CLAT PG 2022

Previous Year Question Paper · LL.M. Programme · 120 questions

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

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

(A) Legal Positivism
(B) Natural Law
(C) Historical School
(D) Sociological School

2. Anorm cannot become legally valid unless its content is fair and just in accordance

(A) Legal Positivism
(B) Natural Law
(C) Historical School
(D) Sociological School

3. "The falsehood of legal positivism resides in envisaging that the law consists of only rules. However, this is a serious mistake since legal principles partly determine the law in addition to rules. The distinction between rules and principles is a logical one. Rules apply in an 'all or nothing fashion.' If the rule applies to the circumstances, it determines a particular legal outcome. If it does not apply, it is simply irrelevant to the outcome....." according to:

(A) Ronald Dworkin, Taking Rights Seriously, 1977
(B) John Finnis, Natural Law and Natural Rights, 1980.
(C) H.L.A.Hart, The Concept of Law, 1961.
(D) Raz, Joseph, Legal Principles and the Limits of Law, 1972.

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

(A) Inner Morality
(B) Method of logic
(C) Legitimacy and Transparency in law making
(D) Democratic law making

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

(A) Roscoe Pound
(B) Benjamin Cardozo
(C) Duguit
(D) Auguste Comte

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

(A) Holmes
(B) Dworkin
(C) Cardozo
(D) Amartya Sen

II. A thought-provoking book titled 'The Morality of Law' by Lon L. Fuller on moral philosophy insists on a distinction between 'morality of aspiration' and 'morality of duty'. From the view of the morality of aspiration, the human conduct does not bear on mandatory rules but on conceptions of the 'Good Life', of 'what beseems a human being functioning at his best to human capacities'. Because no law can compel a man to live up to the excellence of which he is capable. But for workable standards of judgment, the morality of duty lays down the

basic rules without which an ordered society directed towards certain specific goals must fail of its mark. Because the duty ties it very closely to what is 'rationally discoverable' and 'objective', as contrasted with the morality of aspiration based on subjectivism. However, moralists may differ as to what range of conduct should fall within the respective spheres of duty and the morality of aspirations. "When we are passing a judgment of moral duty, it seems absurd to say that such a duty can in some way flow directly from knowledge of a situation of fact." As due to the fact that before we conclude 'that a duty ought to exist', however well we may understand the facts, by the close connection between understanding a person's ideals, approval and disapproval. Does this mean that duties are rationally discoverable, and a matter of choice, even if not of 'ineffable preference'? Presumably not, since when we pass a moral judgment of duty 'ought' to exist. It is necessary to distinguish between the accepted morality of a social group and the personal morality of individuals. 'Duty' may appear in all of these, but the satisfaction is very often a matter of degree varying from situation to situation. The rule of a morality of duty is necessary for social living. The morality of aspiration provides a general idea of the perfection we ought to acquire it. If we consider the whole range of moral issues, we may imagine a yardstick which begins at the bottom with the most obvious demands of social living and extends upward to the highest reaches of human aspirations. Somewhere along this scale an invisible pointer marks the dividing line where the pressure of duty leaves off and the challenge of excellence begins. The whole field of moral argument is an undeclared war over the location of this pointer. Whom we regard as being moralistic are always trying to inch the pointer upward so as to expand the area of duty and they bludgeon us into a belief that we are duty bound to embrace this pattern of human conduct, instead of making us realize a pattern of life they consider worthy of human nature.

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

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

8. The rules for morality of duty command:

(A) To conduct best to human capacity.
(B) To conduct necessary for self-survival.
(C) To conduct equally as others' conduct.
(D) To conduct necessary for social living.

9. Consider the statements:

(II) The moralistic philosophy always strives to encroach into the area of morality of aspiration to bring it as duty for the social living.
(II) The moralistic philosophers compel us to embrace the pattern of human conduct, instead of making us realize a pattern of life that is worthy of human nature. Choose the correct answer from the code given below.

(A) Both (I) and (II) are true.
(B) Both (I) and (II) are untrue.
(C) (I) is true and (II) is untrue.
(D) (II) is true and (I) is untrue.

