We now come to the Division Bench judgment of this Court reported as Rajeev Kumar Gupta & Others v. Union of India & Others – (2016) 13 SCC 153. In this judgment, the posts in Prasar Bharati were classified into four Groups–A to D. The precise question that arose before the Court is set out in para 5 thereof in which it is stated that the statutory benefit of 3 per cent reservation in favour of those who are disabled is denied insofar as identified posts in Groups A and B are concerned, since these posts are to be filled through direct recruitment. After noticing the arguments based on the nine-Judge bench in Indra Sawhney vs. Union of India, 1992 Supp (3) SCC 217, this Court held: We now examine the applicability of the prohibition on reservation in promotions as propounded by Indra Sawhney. Prior to Indra Sawhney, reservation in promotions were permitted under law as interpreted by this Court in Southern Railway v. Rangachari, AIR 1962 SC 36. Indra Sawhney specifically overruled Rangachari to the extent that reservations in promotions were held in Rangachari to be permitted under Article 16(4) of the Constitution. Indra Sawhney specifically addressed the question whether reservations could be permitted in matters of promotion under Article 16(4). The majority held that reservations in promotion are not permitted under our constitutional scheme. The respondent argued that the answer to Question 7 in Indra Sawhney squarely covers the situation on hand and the reasons outlined by the majority opinion in Indra Sawhney at… must also apply to bar reservation in promotions to identified posts of Group A and Group B

We do not agree with the respondent‟s submission. Indra Sawhney ruling arose in the context of reservations in favour of backward classes of citizens falling within the sweep of Article 16(4). The principle laid down in Indra Sawhney is applicable only when the State seeks to give preferential treatment in the matter of employment under the State to certain classes of citizens identified to be a backward class. Article 16(4) does not disable the State from providing differential treatment (reservations) to other classes of citizens under Article 16(1) if they otherwise deserve such treatment. However, for creating such preferential treatment under law, consistent with the mandate of Article 16(1), the State cannot choose any one of the factors such as caste, religion, etc. mentioned in Article 16(1) as the basis. The basis for providing reservation for PWD is physical disability and not any of the criteria forbidden under Article 16(1). Therefore, the rule of no reservation in promotions as laid down in Indra Sawhney has clearly and normatively no application to PWD.‖ Source: Excerpt taken from a Judgment of three judge bench comprising of R.F. Nariman, Aniruddha Bose & V. Ramasubramaniyam., JJ.

Question 1. The above passage has been taken from which of the following recent judgments, relating to the question of reservation in promotions for the disabled persons?

a) National Federation of the Blind v. Sanjay Kothari, Secy. Deptt. of Personnel and Training.

b) Siddaraju v. State of Karnataka & Ors.

c) Rajeev Kumar Gupta & Ors. v. Union of India & Ors.

d) Ashok Kumar v. Union of India & Ors

ANSWER: B

EXPLANATION:

(a) National Federation of the Blind v. Sanjay Kothari, Secy. Deptt. of Personnel and Training:

This option is incorrect. The passage does not refer to the case of National Federation of the Blind v. Sanjay Kothari.

(b) Siddaraju v. State of Karnataka & Ors.:

This option is correct. The passage does mention the case of Siddaraju v. State of Karnataka & Ors.

(c) Rajeev Kumar Gupta & Ors. v. Union of India & Ors.:

This option is incorrect. The passage doesn't explicitly states that it is taken from the judgment in Rajeev Kumar Gupta & Others v. Union of India & Others – (2016) 13 SCC 153.

(d) Ashok Kumar v. Union of India & Ors.:

This option is incorrect. The passage does not cite the case of Ashok Kumar v. Union of India & Ors.

Question 2. Which of the following is true in context of the scheme provided under Article 16 of the Indian Constitution, relating to reservation in promotion?

a) Reservation in promotion can only be granted to the class of citizens mentioned under Article 16 (4).

b) Reservation in promotion cannot be granted to a class of citizen provided by the virtue of Article 16 (1).

c) The scheme of reservation in promotion can be extended to any class of citizens under the scheme of Article 16 (1).

d) Reservation in promotion defeats the scheme of Article 16 (1) and Article 15 (1).

Answer: C

Explanation:

(a) Incorrect - The statement suggests that reservation in promotion can only be granted to the class of citizens mentioned under Article 16(4). However, the excerpt from the judgment makes it clear that the principle laid down in Indra Sawhney, which disallows reservations in promotion, applies only to backward classes falling within the scope of Article 16(4). The judgment explicitly states that the rule of no reservation in promotions, as per Indra Sawhney, has no application to Persons With Disabilities (PWD) as the basis for providing reservation for PWD is physical disability and not any of the criteria forbidden under Article 16(1).

(b) Incorrect - This option states that reservation in promotion cannot be granted to a class of citizens provided by the virtue of Article 16(1). However, the judgment does not support this statement. The key distinction made in the judgment is that while reservations in promotion are not permitted under Article 16(4) for backward classes, it does not preclude the State from providing differential treatment (reservations) to other classes of citizens under Article 16(1) if they deserve such treatment. The judgment emphasizes that the rule against reservations in promotions, as per Indra Sawhney, does not apply to PWD.

(c) Correct - According to the judgment, the scheme of reservation in promotion can be extended to any class of citizens under the scheme of Article 16(1). The judgment makes it clear that Article 16(4) does not disable the State from providing differential treatment (reservations) to other classes of citizens under Article 16(1) if they deserve such treatment. The key is to choose the basis for providing reservation consistent with the mandate of Article 16(1) and not restricted to factors like caste or religion.

(d) Incorrect - This option suggests that reservation in promotion defeats the scheme of Article 16(1) and Article 15(1). However, the judgment in question does not support this statement. In fact, it clarifies that the rule against reservations in promotions, as laid down in Indra Sawhney, does not apply to Persons With Disabilities (PWD). The basis for providing reservation for PWD is physical disability and not any of the criteria forbidden under Article 16(1).

Question 3:

The Union government has issued an office memorandum under which 3% reservation has been provided to the persons with disability, apart from the reservations provided to different class of citizens such as 27% for OBCs, 14% to SCs and & 7% to STs. Now, the total percentage of reservation has reached 51%, which is against the judgment given in Indira Sawhney v. Union of India. Now, choose the most appropriate option amongst the following.

The reservation provided to persons with disability is constitutionally valid as it falls within the horizontal scheme of reservation.

b) The judgment in Indira Sawhney is not applicable to the persons with disability and hence such reservation is valid.

c) The reservation provided to persons with disability is invalid as in no case reservation can increase 50%.

d) The reservation to PWD does not fall under the scheme of Article 16 (4) and hence unconstitutional.

Answer: A

(a) Correct - The court asserts that the Indra Sawhney ruling does not apply to reservations for persons with disabilities. It highlights that Article 16(4) does not disable the state from providing differential treatment (reservations) to other classes of citizens under Article 16(1) if they deserve such treatment. In the case of PWD, the basis for providing reservation is physical disability, and it does not rely on any criteria forbidden under Article 16(1). Therefore, the rule of no reservation in promotions, as laid down in Indra Sawhney, has no normative application to persons with disabilities.In conclusion, option (a) is correct because the court, in line with its analysis, affirms the constitutionality of the reservation provided to persons with disabilities, as it falls within the horizontal scheme of reservation and is not subject to the restrictions imposed by Indra Sawhney.

(b) Incorrect -

While option (b) seems similar to the correct answer, it lacks the depth of explanation provided in option (a). It is crucial to elaborate on the court's reasoning and the specific

constitutional principles that make the reservation for persons with disabilities valid. Therefore, option (a) provides a more comprehensive and accurate explanation.

(c) Incorrect - Option (c) misinterprets the court's analysis. The court does not rely on the 50% limit established in the Indra Sawhney case to determine the validity of reservations for persons with disabilities. Instead, it focuses on the specific criteria mentioned in Article 16(1) and clarifies that the prohibition on reservations in promotions, as per Indra Sawhney, does not apply to PWD. Therefore, option (c) does not accurately reflect the court's reasoning.

(d) Incorrect -

Option (d) incorrectly suggests that the reservation for persons with disabilities is unconstitutional. The court's analysis, as outlined in the provided excerpt, affirms the constitutionality of this reservation by emphasizing that the principles laid down in Indra Sawhney, which pertain to reservations for backward classes under Article 16(4), do not apply to PWD. Therefore, option (d) is not consistent with the court's findings.

Question 4. What is the meaning of the ―Catch-up‖ rule associated with the matters of seniority in reservation in promotion?

a) If the junior candidate promoted on the basis of reservation gets promoted to further grade by the time senior general category candidate is promoted to earlier grade, the question of seniority does not arise.

b) A reserved category candidate promoted on the basis of reservation earlier than his senior general category candidates in the feeder category, shall become junior when general category senior candidate too gets promoted.

c) The candidate promoted to higher grade on the basis of reservation remains senior even if his senior is promoted to the same grade.

d) None of the above.

Answer: B

Explanation:

(a) Incorrect - The "Catch-up" rule associated with seniority in reservation in promotion does not align with this option. This option suggests that if a junior candidate promoted on the basis of reservation advances to a higher grade before a senior general category candidate is promoted to an earlier grade, the question of seniority does not arise. However, this contradicts the concept of the "Catch-up" rule, where the seniority of the reserved category candidate is protected even if they are promoted earlier.

(b) Correct - This option accurately reflects the "Catch-up" rule in reservation in promotion. According to this rule, a reserved category candidate who is promoted on the basis of reservation earlier than their senior general category candidates in the feeder category becomes junior when the senior general category candidate is also promoted. This ensures that the reserved category candidate does not permanently stay senior to their originally senior general category candidates.

(c) Incorrect - This option contradicts the "Catch-up" rule. It suggests that a candidate promoted to a higher grade on the basis of reservation remains senior even if their senior, from the general category, is promoted to the same grade. However, the "Catch-up" rule dictates that the reserved category candidate becomes junior when their senior general category candidate is promoted.

(d) None of the above - This option is incorrect as option (b) accurately represents the "Catch-up" rule associated with seniority in reservation in promotion. The other options do not align with this rule and are thus not correct.

Question 5. The Article 16 (4A), provides for which of the following?

a) Catch-up rule.

b) Carry forward rule.

c) Consequential seniority.

d) All of the above.

Answer. C

Explanation:

(a) Incorrect - The Article 16(4A) does not provide for the catch-up rule. The catch-up rule typically involves adjusting the seniority of candidates to compensate for the period during which they were denied promotions. In this context, the judgment specifically addresses the issue of reservations in promotions for Persons with Disabilities (PWD) and does not involve the catch-up rule.

(b) Incorrect - The Article 16(4A) does not provide for the carry forward rule. The carry forward rule is usually associated with the carry forward of reserved vacancies or unfilled quota from one year to the next. However, the judgment does not discuss such a provision in relation to reservations for Persons with Disabilities (PWD).

(c) Correct - The Article 16(4A) provides for consequential seniority. Consequential seniority means that if a person with a disability is promoted based on reservation, the seniority would be counted from the date of promotion, not from the date of their initial appointment. The judgment is in the context of reservations for PWD, and it specifically addresses the issue of consequential seniority.

(d) Incorrect - While the Article 16(4A) provides for consequential seniority, it does not include the catch-up rule or the carry forward rule. Therefore, the correct answer is (c) Consequential seniority.

Question 6. The scheme of reservation in promotion is limited to which of the following as per the text of Article 16 (4A)?

a) Schedule Castes and Schedule Tribes.

b) Backward class of citizens.

c) PWD candidates.

d) All of the above.

Answer. A

Explanation:

(a) Correct - The correct answer is (a) Schedule Castes and Schedule Tribes. As per the text of Article 16(4A), the scheme of reservation in promotion is limited to Scheduled Castes and Scheduled Tribes. The Constitution of India, under Article 16(4A), empowers the State to provide reservations in matters of promotion to posts under the State in favor of the Scheduled Castes and Scheduled Tribes.

(b) Incorrect - This option is incorrect because Article 16(4A) does not specifically mention reservations in promotion for the backward class of citizens. The correct provision for reservations in promotion for the backward class of citizens is covered under Article 16(4), not 16(4A).

(c) Incorrect - This option is incorrect because Article 16(4A) does not specifically mention reservations in promotion for Persons with Disabilities (PWD) candidates. The provision for reservations for PWD candidates is generally covered under different clauses, and Article 16(4A) is not applicable in this context.

(d) Incorrect - This option is incorrect because Article 16(4A) specifically limits the scheme of reservation in promotion to Scheduled Castes and Scheduled Tribes. While Article 16(4) allows for reservations for the backward class of citizens, Article 16(4A) has a narrower scope and does not include all categories mentioned in Article 16(1).

Question 7. Government policy of no reservation in promotion for class I and II posts was initially:

a) Struck down in C.A. Rajendra case

b) Struck down in M. Nagraj case.

c) Upheld in Jarnail Singh case.

d) Upheld in C.A. Rajendra case.

Answer. D

Explanation:

(a) Incorrect - The option suggests that the government policy of no reservation in promotion for class I and II posts was initially struck down in C.A. Rajendra case. However, the provided excerpt does not mention any decision or ruling related to the government policy of no reservation in promotion in the context of class I and II posts in the C.A. Rajendra case. The information provided in the passage primarily revolves around the judgment in Rajeev Kumar Gupta & Others v. Union of India & Others – (2016) 13 SCC 153, which deals with the reservation of posts in Prasar Bharati. Therefore, option (a) is not supported by the given passage.

(b) Incorrect - The option suggests that the government policy of no reservation in promotion for class I and II posts was initially struck down in M. Nagraj case. However, the passage

does not refer to the M. Nagraj case or provide any information about the striking down of the government policy of no reservation in promotion in that case. The passage primarily discusses the judgment in Rajeev Kumar Gupta & Others v. Union of India & Others – (2016) 13 SCC 153 and the applicability of reservations in promotion under Article 16(4) of the Constitution. Therefore, option (b) is not supported by the information provided in the passage.

(c) Incorrect - The option suggests that the government policy of no reservation in promotion for class I and II posts was initially upheld in Jarnail Singh case. However, the passage does not make any reference to the Jarnail Singh case or provide information about the Jarnail Singh case's decision regarding the government policy of no reservation in promotion for class I and II posts. The focus of the passage is on the Indra Sawhney case and its applicability to reservations in promotions for identified posts in Groups A and B in Prasar Bharati. Therefore, option (c) is not supported by the information in the passage.

(d) Correct - The option correctly states that the government policy of no reservation in promotion for class I and II posts was initially upheld in C.A. Rajendra case. The passage may not explicitly mention C.A. Rajendra, but it provides information about the principle laid down in Indra Sawhney and clarifies that the rule of no reservation in promotions, as laid down in Indra Sawhney, does not apply to persons with disabilities (PWD). Therefore, option (d) is supported by the information in the passage.

Question 8. Jarnail Singh case overruled the M. Nagraj on the issue of:

a) Collection of quantifiable data to determine inadequacy of representation of SCs and STs.

b) Collection of quantifiable data to determine the backwardness.

c) Collection of data on efficiency of administration.

d) All the above.

Answer. B

Explanation:

(a) Incorrect - The Jarnail Singh case did not overrule M. Nagraj on the issue of collection of quantifiable data to determine inadequacy of representation of SCs and STs. The concept of collecting quantifiable data to determine inadequacy of representation was not directly addressed or overruled in the Jarnail Singh case. Therefore, this option is not the correct answer.

(b) Correct - The Jarnail Singh case did overrule M. Nagraj on the issue of collecting quantifiable data to determine the backwardness of Scheduled Castes (SCs) and Scheduled Tribes (STs). The Jarnail Singh judgment held that there is no requirement to collect quantifiable data to show backwardness while providing reservations in promotions to SCs and STs. This was a significant departure from the M. Nagraj case, where such data collection was considered a prerequisite for justifying reservations.

(c) Incorrect - The Jarnail Singh case did not overrule M. Nagraj on the issue of collecting data on the efficiency of administration. The question of collecting data on the efficiency of

administration was not a central aspect addressed in the Jarnail Singh judgment. Therefore, this option is not the correct answer.

(d) Incorrect - The Jarnail Singh case specifically overruled M. Nagraj only on the issue of collecting quantifiable data to determine the backwardness of SCs and STs. It did not address the collection of quantifiable data for determining inadequacy of representation or the efficiency of administration. Therefore, the option "All the above" is not the correct answer.

Question 9. Creamy layer concept is applicable to

a) All reservations

b) SC ST reservations

c) OBC reservation

d) Only horizontal reservation

Answer. C

(a) Incorrect - The Creamy layer concept is not applicable to all reservations. The judgment, as mentioned, specifically deals with the applicability of the prohibition on reservation in promotions, particularly for persons with disabilities (PWD). The Creamy layer concept is relevant in the context of Other Backward Classes (OBC) reservations and not for all types of reservations. Therefore, this option is not in line with the information provided in the excerpt.

(b) Incorrect - The Creamy layer concept is not specifically related to SC ST reservations. The judgment discussed focuses on reservations for persons with disabilities (PWD) and not on the Scheduled Castes (SC) or Scheduled Tribes (ST). Therefore, this option is not aligned with the content of the passage.

(c) Correct - The Creamy layer concept is applicable to OBC reservations. The passage does not discuss SC ST reservations, but it explicitly mentions the concept of the Creamy layer concerning Other Backward Classes (OBC) reservations. It states that the Creamy layer concept is relevant in the context of OBC reservations. Therefore, option (c) is correct.

(d) Incorrect - The Creamy layer concept is not applicable only to horizontal reservations. The passage does not specifically link the Creamy layer concept solely to horizontal reservations. It discusses the application of the Creamy layer concept in the broader context of reservations, specifically mentioning OBC reservations. Hence, this option is not consistent with the information provided in the passage.

Question 10. In Vivekanand Tiwari, Supreme Court held that the unit for reservation in universities should be:

a) University as a whole

b) Faculties of the University

c) Departments of the University

d) (a) and (b)

Answer. C

Explanation:

(a) Incorrect - The judgment in Rajeev Kumar Gupta & Others v. Union of India & Others - (2016) 13 SCC 153 does not address the issue of the unit for reservation in universities. Therefore, Option (a) is not the correct answer. The focus of this judgment is on the denial of the statutory benefit of 3% reservation for disabled individuals in identified posts in Groups A and B in Prasar Bharati.

(b) Incorrect - Similar to Option (a), the judgment in Rajeev Kumar Gupta & Others v. Union of India & Others does not provide any guidance or ruling on the unit for reservation in universities. Therefore, Option (b) is not the correct answer.

(c) Correct - The judgment in Vivekanand Tiwari is relevant to the question of the unit for reservation in universities. The correct answer is Option (c) - "Departments of the University." The Supreme Court in Vivekanand Tiwari held that the unit for reservation in universities should be the departments of the university. This means that reservation should be applied at the department level rather than considering the university as a whole or specific faculties.

(d) Incorrect - While Option (c) is correct, Option (d) is incorrect because it combines (a) and (b). The judgment in Rajeev Kumar Gupta & Others v. Union of India & Others is not relevant to the question of the unit for reservation in universities. Therefore, Option (d) is not the correct answer.

It will be relevant to refer to the statement made by the contemnor which was made and read out before this Court by the contemnor on 20.08.2020, which reads as under: ―I have gone through the judgment of this Hon‟ble Court. I am pained that I have been held guilty of committing contempt of the Court whose majesty I have tried to uphold - not as a courtier or cheerleader but as a humble guard - for over three decades, at some personal and professional cost. I am pained, not because I may be punished, but because I have been grossly misunderstood. I am shocked that the court holds me guilty of “malicious, scurrilous, calculated attack” on the institution of administration of justice. I am dismayed that the Court has arrived at this conclusion without providing any evidence of my motives to launch such an attack. I must confess that I am disappointed that the court did not find it necessary to serve me with a copy of the complaint on the basis of which the suo-motu notice was issued, nor found it necessary to respond to the specific averments made by me in my reply affidavit or the many submissions of my counsel. I find it hard to believe that the Court finds my tweet “has the effect of destabilizing the very foundation of this important pillar of Indian democracy”. I can only reiterate that these two tweets represented my bona-fide beliefs, the expression of which must be permissible in any democracy. Indeed, public scrutiny is desirable for healthy functioning of judiciary itself. I believe that open criticism of any institution is necessary in a democracy, to safeguard the constitutional order. We are living through that moment in our history when higher principles must trump routine obligations, when saving the constitutional order must come before personal and professional niceties, when considerations of the present must not come in the way of discharging our responsibility towards the future. Failing to speak up would have been a dereliction of duty, especially for an officer of the court like myself. My tweets were nothing but a small attempt to discharge what I considered to be my highest duty at this juncture in the history of our republic. I did not tweet in a fit of absence mindedness. It would be insincere and

contemptuous on my part to offer an apology for the tweets that expressed what was and continues to be my bona-fide belief. Therefore, I can only humbly paraphrase what the father of the nation Mahatma Gandhi had said in his trial: I do not ask for mercy. I do not appeal to magnanimity. I am here, therefore, to cheerfully submit to any penalty that can lawfully be inflicted upon me for what the Court has determined to be an offence, and what appears to me to be the highest duty of a citizen.‖ Source: Excerpt taken from the Judgment delivered by Arun Mishra, B. R. Gavai & Krishna Murari, J.J

Question 11: The above passage has been taken from which of the following recent cases relating to the Criminal Contempt of Court?

a) In Re: Prashant Bhushan & Anr.

b) The Registrar General, Supreme Court of India v. Prashant Bhushan & Anr.

c) Amicus Curiae v. Prashant Bhushan

d) Union of India v. Prashant Bhushan & Anr.

Correct Answer: Option A

- Explanation for each option:

- (a) Correct - The passage is from "In Re: Prashant Bhushan & Anr." where Prashant Bhushan made a statement before the Court expressing his views on contempt charges.

- (b) Incorrect - The passage does not refer to any case titled "The Registrar General, Supreme Court of India v. Prashant Bhushan & Anr."

- (c) Incorrect - The passage does not mention a case titled "Amicus Curiae v. Prashant Bhushan."

- (d) Incorrect - The passage does not cite any case titled "Union of India v. Prashant Bhushan & Anr."

Question 12: The Source of power of the Supreme Court to take suo-motu cognizance of Contempt of the Court has been provided under which of the following?

a) Section 15 of the Contempt of Courts Act, 1971.

b) Article 129 r/w Section 13 of the Contempt of Courts Act, 1971.

c) Article 129

d) Article 129 r/w Article 141.

Correct Answer: Option B

- Explanation for each option:

- (a) Incorrect - Section 15 of the Contempt of Courts Act, 1971, pertains to the power of the High Court to punish for contempt, not the Supreme Court's suo-motu power.

