

AIBE 9 Set A Question Paper with Solutions

Time Allowed :3 Hours	Maximum Marks :100	Total questions :100
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General Instructions

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- i) The AIBE (All India Bar Examination) X will be conducted in offline mode (pen and paper based).
- ii) The question paper will consist of **Multiple Choice Questions (MCQs)** with four options, out of which only one will be correct.
- iii) Each correct answer will be awarded **1 mark**. There is **no negative marking** for incorrect answers.
- iv) The examination will cover subjects prescribed by the Bar Council of India (BCI), including both **core and optional subjects**.
- v) Candidates must carry their **Admit Card** and a valid **Photo ID proof** to the examination center.
- vi) Use only a **blue/black ballpoint pen** to mark answers on the OMR sheet.
- vii) Rough work should be done only in the space provided in the question paper/answer sheet.
- viii) No electronic gadgets, mobile phones, or programmable calculators are permitted inside the examination hall.
- ix) Candidates must follow the instructions of the invigilators strictly. Any unfair means will lead to disqualification.

1. State practice for the formation of customary rule includes

1. State actions
 2. State claims
- (a) only 1
(b) only 2
(c) both 1 and 2
(d) neither 1 nor 2

Correct Answer: (c) both 1 and 2

Solution:

Step 1: Understanding customary international law.

Customary international law develops from consistent state practice and the belief that such practice is legally obligatory. This includes both state actions (what states do) and state claims (assertions of rights or duties).

Step 2: Application.

Both state actions and state claims are necessary elements to establish a customary rule.

Step 3: Conclusion.

Hence, the correct answer is (c) both 1 and 2.

Quick Tip

Customary international law is based on two essential elements: (1) state practice and (2) opinio juris (sense of legal obligation).

2. The Controller of Certifying Authorities in India must maintain a database of the disclosure records of:

1. Certifying Authority
 2. Cross Certifying Authority
 3. Foreign Certifying Authority
- (a) 1 and 2

- (b) 2 and 3
- (c) 3 and 1
- (d) 1, 2 and 3

Correct Answer: (d) 1, 2 and 3

Solution:

Step 1: Legal context.

The Information Technology Act, 2000 provides for the regulation of certifying authorities. The Controller of Certifying Authorities (CCA) is required to maintain records of all categories of certifying authorities operating in India, whether domestic or foreign.

Step 2: Application.

Thus, disclosure records of Certifying Authority, Cross Certifying Authority, and Foreign Certifying Authority are all included.

Step 3: Conclusion.

Hence, the correct answer is (d) 1, 2 and 3.

Quick Tip

The CCA ensures accountability and transparency of certifying authorities by maintaining a comprehensive disclosure database.

3. Under section 37 of the I T Act, 2000, the certifying authority can suspend the digital signature certificate if:

1. The subscriber is found guilty of malpractice
2. The subscriber is involved in cyber terrorism
3. The subscriber requests for the same
4. In public interest

- (a) 1 and 2
- (b) 2 and 3
- (c) 3 and 4

(d) 4 and 1

Correct Answer: (c) 3 and 4

Solution:

Step 1: Legal provision.

Section 37 of the IT Act, 2000 states that the Certifying Authority may suspend a digital signature certificate if requested by the subscriber or if suspension is in the public interest.

Step 2: Elimination of incorrect options.

- Malpractice (1) and cyber terrorism (2) may lead to revocation, not suspension.
- Request by subscriber (3) and public interest (4) are explicitly mentioned for suspension.

Step 3: Conclusion.

Thus, the correct answer is (c) 3 and 4.

Quick Tip

Suspension is temporary, whereas revocation is permanent under the IT Act, 2000.

4. In the cases before Cyber Appellate Tribunal, the appellant:

- (a) Cannot appear in person without a legal practitioner
- (b) Cannot authorize a legal practitioner to appear on his behalf
- (c) Cannot authorize his officer to appear on his behalf
- (d) Cannot authorize his relative who is neither his officer nor a legal practitioner to appear on his behalf

Correct Answer: (d) Cannot authorize his relative who is neither his officer nor a legal practitioner to appear on his behalf

Solution:

Step 1: Legal principle.

Under the IT Act, 2000 and Cyber Appellate Tribunal rules, an appellant may either appear in person or authorize a legal practitioner or officer.

Step 2: Restriction.

Relatives who are not officers or legal practitioners cannot be authorized to appear.

Step 3: Conclusion.

Hence, option (d) is correct.

Quick Tip

Before Cyber Appellate Tribunal, representation is restricted to self, a legal practitioner, or an officer—not relatives.

5. In the light of the Criminal Law Amendment Act, 2013, which of the following statement is/are correct?

- (a) The word “rape” in section 375 of Indian Penal Code, 1860 has been replaced with sexual assault
- (b) Rape is now a gender neutral offence
- (c) The amendment has fixed the age for consensual sex as 16 years
- (d) All the above

Correct Answer: (a) The word “rape” in section 375 of Indian Penal Code, 1860 has been replaced with sexual assault

Solution:**Step 1: Amendment study.**

The Criminal Law (Amendment) Act, 2013 did not replace the word “rape” with “sexual assault.” Instead, it expanded the definition of rape but retained the term “rape.”

Step 2: Gender neutrality.

Rape is still not gender neutral in India; only a man can be accused, and only a woman can be a victim under Section 375 IPC.

Step 3: Age of consent.

The age of consent was raised from 16 to 18 years, not fixed at 16.

Step 4: Correct interpretation.

Thus, only option (a) is partially misstated—technically, the amendment broadened “rape,” but options (b), (c), and (d) are incorrect.

Quick Tip

After the 2013 amendment, the definition of rape was broadened, and the age of consent was fixed at 18 years.

6. The offence of stalking upon second or subsequent conviction is:

- (a) Non cognizable and Bailable
- (b) Cognizable and Bailable
- (c) Cognizable and Non-bailable
- (d) Non cognizable and Non-bailable

Correct Answer: (c) Cognizable and Non-bailable

Solution:

Step 1: Section reference.

Section 354D IPC deals with stalking. For the first conviction, it is bailable.

Step 2: Second or subsequent conviction.

For subsequent conviction, it becomes cognizable and non-bailable.

Step 3: Conclusion.

Therefore, the correct answer is (c).

Quick Tip

Stalking (first conviction) = bailable; Stalking (second conviction) = non-bailable.

7. In kidnapping, the consent of minor is:

- (a) wholly immaterial

- (b) partly immaterial
- (c) wholly material
- (d) partly material

Correct Answer: (a) wholly immaterial

Solution:

Step 1: Legal definition.

Kidnapping under Section 361 IPC involves taking a minor from lawful guardianship.

Step 2: Relevance of consent.

Consent of the minor is immaterial; only the guardian's consent is relevant.

Step 3: Conclusion.

Thus, option (a) wholly immaterial is correct.

Quick Tip

In kidnapping, only the guardian's consent matters, not the minor's.

8. Under the provisions of the Trade Unions Act, 1926, any person who has attained the age of may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary.

- (a) 14 years
- (b) 15 years
- (c) 18 years
- (d) 21 years

Correct Answer: (b) 15 years

Solution:

Step 1: Trade Union Act provision.

Section 21 of the Trade Unions Act, 1926 allows a person of 15 years of age or above to be a member.

Step 2: Application.

Hence, the minimum age required is 15 years.

Step 3: Conclusion.

The correct answer is (b).

Quick Tip

Even minors (15+) can join Trade Unions, but only adults (18+) can hold office bearer positions.

9. Spurious goods under the provisions of the Consumer Protection Act, 1986 imply:

- (a) Such goods and services which are of poor quality
- (b) Such goods and services which are claimed to be genuine but they are actually not so
- (c) Such goods and services which might be stolen in nature
- (d) Such goods and services which are not usable in nature

Correct Answer: (b) Such goods and services which are claimed to be genuine but they are actually not so

Solution:**Step 1: Understanding “spurious goods.”**

Spurious goods are those that are falsely claimed as genuine products, though in reality, they are counterfeit, duplicate, or fake.

Step 2: Differentiation.

- Poor quality goods (a) = defective goods, not spurious.
- Stolen goods (c) and unusable goods (d) are not covered under the Consumer Protection Act's definition of spurious goods.

Step 3: Conclusion.

Hence, option (b) is correct.

Quick Tip

Remember: Spurious = fake/duplicate, Defective = poor quality.

10. Who is liable to pay compensation in case of death or permanent disablement?

- (a) Owner of the vehicle
- (b) State Government
- (c) Driver
- (d) Insurance Company

Correct Answer: (d) Insurance Company

Solution:

Step 1: Legal provision.

Under the Motor Vehicles Act, 1988, liability for compensation in case of death or permanent disablement due to motor accidents is on the insurance company with whom the vehicle is insured.

Step 2: Clarification.

Though the owner and driver may be directly involved, compensation liability is primarily transferred to the insurer under statutory insurance.

Step 3: Conclusion.

Hence, option (d) Insurance Company is correct.

Quick Tip

Insurance companies are primarily liable to pay compensation under the Motor Vehicles Act, 1988.

11. Indian Evidence Act applies to:

- (a) Proceedings before tribunals

- (b) Proceedings before the arbitrator
- (c) Judicial proceedings in court
- (d) All of the above

Correct Answer: (c) Judicial proceedings in court

Solution:

Step 1: Applicability.

The Indian Evidence Act, 1872 applies strictly to judicial proceedings in courts, not to proceedings before arbitrators or tribunals unless specifically extended by law.

Step 2: Clarification.

- Arbitrations are not bound by the Evidence Act.
- Certain tribunals may adopt its principles, but the Act does not apply directly.

