

SECTION - C: LEGAL REASONING

Directions(Q.66-Q.105): Read the comprehension and answer the questions:

Passage (Q.66-Q.70): In everyday usage, the word negligence denotes mere carelessness. Legally speaking, it signifies failure to exercise standard of care which the doer as a reasonable person should have exercised in the circumstances. In general, there is a legal duty to take care when it is reasonably foreseeable that failure to do so would likely to cause injury. Negligence is a mode in which many kinds of harms may be caused by not taking adequate precautions.

According to Winfield and Jolowicz, negligence is the breach of a legal duty to take care which results in damage, undesired by the defendant to the plaintiff. In an action for negligence, the plaintiff has to prove the following essentials:

- i. **Duty to take care:** One of the essential conditions of liability for negligence is that the defendant owed a legal duty towards the plaintiff.
- ii. **Duty to whom:** The legal duty to take care extends only to one's neighbour. The persons who are so closely and directly affected by one's act that one ought reasonably to have them in contemplation as being so affected when one is directing one's mind to the acts or omissions which are called in question are one's neighbours.
- iii. **Duty must be towards the plaintiff:** It is not sufficient that the defendant owed a duty to take care. It must also be established that the defendant owed a duty of care towards the plaintiff.
- iv. **Breach of duty to take care:** Yet another essential condition for the liability in negligence is that the plaintiff must prove that the defendant committed a breach of duty to take care or he failed to perform that duty.
- v. **Consequent damage or consequential harm to the plaintiff:** The last essential requisite for the tort of negligence is that the damage caused to the plaintiff was the result of the breach of the duty. The harm may fall into following classes: physical harm, i.e. harm to body; harm to reputation; harm to property, i.e. land and buildings and rights and interests pertaining thereto, and his goods; economic loss; and mental harm or nervous shock.

66. John is the owner of a popular nightclub in town. One night, he notices that one of the stairs leading to the dance floor is broken. He doesn't fix the stair or put up any warning signs. Later that night, Sarah, a customer, who was wearing broken heels and while walking up the stairs to the dance floor she trips on the broken stair and falls down, suffering a broken leg. Sarah sues John damages she incurred as a result of her injury. Will she succeed? Decide.
- (a) No, as the John doesn't owe any duty towards his customers.
 - (b) Yes, as Sarah being a customer at John's popular nightclub, she's directly affected by his actions.
 - (c) No, as Sarah was negligent. She was wearing broken heels while walking up the stairs to the dance floor.
 - (d) Yes, John's failure to fix the stair or put up any warning signs could be considered a breach of his duty of care towards Sarah resulting in damage to her.
67. Suppose that by the time John requested for the repair work to be done, he had placed a warning on the staircase reminding people to be cautious when using the stairs. Will John's action absolve him from liability?
- (a) Placing a warning sign on the staircase may not necessarily absolve John from liability under negligence, although it could be a mitigating factor in determining his liability.
 - (b) While a warning sign can be an effective way to alert customers to potential hazards, it is not a substitute for taking reasonable steps to ensure their safety.
 - (c) John still had a duty to take reasonable care to maintain safe premises, including fixing the broken stair promptly.
 - (d) John took reasonable steps to address the broken stair in a timely manner; his action of placing a warning sign will be enough to absolve him from liability.

68. At rush hour, Raman is driving down an overcrowded street. A person jumps out onto the street, right into his path, while he is driving. He immediately hit the brakes to avoid hitting the pedestrian, but unfortunately, the car behind him is following too closely and rear-ends his car. As a result, the driver of the car gets hurt and his car is wrecked. In this case, the driver of the automobile that hit Raman claims that Raman was negligent because he did not take reasonable precautions to avoid the collision. He specifically claims that Raman should have been aware of the pedestrian crossing and should have slowed down or changed lanes to avoid the incident with the car behind him. Choose a correct statement.
- (a) Raman is not liable as Raman acted quickly by hitting the brakes when the pedestrian jumped into his path.
 - (b) Raman is liable as he had no control over the actions of the driver behind him who rear-ended his car.
 - (c) Raman is not liable as there was no breach of duty of care on the part of Raman.
 - (d) Cannot be decided.
69. A 32-year-old pregnant mother was getting her child picked up at the bus stop on the pavement. Just as she was going to offer her child her hand, a motorcyclist who had passed the bus collided with a car 15 yards on the opposite side of the bus and died instantly. The woman couldn't see the deceased or the collision since the bus was blocking her view of the scene. She heard about the collision and after the dead body had been removed she went to the place and saw blood spilled on the road. Consequently, she suffered a nervous shock and gave birth to a still-born child of 8 months. She sued the representatives of the deceased motor-cyclist. What is the liability of the motorcyclist/his representatives?
- (a) The motor-cyclist owed a duty of care to every passer-by on road to drive carefully.
 - (b) The motor-cyclist owed a duty of care especially to a pregnant woman as his rash driving could have affected her severely.
 - (c) The motor cyclist did not owe a duty of care to the woman as she cannot be considered her neighbour'.
 - (d) The motor cyclist did not commit negligent behaviour to anyone on the road.
70. Consider that the pregnant woman in the above question witnessed the accident from one of the windows of the bus, all the other facts remaining the same. Can the motor-cyclist or his representatives be held liable for negligent behaviour?
- (a) If the pregnant woman witnessed the accident from the window of the bus, then it is more likely that the motorcyclist or his representatives could be held liable for her injuries and the stillbirth of her child.
 - (b) The motor-cyclist owed a duty of care especially to a pregnant woman because the woman's direct observation of the accident creates a stronger causal link between the accident and her injuries.
 - (c) The motor cyclist will be held liable only if the woman can demonstrate that the motorcyclist's negligence caused the accident, and that his negligence was a direct cause of her injuries and stillbirth.
 - (d) The motor cyclist did not owe a duty of care to the woman as she cannot be considered her neighbour'.

Passage (Q.71-Q.75): The Supreme Court has observed that there is no bar on the pre-sentencing hearing taking place on the same day after passing the judgment of conviction, if the accused and the prosecution are ready to submit their arguments. The bench observed that the object of Section 235(2) of the Code of Criminal Procedure is to provide an opportunity for accused to adduce mitigating circumstances, but it does not mean that the Trial Court can fulfil the requirements of Section 235(2) of the Cr.P.C. only by adjourning the matter for one or two days to hear the parties on sentence.

In *Accused X vs. State of Maharashtra*, SC was of the opinion that as long as the spirit and purpose of Section 235(2) is met, inasmuch as the accused is afforded a real and effective opportunity to plead his case with respect to sentencing, whether simply by way of oral submissions or by also bringing pertinent material on record, there is no bar on the pre-sentencing hearing taking place on the same day as the pre-conviction hearing.

The court further observed that even if a procedural irregularity is committed by the trial court to a certain extent on the question of hearing on sentence, the violation can be remedied by the appellate Court by providing sufficient opportunity of being heard on sentence.

The term hearing occurring under Section 235(2) requires the accused and prosecution at their option to be given a meaningful opportunity. Meaningful hearing under Section 235(2) of CrPC, in the usual course, is not conditional upon time or number of days granted for the same. It is to be measured qualitatively and not quantitatively. If such an opportunity is not provided by the trial court, the appellate court needs to balance various considerations and either afford an opportunity before itself or remand back to trial court, in appropriate case, for fresh consideration. However, the accused need to satisfy the appellate courts, inter alia by pleading on the grounds as to existence of mitigating circumstances, for its further consideration.

71. Parvez, a poor vendor, used to sell eggs to make his ends meet. He has a wife and two children in his family, whom he wanted to give a happy and comfortable life. He wanted his children to study in a big private school, where children of rich people go and so he used to work all day to save money. Realizing that he still can't save enough, he decided to work for drug peddlers. Unfortunately, he was arrested the very first time he tried selling drugs. He was convicted and lost all his money in the trial. His lawyer is still hopeful about the stage of sentence hearing, as that would be a chance to explain why Parvez began selling drugs. However, the trial court did not provide an opportunity for hearing on the sentence and sentenced Parvez for 7 years. Appeal has been filed before the High Court to vitiate the trial as it lacked a mandatory requirement. Decide.
- (a) The trial shall be vitiated, as pre sentence hearing is a mandatory process of law and the same cannot be dispensed with, by the trial court, and sentence the accused without considering any mitigating factors.
 - (b) The trial shall not be vitiated, Parvez has already been proven guilty which means prosecution has enough means of proving him guilty so instead of initiating the trial again, only the judgment shall be pronounced again along with a pre-sentence hearing.
 - (c) The trial shall be vitiated, and the entire process of law shall be again initiated from the stage of investigation to convict the accused and until then he shall be released for being acquitted.
 - (d) The trial shall not be vitiated, as there is the pre-sentence hearing can be carried out by a superior court at the appellate stage, the court can either consider the factors itself or remand the case back for pre-sentence hearing to the trial court.
72. Rizwan, a billionaire industrialist, was booked under Indian Penal Code for embezzling the funds of his company and committing fraud against the shareholders. He hired the best team of lawyers, to defend him. The team however could not prevent the inevitable conviction, and started preparing for the stage of pre-sentence hearing. The team prepared a strong case for presenting mitigating circumstances as to why Rizwan committed the offence and the act does not warrant a strict punishment. The trial court did not give Rizwan an opportunity of being heard on sentence, for the offence being a trivial one. Rizwan applied to the High Court for hearing him on sentence, the high court took up the matter but upheld the sentence of 3 years as held by the trial court. Which of the following is correct?
- (a) The high court has erred in decision making, as if the trial court has failed to hear an accused on sentence the same shall be done by the appellate court and reduce the sentence considering the mitigating factor.
 - (b) The high court has not erred in the decision making, as the appellate court holds the discretion to consider the appeal for pre-sentence hearing only if the accused produces satisfying grounds for the existence of mitigating circumstances.
 - (c) The high court has not erred in decision making, as the stage of pre-sentence hearing is just a procedural formality and there is no need for strict compliance with the procedure.
 - (d) The high court has erred in decision making, as the team prepared a strong case and mitigating factors to reduce the sentence of Rizwan, and thus the court has committed a mistake in not allowing the same.

73. Leonard runs the biggest modeling company of the nation. The National Security Agency observed a pattern of some models disappearing and found many such models in Leonard's office, who gave statements that they were being shipped abroad for auctioning. Leonard was booked under Human Trafficking Act and relevant provisions of Indian Penal Code. He was sure about the conviction, so he started preparing for the pre-sentence hearing to mitigate his sentence. Right after the conviction the trial court asked Leonard to present the mitigating factors, if any. Leonard was prepared with arguments and presented all the factors. Subsequently, the prosecution also presented their case on sentence hearing. He however filed an appeal stating that the pre-sentence hearing conducted was just a mere formality on the ground that it was conducted on the same day as the order of conviction. Decide.
- (a) Appeal shall not be allowed, as there is no inhibition on hearing an accused on sentence the same day if the both the parties are ready to present their cases on the same day.
 - (b) Appeal shall be allowed, as hearing an accused on sentence on the same day, the order of conviction is pronounced, shows the reluctance on the part of the magistrate to stretch the case and shows bias on his part.
 - (c) Appeal shall not be allowed as sentence hearing is a mere procedural formality and any irregularity with respect to time given for hearing can be corrected at the appellate stage by the superior court.
 - (d) Appeal shall be allowed, any person who has not been given relief in terms of his sentence can appeal to the high court, which is bound by the law to consider the mitigating factors and provide such relief.
74. State of Jammu Deep was a newly independent country, who was in the process of formulating its laws. Impressed by the detailed procedure of Code of Criminal Procedure of India, it adopted the same, word to word. However, to avoid any unfair practice, the State decided to eliminate the concept of lawyers and let the parties represent themselves. Bhaghi was one such accused in a criminal trial who was convicted for the offence of killing an entire family of ten people, including six children. The court found him guilty, and he was most likely to be hanged. At the stage of pre-sentence hearing, due to his illiteracy, he gave oral arguments to mitigate his sentence. Court sentenced him to life imprisonment, instead of death considering the factors. Prosecution filed an appeal on the ground that oral arguments cannot be considered, thus the process was unlawful. Decide:
- (a) Appeal is invalid, as at the stage of pre-sentence hearing, an accused can submit arguments both in written format as well as orally, without any specific way being mentioned by the Code of Criminal Procedure.
 - (b) Appeal is valid, as for the court to keep the record of the documents for every case, it becomes necessary that arguments at each stage including the stage of pre-sentence hearing shall be in writing only.
 - (c) Appeal is invalid, as submitting arguments orally is a mere procedural irregularity which is too trivial to be looked into by the court at appellate stage.
 - (d) Appeal is valid, as everything produced in the court of law is material on record and to corroborate the same, later possibly in appellate stages, such arguments shall be in writing only.
75. Meghna was accused of killing her husband, father-in-law and mother-in-law. When she was produced before the trial Court, the judge after looking at all the evidence and hearing both the parties ordered for an imprisonment of 20 years. As per the new amendment in CrPC, a provision was added which makes it mandatory for a judge to look into the character of the convict and for the same the convict can bring with them maximum 3 persons to vouch for their clean and good character, while explaining the mitigating circumstances to reduce the sentence. Meghna argued before the court that she was constantly tortured by these three people for dowry in the last three years of her marriage and that she had an impeccable character all her life before this. The court did not allow this argument and refused to hear the other 3 persons who were to vouch for her character. She approached the appellate court to ask for justice. Decide.
- (a) The violation of the amended provision of CrPC must be remedied by the appellate court by giving a chance of sufficient hearing to the 3 people brought by Meghna to vouch for her character and the same must be considered for reducing her sentence.
 - (b) The procedural irregularity by the trial court holds no ground in reducing the sentence of Meghna as the offence committed by her is a heinous offence and the proportionate punishment is necessary to prevent it from happening again.

- (c) The procedural irregularity by the trial court must be remedied as the provisions of CrPC are mandatory and the offence was committed by Meghna to stop the constant torture by her husband and in-laws for dowry.
- (d) The violation of the amended provisions of CrPC need not be remedied as it was not mandatory for the trial court to take into account the character of the convict in case of serious offences.

Passage (Q.76-Q.80): The principles of natural justice are the most basic legal parameters that are considered whenever a court of law is to arrive at a decision. However, when it comes to one of the principles of natural justice i.e., Nemo Judex In Causa Sua or rule against bias -no individual should be a judge in his own cause, or a deciding power must be neutral and impartial when examining any case, there exists an exception and that is the doctrine of necessity. The doctrine of necessity enables the legal authorities to function in the following manner –

- To take certain actions that must be taken at a particular moment, wherein such acts would not otherwise be regarded within the scope of the law in a general legal situation.
- To invoke and apply the doctrine of necessity only in such circumstances where there is an absence of a determining authority to take the decision regarding a case.

In a situation where an option is given to either let a person act in a biased manner regarding a matter or to quash the matter itself, the preference will be given to taking action in a biased manner, even though the decision might be affected by the bias of the deciding authority. In cases similar to the aforementioned situation, the rule against bias is defeated by the rule of necessity. The only condition here is that such deciding authority must mandatorily conclude the matter at hand.

The doctrine of necessity shields the adjudicators from bias. However, the said doctrine does not give the license to use the excuse of bias in deciding every case. This means that the doctrine of necessity disqualifies such adjudicators who resort to bias while arriving at decisions. But, there are certain exceptions wherein such biased decisions given by the adjudicator are held valid. The exceptions are as follows –

- There is no availability of another competent person for arbitration.
- In the absence of whom (the adjudicator) a quorum cannot be formed.
- There is no possibility of establishing another competent tribunal.

