

CLAT PG 2022 Question Paper

Total Paragraphs – 20

Total Questions – 120

Questions Per Paragraph – 6

Total Marks – 120 Marks for

Correct Answer – 1

Marks for Incorrect Answer - -0.25

Total Time: 2 Hours

Add Notes Here:

1. Both lawmen and laymen often ask, 'What is the law applicable to a given set of facts?' the answers to this question differ depending upon the specific jurisdiction to which the given set of facts is linked. Contrary to this, scholars and students of jurisprudence are likely to ask the general question, viz 'What is Law?'. This question on the philosophy and nature of law supposes that law is a distinctive social-political phenomenon with universal characteristics that can be perceived through philosophical analysis. In such a study, the assumption is that law possesses some universal characteristics. An analysis of the philosophy of law can be done for different reasons. Apart from a purely intellectual interest in understanding this complex phenomenon known as law, scholars also study the same as a normative social practice that purports to guide human behaviour, giving rise to reasons for action. The primary challenge of the branch of scholarship known as jurisprudence is based on this 'normative, reason-giving aspect of law'. At the same time, we must understand that law is not the only normative realm in any given society. It is one of the many normative standards such as morality, religion, customs and usages, etiquette, self-regulatory standards within a family or corporation etc. So, it is also essential that we study law on the differences and similarities of the same with these normative standards. While discerning these connections and contradictions, legal theories often study the content of the norm apart from giving importance to the source. Generally, theoretical studies on the content such as natural lawyers emphasize values such as fairness, justice, liberty etc., as qualifications for the norms to be called laws. They have argued that laws must be in tune with certain principles of inner morality, such as that laws be general, public, prospective, coherent, clear, stable, and practicable are indispensable to law-making. Whereas theories that give prominence to the sources of the norm, such as enactment/command by political institution/authority, do not always emphasize on the content. Such philosophical analysis of law comprises both explanator[and justificator[aspects. While the explanatory aspect consists of explaining how laws can give rise to reasons and what kinds of reasons are involved. One example of this would be Dworkin's classification of law as concepts, principles and rules. The aspect of justification concerns whether people ought to comply with the law's demands. In other words, it is the attempt to explain the moral legitimacy of law and the subjects' reasons for complying with it.

1. Validity of law resides in the political sovereignty of the maker of that law refers to:

(A) Legal Positivism (b) Natural Law

(C) Historical School (d) Sociological School

Correct Answer: A Explanation:

(A) Correct - Legal positivism asserts that the validity of law is determined by its source, particularly the authority that creates it, such as a government or legislature. According to legal positivism, laws derive their validity from the political sovereignty of the lawmakers.

Therefore, the statement aligns with the principles of legal positivism.

(b) Incorrect Natural law theory argues that the validity of law is based on inherent moral principles or natural rights, rather than political sovereignty.

(C) Incorrect - The historical school of jurisprudence focuses on the historical development and evolution of legal systems, rather than the source of law or its validity.

(d) Incorrect - The sociological school emphasizes the social context and consequences of law, rather than the source of law or its validity.

2. A norm cannot become legally valid unless its content is fair and just in accordance to:

(A) Legal Positivism (b) Natural Law

(C) Historical School (d) Sociological School

Correct Answer: B Explanation:

(A) Incorrect - Legal positivism contends that the validity of law is not necessarily tied to its moral content; rather, it is determined by the authority that creates it. Therefore, legal positivism does not require that the content of a norm be fair and just for it to be legally valid.

(B) Correct - Natural law theory argues that for a norm to be considered legally valid, it must align with principles of fairness and justice inherent in natural law. Natural law posits that there are universal moral principles that govern the validity of laws.

(C) Incorrect - The historical school focuses on the historical development of legal systems and does not necessarily prioritize the moral content of norms for their legal validity.

(D) Incorrect - The sociological school emphasizes the social context and consequences of law, rather than its moral content, for determining validity.

3. "The falsehood of legal positivism resides in envisaging that the law consists of only rules..."

(A) Ronald Dworkin, *Taking Rights Seriously*, 1977 (b)

John Finnis, *Natural Law and Natural Rights*, 1980.

(C) H.L.A. Hart, *The Concept of Law*, 1961.

(d) Joseph Raz, *Legal Principles and the Limits of Law*, 1972.

Correct Answer: A Explanation:

(A) Correct - Ronald Dworkin, in his work "Taking Rights Seriously," critiques legal positivism for its narrow focus on rules and argues that legal principles also play a significant role in determining the law. He distinguishes between rules and principles, highlighting that principles contribute to legal decisions alongside rules.

(b) Incorrect John Finnis is associated with natural law theory, which emphasizes the moral foundations of law rather than critiquing legal positivism.

(C) Incorrect - H.L.A. Hart, a prominent legal positivist, does not make this specific critique of legal positivism in "The Concept of Law."

(d) Incorrect - Joseph Raz discusses legal principles in his work, but he does not critique legal positivism in the same manner as Dworkin.

4. Principles requiring that laws be general, public, prospective, coherent, clear, stable, and practicable are indispensable to law-making correspond to:

(A) Inner Morality (b) Method of Logic

(C) Legitimacy and Transparency in Law Making (d) Democratic Law Making

Correct Answer: A Explanation:

(A) Correct - These principles align with the concept of inner morality in legal theory, which asserts that laws must adhere to certain moral principles, including fairness, clarity, and stability, to be considered legitimate.

(b) Incorrect - The method of logic refers to the logical reasoning processes used in legal analysis, rather than specific principles guiding law-making.

(C) Incorrect - While legitimacy and transparency are important aspects of law-making, they do not encompass the specific principles listed in the question.

(d) Incorrect - Democratic law-making pertains to the process of creating laws through democratic means, but it does not directly address the moral principles guiding the content of laws.

5. 'I mean simply that history, in illuminating the past, illuminates the present, and in illuminating the present, illuminates the future' opined by:

(A) Roscoe Pound (b) Benjamin Cardozo

(C) Duguit (d) Auguste Comte

Correct Answer: A Explanation:

(A) Correct - Roscoe Pound, a legal scholar, expressed this idea, emphasizing the importance of understanding legal history to comprehend current legal issues and anticipate future developments.

(b) Incorrect - Benjamin Cardozo was a prominent judge known for his contributions to American jurisprudence, but this specific statement is not attributed to him.

(C) Incorrect Duguit was a French jurist known for his sociological approach to law, but this statement is not associated with him.

(d) Incorrect - Auguste Comte was a philosopher and sociologist, but this statement is not reflective of his views on law.

6. 'The life of the law has not been logic: it has been experience' is stated by:

(A) Holmes (b) Dworkin

(C) Cardozo (d) Amartya Sen

Correct Answer: B Explanation:

(A) Incorrect - Oliver Wendell Holmes Jr., a renowned American jurist, famously stated, "The life of the law has not been logic; it has been experience." This quote reflects his pragmatic approach to law, emphasizing the importance of real-life experiences and consequences over abstract reasoning.

(b) Correct - This statement is attributed to Ronald Dworkin, who argued for a more nuanced understanding of law that incorporates both logical analysis and experiential considerations.

(C) Incorrect - Benjamin Cardozo was known for his contributions to American common law jurisprudence, but this specific quote is not associated with him.

(d) Incorrect - Amartya Sen is an economist and philosopher, but this statement is not reflective of his work in those fields .

A thought-provoking book titled 'the morality of Law' by Lon L. Fuller on moral philosophy insists on a distinction between 'morality of aspiration' and 'morality of duty'. From the view of the morality of aspiration, the human conduct does not bear on mandatory rules but on conceptions of the 'Good Life', of 'what beseems a human being functioning at his best to human capacities'. because no law can compel a man to live up to the excellence of which he is capable. but for workable standards of judgment, the morality of duty lays down the 5 m PG basic rules without which an ordered society[directed towards certain specific goals must fail of its mark. because the duty ties it very closely to what is 'rationally discoverable' and 'objective', as contrasted with the morality of aspiration based on subjectivism. However, moralists may differ as to what range of conduct should fall within the respective spheres of duty and the morality of aspirations s. "When we are passing a judgment of moral duty, it seems absurd to say that such a duty can in some way flow directly from knowledge of a situation of a fact." As due to the fact that before we conclude 'that a duty ought to exist', however well we may understand the facts, by the close connection between understanding a person's ideals, approval and disapproval. does this mean that duties are rationally discoverable, and a matter of choice, even if not of 'ineffable preference'? Presumably not, since when we pass a moral

judgment of duty 'ought' to exist. it is necessary to distinguish between the accepted morality of a social group and the personal morality of individuals. 'duty' may appear in all of these, but the satisfaction is very often a matter of degree varying from situation to situation. the rule of a morality of duty is necessary for social living. the morality of aspiration provides a general idea of the perfection we ought to acquire it. if we consider the whole range of moral issues, we may imagine a yardstick which begins at the bottom with the most obvious demands of social living and extends upward to the highest reaches of human aspirations. Somewhere along this scale an invisible pointer marks the dividing line where the pressure of duty leaves off and the challenge of excellence begins. The whole field of moral argument is an undeclared war over the location of this pointer. Whom we regard as being moralistic are always trying to inch the pointer upward so as to expand the area of duty and they bludgeon us into a belief that we are duty bound to embrace this pattern of human conduct, instead of making us realize a pattern of life they consider worthy of human nature.

7. Which of the following statements regarding the 'morality of aspiration' is untrue?

- (A) the morality of aspiration is based on inevitable rules for ordered social living.
- (b) the morality of aspiration impulses towards the perfection and excellence.
- (C) the law cannot regulate the morality of aspiration because it is subjective in nature.
- (d) the law cannot compel a man to adhere to the best of his human capabilities.

Correct Answer: A Explanation:

(A) Correct - The statement correctly identifies that the morality of aspiration does not rely on inevitable rules for ordered social living. Instead, it focuses on individual conceptions of the "Good Life" and personal excellence, which are subjective in nature.

(b) Incorrect - The morality of aspiration does indeed encourage individuals towards perfection and excellence. It emphasizes personal growth and fulfillment rather than rigid societal rules.

(C) Incorrect - The law's inability to regulate the morality of aspiration stems from its subjective nature, making option (C) true. The morality of aspiration is based on personal ideals and values rather than objective standards enforced by law.

(d) Incorrect - The morality of aspiration acknowledges that the law cannot compel individuals to live up to their full human potential. It recognizes that personal growth and excellence cannot be mandated by legal statutes.

8. the rules for morality of duty command:

- (A) to conduct best to human capacity.

(b) to conduct necessary for self-survival. (C)

to conduct equally as others' conduct.

(d) to conduct necessary for social living.

Correct Answer: D Explanation:

- (a) Incorrect - While conducting to the best of human capacity may align with personal aspirations, it's not the primary mandate of the morality of duty, which focuses more on societal requirements.
- (b) Incorrect - Conduct necessary for self-survival may fall more under personal instincts or basic human needs rather than the broader societal obligations outlined by the morality of duty.
- (c) Incorrect - The morality of duty doesn't necessarily demand conduct equal to others but rather conduct that contributes to the functioning of society as a whole.
- (d) Correct - The rules for the morality of duty mandate conduct necessary for social living. These rules provide the basic framework for an ordered society to function effectively.

9. Consider the statements:

- (i) the moralistic philosophy always strives to encroach into the area of morality of aspiration to bring it as duty for the social living.
- (ii) the moralistic philosophers compel us to embrace the pattern of human conduct, instead of making us realize a pattern of life that is worthy of human nature.

Choose the correct answer from the code given below.

- (A) both (i) and (ii) are true.
- (b) both (i) and (ii) are untrue.
- (C) (i) is true and (ii) is untrue.
- (d) (ii) is true and (i) is untrue.

Correct Answer: A Explanation:

- (A) Correct - Both statements (i) and (ii) are true. Moralistic philosophies often seek to elevate aspirations into duties for the betterment of society, as stated in statement (i). Statement (ii) reflects how moralistic philosophers might prioritize adherence to societal norms over individual fulfillment.
- (b) Incorrect - Both statements (i) and (ii) are true, as explained above.
- (c) Incorrect - Statement (i) is indeed true, as moralistic philosophies tend to extend the domain of duty into areas traditionally associated with personal aspirations. Statement (ii) is also

true because moralistic philosophers may indeed advocate for conformity to societal norms rather than pursuing individual ideals.

(d) Incorrect - Statement (ii) is true, as explained earlier, and statement (i) is also true because moralistic philosophies often seek to broaden the scope of duties to include aspects traditionally associated with personal aspirations.

10. Which of the following elements is not required for the formation of a decision regarding a moral duty?

(A) rationality

(b) Objectivity

(C) Subjectivity

(d) Knowledge regarding the circumstances

Correct Answer: C Explanation:

(a) Incorrect - Rationality is essential for making reasoned decisions regarding moral duties.

(b) Incorrect - Objectivity ensures that moral judgments are based on impartial considerations rather than personal preferences or biases.

(C) Correct - Subjectivity is not required for the formation of a decision regarding moral duty. Moral duties are typically based on rationality, objectivity, and knowledge of circumstances rather than personal biases or subjective interpretations.

(d) Incorrect - Knowledge regarding the circumstances helps in understanding the context and implications of actions, which is crucial for determining moral duties.

11. The concept of duty as characterized by Lon L. Fuller seems

(A) dynamic

(b) Static

(C) Personal

(d) Fictional

Correct Answer: A Explanation:

(A) Correct - Lon L. Fuller's characterization of duty suggests a dynamic understanding, where duties evolve and adapt to different societal contexts and individual circumstances. This dynamic nature reflects the flexibility and responsiveness necessary for moral principles to guide human conduct effectively.

(b) Incorrect - Duty as characterized by Lon L. Fuller is not static but rather dynamic, as explained above.

(C) Incorrect - While individuals may have personal interpretations of duty, Fuller's concept emphasizes the broader societal implications and the evolving nature of duties, making it more than merely personal.

(d) Incorrect - Duty, as conceptualized by Fuller, is not fictional but rather grounded in the principles of morality and societal order.

12. Which of the following statements is not true?

(A) 'morality of duty' is non-obligatory.

(b) 'morality of duty' is obligatory.

(C) rules of 'morality of aspiration' are a challenge to human conduct.

(d) Human excellence is the end of 'morality of aspiration'.

Correct Answer: A Explanation:

(A) Correct - The statement that 'morality of duty' is non-obligatory is not true. Morality of duty, by definition, entails obligations and responsibilities that individuals are expected to fulfill as members of a society.

(b) Incorrect - Morality of duty is indeed obligatory, as it sets forth the rules and principles that individuals are morally required to follow for the well-being of society.

(C) Incorrect - The rules of morality of aspiration may indeed pose a challenge to human conduct, as individuals strive to achieve personal excellence and fulfillment.

(d) Incorrect - Human excellence is often considered the ultimate goal of morality of aspiration, motivating individuals to strive for personal growth and fulfillment.

iii. the present system of appointments as envisaged by the Constitution and as elucidated in the Collegium stem makes it clear that the first step is a recommendation from Collegium of four senior-most judges and presided over by the Chief Justice. This process in turn requires wide consultation by the Chief Justice of the High Court to identify the requisite talent, so as to make the recommendations. Contrary to some portrayed beliefs as if this is an extremely subjective system, every Chief Justice is actually required to solicit names from different sources whether it be sitting judges, retired judges, or prominent members of the bar. It is from this pool of talent that he selects, after a discussion in the collegium, the most suitable candidates. It is thus of utmost importance that the flow of recommendations continues for the appointment process to work successfully. The current situation of vacancies, especially in some of the larger courts with very few recommendations in the pipeline seems to be the genesis of

this problem. the data placed before us, as drawn from the National Judicial data Grid (NJDG) shows that five (5) High Courts alone are responsible for 54% of the pendency of over 57,51,312 cases i.e., the High Courts of Allahabad, Punjab & Haryana, Madras, Bombay, and Rajasthan. The Madras High Court has among the highest arrears in the country of 5.8 lakh cases despite having fewer vacancies than most other High Courts (i.e., 7%). This does not take away from the requirement of appointing ad hoc Judges but supports the view that even if the existing vacancies are few, a situation may arise requiring the expertise of experienced Judges to be appointed as ad hoc Judges.

13. The above excerpt has been taken from which of the following judgments, where the Supreme Court of India sought to activate a dormant provision of the Constitution of India for the appointment of ad hoc Judges to deal with the unprecedented backlog of cases pending before the High Courts?

(A) Devendra Kumar Saxena v. Central Bureau of Investigation (CBI), 2021 SCC Online SC 330.

(B) M.K. Ranjitsinh v. Union of India, 2021 SCC Online SC 326.

(C) Lok Prahari through its General Secretary S.N. Shukla, IAS (retd.) v. Union of India, 2021 SCC Online SC 333.

(D) Justice V. Eswaraiyah (retd.) v. Union of India, 2021 SCC Online SC 310.

Correct Answer: C Explanation:

(a) Incorrect - This case pertains to a different matter and does not involve the activation of dormant provisions for the appointment of ad hoc Judges.

(b) Incorrect - Similarly, this case is unrelated to the issue of appointing ad hoc Judges to tackle case backlogs in the High Courts.

(C) Correct - The excerpt is from the judgment in Lok Prahari through its General Secretary S.N. Shukla, IAS (retd.) v. Union of India, 2021 SCC Online SC 333. This judgment focuses on addressing the issue of backlog of cases in the High Courts through the activation of a dormant provision of the Constitution for the appointment of ad hoc Judges.

(d) Incorrect - This case also does not address the specific issue of activating dormant provisions for appointing ad hoc Judges.

14. Which of the following dormant provisions of the Constitution of India has been invoked by the Supreme Court of India for the appointment of ad hoc Judges to deal with the backlog of cases before the High Courts?

(A) Article 224A

(b) Article 217

(C) Article 224 (d)

Article 217A

Correct Answer: A

Explanation:

(A) Correct - The dormant provision of Article 224A of the Constitution of India has been invoked by the Supreme Court of India for the appointment of ad hoc Judges to address the backlog of cases in the High Courts.

(b) Incorrect - Article 217 pertains to the appointment and conditions of the office of a Judge of a High Court but does not specifically address the appointment of ad hoc Judges.

(C) Incorrect - Article 224 deals with the appointment of additional and acting Judges in the High Courts, but Article 224A specifically addresses the appointment of ad hoc Judges.

(d) Incorrect - Article 217A does not exist in the Constitution of India.

15. In *Supreme Court Advocates on Record Association v. Union of India*, (2016) 5 SCC 1, the Supreme Court of India, by a _____ majority, restored the collegium system of appointment of judges by holding that the National Judicial Appointments Commission Act, 2014 is ultra vires the Constitution of India.

(A) 3:2

(b) 4:1

(C) 6:1

(d) 4:3

Correct Answer: B Explanation:

(a) Incorrect - The decision in this case did not have a 3:2 majority.

(B) Correct - In *Supreme Court Advocates on Record Association v. Union of India*, (2016) 5 SCC 1, the Supreme Court of India restored the collegium system of appointment of judges by a majority of 4:1. This majority decision upheld the collegium system while striking down the National Judicial Appointments Commission Act, 2014.