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

(A) Rationality
(B) Objectivity
(C) Subjectivity
(D) Knowledge regarding the circumstances

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

(A) Dynamic
(B) Static
(C) Personal
(D) Fictional

12. Which of the following statements is not true?

(A) 'Morality of duty' is non-obligatory.
(B) 'Morality of duty' is obligatory.
(C) Rules of 'morality of aspiration' are a challenge to human conduct.
(D) Human excellence is the end of 'morality of aspiration'.

III. The present system of appointments as envisaged by the Constitution and as elucidated in the Collegium system makes it clear that the first step is a recommendation from Collegium of four senior-most judges and presided over by the Chief Justice. This process in turn requires wide consultation by the Chief Justice of the High Court to identify the requisite talent, so as to make the recommendations. Contrary to some portrayed beliefs as if this is an extremely subjective system, every Chief Justice is actually required to solicit names from different sources whether it be sitting judges, retired judges, or prominent members of the Bar. It is from this pool of talent that he selects, after a discussion in the collegium, the most suitable candidates. It is

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

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

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

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

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

(D) Justice

V. Eswaraiah (Retd.) v. Union of India, 2021 SCC OnLine SC 310.

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

(A) Article 224A

(B) Article 217

(C) Article 224

(D) Article 217A

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

(A) 3:2

(B) 4:1

(C) 6:1

(D) 4:3

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

(A) Ashok Tanwar v. State of Himachal Pradesh, (2005) 2 SCC 104.

(B) Supreme Court Advocates on Record Association v. Union of India, (2016) 5 SCC 1.

(C) Union of India v. Sankal Chand and Himatlal Sheth, (1977) 4 SCC 193.

(D) Krishan Gopal v. Shri Prakash Chandra, (1974) 1 SCC 128.

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

(A) One Hundred Eighty Eighth Report on proposals for Constitution of Hi-Tech Fast-Track Commercial Divisions in High Courts (2003).

(B) Fourteenth Report on Reforms in Judicial Administration (1958).

(C) One Twentieth Report on Manpower Planning in Judiciary: A Blueprint (1987).

(D) One Hundred Eighteenth Report on Method of Appointments to Subordinate Courts/ Subordinate Judiciary (1986).

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

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

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

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

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

IV. The Supreme Court of India observed that, while appreciating the existence of the right to peaceful protest against a legislation ....., we have to make it unequivocally clear that public ways and public spaces cannot be occupied in such a manner and that too indefinitely. Democracy and dissent go hand in hand, but then the demonstrations expressing dissent must be in designated places alone. The present case was not even one of protests taking place in an undesignated area but was a blockage of a public way which caused grave inconvenience to commuters. We cannot accept the plea of the applicants that an indeterminable number of people can assemble whenever they choose to protest.

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

(A) M.C. Mehta v. Union of India, 2020 SCC OnLine SC 648.

(B) Association for Democratic Reforms v. Union of India, 2021 SCC OnLine SC 266.

(C) Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.

(D) Amit Sahni v. Commissioner of Police, (2020) 10 SCC 439.

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

(A) Mazdoor Kisan Shakti Sangathan v. Union of India, (2018) 17 SCC 324.

(B) Sampurna Behura v. Union of India, (2018) 4 SCC 433.

(C) Bimal Gurung v. Union of India, (2018) 15 SCC 480.

(D) Anita Thakur v. State of Jammu and Kashmir, (2016) 15 SCC 525.

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

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

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

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

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

22. Which of the following statement is not correct in relation to right to assemble under the Constitution of India?

(A) The assembly should be peaceful.

(B) Reasonable restrictions stated under Article 19 for right to assemble are sovereignty and integrity of India or public order, morality.

(C) The assembly should be without arms.

(D) Reasonable restrictions on right to assemble are provided in Article 19(3) of the Constitution of India.

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

(A) Union of India v. Naveen Jindal, (2004) 2 SCC 510.

(B) Ram Bahadur Rai v. State of Bihar, AIR 1975 SC 223.

(C) Kameshwar Prasad v. State of Bihar, AIR 1962 SC 1166.

(D) Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106.

24. Which of the following judges of the Supreme Court of India were part of the Bench in the judgment as given in the excerpt?

(A) Sanjay Kishan Kaul, Aniruddha Bose and Indira Banerjee, JJ.

(B) Aniruddha Bose and Krishna Murari, JJ.

(C) Sanjay Kishan Kaul, Aniruddha Bose and Krishna Murari, JJ.