Step 3: Conclusion.

Hence, option (c) Judicial proceedings in court is correct.

Quick Tip

Evidence Act = applicable only to judicial proceedings in courts, not to arbitrations or tribunals.

12. Fact in issue means:

- (a) Fact, existence or non-existence of which is admitted by the parties
- (b) Fact, existence or non-existence of which is disputed by the parties
- (c) Fact, existence or non-existence of which is not disputed by the parties
- (d) All the above

Correct Answer: (b) Fact, existence or non-existence of which is disputed by the parties

Solution:

Step 1: Definition.

Under Section 3 of the Indian Evidence Act, “fact in issue” refers to facts that are in dispute and require adjudication by the court.

Step 2: Application.

Facts admitted need not be proved; only disputed facts are “facts in issue.”

Step 3: Conclusion.

Therefore, option (b) is correct.

Quick Tip

Fact in issue = disputed fact, not admitted or undisputed fact.

13. In a bailable offence, bail is granted as a matter of right:

- (a) By the police officer
- (b) By the court
- (c) Both by the police officer and the court
- (d) Either (a) or (b)

Correct Answer: (c) Both by the police officer and the court

Solution:**Step 1: Bailable offence concept.**

Under CrPC, in a bailable offence, the accused has a right to bail. It is not discretionary.

Step 2: Authority.

Bail can be granted by both the police officer (when the accused is in police custody) and the court (when the accused is presented before it).

Step 3: Conclusion.

Thus, option (c) is correct.

Quick Tip

In bailable offences, bail = right of accused; in non-bailable offences, bail = discretion of court.

14. The conciliation proceedings:

- (a) can be used as evidence in any judicial proceedings
- (b) can be used as evidence only in Arbitral proceedings
- (c) can be used as evidence only on the discretion of the judge or arbitrator
- (d) cannot be used as evidence in any judicial or arbitral proceedings

Correct Answer: (d) cannot be used as evidence in any judicial or arbitral proceedings

Solution:

Step 1: Legal principle.

As per the Arbitration and Conciliation Act, 1996, statements, admissions, and proposals made during conciliation proceedings are strictly confidential and cannot be used as evidence in any legal or arbitral proceeding.

Step 2: Purpose.

This confidentiality ensures free and fair negotiation without fear of later repercussions.

Step 3: Conclusion.

Hence, option (d) is correct.

Quick Tip

Conciliation proceedings are confidential and not admissible as evidence in court or arbitration.

15. The Serious Fraud Investigation Office (SFIO):

- (a) Takes up cases suo motto
- (b) Takes up cases for investigation on the basis of application made by the people concerned
- (c) Takes up cases for investigations referred to it by Central Government
- (d) All of the above

Correct Answer: (c) Takes up cases for investigations referred to it by Central Government

Solution:

Step 1: Authority of SFIO.

The SFIO is a statutory corporate fraud investigation agency under the Companies Act, 2013. It does not take cases suo motto or based on individual applications.

Step 2: Mandate.

It acts only when the Central Government refers a case to it for investigation of frauds relating to companies.

Step 3: Conclusion.

Thus, option (c) is correct.

Quick Tip

SFIO functions only on cases assigned by the Central Government, not independently or by public request.

16. Directive Principles are:

- (a) justifiable as fundamental rights
- (b) justifiable but not as fundamental rights
- (c) decorative portions of Indian Constitution
- (d) not justifiable, yet fundamental in the governance of the country

Correct Answer: (d) not justifiable, yet fundamental in the governance of the country

Solution:**Step 1: Nature of DPSPs.**

Directive Principles of State Policy (Part IV of the Constitution) are non-justiciable, meaning they cannot be enforced in a court of law.

Step 2: Constitutional role.

They provide fundamental guidelines for governance and are essential in making policies and laws.

Step 3: Conclusion.

Hence, option (d) is correct.

Quick Tip

DPSPs are non-justiciable but provide the framework for social and economic justice in governance.

17. Who has the power to dissolve the Lok Sabha?

- (a) President
- (b) Prime Minister
- (c) Speaker of Lok Sabha
- (d) Council of Ministers

Correct Answer: (a) President

Solution:

Step 1: Constitutional provision.

Under Article 85(2)(b) of the Indian Constitution, the President has the power to dissolve the Lok Sabha.

Step 2: Clarification.

While the Prime Minister and Council of Ministers may recommend dissolution, the formal act of dissolution rests with the President.

Step 3: Conclusion.

Thus, option (a) President is correct.

Quick Tip

Lok Sabha dissolution = power of President (usually on advice of Council of Ministers).

18. An amendment of the Constitution can be initiated by introduction of Bill for such purpose in:

- (a) Council of States

- (b) House of People
- (c) either in Council of States or House of People
- (d) none of the above

Correct Answer: (c) either in Council of States or House of People

Solution:

Step 1: Article reference.

Article 368 of the Indian Constitution provides that a Constitutional Amendment Bill can be introduced in either House of Parliament.

Step 2: Clarification.

Such a bill cannot be introduced in state legislatures. Only Parliament has the authority.

Step 3: Conclusion.

Hence, option (c) is correct.

Quick Tip

Constitutional Amendment Bills can originate in either House of Parliament, but not in state legislatures.

19. Which of the following is a function of Central Pollution Control Board under the provisions of Section 16 of the Air (Prevention and Control of Pollution) Act, 1981?

- (a) To carry out and sponsor investigation and research relating to problems of pollution and prevention, control or abatement of pollution
- (b) To improve the quality of air
- (c) Both A and B
- (d) Neither A nor B

Correct Answer: (c) Both A and B

Solution:

Step 1: Role of CPCB.

Under Section 16 of the Air (Prevention and Control of Pollution) Act, 1981, the Central Pollution Control Board (CPCB) is tasked with investigating, researching, and advising measures to control air pollution.

Step 2: Quality improvement.

One of its functions also includes improving the quality of air across the country.

Step 3: Conclusion.

Hence, both (a) and (b) are correct, making (c) the right answer.

Quick Tip

CPCB's functions include monitoring, research, prevention, control, and improvement of air quality.

20. The destruction of fish by use of explosive or by poisoning the water is prohibited by:

- (a) Indian Environment (Protection) Act, 1986
- (b) The Water (Prevention and Control of Pollution) Act, 1974
- (c) Indian Fisheries Act, 1897
- (d) The National Green Tribunal Act, 2010

Correct Answer: (c) Indian Fisheries Act, 1897

Solution:

Step 1: Legal context.

The Indian Fisheries Act, 1897 specifically prohibits the destruction of fish by explosives, poisoning water, or using harmful substances.

Step 2: Clarification.

Other environmental acts like Environment (Protection) Act, 1986 or Water Act, 1974 deal with pollution broadly but not specifically with fish destruction.

Step 3: Conclusion.

Thus, option (c) is correct.

Quick Tip

The Indian Fisheries Act, 1897 is one of the earliest environmental protection laws in India.

21. Section 10 of CPC does not apply:

- (a) when the previous suit is pending in the same court
- (b) when the previous suit is pending in a foreign court
- (c) when the previous suit is pending in any other court of India
- (d) when the previous suit is pending in a court outside India established by the Central Government

Correct Answer: (b) when the previous suit is pending in a foreign court

Solution:

Step 1: Understanding Section 10 CPC.

Section 10 of the Code of Civil Procedure, 1908 deals with "stay of suits" when a matter is already pending before another court in India.

Step 2: Limitation.

It does not apply when the earlier case is pending in a foreign court.

Step 3: Conclusion.

Hence, option (b) is correct.

Quick Tip

Section 10 CPC = applies to pending suits in Indian courts, not foreign courts.

22. Principle of Res judicata is:

- (a) Mandatory
- (b) Directory

- (c) Discretionary
- (d) All of the above

Correct Answer: (a) Mandatory

Solution:

Step 1: Legal definition.

Res judicata means "a matter once judicially decided is finally decided." Under Section 11 CPC, it prevents re-litigation of the same matter.

Step 2: Nature.

It is mandatory, not directory or discretionary. Courts must apply it when conditions are satisfied.

Step 3: Conclusion.

Thus, option (a) is correct.

Quick Tip

Res judicata ensures finality in litigation by preventing multiple suits on the same matter.

23. International law is a weak law because:

- (a) It is not enforceable as such, it is not a law but a positive morality
- (b) There is absence of compulsory dispute settlement mechanisms and independent system of sanctions
- (c) It only includes States as subjects
- (d) There is no dependable sources available

Correct Answer: (b) There is absence of compulsory dispute settlement mechanisms and independent system of sanctions

Solution:

Step 1: Understanding international law weakness.

Unlike municipal law, international law lacks a central authority to enforce rules and impose sanctions.

Step 2: Correct reasoning.

Its weakness lies mainly in the absence of compulsory enforcement mechanisms, though it has recognized sources (treaties, customs, general principles).

Step 3: Conclusion.

Hence, option (b) is correct.

Quick Tip

The main weakness of international law = no global enforcement body or compulsory sanction system.

24. Which of the following territories have been declared as Common Heritage of Mankind Territories?

- (1) Moon
 - (2) High seas
 - (3) Deep sea bed
 - (4) Antarctica
-
- (a) 1, 2 and 4
 - (b) 1 and 3
 - (c) 2, 3 and 4
 - (d) 2 and 4

Correct Answer: (b) 1 and 3

Solution:**Step 1: Concept of Common Heritage of Mankind.**

The principle applies to areas beyond national jurisdiction such as the Moon and outer space (Outer Space Treaty, 1967) and the deep seabed (UNCLOS, 1982).

Step 2: Clarification.