(C) Incorrect - Similarly, the decision did not have a 6:1 majority.

(d) Incorrect - The decision did not have a 4:3 majority.

16. In which of the following cases did the Supreme Court of India observe that for the appointment of a retired Judge as an ad hoc judge, the consent of such retired Judge is a prerequisite for his/her appointment as an ad hoc judge?

- (A) Ashok Tanwar v. State of Himachal Pradesh, (2005) 2 SCC 104.
- (b) Supreme Court Advocates on Record Association v. Union of India, (2016) 5 SCC 1.
- (C) Union of India v. Sankal Chand and Himatlal Sheth, (1977) 4 SCC 193.
- (d) Krishan Gopal v. Shri Prakash Chandra, (1974) 1 SCC 128.

Correct Answer: C

Explanation:

- (a) Incorrect - This case does not address the specific issue of appointing retired Judges as ad hoc judges.
- (b) Incorrect - Similarly, the observation regarding the consent of retired Judges is not made in this case.
- (C) Correct - In the case of Union of India v. Sankal Chand and Himatlal Sheth, (1977) 4 SCC 193, the Supreme Court of India observed that the consent of a retired Judge is a prerequisite for his/her appointment as an ad hoc judge. This ensures that the retired Judge willingly agrees to take up the responsibilities associated with the ad hoc appointment.
- (d) Incorrect - This case is unrelated to the issue of appointing retired Judges as ad hoc judges.

17. In which of the following reports did the Law Commission of India advocate for the appointment of retired judges as ad-hoc judges in the interest of clearing backlogs of cases in the High Courts?

- (A) One Hundred Eighty-Eighth Report on proposals for Constitution of Hi-tech Fast-track Commercial divisions in High Courts (2003).
- (b) Fourteenth Report on reforms in Judicial Administration (1958).
- (C) One Twentieth Report on manpower Planning in Judiciary: A blueprint (1987).
- (d) One Hundred Eighteenth Report on method of Appointments to Subordinate Courts/Subordinate Judiciary (1986).

Correct Answer: A Explanation:

- (A) Correct - The Law Commission of India advocated for the appointment of retired judges as ad-hoc judges in the interest of clearing backlogs of cases in the High Courts in its One Hundred Eighty-Eighth Report on proposals for Constitution of Hi-tech Fast-track Commercial divisions

in High Courts (2003). This recommendation aimed to address the issue of pending cases by utilizing the expertise of retired judges.

(b) Incorrect - The Fourteenth Report focuses on reforms in Judicial Administration but does not specifically advocate for the appointment of retired judges as ad-hoc judges.

(C) Incorrect - Similarly, the One Twentieth Report on manpower Planning in Judiciary does not address the appointment of retired judges as ad-hoc judges.

(d) Incorrect - The One Hundred Eighteenth Report focuses on the method of appointments to subordinate courts/subordinate judiciary but does not specifically advocate for the appointment of retired judges as ad-hoc judges.

18. Which of the following statements is true regarding the origin of the Collegium system for the appointment of judges?

(A) Article 124A of the Constitution of India provides for the establishment of the collegium system.

(b) The Judicial Appointments (Collegium System) Act, 1999 provides for the establishment of the collegium system.

(C) The Constitution of India does not provide for the establishment of the collegium system.

(d) The National Judicial Appointments Commission supplements the collegium system for the appointment of judges.

Correct Answer: C

(a) Incorrect - Article 124A of the Constitution of India does not exist. The collegium system was not established through a constitutional amendment.

(b) Incorrect - There is no Judicial Appointments (Collegium System) Act, 1999. The collegium system was not created through legislation.

C) Correct - The statement that the Constitution of India does not provide for the establishment of the collegium system is true. The collegium system evolved through judicial interpretation rather than being explicitly provided for in the Constitution of India

(d) Incorrect - The National Judicial Appointments Commission (NJAC) was proposed as an alternative to the collegium system. It did not supplement the collegium system but aimed to replace it. However, the NJAC Act was struck down by the Supreme Court in the Supreme Court Advocates on Record Association v. Union of India case, reaffirming the primacy of the collegium system.

The Supreme Court of India observed that, while appreciating the existence of the right to peaceful protest against a legislation, we have to make it unequivocally clear that public was and public spaces cannot be occupied in such a manner and that too indefinitely. democracy

and dissent go hand in hand, but then the demonstrations expressing dissent must be in designated places alone. the present case was not even one of protests taking place in an undesignated area but was a blockage of a public way which caused grave inconvenience to commuters. We cannot accept the plea of the applicants that an indeterminable number of people can assemble whenever they choose to protest.

Question 19: Which of the following judgments relating to the right to peaceful protest has the above excerpt been taken from?

- (A) M.c mehta v. union of india, 2020 SCC Online SC 648.
- (b) Association for democratic reforms v. union of india, 2021 SCC OnLine SC 266.
- (C) Anuradha bhasin v. union of india, (2020) 3 SCC 637.
- (d) Amit Sahni v. Commissioner of Police, (2020) 10 SCC 4

Correct Answer: D Explanation:

- (a) Incorrect - The excerpt is not from m.C. Mehta v. Union of India, 2020 SCC OnLine SC 648. This case pertains to environmental issues and not the right to peaceful protest.
- (b) Incorrect - The excerpt is not from Association for Democratic Reforms v. Union of India, 2021 SCC OnLine SC 266. This case focuses on electoral reforms and not the right to peaceful protest.
- (c) Incorrect - The excerpt is not from Anuradha Bhasin v. Union of India, (2020) 3 SCC 637. This case deals with internet shutdowns and restrictions in Jammu and Kashmir, not the right to peaceful protest.
- (d) Amit Sahni v. Commissioner of Police, (2020) 10 SCC 4. This judgment is pertinent to the excerpt provided as it deals with the Supreme Court's observations regarding the right to peaceful protest and the limitations thereof. The excerpt emphasizes that while democracy and dissent are intertwined, public ways and spaces cannot be indefinitely occupied for protests, emphasizing the need for designated protest areas. The judgment reflects the Supreme Court's stance on balancing the right to protest with public order and convenience.

Question 20: Which of the following judgments is not related to the right to assemble as enshrined under the Constitution of India?

- (A) mazdoor Kisan Shakti Sangathan v. union of india, (2018) 17 SCC 324.
- (b) Sampurna behura v. union of india, (2018) 4 SCC 433.
- (C) bimal Gurung v. union of india, (2018) 15 SCC 480.

(d) Anita thakur v. State of Jammu and Kashmir, (2016) 15 SCC 525.

Correct Answer: B

Explanation: The correct answer is (b) Sampurna Behura v. Union of India, (2018) 4 SCC 433. This judgment is not related to the right to assemble as enshrined under the Constitution of India.

(a) Incorrect - mazdoor Kisan Shakti Sangathan v. Union of India, (2018) 17 SCC 324, is related to the right to assemble as it deals with issues concerning farmers and laborers.

(c) Incorrect - bimal Gurung v. Union of India, (2018) 15 SCC 480, is related to the right to assemble as it involves a political leader's plea regarding protest and assembly rights.

(d) Incorrect - Anita Thakur v. State of Jammu and Kashmir, (2016) 15 SCC 525, is related to the right to assemble as it pertains to protests and demonstrations in Jammu and Kashmir.

Question 21: As per the judgment of In Re Ramlila Maidan Incident, (2012) 5 SCC 1, which of the following statements is not correct?

(A) Right to sleep is not a part of Article 21 of the Constitution of India.

(b) An individual is entitled to sleep as comfortably and as freely as he breathes.

(C) Sleep is a fundamental and basic requirement without which the existence of life would be in peril.

(d) State's compelling interest in regulation of subject was discussed in this case.

Correct Answer: A

Explanation: The correct answer is (A) Right to sleep is not a part of Article 21 of the Constitution of India.

(a) Incorrect - This statement is not correct. The right to sleep has been interpreted as a facet of the right to life under Article 21 of the Constitution of India.

(b) Correct - This statement is correct. The judgment emphasizes the entitlement of individuals to sleep comfortably, akin to their right to breathe freely.

(c) Incorrect - This statement is not correct. The judgment recognizes sleep as a fundamental requirement for human existence.

(d) Incorrect - This statement is not correct. The judgment discusses the state's compelling interest in regulating the subject, highlighting the need for balancing rights with public order and safety concerns.

Question 22: Which of the following statements is not correct in relation to the right to assemble under the Constitution of India?

- (A) The assembly should be peaceful.
- (b) Reasonable restrictions stated under Article 19 for the right to assemble are sovereignty and integrity of India or public order, morality.
- (C) The assembly should be without arms.
- (d) Reasonable restrictions on the right to assemble are provided in Article 19(3) of the Constitution of India.

Correct Answer: B

Explanation: The correct answer is (b) Reasonable restrictions stated under Article 19 for the right to assemble are sovereignty and integrity of India or public order, morality.

- (a) Incorrect - This statement is correct. Peaceful assembly is a fundamental aspect of the right to assemble under the Constitution of India.
- (b) Incorrect - This statement is not correct. Reasonable restrictions on the right to assemble are outlined in Article 19(3) of the Constitution, which includes interests such as sovereignty, integrity, public order, and morality.
- (c) Incorrect - This statement is correct. Assemblies should generally be conducted without arms to maintain public safety and order.
- (d) Incorrect - This statement is correct. Article 19(3) of the Constitution provides for reasonable restrictions on the right to assemble to ensure the sovereignty and integrity of India, public order, and morality.

Question 23: The rule prohibiting demonstrations by government servants was discussed in which of the following judgments?

- (A) Union of India v. Naveen Jindal, (2004) 2 SCC 510.
- (b) Ram Bahadur Rai v. State of Bihar, Air 1975 SC 223.
- (C) Kameshwar Prasad v. State of Bihar, Air 1962 SC 1166.
- (d) Bennett Coleman & Co. v. Union of India, Air 1973 SC 106.

Correct Answer: C

Explanation: The correct answer is (C) Kameshwar Prasad v. State of Bihar, Air 1962 SC 1166.

- (a) Incorrect - This case pertains to a different issue and does not discuss the rule prohibiting demonstrations by government servants.

- (b) Incorrect - This case also does not discuss the rule prohibiting demonstrations by government servants but focuses on a different legal matter.
- (c) Correct - Kameshwar Prasad v. State of Bihar, Air 1962 SC 1166, discusses the rule prohibiting demonstrations by government servants.
- (d) Incorrect - This case addresses a different legal issue and does not involve discussions on the rule prohibiting demonstrations by government servants.

Question 24: Which of the following judges of the Supreme Court of India were part of the bench in the judgment as given in the excerpt?

- (A) Sanjay Kishan Kaul, Aniruddha Bose, and Indira Banerjee, JJ.
- (b) Aniruddha Bose and Krishna Murari, JJ.
- (C) Sanjay Kishan Kaul, Aniruddha Bose, and Krishna Murari, JJ.
- (d) Sanjay Kishan Kaul and Krishna Murari, JJ.

Correct Answer: C

Explanation: The correct answer is (C) Sanjay Kishan Kaul, Aniruddha Bose, and Krishna Murari, JJ.

- (a) Incorrect - While Sanjay Kishan Kaul and Aniruddha Bose may be correct, Indira Banerjee is not part of the bench mentioned in the excerpt.
- (b) Incorrect - Aniruddha Bose might be correct, but Krishna Murari is missing. This combination does not match the bench mentioned in the excerpt.
- (c) Correct - Sanjay Kishan Kaul, Aniruddha Bose, and Krishna Murari, JJ., all form the bench referred to in the excerpt.
- (d) Incorrect - Sanjay Kishan Kaul is correct, but Krishna Murari is missing. This combination does not match the bench mentioned in the excerpt.

The Supreme Court of India has held that the rationale of granting maintenance from the date of application finds its roots in the object of enacting maintenance legislations, so as to enable the wife to overcome the financial crunch which occurs on separation from the husband. Financial constraints of a dependant spouse hamper their capacity to be effectively represented before the Court. enforcement of the order of maintenance is the most challenging issue, which is encountered by the applicants. if maintenance is not paid in a timely manner, it defeats the very object of the social welfare legislation. execution petitions usually remain pending for months, if not [ears, which completel[nullifies the object of the law.

Question 25: Based on the given excerpt from the judgment, which of the following judgments is related to the enforcement of orders of maintenance and successive claims by parties in matrimonial proceedings?

- (A) Smriti Madan Kansagra v. Perry Kansagra, 2020 SCC OnLine SC 1003.
- (b) Rajnesh v. Neha, (2021) 2 SCC 324.
- (C) Roshina T. v. Abdul Azeez K.T., (2019) 2 SCC 329.
- (d) Manju Saxena v. Union of India, (2019) 2 SCC 628.

Correct Answer: B

Explanation: The correct answer is (b) Rajnesh v. Neha, (2021) 2 SCC 324.

- (a) Incorrect - Smriti Madan Kansagra v. Perry Kansagra, 2020 SCC OnLine SC 1003, might not be related to enforcement of orders of maintenance and successive claims by parties in matrimonial proceedings.
- (b) Correct - Rajnesh v. Neha, (2021) 2 SCC 324, is related to the enforcement of orders of maintenance and successive claims by parties in matrimonial proceedings, matching the excerpt provided.
- (c) Incorrect - Roshina T. v. Abdul Azeez K.T., (2019) 2 SCC 329, might not be related to enforcement of orders of maintenance and successive claims by parties in matrimonial proceedings.
- (d) Incorrect - Manju Saxena v. Union of India, (2019) 2 SCC 628, might not be related to enforcement of orders of maintenance and successive claims by parties in matrimonial proceedings.

Question 26: Which of the following reliefs does the Hindu Marriage Act, 1955 provide?

- (A) Maintenance pendente lite, expenses of proceedings, permanent alimony, and maintenance.
- (b) Expenses of proceedings, permanent alimony, and maintenance.
- (C) Maintenance pendente lite, permanent alimony, and maintenance.
- (d) Maintenance pendente lite, expenses of proceedings, permanent alimony.

Correct Answer: A

Explanation: The correct answer is (A) Maintenance pendente lite, expenses of proceedings, permanent alimony, and maintenance.

(a) Correct - The Hindu Marriage Act, 1955, provides for various reliefs including maintenance pendente lite (during the pendency of litigation), expenses of proceedings, permanent alimony, and maintenance.

(b) Incorrect - This option does not include maintenance pendente lite, which is an essential relief provided under the Hindu Marriage Act, 1955.

(c) Incorrect - This option does not include expenses of proceedings, which is one of the reliefs provided under the Hindu Marriage Act, 1955.

(d) Incorrect - This option does not include permanent alimony, which is one of the reliefs provided under the Hindu Marriage Act, 1955.

Question 27: Which of the following statutes does not contain provisions relating to maintenance?

(A) The Parsi Marriage and Divorce Act, 1936.

(b) The Special Marriage Act, 1954.

(C) The Prohibition of Child Marriage Act, 2006.

(d) The Muslim Women (Protection of Rights on Marriage) Act, 2019.

Correct Answer: D

Explanation: The correct answer is (D) The Muslim Women (Protection of Rights on Marriage) Act, 2019.

(a) Incorrect - The Parsi Marriage and Divorce Act, 1936, contains provisions relating to maintenance.

(b) Incorrect - The Special Marriage Act, 1954, contains provisions relating to maintenance.

(c) Incorrect - The Prohibition of Child Marriage Act, 2006, contains provisions relating to maintenance.

(d) Correct - The Muslim Women (Protection of Rights on Marriage) Act, 2019, does not contain provisions relating to maintenance.

Question 28: Which of the following is not a direction given by the Supreme Court of India in the judgment relating to orders of maintenance and successive claims by parties in matrimonial proceedings?

(A) Where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff of the amount awarded in previous proceedings.

(B) If the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.

(C) It is not mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding.

(D) The affidavit of disclosure of assets and liabilities as applicable shall be filed by both parties in all maintenance proceedings, including pending proceedings before any other court, as the case may be.

Correct Answer: C

Explanation: The correct answer is (C) It is not mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding.

(a) Incorrect - This direction is given by the Supreme Court in the judgment relating to orders of maintenance and successive claims by parties in matrimonial proceedings.

(b) Incorrect - This direction is given by the Supreme Court in the judgment relating to orders of maintenance and successive claims by parties in matrimonial proceedings.

(c) Correct - This statement is not a direction given by the Supreme Court in the judgment. In fact, the Supreme Court may require disclosure of previous proceedings and orders for proper adjudication.

(d) Incorrect - This direction is given by the Supreme Court in the judgment relating to orders of maintenance and successive claims by parties in matrimonial proceedings.

Question 29: Which of the following is not correct as per Section 125 of the Code of Criminal Procedure, 1973?

(A) It provides for maintenance to wife/wives, illegitimate and legitimate children, and parents.

(b) A wife shall not be entitled to receive maintenance as per this provision from her husband if she is living in adultery or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

(C) A magistrate has been given wide powers under this provision.

(d) As per the explanation under this provision, wife does not include a woman who has been divorced by, or has obtained a divorce from, her husband but includes a woman who has remarried.

Correct Answer: D

Explanation: The correct answer is (D) As per the explanation under this provision, wife does not include a woman who has been divorced by, or has obtained a divorce from, her husband but includes a woman who has remarried.

- (a) Incorrect - This statement is correct as per Section 125 of the Code of Criminal Procedure, 1973. It provides for maintenance to various categories of individuals including wife/wives, illegitimate and legitimate children, and parents.
- (b) Incorrect - This statement is correct as per Section 125 of the Code of Criminal Procedure, 1973. It outlines the conditions under which a wife may not be entitled to receive maintenance from her husband.
- (c) Incorrect - This statement is correct as per Section 125 of the Code of Criminal Procedure, 1973. Magistrates have been granted wide powers under this provision to adjudicate matters related to maintenance.
- (d) Correct - This statement is not correct. According to Section 125 of the Code of Criminal Procedure, 1973, the explanation under this provision clarifies that "wife" does not include a woman who has been divorced by or has obtained a divorce from her husband, but it does include a woman who has remarried. Thus, the statement that a woman who has been divorced is not included as a "wife" is incorrect.

Question 30: Which of the following is correct about the Hindu Adoptions and Maintenance Act, 1956?

- (A) It is a special legislation enacted to provide for maintenance to a wife during the subsistence of the marriage.
- (b) The Supreme Court of India considered the interplay between the claim for maintenance under the Hindu Marriage Act, 1955, and Hindu Adoptions and Maintenance Act, 1956 in Chand Dhawan v. Jawaharlal Dhawan, (1993) 3 SCC 406.
- (C) Section 18 of the Act provides that a Hindu wife shall be entitled to be maintained by her husband during her lifetime.
- (d) As per Section 18 of the Act, a Hindu wife is not entitled to make a claim for a separate residence from her husband, without forfeiting her right to maintenance.

Correct Answer: D

Explanation: The correct answer is (D) As per Section 18 of the Act, a Hindu wife is not entitled to make a claim for a separate residence from her husband, without forfeiting her right to maintenance.

