

NYAYA PATHSHALA ACADEMY · CLAT PG TEST SERIES

CLAT PG Mock 02

Level 1 · Easy

120

Questions

24

Passages

120

Minutes

-0.25

Per wrong answer

Instructions

1. The paper has 120 multiple-choice questions based on 24 passages, five questions per passage.
2. Time allowed: 2 hours. Each correct answer earns 1 mark; each wrong answer loses 0.25 marks. Unanswered questions get no marks.
3. Read each passage carefully; some questions test the passage, others test related legal knowledge.
4. Attempt the full paper before opening the answer key and explanations at the end.
5. Take this paper online with a timer, instant score and subject-wise analysis: scan the QR code on any page.

Subjects in this paper

Constitutional Law	40 Qs	Property Law	5 Qs
Jurisprudence	10 Qs	Company Law	5 Qs
Administrative Law	5 Qs	Public International Law & Human Rights	5 Qs
Law of Contract	10 Qs	Environmental Law	5 Qs
Law of Torts	5 Qs	Intellectual Property	5 Qs
Criminal Law	10 Qs	Other	10 Qs
Family Law	5 Qs		

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PASSAGE 1 · CONSTITUTIONAL LAW

Filling the Silence: Workplace Harassment and International Law

In 1992, Bhanwari Devi, a grassroots worker employed under a State-run women's development programme in Rajasthan, tried to stop a child marriage in her village. In retaliation she was gang-raped by men of the family concerned. The criminal process that followed left many questions unanswered, but the incident also exposed a wider problem: women who worked, whether in government offices or in fields, had no specific legal protection against sexual harassment connected with their work. A group of social activists and non-governmental organisations, under the name Vishaka, approached the Supreme Court through a writ petition in public interest.

The difficulty before the Court was that there was no statute on the subject. The Court, speaking through Chief Justice J.S. Verma, held that each incident of sexual harassment at the workplace violates the fundamental rights of gender equality under Articles 14 and 15, the right to life and dignity under Article 21, and the right to practise any profession, occupation, trade or business under Article 19(1)(g), which includes the right to a safe environment free from harassment.

To give content to these rights, the Court turned to international law. India had signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Court reasoned that, in the absence of domestic law occupying the field, any international convention not inconsistent with the fundamental rights and in harmony with their spirit must be read into those provisions to enlarge their meaning. It drew support from Article 51(c), which asks the State to foster respect for international law and treaty obligations, and from Article 253, which empowers Parliament to legislate for implementing treaties.

The Court then laid down detailed guidelines and norms. Employers, public and private, were placed under a duty to prevent sexual harassment and to provide a mechanism for redress. Sexual harassment was defined to include unwelcome physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography and other unwelcome conduct of a sexual nature. A complaints committee, headed by a woman, with at least half its members women and including a third-party member from an NGO, was to be set up. These guidelines, framed in exercise of the power under Article 32, were declared to be law under Article 141, binding until suitable legislation was enacted.

That legislation arrived sixteen years later as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Vishaka remains the leading example of the Court using its constitutional power to fill a legislative vacuum.

Based on Vishaka v. State of Rajasthan (1997)

1. According to the passage, what was the legal status of the guidelines framed by the Supreme Court in Vishaka?

- (A) They were law declared under Article 141, binding until suitable legislation was enacted
- (B) They were advisory recommendations addressed to Parliament with no binding force
- (C) They were rules framed by the Central Government under Article 73 at the Court's request
- (D) They were binding only on government employers and not on private employers



2. Which of the following fundamental rights was NOT relied upon by the Court in Vishaka, as described in the passage?
 - (A) Article 19(1)(g), the right to practise any profession or carry on any occupation
 - (B) Article 20, protection in respect of conviction for offences
 - (C) Article 21, the right to life with dignity
 - (D) Article 15, the prohibition of discrimination on grounds including sex
3. A State has no law regulating discrimination against women in sports bodies. An international convention ratified by India prohibits such discrimination and is consistent with Part III. Applying the Vishaka approach, a court would most likely:
 - (A) refuse to consider the convention, since treaties have no effect without an enabling statute
 - (B) read the convention's standards into the relevant fundamental rights to enlarge their meaning
 - (C) treat the convention as overriding Part III wherever the two differ
 - (D) direct the President to legislate on the subject by ordinance
4. The guidelines laid down in Vishaka were later replaced by which statute?
 - (A) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 - (B) The Protection of Women from Domestic Violence Act, 2005
 - (C) The Criminal Law (Amendment) Act, 2013
 - (D) The Indecent Representation of Women (Prohibition) Act, 1986
5. Consider the following statements. I. Under the Vishaka guidelines, the complaints committee was to be headed by a woman and to include a third-party member from an NGO. II. Article 51(c) of the Constitution directs the State to endeavour to foster respect for international law and treaty obligations. Which of the statements is/are correct?
 - (A) Only I
 - (B) Only II
 - (C) Both I and II
 - (D) Neither I nor II

PASSAGE 2 · CONSTITUTIONAL LAW

Vagueness, Speech and the Internet

In November 2012, two young women in Palghar, Maharashtra were arrested after one posted a comment on Facebook questioning the shutdown of Mumbai following the death of a political leader, and the other 'liked' it. The arrests were made under Section 66A of the Information Technology Act, 2000, which punished sending, through a computer resource or communication device, information that was grossly offensive or had menacing character, or information known to be false sent for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will. Public outrage led to several writ petitions, with law student Shreya Singhal as the lead petitioner.

A Division Bench of Justices J. Chelameswar and R.F. Nariman struck down Section 66A in its entirety as violating Article 19(1)(a) and not being saved by Article 19(2). Justice Nariman distinguished three concepts: discussion, advocacy and incitement. Discussion and even advocacy of a particular cause, however



unpopular, lie at the heart of free speech. Only when such speech reaches the level of incitement does Article 19(2) come into play. Section 66A did not draw this distinction; it caught all three.

The Court further held that the expressions used in Section 66A were open-ended and undefined. What is 'grossly offensive' or causes 'annoyance' to one person may not do so to another. A penal provision so vague fails to give fair notice to citizens and leaves too much discretion to the police. Because of this vagueness, the provision had a chilling effect: people would refrain from lawful speech out of fear of prosecution. Nor could the provision be saved by reading it down, since the vice ran through the entire section, and annoyance or inconvenience is not a ground mentioned in Article 19(2).

The judgment did not, however, strike down everything that was challenged. Section 69A, which allows the Government to block public access to online information, was upheld because it is narrowly drawn, requires reasons to be recorded in writing, and is accompanied by procedural safeguards under the blocking rules. Section 79, which grants safe harbour to intermediaries, was read down. An intermediary would lose protection only upon receiving 'actual knowledge', which the Court interpreted to mean knowledge through a court order or a notification by the appropriate Government that unlawful content must be removed. Intermediaries were not to be made judges of the legality of millions of requests.

The Court also struck down Section 118(d) of the Kerala Police Act on similar grounds. Shreya Singhal is today regarded as a leading Indian authority on vagueness and overbreadth in speech regulation.

Based on *Shreya Singhal v. Union of India* (2015)

6. According to the passage, which of the following provisions was upheld by the Court in *Shreya Singhal*?

- (A) Section 66A of the IT Act, after being read down
- (B) Section 118(d) of the Kerala Police Act
- (C) Section 79 of the IT Act, in exactly the form it was enacted
- (D) Section 69A of the IT Act, permitting blocking of online information

7. A blogger writes a long post arguing that a particular law is unjust and urging readers to campaign peacefully for its repeal. Using the distinction drawn in the passage, the post is best described as:

- (A) incitement, which may be restricted on the ground of public order
- (B) advocacy, which is protected and does not attract Article 19(2)
- (C) discussion that turns into incitement once it is shared widely
- (D) speech outside Article 19(1)(a) because it criticises a law

8. As explained in the passage, an intermediary loses the protection of Section 79 on receiving 'actual knowledge'. This was read to mean:

- (A) knowledge through a court order or a notification by the appropriate Government
- (B) a complaint from any private person that the content is unlawful
- (C) the intermediary's own judgement that the content is offensive
- (D) a request from the police officer investigating the matter



9. **Assertion (A):** Section 66A of the IT Act was held to have a chilling effect on free speech. **Reason (R):** The expressions used in Section 66A were vague and undefined, so citizens would hold back lawful speech for fear of prosecution.
- (A) Both A and R are true, and R is the correct explanation of A
(B) Both A and R are true, but R is not the correct explanation of A
(C) A is true, but R is false
(D) A is false, but R is true
10. Which of the following is NOT a ground on which reasonable restrictions may be imposed under Article 19(2) of the Constitution?
- (A) Public order
(B) Causing annoyance or inconvenience to others
(C) Defamation
(D) Friendly relations with foreign States

PASSAGE 3 · CONSTITUTIONAL LAW

Beyond the Binary: Recognising the Third Gender

The National Legal Services Authority, a statutory body constituted under the Legal Services Authorities Act, 1987, filed a writ petition seeking legal recognition for persons who fall outside the male and female binary. Hijras, eunuchs and other transgender communities had long faced exclusion from education, employment, healthcare and public life, and official documents simply did not recognise their identity.

A Division Bench comprising Justices K.S. Radhakrishnan and A.K. Sikri delivered separate but concurring opinions. The Court distinguished between biological sex and gender identity. Gender identity, it said, refers to a person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth. It is integral to personality and one of the most basic aspects of self-determination, dignity and freedom.

The Court located the rights of transgender persons in several provisions. Article 14 speaks of equality before the law and equal protection of the laws to 'any person', a term not confined to men and women. The word 'sex' in Articles 15 and 16, which prohibit discrimination, was held to include gender identity, so discrimination on that ground is forbidden. Article 19(1)(a) protects the expression of one's gender identity through dress, words, action or behaviour. Article 21, which protects dignity and personal autonomy, includes the right to choose one's gender. The Court drew upon international materials, including the Yogyakarta Principles, holding that they could be relied on where they were not inconsistent with fundamental rights.

On this foundation, the Court declared that hijras and eunuchs, apart from the binary genders, be treated as the 'third gender' for the purpose of safeguarding their rights. It upheld the right of every person to decide their self-identified gender, whether male, female or third gender. Insisting on sex reassignment surgery as a condition for legal recognition of gender was declared immoral and illegal; the test was psychological, not biological.

The Court also issued directions to the Centre and the States. They were to take steps to treat transgender persons as socially and educationally backward classes of citizens and extend reservation in educational admissions and public appointments; to operate separate HIV sero-surveillance centres; to address problems such as fear, shame and social pressure; to provide proper medical care and separate public toilets; and to frame social welfare schemes for their betterment.



Parliament subsequently enacted the Transgender Persons (Protection of Rights) Act, 2019. The judgment is remembered for placing self-determination at the centre of gender recognition.

Based on National Legal Services Authority v. Union of India (2014)

- 11. According to the passage, which provision did the Court hold protects the expression of one's gender identity through dress, words, action or behaviour?**
 - (A) Article 16(4)
 - (B) Article 25
 - (C) Article 19(1)(a)
 - (D) Article 17
- 12. A State government issues a rule that a person can be recorded as 'female' in official documents only after producing a certificate of sex reassignment surgery. In light of the passage, the rule is:**
 - (A) valid, because NALSA left the method of recognition entirely to the States
 - (B) contrary to NALSA, which held that requiring surgery for gender recognition is illegal and that the test is psychological
 - (C) valid, because gender identity under NALSA depends on biological characteristics
 - (D) contrary to NALSA only because the rule should have been made by Parliament
- 13. Which of the following directions issued by the Court is mentioned in the passage?**
 - (A) Reading down Section 377 of the IPC to exclude consensual acts between adults
 - (B) Creating a separate electoral roll for transgender voters
 - (C) Treating transgender persons as socially and educationally backward classes for reservation in admissions and public appointments
 - (D) Setting up a National Commission for Transgender Persons with constitutional status
- 14. Following NALSA, Parliament enacted which of the following statutes?**
 - (A) The Rights of Persons with Disabilities Act, 2016
 - (B) The Protection of Human Rights Act, 1993
 - (C) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
 - (D) The Transgender Persons (Protection of Rights) Act, 2019
- 15. Consider the following statements. I. In NALSA, the word 'sex' in Articles 15 and 16 was held to include gender identity. II. In Navtej Singh Johar v. Union of India (2018), the Supreme Court decriminalised consensual sexual acts between adults of the same sex by reading down Section 377 IPC. Which of the statements is/are correct?**
 - (A) Only I
 - (B) Only II
 - (C) Both I and II
 - (D) Neither I nor II



An Amendment to Save One Election

On 12 June 1975, the Allahabad High Court set aside the election of Prime Minister Indira Gandhi to the Lok Sabha from Rae Bareilly. Raj Narain, her defeated rival, had alleged corrupt practices under the Representation of the People Act, 1951. The High Court found two charges proved, including the use of the services of a gazetted government officer to further her election prospects, and disqualified her for six years. She appealed to the Supreme Court.

While the appeal was pending, a national Emergency was proclaimed and Parliament passed the Constitution (Thirty-ninth Amendment) Act, 1975. It inserted Article 329A, which removed disputes relating to the election of the Prime Minister and the Speaker from the ordinary election law. Clause (4) of that Article went further. It declared that no law made by Parliament before the amendment on election petitions would apply to such an election, that the election would not be deemed void on any ground on which it could be declared void under those laws, and that any judgment of a court, including the Allahabad High Court decision, would be void and of no effect. Parliament also amended the election law itself, with retrospective effect.

A Constitution Bench of five judges unanimously struck down clause (4) of Article 329A. Applying the basic structure doctrine evolved in *Kesavananda Bharati v. State of Kerala* (1973), the judges identified, in different words, features that the clause destroyed. Democracy, of which free and fair elections are an essential component, was one. The rule of law and equality were others. Judicial review was another: the amending body had, in effect, decided an election dispute itself, without applying any law and without hearing, and declared the outcome valid. Such an exercise, some judges observed, was not an exercise of constituent power at all but a judicial or quasi-judicial function performed by the legislature.

The decision is significant because it was the first occasion on which the basic structure doctrine was used to invalidate a constitutional amendment. At the same time, the outcome for the appellant was favourable. Judging the appeal under the retrospectively amended election law, which the Court upheld because ordinary laws are not tested against the basic structure, the Court allowed the appeal and upheld her election.

Article 329A itself was later omitted by the Constitution (Forty-fourth Amendment) Act, 1978. The case continues to be cited for the proposition that a constituent body cannot validate a particular election by simply directing that the law does not apply to it.