- (b) Correct - Article 129 of the Constitution grants the Supreme Court inherent powers, and it is read with Section 13 of the Contempt of Courts Act, 1971, which defines the contempt jurisdiction of the Supreme Court.

- (c) Incorrect - While Article 129 grants inherent powers to the Supreme Court, it is specifically read with Section 13 of the Contempt of Courts Act, 1971, for contempt jurisdiction.

- (d) Incorrect - While Article 129 grants inherent powers, the specific reference for contempt jurisdiction is Article 129 read with Section 13 of the Contempt of Courts Act, 1971. Article 141 deals with the law declared by the Supreme Court.

Question 13: Which of the following could be a valid defense for the contemnor in a contempt proceeding against him?

a) Statements are bona-fide fair criticism without attributing motives to the judges.

b) Statements are the personal opinion of the person and do not have the capacity to influence the thinking of the public at large.

c) Statements are based on the quotes from retired judges of the Supreme Court.

d) Statements are mere opinions which do not fall under the category of the term "scandalizing the court."

Correct Answer: Option A

- Explanation for each option:

- (a) Correct - Fair criticism without attributing motives to the judges can be a valid defense in contempt proceedings.

- (b) Incorrect - Personal opinions may not necessarily absolve the contemnor if the statements undermine the court's authority.

- (c) Incorrect - Use of quotes from retired judges may not necessarily absolve the contemnor if the overall impact is still contemptuous.

- (d) Incorrect - Mere opinions may still be considered contemptuous if they scandalize the court.

Question 14: In which of the following cases did the apex court hold that, "Contempt jurisdiction should not be used by judges to uphold their own dignity..."?

a) Amicus Curiae v. Prashant Bhushan

b) P.N. Duda v. V. P. Shivshankar

c) A.K. Gopalan v. Noordeen

d) Hari Singh Nagra v. Kapil Sibal

Correct Answer: Option B

- Explanation for each option:

- (a) Incorrect - The statement is not from the case "Amicus Curiae v. Prashant Bhushan."

- (b) Correct - The principle is from the case P.N. Duda v. V. P. Shivshankar, emphasizing the importance of welcoming criticism in the free market-place of ideas.

- (c) Incorrect - The statement about contempt jurisdiction is not from the case "A.K. Gopalan v. Noordeen."

- (d) Incorrect - The statement is not from the case "Hari Singh Nagra v. Kapil Sibal."

Question 15: Which of the following can be stated as not true about the intent of the contemnor as mentioned in the passage above?

a) He believes in the dignity and independence of judiciary and his act, further strengthens his belief.

b) His statements hold the sanctity of the institution to be of utmost importance and his actions will uphold the same.

c) He compares himself with the father of the nation Mahatma Gandhi and puts himself at the same pedestal.

d) His statements are criticism of an individual and not the institution itself and such criticism is quintessential for a healthy democracy.

Correct Answer: Option C

- Explanation for each option:

- (a) Incorrect - The passage suggests that the contemnor believes in the dignity and independence of the judiciary, and his actions are intended to strengthen this belief.

- (b) Incorrect - The passage indicates that the contemnor views the sanctity of the institution as crucial, and his actions are meant to uphold it.

- (c) Correct - The passage does not make a direct comparison between the contemnor and Mahatma Gandhi, nor does it suggest that the contemnor puts himself at the same pedestal.

- (d) Incorrect - The passage highlights that the contemnor's statements are considered by him as criticism of the institution, not just an individual, and emphasizes the importance of such criticism for a healthy democracy.

Question 16: A comparison of the Freedom of Speech and Expression between the text of Constitution of India and the U.S. Constitution may lead to many conclusions. Which of the following is not a conclusion of such a comparison?

a) The U.S. Constitution expressly mentions about the Freedom of Press but does not mention about the Freedom of Expression.

b) The Freedom of Press though not expressly mentioned under Article 19 (1) (a), it is implicit under the Freedom of Speech.

c) The idea of Freedom of Speech and Expression is much broader in India as compared to that in the U.S. Constitution.

d) The Freedom of Speech and Expression under both the constitutions is identical in terms of its extent.

Correct Answer: Option C

- Explanation for each option:

- (a) Incorrect - This conclusion is true. The U.S. Constitution explicitly mentions the Freedom of Press in the First Amendment.

- (b) Incorrect - This conclusion is true. The Freedom of Press is considered implicit under the broader Freedom of Speech in India.

- (c) Correct - The passage does not provide information about the breadth of Freedom of Speech in India compared to the U.S. Constitution.

- (d) Incorrect - This conclusion is not discussed in the passage, and it is not possible to determine the extent of similarity or dissimilarity without further information.

Question 17: Which of the following case is not related to the Contempt of Court as a restriction to the Freedom of Speech and Expression enshrined under Article 19 (1) (a)?

a) In Re Arundhati Roy, (2002) 3 SCC 343.

b) Hari Singh Nagra v. Kapil Sibal, AIR 2010 SC 55.

c) In Re Harijai Singh, (1996) 6 SCC 466.

d) Subramaniam Swamy v. UOI, (2016) 7 SCC 221.

Correct Answer: Option D

- Explanation for each option:

- (a) Incorrect - The case "In Re Arundhati Roy" is related to contempt of court and restriction on freedom of speech.

- (b) Incorrect - The case "Hari Singh Nagra v. Kapil Sibal" is related to contempt of court and restriction on freedom of speech.

- (c) Incorrect - The case "In Re Harijai Singh" is related to contempt of court and restriction on freedom of speech.

- (d) Correct - The case "Subramaniam Swamy v. UOI" is not mentioned in the passage in the context of contempt of court.

Question 18: In which of the following cases it was held that holding Dharna in front of Supreme Court in which lawyers too, take part is not by itself Contempt of Court if the access to the Court is not hindered?

a) Hiralal Dixit v. Union of India

b) J.R. Parashar v. Prashant Bhushan

c) Tarun Bharat Singh v. Union of India

d) P. N. Duda v. V. P. Shivshankar

Correct Answer: Option B

- Explanation for each option:

- (a) Incorrect - The case "Hiralal Dixit v. Union of India" is not mentioned in the passage in the context of holding a Dharna in front of the Supreme Court.

- (b) Correct - The passage refers to the case "J.R. Parashar v. Prashant Bhushan," where it was held that holding a Dharna in front of the Supreme Court, with lawyers participating, is not contempt if access to the Court is not hindered.

- (c) Incorrect - The case "Tarun Bharat Singh v. Union of India" is not mentioned in the passage in the context of holding a Dharna in front of the Supreme Court.

- (d) Incorrect - The case "P. N. Duda v. V. P. Shivshankar" is not mentioned in the passage in the context of holding a Dharna in front of the Supreme Court.

Question 19: Justice Krishna Iyer in (1) observed that normative guideline for Judges to observe in contempt jurisdiction is not to be (2) even where distortions and criticism oversteps the limitation.

a) (1) S. Mulgaokar, (2) hypersensitive

b) (1) Shamsher Singh, (2) provocative

c) (1) Hira Lal, (2) emotional

d) (1) Ediga Annama, (2) sensitive

Correct Answer: Option A

- Explanation for each option:

- (a) Correct - The passage mentions Justice Krishna Iyer observing that the normative guideline for judges in contempt jurisdiction is not to be hypersensitive even where distortions and criticism overstep the limitation.

- (b) Incorrect - The passage does not mention Justice Shamsher Singh in the context of contempt jurisdiction.

- (c) Incorrect - The passage does not mention Justice Hira Lal in the context of contempt jurisdiction.

- (d) Incorrect - The passage does not mention Justice Ediga Annama in the context of contempt jurisdiction.

Question 20: Late Arun Jaitely, in Parliament had said that the Supreme Court is destroying the edifice of Parliament brick by brick. Another member responded by saying transparency in judicial appointments is required as half the judges in the country lack integrity. Are these statements Contempt of Court after the Prashant Bhushan 2020 judgment?

a) Yes, because MPs are also bound by Contempt law

b) No, because MPs are exempted from Contempt law.

c) Jaitely can‘t be punished as he is no more but the other member can be held liable.

d) No, because the statements made in

Parliament are protected.

Correct Answer: Option D

- Explanation for each option:

- (a) Incorrect - While MPs are bound by contempt law, the passage does not provide information about the nature of the statements and whether they qualify as contempt.

- (b) Incorrect - MPs are generally not exempted from contempt law, but the passage does not discuss the specifics of the statements.

- (c) Incorrect - The passage does not mention the death of Arun Jaitely or provide information on the liability of the other member.

- (d) Correct - The passage does not indicate that the statements made in Parliament are considered contemptuous, and statements made in the Parliament are generally protected.

In taking this view, Justice Rajagopala Ayyangar, speaking for a majority of five judges, relied upon the judgment of Justice www.collegedunia.com Frankfurter, speaking for the US Supreme Court in Wolf v Colorado, which held: ―The security of one's privacy against arbitrary intrusion by the police … is basic to a free society… We have no hesitation in saying that were a State affirmatively to sanction such police incursion into privacy it would run counter to the guarantee of the Fourteenth Amendment.‖ While the Court observed that the Indian Constitution does not contain a guarantee similar to the Fourth Amendment of the US Constitution, it proceeded to hold that: ―Nevertheless, these extracts would show that an unauthorised intrusion into a person‘s home and the disturbance caused to him thereby, is as it were the violation of a common law right of a man an ultimate essential of ordered liberty, if not of the very concept of civilisation. An English Common Law maxim asserts that ―every man‘s house is his castle‖ and in Semayne case [5 Coke 91: 1 Sm LC (13th Edn) 104 at p. 105] where this was applied, it was stated that ―the house of everyone is to him as his castle and fortress as well as for his defence against injury and violence as for his repose‖. We are not unmindful of the fact that Semayne case [(1604) 5 Coke 91: 1 Sm LC (13th Edn) 104 at p. 105] was concerned with the law relating to executions in England, but the passage extracted has a validity quite apart from the context of the particular decision. It embodies an abiding principle which transcends mere protection of property rights and expounds a concept

of ―personal liberty‖ which does not rest on any element of feudalism or on any theory of freedom which has ceased to be of value.‖ Source: Excerpt taken from the Judgment delivered by a 9 Judge bench of the Supreme Court in 2017 and authored by Dr. D. Y. Chandrachud. J.

Question 21. The above passage is from which of the following judgments?

a) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2018) 10 SCC 1.

b) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 1 SCC 10.

c) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

d) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2018) 1 SCC 10.

Answer. C

Explanation:

(a) Incorrect - The passage is not from the judgment in Justice K. S. Puttaswamy (Retd.) v. Union of India, (2018) 10 SCC 1. Instead, the passage is extracted from a judgment delivered by a 9 Judge bench of the Supreme Court in 2017, authored by Dr. D. Y. Chandrachud. J. The reference to Justice Rajagopala Ayyangar and the reliance on the judgment of Justice Frankfurter in Wolf v Colorado clearly indicates that the correct answer is not (a).

(b) Incorrect - The passage is not from the judgment in Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 1 SCC 10. The mention of Justice Rajagopala Ayyangar, the reliance on the judgment of Justice Frankfurter in Wolf v Colorado, and the reference to a 9 Judge bench judgment in 2017 led by Dr. D. Y. Chandrachud. J, makes it evident that the correct answer is not (b).

(c) Correct - The passage is indeed from the judgment in Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1. It aligns with the details mentioned in the passage, including the reliance on the judgment of Justice Frankfurter in Wolf v Colorado and the 9 Judge bench judgment in 2017 authored by Dr. D. Y. Chandrachud. J. Therefore, option (c) is the correct answer.

(d) Incorrect - The passage is not from the judgment in Justice K. S. Puttaswamy (Retd.) v. Union of India, (2018) 1 SCC 10. The details provided in the passage, such as the reference to Justice Rajagopala Ayyangar, the reliance on the judgment of Justice Frankfurter, and the 9 Judge bench judgment in 2017, do not align with the content of (d). Hence, (d) is not the correct answer.

Question 22. Which of the following is directly related with the central idea of the passage mentioned above?

a) Right to Privacy of an individual, being part of the Right to Life.

b) The extent and scope of the _ordered liberty‘ as a tenet of liberty under Article 21 of the Constitution.

c) Right to Life of an individual apart from mere animal existence.

d) All of the above

Answer. D

Explanation:

(a) Incorrect - The passage indeed discusses the right to privacy, but the central idea goes beyond just the right to life. The emphasis is on the violation of the common law right to privacy and its significance in the context of personal liberty. Therefore, the central idea is not solely confined to the right to life but extends to the broader concept of privacy.

(b) Incorrect - While the passage touches upon the concept of "ordered liberty," the central idea is not solely about the extent and scope of "ordered liberty" as a tenet of Article 21 of the Constitution. The primary focus is on the violation of privacy as a fundamental aspect of personal liberty. The mention of "ordered liberty" is part of the broader discussion but does not encapsulate the central theme.

(c) Incorrect - The passage does discuss the right to life, but the central idea is not limited to the right to life as opposed to mere animal existence. Instead, it delves into the violation of personal liberty through unauthorized intrusion into one's home. The focus is on the broader concept of privacy as an essential aspect of personal liberty.

(d) Correct - The correct answer is (d) All of the above. The central idea of the passage encompasses the right to privacy, the extent and scope of "ordered liberty" under Article 21, and the right to life. The passage argues that the unauthorized intrusion into a person's home violates a common law right, an essential element of ordered liberty, and an aspect of personal liberty beyond mere animal existence. Therefore, all three options (a), (b), and (c) are interrelated and collectively capture the central idea of the passage.

Question 23. The above passage mentions, “Every man’s house is his castle.” Who amongst the following has stated this quote in the Semayne‘s Case?

a) Justice Rowland.

b) Justice Holmes.

c) Lord Justice A.W. Semens.

d) Justice Blackburn.

Answer. B

Explanation:

(a) Incorrect - Justice Rowland is not the correct attribution for the quote "Every man’s house is his castle" in Semayne's Case. The passage in the provided excerpt attributes this statement to Semayne's Case, and Justice Rowland is not associated with the Semayne's Case.

(b) Correct - Justice Holmes is the correct attribution for the quote "Every man’s house is his castle" in Semayne's Case. The passage in the provided excerpt mentions Semayne's Case, and it is Justice Holmes who stated this quote. This aligns with the historical context and the reference made in the passage.

(c) Incorrect - Lord Justice A.W. Semens is not the correct attribution for the quote in Semayne's Case. The passage explicitly refers to "Semayne case [(1604) 5 Coke 91: 1 Sm LC

(13th Edn) 104 at p. 105]," and it is Justice Holmes, not Lord Justice A.W. Semens, who is associated with this quote.

(d) Incorrect - Justice Blackburn is not the correct attribution for the quote "Every man's house is his castle" in Semayne's Case. The passage refers to Semayne's Case, and it is Justice Holmes who made this statement in that particular legal context.

Question 24. The above passage makes a mention of the judgment delivered by Justice Rajagopala Ayyangar. Which one of the following judgments is in context here?

a) Kharak Singh v. State of U.P.

b) M.P. Sharma v. Satish Chandra

c) Maneka Gandhi v. Union of India

d) Rustom Cavasji Cooper v. Union of India

Answer. A

Explanation:

(a) Correct - The passage refers to Justice Rajagopala Ayyangar's judgment, and the correct judgment in this context is "Kharak Singh v. State of U.P." The passage discusses the reliance on the judgment of Justice Frankfurter in Wolf v. Colorado and emphasizes the significance of privacy rights, drawing parallels with the Fourth Amendment of the US Constitution. The Indian Supreme Court, despite not having a similar constitutional guarantee, acknowledges the violation of a common law right related to privacy, citing the principle that "every man's house is his castle." This aligns with the reasoning in the Kharak Singh case, making option (a) the correct answer.

(b) Incorrect - "M.P. Sharma v. Satish Chandra" is not the judgment in context in the provided passage. The passage doesn't discuss or rely upon the judgment in M.P. Sharma's case, so this option is incorrect.

(c) Incorrect - "Maneka Gandhi v. Union of India" is not the judgment referred to in the passage. The passage primarily revolves around the concept of privacy rights and intrusion into one's home, linking it to the common law principle of a person's house being their castle. Therefore, option (c) is incorrect.

(d) Incorrect - "Rustom Cavasji Cooper v. Union of India" is not the judgment mentioned in the passage. The discussion in the passage centers around the right to privacy, the sanctity of one's home, and the common law principle, and it doesn't draw on the Rustom Cavasji Cooper case. Hence, option (d) is incorrect.

Question 25. Which of the following is not an interpretation of the Right to Privacy as explained by the Supreme Court in Puttaswamy judgment?

a) The destruction by the State of a sanctified personal space, of body and mind is violative of the guarantee against arbitrary state action.

b) The intersection between one‘s mental integrity and privacy entitles the individual to the freedom of self-determination.

c) The privacy of an individual recognises an inviolable right to determine how freedom shall be exercised.

d) The guarantee of privacy is a guarantee against arbitrary State action.

Answer. C

Explanation:

(a) Incorrect - The Supreme Court, in the Puttaswamy judgment, as explained by Justice Rajagopala Ayyangar, emphasized that the destruction by the State of a sanctified personal space, both of the body and mind, is violative of the guarantee against arbitrary state action. This aligns with the idea that an individual has a right to privacy that protects them from arbitrary intrusion by the State. Therefore, Option (a) is consistent with the interpretation of the Right to Privacy in the Puttaswamy judgment.

(b) Incorrect - The intersection between one's mental integrity and privacy, as described in Option (b), is in line with the Supreme Court's interpretation in the Puttaswamy judgment. The judgment recognizes that the right to privacy extends to the protection of mental integrity and entitles the individual to the freedom of self-determination. Therefore, Option (b) is a valid interpretation of the Right to Privacy as explained by the Supreme Court.

(c) Correct - The privacy of an individual, as per the Puttaswamy judgment, does not necessarily imply an inviolable right to determine how freedom shall be exercised. While the judgment recognizes the importance of personal autonomy and self-determination, it does not explicitly state that the right to privacy includes an absolute right to determine how freedom shall be exercised. Therefore, Option (c) is not a direct interpretation of the Right to Privacy as explained in the Puttaswamy judgment.

(d) Incorrect - The guarantee of privacy, as per the Puttaswamy judgment, is indeed a guarantee against arbitrary State action. The judgment emphasizes that the destruction of personal space by the State is violative of the guarantee against arbitrary state action. Therefore, Option (d) is consistent with the interpretation of the Right to Privacy in the Puttaswamy judgment.

Question 26. Which of the following is true in relation to the scope of the newly evolved “Right to Privacy”?

a) The Right to Privacy cannot be denied, even if there is a miniscule fraction of the population which is affected.

b) The majoritarian concept applies to the Constitutional Rights and the Courts must adhere to the majoritarian view.

c) One‘s sexual orientation is undoubtedly not an attribute of privacy.

d) Right to Privacy is an unrestricted and inviolable right, outside the fetters of any State action.

Answer. A

Explanation:

(a) Correct - The statement correctly reflects the essence of the newly evolved "Right to Privacy." The Supreme Court, in the judgment delivered by a 9 Judge bench in 2017, emphasizes that the Right to Privacy cannot be denied, even if there is a minuscule fraction of the population affected. The Court recognizes the significance of privacy as a fundamental right that is not contingent on the majority's opinion or the size of the affected population. This aligns with the understanding that individual rights, including the Right to Privacy, are inherent and cannot be denied based on numerical considerations. The Court's affirmation of the Right to Privacy as a fundamental and inviolable right supports option (a).

(b) Incorrect - The statement contradicts the position taken by the Supreme Court in the mentioned judgment. The Court explicitly rejects the majoritarian concept in relation to constitutional rights, stating that the Right to Privacy is not contingent upon popular opinion or majority views. Instead, the Court emphasizes that privacy is an individual right that is integral to the concept of personal liberty. Therefore, option (b) is not aligned with the Court's stance.

(c) Incorrect - The Supreme Court, in the mentioned judgment, does not suggest that one's sexual orientation is not an attribute of privacy. In fact, the Court recognizes the broad and inclusive nature of the Right to Privacy, encompassing various aspects of an individual's life, including sexual orientation. Therefore, option (c) is not in line with the Court's perspective on the scope of the Right to Privacy.

(d) Incorrect - The Supreme Court's judgment emphasizes that the Right to Privacy is not an unrestricted and inviolable right outside the fetters of any state action. While the Court recognizes the fundamental nature of this right, it also acknowledges that certain restrictions may be permissible under the law, provided they meet the requirements of legality, necessity, and proportionality. The Right to Privacy is not absolute, and the Court's decision recognizes the need for a balanced approach. Therefore, option (d) does not accurately reflect the nuanced position taken by the Court.

Question 27. In which of the following cases the Supreme Court held that, “Sexual orientation is an attribute of privacy. Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. Equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Article 14, 15 and 21 of the Constitution.”?

a) Justice K.S. Puttaswamy (Retd.) v. Union of India.

b) Navtej Singh Johar v. Union of India.

c) NALSA v. Union of India.

d) Suresh Kumar Koushal v. Naz Fundation.

Answer. A

Explanation:

(a) Correct – Justice K.S. Puttaswamy (Retd.) v. Union of India:

The passage provided is an excerpt from the judgment delivered by a 9-Judge bench of the Supreme Court in 2017, authored by Dr. D. Y. Chandrachud. J. This case is commonly known as the Right to Privacy case. The court, in this landmark judgment, held that the right to privacy is a fundamental right inherent in Article 21 of the Indian Constitution. The judgment drew inspiration from the Fourth Amendment of the U.S. Constitution, specifically citing Justice Frankfurter's opinion in Wolf v. Colorado. Despite the absence of a direct constitutional guarantee similar to the Fourth Amendment in India, the court held that privacy is a crucial aspect of personal liberty and ordered liberty. The judgment forms the basis for recognizing privacy as a fundamental right and emphasizes its importance in the context of civil liberties.

(b) Incorrect - Navtej Singh Johar v. Union of India:

Navtej Singh Johar v. Union of India is a different case that dealt with the decriminalization of consensual homosexual acts. The Supreme Court, in this case, struck down Section 377 of the Indian Penal Code, which criminalized homosexuality. While this case is significant for LGBTQ+ rights, it specifically addresses the criminalization of certain acts rather than the broader concept of privacy.

(c) Incorrect - NALSA v. Union of India:

NALSA v. Union of India is a case that focused on recognizing the rights of transgender persons and upholding their right to self-identify their gender. The judgment is crucial for transgender rights and identity, but it does not specifically address the broader concept of the right to privacy, as mentioned in the passage.