- (a) Incorrect - This statement is not correct. The Hindu Adoptions and Maintenance Act, 1956, primarily deals with adoption and maintenance rights of dependents in Hindu families, and it is not specifically enacted to provide maintenance to a wife during the subsistence of marriage.

(b) Incorrect - This statement is not correct. Chand Dhawan v. Jawaharlal Dhawan, (1993) 3 SCC 406, pertains to a different legal matter and does not specifically address the interplay between maintenance claims under the Hindu Marriage Act, 1955, and the Hindu Adoptions and Maintenance Act, 1956.

(c) Incorrect - This statement is not correct. Section 18 of the Hindu Adoptions and Maintenance Act, 1956, does not specifically provide that a Hindu wife shall be entitled to be maintained by her husband during her lifetime. The Act deals with various aspects of maintenance, but this statement oversimplifies the provisions.

(d) Correct - This statement is correct. Section 18 of the Hindu Adoptions and Maintenance Act, 1956, provides that a Hindu wife is not entitled to make a claim for a separate residence from her husband without forfeiting her right to maintenance. This provision seeks to prevent double benefit for the wife in maintenance claims.

The Supreme Court of India has held that the nature of inquiry before the Family Court is, indeed, adjudicatory. It is obliged to resolve the rival claims of the parties and while doing so, it must adhere to the norms prescribed by the statute in that regard and also the foundational principle of fairness of procedure and natural justice. These provisions plainly reveal that the Family Court is expected to follow procedure known to law, which means insist for a formal pleading to be filed by both sides, then frame the issues for determination, record the evidence of the parties to prove the facts asserted by the concerned party and only thereafter, to enter upon determination and render decision thereon by recording the reasons for such decision. For doing this, the Family Court is expected to give notice to the respective parties and provide them sufficient time and opportunity to present their claim in the form of pleadings and evidence before determination of the dispute.

31. Which of the following is not correct about the Family Courts Act, 1984?

(A) the Act intends to promote conciliation and secure speedy settlement of disputes. (b) the appointment of counsellors in family courts is determined by the State Government in consultation with the High Court.

(C) the duty of the Family Court is to arrive at a settlement between the parties where it is possible and consistent with the nature and circumstances of the case.

(d) A person can be appointed as a judge of the Family Court after the attainment of sixty-two years of age. Correct Answer: D Explanation:

(A) The Act intends to promote conciliation and secure a speedy settlement of disputes.

Correct - The Family Courts Act, 1984, indeed aims to promote conciliation and facilitate the speedy resolution of family disputes. Section 9 of the Act explicitly mentions the duty of the Family Court to make efforts for reconciliation where possible.

(b) The appointment of counselors in family courts is determined by the State Government in consultation with the High Court.

Incorrect - The appointment of counselors in family courts is governed by Section 6 of the Family Courts Act, 1984, which empowers the State Government, in consultation with the High Court, to determine the number of counselors and their qualifications.

(C) The duty of the Family Court is to arrive at a settlement between the parties where it is possible and consistent with the nature and circumstances of the case.

Incorrect - The Family Court is indeed expected to promote reconciliation, but its primary duty, as per Section 10 of the Family Courts Act, 1984, is to adjudicate and decide the disputes. The court may encourage settlement only if it is consistent with the nature and circumstances of the case.

(d) A person can be appointed as a judge of the Family Court after the attainment of sixty-two years of age.

Incorrect - The correct provision is that a person can be appointed as a judge of the Family Court if they have held a judicial office for at least ten years, and this provision does not specify any age limit. The statement is not correct.

32. Based on the given excerpt, which of the following judgments is related to the working of Family Courts?

(A) Sanjiv Prakash v. Seema Kukreja, 2021 SCC OnLine SC 282.

(b) Khushi ram v. Nawal Singh, 2021 SCC OnLine SC 128.

(C) Aman Lohia v. Kiran Lohia, 2021 SCC OnLine SC 224.

(d) Gurmeet Pal Singh v. State of Punjab,(2018) 7 SCC 260

Correct Answer: C Explanation:

(A) Sanjiv Prakash v. Seema Kukreja, 2021 SCC OnLine SC 282.

Incorrect - The given excerpt does not provide information about the judgment Sanjiv Prakash v. Seema Kukreja, and therefore, it cannot be determined if it is related to the working of Family Courts.

(b) Khushi ram v. Nawal Singh, 2021 SCC OnLine SC 128.

Incorrect - Similar to option (A), the given excerpt does not provide information about the judgment Khushi ram v. Nawal Singh, making it unclear if it is related to the working of Family Courts.

(C) Aman Lohia v. Kiran Lohia, 2021 SCC OnLine SC 224.

Correct - The correct judgment related to the working of Family Courts is Aman Lohia v. Kiran Lohia, 2021 SCC OnLine SC 224, as mentioned in the excerpt.

(d) Gurmeet Pal Singh v. State of Punjab, (2018) 7 SCC 260.

Incorrect - The given excerpt does not provide information about the judgment Gurmeet Pal Singh v. State of Punjab, and therefore, it cannot be determined if it is related to the working of Family Courts.

33. Based on the given excerpt, which of the following was held by the Supreme Court of India in relation to the Family Courts?

(A) Non-compliance of the prescribed mandatory procedure and infraction of principles of natural justice is not a technical irregularity which can be overlooked by family courts.

(b) in divorce proceedings, it is the duty of family courts to mandatorily conduct mediation between the parties.

(C) Non-compliance of the prescribed mandatory procedure and infraction of principles of natural justice is a technical irregularity which can be overlooked by family courts.

(d) Family Courts ought not to examine matters after giving due opportunity to both sides on their own merits and in accordance with law

Correct Answer: A

EXPLANATION:

(A) Non-compliance of the prescribed mandatory procedure and infraction of principles of natural justice is not a technical irregularity that can be overlooked by family courts.

Correct - The given excerpt explicitly states that non-compliance with prescribed procedures and principles of natural justice is not a technical irregularity and cannot be overlooked by family courts.

(b) In divorce proceedings, it is the duty of family courts to mandatorily conduct mediation between the parties.

Incorrect - The given excerpt does not mention any mandatory duty for family courts to conduct mediation in divorce proceedings.

(C) Non-compliance of the prescribed mandatory procedure and infraction of principles of natural justice is a technical irregularity that can be overlooked by family courts.

Incorrect - The correct position, as stated in the given excerpt, is that non-compliance is not a technical irregularity and cannot be overlooked.

(d) Family Courts ought not to examine matters after giving due opportunity to both sides on their own merits and in accordance with law.

Incorrect - The excerpt does not support the statement that family courts should not examine matters after providing due opportunity. On the contrary, it emphasizes adherence to prescribed procedures.

34. The Family Court must adhere to the norms prescribed by the statute with regard to the adjudication of matrimonial disputes, and also to the:

(A) Convenience of the court.

(b) Fair procedure and natural justice.

(C) international conventions.

(d) Convenience of the parties.

CORRECT ANSWER: B EXPLANATION:

(A) Convenience of the court.

Incorrect - The given excerpt specifies that the Family Court must adhere to the norms prescribed by the statute and, additionally, to fair procedure and natural justice. It does not mention the convenience of the court.

(b) Fair procedure and natural justice.

Correct - The correct statement is that the Family Court must adhere to the norms prescribed by the statute and, additionally, to fair procedure and natural justice, as explicitly mentioned in the excerpt.

(C) International conventions.

Incorrect - The excerpt does not mention adherence to international conventions; it focuses on the statutory norms, fair procedure, and natural justice.

(d) Convenience of the parties.

Incorrect - The given excerpt does not mention adherence to the convenience of the parties; it emphasizes adherence to statutory norms, fair procedure, and natural justice.

35. Which of the following is not correct about the nature of proceedings conducted in the Family Court?

(A) the proceedings must always be held in camera.

(b) the Act provides that if the Family Court considers it necessary in the interest of justice, it may seek the assistance of a legal expert as *amicus curiae*.

(C) the proceedings may be held in camera depending on the desire of court and the party concerned.

(d) Family Court may secure the services of a medical expert if required.

Correct Answer: A

(A) The proceedings must always be held in camera.

Correct - The correct statement is that the proceedings may be held in camera depending on the desire of the court and the party concerned. The excerpt does not mandate that the proceedings must always be held in camera.

(b) The Act provides that if the Family Court considers it necessary in the interest of justice, it may seek the assistance of a legal expert as amicus curiae.

Incorrect - The excerpt does not provide information about the correctness of this statement.

(C) The proceedings may be held in camera depending on the desire of the court and the party concerned.

Incorrect - The correct statement is that the proceedings may be held in camera depending on the desire of the court and the party concerned, as mentioned in the excerpt.

(d) Family Court may secure the services of a medical expert if required.

Incorrect - The excerpt does not provide information about the correctness of this statement.

36. The Family Courts Act, 1984 does not apply to which of the following matters?

(A) divorce under Hindu Law.

(b) Nikah as per muslim Personal Law.

(C) marriage under Special marriage Act, 1954.

(d) Adoption under Hindu Law

Correct Answer: D

(A) Divorce under Hindu Law.

Incorrect - The Family Courts Act, 1984, applies to divorce matters, including those under Hindu Law.

(b) Nikah as per Muslim Personal Law.

Incorrect - The Family Courts Act, 1984, applies to matters related to divorce, including those arising from Nikah under Muslim Personal Law.

(C) Marriage under the Special Marriage Act, 1954.

Incorrect - The Family Courts Act, 1984, applies to matters related to marriage, including those under the Special Marriage Act, 1954.

(d) Adoption under Hindu Law.

Correct - The Family Courts Act, 1984, does not apply to adoption matters under Hindu Law. Adoption matters are specifically excluded from the purview of the Family Courts Act.

vii. the Supreme Court of India, in *South East Asia Marine Engineering & Constructions Ltd. (SEAMEC LTD.) v. Oil India Ltd.*, (2020) 5 SCC 164, noted that, under the Indian Contract Act, 1872 which deals with 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. When the parties have not provided for what would take place when an event which renders the performance of the contract impossible, then Section 56 applies. When the Act contracted for becomes impossible, then under Section 56, the parties are exempted from further performance and the contract becomes void. The Court has further held that in Section 56, the word 'impossible' is to be taken in its practical and not literal sense. It must be borne in mind, however, that Section 56 lays down a rule of positive law and does not leave the matter to be determined according to the intention of the parties. However, there is no doubt that the parties may instead choose the consequences that would flow on the happening of an uncertain future event, under Section 32 of the Indian Contract Act, 1872.

Question: 37. Mr. X agrees with Mr. Y to discover by magic, a treasure supposed to be buried within certain limits at an unknown spot. Mr. X found the treasure subsequently. Consider the given facts and answer which of the following statements is correct?

(A) Law can regard a promise to do something obviously impossible as significant. (B) Such promises are based on legal considerations.

(C) Law cannot regard a promise to do something obviously impossible to be of any value.

(D) The agreement is valid and binding.

CORRECT ANSWER: A

Explanation:

A) Correct - The legal principle here is that the law may recognize a promise to perform an obviously impossible task as legally significant. In this scenario, the agreement involves discovering a treasure by magic, which is inherently impossible in the real world. The law acknowledges the impossibility but still considers the promise as having legal significance. This aligns with the principle that the law may give weight to promises even if the fulfillment is impossible.

B) Incorrect - The legal principle does not assert that such promises are inherently based on legal considerations. Instead, it focuses on the law's ability to recognize and give significance to promises involving obvious impossibilities. The legal consideration is in the acknowledgment of the promise, not in the inherent basis of the promise being legally motivated.

C)Incorrect - The legal principle contradicts this option. It suggests that the law can indeed regard a promise to do something obviously impossible as having legal significance. The value lies in the acknowledgment and recognition of the promise, even if the actual fulfillment is unattainable.

D)Incorrect - The legal principle doesn't explicitly state that the agreement is valid and binding. It emphasizes the law's recognition of promises involving obvious impossibilities but doesn't provide a blanket validation of their binding nature. The focus is on legal acknowledgment rather than the enforceability of the agreement.

38. Which of the following is correct regarding the doctrine of Frustration of Contract?

(a) The doctrine of Frustration leaves the contract to be determined in accordance with the intention of the parties.

(b) It is based on the subsequent impossibility of the agreement which is frustrated by the intrusion or occurrence of an unexpected event which is within the contemplation by the parties.

(c) It does not necessarily make the contract impossible of performance.

(d) In case of a change of circumstances which is so fundamental as to be regarded by law as striking at the root of the contract, the court cannot pronounce the contract to be frustrated.

Explanation:

- (a) Incorrect - The doctrine of Frustration does not solely rely on the intention of the parties but is grounded in subsequent impossibility due to unforeseen events.

- (b) Correct - The doctrine relies on the subsequent impossibility of the agreement due to unexpected events, provided they were within the contemplation of the parties.

- (c) Incorrect - Frustration of Contract does not necessarily make the entire contract impossible of performance; it applies when the agreement becomes impossible due to unforeseen events.

- (d) Incorrect - The doctrine of Frustration does allow the court to declare a contract frustrated if there is a fundamental change of circumstances that strikes at the root of the contract.

39. Consider the meaning of 'impossibility' from the given excerpt: In deciding cases in India, the only doctrine that we have to go by is that of supervening impossibility or illegality as laid down in Section 56 of the Contract Act 1872, taking the word 'impossible' in its practical and not literal sense. Which of the following is correct regarding the nature of impossibility in such contracts?

(A) The performance of the act may not be literally impossible, but it may be impracticable from the point of view of the object.

(B) The changed circumstances never make the performance of the contract impossible.

(C) The performance of the act may not be literally impossible, but it may be practicable from the point of view of the object.

(D) The parties are not absolved from the further performance of a contract if they do not promise to perform an impossibility.

Explanation:

- (A) Correct - The excerpt suggests that the word 'impossible' in Section 56 is interpreted in a practical sense, allowing for impracticability from the contract's objective.

- (B) Incorrect - The changed circumstances can indeed make the performance of the contract impossible. Practical impossibility is considered in the context of Section 56.

- (C) Incorrect - The practical impossibility, as discussed in the excerpt, implies that the performance may not be literally impossible but could be impracticable concerning the contract's objective.

- (D) Incorrect - Section 56 absolves the parties from further performance if the act contracted for becomes impossible; it doesn't require a promise to perform an absolute impossibility.

40. Consider the given statement: Law does not compel a person to do which he cannot possibly perform. Which of the following legal maxims correctly expresses the meaning of the given statement?

(A) Res Ipsa Loquitur (B) Sub Silentio (C) Actio Personalis Moritur Cum Persona (D) Impotentia Excusat Legem

Explanation:

- (A) Incorrect - "Res Ipsa Loquitur" means "the thing speaks for itself" and is unrelated to the principle that law does not compel impossible performance.

- (B) Incorrect - "Sub Silentio" means "under silence" and doesn't express the idea that law does not compel impossible performance.
- (C) Incorrect - "Actio Personalis Moritur Cum Persona" means "a personal action dies with the person" and is unrelated to the principle.
- (D) Correct - "Impotentia Excusat Legem" means "impossibility excuses the law," aligning with the given statement that law does not compel a person to perform an impossible task.

41. Which of the following will not make a contract frustrated even after a supervening impossibility?

- (A) The contract is not absolute in terms and does not cover the impossibility.
- (B) The contract is absolute and covers the impossibility.
- (C) It cannot be reasonably foreseen by the parties at the time of the formation of the contract.
- (D) If the object of the contract becomes impracticable.

Explanation:

- (A) Correct - If the contract is absolute and explicitly excludes the impossibility, it may not be frustrated. Clarity in terms is crucial.
- (B) Incorrect - If the contract is not absolute and does not cover the impossibility, it may still be frustrated. The nature of the contract is essential.
- (C) Incorrect - If the impossibility cannot be reasonably foreseen by the parties, it may lead to frustration. Unforeseeable events can contribute to frustration.

- (D) Incorrect - If the object of the contract becomes impracticable, it could lead to frustration. Impracticability, even if not amounting to literal impossibility, can still frustrate a contract.

42. Which of the following is correct regarding considerations in deciding issues of frustration of contract?

(A) The doctrine of Frustration will not be applicable to assist a party that does not want to fulfill its obligations under the contract.

(B) The defense of the doctrine of Frustration is not available to a person who, for the reason of impossibility, cannot perform the contract.

(C) Few variations from the original contract will be a defense for the parties.

(D) The intervening event must not be entirely impossible.

Explanation:

- (A) Correct - The doctrine of Frustration is not a tool to help a party evade fulfilling its obligations willingly. It applies when unforeseen events genuinely frustrate the contract.

- (B) Incorrect - The defense of the doctrine of Frustration can be available even if a person, due to impossibility, cannot perform the contract. It is not contingent on the willingness of the party.

- (C) Incorrect - Few variations from the original contract might be considered when determining frustration, but the primary consideration is the impact of unforeseen events.

- (D) Incorrect - The intervening event need not be entirely impossible; it could be impracticable or frustrating due to changed circumstances, as long as it strikes at the root of the contract.

The constitutional validity of the West Bengal Housing industry regulation Act, 2017 (WbHirA) was challenged on the basis that both Wb-HirA and a Parliamentary enactment, namely, the real estate (regulation and development) Act, 2016 (rerA) are relatable to the legislative subjects contained in entries 6 and 7 of List iii (Concurrent List) of the Seventh Schedule of the Constitution of India. Wb-HirA has neither been reserved for nor has it received Presidential assent under Article 254(2) of the Constitution of India, which was necessary since it was going to occupy the same field as the RERA, a law which had been enacted by the Parliament. The State enactment contains certain provisions which are either: directly inconsistent with the corresponding provisions of the Central enactment; or a virtual replica of the Central enactment; and Parliament having legislated on a field covered by the Concurrent List, it is constitutionally impermissible for the State Legislature to enact a law over the same subject matter by setting up a parallel legislation. The analysis indicates repugnancy between Wb-HirA and rerA. Undoubtedly, as Article 254(1) postulates, the legislation enacted by the State legislature is void to the extent of the repugnancy. There is, not only a direct conflict of certain provisions between the rerA and Wb-HirA, but there is also a failure of the State legislature to incorporate statutory safeguards in Wb-HirA, which have been introduced in the rerA for protecting the interest of the purchasers of real estate. For repugnancy under Article 254 of the Constitution, there is a twin requirement to be fulfilled: first, there has to be a 'repugnancy' between a Central and State Act; and secondly, the Presidential assent has to be held as being non-existent. The test for determining such repugnancy is indeed to find out the dominant intention of both the legislations and whether such dominant intentions of both the legislations are alike or different. A provision in one legislation in order to give effect to its dominant purpose may incidentally be on the same subject as covered by the provision of the other legislation, but such partial or incidental coverage of the same area in a different context and to achieve a different purpose does not attract the doctrine of repugnancy. In order to attract the doctrine of repugnancy, both the legislations must be substantially on the same subject. Hence, Wb-HirA is repugnant to the rerA, and is hence unconstitutional.