76. The Government of India issued invitations to all the mobile operators to establish their networks in the four metro cities i.e., Chennai, Bombay, Calcutta and Delhi. The Evaluation Committee was supposed to peruse and evaluate the tenders under the Telecom Regulatory Authority of India (TRAI), which had a Director-General of Telecommunication in it which finalizes the entire process. The tender of the Director-General's son was selected at the end of the evaluation procedure. In this case, the Supreme Court did not approve the violation of 'Nemo judex in causa sua'. What according to you must be the reason behind such decision?
- (a) As without the Director-General of Communication no tender can be selected and fair evaluation cannot be done.
 - (b) As without the Director-General of Communication tender can be selected and fair evaluation can be done.
 - (c) As fair evaluation can be done by the other committee members without the interference of the Director-General of Communication.
 - (d) As fair evaluation can be done by the other committee members by excluding the interference of the Director-General of Communication.
77. Section 15 of the Competition Act says that no act of CCI shall be invalid due to vacancies. The post of Chairman of the Competition Commission of India has been vacant since the retirement of Mr. Ashok Kumar Gupta in October 2022. Also, currently, there are only 2 members in the CCI. There are many mergers and acquisitions pending before the commission waiting for its approval. Though certain decisions and approvals need the consideration of the Chairman But to attend to the pending matter, the Commission is to create a Quorum of three members as a quick action is required here. Choose a correct statement here in light of the information given in facts and passage.

- (a) The CCI is using Section 15 of the Competition Act to adopt the Doctrine of Necessity Principle.
- (b) The Act of CCI to attend to pending cases before CCI in the chairman's absence is valid.
- (c) The CCI's act is invalid because the committee will be operating without the Chairperson.
- (d) The decision will be valid since the participation of the chairman in decision making and approval is not required in all cases.
78. There is a dispute between two companies regarding a breach of contract. Both parties agree to settle the dispute through arbitration and appoint an arbitrator to preside over the proceedings. The arbitrator, Mr. Johnson, is a well-respected lawyer known for his expertise in contract law. However, during the course of the arbitration, it becomes clear that Mr. Johnson has a personal bias in favor of one of the parties. He has previously worked with that party and has a longstanding professional relationship with them. Despite this bias, Mr. Johnson continues to preside over the arbitration as there is no other competent person available for the job. Both parties are aware of Mr. Johnson's bias but agree to continue with the arbitration as they do not want to delay the process further. Choose a correct statement if the arbitrator give a biased decision.
- (a) Since there was no other competent person available for the job, the decision given by Mr. Johnson is valid.
- (b) The decision given by Johnson cannot be considered as valid as the doctrine of necessity disqualifies such adjudicators who resort to bias while arriving at decisions.
- (c) The decision given by Johnson is invalid as he gave a bias decision which is against the principle of doctrine of necessity.
- (d) The decision given by Johnson is valid as both the parties involved were aware of Mr. Johnson's bias.
79. Choose a correct statement according to your understanding of the passage:
- I. In every situation, the rule of necessity may override the rule against bias.
- II. If the adjudicator uses bias to arrive at a decision, they may or may not be disqualified from hearing similar cases in the future.
- III. In case the doctrine of necessity is invoked in every legal matter then there is a high possibility that it would be in favour of the defaulting party.
- IV. Before invoking the doctrine of necessity it is pertinent to critically analyze whether the said doctrine really needs to be invoked or not to arrive at a decision.
- (a) I and IV
- (b) II and III
- (c) III and IV
- (d) None of the above
80. A high-profile criminal case where a well-known celebrity has been accused of a serious crime. The case has received intense media attention, and public opinion is divided on the guilt or innocence of the accused. The judge of the district court presiding over the case has been accused of bias towards the defendant due to personal connections or other factors. The prosecutor in the case has two options: they can either let the judge continue to preside over the case, or they can request the judge's recusal, which would result in the case being transferred to another judge. Out of the two choices given what according to you will be a preferable choice and why?
- (a) In this case, the principle would be to take biased action rather than quashing the matter itself.
- (b) Despite the judge's potential prejudice, the prosecutor would opt to continue with the case.
- (c) The rule of necessity and the rule of bias must yield to the rule of fair justice.
- (d) The prosecutor will consider moving the matter to another judge for adjudication.

Passage (Q.81-Q.85): Under International human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status. The most important principle in the 1951 Convention is that of 'non-refoulement', provided in Article 33 (1). If the life or freedom of the refugee is threatened in their country of origin, states are obligated to not return or expel such individuals.

The principle of non-refoulement forms an essential protection under international human rights, refugee, humanitarian and customary law. It prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations. Under international human rights law the provision of refoulement is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). In regional instruments the principle is explicitly found in the Inter-American Convention on the Prevention of Torture, the American Convention on Human Rights, and the Charter of Fundamental Rights of the European Union.

The prohibition applies to all persons, irrespective of their citizenship, nationality, statelessness, or migration status, and it applies wherever a State exercises jurisdiction or effective control, even when outside of that State's territory.

81. B, a national of country Z, is the leader of a linguistic minority group in his country. He was peacefully fighting against his own government for protecting the rights of the minority group, who were continuously discriminated and humiliated in their own country, when his peaceful protest did not succeed; he along with members of his minority group formed themselves into an armed group to resist their exploitation. The result was government initiated its crackdown upon them; consequently, he along with some members of his group fled their homeland and reached country Y. The Y government granted temporary refuge to them. However, after few months, the Y government ordered to deport them. This was resisted by A on the ground that it violated the principle of Non-Refoulement. Decide
- (a) A had to go by the decision of the government of country Y, as the group had only been granted a temporary refuge.
 - (b) A had the right not to get expelled or return from the country Y as per the principle of non refoulement.
 - (c) A along with his troop shall be deported as he along with members of his minority group formed themselves into an armed group to resist their exploitation.
 - (d) A and his troop cannot be deported as there is a risk of persecution or ill treatment upon return as per the principle of non-refoulment.
82. A traveler named Nida from country D was visiting country C. She is the wife of high ranking official in her country. However, while in country C, she got the news that the government in her country was overthrown by rebel groups and her husband was killed, She feared for her life on return to country and therefore, applies for refugee status in country C. Do you support her case?
- (a) Yes, a refugee cannot be repatriated or expelled if there is a risk of persecution or ill treatment upon return.
 - (b) It is obvious that Nida's life will be jeopardized if she returns to nation D, hence her application will be examined due to principle of Non-Refoulment.
 - (c) No, because Nida's life is not in danger if she returns to nation D, her application will be denied.
 - (d) No, it's simply her apprehension that her life is in danger, and she'll only stay provided Country C is satisfied.

83. A student called Vihan, who came to Zimbabwe on a student visa that expires in one month, is hesitant to return to his home country after the military dictatorship deposed the democratically elected government. And now Vihan is doubtful of the people's position and their right to live freely and securely there. The Zimbabwean government does not want to get in any situation; therefore it is now forcing all visa holder students to return to their home country until the situation improves. Decide.
- (a) Since Zimbabwe is non signatories to the treaty, it is not obligated to not return or expel such individuals.
 - (b) Since Zimbabwe is non signatories to the treaty, it is obligated to not return or expel such individuals.
 - (c) Vihan might face persecution and ill treatment if returned and hence Zimbabwe government cannot forcefully expel him or other students.
 - (d) Cannot decide.
84. Diwas was a newspaper journalist who often publishes his articles in The Media's "opinion" section. He once published a paper in which he declared with facts that the state of Jumbo is entirely becoming a Christian state. He wonders who to expect a secular country from when the leaders themselves want to create a country where only one religion reigns. Diwas had to fled from his country after being targeted for publishing articles and pamphlets opposing the move of the government to declare it as a Christian State to the neighboring country. Assume that neither country has signed any treaties and that they are recognised foes. The native nation of Diwas requests Diwas' repatriation from the neighboring country, but Diwas says the principle of non-refoulement applies. What are your thoughts on the current situation?
- (a) The principle of Non refoulement applies and Diwas had to be returned back to its origin state as he is being charged of a serious offence.
 - (b) The principle of non refoulement do not applies and Diwas had to be returned to its origin state as there is no treaty signed between the two nations.
 - (c) The principle of non refoulement applies and Diwas shall stay as a refugee in the neighboring state.
 - (d) The principle of non refoulement applies as there is no treaty between the two nations and Diwas cannot plead as a right to stay in the neighboring state.
85. Which of the following two situations precludes the application of the non-refoulement principle?
- I. A person, who belongs to a minority racial group, being unable to secure an employment, comes to country X to seek livelihood.
 - II. A woman named Maria who escapes from her country and took a refuge in the neighbouring country Y with her minor daughter to protect her from female genital mutilation (FGM) being carried out.
- (a) Only in I (b) Both I and II (c) Only in II (d) Neither I nor II

Passage (Q.86-Q.90): The legislation Indecent representation of womens act 1986 aimed to regulate women's representation in mainstream media, particularly print media. It was enacted to ensure that women's representation in the media did not turn derogatory through advertisements, magazines, publications, and illustrations. The term "*indecent representation*" is defined in Section 2(c) of the *Indecent Representation of Women Act* as "*indecent representation of women*" in any way that has the effect of being indecent or derogatory of a woman or of being corrupt or susceptible to public morality, or moralistic depravity.

Section 3 of the act particularly deals with prohibition of advertisement showcasing Indecency of a woman. It states that no person has a right to publish or intend to publish in future or make arrangements to take part in the publication or exhibition of any advertisement which may tend to lower down the reputation and dignity of women in the society or which is indecent according to the social standards.

Section 4 of the act directly deals with restricting the production, distribution, hiring, selling, circulation of any books, pamphlets, paper, slide, films, writing, drawing, painting, photograph or figures which contain material that represent or tend to represent women Indecently or in an obscene manner. However there are certain exceptions to this:

- This section does not apply to the publication of such items which are approved and justified for public interest and good. For example, If any such books, drawings or pictures are used for the purpose of learning such as science, literature or other objects of general concern, it can be published and distributed
 - If such publication is kept or used with a bona fide intention for religious purposes, such publication of books and drawings cannot amount to restriction under this section.
 - Any sculptures, paintings, engravings on Ancient monuments which comes within the meaning of Ancient Monuments and Archaeological Sites and Remains Act 1958 does not amount to Indecent Representation.
 - Any temple, or any car which has any publications, drawings, printing and are used for the conveyance of Idols or kept or used for any religious purposes does not comes under the ambit of this section.
86. The petitioner filed a Writ Petition in the apex court requesting the court to pass an order that no sexually exploitative content should be published in the newspaper for the general information of the public as the same is harmful for children. He further contended that right to freedom of press should not be allowed to violate the right to educate and protect children. He was of the opinion that such materials in the papers would harm the mental well-being of the child and fill the mind of the child with harmful thoughts. Choose a correct statement in light of the information given in the passage and the content of the writ petition:
- (a) Such articles published in the newspaper tend to represent women indecently or in an obscene manner and hence a violation of section 4 of the Act.
 - (b) Article 21 of the constitution provides the right to education and the same shall be exercised without any improper practices in association.
 - (c) The news paper shall only consist of things which would cater to the children and not adults.
 - (d) Newspaper publication is an exemption case in which such publication does not constitute an offence.
87. The police in Punjab's Bathinda have booked two men for announcing a beauty contest for women promising that the winner would get to marry a non-resident Indian settled in Canada. A part of the contest requires the participants to wear bikinis and pose for the prospective groom. An NGO filed a petition as these contests are opposed to the decency, public morality and dignity of women in general and women of Indian society in particular and repugnant to Indian culture, traditions, and the social values. Choose a correct statement:
- (a) The accused's act is in violation of the provisions of the Indecent Representation of Women Act and hence shall be punished accordingly.
 - (b) The accused shall not be held liable for any offence as the participants themselves filled the consent for without any influence.
 - (c) The accused shall be held liable for violation of section 3 of the act for illegal for publication of such advertisements.
 - (d) The accusers shall be held liable under section 4 of the act as the advertisement tends to represent women Indecently.
88. Suppose, the accused gave such advertisements to be circulated in a famous matrimonial website. What offence shall the accused be liable under the legislation' indecent representation of women's act 1986?
- (a) The accused shall be held liable under section 3 of the act for act for publishing such an advertisement.
 - (b) The accused shall not be held liable under section 3 as there was mere advertisement for a girl getting a chance to get married to an NRI.
 - (c) The accused shall not be held liable under section 4 as there was nothing in the advertisement that represented women indecently or in an obscene manner.
 - (d) None of the Above

89. Maya Kapoor is a well-known late-nineties actress. She recently endorsed an advertisement where she advertises for a cigarette brand and invites the customers try it with a slogan "every women must try it once, you will love it". The commercial was disseminated both online and offline. Several NGOs led by women objected to Maya's advertisement because it violates Indian society's standards for women and, moreover, it encourages consumers to purchase unhealthy products. The non-governmental organisation filed a lawsuit under the Indecent Representation of Women Act. Will they be successful?
- (a) They will be successful since the advertising depicted a woman's indecency.
 - (b) They will not be successful as the case do not falls within the ambit of Indecent Representation of Women Act.
 - (c) They will be successful as advertisement tends to represent women indecently or in an obscene manner.
 - (d) They shall be punished for violation of section 3 of the Indecent Representation of Women Act.
90. A nude or semi-nude picture of a woman cannot be called obscene per se unless it is designed to excite sexual passion or reveal an overt sexual desire, the Supreme Court has held. Quashing a case against a newspaper for publishing a nude photo of German tennis legend Boris Becker with his fiancée in 2020, a bench of justices K S Radhakrishnan and AK Sikri said only those sex-related materials can be held to be obscene which have a tendency of exciting lustful thoughts. Choose a comment in light of the information given in the passage:
- (a) The newspaper shall be held liable under section 3 of the act for act for publishing such an advertisement.
 - (b) The newspaper shall be held liable under section 4 of the act as the advertisement circulated represent women indecently or in an obscene manner.
 - (c) The newspaper shall not be held liable under section 3 as there was mere advertisement to convey message to eradicate the evil of racism and to promote love.
 - (d) The newspaper shall not be held liable under section 4 as there was nothing in the advertisement that represented women indecently or in an obscene manner.

Passage (Q.91-Q.94): Section 7 in The Prevention of Corruption Act, 1988 provides for Public servant taking gratification other than legal remuneration in respect of an official act. it is read as, "Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.

In Prakash Harishchandra Mandalik v. State of Maharashtra, the Bombay High Court held that the provisions of Section 7 of the Prevention of Corruption Act, 1988 would get attracted where public servant obtains or agrees to accept from any person any gratification other than legal remuneration as reward for doing or forbearing to do any official act. The Court further held that acceptance of money is not sufficient for convicting an accused under Sections 7 and 13 (1) (d) of the Prevention of Corruption Act, 1988 and there must be evidence on record that the accused obtained any amount by corrupt or illegal means other than remuneration for doing or forbearing to do any official act. The Court also relied on the judgment of the Supreme Court in State of Maharashtra v. Dnyaneshwar Laxman Rao Wankhede wherein it was inter alia held that under presumptive evidence in Section 20, the standard of burden of proof on the accused vis-à-vis the standard of burden of proof on the prosecution would differ and the court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt.

