CLAT PG 2023

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

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I. Our society is governed by the Constitution. The values of constitutional morality are a non-derogable entitlement. Notions of "purity and pollution", which stigmatise individuals, can have no place in a constitutional regime. regarding menstruation as polluting or impure, and worse still, imposing exclusionary disabilities on the basis of menstrual status, is against the dignity of women which is guaranteed by the Constitution. Practices which legitimise menstrual taboos, due to notions of "purity and pollution", limit the ability of menstruating women to attain the freedom of movement, the right to education and the right of entry to places of worship and, eventually, their access to the public sphere. Women have a right to control their own bodies. The menstrual status of a woman is an attribute of her privacy and person. Women have a constitutional entitlement that their biological processes must be free from social and religious practices, which enforce segregation and exclusion. These practices result in humiliation and a violation of dignity. Article 17 prohibits the practice of "untouchability", which is based on notions of purity and impurity, "in any form". Article 17 certainly applies to untouchability practices in relation to lower castes, but it will also apply to the systemic humiliation, exclusion and subjugation faced by women. Prejudice against women based on notions of impurity and pollution associated with menstruation is a symbol of exclusion. The social exclusion of women, based on menstrual status, is but a form of untouchability which is an anathema to constitutional values. As an expression of the anti-exclusion principle, Article 17 cannot be read to exclude women against whom social exclusion of the worst kind has been practised and legitimised on notions of purity and pollution. Article 17 cannot be read in a restricted manner. But even if Article 17 were to be read to reflect a particular form of untouchability, that Article will not exhaust the guarantee against other forms of social exclusion. The guarantee against social exclusion would emanate from other provisions of Part III, including Articles 15(2) and 21. Exclusion of women between the age group of ten and fifty, based on their menstrual status, from entering the temple in Sabarimala can have no place in a constitutional order founded on liberty and dignity. [Extracted from Indian Young Lawyers Association v. State of Kerala, (2019) 11 SCC 1 (hereafter IYLA)]

1. In IYLA, the Supreme Court held that the worshippers of Lord Ayyappa:

(A) are not a religious denomination because they have not registered themselves as such

(B) are not a religious denomination because they do not have a distinct name, a common set of beliefs, and a common organisational structure

(C) are a religious denomination because they have been recognised as such by the state

(D) are a religious denomination because they have consistently been treated as such by themselves as well as by society in general

2. The Supreme Court determined whether a religious practice falls within Article 25 using the:

(A) Essential religious Practice Test

(B) Sincerity of Belief Test

(C) Proportionality Test

(D) Constitutional morality Test

3. Parliament gave effect to Article 17 by enacting:

(A) The Abolition of Untouchability Act, 1951

(B) The Protection of Civil Rights Act, 1955

(C) The Constitutional Offences Act, 1951

(D) The Untouchability Offences (Prohibition, Protection, and Remedies) Act, 1950

4. Justice D.Y. Chandrachud's reliance on Constituent Assembly Debates to determine the scope of Article 17 is best explained by this method of constitutional interpretation:
(A) Living Constitutionalism
(B) Originalism
(C) Structuralism
(D) Textualism

5. In IYLA, Justice D.Y. Chandrachud held that Article 17 has:
(A) Vertical application
(B) Horizontal application
(C) Indirect horizontal application
(D) None of the above

6. In the review petition against this judgment, the Supreme Court has framed which of the following questions for determination by a 9-judge bench?
(A) Scope of "public order, morality and health" in Article 25(1)
(B) Scope of expression "section of Hindus" in Article 25(2)(b)
(C) Scope of "judicial recognition" to PILs filed by people not belonging to a religious denomination to contest a religious practice
(D) All the above

7. Which judge on the bench in IYLA disagreed with Justice Chandrachud on the application of Article 17?
(A) Justice r.F. Nariman
(B) Justice Dipak misra
(C) Justice Indu malhotra
(D) None of the above

8. In reaching his conclusion on the scope of Article 17, Justice D.Y. Chandrachud cited which of the following works of Dr. B.r. Ambedkar?
(A) Coming out as Dalit
(B) Goolami
(C) Annihilation of Caste
(D) All the above

9. In the passage above, what does the term "non-derogable" mean?
(A) Cannot be extracted under any circumstances
(B) Cannot be precisely determined
(C) Cannot be infringed under any circumstances
(D) None of the above

10. The petition filed by the Indian Young Lawyers Association in this case was a:
(A) Special Leave Petition from the decision of the Kerala High Court
(B) Public Interest Litigation
(C) Writ Appeal from a petition filed under Article 226
(D) None of the above