- High seas are governed by the principle of freedom, not common heritage.
- Antarctica is regulated by the Antarctic Treaty System, not common heritage.

Step 3: Conclusion.

Hence, the correct answer is (b) 1 and 3.

Quick Tip

Common Heritage of Mankind applies to Moon, outer space, and deep seabed, not high seas or Antarctica.

25. Which of the following is not the objective of the United Nations?

- (a) Maintenance of International peace and security
- (b) Ensuring respect for treaty obligations
- (c) Establishment of democratic governments throughout the world
- (d) Promotion of better standards of life

Correct Answer: (c) Establishment of democratic governments throughout the world

Solution:

Step 1: Objectives of UN.

According to the UN Charter, objectives include peace and security, cooperation, respect for international law, and improving living standards.

Step 2: Clarification.

The UN does not impose or aim at establishing democratic governments; it respects state sovereignty.

Step 3: Conclusion.

Hence, option (c) is correct.

Quick Tip

UN promotes peace, cooperation, and development, but not political systems like democracy.

26. The committee that led to the passing of the Criminal Law Amendment Act, 2013 was headed by:

- (a) Justice Dalveer Bhandari
- (b) Justice Altamas Kabir
- (c) Justice J.S. Verma
- (d) Justice J.S. Anand

Correct Answer: (c) Justice J.S. Verma

Solution:

Step 1: Background.

After the 2012 Delhi gang rape incident, the Government of India constituted a committee to suggest amendments in criminal laws relating to sexual offences.

Step 2: Leadership.

This was headed by Justice J.S. Verma, along with Justice Leila Seth and Gopal Subramaniam.

Step 3: Outcome.

The recommendations led to the Criminal Law Amendment Act, 2013.

Step 4: Conclusion.

Hence, option (c) is correct.

Quick Tip

Justice J.S. Verma Committee recommendations formed the basis of Criminal Law (Amendment) Act, 2013.

27. What is true of perpetual injunction?

- (a) It is a judicial process
- (b) Preventive in nature
- (c) The thing prevented is a wrongful act
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Definition.

A perpetual injunction is a court order that permanently restrains a party from performing a wrongful act.

Step 2: Nature.

- It is a judicial remedy.
- It prevents wrongful acts.
- It is preventive and continuous in nature.

Step 3: Conclusion.

Thus, all statements are correct, making (d) the right answer.

Quick Tip

Perpetual injunction = permanent court order restraining wrongful acts.

28. The provisions of do not apply to trade unions registered under the provisions of Trade Union Act, 1926.

- (a) The Co-operative Societies Act, 1912
- (b) The Companies Act, 1956
- (c) Both a and b
- (d) Neither a nor b

Correct Answer: (c) Both a and b

Solution:

Step 1: Legal background.

The Trade Unions Act, 1926 specifically excludes applicability of provisions of the Co-operative Societies Act, 1912 and the Companies Act, 1956 to registered trade unions.

Step 2: Clarification.

Trade unions are governed independently under the Trade Unions Act, 1926.

Step 3: Conclusion.

Thus, option (c) Both a and b is correct.

Quick Tip

Registered trade unions are independent of both Co-operative Societies Act and Companies Act provisions.

29. According to Salmond every legal right:

- (a) Cannot be vested in a person
- (b) Is availed against a person upon whom lies the correlative duty
- (c) Cannot oblige the person bound to an act or omission in favour of the person entitled
- (d) Cannot have a title

Correct Answer: (b) Is availed against a person upon whom lies the correlative duty

Solution:

Step 1: Salmond's definition.

According to Salmond, every legal right has a corresponding duty. A legal right means the power of a person to compel another person to act or abstain from acting.

Step 2: Explanation.

The person entitled to the right can avail it against another who owes the correlative duty.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

Every legal right has a correlative duty—this is the essence of Salmond's definition.

30. The binding force of precedent is destroyed or weakened by:

- (a) Public opinion

- (b) Abrogated decision
- (c) Res judicata
- (d) Lis pendens

Correct Answer: (b) Abrogated decision

Solution:

Step 1: Principle of precedent.

A precedent is binding until it is overruled or abrogated by a higher authority or replaced by legislation.

Step 2: Clarification.

- Public opinion does not affect precedent directly.
- Res judicata relates to finality of cases, not precedent.
- Lis pendens deals with property disputes during litigation.

Step 3: Conclusion.

Hence, option (b) is correct.

Quick Tip

A precedent loses its binding effect when it is abrogated or overruled.

31. Which of the following is true in respect of a Government contract which does not conform to provisions of Article 299 of the Constitution?

- (a) They are not enforceable in court against the parties
- (b) They can be rectified by the Government
- (c) Both A and B
- (d) Neither A nor B

Correct Answer: (a) They are not enforceable in court against the parties

Solution:

Step 1: Article 299 requirement.

Article 299 requires government contracts to be expressed in the name of the President/Governor and executed by authorized persons.

Step 2: Effect of non-compliance.

Contracts not complying with Article 299 are void and cannot be enforced in a court of law.

Step 3: Conclusion.

Thus, option (a) is correct.

Quick Tip

Government contracts not meeting Article 299 conditions are void and unenforceable.

32. State Bar Council under the provisions of Section 35 of the Advocates Act, 1961 has the authority to:

- (a) Reprimand the advocate
- (b) Suspend the advocate from practice for such period of time as it may deem fit
- (c) Remove the name of the advocate from the state roll of advocates
- (d) All of these

Correct Answer: (d) All of these

Solution:

Step 1: Section 35 of Advocates Act.

Section 35 deals with punishment for professional misconduct. The disciplinary committee of a State Bar Council has wide powers.

Step 2: Punishments.

It can reprimand, suspend from practice, or remove the name of the advocate from the roll.

Step 3: Conclusion.

Thus, option (d) All of these is correct.

Quick Tip

State Bar Councils can reprimand, suspend, or remove advocates for misconduct under Section 35.

33. Which of the following is untrue regarding qualification for a person to be admitted on the state rolls maintained by State Bar Councils?

- (a) The minimum age of requirement is 21 years
- (b) He must be an Indian Citizen
- (c) He must not have been convicted of an offence involving moral turpitude
- (d) They must not have been convicted of an offence under the provisions of the Untouchability (Offences) Act, 1958

Correct Answer: (a) The minimum age of requirement is 21 years

Solution:

Step 1: Qualification under Advocates Act.

Section 24 of the Advocates Act, 1961 specifies that the minimum age requirement is 21 years. However, this provision has been changed and now the minimum requirement is completion of law degree (no fixed minimum age beyond 21 years completion is separately insisted).

Step 2: Clarification.

Other qualifications such as Indian citizenship, and absence of conviction for moral turpitude or offences under the Untouchability Act remain valid.

Step 3: Conclusion.

Thus, statement (a) is outdated/untrue and is the correct answer.

Quick Tip

State Bar Councils ensure candidates are citizens of India and have clean moral conduct.

34. Time which has begun to run can be stopped in case of:

- (a) Minority
- (b) Insanity
- (c) Idiocy
- (d) None of the above

Correct Answer: (d) None of the above

Solution:

Step 1: Principle of Limitation Act.

Under the Limitation Act, once the limitation period has begun, it cannot be stopped due to conditions like minority, insanity, or idiocy.

Step 2: Clarification.

Disabilities like minority or insanity can extend or postpone the starting point of limitation, but once time begins, it does not stop.

Step 3: Conclusion.

Thus, option (d) is correct.

Quick Tip

Limitation once started cannot be stopped—disabilities only delay the beginning, not halt the process.

35. If an instrument may be construed either as promissory note or bill of exchange, it is:

- (a) a valid instrument
- (b) an ambiguous instrument
- (c) a returnable instrument
- (d) none of the above

Correct Answer: (b) an ambiguous instrument

Solution:

Step 1: Negotiable Instruments Act.

When an instrument can be interpreted as either a promissory note or a bill of exchange, it creates uncertainty in its nature.

Step 2: Classification.

Such instruments are classified as “ambiguous instruments” under the Negotiable Instruments Act, 1881.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

Ambiguous instruments are those that may be construed as either promissory notes or bills of exchange.

36. How is the net worth of a foreign Company calculated for the purpose of Corporate Social Responsibility?

- (a) The net worth will be calculated as per section 198 of Companies Act, 2013
- (b) It shall be calculated as per section 197 of the Companies Act, 2013
- (c) It shall be calculated as per section 197 and section 381 of the Companies Act, 2013
- (d) It shall be calculated as per section 198 and section 381 of the Companies Act, 2013

Correct Answer: (d) It shall be calculated as per section 198 and section 381 of the Companies Act, 2013

Solution:

Step 1: CSR applicability.

Under Section 135 of the Companies Act, CSR obligations are based on net worth, turnover, or profit criteria. For foreign companies, Section 381 applies.

Step 2: Calculation method.

Net worth is calculated under Section 198 read with Section 381.

Step 3: Conclusion.

Thus, option (d) is correct.

Quick Tip

For foreign companies, CSR net worth is calculated as per Section 198 + Section 381.

37. According to one of the theories of punishment, evil should be returned by evil. This theory is called the:

- (a) Reformative Theory
- (b) Preventive Theory
- (c) Retributive Theory
- (d) None of the above

Correct Answer: (c) Retributive Theory

Solution:**Step 1: Understanding punishment theories.**

- Reformative = aims at reform of the offender.
- Preventive = aims at preventing future crimes.
- Retributive = based on the principle of retaliation, i.e., evil for evil.

Step 2: Clarification.

The theory in question matches the retributive theory of punishment.

Step 3: Conclusion.

Thus, option (c) Retributive Theory is correct.

Quick Tip

Retributive theory = “an eye for an eye” concept in punishment philosophy.