91. Mithubai College of Arts and Culture is a well-known art and culture college in Pune's Deccan area. Because it is a state-funded college, the admissions process is transparent and rigorously adheres to the institution's norms. The institution also reserves admittance under the category of "management quota" for students who are unable to fit in the first and second lists of counseling and have been waitlisted. The principal finalizes the list of students that are eligible for admission via management quota. He was approached by the father of one of the waitlisted students Abhijit, who attempted to pay him to finalize the name of their child in management quotas despite having low grades. Can the principal be charged as an accused under Section 7 of the Prevention of Corruption Act of 1988?
- (a) Yes as the principal was approached by the parent for a bribe to give admission to a student who does not even qualify the eligibility criteria.
 - (b) No, as the principal is not a public servant.
 - (c) Yes, as the principal fits in the category of a public servant.
 - (d) No, since the principal has yet to accept the gratification given to act illegally.
92. Assume, in a similar case to the one provided above, the principal's secretary, a public servant received the letter and accepted it, replacing the name of a deserving applicant on the final list authorized by the principle later, and adding the name of Abhijit in the final list. What is the secretary's liability in this situation?
- (a) Yes, since he took a gratification other than legal pay in exchange for doing an official act.
 - (b) The secretary will not be held accountable since the act does not fall under the purview of the Prevention of Corruption Act of 1988.
 - (c) The principal shall be held accountable for the secretary's actions for accepting gratification other than legal pay in connection with an official act.
 - (d) Both the secretary and the principal will be held accountable since a worthy candidate was denied admission to the institution.
93. ACB (Anti-Corruption Bureau) has nabbed many private agents operating as money-accepting fronts of the revenue department. The ACB investigation into organized bribery by government officials from the revenue department and police revealed that the bribe-accepting private persons had attacked the ACB officials when they caught them red-handed accepting the bribe during traps. A senior official of ACB, said, "The government officers preferred to keep private persons near their offices so that a bribe amount can be handed over to them without them getting directly involved into acceptance of corruption money which is criminal in nature. Usually, unemployed relatives and someone very close to the officials are assigned the task of bribing money. Determine whether an action can be taken against such individuals under section 7 of The Prevention of Corruption Act, 1988?
- (a) Yes, as the person appointed, exercising powers or performing functions under them, shall be deemed to be a public servant.
 - (b) No, they cannot be tried under Section 7 since it only allows for the prosecution of a public servant.
 - (c) No, because the clause does not allow for the prosecution of a person employed by a public official.
 - (d) Yes, as the agents here are disguised them as a public servant.
94. Virender Cheema, Patwari Halka Naggal, Ambala, was caught with Rs 25,000 bribe money. He has taken the money from the complainant in lieu of separation of land khewat (account number given to the land owner in revenue records). After verifying the complaint, the Vigilance team laid a trap and arrested him red-handed with the bribe money," said a spokesperson of the Vigilance Bureau. Choose a correct statement with respect to the conviction of the accused under section 7 of The Prevention of Corruption Act, 1988.
- (a) At this point, the court may request that the accused explain why he should not be convicted.
 - (b) The accused bears the burden of proving his innocence.
 - (c) The accused will be found guilty based on the evidence presented by the investigating authorities.
 - (d) A person cannot be convicted under section 7 unless there is evidence on record that the accused obtained any sum through corrupt or unlawful methods other than compensation for performing or refusing to perform any official act.

Passage (Q.95-Q.100): Cheating is defined under Section 415 of the Indian Penal Code as whoever fraudulently or dishonestly deceives a person in order to induce that person to deliver a property to any person or to consent to retain any property. If a person intentionally induces a person to do or omit to do any act which he would not have done if he was not deceived to do so and the act has caused harm or likely to cause harm to that person in body, mind, reputation or property, then the person who fraudulently, dishonestly or intentionally induced the other person is said to cheat.

Deceiving means to make a person believe what is false to be true or to make a person disbelieve what is true to be false by using words or by conduct. In deception, a fraudulent representation or willful misrepresentation of a fact is made directly or indirectly with an intent to commit the offence of cheating. In order to prove the offence, it is not only important to prove that a false representation was made by the accused but also that the accused had the knowledge that the representation was false and wilfully made it in order to deceive the prosecutor.

When one person uses deceitful practices to convince the other person to agree on anything which is harmful to that person, it is known as Inducement. It generally occurs when two parties enter into a contract and a party uses fraudulent inducement to gain advantage on the other party. The presence of dishonest intention is important to hold a person guilty of the offence. The fact that dishonest intention was present at the time of making the promise is to be proved in order to hold the accused guilty for the offence of cheating.

Shristi Suman, 'Cheating: a criminal offence under the Indian Penal Code' (I Pleadings, 30 Nov 2019) <https://blog.ipleaders.in/cheating-a-criminal-offence-under-the-indian-penal-code/#Scope_of_Section_415> as accessed on 08 December 2022.

95. A patient, suffering from a life threatening disease, was certified perfectly fit and healthy by a doctor. This was done in conspiracy with the relatives of the patient in order to get a life insurance policy in the name of the patient for which they would receive the money after the patient dies. The insurance company upon discovering the same, lodged FIR against the doctor along with the relatives, all of whom have been made the accused in the case by the prosecution. Decide:
- (a) The accused shall be found guilty as they have deceived the insurance company to induce them to issue an insurance policy.
 - (b) The accused shall not be found guilty as it is the job of the insurance company to carry out due diligence regarding the veracity of the policyholder's health.
 - (c) The accused shall be found guilty as merely making fake health certificate is cheating.
 - (d) The accused shall not be found guilty as there is no mention of the insurance company actually paying the money upon death of the patient.
96. Mike Ross representing himself to be a Harvard graduate by producing false certificates applied for a job at a law firm. Impressed by the false certificates produced during the interview, Jessica Pearson, the managing partner of the firm hired him for the position of associate. It was only after months that this gamble was disclosed and Jessica realised that Mike never even went to a law school at all let alone Harvard. Jessica is considering to press charges against Mike for cheating. Choose the correct option.
- (a) Mike Ross has committed the offense of cheating as he posed to be a lawyer which he was not, which alone is sufficient to constitute cheating.
 - (b) Mike Ross has not committed the offense of cheating but the offense of forgery by forging the certificates for personal gain.
 - (c) Mike Ross has committed the offense of cheating as he deceived and induced Jessica to give her the job using the fake certificates.
 - (d) Mike Ross has not committed the offense of cheating as he wouldn't have gotten the job if not for his flawless knowledge of law and undisputed talent.

97. Kans entered into an agreement with Ravana for purchase of Lanka. As per the terms of the agreement Kans was to make part payment beforehand and the remaining after the possession of the property. The first instalment of the payment was made, and the parties entered into the agreement for transfer of Lanka. However, Kans did not make the second instalment after receiving the possession of the property. Ravana has lodged complaint for cheating against Kans before a magistrate in Mathura. Decide:
- (a) Kans shall not be found guilty as there is failure to fulfil the contractual obligations which does not amount to cheating.
 - (b) Kans shall be found guilty as they induced Ravana to deliver Lanka by making part payment, which the later wouldn't have done if not for such inducement.
 - (c) Kans shall be found guilty as they have deliberately withheld the payment, due under the contract, which is evidence of their intention to deceive.
 - (d) None of the Above
98. In the present case, an appeal has been against the order of the High Court under section 482 of the CrPC by a woman accused of offense of cheating. The woman's husband had dishonestly induced a jeweller to deliver him gold jewellery giving him some false representation. The woman while absconding was in possession of the jewellery, when she was nabbed by the Police and such jewellery was recovered from her. The appellant has argued that she has played no role in such deception and therefore shall not be charged for cheating. Decide:
- (a) Woman has been rightly charged of the offense as she was an accomplice to the act of cheating which is also a punishable offense.
 - (b) Woman has not been rightly charged as she was not the one who had cheated the jeweller to obtain the jewellery.
 - (c) Woman has been rightly charged as she was absconding with the jewellery which implies that she is actually guilty of the offense.
 - (d) Woman has not been rightly charged as she had no relation with the act of deceiving the jeweller, though she had intention to dishonestly induce the jeweller.
99. Zeeshan a business owner, made issued a cheque in the name of one of his creditors, but requested them to cash it only at a certain later date because the account does not have sufficient amount right now. However, on such later date the cheque bounced and when the creditor contacted Zeeshan, he requested an extension on the payment and that no action be taken against him. However, the creditor instituted civil proceedings for recovery of the sum and criminal proceedings for cheating against Zeeshan. Zeeshan argued before the court that he had no intention to deceive the creditor. Decide if he shall be held guilty of the offense of cheating or not.
- (a) Zeeshan shall be found guilty as he did not deposit the money at the later date which confesses his intention of cheating the creditor and not paying the debt.
 - (b) Zeeshan shall not be found guilty as he failed in payment of his debt to the creditor which is not same as dishonest inducement to take money from the creditor and cheat them.
 - (c) Zeeshan shall be found guilty as the very fact that the account did not have the sufficient balance when he issued the check indicates his intention to cheat the creditor.
 - (d) Zeeshan shall not be found guilty as he had requested an extension for the payment of debt.
100. Which of the following cases constitute the offense of cheating?
- I. Falsely posing as a government officer to compel a person to pay some charges.
 - II. Non-payment of loan to the bank past the due date of the debt.
 - III. Selling a chair with an honest assurance that its long lasting, which later was found to be defective.
 - IV. In similar facts as above case selling the defective chair with full knowledge of the same and then giving the assurance of its sturdy built quality.
- Choose the correct answer:
- (a) II and IV
 - (b) I, II and IV
 - (c) II, III and IV
 - (d) I and IV

Passage (Q.101-Q.105): After the death of a person, his property devolves in two ways - according to his Will i.e. testamentary, or according to the respective laws of succession, when no Will is made. The law of succession defines the rules of devolution of property in case a person dies without making a Will. A Will is a legal declaration. Certain formalities must be complied with in order to make a valid Will. It must be written, signed and attested by two people each of whom should have seen the testator signing the Will, as required by law. Every person of sound mind, and not a minor, can make a Will. If a person is of unsound mind at the time of making a Will, the Will is not enforceable.

A Will is intended to dispose off property. There must be some existing property which is being given to others after the death of the testator. A Will, obtained by force, coercion or undue influence, is a void Will as it takes away the free agency of the person. A Will, made under influence of intoxication or in such a state of body or mind, sufficient to take away free agency of the testator, is void. A Will becomes enforceable only after the death of the testator. It gives absolutely no rights to the legatee (the person who inherits) until the death of the testator. It has no effect during the lifetime of the testator.

A testator can change his Will, at any time, in any manner he deems fit and any number of times. If a testator intends to make a few changes to the Will, without changing the entire Will, he can do so by making a codicil to the Will. It is not a standalone document. The codicil has to be made and executed in a similar way as the Will. However, only the last Will made before his death is enforceable. One must note that a Will or codicil is not unalterable or irrevocable. They can be altered or revoked at any time.

Ashish Gupta, 'Rules governing transfer of property through Will' (Economic Times, 17 July 2010) <<https://economictimes.indiatimes.com/consumer-legal/rules-governing-transfer-of-property-through-will/slideshow/6180123.cms>> as accessed on 17 December 2022.

101. Ram Babu made a will when he was 17yrs old, as per which, he bequeathed all of the land that he owns to his children, and the remaining property including the house and the cash to her wife. In his last years, when his wife was already dead, he made changes to his will through a codicil as per which he decided to donate the house to an orphanage and the cash to his children. After his death, his children did not let the charity get possession of the house. The charity has filed a case in the court, where the children argued that the will was made when their father was a minor and it is invalid, so the laws of succession apply and they get his assets in entirety. The charity on the other hand argued that the codicil was made when Ram Babu was competent to make the will, and so that part of the will stands valid. Decide:
- (a) The court shall rule in the favour of the charity as the codicil is a valid document because Ram Babu made it after he had attained majority.
 - (b) The court shall not rule in the favour of the charity as the will is invalid and so would be the codicil made to modify it.
 - (c) The court shall rule in the favour of the charity as the codicil reflects the latest intention of Ram Babu which cannot be defied as a result of mere technical irregularities.
 - (d) The court shall not rule in the favour of the charity as the property rightfully belongs to the legal heirs of Ram Babu i.e. his children.
102. Shubham died after an accident while giving his statement to the magistrate in the hospital. In such oral statement he said that he wants all his assets to be equally distributed amongst his best friends Parvind and Anuja, and died after finishing the sentence. The two friends reached court for the execution of Shubham's will. The court denied the request ruling that oral statements do not qualify as valid will, and therefore the claim shall not be allowed. Both the friends have filed an appeal before the High Court pleading that the oral statements form the part of the statement recorded by the magistrate, and the magistrate and the doctor were present, who are willing to attest to the fact that Shubham intended that his assets be bequeathed to the two friends. Decide:
- (a) The appeal shall be allowed as the will is recorded in the written format in the form of the statements recorded by the magistrate and thus valid.

- (b) The appeal shall not be allowed as in absence of a proper written will the court can be deceived into believing any unauthentic document to be a will.
 - (c) The appeal shall be allowed as the same is attested by two people who can verify the fact of the validity of the will, and mere technical irregularities shall be ignored by the court.
 - (d) The appeal shall not be allowed as the written statements of Shubham recorded by the Magistrate do not qualify as a will.
103. Upon death of a wealthy writer it was discovered by their family that they have bequeathed all of their property to their nurse. The nurse is now reluctant to give the property back to the family. The family challenged the will in court contending that the nurse shall logically have no right to the property. Referring to a will earlier made by the writer the family further contended that the writer always intended to give the property to their family, it is just a few days before his death that they made the new will. Therefore, they pleaded that the new will be overlooked and property be divided amongst the member of the family. Decide:
- (a) Family's claim shall not be allowed as the court shall give effect to the last will which reflects the true intention of the testator.
 - (b) Family's claim shall be allowed as the property cannot be bequeathed to any person outside of the blood relations.
 - (c) Family's claim shall not be allowed as it is only when a later will has some ambiguity, an earlier will is referred to for interpretation.
 - (d) Family's claim shall be allowed as changing the will at the last moment soon before their death do not shows the truest intentions of the writer.
104. Harsh, being a stringent patriarchal religious fanatic that he is, was strictly against the Supreme Court which ordered equal right to inherit ancestral property to women. Apprehending a similar fate for his property, he made a will giving all the property to his son. It also included that he shall acquire after the will is being made. Upon his death, the daughter filed a suit in the court to claim her share in the property, which includes a house that the father had acquired after making the will. Choose the correct option.
- (a) Daughter shall not get any share in the property as all of it has been given to the son under the will.
 - (b) Daughter shall be given an equal share in property as the will cannot prevail over the Supreme Court ruling.
 - (c) Daughter cannot be given an equal share in house as well because the same had already been given to the son upon death of Harsh.
 - (d) Daughter can be given an equal share in the house as the same did not belong to Harsh when the will was made.
105. Indian Transfer of Property law entitles any person to transfer a property, of which they have valid title to their name, by means of sale. A person who recently found out that they are beneficiary to a beach-side resort in Goa, sold their title over such property to pay off some debts. Decide the validity of such sale made by the beneficiary person.
- (a) The sale is invalid as the person making the sale is not aware of the particular contents of the will of which he is a beneficiary.
 - (b) The sale is valid as the person can legally sell the entitlement over the resort, the title of which would eventually transfer to the buyer upon the death of the testator.
 - (c) The sale is invalid as the will can only be executed after the death of the testator.
 - (d) The sale is valid as the owner of the property is free to dispose of such property in any manner as they deem fit.

SECTION - C: LEGAL REASONING

Directions(Q.66-Q.105): Read the comprehension and answer the questions:

Passage(Q.66-Q.70): A court in Gujarat convicted Indian National Congress leader Rahul Gandhi in a defamation case for his remark that “all thieves have Modi as their surname”, in reference to fugitive businessmen Nirav Modi and Lalit Modi along with Prime Minister Narendra Modi, and sentenced him to two years of imprisonment, which is the maximum punishment under Sections 499 and 500 of the Indian Penal Code (IPC).

As per media reports, the court suspended the sentence imposed upon Gandhi for 30 days to enable him to file an appeal against the conviction.

Section 8(3) of the Representation of the People Act, 1951 states that “a person convicted of any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of six years since his release.”

Thus, the disqualification is triggered by the conviction itself, and not by the Lok Sabha notification. The notification is merely a formal notice to Rahul, who was in Lok Sabha on Friday before the House was adjourned.

The Supreme Court in its ruling in Lok Prahari v Union of India (2018) clarified that a disqualification triggered by a conviction will be reversed if the conviction is stayed by a court. “Once the conviction has been stayed during the pendency of an appeal, the disqualification which operates as a consequence of the conviction cannot take or remain in effect,” the ruling said.

The notification by the House Secretariat regarding Rahul will cease to be in effect if and when his conviction is stayed.