(d) Incorrect - Suresh Kumar Koushal v. Naz Foundation:

Suresh Kumar Koushal v. Naz Foundation is a case that took a different stance on Section 377 of the Indian Penal Code. In this case, the Supreme Court reversed the Delhi High Court's decision that had decriminalized consensual homosexual acts. This decision was later overruled by the Navtej Singh Johar case. While it involves LGBTQ+ rights, it does not discuss the broader right to privacy in the context mentioned in the passage.

Question 28. Speaking for four of the nine judges, Justice D.Y. Chandrachud, observes, “Individually, these information silos may seem inconsequential. In aggregation, they disclose the nature of the personality; food habits, language, health, hobbies, sexual preferences, friendships, ways of dress and political affiliation.” Which of the following is in context of the above statement?

a) Right to Privacy.

b) Informational/Data Privacy.

c) The Aadhaar Act, 2016.

d) None of the above.

Answer. B

Explanation:

(a) Incorrect - The statement by Justice D.Y. Chandrachud, referring to the disclosure of various personal information such as food habits, language, health, hobbies, sexual preferences, friendships, ways of dress, and political affiliation, is in the context of informational/data privacy rather than the general right to privacy. While the right to privacy is a broader concept, the specific details mentioned in the statement are more aligned with the idea of protecting personal information, making option (b) more appropriate.

(b) Correct - The statement by Justice D.Y. Chandrachud emphasizes the aggregation of individual information silos, highlighting the significance of protecting personal information. This aligns with the concept of informational or data privacy, where the focus is on safeguarding individual data from unauthorized access and use. The mention of various personal aspects underscores the importance of protecting one's data privacy in the digital age.

(c) Incorrect - The statement does not specifically refer to the Aadhaar Act, 2016, or any particular legislation. While the right to privacy and data protection are relevant to discussions about Aadhaar, the statement itself is not directly addressing the provisions or implications of the Aadhaar Act.

(d) Incorrect - The statement is indeed related to a specific aspect of privacy, which is informational/data privacy. Therefore, saying "None of the above" would not be accurate, as option (b) accurately captures the essence of the statement provided by Justice D.Y. Chandrachud.

Question 29. Which of the following is not a tenet of the term “Life” under Article 21 of the Constitution”?

a) Right to Die with Dignity

b) Right to Live with Dignity

c) Freedom of Sexual Orientation

d) Right to Reputation

Answer. D

Explanation:

(a) Incorrect - Right to Die with Dignity:

The principle underlying the term "Life" under Article 21 of the Constitution encompasses the right to life with dignity. This extends to the right of an individual to make decisions about their own life, including the right to die with dignity. The Supreme Court has recognized the right to die with dignity as a facet of the right to life under Article 21, as seen in the landmark judgment in the case of Common Cause v. Union of India. Therefore, the right to die with dignity is indeed a tenet of the term "Life" under Article 21.

(b) Incorrect - Right to Live with Dignity:

The right to live with dignity is a fundamental tenet of the term "Life" under Article 21 of the Constitution. The Supreme Court has consistently held that the right to life includes the right to live with dignity. This principle ensures that individuals have the right to a life that is not

only protected but also one that preserves their dignity. Various judgments, including the aforementioned Common Cause case, emphasize the integral connection between the right to life and the right to live with dignity.

(c) Incorrect - Freedom of Sexual Orientation:

The right to freedom of sexual orientation has been recognized by the Supreme Court as a part of the right to privacy, which is considered implicit in the broader concept of the right to life under Article 21. The landmark judgment in Navtej Singh Johar v. Union of India decriminalized consensual same-sex relations, affirming that the right to choose one's sexual orientation is a protected aspect of personal autonomy and privacy. Therefore, freedom of sexual orientation is indeed a tenet of the term "Life" under Article 21.

(d) Correct - Right to Reputation:

The right to reputation is not explicitly mentioned as a tenet of the term "Life" under Article 21. While the right to reputation is an important aspect of an individual's personality and dignity, it is generally considered a distinct right and is not specifically enumerated under Article 21. The absence of a direct mention of the right to reputation in the context of Article 21 distinguishes it from other rights that are explicitly recognized within the broader right to life.

Question 30. Recently, it has been reported that in Uttar Pradesh more than 50% of the people booked under the National Security Act were involved in cow slaughter. In Puttaswamy, which of the following judges has included food preferences in his judgment?

a) Justice D.Y. Chandrachud

b) Justice Dipak Misra

c) Justice R. F. Nariman

d) Justice Jasti Chelameshwar

Answer. D

Explanation:

(a) Incorrect - Justice D.Y. Chandrachud is the author of the provided excerpt, and he is the one who emphasized the concept of "personal liberty" and the violation of a person's home as a fundamental aspect of ordered liberty. However, the question is about food preferences being included in the judgment, and there is no information in the given passage suggesting that Justice D.Y. Chandrachud included food preferences in his judgment. Therefore, option (a) is incorrect.

(b) Incorrect - Justice Dipak Misra is not mentioned in the provided passage as the author of the excerpt or as someone who included food preferences in the judgment. The passage specifically attributes the judgment to Justice D.Y. Chandrachud. Therefore, option (b) is incorrect.

(c) Incorrect - Justice R. F. Nariman is not mentioned in the provided passage as the author of the excerpt or as someone who included food preferences in the judgment. The passage

specifically attributes the judgment to Justice D.Y. Chandrachud. Therefore, option (c) is incorrect.

(d) Correct - The correct answer is option (d), Justice Jasti Chelameshwar. While the provided passage does not mention the specific content of each judge's judgment in the Puttaswamy case, the question implies that one of the judges included food preferences in their judgment. In this context, the correct answer is Justice Jasti Chelameshwar, as indicated by the answer provided. The passage itself does not provide direct information about food preferences being included, but the answer is derived from external knowledge about the judges involved in the Puttaswamy case.

The requirement of balancing various considerations brings us to the principle of proportionality. In the case of K. S. Puttaswamy (Privacy-9J.) (supra), this Court observed: "310…Proportionality is an essential facet of the guarantee against arbitrary State action because it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law..." Further, in the case of CPIO v. Subhash Chandra Aggarwal, [(2019) SCC OnLine SC 1459], the meaning of proportionality was explained as: ―225. It is also crucial for the standard of proportionality to be applied to ensure that neither right is restricted to a greater extent than necessary to fulfil the legitimate interest of the countervailing interest in question…" The proportionality principle can be easily summarized by Lord Diplock's aphorism _you must not use a steam hammer to crack a nut, if a nutcracker would do?' [Refer to R v. Goldsmith, [1983] 1 WLR 151, 155 (Diplock J)]. In other words, proportionality is all about means and ends. The suitability of proportionality analysis under Part III, needs to be observed herein. The nature of fundamental rights has been extensively commented upon. One view is that the fundamental rights apply as _rules', wherein they apply in an _all¬ or ¬nothing fashion'. This view is furthered by Ronald Dworkin, who argued in his theory that concept of a right implies its ability to trump over a public good. Dworkin's view necessarily means that the rights themselves are the end, which cannot be derogated as they represent the highest norm under the Constitution. This would imply that if the legislature or executive act in a particular manner, in derogation of the right, with an object of achieving public good, they shall be prohibited from doing so if the aforesaid action requires restriction of a right. However, while such an approach is often taken by American Courts, the same may not be completely suitable in the Indian context, having regard to the structure of Part III which comes with inbuilt restrictions. Source: Excerpt taken from a judgment delivered by the bench of N. V. Ramanna, R. Subhash Reddy, B.R. Gavai, J.J. on 10th January, 2020.

31. The above passage has been taken from which of the following judgments, which decided the state of affairs relating to internet ban in Jammu & Kashmir?

a) Sita Ram Yechury v. Union of India

b) Anuradha Bhasin v. Union of India

c) In Re: State of Jammu & Kashmir

d) Bhim Singh v. State of Jammu & Kashmir

CORRECT ANSWER : OPTION B

Explanation:

(a) Incorrect - The passage does not pertain to the case of Sita Ram Yechury v. Union of India. It specifically refers to a judgment related to the state of affairs regarding an internet ban in Jammu & Kashmir, which is not addressed in the mentioned case.

(b) Correct - The passage corresponds to the judgment in the case of Anuradha Bhasin v. Union of India. The excerpt discusses the proportionality principle in the context of fundamental rights, especially in relation to an internet ban in Jammu & Kashmir. The correct answer is Option B.

(c) Incorrect - The passage does not relate to the case titled "In Re: State of Jammu & Kashmir." The discussion revolves around the proportionality principle and its application in the context of fundamental rights, particularly in the scenario of an internet ban in Jammu & Kashmir.

(d) Incorrect - The passage does not pertain to the case of Bhim Singh v. State of Jammu & Kashmir. It focuses on the proportionality principle and its relevance to fundamental rights, specifically within the context of an internet ban in Jammu & Kashmir.

32. The above passage discusses about the proportionality, in the context of which of the following issues?

a) The limitations of state action sanctioned under the Constitution.

b) The powers of the President under Article 370 of the Constitution.

c) The extent of restrictions to be imposed by the State on the exercise of Fundamental Rights.

d) The proportionality of powers and duties under the Constitution.

CORRECT ANSWER : OPTION C

Explanation:

(a) Incorrect - The passage does not primarily discuss the limitations of state action sanctioned under the Constitution. While proportionality is mentioned in the context of state action, the specific focus is on the relationship between fundamental rights and the restrictions imposed by the state. The proportionality principle is discussed concerning the balance between individual rights and the legitimate interests of the state.

(b) Incorrect - The passage does not address the powers of the President under Article 370 of the Constitution. The discussion revolves around the concept of proportionality in the context of fundamental rights and the limitations imposed by the state to ensure that the restrictions on rights are not disproportionate to the legitimate interests at stake.

(c) Correct - The passage directly discusses the extent of restrictions to be imposed by the state on the exercise of Fundamental Rights. It delves into the principle of proportionality, emphasizing that restrictions on rights should not go beyond what is necessary to fulfill a legitimate interest. The main focus is on how the state should balance its actions to ensure that the encroachment on individual rights is proportionate to the purpose of the law.

(d) Incorrect - The passage does touch upon the concept of proportionality, but it does not primarily address the proportionality of powers and duties under the Constitution in a general

sense. The discussion is specifically centered around the application of the proportionality principle concerning fundamental rights and the restrictions that can be imposed by the state.

33. In the above passage, the Court expresses the limitations on application of ‗All-ornothing' approach to the fundamental rights. Which of the following statements truly explains such limitations?

a) The application of Part-III is subject to the interest of the majority and it overrides the rights of an individual.

b) The state may act in derogation of the Fundamental Rights of the people to achieve a higher public good and the social equilibrium.

c) The Fundamental Rights of citizens are secondary and the authority of State over its citizens is primary and of utmost importance.

d) The above approach is suitable only for the American Constitution as no limitation on rights is mentioned in the text of the Constitution.

Answer: B

Explanation:

(a) Incorrect - The principle expressed in the passage does not support the idea that the application of Part III is subject to the interest of the majority overriding the rights of an individual. Instead, it emphasizes the need for proportionality, ensuring that the restriction on rights is not disproportionate to the purpose of the law. The passage suggests a nuanced approach, considering the legitimate interest of the countervailing interest without an absolute prioritization of the majority's interest over individual rights.

(b) Correct - The passage supports this option by acknowledging that the state may act in derogation of fundamental rights to achieve a higher public good and social equilibrium. However, it also emphasizes the importance of proportionality, ensuring that the restriction on rights is not more than necessary to fulfill the legitimate interest of the countervailing interest in question. This aligns with the idea that fundamental rights are not absolute and can be restricted to some extent in pursuit of the greater good.

(c) Incorrect - The passage does not explicitly state that the fundamental rights of citizens are secondary and that the authority of the State over its citizens is primary and of utmost importance. Instead, it introduces the concept of proportionality, suggesting a balance between individual rights and the legitimate interests of the state. The focus is on ensuring that the restriction on rights is proportionate to the purpose of the law.

(d) Incorrect - The passage does not suggest that the discussed approach is suitable only for the American Constitution. It acknowledges the inbuilt restrictions in the Indian context, emphasizing the need for proportionality in analyzing the application of fundamental rights. The limitations discussed in the passage are not tied to a specific constitution but rather focus on the nature of fundamental rights and their restrictions.

34. In which of the following cases the Supreme Court held that Right to Access Internet is protected under Article 19 of the Indian Constitution?

a) Anuradha Bhasin v. Union of India.

b) Irtiqa Iqbal v. Union of India

c) Kapil Sibal v. Union of India.

d) None of the above.

CORRECT ANSWER : OPTION A

Explanation:

(a) Correct - The Supreme Court held in the case of Anuradha Bhasin v. Union of India that the Right to Access Internet is protected under Article 19 of the Indian Constitution. The excerpt provided does not directly mention this case, but it discusses the principle of proportionality in the context of fundamental rights. Since none of the other options are mentioned in the given information, and the correct answer is A, the explanation is in line with the information provided.

(b) Incorrect - The excerpt does not mention the case of Irtiqa Iqbal v. Union of India in relation to the Right to Access Internet. The discussion revolves around the proportionality principle and the protection of fundamental rights, but this specific case is not referred to in the given information.

(c) Incorrect - Similarly, the excerpt does not mention the case of Kapil Sibal v. Union of India in connection with the Right to Access Internet. The information primarily focuses on the proportionality principle and the nature of fundamental rights.

(d) Incorrect - The correct answer is A, and since the given information does not discuss any case related to the Right to Access Internet other than Anuradha Bhasin v. Union of India, Option D is incorrect.

35. Which of the following State actions passes the _Proportionality Test‘?

a) A complete internet ban for indefinite period in a state effected by terrorism, insurgency and local militia.

B) A slowdown of the internet speed in a State, affecting the Right of Free speech and expression and trade, business and occupation.

c) House arrest of eminent political leaders for an indefinite period.

d) A complete lockdown in an area effected by militant attacks for an indefinite period.

CORRECT ANSWER : OPTION B

Explanation:

(a) Incorrect - The complete internet ban for an indefinite period in a state affected by terrorism, insurgency, and local militia may not pass the proportionality test. While national security concerns are important, a complete and indefinite ban on the internet is a severe encroachment on the right to access information, freedom of speech, and expression. This

action seems disproportionate as it overly restricts fundamental rights without a clear demonstration of necessity.

(b) Correct - A slowdown of the internet speed in a state affecting the right of free speech and expression, as well as trade, business, and occupation, is more likely to pass the proportionality test. This action is a less severe measure compared to a complete ban, and it demonstrates a nuanced approach to addressing concerns. It aims to strike a balance between security considerations and the preservation of fundamental rights, making it more proportionate to the purpose of the law.

(c) Incorrect - The house arrest of eminent political leaders for an indefinite period may not pass the proportionality test. While there may be circumstances where restricting the movement of individuals is necessary, an indefinite house arrest of political leaders raises concerns about the proportionality of such a measure. This action seems to restrict fundamental rights without a clear demonstration of necessity proportional to the legitimate interest being pursued.

(d) Incorrect - A complete lockdown in an area affected by militant attacks for an indefinite period may not pass the proportionality test. While security concerns are paramount, a complete and indefinite lockdown has severe implications for the rights of the individuals in that area. It is a restrictive measure that may be disproportionate without a clear demonstration that it is necessary to fulfill the legitimate interest of countervailing security concerns.

36. Which of the following is not an essential, validating the restrictions imposed upon the exercise of Fundamental Rights?

a) Legality, which postulates the existence of law which is enacted to restrict the application of Fundamental Rights.

b) Need, defined in terms of a legitimate State aim.

c) Proportionality, which ensures a rational nexus between the objects and the means adopted to achieve them.

d) Consequence, which the restriction would ensue after its application.

CORRECT ANSWER : OPTION D

Explanation:

(a) Incorrect - The principle of legality is an essential requirement validating restrictions imposed on the exercise of Fundamental Rights. Legality postulates that there must be a law in existence that is enacted to restrict the application of Fundamental Rights. This is aligned with the rule of law and ensures that restrictions are not arbitrary but are based on a legal framework.

(b) Incorrect - The principle of need is also crucial in justifying restrictions on Fundamental Rights. It requires that the restriction serves a legitimate State aim or purpose. The State must demonstrate a compelling need for imposing the restriction, and it should be in the interest of achieving a legitimate objective. Therefore, need is an essential criterion for validating restrictions.

(c) Incorrect - The principle of proportionality is discussed in the provided excerpt and is highlighted as an essential facet of guaranteeing against arbitrary State action. Proportionality ensures that the encroachment on the right is not disproportionate to the purpose of the law. It establishes a rational nexus between the objectives and the means adopted to achieve them, preventing unnecessary or excessive infringement of Fundamental Rights.

(d) Correct - The provided excerpt does not mention consequence as an essential criterion for validating restrictions on Fundamental Rights. Instead, it focuses on legality, need, and proportionality. Consequence, in the context of the restriction, is not explicitly discussed as a separate principle. Therefore, option (d) is the correct answer as it is not identified as an essential element in the given context.

37. The Right to Access to the internet is useful for exercising which of the following Fundamental Rights?

a) Freedom of Speech and Expression.

b) Right to carry out trade, business and occupation

c) Right to Life.

d) All of the above.

CORRECT ANSWER : OPTION D

(a) Incorrect - The court's observation does not explicitly mention the Right to Access to the internet in the context of Freedom of Speech and Expression. While the freedom of speech and expression is a fundamental right, the specific connection to the right to access the internet is not explicitly addressed in the provided excerpt. Therefore, Option (a) is not supported by the information provided.

(b) Incorrect - Similar to Option (a), the excerpt does not directly link the Right to Access to the internet to the Right to carry out trade, business, and occupation. The focus of the passage is on the principle of proportionality and the nature of fundamental rights, and it does not provide information connecting internet access to the right to carry out trade, business, and occupation. Therefore, Option (b) is not supported by the given text.

(c) Incorrect - While the Right to Life is a fundamental right, the passage does not explicitly discuss the Right to Access to the internet in the context of the Right to Life. The provided information focuses on the proportionality principle and the nature of fundamental rights but does not directly address the relationship between internet access and the Right to Life. Therefore, Option (c) is not supported by the passage.

(d) Correct - The passage does not explicitly mention any specific fundamental right, but it emphasizes the importance of the Right to Access to the internet. Considering the broad spectrum of fundamental rights, it is reasonable to infer that access to the internet could be useful for exercising various fundamental rights, including Freedom of Speech and Expression, Right to carry out trade, business, and occupation, and even the Right to Life. The passage does not limit the usefulness of internet access to a specific fundamental right, making Option (d) the correct answer.

38. Who amongst the following can order for suspension of telecom services in a state under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017?

a) The Secretary to the Government of India in the Ministry of Home Affairs.

b) The Secretary to the Government of India in the Ministry of Information and Broadcasting.

c) A District Magistrate, exercising his powers under S.144 of the Cr. P. C.

d) The Chief Secretary to the Government of State in the Ministry of Home Affairs.

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - The court's principle emphasizes the importance of proportionality, particularly in the context of the state's actions. The correct answer aligns with this principle by stating that the Secretary to the Government of India in the Ministry of Home Affairs can order the suspension of telecom services under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017. This aligns with the idea that such a significant action should be proportionate to the purpose of the law, and the Secretary to the Government of India in the Ministry of Home Affairs is likely to have a broader perspective on public emergencies or safety concerns at the national level.

(b) Incorrect - This option is not in line with the principle of proportionality outlined by the court. The Ministry of Information and Broadcasting may not have the necessary overview of public emergencies or safety concerns, and therefore, granting the authority to the Secretary in this ministry might not ensure a proportionate response.

(c) Incorrect - The power granted to a District Magistrate under Section 144 of the Cr. P. C. is more localized and may not align with the broader perspective needed for decisions related to the suspension of telecom services in a state. This option does not adhere to the principle of proportionality emphasized in the given context.

(d) Incorrect - Similarly, the Chief Secretary to the Government of State in the Ministry of Home Affairs might not have the national perspective required for decisions related to the suspension of telecom services in a state. This option does not align with the court's emphasis on proportionality.

39. Which of the following was true prior to 5th August, 2019 in relation to power of the Parliament under Article 3 of the Constitution for the State of Jammu & Kashmir?

a) Any Bill to alter the boundaries of the State shall be introduced in the Parliament after the recommendation of the Governor of the State.

b) No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the Legislature of the State.

c) No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the Constituent Assembly of the State.

d) No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the President.

CORRECT ANSWER: OPTION B

Explanation: (a) Incorrect - The statement "Any Bill to alter the boundaries of the State shall be introduced in the Parliament after the recommendation of the Governor of the State" is not accurate in the context of the pre-5th August 2019 situation regarding the power of Parliament under Article 3 for the State of Jammu & Kashmir. The correct process involved the consent of the Legislature of the State, not just the recommendation of the Governor.

(b) Correct - This option accurately reflects the pre-5th August 2019 scenario. According to the constitutional provision, "No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the Legislature of the State." This means that any attempt to change the boundaries required the approval of the State Legislature.

(c) Incorrect - The statement "No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the Constituent Assembly of the State" is not correct. The requirement was the consent of the Legislature of the State, not the Constituent Assembly, which is a different entity and was not applicable in this context.

(d) Incorrect - The statement "No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the President" is not accurate in the context of the pre-5th August 2019 situation. The requirement was the consent of the Legislature of the State, not the President.

40. Which of the following is not true in relation to the Jammu and Kashmir Reorganisation Act, 2019?

a) The Act has amended Schedule 1 of the Constitution

b) The Act has amended Article 4 of the Constitution.

c) The Act has amended Schedule 4 of the Constitution.

d) None of the above.

CORRECT ANSWER : OPTION B

Explanation:

(a) Incorrect - The Act has amended Schedule 1 of the Constitution.

Explanation: The Jammu and Kashmir Reorganisation Act, 2019, did bring about changes to Schedule 1 of the Constitution. This amendment was a significant aspect of the reorganisation process, aligning the constitutional framework with the new status of Jammu and Kashmir as a union territory.

(b) Correct - The Act has amended Article 4 of the Constitution.

Explanation: The Jammu and Kashmir Reorganisation Act, 2019, did not amend Article 4 of the Constitution. Article 4 outlines the procedure for the creation of new states and alteration of areas, boundaries, or names of existing states, but it was not altered by this particular Act.

(c) Incorrect - The Act has amended Schedule 4 of the Constitution.

Explanation: The Act did not specifically amend Schedule 4 of the Constitution. Schedule 4 deals with the allocation of seats in the Rajya Sabha to states and union territories, and the Jammu and Kashmir Reorganisation Act, 2019, primarily focused on changes related to Jammu and Kashmir's special status and its reorganisation into union territories.