43. Which of the following is not an element of the twin requirement test to determine repugnancy under Article 254 of the Constitution of India?

- (A) repugnancy between the Central Act and State Act within the Concurrent List.
- (b) State Act has been reserved for the consideration of the President.
- (C) State Act has received assent of the President.
- (d) both (b) and (C).

Explanation:

(a) Incorrect - Repugnancy between the Central Act and State Act within the Concurrent List is indeed an essential element of the twin requirement test to determine repugnancy under Article 254 of the Constitution of India. When there is a conflict between a law made by Parliament and a law made by a State legislature on a subject enumerated in the Concurrent List, and if both laws cannot operate concurrently, the law made by Parliament prevails. Therefore, repugnancy is a crucial factor in assessing the validity of State legislation vis-à-vis Central legislation.

(b) Incorrect - The requirement for the State Act to be reserved for the consideration of the President is not an element of the twin requirement test. The process of presidential assent under Article 254(2) applies when the State legislation is repugnant to the Central legislation, and the State legislature seeks to override such repugnancy by obtaining the President's assent. However, the absence of presidential assent does not nullify the test of repugnancy itself.

(c) Incorrect - The requirement for the State Act to receive the assent of the President is also not an element of the twin requirement test. While presidential assent is necessary for the State legislation to prevail over Central legislation in case of repugnancy, its absence does not directly affect the determination of repugnancy.

(d) Correct - The combination of options (b) and (c) is incorrect because the necessity for both the State Act to be reserved for the President's consideration and to receive the President's assent is not part of the twin requirement test for determining repugnancy under Article 254 of the Constitution of India. The test primarily focuses on whether there is a conflict or inconsistency between the Central and State legislation on matters within the Concurrent List.

Therefore, option (d) is the correct answer as it incorrectly combines two elements that are not part of the twin requirement test for determining repugnancy under Article 254.

44. Which of the following statements regarding entry 7 of List III (Concurrent List) of the Seventh Schedule of the Constitution of India is untrue?

(A) Contract relating to carriage of goods falls under entry 7 of the Concurrent List.

(B) Contract relating to agriculture land falls under entry 7 of the Concurrent List.

(C) Contract relating to agency falls under entry 7 of the Concurrent List.

(D) Contract relating to partnership falls under entry 7 of the Concurrent List.

Correct Answer: B

Explanation:

- Correct - Contracts relating to the carriage of goods fall under Entry 7 of the Concurrent List as it pertains to contracts.
- Incorrect (B) - Contracts relating to agriculture land do not fall under Entry 7. Instead, they are covered under Entry 18 of the State List, which exclusively deals with land.
- Correct - Contracts relating to agency fall under Entry 7 of the Concurrent List, as it is a matter related to contracts.
- Correct - Contracts relating to partnership also fall under Entry 7 of the Concurrent List, as it pertains to contracts.

This clarifies that option (B) is incorrect because contracts related to agricultural land are not covered under Entry 7 but have a specific entry in the State List.

45. Where the State legislature enacts an Act on a subject vested to the State legislature by the Constitution of India, if incidentally, the provisions of such a State Act operate on a subject which is exclusively vested to the Parliament, such incidental coverage of the same area shall attract the test of:

- (A) Repugnancy
- (B) Pith and substance
- (C) Colourable legislation
- (D) Superior legislation

Correct Answer: B

Explanation:

- Incorrect - Repugnancy refers to a direct conflict between a State and Central Act on the same subject matter. It does not address the issue of incidental coverage.
- Correct - Pith and substance is the correct concept here. If a State Act, enacted on a subject under its jurisdiction, incidentally affects a subject exclusively under Parliament's

jurisdiction, the doctrine of pith and substance is applied to determine the Act's constitutionality.

- Incorrect - Colourable legislation refers to the situation where the legislature disguises the real purpose of the law. It is not directly related to the incidental coverage issue described in the question.
- Incorrect - Superior legislation is not a legal term used in this context. The focus should be on the concept of pith and substance.

This clarifies that option (B) is correct because when State legislation incidentally covers a subject under exclusive Parliament jurisdiction, the test applied is that of pith and substance.

46. The word 'assent' used in Article 254 (2) of the Constitution of India means:

- (A) A constitutional formality of obtaining consent of the President for promulgating a new Act.
- (B) An express agreement of mind to what is proposed by the State Legislature by enacting a new law on the same subject on which the Central law already exists.
- (C) An express agreement of mind to what is proposed by the State Legislature regarding repugnancy.
- (D) Both (B) and (C).

Correct Answer: D

Explanation:

- Incorrect - The term 'assent' in Article 254(2) does not refer to the President's consent for promulgating a new Act; it pertains to the President's assent for a State law conflicting with a Central law.
- Correct - The term 'assent' in this context refers to the President's agreement to the State Legislature's proposal to enact a law on a subject where a Central law already exists. It doesn't refer to repugnancy directly.

- Incorrect - The term 'assent' does not specifically relate to the State Legislature's proposal regarding repugnancy. It is about the President's agreement to the State's law on a concurrent subject.
- Correct - The correct interpretation involves both aspects. The President's assent is needed for the State Legislature's proposal to enact a new law on a subject where a Central law already exists.

This clarifies that option (D) is correct because 'assent' involves the President's agreement to the State's proposal for a new law on a subject covered by a Central law.

47. Article 254 (2) of the Constitution of India applies to the matters enumerated in:

- (A) The Union List
- (B) The State List
- (C) The Concurrent List
- (D) The Union List and the State List

Correct Answer: C

Explanation:

- Incorrect - Article 254(2) specifically deals with matters in the Concurrent List where there is a conflict between a Central and State law.
- Incorrect - It does not apply exclusively to the Union List or the State List; its focus is on concurrent subjects.
- Correct - Article 254(2) applies to the matters enumerated in the Concurrent List, as it deals with the situation where both the Central and State legislatures have the power to legislate.
- Incorrect - While it involves matters in both the Union and State Lists, the crucial point is that it applies when there is a conflict in the Concurrent List.

This clarifies that option (C) is correct because Article 254(2) specifically addresses conflicts between Central and State laws on concurrent subjects.

48. In case of inconsistency between a law made by Parliament and law made by the Legislatures of State, the law made by the Legislature of the State shall:

- (A) Completely be void.
- (B) To the extent of the repugnancy, be void.
- (C) At the discretion of the Parliament, be void.
- (D) At the discretion of the Court, be void.

Correct Answer: B

Explanation:

- Incorrect - The State law is not completely void but only to the extent of repugnancy with the Central law.
- Correct - The correct principle is that, in case of inconsistency, the State law is void only to the extent of repugnancy with the Central law.
- Incorrect - The discretion lies in the judiciary's interpretation and application of the doctrine of repugnancy, not in the Parliament's discretion.
- Incorrect - The discretion here does not lie with the court but with the Constitution's provisions regarding repugnancy.

This clarifies that option (B) is correct because, in case of inconsistency, the State law is void only to the extent of the repugnancy with the Central law.

In *Gautam Navlakha v. National Investigation Agency*, 2021 SCC OnLine SC 382, the court analysed the ambit of Article 22 of the Constitution of India and also the scope of the expression 'arrest' contained therein and also under the relevant provisions of the Code of Criminal Procedure, 1973 (CrPC). Arrest may be classified into two categories, namely, the arrest under a warrant issued by a court and arrest without warrant. Section 57 of the Code of Criminal Procedure clearly directs that the investigation should be completed in the first instance within

24 hours; if not the arrested person should be brought before a magistrate as provided under Section 167 of the Code of Criminal Procedure. turning now to Article 22(1) and (2), we must ascertain whether its protection extends to both categories of arrests mentioned above, and, if not, then which one of them comes within its protection. there can be no matter of doubt that arrests without warrants issued by a court call for greater protection than do arrests under such warrants. the provision that the arrested person should within 24 hours be produced before the nearest magistrate is particularly desirable in the case of arrest otherwise than under a warrant issued by the court, for it ensures the immediate application of a judicial mind to the legal authority of the person making the arrest and the regularity of the procedure adopted by him. in the case of arrest under a warrant issued by a court, the judicial mind had already been applied to the case when the warrant was issued and, therefore, there is less reason for making such production in that case a matter of a substantive fundamental right. the matter of 'House Arrest' was deliberated by the court as: "There can be no quarrel with the proposition that a court cannot remand a person unless the court is authorised to do so by law. We are of the view, that in the facts of this case, the house arrest was not ordered purporting to be under Section 167. We observe that under Section 167 in appropriate cases it will be open to courts to order house arrest."

49. Consider the following statements:

(i) the application of judicial mind is not necessary to issue a warrant by the court. (ii)

the constitutional notion demands the application of judicial mind immediately after the arrest of person without a warrant.

Choose the correct answer from the code given below.

(A) both (i) and (ii) are true. (b) both (i) and (ii) are untrue.

(C) (i) is true and (ii) is untrue. (d) (ii) is true and (i) is untrue.

CORRECT ANSWER: D

Explanation:

(a) Correct - The court's principle emphasizes that a wife's earning capacity does not absolve the husband of the obligation to provide maintenance, irrespective of her income. In this specific situation, Meera's substantial income, as an accomplished lawyer, does not automatically negate her entitlement to maintenance. The court's stance implies that Rajeev, despite facing financial struggles, remains obligated to provide financial support to Meera during the divorce proceedings. The key consideration here is the principle that the husband's duty to provide maintenance takes precedence over the wife's earning capacity.

(b) Incorrect - The principle contradicts this option, as the wife's substantial income does not relieve the husband of the obligation. The court's observation suggests that even if Meera has a considerable income, Rajeev is not automatically absolved of his responsibility to provide maintenance. The focus is on the husband's obligation rather than comparing the financial capacities of both parties.

(c) Incorrect - While acknowledging the wife's accomplished professional status, the principle does not establish an absolute obligation based on her career. The court does not explicitly state that the husband is obligated to provide maintenance solely due to the wife's professional achievements. The emphasis is on the overarching principle that the husband's duty to provide maintenance is paramount.

(d) Incorrect - The principle suggests that the wife's income, even if substantial, does not negate the husband's obligation to provide maintenance. Therefore, asserting that Meera's substantial income automatically absolves Rajeev of any obligation contradicts the court's observation. The court's stance is clear that the husband's duty takes precedence despite the wife's earning capacity.

50. Section 57 of the Code of Criminal Procedure, 1973 applies to arrest _____ warrant.

(A) With (b) Without

(C) With or without (d) On execution of

CORRECT ANSWER: B

Explanation:

(b) Correct - Section 57 of the Code of Criminal Procedure, 1973 applies to arrests made without a warrant. This section mandates that the investigation should be completed within 24 hours of such an arrest, and if not, the arrested person should be brought before a magistrate as provided under Section 167 of the Code of Criminal Procedure.

(c) Incorrect - Section 57 specifically applies to arrests made without a warrant, not to arrests made with a warrant. Therefore, the correct answer is not (c) "With or without."

(d) Incorrect - Section 57 does not deal with the execution of warrants, but rather with arrests made without warrants. Therefore, the correct answer is not (d) "On execution of."

51. The fundamental right under Article 22(2) of the Constitution of India regarding the duty of police to produce arrested person before the nearest magistrate applies to:

(A) detenu who at the time of arrest is an enemy alien.

(b) Arrest under any law providing for preventive detention.

(C) Arrest under Section 41 of the Code of Criminal Procedure, 1973.

(d) Arrest in execution of warrant issued by the court.

CORRECT ANSWER: C

Explanation:

(a) Incorrect - Article 22(2) of the Indian Constitution does not specifically mention "detenus who at the time of arrest is an enemy alien," so this option is incorrect.

(b) Incorrect - While Article 22(2) does apply to arrests made under preventive detention laws, it also applies to other situations, including arrests made under Section 41 of the Code of Criminal Procedure, 1973.

(c) Correct - Article 22(2) mandates that a person arrested and detained in custody must be produced before the nearest magistrate within a period of 24 hours of such arrest. This provision applies to arrests made under Section 41 of the Code of Criminal Procedure, 1973, among others.

(d) Incorrect - While Article 22(2) applies to arrests made in execution of warrants issued by the court, it also applies to other situations as mentioned in option (c). Therefore, (c) is the correct answer.

52. Section 167 of the Code of Criminal Procedure, 1973 empowers a Judicial Magistrate to authorize the detention of an accused in:

(A) Police Custody.

(b) Judicial Custody.

(C) both Police Custody and Judicial Custody.

(d) Other than Police and Judicial Custody.

CORRECT ANSWER: C

Explanation:

(a) Incorrect - Section 167 does allow for detention in police custody, but it also empowers a Judicial Magistrate to authorize detention in judicial custody.

(b) Incorrect - Similarly, Section 167 allows for detention in judicial custody, but it also permits detention in police custody.

(c) Correct - Section 167 of the Code of Criminal Procedure, 1973 empowers a Judicial Magistrate to authorize the detention of an accused person, either in police custody or in judicial custody, depending on the circumstances of the case.

(d) Incorrect - Section 167 does not provide for detention in any other type of custody beyond police or judicial custody.

53. In *Gautam Navlakha v. National Investigation Agency*, 2021 SCC OnLine SC 382, the court did not consider the period of house arrest in calculating the period of custody for the purpose of filing the application for default bail because:

(A) the order of house arrest was not purported to be under Section 167 the Code of Criminal Procedure, 1973.

(b) the court is not authorized to order house arrest under Section 167 the Code of Criminal Procedure, 1973.

(C) the order of house arrest was illegal.

(d) the term 'house arrest' was not given anywhere under the Code of Criminal Procedure, 1973.

CORRECT ANSWER: A

Explanation:

(a) Correct - In *Gautam Navlakha v. National Investigation Agency*, 2021 SCC OnLine SC 382, the court did not consider the period of house arrest in calculating the period of custody for the purpose of filing the application for default bail because the order of house arrest was not purported to be under Section 167 of the Code of Criminal Procedure, 1973. Therefore, it did not fall within the ambit of Section 167 for the purpose of calculating custody.

(b) Incorrect - The court is authorized to order house arrest under certain circumstances, so the reason for not considering it in calculating custody is not because the court lacks authorization.

(c) Incorrect - While the legality of the house arrest may be relevant, the specific reason given by the court in this case was that it was not purported to be under Section 167.

(d) Incorrect - The absence of the term "house arrest" in the Code of Criminal Procedure, 1973 does not preclude the court from ordering it under appropriate circumstances. However, the reason given by the court in this case was related to the specific legal basis of the house arrest order.

54. In *Gautam Navlakha v. National Investigation Agency*, 2021 SCC OnLine SC 382, the court has established that the order of the court to direct house arrest of the arrested person shall be:

(A) unconstitutional.

(b) Within the competence of the court under Section 167 the Code of Criminal Procedure, 1973.

(C) beyond the competence of the court under Section 167 the Code of Criminal Procedure, 1973.

(d) discretionary.

CORRECT ANSWER: B

Explanation:

(a) Incorrect - The court did not establish that the order of house arrest is unconstitutional. In fact, the court acknowledged the possibility of house arrest under appropriate circumstances.

(b) Correct - The court held that the order of the court to direct house arrest of the arrested person is within the competence of the court under Section 167 of the Code of Criminal Procedure, 1973. However, the period of house arrest was not considered in calculating the period of custody for the purpose of filing the application for default bail because it was not purported to be under Section 167.

(c) Incorrect - The court did not conclude that house arrest is beyond the competence of the court under Section 167. Instead, it recognized the court's authority to order house arrest.

(d) Incorrect - While house arrest may involve some discretion on the part of the court, the key point made by the court in this case was that house arrest falls within the competence of the court under Section 167, making option (d) incorrect.

X. Section 304-B(1) of the Indian Penal Code, 1860 (IPC) defines 'dowry death' of a woman. It provides that 'dowry death' is where death of a woman is caused by burning or bodily injuries or occurs otherwise than under normal circumstances, within seven years of marriage, and it is shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband, in connection with demand for dowry. Further, Section 304-B(2) of IPC provides punishment for the aforesaid offence. The Supreme Court of India summarized the law under Section 304-B of IPC and Section 113B of the Indian Evidence Act, 1872 (IEA) as under: (i) Section 304-B of IPC must be interpreted keeping in mind the legislative intent to curb the social evil of bride burning and dowry demand; (ii) the prosecution must at first establish the existence of the necessary ingredients for constituting an offence under Section 304-B of IPC. Once these ingredients are satisfied, the rebuttable presumption of causality, provided under Section 113-B of IEA operates against the accused; (iii) the phrase 'soon before' as appearing in Section 304-B of IPC cannot be construed to mean 'immediately before'. The prosecution must establish the existence of 'proximate and live link' between the cruelty or harassment for dowry demand by the husband or his relatives and the consequential death of the victim.

55. In *Gurmeet Singh v. State of Punjab*, 2021 SCC OnLine SC 403, a three-judge bench of the Supreme Court of India issued guidelines for trial in dowry death cases. The bench comprised of:

- (A) N.V. Ramana, Uday Umesh Lalit and A.M. Khanwilkar, JJ.
- (b) N.V. Ramana, Sanjay Kishan Kaul and Surya Kant, JJ.
- (C) N.V. Ramana, Surya Kant and Aniruddha Bose, JJ.
- (d) N.V. Ramana, L. Nageswara Rao and Hemant Gupta, JJ.

CORRECT ANSWER: C

Explanation:

(C) Correct - In *Gurmeet Singh v. State of Punjab*, 2021 SCC OnLine SC 403, the bench consisted of N.V. Ramana, Surya Kant, and Aniruddha Bose, JJ. They issued guidelines for trial in dowry death cases.

(a) Incorrect - N.V. Ramana, Uday Umesh Lalit, and A.M. Khanwilkar, JJ., were not the judges involved in this case.

(b) Incorrect - Although N.V. Ramana and Surya Kant were part of the bench, Sanjay Kishan Kaul was not involved in this case.

(d) Incorrect - N.V. Ramana was part of the bench, but L. Nageswara Rao and Hemant Gupta were not involved in this case.

56. In which of the following provisions is the term 'dowry' defined?

- (A) Section 2 of the Dowry Prohibition Act, 1961.
- (b) Section 3 of the Dowry Prohibition Act, 1961.
- (C) Section 498A of the Indian Penal Code, 1860.
- (d) Section 304B of the Indian Penal Code, 1860.

CORRECT ANSWER: A

Explanation:

(A) Correct - The term 'dowry' is defined in Section 2 of the Dowry Prohibition Act, 1961. This section provides a comprehensive definition of dowry.

(b) Incorrect - Section 3 of the Dowry Prohibition Act, 1961, does not define the term 'dowry'; it provides penalties for giving or taking dowry.

(c) Incorrect - Section 498A of the Indian Penal Code, 1860, deals with cruelty by husband or relatives of husband towards a married woman, but it does not define dowry.

(d) Incorrect - Section 304B of the Indian Penal Code, 1860, defines 'dowry death,' but it does not provide a definition of 'dowry' itself.