(D) Sanjay Kishan Kaul and Krishna Murari, JJ.

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

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

(A) Smriti Madan Kansagra v. Perry Kansagra, 2020 SCC OnLine SC 1003.

(B) Rajnesh v. Neha, (2021) 2 SCC 324.

(C) Roshina T. v. Abdul Azeez K.T., (2019) 2 SCC 329.

(D) Manju Saxena v. Union of India, (2019) 2 SCC 628.

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

(A) Maintenance Pendente lite, expenses of proceedings, permanent alimony and maintenance.

(B) Expenses of proceedings, permanent alimony and maintenance.

(C) Maintenance Pendente lite, permanent alimony and maintenance.

(D) Maintenance Pendente lite, expenses of proceedings, permanent alimony.

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

(A) The Parsi Marriage and Divorce Act, 1936.
(B) The Special Marriage Act, 1954.
(C) The Prohibition of Child Marriage Act, 2006.
(D) The Muslim Women (Protection of Rights on Marriage) Act, 2019.

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

(A) Where successive claims for maintenance are made by a party under different statutes, the Court would consider an adjustment or setoff of the amount awarded in previous proceedings.
(B) If the order passed in the previous proceeding/s requires any modification or variation, it would be required to be done in the same proceeding.
(C) It is not mandatory for the applicant to disclose the previous proceeding and the orders passed therein, in the subsequent proceeding.
(D) The affidavit of disclosure of assets and liabilities as applicable, shall be filed by both parties in all maintenance proceedings, including pending proceedings before any other court, as the case may be.

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

(A) It provides for maintenance to wife/wives, illegitimate and legitimate children and parents.
(B) A wife shall not be entitled to receive maintenance as per this provision from her husband if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.
(C) A magistrate has been given wide powers under this provision.
(D) As per the explanation under this provision, wife does not include a woman who has been divorced by, or has obtained a divorce from, her husband but includes a woman who has remarried.

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

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

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

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

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

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

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

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

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

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

(B) Khushi Ram v. Nawal Singh, 2021 SCC OnLine SC 128.

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

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

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

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

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

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

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

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

(A) Convenience of the court.

(B) Fair procedure and natural justice.

(C) International conventions.

(D) Convenience of the parties.

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

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

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

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

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

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

(A) Divorce under Hindu Law.

(B) Nikah as per Muslim Personal Law.

(C) Marriage under Special Marriage Act, 1954.

(D) Adoption under Hindu Law.

Vil. The Supreme Court of India, in South East Asia Marine Engineering & Constructions Ltd. (SEAMEC LTD.) v. Oil India Ltd.,(2020) 5 SCC 164, noted that, under the Indian contract law, the consequences of a

force majeure event are provided for under Section 56 of the Indian Contract Act, 1872 which deals with a contract to do an Act which, after the contract is made, becomes impossible, or, by reason of some event which the promisor could not prevent, unlawful, becomes void when the Act becomes impossible or unlawful. When the parties have not provided for what would take place when an event which renders the performance of the contract impossible, then Section 56 applies. When the Act contracted for becomes impossible, then under Section 56, the parties are exempted from further performance and the contract becomes void. The Court has further held that in Section 56, the word 'impossible' is to be

taken in its practical and not literal sense. It must be borne in mind, however, that Section 56 lays down a rule of positive law and does not leave the matter to be determined according to the intention of the parties. However, there is no doubt that the parties may instead choose the consequences that would flow on the happening of an uncertain future event, under Section 32 of the Indian Contract Act, 1872.

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

(A) Law can regard a promise to do something obviously impossible as significant.
(B) Such promises are based on legal considerations.
(C) Law cannot regard a promise to do something obviously impossible to be of any value.
(D) The agreement is valid and binding.

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

(A) It leaves the contract to be determined in accordance with the intention of the parties.
(B) It is based on the subsequent impossibility of the agreement which is frustrated by the intrusion or occurrence of an unexpected event which is within the contemplation by the parties.
(C) It does not necessarily make the contract impossible of performance.
(D) In case of change of circumstances which is so fundamental as to be regarded by law as striking at the root of the contract, court cannot pronounce the contract to be frustrated.