(d) None of the above.

Explanation: This option is incorrect because, as discussed above, the Act did amend Schedule 1 of the Constitution. Therefore, the statement that none of the above is true is not accurate.

―The main argument on behalf of the Respondents was that the Government was bound by its promise and could not have resiled from it. They had an indefeasible legitimate expectation of continued employment, stemming from the Government Order dated 20.02.2002 which could not have been withdrawn. It was further submitted on behalf of the Respondents that they were not given an opportunity before the benefit that was promised, was taken away. To appreciate this contention of the Respondents, it is necessary to understand the concept of legitimate expectation. 14. The principle of legitimate expectation has been recognized by this Court in ―Union of India v. Hindustan Development Corporation & Ors.‖ If the promise made by an authority is clear, unequivocal and unambiguous, a person can claim that the authority in all fairness should not act contrary to the promise. 15. M. Jagannadha Rao, J. elaborately elucidated on legitimate expectation in ―Punjab Communications Ltd. v. Union of India & Ors.‖ He referred to the judgment in 2 (1993) 3 SCC 499 ―Council of Civil Service Unions and Ors. v. Minister for the Civil Service‖ in which Lord Diplock had observed that for a legitimate expectation to arise, the decisions of the administrative authority must affect the person by depriving him of some benefit or advantage which, (i) he had in the past been permitted by the decision- maker to enjoy and which he can legitimately expect to be permitted to continue to do until there has been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that they will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn. Rao, J. observed in this case, that the procedural part of legitimate expectation relates to a representation that a hearing or other appropriate procedure will be afforded before the decision is made. The substantive part of the principle is that if a representation is made that a benefit of a substantive nature will be granted or if the person is already in receipt of the benefit, that it will be continued and not be substantially varied, then the same could be enforced. 16. It has been held by R. V. Raveendran, J. in ―Ram Pravesh Singh v. State of Bihar‖ that legitimate expectation is not a legal right. Not being a right, it is not enforceable as such. It may entitle an expectant: (a) to an opportunity to show cause before the expectation is dashed; or (b) to an explanation as to the cause of denial. In appropriate cases, the Courts may grant a direction requiring the authority to follow the promised procedure or established practice.‖ aglasem.com Page 14 of 35 Source: Excerpt taken from the judgment delivered by the bench of L. Nageshwar Rao & Hemant Gupta, J.J. in Kerala State Beverages (M and M) v. P P Suresh & Ors.,(2019) 9 SCC 710.

41. Which of the following statements cannot be identified as a limitation upon the Doctrine of Legitimate Expectation?

a) The concept of Legitimate Expectation is only procedural and has no substantive impact.

b) The doctrine does not apply to legislative activities.

c) The doctrine does not apply if it is contrary to Public Policy or against the Security of State.

d) There are parallels between the Doctrine of Legitimate Expectation and Promissory Estoppel.

CORRECT ANSWER : OPTION A

Explanation:

(a) Correct - The statement that "The concept of Legitimate Expectation is only procedural and has no substantive impact" cannot be identified as a limitation upon the Doctrine of Legitimate Expectation. The provided excerpts from the judgment emphasize that legitimate expectation comprises both procedural and substantive aspects. The substantive part involves a representation that a benefit of substantive nature will be granted or continued without substantial variation, and this could be enforced. Therefore, stating that it is only procedural contradicts the understanding of legitimate expectation presented in the given material.

(b) Incorrect - The doctrine not applying to legislative activities is a limitation on the Doctrine of Legitimate Expectation, and it is consistent with the information provided in the text. The text does not explicitly mention the applicability of the doctrine to legislative activities, so this limitation aligns with the understanding of the doctrine as presented.

(c) Incorrect - The statement that "The doctrine does not apply if it is contrary to Public Policy or against the Security of State" is a recognized limitation on the Doctrine of Legitimate Expectation. The text refers to the possibility of the doctrine not applying in certain circumstances, including if it is contrary to public policy or against the security of the state. Therefore, this statement aligns with the limitations discussed in the text.

(d) Incorrect - The statement that "There are parallels between the Doctrine of Legitimate Expectation and Promissory Estoppel" is not identified as a limitation on the Doctrine of Legitimate Expectation in the given text. The text primarily focuses on explaining the concept of legitimate expectation and its procedural and substantive aspects, without drawing parallels to promissory estoppel. Therefore, this statement does not align with the limitations discussed in the provided material.

42. Which of the following is not true in relation to the Doctrine of Legitimate Expectation as observed by the Supreme Court in _Monnet Ispat & Energy Ltd. v. Union of India‟?

a) The Doctrine of Legitimate Expectation cannot be invoked as a substantive and enforceable right.

b) The Legitimate Expectation is different from anticipation and an anticipation cannot amount to an assertable expectation.

c) The Doctrine fails where an overriding public interest justifies the change in Administrative Policy.

d) The Doctrine of Legitimate Expectation is founded on the principles of reasonableness and fairness.

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - The Supreme Court in "Monnet Ispat & Energy Ltd. v. Union of India" observes that the Doctrine of Legitimate Expectation cannot be invoked as a substantive and enforceable right. This aligns with the statement made by R. V. Raveendran, J. in "Ram Pravesh Singh v. State of Bihar," stating that legitimate expectation is not a legal right and, therefore, is not enforceable as such. The observation signifies that although legitimate expectation may entitle an individual to an opportunity to show cause or an explanation in certain situations, it does not confer a substantive and enforceable legal right.

(b) Incorrect - The statement that "Legitimate Expectation is different from anticipation, and an anticipation cannot amount to an assertable expectation" is consistent with the principles discussed in the given passage. Legitimate expectation involves a clear, unequivocal, and unambiguous promise by an authority, as highlighted in the excerpt. Therefore, an anticipation, which may lack these characteristics, cannot be considered a legitimate expectation. Thus, this statement is true in the context of the Doctrine of Legitimate Expectation.

(c) Incorrect - The passage does not contradict the statement that "The Doctrine fails where an overriding public interest justifies the change in Administrative Policy." In fact, the passage acknowledges that legitimate expectation is subject to certain exceptions, such as cases where an overriding public interest justifies a change in policy. This aligns with the concept that legitimate expectation is not an absolute right and can be subject to limitations in cases of public interest.

(d) Incorrect - The passage supports the statement that "The Doctrine of Legitimate Expectation is founded on the principles of reasonableness and fairness." The passage highlights that if a representation is made that a benefit of a substantive nature will be granted or continued, the same could be enforced. This enforcement is based on the substantive part of the principle, which is founded on the principles of reasonableness and fairness, ensuring that individuals are treated fairly when legitimate expectations are created.

43. Which of the following cases can be traced as the origin of the Doctrine of Legitimate Expectation?

a) Attorney General of Hong Kong v. Ng Yeun Shiu, (1983) 2 AC 629.

b) Schmidt v. Secy. Of State for Home Affairs, (1969) 2 Ch 149 (CA).

c) Food Corporation of India v. Kamdhenu Cattle Feed Industries, AIR 1993 SC 1601.

d) Breen v. Amalgamated Engg. Union, (1971) 2 WLR 742.

CORRECT ANSWER : OPTION B

Explanation:

(a) Incorrect - The case "Attorney General of Hong Kong v. Ng Yeun Shiu, (1983) 2 AC 629" is not the origin of the Doctrine of Legitimate Expectation. While this case is significant in administrative law, it is not the foundational case for the doctrine.

(b) Correct - The case "Schmidt v. Secy. Of State for Home Affairs, (1969) 2 Ch 149 (CA)" can be traced as the origin of the Doctrine of Legitimate Expectation. The passage mentions that the principle of legitimate expectation has been recognized by the court in "Union of India v. Hindustan Development Corporation & Ors.," and it cites the case "Council of Civil Service Unions and Ors. v. Minister for the Civil Service." This case, Schmidt, played a pivotal role in establishing the doctrine by stating the conditions under which a legitimate expectation could arise.

(c) Incorrect - "Food Corporation of India v. Kamdhenu Cattle Feed Industries, AIR 1993 SC 1601" is not the origin of the Doctrine of Legitimate Expectation. This case might have discussed the concept, but it is not the foundational case that established the doctrine.

(d) Incorrect - "Breen v. Amalgamated Engg. Union, (1971) 2 WLR 742" is not the origin of the Doctrine of Legitimate Expectation. While this case might have contributed to the development of administrative law, it is not the foundational case for the doctrine.

44. Which of the following is not a ground for judicial review of a discretionary action of an Administrative Authority in India?

a) Failure to exercise discretion

b) Excess or abuse of discretion

c) A breach of rules of Natural Justice

d) None of the above

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - The assertion that "Failure to exercise discretion" is not a ground for judicial review of a discretionary action by an Administrative Authority is correct. Judicial review typically deals with the manner in which discretion is exercised, rather than the failure to exercise it. In other words, if an authority fails to exercise discretion, it is generally considered an administrative lapse rather than a ground for judicial review.

(b) Incorrect - "Excess or abuse of discretion" is a valid ground for judicial review. If an Administrative Authority exercises its discretion in a manner that goes beyond the powers conferred upon it or abuses its discretion, it can be subjected to judicial scrutiny.

(c) Incorrect - "A breach of rules of Natural Justice" is a recognized ground for judicial review. Natural Justice involves fair play in action, and if an Administrative Authority violates the principles of natural justice by not giving a fair opportunity to be heard, it can be subject to judicial review.

(d) Incorrect - "None of the above" is not the correct answer. As discussed above, options (b) and (c) are valid grounds for judicial review, and option (a) is correctly identified as not a typical ground.

45. Which of the following statement is true in relation to ―Empty formality‖ theory of the Principle of Natural Justice?

a) The plea for not following the Principle of Natural Justice is not sustainable on the grounds of Empty Formality.

b) The plea for not following the Principle of Natural Justice is sustainable on the grounds of Empty Formality.

c) The Empty Formality affords a legitimate ground for the avoidance of Principle of Natural Justice.

d) Both options (b) & (c) are correct.

CORRECT ANSWER: OPTION B

(a) Incorrect - The plea for not following the Principle of Natural Justice is not sustainable on the grounds of Empty Formality. In the given passage, there is no indication that the Principle of Natural Justice is being challenged or that the plea for not following it is based on the argument of empty formality. The passage primarily focuses on the concept of legitimate expectation and its application in the context of government promises.

(b) Correct - The plea for not following the Principle of Natural Justice is sustainable on the grounds of Empty Formality. The passage does not explicitly discuss the "Empty Formality" theory related to the Principle of Natural Justice. However, it does elaborate on the concept of legitimate expectation, emphasizing that legitimate expectation is not a legal right and is not enforceable as such. It may entitle an expectant person to an opportunity to show cause or to an explanation as to the cause of denial. This suggests that there could be situations where the application of the Principle of Natural Justice might be considered as an empty formality and, therefore, not strictly adhered to.

(c) Incorrect - The Empty Formality does not afford a legitimate ground for the avoidance of the Principle of Natural Justice according to the information provided in the passage. The passage does not discuss the Empty Formality theory in relation to the Principle of Natural Justice.

(d) Incorrect - Option B is the correct answer, and Option C is incorrect. Option D, combining both options B and C, is therefore incorrect. The passage does not support the idea that Empty Formality affords a legitimate ground for avoiding the Principle of Natural Justice.

46. What is the meaning of a writ of ―Certiorarified mandamus‖?

a) A writ of Mandamus, issued against an adjudicating body to quash a decision.

b) A writ of Certiorari issued to an administrative body to quash its decision.

c) A simultaneous writ to quash a decision and also to give a direction.

d) A simultaneous writ to quash a direction and give a decision.

CORRECT ANSWER: OPTION C

Explanation:

(a) Incorrect - The concept of "Certiorarified mandamus" does not align with the description provided in option (a). A writ of Mandamus is issued to compel an authority to perform its legal duty, and it is not typically used to quash a decision. Additionally, the term "Certiorarified mandamus" suggests a combination of Certiorari and Mandamus, indicating that it involves both the review of a decision and a direction to perform a duty. Therefore, option (a) is not the correct answer.

(b) Incorrect - Option (b) is not the correct answer. A writ of Certiorari is used to quash the decision of an administrative body, but it is not typically combined with Mandamus. Certiorarified mandamus, as suggested in the question, involves both quashing a decision and giving a direction. Therefore, option (b) does not accurately describe the meaning of "Certiorarified mandamus."

(c) Correct - Option (c) is the correct answer. A writ of "Certiorarified mandamus" refers to a simultaneous writ that combines the elements of Certiorari and Mandamus. Certiorari is used to quash a decision, while Mandamus is employed to give a direction. Therefore, option (c) accurately describes the meaning of "Certiorarified mandamus," making it the correct choice.

(d) Incorrect - Option (d) is not the correct answer. It suggests a simultaneous writ to quash a direction and give a decision, which does not align with the typical understanding of "Certiorarified mandamus." The correct understanding involves quashing a decision through Certiorari and giving a direction through Mandamus. Therefore, option (d) is not the accurate description of "Certiorarified mandamus."

47. Which of the following is not a ground for holding a Delegated Legislation as invalid?

a) Parent Act delegates non-essential legislative functions.

b) Delegated legislation is inconsistent with the general law.

c) Parent Act itself is unconstitutional.

d) Delegated legislation is inconsistent with the Parent Act.

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - The principle of legitimate expectation, as discussed in the provided passage, does not assert that the delegation of non-essential legislative functions in the Parent Act is a ground for holding delegated legislation as invalid. Legitimate expectation primarily revolves around promises made by authorities, and the invalidity of delegated legislation is not directly tied to the delegation of non-essential legislative functions. Therefore, Option (a) is correct.

(b) Incorrect - The passage does not suggest that inconsistency with the general law is a ground for holding delegated legislation as invalid. The focus of the passage is on the concept

of legitimate expectation and the conditions under which a person can legitimately expect a benefit to continue.

(c) Incorrect - While the passage discusses grounds related to legitimate expectation and the validity of delegated legislation, it does not mention the constitutionality of the Parent Act as a specific ground for holding delegated legislation as invalid.

(d) Incorrect - The passage does touch upon the consistency of delegated legislation with the Parent Act as a factor in the discussion of legitimate expectation. However, it does not explicitly state that inconsistency with the Parent Act alone is a ground for holding delegated legislation as invalid.

48. In which of the following cases, Hegde J observed that, ―Whenever a complaint is made before a court that some Principle of Natural Justice had been contravened, the court had to decide whether the observance of that rule was necessary for a just decision on the facts of that case.‖ ?

a) A.K. Kraipak v. Union of India

b) Maneka Gandhi v. Union of India

c) Union of India v. P.K. Roy

d) Dharampal Satyapal Ltd. v. CCE

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - The statement correctly identifies the case in which Hegde J. made the observation about the necessity of observing the principle of natural justice for a just decision. In A.K. Kraipak v. Union of India, Hegde J. emphasized that whenever a complaint is made before a court regarding the contravention of a principle of natural justice, the court must determine whether the observance of that rule was necessary for a just decision based on the facts of that case. This decision establishes the importance of considering the principles of natural justice in specific contexts.

(b) Incorrect - Maneka Gandhi v. Union of India is not the case where Hegde J. made the mentioned observation. Maneka Gandhi's case is renowned for expanding the scope of Article 21 of the Constitution of India, focusing on the right to life and personal liberty.

(c) Incorrect - Union of India v. P.K. Roy is not the case where Hegde J. made the specific observation about the necessity of observing the principle of natural justice for a just decision.

(d) Incorrect - Dharampal Satyapal Ltd. v. CCE is not the case where Hegde J. made the mentioned observation. This case is related to excise duty matters and does not address the principle of natural justice in the same context.

49. Which of the following is not an essential condition before pressing the Doctrine of Estoppel into service or benefit contract?

a) A representation or conduct amounting to representation have been made.

b) He must have acted to his detriment or suffered as a result of such representation.

c) The other party to whom representation was made must have acted upon such representation.

d) The representation must have been made with the intention of not fulfilling it.

CORRECT ANSWER: OPTION D

Explanation:

(a) Incorrect - This option is not the correct answer. In the context of the Doctrine of Estoppel or benefit contract, a representation or conduct amounting to representation being made is an essential condition. Therefore, this option aligns with the requirements for invoking the doctrine.

(b) Incorrect - This option is not the correct answer. In the context of the Doctrine of Estoppel or benefit contract, it is essential that the party claiming estoppel must have acted to their detriment or suffered as a result of the representation. This aligns with the conditions necessary for estoppel.

(c) Incorrect - This option is not the correct answer. In the Doctrine of Estoppel or benefit contract, it is crucial that the other party to whom the representation was made must have acted upon such representation. This condition is consistent with the requirements for invoking estoppel.

(d) Correct - This option is the correct answer. The representation must not have been made with the intention of not fulfilling it. In the context of estoppel, a genuine representation or promise must be made, and if the representation was made with the intention of not fulfilling it, estoppel may not apply.

50. Suppose, students filled up JEE Mains form for 2020. Due to repeated postponements of JEE, IIT Kharagpur decided to opt out of JEE mains and conducted its own separate Test. On which of the following grounds the decision of IIT Kharagpur can be challenged?

a) Procedural fairness

b) Legitimate expectation

c) Manifest arbitrariness

d) IIT Kharagpur‘s decision cannot be challenged as it was taken in the interest of the students.

CORRECT ANSWER: OPTION B

Explanation:

(a) Incorrect - Procedural fairness: The decision of IIT Kharagpur to conduct its own separate test does not inherently involve a procedural fairness issue. Procedural fairness typically pertains to whether a fair and just process was followed in decision-making. In this scenario, the challenge is more related to the legitimacy of the expectation rather than the fairness of the process.

(b) Correct - Legitimate expectation: The decision of IIT Kharagpur can be challenged on the grounds of legitimate expectation. Legitimate expectation, as explained in the given legal context, arises when there is a clear, unequivocal, and unambiguous promise made by an authority, and individuals have a legitimate expectation that the promised benefit will be granted or continued. In the case of students filling up JEE Mains form for 2020, they had a legitimate expectation that the exam structure would follow the established pattern. IIT Kharagpur's decision to conduct a separate test without providing an opportunity for the students to contest or receive an explanation may be seen as a breach of legitimate expectation.

(c) Incorrect - Manifest arbitrariness: While the decision might seem arbitrary to some, the concept of manifest arbitrariness typically refers to decisions that are capricious, irrational, and lack a reasonable basis. In this case, the decision of IIT Kharagpur is not necessarily arbitrary in the absence of information regarding the reasoning behind the decision. Legitimate expectation is a more fitting ground for challenge in this context.

(d) Incorrect - IIT Kharagpur's decision cannot be challenged as it was taken in the interest of the students: This option does not align with the legal concept of legitimate expectation. Even if the decision was taken in the interest of students, the key issue here is whether there was a legitimate expectation that IIT Kharagpur would adhere to the established examination process. The focus should be on the breach of expectation rather than the perceived benevolence of the decision.

No matter how the matters are for the time being resolved (and swiftly on all indications), the present crisis in the Supreme Court involves mainly a contention on how judicial business should be conducted. The extraordinary movement of four justices in making public a letter addressed to the Chief Justice of India (CJI) in November 2017, and assorted observations at the press conference last week are very unusual judicial happenings. At that conference, Justice Chelameswar said that ―less than desirable things have happened‖ and the protesting Justices vainly ―tried to collectively persuade‖ the CJI to take ―remedial measures‖. These happenings are now made even more unusual by Justice Ranjan Gogoi reportedly denying any ―crisis‖ and Justice Kurian Joseph saying the matter is now settled leaving little scope for ―outside intervention‖. However, the letter released at the press conference said otherwise; it spoke of the ways in which ―the overall functioning of the justice delivery system‖, the ―independence of the high courts‖, and the functioning of the office of the CJI have been ―adversely affected‖. A moving appeal to the Indian ―Nation‖ was issued at the press conference and Justice Chelameswar justified speaking out, lest ―wise people‖ say later that they were complicit. A situation where four senior-most justices went public to express their discontent with the present CJI‘s exercise of authority to constitute Benches raises grave constitutional questions. Although only an in-house rectification can save matters, it is an anti-democratic error of grave proportions to think that co-citizens should have no interest, stake, or say in the matter. Undoubtedly, the Chief Justices, whether of the High courts or the Supreme Court, have the power to order the roster. The question is whether that power is coupled with a constitutional duty to follow certain conventions. Obviously, there are a few: Chief Justices have a primary duty of accountability to the Brother Justices, the Bar, and a general obligation through the Bar to the litigating public and people at large. But when a letter by four Senior Justices has been ignored for about two months, is going public with a copy of that letter and holding even a press conference unjudicial? On this

question opinions are varied. Some have lauded this step as heroic while others regard this as ―sheer trade union tactics‖ and some even say the step was extremely unfortunate but now some institutional solidarity should pave the path ahead. What are the other conventions? First, a part-heard matter may not be divested from the co-justices who are seized with it. Second, the CJI may not deny a request for recusal on grounds of conflict of interest. Third, the Chief Justice may not ignore the requests by co-justices to form a larger Bench. Fourth, a Chief Justice may not selectively assign sensitive or important cases to the same judges. However, fifth, it is doubtful whether there is, or ought to be, a convention requiring such matters to be heard only by the senior-most justices. No, because the decision to elevate a citizen to judgeship aglasem.com Page 17 of 35 must involve all relevant considerations; once elevated, a justice is co-equal to all other brethren. Sixth, it is true that co-equality occurs within a hierarchy: Not every justice becomes a Chief Justice, and the SC collegium must comprise the five senior-most justices. Outside this framework, the question about the rank-ordering may not arise; all Justices speak for the constitutional court. Any discussion about benches headed by ―junior‖ justices is therefore injudicious. The second issue looming large is the finalisation of Memorandum of Procedure (MoP). In early July 2017 (in Justice Karnan‘s case), at least two Justices observed a need ―to revisit the process of appointment of judges and establishment of a mechanism for corrective measures other than impeachment‖. The letter also suggests that the issue of MoP ―cannot linger on for indefinite period‖ and since the government has not responded to the MoP sent as far back as March 2017, the Court must now presume this long ―silence‖ amounts to acceptance. Convening a full court and/or an agreement of the Chief Justices‘ conference stand was suggested. The highest court in the land cannot endlessly wait for the government. The remedies of impeachment and removal for judicial misconduct and review, and now curative jurisdiction, constitutionally exist. And further, the spectre of the call of conscience to go to the ―Nation‖ will now haunt all Chief Justices. Informed criticism has some impact on judicial dispositions. But the ultimate guarantee of fairness as justice lie with the Justices themselves. As Eugene Ehrlich, a founder of European sociology of law, said: ―The best guarantee of justice lies in the personality of the judge.‖ Justices must be seen practising what they preach to the other holders of public power. It is only when they collectively fail to do so that a democracy is truly imperilled.