59. In order to establish that the accused has committed an offence under Section 304-B of the Indian Penal Code, 1860, the prosecution is required to prove that the death of the victim occurring 'otherwise than under normal circumstances':

(A) Is either homicidal or suicidal death.

(b) Is accidental death only.

(C) May be homicidal or suicidal or accidental death.

(d) Is suicidal death only.

CORRECT ANSWER: C

Explanation:

(A) Incorrect - Section 304-B of the Indian Penal Code, 1860, deals with dowry death, which involves a death occurring under circumstances other than normal. While such a death could be homicidal, it is not limited to only homicidal deaths. Therefore, option (A) is incorrect.

(b) Incorrect - While accidental death is one of the possibilities under Section 304-B, it is not the sole requirement. The section covers deaths occurring under various circumstances, including homicidal and suicidal deaths. Hence, option (b) is incorrect.

(C) Correct - Section 304-B encompasses deaths that are not considered "normal." These may include homicidal, suicidal, or accidental deaths. Therefore, the prosecution is required to prove that the death occurred under abnormal circumstances, which could be any of these types. Option (C) is correct.

(d) Incorrect - Similar to option (b), limiting the scope to only suicidal deaths is too restrictive. Section 304-B covers a broader range of circumstances, as explained in option (C).

60. The words 'soon before' in Section 304-B of the Indian Penal Code, 1860, are not interpreted as 'immediately before' because:

(A) A criminal statute is to be interpreted strictly.

(b) Section 304-B of the Indian Penal Code, 1860 is to be read with the presumption under Section 113-B of the Indian Evidence Act, 1872.

(C) Once these ingredients are satisfied, the rebuttable presumption of causality under Section 113-B of the Indian Evidence Act, 1872, operates against the accused.

(d) The legislative intent of Section 304-B of the Indian Penal Code, 1860 is to curb the social evil of bride burning and dowry demand.

CORRECT ANSWER: D

Explanation:

(A) Incorrect - While criminal statutes are indeed interpreted strictly, the interpretation of "soon before" in Section 304-B is not solely based on this principle. Hence, option (A) is incorrect.

(b) Incorrect - Although Section 113-B of the Indian Evidence Act, 1872, establishes a presumption regarding dowry deaths, it does not directly influence the interpretation of "soon before" in Section 304-B. Therefore, option (b) is incorrect.

(C) Incorrect - While Section 113-B of the Indian Evidence Act, 1872, provides a presumption of dowry death, it does not address the interpretation of "soon before" in Section 304-B. Hence, option (C) is incorrect.

(d) Correct - The legislative intent behind Section 304-B is to address the social evil of dowry deaths, particularly bride burning. Interpreting "soon before" as "immediately before" would unduly restrict the scope of the provision, considering the complexities of dowry-related crimes. Therefore, the courts have adopted a broader interpretation to encompass a reasonable timeframe preceding the death. Option (d) is correct.

To every State whose land territory is at any place washed by the sea, international law attaches a corresponding portion of maritime territory... international law does not say to a State: "You are entitled to claim territorial waters if you want them". No maritime State can refuse them. international law imposes upon a maritime State, certain obligations and confers upon it certain rights arising out of the sovereignty which it exercises over its maritime territory. the possession of this territory is not optional, not dependent upon the will of the State, but compulsory. in the ninth edition of Oppenheim's international Law, the nationality of ships in the high seas has been referred to in paragraph 287, wherein it has been observed that the legal order on the high seas is based primarily on the rule of international Law which requires ever[vessel sailing the high seas to possess the nationality[of, and to b[the bag of, one State, whereby a vessel and persons on board the vessel are subjected to the law of the State of the bag and in general subject to its exclusive jurisdiction. In paragraph 291 of the aforesaid discourse, the learned author has defined the scope of bag jurisdiction to mean that jurisdiction in the high seas is dependent upon the maritime Flag under which vessels sail, because no State can extend its territorial jurisdiction to the high seas. Of course, the aforesaid principle is subject to the right

of Öhot pursuit, which is an exceptions to the exclusiveness' of the bag jurisdiction over ships on the high seas in certain special cases

61. A Coastal State, subject to the obligations imposed by international Law, has sovereignty over its:

(A) territorial waters, the seabed and subsoil underlying such waters, and the air space above them.

(b) territorial waters, the seabed and subsoil underlying such waters.

(C) territorial waters only.

(d) territorial waters and the air space above them.

CORRECT ANSWER: A

Explanation:

(A) Correct - A Coastal State, in accordance with international law, possesses sovereignty over its territorial waters, including the seabed and subsoil beneath those waters, as well as the airspace above them. This comprehensive jurisdiction is established to regulate and manage activities within its maritime boundaries. Therefore, option (A) is correct.

(b) Incorrect - This option is incomplete as it does not include the airspace above the territorial waters, which is also under the sovereignty of the Coastal State. Hence, option (b) is incorrect.

(C) Incorrect - Limiting sovereignty to only territorial waters would not reflect the full extent of a Coastal State's jurisdiction as recognized under international law. Therefore, option (C) is incorrect.

(d) Incorrect - This option includes only territorial waters and airspace, omitting reference to the seabed and subsoil beneath the waters. As such, it does not accurately reflect the complete scope of a Coastal State's sovereignty as recognized under international law. Hence, option (d) is incorrect.

62. Which provision of the United Nations Convention on the Law of the Sea 1982 (UNCLOS) makes an express declaration that: "No State may validly purport to subject any part of the high seas to its sovereignty."?

(A) Article 86

(b) Article 87

(C) Article 88

(d) Article 89

CORRECT ANSWER: D

Explanation:

(A) Incorrect - Article 86 of UNCLOS primarily deals with the legal status of the continental shelf, including the rights and obligations of coastal states regarding exploration and exploitation of natural resources. It does not contain the specific declaration mentioned in the question. Therefore, option (A) is incorrect.

(b) Incorrect - Article 87 of UNCLOS addresses the freedom of the high seas, including the freedom of navigation and overflight. While it establishes the principle of freedom of the high seas, it does not include the explicit declaration mentioned in the question. Hence, option (b) is incorrect.

(C) Incorrect - Article 88 of UNCLOS pertains to the reservation of navigational and overflight rights, particularly in the exclusive economic zone (EEZ) of coastal states. It does not contain the specific declaration stated in the question. Therefore, option (C) is incorrect.

(d) Correct - Article 89 of UNCLOS explicitly states that no state may validly subject any part of the high seas to its sovereignty. This provision reaffirms the principle of the freedom of the high seas, prohibiting states from extending their territorial sovereignty beyond their maritime boundaries. Therefore, option (d) is correct.

63. According to Article 94(7) of the United Nations Convention on the Law of the Sea 1982 (UNCLOS), in the event of a marine casualty or incident of navigation on the high seas involving a ship flying a State's flag and causing loss of life or serious injury to nationals of another State, which of the following shall be the duty of the Flag State?

(A) to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to mitigate the damage so caused.

(B) To cause an inquiry to be held by or before suitably qualified person(s) into such casualty or incident.

(C) to investigate the matter and, if appropriate, take any action necessary to remedy the situation.

(d) to assume jurisdiction under its internal law over such casualty or incident in respect of its administrative, technical and social implications.

CORRECT ANSWER: B

Explanation:

(A) Incorrect - While it is a duty of the Flag State to conform to generally accepted international regulations, procedures, and practices, this obligation is not specifically outlined in Article 94(7) of UNCLOS. Therefore, option (A) is incorrect.

(B) Correct - Article 94(7) of UNCLOS mandates the Flag State to cause an inquiry to be held by or before suitably qualified persons into any marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State. This inquiry is essential for determining the circumstances surrounding the casualty or incident and for ensuring accountability. Thus, option (B) is correct.

(C) Incorrect - Although investigating the matter and taking appropriate action may be part of the responsibilities of the Flag State, Article 94(7) specifically emphasizes the duty to conduct an inquiry into the casualty or incident. Therefore, option (C) is incorrect.

(d) Incorrect - While the Flag State may have jurisdiction over the administrative, technical, and social implications of the casualty or incident under its internal law, Article 94(7) primarily focuses on the obligation to conduct an inquiry into the matter. Thus, option (d) is incorrect. Certainly! Let's continue with the next question:

64. Territorial waters are not only 'territory' but also a compulsory _____ to the coastal state.

(A) Liability

(b) Equitable interest

(C) Appurtenance

(d) Trust

CORRECT ANSWER: C

Explanation:

(A) Incorrect - Describing territorial waters as a liability to the coastal state would not be accurate in the context of maritime law. Territorial waters represent a zone of jurisdiction and control for the coastal state rather than a liability. Therefore, option (A) is incorrect.

(b) Incorrect - While territorial waters may confer certain rights and interests to the coastal state, describing them as an equitable interest might not fully capture their legal nature.

Equitable interest typically refers to a beneficial interest in property, which may not align with the concept of territorial waters as defined by international law. Therefore, option (b) is incorrect.

(C) Correct - Territorial waters are not only considered as part of the territory of the coastal state but also as a compulsory appurtenance. Appurtenance refers to something that is attached to or belongs to something else. In the context of maritime law, territorial waters are inherently linked to the coastal state's sovereignty and jurisdiction, making them a compulsory appurtenance to the coastal state. Therefore, option (C) is correct.

(d) Incorrect - Describing territorial waters as a trust to the coastal state would not be an accurate characterization. Trust typically involves fiduciary relationships or obligations, which may not apply directly to territorial waters. Therefore, option (d) is incorrect.

65. The right of 'hot pursuit', which has been codified in Article 111 of the United Nations Convention on the Law of the Sea 1982 (UNCLOS) recognizes that:

(A) A vessel, if it has committed a violation of the laws of a foreign State while in that State's sovereign or territorial waters, may be pursued onto the high seas.

(b) A vessel, if it has committed a violation of the provisions of the UNCLOS while in that State's sovereign or territorial waters, may be pursued onto the high seas.

(C) A vessel, if it has committed a violation of the laws of a foreign State while in that State's sovereign or territorial waters, may be pursued onto the foreign State's sovereign or territorial waters.

(d) A vessel, if it has committed a violation of the laws of a foreign State while in that State's sovereign or territorial waters, may be pursued onto a third State's sovereign or territorial waters.

CORRECT ANSWER: A

Explanation:

(A) Correct - The right of 'hot pursuit' codified in Article 111 of UNCLOS allows a vessel to be pursued onto the high seas if it has committed a violation of the laws of a foreign State while in that State's sovereign or territorial waters. This provision enables coastal states to take necessary measures to enforce their laws and maintain order within their maritime jurisdiction. Therefore, option (A) is correct.

(b) Incorrect - While UNCLOS provides for the right of hot pursuit, it specifically pertains to violations of the laws of a foreign State rather than violations of the provisions of UNCLOS itself. Therefore, option (b) is incorrect.

(C) Incorrect - The right of hot pursuit does not extend to pursuing a vessel into the foreign State's sovereign or territorial waters. Instead, it allows for pursuit onto the high seas to apprehend vessels that have violated the laws of a foreign State while in its sovereign or territorial waters. Therefore, option (C) is incorrect.

(d) Incorrect - Pursuing a vessel into a third State's sovereign or territorial waters would exceed the scope of the right of hot pursuit as defined in UNCLOS. The pursuit is limited to the high seas and does not authorize incursions into the territorial waters of third States. Therefore, option (d) is incorrect.

66. In which of the following judgments, the Supreme Court of India has opined that "sovereignty is not 'given', but it is only asserted"?

(A) State of Tamil Nadu v. Mariya Anton Vijay, (2015) 9 SCC 294.

(b) Great Eastern Shipping Co. Ltd. v. State of Karnataka, (2020) 3 SCC 354.

(C) Republic of Italy through Ambassador v. Union of India, (2013) 4 SCC 721.

(d) Sabeeha Faikage v. Union of India, (2013) 1 SCC 262.

CORRECT ANSWER: C

Explanation:

(A) Incorrect - The judgment in State of Tamil Nadu v. Mariya Anton Vijay, (2015) 9 SCC 294 does not contain the specific statement regarding sovereignty as described in the question. Therefore, option (A) is incorrect.

(b) Incorrect - The judgment in Great Eastern Shipping Co. Ltd. v. State of Karnataka, (2020) 3 SCC 354 does not contain the specific statement regarding sovereignty as described in the question. Therefore, option (b) is incorrect.

(C) Correct - The statement "sovereignty is not 'given', but it is only asserted" was made by the Supreme Court of India in the case Republic of Italy through Ambassador v. Union of India, (2013) 4 SCC 721. This statement underscores the idea that sovereignty is inherent and must be asserted rather than granted by external forces. Therefore, option (C) is correct.

(d) Incorrect - The judgment in Sabeeha Faikage v. Union of India, (2013) 1 SCC 262 does not contain the specific statement regarding sovereignty as described in the question. Therefore, option (d) is incorrect.

XII. Sections 31 to 35 of Chapter III of the Indian Contract Act, 1872, deals with contingent contracts, and Section 36 deals with contingent agreements. A contingent contract is one where the liability to perform the promise depends upon some collateral event which may or may not happen. A contract of insurance is an example of a contingent contract, where the liability of the insurer depends upon the occurrence of the event, viz. damage or destruction arising out of fire. Life insurance, in a broader sense, comprises any contract in which one party agrees to pay a given sum upon happening of a particular event contingent upon duration of human life,

in consideration of the immediate payment of a smaller sum or certain equivalent periodical payments by another. The event may be certain but its happening in a specific manner or within a particular time would be uncertain. A contract of indemnity to make good the loss arising out of the conduct of the promisor is a contract contingent upon the act of a party. Such condition may be express or may also be implied into a contract. A contract for storage of potatoes in a cold storage cooling system was held subject to an implied condition that it could be performed only when there was continuous electric supply. But where there is a document embodying the terms of a contract, it is not permissible to imply therein a condition if that will be inconsistent with its express terms.

67. Which of the following is not correct about the nature of a contingent contract?

- (A) A contract contingent upon the happening of an event can be enforced after that event occurs.
- (b) A contract contingent upon the happening of an event can be enforced even before that event occurs.
- (C) If the event becomes impossible, the contract becomes void.
- (d) The parties are under no obligation till the happening of that event unless there is a term requiring the parties to make an effort to make that event happen.

CORRECT ANSWER: B

Explanation:

(A) Incorrect - A contingent contract can indeed be enforced after the contingent event occurs, as the fulfillment of the condition triggers the obligation to perform. Therefore, option (A) is incorrect.

(b) Correct - A contingent contract cannot be enforced before the contingent event occurs because the obligation to perform arises only upon the happening of the specified event. Until the condition is fulfilled, the parties are not legally bound to perform their respective obligations. Therefore, option (b) is correct.

(C) Incorrect - If the contingent event becomes impossible, the contract becomes void as stated in Section 32 of the Indian Contract Act, 1872. Therefore, option (C) is incorrect.

(d) Incorrect - The parties to a contingent contract are under no obligation until the happening of the contingent event unless there is a term in the contract requiring the parties to make efforts to make that event happen. However, once the event occurs, the obligation to perform arises. Therefore, option (d) is incorrect.

68. 'A' agrees to pay 'B' a sum of money if a certain cruise does not return. The cruise is sunk. Based on the given facts, which of the following statements is correct?

- (A) The contract can be enforced when the cruise sinks.
- (b) Sinking of the cruise has no relevance for the validity of the contract.
- (C) The contract cannot be enforced when the cruise sinks.
- (d) The condition is impossible.

CORRECT ANSWER: A

Explanation:

(A) Correct - In this scenario, where 'A' agrees to pay 'B' a sum of money if a certain cruise does not return, the sinking of the cruise fulfills the condition specified in the contract. Therefore, 'A' is obligated to pay 'B' as per the terms of the contract, and it can be enforced when the cruise sinks. Hence, option (A) is correct.

(b) Incorrect - The sinking of the cruise is highly relevant for the validity and enforcement of the contract because it determines whether the condition specified in the contract has been met. Therefore, option (b) is incorrect.

(C) Incorrect - The contract can indeed be enforced when the cruise sinks, as the condition specified in the contract has been fulfilled. Therefore, option (C) is incorrect.

(d) Incorrect - The condition specified in the contract, i.e., the sinking of the cruise, is not impossible as it has occurred in this scenario. Therefore, option (d) is incorrect.

69. Which of the following is correct regarding a contingent contract?

- (A) No contract comes into existence until the contingency occurs.
- (b) One party cannot assume an immediate unilateral obligation subject to a condition.
- (C) The parties cannot enter into an immediately binding contract; and either the operation of the contract is made to depend upon the happening of the specified event.
- (d) All contingent contracts are void.

CORRECT ANSWER: A

Explanation:

(A) Correct - In a contingent contract, no contract comes into existence until the specified contingency occurs. Until the contingent event happens, the parties are not bound by any contractual obligations. Therefore, option (A) is correct.

(b) Incorrect - One party can indeed assume an immediate unilateral obligation subject to a condition in a contingent contract. However, the enforcement of this obligation depends on the fulfillment of the specified contingency. Therefore, option (b) is incorrect.

(C) Incorrect - The parties can enter into a contingent contract, but the operation of the contract is made to depend upon the happening of the specified event. Therefore, the contract is not immediately binding until the contingency occurs. Hence, option (C) is incorrect.

(d) Incorrect - Not all contingent contracts are void. Contingent contracts are valid contracts, but their enforceability depends on the fulfillment of the specified contingency. Therefore, option (d) is incorrect.

70. 'X' promises to pay 'Y' a sum of money if a certain ship returns within a year. Based on the given facts, which of the following statements is not correct?

(A) The contract becomes void if the ship is burnt within the year.

(b) The contract depends upon returning or non-returning of the ship.

(C) The contract may be enforced if the ship returns within the year.

(d) The contract cannot be enforced if the ship returns within the year.

CORRECT ANSWER: D

Explanation:

(A) Incorrect - If the specified ship is burnt within the year, the contract becomes void as the condition upon which it is based becomes impossible. Therefore, option (A) is incorrect.

(b) Incorrect - The validity and enforceability of the contract indeed depend on the returning or non-returning of the ship. Therefore, option (b) is incorrect.

(C) Incorrect - If the ship returns within the year, the condition of the contract is fulfilled, and 'X' is obligated to pay 'Y' as per the terms of the contract. Therefore, option (C) is incorrect.

(d) Correct - If the ship returns within the year, the condition of the contract is fulfilled, and 'X' is obligated to pay 'Y' as per the terms of the contract. The contract can be enforced in this scenario. Therefore, option (d) is correct.

71. 'A' agrees to pay 'Z' an amount of ₹2 lakhs if 'Z' marries 'B'. 'B' was dead at the time of the said agreement between 'A' and 'Z'. Based on the given facts, which of the following statements is correct?

(A) The agreement is valid.

(b) The enforceability of the agreement does not depend on the existence of 'B'.

(C) The agreement is void.

(d) The event is possible in its nature.

CORRECT ANSWER: C

Explanation:

(A) Incorrect - The agreement between 'A' and 'Z' is based on the condition of 'Z' marrying 'B', which is impossible as 'B' was already deceased at the time of the agreement. Therefore, the agreement is not valid, and option (A) is incorrect.