II. An Ordinance which is promulgated by the Governor has (as clause 2 of Article 213 provides) the same force and effect as an Act of the legislature of the State assented to by the Governor. However - and this is a

matter of crucial importance – clause 2 goes on to stipulate in the same vein significant constitutional conditions. These conditions have to be fulfilled before the 'force and effect' fiction comes into being. These conditions are prefaced by the expression "but every such Ordinance" which means that the constitutional fiction is subject to what is stipulated in sub-clauses (a) and (b). Sub-clause (a) provides that the Ordinance "shall be laid before the legislative assembly of the state" or before both the Houses in the case of a bi-cameral legislature. Is the requirement of laying an Ordinance before the state legislature mandatory? There can be no manner of doubt that it is. The expression "shall be laid" is a positive mandate which brooks no exceptions. That the word 'shall' in sub-clause (a) of clause 2 of Article 213 is mandatory, emerges from reading the provision in its entirety. As we have noted earlier, an Ordinance can be promulgated only when the legislature is not in session. upon the completion of six weeks of the reassembling of the legislature, an Ordinance "shall cease to operate". ... Article 213(2)(a) postulates that an ordinance would cease to operate upon the expiry of a period of six weeks of the reassembly of the legislature. The Oxford English dictionary defines the expression "cease" as : "to stop, give over, discontinue, desist; to come to the end." P ramanatha Aiyar's, The major Law Lexicon defines the expression "cease" to mean "discontinue or put an end to". Justice C K Thakker's Encyclopaedic Law Lexicon defines the word "cease" as meaning: "to put an end to; to stop, to terminate or to discontinue". The expression has been defined in similar terms in Black's Law Dictionary.

... The expression "cease to operate" in Article 213(2)(a) is attracted in two situations. The first is where a period of six weeks has expired since the reassembling of the legislature. The second situation is where a resolution has been passed by the legislature disapproving of an ordinance. Apart from these two situations that are contemplated by sub-clause (a), sub-clause (b) contemplates that an ordinance may be withdrawn at any time by the Governor. Upon its withdrawal the ordinance would cease to operate as well. [Extracts from the judgment of majority judgment in Krishna Kumar Singh v. State of Bihar, Civil Appeal No. 5875 of 1994, decided on January 2, 2017 hereafter 'KK Singh']

11. The power to promulgate an ordinance is an instance of the:

(A) Executive power of the Governor
(B) Delegated power of the Governor
(C) Sovereign prerogative power of the Governor
(D) None of the above

12. The Constitution Bench in D.C. Wadhwa v. State of Bihar (1987) 1 SCC 378 held that re-promulgation of an Ordinance was a 'fraud on the Constitution' because:

(A) Legislative power is vested in the legislatures by the Constitution of India
(B) It is a colourable exercise of power under the Constitution of India
(C) The role of the Executive is to implement a law, not make it
(D) None of the above

13. In States which are bicameral, the Governor can promulgate an Ordinance only when:

(A) Both Houses are not in session
(B) When a Proclamation of Emergency is in operation
(C) When the state has been placed under President's rule
(D) None of the above

14. Under Article 213, an Ordinance once promulgated by the Governor shall be laid before the Legislative Assembly of the State or where it is bicameral, before both the Houses. Keeping in mind the constitutional provisions, an ordinance promulgated by the Governor can remain effective for a maximum period of:

(A) Six weeks
(B) Six months
(C) Seven-and-a-half months
(D) One year

15. KK Singh overruled two 5-Judge decisions of the Supreme Court, to hold:

(A) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall not have any legal effect and consequences.
(B) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall be void from the date that it should have obtained approval.
(C) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall be void from the date the ordinance is replaced by a law made by the Legislature to replace the Ordinance.
(D) An Ordinance which is not laid before the Legislature in the manner prescribed by Article 213 shall be considered as a temporary statute.

16. An Ordinance promulgated by the Governor:

i. Shall be treated to be 'law' for the purposes of Article 13 of the Constitution of India.
ii. Shall in all cases require the prior approval of the President.
iii. Shall not be constrained by the subject-matter requirements of Article 246 read with the Seventh Schedule of the Constitution of India.

(A) i alone is correct
(B) i and ii are correct
(C) i, ii and iii are correct
(D) None of the above are correct

17. Article 213 requires the Governor to reserve an Ordinance for the consideration of the President:

i. In all cases when the state is placed under President's rule under Article 356.
ii. When the Ordinance pertains to the proviso to Article 304(b) and seeks to impose reasonable restrictions in the public interest on the freedom of trade, commerce or intercourse with or within that state.
iii. When the Ordinance is on a matter enumerated in the Concurrent List (of the Seventh Schedule) and which is repugnant to a law made by Parliament.

(A) i, ii, and iii are correct
(B) ii and iii are correct
(C) i and iii are correct
(D) None is correct

18. The power of the Governor to promulgate an Ordinance is subject to the Governor being satisfied that "circumstances exist which render it necessary for him to take immediate action." The 7-judge bench in KK Singh held that the satisfaction of the Governor:

(A) Is not subject to judicial review since it is a political question
(B) Is subject to judicial review with regard to the relevancy of the material on which such satisfaction is based
(C) Is subject to judicial review with regard to the adequacy of materials on which such satisfaction is based
(D) None of the above

19. Section 6 of the General Clauses Act, 1897 protects rights, privileges, obligations and liabilities in cases of repeal of an enactment. The majority in KK Singh held that:
i. The Ordinance that 'ceases to operate' is distinct from a law that is void.
ii. An Ordinance that 'ceases to operate' is distinct from a temporary statute.
iii. An Ordinance that 'ceases to operate' is distinct from a repealed statute.
iv. An Ordinance that 'ceases to operate' is not 'saved' in the absence of any 'savings clause' in Article 213.

