss occurs without a breach of legal rights.

Question 60: Which of the following provision of the Motor Vehicles Act, 1988 relates to no fault liability?

- (A) Section 140
- (B) Section 151
- (C) Section 162
- (D) Section 128

Correct Answer: (A) Section 140

Solution: Section 140 of the Motor Vehicles Act, 1988, establishes “no fault liability,” allowing for compensation without the need to prove fault or negligence in certain accidents.

Quick Tip

”No fault liability” under Section 140 provides victims quick compensation regardless of fault.

Question 61: How many consumer rights are identified under the Consumer Protection Act, 2019?

- (A) 2
- (B) 4
- (C) 6
- (D) 8

Correct Answer: (C) 6

Solution: The Consumer Protection Act, 2019, identifies six key consumer rights, including the right to safety, information, choice, redressal, education, and to be heard.

Quick Tip

The Consumer Protection Act ensures six essential rights to protect consumer interests.

Question 62: Which of the following body constituted under the Consumer Protection Act, 2019 is authorised to render advice on promotion and protection of consumers' rights under the Act?

- (A) Central Consumer Protection Authority.
- (B) Central Consumer Protection Council
- (C) State Consumer Protection Authority
- (D) State Consumer Protection Council

Correct Answer: (B) Central Consumer Protection Council

Solution: Under the Consumer Protection Act, 2019, the Central Consumer Protection Council is tasked with advising the government on consumer rights promotion and protection. The council's role is advisory, aiming to create a consumer-friendly environment.

Quick Tip

The Central Consumer Protection Council advises on safeguarding consumer rights and promoting awareness under the Act.

Question 63: Which of the following provision of the Constitution of India states that no tax can be levied or collected except by authority of law?

- (A) Article 246
- (B) Article 256
- (C) Article 260
- (D) Article 265

Correct Answer: (D) Article 265

Solution: Article 265 of the Indian Constitution mandates that no tax shall be levied or col-

lected except by the authority of law, ensuring that taxation can only be imposed through legal enactment.

Quick Tip

Article 265 safeguards against unauthorized taxation, requiring all taxes to be imposed by law.

Question 64: Which of the following would be the first previous year in case of a business or profession newly set up on 31st March, 2020 as per the Income Tax Act, 1961?

- (A) Start from 1st April, 2019 and will end on 31st March, 2020.
- (B) Start from 31st March, 2020 and will end on 31st March, 2020.
- (C) Start from 1st April, 2020 and will end on 31st December, 2020.
- (D) Start from 1st January, 2020 and will end on 31st March, 2020.

Correct Answer: (B) Start from 31st March, 2020 and will end on 31st March, 2020.

Solution: For a business or profession newly set up on 31st March, 2020, the first previous year, as per the Income Tax Act, 1961, would begin and end on the same date, i.e., 31st March, 2020, since this date marks the close of the financial year.

Quick Tip

In case of new businesses established on the last day of the financial year, the previous year ends the same day.

Question 65: As per the Income Tax Act, 1961, a person is said to be resident of India in any previous year if he had been in India for a period of the following number of days in the previous year:

- (A) 180 days
- (B) 182 days
- (C) 184 days
- (D) 186 days

Correct Answer: (B) 182 days

Solution: Under the Income Tax Act, 1961, a person is considered a resident if they are in India for at least 182 days in a given financial year.

Quick Tip

The 182-day rule is a key criterion for determining tax residency in India.

Question 66: Income is defined under which of the following provision of the Income Tax Act, 1961?

- (A) Section 2(31)
- (B) Section 2(24)
- (C) Section 2(9)
- (D) Section 3

Correct Answer: (B) Section 2(24)

Solution: Section 2(24) of the Income Tax Act, 1961 defines "income" for the purposes of taxation, detailing various types of income included under this term.

Quick Tip

Section 2(24) broadly defines income, encompassing different income sources for tax purposes.

Question 67: Which of the following is not a fraud as per the Indian Contract Act, 1872?

- (A) A promise made without intention of performing it.
- (B) An active concealment of fact by one having knowledge of the fact.
- (C) Mere silence if not duty bound to speak.
- (D) Any act or omission law specifically declares to be fraudulent.