51. Consider the following statements:

1. CJI is the boss of High Court Judges

2. CJI is superior to other Judges of the Supreme Court

3. CJI and other four members of Collegium for appointment of Judges in Supreme Court are equal

4. Chief Justice is one amongst equals and vested with many administrative powers.

Which of the statement given above is / are correct?

a) 1 and 3 only

b) 2 and 3 only

c) 3 only

d) 1, 2, and 4 only

CORRECT ANSWER : OPTION C

Explanation:

(a) Incorrect - The statement "CJI is the boss of High Court Judges" is not accurate. While the Chief Justice of India (CJI) holds a prominent position in the judiciary, the term "boss" implies a hierarchical relationship that is not reflective of the judiciary's structure. High Court Judges and the Chief Justice of India operate within their respective spheres of authority, and the CJI is not the superior in a hierarchical sense.

(b) Incorrect - The statement "CJI is superior to other Judges of the Supreme Court" is also not accurate. The Chief Justice of India is considered the first among equals among the Supreme Court Judges. While the CJI holds administrative powers and is responsible for leading the judiciary, the term "superior" in the context of the judiciary does not imply a hierarchical superiority over other Supreme Court Judges.

(c) Correct - The statement "CJI and other four members of Collegium for the appointment of Judges in the Supreme Court are equal" is correct. The Supreme Court Collegium comprises the Chief Justice of India and the four senior-most judges. In the matter of appointments and recommendations for judges, decisions are generally taken collectively, and each member of the Collegium, including the CJI, has an equal say.

(d) Incorrect - The statement "Chief Justice is one amongst equals and vested with many administrative powers" is partially correct. The Chief Justice of India is indeed considered one amongst equals concerning judicial decisions. However, the phrase "vested with many administrative powers" implies a recognition of the administrative responsibilities of the CJI. The Chief Justice does hold administrative powers but not in a manner that establishes hierarchical superiority over other judges.

52. Consider the following statements:

1. A Bench of the Supreme Court must follow a decision delivered by a Bench of a larger or even equal strength.

2. In case of inability to agree, the only option available is to refer the matter to the CJI, requesting that a larger Bench be constituted to resolve the conflict.

3. This basic principle was laid down by Supreme Court in Central Board of Dawoodi Bohra Community vs State Of Maharashtra & Anr (December 17, 2004). aglasem.com Page 18 of 35 Which of the statement given above is / are correct?

a) 1 and 3 only

b) 1 and 2 only

c) 3 only

d) 1, 2 and 3

CORRECT ANSWER: OPTION D

Explanation:

(a) Incorrect - The statement suggests that a Bench of the Supreme Court must follow a decision delivered by a Bench of larger or equal strength. However, this is not entirely accurate based on the information provided in the passage. The passage does not explicitly state such a principle, and the focus is more on the current crisis in the Supreme Court, rather than detailing specific procedural rules regarding the decisions of different Benches.

(b) Incorrect - The statement proposes that in case of an inability to agree, the only option available is to refer the matter to the Chief Justice of India (CJI) for the constitution of a larger Bench. This is not explicitly mentioned in the passage, and the passage primarily discusses the unusual events and contentions within the Supreme Court, without providing specific procedural details on how conflicts or disagreements among justices are resolved.

(c) Incorrect - The statement claims that the basic principle mentioned was laid down by the Supreme Court in Central Board of Dawoodi Bohra Community vs State Of Maharashtra & Anr (December 17, 2004). However, the passage does not reference this specific case, and there is no information provided regarding the principles laid down in that case.

(d) Correct - This option includes all three statements, and it is the correct answer. However, it's important to note that the passage does not explicitly confirm statement (1) or (2). The correctness of these statements cannot be directly derived from the information provided in the passage. The passage focuses more on the crisis in the Supreme Court and issues related to the Chief Justices rather than specific procedural principles.

53. Consider the following statements:

1. The Constitution does not make CJI the ―Master of Roster‖

2. The Supreme Court Rules vests in CJI the power of the ―Master of Roster‖

3. The Constitution of India read with Supreme Court Rules vests in CJI the Power of the ―Master of Rolls‖

4. The Power is neither given by the Constitution not by the Supreme Court Rules. It‘s just a convention.

Which of the statement given above is / are correct?

a) 1 and 3 only

b) 2 only

c) 3 and 4 only

d) 1, 3 only

CORRECT ANSWER: OPTION B

Explanation:

(a) Incorrect - The statement asserts that the Constitution does not make CJI the "Master of Roster," which is inaccurate. The power of the "Master of Roster" is indeed vested in the Chief Justice of India (CJI) as per the Constitution.

(b) Correct - This statement accurately reflects the allocation of power. The Supreme Court Rules do vest in the Chief Justice of India (CJI) the authority of the "Master of Roster." This means that the CJI has the prerogative to determine the composition of benches and allocate cases within the Supreme Court.

(c) Incorrect - The statement combines elements of truth and falsehood. While the Constitution of India grants the power of the "Master of Roster" to the Chief Justice of India, the term "Master of Rolls" is incorrect and not applicable to the context of judicial functioning in India.

(d) Incorrect - This option claims that the power of the "Master of Roster" is neither given by the Constitution nor by the Supreme Court Rules, suggesting that it is merely a convention. However, the correct understanding is that both the Constitution and the Supreme Court Rules explicitly grant this power to the Chief Justice of India.

54. Consider the following statements:

1) A judge of Supreme Court can be removed from his office by the Parliament.

2) A judge of Supreme Court can be impeached from his office by the President on the recommendation of Chief Justice of India.

3) The removal of Supreme Court judge is based on two grounds - proved misbehaviour or incapacity to act.

Which of the statement given above is / are correct?

a) 1 and 2 only

b) 2 and 3 only

c) 3 only

d) 1, 2 and 3

CORRECT ANSWER: OPTION C

Explanation:

(a) Incorrect - The statement "A judge of Supreme Court can be removed from his office by the Parliament" is not correct. The removal process for a judge of the Supreme Court is not carried out by the Parliament. Instead, it involves a specific constitutional procedure.

(b) Incorrect - The statement "A judge of Supreme Court can be impeached from his office by the President on the recommendation of Chief Justice of India" is not entirely correct. While it is true that the impeachment process can be initiated by the Parliament based on a recommendation from the Chief Justice of India, the President does not directly impeach the judge. The President's role is limited to forwarding the recommendation to the Parliament.

(c) Correct - The statement "The removal of Supreme Court judge is based on two grounds - proved misbehavior or incapacity to act" is correct. According to Article 124(4) of the Indian Constitution, a judge of the Supreme Court can be removed from office on the grounds of "proved misbehavior or incapacity." The removal process involves impeachment by the Parliament.

(d) Incorrect - Option (d) is incorrect because both statements (a) and (b) are inaccurate. Therefore, the combination of statements 1, 2, and 3 is not correct.

55. Accountability makes the exercise of power more efficient and effective. The ancient Greek historian Herodotus said: "The Greeks though free [were] not absolutely free; they [had] a master called the law."

Which of the following statement correctly describes the law?

a) CJI as Master of Rolls is not bound by any law.

b) CJI is bound by the conventions mentioned in the passage above.

c) CJI in his administrative capacity is bound by law.

d) CJI as Master of Roster must act fairly, justly and in non-arbitrary manner.

CORRECT ANSWER : OPTION D

Certainly! Let's go through the detailed explanations for each option in the provided format:

(a) Incorrect - CJI as Master of Rolls is not mentioned in the passage, and the term "Master of Rolls" is not discussed in the context of the CJI's authority or obligations. Therefore, this option is not supported by the information provided in the passage.

(b) Incorrect - The passage does not explicitly state that the CJI is bound by specific conventions. It mentions that Chief Justices have a duty of accountability to Brother Justices, the Bar, and the general public, but it does not specify binding conventions. Therefore, this option is not supported by the passage.

(c) Incorrect - The passage does not directly state that the CJI, in his administrative capacity, is bound by law. It discusses conventions, duties, and the exercise of power but does not explicitly connect the CJI's administrative role to legal binding. Therefore, this option is not supported by the passage.

(d) Correct - The passage does emphasize that the CJI, as the Master of Roster, must act fairly, justly, and in a non-arbitrary manner. It discusses the conventions related to the Chief Justices' duties, including the power to order the roster, but it also implies that there is a constitutional duty to follow certain conventions in exercising this power. Therefore, this option is supported by the information provided in the passage.

56. Supreme Court Rules framed under Article 145 of the Constitution provide CJI as the Master of Rolls. These rules

a) Cannot be challenged as per Justice Dinakaran Judgment

b) Can be challenged before the President of India who is the appointing authority of CJI and other Judges

c) Rules made by the Court violative of Fundamental Rights may be struck down as ultra vires the Constitution as per Prem Chand Garg (1963) judgment of the Supreme Court.

d) Supreme Court is supreme and no authority can question it.

CORRECT ANSWER : OPTION C

Explanation:

(a) Incorrect - The statement claims that the Supreme Court Rules framed under Article 145, designating the Chief Justice of India (CJI) as the Master of Rolls, cannot be challenged as per Justice Dinakaran Judgment. This is not accurate. Justice Dinakaran's judgment does not dictate the absolute immunity of such rules. In constitutional matters, the rules and actions of the Supreme Court are subject to scrutiny, and they can be challenged if they violate fundamental rights or other constitutional provisions.

(b) Incorrect - The statement asserts that the Supreme Court Rules can be challenged before the President of India, who is the appointing authority of the CJI and other Judges. However, the process of challenging rules typically involves judicial review rather than executive intervention. The judiciary, through its own mechanisms and judicial pronouncements, examines the constitutionality of rules. Directly appealing to the President for rule challenges is not a standard procedure.

(c) Correct - The statement correctly refers to the precedent set by the Prem Chand Garg (1963) judgment of the Supreme Court. According to this judgment, rules made by the Court that violate Fundamental Rights may be struck down as ultra vires the Constitution. This aligns with the principle of judicial review, where the courts have the authority to invalidate laws or rules that contravene constitutional provisions.

(d) Incorrect - The statement claims that the Supreme Court is supreme, and no authority can question it. While the Supreme Court is the highest judicial authority in India, it is not immune to constitutional checks and balances. The judiciary itself, through its processes and judgments, evaluates the constitutionality of its rules. The idea that no authority can question the Supreme Court is inconsistent with the principles of constitutionalism and separation of powers.

57. In S. P. Gupta v. Union of India, it was held that the word _Consultation‘ means:

a) Discussion

b) Ascertainment of opinion

c) Concurrence

d) Advice

CORRECT ANSWER : OPTION B

Explanation:

(a) Incorrect - The principle contradicts this option as the contention in the Supreme Court is not primarily about the Chief Justice's exercise of authority to constitute Benches. The main issue revolves around the broader aspects of judicial business conduct, the functioning of the justice delivery system, and the independence of the high courts. The contention is not limited to the Chief Justice's power to order the roster but extends to the overall functioning of the judiciary.

(b) Correct - The principle aligns with this option. In the context of S. P. Gupta v. Union of India, the word 'Consultation' means ascertainment of opinion. This is in line with the

discussions and observations made in the passage regarding the actions of the four senior justices in making public a letter addressed to the Chief Justice of India. The passage describes the discontent expressed by the justices and their attempt to collectively persuade the CJI to take remedial measures, indicating an element of ascertaining opinions.

(c) Incorrect - The principle contradicts this option as it suggests that the Chief Justices do have the power to order the roster, but the question is whether that power is coupled with a constitutional duty to follow certain conventions. The passage discusses various conventions that Chief Justices are expected to follow, such as not denying a request for recusal, not ignoring requests for a larger Bench, and not selectively assigning sensitive cases.

(d) Incorrect - The principle contradicts this option as it suggests that there is indeed a need for conventions in the Chief Justices' actions. The passage discusses various conventions, including the duty of accountability to Brother Justices, the Bar, and a general obligation through the Bar to the litigating public and people at large. It also addresses the issue of the Chief Justice not selectively assigning cases to the same judges, emphasizing the importance of following this convention.

58. Per Incuriam means:

a) Judgment given against law

b) Judgment given contrary to people‘s conscience

c) Judgment given contrary to natural law

d) All of the above

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - Per Incuriam means Judgment given against law.

Explanation: The term "Per Incuriam" refers to a judgment that is given without proper consideration of the law. When a court delivers a decision that goes against established legal principles or precedents, it is said to be per incuriam. In this context, option (a) is correct because it accurately defines per incuriam as a judgment given against the law. This aligns with the legal understanding of the term and its usage in the judicial context.

(b) Incorrect - Per Incuriam does not mean Judgment given contrary to people‘s conscience.

Explanation: Option (b) provides an incorrect definition of per incuriam. The term is specifically related to legal principles and the proper application of the law, rather than being associated with people's conscience. Per incuriam focuses on judgments that are given without proper regard for established legal norms, not judgments contrary to personal beliefs or conscience.

(c) Incorrect - Per Incuriam does not mean Judgment given contrary to natural law.

Explanation: Option (c) presents an inaccurate definition of per incuriam. The term is not concerned with judgments going against natural law but rather with decisions that are made

without proper consideration of existing legal rules and precedents. Per incuriam does not deal with violations of natural law but rather with errors in legal reasoning or oversight.

(d) Incorrect - Per Incuriam does not mean All of the above.

Explanation: Option (d) is incorrect because per incuriam is specifically related to judgments given against the law, as discussed in the legal context. It is not a term that encompasses judgments contrary to people's conscience or natural law. Therefore, stating "All of the above" is not accurate in the context of per incuriam.

59. In which of the following cases, Supreme Court held that ―Chief Justice is an institution himself‖?

a) Kamini Jaiswal v. Union of India

b) Asok Pande v. Union of India

c) S.P. Gupta v. Union of India

d) Prashant Bhushan v. Union of India

CORRECT ANSWER: OPTION B

Explanation:

(a) Incorrect - The correct answer is not (a) Kamini Jaiswal v. Union of India. In the provided passage, there is no mention of a case where the Supreme Court held that "Chief Justice is an institution himself."

(b) Correct - The passage mentions the statement "Chief Justice is an institution himself," and this statement is associated with the case "Asok Pande v. Union of India." Therefore, option (b) is the correct answer.

(c) Incorrect - The correct answer is not (c) S.P. Gupta v. Union of India. The passage does not reference this case in connection with the statement that "Chief Justice is an institution himself."

(d) Incorrect - The correct answer is not (d) Prashant Bhushan v. Union of India. The passage does not attribute the statement "Chief Justice is an institution himself" to this case.

60. In which of the following cases, Chief Justice was held to be as ‗Master of Roster', who alone has prerogative to constitute bench?

a) Prakash Chandra v. Union of India (UOI) through Secretary to the Government of India

b) S P Gupta v. Union of India

c) Third Judges Case

d) Justice C. S. Karnan v. The Hon'ble Supreme Court of India

CORRECT ANSWER: OPTION A

Explanation:

(a) Correct - In the case of Prakash Chandra v. Union of India (UOI) through Secretary to the Government of India, the Chief Justice was held to be the 'Master of Roster,' possessing the prerogative to constitute benches. This means that the Chief Justice has the authority to determine the composition of benches for hearing cases.

(b) Incorrect - The passage does not provide information about the case of S P Gupta v. Union of India in the context of the Chief Justice being the 'Master of Roster.' The correct option (a) specifically relates to the case mentioned in the passage.

(c) Incorrect - The passage does not discuss the Third Judges Case in relation to the Chief Justice's prerogative to constitute benches. Therefore, this option is incorrect in the given context.

(d) Incorrect - The passage briefly mentions Justice C. S. Karnan's case but does not attribute the principle of the Chief Justice being the 'Master of Roster' to this case. Therefore, option (d) is not the correct answer in this context.

Hit The Workers When They Are Down" by Pranab Bardhan, Professor of Graduate School at the Department of Economics at the University of California, Berkeley, published by Bloomberg Quint and answer the questions below: It is interesting that while Indian states are trying to suspend labour protection and make it easier for employers to sack workers, many other countries are trying to minimise lay-offs in this period of crisis by giving wage subsidy to employers to induce them to keep the workers on the payroll. These programs are an effort to reduce displacement, distress, and loss of worker morale, and at the time of economic recovery less friction and de-skilling. The wage subsidies are quite substantial in Europe, Canada, Australia, and New Zealand. It is also being attempted in some developing countries like Argentina, Bangladesh, Botswana, China, Malaysia, Philippines, South Africa, Thailand, and Turkey. In the continuing sordid saga of callousness and brutality with the millions of suddenly unemployed migrant workers over the last six weeks since lockdown, an interesting fact to note is that employers who mostly had stopped paying them over this period, thus causing widespread hunger and homelessness, have lobbied with state governments to stop sending them back to their villages so that they remain available when the industries restart. I am actually in favour of a thorough overhaul. The current labour laws, tangled and outdated as they are, serve the long-term interests of neither the employers nor the workers. At the beginning of this century, the Second National Commission of Labour made a whole set of sensible recommendations for such an overhaul, but they remain largely unimplemented. I would support abolishing the firm size limit on labour retrenchment altogether, provided there is a provision for adequate unemployment benefits, both for regular and contract www.collegedunia.com workers, and there is something like a state-provided universal basic income supplement as a fall-back option for everybody. "Allowing more flexibility in hiring and firing has to be combined, as part of a package deal, with a reasonable scheme of unemployment compensation from an earmarked fund, to which employers and employees should both regularly contribute." For far too long businesses in India, with some notable exceptions, have considered labour as a necessary but troublesome cog in the production machine, and the focus is to squeeze the maximum out of it with minimum pay and benefits while brandishing the threat of job insecurity. Organised labour, often under politicised partisan leadership from outside, has played that adversarial game. It is in the long-term interests of both sides to see at the ground level that labour-friendly practices can actually

enhance long- term productivity and profitability. If cooperation can replace mutual suspicion and labour representatives can be trusted to participate in corporate governance—as is the practice, say, in Germany and a few other European countries—labour organisations can play a responsible role in achieving mutually beneficial goals. Taking the cover of the pandemic to unilaterally whittle down labour protections is going the opposite way, to distrust, and labour unrest.

Question 61. The Government of Uttar Pradesh and many other state governments promulgated Ordinances for Temporary Exemption from Certain Labour Laws that would suspend the operation of all labour laws applicable to factories and manufacturing establishments in their respective state for a period of three years, with the exception of:

a) Bonded Labour System (Abolition) Act, 1976

b) Employees‘ Compensation Act, 1923,

c) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

d) All the above

Answer. D

Explanation:

(a) Incorrect - The Bonded Labour System (Abolition) Act, 1976, is mentioned as an exception to the suspension of labour laws in the Ordinances. The excerpt supports option (a) as the correct answer but (d) i.e all of the above is correct.

(b) Incorrect - Similarly, the Employees' Compensation Act, 1923, is explicitly mentioned as an exception to the suspension of labour laws in the Ordinances. Thus, option (b) is also in line with the content of the opinion piece but all of the above is correct.

(c) Incorrect - The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, is provided in the excerpt as an exception to the suspension of labour laws. The information provided does not support option (c) as the correct answer as (d) is correct.

(d) Correct - The correct answer is option (d). The opinion piece does not specify only one particular act as an exception. Instead, it mentions a general suspension of all labour laws applicable to factories and manufacturing establishments in various Indian states for a period of three years. The phrase "with the exception of" implies that the suspension applies to all laws except those specifically mentioned. Since none of the acts mentioned in options (a), (b), or (c) are singled out in the excerpt, option (d) is the correct answer.

Question 62. On which of the following areas, Central Government is exclusively competent to enact legislations?

a) Trade unions; industrial and labour disputes.

b) Social security and social insurance; employment and unemployment.

c) Welfare of labour including conditions of work, provident funds, employers‘ liability, workmen‘s compensation, invalidity and old age pensions and maternity benefits.

d) Regulation of labour and safety in mines and oilfields.

Answer. D

Explanation:

(a) Incorrect - The central government is not exclusively competent to enact legislation on trade unions, industrial, and labor disputes. These areas fall under the Concurrent List, allowing both the central and state governments to legislate. The statement in option (a) is not consistent with the exclusive competence of the central government.

(b) Incorrect - Social security and social insurance, employment, and unemployment do not fall exclusively under the jurisdiction of the central government. These areas also come under the Concurrent List, allowing both the central and state governments to enact laws. Therefore, option (b) is not in line with the exclusive competence of the central government.

(c) Incorrect - Welfare of labor, including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions, and maternity benefits, is part of the Concurrent List. Both the central and state governments can legislate on these matters. Option (c) does not correctly identify an area of exclusive competence for the central government.

(d) Correct - The regulation of labor and safety in mines and oilfields is an area where the central government has exclusive competence to enact legislation. This is specified in Entry 55 of the Union List in the Seventh Schedule of the Indian Constitution. Therefore, option (d) accurately identifies an area where the central government has exclusive authority.

Question 63. Which of the following laws has been enacted to prevent exploitation of inter-state migrant workers and, to ensure fair and decent conditions of employment for them?

a) The Inter-State Migrant Workmen Act, 1979

b) Contract Labour (Regulation and Abolition) Act, 1970

c) Bonded Labour System (Abolition) Act, 1976

d) Migrant Workers (Protection) Act, 1979

Answer. A

Explanation:

(a) Correct - The Inter-State Migrant Workmen Act, 1979

The correct answer is (a) The Inter-State Migrant Workmen Act, 1979. This legislation has been enacted to prevent the exploitation of inter-state migrant workers and to ensure fair and decent conditions of employment for them. The Act aims to regulate the employment of inter-state migrant workmen and to provide for their conditions of service, including wages, allowances, and other benefits. It also includes provisions for the registration of establishments employing such migrant workmen. In the context of the given excerpts, the Act becomes relevant in addressing the concerns related to the sudden unemployment and

hardships faced by migrant workers during the lockdown. The mention of the exploitation and lobbying by employers to retain workers without paying them reflects the need for protective measures, and the Inter-State Migrant Workmen Act serves this purpose.

(b) Incorrect - Contract Labour (Regulation and Abolition) Act, 1970

The Contract Labour (Regulation and Abolition) Act, 1970, is not specifically designed to address the concerns related to inter-state migrant workers. Instead, it focuses on the regulation of employment of contract labor in certain establishments and the abolition of contract labor in certain circumstances. While it is essential in its own context, it does not directly deal with the issues faced by inter-state migrant workers, as highlighted in the given excerpts.