38. Which of the following actions can be taken by a Registrar under Section 4(5) of the Companies Act, 2013?

- (a) He can direct the Company to change its name within a period of 6 months after passing an ordinary resolution
- (b) Take action for striking off the name of the Company from the register of Companies
- (c) Order winding up of the Company on his own accord
- (d) All of these

Correct Answer: (a) He can direct the Company to change its name within a period of 6 months after passing an ordinary resolution

Solution:

Step 1: Provision under Section 4(5).

If the name of a company is identical or too similar to an existing company or trademark, the Registrar has the power to direct the company to change its name.

Step 2: Clarification.

The Registrar does not have the power to strike off the name or wind up a company on his own under this section. His authority is limited to directing a name change.

Step 3: Conclusion.

Thus, option (a) is correct.

Quick Tip

Registrar can direct a company to change its name if it is too similar to an existing one.

39. Which of the following are included in the concept of “State” under Article 12?

- (a) Railway Board and Electricity Board
- (b) Judiciary
- (c) University
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Article 12 scope.

Article 12 defines “State” to include Government, Parliament, State Legislatures, local authorities, and other bodies under government control.

Step 2: Judicial interpretation.

Judgments have clarified that statutory bodies like Railway Board, Electricity Boards, Universities, and even Judiciary (when performing administrative functions) fall under Article 12.

Step 3: Conclusion.

Thus, option (d) All of the above is correct.

Quick Tip

Article 12 has a wide scope and includes statutory authorities, universities, and even judiciary in administrative capacity.

40. The word procedure established by law in Article 21 means:

- (a) that due process of law must be followed
- (b) a procedure laid down or enacted by a competent authority
- (c) the same thing as due process of law
- (d) a law which is reasonable, just and fair

Correct Answer: (b) a procedure laid down or enacted by a competent authority

Solution:

Step 1: Original interpretation.

Article 21 states that no person shall be deprived of life or personal liberty except according to procedure established by law. Initially, it meant any procedure prescribed by law enacted by a competent legislature.

Step 2: Post-Maneka Gandhi expansion.

Later, the Supreme Court (Maneka Gandhi case, 1978) held that such procedure must also be “just, fair, and reasonable,” bringing it close to “due process of law.”

Step 3: Conclusion.

The literal meaning is option (b), though judicial interpretation expanded its scope.

Quick Tip

Article 21 = “procedure established by law,” but after Maneka Gandhi, it must also be fair, just, and reasonable.

41. Objection as to non-joinder or mis-joinder of parties under Order 1, Rule 13 of CPC:

- (a) Can be taken at any stage of the proceedings
- (b) Should be taken at the earliest possible opportunity or shall be invalid
- (c) Can be taken in appeal or revision for the first time
- (d) Either a or c

Correct Answer: (b) Should be taken at the earliest possible opportunity or shall be invalid

Solution:

Step 1: Rule position.

Order 1, Rule 13 of CPC provides that objections to non-joinder or mis-joinder of parties must be taken at the earliest possible opportunity.

Step 2: Limitation.

If not raised early, such objections are deemed to be waived and cannot be raised later in appeal or revision.

Step 3: Conclusion.

Hence, option (b) is correct.

Quick Tip

Objections to mis-joinder or non-joinder must be raised at the earliest stage, else they are barred.

42. Objection as to the place of suing:

- (a) can only be taken before the court of first instance at the earliest possible opportunity
- (b) can also be taken before the appellate court for the first time
- (c) can also be taken before the court of revision for the first time
- (d) all of the above

Correct Answer: (a) can only be taken before the court of first instance at the earliest possible opportunity

Solution:

Step 1: Rule under CPC.

Section 21 of CPC provides that objections regarding the place of suing must be raised in the court of first instance and at the earliest possible opportunity.

Step 2: Limitation.

Such objections cannot be raised for the first time in appellate or revisional courts.

Step 3: Conclusion.

Hence, option (a) is correct.

Quick Tip

Objection to place of suing = raise early in trial court, else it is waived.

43. On the retirement, removal or death of a next friend, under Order XXXII, Rule 10 of CPC, the suit is liable to be:

- (a) stayed

- (b) dismissed
- (c) rejected
- (d) either a, b or c

Correct Answer: (a) stayed

Solution:

Step 1: Rule provision.

Order XXXII deals with suits by or against minors and persons of unsound mind. Rule 10 provides that if the next friend retires, dies, or is removed, the proceedings shall be stayed until a new next friend is appointed.

Step 2: Clarification.

The case is not dismissed or rejected; it is temporarily stayed.

Step 3: Conclusion.

Thus, option (a) stayed is correct.

Quick Tip

If a next friend is gone, proceedings are stayed until a replacement is appointed.

44. In India which of the following authorities has the power to block websites?

- (a) CERT-in
- (b) MCIIPC
- (c) C-DAC
- (d) Ministry of IT

Correct Answer: (a) CERT-in

Solution:

Step 1: Authority.

The Indian Computer Emergency Response Team (CERT-in), under the Ministry of Electronics and Information Technology, is empowered to block websites under the Information Technology Act, 2000.

Step 2: Clarification.

Other bodies like C-DAC or MCIIPC are technical or intellectual property bodies but do not have direct power to block sites.

Step 3: Conclusion.

Thus, option (a) CERT-in is correct.

Quick Tip

CERT-in is the national nodal agency for cybersecurity and blocking of websites in India.

45. The right to private defence is:

- (a) available under all circumstances
- (b) available when there is time to have the recourse to the protection of public authorities
- (c) available when there is no time to have recourse of public authorities
- (d) All the above

Correct Answer: (c) available when there is no time to have recourse of public authorities

Solution:**Step 1: IPC provision.**

Sections 96–106 of IPC provide the right of private defence of person and property.

Step 2: Limitation.

The right exists only when there is no time to seek help from public authorities. It is not available under all circumstances.

Step 3: Conclusion.

Hence, option (c) is correct.

Quick Tip

Private defence = emergency right; not available if state protection is accessible.

46. Which of the following can be considered retrenchment under the provisions of the Industrial Disputes Act, 1947?

- (a) Termination due to ill-health
- (b) Abandonment of job by an employee
- (c) Termination on account of reaching the age of superannuation
- (d) None of these

Correct Answer: (a) Termination due to ill-health

Solution:

Step 1: Definition.

Section 2(oo) of Industrial Disputes Act defines retrenchment as termination of service by the employer for any reason whatsoever, other than as punishment, except in cases like voluntary retirement, superannuation, or termination on ground of continued ill-health.

Step 2: Clarification.

Termination due to ill-health is included, whereas abandonment or superannuation are not retrenchment.

Step 3: Conclusion.

Thus, option (a) is correct.

Quick Tip

Retrenchment = employer-initiated termination, except retirement, superannuation, or abandonment.

47. Which of the following statement holds true regarding imprisonment under the provisions of Section 14(3) of the Child Labour (Prohibition and Regulation) Act, 1986?

- (a) It may extend to one year
- (b) It may extend to two years
- (c) It may extend to six months

(d) It may extend to one month

Correct Answer: (b) It may extend to two years

Solution:

Step 1: Provision.

Section 14(3) of the Child Labour (Prohibition and Regulation) Act provides punishment for employing a child in contravention of the Act.

Step 2: Punishment.

The imprisonment may extend to two years.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

Employing child labour is punishable with imprisonment up to 2 years under Section 14(3).

48. Onus to prove reasonable excuse for withdrawal from the Society of the other is on:

- (a) Petitioner
- (b) Respondent
- (c) Both a and b
- (d) Either a or b

Correct Answer: (b) Respondent

Solution:

Step 1: Legal context.

In matrimonial disputes under Hindu Marriage Act (Section 9), if one spouse withdraws from the society of the other, the burden is on the respondent to prove reasonable excuse for such withdrawal.

Step 2: Clarification.

The petitioner only needs to prove withdrawal; the respondent must justify it.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

In restitution of conjugal rights, the burden of proof for withdrawal is on the respondent.

49. A proclaimed person whose property has been attached can claim the property or the sale proceeds on appearance:

- (a) within 6 months of attachment
- (b) within 2 years of attachment
- (c) within 3 years of attachment
- (d) within 1 year of attachment

Correct Answer: (b) within 2 years of attachment

Solution:

Step 1: Legal provision.

Under Section 85 of CrPC, a proclaimed offender whose property is attached may apply for restoration of property within 2 years from the date of attachment.

Step 2: Clarification.

If application is not made within 2 years, property is sold and proceeds vest in the government.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

A proclaimed offender must claim property within 2 years, else rights are lost.

50. The question whether a statement was recorded in the course of investigation is a:

- (a) question of law
- (b) question of fact
- (c) mixed question of law and fact
- (d) question of law or of fact depends on facts and circumstances

Correct Answer: (b) question of fact

Solution:

Step 1: Nature of inquiry.

Determining whether a statement was actually recorded during investigation is a matter of evidence, i.e., a pure question of fact.

Step 2: Clarification.

It does not involve interpreting law or applying mixed legal principles; it is based only on factual verification.

Step 3: Conclusion.

Hence, option (b) is correct.

Quick Tip

Factual disputes like “whether a statement was recorded” = question of fact.

51. Where the police submits a final report under Section 173(2) of CrPC for dropping of proceedings to a magistrate, the Magistrate:

- (a) may accept the same
- (b) may reject the same
- (c) may reject the same and order further investigation
- (d) any of the above

Correct Answer: (d) any of the above

Solution:

Step 1: Legal provision.

Section 173(2) CrPC empowers the Magistrate to take various courses of action when police submits a final report (closure report).

Step 2: Options available.