Based on *Indira Nehru Gandhi v. Raj Narain* (1975)

16. According to the passage, what did the Supreme Court do with the Thirty-ninth Amendment?

- (A) Struck down the entire Thirty-ninth Amendment as unconstitutional
- (B) Upheld clause (4) of Article 329A but set aside the election on merits
- (C) Declined to examine the amendment because of the Emergency
- (D) Struck down clause (4) of Article 329A as violating the basic structure

17. Which of the following was NOT among the features that, according to the passage, clause (4) of Article 329A was found to destroy?

- (A) Free and fair elections as part of democracy
- (B) Federalism and the distribution of legislative powers between the Union and the States
- (C) Judicial review
- (D) The rule of law



- 18. What was the final result of the election appeal, as described in the passage?**
- (A) The appeal was dismissed and the six-year disqualification was confirmed
 - (B) The appeal was allowed and the election was upheld under the retrospectively amended election law
 - (C) The case was sent back to the Allahabad High Court for a fresh trial
 - (D) The election was set aside, but the disqualification was reduced
-
- 19. The basic structure doctrine applied in this case was first propounded in:**
- (A) I.C. Golaknath v. State of Punjab (1967)
 - (B) Minerva Mills Ltd. v. Union of India (1980)
 - (C) Shankari Prasad v. Union of India (1951)
 - (D) Kesavananda Bharati v. State of Kerala (1973)
-
- 20. Parliament passes a constitutional amendment declaring that a named High Court judgment setting aside a particular Chief Minister's election 'shall be void', without changing any general law. On the reasoning in the passage, the amendment would most likely be:**
- (A) valid, because Parliament's constituent power under Article 368 is unlimited
 - (B) valid, because the basic structure doctrine applies only to ordinary laws
 - (C) invalid only if the Chief Minister belongs to the ruling party at the Centre
 - (D) invalid, because the amending body would be deciding an individual dispute without applying any law
-

PASSAGE 5 · CONSTITUTIONAL LAW

Liberty in Eclipse: Habeas Corpus During the Emergency

After the proclamation of Emergency in June 1975 on the ground of internal disturbance, the President issued an order under Article 359(1) suspending the right of any person to move any court for the enforcement of the rights conferred by Articles 14, 21 and 22 for the duration of the Emergency. Large numbers of political opponents were detained under the Maintenance of Internal Security Act, 1971. Several High Courts nevertheless entertained habeas corpus petitions, holding that a detenu could still show that the detention was not in accordance with the Act or was mala fide.

The State appealed. The question before a five-judge Bench of the Supreme Court was whether, in view of the Presidential order, a writ petition under Article 226 seeking habeas corpus was maintainable to challenge an order of detention on any ground, including that it was illegal or mala fide.

By a majority of four to one, Chief Justice A.N. Ray and Justices M.H. Beg, Y.V. Chandrachud and P.N. Bhagwati answered in the negative. In their view, Article 21 was the sole repository of the right to life and personal liberty against the State. Once its enforcement was suspended, no person had locus standi to move a court for habeas corpus, whatever the ground of challenge. The majority reasoned that the rule of law during an Emergency was what the Constitution and the Presidential order made it.

Justice H.R. Khanna dissented. He held that the sanctity of life and liberty was not the gift of the Constitution; it existed before it, and Article 21 was only a recognition of it. Suspension of the remedy did not mean that the State acquired a power to deprive a person of life or liberty without the authority of law. Quoting Chief Justice Hughes, he described a dissent in a court of last resort as an appeal to the brooding spirit of the law. He was later superseded for the office of Chief Justice.



The constitutional response came through the Constitution (Forty-fourth Amendment) Act, 1978, which amended Article 359 so that the enforcement of Articles 20 and 21 can no longer be suspended during an Emergency. The judicial response came much later. In Justice K.S. Puttaswamy v. Union of India (2017), the nine-judge Bench recognising privacy as a fundamental right observed that the majority judgments in ADM Jabalpur were seriously flawed and expressly overruled them, while praising the dissent.

ADM Jabalpur is now studied chiefly as a warning about the fragility of liberty when courts defer entirely to executive power.

Based on ADM Jabalpur v. Shivkant Shukla (1976)

21. According to the passage, what did the majority in ADM Jabalpur hold?

- (A) Habeas corpus remained available if the detention was shown to be mala fide
- (B) The Presidential order under Article 359(1) was itself unconstitutional
- (C) Once enforcement of Article 21 was suspended, no person had locus standi to seek habeas corpus, whatever the ground of challenge
- (D) Article 21 is only a recognition of a pre-existing right that survives suspension

22. Which judge dissented in ADM Jabalpur?

- (A) Justice P.N. Bhagwati
- (B) Justice Y.V. Chandrachud
- (C) Justice H.R. Khanna
- (D) Justice M.H. Beg

23. As a result of the Constitution (Forty-fourth Amendment) Act, 1978, the enforcement of which Articles can no longer be suspended under Article 359 during an Emergency?

- (A) Articles 14 and 21
- (B) Articles 20 and 21
- (C) Articles 19 and 21
- (D) Articles 21 and 22

24. In which case did the Supreme Court expressly overrule the majority judgments in ADM Jabalpur?

- (A) Maneka Gandhi v. Union of India (1978)
- (B) Minerva Mills Ltd. v. Union of India (1980)
- (C) S.R. Bommai v. Union of India (1994)
- (D) Justice K.S. Puttaswamy v. Union of India (2017)

25. Which of the following best reflects the reasoning of Justice Khanna's dissent, as described in the passage?

- (A) During an Emergency, the rule of law is whatever the Presidential order makes it
- (B) Suspension of the remedy did not give the State power to deprive a person of life or liberty without the authority of law
- (C) Article 21 is the sole repository of the right to life and personal liberty
- (D) A detenu can never challenge detention, even after the Emergency ends



PASSAGE 6 · CONSTITUTIONAL LAW

Pavements, Livelihood and Article 21

In 1981, the Government of Maharashtra and the Bombay Municipal Corporation decided to remove pavement dwellers and slum dwellers from the city and deport them to their places of origin. Many of the affected persons had migrated to Bombay in search of work and lived close to the places where they earned their meagre wages. Journalist Olga Tellis and others, along with pavement dwellers themselves, challenged the decision and the provisions of the Bombay Municipal Corporation Act, 1888, particularly Section 314, which empowered the Commissioner to remove encroachments without notice.

A Constitution Bench speaking through Chief Justice Y.V. Chandrachud held that the right to life under Article 21 includes the right to livelihood. The Court reasoned that no person can live without the means of living. If the right to livelihood were not treated as part of the right to life, the easiest way of depriving a person of life would be to deprive him of the means of livelihood. Eviction of pavement dwellers would lead to deprivation of their livelihood, and therefore of their life.

The State had raised a preliminary objection. In earlier proceedings before the High Court, the petitioners had conceded that they did not claim any fundamental right to put up huts on pavements and had agreed not to resist demolition after a certain date. The Court rejected the argument that they were estopped by this concession. There can be no estoppel against the Constitution; fundamental rights are conferred not only for individual benefit but as a matter of public policy, and they cannot be waived.

However, the Court did not hold that pavement dwellers had a right to occupy public footpaths. Article 21 does not prohibit deprivation of life and liberty absolutely; it requires that such deprivation be according to a procedure established by law that is fair, just and reasonable. The Court held that footpaths are meant for pedestrians and no one has a right to encroach upon them. Section 314 was upheld because the power to remove without notice was an enabling provision, to be used only in exceptional cases where urgency required it. In the ordinary case, a hearing should be given.

The Court directed that evictions should not take place until after the close of the monsoon season, and that alternative sites should be provided to those who had been counted in the 1976 census. Olga Tellis thus combined a broad reading of Article 21 with a practical acceptance of public interest in clear pavements, and it remains a foundation of later housing and livelihood jurisprudence.

Based on Olga Tellis v. Bombay Municipal Corporation (1985)

26. Why, according to the passage, did the Court treat the right to livelihood as part of the right to life?

- (A) Because no person can live without the means of living, and taking away livelihood is the easiest way of depriving a person of life
- (B) Because Article 41 expressly guarantees livelihood as a fundamental right
- (C) Because the pavement dwellers had a legal title to the footpaths
- (D) Because the Bombay Municipal Corporation Act recognised livelihood as a right



- 27.** The petitioners had earlier conceded before the High Court that they claimed no fundamental right to put up huts. How did the Supreme Court treat this concession?
- (A) It held the petitioners were bound by the concession and dismissed the petitions
(B) It held the concession was binding only on those who personally signed it
(C) It held there can be no estoppel against the Constitution and fundamental rights cannot be waived
(D) It held the concession converted the case into a private contractual dispute
-
- 28.** Consider the following statements based on the passage. I. The Court held that pavement dwellers have a fundamental right to occupy public footpaths. II. The Court struck down Section 314 of the Bombay Municipal Corporation Act because it permitted removal without notice. Which of the statements is/are correct?
- (A) Only I
(B) Only II
(C) Both I and II
(D) Neither I nor II
-
- 29.** The requirement that a 'procedure established by law' under Article 21 must be fair, just and reasonable, relied on in *Olga Tellis*, was established earlier in:
- (A) *Maneka Gandhi v. Union of India* (1978)
(B) *A.K. Gopalan v. State of Madras* (1950)
(C) *Kharak Singh v. State of U.P.* (1962)
(D) *Romesh Thappar v. State of Madras* (1950)
-
- 30.** A municipal body wants to remove a long-standing roadside settlement that obstructs pedestrian movement, though there is no emergency. Consistent with *Olga Tellis*, the body should ordinarily:
- (A) remove the settlement immediately without notice, since encroachers have no rights
(B) leave the settlement in place permanently, since removal affects livelihood
(C) give the occupants notice and a hearing before removal
(D) obtain a constitutional amendment before removing the settlement

PASSAGE 7 · CONSTITUTIONAL LAW

Who Appoints the Judges? The NJAC Verdict

For over two decades, appointments to the Supreme Court and the High Courts had been made through the collegium system. This system grew out of judicial interpretation of the word 'consultation' in Articles 124 and 217. In the Second Judges Case (1993), a nine-judge Bench held that the opinion of the Chief Justice of India, formed collectively with senior judges, would have primacy. The Third Judges Case (1998), an advisory opinion on a Presidential reference, expanded the collegium for Supreme Court appointments to the Chief Justice and the four senior-most judges.

Criticism of the collegium as opaque led Parliament to pass the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014. The amendment inserted Articles 124A, 124B and 124C and created a six-member Commission: the Chief Justice of India as chairperson, the two next senior-most judges of the Supreme Court, the Union Minister of Law and Justice, and two eminent persons



nominated by a committee of the Prime Minister, the Chief Justice of India and the Leader of the Opposition or of the single largest opposition party in the Lok Sabha. The Commission could not recommend a person if any two members disagreed.

A five-judge Constitution Bench struck down both the amendment and the Act by a majority of four to one. Justices J.S. Khehar, Madan B. Lokur, Kurian Joseph and A.K. Goel formed the majority; Justice J. Chelameswar dissented. The majority held that the independence of the judiciary is part of the basic structure of the Constitution, and that primacy of the judiciary in appointments is an essential element of that independence. Under the NJAC, the three judicial members could be outvoted, and any two non-judicial members could block a candidate. The presence of the Law Minister was also objectionable, since the Government is the largest litigant before the courts. The vaguely defined category of 'eminent persons' added to the concern.

Justice Chelameswar, dissenting, argued that primacy of the judiciary was not the only way to secure independence, that the collegium itself suffered from a lack of transparency, and that a body with mixed membership was a legitimate constitutional choice. He saw no breach of the basic structure.

Because the amendment was declared void, the collegium system as it stood before the amendment was revived. Recognising the criticism, the Court held separate hearings on improving the collegium, including the preparation of a Memorandum of Procedure. The judgment is commonly called the Fourth Judges Case, and it remains the governing authority on the judiciary's role in its own appointments.

Based on Supreme Court Advocates-on-Record Association v. Union of India (2015)

31. According to the passage, which of the following was a member of the National Judicial Appointments Commission?

- (A) The Vice-President of India
- (B) The Union Minister of Law and Justice
- (C) The Attorney General for India
- (D) The Speaker of the Lok Sabha

32. Which judge dissented in the NJAC case?

- (A) Justice J.S. Khehar
- (B) Justice Kurian Joseph
- (C) Justice Madan B. Lokur
- (D) Justice J. Chelameswar

33. The primacy of the Chief Justice of India, acting with senior judges, in judicial appointments was first established by a nine-judge Bench in:

- (A) S.P. Gupta v. Union of India (1981), the First Judges Case
- (B) the Third Judges Case (1998)
- (C) Kesavananda Bharati v. State of Kerala (1973)
- (D) the Second Judges Case (1993)



- 34. Assertion (A): The majority found the inclusion of the Union Law Minister in the NJAC objectionable. Reason (R): The Government is the largest litigant before the courts.**
- (A) Both A and R are true, and R is the correct explanation of A
 - (B) Both A and R are true, but R is not the correct explanation of A
 - (C) A is true, but R is false
 - (D) A is false, but R is true
- 35. What was the immediate consequence of the NJAC judgment for judicial appointments, as stated in the passage?**
- (A) Appointments were left to the President acting on the advice of the Council of Ministers
 - (B) Parliament was directed to set up a new commission within six months
 - (C) The collegium system as it stood before the amendment was revived
 - (D) The NJAC continued to function after its judicial members were given a veto

PASSAGE 8 · CONSTITUTIONAL LAW

Dignity at the End of Life

Modern medicine can keep a body alive long after any prospect of recovery has ended. Common Cause, a registered society, approached the Supreme Court under Article 32 seeking a declaration that the right to die with dignity is part of the right to life under Article 21, and asking for recognition of 'living wills', by which a person can state in advance that life-prolonging treatment should not be given in certain circumstances.

The law before this case was shaped by two decisions. In *Gian Kaur v. State of Punjab* (1996), a Constitution Bench held that the right to life under Article 21 does not include the right to die, and upheld the offences of attempt to suicide and abetment of suicide. The Bench, however, recognised that the right to life includes the right to live with dignity until death, which may include a dignified process of dying. In *Aruna Ramchandra Shanbaug v. Union of India* (2011), a two-judge Bench permitted passive euthanasia in certain cases, subject to approval by the High Court.

A five-judge Constitution Bench headed by Chief Justice Dipak Misra unanimously held that the right to die with dignity is an inseparable part of the right to life under Article 21. Four opinions were delivered, all concurring in the result. The Court drew a clear line between active and passive euthanasia. Active euthanasia, which involves a positive act such as administering a lethal substance to end life, remains impermissible. Passive euthanasia, which involves withdrawing or withholding life-supporting treatment so that a person dies naturally of the underlying condition, was held permissible within safeguards.