Correct Answer: (C) Mere silence if not duty bound to speak.

Solution: As per the Indian Contract Act, 1872, mere silence does not constitute fraud unless there is a duty to speak or the silence itself is misleading.

Quick Tip

Silence alone is not fraud unless there's an obligation to disclose or the silence deceives the other party.

Question 68: Which of the following statement is correct if A, intending to deceive B, falsely represents that five hundred maunds of indigo are made annually at A's factory, and thereby induces B to buy the factory?

- (A) Contract is void ab initio.
- (B) Contract is voidable at the option of A.
- (C) Contract is voidable at the option of B.
- (D) Contract is voidable at the option of A & B.

Correct Answer: (C) Contract is voidable at the option of B.

Solution: Since A's false representation induced B to enter into the contract, B can choose to void the contract. Thus, the contract is voidable at B's option due to misrepresentation.

Quick Tip

A contract induced by misrepresentation is voidable at the option of the misled party.

Question 69: Which of the following injunction can be granted only by the decree made at hearing and upon the merit of the suit?

- (A) Temporary injunction
- (B) Perpetual injunction
- (C) Mandatory injunction
- (D) Prohibitory injunction

Correct Answer: (B) Perpetual injunction

Solution: A perpetual injunction can be granted only through a final decree made after a full hearing on the merits of the case. This type of injunction is intended to permanently resolve the issue, unlike temporary or interim injunctions.

Quick Tip

Perpetual injunctions are granted as final relief, after evaluating the full merits of the suit.

Question 70: A stipulation in a bond for payment of compound interest on failure to pay simple interest at the same rate as was payable upon the principal is not a penalty within the meaning of which of the following provision of the Indian Contract Act, 1872?

- (A) Section 73
- (B) Section 74
- (C) Section 75
- (D) Section 76

Correct Answer: (B) Section 74

Solution: According to Section 74 of the Indian Contract Act, 1872, a stipulation for payment of compound interest upon default in paying simple interest is not considered a penalty, provided the interest rate remains the same as the principal.

Quick Tip

Section 74 addresses cases where increased interest upon default is not regarded as a penalty.

Question 71: What is the default interest payable under Section 63A of the Transfer of Property Act, 1882?

- (A) 6% per annum
- (B) 8% per annum
- (C) 9% per annum

(D) No default rate prescribed.

Correct Answer: (C) 9% per annum

Solution: Under Section 63A of the Transfer of Property Act, 1882, the default rate of interest payable is 9% per annum unless otherwise agreed upon by the parties involved.

Quick Tip

Section 63A specifies a default interest rate of 9% per annum in the absence of an agreement.

Question 72: Which of the following is the time limit given under Section 17 of the Transfer of Property Act, 1882?

- (A) Life of the transferee
- (B) A period of 18 years from the date of transfer.
- (C) Either (A) or (B) whichever is longer
- (D) Neither (A) nor (B)

Correct Answer: (B) A period of 18 years from the date of transfer.

Solution: Section 17 of the Transfer of Property Act, 1882 provides a time limit of 18 years from the date of transfer. This provision applies in specific situations where the transfer has limitations tied to a time period.

Quick Tip

Section 17 sets an 18-year limit on certain transfers, starting from the transfer date.

Question 73: Which of the following is not a negotiable instrument as per the Negotiable Instruments Act, 1881?

- (A) Promissory note
- (B) Hundi
- (C) Bill of exchange

(D) Cheque

Correct Answer: (B) Hundi

Solution: The Negotiable Instruments Act, 1881, officially recognizes promissory notes, bills of exchange, and cheques as negotiable instruments. Hundi, although commonly used in practice, is not formally recognized as a negotiable instrument under this Act.

Quick Tip

Only promissory notes, bills of exchange, and cheques are defined as negotiable instruments under the Act.

Question 74: In the light of Negotiable Instruments Act, 1881, at what rate interest will be charged if the rate of interest is not mentioned on the negotiable instruments?