Article 102 of the Constitution deals with grounds for disqualification of a parliamentarian. Sub-clause (e) of Article 102(1) says an MP will lose his membership of the House “if he is so disqualified by or under any law made by Parliament”. The law in this case is the RP Act. Section 8 of the RP Act deals with disqualification of a lawmaker for conviction in certain offences. The provision is aimed at “preventing criminalization of politics and keeping ‘tainted’ lawmakers from contesting elections.

66. Choose the correct statement(s):

- I. Sub-clause (e) of Article 102 provides for disqualification under any law made by Parliament, and it includes the Representation of the People Act.
 - II. Parliament had the power to enact laws providing for disqualification of MPs on various grounds, including criminal convictions.
 - III. The disqualification under the Representation of the People Act was not automatic but was subject to the discretion of the Speaker or the Chairman of the House.
 - IV. Disqualification due to a conviction could not be reversed even if the conviction was stayed by a higher court.
- (a) I and II (b) I, II and III (c) II and IV (d) I and III

67. Rajesh, a Member of Legislative Assembly from a prominent political party, was convicted of a criminal offence by a lower court and sentenced to three years in prison. The Speaker of the Legislative Assembly disqualified Rajesh from his membership under Article 102 of the Constitution, which deals with grounds for disqualification of a Parliamentarian. Rajesh challenged his disqualification. Will Rajesh win?
- (a) Yes, as the disqualification do not satisfies the condition mentioned in section 8 of the Representation of the People Act, 1951.
 - (b) No, since he was convicted of a criminal offence, his membership stands disqualified.
 - (c) Yes, as his disqualification is not valid under Article 102 of the Constitution.
 - (d) No, as his disqualification is valid as Section 8 of the RP Act deals with disqualification of a lawmaker for conviction in certain offences.
68. Rahul, a Member of Parliament (MP) from a prominent political party, was found guilty of corruption charges by a court of law. The court sentenced him to three years in prison and imposed a fine of Rs. 50 lakhs. The opposition parties demanded Rahul's disqualification from Parliament under Article 102 of the Constitution. The Speaker of the Lok Sabha referred the matter to the Ethics Committee, which recommended Rahul's disqualification under sub-clause (e) of Article 102(1). The committee argued that since Rahul had been convicted of a criminal offence, he was disqualified under the Representation of the People Act, 1951, which provides for disqualification of MPs convicted of criminal offences. Is the reasoning given for the disqualification of Rahul valid?
- (a) Yes, as the disqualification could only be made by a law made by Parliament and not under any other law.
 - (b) Yes, as Parliament has the power to enact laws providing for disqualification of MPs on various grounds, and such laws could include the Representation of the People Act.
 - (c) Yes, as he will be disqualified under section 8 of the RP Act deals with disqualification of a lawmaker for conviction in certain offences.
 - (d) No, as he will be disqualified under section 8 of the RP Act and not under sub-clause (e) of Article 102(1).
69. Mr. X is a Member of Parliament (MP) representing a constituency in a northern state of India. He has been a member of the Lok Sabha for two years and has actively participated in parliamentary proceedings. Recently, Mr. X was tried by a lower court in a criminal case relating to financial irregularities the minimum punishment for which is five years. The Speaker of the Lok Sabha received information about Mr. X's trial and issued a notification of his disqualification to this effect in the Lok Sabha. The notification informed the House that Mr. X was disqualified from his membership in the Lok Sabha with immediate effect. Choose a correct answer:
- (a) Mr. X is not disqualified as a member of parliament since he was only being tried in court.
 - (b) Mr. X is disqualified as a member of parliament until the court issues its final decision.
 - (c) Mr. X is disqualified because he has been accused of a crime punishable by more than two years in jail.
 - (d) None of the Above .
70. Suppose, Mr. X was convicted by a lower court in a criminal case relating to financial irregularities. He was sentenced to imprisonment for three years. As a result of the conviction, Mr. X's disqualification as an MP was triggered under Article 102 of the Constitution. The Speaker of the Lok Sabha received information about Mr. X's conviction and disqualification and issued a notification to this effect in the Lok Sabha. The notification informed the House that Mr. X was disqualified from his membership in the Lok Sabha with immediate effect. Mr. X challenged his disqualification in the High Court, arguing that his conviction was based on false evidence and that he had been wrongly disqualified. During the pendency of the appeal Mr. X was not allowed to enter in the parliament. Choose a correct answer based ruling given by SC in Lok Prahari's case.
- (a) While the matter was on appeal, preventing Mr. X from joining the assembly was invalid.
 - (b) The injunction barring Mr. X from entering the legislative assembly is valid since he was disqualified following his conviction by the lower court.
 - (c) Refraining Mr. X from entering the assembly is unconstitutional since his conviction was not stayed while his appeal was pending.

- (d) The order barring Mr. X from entering the assembly is legal since his conviction was not stayed while his appeal was pending.

Passage(Q.71-Q.75): The National Security Act, 1980 has been invoked in the case of Amritpal Singh, the self-styled Sikh preacher and leader of Waris Punjab De. This was confirmed by Punjab Advocate General Vinod Ghai during a hearing at the Punjab and Haryana High Court on a habeas corpus petition filed by the legal advisor of Waris Punjab De.

The Act allows the state to detain a person without a formal charge and without trial to prevent them from acting in any manner prejudicial to the defence of India, relations of India with foreign powers or the security of India. Among others, it can also be applied to prevent a person from acting in any manner prejudicial to the maintenance of supply and services essential to the community. An individual can be detained without a charge for a maximum period of 12 months. It is an administrative order passed by the Divisional Commissioner or the District Magistrate, and not detention ordered by police based on specific allegations or for a specific violation of the law.

The Indian Constitution allows both preventive detention and the right of protection against arrest and detention in certain cases, enshrined under Article 22 of the Constitution. However, Article 22(3) provides that the rights available to an arrested person will not be applicable in case of preventive detention. One crucial procedural safeguard under the NSA is granted under Article 22(5), where all the detained persons have the right to make an effective representation before an independent advisory board, which consists of three members, chaired by a member who is, or has been, a judge of a high court.

71. John, a resident of the state of India, was detained by the authorities. Reasons given by the authorities for John's detention was that he is considered a potential threat to national security due to his alleged involvement in extremist activities and his affiliation with a group that had been linked to terrorist organizations in the past. John denied all the allegations and maintained that he had no involvement in any illegal activity. He argued that his detention was arbitrary and violated his fundamental rights to liberty and due process. The case went to court, and the judge had to decide whether John's detention was legal and justified under the National security act. Choose the correct answer:
- (a) John's detention was illegal and not justified as the authorities had not presented sufficient evidence to show that he posed a threat to national security to detain him without a formal charge and trial.
 - (b) John's detention was illegal and unjustified; there was no proof that the group John was associated with had any ongoing ties to terrorist groups.
 - (c) John's detention was legal and justified as the Act provided for preventive detention, which was a measure aimed at preventing harm rather than punishing an offense.
 - (d) John's detention was legal and justified as it was necessary to prevent him from carrying out any activity that could harm national security.
72. Suppose the District Magistrate and the police conducted an investigation into John's activities and found evidence of his involvement in a plot to carry out a terrorist attack in the state. John was subsequently detained under the Act to prevent him from acting in a manner prejudicial to the defense of India. However, during his detention, John was subjected to inhumane conditions. He was kept in a small cell without proper ventilation or access to basic amenities such as food, water, and medical care. John's lawyers argued that his detention was illegal and violated his fundamental rights given in the Indian Constitution, which guarantees the protection of life and personal liberty. Will it affect the validity of his detention under Article 22 of the Constitution?
- (a) Yes, as Article 22 of the Indian Constitution lays down the procedure for preventive detention and provides safeguards to the individual who has been detained.
 - (b) No, as Article 22 does not specifically address the issue of inhumane conditions of detention while providing certain safeguards in cases of preventive detention.

- (c) Yes, as the conditions of detention must not be cruel, inhuman or degrading and any violation of this principle would amount to a violation of the individual's fundamental rights.
- (d) No, as Article 22 of the Indian Constitution lays down the procedure for preventive detention and provides certain safeguards to the individual who has been detained.
73. Mark is a resident of a small town in India that is heavily dependent on electricity supply for its daily activities. Mark had been protesting against the frequent power cuts in the town and had been actively involved in organizing demonstrations and strikes against the local electricity board. One day, the police received information that Mark was planning to disrupt the power supply to the town by organizing a major protest that would block the entrance to the electricity board's office. The police acted on this information and arrested Mark. Mark was taken into custody without any formal charge or trial, and the police justified his detention on the basis of the information they had received about his plans to disrupt the power supply. Mark challenges his detention and claims it as illegal and unjustified under the National security Act. Decide
- (a) His arrest is not justified as it was a mere a peaceful protest so that he can bring the attention of the necessary authorities to the frequent power cuts in the town.
- (b) His arrest is justified as his detention on the basis of the information they had received about his plans to disrupt the power supply.
- (c) His arrest is justified as the police had reasonable grounds to believe that he was planning to disrupt the power supply, which was an essential service to the community.
- (d) His arrest is not justified as it is not made as per the procedure laid down in the National security Act.
74. Suppose Mark was detained on 10Th January 1997, without a formal charge and without trial on ground of preventing a person from acting in any manner prejudicial to the maintenance of supply and services essential to the community. On 21st January 1997 mark's parents file a complaint stating that mark's detention is violation of safeguard provided in article 22(5) stating that the police has not yet finalized the charges against mark and also mark has not been given a chance to make an to make an effective representation of his case. The police on the other hand claim defence under national security act and Article 22. Which of the following statements is most appropriate in the light of the information given in the passage?
- (a) Police will succeed as an individual can be detained without a charge for a maximum period of 12 months.
- (b) Mark's parent will succeed as mark was not given a chance to represent his case as it his right under Article 22(5).
- (c) Police will not succeed as they fail produce mark before the magistrate.
- (d) Police's stand is correct as to the non-framing of charges and Parent's stand is correct as to violation of effective representation given as a procedural safeguard in Article 22(5).
75. Rajesh, a 30-year-old businessman, was arrested and detained under the National Security Act (NSA). Rajesh's family was shocked to learn about his detention, and they had no idea why he was being held. Rajesh's family immediately filed a Habeas Corpus petition in the High Court, challenging his detention under the NSA. The court issued a notice to the DM, seeking a response to the petition. The DM filed a reply stating that Rajesh was detained based on credible intelligence inputs suggesting that he had links with a foreign organization that was planning to carry out a terrorist attack in India. The court directed the DM to produce Rajesh before it and explain the basis of his detention in the court. During the hearing, Rajesh's lawyers argued that there was no concrete evidence against him, and his detention was arbitrary and illegal. The DM, on the other hand, claimed that the intelligence inputs were reliable and that Rajesh's detention was necessary to prevent a potential threat to national security. On hearing the DM the court quashed the petition filed by Rajesh's parents. Keeping the factual situation in mind, will this case make a situation where the right of accused under article 22(5) stands violated?
- (a) Yes, as the Act allows the state to detain a person without a formal charge and without trial to prevent them from acting in any manner prejudicial to the defence of India, relations of India with foreign powers or the security of India.
- (b) No, as the present situation do not calls for the violation of article 22(5).
- (c) Yes, as no petition of habeas corpus can be filed in cases of preventive detention.
- (d) No, there are no right available to an arrested person in cases of preventive detention.

Passage(Q.76-Q.80): The “work from home” culture has numerous advantages but with utmost certainty, has the same drastic fallout too. One of the drastic fallout - the rising trends of sexual harassment cases. To understand the concept, it is imperative to note that other than the relevant provision of the IPC, the realm of “sexual harassment at workplace” is governed by the “Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013(“POSH Act)

It says —“(1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment at workplace :—

- i. Implied or explicit promise of preferential treatment in her employment; or
- ii. Implied or explicit threat of detrimental treatment in her employment; or
- iii. Implied or explicit threat about her present or future employment status; or
- iv. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. humiliating treatment likely to affect her health or safety”

Section 2(f) defines the term “Employee”. Employee includes every female who is working or attached directly or indirectly with the workplace for the purpose to earn remuneration for the temporary time or permanent, with or without the knowledge of the principal contractor. It includes co-workers, trainees, apprentices, etc.

76. Shalini, due to the Covid-19 pandemic, was working from home. One of her seniors, while communicating with her through video calls, used to insist that she turn on her camera. Even though Shalini was not comfortable with this, her senior kept insisting on it, leading to her feeling uncomfortable and harassed. Will he be liable under POSH ACT?
- (a) Yes because she was subjected to sexual harassment through non physical behaviour.
 - (b) No, because she wasn't subjected to sexual harassment as there was no physical contact between the accused and the victim.
 - (c) No, because asking to turn on her camera on a video call is not sexual harassment.
 - (d) Yes because he created a hostile work environment for her.
77. When Shalini raised her voice and accused the employee of sexual harassment her senior employee claimed that home is not a workplace under the POSH ACT. Is he correct? Decide.
- (a) No, because home is a workplace.
 - (b) Yes because home is the workplace.
 - (c) No, because home is not a workplace
 - (d) Can't be determined from the passage.
78. Assume the senior employee suspected Shalini of misleading the team by claiming to be working while she was actually on holiday. As a result, he firmly and repeatedly asked Shalini to switch on her video camera in an online team meet. Will the employee now be held accountable under POSH?
- (a) No the employee will not be held liable as he did not intent to harass Shalini by any means.
 - (b) Yes, as frequent requests to switch on the camera made Shalini feel uncomfortable and harassed.
 - (c) No, because sexual harassment claims under POSH may only be made against an employer, not an employee.
 - (d) Yes, he created a hostile work environment for her.
79. Trapti wasn't getting the job because she was unskilled and did not know how to work. When she approached Santosh, manager of the firm, for the job. He told her that they can keep her only to learn and they'll not pay her because she is incapable of doing any work. Santosh made her assistant of Rajeev because Rajeev had got 10 promotions because of his work. One day at work Rajeev misbehaved with intent to sexually harass her. Will Rajeev be liable under POSH ACT?
- (a) No, because she was not subjected to sexual harassment.
 - (b) Yes because she was subjected to sexual harassment.
 - (c) No, because she wasn't the employee
 - (d) No, because the firm wasn't workplace

80. Suppose Santosh treated her very nicely and taught her nicely due to which she learned many new things. Now, she applied for a job in the same firm along with many other women who were equally or more qualified than her, but she has been offered the job. Doubting this preferential treatment in her employment she wants to make Santosh liable under POSH Act?
- (a) Yes because he had given preferential treatment in her employment
 - (b) No, because she was not subjected to sexual harassment
 - (c) Yes because there was interference with her work
 - (d) No, because he had helped her to gain employment.

Passage(Q.81-Q.86): The Transgender Persons (Protection of Rights) Bill, 2019 was passed by a voice vote amid noisy protests by some opposition parties over Congress leader Adhir Ranjan Chowdhury not being allowed to speak on his adjournment notice.

Replying on the Bill, Minister of State for Social Justice Ratanlal Kataria said it makes provision for establishing a national authority for safeguarding rights of transgender persons.

The Transgender Persons (Protection of Rights) Bill, 2018 criminalised begging, a chief source of income for several members of the trans community who are unable to obtain employment. The 2018 Bill also stipulated a punishment of only up to two years for sexual violence against a trans person as opposed to seven years of imprisonment for sexual violence against non-trans women.

In addition, a crucial demand of the activists for reservation and affirmative action was not incorporated into the 2018 version of the Bill. The Supreme Court took note of this issue of the discrimination faced by members of the trans community in its 2014 NALSA judgement and called for affirmative action measures. The Bill also mandated the imposition of screening committees and stripped members of the trans community of the right to self-determination of their gender identity. But in the same section, it adds that a transgender person must make an application to the district magistrate to receive an identity certificate.

Members of the trans community also opposed the provision in the 2018 Bill that required members of the community to reside with their birth family or be placed at a rehabilitation centre. Section 5 of Transgender Persons (Protection of Rights) Bill, 2019 states- "A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person".

Answer all the following questions assuming that Transgender bill is passed by the parliament and has come into force.