The Court explained that *Gian Kaur* did not stand in the way. That case dealt with the unnatural termination of life by suicide, whereas passive euthanasia concerns allowing natural death to take its course in a terminal state. Respecting a person's choice to refuse treatment was seen as an aspect of autonomy, bodily integrity and self-determination.

The Court recognised advance directives and laid down detailed guidelines. Only an adult of sound mind, acting voluntarily and with full knowledge of the consequences, could make one. The directive was to be in writing and attested, and before it was acted upon the treating hospital had to constitute medical boards to confirm that the patient's condition was beyond recovery. Where no directive existed, a similar process involving family members and medical boards could be followed. The guidelines were to operate until Parliament legislated.



The procedure was later found cumbersome, and in 2023 the Court modified the guidelines to make them simpler. The core holding, that dignity in dying is protected by Article 21, remains unchanged.

Based on Common Cause (A Registered Society) v. Union of India (2018)

- 36. According to the passage, how does passive euthanasia differ from active euthanasia?**
- (A) Passive euthanasia needs the patient's consent, while active euthanasia needs only family consent
 - (B) Passive euthanasia applies only to minors, while active euthanasia applies to adults
 - (C) Passive euthanasia is carried out by family members, while active euthanasia is carried out by doctors
 - (D) Passive euthanasia withdraws or withholds life-supporting treatment so that death occurs from the underlying condition, while active euthanasia involves a positive act to end life
-
- 37. How did the Court in Common Cause deal with the earlier decision in Gian Kaur v. State of Punjab (1996)?**
- (A) It overruled Gian Kaur and declared a general right to commit suicide
 - (B) It held that Gian Kaur prohibited passive euthanasia and so refused relief
 - (C) It distinguished Gian Kaur as dealing with unnatural termination of life by suicide, not with letting natural death take its course
 - (D) It referred Gian Kaur to a larger Bench for reconsideration
-
- 38. Before Common Cause, which decision had permitted passive euthanasia in certain cases, subject to High Court approval?**
- (A) P. Rathinam v. Union of India (1994)
 - (B) Parmanand Katara v. Union of India (1989)
 - (C) Suchita Srivastava v. Chandigarh Administration (2009)
 - (D) Aruna Ramchandra Shanbaug v. Union of India (2011)
-
- 39. A 17-year-old patient with a serious illness signs a document stating that he should not be put on a ventilator if his condition becomes irreversible. Under the Common Cause guidelines as described in the passage, this document is:**
- (A) valid, because any patient with a terminal illness can make one
 - (B) valid, if a single doctor certifies the patient's condition
 - (C) not a valid advance directive, because only an adult of sound mind can make one
 - (D) not valid, because advance directives were rejected by the Court
-
- 40. Consider the following statements based on the passage. I. The Constitution Bench in Common Cause held that active euthanasia is permissible if strict safeguards are followed. II. The guidelines in Common Cause were to operate until Parliament made a law on the subject. Which of the statements is/are correct?**
- (A) Only I
 - (B) Only II
 - (C) Both I and II
 - (D) Neither I nor II



PASSAGE 9 · JURISPRUDENCE

Kelsen and the Basic Norm

Hans Kelsen, the Austrian jurist who helped draft the Austrian Constitution of 1920, set out to create a science of law that would be 'pure'. By purity he meant that legal theory should study law as it is, and not as it ought to be from the standpoint of morality, politics or sociology. Questions of justice, economic effect or social origin were important, but they belonged to other disciplines. A theory of law had to explain what makes a norm legally valid.

For Kelsen, law is a system of norms. A norm is an 'ought' statement: if a certain conduct occurs, a certain sanction ought to follow. The norm is distinct from the fact of a command. A gangster's demand and a tax officer's demand may look alike as facts, but only the latter is a valid norm, because it is authorised by another, higher norm.

This leads to the idea of a hierarchy of norms. An order of a court is valid because a statute authorises the court to make it. The statute is valid because it was made in the manner the Constitution prescribes. The Constitution in turn may be valid because it was adopted in accordance with an earlier constitution. Each norm derives its validity from a higher norm, and the chain moves from the most specific norms up to the most general.

The chain cannot go on forever. At the top lies the Grundnorm, or basic norm. Unlike every other norm, the basic norm is not created by any act of will; it is presupposed. It may be stated as: one ought to behave as the historically first constitution prescribes. Its function is to provide the final ground of validity for the whole legal order. Kelsen added that a legal order must be, by and large, effective for its basic norm to be presupposed. Efficacy is a condition of validity, but it is not the reason for validity.

This theory produced a striking consequence for revolutions. If a revolution or coup overthrows the existing constitution and the new order becomes effective, lawyers presuppose a new basic norm, and the old order loses its validity. Courts in several countries relied on this reasoning. In *State v. Dosso* (1958), the Supreme Court of Pakistan treated a successful coup as a law-creating fact. That approach was later rejected by the same court in *Asma Jilani v. Government of the Punjab* (1972).

Critics argue that the theory is formal and can lend legitimacy to usurpers, while admirers value its clarity in separating legal validity from moral merit.

Based on Hans Kelsen, *Pure Theory of Law* (Reine Rechtslehre, 1934)

41. According to the passage, how does the Grundnorm differ from every other norm in a legal order?

- (A) It is the only norm enacted by the legislature
- (B) It derives its validity from the most specific norms in the system
- (C) It depends on its moral content for its validity
- (D) It is not created by any act of will but is presupposed

42. A tax assessment order is challenged as invalid. Using Kelsen's hierarchy of norms as explained in the passage, its validity would be traced to:

- (A) the fairness of the amount of tax demanded
- (B) the actual payment of the tax by the taxpayer
- (C) the moral duty of citizens to support the State
- (D) the statute authorising the tax officer, which itself is valid because it was made as the Constitution prescribes



- 43. Which of the following is NOT consistent with Kelsen's pure theory as described in the passage?**
- (A) Law is a system of 'ought' norms
 - (B) Efficacy of the legal order as a whole is a condition of validity
 - (C) A norm is legally valid only if it conforms to principles of justice
 - (D) A successful revolution may lead to a new basic norm being presupposed
-
- 44. In which case did the Supreme Court of Pakistan rely on Kelsen's theory to treat a successful coup as a law-creating fact?**
- (A) Asma Jilani v. Government of the Punjab (1972)
 - (B) Madzimbamuto v. Lardner-Burke (1969)
 - (C) Begum Nusrat Bhutto v. Chief of Army Staff (1977)
 - (D) State v. Dosso (1958)
-
- 45. According to the passage, what is the relationship between efficacy and validity in Kelsen's theory?**
- (A) Efficacy is the reason for validity of every individual norm
 - (B) Efficacy and validity are identical concepts
 - (C) Efficacy is a condition of validity but not the reason for validity
 - (D) Efficacy is irrelevant to the validity of a legal order

PASSAGE 10 · JURISPRUDENCE

Bentham and the Measure of Laws

Jeremy Bentham opened his best-known work with the claim that nature has placed mankind under 'two sovereign masters, pain and pleasure'. They alone point out what we ought to do and determine what we shall do. From this observation Bentham built a theory of morals and, more importantly for lawyers, a theory of legislation.

The principle of utility is the centre of that theory. It approves or disapproves of every action according to its tendency to increase or reduce the happiness of the party whose interest is in question. When the party is a community, Bentham warned against treating it as a mysterious entity. The community, he said, is a fictitious body made up of the individuals who compose it, and the interest of the community is simply the sum of the interests of its members.

To make utility usable, Bentham proposed what later writers called the felicific calculus. The value of a pleasure or pain to a single person depends on its intensity, its duration, its certainty or uncertainty, and its propinquity or remoteness. When considering the tendency of an act, two further factors matter: fecundity, or the chance of being followed by sensations of the same kind, and purity, or the chance of not being followed by sensations of the opposite kind. When a number of persons are affected, a seventh factor, extent, is added. A legislator should weigh these factors to assess whether a law will produce more pleasure than pain overall.

Bentham also identified four sanctions, or sources of pain and pleasure, which give binding force to rules of conduct: the physical, the political, the moral or popular, and the religious. The political sanction, applied by a judge or magistrate, is the legislator's main instrument.

Punishment occupies a special place. Since all punishment inflicts pain, it is in itself an evil. It can be justified only if it excludes some greater evil. Bentham listed cases in which punishment ought not to be inflicted:



where it is groundless, because there is no mischief to prevent; where it is inefficacious, because it cannot prevent the mischief; where it is unprofitable, because it would produce more harm than it prevents; and where it is needless, because the mischief can be prevented at a cheaper rate.

Bentham's approach made him a fierce critic of the common law and of natural rights, which he famously dismissed as nonsense. His influence on law reform, codification and modern cost-benefit thinking remains considerable.

Based on Jeremy Bentham, An Introduction to the Principles of Morals and Legislation (1789)

- 46. Which of the following is NOT one of the factors in Bentham's felicific calculus as listed in the passage?**
- (A) Legitimacy
 - (B) Fecundity
 - (C) Propinquity or remoteness
 - (D) Extent
-
- 47. According to the passage, how did Bentham understand the 'interest of the community'?**
- (A) As a higher interest separate from and above individual interests
 - (B) As the interest of the majority class in society
 - (C) As the sum of the interests of the individuals who compose it
 - (D) As the interest declared by the sovereign
-
- 48. A legislature proposes to punish people who commit an act while sleepwalking, though such people cannot control their conduct. In Bentham's terms, as explained in the passage, such punishment would be:**
- (A) needless, because the mischief can be prevented more cheaply
 - (B) groundless, because the act causes no mischief
 - (C) justified, because all punishment is a good in itself
 - (D) inefficacious, because it cannot prevent the mischief
-
- 49. Assertion (A): For Bentham, punishment can be justified only if it excludes some greater evil. Reason (R): For Bentham, all punishment inflicts pain and is therefore in itself an evil.**
- (A) Both A and R are true, and R is the correct explanation of A
 - (B) Both A and R are true, but R is not the correct explanation of A
 - (C) A is true, but R is false
 - (D) A is false, but R is true
-
- 50. Which later utilitarian thinker refined Bentham's theory by distinguishing between 'higher' and 'lower' pleasures in terms of quality?**
- (A) John Austin
 - (B) H.L.A. Hart
 - (C) John Stuart Mill
 - (D) Rudolf von Jhering



PASSAGE 11 · ADMINISTRATIVE LAW

The Chief Constable Who Was Not Heard

Charles Ridge was the Chief Constable of Brighton. In 1957 he was arrested and later tried along with other police officers for conspiracy to obstruct the course of justice. He was acquitted, but the trial judge made remarks critical of his leadership of the force. Soon after, the Brighton Watch Committee, acting under the Municipal Corporations Act, 1882, which allowed it to dismiss any constable it thought negligent in the discharge of his duty or otherwise unfit, dismissed him. He was not told of any charge against him and was given no opportunity to be heard before the decision was taken. An appeal to the Home Secretary failed, and he brought an action seeking a declaration that the dismissal was void, chiefly to preserve his pension rights.

The lower courts held against him. The dominant view of the time was that the rules of natural justice applied only to bodies exercising judicial or quasi-judicial functions, and that a body taking an administrative decision was under no duty to give a hearing. A line of mid-twentieth-century decisions had narrowed the reach of natural justice in this way.

The House of Lords, by a majority of four to one, with Lord Evershed dissenting, allowed his appeal and held the dismissal void. The leading speech of Lord Reid rejected the view that a duty to act fairly could only arise if the decision-maker was expressly required to act judicially. The duty to act judicially could be inferred from the nature of the power itself, particularly where it affected the rights of individuals.

Lord Reid distinguished three types of dismissal. In a pure master and servant relationship, the master may dismiss without a hearing, though he may be liable in damages for wrongful dismissal. Where an office is held at pleasure, the holder can be dismissed without reasons or a hearing. But where an officer can be dismissed only for cause, such as misconduct, he must be told the case against him and allowed to answer it. A chief constable fell into this third category. The fact that he later had an appeal to the Home Secretary did not cure the original defect.

Ridge v. Baldwin is regarded as the decision that revived audi alteram partem, the rule that no one should be condemned unheard, in English administrative law. It influenced Indian courts as they extended natural justice to administrative action, and the idea that the label 'administrative' does not exclude fairness is now well established in both systems.

Based on Ridge v. Baldwin [1964] AC 40

51. Why did the lower courts rule against Ridge, according to the passage?

- (A) Ridge had been convicted of conspiracy, which justified his dismissal
- (B) The Municipal Corporations Act, 1882 expressly excluded any hearing
- (C) Ridge had not appealed to the Home Secretary
- (D) The prevailing view was that natural justice applied only to bodies exercising judicial or quasi-judicial functions

52. Under Lord Reid's classification in the passage, which of the following persons is entitled to be heard before dismissal?

- (A) A domestic employee in a pure master and servant relationship
- (B) An officer who holds office at the pleasure of the appointing authority
- (C) A public officer who can be removed only for misconduct
- (D) None of them, since hearings are needed only in judicial proceedings



53. Which of the following correctly states the effect of Ridge's appeal to the Home Secretary, as described in the passage?

- (A) It cured the defect because the Home Secretary heard him fully
- (B) It did not cure the defect of dismissing him without a hearing
- (C) It barred him from going to court at all
- (D) It made the Watch Committee's decision final and binding

54. The Latin maxim audi alteram partem, revived in Ridge v. Baldwin, means:

- (A) Hear the other side
- (B) No one should be a judge in his own cause
- (C) Let the decision stand
- (D) The act of court shall prejudice no one

55. In India, which constitutional provision expressly requires that a civil servant be given a reasonable opportunity of being heard before dismissal, removal or reduction in rank?

- (A) Article 309
- (B) Article 310(1)
- (C) Article 323A
- (D) Article 311(2)

PASSAGE 12 · LAW OF CONTRACT

Promises at Home: Balfour v. Balfour

Mr. Balfour was a civil engineer in government service in Ceylon. In 1915 he and his wife came to England on leave. When it was time for him to return, his wife was advised by her doctor to stay behind in England because she suffered from rheumatic arthritis. Before he sailed, the husband promised to pay her thirty pounds a month for her maintenance until she joined him. Later, differences arose between them, and the couple separated. The wife sued to enforce the promise of a monthly allowance.

The trial judge found in the wife's favour, holding that the husband's promise was supported by her consent to accept the allowance. The Court of Appeal unanimously reversed this decision.

The leading judgment of Lord Justice Atkin explained that there are agreements between parties which do not result in contracts within the meaning of the law, even if there is a promise and something that might be called consideration. The most common example is the arrangement between husband and wife made in the ordinary course of domestic life. Such arrangements, he said, are not contracts because the parties did not intend that they should be attended by legal consequences. The wife and husband in this case had made a domestic arrangement, not a bargain meant to be enforced in court.