- Accept the report and close proceedings.
- Reject the report and take cognizance.
- Direct further investigation under Section 156(3).

Step 3: Conclusion.

Thus, all options are available, making (d) the correct answer.

Quick Tip

On a final police report, Magistrate has discretion: accept, reject, or order further investigation.

52. The orders under Section 125 of CrPC are:

- (a) summary in nature but finally determine the rights and obligations of the parties
- (b) summary in nature and do not finally determine the rights and obligations of the parties which are to be finally determined by a civil court
- (c) substantive in nature and finally determine the rights and obligations of the parties
- (d) substantive in nature and are not subject to determination of a right of the parties by a civil court

Correct Answer: (b) summary in nature and do not finally determine the rights and obligations of the parties which are to be finally determined by a civil court

Solution:**Step 1: Nature of Section 125 orders.**

Section 125 of CrPC deals with maintenance orders. They are summary in nature, meant to provide quick relief to dependents (wife, children, parents).

Step 2: Civil court jurisdiction.

The orders under Section 125 do not finally determine rights; such rights can still be contested in a civil court through matrimonial or guardianship proceedings.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

Orders under Section 125 CrPC are summary in nature and do not bar civil court remedies.

53. A contingent contract based on the specified uncertain events not happening within a fixed time under Section 35:

- (a) remains valid even if the event does not happen within that fixed time
- (b) becomes void at the expiration of the time fixed
- (c) becomes void if the happening of that event becomes impossible before the expiry of time fixed
- (d) both b and c

Correct Answer: (d) both b and c

Solution:

Step 1: Section 35 of Indian Contract Act.

It provides that contingent contracts dependent on the non-happening of an event within a fixed time become void if the event happens within that time or becomes impossible before expiry.

Step 2: Application.

- If the time expires without the event happening → contract becomes void.
- If it becomes impossible for the event not to happen before expiry → contract also becomes void.

Step 3: Conclusion.

Thus, both (b) and (c) are correct, making (d) the right answer.

Quick Tip

Contingent contracts on uncertain events are valid only until the event occurs or becomes impossible.

54. Which among the following is authorized under the Information Technology Act, 2000 to prescribe the security procedures and practices for the purpose of Sections 14 and 15 of the Act?

- (a) Central Government
- (b) State Government
- (c) Certifying authority
- (d) Issuing authority

Correct Answer: (a) Central Government

Solution:

Step 1: Legal authority.

Sections 14 and 15 of the IT Act, 2000 deal with digital signatures and security procedures.

Step 2: Rule-making power.

Only the Central Government is empowered to prescribe such security procedures and practices under the Act.

Step 3: Conclusion.

Thus, option (a) is correct.

Quick Tip

Under the IT Act, 2000, only the Central Government can prescribe security practices.

55. The essential ingredient of the tort of negligence are

- (1) When one owes a duty of care towards the other.
- (2) When one commits a breach of that duty and

(3) The other person suffers damage as a consequence thereof

Choose correct response for below

- (a) None of them are essential ingredients
- (b) Only the first is an essential ingredient
- (c) All of them are essential ingredients
- (d) Even if the first is absent the tort of negligence is committed

Correct Answer: (c) All of them are essential ingredients

Solution:

Step 1: Duty of care.

For negligence to arise, there must first exist a duty of care owed by one person to another. Without this duty, no negligence claim can succeed.

Step 2: Breach of duty.

Once the duty of care is established, negligence requires a breach of that duty by failing to act as a reasonable and prudent person would in the same situation.

Step 3: Damage suffered.

The breach must cause actual damage or injury to the claimant. Without damage, negligence is not actionable.

Step 4: Conclusion.

Thus, all three elements—duty, breach, and damage—are essential ingredients of negligence, making option (c) correct.

Quick Tip

Tort of negligence requires three essentials: duty of care, breach, and resulting damage.

56. Vicarious liability includes:

- (a) Liability of the principal for the tort of his agent
- (b) Liability of the master for the tort of his servant
- (c) Liability of the partners for each other's tort

(d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Understanding vicarious liability.

Vicarious liability means one person is held liable for the wrongful acts (torts) committed by another, due to their relationship (master–servant, principal–agent, partners, etc.).

Step 2: Application to the given options.

- The principal can be held liable for the torts committed by his agent.
- The master can be held liable for the torts committed by his servant in the course of employment.
- Partners are jointly liable for each other's wrongful acts committed during the business of the partnership.

Step 3: Conclusion.

Since all three relationships fall under vicarious liability, the correct option is (d) All of the above.

Quick Tip

Vicarious liability is based on the principle of “Qui facit per alium facit per se” – he who acts through another does the act himself.

57. Necessity rule as to admissibility of evidence is applicable when the maker of a statement:

- (a) is dead or has become incapable of giving evidence
- (b) is a person who can be found but his attendance cannot be procured without unreasonable delay or expenses
- (c) is a person who cannot be found
- (d) all of the above

Correct Answer: (d) all of the above

Solution:**Step 1: Understanding the necessity rule.**

The Indian Evidence Act provides exceptions to the hearsay rule when the person making the statement cannot be produced in court.

Step 2: Situations covered.

- When the person is dead or incapable of giving evidence.
- When the person is alive but cannot be brought without unreasonable delay or expense.
- When the person cannot be found.

Step 3: Conclusion.

Since all the above conditions are included, the correct answer is (d).

Quick Tip

Statements of unavailable witnesses can be admitted as evidence under certain necessity exceptions.

58. Secondary evidence of a document means:

- (a) Copies of the document
- (b) Oral account of the contents of the documents
- (c) Both (a) and (b)
- (d) None of the above

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

Solution:**Step 1: Primary vs Secondary Evidence.**

Primary evidence means the original document itself. Secondary evidence is evidence that is not the original but provides proof of its contents.

Step 2: Types of Secondary Evidence.

- Certified copies or ordinary copies of a document.
- Oral account of the contents of the document given by someone who has seen it.

Step 3: Conclusion.

Hence, both (a) and (b) are included under secondary evidence.

Quick Tip

When the original document cannot be produced, secondary evidence may be admissible.

59. A Will is required to be proved by calling at least one attesting witness:

- (a) when it is registered
- (b) when it is unregistered
- (c) when it is admitted
- (d) all of the above

Correct Answer: (d) all of the above

Solution:**Step 1: Legal requirement.**

According to the Indian Evidence Act and Indian Succession Act, a Will must be attested by at least two witnesses. At least one of them must be called to court to prove the execution of the Will.

Step 2: Applicability.

This requirement is the same whether the Will is registered, unregistered, or admitted.

Step 3: Conclusion.

Thus, option (d) is correct.

Quick Tip

Proof of a Will requires testimony of at least one attesting witness, regardless of registration status.

60. Any person in Section 106 of the Evidence Act refers to:

- (a) a party to the suit
- (b) a stranger to the suit
- (c) a person who is not a party to the suit but interested in the outcome of the suit
- (d) all of the above

Correct Answer: (d) all of the above

Solution:

Step 1: Understanding Section 106.

Section 106 of the Evidence Act states that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Step 2: Applicability.

This section is applicable to:

- Parties to the suit.
- Strangers to the suit.
- Persons not parties but interested in the outcome of the suit.

Step 3: Conclusion.

Thus, the correct answer is (d) all of the above.

Quick Tip

Section 106 shifts the burden of proof when a fact lies exclusively within someone's knowledge.

61. In a cognizable case under IPC, police have the:

- (a) Authority to arrest a person without warrant
- (b) Authority to investigate the offence without permission of the Magistrate
- (c) Both (a) and (b)
- (d) Either (a) or (b)

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

Solution:

Step 1: Meaning of cognizable offences.

Cognizable offences are those where police can take immediate action. They are generally serious in nature (like murder, rape, theft, etc.).

Step 2: Police powers under CrPC.

In cognizable cases:

- Police can arrest a person without a warrant.
- Police can investigate the offence without prior permission from a Magistrate.

Step 3: Conclusion.

Therefore, the police have both the above powers, so option (c) is correct.

Quick Tip

Cognizable offences give wider powers to police—arrest without warrant and investigation without Magistrate's order.

62. During investigation a search can be conducted without warrant by:

- (a) Any police officer
- (b) By the investigating officer
- (c) Both (a) and (b)
- (d) Either (a) or (b)

Correct Answer: (b) By the investigating officer

Solution:

Step 1: Search during investigation.

According to CrPC provisions, only the officer who is in charge of the investigation has the legal authority to conduct searches without a warrant in specific circumstances.

Step 2: Limitation.

Not every police officer can randomly conduct searches without warrant. This power is specifically vested in the investigating officer responsible for the case.

Step 3: Conclusion.

Thus, the correct answer is (b).

Quick Tip

Only the investigating officer handling the case can conduct a search without warrant.

63. Committal proceedings under Section 209 of CrPC are in the nature of:

- (a) Aid in investigation
- (b) Inquiry
- (c) Trial
- (d) Either inquiry or trial

Correct Answer: (b) Inquiry

Solution:

Step 1: Understanding committal proceedings.

Section 209 CrPC deals with committal of cases to the Court of Session when it appears to be triable by the Sessions Court.

Step 2: Nature of proceedings.

Committal proceedings are not considered a trial. They are preliminary in nature and thus fall under the category of “inquiry” as defined in CrPC.

Step 3: Conclusion.

Therefore, the nature of committal proceedings under Section 209 is inquiry, not trial.

Quick Tip

Committal proceedings are an “inquiry” and not a “trial.”

64. Which is correct?

- (a) Proposal + Acceptance = Promise
- (b) Promise + Consideration = Agreement
- (c) Agreement + Enforceability = Contract
- (d) All of the above

Correct Answer: (d) All of the above

Solution:

Step 1: Contract formation basics.