(b) Incorrect - The enforceability of the agreement is directly tied to the condition specified in the agreement, which is impossible to fulfill. Therefore, option (b) is incorrect.

(C) Correct - The agreement between 'A' and 'Z' is void because the condition upon which it is based is impossible to fulfill. 'Z' cannot marry 'B' as 'B' is already deceased. Therefore, option (C) is correct.

(d) Incorrect - The event specified in the agreement, 'Z' marrying 'B', is not possible due to the death of 'B' at the time of the agreement. Therefore, option (d) is incorrect.

72. Which of the following statement correctly describes the difference between wagering agreements and contingent contracts?

(A) Wagering agreements are void and contingent contracts are valid.

(b) Wagering agreements are valid and contingent contracts are void.

(C) Wagering agreements and contingent contracts are valid.

(d) Wagering agreements and contingent contracts are void.

CORRECT ANSWER: A

Explanation:

(A) Correct - Wagering agreements, which are based on chance and involve uncertainty, are considered void under the Indian Contract Act. On the other hand, contingent contracts, where the performance depends on the occurrence or non-occurrence of a specific event, are considered valid. Therefore, option (A) is correct.

(b) Incorrect - Wagering agreements are not considered valid under the Indian Contract Act due to their speculative nature. Contingent contracts, however, are valid contracts. Therefore, option (b) is incorrect.

(C) Incorrect - Wagering agreements are void, while contingent contracts are valid. Therefore, option (C) is incorrect.

(d) Incorrect - While wagering agreements are indeed void, contingent contracts are considered valid under the Indian Contract Act. Therefore, option (d) is incorrect.

Xiii. Supreme Court of India has pointed out that there are not less than 100 instances under the Income Tax Act, 1961, where in the event of amalgamation, the method of treatment of a particular subject matter is expressly indicated in the provisions of the Act. In some instances, amalgamation results in withdrawal of a special benefit (such as an area exemption under Section 80IA) - because it is entity or unit specific. In the case of forward of losses and profits, a nuanced approach has been indicated. All these provisions support the idea that the enterprise or the undertaking, and the business of the amalgamated company continues. The beneficial treatment, in the form of set-off, deductions (in proportion to the period the transferee was in existence, vis-à-vis the transfer to the transferee company); carry forward of loss, depreciation, all bear out that under the Act, (a) the business-including the rights, assets and liabilities of the transferor company do not cease, but continue; (b) by deeming fiction through several provisions of the Act, the treatment of various issues, is such that the transferee is deemed to carry on the enterprise as that of the transferor.

73. Consider the given statements:

- (i) Amalgamation is the merger of one or more companies with another company.
- (ii) Amalgamation may be the merger of two or more companies to form a new company.
- (iii) The amalgamating company integrates with amalgamated company and the former is dissolved without winding up.

Choose the correct answer from the Code given below:

- (A) Only (i) and (ii) are true.
- (b) Only (ii) and (iii) are true.
- (C) Only (i) and (iii) are true.
- (d) (i), (ii) and (iii) are true.

CORRECT ANSWER: D

Explanation:

(A) Incorrect - Statement (ii) is true, but statement (iii) is also true. Therefore, option (A) is incorrect.

(b) Incorrect - Statement (i) is true, but statement (iii) is also true. Therefore, option (b) is incorrect.

(C) Incorrect - Statement (ii) is true, but statement (i) is also true. Therefore, option (C) is incorrect.

(d) Correct - All three statements are true:

(i) Amalgamation can involve the merger of one or more companies with another company.

(ii) Amalgamation can also involve the merger of two or more companies to form a new company.

(iii) In amalgamation, the amalgamating company integrates with the amalgamated company, and the former is dissolved without winding up. Therefore, option (d) is correct.

74. On amalgamation of a company,

(A) there is transfer of capital assets from amalgamating company to amalgamated company and therefore capital gain can arise in the hands of the amalgamating company.

(b) there is transfer of capital assets from the amalgamating company to amalgamated company and hence capital gain can arise in the hands of the shareholders of the amalgamating company.

(C) Succession of capital assets of the amalgamating company by the amalgamated company does not result in transfer as defined in Section 47 of the Income Tax Act and hence no capital gain arises.

(d) All are incorrect.

CORRECT ANSWER: C

Explanation:

(A) Incorrect - In case of amalgamation, there is indeed a transfer of capital assets from the amalgamating company to the amalgamated company. However, this transfer does not necessarily result in capital gain in the hands of the amalgamating company. Therefore, option (A) is incorrect.

(b) Incorrect - While there is indeed a transfer of capital assets from the amalgamating company to the amalgamated company, the capital gain, if any, would not arise in the hands of the shareholders of the amalgamating company directly due to the amalgamation. Therefore, option (b) is incorrect.

(C) Correct - The succession of capital assets of the amalgamating company by the amalgamated company does not constitute a transfer as defined in Section 47 of the Income

Tax Act. As a result, no capital gain arises due to the amalgamation. Therefore, option (C) is correct.

(d) Incorrect - Option (C) is correct as it accurately describes the tax treatment of amalgamation under Section 47 of the Income Tax Act. Therefore, option (d) is incorrect.

75. In case of amalgamation,

(A) Amalgamated company can set off the losses of the amalgamating company if conditions of Income Tax Act, 1961 are complied with.

(b) New company can claim depreciation on capital assets in the year of transfer on a pro-rata basis.

(C) New company can carry forward unabsorbed depreciation.

(d) All are true.

CORRECT ANSWER: D

Explanation:

(A) Correct - The amalgamated company can indeed set off the losses of the amalgamating company if certain conditions specified in the Income Tax Act, 1961 are met. This is one of the benefits provided under the Income Tax Act in case of amalgamation. Therefore, option (A) is correct.

(b) Correct - The new company formed as a result of amalgamation can claim depreciation on the capital assets acquired from the amalgamating company in the year of transfer on a prorata basis. This allows for the depreciation benefits to be utilized by the new entity. Therefore, option (b) is correct.

(C) Correct - The new company resulting from the amalgamation can carry forward unabsorbed depreciation of the amalgamating company. This ensures that the tax benefits of depreciation are not lost but carried forward to future years for set-off against future profits. Therefore, option (C) is correct.

(d) Correct - All the statements are true:

- The amalgamated company can set off the losses of the amalgamating company if conditions of the Income Tax Act, 1961 are complied with.

- The new company can claim depreciation on capital assets in the year of transfer on a prorata basis.

- The new company can carry forward unabsorbed depreciation. Therefore, option (d) is correct.

76. Consider the given statements:

- (i) In case of amalgamation, transferee-company can claim deduction for expenditure incurred on amalgamation.
- (ii) Any cessation of liability of amalgamating company shall be taxed in the hands of the amalgamated company.

Choose the correct answer from the Code given below:

- (A) Both (i) and (ii) are true.
- (b) Only (i) is true.
- (C) Only (ii) is true.
- (d) Both (i) and (ii) are untrue.

CORRECT ANSWER: A

Explanation:

(A) Correct - Both statements are true:

(i) In case of amalgamation, the transferee-company can indeed claim deduction for expenditure incurred on amalgamation. This deduction is provided under the Income Tax Act, 1961 to incentivize the process of amalgamation.

(ii) Any cessation of liability of the amalgamating company shall be indeed taxed in the hands of the amalgamated company. This is in accordance with the tax treatment of amalgamation under the Income Tax Act, 1961. Therefore, option (A) is correct.

(b) Incorrect - Statement (ii) is true, but statement (i) is also true. Therefore, option (b) is incorrect.

(C) Incorrect - Statement (i) is true, but statement (ii) is also true. Therefore, option (C) is incorrect.

(d) Incorrect - Both statements are indeed true:

(i) The transferee-company can claim deduction for expenditure incurred on amalgamation.

(ii) Any cessation of liability of the amalgamating company shall be taxed in the hands of the amalgamated company. Therefore, option (d) is incorrect.

77. Which of the following is true?

(A) The accumulated loss of the amalgamating company shall be deemed to be the loss of the amalgamated company for the previous year in which the amalgamation was effected.

(b) The amalgamated company can claim all deductions under Section 80 of Income Tax Act, 1961 including unit-specific deductions.

(C) The accumulated loss of the amalgamating company shall not be deemed to be the loss of the amalgamated company.

(d) All are incorrect.

CORRECT ANSWER: A

Explanation:

(A) Correct - The accumulated loss of the amalgamating company shall indeed be deemed to be the loss of the amalgamated company for the previous year in which the amalgamation was effected. This provision ensures continuity of treatment of losses for the amalgamated company, allowing it to carry forward and set off the losses as if they were its own. Therefore, option (A) is correct.

(b) Incorrect - The amalgamated company cannot claim all deductions under Section 80 of the Income Tax Act, 1961, including unit-specific deductions, automatically. The availability of deductions depends on various factors and conditions specified in the Income Tax Act. Therefore, option (b) is incorrect.

(C) Incorrect - The accumulated loss of the amalgamating company is indeed deemed to be the loss of the amalgamated company for the previous year in which the amalgamation was effected, as per the provisions of the Income Tax Act, 1961. Therefore, option (C) is incorrect.

(d) Incorrect - Option (A) is correct, as explained above. Therefore, option (d) is incorrect.

78. Consider the given statements:

(i) In case of amalgamation, the business of the transferor company does not cease, but is deemed to continue.

(ii) Under various provisions of the Income Tax Act, transferee is deemed to carry on the enterprise as that of the transferor.

Choose the correct answer from the Code given below:

(A) Both (i) and (ii) are true.

(b) Only (i) is true.

(C) Only (ii) is true.

(d) Both (i) and (ii) are untrue.

CORRECT ANSWER: A

Explanation:

(A) Correct - Both statements are true:

(i) In case of amalgamation, the business of the transferor company indeed does not cease but is deemed to continue. This is crucial for maintaining continuity in operations and treatment under the Income Tax Act, 1961.

(ii) Under various provisions of the Income Tax Act, the transferee is indeed deemed to carry on the enterprise as that of the transferor. This ensures that the benefits, liabilities, and obligations of the transferor company are seamlessly transferred to the transferee, allowing for uninterrupted business operations. Therefore, option (A) is correct.

(b) Incorrect - Statement (ii) is true, but statement (i) is also true. Therefore, option (b) is incorrect.

(C) Incorrect - Statement (i) is true, but statement (ii) is also true. Therefore, option (C) is incorrect.

(d) Incorrect - Both statements are indeed true:

(i) The business of the transferor company does not cease but is deemed to continue in case of amalgamation.

(ii) Under various provisions of the Income Tax Act, the transferee is deemed to carry on the enterprise as that of the transferor. Therefore, option (d) is incorrect.

The Supreme Court of India in a *Suo Motu Writ Petition In Re: Distribution of Essential Supplies and Services During Pandemic*, [Writ Petition (Civil) No. 3 of 2021], analyzed the power of judicial review over the management of the COVID-19 pandemic in India. The Union of India has highlighted a few concerns as: the executive is battling an unprecedented crisis and the government needs discretion to formulate policy in larger interest and its wisdom should be trusted; the current vaccine policy conforms to Articles 14 and 21 of the Constitution, and requires no interference from the courts as the executive has room for free play in the joints while dealing with a pandemic of this magnitude; Judicial review over executive policies is permissible only on account of manifest arbitrariness. No interference from judicial proceedings is called for when the executive is operating on expert medical and scientific opinion to tackle a medical crisis; and an[over-\]jealous judicial intervention, though well-meaning, in the absence of expert advice or administrative experience may lead to unintended circumstances where the executive is left with little room to explore innovative solutions. The court clarified that in the context of the public health emergency, the executive has been given a wider margin in enacting measures which ordinarily may have violated the liberty of individual. The judiciary has also recognized that Constitutional scrutiny is transformed during such public health emergencies and noted the complex role of the government in battling public

health emergencies in following words: ...While this court should guard with firmness every right appertaining to life, Liberty[or property as secured to the individual by the Supreme Law of the Land, it is of the last importance that it should not invade the domain of local authority except when it is plainly necessary to do so in order to enforce that law. But even in a pandemic, the Constitution cannot be put away and forgotten and a public health emergency does not give Governor and other public Officials carte blanche to disregard the Constitution for as long as the medical problem persists. ...the courts should expect policies that more carefully account for Constitutional rights. the court stated that separation of powers is a part of the basic structure of the Constitution of india. However, this separation of powers does not result in courts lacking jurisdiction in conducting a judicial review of these policies

79. Which of the following statements is untrue?

- (A) Policy-making lays in the sole domain of the executive.
- (b) the power of judicial review may be exercised on public health policies.
- (C) Separation of powers restricts the power of judicial review on public health policies.
- (d) Policy-making should be in conformity with the fundamental rights.

Correct Answer: C Explanation:

(A) Incorrect - This statement is true. Policy-making primarily falls within the domain of the executive branch of government.

(b) Incorrect - The power of judicial review allows the judiciary to examine the constitutionality of public health policies, ensuring they adhere to fundamental rights and principles of the Constitution. Hence, this statement is true.

(C) Correct - Separation of powers does not restrict the power of judicial review on public health policies. Judicial review is a crucial mechanism to ensure that policies are in conformity with constitutional principles, including fundamental rights. Therefore, this statement is untrue.

(d) Incorrect - This statement is true. Policy-making should indeed be in conformity with fundamental rights to ensure that the rights of individuals are upheld.

80. Soliciting constitutional justification for executive policies in managing a public health crisis during a pandemic appears to be:

- (A) Necessary function of the court.
- (b) discretionary power of the court.
- (C) Not within the ambit of judicial review.
- (d) unnecessary interference from the court.

Correct Answer: A Explanation:

(A) Correct - During a public health crisis, it becomes necessary for the court to solicit constitutional justification for executive policies to ensure that fundamental rights are not violated. Judicial review is a vital function of the court to uphold the rule of law.

(b) Incorrect - Judicial review is not merely discretionary but rather an essential function of the court to ensure the constitutionality of executive actions, especially during crises.

(C) Incorrect - Judicial review is within the ambit of the court's responsibilities, especially concerning fundamental rights and constitutional validity.

(d) Incorrect - Soliciting constitutional justification is not unnecessary interference but rather a necessary step to ensure that executive actions are in conformity with constitutional principles.

81. In the above excerpt, the Union of India opposed judicial intervention in apprehension of circumstances restricting the scope for the executive to explore solutions. The said argument was supported on the ground that:

(A) the judges are not public health experts, therefore in the absence of expert advice, it would be an undesirable intervention.

(b) the executive needs room for free play while dealing with the pandemic.

(C) Constitutional rights are suspended during a pandemic.

(d) both (A) and (b).

Correct Answer: D Explanation:

(A) Incorrect - While it is true that judges may not necessarily be public health experts, it does not mean that judicial intervention is undesirable in the absence of expert advice. Judicial review is a constitutional duty aimed at ensuring that executive actions do not infringe upon fundamental rights, regardless of the expertise of the judiciary in specific fields.

(b) Correct - The argument presented by the Union of India suggests that the executive requires flexibility to address the challenges posed by the pandemic effectively. This includes having room for maneuverability in formulating policies without undue interference from the judiciary.

(C) Incorrect - Constitutional rights are not suspended during a pandemic. While certain restrictions may be imposed to address public health concerns, fundamental rights remain essential and should be upheld to the extent possible.

(d) Correct - The Union of India's argument combines both the need for executive discretion in handling the pandemic and the potential drawbacks of judicial intervention in the absence of

expert advice. Therefore, option (d) is the correct choice as it encompasses both aspects of the argument presented by the Union of India.

82. Consider the following statements:

(i) An intrusion by the judiciary in the domain of the executive is prohibited under the separation of powers principle, except when it is necessary to do so in order to enforce the express provisions of the Constitution of India.

(ii) An intrusion by the judiciary in the domain of the executive is allowed when it is necessary to do so in order to safeguard the rights relating to life, liberty or property as secured to the individual by the Constitution of India.

Choose the correct answer from the code given below.

(A) both (i) and (ii) are true.

(b) both (i) and (ii) are untrue.

(C) (i) is true and (ii) is untrue.

(d) (ii) is true and (i) is untrue.

Correct Answer: B Explanation:

(A) Incorrect - Both statements (i) and (ii) are not true. Statement (i) implies that intrusion by the judiciary is prohibited except to enforce express provisions of the Constitution, which is not accurate. Statement (ii) implies that intrusion is allowed solely to safeguard rights relating to life, liberty, or property, which is also not entirely accurate.

(b) Correct - Both statements (i) and (ii) are untrue. While separation of powers does limit the judiciary's intrusion into the executive domain, it does not completely prohibit it. Moreover, the judiciary can intervene not only to enforce express provisions of the Constitution but also to safeguard various other fundamental rights, not just limited to life, liberty, or property.

(C) Incorrect - Statement (i) is true, but statement (ii) is not entirely accurate. Therefore, option (C) cannot be correct.

(d) Incorrect - Statement (ii) is true, but statement (i) is not entirely accurate. Therefore, option (d) cannot be correct.

83. In the case of *In Re: Distribution of Essential Supplies and Services During Pandemic*, the Supreme Court of India examined the constitutional validity of Central Government's policy regarding vaccine procurement and distribution among different categories of the population. Such policy is known as:

(A) Vaccination distribution Policy.

- (b) Liberalized Vaccination Policy.
- (C) Central Vaccination distribution Policy.
- (d) None of the above.

Correct Answer: B Explanation:

- (A) Incorrect - "Vaccination distribution Policy" is not the correct term used to describe the policy examined by the Supreme Court.
- (b) Correct - The correct term used to describe the policy examined by the Supreme Court is the "Liberalized Vaccination Policy." This policy was scrutinized in the case mentioned.
- (C) Incorrect - "Central Vaccination distribution Policy" is not the correct term used to describe the policy examined by the Supreme Court.
- (d) Incorrect - "None of the above" is not the correct response, as there is a specific policy mentioned in the case under consideration.

84. Public health is a subject under _____ of the Seventh Schedule of the Constitution.

- (A) entry 6 of List II (State List)
- (b) entry 36 of List II (State List)
- (C) entry 81 of List I (Union List)
- (d) entry 29 of List III (Concurrent List)

Correct Answer: A Explanation:

- (A) Correct - Public health is listed under entry 6 of List II (State List) of the Seventh Schedule of the Constitution. This means that the state governments have the primary responsibility for legislating and implementing policies related to public health within their respective jurisdictions.
- (b) Incorrect - Entry 36 of List II pertains to "Public health and sanitation; hospitals and dispensaries."
- (C) Incorrect - Entry 81 of List I (Union List) concerns "Inter-State migration and inter-State quarantine." While related to public health, it does not encompass the entirety of public health matters.
- (d) Incorrect - Entry 29 of List III (Concurrent List) deals with "Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants." While this is relevant to public health, it does not cover the entire scope of public health matters.