Atkin LJ added a policy reason. If courts were to enforce every promise made between spouses about household expenses, the small courts of the country would be flooded with litigation. The common law, he observed, does not regulate the form of agreements between spouses; each household is a domain where the King's writ does not seek to run.

The case is the origin of the rule that, in social and domestic agreements, there is a presumption that the parties do not intend to create legal relations. In commercial agreements the presumption runs the other way: parties are assumed to intend legal consequences. Both presumptions can be rebutted by evidence.



Thus, where spouses who have already separated put their financial arrangements in writing, as in *Merritt v. Merritt* (1970), the court may find that legal relations were intended. Equally, a commercial agreement can exclude legal enforceability if the parties clearly say so.

In India, the Contract Act, 1872 does not mention intention to create legal relations in so many words, but Section 2(h) defines a contract as an agreement enforceable by law. Courts and commentators have treated *Balfour* as a persuasive authority on whether a domestic agreement was meant to be enforceable.

Based on *Balfour v. Balfour* [1919] 2 KB 571

56. According to Atkin LJ in the passage, why was the husband's promise not enforceable?

- (A) The promise was made outside England
- (B) The wife was too ill to enter into a contract
- (C) The amount promised was too uncertain
- (D) The parties did not intend the arrangement to have legal consequences

57. A husband and wife who have already separated sign a written agreement under which the husband will pay monthly maintenance in exchange for the wife paying the house loan. Following the passage, a court is most likely to:

- (A) find that legal relations were intended, as in *Merritt v. Merritt*
- (B) refuse enforcement, since all agreements between spouses are unenforceable
- (C) enforce the agreement only if it is registered
- (D) treat the agreement as void for lack of consideration

58. Under the Indian Contract Act, 1872, which provision defines a contract as 'an agreement enforceable by law'?

- (A) Section 2(e)
- (B) Section 2(h)
- (C) Section 10
- (D) Section 25

59. Consider the following statements based on the passage. I. In commercial agreements, there is a presumption that the parties intend to create legal relations. II. The presumption against legal relations in domestic agreements cannot be rebutted by any evidence. Which of the statements is/are correct?

- (A) Only I
- (B) Only II
- (C) Both I and II
- (D) Neither I nor II



60. Which policy reason did Atkin LJ give, according to the passage, for not enforcing such domestic promises?
- (A) It would make marriages in the colonies invalid
 - (B) Enforcing them would flood the courts with litigation over household arrangements
 - (C) Courts lacked jurisdiction over persons living abroad
 - (D) Wives were not competent to sue their husbands under English law

PASSAGE 13 · LAW OF CONTRACT

A Reward Nobody Knew About

Gauri Dutt's nephew went missing from home. Gauri Dutt sent his munim, Lalman Shukla, a servant employed in his business, to search for the boy. Lalman set out for Hardwar. After he had left, Gauri Dutt issued handbills announcing a reward of Rs. 501 to anyone who traced the missing boy. Lalman found the boy at Rishikesh and brought him back. He had no knowledge of the handbills when he found the boy. Some time later, Lalman was dismissed from service. He then sued Gauri Dutt for the reward.

The Allahabad High Court dismissed the suit. The Court held that a reward of this kind is a proposal made to the world at large, which any person may accept by performing the conditions stated in it. But acceptance requires knowledge. A person cannot accept an offer of which he is unaware, because there is no assent to the terms of a proposal that one has never heard of. Since Lalman did not know of the reward when he traced the boy, there was no acceptance and therefore no contract between the parties.

The Court also noted that Lalman had undertaken the search as part of his duty as Gauri Dutt's servant. He had been sent for this very purpose before any offer was published, and his act of tracing the boy was done in performance of that duty, not in response to the reward.

The decision fits within the structure of the Indian Contract Act, 1872. Under Section 2(a), a proposal is made when one person signifies to another his willingness to do or abstain from doing anything with a view to obtaining the assent of that other. Under Section 4, the communication of a proposal is complete when it comes to the knowledge of the person to whom it is made. Section 8 provides that performance of the conditions of a proposal is an acceptance of the proposal. Read together, these provisions require that the person performing the conditions must know of the proposal; otherwise the proposal has not been communicated to him.

The case is usually studied alongside Carlill v. Carbolic Smoke Ball Company (1893), where the English Court of Appeal held that an advertisement offering money to anyone who caught influenza after using a smoke ball in a specified way was a general offer, accepted by a person who performed the conditions after reading it. The common thread is that a general offer may be accepted by conduct, without notice of acceptance, but only by someone who acts with knowledge of the offer. Lalman Shukla remains the standard Indian authority on this point.

Based on Lalman Shukla v. Gauri Dutt (1913)



- 61. According to the passage, what was the main reason Lalman's suit for the reward failed?**
- (A) He did not know of the reward when he traced the boy, so there was no acceptance
 - (B) The reward was offered only to members of Gauri Dutt's family
 - (C) He found the boy at Rishikesh instead of Hardwar
 - (D) The handbills were withdrawn before he found the boy
-
- 62. Under the Indian Contract Act, 1872, which section provides that performance of the conditions of a proposal is an acceptance of the proposal?**
- (A) Section 8
 - (B) Section 4
 - (C) Section 2(b)
 - (D) Section 10
-
- 63. As explained in the passage, under Section 4 of the Contract Act, the communication of a proposal is complete when:**
- (A) it is posted or published by the proposer
 - (B) the proposer receives the acceptance
 - (C) the person to whom it is made performs the conditions
 - (D) it comes to the knowledge of the person to whom it is made
-
- 64. A shopkeeper puts up a notice offering Rs. 2,000 to anyone who returns his lost dog. X reads the notice, searches the area, finds the dog and returns it. Applying the principle in the passage, X:**
- (A) is not entitled, since he did not send a formal notice of acceptance
 - (B) is not entitled, since a general offer cannot be accepted by conduct
 - (C) is entitled to the reward, as he performed the conditions with knowledge of the offer
 - (D) is entitled only to his expenses, not the reward
-
- 65. In Carlill v. Carbolic Smoke Ball Company (1893), mentioned in the passage, the advertisement was held to be:**
- (A) a general offer that could be accepted by anyone who performed its conditions
 - (B) a mere invitation to treat with no binding effect
 - (C) an offer that required written notice of acceptance to be binding
 - (D) a wager and therefore void

PASSAGE 14 · LAW OF TORTS

The Reservoir and the Flooded Mine

The defendants, who owned a mill, employed independent contractors to build a reservoir on their land to supply water to the mill. During construction, the contractors came across old, disused mine shafts filled with earth. They did not block them properly. When the reservoir was filled, water burst through the shafts and flooded the plaintiff's working coal mine on neighbouring land. The defendants themselves were not negligent, and the contractors' negligence could not easily be attributed to them on ordinary principles. Nor was there a trespass, because the flooding was not direct.



In the Court of Exchequer Chamber, Blackburn J. stated what became the classic rule. A person who, for his own purposes, brings on his land and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril. If he does not, he is prima facie answerable for all the damage which is the natural consequence of its escape. The House of Lords affirmed the decision. Lord Cairns added that the rule applies where the defendant has made a 'non-natural use' of the land. Collecting a large body of water in a reservoir was such a use, unlike water that naturally accumulates on land.

The rule is called one of strict liability because the defendant is liable even without negligence. Its essential elements are the bringing of a dangerous thing on land, non-natural use of land, and escape of the thing from the defendant's land to a place outside his control. In *Read v. J. Lyons & Co.* (1947), the House of Lords refused to apply the rule where a worker was injured by an explosion inside a factory, because nothing had escaped.

Strict liability is not absolute. Courts have recognised several exceptions. The defendant is not liable if the damage was caused by the plaintiff's own default; if it was due to an act of God, such as the extraordinary rainfall in *Nichols v. Marland* (1876); if it was caused by the act of a stranger over whom the defendant had no control; if the plaintiff consented to the presence of the thing, as where it was kept for the common benefit; or if the activity was authorised by statute.

In India, the Supreme Court in *M.C. Mehta v. Union of India* (1987), arising from the oleum gas leak in Delhi, held that an enterprise engaged in a hazardous or inherently dangerous activity is subject to absolute liability. That liability is not subject to any of the exceptions available under *Rylands v. Fletcher*. The English rule therefore remains the starting point, but Indian law has moved beyond it.

Based on *Rylands v. Fletcher* (1868)

66. According to the passage, what did Lord Cairns add to the rule stated by Blackburn J?

- (A) The requirement that the defendant must be negligent
- (B) The requirement of a 'non-natural use' of land
- (C) The defence of act of God
- (D) The requirement that the thing must be inherently explosive

67. Why did the House of Lords refuse to apply the rule in *Read v. J. Lyons & Co.* (1947), as described in the passage?

- (A) The use of land for a factory was a natural use
- (B) The plaintiff had consented to the risk
- (C) There was no escape of the dangerous thing from the defendant's premises
- (D) The explosion was an act of God

68. Which of the following is NOT an exception to the rule in *Rylands v. Fletcher*, as listed in the passage?

- (A) Act of God
- (B) The defendant took all reasonable care to prevent the escape
- (C) Act of a stranger
- (D) Statutory authority



69. D stores a large quantity of water in a tank on his land. A record-breaking cloudburst, which no one could have foreseen, causes the tank to burst and flood P's land. Based on the passage, D's best defence is:
- (A) the plaintiff's own default
 - (B) act of God, as in Nichols v. Marland
 - (C) consent of the plaintiff
 - (D) no defence, since liability under Rylands is absolute
70. Consider the following statements. I. In M.C. Mehta v. Union of India (1987), the Supreme Court held that an enterprise engaged in a hazardous activity is absolutely liable, without the exceptions available under Rylands v. Fletcher. II. M.C. Mehta v. Union of India (1987) arose from the oleum gas leak in Delhi. Which of the statements is/are correct?
- (A) Only I
 - (B) Only II
 - (C) Both I and II
 - (D) Neither I nor II

PASSAGE 15 · CRIMINAL LAW

Must the Police Register an FIR?

Lalita Kumari, a minor, went missing, and her father alleged that the police did not act on his complaint. The writ petition raised a larger question that had produced conflicting decisions: when information relating to a cognizable offence is given to the officer in charge of a police station, is that officer bound to register a First Information Report under Section 154 of the Code of Criminal Procedure, 1973, or may he first conduct a preliminary inquiry to check whether the information is genuine?

A Constitution Bench headed by Chief Justice P. Sathasivam held that registration of an FIR is mandatory under Section 154 if the information discloses the commission of a cognizable offence, and no preliminary inquiry is permissible in such a situation. The Court relied on the word 'shall' in Section 154(1) and on the scheme of the Code. Registration at the earliest stage ensures that the information is recorded without embellishment, prevents manipulation of the record, and protects the rule of law. The concern that innocent persons might be harassed was answered by noting that registration of an FIR does not automatically mean arrest, and that remedies exist for false complaints.

The Court accepted a limited exception. If the information received does not disclose a cognizable offence but indicates the need for inquiry, a preliminary inquiry may be conducted, only to find out whether a cognizable offence is disclosed and not to verify whether the information is true. The Court gave examples of the type of cases in which preliminary inquiry may be made: matrimonial or family disputes, commercial offences, medical negligence cases, corruption cases, and cases where there is abnormal delay in initiating criminal prosecution without satisfactory explanation. The list was illustrative.

The inquiry was to be time-bound and should not ordinarily exceed seven days. If the inquiry ended in closure, a copy of the entry closing the complaint, with brief reasons, was to be given to the informant within a week. Officers who failed to register an FIR where a cognizable offence was disclosed could face action. The general diary was to record all information about cognizable offences, including the decision to hold a preliminary inquiry.



The Bharatiya Nagarik Suraksha Sanhita, 2023, which replaced the Code from 1 July 2024, carries the duty forward in Section 173 and expressly allows information to be given electronically and at any police station regardless of where the offence occurred. Section 173(3) also introduces a statutory preliminary enquiry, to be completed within fourteen days, for offences punishable with three years or more but less than seven years, with permission of an officer not below the rank of Deputy Superintendent of Police.

Based on Lalita Kumari v. Government of Uttar Pradesh (2013)

- 71. What did the Constitution Bench hold in Lalita Kumari, according to the passage?**
- (A) Registration of an FIR is mandatory if the information discloses a cognizable offence, and no preliminary inquiry is permissible in such a case
 - (B) The police may always conduct a preliminary inquiry before registering any FIR
 - (C) Registration of an FIR must be followed by immediate arrest of the accused
 - (D) FIRs can be registered only with the prior permission of a Magistrate
-
- 72. Which of the following was NOT among the illustrative categories in which a preliminary inquiry may be made, as listed in the passage?**
- (A) Matrimonial or family disputes
 - (B) Medical negligence cases
 - (C) Cases of murder reported immediately after the incident
 - (D) Cases with abnormal delay in initiating prosecution without satisfactory explanation
-
- 73. According to the passage, within what period should a preliminary inquiry under Lalita Kumari ordinarily be completed?**
- (A) Fourteen days
 - (B) Thirty days
 - (C) Ninety days
 - (D) Seven days
-
- 74. Under Section 173(3) of the BNSS, 2023, as described in the passage, a preliminary enquiry is allowed for offences punishable with:**
- (A) three years or more but less than seven years
 - (B) less than three years
 - (C) seven years or more
 - (D) death or imprisonment for life
-
- 75. Under the Code of Criminal Procedure, 1973, if the officer in charge of a police station refuses to record the information about a cognizable offence, the informant may send the substance of the information in writing by post to:**
- (A) the Director General of Police, under Section 156(1)
 - (B) the Superintendent of Police concerned, under Section 154(3)
 - (C) the High Court, under Section 482
 - (D) the Sessions Judge, under Section 193



PASSAGE 16 · CRIMINAL LAW

Arrest Is Not the Rule

The appellant, apprehending arrest in a case registered on his wife's complaint under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, sought anticipatory bail. The Supreme Court used the case to address a wider problem: the routine arrest of persons accused of offences carrying moderate punishment, especially husbands and their relatives in matrimonial disputes.

Justice Chandramauli Kumar Prasad, writing for a two-judge Bench, observed that Section 498A had become a weapon in the hands of some disgruntled wives, and that arrest of the husband and relatives, including elderly parents, had become common. More broadly, the Court noted that arrest brings humiliation, curtails freedom and casts permanent scars. The power to arrest is a tool of harassment if used casually.