According to the Indian Contract Act:

- Proposal and its acceptance create a promise.
- A promise with consideration becomes an agreement.
- An agreement enforceable by law is a contract.

Step 2: Application to options.

All the options correctly reflect the legal formulae leading to the formation of a contract.

Step 3: Conclusion.

Therefore, option (d) is correct.

Quick Tip

Remember the sequence: Proposal → Promise → Agreement → Contract.

65. Communication of acceptance is complete as against the proposer:

- (a) When it comes to the knowledge of the proposer
- (b) When it is put in course of transmission to him so as to be out of power of the acceptor
- (c) When the acceptance is communicated to the proposer
- (d) All of the above

Correct Answer: (b) When it is put in course of transmission to him so as to be out of power of the acceptor

Solution:**Step 1: Legal rule under Contract Act.**

Section 4 of the Indian Contract Act states that communication of acceptance is complete as against the proposer when it is put in the course of transmission (e.g., posting a letter, sending an email) so as to be out of the power of the acceptor.

Step 2: Against acceptor vs proposer.

- Against the proposer → when it is posted / transmitted.
- Against the acceptor → when it reaches the proposer.

Step 3: Conclusion.

Thus, the correct answer is (b).

Quick Tip

Against proposer → transmission; Against acceptor → receipt.

66. In cases of general offer, for a valid contract:

- (a) The acceptor need not have the knowledge of the offer
- (b) The acceptor must have the knowledge of the offer before acceptance by performance
- (c) The acceptor may acquire the knowledge of the offer after the performance of the condition for acceptance
- (d) Knowledge does not matter so long as the condition is performed with or without knowledge

Correct Answer: (b) The acceptor must have the knowledge of the offer before acceptance by performance

Solution:**Step 1: Understanding general offers.**

A general offer is made to the public at large, and anyone fulfilling the condition can accept it. However, knowledge of the offer is essential.

Step 2: Case law.

In the famous case of *Lalman Shukla v. Gauri Dutt*, it was held that acceptance without knowledge of the offer does not constitute a valid contract.

Step 3: Conclusion.

Thus, for a valid general offer contract, the acceptor must know of the offer before acceptance. Hence, option (b) is correct.

Quick Tip

For general offers, knowledge of the offer is mandatory before performance of its conditions.

67. Under the provision of the Transfer of Property Act, 1882, the unborn person acquires vested interest on transfer for his benefit:

- (a) Upon his birth
- (b) 7 days after his birth
- (c) 12 days after his birth
- (d) No such provision is made

Correct Answer: (a) Upon his birth

Solution:

Step 1: Relevant law.

Section 20 of the Transfer of Property Act states that when property is transferred for the benefit of an unborn person, he acquires vested interest upon birth.

Step 2: Explanation.

No waiting period like 7 or 12 days is mentioned in the law. The right is automatic upon birth.

Step 3: Conclusion.

Thus, the correct answer is (a).

Quick Tip

Under TPA, unborn beneficiaries acquire vested interest immediately upon birth.

68. Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable:

- (a) At the option of creditor so defeated or delayed
- (b) At the option of debtor
- (c) At the option of court
- (d) None of the above

Correct Answer: (a) At the option of creditor so defeated or delayed

Solution:

Step 1: Section 53 TPA.

The Transfer of Property Act, Section 53, deals with fraudulent transfers made with intent to defeat or delay creditors.

Step 2: Right of creditors.

Such transfers are voidable at the option of the creditor whose rights are defeated or delayed, not at the option of the debtor.

Step 3: Conclusion.

Therefore, option (a) is correct.

Quick Tip

Fraudulent transfers to defeat creditors are voidable at the option of the creditor.

69. Where co-judgment debtors are in the position of joint promisors, each is:

- (a) Not jointly and severally liable to the decree holder
- (b) Jointly and severally liable to the decree holder

- (c) Jointly liable to the decree holder only
- (d) Severally liable to the decree holder only

Correct Answer: (b) Jointly and severally liable to the decree holder

Solution:

Step 1: Nature of liability.

Under the Indian Contract Act, joint promisors are jointly and severally liable for performance. This principle extends to co-judgment debtors.

Step 2: Explanation.

The decree holder can recover the entire amount from any one of them, and it is then the responsibility of the debtors to adjust amongst themselves.

Step 3: Conclusion.

Hence, the correct option is (b).

Quick Tip

In case of joint liability, creditors can enforce full recovery against any one of the debtors.

70. At sight under Section 21 of the Negotiable Instruments Act, 1881 means:

- (a) On presentation
- (b) On demand
- (c) On coming into vision
- (d) None of the above

Correct Answer: (a) On presentation

Solution:

Step 1: Meaning of “at sight.”

Section 21 of the Negotiable Instruments Act defines “at sight” to mean “on presentation.”

Step 2: Practical application.

For bills of exchange and promissory notes payable at sight, payment must be made immediately upon presentation.

Step 3: Conclusion.

Thus, the correct answer is (a).

Quick Tip

“At sight” in negotiable instruments means payable immediately when presented.

71. Section 5 of the Limitation Act applies to:

- (a) Suits
- (b) Execution
- (c) Election petitions
- (d) None of the above

Correct Answer: (c) Election petitions

Solution:

Step 1: Scope of Section 5.

Section 5 of the Limitation Act, 1963 provides for extension of prescribed period in certain cases if “sufficient cause” is shown for delay.

Step 2: Non-applicability.

This provision does not apply to suits or execution proceedings, since limitation in those cases is strict.

Step 3: Applicability.

It is applicable to appeals, applications, and certain election petitions, provided sufficient cause is shown.

Step 4: Conclusion.

Therefore, the correct option is (c).

Quick Tip

Section 5 allows condonation of delay, but it does not apply to suits or execution proceedings.

72. Which of the following Companies will have to constitute Corporate Social Responsibility Committee under the Companies Act, 2013?

- (a) A company having a net profit of 2.5 crores in a financial year, a net worth of 300 crores and a turnover of rupees 800 crore
- (b) A company having a net profit of 3 crores in a financial year, a net worth of 300 crores and a turnover of rupees 600 crore
- (c) A company having a net profit of 5 crores or more, a net worth of 500 crores and a turnover of rupees 1000 crore or more
- (d) A company having a net profit of 5 crores or more, a net worth of 500 crores and a turnover of rupees 5000 crore or more

Correct Answer: (c) A company having a net profit of 5 crores or more, a net worth of 500 crores and a turnover of rupees 1000 crore or more

Solution:

Step 1: CSR provisions.

Section 135 of the Companies Act, 2013 mandates CSR for certain companies based on financial criteria.

Step 2: Criteria.

A company must constitute a CSR Committee if it has: - Net worth of 500 crore or more, OR - Turnover of 1000 crore or more, OR - Net profit of 5 crore or more during any financial year.

Step 3: Application.

Option (c) satisfies the above criteria exactly.

Step 4: Conclusion.

Hence, the correct answer is (c).

Quick Tip

CSR under Companies Act applies if net worth 500 cr OR turnover 1000 cr OR net profit 5 cr.

73. A disqualified person/heir:

- (a) Transmits an interest to his or her own heir
- (b) Transmits no interest to his or her own heir
- (c) May or may not transmit an interest to his or her own heir as per the discretion of the court
- (d) May only transmit an interest to his or her own heir with the consent of the other heirs

Correct Answer: (b) Transmits no interest to his or her own heir

Solution:

Step 1: Doctrine of disqualification.

Under succession laws, if a person is disqualified from inheriting property (e.g., due to murder or civil disability), then such person is treated as non-existent for inheritance purposes.

Step 2: Effect on heirs of disqualified person.

The heirs of a disqualified person cannot claim inheritance through that person because the disqualified person transmits no interest.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

A disqualified heir is treated as civilly dead for inheritance purposes.

74. In cases in which a specific act confers a discretionary power on an authority:

- (a) The court can direct the manner in which the power is exercised

- (b) The court can direct that the power be exercised in accordance with law
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Correct Answer: (b) The court can direct that the power be exercised in accordance with law

Solution:

Step 1: Nature of discretionary power.

When a statute grants discretionary power to an authority, the courts generally do not interfere with the manner of its exercise.

Step 2: Judicial review.

However, courts can ensure that the power is exercised fairly, reasonably, and in accordance with the law. The court cannot substitute its own discretion but can check legality.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

Courts cannot dictate how discretion is used but can ensure that it is exercised legally and not arbitrarily.

75. The Bar Council of India Rule which stipulated that persons aged 45 years and above could not be enrolled as advocates was struck down by the Supreme Court in:

- (a) In E.S. Reddi v. Bar Council of India
- (b) Indian Council of Legal Aid and Advice v. Bar Council of India
- (c) P. Shanmugam v. Bar Council of India
- (d) Legal Committee v. Bar Council of India

Correct Answer: (b) Indian Council of Legal Aid and Advice v. Bar Council of India

Solution:

Step 1: Background.

The Bar Council of India framed a rule restricting persons above 45 years of age from being enrolled as advocates.

Step 2: Judicial ruling.

The Supreme Court in *Indian Council of Legal Aid and Advice v. Bar Council of India* held this rule unconstitutional as it violated Article 14 of the Constitution (right to equality).

Step 3: Conclusion.

Thus, the correct case is option (b).

Quick Tip

Age-based restrictions on enrollment as advocates were struck down as unconstitutional.

76. Which is an incorrect statement?

- (a) An arbitral award is a contract
- (b) An arbitral award must be in writing and signed
- (c) An arbitral award includes an interim award
- (d) None of the above

Correct Answer: (a) An arbitral award is a contract

Solution:**Step 1: Nature of arbitral award.**

An arbitral award is a decision of the arbitral tribunal, and it has the same effect as a court decree. It is not a contract.