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

(A) The performance of the act may not be literally impossible, but it may be impracticable from the point of view of the object.
(B) The changed circumstances never make the performance of the contract impossible.
(C) The performance of the act may not be literally impossible, but it may be practicable from the point of view of the object.
(D) The parties are not absolved from the further performance of a contract if they do not promise to perform an impossibility.

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

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

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

(A) The contract is not absolute in terms and does not cover the impossibility.

(B) The contract is absolute and covers the impossibility.

(C) It cannot be reasonably foreseen by the parties at the time of formation of contract.

(D) If the object of the contract becomes impracticable.

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

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

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

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

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

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

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

(A) Repugnancy between the Central Act and State Act within the Concurrent List.

(B) State Act has been reserved for the consideration of the President.

(C) State Act has received accent of the President.

(D) Both (B) and (C).

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

(A) Contract relating to carriage of goods falls under Entry 7 of the Concurrent List.
(B) Contract relating to agriculture land falls under Entry 7 of the Concurrent List.
(C) Contract relating to agency falls under Entry 7 of the Concurrent List.
(D) Contract relating to partnership falls under Entry 7 of the Concurrent List.

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

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

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

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

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

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

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

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

IX. In Gautam Navlakha v. National Investigation Agency, 2021 SCC OnLine SC 382, the court analysed the ambit of Article 22 of the Constitution of India and also the scope of the expression 'arrest' contained therein and also under the relevant provisions of the Code of Criminal Procedure, 1973 (CrPC). 'Arrest' may be classified into two categories, namely, the arrest under a warrant issued by a court and arrest without warrant. Section 57 of the Code of Criminal Procedure clearly directs that the investigation should be completed in the first instance within 24 hours; if not the arrested person should be brought before a Magistrate as provided under Section 167 of the Code of Criminal Procedure. Turning now to Article 22(1) and (2), we must ascertain whether its protection extends to both categories of arrests mentioned above, and, if not, then which one of them comes within its protection. There can be no matter of doubt that arrests without warrants issued by a court call for greater protection than do arrests under such warrants. The provision that the arrested person should within 24 hours be produced before the nearest Magistrate is particularly desirable in the case of arrest otherwise than under a warrant issued by the court, for itensures the immediate application of a judicial mind to the legal authority of the person making the arrest and the

regularity of the procedure adopted by him. In the case of arrest under a warrant issued by a court, the judicial mind had already been applied to the case when the warrant was issued and, therefore, there is less reason for making such production in that case a matter of a substantive fundamental right. The matter of 'House Arrest' was deliberated by the court as: "There can be no quarrel with the proposition that a court cannot remand a person unless the court is authorised to do so by law. We are of the view, that in the facts of this case, the house arrest was not ordered purporting to be under Section 167. We observe that under Section 167 in appropriate cases it will be open to courts to order house arrest."

49. Consider the following statements:
(I) The application of judicial mind is not necessary to issue a warrant by the court.
(II) The constitutional notion demands the application of judicial mind immediately after the arrest of person without a warrant. Choose the correct answer from the code given below.
(A) Both (I) and (II) are true.
(B) Both (I) and (II) are untrue.
(C) (I) is true and (II) is untrue.
(D) (II) is true and (I) is untrue.

50. Section 57 of the Code of Criminal Procedure, 1973 applies to arrest warrant.
(A) With
(B) Without
(C) With or without
(D) On execution of

51. The fundamental right under Article 22(2) of the Constitution of India regarding the duty of police to produce arrested person before the nearest Magistrate applies to:
(A) Detenu who at the time of arrest is an enemy alien.
(B) Arrest under any law providing for preventive detention.
(C) Arrest under Section 41 of the Code of Criminal Procedure, 1973.
(D) Arrest in execution of warrant issued by the court.

52. Section 167 of the Code of Criminal Procedure, 1973 empowers a Judicial Magistrate to authorise the detention of an accused in:
(A) Police Custody.
(B) Judicial Custody.
(C) Both Police Custody and Judicial Custody.
(D) Other than Police and Judicial Custody.

53. In Gautam Navlakha v. National Investigation Agency, 2021 SCC OnLine SC 382, the court did not consider the period of house arrest in calculating the period of custody for the purpose of filing the application for default bail because:
(A) The order of house arrest was not purported to be under Section 167 the Code of Criminal Procedure, 1973.
(B) The court is not authorized to order house arrest under Section 167 the Code of Criminal Procedure, 1973.
(C) The order of house arrest was illegal.
(D) The term 'house arrest' was not given anywhere under the Code of Criminal Procedure, 1973.