The Court relied on Section 41 of the Code of Criminal Procedure, as amended by the Code of Criminal Procedure (Amendment) Act, 2008. For an offence punishable with imprisonment up to seven years, with or without fine, a police officer may arrest without warrant only if he has reason to believe that the person committed the offence and is satisfied that arrest is necessary for purposes such as preventing further offences, ensuring proper investigation, preventing tampering with evidence, preventing inducement or threats to witnesses, or securing the person's presence in court. The officer must record reasons for arrest, and also reasons for not arresting. Section 41A requires a notice of appearance to be issued where arrest is not required.

The Court issued directions to all State Governments. Police officers were not to arrest automatically in Section 498A cases but to satisfy themselves about necessity under Section 41. They were to be given a checklist of the Section 41 parameters, to be filled and forwarded to the Magistrate with reasons when the accused is produced for further detention. Magistrates were to authorise detention only after reading the report and recording their own satisfaction. The decision not to arrest was to be forwarded to the Magistrate within two weeks of the institution of the case, and the Section 41A notice was to be served within two weeks, extendable by the Superintendent of Police for reasons recorded in writing. Police officers failing to comply would be liable to departmental action and contempt of court; Magistrates authorising detention without recording reasons would face departmental action.

The directions were made applicable to all offences punishable with imprisonment up to seven years, not only to Section 498A. Under the Bharatiya Nagarik Suraksha Sanhita, 2023, the arrest conditions and the notice of appearance are now contained in Section 35, and cruelty by a husband or his relatives is punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023.

Based on Arnesh Kumar v. State of Bihar (2014)

76. According to the passage, which of the following was a direction issued in Arnesh Kumar?

- (A) Every person accused under Section 498A must be granted bail without any conditions
- (B) No FIR may be registered under Section 498A without the approval of a family welfare committee
- (C) Arrest under Section 498A is barred in all circumstances
- (D) Police officers were to be given a checklist of the Section 41 parameters, to be filled in and forwarded to the Magistrate with reasons



- 77. To which offences were the Arnesh Kumar directions made applicable, as stated in the passage?**
- (A) Only offences under Section 498A IPC
 - (B) Only offences under the Dowry Prohibition Act, 1961
 - (C) All offences punishable with imprisonment up to seven years, with or without fine
 - (D) All non-bailable offences, regardless of punishment
-
- 78. Under the Arnesh Kumar directions, within what period was the notice of appearance under Section 41A to be served on the accused?**
- (A) Within twenty-four hours of registration of the FIR
 - (B) Within one month, extendable by the Magistrate
 - (C) Within seven days, with no extension permitted
 - (D) Within two weeks of the institution of the case, extendable by the Superintendent of Police for reasons in writing
-
- 79. A police officer arrests a person accused of an offence punishable with three years' imprisonment without recording any reason why arrest was necessary, contrary to the Arnesh Kumar directions. Based on the passage, the officer is liable to:**
- (A) departmental action and punishment for contempt of court
 - (B) no consequence, since the directions are only advisory
 - (C) automatic dismissal from service without inquiry
 - (D) prosecution for wrongful confinement only on the Magistrate's complaint
-
- 80. Consider the following statements based on the passage. I. Under the BNSS, 2023, the arrest conditions and the notice of appearance are contained in Section 35. II. Cruelty by a husband or his relatives is punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023. Which of the statements is/are correct?**
- (A) Only I
 - (B) Only II
 - (C) Both I and II
 - (D) Neither I nor II

PASSAGE 17 · FAMILY LAW

A Secular Remedy for a Divorced Wife

Shah Bano married Mohd. Ahmed Khan, an advocate of Indore, in 1932. After more than four decades of marriage and five children, she was turned out of the matrimonial home in 1975. In 1978 she filed a petition under Section 125 of the Code of Criminal Procedure, 1973 seeking maintenance. While the petition was pending, her husband divorced her by an irrevocable talaq. He argued that, having paid her the mahr and maintenance for the period of iddat, he had no further liability under Muslim personal law. The Magistrate awarded a small monthly sum, which the Madhya Pradesh High Court enhanced. The husband appealed.

A five-judge Constitution Bench, speaking through Chief Justice Y.V. Chandrachud, dismissed the appeal. The Court held that Section 125 is a secular provision intended to prevent vagrancy and destitution. It applies to all persons belonging to all religions and has no relationship with personal law. Under Explanation (b) to Section 125(1), 'wife' includes a woman who has been divorced by, or has obtained a divorce from, her



husband and has not remarried. A divorced Muslim woman who is unable to maintain herself is therefore entitled to claim maintenance from her former husband.

The husband relied on Section 127(3)(b), which allows a Magistrate to cancel a maintenance order where the woman has received the whole of the sum which, under the customary or personal law applicable to the parties, was payable on divorce. The Court held that mahr is an amount payable in consideration of marriage, a mark of respect for the wife, and not an amount payable on divorce. Its payment did not therefore discharge the husband's liability under Section 125. The Court also referred to verses of the Quran and concluded that they imposed an obligation on the husband to make provision for a divorced wife.

The Court regretted that Article 44 of the Constitution, which directs the State to endeavour to secure a uniform civil code for citizens throughout India, had remained a dead letter. A common civil code, it observed, would help the cause of national integration.

The judgment provoked intense political controversy, and Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986. In *Danial Latifi v. Union of India* (2001), the Supreme Court upheld that Act but read it to require the husband to make a reasonable and fair provision for the divorced wife's future, to be made within the iddat period, so that her rights were not reduced. The maintenance provision of Section 125 now appears as Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Based on *Mohd. Ahmed Khan v. Shah Bano Begum* (1985)

81. How did the Court describe the nature of Section 125 CrPC in *Shah Bano*, according to the passage?

- (A) As a provision that applies only where personal law is silent
- (B) As a secular provision applying to all religions, meant to prevent vagrancy and destitution
- (C) As a provision that applies to Hindus but not to Muslims
- (D) As a penal provision punishing husbands who abandon their wives

82. Why did payment of mahr not end the husband's liability under Section 125, according to the passage?

- (A) Mahr had not been paid in full
- (B) Section 127(3)(b) applies only to Hindu marriages
- (C) Mahr is payable in consideration of marriage, not on divorce, so Section 127(3)(b) did not apply
- (D) The wife had refused to accept the mahr

83. Under Explanation (b) to Section 125(1) CrPC, as described in the passage, which of the following women is NOT a 'wife' entitled to claim maintenance from her former husband?

- (A) A divorced woman who has since remarried
- (B) A woman divorced by her husband by irrevocable talaq who has not remarried
- (C) A woman who obtained a divorce from her husband and has not remarried
- (D) A woman whose divorce was granted by a civil court and who has not remarried



- 84. In which case did the Supreme Court uphold the Muslim Women (Protection of Rights on Divorce) Act, 1986, while reading it to require a reasonable and fair provision for the divorced wife's future?**
- (A) Shayara Bano v. Union of India (2017)
 - (B) Sarla Mudgal v. Union of India (1995)
 - (C) Danial Latifi v. Union of India (2001)
 - (D) Bai Tahira v. Ali Hussain Fidaalli Chothia (1979)
-
- 85. Which provision of the Constitution did the Court refer to in regretting that a uniform civil code had remained a dead letter?**
- (A) Article 25
 - (B) Article 44
 - (C) Article 39A
 - (D) Article 51A

PASSAGE 18 · PROPERTY LAW

The Garden in Leicester Square

In 1808, Tulk, who owned several houses around Leicester Square in London, sold the garden in the centre of the square to a purchaser named Elms. The conveyance contained a covenant by Elms, for himself, his heirs and assigns, that he would keep and maintain the garden in its existing condition as an open pleasure ground, uncovered with buildings. Tulk retained the surrounding houses, whose value depended in part on the open garden.

The land passed through several hands until it reached Moxhay. His conveyance did not contain the covenant, but he admitted that he had notice of it when he bought. Moxhay announced an intention to build on the garden. Tulk applied for an injunction to restrain him.

At common law, the burden of a covenant did not run with freehold land so as to bind a successor who was not a party to the original agreement. The Lord Chancellor, Lord Cottenham, accepted that the question was not whether the covenant ran with the land at law. The question was whether a party who had acquired land with notice of the covenant should be permitted to use it in a manner inconsistent with the contract entered into by his vendor. It would be inequitable, he held, for a purchaser to buy land at a lower price because of a restriction and then sell or use it free of that restriction. The price paid would reflect the burden. Equity would therefore bind a purchaser with notice. The injunction was granted.

Later English cases refined this equitable doctrine. Only restrictive or negative covenants, which prevent the owner from doing something on the land, were held to bind successors; positive covenants requiring expenditure did not. The covenant must also have been made to benefit land retained by the covenantee, and the burden passes only to those who take with notice. A bona fide purchaser for value without notice takes free of it.

Indian law contains a parallel rule in Section 40 of the Transfer of Property Act, 1882. Its second paragraph deals with an obligation arising out of contract and annexed to the ownership of immovable property, but not amounting to an interest in it or an easement on it. Such an obligation may be enforced against a transferee with notice of it, or a gratuitous transferee, but not against a transferee for consideration and without notice.



The doctrine in *Tulk v. Moxhay* gave rise to the modern law of restrictive covenants, which is widely used to preserve the character of residential estates and to control building on land that has been sold.

Based on *Tulk v. Moxhay* (1848)

- 86. According to the passage, why did Lord Cottenham hold that Moxhay was bound by the covenant?**
- (A) Because his own conveyance contained the covenant
 - (B) Because he acquired the land with notice of the covenant, and it would be inequitable for him to use it inconsistently with it
 - (C) Because the burden of covenants runs with freehold land at common law
 - (D) Because he was the original party to the covenant with Tulk
-
- 87. Which of the following correctly states a refinement of the doctrine in later English cases, as described in the passage?**
- (A) Only positive covenants bind successors
 - (B) Covenants bind every successor, including a purchaser without notice
 - (C) Covenants bind successors even if no land is retained by the covenantee
 - (D) Only restrictive or negative covenants bind successors; positive covenants requiring expenditure do not
-
- 88. X buys a plot from Y, paying full price, with no notice of an earlier contractual obligation that Y owed to a neighbour about the use of the plot. Under Section 40 of the Transfer of Property Act, 1882, as described in the passage, the obligation:**
- (A) can be enforced against X because obligations always run with land
 - (B) can be enforced against X only if the neighbour paid for it
 - (C) can be enforced against X because he is a gratuitous transferee
 - (D) cannot be enforced against X
-
- 89. Assertion (A): In *Tulk v. Moxhay*, equity bound a purchaser with notice to the covenant. Reason (R): The price paid for land subject to a restriction reflects the burden, so it would be inequitable for the purchaser to use the land free of it.**
- (A) Both A and R are true, and R is the correct explanation of A
 - (B) Both A and R are true, but R is not the correct explanation of A
 - (C) A is true, but R is false
 - (D) A is false, but R is true
-
- 90. What was the covenant entered into by Elms in 1808, as described in the passage?**
- (A) To build houses around the square for Tulk
 - (B) To keep the garden in Leicester Square as an open pleasure ground, uncovered with buildings
 - (C) To pay Tulk an annual sum for the upkeep of the square
 - (D) To sell the garden back to Tulk on demand

PASSAGE 19 · COMPANY LAW

The Company as Its Own Plaintiff



The Victoria Park Company was incorporated by a private Act of Parliament to buy land near Manchester and develop it as a park. Two shareholders, Richard Foss and Edward Turton, brought a suit against the directors, including Harbottle, alleging that they had misapplied the company's property. Among other things, the directors were said to have sold their own land to the company at inflated prices and to have mortgaged company property improperly. The plaintiffs sued on behalf of themselves and the other shareholders, other than the defendants.

Vice-Chancellor Wigram dismissed the suit. The injury alleged was an injury not to the plaintiffs individually but to the company. The company was a corporate body, legally distinct from its members, and it alone could sue to remedy a wrong done to it. The proper plaintiff, therefore, was the company itself. Further, the acts complained of were capable of being confirmed by the majority of shareholders. If the majority, acting in general meeting, could approve the conduct, there was no point in the court interfering at the instance of a minority.

Two principles thus emerge from the case: the proper plaintiff rule, and the rule of majority control in internal management. They have practical value. They prevent a multiplicity of suits by individual shareholders, they stop litigation over irregularities that the majority could simply ratify, and they respect the company's own decision-making bodies.

Strict application of these rules, however, could leave a minority without remedy when the wrongdoers themselves control the company and so prevent it from suing. Courts therefore recognised exceptions, later summarised in *Edwards v. Halliwell* (1950). The rule does not apply where the act complained of is ultra vires or illegal; where the matter requires a special majority which has not been obtained; where a shareholder's personal rights have been infringed; and where there is a fraud on the minority and the wrongdoers are in control. In such cases a minority shareholder may bring what came to be known as a derivative action, suing on behalf of the company to enforce the company's rights.

In India, the Companies Act, 2013 provides statutory protection to minorities. Sections 241 and 242 allow members to apply to the National Company Law Tribunal for relief against oppression and mismanagement, and Section 244 sets out who is eligible to apply. Section 245 provides for class action suits by members or depositors. The rule in *Foss v. Harbottle* continues to guide courts on when a shareholder may sue in respect of a wrong done to the company, but statute now supplies most of the remedies.

Based on *Foss v. Harbottle* (1843)

91. According to the passage, why was the suit in *Foss v. Harbottle* dismissed?

- (A) The directors had not in fact sold any land to the company
- (B) The company had already been wound up
- (C) Shareholders can never sue directors in any circumstances
- (D) The wrong alleged was done to the company, so the company was the proper plaintiff, and the acts could be confirmed by the majority

92. Which of the following is NOT an exception to the rule in *Foss v. Harbottle*, as summarised in *Edwards v. Halliwell*?

- (A) The act complained of is an irregularity in internal management that the majority can ratify
- (B) The act is ultra vires or illegal
- (C) A shareholder's personal rights have been infringed
- (D) There is a fraud on the minority and the wrongdoers are in control



- 93.** The directors of a company, who control the majority of votes, divert company funds to their own firm and block any resolution to sue themselves. A minority shareholder wants to sue. Based on the passage, the shareholder may:
- (A) bring a derivative action on behalf of the company under the fraud on the minority exception
 - (B) sue only if the board itself passes a resolution permitting it
 - (C) not sue, because the company is always the only proper plaintiff
 - (D) sue only for his own share of the diverted funds as damages
-
- 94.** Under the Companies Act, 2013, which provisions allow members to apply to the National Company Law Tribunal for relief against oppression and mismanagement?
- (A) Sections 230 and 232
 - (B) Sections 271 and 272
 - (C) Sections 166 and 168
 - (D) Sections 241 and 242
-
- 95.** The principle that a company is a legal person distinct from its members, on which the proper plaintiff rule rests, is most closely associated with which case?
- (A) Royal British Bank v. Turquand (1856)
 - (B) Salomon v. A. Salomon & Co. Ltd. (1897)
 - (C) Ashbury Railway Carriage and Iron Co. v. Riche (1875)
 - (D) Donoghue v. Stevenson (1932)

PASSAGE 20 · PUBLIC INTERNATIONAL LAW & HUMAN RIGHTS

When Does Practice Become Law?