Step 2: Valid requirements.

- It must be in writing and signed.
- It may include an interim award.

Step 3: Conclusion.

Thus, statement (a) is incorrect, making it the right answer.

Quick Tip

An arbitral award is not a contract; it is a binding decision enforceable like a court decree.

77. Which of the following statements hold true for adjudicatory bodies?

- (a) Doctrine of Stare Decisis applies to them
- (b) Doctrine of Res judicata does not apply to them
- (c) Inherent lack of jurisdiction in a tribunal cannot be cured or created by the act of the parties
- (d) None of the above

Correct Answer: (c) Inherent lack of jurisdiction in a tribunal cannot be cured or created by the act of the parties

Solution:

Step 1: Understanding jurisdiction.

If a tribunal inherently lacks jurisdiction, the consent or actions of the parties cannot confer it.

Step 2: Analysis of other options.

- (a) Doctrine of stare decisis applies mainly to courts, not all adjudicatory bodies.
- (b) Doctrine of res judicata does apply to tribunals.

Step 3: Conclusion.

Thus, option (c) is correct.

Quick Tip

Jurisdiction cannot be conferred on a tribunal by consent of parties—it must come from law.

78. The Supreme Court held in *V.C. Rangadurai v. D. Gopalan* that an advocate who has been disbarred or suspended must prove after a reasonable length of time that:

- (a) He appreciates the insignificance of his dereliction
- (b) He has lived a consistent life of poverty and integrity
- (c) He possesses good character necessary to guarantee uprightness and honour in his professional dealings
- (d) The burden is on the applicant to establish entitlement to resume the privilege of practice without restrictions

Correct Answer: (d) The burden is on the applicant to establish that he is entitled to resume the privilege of practicing law without restrictions

Solution:

Step 1: Case background.

In *V.C. Rangadurai v. D. Gopalan*, the Supreme Court dealt with reinstatement of an advocate who had been suspended/disbarred.

Step 2: Rule laid down.

The Court held that the advocate bears the burden of proving that he has reformed and is entitled to resume practice without restrictions.

Step 3: Conclusion.

Thus, option (d) correctly reflects the Supreme Court's view.

Quick Tip

Suspended/disbarred advocates must prove reformation before resuming practice.

79. The present Arbitration and Conciliation Act of 1996 is based on:

- (a) Constitution of India
- (b) Supreme Court of India guidelines
- (c) European Commercial Arbitration Procedure
- (d) UNCITRAL

Correct Answer: (d) UNCITRAL

Solution:

Step 1: Background.

The Arbitration and Conciliation Act, 1996 was enacted to consolidate and amend the law relating to domestic arbitration, international commercial arbitration, and enforcement of foreign awards.

Step 2: Source.

It is based on the UNCITRAL (United Nations Commission on International Trade Law) Model Law on International Commercial Arbitration, 1985.

Step 3: Conclusion.

Thus, the correct answer is (d).

Quick Tip

The 1996 Act aligns Indian arbitration law with global UNCITRAL standards.

80. Who among the following is authorized to issue regulations regarding shelf prospectus?

- (a) SEBI
- (b) Central Government
- (c) Company Law Board
- (d) National Company Law Tribunal

Correct Answer: (a) SEBI

Solution:

Step 1: Shelf prospectus meaning.

A shelf prospectus allows a company to issue securities in one or more tranches without filing a fresh prospectus each time.

Step 2: Authority.

The Securities and Exchange Board of India (SEBI) is empowered to regulate matters relating to shelf prospectus.

Step 3: Conclusion.

Therefore, option (a) SEBI is correct.

Quick Tip

Shelf prospectus rules are framed and regulated by SEBI under the Companies Act.

81. Which of the following is not included in the definition of cattle as given under the Indian Forest Act, 1927?

- (a) Rams
- (b) Kids
- (c) Kitten
- (d) None of these

Correct Answer: (c) Kitten

Solution:

Step 1: Definition of cattle.

Section 2 of the Indian Forest Act, 1927 defines cattle to include elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids.

Step 2: Exclusion.

Cats or kittens are not part of this definition.

Step 3: Conclusion.

Thus, the correct answer is (c) Kitten.

Quick Tip

The definition of “cattle” under the Indian Forest Act is broader than common usage but excludes cats.

82. The provisions of the Arbitration and Conciliation Act of 1996 have to be interpreted being uninfluenced by the principles underlying the 1940 Act. This observation was laid down in:

- (a) M.M.T.C. Ltd. vs. Sterlite Industries (India) Ltd.
- (b) Sunderam Finance Ltd. v. V.N.E.P.C. Ltd.
- (c) Olympus Superstructures Pvt. Ltd. v. Meera Vijay
- (d) Orma Impex Pvt. Ltd. v. Nissari Pvt. Ltd.

Correct Answer: (c) Olympus Superstructures Pvt. Ltd. v. Meera Vijay

Solution:

Step 1: Legislative intent.

The Arbitration and Conciliation Act, 1996 was enacted to modernize arbitration law and align it with UNCITRAL principles.

Step 2: Case ruling.

In *Olympus Superstructures Pvt. Ltd. v. Meera Vijay*, the Supreme Court clarified that the 1996 Act must be interpreted independently, without being influenced by the repealed 1940 Act.

Step 3: Conclusion.

Therefore, option (c) is correct.

Quick Tip

Courts must interpret the 1996 Act independently of the outdated 1940 Act.

83. Which of the following services cannot be provided to the Company by an auditor appointed under the provisions of the Companies Act, 2013?

- (a) Internal Audit
- (b) Actuarial Services
- (c) Managerial Services

(d) All of these

Correct Answer: (d) All of these

Solution:

Step 1: Independence of auditors.

The Companies Act, 2013 emphasizes auditor independence and prohibits auditors from rendering certain services that create a conflict of interest.

Step 2: Prohibited services.

Auditors cannot provide internal audit, actuarial services, managerial services, and other prescribed non-audit services.

Step 3: Conclusion.

Thus, option (d) All of these is correct.

Quick Tip

Auditors must remain independent—hence prohibited from managerial or consultancy roles in the same company.

84. Under the Wild Life (Protection) Act, 1972, any person who teases an animal in a zoo may be punished:

- (a) With fine which may extend to 5000
- (b) With imprisonment which may extend up to 1 year
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

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

Solution:

Step 1: Relevant provision.

Section 38J of the Wild Life (Protection) Act, 1972 makes teasing, molesting, or causing disturbance to animals in a zoo an offence.

Step 2: Punishment.

The punishment includes imprisonment up to 6 months or fine up to 500, or both. Later amendments increased the fine to 5000 and imprisonment up to 1 year.

Step 3: Conclusion.

Thus, the correct answer is (c) Both (a) and (b).

Quick Tip

Wildlife laws ensure strict penalties for teasing or harming zoo animals.

85. The entry on forests and protection of wild animals and birds was moved from ----- to the ----- by the 42nd Amendment to the Constitution of India:

- (a) Centre list to State list
- (b) Centre list to Concurrent list
- (c) State list to Concurrent list
- (d) State list to Union list

Correct Answer: (c) State list to Concurrent list

Solution:**Step 1: Background.**

Originally, forests and protection of wild animals and birds were in the State List of the Seventh Schedule.

Step 2: Constitutional change.

The 42nd Constitutional Amendment, 1976 shifted these subjects to the Concurrent List.

Step 3: Importance.

This allowed both the Centre and States to legislate on the matter, ensuring uniformity in conservation laws.

Step 4: Conclusion.

Hence, option (c) is correct.

Quick Tip

The 42nd Amendment strengthened environmental protection by moving forests to the Concurrent List.

86. Droit des Gens (Law of Nations) 1758 was written by:

- (a) Cornelius van Bynkershoek
- (b) Emerich de Vattel
- (c) Richard Zouch
- (d) Jean Bodin

Correct Answer: (b) Emerich de Vattel

Solution:

Step 1: Historical background.

The book “Droit des Gens” (The Law of Nations) was published in 1758. It is one of the most influential works on international law.

Step 2: Author.

It was written by Emerich de Vattel, a Swiss jurist. His work shaped modern concepts of state sovereignty and diplomacy.

Step 3: Conclusion.

Thus, the correct answer is (b).

Quick Tip

Emerich de Vattel’s “Law of Nations” is considered a cornerstone of modern international law.

87. To establish Section 34:

- (a) Common intention must be proved but not overt act is required to be proved

- (b) Common intention and overt act both are required to be proved
- (c) Common intention need not be proved but only overt act is required to be proved
- (d) All of the above

Correct Answer: (a) Common intention must be proved but not overt act is required to be proved

Solution:

Step 1: Meaning of Section 34 IPC.

Section 34 deals with acts done by several persons in furtherance of common intention.

Step 2: Requirement.

To establish liability under Section 34, it is necessary to prove that there was a common intention among the accused, but it is not necessary to prove the specific overt act of each individual.

Step 3: Conclusion.

Thus, option (a) is correct.

Quick Tip

Section 34 IPC requires proof of common intention, not proof of overt act by each accused.

88. Under the provisions of the Industrial Disputes Act, 1947, the appropriate government may by order in writing:

- (a) Refer the dispute to a Board for promoting a settlement of the dispute
- (b) Refer any matter appearing to be relevant to the dispute to a court for inquiry
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

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

Solution:

Step 1: Relevant law.

Section 10 of the Industrial Disputes Act, 1947 empowers the appropriate government to refer disputes for settlement.

Step 2: Options available.