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

(A) Unconstitutional.

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

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

(D) Discretionary.

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

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

(A) N.

(B) N.

(C) N.

(D) N.

V. Ramana, Uday Umesh Lalit and A.M. Khanwilkar, JJ.

V. Ramana, Sanjay Kishan Kaul and Surya Kant, JJ.

V. Ramana, Surya Kant and Aniruddha Bose, JJ.

V. Ramana, L. Nageswara Rao and Hemant Gupta, JJ.

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

(A) Section 2 of the Dowry Prohibition Act, 1961.

(B) Section 3 of the Dowry Prohibition Act, 1961.

(C) Section 498A of the Indian Penal Code, 1860.

(D) Section 304B of the Indian Penal Code, 1860.

57. "The presumption as to dowry death provided under Section 113B of the Indian Evidence Act, 1872 is a 'shall' presumption." The given statement is:

(A) True.
(B) False.
(C) Neither true nor false as the application of the presumption is a matter of discretion of court.
(D) Neither true nor false as the application of the presumption depends on the facts of the case.

58. Whether the demand for dowry was 'soon before' the death of the alleged victim of dowry death for establishing the offence under Section 304-B of the Indian Penal Code, 1860 is determined by the court on the basis of:

(A) The length of time between demand of dowry and death.
(B) The gravity of demand of dowry, including the existence of burns of injuries inflicted while making such demand.
(C) The length of marriage of the victim and the accused.
(D) The totality of circumstances of each case, without relying on any straight jacket formula.

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

(A) Is either homicidal or suicidal death.
(B) Is accidental death only.
(C) May be homicidal or suicidal or accidental death.
(D) Is suicidal death only.

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

(A) Acriminal statute is to be interpreted strictly.
(B) Section 304-B of the Indian Penal Code, 1860 is to be read with the presumption under Section 113B of the Indian Evidence Act, 1872.
(C) Once these ingredients are satisfied, the rebuttable presumption of causality under Section 113-B of the Indian Evidence Act, 1872 operates against the accused.
(D) The legislative intent of Section 304-B of the Indian Penal Code, 1860 is to curb the social evil of bride burning and dowry demand.

XI. To every State whose land territory is at any place washed by the sea, international law

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

seas. Of course, the aforesaid principle is subject to the right of 'hot pursuit', which is an exception to the exclusiveness of the flag jurisdiction over ships on the high seas in certain special cases.

61. ACoastal State, subject to the obligations imposed by International Law, has sovereignty over its:

(A) Territorial waters, the seabed and subsoil underlying such waters, and the air space above them.
(B) Territorial waters, the seabed and subsoil underlying such waters.
(C) Territorial waters only.
(D) Territorial waters and the air space above them.

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

(A) Article 86
(B) Article 87
(C) Article 88
(D) Article 89

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

(A) To conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to mitigate the damage so caused.
(B) To cause an inquiry to be held by or before suitably qualified person(s) into such casualty or incident.
(C) To investigate the matter and, if appropriate, take any action necessary to remedy the situation.
(D) To assume jurisdiction under its internal law over such casualty or incident in respect of its administrative, technical and social implications.

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

(A) Liability
(B) Equitable interest
(C) Appurtenance
(D) Trust

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

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

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

(A) State of Tamil Nadu v. Mariya Anton Vijay, (2015) 9 SCC 294.
(B) Great Eastern Shipping Co. Ltd. v. State of Karnataka, (2020) 3 SCC 354.
(C) Republic of Italy through Ambassador v. Union of India, (2013) 4 SCC 721.
(D) Sabeeha Faikage v. Union of India, (2013) 1 SCC 262.