The North Sea is bordered by several States whose coasts lie close together. The Federal Republic of Germany, Denmark and the Netherlands could not agree on how to divide the continental shelf beneath it. Denmark and the Netherlands argued that the boundaries should be drawn using the equidistance principle in Article 6 of the Geneva Convention on the Continental Shelf, 1958, under which each point on the boundary is equally distant from the nearest points on the coasts of the two States. Because the German coast is concave, equidistance lines drawn with each neighbour would meet in a way that cut Germany off from a large share of the shelf. The disputes were referred to the International Court of Justice by special agreements, and the cases were joined.

Germany had signed but not ratified the 1958 Convention. The first question, therefore, was whether Article 6 bound Germany either as a treaty obligation or because the equidistance principle had become a rule of customary international law. The Court, in its judgment of 1969, held that it did not.

On the treaty argument, the Court found that Germany had not assumed the obligations of the Convention by its conduct. On custom, the Court explained the two elements that must be present. There must be State practice, which should be extensive and virtually uniform, including that of States whose interests are specially affected. There must also be *opinio juris sive necessitatis*, a belief that the practice is required by law. The acts concerned must be carried out in such a way as to show that they are done because a rule of law requires them, and not merely out of convenience, courtesy or tradition. The passage of only a short period of time is not in itself a bar to the formation of a new customary rule, provided the practice in that period has been extensive and uniform.



Applying these tests, the Court found that equidistance had not become customary law. The number of States following it was not sufficient, and where they had used it there was no evidence that they did so out of a sense of legal obligation. The Convention also allowed reservations to Article 6, which suggested that it was not regarded as declaring a fundamental rule.

The Court held that delimitation was to be effected by agreement in accordance with equitable principles, taking account of all relevant circumstances, so that each State received the parts of the shelf that constitute a natural prolongation of its land territory. The case remains the leading authority on the formation of customary international law, a source recognised in Article 38(1)(b) of the Statute of the Court.

Based on North Sea Continental Shelf Cases (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. Netherlands) (1969)

96. Why was Article 6 of the 1958 Geneva Convention not binding on Germany as a treaty obligation, according to the passage?

- (A) The Convention had not yet entered into force for any State
- (B) Germany had signed but not ratified the Convention and had not assumed its obligations by conduct
- (C) Article 6 had been declared void by the International Court of Justice
- (D) Germany had withdrawn from the Convention before the dispute

97. According to the passage, which two elements must be present for a rule of customary international law to form?

- (A) Ratification by two-thirds of States, and approval by the UN General Assembly
- (B) A treaty provision, and its registration with the UN Secretariat
- (C) Practice over at least fifty years, and acceptance by the Security Council
- (D) Extensive and virtually uniform State practice, and *opinio juris sive necessitatis*

98. Several States regularly fire gun salutes to visiting foreign warships, but they say they do so only out of courtesy. Based on the passage, this practice:

- (A) creates customary law, because the practice is regular
- (B) creates customary law once it has lasted for a long period
- (C) does not create customary law, because there is no sense of legal obligation
- (D) creates customary law only for States that are specially affected

99. Consider the following statements based on the passage. I. The passage of only a short period of time is not in itself a bar to the formation of a new customary rule. II. The Court held that the boundaries must be drawn strictly by the equidistance method. Which of the statements is/are correct?

- (A) Only I
- (B) Only II
- (C) Both I and II
- (D) Neither I nor II



100. Article 38(1)(b) of the Statute of the International Court of Justice refers to which source of international law?

- (A) International conventions establishing rules expressly recognised by the contesting States
- (B) International custom, as evidence of a general practice accepted as law
- (C) The general principles of law recognised by civilised nations
- (D) Judicial decisions and the teachings of the most highly qualified publicists

PASSAGE 21 · ENVIRONMENTAL LAW

Tanneries, Rivers and Sustainable Development

A large number of tanneries and other industries in Tamil Nadu were discharging untreated effluent into agricultural fields, open lands and waterways, including the river Palar, the main source of water for the people of the area. A citizens' group filed a writ petition under Article 32 complaining that the pollution had damaged agriculture and made drinking water unfit. The tanneries, a major export industry earning foreign exchange and providing employment, argued that their contribution to the economy should be considered.

A Bench of the Supreme Court, with Justice Kuldip Singh writing the judgment, accepted that the leather industry was vital to the economy but held that it had no right to destroy the ecology, degrade the environment and pose a health hazard. The Court accepted 'sustainable development' as a balancing concept between ecology and development, and held that the precautionary principle and the polluter pays principle are essential features of sustainable development.

The Court explained the precautionary principle in three parts. Environmental measures by the State must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. And the onus of proof is on the actor or the developer or industrialist to show that the proposed action is environmentally benign. The polluter pays principle was explained to mean that absolute liability for harm to the environment extends not only to compensating the victims of pollution but also to the cost of restoring the environmental degradation.

The Court held that these principles are part of the environmental law of the country. It relied on Articles 21, 47, 48A and 51A(g) of the Constitution and on statutes such as the Water Act, 1974, the Air Act, 1981 and the Environment (Protection) Act, 1986. It added that rules of customary international law which are not contrary to municipal law are deemed to be incorporated into domestic law and followed by the courts, and that these principles had become part of customary international law.

The Court directed the Central Government to constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 to deal with the situation, to assess the loss to the ecology and the compensation to be paid to affected persons, and to identify those responsible. A fine was imposed on each tannery, to be credited to an environment protection fund, and the Madras High Court was requested to constitute a special Green Bench. Vellore Citizens remains the principal judicial authority for the domestic status of these principles in India.

Based on Vellore Citizens' Welfare Forum v. Union of India (1996)



- 101.** Which of the following is NOT one of the three parts of the precautionary principle, as explained in the passage?
- (A) State measures must anticipate, prevent and attack the causes of environmental degradation
 - (B) Lack of scientific certainty should not be used as a reason for postponing preventive measures
 - (C) A polluter may continue operations until the government proves conclusively that harm is being caused
 - (D) The onus of proof is on the developer to show the proposed action is environmentally benign
-
- 102.** According to the passage, the polluter pays principle means that liability extends to:
- (A) compensating the victims only, while restoration is the State's duty
 - (B) compensating the victims of pollution and also the cost of restoring the environmental degradation
 - (C) paying a fixed licence fee for the right to pollute
 - (D) the cost of restoration only, not compensation to victims
-
- 103.** A company proposes to set up a chemical plant near a river. Scientists disagree on whether its discharge will harm aquatic life, but some warn of serious and irreversible damage. Applying the precautionary principle as described in the passage:
- (A) the plant must be allowed until the harm is scientifically proven
 - (B) the regulator must prove beyond reasonable doubt that the plant will cause harm
 - (C) the company must show the plant is environmentally benign, and the uncertainty is no reason to delay preventive measures
 - (D) the matter must wait until the scientists reach a consensus
-
- 104.** Which constitutional provision imposes a fundamental duty on every citizen to protect and improve the natural environment?
- (A) Article 48A
 - (B) Article 51A(g)
 - (C) Article 47
 - (D) Article 39(b)
-
- 105.** Under which provision did the Court direct the Central Government to constitute an authority in Vellore Citizens, as stated in the passage?
- (A) Section 4 of the Water (Prevention and Control of Pollution) Act, 1974
 - (B) Section 3(3) of the Environment (Protection) Act, 1986
 - (C) Section 5 of the Air (Prevention and Control of Pollution) Act, 1981
 - (D) Section 14 of the National Green Tribunal Act, 2010

PASSAGE 22 · INTELLECTUAL PROPERTY

Copyright in Copy-Edited Judgments

Eastern Book Company publishes the law report Supreme Court Cases. Its editors receive the text of judgments and then copy-edit them: they correct typographical errors, insert cross-references and citations, standardise formatting, break long passages into paragraphs, number the paragraphs, and indicate which judges concurred or dissented. They also add headnotes, short notes and editorial notes. The respondents



brought out computer software containing Supreme Court judgments. The publishers alleged that the respondents had copied the copy-edited versions from Supreme Court Cases, and sought an injunction for infringement of copyright.

The judgments themselves are not the property of any publisher. Section 52(1)(q)(iv) of the Copyright Act, 1957 permits the reproduction or publication of any judgment or order of a court, unless its reproduction or publication is prohibited by the court. The question was whether the publishers' copy-edited versions were 'original literary works' under Section 13 so as to attract copyright.

Two approaches were considered. Under the 'sweat of the brow' doctrine, associated with older English decisions, copyright could be claimed in a work merely because labour and capital had been spent on it. Under the 'modicum of creativity' standard, adopted by the United States Supreme Court in *Feist Publications v. Rural Telephone Service* (1991), a work must have at least some minimal degree of creativity to be original. The Supreme Court of India, in a judgment delivered by Justice P.P. Naolekar, rejected the 'sweat of the brow' approach. It held that a derivative work must show that skill and judgment had gone into it, with a flavour of minimal creativity. The work need not be novel, but it must not be a mere product of labour. The Court found guidance in the Supreme Court of Canada's decision in *CCH Canadian Ltd. v. Law Society of Upper Canada* (2004).

Applying this test, the Court held that the corrections of spelling and punctuation, insertion of citations and standard formatting did not involve enough creativity, because any trained person would make the same changes. These were not protected. However, the segregation of existing paragraphs into separate paragraphs, the internal numbering of paragraphs, and the indication of whether judges had concurred or dissented required the editor to apply legal knowledge and judgment. These elements were held to be protected, and the respondents were restrained from copying them. Headnotes and editorial notes were in any case original works.

The decision is now the leading Indian authority on originality in copyright, and it places Indian law between the labour-based and creativity-based standards.

Based on *Eastern Book Company v. D.B. Modak* (2008) 1 SCC 1

106. Which standard of originality did the Supreme Court adopt in *Eastern Book Company v. D.B. Modak*, according to the passage?

- (A) The 'sweat of the brow' doctrine
- (B) Novelty and non-obviousness
- (C) Skill and judgment, with a flavour of minimal creativity
- (D) Commercial value of the work

107. Which of the following elements of the copy-edited judgments was held to be protected by copyright, as described in the passage?

- (A) Internal numbering of paragraphs
- (B) Correction of spelling and punctuation errors
- (C) Insertion of citations
- (D) Standard formatting of the text



108. Under which provision of the Copyright Act, 1957, as mentioned in the passage, is the reproduction or publication of a judgment of a court permitted unless the court prohibits it?

- (A) Section 52(1)(q)(iv)
- (B) Section 13(1)(a)
- (C) Section 14(a)
- (D) Section 57

109. The 'modicum of creativity' standard was adopted by the United States Supreme Court in:

- (A) CCH Canadian Ltd. v. Law Society of Upper Canada (2004)
- (B) University of London Press v. University Tutorial Press (1916)
- (C) Baker v. Selden (1879)
- (D) Feist Publications v. Rural Telephone Service (1991)

110. Assertion (A): Corrections of typographical errors in a judgment were held not to be protected by copyright. Reason (R): Any trained person would make the same corrections, so they do not involve enough creativity.

- (A) Both A and R are true, and R is the correct explanation of A
- (B) Both A and R are true, but R is not the correct explanation of A
- (C) A is true, but R is false
- (D) A is false, but R is true

PASSAGE 23 · OTHER

Testing an Economic Experiment: The IBC Upheld

The Insolvency and Bankruptcy Code, 2016 changed the way India deals with corporate distress. Under the earlier system, debtors often stayed in control for years while recovery proceedings dragged on. The Code introduced a time-bound corporate insolvency resolution process, in which control of the company passes to an insolvency professional and a Committee of Creditors decides whether to approve a resolution plan or allow the company to be liquidated. Several corporate debtors and their promoters challenged various provisions of the Code under Article 14 and other provisions of the Constitution.

A Bench of Justices R.F. Nariman and Navin Sinha upheld the Code in its entirety. The Court began by noting that the Code is an experiment in economic legislation, and that in matters of economic policy the legislature must be given greater latitude. Courts would not strike down such legislation unless it was clearly arbitrary or discriminatory. The Code, it emphasised, is not merely a recovery law for creditors; it is a beneficial legislation which aims to put the corporate debtor back on its feet.

The central challenge concerned the distinction between financial creditors, such as banks that lend money, and operational creditors, such as suppliers of goods and services. Only financial creditors have votes in the Committee of Creditors. The Court held this classification valid. Financial creditors are involved from the outset in assessing the viability of the debtor, usually lend large sums under secured, long-term arrangements, and are able to restructure the loan. Operational creditors are typically involved only in recovering amounts owed for goods or services, which are often smaller and short-term. The classification had an intelligible differentia with a rational nexus to the object of the Code. The Court also noted that



operational creditors were protected, since a resolution plan must pay them at least what they would receive in liquidation.

Section 29A, which bars certain persons, including promoters of companies whose accounts have been classified as non-performing assets for more than a year, from submitting resolution plans, was also upheld. The Court held that a resolution applicant has no vested right to have its plan considered, and that keeping out those responsible for the debtor's failure was consistent with the Code's object. It read the term 'related party' to mean a person connected with the business activity of the resolution applicant.

The Court also upheld Section 12A, which allows withdrawal of an application after admission with the approval of ninety percent of the Committee of Creditors. Swiss Ribbons is regarded as the foundational decision on the constitutional validity of the Code.

Based on Swiss Ribbons Pvt. Ltd. v. Union of India (2019)

111. According to the passage, how did the Court describe the Insolvency and Bankruptcy Code?

- (A) As an experiment in economic legislation and a beneficial law aimed at reviving the corporate debtor
- (B) As a recovery law meant only for the benefit of banks
- (C) As a penal statute punishing defaulting promoters
- (D) As a temporary law to be reviewed by the courts every year

112. On what basis did the Court uphold the classification between financial and operational creditors?

- (A) Operational creditors are always foreign entities
- (B) Financial creditors pay a higher fee to the Tribunal
- (C) Operational creditors had waived their rights by supplying goods on credit
- (D) Financial creditors assess the debtor's viability from the outset and usually lend large secured long-term sums, while operational creditors mostly recover smaller short-term dues

113. Under Section 12A of the IBC, as upheld in Swiss Ribbons, an application may be withdrawn after admission with the approval of what share of the Committee of Creditors?