(A) i, ii, and iii are correct
(B) ii and iii are correct
(C) i and iii are correct
(D) All the above are correct

20. A resolution by the Legislature disapproving an Ordinance promulgated under Article 213 by the Governor is:

(A) Statutory in nature and has binding effect upon the Government
(B) A mere expression of the opinion of the House
(C) A decision of the House relating to the control of its proceedings
(D) An exercise of delegated legislation

III. The other material which prompted the High Court to reach the conclusion that the subsoil/minerals vest in the State is ... recitals of a patta which ..... states that if minerals are found in the property covered by the patta and if the pattadar exploits those minerals, the pattadar is liable for a separate tax in addition to the tax shown in the patta and .... certain standing orders of the Collector of malabar which provided for collection of seigniorage fee in the event of the mining operation being carried on. We are of the clear opinion that the recitals in the patta or the Collector's standing order that the exploitation of mineral wealth in the patta land would attract additional tax, in our opinion, cannot in any way indicate the ownership of the State in the minerals. The power to tax is a necessary incident of sovereign authority (imperium) but not an

incident of proprietary rights (dominium). Proprietary right is a compendium of rights consisting of various constituent, rights. If a person has only a share in the produce of some property, it can never be said that such property vests in such a person. In the instant case, the State asserted its 'right' to demand a share in the 'produce of the minerals worked' though the expression employed is right – it is in fact the Sovereign authority which is asserted. From the language of the BSO No.10 it is clear that such right to demand the share could be exercised only when the pattadar or somebody claiming through the pattadar, extracts/works the minerals – the authority of the State to collect money on the happening of an event – such a demand is more in the nature of an excise duty/a tax. The assertion of authority to collect a duty or tax is in the realm of the sovereign authority, but not a proprietary right.... The only other submission which we are required to deal with before we part with this matter is the argument of the learned counsel for the State that in view of

the scheme of the Mines and Minerals (Development and Regulation) Act, 1957 (hereafter 'mmDrA') which prohibits under Section 4 the carrying on of any mining activity in this country except in accordance with the permit, licence or mining lease as the case may be, granted under the Act, the appellants cannot claim any proprietary right in the sub-soil... [Extract from the judgment in Thressiamma Jacob v. Dept. of Mining & Geology, (2013) 9 SCC 725] (hereafter 'T Jacob')

21. The mmDrA enacted by Parliament grants the Union Government the:

(A) right to obtain ownership of land containing mineral wealth
(B) Power to exclude the State Government from ownership rights of land containing mineral wealth
(C) right to regulate the grant of mining rights
(D) right to impose taxes on all mining activities

22. T Jacob dealt with the question of traditional proprietary rights of ownership of subsoil rights, and held that:

i. Sub-soil rights are treated as 'commons' and are held by the State in public trust.
ii. There is nothing in the law which declares that all mineral wealth/ subsoil rights vest in the State.
iii. The owner of the land can be deprived of sub-soil rights by law.

(A) i is correct
(B) ii and iii are correct
(C) i and iii are correct
(D) None of the above is correct

23. The power to impose a tax on the produce of some land should be treated as:

(A) Assertion that land is partly owned by government
(B) Power of eminent domain
(C) Assertion of a proprietary right
(D) Assertion of a sovereign right

24. In common law, the owner of a piece of land is entitled to:

i. Work on the surface of the land.
ii. Entitled to everything beneath the surface down to the centre of the earth.
iii. Entitled to everything below the surface except those minerals included under the mmDrA.

(A) All are correct
(B) Only i is correct
(C) Only i and ii are correct
(D) Only i and iii are correct

25. Under the Constitution of India, all property and assets, which vested in the British Crown for the purposes of the Government of the Dominion of India and Governor's Provinces, stood:

(A) Confiscated without payment
(B) repatriated back to the Crown
(C) Vested in the Union of India
(D) Vested in the Union of India and the States

26. The Constitution of India, vests all lands, minerals, and other things of value under the ocean floor within the territorial waters:
(A) In the Union of India
(B) In the respective States having a shoreline
(C) In the Union and all States in the Union
(D) Are treated as 'res commune'

27. The Supreme Court in State of Meghalaya v. All Dimasa Students Union Hasao [2019] held that in the Sixth Schedule State of meghalaya, where most lands are either privately or community-owned:
i. Landowners of privately owned/ community owned lands can lease their lands for mining.
ii. The State Government alone can grant a lease for mining in privately owned/ community owned lands.
iii. Landowners of privately owned/ community owned lands can lease their lands for mining after obtaining previous approval of the Central Government through the State Government.
iv. All of the above
(A) iv is correct
(B) ii and iii are correct
(C) i and iii are correct
(D) None of the above is correct

28. Section 105 of the Transfer of Property Act, 1882 states that a lease of immovable property is a transfer of a right to enjoy such property under certain conditions. The right to 'enjoy such property':
(A) Includes the right to carry on mining operation in the surface of the land
(B) Includes the right to carry on mining operation in the sub-soil of the land
(C) Includes the right to extract the specified quantity of the minerals found therein, to remove and appropriate that mineral
(D) All the above

29. The need for environmental clearance under the Environment Protection Act, 1986 is required for a project of coal mining:
(A) In all lands whether privately, community, or publicly owned
(B) Only in lands owned by the Union Government
(C) Only in lands owned by the State Government
(D) Only where sustainability is threatened