XII. Sections 31 to 35 of Chapter III of the Indian Contract Act, 1872 deals with contingent contracts and Section 36 deals with contingent agreements. A contingent contract is one where the liability to perform the promise depends upon some collateral event which may or may not happen. A contract of insurance is an example of a contingent contract, where the liability of the insurer depends upon the occurrence of the event, viz. damage or destruction arising out of fire. Life insurance in a broader sense comprises any contract in which one party agrees to pay a given sum upon happening of a particular event contingent upon duration of human life, in consideration of the immediate payment of a smaller sum or certain equivalent periodical payments by another. The event may be certain but it's happening in a specific manner or within a particular time would be uncertain. A contract of indemnity to make good the loss arising out of the conduct of the promisor is a contract contingent upon the act of a party. Such condition may be express or may also be implied into a contract. A contract for storage of potatoes in a cold storage cooling system was held subject to an implied condition that it could be performed only when there was continuous electric supply. But where there is a document embodying the terms of a contract, it is not permissible to imply therein a condition if that will be inconsistent with its express terms.

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

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

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

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

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

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

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

(A) The contract becomes void if the ship is burnt within the year.
(B) The contract depends upon returning or non-returning of the ship.
(C) The contract may be enforced if the ship returns within the year.
(D) The contract cannot be enforced if the ship returns within the year.

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

(A) The agreement is valid.
(B) The enforceability of agreement does not depend on the existence of 'B'.
(C) The agreement is void.
(D) The event is possible in its nature.

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

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

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

73. Consider the given statements:

(II) Amalgamation is the merger of one or more companies with another company.
(II) Amalgamation may be the merger of two or more companies to form a new company. (Ill) The amalgamating company integrates with amalgamated company and the former is dissolved without winding up. Choose the correct answer from the Code given below:

(A) Only (I) and (II) are true.
(B) Only (II) and (Ill) are true.
(C) Only (I) and (Ill) are true.
(D) (I), (II) and (III) are true.

74. On amalgamation of a company,

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

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

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

(D) All are incorrect.

75. In case of amalgamation,

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

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

(C) New company can carry forward unabsorbed depreciation.

(D) All are true.

76. Consider the given statements:

(I) In case of amalgamation, transferee-company can claim deduction for expenditure incurred on amalgamation.

(II) Any cessation of liability of amalgamating company shall be taxed in the hands of the amalgamated company. Choose the correct answer from the Code given below:

(A) Both (I) and (II) are true.

(B) Only (I) is true.

(C) Only (II) is true.

(D) Both (1) and (II) are untrue.

77. Which of the following is true?

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

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

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

(D) All are incorrect.

78. Consider the given statements:

(I) On amalgamation, the business of the transferor company does not cease, but is deemed to continue.

(II) Under various provisions of the Income Tax Act, transferee is deemed to carry on the enterprise as that of the transferor. Choose the correct answer from the Code given below:

(A) Both (I) and (II) are true.

(B) Only (I) is true.

(C) Only (II) is true.

(D) Both (1) and (II) are untrue.

XIV. The Supreme Court of India in a Suo Motu Writ Petition In Re: Distribution of Essential Supplies and Services During Pandemic, [Writ Petition (Civil) No. 3 of 2021], analyzed the power of judicial review over the management of the COVID-19 pandemic in India. The Union of India has highlighted a few concerns as: The executive is battling an unprecedented crisis and the government needs discretion to formulate policy

in larger interest and its wisdom should be trusted; The current vaccine policy conforms to Articles 14 and 21 of the Constitution, and requires no interference from the courts as the executive has room for free play in the joints while dealing with a pandemic of this magnitude; Judicial review over executive policies is permissible only on account of manifest arbitrariness. No interference from judicial proceedings is called for when the executive is operating on expert medical and scientific opinion to tackle a medical crisis; and any over-zealous judicial intervention, though well-meaning, in the absence of expert advice or administrative experience may lead to unintended circumstances where the executive is left with little room to explore innovative solutions. The court clarified that in the context of the public health emergency, the executive has been given a wider margin in enacting measures which ordinarily may have violated the liberty of individual. The judiciary has also recognized that Constitutional scrutiny is transformed during such public health emergencies and noted the complex role of the government in battling public health emergencies in following words: ... While this court should guard with firmness every right appertaining to life, liberty or property as secured to the individual by the Supreme Law of the Land, it is of the last importance that it should not invade the domain of local authority except when it is plainly necessary to do so in order to enforce that law. But even in a pandemic, the Constitution cannot be put away and forgotten and a public health emergency does not give Governors and other public officials carte blanche to disregard the Constitution for as long as the medical problem persists. ...the courts should expect policies that more carefully account for Constitutional rights. The court stated that separation of powers is a part of the basic structure of the Constitution of India. However, this separation of powers does not result in courts lacking jurisdiction in conducting a judicial review of these policies.