- (A) Sixty-six percent
- (B) Fifty-one percent
- (C) Seventy-five percent
- (D) Ninety percent

114. A promoter whose company's account has been classified as a non-performing asset for two years seeks to submit a resolution plan, arguing that excluding him violates his vested rights. Based on the passage, the argument would:

- (A) fail, since a resolution applicant has no vested right to have its plan considered and Section 29A was upheld
- (B) succeed, since Section 29A was struck down as arbitrary
- (C) succeed, since promoters always have a right of first refusal
- (D) fail only if the operational creditors object



115. Consider the following statements based on the passage. I. Only financial creditors have votes in the Committee of Creditors. II. The Court struck down the provision excluding operational creditors from the Committee of Creditors. Which of the statements is/are correct?

- (A) Only I
- (B) Only II
- (C) Both I and II
- (D) Neither I nor II

PASSAGE 24 · OTHER

Taxing an Offshore Sale

In 2007, Hutchison Telecommunications International Limited, a company based outside India, sold its entire shareholding in CGP Investments (Holdings) Limited, a company incorporated in the Cayman Islands, to Vodafone International Holdings B.V., a Dutch company. Through a chain of intermediate companies, CGP held a controlling interest in Hutchison Essar Limited, an Indian telecom company. The sale was worth about eleven billion US dollars. The Income Tax Department took the view that the transaction amounted to a transfer of a capital asset situated in India, that capital gains accrued in India under Section 9(1)(i) of the Income Tax Act, 1961, and that Vodafone should have deducted tax at source under Section 195 before paying the seller. The Bombay High Court upheld the Department's jurisdiction.

A three-judge Bench of the Supreme Court, led by Chief Justice S.H. Kapadia, allowed Vodafone's appeal. The Court held that Section 9(1)(i) did not, as it then stood, cover indirect transfers of capital assets situated in India. It was not a look-through provision. The share of CGP was situated outside India, and its transfer between two non-residents did not attract Indian tax.

On the question of tax avoidance, the Court applied what it called the 'look at' test. When a transaction involving a holding structure is examined, the court should look at the transaction as a whole, holistically, and not dissect it into separate steps. If a structure is used for genuine business purposes and has commercial substance, it should be respected. Only if it is a sham or a colourable device created merely to avoid tax can the corporate veil be lifted. Factors such as the duration of the holding structure, the period of business operations in India, the generation of taxable revenue in India and the timing of exit were relevant. The Court approved its earlier decision in *Union of India v. Azadi Bachao Andolan* (2003) and explained that *McDowell & Co. v. CTO* (1985) did not condemn all tax planning, only colourable devices.

The legislative reaction was swift. The Finance Act, 2012 inserted explanations into Section 9(1)(i) with retrospective effect from 1962, providing that a share of a foreign company is deemed to be situated in India if it derives its value substantially from assets located in India. The retrospective amendment was widely criticised as undermining tax certainty. Vodafone initiated arbitration under the bilateral investment treaty between India and the Netherlands, and the tribunal ruled in its favour in 2020. In 2021, Parliament amended the law to provide that no tax demand would be raised under the retrospective amendment for indirect transfers made before 28 May 2012.

Based on *Vodafone International Holdings B.V. v. Union of India* (2012)



116. According to the passage, why did the Supreme Court hold that the Vodafone transaction was not taxable in India?

- (A) Vodafone was a company resident in India
- (B) Capital gains are exempt from tax in India
- (C) Section 9(1)(i), as it then stood, did not cover indirect transfers and was not a look-through provision
- (D) The India-Netherlands treaty prohibited all taxation of telecom companies

117. What does the 'look at' test require, as explained in the passage?

- (A) Examining the transaction as a whole, holistically, rather than dissecting it into separate steps
- (B) Looking through every company in the chain and taxing each step separately
- (C) Looking only at the legal form of the documents, ignoring commercial substance
- (D) Looking at the tax paid by the parties in other countries

118. A foreign company sets up a subsidiary in Mauritius one week before a planned sale, with no staff, assets or business, only to route the sale of an Indian company's shares through it. Under the reasoning in the passage, a court would most likely:

- (A) respect the structure, since all holding structures must be respected
- (B) treat it as a sham or colourable device and lift the corporate veil
- (C) refuse to examine the structure, since tax planning is never questioned
- (D) tax only the Mauritius subsidiary's profits

119. Which earlier decision did the Court in Vodafone approve, as stated in the passage?

- (A) Commissioner of Income Tax v. Bombay Burmah Trading Corporation (1986)
- (B) State of Madras v. Gannon Dunkerley & Co. (1958)
- (C) Union of India v. Azadi Bachao Andolan (2003)
- (D) Cooper v. Union of India (1970)

120. What change did the Finance Act, 2012 make, according to the passage?

- (A) It abolished capital gains tax for non-residents
- (B) It inserted explanations into Section 9(1)(i) with retrospective effect from 1962, deeming a foreign company's share to be situated in India if it derives its value substantially from Indian assets
- (C) It made the Vodafone judgment binding on all future transactions
- (D) It repealed Section 195 of the Income Tax Act



Answer key

1 A	2 B	3 B	4 A	5 C	6 D	7 B	8 A	9 A	10 B
11 C	12 B	13 C	14 D	15 C	16 D	17 B	18 B	19 D	20 D
21 C	22 C	23 B	24 D	25 B	26 A	27 C	28 D	29 A	30 C
31 B	32 D	33 D	34 A	35 C	36 D	37 C	38 D	39 C	40 B
41 D	42 D	43 C	44 D	45 C	46 A	47 C	48 D	49 A	50 C
51 D	52 C	53 B	54 A	55 D	56 D	57 A	58 B	59 A	60 B
61 A	62 A	63 D	64 C	65 A	66 B	67 C	68 B	69 B	70 C
71 A	72 C	73 D	74 A	75 B	76 D	77 C	78 D	79 A	80 C
81 B	82 C	83 A	84 C	85 B	86 B	87 D	88 D	89 A	90 B
91 D	92 A	93 A	94 D	95 B	96 B	97 D	98 C	99 A	100 B
101 C	102 B	103 C	104 B	105 B	106 C	107 A	108 A	109 D	110 A
111 A	112 D	113 D	114 A	115 A	116 C	117 A	118 B	119 C	120 B

Explanations

- (A) They were law declared under Article 141, binding until suitable legislation was enacted** — The passage states the guidelines were framed under Article 32 and declared to be law under Article 141, binding until legislation. They also applied to employers 'public and private', not only to government employers.
- (B) Article 20, protection in respect of conviction for offences** — The passage lists Articles 14, 15, 19(1)(g) and 21. Article 20 deals with protection in respect of conviction for offences and was not part of the reasoning.
- (B) read the convention's standards into the relevant fundamental rights to enlarge their meaning** — Vishaka held that, absent domestic law, a convention not inconsistent with fundamental rights and in harmony with their spirit must be read into them. It does not override Part III where the two conflict.
- (A) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** — The POSH Act, 2013 is the legislation that put the Vishaka guidelines into statutory form. The Criminal Law (Amendment) Act, 2013 changed the penal law, not workplace redressal mechanisms.
- (C) Both I and II** — Statement I matches the passage's account of the complaints committee. Statement II correctly describes Article 51(c), a Directive Principle the Court relied on.
- (D) Section 69A of the IT Act, permitting blocking of online information** — Section 69A was upheld because it is narrowly drawn and has procedural safeguards. Section 66A and Section 118(d) were struck down, and Section 79 was read down, not upheld as enacted.



- 7. (B) advocacy, which is protected and does not attract Article 19(2)** — Urging a peaceful campaign for a cause is advocacy. The passage says only incitement brings Article 19(2) into play, and how widely a post is shared does not turn it into incitement.
- 8. (A) knowledge through a court order or a notification by the appropriate Government** — The Court read 'actual knowledge' as knowledge through a court order or a government notification, so intermediaries would not have to judge millions of private requests.
- 9. (A) Both A and R are true, and R is the correct explanation of A** — The passage links the chilling effect directly to the provision's vagueness. R is therefore the correct explanation of A.
- 10. (B) Causing annoyance or inconvenience to others** — Article 19(2) lists grounds such as sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation and incitement to an offence. The passage notes that annoyance or inconvenience is not among them.
- 11. (C) Article 19(1)(a)** — The passage states that Article 19(1)(a) protects the expression of gender identity through dress, words, action or behaviour.
- 12. (B) contrary to NALSA, which held that requiring surgery for gender recognition is illegal and that the test is psychological** — The passage records that insisting on sex reassignment surgery as a condition for recognition was declared immoral and illegal, and that the test is psychological, not biological.
- 13. (C) Treating transgender persons as socially and educationally backward classes for reservation in admissions and public appointments** — The passage mentions the direction to treat transgender persons as socially and educationally backward classes and extend reservation. Section 377 was dealt with in a different later case, and the other options are not mentioned.
- 14. (D) The Transgender Persons (Protection of Rights) Act, 2019** — The passage notes that Parliament subsequently enacted the Transgender Persons (Protection of Rights) Act, 2019.
- 15. (C) Both I and II** — Statement I is stated in the passage. Statement II is correct: in Navtej Singh Johar a five-judge Bench read down Section 377 IPC so far as it criminalised consensual acts between adults.
- 16. (D) Struck down clause (4) of Article 329A as violating the basic structure** — The five-judge Bench unanimously struck down clause (4) of Article 329A. The passage does not say the whole amendment was invalidated.
- 17. (B) Federalism and the distribution of legislative powers between the Union and the States** — The passage mentions democracy and free and fair elections, the rule of law, equality and judicial review. It says nothing about federalism in this context.
- 18. (B) The appeal was allowed and the election was upheld under the retrospectively amended election law** — The passage states that the Court upheld the amended election law, since ordinary laws are not tested against the basic structure, and allowed the appeal on that basis.
- 19. (D) Kesavananda Bharati v. State of Kerala (1973)** — The passage itself identifies Kesavananda Bharati (1973) as the source of the doctrine. Golaknath held that fundamental rights could not be amended, and Minerva Mills came later.
- 20. (D) invalid, because the amending body would be deciding an individual dispute without applying any law** — The passage explains that clause (4) failed because the amending body decided an election dispute itself without applying law, which harms judicial review and free elections. The same reasoning applies here.



- 21. (C) Once enforcement of Article 21 was suspended, no person had locus standi to seek habeas corpus, whatever the ground of challenge** — The majority held that Article 21 was the sole repository of the right and that no habeas corpus lay even on grounds of illegality or mala fides. The view that Article 21 merely recognises a pre-existing right was Justice Khanna's dissent.
- 22. (C) Justice H.R. Khanna** — The passage names Justice H.R. Khanna as the lone dissenter. The other three judges were in the majority.
- 23. (B) Articles 20 and 21** — The 44th Amendment amended Article 359 so that the enforcement of Articles 20 and 21 cannot be suspended during an Emergency.
- 24. (D) Justice K.S. Puttaswamy v. Union of India (2017)** — The passage states that the nine-judge Bench in Puttaswamy (2017) called the majority seriously flawed and expressly overruled it.
- 25. (B) Suspension of the remedy did not give the State power to deprive a person of life or liberty without the authority of law** — Justice Khanna held that life and liberty pre-existed the Constitution and that suspending the remedy did not authorise deprivation without law. The views that the rule of law is what the Presidential order makes it and that Article 21 is the sole repository of the right belong to the majority.
- 26. (A) Because no person can live without the means of living, and taking away livelihood is the easiest way of depriving a person of life** — The passage gives the Court's reasoning that a person cannot live without the means of living. Article 41 is a Directive Principle, not a fundamental right.
- 27. (C) It held there can be no estoppel against the Constitution and fundamental rights cannot be waived** — The passage states that the Court rejected the estoppel argument, since fundamental rights rest on public policy and cannot be waived.
- 28. (D) Neither I nor II** — Both statements are wrong. The Court said no one has a right to encroach on footpaths, and it upheld Section 314 as an enabling power to be used without notice only in exceptional cases.
- 29. (A) Maneka Gandhi v. Union of India (1978)** — Maneka Gandhi (1978) held that the procedure under Article 21 must be fair, just and reasonable. A.K. Gopalan had taken the narrower view that it was not.
- 30. (C) give the occupants notice and a hearing before removal** — The passage states that removal without notice is for exceptional, urgent cases only and that in the ordinary case a hearing should be given. Occupants still have no right to stay on the footpath.
- 31. (B) The Union Minister of Law and Justice** — The passage lists the CJI, the two next senior-most judges, the Union Law Minister and two eminent persons. The others named were not members.
- 32. (D) Justice J. Chelameswar** — The passage states that Justice J. Chelameswar dissented, while Justices Khehar, Lokur, Kurian Joseph and Goel formed the majority.
- 33. (D) the Second Judges Case (1993)** — The passage states that the Second Judges Case (1993) gave primacy to the CJI's collective opinion. The First Judges Case had given primacy to the executive, and the Third Judges Case expanded the collegium.
- 34. (A) Both A and R are true, and R is the correct explanation of A** — The passage gives the Government's position as the largest litigant as the reason why the Law Minister's presence was objectionable. R explains A.



- 35. (C) The collegium system as it stood before the amendment was revived** — The passage says that because the amendment was declared void, the earlier collegium system was revived.
- 36. (D) Passive euthanasia withdraws or withholds life-supporting treatment so that death occurs from the underlying condition, while active euthanasia involves a positive act to end life** — The passage defines active euthanasia as a positive act such as giving a lethal substance, and passive euthanasia as withdrawing or withholding treatment so that natural death follows.
- 37. (C) It distinguished Gian Kaur as dealing with unnatural termination of life by suicide, not with letting natural death take its course** — The passage explains that Gian Kaur concerned suicide, while passive euthanasia concerns allowing natural death in a terminal state, so the earlier case did not stand in the way.
- 38. (D) Aruna Ramchandra Shanbaug v. Union of India (2011)** — The passage identifies Aruna Shanbaug (2011) as the two-judge Bench decision permitting passive euthanasia with High Court approval.
- 39. (C) not a valid advance directive, because only an adult of sound mind can make one** — The passage states that only an adult of sound mind, acting voluntarily and with full knowledge, could make an advance directive. A minor cannot.
- 40. (B) Only II** — Statement I is wrong: the passage says active euthanasia remains impermissible. Statement II is correct: the guidelines were to operate until Parliament legislated.
- 41. (D) It is not created by any act of will but is presupposed** — The passage says that, unlike every other norm, the basic norm is not created by an act of will; it is presupposed to provide the final ground of validity.
- 42. (D) the statute authorising the tax officer, which itself is valid because it was made as the Constitution prescribes** — For Kelsen each norm derives validity from a higher norm, so the order rests on the statute, and the statute on the Constitution. Fairness, payment or moral duty are not grounds of legal validity in the pure theory.
- 43. (C) A norm is legally valid only if it conforms to principles of justice** — The pure theory separates legal validity from moral merit, so tying validity to justice is inconsistent with it. The other three statements are drawn from the passage.
- 44. (D) State v. Dosso (1958)** — The passage names State v. Dosso (1958). Asma Jilani (1972) is the later case in which that approach was rejected.
- 45. (C) Efficacy is a condition of validity but not the reason for validity** — The passage states that a legal order must be by and large effective, so efficacy is a condition of validity, but the reason for validity is the higher norm.
- 46. (A) Legitimacy** — The passage lists intensity, duration, certainty, propinquity, fecundity, purity and extent. Legitimacy is not among them.
- 47. (C) As the sum of the interests of the individuals who compose it** — Bentham called the community a fictitious body whose interest is simply the sum of the interests of its members.
- 48. (D) inefficacious, because it cannot prevent the mischief** — Punishment that cannot influence the conduct it targets is inefficacious in Bentham's scheme. The act may cause harm, so 'groundless' does not fit, and Bentham treated all punishment as an evil.
- 49. (A) Both A and R are true, and R is the correct explanation of A** — The passage says that because punishment inflicts pain it is an evil, and so it is justified only if it excludes a greater evil. R explains A.