85. Which of the following provisions contain the fundamental duty to protect and improve the natural environment?

(A) 51A(h)

(b) 51A(g)

(C) 51A(f)

(d) 51A(d)

Correct Answer: B Explanation:

(A) Incorrect - Article 51A(h) pertains to the duty to develop the scientific temper, humanism, and the spirit of inquiry and reform.

(b) Correct - Article 51A(g) contains the fundamental duty to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.

(C) Incorrect - Article 51A(f) pertains to the duty to value and preserve the rich heritage of our composite culture.

(d) Incorrect - Article 51A(d) pertains to the duty to defend the country and render national service when called upon to do so.

86. Under which of the following provisions can the Union legislature enact laws for giving effect to international agreements?

(A) Article 251

(b) Article 252

(C) Article 253

(d) Article 254

Correct Answer: C Explanation:

(A) Incorrect - Article 251 deals with laws made by Parliament which apply to the whole of India.

(b) Incorrect - Article 252 pertains to the power of Parliament to legislate for two or more states by consent and adoption of such legislation by any other State.

(C) Correct - Article 253 empowers the Union Parliament to make any law for the whole or any part of the territory of India for implementing any treaty, agreement, or convention with any other country or countries.

(d) Incorrect - Article 254 deals with the power of the state legislatures to make laws on subjects in the Concurrent List which may be repugnant to Union laws on the same subject.

87. By which of the following Constitution Amendment Act were entries 17A and 17B inserted in List III of the Seventh Schedule of the Constitution of India?

(A) Constitution (Fortieth Amendment) Act, 1976

(b) Constitution (Forty Second Amendment) Act, 1976

(C) Constitution (Forty Fourth Amendment) Act, 1978

(d) Constitution (Forty Sixth Amendment) Act, 1982

Correct Answer: B Explanation:

(A) Incorrect - The Constitution (Fortieth Amendment) Act, 1976 primarily dealt with the reorganization of the states of Punjab and Haryana.

(b) Correct - The Constitution (Forty-Second Amendment) Act, 1976 introduced significant changes to various provisions of the Constitution, including the insertion of entries 17A and 17B in List III (Concurrent List). These entries pertain to education including technical education, and medical education but excluding agricultural education.

(C) Incorrect - The Constitution (Forty-Fourth Amendment) Act, 1978 mainly focused on restoring the jurisdiction of the Supreme Court and High Courts in matters related to election disputes.

(d) Incorrect - The Constitution (Forty-Sixth Amendment) Act, 1982 primarily dealt with extending reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and State Legislative Assemblies.

88. Which of the following judgments of the Supreme Court of India does not deal with sustainable development?

(A) Karnataka Industrial Area Development Board v. C. Kenchappa, (2006) 6 SCC 371.

(b) Tata Housing Development Co. Ltd. v. Aalok Jagga, (2020) 15 SCC 784.

(C) Manorama Sachan v. Lucknow Development Authority, (2005) 9 SCC 425.

(d) Maharashtra Land Development Corporation v. State of Maharashtra, (2011) 15 SCC 616.

Correct Answer: C Explanation:

(A) Incorrect - The case of Karnataka Industrial Area Development Board v. C. Kenchappa (2006) 6 SCC 371 deals with environmental protection and sustainable development in the context of land acquisition.

(b) Incorrect - Tata Housing Development Co. Ltd. v. Aalok Jagga (2020) 15 SCC 784 involves issues related to environmental clearances and sustainable development in the context of real estate development.

(C) Correct - Manorama Sachan v. Lucknow Development Authority (2005) 9 SCC 425 primarily deals with urban development and land acquisition, but it does not directly address sustainable development.

(d) Incorrect - Maharashtra Land Development Corporation v. State of Maharashtra (2011) 15 SCC 616 pertains to land acquisition and compensation, with considerations of sustainable development.

89. Which of the following depicts the most appropriate response regarding the Public Trust Doctrine?

(A) that resources like sea, waters, forests are extremely important to the masses and therefore it would be unjustified to make them subjects of private ownership.

(b) the people of the country have a fundamental duty to protect the environment.

(C) the right to a clean environment is a fundamental right.

(d) All of the above.

Correct Answer: A Explanation:

(A) Correct - The Public Trust Doctrine holds that certain resources, such as sea, waters, forests, and other natural resources, are held in trust by the government for the benefit of the public. It would be unjustified to privatize or exploit these resources for private gain as they are vital to the well-being of the masses.

(b) Incorrect - While the Public Trust Doctrine does imply a duty to protect the environment, this option does not specifically address the concept of the Public Trust Doctrine itself.

(C) Incorrect - While the right to a clean environment is important and may be related to the principles of the Public Trust Doctrine, this option does not directly address the doctrine itself.

(d) Incorrect - While all the options are important principles related to environmental protection and sustainability, only option (a) directly reflects the essence of the Public Trust Doctrine.

90. Which of the following doctrines is/are part of environmental jurisprudence in India?

(A) Polluter Pays Principle

(b) Precautionary Principle

(C) both (A) and (B)

(d) Sovereign Immunity Principle

Correct Answer: C Explanation:

(A) Correct - The Polluter Pays Principle is a fundamental concept in environmental law, which holds that the polluting party should bear the costs of pollution prevention and control measures to ensure that the environment is protected.

(b) Correct - The Precautionary Principle is another important doctrine in environmental jurisprudence, which emphasizes taking preventive action in the face of uncertainty to prevent environmental degradation or harm, even if the full extent of potential harm is not yet fully understood.

(C) Correct - Both the Polluter Pays Principle and the Precautionary Principle are integral parts of environmental jurisprudence in India and worldwide. These principles guide environmental policy and decision-making to ensure sustainable development and protection of the environment.

(d) Incorrect - The Sovereign Immunity Principle pertains to the immunity of the state from legal proceedings, which is not directly related to environmental jurisprudence.

in cases where the evidence is of a circumstantial nature, the circumstances which lead to the conclusion of guilt should be in the first instance fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be shown that within all human probability the act must have been committed by the accused.

91. When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is:

(A) upon that person who conceived such intention.

(b) Not upon that person who conceived such intention.

(C) upon prosecution irrespective of the fact who conceived such intention.

(d) Not clear under the provisions of the Indian Evidence Act, 1872.

Correct Answer: A Explanation:

(A) Correct - According to the Indian Evidence Act, 1872, when a person's intention is relevant to the matter in issue, the burden of proving that intention is upon the person who alleges it.

Therefore, the burden of proving the intention lies upon the person who conceived such intention.

(b) Incorrect - The burden of proving intention generally falls upon the party who alleges it, not the party who conceived it.

(C) Incorrect - The burden of proving intention does not automatically fall upon the prosecution; it depends on the specific circumstances of the case and the relevance of intention to the matter in issue.

(d) Incorrect - The burden of proving intention is indeed clear under the provisions of the Indian Evidence Act, 1872, and it typically falls upon the party who alleges the intention.

92. Where in a criminal case there is a conflict between presumption of innocence and any other presumption, in such situation which presumption shall prevail?

(A) Presumption of guilty

(b) Presumption of innocence

(C) Mix Presumption

(d) No presumption

Correct Answer: B

Explanation:

(A) Incorrect - There is no presumption of guilt in a criminal case. The presumption of innocence is a fundamental principle in criminal law, and it prevails over any conflicting presumption.

(b) Correct - The presumption of innocence is a cornerstone of criminal jurisprudence. In any conflict between the presumption of innocence and any other presumption, the presumption of innocence must prevail until the guilt of the accused is proven beyond a reasonable doubt.

(C) Incorrect - There is no concept of a "mix presumption" in criminal law. The presumption of innocence takes precedence over any conflicting presumption.

(d) Incorrect - In criminal cases, there is always a presumption of innocence until proven guilty. Therefore, there is no situation where there is "no presumption."

93. Where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should be:

(A) Partially established

- (b) Fully established
- (C) Reasonably established
- (d) Initially established Correct

Answer: b Explanation:

(A) Incorrect - In cases involving circumstantial evidence, the circumstances from which the conclusion of guilt is to be drawn should not be partially established but rather fully established. The evidence should be complete and conclusive.

(b) Correct - In cases relying on circumstantial evidence, the circumstances from which the conclusion of guilt is to be drawn should be fully established. This means that all the relevant facts and evidence must be proven beyond a reasonable doubt, leaving no room for alternative explanations.

(C) Incorrect - While circumstantial evidence does not require absolute certainty, the circumstances should be more than just reasonably established. They should be fully established to support a conviction.

(d) Incorrect - Initially establishing the circumstances is not sufficient in cases relying on circumstantial evidence. The evidence must be fully established to support the conclusion of guilt.

94. Admissibility of circumstantial evidence against the accused requires a chain of evidence which:

- (A) Does not leave any reasonable ground for a conclusion consistent with the innocence of the accused.
- (b) Does not leave any reasonable ground for a conclusion inconsistent with the innocence of the accused.
- (C) Must be such as to show that within all human probability the act must have been done by the accused.
- (d) Both (A) and (C).

Correct Answer: d Explanation:

(A) Incorrect - While it is true that the chain of circumstantial evidence should be strong enough to lead to the conclusion of guilt, it is not required that there be no reasonable ground for a conclusion consistent with the innocence of the accused. The burden of proof in criminal cases is on the prosecution to prove guilt beyond a reasonable doubt, not to negate all possible innocent explanations.

(b) Incorrect - The chain of circumstantial evidence should indeed not leave any reasonable ground for a conclusion inconsistent with the innocence of the accused, but it should also positively support the conclusion of guilt. This option does not fully capture the requirement of establishing guilt beyond a reasonable doubt.

(C) Incorrect - While the chain of evidence should support the conclusion that the act was likely committed by the accused, it is not necessary that it shows the act must have been done by the accused within all human probability. This option overstates the standard required for admissibility of circumstantial evidence.

(d) Correct - Admissibility of circumstantial evidence requires a chain of evidence that not only does not leave any reasonable ground for a conclusion consistent with the innocence of the accused (option A) but also supports the conclusion that the act must have been done by the accused within all human probability (option C). Both criteria must be met for the evidence to be admissible against the accused.

95. When a murder charge is to be proved solely on circumstantial evidence, a presumption of innocence of the accused must have a _____ role.

(A) Common

(b) Reasonable

(C) Dominant

(d) Minimum

Correct Answer: C

Explanation:

(A) Incorrect - The presumption of innocence should have more than just a common role; it should have a stronger influence in cases where murder charges are proved solely on circumstantial evidence.

(b) Incorrect - While the presumption of innocence should play a reasonable role in such cases, it should have a more significant impact to ensure that the accused is not wrongfully convicted based on circumstantial evidence alone.

(C) Correct - The presumption of innocence should have a dominant role in cases where murder charges are based solely on circumstantial evidence. This means that the prosecution must overcome this strong presumption and provide convincing evidence of guilt beyond a reasonable doubt.

(d) Incorrect - The presumption of innocence should not have just a minimum role but rather a substantial role in such cases to protect the rights of the accused.

96. Which provision of the Indian Evidence Act, 1872 provides regarding the burden of proving that a case of an accused comes within general exceptions of the Indian Penal Code, 1860?

(A) Section 104

(b) Section 105

(C) Section 106

(d) Section 107 correct

answer: b

(a) Incorrect - Section 104 of the Indian Evidence Act, 1872, pertains to the burden of proving a particular fact. It states that the burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact lies on the person who wishes to give evidence. However, it does not specifically address the burden of proving that the case of an accused comes within the general exceptions of the Indian Penal Code, 1860. Therefore, this section is not the correct provision in this context.

(b) Correct - Section 105 of the Indian Evidence Act, 1872, is the correct provision. It deals with the burden of proving that a case falls within the general exceptions mentioned in the Indian Penal Code, 1860. According to Section 105, when a person is accused of any offense, and there are exceptions in the IPC that may apply to the case, the burden of proving those exceptions is on the accused. This means that the accused has to provide evidence to establish that the case falls within the general exceptions mentioned in the IPC.

(c) Incorrect - Section 106 of the Indian Evidence Act, 1872, deals with the burden of proving facts especially within the knowledge of a person. It states that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. However, it does not specifically address the burden of proving that the case of an accused comes within the general exceptions of the Indian Penal Code, 1860.

(d) Incorrect - Section 107 of the Indian Evidence Act, 1872, deals with the burden of proving the good faith of a person accused of an offense. It states that when a person is accused of any offense done in good faith, the burden of proving the existence of circumstances showing good faith is on the accused. This section is not directly related to the burden of

proving that the case of an accused comes within the general exceptions of the Indian Penal Code, 1860.

On repeal of the Juvenile Justice Act, 2000 and on the enforcement of the Juvenile Justice Act, 2015, the procedure to be followed when a claim of juvenility is raised before any court, other than a board is stipulated under Section 9(2) and (3). The same reads as “in case a person alleged to have committed an offence claims before a court other than a board, that the person is a child or was a child on the date of commission of the offence, or if the court itself is of the opinion that the person was a child on the date of commission of the offence, the said court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) to determine the age of such person, and shall record a finding on the matter, stating the age of the person as nearly as may be: Provided that such a claim may be raised before an[court and it shall be recognized at an[stage, even after final disposal of the case, and such a claim shall be determined in accordance with the provisions contained in this Act and the rules made thereunder even if the person has ceased to be a child on or before the date of commencement of this Act. If the court finds that a person has committed an offence and was a child on the date of commission of such offence, it shall forward the child to the board for passing appropriate orders and the sentence, if any, passed by the court shall be deemed to have no effect.”

97. From which of the following dates Juvenile Justice Act, 2015 was implemented?

- (A) January 16, 2015 (b) January 15, 2016
(C) February 16, 2016 (d) February 15, 2015

Correct Answer: (b)

Explanation:

- (a) Incorrect - January 16, 2015, is not the correct date for the implementation of the Juvenile Justice Act, 2015. The Act came into effect later, on January 15, 2016.
- (b) Correct - The Juvenile Justice Act, 2015, was implemented from January 15, 2016. This date marks the enforcement of the new legislation, replacing the Juvenile Justice Act, 2000.
- (C) Incorrect - February 16, 2016, is not the correct date for the implementation of the Juvenile Justice Act, 2015. The Act became effective a month earlier, on January 15, 2016.
- (d) Incorrect - February 15, 2015, is not the correct date for the implementation of the Juvenile Justice Act, 2015. The Act came into effect in 2016, not 2015.

98. 'A' is accused of having committed an offence on January 1, 2022. He attained the age of 16 on March 31, 2022. On the date of hearing, he claimed that on the date of commission of the offence, he was a child. Which of the following statements is true?

(A) 'A' can raise the plea of juvenility since he was a child on the date of commission of the offence.

(b) 'A' cannot be allowed to raise the plea of juvenility.

(C) For raising the plea of juvenility, the age on the date of trial is considered and not the age on the date of commission of offence.

(d) All are true.

Correct Answer: (a)

Explanation:

(a) Correct - 'A' can raise the plea of juvenility since he was a child on the date of commission of the offence. The age at the time of the alleged offence is crucial in determining the eligibility to claim juvenility.

(b) Incorrect - 'A' can raise the plea of juvenility as he was a child on the date of the alleged offence. The claim is valid based on the age at the time of the commission of the offence.

(C) Incorrect - The age on the date of the commission of the offence is relevant for raising the plea of juvenility, not the age at the time of the trial. Therefore, the statement is incorrect.

(d) Incorrect - Not all statements are true. The correct statement is (a) – 'A' can raise the plea of juvenility since he was a child on the date of commission of the offence.

99. Which of the following statements is true if the plea of juvenility is raised before the court?

(A) The Court can decide the plea of juvenility only on the basis of the affidavit of the claimant.

(b) The Court shall get the inquiry conducted by the collector of the district.

(C) The Court shall take such evidence as it considers necessary and decide the age of the claimant.

(d) Both (A) and (b) are true.

Correct Answer: (c)

Explanation:

- (a) Incorrect - The Court cannot decide the plea of juvenility solely on the basis of the affidavit of the claimant. It requires a more comprehensive examination of evidence to make an informed decision.
- (b) Incorrect - The statement that the Court shall get the inquiry conducted by the collector of the district is not accurate. The responsibility for conducting the inquiry lies with the court itself, and it is not specifically assigned to the collector.
- (c) Correct - The Court shall take such evidence as it considers necessary and decide the age of the claimant. When the plea of juvenility is raised, the court is required to conduct an inquiry, gather relevant evidence, and make a determination based on the available information.
- (d) Incorrect - Option (d) is incorrect because, as mentioned earlier, the court cannot rely solely on the affidavit of the claimant, and the responsibility for conducting the inquiry does not rest with the collector of the district.

100. 'A' is accused of committing an offence on a given day. He claims that he was a child on such day. Court conducts an inquiry and records a finding that he was a child on the date of the offence. Which of the following statements holds good?

- (A) The Court is bound to try the entire case and decide whether the claimant has committed the offence.
- (B) The order of conviction passed by the Court after recording a finding that the accused is a child is valid.
- (C) The Court shall forward the matter to the Juvenile Justice board for decision and appropriate orders.
- (d) The Court shall set the accused free.

Correct Answer: (C)

Explanation:

(A) Incorrect - The Court is not bound to try the entire case in such circumstances. Instead, it transfers the matter to the Juvenile Justice board for appropriate action.

(B) Incorrect - The order of conviction passed by the Court after recording a finding that the accused is a child is not valid. In such cases, the matter is referred to the Juvenile Justice board for their decision.

(C) Correct - The Court shall forward the matter to the Juvenile Justice board for decision and appropriate orders. When the Court finds that the accused was a child on the date of the offence, the case is transferred to the Juvenile Justice board for further proceedings.

(d) Incorrect - The Court does not set the accused free immediately but forwards the matter to the Juvenile Justice board for further proceedings and appropriate orders.

101. The Juvenile Justice Act, 2015 contemplates certain children to be kept in special homes. Which of the following children can be kept in special homes?

(A) Orphaned children

(b) Abused children

(C) Neglected children

(D) Children in conflict with law

Correct Answer: D Explanation:

(A) Incorrect - Orphaned children are not typically kept in special homes under the Juvenile Justice Act, as they may be placed in orphanages or other care facilities.

(b) Incorrect - Abused children may receive protection and care in specialized facilities, but special homes under the Juvenile Justice Act primarily cater to children in conflict with the law.

(C) Incorrect - Neglected children may also be provided care in different settings, but special homes specifically house children who have come into conflict with the law.

(D) Correct - Special homes are designated for children in conflict with the law, providing them with a structured environment and rehabilitative measures.

102. Which of the following is referred to as 'Orphan' in the Juvenile Justice Act, 2015?

(A) A child who is without a biological parent

(b) A child who is without an adoptive parent

(C) A child who is without a legal guardian

(D) All the above Correct Answer: D Explanation:

(A) Incorrect - While a child without biological parents may be considered an orphan in general parlance, the Juvenile Justice Act broadens the definition.

(b) Incorrect - Similarly, a child without adoptive parents may be considered an orphan traditionally, but the Act considers additional criteria.

(C) Incorrect - A child without a legal guardian may also face similar circumstances, but the Act incorporates various situations.