30. The Constitution of India provides that all properties within the territory of India that do not have a lawful heir, successor or rightful owner, accrue to the Union or State where it is situate through:
(A) Escheat
(B) Lapse
(C) Bona vacantia
(D) All the above

IV. A nationwide lockdown was declared by the Central Government from 24 march 2020 to prevent the spread of the CoVID-19 pandemic. Economic activity came to a grinding halt. The lockdown was extended on several occasions, among them for the second time on 14 April 2020. On 17 April 2020, the Labour and Employment Department of the State of Gujarat issued a notification under Section 5 of the Factories Act to exempt all factories registered under the Act "from various provisions relating to weekly hours, daily hours, intervals for rest etc. for adult workers" under Sections 51, 54, 55 and 56. The stated aim of the notification was to provide "certain relaxations for industrial and commercial activities" from 20 April 2020 till 19 July

2020. Section 5 of the Factories Act provides that in a public emergency, the State Government can exempt any factory or class or description of factories from all or any of the provisions of the Act, except Section 67. Section 5 is extracted below: "5. Power to exempt during public emergency. — In any case of public emergency the State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act except section 67 for such period and subject to such conditions as it may think fit: Provided that no such notification shall be made for a period exceeding three months at a time. Explanation.— For the purposes of this section 'public emergency' means a grave emergency whereby

the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance." (emphasis supplied) The notification in its relevant part is extracted below: "... NOW, THErEFOrE, in exercise of the powers conferred by Section 5 of the Factories Act, 1948, the 'Factories Act' PArT B Government of Gujarat hereby directs that all the factories registered under the Factories Act, 1948 shall be exempted from various provisions relating to weekly hours, daily hours, intervals for rest etc. of adult workers under section 51, section 54, and section 55 and section 56 with the following conditions from 20 th April till 19 th July 2020, – (1) No adult worker shall be allowed or required to work in a factory for more than twelve hours in any day and Seventy Two hours in any week. (2) The Periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed six hours and that no worker shall work for more than six hours before he has had an interval of rest of at least half an hour. (3) No Female workers shall be allowed or required to work in a factory between 7:00 Pm to 6:00 Am. (4) Wages shall be in a proportion of the existing wages (e.g. If wages for eight hours are 80 rupees, then proportionate wages for twelve hours will be 120 rupees)." [Extract from judgment of the Supreme Court in Gujarat Mazdoor Sabha v. The State of Gujarat decided on 1 October, 2020, (hereafter 'GMS')]

31. Section 5 of the Factories Act, 1948 provides for the power of exemption from certain provisions of the Act due to the occurrence of a public emergency. In GMS, the Supreme Court held that:
i. Situations of grave emergency require an actual threat to the security of the state.
ii. Emergency powers can be used to avert the threat posed by war, external aggression or internal disturbance.
iii. Emergency powers must not be used for any other purpose.
(A) Only i and iii are correct
(B) Only ii is correct
(C) Only i and ii are correct
(D) All the above statements are correct

32. In order for a Proclamation of Emergency to be made under Article 352 of the Constitution of India, the President must be satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened:
(A) By war or external aggression or internal disturbance
(B) By war or external aggression or financial instability
(C) By war or external aggression or armed rebellion
(D) By war or armed rebellion or internal disturbance

33. Following the Constitution (Forty-fourth Amendment) Act, 1978, in order for a Proclamation of Emergency to be issued, such decision has:

(A) To be taken by the Prime minister and conveyed to the President

(B) To be taken by the Council of ministers of Cabinet rank and approved by both Houses of Parliament

(C) To be taken by the Council of ministers of Cabinet rank and communicated to the President in writing

(D) To be taken by the Council of ministers of Cabinet rank and approved by at least half the State Legislatures

34. Article 355 of the Constitution of India casts a duty upon the Union to protect every state against, inter alia, internal disturbance. The Supreme Court has noted that the Sarkaria Commission recognised a range of situations which could amount to internal disturbance, including:

(A) Situations of financial exigencies

(B) Breaches of public peace

(C) Inefficient administration

(D) None of the above

35. The Supreme Court in Sarbananda Sonowal v. Union of India, AIr 2005 SC 2920, held that the duty of the Union to protect every state against external aggression and internal disturbance extends to:

(A) Situations where there are large-scale cases of illegal migrants from other countries

(B) Situations where there are large-scale cases of migration from other parts of India

(C) Cases of external aggression which are similar to 'war'

(D) None of the above

36. In deciding whether the CoVID-19 pandemic and the ensuing lockdown imposed by the Central Government to contain the spread of the pandemic, have created a public emergency as defined by the explanation to Section 5 of the Factories Act, 1948 the Supreme Court in GMS held:

i. The economic slowdown caused by the pandemic constitutes a public emergency.

ii. The situation created by the CoVID-19 pandemic was similar to a national emergency caused by external aggression or war.

iii. The economic slowdown created by the CoVID-19 pandemic qualifies as an internal disturbance threatening the security of the state.