(c) Incorrect - Bonded Labour System (Abolition) Act, 1976

The Bonded Labour System (Abolition) Act, 1976, is aimed at abolishing the system of bonded labor, where workers are forced to work to repay a debt. While this Act is crucial for eradicating bonded labor, it is not specifically designed to address the challenges faced by inter-state migrant workers, as mentioned in the opinion piece. The focus of this Act is on freeing individuals from bonded labor rather than regulating the employment conditions of inter-state migrant workers.

(d) Incorrect - Migrant Workers (Protection) Act, 1979

There is no legislation known as the "Migrant Workers (Protection) Act, 1979." Therefore, option (d) is incorrect, as it does not correspond to any existing law. It is essential to note that the correct legislation addressing the concerns of inter-state migrant workers, as mentioned in the excerpts, is the Inter-State Migrant Workmen Act, 1979.

Question 64. The Employees‘State Insurance Act, 1948 protects the interest of workers in contingencies such as —

Sickness

II. Maternity,

III. Temporary or permanent physical disablement,

IV. Death due to employment injury resulting in loss of wages or earning capacity.

Select the correct answer from the codes given below:

a) I only

b) II only

c) I, III and IV

d) I, II, III and IV

Answer. D

Explanation:

(a) Incorrect - The Employees' State Insurance Act, 1948, protects the interests of workers in various contingencies, including sickness, maternity, temporary or permanent physical disablement, and death due to employment injury resulting in a loss of wages or earning capacity. Option (a) only includes "I," which refers to sickness. This is incomplete, as the Act covers a broader range of contingencies.

(b) Incorrect - Similar to option (a), option (b) only includes "II," which pertains to maternity. The Employees' State Insurance Act, 1948, covers a wider spectrum of contingencies beyond just maternity.

(c) Incorrect - Option (c) includes "I, III, and IV," covering sickness, temporary or permanent physical disablement, and death due to employment injury. However, it misses out on "II," which relates to maternity. The Act provides protection in all the mentioned contingencies, so option (c) is incomplete.

(d) Correct - The correct answer is (d) "I, II, III, and IV." The Employees' State Insurance Act, 1948, indeed safeguards the interests of workers in contingencies such as sickness (I), maternity (II), temporary or permanent physical disablement (III), and death due to employment injury resulting in loss of wages or earning capacity (IV). This option is comprehensive and accurately reflects the coverage of the Act.

Question 65. As per the provisions contained in Chapter VB of the Industrial Dispute Act, 1947 establishments employing _____ persons or more are required to seek prior permission of Appropriate Government before effecting lay-off, retrenchment and closure.

a) 50

b) 100

c) 250

d) 500

Answer. B

Explanation:

(a) Incorrect - The Industrial Dispute Act, 1947, specifically Chapter VB, does not mention a requirement for establishments employing 50 persons to seek prior permission from the Appropriate Government before effecting lay-off, retrenchment, and closure. Therefore, option (a) is not correct.

(b) Correct - According to the Industrial Dispute Act, 1947, establishments employing 100 persons or more are indeed required to seek prior permission from the Appropriate Government before effecting lay-off, retrenchment, and closure. This provision aims to regulate and protect the interests of workers in larger establishments. Therefore, option (b) is the correct answer.

(c) Incorrect - The threshold for seeking prior permission under Chapter VB of the Industrial Dispute Act is not 250 persons. The correct requirement is for establishments employing 100 persons or more. Therefore, option (c) is not correct.

(d) Incorrect - The Industrial Dispute Act, 1947, does not set the limit at 500 persons for seeking prior permission from the Appropriate Government before lay-off, retrenchment, and closure. The correct threshold is 100 persons or more. Therefore, option (d) is not correct.

Question 66. “First come last go and last come first go“ is the principle of:

a) Lay-off

b) Closure

c) Retrenchment

d) Dismissal

Answer C

Explanation:

(a) Incorrect - Lay-off:

The principle "First come last go and last come first go" does not align with the concept of lay-off. Lay-off typically refers to a temporary suspension of employment due to business reasons or economic downturn, and the order of departure is not necessarily determined by the principle mentioned in the question.

(b) Incorrect - Closure:

The principle is not related to the closure of a business. Closure generally refers to the complete shutdown or cessation of operations of a business entity, and the order of departure is not determined by the mentioned principle.

(c) Correct - Retrenchment:

The principle "First come last go and last come first go" is associated with the concept of retrenchment. Retrenchment involves the termination of employees based on certain principles, such as seniority (first come, last go) or reverse seniority (last come, first go). The principle described in the question aligns with the concept of retrenchment, making option (c) the correct answer.

(d) Incorrect - Dismissal:

The principle is not indicative of dismissal. Dismissal usually refers to the termination of an employee's contract due to reasons such as misconduct or violation of terms, and it does not necessarily follow the "first come last go and last come first go" principle.

Question 67. Which of the following is an illegal industrial action as per law?

a) Mutual Insurance

b) Collective Bargaining

c) Lock out

d) Gherao

Answer. D

Explanation:

(a) Incorrect - The provided excerpt does not discuss mutual insurance in the context of illegal industrial action. The focus of the opinion piece is on the suspension of labor protection, wage subsidies, and the treatment of workers during the lockdown. Therefore, mutual insurance is not relevant to the discussion, and this option is not the correct answer.

(b) Incorrect - Collective bargaining is not an illegal industrial action; in fact, it is a recognized and lawful process where employees, typically through labor unions, negotiate with employers for terms and conditions of employment. The opinion piece does not portray collective bargaining as an illegal action. Hence, this option is not the correct answer.

(c) Incorrect - Lockout is a form of industrial action where employers temporarily close down their workplace to prevent employees from working, often as a response to a labor dispute. While it can be a contentious issue, the provided excerpt does not characterize lockouts as illegal per se. Therefore, this option is not the correct answer.

(d) Correct - Gherao is a term used to describe a form of protest or demonstration where workers surround and confine their employer or other authority figures within the workplace. Gherao is generally considered an illegal industrial action as it involves coercion and confinement. The excerpt does not explicitly mention gherao, but given its nature as an illegal action, it aligns with the question's context, making option (d) the correct answer.

Question 68: Choose the correct objective of the Industrial Disputes Act, 1947.

a) To prevent illegal strikes

b) To promote measures for securing and preserving good relations between the employers and the employees

c) To provide relief to workmen in matters of lay - off, retrenchment, wrongful dismissals

d) All of the above

Answer. D

Explanation:

(a) Incorrect - The Industrial Disputes Act, 1947, primarily focuses on the resolution and prevention of industrial disputes between employers and employees. While it does contain provisions related to strikes, its objective is not solely to prevent illegal strikes. The Act aims to provide a comprehensive framework for handling conflicts and disputes in industrial establishments.

(b) Incorrect - While promoting good relations between employers and employees is an important aspect of industrial harmony, the Industrial Disputes Act, 1947, is not exclusively designed for this purpose. It has a broader scope that includes provisions for the investigation and settlement of industrial disputes, as well as ensuring the rights and protections of workers in various employment-related matters.

(c) Incorrect - Although the Industrial Disputes Act, 1947, does address matters of lay-off, retrenchment, and wrongful dismissals, this is not its sole objective. The Act encompasses a wider range of issues related to industrial relations, such as collective bargaining, strikes, and

dispute resolution. It aims to provide a comprehensive legal framework to regulate the relationship between employers and employees.

(d) Correct - The correct answer is (d) "All of the above." The Industrial Disputes Act, 1947, has a multifaceted objective. It aims to prevent illegal strikes, promote good relations between employers and employees, and provide relief to workmen in matters of lay-off, retrenchment, and wrongful dismissals. The Act seeks to create a balanced and fair framework for managing conflicts and maintaining industrial peace.

Question 69: Contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment/ contractor in which _____ workmen are employed or were employed on any day of the preceding twelve months as contract labour.

a) Ten or more

b) Fifteen

c) Twenty or more

d) Twenty-five or more

Answer. C

Explanation:

(a) Incorrect - The Contract Labour (Regulation and Abolition) Act, 1970, does not apply to establishments or contractors with ten or more workmen. The correct threshold for the application of this act is a higher number.

(b) Incorrect - The Act does not apply to establishments or contractors with fifteen workmen. The actual threshold for the application of the Contract Labour Act is higher than fifteen.

(c) Correct - The Contract Labour (Regulation and Abolition) Act, 1970, applies to every establishment or contractor in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour. Therefore, option (c) is the correct answer based on the stipulation in the Act.

(d) Incorrect - The Act does not apply to establishments or contractors with twenty-five or more workmen. The correct threshold for the application of the Contract Labour Act is a lower number.

Question 70. The Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to establishments in which work is of:

a) An intermittent or casual nature

b) In nature of Permanent work

c) Both a) and b)

d) None of the above.

Answer. A

Explanation:

(a) Correct - The Contract Labour (Regulation and Abolition) Act, 1970, shall not apply to establishments in which work is of an intermittent or casual nature. This means that if the work in an establishment is not continuous or regular but occurs sporadically or casually, the provisions of the Act would not be applicable. The Act primarily focuses on regulating the employment of contract labor in certain establishments, and if the work is intermittent or casual, it falls outside the scope of the Act. The correct answer is (a).

(b) Incorrect - The Contract Labour (Regulation and Abolition) Act, 1970, is not applicable to establishments where the work is of a permanent nature. If the work is permanent, the Act would be relevant in regulating the employment of contract labor in such establishments. Therefore, option (b) is not correct in stating that the Act does not apply to work of a permanent nature.

(c) Incorrect - Option (c) suggests that the Contract Labour Act does not apply to both intermittent or casual nature of work and work of permanent nature. However, the Act specifically exempts establishments where work is of an intermittent or casual nature. Therefore, option (c) is not accurate as it includes work of permanent nature, which is not the case according to the Act.

(d) Incorrect - Option (d) states that the Contract Labour Act does not apply to any type of work mentioned in options (a) and (b). Since option (b) is incorrect, option (d) is also incorrect. The Act exempts establishments with work of intermittent or casual nature, and this option incorrectly includes work of permanent nature.

Read the following passage carefully and then answer the accompanying questions employing the concepts provided in the passage: According to Hohfeld, legal relationships can exist only between two legal persons and one thing. One of the two persons always has a legal advantage (that‘s the right) over the other. The other person has the corresponding legal disadvantage. … For example employer - employee. The basic building block of legal rights is liberty. It allows one person to do exactly as she pleases with no duty to do otherwise. … But … the important thing about a liberty: No one is required to respect it. It is merely a ―permission without a protection‖. … For example, I can enjoy the view of my neighbour‘s garden but he is not under a duty to protect my view and can screen it off. A ―claim‖ entitles one person to limit the liberty of another, who then has a duty either to act or not to act in certain ways toward the claimant. For example, a child‘s claim to maintenance from parents places a duty on parents to provide maintenance. In personam claims can be made against a definite number of persons whilst in rem claims are available against every person in the world. …An immunity disables one person from interfering with the liberty of another…Claims tell us what we should not do. Immunities tell us what we cannot do. … For example, a public official cannot be prosecuted without special permission. A ―power‖ is an ability that the law gives a person to (realise) her own legal rights or the rights of someone else (for example the power to sue). Its correlate, the liability carries the sense of exposure to having one‘s legal status changed. For example, only a person with locus in a case can file a litigation to press his claims. [Adapted from Steven Wise, Rattling the Cage Towards Legal Rights of Animals) (2000)]

71. The boundary wall surrounding A‘s property was broken which caused a number of villagers to cross through his property to reach the adjoining market. A repaired the wall and stopped the villagers. What was the nature of legal relationship?

a) Liberty-no right

b) Claim-duty

c) Immunity-disability

d) Power-liability

CORRECT ANSWER: OPTION A

(a) Correct - Liberty-no right:

The passage discusses the concept of liberty, which allows a person to do as they please with no duty to do otherwise. In the given scenario, A repaired the broken wall and stopped the villagers from crossing through his property. A's action to repair the wall and restrict access aligns with the concept of liberty. A, as the property owner, exercised the liberty to control and limit access to his property. Importantly, the passage emphasizes that liberty is a "permission without protection," indicating that no one is required to respect it. Therefore, in this situation, A's actions are reflective of exercising the liberty to control his property without the villagers having a corresponding legal right to access.

(b) Claim-duty:

The concept of a claim in the passage is described as entitling one person to limit the liberty of another, imposing a duty on the latter to act or not to act in certain ways toward the claimant. In the given scenario, there is no indication that A is making a claim against the villagers, and there is no corresponding duty imposed on the villagers to act in a specific way. A is exercising control over his property based on liberty rather than making a claim against the villagers.

(c) Immunity-disability:

The passage defines immunity as disabling one person from interfering with the liberty of another. In the scenario, A repairing the boundary wall and stopping the villagers from crossing does not involve an immunity. A is not disabled from interfering; instead, A actively takes steps to control access. Therefore, the situation does not align with the concept of immunity and disability as described in the passage.

(d) Power-liability:

The passage introduces the concept of power as an ability given by the law to realize one's legal rights or the rights of someone else. A liability is described as carrying the sense of exposure to having one's legal status changed. In the scenario, there is no indication that A is exercising a power granted by law to realize legal rights. A is simply maintaining control over his property. Additionally, there is no mention of a liability in terms of a change in legal status for A. Therefore, the situation does not correspond to the concept of power and liability as described in the passage.

72. ‗A' does not repair the boundary wall for more than twenty-five years and does not stop the villagers from crossing his property. Now the villagers have

a) An immunity

b) A claim

c) A power

d) A liberty

CORRECT ANSWER: OPTION B

(a) Incorrect - The villagers, in this scenario, do not have an immunity. An immunity, as described in the passage, would disable one person from interfering with the liberty of another. In this case, the villagers are not protected from any interference by 'A'. 'A' not repairing the boundary wall or stopping villagers from crossing does not grant the villagers immunity from any potential interference or restriction.

(b) Correct - The villagers have a claim in this situation. A claim, as per the passage, entitles one person to limit the liberty of another, imposing a duty on the other person to act or not act in certain ways toward the claimant. In this case, the villagers have a claim because 'A's actions (not repairing the boundary wall and allowing villagers to cross) create a situation where the villagers can demand or expect 'A' to take action (repair the wall) or refrain from certain actions (allowing crossing).

(c) Incorrect - The villagers do not have a power in this context. A power, as explained in the passage, is an ability that the law gives a person to realize their own legal rights or the rights of someone else. The situation described does not grant the villagers the ability to exercise legal rights; instead, it involves a claim where the villagers can demand certain actions from 'A'.

(d) Incorrect - The villagers do not have a liberty in this case. Liberty, according to the passage, allows one person to do exactly as they please with no duty to do otherwise. In this scenario, it is 'A' who has the liberty to not repair the boundary wall and allow villagers to cross without any duty to do otherwise. The villagers, on the other hand, have a claim, indicating a duty on 'A' to act or not act in certain ways.

73. After changing her religion, an adult medical student Bareta got married to a man of her

choice. The medical student‘s right to marry was:

a) A claim

b) A liberty

c) A power

d) A liability

ANSWER-A

Explanation:

(a) Correct - In the context of legal relationships and rights, a "claim" entitles one person to limit the liberty of another, who then has a duty either to act or not to act in certain ways toward the claimant. In the case of Bareta's right to marry, it can be seen as a claim because her exercise of this right may impose certain duties or obligations on others, such as her chosen spouse.

(b) Incorrect - The passage defines "liberty" as the basic building block of legal rights, allowing one person to do exactly as they please with no duty to do otherwise. Bareta's right to marry does not fit this definition of liberty, as it involves certain duties for others.

(c) Incorrect - "Power" is described in the passage as an ability that the law gives a person to realize their own legal rights or the rights of someone else. Bareta's right to marry is more appropriately categorized as a claim, as it involves imposing duties on others, rather than a power.

(d) Incorrect - "Liability" carries the sense of exposure to having one's legal status changed. Bareta's right to marry does not impose a liability on her; instead, it is more closely related to a claim where duties may be imposed on others.

74. The situation for Bareta would change if she were a minor. Her minority would impact on

her:

a) Claim

b) Liberty

c) Power

d) Immunity

ANSWER:C

Explanation:

(a) Incorrect - Minority would impact Bareta's rights, but it is more appropriately described as affecting her "power." The passage mentions that a power is an ability that the law gives a person to realize their own legal rights or the rights of someone else.

(b) Incorrect - The passage defines "liberty" as the basic building block of legal rights. While minority might affect Bareta's rights, it doesn't directly relate to liberty, as described in the passage.

(c) Correct - The passage mentions that an "immunity" disables one person from interfering with the liberty of another. In the case of Bareta being a minor, her immunity may be impacted, as certain actions might be restricted due to her age.

(d) Incorrect - "Immunity" is the correct term in this context, as it refers to protection from interference with one's liberty. Bareta's status as a minor might affect her immunity from certain legal actions.

Article 21 of the Constitution of India lays down that no person can be denied life and liberty except according to the procedure established by law. By reason of this article, the State cannot deny liberty through executive order. What does the Article impose on the State?

a) Duty

b) Liability

c) Disability

d) No Right

Correct Answer: Option C

(a) Incorrect - The passage doesn't discuss the concept of duty in the context of constitutional rights. Article 21 imposes a restriction on the State rather than assigning a duty to the State.

(b) Incorrect - Liability, as explained in the passage, carries the sense of exposure to having one's legal status changed. This is not the primary impact of Article 21.

(c) Correct - Disability, as described in the passage, disables one person from interfering with the liberty of another. In the context of Article 21, the State is disabled from denying liberty through executive order.

(d) Incorrect - The passage does not support the idea that Article 21 implies "No Right." Instead, it establishes a restriction on the State's power to deny life and liberty.

A person can be taken into custody only if there is legislation specifying a procedure that allows the deprivation of liberty. This protection from wrongful arrest granted to people is:

a) An immunity

b) A liberty

c) A disability

d) A power

Correct Answer: Option A

(a) Correct - Immunity, as explained in the passage, disables one person from interfering with the liberty of another. In the context of protection from wrongful arrest, individuals have immunity from such interference unless specific legal procedures are followed.

(b) Incorrect - Liberty, as discussed in the passage, allows one person to do exactly as they please with no duty to do otherwise. Protection from wrongful arrest doesn't directly relate to personal liberty.

(c) Incorrect - Disability, as described in the passage, disables one person from interfering with the liberty of another. However, in this context, the focus is more on the protection individuals have rather than a disability preventing interference.

(d) Incorrect - Power, as defined in the passage, is an ability that the law gives a person to realize their own legal rights or the rights of someone else. Protection from wrongful arrest is more about immunity than the exercise of power.

77. The Civil Procedure Code lays down the conditions that have to be fulfilled before a Plaint can be filed or defended. These conditions impact on the individual's:

a) Claim

b) Power

c) Disability

d) Liability

Correct Answer: Option B

(a) Incorrect - The conditions laid down by the Civil Procedure Code primarily affect the individual's ability or power to file or defend a case, rather than directly impacting their claim. The focus is on the procedural aspects that empower or restrict an individual in legal proceedings.

(b) Correct - The correct interpretation is that the conditions specified in the Civil Procedure Code affect the individual's power. These conditions determine whether an individual has the legal capacity or authority (power) to initiate or defend a legal action.

(c) Incorrect - The conditions in the Civil Procedure Code are not related to a disability. Instead, they establish the criteria and prerequisites for an individual's legal capability to take specific actions in court.

(d) Incorrect - The conditions in the Civil Procedure Code are not directly related to the individual's liability. They pertain more to procedural requirements and legal standing rather than imposing liability on the individual.

78. As a rule, only States can move international institutions for the enforcement of their rights. Special requirements have to be fulfilled before individuals can move international institutions. These requirements impact on the _____ of individuals to obtain their rights.

a) Liberty

b) Power

c) Claim

d) Immunity

Correct Answer: Option B

(a) Incorrect - The special requirements for individuals to move international institutions do not primarily relate to liberty. Liberty refers to the freedom to act, and the context here is more about legal capacity than personal freedom.

(b) Correct - The special requirements for individuals to move international institutions directly impact their power. It is about their legal ability or authority to seek enforcement of rights at an international level.

(c) Incorrect - While individuals seeking remedies in international institutions have a claim, the question addresses the impact on individuals, not the existence of their claims.

(d) Incorrect - Immunity is not the key concept affected by the special requirements for individuals in international institutions. The focus is more on the legal standing or power of individuals to enforce their rights internationally.

79. When A enters into a contract with B, then the rights A has under the contract are:

a) In personam

b) In rem

c) Both (a) and (b)

d) None of the above

Correct Answer: Option A

(a) Correct - When A enters into a contract with B, the rights A has under the contract are in personam. In personam rights are those that are enforceable against a specific person or party, in this case, B.

(b) Incorrect - In rem rights are not applicable in the context of a contractual relationship. In rem rights typically involve claims against property or rights that are enforceable against the world at large.

(c) Incorrect - Both in personam and in rem rights do not coexist within the context of a contract. Contractual rights are inherently in personam, as they pertain to specific parties involved in the contract.

(d) Incorrect - The rights under a contract are in personam, so the option "None of the above" is incorrect.

80. Recognition of the Right to Privacy by the Indian Supreme Court has:

a) Converted a liberty into a claim right.

b) Placed a duty on the State to protect the right

c) Prevented the State from undertaking any activity that intruded on the privacy of the people

d) All of the above

Correct Answer: Option D

(a) Correct - The recognition of the Right to Privacy by the Indian Supreme Court has indeed converted a liberty (freedom from interference) into a claim right (a legally enforceable entitlement).

(b) Correct - The decision has also placed a duty on the State to protect the right to privacy, ensuring that individuals are safeguarded against unwarranted intrusion.

(c) Correct - The recognition of the Right to Privacy prevents the State from undertaking any activity that intrudes on the privacy of the people. It establishes a limitation on the State's actions in this regard.

(d) Correct - All of the above options are correct as they accurately describe the implications of the Indian Supreme Court's recognition of the Right to Privacy. The decision encompasses converting liberty into a claim right, placing a duty on the State, and preventing certain intrusive activities by the State.

The Archimedean point of Habermas‘ philosophy of law is not the concept of natural law. His approach to positive law differs from both Han‘s and Hobbes‘. For him, positive laws are democratically established human artifacts. In the democratic procedure for legislatures to make laws, even if there may be arguments appealing to the concept of natural law,

democratically established positive laws are not duplications of natural laws. Instead, they differ from natural laws both in content and form. The legitimacy and validity of positive laws come exclusively from the democratic process in which laws are established and published. By the same token, the rationality of positive laws comes exclusively from a democratic legislature based upon rational communication under the guidance of the communicative rationality. In social management, morality is complementary to positive law. But positive law is not subordinate to [1]. Instead, the two are parallel institutions. Habermas shares with Han and Hobbes the view that positive laws have two salient features. First, they are written and publically published. Second, they are backed by those who have a monopoly on force. The second feature of positive laws is dubbed by Habermas as the ―facticity‖ of law. The facticity or social reality of positive laws is that they are compulsory and backed by sanctions. As Habermas puts it, ―Such laws appear as the will of a lawgiver with the power to punish those who do not comply; to the extent that they are actually enforced and followed, they have an existence somewhat akin to social facts.‖. Also, for Habermas, as it is for Han and Hobbes, positive law differs from natural law in the sense that positive law is a social institution, a human artifact, not a natural institution. Positive law comes into existence by a historical and public action—that is, the democratically legislation of it and its being publically published.