- (A) 6% per annum
- (B) 10% per annum
- (C) 18% per annum
- (D) 20% per annum

Correct Answer: (C) 18% per annum

Solution: According to the Negotiable Instruments Act, 1881, if a negotiable instrument does not specify an interest rate, the default rate is set at 18% per annum.

Quick Tip

When no interest rate is specified, negotiable instruments default to an 18% per annum rate.

Question 75: Within what period from the date of publication of the declaration, if no award is made, the entire proceedings for the acquisition of land shall lapse as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013?

- (A) 6 months
- (B) 12 months
- (C) 18 months
- (D) 24 months

Correct Answer: (B) 12 months

Solution: Under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the acquisition proceedings will lapse if no award is made within 12 months from the date of publication of the declaration.

Quick Tip

The Act requires that land acquisition awards be issued within 12 months to avoid lapsing.

Question 76: What is the minimum percentage of affected families that need to give their prior consent for acquiring land for private companies as per the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013?

- (A) 75%
- (B) 80%
- (C) 90%
- (D) 100%

Correct Answer: (B) 80%

Solution: According to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for land acquisition for private companies, prior consent of at least 80% of the affected families is required.

Quick Tip

The Act mandates an 80% consent requirement from affected families for private land acquisitions.

Question 77: Imagine an IPL team sets up a company to sell its own range of clothes. What type of intellectual property can the team use to show that the clothes are made by them?

- (A) Patents
- (B) Geographical Indications
- (C) Trademarks
- (D) Registered designs

Correct Answer: (C) Trademarks

Solution: A trademark can be used to indicate the source or brand of products, allowing the IPL team to show that the clothes are made by them. Trademarks help in establishing brand identity and distinguishing goods from other sellers.

Quick Tip

Trademarks identify the source of goods, making them suitable for branding clothing lines.

Question 78: How long do patents usually last for?

- (A) 10 years
- (B) 20 years
- (C) 25 years
- (D) 50 years

Correct Answer: (B) 20 years

Solution: In most jurisdictions, including India, a patent typically lasts for 20 years from

the date of filing. This period provides exclusive rights to the patent holder, after which the invention becomes public domain.

Quick Tip

Patents generally provide a 20-year protection period, granting exclusive rights to the inventor.

Question 79: The concept of freedom of trade and commerce mentioned in the Indian Constitution is motivated from the experience of the following country?

- (A) America
- (B) Australia
- (C) Ireland
- (D) United Kingdom

Correct Answer: (B) Australia

Solution: The concept of freedom of trade, commerce, and intercourse throughout the territory of India, as mentioned in Article 301 of the Indian Constitution, is inspired by the Australian Constitution.

Quick Tip

Freedom of trade and commerce in India was modeled after Australia's system, aiming to ensure economic unity within the country.

Question 80: Which of the following writ is issued to enforce the performance of public duties by the authority?

- (A) Mandamus
- (B) Quo warranto
- (C) Certiorari
- (D) Prohibition

Correct Answer: (A) Mandamus

Solution: The writ of *Mandamus* is issued by a court to a public authority directing it to perform a public duty which it has failed or refused to perform.

Quick Tip

Mandamus is Latin for “we command,” used by courts to compel a public official or entity to fulfill their official duties.

Question 81: Which of the following Constitutional Amendment Act had made the provision for publishing Hindi Translation of the Constitution?

- (A) 52nd Amendment
- (B) 54th Amendment
- (C) 56th Amendment
- (D) 58th Amendment

Correct Answer: (D) 58th Amendment

Solution: The 58th Amendment Act of 1987 made provision for an authoritative text of the Constitution in Hindi language and permitted its translation.

Quick Tip

The 58th Amendment was instrumental in promoting Hindi by making an official Hindi translation of the Constitution available.

Question 82: Which of the following is the landmark judgment on the Colourable legislation?

- (A) State of Bihar v Kameshwar Singh
- (B) M. Karunanidhi v Union of India
- (C) State of Karnataka v Union of India
- (D) Keshavan Madhava Menon v State of Bombay

Correct Answer: (A) State of Bihar v Kameshwar Singh

Solution: The doctrine of Colourable Legislation was discussed in the landmark case of *State of Bihar v. Kameshwar Singh*, which addressed the misuse of legislative powers.