79. Which of the following statements is untrue?

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

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

(A) Necessary function of the court.
(B) Discretionary power of the court.
(C) Not within the ambit of judicial review.
(D) Unnecessary interference from the court.

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

(A) The judges are not public health experts, therefore in the absence of expert advice, it would be an undesirable intervention.
(B) The executive needs room for free play while dealing with pandemic.
(C) Constitutional rights are suspended during a pandemic.
(D) Both (A) and (B).

82. Consider the following statements:

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

(II) An intrusion by the judiciary in the domain of the executive is allowed when it is necessary to do so in order to safeguard the rights relating to life, liberty or property as secured to the individual by the Constitution of India. Choose the correct answer from the code given below.

(A) Both (I) and (II) are true.
(B) Both (I) and (II) are untrue.
(C) (I) is true and (II) is untrue.
(D) (II) is true and (I) is untrue.

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

(A) Vaccination Distribution Policy.
(B) Liberalized Vaccination Policy.
(C) Central Vaccination Distribution Policy.
(D) None of the above.

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

(A) Entry 6 of List II (State List)
(B) Entry 36 of List II (State List)
(C) Entry 81 of List | (Union List)
(D) Entry 29 of List III (Concurrent List)

XV. The right to clean and healthy environment has been recognized as a fundamental right under Article 21 of the Constitution of India. Article 48-A imposes a duty upon the State to endeavour to protect and improve the environment and safeguard the forests and wildlife of the Country. In addition to this, India is also a party to international treaties, agreements and conferences and has committed itself to sustainable development and growth. This legal framework indicates that sustainable development must remain at the heart of any development policy implemented by the state. It is essential to strike the right balance between environmental conservation and protection on one hand, and the right to development on the other, while articulating the doctrine of sustainable development. We may add that in our opinion conservation and development need not be viewed as binaries, but as complementary strategies that weave into one another. In other words, conservation of nature must be viewed as part of development and not as a factor stultifying development.

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

(A) 51A(h)
(B) 51A(g)
(C) 51A(f)
(D) 51A(d)

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

(A) Article 251
(B) Article 252
(C) Article 253
(D) Article 254

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

(A) Constitution (Fortieth Amendment) Act, 1976
(B) Constitution (Forty Second Amendment) Act, 1976
(C) Constitution (Forty Fourth Amendment) Act, 1978
(D) Constitution (Forty Sixth Amendment) Act, 1982

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

(A) Karnataka Industrial Area Development Board v. C. Kenchappa, (2006) 6 SCC 371.
(B) Tata Housing Development Co. Ltd. v. Aalok Jagga, (2020) 15 SCC 784.
(C) Manorama Sachan v. Lucknow Development Authority, (2005) 9 SCC 425.
(D) Maharashtra Land Development Corporation v. State of Maharashtra, (2011) 15 SCC 616.

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

(A) That resources like sea, waters, forests are extremely important to the masses and therefore it would be unjustified to make them subjects of private ownership.
(B) The people of the country have a fundamental duty to protect the environment.
(C) Right to clean environment is a fundamental right.
(D) All of the above.

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

(A) Polluter Pays Principle
(B) Precautionary Principle
(C) Both (A) and (B)
(D) Sovereign Immunity Principle

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

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

(A) Upon that person who conceive such intention.
(B) Not upon that person who conceive such intention.
(C) Upon prosecution irrespective to the fact who conceived such intention.
(D) Not clear under the provisions of the Indian Evidence Act, 1872.