(A) Only i and iii are correct

(B) Only ii and iii are correct

(C) Only i and ii are correct

(D) None of the above statements are correct

37. The Supreme Court in Ram Manohar Lohia v. State of Bihar, AIr 1966 SC 740, Arun Ghosh v. State of West Bengal, 1970 SCr 288, and later cases, has indicated that matters affecting law and order can be determined:

(A) Not by the nature of the act alone e.g., a case of stabbing of one person by another

(B) The degree to which public tranquility is disturbed

(C) Whether the even tempo of life of a community continues undisturbed or not

(D) All the above

38. The Supreme Court has indicated that matters that affect public order are to be determined:
i. By looking at the nature of the act, how violent it is irrespective of its context.
ii. The degree and effect any action has on the life of the community.
iii. By consideration of factors related to the maintenance of law and order.
(A) Only i and iii are correct
(B) Only ii is correct
(C) Only i and ii are correct
(D) All the above statements are correct

39. The Factories Act, 1948, stipulates the maximum number of hours that can be worked per week and also that overtime wages need to be double the normal wage rate. In GMS the exemption relied upon by State government to extend the working hours to 12 hours a day and at the usual wage rate without payment of overtime across all factories was deemed to be:
i. Justified in view of the grave emergency cause by the CoVID-19 pandemic.
ii. Violative of the rule of law.
iii. Violative of just and humane conditions of work.
(A) Only i and iii are correct
(B) Only ii is correct
(C) Only ii and iii are correct
(D) All the above statements are correct

40. The rationale of the Factories Act, 1948 in providing double the wage rate for periods of overtime work is based on:
i. Compensating the worker for the extra strain on their health in doing overtime work.
ii. Enabling the worker to maintain proper standard of health and stamina.
iii. Protecting the worker against exploitation.
(A) i, ii, and iii are correct
(B) Only i and iii are correct
(C) Only ii is correct
(D) Only ii and iii are correct

V. In view of various counter claims regarding registration or non-registration, what is necessary is only that the information given to the police must disclose the commission of a cognizable offence. In such a situation, registration of a FIr is mandatory. However, if no cognizable offence is made out in the information given, then the FIr need not be registered immediately and perhaps the police can conduct a sort of preliminary verification or inquiry for the limited purpose of ascertaining as to whether a cognizable offence has been committed. But, if the information given clearly mentions the commission of a cognizable offence, there is no other option but to register a FIr forthwith. Other considerations are not relevant at the stage of registration of FIr, such as, whether the information is falsely given, whether the information is genuine, whether the information is credible etc. These are the issues that have to be verified during the investigation of the FIr. At the stage of registration of a FIr, what is to be seen is merely whether the information given ex facie discloses the commission of a cognizable offence. If, after investigation, the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIr. [Excerpted from the judgment delivered by Sathasivam, C.J.I. in Lalita Kumari v. State of Uttar Pradesh, (2014) 2 SCC 1 (hereafter 'Lalita Kumari')]

41. In the concluding part of the judgment excerpted above, preliminary inquiries were permitted for which of the following class or classes of cases?

(A) Offences related to matrimonial disputes

(B) Allegations of corruption against public officers

(C) Where the information was received after substantial delay, such as more than three months after the alleged incident

(D) All the above

42. In the recent judgment of the Supreme Court in Netaji Achyut Shinde (Patil) v. State of Maharashtra, (2021) SCC Online SC 247, a three-judge bench of the Court reiterated which of the following principles relating to a FIr?

(A) That a cryptic phone call, without complete details and information about the commission of a cognizable offence cannot always be treated as a F.I.r.

(B) That non-reading-over of the recorded complaint by the police to the informant will vitiate the recording of the F.I.r.

(C) That F.I.r.s are substantive pieces of evidence at the trial and can be duly proved to establish the facts in issue at a trial.

(D) That F.I.r.s are necessarily hearsay statements and cannot be relied upon to prove the truth of the matters asserted therein.

43. upon receipt of a complaint disclosing the commission of a cognizable offence from an informant, the station house officer of a police station proceeds to record the substance of the complaint in the Station House Diary. Thereafter, he proceeds to conduct investigation by going to the spot of the incident, collecting materials from the scene, and recording statements of persons he believes have information about the alleged crime. On the next day, he calls the informant to the police station again, and this time, proceeds to record a formal F.I.r. for the offences. He then gives a copy of the registered F.I.r. to the informant and sends him home. The duly registered F.I.r. can be challenged on which of the following grounds?

(A) That the police officer has not followed the mandatory procedure of sending a copy of the F.I.r. to the jurisdictional magistrate upon registration.

(B) That the statement recorded as the F.I.r. is a hearsay statement made by the police officer himself and therefore cannot be admissible in evidence.

(C) That the recorded F.I.r. becomes a statement under Section 161, Code of Criminal Procedure, 1973, because the Station House Diary entry will be considered the F.I.r.

(D) That the procedure set out in Section 190, Code of Criminal Procedure, 1973 has been violated by the police officer.

44. In the case of Aghnoo Nagesia v. State of Bihar, AIr 1966 SC 119, the accused himself walked to the police station and registered an F.I.r. against himself for the murder of his family members. There was no formal information of the commission of the offence prior to the accused himself having the F.I.r. registered. Per the judgment in the case, such an F.I.r. would be considered:

(A) Violative of right against self-incrimination under Article 20(3) of the Constitution of India.