Quick Tip

Colourable Legislation refers to legislation that appears legitimate but is actually outside the authority of the legislature.

Question 83: Which of the following Constitutional Amendment Act was passed in light of the advisory opinion received in *Re Berubari* case?

- (A) The Constitution (Fourth Amendment) Act, 1955
- (B) The Constitution (Seventh Amendment) Act, 1956
- (C) The Constitution (Ninth Amendment) Act, 1960
- (D) The Constitution (Eleventh Amendment) Act, 1961

Correct Answer: (C) The Constitution (Ninth Amendment) Act, 1960

Solution: The *Ninth Amendment Act* of 1960 was passed to implement the Nehru-Noon Agreement concerning the exchange of enclaves with Pakistan and in response to the advisory opinion given by the Supreme Court in the *Re Berubari Union* case.

Quick Tip

The Ninth Amendment resolved border disputes with Pakistan by formally implementing the Nehru-Noon Agreement.

Question 84: Which of the following provision of the Constitution of India is relevant for solving questions of repugnancy between a Central law and a State law?

- (A) Article 248
- (B) Article 252
- (C) Article 254
- (D) Article 256

Correct Answer: (C) Article 254

Solution: Article 254 of the Indian Constitution deals with the doctrine of repugnancy, which resolves conflicts between Central and State laws on matters in the Concurrent List. According to this article, in case of a conflict, Central laws prevail over State laws.

Quick Tip

When both the Central and State governments legislate on the same subject in the Concurrent List, Article 254 ensures uniformity by giving precedence to Central laws in case of a conflict.

Question 85: What transition period was provided in the Constitution of India for changing official language of Union from English to Hindi?

- (A) 5 years
- (B) 10 years
- (C) 15 years
- (D) 25 years

Correct Answer: (C) 15 years

Solution: The Constitution of India provided a transition period of 15 years (from 1950 to 1965) to switch the official language of the Union from English to Hindi. This is outlined in Article 343.

Quick Tip

To allow a smooth transition, the Constitution allowed English to continue as an official language alongside Hindi for 15 years.

Question 86: In which of the following case it was held that there could be no reservation on single post in the cadre?

- (A) Chakradhar Paswan v State of Bihar
- (B) K.C. Vasanth Kumar v State of Karnataka

- (C) A.B.S.K. Sangh (Rly) v Union of India
(D) State of Kerala v N.M. Thomas

Correct Answer: (A) Chakradhar Paswan v State of Bihar

Solution: In the case of *Chakradhar Paswan v State of Bihar*, the Supreme Court held that reservations cannot be applied to a single post within a cadre, as it would violate the principles of equality.

Quick Tip

The court's ruling in this case emphasized that reservation policies apply to multiple posts in a cadre and not to single posts.

Question 87: Sexual harassment of a working woman at her place of work may also be considered as the violation of which of the following provision of the Constitution of India?

- (A) Article 19(1)(b)
(B) Article 19(1)(d)
(C) Article 19(1)(e)
(D) Article 19(1)(g)

Correct Answer: (D) Article 19(1)(g)

Solution: Article 19(1)(g) of the Indian Constitution provides the right to practice any profession or to carry on any occupation, trade, or business. Sexual harassment at the workplace infringes on this right, affecting a woman's freedom to work in a safe environment.

Quick Tip

The Constitution protects the right to work in a safe environment free from harassment, falling under Article 19(1)(g).

Question 88: Which of the following doctrine has been applied to resolve the conflict

between Article 25(2)(b) and 26(b) of the Constitution of India?

- (A) Doctrine of Harmonious construction
- (B) Doctrine of Casus Omissus
- (C) Doctrine of Liberal interpretation
- (D) Doctrine of Pith and substance

Correct Answer: (A) Doctrine of Harmonious construction

Solution: The Doctrine of Harmonious Construction is used to resolve conflicts between different provisions of the Constitution by interpreting them in a way that allows them to coexist. This doctrine was applied to harmonize Article 25(2)(b) and Article 26(b) regarding religious freedom and management of religious affairs.