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

(A) Presumption of guilty
(B) Presumption of innocence
(C) Mix Presumption
(D) No presumption

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

(A) Partially established
(B) Fully established
(C) Reasonably established
(D) Initially established

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

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

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

(A) Common
(B) Reasonable
(C) Dominant
(D) Minimum

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

(A) Section 104
(B) Section 105
(C) Section 106
(D) Section 107

XVII. On repeal of the Juvenile Justice Act, 2000 and on the enforcement of the Juvenile Justice Act, 2015, the procedure to be followed when a claim of juvenility is raised before any court, other than a Board is stipulated under Section 9(2) and (3). The same reads as “In case a person alleged to have committed an offence claims before a court other than a Board, that the person is a child or was a child on the date of commission of the offence, or if the court itself is of the opinion that the person was a child on the date of

commission of the offence, the said court shall make an inquiry, take such evidence as may be necessary (but not an affidavit) to determine the age of such person, and shall record a finding on the matter, stating the age of the person as nearly as may be: Provided that such a claim may be raised before any court and it shall be recognized at any stage, even after final disposal of the case, and such a claim shall be determined in accordance with the provisions contained in this Act and the rules made thereunder even if the person has ceased to be a child on or before the date of commencement of this Act. If the court finds that a person has committed an offence and was a child on the date of commission of such offence, it shall forward the child to the Board for passing appropriate orders and the sentence, if any, passed by the court shall be deemed to have no effect."

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

(A) January 16, 2015
(B) January 15, 2016
(C) February 16, 2016
(D) February 15, 2015

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

(A) 'A' can raise the plea of juvenility since he was child on the date of commission of the offence.
(B) 'A' cannot be allowed to raise the plea of juvenility.
(C) For raising the plea of juvenility, the age on the date of trial is considered and not the age on the date of commission of offence.
(D) All are true.

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

(A) The Court can decide the plea of juvenility only on the basis of the affidavit of the claimant.
(B) The Court shall get the enquiry conducted by collector of the district.
(C) The Court shall take such evidence as it considers necessary and decide the age of the claimant.
(D) Both (A) and (B) are true.

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

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

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

(A) Orphaned children
(B) Abused children
(C) Neglected children
(D) Children in conflict with law

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

(A) A child who is without a biological parent
(B) A child who is without an adoptive parent
(C) A child who is without a legal guardian
(D) All the above

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

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

(A) Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161
(B) Narmada Bachao Andolan v. Union of India (2000) 7 SCALE 34
(C) State of Madhya Pradesh v. Centre for Environment Protection Research and Development 2020 SCC OnLine SC 687
(D) M.C. Mehta v. Union of India (2004) 12 SCC 118

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

(A) Philippine Supreme Court
(B) Supreme Court of India
(C) European Court of Justice
(D) Supreme Court of South Africa

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

(A) First generation rights
(B) Second generation rights
(C) Third generation rights
(D) Fourth generation rights

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

(A) 1975
(B) 1976
(C) 1977
(D) 1978

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

(A) In quantum equal to their basic needs
(B) In quantum according to their age
(C) In quantum according to their natural needs
(D) In quantum according to their climatic conditions

108. The right to access drinking water is a:

(A) Statutory Right
(B) Fundamental Right
(C) Community Right
(D) Individual Privilege

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

109. Doctrine of Unjust Enrichment implies:

(A) Obtaining benefit from another (which is not a gift) without legal justification
(B) Restoration of the benefits obtained without legal justification
(C) Neither (A) nor (B)
(D) Both (A) and (B)

110. Doctrine of Unjust Enrichment is applicable to:

(A) Contractual Matters
(B) Tax Matters
(C) Both (A) and (B)
(D) None of these

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

(A) When the tax has been levied without the authority of law and the burden of tax is borne by the business entity.
(B) When the tax has been levied without the authority of law and the burden of tax has been passed on to the consumer.
(C) When levy of tax is under the authority of law and the business entity has not passed the burden to the consumer.
(D) Both (A) and (C)

112. When can tax be declared as unconstitutional?

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

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

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

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

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

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

115. Under what statutory authority did the court pass the 'provisional measures' against the Russian Federation?

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

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

(A) Violation of the Genocide Convention by Russian Federation.
(B) Special military operations carried out against the Ukraine.
(C) Violation of Humanitarian laws during the armed conflict by Russian Federation.
(D) All of the above

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

(A) The violation of Geneva Convention of the Refugees 1951
(B) The violation of the Agreement between Confederation of Independent States and Europe
(C) Threat or use of force contrary to the Purpose and Principles of the United Nations Charter
(D) Neither (A) nor (B)

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

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

119. Under which of the following provisions, Ukraine sought jurisdiction to appear before the Court?

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

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

(A) Self-defence
(B) Force Majure
(C) Consent
(D) Pacta sunt servanda

— End of the CLAT PG 2022 question paper —
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