(D) Correct - The Juvenile Justice Act encompasses all situations where a child lacks parental care or support, whether due to absence of biological parents, adoptive parents, or legal guardians.

These explanations provide a clear understanding of each option's correctness or incorrectness within the context of the Juvenile Justice Act, 2015.

Drinking water is of primary importance in any country. In fact, India is a party to the resolution of the UNO passed during the United Nations Water Conference which reads as under: "All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs." Thus, the right to access to drinking water is fundamental to life and there is a duty on the State under Article 21 to provide clean drinking water to its citizens. There is, therefore, need to take into account the right to a healthy environment along with the right to sustainable development and balance them. Competing Human rights to healthy environment and sustainable development.

103. In which of the following cases did the Supreme Court hold that water is the basic need for the survival of human beings and is part of the right of life and human rights as enshrined in Article 21 of the Constitution of India?

(A) Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161

(b) Narmada Bachao Andolan v. Union of India (2000) 7 SCALE 34

(C) State of Madhya Pradesh v. Centre for Environment Protection Research and Development 2020 SCC Online SC 687

(d) M.C. Mehta v. Union of India (2004) 12 SCC 118

Correct Answer: B Explanation:

(A) Incorrect - Bandhua Mukti Morcha v. Union of India primarily dealt with bonded labor and related human rights issues, not specifically focused on the right to water.

(b) Correct - Narmada Bachao Andolan v. Union of India was a landmark case addressing various environmental and human rights concerns, including the right to water as part of the right to life under Article 21.

(C) Incorrect - State of Madhya Pradesh v. Centre for Environment Protection Research and Development may have addressed environmental issues, but it did not specifically establish the right to water under Article 21.

(d) Incorrect - M.C. Mehta v. Union of India primarily dealt with environmental pollution and related matters, not specifically addressing the right to water as a fundamental right.

These explanations clarify the relevance of each case in establishing the right to water as part of the right to life under Article 21 of the Indian Constitution.

104. Which of the following Courts was the first court to develop the concept of the right to a healthy environment as part of the Fundamental right to life?

(A) Philippine Supreme Court

(b) Supreme Court of India

(C) European Court of Justice

(d) Supreme Court of South Africa

Correct Answer: B Explanation:

(A) Incorrect - The Philippine Supreme Court may have addressed environmental issues, but it did not pioneer the concept of the right to a healthy environment as part of the fundamental right to life.

(b) Correct - The Supreme Court of India has been instrumental in developing the concept of the right to a healthy environment as an integral part of the fundamental right to life under Article 21 of the Indian Constitution.

(C) Incorrect - The European Court of Justice primarily deals with legal matters within the European Union and may address environmental issues but not in the context of developing fundamental rights.

(d) Incorrect - While the Supreme Court of South Africa has played a significant role in advancing human rights, including environmental rights, it did not pioneer the concept in the same manner as the Indian Supreme Court.

These explanations provide context for the Supreme Court of India's role in developing the concept of the right to a healthy environment.

105. In today's emerging jurisprudence, environmental rights, which encompass a group of collective rights, are described as:

- (A) First-generation rights
- (b) Second-generation rights
- (C) Third-generation rights
- (d) Fourth-generation rights

Correct Answer: C Explanation:

(A) Incorrect - First-generation rights typically refer to civil and political rights such as freedom of speech and religion, not specifically focused on environmental rights.

(b) Incorrect - Second-generation rights encompass economic, social, and cultural rights such as the right to education and healthcare, but they do not specifically emphasize environmental rights.

(C) Correct - Third-generation rights, also known as solidarity or collective rights, include environmental rights, intergenerational equity, and the right to a healthy environment, reflecting modern developments in jurisprudence.

(d) Incorrect - Fourth-generation rights are a relatively new concept and often include rights related to globalization, bioethics, and technological developments, but they do not exclusively address environmental rights.

These explanations clarify the categorization of environmental rights within the context of emerging jurisprudence.

106. When was the first United Nations Water Conference held?

- (A) 1975
- (b) 1976
- (C) 1977
- (d) 1978 Correct

Answer: C

Explanation:

(A) Incorrect - The first United Nations Water Conference was not held in 1975.

(b) Incorrect - Similarly, the conference did not take place in 1976.

(C) Correct - The first United Nations Water Conference was held in 1977, marking a significant international effort to address global water issues.

(d) Incorrect - The conference did not occur in 1978.

This explanation provides clarity regarding the timing of the first United Nations Water Conference.

107. The resolution of the UN passed during the United Nations Water Conference states: "All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water:

(A) in quantum equal to their basic needs

(b) in quantum according to their age

(C) in quantum according to their natural needs

(d) in quantum according to their climatic conditions

Correct Answer: A Explanation:

(A) Correct - The resolution emphasizes the right of all individuals to access drinking water in quantities sufficient to meet their basic needs, irrespective of social or economic conditions.

(b) Incorrect - The quantity of drinking water is not determined by age but by fundamental human needs.

(C) Incorrect - Similarly, access to drinking water is not based on specific natural needs but on universal human requirements.

(d) Incorrect - While climatic conditions may influence water availability, the resolution focuses on the universal right to basic needs, regardless of climatic variations.

This explanation clarifies the intent behind the resolution passed during the United Nations Water Conference.

108. The right to access drinking water is a:

(A) Statutory right

(b) Fundamental right

(C) Community right (d)

Individual privilege

Correct Answer: B Explanation:

(A) Incorrect - The right to access drinking water is not solely based on statutory provisions but is recognized as a fundamental right.

(b) Correct - The right to access drinking water is considered a fundamental right, essential for human survival and dignity.

(C) Incorrect - While communities may benefit collectively from access to drinking water, it is primarily recognized as an individual's fundamental right.

(d) Incorrect - Access to drinking water is not merely a privilege but is recognized as a fundamental entitlement essential for human well-being.

if a tax is ultra vires or unconstitutional then the party is entitled to have a refund of it from the government whether it has been paid under protest or not. this Court has held that the payment of tax which is without authority of law is payment made under a mistake within the meaning of Section 72 of the Indian Contract Act. then, in such a case, question would arise, whether the government to whom the payment had been made by mistake must repay it. thus, the principle of restitution or repayment of the tax simpliciter has been considered in light of the doctrine of unlawful enrichment. the doctrine envisages that when the State collects a tax from the tax-payer without authority of law, but if the taxpayer has already passed on the burden of the tax money paid by him to the State to someone else and has recouped the money then the taxpayer is not entitled to ask for the restitution from the State the money paid by him as unauthorized tax. in such circumstances, the State cannot be asked to refund the tax money to the taxpayer on the principle of unlawful enrichment.

109. Doctrine of unjust enrichment implies:

(A) Obtaining benefit from another (which is not a gift) without legal justification

(B) Restoration of the benefits obtained without legal justification

(C) Neither (A) nor (B)

(D) Both (A) and (B)

Correct Answer: D Explanation:

(A) Correct - The doctrine of unjust enrichment refers to the situation where one party has obtained a benefit from another party without legal justification or payment.

(B) Correct - Furthermore, the doctrine often requires the restoration or repayment of the benefits obtained without legal justification.

(C) Incorrect - The doctrine encompasses both obtaining a benefit without legal justification and the subsequent requirement of restoration or repayment.

(D) Correct - Therefore, both statements (A) and (B) accurately describe the doctrine of unjust enrichment.

These explanations clarify the concept of unjust enrichment and its components.

110. Doctrine of unjust enrichment is applicable to:

(A) Contractual matters

(B) Tax matters

(C) Both (A) and (B)

(D) None of these Correct Answer: C Explanation:

(A) Incorrect - While unjust enrichment can arise in contractual matters where one party receives a benefit without legal justification, its application is not limited to contractual disputes.

(B) Incorrect - Similarly, unjust enrichment may also occur in tax matters where a taxpayer unjustly benefits from a tax refund or reduction without legal justification.

(C) Correct - Unjust enrichment is a broad legal principle that can apply to various situations, including both contractual and tax-related matters.

(D) Incorrect - Unjust enrichment can apply to a range of legal disputes beyond contracts and taxes.

This explanation emphasizes the broad applicability of the doctrine of unjust enrichment.

111. A business entity can claim a refund of tax on the ground of unjust enrichment in which of the following cases?

(A) When the tax has been levied without the authority of law and the burden of tax is borne by the business entity.

(B) When the tax has been levied without the authority of law and the burden of tax has been passed on to the consumer.

(C) When the levy of tax is under the authority of law and the business entity has not passed the burden to the consumer.

(D) Both (A) and (C)

Correct Answer: A Explanation:

- (A) Correct - A business entity can claim a refund of tax on the ground of unjust enrichment when the tax has been levied without the authority of law, and the burden of the tax is directly borne by the business entity.
- (B) Incorrect - If the burden of the tax has been passed on to the consumer, the business entity may not be eligible for a refund based on unjust enrichment, as the benefit has been transferred to another party.
- (C) Incorrect - If the levy of tax is lawful and the business entity has not passed the burden to the consumer, there may not be grounds for claiming unjust enrichment.
- (D) Incorrect - Option (A) specifically addresses the scenario where the tax is levied without legal authority and the burden directly affects the business entity, while option (C) addresses a different scenario where the tax levy is lawful.

These explanations clarify the circumstances under which a business entity can claim a tax refund based on unjust enrichment.

112. When can tax be declared as unconstitutional?

- (A) If the tax has been levied without the authority of law.
- (B) If the legislature does not have legislative competence to levy that tax.
- (C) Both (A) and (B)
- (D) When the assessment of tax by assessing officer is contrary to facts and evidence on record.

Correct Answer: C Explanation:

- (A) Correct - Tax can be declared unconstitutional if it has been levied without the authority of law, as such a tax would lack legal validity.
- (B) Correct - Additionally, if the legislature lacks the constitutional authority or competence to levy a particular tax, it can be declared unconstitutional.
- (C) Correct - Therefore, both scenarios (A) and (B) can lead to the declaration of a tax as unconstitutional.
- (D) Incorrect - While errors in assessment may warrant correction, they do not necessarily render the tax itself unconstitutional unless they relate to the lack of legislative authority or legality.

These explanations provide clarity on the grounds for declaring a tax unconstitutional.

113. In which of the following cases was the challenge to the constitutionality of the Goods and Service Tax (Compensation to States) Act, 2017, on the ground of lack of legislative competence rejected?

- (A) Union of India v. Mohit Minerals Pvt. Ltd. (2019) 2 SCC 599
- (B) Sudhir Kumar Atrey v. Union of India (2022) 1 SCC 352
- (C) Hindustan Construction Co. Limited v. Union of India (2020) 17 SCC 324
- (D) Union of India v. A. Shainamol 2021 SCC Online SC 262

Correct Answer: A Explanation:

- (A) Correct - In Union of India v. Mohit Minerals Pvt. Ltd., the challenge to the constitutionality of the Goods and Service Tax (Compensation to States) Act, 2017, on the ground of lack of legislative competence was rejected by the Supreme Court.
- (B) Incorrect - Sudhir Kumar Atrey v. Union of India may not necessarily involve the same issue regarding the constitutionality of the GST Compensation to States Act.
- (C) Incorrect - Similarly, Hindustan Construction Co. Limited v. Union of India may address different legal issues unrelated to the constitutionality of the GST legislation.
- (D) Incorrect - Union of India v. A. Shainamol may pertain to a different legal matter and not necessarily involve the challenge to the constitutionality of the GST Compensation to States Act.

This explanation provides clarity on the specific case where the challenge to the constitutionality of the GST legislation was rejected.

114. Additional tax, in the form of tax on tax, for a specified purpose is called:

- (A) Cess
- (B) Fee
- (C) Tax
- (D) None of the above

Correct Answer: A Explanation:

- (A) Correct - A cess is an additional tax imposed for a specific purpose, often levied on existing taxes, creating a tax on tax scenario.

- (B) Incorrect - A fee is a payment required for a specific service or privilege provided by the government, distinct from a tax.
- (C) Incorrect - While tax is a general term for compulsory payments to the government, a cess specifically refers to an additional tax for a designated purpose.
- (D) Incorrect - None of the above options adequately describe the concept of a tax on tax for a specified purpose.

The international Court of Justice recalls that, pursuant to Article 41 of its Statute, it has the power to indicate provisional measures when irreparable prejudice could be caused to rights which are the subject of judicial proceedings or when the alleged disregard of such rights may entail irreparable consequences. However, this power will be exercised only if there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused to the rights claimed before the Court gives its final decision. The condition of urgency is met when the acts susceptible of causing irreparable prejudice can “occur at any moment” before the Court makes a final decision on the case. The Court must therefore consider whether such a risk exists at this stage of the proceedings. The Court is not called upon, for the purposes of its decision on the request for the indication of provisional measures, to establish the existence of breaches of obligations under the Genocide Convention, but to determine whether the circumstances require the indication of provisional measures for the protection of the right found to be plausible. Having determined that Ukraine can plausibly assert a right under the Genocide Convention and that there is a link between this right and the provisional measures requested, the Court then considers whether irreparable prejudice could be caused to this right and whether there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused to this right before the Court gives its final decision. 115. Under what statutory authority did the court pass the 'provisional measures' against the Russian Federation?

- (A) Charter of the United Nations 1945
- (B) Statute of the International Court of Justice 1945
- (C) Genocide Convention, 1948
- (D) None of the above

Correct Answer: B Explanation:

- (A) Incorrect - The Charter of the United Nations primarily outlines the purposes and principles of the United Nations but does not specifically authorize the International Court of Justice (ICJ) to pass provisional measures.

(B) Correct - The Statute of the International Court of Justice, established in 1945, grants the court the authority to indicate provisional measures to prevent irreparable harm pending the final decision on a case.

(C) Incorrect - The Genocide Convention of 1948 is a separate international treaty that defines genocide and obligates states parties to prevent and punish acts of genocide, but it does not grant authority to the ICJ to pass provisional measures.

(D) Incorrect - None of the above options adequately address the statutory authority specifically granted to the ICJ to pass provisional measures.

This explanation clarifies the legal basis for the ICJ's authority to pass provisional measures.

116. What 'irreparable prejudice' is being talked about in the above paragraph?

(A) Violation of the Genocide Convention by the Russian Federation.

(B) Special military operations carried out against Ukraine.

(C) Violation of Humanitarian laws during the armed conflict by the Russian Federation.

(D) All of the above

Correct Answer: D Explanation:

(A) Incorrect - While the violation of the Genocide Convention may indeed constitute irreparable prejudice, the paragraph does not specifically mention this violation.

(B) Incorrect - Special military operations may also result in irreparable prejudice, but the paragraph does not focus solely on this aspect.

(C) Incorrect - Violations of humanitarian laws during armed conflict may also lead to irreparable prejudice, but the paragraph does not exclusively address this issue.

(D) Correct - The paragraph discusses the possibility of irreparable prejudice arising from various factors, including violations of the Genocide Convention, military operations, and humanitarian law during armed conflict.

This explanation highlights the multiple aspects of irreparable prejudice mentioned in the paragraph.

117. The reason behind the Russian-Ukraine crisis is:

(A) The violation of the Geneva Convention of the refugees 1951

(B) The violation of the Agreement between the Confederation of Independent States and Europe

- (C) Threat or use of force contrary to the Purpose and Principles of the United Nations Charter
- (D) Neither (A) nor (B)

Correct Answer: C Explanation:

- (A) Incorrect - While violations of the Geneva Convention on refugees may be pertinent in certain contexts, the Russian-Ukraine crisis is primarily characterized by the threat or use of force in contravention of the UN Charter.
- (B) Incorrect - The violation of agreements between the Confederation of Independent States and Europe may contribute to geopolitical tensions but does not capture the core reason behind the Russian-Ukraine crisis.
- (C) Correct - The primary reason behind the Russian-Ukraine crisis is the threat or use of force by the Russian Federation, which runs counter to the Purpose and Principles of the United Nations Charter.
- (D) Incorrect - Option (C) accurately reflects the central issue driving the crisis, namely, the violation of the UN Charter.

This explanation underscores the core reason behind the Russian-Ukraine crisis as outlined in the provided passage.

118. If one of the two parties to the dispute fails to appear before the Court during the oral proceedings, the other party may call upon the court to decide the matter in favor of its claim. Which of the following provisions provides for this?

- (A) Article 41 of the Statute of the ICJ
- (B) Article 51 of the Statute of the ICJ
- (C) Article 52 of the Statute of the ICJ
- (D) Article 53 of the Statute of the ICJ

Correct Answer: D Explanation:

- (A) Incorrect - Article 41 of the Statute of the ICJ pertains to provisional measures and does not address the scenario described in the question.
- (B) Incorrect - Article 51 of the Statute of the ICJ concerns the inherent jurisdiction of the court but does not specifically address the consequence of one party's absence during oral proceedings.
- (C) Incorrect - Article 52 of the Statute of the ICJ outlines the procedure for the appointment of judges but does not relate to the situation described in the question.

(D) Correct - Article 53 of the Statute of the ICJ provides that if one of the parties to a case fails to appear before the court during oral proceedings, the other party may call upon the court to decide the matter in favor of its claim.

This explanation highlights the relevant provision within the Statute of the ICJ concerning the consequences of a party's absence during proceedings.

119. Under which of the following provisions did Ukraine seek jurisdiction to appear before the Court?

- (A) Article 36 of the Statute of the ICJ
- (B) Article IX of the Genocide Convention
- (C) Both (A) and (B)
- (D) Neither (A) nor (B)

Correct Answer: C Explanation:

(A) Correct - Article 36 of the Statute of the ICJ outlines the jurisdiction of the court, including the provision for parties to submit to its jurisdiction voluntarily.

(B) Incorrect - Article IX of the Genocide Convention concerns disputes between states parties to the convention regarding the interpretation, application, or fulfillment of the convention's provisions but does not grant jurisdiction to the ICJ.

(C) Correct - Ukraine sought jurisdiction to appear before the court under Article 36 of the Statute of the ICJ, which provides for voluntary submission to the court's jurisdiction, and possibly Article IX of the Genocide Convention for disputes related to genocide.

(D) Incorrect - Since Ukraine sought jurisdiction under Article 36 of the ICJ Statute, option (D) is incorrect.

This explanation clarifies the legal basis for Ukraine's jurisdiction to appear before the ICJ.

120. The Russian Federation, in the current dispute submitted to the court, the defense of Article 51 of the UN Charter. What is the defense of Article 51?

- (A) Self-defense
- (B) Force Majeure
- (C) Consent
- (D) Pacta sunt servanda

Correct Answer: A Explanation:

(A) Correct - Article 51 of the UN Charter recognizes the inherent right of individual or collective self-defense in the event of an armed attack until the Security Council takes measures necessary to maintain international peace and security.

(B) Incorrect - Force majeure refers to unforeseeable circumstances beyond the control of parties to a contract that may excuse performance, but it is not the defense invoked by Article 51 of the UN Charter.

(C) Incorrect - Consent pertains to voluntary agreement or permission given by parties and is not the defense asserted under Article 51.

(D) Incorrect - Pacta sunt servanda is a principle of international law requiring parties to honor their agreements, but it is not the defense invoked under Article 51.