81. The state of Peshawar rolled out a policy decision granting 25% reservation in the state services examination to all transgender holding certificates. Reshma who was born as a girl always found it difficult to subscribe to the standard gender roles. She soon realized that she was more of a man than a woman. However, she was too afraid to disclose it to her parents and continued with her hidden identity. She would dress up in her father's clothes when no one was home. Once, she moved to her college she found the environment to be more accepting and eventually came out. However, her identity remained hidden from her friends and family at home and she did not get an identity certificate either. After her graduation she took the State service exams and cleared the cut-off set for transgenders. However, the state refused to consider her eligible.
- (a) Reshma will be denied reservation as she fails to hold a transgender certificate issued by the authorities.
 - (b) Reshma will be denied reservation in absence of transgender certificate but can challenges the legislation for being discriminatory in nature.
 - (c) Reshma will be granted reservation as per SC ruling in NALSA case where self-identification as a transgender was recognized.
 - (d) Reshma will be denied reservation as she hasn't disclosed her identity and it is difficult to consider her as a part of transgender community.

82. Leesha was born as a trans-gender person and she lived her life as a female and also identified as one. One day in college she was subject to physical and sexual abuse for being a trans-woman. She filed an offence against the perpetrators. Decide the punishment that can be awarded to the perpetrators in Leesha's case considering that the 2019 bill is passed by the parliament-
- (a) The perpetrators will be punished for not more than two years of imprisonment.
 - (b) The perpetrators can be punished up to seven years of imprisonment as provided under the act.
 - (c) The perpetrators will only be punished with imprisonment if Leesha is able to prove her case.
 - (d) Leesha cannot seek relief under Transgenders Act but can seek relief under Indian Penal Code.
83. Alex, an Indian national, challenged his kin in the court of law for banishing her from the inherited property on the grounds of her being a transgender. Her kin, however, claims that the complainant does not hold any right on the family property since the complainant is transgender. And the will clearly state the beneficiary to be he or she. Based on the information provided in the above passage, will Alex's kin succeed?
- (a) No. One's sexual preference is a matter of personal preference and is covered by the right to privacy.
 - (b) Yes. Alex may not be a third gender, but being a homosexual nullifies her claim on the family inheritance.
 - (c) Yes. The will is a document of law and must be abided in all conditions. If it says that Alex holds no claim, it must be right.
 - (d) Cannot be determined
84. Varun Shohar works in an MNC and was constantly being tormented by his manager ever since he stepped out of his closet as a transgender person. Varun was sexually assaulted by his manager to help him become a straight person. Tormented by the criminal act, Varun Shohar raised a complaint with upper management and threatened to drag the manager in the court of law if it went unheeded. Based on the information given in the passage, can Varun Shohar do that?
- (a) No. When Varun Shohar made his sexual orientation public, he waived his right to privacy.
 - (b) Yes, as he was sexually assaulted by his manager.
 - (c) No. Section 377 has been surely decriminalised, however, it's the company's internal matter. Varun Shohar holds no basis to file a lawsuit against his company.
 - (d) Yes. But it could be done but only after he submits an affidavit before the health ministry declaring himself homosexual..
85. Yashika was born as a female. At 19 years of age she got herself enrolled into a medical university availing the reserved quota for females. The university provided for a separate female quota both for entrance as well as placements. In the third year of her college, she came out to the public as a queer person and underwent a sex-reassignment surgery, post which she surgically got her genitals changed to that of a male's. She later took up the pronouns they/them. Their certificate for identification as a male was accepted by the District magistrate. Their batchmates challenged her continuation as a university student as she was now legally a male and had been admitted on the grounds of the women's quota.
- (a) Yashika's continuation with the university will be terminated.
 - (b) Yashika is no longer a female as her identity certificate now calls her a male. Therefore, she has to forego the benefit that she availed when she was a female.
 - (c) Her admission to the university cannot be challenged on the given grounds.
 - (d) Cannot be determined.
86. Varamullupu was born as a trans-person and she lived her life as a female and also identified as one. One day in family get together she was subject to physical abuse for being a trans-woman. She decided to move out and live alone in the city as she can fend for self and her family has not been very supportive of her. She was not allowed to move out as by her family. She approaches the local authorities.
- (a) Varamullupu will have to reside with her family, she can live separately only if her family abandons her.
 - (b) Varamullupu can leave her family and reside in a rehabilitation centre.
 - (c) She can only reside separately if her family allows her to do so.
 - (d) Varamallupu has to go under IPC for relief

Passage(Q.87-Q.91): Armed forces would be at liberty to initiate disciplinary proceedings against serving officers and personnel for adultery notwithstanding that the Supreme Court had decriminalised the offence in 2018. The Supreme Court's 5-Judge Constitutional bench presided by Justice K.M Joseph has ruled that armed forces can take action against their officers for adulterous acts, while stating that decriminalization of adultery does not apply to Armed Forces. In the 2018 judgment, the SC was concerned only with the validity of Section 497 of the IPC and Section 198(2) of the CrPC dealing with adultery, and had "no occasion whatsoever to consider the effect" with respect to the Army, Navy and Air Force Acts. "It is not as if this court approved of adultery. This court held that it is a civil wrong and will continue to be a ground for securing dissolution of marriage," the bench, also comprising Justices Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy, and CT Ravikumar, said. "In view of the fact that the scheme of the Acts in the context particularly of Article 33 of the Constitution did not fall for the consideration of this court, we are of the clear view that we must observe and clarify that the judgment of this court was not at all concerned with the effect and operation of the relevant provisions in the Acts which have been placed before us by applicants," the bench said. "In others words, this court was neither called upon nor has it ventured to pronounce on the effect of sections 45 and 63 of the Army Act as also the corresponding provisions in other Acts. We only make this position clear and dispose of the application," the court added. The Bench delivered the final Order in the case, clarifying that the Joseph Shine Judgment did not apply to serving members of the armed forces who are accused of 'conduct unbecoming' and dismissed the application. In September 2018, in the Joseph Shine Judgment, the SC struck down Section 497 of the IPC that criminalised adultery, ruling that it was unconstitutional and violated women's right to equality in treating them as inferior to their husbands.

87. Which of the following statements cannot be concluded from the given passage?
- (a) Even if the Supreme Court decriminalised adultery as a crime in 2018, the armed forces would be free to begin disciplinary actions against officers and staff for the offence.
 - (b) The decriminalisation of adultery does not apply to the Armed Forces, according to the Constitutional bench chaired by Justice K.M. Joseph, who also decided that the armed forces can punish their commanders for adulterous conduct.
 - (c) The court was not asked to rule on the implications of Sections 45 and 63 of the Army Act or the similar provisions in other Acts, nor has it ventured to do so.
 - (d) The Joseph Shine Judgment, the Bench as emphasized in the passage, also applies to military personnel accused of "conduct unbecoming," and hence the application was denied.
88. P worked as an Army officer in Jammu and Kashmir. When his family was in Chennai, he was drafted for three years. After serving for seven months, he got sexually involved with a local married woman after falling in love with her. P was held accountable for adultery when his head marshal learned of this. He asserts that since adultery is no longer a crime, he will not be considered accountable for it. Comment.
- (a) P shall not be held responsible because the law equally applies to all people.
 - (b) Since the military is an exception to the decriminalization of adultery, P will be held accountable.
 - (c) P will be held accountable because he committed an illegal act while on duty, rendering him guilty.
 - (d) P will only be held accountable if his wife files a legal complaint against him.
89. J committed adultery with his neighbour in 2019 after being married for the past 8 years. Meanwhile, he'd applied for a job in the Navy. His application was accepted two weeks after his sexual act with his neighbour, and he was appointed vice admiral. When this was revealed three months into his appointment, he was fired from his position. Comment on whether his dismissal was legal in light of the Joseph Shine judgment.
- (a) J will be held accountable because the decriminalization of adultery does not apply to the Armed Forces.
 - (b) J is not liable because only the army is exempt from the decriminalization of adultery, whereas J was employed by the navy services.
 - (c) J will not be held liable because he was hired after committing the adulterous act.
 - (d) J will be held accountable because he had already applied for the job when he committed such an act.

90. In 1993, W was hired as a pilot. He retired in 2021 after twenty-eight years of service. He became sexually involved with one of his retired colleagues after two years of retirement. This was deemed to be a very negative example for the younger generation, and he was thus charged with adultery. He claimed that the provision did not apply to him after he retired. What are your thoughts on his assertion?
- (a) W shall be held liable because he was once in the navy and thus shall be held liable for adultery.
 - (b) His contention is correct. Since W had already retired, the verdict in the Joseph Shine case will be applicable in his case..
 - (c) If the female was still in the air force, W would have been held liable for adultery.
 - (d) Since W had already retired, the verdict in the Joseph Shine case will not apply.
91. G was supposed to marry in 2019, but because he was immediately drafted due to the war in Afghanistan, he had to postpone his wedding. During the war, he fell in love with one of the survivor's wife, C who cared for him and later G became sexually involved with her. He returned in 2022 and married B. His 2019 act was later discovered, and he was dismissed for adultery. Determine the veracity of the accusation.
- (a) The accusation is baseless because G was not married when he became sexually involved in 2012.
 - (b) The charge is valid because the decriminalization of adultery does not apply to the Armed Forces.
 - (c) G's employment will not be terminated because it was his personal decision and he cannot be controlled in exercising his rights.
 - (d) G will be terminated because he is establishing a poor example for future generations.

Passage(Q.92-Q.96): Evidence by way of Test Identification Parade (TIP) is taken as per Section 9 of the Indian Evidence Act. When the witness knows and recognizes the accused there is no need of TIP, in other words when the FIR is registered against a known/named accused person there is no need to go through the process of conducting TIP.

However when the crime is committed by an unknown, TIP is used as a tool to test the accuracy of the witness to identify the unknown person whom the witness had seen at the place of occurrence on the time of offence. The TIP is to be conducted without any delay as the main purpose of the TIP is to identify the accused person before the memory of the witness fades.

The unexplained delay in conducting TIP may be fatal to the case of the prosecution. The TIP is to be conducted by the investigating agency in presence of the magistrate, it is through these identification parades the investigating agency ascertains whether the suspect of the crime is the real culprit or not.

After the identification of the accused, it is relevant that the witness identifies the accused person before the Court as well and it is then the TIP becomes substantive evidence. In plethora of judgment, the Apex Court has observed that "without prior TIP, first time identification in the Court is considered as very weak evidence"

In State of Maharashtra v. Syed Umar Sayed Abbas, the incident of firing occurred in broad daylight, however not much time was there with the witnesses to clearly see the accused and there was delay in TIP, hence the Court acquitted the accused on the ground that it is highly doubtful whether the eye witness could have remembered the face of the accused after such a long time.

In yet, another case Raman Bhai Naran Bhai Patel v. State of Gujarat, Apex Court dismissed the appeal and upheld the conviction on the observation that:- "offence was committed in broad daylight and hence eye witness could easily remember and identify the accused person."

92. Akash collapsed in the middle of a street due to being hit by a blunt surface. He could not see the face of the accused exactly but noticed a lot of identification marks about him. He woke up in a hospital after three weeks; upon interrogation he explained the appearance of the accused to the police. On suspicion, Police arrested one Mohit who was present near the street that day. After Akash recovered he was called upon by the prosecution to identify the witness in the court. Akash identified Mohit according to what he remembered. The court, however, dismissed the case and acquitted Mohit for paucity of evidence at the end of the prosecution. Decide the correct option.
- (a) The court could dismiss the case and acquit Mohit as there was no other evidence but the identification by the victim for his conviction.
 - (b) The court could not dismiss the case and acquit Mohit as the identification parade was conducted after three weeks and the memory of Akash was blurred.
 - (c) The court could dismiss the case and acquit Mohit as he was first identified by Akash in the court without any prior TIP conducted by the Police.
 - (d) The court could not dismiss the case and acquit Mohit as he has been identified by Akash as the actual perpetrator in the court before a magistrate and thus identification in a parade is a mere procedure.
93. A case of rape was reported in the Thane police station. The station in charge formed a team to exclusively work on the said case. Inspector Prakash Gaitonde, the investigating officer began the arrest of the possible suspects upon the description of the victim. Police lined up all the suspects for the test identification parade and called upon the victim for identification. The victim had doubts about a suspect but confirmed his name as the perpetrator. However, when the accused was produced before the court, the victim failed to identify the suspect as the rapist. Choose what you would decide in the light of the above context.
- (a) Suspect cannot be convicted solely on the grounds of identification in the test parade. If the accused is not identified in the court after TIP that is not a substantive evidence enough to convict the accused.
 - (b) Suspect can be convicted as the accused herself has identified the accused in the TIP as the perpetrator, which is evidence enough for the conviction.
 - (c) Suspect cannot be convicted on the basis of the TIP itself, as the identification in the TIP was marked by doubts. The identification was not devoid of confusion and thus not reliable.
 - (d) Suspect can be convicted as the identification in the TIP suffices as the evidence. The failure to identify the accused before the court was only due to the reason of fading of memory which has no bearing on the evidentiary value of the identification.
94. The facts remaining the same as the above case. Decide whether the accused could be convicted after he was identified in TIP after 2 years of the incident because of lackadaisical attitude of the police during the investigation.
- (a) Accused shall be convicted as the delay in the procedure by the Police would have no bearing on the evidentiary value of the identification if the victim is confident and not doubtful about it.
 - (b) Accused shall not be reasonable convicted as the delay in the present case is an unreasonable one, which would aid to fading of the memory of the victim
 - (c) Accused shall be convicted as legal procedure, if followed properly, even with delay leads to the same conclusion. The court shall rely on the identification and convict the accused.
 - (d) None of the Above.

95. A riot broke out in Shaharanpur district of Uttar Pradesh after a speech given by a local leader. The rioters started identifying people of a certain community and destroyed their houses and businesses. The riots led to a whopping loss of both property and claimed some lives as well. Police was reluctant to investigate the case to prevent further unrest. However, after an order by a magistrate to investigate the case Police conducted a test identification parade. Random people were lined up and made suspects as victims were forced to identify certain people as accused. The process being filled with irregularities was conducted without a magistrate. The trial against these accused has been started. Decide whether TIP can be a ground for conviction in the present case.
- (a) The accused cannot be convicted solely on the grounds of the results of the TIP as without the presence of the magistrate, a suspect cannot be ascertained to being the actual culprit.
 - (b) The accused can be convicted as the accused have already been identified in the TIP, they can be convicted if they are identified by the victims and witnesses in the court as well.
 - (c) The accused cannot be convicted on the grounds of the result of the TIP as the victims and witnesses were forced to identify the accused as the culprits by the police.
 - (d) The accused can be convicted on the grounds of the results of the TIP. The procedure of TIP was proceeded with the order of the magistrate and thus was conducted under the supervision of the magistrate.
96. Which of the following is not a requisite of identification of an accused, in the light of the above context?
- (a) The TIP shall be conducted in presence of a magistrate.
 - (b) The TIP shall be conducted within a week of the incident being reported in a police station.
 - (c) The TIP need not be conducted where the accused is known or has already been identified in the FIR.
 - (d) An accused shall also be identified in the court after being identified in a TIP by the victim or the witness.

Passage(Q.97-Q.101): Read the following passage and in the light of the same answer the questions that follow. Trespass to land means interference with the possession of land without lawful justification. In trespass, the interference with the possession is direct and through some tangible object. If the interference is not direct but consequential, the wrong may be a nuisance. Trespass could be committed either by a person himself entering the land of another person or doing the same through some material object. It is, however, no trespass when there is no interference with the possession and the defendant has been merely deprived of certain facilities. Going beyond the purpose for which a person has entered certain premises and crossing the boundary where he has the authority to go or staying after being declined the permission amounts to trespass. Trespass is a wrong against possession rather than ownership. Therefore, a person in actual possession can bring an action even though, against the true owner, his possession was wrongful. Trespass is possible not only on the surface of the land, it is equally possible by an intrusion on the subsoil. Trespass is actionable per se and the plaintiff need not prove any damage for an action of trespass. Neither use of force nor showing any unlawful intention on the part of the defendant are required. When a person enters certain premises under the authority of some law and after having entered there, abuses that authority by committing some wrongful act there, he will be trespasser ab initio to that property. If a person's possession has been disturbed by a trespasser, he has a right to use reasonable force to get trespass land vacated.