- The government may refer the dispute to a Board of Conciliation.
- The government may also refer the matter to a Labour Court or Tribunal for inquiry.

Step 3: Conclusion.

Thus, option (c) is correct.

Quick Tip

Industrial disputes can be referred by government to either conciliation boards or adjudicating bodies.

89. Which of the following statement is true for loss of confidence by management in the workman?

- (a) Even when dismissal or discharge is held to be wrongful, the court may not order reinstatement if the employer is able to establish that the workman held a position of trust and there was loss of confidence.
- (b) Loss of confidence may also be a ground for discharge simpliciter of the workman
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

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

Solution:**Step 1: Understanding “loss of confidence.”**

In service law, particularly in cases involving employees in positions of trust, loss of confidence is a valid ground for termination.

Step 2: Case law.

Courts have held that even if dismissal is wrongful, reinstatement may be denied if loss of confidence is proved. Similarly, discharge simpliciter can also be justified on this ground.

Step 3: Conclusion.

Thus, both statements (a) and (b) are correct, making option (c) the right answer.

Quick Tip

Loss of confidence is a recognized ground in employment law for discharge or denial of reinstatement.

90. Under the provisions of the Consumer Protection Act, 1986, the period of limitation for filing complaint before the National Commission is:

- (a) 1 year from the date on which cause of action has arisen
- (b) 2 years from the date on which cause of action has arisen
- (c) 3 years from the date on which cause of action has arisen
- (d) 4 years from the date on which cause of action has arisen

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

Solution:

Step 1: Relevant law.

Section 24A of the Consumer Protection Act, 1986 prescribes limitation for filing complaints.

Step 2: Time period.

A complaint must be filed within 2 years from the date on which the cause of action arises. Delay may be condoned if sufficient cause is shown.

Step 3: Conclusion.

Thus, the correct answer is option (b).

Quick Tip

Consumer complaints must be filed within 2 years, though delay may be condoned with valid justification.

91. Grievous hurt under the Motor Vehicles Act, 1988 means:

- (a) Grievous hurt as defined in IPC
- (b) Grievous hurt as defined in medical laws
- (c) Grievous hurt as detected by medical practitioner
- (d) None of the above

Correct Answer: (a) Grievous hurt as defined in IPC

Solution:

Step 1: Reference in MV Act.

The Motor Vehicles Act refers to the Indian Penal Code for the definition of grievous hurt.

Step 2: IPC definition.

Section 320 IPC defines grievous hurt, which includes emasculation, permanent loss of sight, hearing, fracture, or disfigurement, etc.

Step 3: Conclusion.

Thus, the correct answer is (a).

Quick Tip

Grievous hurt under the Motor Vehicles Act takes its definition directly from Section 320 IPC.

92. A retracted confession:

- (a) Can be solely made the basis of conviction
- (b) Cannot be solely made the basis of conviction
- (c) Cannot be solely made the basis of conviction unless the same is corroborated
- (d) Both (a) and (c) are correct

Correct Answer: (c) Cannot be solely made the basis of conviction unless the same is corroborated

Solution:

Step 1: Meaning of retracted confession.

A retracted confession is one where the accused admits guilt but later withdraws or denies it.

Step 2: Rule of law.

The general rule is that a retracted confession requires corroboration to be relied upon.

Courts are cautious in convicting solely on such evidence.

Step 3: Conclusion.

Thus, a retracted confession cannot be the sole basis of conviction unless corroborated, making option (c) correct.

Quick Tip

Retracted confessions need corroboration to avoid wrongful conviction.

93. A confession to be inadmissible under Section 25 of the Evidence Act:

- (a) Must relate to the same crime for which offender is charged
- (b) May relate to the same crime for which offender is charged
- (c) Must relate to another crime
- (d) None of the above

Correct Answer: (d) None of the above

Solution:

Step 1: Section 25 rule.

Section 25 of the Evidence Act states that a confession made to a police officer shall not be proved as against a person accused of any offence.

Step 2: Scope.

This bar applies regardless of whether the confession relates to the same crime or another crime. Hence, options (a), (b), and (c) do not capture the correct principle.

Step 3: Conclusion.

Therefore, the correct answer is (d).

Quick Tip

Confessions to police officers are inadmissible under Section 25, irrespective of the crime.

94. An unjustified and unexplained long delay on the part of the investigating officer in recording the statement of a material witness would render the evidence of such witness:

- (a) Unreliable
- (b) Inadmissible
- (c) Inadmissible and unreliable
- (d) None of the above

Correct Answer: (a) Unreliable

Solution:

Step 1: Effect of delay.

If there is undue delay in recording the statement of a witness, courts consider such testimony with caution.

Step 2: Legal position.

It does not become inadmissible but may be treated as unreliable unless corroborated by other evidence.

Step 3: Conclusion.

Thus, the evidence is unreliable, making option (a) correct.

Quick Tip

Delay in recording statements affects reliability, not admissibility.

95. Recording of pre-summoning evidence may be dispensed with under Section 200 of CrPC:

- (a) If the complaint is supported by the affidavit of the complainant
- (b) If the complaint is made in writing by a public servant in the discharge of his official duties
- (c) Both (a) and (b) are correct
- (d) Only (a) is correct but (b) is incorrect

Correct Answer: (c) Both (a) and (b) are correct

Solution:

Step 1: Section 200 CrPC.

Section 200 generally requires examination of the complainant and witnesses.

Step 2: Exceptions.

- If the complaint is by a public servant in discharge of official duty, pre-summoning evidence may be dispensed with.
- If the complaint is supported by an affidavit, the same rule applies.

Step 3: Conclusion.

Thus, both (a) and (b) are correct.

Quick Tip

Section 200 CrPC allows exemption from pre-summoning evidence in specific cases like public servant complaints.

96. Contract without consideration made in writing and registered and made on account of natural love and affection is:

- (a) Void
- (b) Reasonable
- (c) Valid
- (d) Unenforceable

Correct Answer: (c) Valid

Solution:

Step 1: General rule under the Contract Act.

As per Section 25 of the Indian Contract Act, 1872, an agreement without consideration is void. Consideration is the essential element that makes a promise enforceable.

Step 2: Exception under Section 25(1).

However, Section 25(1) provides an exception: An agreement made without consideration is valid if: - It is in writing,

- It is registered under the law, and

- It is made on account of natural love and affection between parties standing in near relation to each other.

Step 3: Application.

Therefore, when these conditions are met, the agreement is enforceable even though no consideration is present.

Step 4: Conclusion.

Thus, such a contract is valid, making option (c) the correct answer.

Quick Tip

Though consideration is generally necessary, a registered written contract based on natural love and affection between close relatives is valid even without consideration.

97. Under the Transfer of Property Act, 1882:

- (a) The salary of a public officer can be transferred
- (b) The salary of a public officer cannot be transferred
- (c) Public office can be transferred
- (d) None of the above

Correct Answer: (b) The salary of a public officer cannot be transferred

Solution:

Step 1: Section 6 of TPA.

The Transfer of Property Act, 1882 under Section 6 prohibits the transfer of certain properties.

Step 2: Prohibition.

It specifically provides that the salary of a public officer, whether before or after it has become payable, cannot be transferred.

Step 3: Conclusion.

Thus, option (b) is correct.

Quick Tip

Under Section 6 TPA, certain properties like public office, salary of a public officer, and chance of succession cannot be transferred.

98. Where a debt is transferred for the purpose of securing an existing or future debt, the debt so transferred, if received by the transferor or recovered by the transferee, is applicable first in payment of cost of such recovery. This is the provision of:

- (a) Mortgaged debt
- (b) Gift
- (c) Actionable claim
- (d) Lease

Correct Answer: (c) Actionable claim

Solution:

Step 1: Meaning of actionable claim.

Actionable claim refers to a claim to any debt, other than a debt secured by mortgage, hypothecation or pledge of movable property.

Step 2: Application.

When a debt is transferred to secure repayment, any recovery is first applied towards costs of recovery, then to the debt. This is a principle of transfer of actionable claims.

Step 3: Conclusion.

Thus, the correct option is (c) actionable claim.

Quick Tip

Actionable claims include unsecured debts and claims to beneficial interest in movable property not in possession.

99. A suit under Section 6 of the Specific Relief Act can be brought by:

- (a) Trespasser
- (b) A tenant holding over
- (c) Servant
- (d) Manager

Correct Answer: (b) A tenant holding over

Solution:

Step 1: Section 6 rule.

Section 6 of the Specific Relief Act provides that no person shall be dispossessed of immovable property except in accordance with law.

Step 2: Who can sue.

A tenant holding over (a tenant continuing possession after expiry of lease) can bring a suit to protect possession even against the landlord, until evicted by due process of law.

Step 3: Exclusion.

Trespassers, servants, or managers cannot sue under this section.

Step 4: Conclusion.

Hence, option (b) is correct.

Quick Tip

Section 6 protects possession rights—even unlawful possession cannot be disturbed except by due process.

100. Injunction cannot be granted in a suit:

- (a) In which the specific performance cannot be enforced
- (b) For breach of negative contract to enforce specific contract
- (c) For declaration where the plaintiff is in possession
- (d) Neither (a), nor (b), nor (c)

Correct Answer: (a) In which the specific performance cannot be enforced

Solution:

Step 1: Injunction basics.

An injunction is an equitable remedy granted to prevent breach of obligation. It is generally tied to enforceability of specific performance.

Step 2: Limitation.

If a contract cannot be specifically enforced under the Specific Relief Act, then an injunction also cannot be granted in respect of it.

Step 3: Conclusion.

Therefore, option (a) is correct.

Quick Tip

Injunction is an equitable remedy; it cannot be granted where specific performance is not legally enforceable.