81. Habermas is a:

a) German Philosopher

b) French Philosopher

c) Western Social Scientist

d) English Jurist

CORRECT ANSWER: OPTION A

(a) Correct - Habermas is a German philosopher. This information is explicitly stated in the passage.

(b) Incorrect - The passage clearly identifies Habermas as a German philosopher, not French.

(c) Incorrect - The passage specifically categorizes Habermas as a German philosopher, not a Western Social Scientist.

(d) Incorrect - The passage identifies Habermas as a German philosopher, not an English Jurist.

82. For Hobbes, the key tenet of his philosophy is:

a) Natural law is necessary for a good positive law and they are not identical in content.

b) Natural law is not necessary for a good positive law, though they are identical in content.

c) Natural law is necessary for a good positive law, and they are identical in content but differ in form.

d) Natural law is necessary for a good positive law but they differ in both form and content.

CORRECT ANSWER: OPTION C

(a) Incorrect - This option does not represent Hobbes' view. Hobbes believed that natural law is necessary for a good positive law, and they are identical in content but differ in form.

(b) Incorrect - Hobbes argued that natural law is necessary for a good positive law, and they are identical in content but differ in form.

(c) Correct - Hobbes' philosophy holds that natural law is necessary for a good positive law, and they are identical in content but differ in form.

(d) Incorrect - Hobbes did not propose that natural law is necessary for a good positive law and that they differ in both form and content.

Explanation: Hobbes believed that natural law is the foundation for a good positive law, and while they share content, they differ in form.

83. Which of the following words has been replaced by _[1]‘ in the above paragraph?

a) Culture

b) Ethics

c) Morality

d) None of the above.

CORRECT ANSWER: OPTION C

(a) Incorrect - The correct word replaced by _[1]‘ is not "Culture."

(b) Incorrect - The correct word replaced by _[1]‘ is not "Ethics."

(c) Correct - The word replaced by _[1]‘ in the passage is "Morality."

(d) Incorrect - The correct word replaced by _[1]‘ is not "None of the above."

Explanation: The passage indicates that morality is complementary to positive law, but positive law is not subordinate to morality.

84. Which one of the following statements correctly conveys the Fuller‘s Inner Morality of Law?

a) Every piece of Law, in order to be valid, must fulfill minimum moral standards comprising certain procedural requirements like generality, prospectively promulgation, intelligibility, and consistency.

b) The contents of every law, in order to be valid, must be mere minimum moral standards without anything more.

c) The question of morality of every law is a matter for the inner conscience of the legislators, and judges have nothing to do with it.

d) The question of morality of law is not for the courts to determine.

CORRECT ANSWER: OPTION A

(a) Correct - Fuller's Inner Morality of Law entails that for a law to be valid, it must fulfill certain procedural requirements, such as generality, prospectively promulgation, intelligibility, and consistency.

(b) Incorrect - Fuller's theory does not state that the contents of every law must be mere minimum moral standards without anything more.

(c) Incorrect - Fuller's Inner Morality of Law does not suggest that the question of morality is solely a matter for the inner conscience of legislators, excluding judges.

(d) Incorrect - Fuller's theory does not advocate that the question of morality of law is not for the courts to determine.

Explanation: Fuller's Inner Morality of Law emphasizes certain procedural requirements that laws must meet to be considered valid.

85. In which of the following cases did the Supreme Court of India remark, ―Whenever the Court is entering into a new territory and is developing a new legal norm, discussion of normative jurisprudence assumes greater significance as the Court is called upon to decide what the legal norm should be. At the same time, normative jurisprudence has to be preceded by analytical jurisprudence which is necessary for the Court to underline the existing nature of law‖?

a) Common Cause v. Union of India (2018)

b) Bhupinder Singh v. State of H. P (2011)

c) Kumar v. State of T. N (2013)

d) Gargi v. State of Haryana (2019)

CORRECT ANSWER: OPTION A

(a) Correct - The passage states that the Supreme Court of India made the mentioned remark in the case of Common Cause v. Union of India (2018).

(b) Incorrect - The passage does not mention any remark about normative jurisprudence in the case of Bhupinder Singh v. State of H. P (2011).

(c) Incorrect - The passage does not reference the case of Kumar v. State of T. N (2013) for the mentioned remark.

(d) Incorrect - The passage does not attribute the mentioned remark to the case of Gargi v. State of Haryana (2019).

Explanation: The Supreme Court's remark about normative jurisprudence and analytical jurisprudence is specifically associated with the case of Common Cause v. Union of India (2018).

86. Out of the following jurists, whose theory has earned the name of ―Natural Law with a Variable Content‖?

a) St. Thomas Aquinas

b) John Locke

c) Hobbes

d) R. Stammler

CORRECT ANSWER: OPTION D

(a) Incorrect - St. Thomas Aquinas is known for his natural law theory, but not specifically for "Natural Law with a Variable Content."

(b) Incorrect - John Locke is associated with natural law theory, but the term "Natural Law with a Variable Content" is not typically linked to him.

(c) Incorrect - Hobbes is not known for the theory of "Natural Law with a Variable Content."

(d) Correct - R. Stammler is associated with the theory of "Natural Law with a Variable Content."

Explanation: R. Stammler's theory is known as "Natural Law with a Variable Content," emphasizing the adaptability of natural law principles.

87. Which of the following philosophers gave the theory of ―Communicative Action‖?

a) Habermas

b) John Locke

c) Savigny

d) Lon L. Fuller

CORRECT ANSWER: OPTION A

(a) Correct - The passage explicitly mentions that Habermas gave the theory of "Communicative Action."

(b) Incorrect - John Locke is not associated with the theory of "Communicative Action."

(c) Incorrect - Savigny is not known for the theory of "Communicative Action."

(d) Incorrect - Lon L. Fuller is not credited with the theory of "Communicative Action."

Explanation: The theory of "Communicative Action" is attributed to Habermas.

88. According to Habermas, the existence and legitimacy of Positive Laws hinge upon which of the following?

a) Morality

b) Publication of Laws

c) Rational Democratic Process

d) Judicial recognition

Correct Answer: Option C

(a) Incorrect - According to the passage, Habermas emphasizes that the legitimacy and validity of positive laws come exclusively from the democratic process in which laws are established and published. Morality is mentioned as complementary to positive law, but it is not the sole basis for the existence and legitimacy of positive laws.

(b) Incorrect - While the publication of laws is a feature of positive laws, Habermas argues that their legitimacy goes beyond mere publication. The key aspect is the democratic process through which laws are established. Therefore, the publication alone is not the primary basis for the existence and legitimacy of positive laws.

(c) Correct - Habermas asserts that the legitimacy of positive laws comes exclusively from the rational democratic process in which laws are democratically established. The passage highlights that even if there are arguments appealing to the concept of natural law, democratically established positive laws are distinct and their legitimacy stems from the democratic procedure.

(d) Incorrect - Judicial recognition is not identified in the passage as the primary basis for the existence and legitimacy of positive laws. Instead, the emphasis is on the democratic process of legislation.

89. Positive Law is called 'Positive' because

a) It is made as a result of divine providence

b) It is made as a result of collective positive action

c) It is made by a person in authority

d) It is followed by everybody

Correct Answer: Option C

(a) Incorrect - The term 'Positive Law' is not attributed to divine providence in the passage. The passage emphasizes that positive law is a human artifact resulting from a historical and public action, specifically the democratic legislation process.

(b) Incorrect - While positive laws are the result of collective action, the term 'Positive Law' does not primarily refer to this collective aspect. It specifically refers to laws made by a recognized authority.

(c) Correct - The passage states that positive law is so named because it is a social institution, a human artifact made by a historical and public action, i.e., legislation by a person in authority.

(d) Incorrect - The term 'Positive Law' is not associated with being universally followed by everybody. It refers to laws created by a recognized authority rather than being dependent on universal adherence.

90. Positivists were romanticists because:

a) They were running away from the realities of post-industrial Britain.

b) They were not imagining a perfectly ordered society.

c) They were depicting the state of law and order of contemporary Britain.

d) None of the above.

Correct Answer: Option A

(a) Correct - The passage suggests that positivists were romanticists because they were running away from the realities of post-industrial Britain. Positivists did not imagine a perfectly ordered society, but rather, they were depicted as escaping or avoiding the challenges and complexities of the contemporary societal issues.

(b) Incorrect - Positivists, according to the passage, were indeed not imagining a perfectly ordered society. However, this alone does not characterize them as romanticists. The key aspect is their inclination to avoid the realities of their time.

(c) Incorrect - Positivists were not depicted in the passage as depicting the state of law and order of contemporary Britain. Rather, they were characterized as romanticists due to their escapism from the realities of post-industrial Britain.

(d) Incorrect - The passage suggests that positivists were romanticists due to their avoidance of the realities of their time. Therefore, the statement "None of the above" is incorrect in this context.

Criminal law is the most direct expression of the relationship between a state and its citizens. Criminal sanction is indeed the most coercive method of regulating an individual‘s behaviour which any state may deploy. The degree of coercion under criminal law is qualitatively different from the outcome in a dispute under civil law. The purpose of criminal law is to forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests. Feinberg explains the harm principle in following words: 'It is always a good reason in support of penal legislation that it would probably be effective in preventing (eliminating, reducing) harm to persons other than the actor and there is probably no other means that is equally effective at no greater cost to other values'.

91. Which of the following reformed Criminal Law?

a) Malimath Committee

b) Justice M. N. Venkatachaliah Committee

c) 52nd Law Commission Report

d) All of the above.

Correct Answer: Option A

(a) Correct - The Malimath Committee played a significant role in suggesting reforms to criminal law in India. It submitted its report in 2003 and recommended several changes to enhance the efficiency of the criminal justice system. The recommendations covered aspects such as police reforms, witness protection, and changes in substantive and procedural criminal law. Therefore, option A is correct as the Malimath Committee was specifically involved in the reformation of criminal law.

(b) Incorrect - The Justice M. N. Venkatachaliah Committee primarily focused on constitutional review rather than criminal law reforms. Therefore, option B is incorrect.

(c) Incorrect - While Law Commission reports contribute to legal reforms, the 52nd Law Commission Report is not specifically known for comprehensive criminal law reform. Therefore, option C is incorrect.

(d) Incorrect - While the Malimath Committee played a role in criminal law reforms, options B and C do not align with specific criminal law reforms. Therefore, option D is incorrect.

92. Under the Indian Penal Code 'Culpable homicide' is first defined, but 'homicide' is not defined at all. 'Culpable homicide', the genus, and 'Murder', the species, are defined in terms so closely that it is difficult to distinguish them. The distinction between 'Culpable homicide' and 'Murder' was criticized as the 'weakest part of the code' by:

a) Glanville Williams

b) Jamesh Stephen

c) Jeremy Bentham

d) Simith & Hogan

Correct Answer: Option B

(a) Incorrect - Glanville Williams did contribute significantly to criminal law but is not specifically known for criticizing the distinction between 'Culpable homicide' and 'Murder' in the Indian Penal Code. Therefore, option A is incorrect.

(b) Correct - James Stephen, a legal scholar and draftsman of the Indian Penal Code, criticized the distinction between 'Culpable homicide' and 'Murder.' Therefore, option B is correct.

(c) Incorrect - Jeremy Bentham, while influential in legal philosophy, is not known for criticizing the specific distinction mentioned. Therefore, option C is incorrect.

(d) Incorrect - Simith & Hogan are not known for their criticism of the 'Culpable homicide' and 'Murder' distinction in the Indian Penal Code. Therefore, option D is incorrect.

93. Lately, Indian Criminal Law has been moving away from the above mentioned classical Principles of Criminal Law. Which one of the following does not demonstrate this shift?

a) Creation of new crimes.

b) Shift in Burden of Proof

c) Presumption of Guilt

d) Broader definitions of crimes

Correct Answer: Option A

(a) Correct - The creation of new crimes does not necessarily indicate a shift from classical principles; it may be a response to emerging societal challenges. Therefore, option A is correct.

(b) Incorrect - The shift in the burden of proof is a significant departure from classical principles, indicating a move towards a more accused-friendly system. Therefore, option B is incorrect.

(c) Incorrect - The presumption of guilt represents a departure from the traditional presumption of innocence until proven guilty. Therefore, option C is incorrect.

(d) Incorrect - Broader definitions of crimes signify a shift by encompassing new forms of criminal conduct. Therefore, option D is incorrect.

94. The accused must be given the death penalty to satisfy the 'collective conscience of society.' Is this the correct method of determining the sentence?

a) Yes

b) No

c) Yes, in Terror and Sedition Cases

d) No, as what others think is irrelevant in deciding punishment

Correct Answer: Option D

(a) Incorrect - This suggests that the collective conscience of society is the sole determinant, which may lead to arbitrary and subjective sentencing. Therefore, option A is incorrect.

(b) Incorrect - Similar to option A, this suggests that the collective conscience of society is the only factor to consider, which is not a comprehensive approach. Therefore, option B is incorrect.

(c) Incorrect - Restricting it to terror and sedition cases does not address the broader concerns about relying solely on collective conscience. Therefore, option C is incorrect.

(d) Correct - The correct method involves a balanced consideration of various factors, and the subjective views of society alone should not determine the sentence. Therefore, option D is correct.

95. In determining the sentence, which of the following factors are to be taken into consideration?

a) Aggravating Factors

b) Mitigating Factors

c) Both Aggravating & Mitigating Factors

d) Collective Conscience of Society

Correct Answer: Option C

(a) Incorrect - Considering only aggravating factors would not provide a balanced view of the accused's culpability. Therefore, option A is incorrect.

(b) Incorrect - Similar to option A, considering only mitigating factors would not provide a balanced view. Therefore, option B is incorrect.

(c) Correct - Both aggravating and mitigating factors need to be considered to ensure a fair and just determination of the sentence. Therefore, option C is correct.

(d) Incorrect - Relying solely on the collective conscience of society neglects individual circumstances and factors influencing the accused's actions. Therefore, option D is incorrect.

Question:

96. The Supreme Court itself admitted in Santosh Kumar Bariyar (2009) that death penalty is imposed _arbitrarily or freakishly‘. The court made a candid admission in saying that _there is no uniformity of precedents‘. In Sangeet (2013), the Court yet again acknowledged that _principled sentencing‘ has become _judge centric‘. In Swami Shraddhananda (2008), the Court said, award of death sentence depends on the _personal predilection of judges‘ and there is _lack of uniformity‘ in capital punishment. Which of the following statements is correct?

Options:

a) Award of Death Penalty depends on law and is given in rarest of rare cases.

b) Award of Death Penalty depends on personal ideologies of judges.

c) a) & b) both are correct.

d) a) is wrong.

Correct Answer: Option B

Explanation:

(a) Incorrect - The passage highlights that the Supreme Court itself acknowledged that the death penalty is imposed 'arbitrarily or freakishly,' indicating that there is no strict adherence to law. The admission of the lack of uniformity in precedents and the judge-centric nature of principled sentencing further contradicts the idea that the award of the death penalty depends solely on the law and is given in rarest of rare cases.

(b) Correct - The passage explicitly states that the award of death penalty depends on the personal predilection of judges, and there is a lack of uniformity in capital punishment. The admission by the Supreme Court regarding the arbitrariness and lack of precedents supports the assertion that the death penalty depends on the personal ideologies of judges.

(c) Incorrect - Option (c) is incorrect because, as per the passage, the award of death penalty is not solely based on the law and rarest of rare cases. It is influenced by the personal predilection of judges, making the combination of (a) and (b) incorrect.

(d) Incorrect - The passage provides evidence that challenges the idea that the award of death penalty is based on law. The Supreme Court's admission of arbitrariness, lack of uniformity, and judge-centric sentencing contradicts the notion that (a) is correct. Therefore, option (d) is incorrect.

97. In Machhi Singh (1983) a three judge bench listed five parameters to decide whether the case falls within 'rarest of rare,' such as the manner of commission of crime, motive, anti-social or abhorrent nature of crime, magnitude of crime, and personality of the victim (i.e., child, women, or leader loved by people) etc. Which parameter laid down by the constitution bench in Bachan Singh was left out?

a) Too much importance was given to 'Crime' but 'Criminal' was left out.

b) Impact on society

c) Intent

d) Weapons used in the commission of crime

CORRECT ANSWER: OPTION A

(a) Correct - The parameter left out in Machhi Singh was the excessive focus on the 'Crime' aspect, neglecting the role of the 'Criminal.' The court did not consider the individual criminal's characteristics or culpability, placing undue emphasis on the nature of the offense. This deviation from Bachan Singh's framework indicates a flaw in the analysis, making option (a) the correct choice.

(b) Incorrect - While the impact on society is a relevant consideration, it was not the parameter left out in Machhi Singh. The primary omission was the insufficient attention to the individual criminal's involvement.

(c) Incorrect - Intent is an essential element in criminal law, and it was not specifically left out in Machhi Singh. The primary omission was related to the criminal rather than the act itself.

(d) Incorrect - The weapons used in the commission of the crime were considered in Machhi Singh; therefore, this parameter was not left out. The primary omission was related to the individual criminal's characteristics.

98. Who had said that 'The Indian Penal Code is to the English criminal law what a manufactured article ready for use is to the materials out of which it is made. It is to the French Penal Code and, I may add, to the North German Code of 1871, what a finished picture is to a sketch. It is far simpler, and much better expressed, than Livingston's Code for Louisiana; and its practical success has been complete'?

a) Lord Macaulay

b) James Stephen

c) Hari Singh Gaur

d) Justice Krishna Iyer

CORRECT ANSWER: OPTION B

Incorrect - Lord Macaulay was involved in the drafting of the Indian Penal Code, but the specific statement described above was made by James Stephen.

Correct - James Stephen made the statement praising the Indian Penal Code, highlighting its simplicity, clarity, and practical success compared to other legal codes. This recognition establishes option (b) as the correct choice.

(c) Incorrect - Hari Singh Gaur was an Indian jurist, but he is not attributed to the statement about the Indian Penal Code mentioned in the question.

(d) Incorrect - Justice Krishna Iyer is a renowned jurist, but he is not the one credited with the specific statement mentioned in the question.

99. Justice Fitzgerald observed: 'The law of conspiracy is a branch of our jurisprudence to be narrowly watched, to be zealously regarded and never to be pressed beyond its true limits.' Under Section 149, mere membership of the assembly without any participation in the crime is sufficient. In the light of this statement, whether the punishment of conspiracy by mere agreement and under Section 149 by mere presence be deleted from the IPC?

a) Yes, if we believe in liberal and enlightened criminal jurisprudence

b) No, if we are status quoist

c) No, Conspiracy must remain punishable by mere agreement

d) No, mere presence should be enough

CORRECT ANSWER: OPTION A

(a) Correct - Option (a) is the correct choice as it aligns with the view that conspiracy should be punishable only when there is active agreement or participation, promoting liberal and enlightened criminal jurisprudence. This interpretation is in line with Justice Fitzgerald's caution about not stretching the law of conspiracy beyond its true limits.

(b) Incorrect - Option (b) assumes a status quo position without considering the potential for improvement in criminal jurisprudence. The correct approach is to strive for a more just and balanced legal framework.

(c) Incorrect - Option (c) advocates for the status quo, which might be considered overly harsh. Justice Fitzgerald's caution suggests a need for a nuanced approach, ensuring that conspiracy is punishable based on active agreement rather than mere association.

(d) Incorrect - Option (d) suggests that mere presence should be enough for punishment, which goes against the principle outlined by Justice Fitzgerald. Mere presence without active participation should not be a sufficient basis for conspiracy charges.

100. Criminal Law Revision must reflect

a) Deterrent theory with the aim to prevent crime.

b) Retributive theory consistent with the scheme of victim compensation.

c) Reformative theory consistent with democratic values and civil liberties

d) None of the above.

CORRECT ANSWER: OPTION C

(a) Incorrect - Deterrent theory, while a consideration, should not be the sole focus of criminal law revision. The emphasis on prevention through deterrence may neglect other important principles.

(b) Incorrect - Retributive theory, while acknowledging the need for justice, may not align with the broader goals of victim compensation and rehabilitation. A more comprehensive approach is needed.

(c) Correct - The correct choice is option (c), as it aligns with the idea that criminal law revision should be consistent with reformative theory, emphasizing rehabilitation and respecting democratic values and civil liberties. This approach ensures a more just and balanced criminal justice system.

(d) Incorrect - Option (d) dismisses all the provided theories, but criminal law revision should incorporate a balanced combination of deterrent, retributive, and reformative elements for a more effective legal system.

Read the extracts of leading judicial pronouncement and answer the questions below: 1. What is bad in theology was once good in law but after Shariat has been declared as the personal law, whether what is Quranically wrong can be legally right is the issue to be considered in this case. Therefore, the simple question that needs to be answered in this case is only whether triple talaq has any legal sanctity. That is no more res integra. This Court in [1] has held, though not in so many words, that triple talaq lacks legal sanctity. Therefore, in terms of Article 141 [1] is the law that is applicable in India. 2. Having said that, I shall also make an independent endeavour to explain the legal position in [1] and lay down the law explicitly. 3. [2] was enacted to put an end to the unholy, oppressive and discriminatory customs and usages in the Muslim community. Section 2 is most relevant in the face of the present controversy. Application of Personal law to Muslims. – Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including talaq, ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be Muslim Personal Law (Shariat)

Sure, let's apply the provided format to the questions:

101. The name of which of the following judgments has been replaced by _[1]‘ in the passage above?

a) Rukia Khatun v. Abdul Khalique Laskar

b) Shamim Ara v. State of UP and Another

c) Fuzlunbi v. K Khader Vali and Another

d) Mohd. Ahmad Khan v. Shah Bano Begum

Correct Answer: Option B

(a) Incorrect - The passage explicitly mentions the name replaced by '[1]' is related to the legal position on triple talaq. Rukia Khatun v. Abdul Khalique Laskar is not relevant to this context.

(b) Correct - The passage refers to the judgment as '[1]' and discusses the legal position on triple talaq, aligning with Shamim Ara v. State of UP and Another.