[Source

https://www.lkouniv.ac.in/site/writereaddata/siteContent/202004120812185040satish_chandra_law_TRESPASS_TO_LAND.pdf]

97. Shina invited Meena to show her newly renovated drawing room. The drawing room was constructed keeping in mind the open-floor concept and so there was no wall between the kitchen and the drawing room. While Shina was outside watering her plants, Meena entered her kitchen to look at her kitchen appliances. Shina sued her for trespassing. In the given situation, which of the following statements is true?
- (a) There is a trespass to land since Meena was only invited to the drawing room.
 - (b) There is a trespass to land since Meena went to the kitchen without Shina's permission.
 - (c) There is no trespass to land since Meena did not enter the kitchen with a bad intention.
 - (d) There is no trespass to land since the boundary between the drawing room and the kitchen was not marked properly.

98. Bheem was a local police officer. He receives an intel from some person that Raju is growing weed in his garden. Bheem visits Raju's place and checks the garden but does not find anything there. He gets amazed by seeing Raju's lavish house and enters his Room secretly and steals his imported Vase. Raju sues Bheem of trespass. In the given situation, which of the following statements is true?
- (a) Bheem will be not liable of trespass since he entered Raju's property under lawful authority.
 - (b) Bheem will be liable of trespass from the moment he entered Raju's room.
 - (c) Bheem will be liable of trespass from the very beginning.
 - (d) Bheem will not be liable of trespass but theft.
99. Ramu gives his house on lease to Hari for 4 months. One day, Munna gets into a fight with Hari's son and to seek revenge, throws stone at their house. When Hari sees this, he sues Munna of trespass to land but Munna says that Hari cannot sue him as his possession is unlawful since Ramu's house is a government property and hence even his ownership is void. In the given situation, which of the following statements is true?
- (a) Hari cannot sue Munna for trespass since he himself is not the owner of the property.
 - (b) Hari can sue Munna as the property is in his actual possession.
 - (c) Hari cannot sue Munna since Ramu's ownership is void.
 - (d) Hari can sue Munna since the property is governments.
100. Hamida and Sakina are neighbours living adjacent to each other. Both of them often gets into fights due to some or the other reason. One day, Sakina was having some electricity work done in her home and one of the workers tied the wrong wires together due to which a short-circuit happened at Hamida's home and she was deprived of electricity for 20 hours. Hamida sues Sakina of trespass. In the given situation, which of the following statements is true?
- (a) Sakina will not be liable of trespass since Hamida was merely deprived with electricity.
 - (b) Sakina will be liable as her act caused a hindrance to Hamida's comfort.
 - (c) Sakina will be liable as Hamida's electricity went due to Sakina's mistake.
 - (d) None of the Above
101. Taj Mahal is a famous monument in Agra, India. The government charges a nominal fee of rupees 50 from the visitors to enter the monument for which the entry is allowed only till 6 in the evening. Krish buys a ticket and enters the monument but is caught by the authorities, plucking flower from the prohibited garden. The authorities ask him to leave the place but he does not do so. In the given situation, which of the following statements is true?
- (a) He will be liable of trespass since he did not leave the place after being told by the authorities.
 - (b) He will not be liable of trespass since he entered the place through the ticket.
 - (c) He will not be liable of trespass since the monument was a public place.
 - (d) He will be liable of trespass since he plucked the flower.

Passage(Q.102-Q.105): Article 13 expressly lays down the supremacy of the Fundamental Rights over any other law if there is any inconsistency between the two. It prevents the legislature from making any law in contravention of Part III of the Constitution i.e., the Fundamental Rights. Article 13 of the Indian Constitution has four clauses. As per clause (1) any law that had been in force in the country before the commencement of the constitution if found to be inconsistent with the fundamental rights, would be declared void to the extent of its inconsistency. Clause (2) of relates to post constitutional laws i.e., those laws that were made after the commencement of the constitution. As per this clause, the state cannot make any law that abridges or takes away the fundamental right of a person and if it does so, then such law would be void to the extent of its contravention. It must be observed that Article 13 does not make entire act inoperative, but only that part is held inoperative which is inconsistent with the fundamental rights. Doctrine of severability says that when some provisions of an act are inconsistent with the fundamental rights and if such provisions can be severed from the rest of the statute, then only the offending provision would be declared void by the court and not the entire act. The doctrine of eclipse says that any existing law which is inconsistent with the fundamental rights is not completely invalid, but is overshadowed by the fundamental rights and remain dormant but not dead. Till the time, the law violates the

fundamental right, it remains dormant, but if by an amendment such law no more violates the fundamental rights, then the law becomes alive and operative. This doctrine was earlier applicable on just pre constitutional law but now it can also be extended to even post constitutional law to some extent.

[Source-<https://www.sbhambriadvocates.com/post/article-13-of-the-indian-constitution-explained>]

102. A new bill was passed in the parliament which gave the power to the police to arrest without a warrant, those people who post anything on social media which criticizes the government. The bill was challenged in the court saying that it violated the article 19 of the Indian Constitution which gives all citizens of India certain rights regarding freedom of speech. Will the bill become void under Article 13 of the Constitution?
- (a) Yes, since it abridges the fundamental rights of citizens.
 - (b) Yes, but only for the Indian citizens.
 - (c) No, since article 19 is subject to certain limitations.
 - (d) No, since there is no violation of article 19.
103. The state of Maharashtra passes an act for the registration of marriage between a couple of different religion and caste. One of the sections in the act make it compulsory for the couple to give a notice in the newspaper about their marriage, 20 days before the registration. A couple files a plea saying that this section is a violation of their fundamental right to privacy. In the given situation, which of the following statements is true?
- (a) The whole act will become void as the section is an important part of it.
 - (b) Only the section in that act will become void and not the whole act as per doctrine of severability.
 - (c) Neither the act nor the section will become void as there is no violation of fundamental right.
 - (d) The section will become void under the doctrine of eclipse.
104. The state of Gujarat passed an act which gave the government companies to fire a pregnant woman if she does not come to the office for more than 10 days before the start of her maternity leave. Sukhita who had a complicated pregnancy was fired from her job for not coming to the office for 15 days. She reached the court saying that the act violates her legal right under the Maternity Benefit Act, 1961 and hence violates article 13. Decide.
- (a) There is a violation of article 13 since the act violates her legal right.
 - (b) There is no violation of article 13 since the act does not violate a fundamental right.
 - (c) There is a violation of article 13 as the legal right is absolute.
 - (d) There is no violation of article 13 as the act was justified.
105. The government of India passed an Employment Act in the year 1925. Section 5 of the act debarred any person from getting employed in the type I sector who belongs to the lower caste. Section 17 of the act said that pregnant women will not be allowed to work. In the present time, Smita contested that these two sections should be declared void as section 5 of the act is violative of fundamental rights and Section 17 of the act is violative of legal right under maternity benefits act. Both sections violate article 13. In the given situation, which of the following statements is true?
- (a) Both the sections will be declared void for being pre-constitutional.
 - (b) Both the sections will be declared void for violating Article 13 of the constitution.
 - (c) Only section 5 will be declared void for being inconsistent with the fundamental rights.
 - (d) The whole act will be struck down by applying the doctrine of severability.

SECTION - C: LEGAL REASONING

Directions(Q.66-Q.105): Read the comprehension and answer the questions:

Passage (Q.66-Q.70): In early 2022, the travails of the MediaOne TV channel in battling a government ban before the Kerala high court were discussed. The judgments of the single judge and division bench of the high court – both of which upheld the government’s ban on the TV channel – had seen two of the most egregious instances of “sealed cover” jurisprudence in Indian courtrooms. MediaOne had been banned without being informed why and without a hearing. When it challenged the ban in court, it was unable to argue its case because the government claimed – and the court indulged it – “national security”, and submitted material in a “sealed cover.” Sanity was restored on April 5, when the Supreme Court delivered its judgment striking down the ban on both substantive and procedural grounds. Sealed cover jurisprudence has become something of an epidemic in Indian courts in recent times, especially in civil rights cases: challenges to civil rights violations are routinely knocked back because the government claims – and the court indulges it – “national security”, and submits material in sealed covers. Frequently, when an organisation is banned under the Unlawful Activities Prevention Act (UAPA), and invokes the statutory procedure of challenging the ban before a UAPA tribunal, the state produces “evidence” in a sealed cover, which even the banned organisation’s lawyers are not allowed to see, thus making any meaningful defence a non-starter. Under section 15 of the UAPA, whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country through various means is said to be doing a terrorist act. Mere Critical appraisal /comments on the policy matters of the government shall not attract the provision under the UAPA Act.

(Extracted with edits and revisions from “Proportionality, Sealed Covers and the Supreme Court’s Media One Judgment”, The Wire)

66. A media house named NPTV shows news that is highly critical of the ruling party. Each and every programme, including the news hour show, is aimed at highlighting the shortcomings and flaws of the government. NPTV is charged under UAPA. Decide.
- (a) NPTV is rightly charged under UAPA as it is acting against government.
 - (b) NPTV is guilty under UAPA as it threatens the sovereignty of the nation.
 - (c) NPTV is not guilty as being critical of the government does not make them liable under UAPA.
 - (d) NPTV is not guilty as it has fundamental right of freedom of expression which is absolute.
67. A girl named Vamulya, studying in NawaharJal University Delhi, participated in a university debate competition and ended her debate speech shouting “Hail Pakistan, it is a better country than India”. Vamulya is charged under UAPA. Decide.
- (a) Vamulya is guilty as she clearly made a seditious statement against India
 - (b) By saying those words, Vamulya undermined the government, ultimately, threatening the sovereignty of India. Therefore, she is guilty.
 - (c) Vamulya is not guilty as she has an absolute right to freedom of speech and can express her opinions.
 - (d) Vamulya is not guilty under UAPA.
68. A girl named Vamulya while delivering a speech to a group of people at NawaharJal University, Delhi said “The people in power are corrupt and their policies are useless. Come and help me bring down these people”. After getting inspired by the speech, people came out on roads to peacefully protest. Decide.
- (a) Vamulya is not guilty under UAPA as she was merely critical of government policies.
 - (b) Vamulya has given anti-national statement, and therefore, guilty under UAPA.
 - (c) Vamulya is guilty under UAPA as her speech incited protests against the government which threatens the sovereignty of the nation.
 - (d) Vamulya should be charged under UAPA as her right to freedom of expression is not absolute.

69. A man named PunalPamra belonging to a certain community that is critical of the ruling party claimed that they will bring down this corrupt government and instil a new government through trial by combat. Inspired by this, group of people from the same community started running towards the parliament with ammunition. Decide the liability of PunalPamra under UAPA.
- (a) Clearly, actions of PunalPamra are unacceptable and should be liable under sedition.
 - (b) PunalPamra is not liable because he did not take part in the protest, and he merely talked about bringing a change in regime.
 - (c) PunalPamra is liable under UAPA because his act inspired the events that threaten the integrity, security & sovereignty of India
 - (d) PunalPamra is not liable because he was not wrong about the government being corrupt. Truth is a defence in this case.
70. A journalist named Irfan Pehraj was arrested by National Investigation Agency for covering a protest that was against the government of India. The protest concerned citizenship matters of minorities. In order to discredit the protest, the ruling party alleged that external forces are funding the protests and hence, the protest is anti-national. Irfan Pehraj was on his way to cover the event where he was detained and arrested by NIA under UAPA. Decide.
- (a) Irfan has been rightly detained under UAPA as covering an anti-nationalist protest is not right.
 - (b) Irfan is not liable under UAPA as he is merely going to cover the event.
 - (c) Irfan is liable under UAPA because his organisation is foreign funded.
 - (d) Irfan is not liable under UAPA as fundamental rights are subject to reasonable restrictions.

Passage (Q.71-Q.75): The laws related to Extortion have been entailed in Section 383- 389 of IPC. The definition of 'Extortion' is given under Section 383 of IPC. Section 384 IPC contains the penalty for extortion whereas Section 385 of IPC entails the punishment for an attempt to commit extortion. It must be noted that Section 386 to 389 go on to the extent of discussing much harsher punishments for much-aggravated forms of extortion.

As per Section 383 IPC, extortion is an act to put someone in fear of injury or any other harm to obtain his property or any other valuable item.

Essential elements:

- 1) Intentionally putting a person in fear of injury: It is a must that the person must have an intention to cause a wrongful gain to one and wrongful loss to another in a manner where another person is put under threat. The actual delivery of the property is essential to constitute extortion.
- 2) The purpose of which is to dishonestly induce the person put in fear: The objective of the Offence should have been towards the furtherance of the crime of Extortion.
- 3) To deliver property or valuable security: The actual transaction must have happened to have the section come into play in its entirety.

The main essence of Section 383 is obtaining the delivery of property or any item of value in consequence of dishonest inducement. To be more precise, an intention to cause wrongful loss to one and wrongful gain to other is an essential ingredient of extortion.

Section 384 contains the punishment for extortion. Section 384 is a cognizable offence wherein police may arrest without warrant and the same is triable by any Magistrate. It is a non- bailable offence and cannot be compounded. Section 384 IPC reads as under: "Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

71. Mukesh Mehra, threatens Om Kapoor to hand him over Om's one lakh cash prize which Om won at Film Fare Awards. When Om refuses to hand over the money, Mukesh Mehra threatens Om by saying that he will put Shanti (Om's love interest) on fire. Om, who is pyrophobic gets scared of losing Shanti, hands over one lakh rupees to Mukesh Mehra. Decide.
- (a) Mukesh Mehra is liable for extortion as he made Om deliver his property.
 - (b) Mukesh Mehra is liable for extortion as he caused injury to Om while putting him in fear.

- (c) Mukesh Mehra is liable for extortion as he made Om deliver his property by dishonestly putting him under fear of setting Shanti on fire.
- (d) Mukesh Mehra is not liable as he lacked mala fide intention when he put Om under fear.
72. Jethalal and Chopat got to know about Mr. Joss having an extra marital affair. Jethalal and Chopat, who are unable to secure job due to pandemic and finding themselves low on cash decided to make good use of the Mr. Joss's situation. They stalked him and clicked few pictures of Mr. Joss and sent him same over the mail threatening to disclose his extra marital affair if he doesn't meet their demand of Rupees 5 Lakhs. Mr. Joss, who is not much bothered about his reputation and bad consequences in his marital bliss doesn't give a heed to the threat and refused to hand over the money. Later Mr. Joss filed a case of extortion against Jethalal and Chopat. Will Mr Joss succeed?
- (a) Mr. Joss will succeed as he was put in fear of injury to his reputation and was subjected to the demand for Rs. 5 Lakhs.
- (b) Mr. Joss will succeed as any person on his caliber would get scared and will deliver the money.
- (c) Mr. Joss will not succeed as though there was threat to reputation yet he did not give away any valuable property.
- (d) Mr. Joss will not succeed as threat to reputation is not considered under the definition of extortion under penal laws.
73. Chandler owns a porcelain coffee mug which was gifted to him by his late aunt and is also Chandler's prized possessions. Rachel, whom Chandler loves unrequitedly, wants the porcelain coffee mug. Rachel understanding Chandler's obsession with her, offered to go out on a date with him if he give her the porcelain coffee mug. Chandler who had to make a difficult choice went ahead and gave the coffee mug to Rachel. Later, Rachel refused to go out with Chandler and instead went out with Paolo. Chandler wants to file a case against Rachel for under Section 383 of IPC.
- (a) Chandler will succeed as Rachel ditched him with dishonest intention to get the porcelain coffee mug from him.
- (b) Chandler will not succeed as Rachel did not put him in intentional fear of injury, making him deliver the coffee mug.
- (c) Chandler will not succeed as Rachel lacked dishonest intention.
- (d) Chandler will not succeed as it was a mere promise and such trivial acts are not punishable under Indian penal laws.
74. Jamy, a batchmate of Anju made a video clip of Anju bathing in a bath tub. Jamy blackmails Anju for sexual favours and puts her in fear by pointing gun towards her. Anju in fear of losing her life, gives up to the demands of Jamy and before any unfortunate act happens, Anju was saved by her mother Nandini who beat Jamy black and blue. Will the act of Jamy qualify under the definition of extortion under Section 383 of IPC?
- (a) Jamy's act does not qualify as extortion though he will be held liable for outraging the modesty of a woman.
- (b) Jamy's act does not qualify as extortion as there was no demand for delivery of property or any valuable security.
- (c) Jamy's act of putting gun and causing fear of injury to Anju makes his act an act of extortion.
- (d) Both (a) and (b)
75. Rohan, a CLAT aspirant is accused of committing extortion and is under trial. Understanding that he might not get entry to college as only students with no criminal record are eligible for admission, Rohan tried to settle the matter outside the court by paying a hefty amount to the victim. Which among the following is correct?
- (a) Rohan can settle the matter as extortion is a compoundable and bailable offence.
- (b) Rohan can settle the matter as extortion is a compoundable and non bailable offence.
- (c) Rohan cannot settle the matter as extortion is a non compoundable and non bailable offence.
- (d) Rohan cannot settle the matter as extortion is a non compoundable and bailable offence.