(B) A statement that cannot be proved as a confession hit by Section 25, Indian Evidence Act, 1872.

(C) A statement that can be used as substantive evidence against its maker, since there was no accusation against him at the time he made the statement.

(D) A statement that can be retracted by the accused person at the time of trial, and thereafter the commission of the offence cannot be proved.

45. In the case of Pakala Narayanaswami v. King Emperor, 1939 Cri LJ 364 (PC), the Privy Council held that a statement would be a confession if it:

(A) Admitted the commission of the offence in the terms of the offence.
(B) Admitted the commission of the ingredients for the commission of the offence.
(C) Either (A) or (B)
(D) Both (A) and (B)

46. In the excerpt above, the Supreme Court refers to the standard of ex facie. Such a standard in law can be explained as:

(A) refers to a standard where a document by its stated terms displays the sought fact.
(B) refers to a standard where a document by very simple perusal displays the sought fact.
(C) refers to a standard which calls for an application of mind by the finder of fact to infer a conclusion.
(D) refers to a standard which requires no consideration unless proved otherwise by the opposite side.

47. In Lalita Kumari the Supreme Court provides a timeline for the completion of preliminary inquiries by the police prior to the registration of the F.I.r. As per the Court, such an inquiry should be concluded:

(A) Within a period not exceeding fifteen days
(B) Within a period not exceeding seven days
(C) As expeditiously as possible but the Court did not specify a timeline
(D) Within such time as may be permitted by the jurisdictional magistrate

48. An F.I.r. is considered the first information of the commission of a cognizable offence. Where the information discloses the commission of both cognizable offences as well as non-cognizable offences as part of the same facts, such information must be treated in the following manner:

(A) The entire information will be treated as disclosing cognizable offences and registered as an F.I.r.
(B) The police officer will sever the parts disclosing non-cognizable offences and shall only register the parts disclosing cognizable offences.
(C) The police officer shall refer the informant to the jurisdictional magistrate for a direction to register the F.I.r., and thereafter, once such direction is received, register the F.I.r.
(D) The F.I.r. registered, which contains information of non-cognizable offences, is subject to confirmation by a magistrate under Sections 156 and 157 of Cr.P.C.

49. The power of the police to launch an investigation is provided for under Sections 154 and 157 of Cr.P.C. The threshold to be met for launching an investigation under Section 157, according to Lalita Kumari, is

(A) Cogent and reliable information disclosing the commission of a cognizable offence.
(B) Higher than the requirement under Section 154 of Cr.P.C. as the Section uses the term “reason to suspect the commission of an offence”.
(C) Precisely the same standard under Section 154 of Cr.P.C. and the police have no discretion in the matter.
(D) At the same standard as for a non-cognizable complaint being scrutinised by a Judicial magistrate.

50. According to the decision of the Supreme Court in Lalita Kumari, the police may not consider the genuineness of information disclosing the commission of a cognisable offence at the time of registering an F.I.r. What does this mean?

(A) That the informant must be believed for the purposes of registering the F.I.r.
(B) That the information must be taken as true for the purposes of registering the F.I.r.
(C) That the police cannot reject any information disclosing the commission of a cognisable offence on the basis of it being false.
(D) All the above

VI. The non-obstante clause in sub-section (1) of the Indian Evidence Act, 1872 makes it clear that when it comes to information contained in an electronic record, admissibility and proof thereof must follow the drill of Section 65B, which is a special provision in this behalf — Sections 62 to 65 being irrelevant for this purpose. However, Section 65B(1) clearly differentiates between the "original" document — which would be the original "electronic record" contained in the "computer" in which the original information is first stored and the computer output containing such information, which then may be treated as evidence of the contents of the "original" document. All this necessarily shows that Section 65B differentiates between the original information contained in the "computer" itself and copies made therefrom – the former being primary evidence, and the latter being secondary evidence.

Quite obviously, the requisite certificate in sub-section (4) of the Indian Evidence Act is unnecessary if the original document itself is produced. This can be done by the owner of a laptop computer, a computer tablet or even a mobile phone, by stepping into the witness box and proving that the concerned device, on which the original information is first stored, is owned and/or operated by him. In cases where "the computer", as defined, happens to be a part of a "computer system" or "computer network" (as defined in the Information Technology Act, 2000) and it becomes impossible to physically bring such network or system to the Court, then the only means of proving information contained in such electronic record can be in accordance with Section 65B(1), together with the requisite certificate under Section 65B(4). This being the case, it is necessary to clarify what is contained in the last sentence in paragraph 24 of Anvar P.V. (supra) which reads as "... if an electronic record as such is used as primary evidence under Section 62 of the Evidence Act ...". This may more appropriately be read without the words "under Section 62 of the Evidence Act, ...". With this minor clarification, the law stated in paragraph 24 of Anvar P.V. (supra) does not need to be revisited. [Excerpted from the judgment delivered by r.F. Nariman, J., in Arjun Panditrao Khotkar v. Kailash K. Gorantyal, (2020) 7 SCC 1.]