Quick Tip

Harmonious construction allows different constitutional provisions to be interpreted without conflict, ensuring cohesive application.

Question 89: In which of the following situations Indian Penal Code, 1860 may not apply?

- i. An offence committed by Indians outside India.
 - ii. An offence committed by any person on any ship registered in India.
 - iii. Any person committing offence targeting computer resources located in any country.
- (A) Only i
 - (B) Only ii
 - (C) Only iii
 - (D) Only i & ii

Correct Answer: (C) Only iii

Solution: The Indian Penal Code (IPC), 1860 has extraterritorial application in certain cases, such as offences committed by Indian citizens outside India (Section 3) and offences on Indian-registered ships (Section 4). However, offences targeting computer resources outside

India may not fall under IPC jurisdiction.

Quick Tip

The IPC applies to certain extraterritorial offences, but offences targeting computer resources outside India may require application under the IT Act.

Question 90: How many types of punishment are currently existing under the Indian Penal Code, 1860?

- (A) 3
- (B) 4
- (C) 5
- (D) 6

Correct Answer: (C) 5

Solution: The IPC, 1860, provides for five types of punishments: (1) Death, (2) Imprisonment for life, (3) Imprisonment (rigorous or simple), (4) Forfeiture of property, and (5) Fine.

Quick Tip

The IPC categorizes punishments to encompass a range of penalties suitable for various crimes.

Question 91: A and Z agree to fence with each other for amusement. In the course of such fencing, while playing fairly, A hurts Z severely. Which of the following offence is committed by A?

- (A) Hurt
- (B) Attempt to murder
- (C) Grievous hurt
- (D) No offence

Correct Answer: (D) No offence

Solution: In this case, both A and Z mutually consented to the activity (fencing for amusement) with an understanding of the potential risks involved. Therefore, A is not liable for any offence due to the consent provided by Z.

Quick Tip

Under Indian law, consent to participate in a lawful activity reduces liability for unintended injuries during the activity.

Question 92: In which of the following situations right of private defence can not extend to causing death?

- (A) In case when an assault is causing apprehension of murder.
- (B) In case when assault is reflecting intention of committing rape.
- (C) In case when assault is reflecting intention of causing simple hurt.
- (D) In case when assault is reflecting intention of gratifying unnatural lust.

Correct Answer: (C) In case when assault is reflecting intention of causing simple hurt

Solution: The right of private defence extends to causing death only in cases where there is a reasonable apprehension of death, grievous hurt, rape, unnatural lust, kidnapping, or wrongful confinement. An intention to cause simple hurt does not justify causing death in private defence.

Quick Tip

The right of private defence to cause death applies only in extreme cases such as apprehension of serious harm.

Question 93: For which of the following Section of the Indian Penal Code, 1860 the word benefit does not include pecuniary benefits?

- (A) Section 89
- (B) Section 155
- (C) Section 156

(D) Section 370

Correct Answer: (A) Section 89

Solution: Section 89 of the IPC pertains to acts done in good faith for the benefit of a person under twelve years or of unsound mind, without pecuniary benefit. The term “benefit” here refers to well-being, not financial gain.

Quick Tip

In Section 89, “benefit” implies well-being rather than monetary advantage.

Question 94: X intentionally pulls up a woman’s veil without her consent intending to annoy her. As per the Indian Penal Code, 1860 which of the following offence has he committed?

- (A) Hurt
- (B) Criminal force
- (C) Assault
- (D) Grievous hurt

Correct Answer: (B) Criminal force

Solution: Under the IPC, criminal force is the intentional use of force on a person without consent, with intent to cause injury, fear, or annoyance. By pulling up the woman’s veil without her consent, X has committed the offence of criminal force.

Quick Tip

Criminal force involves intentional use of force to cause annoyance or harm, even without causing physical injury.

Question 95: What punishment is prescribed under the Indian Penal Code, 1860 for a person who maims any minor in order that such minor may be used for the purposes of begging?