Passage (Q.76-Q.81): When a crime is committed, the accused person is convicted on the basis of evidence. The status of the CCTV footage can be discussed with reference to two different scenarios: –

- 1) When the sole available evidence is CCTV recording, can it be used as substantive evidence to prove actus reus at the instance of the accused?
- 2) What will be the status of CCTV footage when the recording and the testimony of eyewitnesses are not corroborating with each other?

In both the situations, if the CCTV footage is proper and clear and the origin of the CCTV is proved beyond reasonable doubt, it will be enough to establish the actus reus at the instance of the accused person. In the case of *Tomaso Bruno & Anr. v State of U.P.*, murder of one Italian National was committed in Varanasi and two other Italian Nationals were convicted for the murder. The Apex Court observed that CCTV footage is a strong piece of evidence which could have established the crime and failure on part of prosecution to produce the CCTV footage raises serious doubt about the prosecution's case.

Whenever any electronic evidence is used as evidence, it is mandatory to prove the content of the electronic record in accordance with Section 65B of the Indian Evidence Act. The primary purpose of Section 65B is to sanctify proof by secondary evidence. Secondary evidence signifies making copies from the original. Section 65B (4) requires a certificate along with any electronic record to prove it as evidence in a court. The Apex Court in its recent judgment of *Arjun Panditrao* clarified that the certificate under section 64B (4) is unnecessary if the original record itself is produced before the Court for inspection.

76. Parth, a six year old, was kidnapped from his school and was later found dead, too far from the city. The CCTV footage recovered from the school shows a blurred picture of a man taking Parth, who consensually followed him. The Police investigation unveiled that there is no witness of the offense. The Police finally charged a school bus conductor of the bus Parth used to take home, as he fits the description of the man in the footage and has previously been reported for inappropriate conduct with children of the school. Decide if he can be convicted solely on the basis of the footage.
- (a) The conductor can be convicted as the CCTV footage though not clearly shows the face but gives an unquestionable account of the description, which is enough to prove the culpability.
 - (b) The conductor cannot be convicted as the footage merely shows him taking Parth with him, which does not satisfy all the essentials of the offense of abduction.
 - (c) The conductor can be convicted as the blurred footage not alone, but when corroborated by previous conduct of the conductor definitely proves his culpability.
 - (d) The conductor cannot be convicted as the CCTV footage is not proper and clear enough to prove the culpability in the present case.
77. Stuart owns a comic book store in Pasadena, California. While the store never attracted too much crowd but after Neil Gaiman, a popular comic writer, tweeted about his store it became quite popular. Stuart decided to hold an exhibition of the rarest comic books, the names of which he had not yet disclosed to anyone but his friends Leonard and Sheldon. On the day of the exhibition he found all the comic books missing. The CCTV footage showed Sheldon and Leonard entering the store at night, and breaking the locker. During the trial, Leonard and Sheldon contest the evidentiary value of the CCTV footage. Choose the correct answer?
- (a) CCTV recording can be used as substantive evidence to prove Leonard and Sheldon guilty as the footage clearly showed that they break into the store to steal the comics
 - (b) CCTV recording can be used as substantive evidence to prove Leonard and Sheldon guilty as they were the only ones who knew about the rare comics in the store.
 - (c) CCTV recording cannot be used as substantive evidence to prove Leonard and Sheldon guilty as the footage qualifies as electronic evidence which requires to be furnished along with a certificate in order to prove it in a court, which was not done in the present case.
 - (d) CCTV recording cannot be used as substantive evidence to prove Leonard and Sheldon guilty as the footage was not examined by any appropriate authority to check its authenticity.

78. Assertion (A): When the CCTV recording and the testimony of eyewitnesses are not corroborating with each other, then the accused cannot be held guilty of any offence on the sole evidence of the CCTV footage.
Reasoning (R): In any situation, if the CCTV footage is proper and clear and the origin of the CCTV is proved beyond reasonable doubt, it will be enough to establish the actus reus at the instance of the accused person and to hold the accused guilty.
Choose the correct option:
(a) Both A and R are true, R is the correct explanation of A.
(b) Both A and R are true, R is not the correct explanation of A.
(c) A is correct and R is incorrect.
(d) A is incorrect but R is correct.
79. Rahul Modi was to be named the new president of the Bhartiya Janta Congress, taking over the heritage his family has carried forward for years. A huge rally was organized, and at the end he was declared the president with consensus of all the members. What came as a surprise, however, was also the declaration of his nomination as party's face for position of the CM in the next elections instead of Azad who had been a popular choice until then. Stampede broke out in the event, when Rahul was shot and he died on the spot. Nidhi, a news reporter, covering the event found that in a video captured by her cameraman, Azad was the one who fired the bullet. She submitted the pen drive with the copy of the video footage in the police station, which was produced in the court by the prosecution. The court, however, rejected the pen drive as evidence. Decide.
(a) Pen drive is not admissible because there is no eye witness who could corroborate with the camera recordings produced before the court by Nidhi.
(b) Pen drive is not admissible because any such electronic document cannot be a sole evidence to hold any person guilty of an offence of a grave nature such as murder in the present case.
(c) Pen drive is not admissible because the pen drive qualifies as a secondary evidence since the video was copied on it and such record is required to be submitted along with a certificate to prove its content as per section 65B (4) of the Indian Evidence Act.
(d) Pen drive is not admissible because the camera was affiliated to a news channel, the source of the footage cannot be proved beyond reasonable doubt before the court.
80. Aditya and Nath were two brothers who co-owned and operated a jewellery shop. One day when Nath came to the store, he found his brother lying unconscious on the floor, and all the showcased jewellery missing. Upon investigation, the owner of the nearby shop said that he had seen two masked people entering the store, and he believes that he had heard screaming or altercation. The CCTV footage of the store however unveiled that Aditya very consensually gave all the jewellery to the robbers and he was not struck hard enough to be rendered unconscious. Based on the suspicion, Police charged Aditya for the offense of theft and arrested him. Decide:
(a) Aditya cannot be convicted of theft as contrary statements of the eyewitness renders even the evidence of CCTV footage doubtful and thus it cannot be admitted by the court.
(b) Aditya can be convicted of theft as even if the eyewitness testimony does not corroborate with the CCTV footage, the CCTV footage can be used as the evidence to determine guilt.
(c) Aditya cannot be convicted of theft as the guilt cannot be ascertained solely on the basis of CCTV footage which does not cover the non-visual aspects of a situation.
(d) Aditya can be convicted of theft as evidence of CCTV footage is always preferred over any other kind of evidence for ascertaining the guilt of an accused.

81. A theft of question papers was reported in the Imperial College of Engineering. During the investigation, the Police found out that Rancho was the last person to use his ID card to enter the admin block of the university. Some eyewitnesses corroborated that they had seen Rancho carrying some papers on his way back from the admin block. Police arrested Rancho and charged him with theft. During the trial, the Police produced the hard drive of the security which stores the original data of all the security instruments, to prove their case against him. Rancho, in response, contended that the evidence is inadmissible in absence of a certificate to sanctify the evidence. Decide:
- The evidence is inadmissible as original data cannot be recovered from the security instruments due to which the certificate has to be furnished along with the evidence.
 - The evidence is admissible as where the original electronic evidence is produced before the court the requirement of the certificate can be excused.
 - The evidence is inadmissible in the court as the requirement of the certificate is a mandatory criteria else the court shall be unable to rely on the evidence.
 - The evidence is admissible as the record of the evidence was corroborated by the testimonies of the eyewitnesses leading to the conclusion that Rancho is the actual thief.

Passage(Q.82-Q.85): Promissory estoppel is a concept developed in contractual laws. A valid contract under law requires an agreement to be made with sufficient consideration. Consideration refers to anything of value provided by one party to the other while making a contract. A claim of doctrine of promissory estoppel essentially prevents a promisor from backing out of an agreement on the grounds that there is no consideration. The doctrine is invoked in court by a plaintiff (the party moving court in a civil action) against the defendant to ensure the execution of a contract or seek compensation for failure to perform the contract. In a 1981 decision in Chhaganlal Keshavalal Mehta v. Patel Narandas Haribhai, the SC listed out a checklist for when the doctrine can be applied. First, there must be a clear and unambiguous promise. Second, the plaintiff must have acted relying reasonably on that promise. Third, the plaintiff must have suffered a loss. CJI DY Chandrachud pointed out that “promissory estoppel is always subject to overarching public interest”. The Supreme Court dismissed the petitions challenging the Delhi High Court judgment which upheld the Agnipath scheme for recruitment to the armed forces. Some of the petitioners included candidates who were shortlisted in the earlier recruitment process to Army and Air Force. Advocate Prashant Bhushan who appeared for some of these candidates told the apex court that their names appeared in a provisional list for recruitment to Air Force but the recruitment process was cancelled when Agnipath scheme was notified. He argued that the government must be directed to complete the old process citing the doctrine of promissory estoppel. Justice PS Narasimha added that “this is not a contract matter where promissory estoppel in public law was applied, it is a public employment” and that “the question of applying this principle will not arise in this case”.

(Source:<https://indianexpress.com/article/explained/explained-law/what-does-promissory-estoppel-mean-8552259/>)

82. What is the checklist that the Supreme Court listed out in the Chhaganlal Keshavalal Mehta v. Patel Narandas Haribhai case for applying the doctrine of promissory estoppel?
- There must be a clear and unambiguous promise, the plaintiff must have suffered a loss, and the defendant must have acted unreasonably.
 - There must be a clear and unambiguous promise, the plaintiff must have acted unreasonably relying on that promise, and the plaintiff must have suffered a loss.
 - There must be a clear and unambiguous promise, the plaintiff must have acted reasonably relying on that promise, and the plaintiff must have suffered a loss.
 - There must be a clear and unambiguous promise, the defendant must have acted unreasonably, and the plaintiff must have suffered a loss.

83. J and P signed a contract in which J promised to sing at P's wedding ceremony. Because J was a friend of P's and a well-known singer, P decided not to hire another singer and instead hired J for a performance on his wedding day. J had promised to perform at P's wedding for free. When P called J one night before the wedding, he learned that J had cancelled his performance at the wedding because he had found another client willing to pay him as he desired, whereas P had refused to pay any kind of money to J. Determine whether or not J and P had a valid contract.
- There was no valid contract between J and P because no contract can exist between friends.
 - J and P had a valid contract, and thus J should be held liable for breach of contract.
 - Due to the lack of consideration in the given case, there was no valid contract between J and P.
 - J and P had a valid contract because J had promised to perform at his wedding and could not later refuse.
84. T specialized in eight different types of oil. He was the only seller in town who dealt with such a diverse range of oils. One day, X expressed an interest in purchasing the oil and inquired about the sunflower oil. He stated that he intended to purchase twenty litres of oil because oil prices were expected to rise soon. However, he also stated that he did not have such a large sum at the time and stepped out of the store. When X did not show up to buy the oil after two days, T sued him, claiming promissory estoppel. Comment on the veracity of T's claims.
- T's claims cannot be considered valid because X made no specific promise.
 - T's claims are invalid because he should have inquired immediately whether X would buy the oil instead of waiting two days.
 - T's claims are valid because X's failure to fulfil the promise resulted in a significant loss for T.
 - T's claims are valid because he did not sell the twenty litres of oil to anyone else on the assumption that X would buy the same.
85. Y and M had a contract in which M promised to sell his flat to Y within the next month. As a result, Y did not look for another apartment. However, after a few weeks, Y discovered a better flat at a lower price and decided to purchase it. Meanwhile, M found a better buyer and sold the flat to him. Y is now claiming promissory estoppel against M. Decide.
- M can sell his flat if he finds a better buyer, so Y cannot claim promissory estoppel.
 - Y can assert promissory estoppel because, despite M's promise, he did not look for another apartment.
 - Given that all of the requirements are met in the given case, Y can assert promissory estoppel.
 - Y cannot assert promissory estoppel because he did not act on M's promise and suffered no loss.

Passage(Q.86-Q.90): The concept of compassionate appointments can be traced to the Indian Constitution's Article 39, which is under the Directive Principles of State Policy and talks about the right to livelihood. It aims to provide employment on compassionate grounds to the dependent family members of a government servant who dies in harness or retires on medical grounds, leaving the family without any source of sustenance. Multiple factors are looked at while assessing a request for compassionate appointments, such as the financial condition of the family, the presence of earning members, family size, children's ages, and the essential needs of the family. According to instructions on "Compassionate Appointment under Central Government" given by the DoPT, Ministry of Personnel, Public Grievances & Pensions, compassionate appointments can extend to dependent family members of a government servant who: (a) Dies while in service (including death by suicide), (b) Retired on medical grounds under Rule 2 of the CCS (Medical Examination) Rules 1957 or the corresponding provision in the Central Civil Service Regulations before 55 years of age and (c) Retired on medical grounds under Rule 38 of the CCS(Pension) Rules, 1972 or the corresponding provision in the Central Civil Service Regulations before attaining the age of 55 years. The measure can also extend to the family members of an Armed Forces employee who: (i) Dies during service; (ii) is killed in action; or (iii) is medically boarded out and is unfit for civil employment. However, the government servant must have been appointed on a "regular basis" and not on a daily wage, casual, apprentice, ad-hoc, contract, or reemployment basis.
 (Source:<https://indianexpress.com/article/explained/explained-law/supreme-court-compassionate-appointment-ruling-8492120/>)

86. Which of the following is a requirement for compassionate appointments according to the instructions on "Compassionate Appointment under Central Government" given by the DoPT, Ministry of Personnel, Public Grievances & Pensions?
- (a) The government servant must have retired on medical grounds after the age of 55.
 - (b) The government servant must have been appointed on a daily wage basis.
 - (c) The dependent family member of an Armed Forces employee who is unfit for civil employment is not eligible for a compassionate appointment.
 - (d) The family's financial condition is considered when assessing a request for a compassionate appointment.
87. T worked for the law firm ABD Private Limited. He was only 36 years old when he died in a car crash on his way to work. He had two children, both of whom were eight years old, and a wife. He was his family's sole breadwinner. As a result, his wife approached for a compassionate appointment. Determine whether she has a right to do so.
- (a) She is entitled to do so because all of the criteria for compassionate appointment have been met.
 - (b) She is not entitled to do so because she is ineligible for compassionate appointment due to the company where her husband worked.
 - (c) She has the right to do so because, following the passing of her husband, she is allowed to request a compassionate appointment in order to continue providing for her family.
 - (d) Depending on the company's discretion, she might be appointed.
88. R was hired as an accountant by a government-run organization that handles subsidies. He had worked for the company for the previous 35 years. At 54 years old, he wanted to retire, but he decided to hold off because his son wasn't employed yet. After three years, when his son had been recruited, he made the decision to retire. He retired, met with an accident, and died two months later. According to Article 39 of the Indian Constitution, R's daughter requests an appointment on compassionate grounds. Assess the veracity of her assertion.
- (a) R's daughter is qualified to request an appointment because she must provide for her family's daily needs.
 - (b) Only male heirs are permitted to request compassionate appointment, so R's daughter is not eligible to make that claim.
 - (c) Due to unmet prerequisites, R's daughter isn't eligible to request a compassionate appointment.
 - (d) R's son might request the compassionate appointment in place of his sister.
89. With two brothers and their families, X lived in an apartment of fourteen people. Each brother worked for the central government and was a member of the army, navy, or air force. He died as a result of being called up for a mission in Kashmir. His wife requested appointment after his passing on the basis of compassion. Identify her eligibility for the position.
- (a) Because only men are eligible to request compassionate appointments, she is not qualified for the position.
 - (b) She has a right to a compassionate appointment because she is the only provider for her family after her husband.
 - (c) She does not qualify for a compassionate appointment because she is supported by her family in other ways.
 - (d) Because her husband passed away while serving, she is qualified for a compassionate appointment under Article 39.
90. Since the current employee had to take an emergency leave, V worked for the government for two months in the finance division. V, who was already 50 years old, made the decision to retire after his two-month contract was over. He died while performing his duty. His son stated that he should be appointed on compassionate grounds in accordance with Article 39 of the Constitution because he worked for the Central Government. Determine.
- (a) Given that V's father supported the family solely through work; V's son must be appointed on a compassionate basis.
 - (b) On compassionate grounds, V's son should not be appointed because his father had already made the decision to retire.
 - (c) The compassionate appointment for V's son is necessary because his father passed away while in service.
 - (d) Given that his father was only employed under a contract, V's son cannot be given a compassionate appointment.