51. The Supreme Court judgment excerpted above held that compliance with Sections 65A and 65B of the Indian Evidence Act, 1872 for admitting secondary evidence of electronic records is:

(A) mandatory as held in the case of Anvar v. Basheer, (2014) 10 SCC 473

(B) Discretionary upon the trial court judge to insist or waive the requirement

(C) To be read together with the mode of proof of non-electronic documents under Sections 62-65, Indian Evidence Act, 1872

(D) None of the above

52. In Indian evidence law, the proof of the contents of documents must necessarily follow a sequence of procedure; this sequence (not necessarily covering all stages) can be illustrated as:

(A) Admitting the document, marking the document, authenticating the document

(B) Authenticating the document, receiving evidence of its contents, marking the document

(C) Proving the contents of the document, authenticating the document, marking the document

(D) marking the document, authenticating the document, receiving the document as evidence

53. Where the original document, such as the original computer device containing the electronic record is produced before the court, the provisions of Section 65B(4) of the Indian Evidence Act, 1872 need not be complied with. However, the owner of the device must be present as a witness and testify that the device belongs to them. This function by a witness is most appropriately understood as:

(A) The act of authentication of a document
(B) The act of proving contents of a document
(C) The act of corroborating the evidence of a document
(D) The act of solving the problem of hearsay associated with documents

54. Under the Indian Evidence Act, 1872, oral evidence as to the contents of documents:

(A) Cannot be admitted
(B) Generally cannot be admitted except when accepted as admissible secondary evidence under Section 65, Indian Evidence Act, 1872
(C) Generally can be admitted except when barred by the rule against hearsay
(D) Generally can be admitted except when considered unreliable due to impeachment of the witness

55. Where primary evidence of an electronic record cannot be produced in court, and the secondary evidence is not accompanied by a certificate required under Section 65B(4), Indian Evidence Act, 1872, the court may:

(A) Never admit such evidence
(B) may only admit such evidence where it is satisfied that procuring such a certificate for the party adducing the document into evidence would result in unfair prejudice, and where the document is crucial evidence
(C) may admit such evidence if satisfied that the party adducing such evidence was unable to procure the certificate despite best efforts and that it was impossible for them to do so
(D) Admit such evidence after a scrutiny of the fact it purports to prove, and only do so for the proof of relevant facts, and never for the proof of facts in issue as defined under Section 3, Indian Evidence Act, 1872.

56. A plaintiff seeks to adduce a secondary electronic record into evidence and does not comply with the requirements under Section 65B, Indian Evidence Act, 1872, for the same. The respondent does not object to the admission of such evidence at trial. Subsequently, upon appeal, a ground is taken by the original respondent that such evidence should not have been admitted as it did not comply with the procedure under Section 65B. relying on the Supreme Court's judgment in Sonu v. State of Haryana, (2017) 8 SCC 570, the court should hold:

(A) An appellate court should declare the evidence inadmissible in line with the mandatory nature of Section 65B.
(B) An appellate court should remand the matter to trial declaring the said evidence inadmissible.
(C) An objection to the method of proof cannot be raised at the appellate stage as the original plaintiff cannot rectify the error.
(D) Since the respondent did not object to the admissibility of the evidence, the document is held to be proved.

57. The Supreme Court in Anvar v. Basheer, (2014) 10 SCC 473, overruled the decision of State (NCT of Delhi) v. Navjot Sandhu, (2005) 11 SCC 600, on which of its holdings?

(A) That in cases of criminal conspiracy, the method of proof of the conspiracy is controlled by Section 10, Indian Evidence Act, 1872, and not Section 65B.

(B) That irrespective of compliance with Section 65B, contents of electronic documents could be proved through Sections 62-65 of the Indian Evidence Act, 1872.

(C) That electronic documents being a special class of general documents, had to be proved through expert opinion under Section 45, Indian Evidence Act, 1872.

(D) That the document sought to be proved must first be marked and then admitted into evidence for its contents, and that this sequence may not be reversed.

58. The judgment of the Supreme Court in Tomaso Bruno v. State of U.P., (2015) 3 SCC (Cri) 54, has been held to be per incuriam. In law, a judgment is per incuriam when:

(A) The judgment is against binding precedent of a higher court or larger bench.

(B) The judgment is against binding provisions of law applicable to the subject.

(C) Both (A) and (B)

(D) Neither (A) nor (B)

59. X gets his Will made. The final Will is drawn up by a scribe who takes down the dictation of the terms and averments of the document, and thereafter, the Will is executed by the testator. The execution of the Will is also attested to by two witnesses. Upon the death of X, the Will falls into controversy. Y, one of X's sons, challenges the validity of the Will. To prove due execution of the document, Z, X's other son, who supports the Will, calls one of the attesting witnesses to court. This witness states that he does not remember the due execution of the Will nor does he remember attesting the Will. Thereafter, Z seeks to examine the scribe who wrote the Will as a witness to its execution. Can the scribe be examined at this stage?

(A) Yes, since one of the attesting witnesses has not recalled the execution, any other evidence is now admissible to prove execution under Section 71, Indian Evidence Act, 1872.

(B) No, since there is another attesting witness who has not been summoned to court, that witness must be first examined under Section 68, Indian Evidence Act, 1872.

(C) No, since one attesting witness has denied the execution, no other evidence can prove the execution of the Will.