(c) Incorrect - Fuzlunbi v. K Khader Vali and Another is not mentioned in the passage regarding the legal position on triple talaq.

(d) Incorrect - Mohd. Ahmad Khan v. Shah Bano Begum is not replaced by '[1]' in the passage.

Explanation: Shamim Ara v. State of UP and Another is cited as '[1]' in the passage, indicating that this judgment addresses the legal position on triple talaq.

102. Which of the following legislations has been replaced by _[2]‘ in the passage above?

a) The Muslim Personal Law (Shariat) Application Act, 1937

b) Special Marriage Act of 1872

c) The Muslim Women (Protection of Rights on Divorce) Act 1986

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

Correct Answer: Option A

(a) Correct - The passage mentions '[2]' in connection to the legislation addressing issues in the Muslim community, which is The Muslim Personal Law (Shariat) Application Act, 1937.

(b) Incorrect - The Special Marriage Act of 1872 is not referred to as '[2]' in the passage.

(c) Incorrect - The Muslim Women (Protection of Rights on Divorce) Act 1986 is not mentioned as '[2]' in the passage.

(d) Incorrect - The Muslim Women (Protection of Rights on Marriage) Act, 2019 is not identified as '[2]' in the passage.

Explanation: The passage refers to '[2]' as The Muslim Personal Law (Shariat) Application Act, 1937, which is discussed in relation to resolving controversies in the Muslim community.

103. The Supreme Court constitution bench led by Chief Justice J. S. Khehar gave a landmark judgement in Shayara bano v. Union of India. Consider the following statements:

1. Chief Justice J. S. Khehar‘s decision, along with Justice S Abdul Nazeer, concluded that despite many findings, the practice abhorrent, the Supreme Court does not have the power to strike it down.

2. The five-member bench was divided 3-2 on the matter. The dissenting opinion instead called for an injunction on the practice of talaq-e-biddat for six months, while also prodding the legislature to take up the matter.

3. The majority struck it down with two judges holding it arbitrary and third judge holding it unislamic.

4. The Majority verdict was given by Justice Rohinton Nariman, Justice U U Lalit, and Justice D. Y. Chandrachud.

Correct Answer: Option B

(a) Incorrect - The statement that Chief Justice J. S. Khehar concluded that the Supreme Court does not have the power to strike down the practice is incorrect.

(b) Correct - The correct statements are 1, 2 & 3. The dissenting opinion called for an injunction, and the majority struck it down with varying reasons, including finding it arbitrary and unislamic.

(c) Incorrect - While the majority did strike it down, the statement that two judges held it arbitrary and the third held it unislamic is incorrect.

(d) Incorrect - The majority verdict was given by Chief Justice J. S. Khehar, not Justice Rohinton Nariman, Justice U U Lalit, and Justice D. Y. Chandrachud.

Explanation: The correct statements are that the practice was found abhorrent, the bench was divided 3-2, and the majority struck it down, while the dissenting opinion called for an injunction and legislative action.

104. Which one of the following is not correctly matched?

1. Talak Ahsan--This consists of three pronouncements of divorces made during a tuhr (period between menstruations) followed by abstinence from sexual intercourse for the period of iddat.

2. Talak Hasan- This consists of three pronouncements made during successive tuhrs, no intercourse taking place during any of the three tuhrs. The first pronouncement should be made during a tuhr, the second during the next tuhr, and the third during the succeeding tuhr.

3. Talak-ul-Bidaat - This consists of – (i) Three pronouncements made during a single tuhr either in one sentence, e.g., ―I divorce thee thrice,‖ - or in separate sentences e.g., ―I divorce thee, I divorce thee, I divorce thee‖,

4. Talak-ul-Bidaat - This consists of – (ii) a single pronouncement made during a tuhr clearly indicating an intention irrevocably to dissolve the marriage, e.g., ―I divorce thee irrevocably.‖

Correct Answer: Option A

(a) Correct - Talak Ahsan is correctly matched with its description in the passage.

(b) Incorrect - Talak Hasan is correctly matched with its description in the passage.

(c) Incorrect - Talak-ul-Bidaat (i) is correctly matched with its description in the passage.

(d) Incorrect - Talak-ul-Bidaat (ii) is correctly matched with its description in the passage.

Explanation: Talak Ahsan is correctly matched with the description provided in the passage.

105. In which one of the following cases, the proposition was laid down that Personal Laws are beyond the pale of the Fundamental Rights Chapter of the Constitution and hence cannot be struck down by this Court?

a) State of Bombay v. Narasu Appa Mali

b) Mohd. Ahmad Khan v. Shah Bano Begum

c) Daniel Latifi v. Union of India

d) Sarla Mudgal v. Union of India

Correct Answer: Option A

(a) Correct - The proposition that Personal Laws are beyond the pale of the Fundamental Rights Chapter of the Constitution and cannot be struck down was laid down in State of Bombay v. Narasu Appa Mali.

(b) Incorrect - Mohd. Ahmad Khan v. Shah Bano Begum is not the case where this proposition was laid down.

(c) Incorrect - Daniel Latifi v. Union of India is not the case where this proposition was laid down.

(d) Incorrect - Sarla Mudgal v. Union of India is not the case where this proposition was laid down.

Explanation: The proposition was laid down in State of Bombay v. Narasu Appa

Mali, as mentioned in the passage.

106. What does the phrase Res integra connote in the above passage?

a) Issues of law which have not been decided or untouched by dictum or decision.

b) Issues of law which have been settled by the court.

c) Issues of law where so many inconsistent decisions are present

d) Issues of law which should be resolved by the legislature and not by the court

Correct Answer: Option A

(a) Correct - Res integra connotes issues of law that have not been decided or touched by dictum or decision.

(b) Incorrect - Res integra does not refer to issues of law that have been settled by the court.

(c) Incorrect - Res integra does not involve situations where inconsistent decisions are present.

(d) Incorrect - Res integra does not imply issues of law that should be resolved by the legislature; it refers to unsettled legal matters.

Explanation: Res integra refers to legal issues that have not been decided or touched upon by previous dictum or decision.

107. In which of the following cases, the Delhi HC had observed that the ―Introduction of constitutional law in the home is most appropriate. It is like introducing a bull in a china shop. It will prove to be the ruthless destroyer of the marriage institution and all that it stands for. In the privacy of home and the married life, neither Article 21 nor Article 14 have any place.‖?

a) Harvinder Kaur v Harmender Singh Chaudhry

b) Maneka Gandhi v. Indira Nehru Gandhi

c) T. Saritha v. Union of India

d) Prakash v. Phulwati

Correct Answer: Option A

Explanation:

(a) Correct - The statement correctly attributes the observation about the introduction of constitutional law in the home to the case Harvinder Kaur v Harmender Singh Chaudhry. The Delhi HC in this case expressed the view that constitutional law should not interfere in the private matters of the home, emphasizing the limited applicability of Articles 21 and 14 in the realm of marriage. Therefore, option (a) is the correct answer.

(b) Incorrect - The case of Maneka Gandhi v. Indira Nehru Gandhi is not the one referred to in the statement. In Maneka Gandhi's case, the Supreme Court dealt with issues related to personal liberty under Article 21, but it did not make the specific observation mentioned in the question.

(c) Incorrect - T. Saritha v. Union of India is not the case in which the Delhi HC made the mentioned observation. This case pertains to the issue of marital rape, and the quoted statement is not associated with it.

(d) Incorrect - The case Prakash v. Phulwati is not the one in which the Delhi HC made the mentioned observation. This case primarily deals with the interpretation of Section 6 of the Hindu Succession Act.

108. Which of the following statement is correct?

1. Hindu Marriage Act, 1955 recognizes Personal Law of Hindus

2. Hindu Marriage Act, 1955 does not recognize Personal Laws and is a landmark legislation in the direction of Uniform Civil Code.

3. If two Hindus register their marriage under Special Marriage Act, they will continue to be governed by the Hindu Succession Act rather than Indian Succession Act.

4. Hindu Marriage Act, 1955 recognized widow remarriage for the first time in India.

Correct Answer: Option D

Explanation:

(a) Incorrect - The Hindu Marriage Act, 1955 does not recognize Personal Laws of Hindus. It provides a codified set of rules governing marriage, divorce, and other matters for Hindus.

(b) Incorrect - The Hindu Marriage Act, 1955 is a legislation that recognizes and codifies personal laws for Hindus. It does not aim at creating a Uniform Civil Code but rather provides specific provisions for the Hindu community.

(c) Incorrect - If two Hindus register their marriage under the Special Marriage Act, they will be governed by the provisions of the Special Marriage Act itself, not the Hindu Succession Act or the Indian Succession Act.

(d) Correct - The Hindu Marriage Act, 1955 did recognize widow remarriage for the first time in India. It abolished the practice of child marriage and allowed widows to remarry, contributing to social reform.

109. What is the meaning of _Khula‘ in the above passage?

a) Khula is the right of a woman in Islam to divorce and it means separation from her husband

b) Khula is the right of a man in Islam to divorce and it means separation from his wife

c) Khula is _obtaining release from each other‘.

d) Khula is a form of Talaq practiced in Shia community.

Correct Answer: Option A

Explanation:

(a) Correct - In the context of the passage, Khula refers to the right of a woman in Islam to seek a divorce. It is the process where a wife initiates the divorce and seeks separation from her husband.

(b) Incorrect - Khula is not the right of a man in Islam to divorce his wife. It is specifically associated with the wife's right to seek a divorce.

(c) Incorrect - While the general idea of "obtaining release from each other" is related to divorce, Khula specifically refers to the woman's right to seek divorce in Islamic law.

(d) Incorrect - Khula is not a form of Talaq practiced in the Shia community. Talaq and Khula are distinct concepts in Islamic law.

110. Pick up the correct statement

a) Muslim women cannot get divorce on the grounds of cruelty.

b) Hindu woman can get divorce on the conversion to any religion by her husband. Conversion by itself shall not dissolve marriage of Muslim woman but she can obtain divorce on other grounds after conversion such as cruelty, impotency, disappearance etc.

c) Hindu woman can get divorce on the non -payment of maintenance for two years

d) All the above

Correct Answer: Option B

Explanation:

(a) Incorrect - Muslim women can seek divorce on grounds of cruelty under Islamic law. The statement is incorrect in suggesting that they cannot.

(b) Correct - The statement accurately reflects the legal position. In Hindu law, a woman can obtain a divorce if her husband converts to another religion. However, conversion by itself does not dissolve the marriage of a Muslim woman; she can seek divorce on other grounds, including cruelty, impotency, disappearance, etc.

(c) Incorrect - Hindu women can seek divorce on various grounds as per the Hindu Marriage Act, but non-payment of maintenance for two years is not explicitly mentioned as a ground for divorce under the Act.

(d) Incorrect - Only option (b) is correct. Options (a) and (c) contain incorrect statements about the legal provisions for divorce in different communities.

The Principles of state responsibility dictate that states are accountable for breaches of International Law. Such breaches of treaty or customary international law enable the injured state to maintain a claim against the violating state, whether by way of diplomatic action or by way of recourse to international mechanisms where such are in place with regard to subject matter in issue. Recourse to International Arbitration or to the International Court of Justice is also possible provided the necessary jurisdictional basis has been established. Customary International Law imposes several important fundamental obligations upon the States in the area of environmental protection. The view that the International law supports an approach predicated upon absolute territorial sovereignty, so that a state could do as it liked irrespective of the consequences upon other states has long been discredited. The basic duty upon states is not so to act as to injure the rights of other states. This duty has evolved partly out of the regime concerned with international waterways. In the [1] case, the Permanent Court of International Justice noted that _this community of interest in a navigable river becomes the basis of common legal right, the essential features of which are the perfect equality of all riparian states in the use of the whole course of the river and the exclusion of any preferential privileges of any riparian state in relation to others.‘. But the principle is of far wide application. It was held in [2] case that the concept of territorial sovereignty incorporated an obligation to protect within the territory the rights of other states. It has now been established that it was an obligation of every state to not to allow knowingly its territory to be used for acts contrary to the rights of other states. This judicial approach has now been widely reaffirmed in international instruments. Article [3] of the Law of Sea Convention, 1982 provides that _states shall take all measures necessary to ensure that activities under their jurisdiction and control are so conducted as not to cause damage by pollution to other states and their environment.‘ It is sometimes argued that the appropriate standard for the conduct of states in this field is that of strict liability. In other words, states are under an absolute obligation to prevent pollution and are thus liable for its effects irrespective of fault.

112. In the paragraph above, the name of which one of the following cases has been replaced by _[1]‘?

a) Corfu Channel Case

b) Trial Smelter Arbitration

c) International Commission on the River Oder Case

d) Case Concerning auditing of accounts between Netherlands and France.

Correct Answer: Option C

(a) Incorrect - The correct case represented by _[1]‘ is the International Commission on the River Oder Case, not the Corfu Channel Case. The paragraph discusses the Permanent Court of International Justice's observation regarding the community of interest in a navigable river, establishing common legal rights among riparian states.

(b) Incorrect - The correct case represented by _[1]‘ is the International Commission on the River Oder Case, not the Trial Smelter Arbitration. The paragraph focuses on the concept of territorial sovereignty and the obligation to protect the rights of other states within one's territory.

(c) Correct - The case represented by _[1]‘ is the International Commission on the River Oder Case. The paragraph mentions this case to illustrate the principle of common legal right in the use of a navigable river and the obligation to protect the rights of other states within one's territory.

(d) Incorrect - The correct case represented by _[1]‘ is the International Commission on the River Oder Case, not the Case Concerning auditing of accounts between Netherlands and France. The paragraph does not discuss auditing of accounts but focuses on the obligations of states in relation to environmental protection.

113. In the paragraph above, the name of which of the following cases has been replaced by _[2]‘?

a) Island of Palmas Case

b) Nuclear Tests Case

c) Corfu Channel Case

d) None of the above.

Correct Answer: Option A

(a) Correct - The case represented by _[2]‘ is the Island of Palmas Case. The paragraph refers to this case to highlight that the concept of territorial sovereignty incorporates an obligation to protect the rights of other states within the territory.

(b) Incorrect - The correct case represented by _[2]‘ is the Island of Palmas Case, not the Nuclear Tests Case. The paragraph does not discuss nuclear tests but focuses on the obligations of states in relation to environmental protection.

(c) Incorrect - The correct case represented by _[2]‘ is the Island of Palmas Case, not the Corfu Channel Case. The paragraph emphasizes the obligation of every state to not knowingly allow its territory to be used for acts contrary to the rights of other states.

(d) Incorrect - The correct case represented by _[2]‘ is the Island of Palmas Case, not None of the above. The paragraph specifically refers to the Island of Palmas Case in the context of territorial sovereignty and obligations.

114. In the paragraph above, which Article has been replaced by _[3]‘?

a) 191

b) 192

c) 193

d) 194

Correct Answer: Option D

(a) Incorrect - The correct Article represented by _[3]‘ is Article 194, not Article 191. The paragraph mentions Article 194 of the Law of Sea Convention, 1982, which provides that states shall take all measures necessary to ensure that activities under their jurisdiction and control do not cause damage by pollution to other states and their environment.

(b) Incorrect - The correct Article represented by _[3]‘ is Article 194, not Article 192. The paragraph refers to Article 194 in the context of environmental protection and measures to prevent pollution, not Article 192.

(c) Incorrect - The correct Article represented by _[3]‘ is Article 194, not Article 193. The paragraph focuses on Article 194 as a basis for states to take measures to prevent pollution and ensure the well-being of other states and their environment.

(d) Correct - The correct Article represented by _[3]‘ is Article 194. The paragraph discusses this article from the Law of Sea Convention, emphasizing the obligation of states to prevent pollution that may damage other states and their environment.

115. In which of the following cases did the International Court of Justice point out that when, in regard to any matter of practice, two states follow it repeatedly for a long time, it becomes a binding customary rule?

a) West Rand Central Gold Mining Company Ltd Case

b) South West Africa Case

c) Right of Passage over Indian Territory Case

d) North Sea Continental Shelf Case

Correct Answer: Option C

(a) Incorrect - The correct case where the International Court of Justice pointed out the development of customary rules is the Right of Passage over Indian Territory Case, not the West Rand Central Gold Mining Company Ltd Case. The paragraph does not discuss the West Rand Central Gold Mining Company Ltd Case.

(b) Incorrect - The correct case where the International Court of Justice discussed the development of customary rules is the Right of Passage over Indian Territory Case, not the South West Africa Case. The paragraph does not focus on the South West Africa Case.

(c) Correct - The Right of Passage over Indian Territory Case is the correct case. The paragraph refers to the International Court of Justice's observation that repeated practice over time can lead to the establishment of a binding customary rule.

(d) Incorrect - The correct case where the International Court of Justice pointed out the development of customary rules is the Right of Passage over Indian Territory Case, not the North Sea Continental Shelf Case. The paragraph does not discuss the North Sea Continental Shelf Case.

116. Doctrine of ―Sic utere tuo ut alienum non leadas‖ is contained in which of the following?

a) Basel Convention, 1989

b) Principle 21 of Rio Declaration

c) Kyoto Protocol, 1997

d) Principles 21 and 22 of Stockholm Declaration

Correct Answer: Option D

(a) Incorrect - The Doctrine of "Sic utere tuo ut alienum non leadas" is not specifically contained in the Basel Convention, 1989. The principle refers to the obligation of one to use their property so as not to harm others.

(b) Incorrect - The correct source of the Doctrine of "Sic utere tuo ut alienum non leadas" is not Principle 21 of the Rio Declaration. The paragraph does not mention the Rio Declaration in this context.

(c) Incorrect - The Doctrine of "Sic utere tuo ut alienum non leadas" is not contained in the Kyoto Protocol, 1997. The Kyoto Protocol primarily addresses issues related to climate change and greenhouse gas emissions.

(d) Correct - The Doctrine of "Sic utere tuo ut alienum non leadas" is contained in Principles 21 and 22 of the Stockholm Declaration. The paragraph does not explicitly mention the Stockholm Declaration, but it refers to the Doctrine associated with the responsible use of one's property to avoid harm to others.

117. Advisory Opinion can be given by the International Court of Justice on Legal question:

a) On the request of Security Council Only

b) On the request of General Assembly only

c) On the request of General Assembly or Security Council or both.

d) On the request of Economic and Social Council if authorized by the Security Council.

Correct Answer: Option C

(a) Incorrect - An Advisory Opinion can be requested not only by the Security Council but also by the General Assembly. Therefore, the statement "On the request of Security Council Only" is incorrect.

(b) Incorrect - An Advisory Opinion can be requested not only by the General Assembly but also by the Security Council. Therefore, the statement "On the request of General Assembly only" is incorrect.

(c) Correct - An Advisory Opinion can be requested on legal questions by the General Assembly, the Security Council, or both. This option accurately reflects the correct procedure for seeking Advisory Opinions from the International Court of Justice.

(d) Incorrect - An Advisory Opinion can be requested by the Economic and Social Council, but it requires authorization from the General Assembly or the Security Council. Therefore, the statement "On the request of Economic and Social Council if authorized by the Security Council" is not fully accurate.

118. In International Law, a good example of the application of the principle of Sovereignty is the "theory of auto-limitation." This theory was given by which of the following schools of thought?

a) Positivist

b) Historical

c) Sociological

d) Naturalist

Correct Answer: Option A

(a) Correct - The "theory of auto-limitation" in international law, which implies that a state can voluntarily limit its sovereignty through treaties and agreements, is associated with the Positivist school of thought. This option correctly identifies Positivism as the school of thought that developed the theory of auto-limitation.

(b) Incorrect - The "theory of auto-limitation" is not specifically associated with the Historical school of thought. Historical perspectives may focus more on the evolution of international law rather than the voluntary limitations of sovereignty.

(c) Incorrect - The "theory of auto-limitation" is not specifically associated with the Sociological school of thought. Sociological perspectives may emphasize the social aspects of international relations rather than legal theories regarding sovereignty.

(d) Incorrect - The "theory of auto-limitation" is not specifically associated with the Naturalist school of thought. Naturalist perspectives may emphasize inherent rights and principles rather than the idea of states voluntarily limiting their sovereignty through agreements.

119. Which of the following instruments refers to the "Polluter Pays" Principle for fixing liability in environmental cases?

a) Principle 16 of Rio Declaration

b) International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990.

c) Convention on Transboundary Effects of Industrial Accidents 1992.

d) All of the above.

Correct Answer: Option D

(a) Incorrect - While Principle 16 of the Rio Declaration addresses environmental protection, it does not specifically refer to the "Polluter Pays" Principle. Therefore, the statement "Principle 16 of Rio Declaration" is not accurate in this context.

(b) Incorrect - The International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990, is focused on oil pollution but does not explicitly refer to the "Polluter Pays" Principle. Therefore, the statement "International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990" is not accurate in this context.

(c) Incorrect - The Convention on Transboundary Effects of Industrial Accidents 1992 does not specifically refer to the "Polluter Pays" Principle. Therefore, the statement "Convention on Transboundary Effects of Industrial Accidents 1992" is not accurate in this context.

(d) Correct - The "Polluter Pays" Principle is reflected in various environmental instruments, including Principle 16 of the Rio Declaration, the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990, and the Convention on Transboundary Effects of Industrial Accidents 1992. Therefore, the statement "All of the above" is correct.

120. International Court of Justice is different from the Supreme Court of India because:

a) It is an International Court having jurisdiction on all countries.

b) Its judgments are binding on all the members of the United Nations.

c) Its judgments have no binding force.

d) Its jurisdiction is limited to States which have consented to its jurisdiction, and its judgments are binding only on the parties to the dispute.

Correct Answer: Option D

(a) Incorrect - While the International Court of Justice (ICJ) is indeed an international court, it does not have jurisdiction over all countries by default. Its jurisdiction is based on the consent of the states involved in a dispute. Therefore, the statement "It is an International Court having jurisdiction on all countries" is not accurate.

(b) Incorrect - The judgments of the International Court of Justice (ICJ) are not automatically binding on all members of the United Nations. Its jurisdiction is based on the consent of the states involved in a particular case. Therefore, the statement "Its judgments are binding on all the members of the United Nations" is not accurate.

(c) Incorrect - The judgments of the International Court of Justice (ICJ) do have binding force, but this force is limited to the parties involved in the specific dispute. Therefore, the statement "Its judgments have no binding force" is not accurate.

(d) Correct - The International Court of Justice (ICJ) has jurisdiction only over states that have consented to its jurisdiction. Its judgments are binding only on the parties to the dispute. This is a fundamental characteristic that distinguishes the ICJ from domestic courts. Therefore, the statement "Its jurisdiction is limited to States which have consented to its jurisdiction, and its judgments are binding only on the parties to the dispute" is correct.