Passage(Q.91-Q.95): Under the Indian Contract Act, 1872, Section 73 and Section 74 provide for unliquidated and liquidated damages respectively.

Section 73: Compensation for loss or damage caused by breach of contract: When a contract has been broken, the party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused to him thereby. Such compensation is not to be given for any remote and indirect loss or damage sustained by reason of the breach.

Section 74: Compensation for breach of contract where penalty is stipulated for: When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, or if the contract contains any other stipulation by way of penalty, the party complaining the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named or, as the case may be, the penalty stipulated for. Firstly, irrespective of the nature of damages, breach of contract is the pre-condition to claim the same i.e., there can be no claim for damages if there is no breach of contract between the parties. Secondly, to claim damages, the party making such claim must establish the loss as the existence of a loss or injury is indispensable for such claim of liquidated damages.

[Source: <https://www.mondaq.com/india/contracts-and-commercial-law/801620/proof-of-actual-damage#:~:text=Section%2073%3A%20Compensation%20for%20loss,in%20the%20usual%20course%20of>]

91. Karan is a businessman and has his business expanded all around Asia. Karan often needs ships and airplanes to export and import the products that he deals with on a regular basis. He hired a ship from the company called Maruti Ships and cargo limited which was owned by one Sumair. He hired the ship which was supposed to reach Mumbai with the things onboard on the 1st of January. But the ship did not reach on 1st, rather it reached on 2nd, which was ten hours late as against the scheduled time. Will Karan be able to ask for any compensation by Sumair?
 - (a) No, because ten hours is not that long of a time, and it does not make any difference, so he will not get any compensation.
 - (b) Since, Karan did not suffer any losses, he would not get any compensation from Sumair.
 - (c) Yes, because the contract was breached by Sumair as the ship reached ten hours late, so he will get compensation.
 - (d) They will not get any damages as there was no clause in the contract for the same.

92. A and B were two merchants in the field of seeds and plants. A had a large scale business and owned varieties of outlets around the world. Whereas, B was not that big of a businessman but he had the reputation for procuring various good quality of seeds and also good quality of agricultural products. A entered into a contract with B, whereby B was supposed to deliver ten pounds of sunflower seeds to A's warehouse. The seeds were supposed to be of the finest quality. B delivered the seeds as trusted by A. A found out that the seeds were not what he wanted, whereas B claimed that he just wanted finest seeds. Will A be entitled for any compensation?
 - (a) No, because the contract was not breached as finest could be different for each of them.
 - (b) Yes, because they did not agree to the same thing in the same manner, so A will be entitled for a compensation.
 - (c) No, they should have cleared things out in the contract itself instead of putting subjective clauses.
 - (d) A will not get any damages because he already got the delivery, that means the contract was not breached.

93. In the previous question, suppose there was no clause which said that there is a stipulated time under which B had to make the delivery to A, but A after three days says that he would not take any delivery tendered to him anymore. B nevertheless delivered the seeds the next day, and A refused. Will A be held liable for compensating B for refusing the delivery.
 - (a) No, because A had already communicated that he would not take the delivery, so B would not get any damages.
 - (b) Yes, because A cannot refuse delivery as that would lead to a breach in contract and so, B would get the damages.

- (c) They did not decide on a time, and so there could be a delivery anytime, so A will be held liable to compensate B.
- (d) There was no clause regarding the same, and so, no compensation from A to B will flow.
94. In the above question, since there was no time stipulated for delivery, will there be a breach of contract, if there was no delivery done for at least two weeks, can A claim damages from B.
- (a) No, because there was no breach in contract as the time period was not important.
- (b) Reasonably two weeks is not a big time, and so no breach of contract has occurred.
- (c) Reasonably two weeks is a long time and so, breach of contract has occurred.
- (d) Yes, because time matters in performance of a contract and so, timely delivery is important.
95. Amar and Akbar entered into a contract by which Amar made Akbar to promise that they will go to a jute fair in Bangladesh at the same time. Akbar grew jute in his lakeside house and Amar owned ships to help with the commute. Amar and Akbar also wrote in the clause that in case one of the parties does not show up, the other would be entitled to a compensation that would be equal to the loss suffered by the party who showed up by the party who did not show up. Akbar failed to show up to the fair, whereas Amar went alone. Will Amar be liable to be compensated by Akbar as the clause, keeping in mind there was no loss suffered by Amar.
- (a) No, because despite Akbar not showing up, Amar did not suffer any loss, so no damages accrue.
- (b) Yes, because the contract was breached and so, the party who breached will be liable to pay to the other party the accruing damages.
- (c) No, because Amar still was able to go to the fair, so no compensation arises.
- (d) Yes, and he will be entitled to the damages as mentioned by the clause.

Passage(Q.96-Q.100): A daughter's right to family property will not extinguish even if dowry was provided to her at the time of marriage, the Goa Bench of the Bombay High Court held on March 16 in the case of 'Terezinha Martins David vs. Miguel Guarda Rosario Martins & Others'. In doing so, Justice MS Sonak quashed a deed transferring the petitioner daughter's property to her brothers without her consent. "There is no evidence about providing a sufficient dowry to the daughters of the house. However, even if it is assumed that some dowry was provided to the daughters, that does not mean that the daughters cease to have any right in the family property," the court said. The case revolved around a petition filed by the eldest daughter in a family of 10 people, including four sisters and four brothers. In her plea, the petitioner drew attention to a deed of succession executed in her favor by her late father, Antonio Martins, declaring her as the property heir. The petitioner's brothers argued that "sufficient dowry" was provided to all four sisters at the time of their marriage, following which three of them founded the partnership. The suit shop and the property beneath it were brought into the partnership and was an asset of the firm, they contended. Based on this, they argued that neither the petitioner nor her three sisters had any right, title, or interest in the suit shop. In their counterclaim, the brother also argued that the petitioner's claim will be barred by the statute of limitations as more than the stipulated three years had passed since the transfer deed was instituted and that the petitioner filed her suit after four years. "The limitation period, in this case, was governed by the provisions of Article 59 of the Schedule to The Limitation Act 1963. For a suit to cancel or set aside an instrument or a decree or for the rescission of a contract, the period of limitation prescribed is three years. The time for which this period begins to run is when the facts entitling Plaintiff to have the instrument or Decree canceled or set aside or the contract rescinded first become known to him," the court noted while observing that the institution of the transfer deed became known to the eldest daughter much after it came into being.

(Source: <https://indianexpress.com/article/explained/does-daughter-have-right-to-family-property-after-receiving-dowry-what-hc-said-in-a-go-a-case/>)

96. What was the Bombay High Court's ruling in the case of 'Terezinha Martins David vs. Miguel Guarda Rosario Martins & Others'?
- (a) The petitioner's brothers were declared as the rightful owners of the property beneath the suit shop.
 - (b) The petitioner's claim was barred by the statute of limitations.
 - (c) The petitioner daughter's right to family property will not be extinguished even if dowry was provided to her at the time of marriage.
 - (d) The petitioner's brothers provided sufficient dowry to all four sisters, which entitled them to the suit shop.
97. H married her childhood friend G. They were both in love and wanted to marry when they grew up. H's father paid her a dowry of three crore rupees. Her father died after seven years of her marriage, leaving some inheritance to both of his children. Her brother refused to give H her share of the property, claiming that she had already received her share as dowry. Comment on the legality of H's brother's decision.
- (a) If her brother can show that the dowry was paid from the property, the court will uphold his decision.
 - (b) His decision will be invalidated because he cannot deprive H of her inheritance on the grounds that dowry was already given to her.
 - (c) Given that the dowry was for G's in laws, she is entitled to her own share of the inheritance.
 - (d) Her brothers' claims will be upheld because paying dowry is an offence.
98. P married five years ago in 2012, and she was given a sufficient dowry during her marriage. As a result, his father signed a contract transferring his property only in the names of her two brothers. She was hurt when she found out, but she chose not to speak about it. In a year, her husband lost his job. P learned about the contract in 2018, and when her husband lost his job in 2019, she decided that she could only survive if she asked for her share of the property. She demanded that the contract be terminated. Check to see if she is qualified to do so.
- (a) P is not permitted to do so because she should have filed a lawsuit within one year of the contract's formation.
 - (b) P is qualified to do so since she filed a lawsuit within the allotted limitation period.
 - (c) P is not permitted to do so because she already received her share in dowry.
 - (d) P is not permitted to do so because the contract was created in accordance with her father's will.
99. Q and F signed a contract requiring Q to deliver specific goods to F within six months. F learned that Q intended to sell him faulty goods but held off until they were actually delivered. He filed a lawsuit for the cancellation of the contract as soon as he received the products and discovered that they were defective. Speculate on his eligibility for doing so.
- (a) Given that F already received the products, he is ineligible to do so.
 - (b) Only if F had already paid the consideration for the order he had placed, would he be qualified to do so.
 - (c) F is qualified to do so because he filed the suit within the relevant limitation period.
 - (d) F is ineligible to do so because he should have filed a suit as soon as he discovered Q's deception.
100. T and his father M signed a contract in which they agreed that S (M's daughter) would not receive any share of the property if her father died after her marriage. This was revealed to S six years after the contract was signed, when her father died. She filed for contract rescission as soon as she learned of this. Read the passage carefully and comment on whether or not she adhered to the limitation period.
- (a) Her actions are in accordance with Article 59 of the Limitation Act 1963 because she filed a suit as soon as she became aware of the contract terms.
 - (b) S had no right to file any claims because three years had already passed.
 - (c) Since the contract was created in accordance with her father's will, S is not permitted to do so.
 - (d) S has the right to complain because she was deprived of her father's property.

Passage(Q.101-Q.105): The Madras High Court recently held that only those persons who are registered medical practitioners and have the recommendation of the Medical Council of India (MCI) or the Central government's AYUSH Department, can run primary health clinics or Community health centers even in rural areas. In a judgment passed on March 31, Justice M Dhandapani of the Madras High Court said that only a doctor, a registered medical practitioner, recognized by the MCI is entitled to provide any form of medical care. "The petitioners claim that they have completed Diploma in Community Medical Service and Essential Drugs and are entitled to run Primary Health Care Clinic in rural areas. However, the above said provisions makes it clear that Registered Medical Practitioner means a person who possesses any of the Government recognized medical qualification and who has been enrolled in the register of the respective Council viz., Medical, Dental, Siddha, Ayurveda, Unani or Homeopathic Councils or the Board of Indian Medicine or any such Council, Board or any other statutory body recognized by the Government of Tamil Nadu and Doctor means and includes a Registered Medical Practitioner offering consultations or treatment under Allopathy or AYUSH," the Court said. "In the absence of any recommendation from the Medical Council of India or from the AYUSH Department the petitioners are not entitled to run a clinic anywhere in Tamil Nadu," the Court underlined. (<https://www.barandbench.com/news/litigation/union-law-minister-kiren-rijiju-executive-judiciary-confrontation>)

101. Assertion: Assertion: Primary health clinics or Community health centres in rural areas can only be operated by registered medical practitioners who have obtained recommendations from the Medical Council of India (MCI) or the Central government's AYUSH Department.
 Reason: According to the provisions, a registered medical practitioner is defined as an individual who possesses a government recognized medical qualification and is enrolled in the register of the respective Councils or Boards, including Medical, Dental, Siddha, Ayurveda, Unani, or Homeopathic Councils or the Board of Indian Medicine.
 - (a) Both the assertion and reason are true, and the reason is the correct explanation of the assertion.
 - (b) Both the assertion and reason are true, but the reason is not the correct explanation of the assertion.
 - (c) The assertion is true, but the reason is false.
 - (d) The assertion is false, but the reason is true.
102. Z had recently registered as a medical practitioner with the Madhya Pradesh Ayurveda Council. He was once involved in malpractice, which resulted in the cancellation of his license to practice medicine. He has now established his own healthcare clinic adjacent to his home, where he provides ayurvedic treatment after twelve years of experience in that field. Read the passage carefully and comment on whether he is qualified to do so.
 - (a) He is ineligible to practice medicine because his license has been revoked, and his actions violate the Madras High Court's decision.
 - (b) He is permitted to engage in practice because his area is not covered by the court decision.
 - (c) He is qualified to practice because he has twelve years of experience, which is sufficient for any medical practitioner to start a clinic.
 - (d) He is not allowed to establish his own clinic because he committed malpractice in the same field.
103. Y was a doctor who had been providing AYUSH consultations and treatment for the past four years. He decided to open a clinic in rural Tamil Nadu that would provide medical treatment at a minimal cost. Read the passage carefully and comment on whether he is competent to do so.
 - (a) Y is ineligible because he does not meet the requirements of a registered medical practitioner.
 - (b) Y is qualified because he provides medical treatment at a very low and nominal cost to the poor community.
 - (c) Y is ineligible because he has not completed the required five years of practice.
 - (d) Y is qualified to introduce a clinic because he is an AYUSH-registered medical practitioner.

104. In 2017, T received his Diploma in Community Medical Service. In 2023, he intended to introduce his own clinic in rural Tamil Nadu. He had extensive experience in dental care because his father was a dentist who ran his own clinic and provided treatments and consultations for the past 35 years. He asked for authorization to establish his own clinic. Comment.
- (a) T is ineligible because he is not registered with AYUSH nor has any government-recognized medical qualification.
 - (b) T is qualified to open his own clinic because his father has been a dentist for thirty years.
 - (c) T is eligible to open his own clinic because he intends to provide free medical care to people living in rural areas.
 - (d) T is competent because he has already completed the required five years of medical practice.
105. H was a homeopathy specialist with a clinic in Kerala. He intended to open a similar clinic after moving to Tamil Nadu due to his wife's transfer. He was a Board of Indian Medicine-registered practitioner. Comment on whether he is qualified to operate a clinic.
- (a) He is qualified to introduce a clinic because he has already done so in the state of Kerala.
 - (b) He is not eligible to open a clinic because he is not registered with AYUSH.
 - (c) He is qualified to open a clinic because he is a registered practitioner with the authorized board.
 - (d) He is ineligible to operate a clinic because he was previously registered with the Kerala Board Council and cannot now transfer to another state's council.