- (A) Imprisonment for 5 years and fine
- (B) Imprisonment for 7 years and fine
- (C) Imprisonment for 10 years and fine
- (D) Imprisonment for life and fine

Correct Answer: (D) Imprisonment for life and fine

Solution: Under Section 363A of the IPC, maiming a minor for the purpose of using them for begging is a grave offence, punishable with imprisonment for life and fine.

Quick Tip

Maiming a minor for exploitation in begging is a serious crime under IPC, warranting the highest level of punishment.

Question 96: X threatens to publish a defamatory libel concerning Y unless Y gives him money. Which of the following punishment may be given to X for the act committed by him as per the Indian Penal Code, 1860?

- (A) Imprisonment up to 2 years, or with fine or with both.
- (B) Imprisonment up to 3 years, or with fine or with both.
- (C) Imprisonment up to 5 years, or with fine or with both.
- (D) Imprisonment up to 7 years, or with fine or with both.

Correct Answer: (B) Imprisonment up to 3 years, or with fine or with both.

Solution: This act falls under criminal intimidation with the intent of extortion. Under Section 503 and 506 of the IPC, the punishment for criminal intimidation is imprisonment up to 3 years, or with fine, or with both.

Quick Tip

Threatening someone for monetary gain through defamation is considered criminal intimidation under the IPC.

Question 97: Which of the following sentence is an Assistant Sessions Judge authorised to pass as per the Code of Criminal Procedure, 1973?

- (A) Sentence of death.
- (B) Sentence of imprisonment for life.
- (C) Sentence of imprisonment for a term not exceeding ten years.
- (D) Sentence of imprisonment for a term exceeding ten years.

Correct Answer: (C) Sentence of imprisonment for a term not exceeding ten years.

Solution: According to the Code of Criminal Procedure, 1973, an Assistant Sessions Judge can impose a sentence of imprisonment for a term not exceeding ten years.

Quick Tip

The powers of an Assistant Sessions Judge are limited to sentencing up to ten years, unlike higher judicial officers.

Question 98: A person arrested by a private person for committing a non-bailable and cognizable offence shall be re-arrested by a police officer if such person comes under which of the following provision of the Code of Criminal Procedure, 1973?

- (A) Section 41
- (B) Section 41A
- (C) Section 42
- (D) Section 43

Correct Answer: (A) Section 41

Solution: Section 41 of the Code of Criminal Procedure, 1973, empowers a police officer to arrest a person without a warrant in cases involving cognizable and non-bailable offences. If a private person has arrested someone for such an offence, Section 41 allows the police officer to re-arrest that individual.

Quick Tip

Section 41 grants police officers the authority to re-arrest individuals for non-bailable and cognizable offences if initially apprehended by private citizens.

Question 99: Under which of the following situation wife is not entitled for maintenance under Section 125 of the Code of Criminal Procedure, 1973?

- (A) Husband presumes that wife is living in adultery.
- (B) Voluntarily wife refuses to live with husband.
- (C) Wife living separately as husband keeps a mistress.
- (D) Wife is forcefully removed from the house.

Correct Answer: (B) Voluntarily wife refuses to live with husband

Solution: Under Section 125 of the Code of Criminal Procedure, 1973, a wife is not entitled to maintenance if she voluntarily refuses to live with her husband without sufficient reason. However, if she is forced to live separately or if the husband's conduct is unreasonable, she is entitled to maintenance.

Quick Tip

A wife who voluntarily chooses to live apart without valid reasons is not eligible for maintenance under Section 125.

Question 100: Which of the following procedure is dealt under Section 164-A of the Code of Criminal Procedure, 1973?

- (A) Medical examination of the victim of rape.
- (B) Attendance of witness by police officer.
- (C) Recording of confession statement.
- (D) Recording of first information report by police officer.

Correct Answer: (A) Medical examination of the victim of rape

Solution: Section 164-A of the Code of Criminal Procedure, 1973, pertains to the medical examination of a rape victim. This provision ensures prompt medical examination to gather evidence and provide necessary care to the victim.

Quick Tip

Section 164-A mandates medical examination for victims of sexual assault to aid in evidence collection and care.