- 50. (C) John Stuart Mill** — J.S. Mill, in 'Utilitarianism' (1863), argued that pleasures differ in quality as well as quantity. Austin was Bentham's follower in analytical jurisprudence but is not known for this distinction.
- 51. (D) The prevailing view was that natural justice applied only to bodies exercising judicial or quasi-judicial functions** — The passage explains that the dominant view limited natural justice to judicial or quasi-judicial bodies. Ridge was acquitted, and he did appeal to the Home Secretary.
- 52. (C) A public officer who can be removed only for misconduct** — Lord Reid held that where an officer can be dismissed only for cause, he must be told the case and allowed to answer. Servants and those holding office at pleasure fall in the other categories.
- 53. (B) It did not cure the defect of dismissing him without a hearing** — The passage states that the later appeal to the Home Secretary did not cure the original defect.
- 54. (A) Hear the other side** — Audi alteram partem means 'hear the other side', the rule that no one should be condemned unheard. 'No one should be a judge in his own cause' is nemo judex in causa sua.
- 55. (D) Article 311(2)** — Article 311(2) requires an inquiry with a reasonable opportunity of being heard. Article 310 states the pleasure doctrine, and Article 309 deals with recruitment and conditions of service.
- 56. (D) The parties did not intend the arrangement to have legal consequences** — The passage states that domestic arrangements are not contracts because the parties did not intend them to be attended by legal consequences.
- 57. (A) find that legal relations were intended, as in Merritt v. Merritt** — The passage says the presumption against legal relations can be rebutted, as where already separated spouses put their arrangements in writing in Merritt v. Merritt.
- 58. (B) Section 2(h)** — Section 2(h) defines a contract as an agreement enforceable by law. Section 2(e) defines an agreement, and Section 10 states what agreements are contracts.
- 59. (A) Only I** — Statement I is correct according to the passage. Statement II is wrong because the passage says both presumptions can be rebutted.
- 60. (B) Enforcing them would flood the courts with litigation over household arrangements** — The passage states that Atkin LJ feared the courts would be flooded with litigation if every promise between spouses about household expenses were enforced.
- 61. (A) He did not know of the reward when he traced the boy, so there was no acceptance** — The Court held that acceptance requires knowledge of the offer, and Lalman did not know of the handbills when he found the boy.
- 62. (A) Section 8** — Section 8 provides that performing the conditions of a proposal is an acceptance. Section 4 deals with when communication is complete.
- 63. (D) it comes to the knowledge of the person to whom it is made** — The passage quotes Section 4: communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.
- 64. (C) is entitled to the reward, as he performed the conditions with knowledge of the offer** — A general offer may be accepted by performing its conditions without notice of acceptance, provided the person acts with knowledge of the offer, as X did.



- 65. (A) a general offer that could be accepted by anyone who performed its conditions** — The passage states that the Court of Appeal treated the advertisement as a general offer accepted by performing the conditions. It was not a mere invitation to treat.
- 66. (B) The requirement of a 'non-natural use' of land** — The passage states that Lord Cairns added that the rule applies where there is a non-natural use of the land.
- 67. (C) There was no escape of the dangerous thing from the defendant's premises** — The passage says the rule was not applied because the explosion occurred inside the factory and nothing escaped.
- 68. (B) The defendant took all reasonable care to prevent the escape** — Strict liability applies even without negligence, so reasonable care is not a defence. The other three are exceptions named in the passage.
- 69. (B) act of God, as in Nichols v. Marland** — An extraordinary natural event that could not be foreseen falls within act of God, illustrated in the passage by the rainfall in Nichols v. Marland. Rylands liability is strict, not absolute.
- 70. (C) Both I and II** — Both statements are correct and both appear in the passage: the case arose from the oleum gas leak and laid down absolute liability without exceptions.
- 71. (A) Registration of an FIR is mandatory if the information discloses a cognizable offence, and no preliminary inquiry is permissible in such a case** — The passage states the holding plainly. It also notes that registering an FIR does not automatically mean arrest.
- 72. (C) Cases of murder reported immediately after the incident** — The passage lists matrimonial disputes, commercial offences, medical negligence, corruption and abnormal delay. A promptly reported murder plainly discloses a cognizable offence and requires immediate registration.
- 73. (D) Seven days** — The passage states that the inquiry should not ordinarily exceed seven days. Fourteen days is the BNSS period under Section 173(3).
- 74. (A) three years or more but less than seven years** — The passage states that Section 173(3) allows a preliminary enquiry within fourteen days for offences punishable with three years or more but less than seven years, with a DSP's permission.
- 75. (B) the Superintendent of Police concerned, under Section 154(3)** — Section 154(3) CrPC allows the informant to send the substance of the information to the Superintendent of Police. The informant may also approach a Magistrate under Section 156(3).
- 76. (D) Police officers were to be given a checklist of the Section 41 parameters, to be filled in and forwarded to the Magistrate with reasons** — The passage lists the checklist direction. The Court did not bar arrest altogether; it required police to satisfy themselves that arrest was necessary.
- 77. (C) All offences punishable with imprisonment up to seven years, with or without fine** — The passage states that the directions covered all offences punishable with imprisonment up to seven years, not only Section 498A.
- 78. (D) Within two weeks of the institution of the case, extendable by the Superintendent of Police for reasons in writing** — The passage states that the Section 41A notice was to be served within two weeks, extendable by the Superintendent of Police for recorded reasons.
- 79. (A) departmental action and punishment for contempt of court** — The passage states that police officers failing to comply would be liable to departmental action and contempt of court.



- 80. (C) Both I and II** — Both statements appear in the passage and are correct. Section 35 BNSS corresponds to Sections 41 and 41A CrPC, and Section 85 BNS corresponds to Section 498A IPC.
- 81. (B) As a secular provision applying to all religions, meant to prevent vagrancy and destitution** — The Court held that Section 125 is secular, applies to persons of all religions and has no relationship with personal law.
- 82. (C) Mahr is payable in consideration of marriage, not on divorce, so Section 127(3)(b) did not apply** — The Court held that mahr is a mark of respect payable in consideration of marriage, not a sum payable on divorce, so it did not discharge liability under Section 125.
- 83. (A) A divorced woman who has since remarried** — The Explanation covers a divorced woman who 'has not remarried'. A divorced woman who has remarried falls outside it.
- 84. (C) Danial Latifi v. Union of India (2001)** — The passage names Danial Latifi (2001). Shayara Bano dealt with triple talaq, and Sarla Mudgal with bigamy by conversion.
- 85. (B) Article 44** — Article 44 directs the State to endeavour to secure a uniform civil code for citizens throughout India, and the passage refers to it.
- 86. (B) Because he acquired the land with notice of the covenant, and it would be inequitable for him to use it inconsistently with it** — Moxhay's conveyance did not contain the covenant and he was not an original party. Equity bound him because he bought with notice.
- 87. (D) Only restrictive or negative covenants bind successors; positive covenants requiring expenditure do not** — The passage states that only negative covenants bind successors, that the covenant must benefit land retained by the covenantee, and that a purchaser without notice takes free.
- 88. (D) cannot be enforced against X** — Section 40 makes such an obligation enforceable against a transferee with notice or a gratuitous transferee, but not against a transferee for consideration without notice. X paid full price and had no notice.
- 89. (A) Both A and R are true, and R is the correct explanation of A** — The passage gives this price-based reasoning as the basis for binding a purchaser with notice. R explains A.
- 90. (B) To keep the garden in Leicester Square as an open pleasure ground, uncovered with buildings** — The passage describes the covenant as one to maintain the garden as an open pleasure ground, uncovered with buildings.
- 91. (D) The wrong alleged was done to the company, so the company was the proper plaintiff, and the acts could be confirmed by the majority** — The Vice-Chancellor held that the injury was to the company, which alone could sue, and that the majority could confirm the acts. The exceptions show that shareholders can sue in some cases.
- 92. (A) The act complained of is an irregularity in internal management that the majority can ratify** — Irregularities the majority can ratify fall squarely within the rule; they are the reason for it. The other three are exceptions listed in the passage.
- 93. (A) bring a derivative action on behalf of the company under the fraud on the minority exception** — Where there is fraud on the minority and the wrongdoers control the company, a minority shareholder may bring a derivative action to enforce the company's rights.
- 94. (D) Sections 241 and 242** — The passage states that Sections 241 and 242 provide this remedy. Sections 230-232 deal with compromises and mergers, and Sections 271-272 with winding up.



- 95. (B) Salomon v. A. Salomon & Co. Ltd. (1897)** — Salomon (1897) is the leading authority on separate legal personality. Turquand deals with indoor management, and Ashbury with the ultra vires doctrine.
- 96. (B) Germany had signed but not ratified the Convention and had not assumed its obligations by conduct** — The passage states that Germany had signed but not ratified the Convention, and the Court found it had not assumed its obligations by conduct.
- 97. (D) Extensive and virtually uniform State practice, and opinio juris sive necessitatis** — The Court identified State practice and opinio juris, a belief that the practice is legally required, as the two elements.
- 98. (C) does not create customary law, because there is no sense of legal obligation** — The passage says acts done merely out of convenience, courtesy or tradition, without a belief that law requires them, do not show opinio juris.
- 99. (A) Only I** — Statement I is in the passage. Statement II is wrong: the Court held that delimitation was to be by agreement in accordance with equitable principles, not strictly by equidistance.
- 100. (B) International custom, as evidence of a general practice accepted as law** — Article 38(1)(b) refers to international custom. Conventions are under clause (a), general principles under (c), and judicial decisions and teachings under (d).
- 101. (C) A polluter may continue operations until the government proves conclusively that harm is being caused** — The passage places the onus on the developer, not the government, so requiring the government to prove harm conclusively contradicts the principle. The other three are its stated parts.
- 102. (B) compensating the victims of pollution and also the cost of restoring the environmental degradation** — The passage states that absolute liability extends both to compensating victims and to the cost of restoring the environment.
- 103. (C) the company must show the plant is environmentally benign, and the uncertainty is no reason to delay preventive measures** — The precautionary principle places the onus on the developer and says scientific uncertainty is not a reason to postpone preventive measures.
- 104. (B) Article 51A(g)** — Article 51A(g) is the fundamental duty. Article 48A is the Directive Principle directing the State to protect the environment.
- 105. (B) Section 3(3) of the Environment (Protection) Act, 1986** — The passage states the authority was to be constituted under Section 3(3) of the Environment (Protection) Act, 1986. The NGT Act came much later, in 2010.
- 106. (C) Skill and judgment, with a flavour of minimal creativity** — The Court rejected 'sweat of the brow' and required skill and judgment with a flavour of minimal creativity. Novelty is a patent law concept.
- 107. (A) Internal numbering of paragraphs** — The passage states that paragraph segregation, internal numbering and indications of concurrence or dissent were protected, while corrections, citations and formatting were not.
- 108. (A) Section 52(1)(q)(iv)** — The passage refers to Section 52(1)(q)(iv). Section 13 deals with works in which copyright subsists, Section 14 with the meaning of copyright, and Section 57 with moral rights.
- 109. (D) Feist Publications v. Rural Telephone Service (1991)** — The passage identifies Feist (1991) as the US decision. CCH Canadian is a Canadian case that the Indian court found useful.
- 110. (A) Both A and R are true, and R is the correct explanation of A** — The passage says such corrections were unprotected precisely because any trained person would make them, showing no creativity. R explains A.



111. (A) As an experiment in economic legislation and a beneficial law aimed at reviving the corporate debtor —

The Court called the Code an experiment in economic legislation and stressed that it is not merely a recovery law but a beneficial one.

112. (D) Financial creditors assess the debtor's viability from the outset and usually lend large secured long-term sums, while operational creditors mostly recover smaller short-term dues — The passage sets out these differences as the intelligible differentia with a rational nexus to the object of the Code.

113. (D) Ninety percent — The passage states that Section 12A requires the approval of ninety percent of the Committee of Creditors.

114. (A) fail, since a resolution applicant has no vested right to have its plan considered and Section 29A was upheld — The Court upheld Section 29A and held that a resolution applicant has no vested right to have its plan considered.

115. (A) Only I — Statement I is in the passage. Statement II is wrong because the Court upheld the Code in its entirety, including the classification.

116. (C) Section 9(1)(i), as it then stood, did not cover indirect transfers and was not a look-through provision — The Court held that Section 9(1)(i) did not then cover indirect transfers, and the CGP share was situated outside India.

117. (A) Examining the transaction as a whole, holistically, rather than dissecting it into separate steps — The passage states that the court should look at the transaction as a whole, holistically, and not dissect it.

118. (B) treat it as a sham or colourable device and lift the corporate veil — The passage says a structure with no commercial substance, created merely to avoid tax, may be treated as a sham, and that duration and business operations are relevant factors.

119. (C) Union of India v. Azadi Bachao Andolan (2003) — The passage states that the Court approved Azadi Bachao Andolan (2003) and explained McDowell.

120. (B) It inserted explanations into Section 9(1)(i) with retrospective effect from 1962, deeming a foreign company's share to be situated in India if it derives its value substantially from Indian assets — The passage describes the retrospective explanations inserted by the Finance Act, 2012. The 2021 amendment later provided that no demand would be raised for transfers before 28 May 2012.

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