(D) Yes, since the scribe is a direct witness to the execution of the Will, and his evidence is admissible under Section 60, Indian Evidence Act, 1872.

60. In terms of the time when the certificate required under Section 65B(4) of the Indian Evidence Act, 1872 must be produced, and specifically in the context of criminal trials, the Supreme Court has held:

(A) That the certificate must generally be produced at the time of production of documents, which would mean filing of the chargesheet in a criminal case.

(B) That the documents, if missing, or deficient, can be supplied at a later stage in the trial and the court can be asked to take them on record.

(C) That generally speaking, any application during trial to take additional documents on record must be examined as to not cause unfair prejudice to the accused.

(D) All the above

VII. There are two different ways we can think about law and law-making. To put it crudely: we can think of law as partisan, as nothing more than the expression in legislative terms of the particular ideology or policies of a political party; or we can think of law as neutral, as something that stands above party politics,

at least in the sense that once passed it ought to command the obedience and respect of everyone... [Political] Parties compete for control of Parliament because they want their values, their ideology, and their programme to be reflected in the law of the land... ...no-one

doubts that the Commons stage is the most important, and the reason surely is that the House of Commons is the institution most subject to popular control. If laws passed by one Parliament turn out to be unpopular, the electorate can install a majority that is sworn to repeal them. That is what elections and representative politics are all about. On this model, it is simply fatuous to pretend that law is somehow 'above' politics. maybe there are some laws on which everyone agrees, no matter what their ideology. Everyone agrees there should be a law against murder, for example, and that there should be basic rules of the road. But as soon as we turn to the fine print, it is surprisingly difficult to find a consensus on the detail of any legislative provision. And in many cases, even the fundamental principles are the subject of fierce political dispute... What this model stresses, then, is that legislative attitudes are necessarily partisan attitudes. So long as there is tight party discipline in Parliament, legislative decisions will be taken on the basis of the ideology of the leadership of the party in power. The partisan model stresses the legitimacy of these attitudes and this form of decision-making... By contrast, what I call 'the neutral model' enjoins a certain respect for law and law- making which goes beyond purely partisan views. According to this model there is something special about law, and it carries with it special non-partisan responsibilities. Proponents of the neutral model do not deny that laws are made by party politicians, and that legislation is often motivated by disputed values and ideologies... ...their view is that when a law is being made, something solemn is being decided in Parliament in the name of the whole society. Though it is reasonable for bills to be proposed and debated along partisan lines, the decision procedures of Parliament are designed to indicate not merely which is the stronger party, but what is to be the view of society as a whole on some matter for the time being... ...the result, the outcome, is a decision of the House as a whole: it is, literally, an act of Parliament, not merely an act of the Conservative party or an act of the Labour party, whichever commands the majority. By virtue of the parliamentary process, it transcends partisan politics, and presents itself as a norm enacted for and on behalf of the entire community... ...on the neutral model, the social function idea tends to receive more emphasis than the political provenance. For this reason, the neutral model often focuses on aspects of the legal system that do not involve explicitly partisan initiatives. It focuses on those areas of law where there is something approaching unanimity (such as the fundamental

principles of the criminal law and some of the basic tenets of private law). And it focuses particularly on 'the common law'. when common law doctrine strikes out in new directions, the change is usually presented as the product of reasoning which is independent of politics, as though there were an evolving 'logic' of the law which could proceed untainted by partisan values or ideology. [Excerpted, with edits, from The Law, by Jeremy Waldron, routledge, Oxon, 1990.]

61. Partyland is a democratic republic that has a federal legislative body called the Senate. The Senate is the most powerful legislative body in the country, and its decisions cannot be overruled by the judiciary. The Personal Party wins the general elections by an overwhelming majority and implements several of its policies through legislation during its term in power. In the next general elections, the Public Party wins an overwhelming majority at the polls and passes several legislation reversing the Personal Party's changes. It also introduces new laws to implement its own policies. Which of the following is Waldron most likely to agree with?

(A) Partyland is not an actual democracy
(B) The situation in Partyland is an illustration of the neutral model of law
(C) The situation in Partyland is an illustration of the partisan model of law
(D) Partyland is not an actual republic

62. The Public Party wins a second term in power and introduces sweeping changes to Partyland's laws. Judges now have limited or no discretion in deciding cases but are expected to apply the codified laws of the country strictly. Which of the models of law described in the passage do these changes align most closely with?

(A) The neutral model of law
(B) The partisan model of law
(C) Equally with both, the neutral and the partisan model of law
(D) With neither the neutral nor the partisan model of law

63. The Public Party now introduces new laws that require all workers to pay a "workers' tax" equal to 10% of their earnings. The amount collected from this tax would be deposited into a fund for the welfare of workers. Partyland is divided into several states, and there are separate elections to the legislatures of states. The Worker's Party is in power in one state, and it announces that the new law is "anti-worker". The Worker's Party refuses to implement the new law in that state. Which of the models of law described in the passage does the Worker's Party's conduct most closely align with?

(A) The partisan model of law
(B) The neutral model of law
(C) Equally with both, the neutral and the partisan model of law
(D) With neither the neutral nor the partisan model of law

64. Based on the information provided in the passage, which of the following is the most accurate as regards the Basic Structure doctrine in Indian Constitutional law?

(A) As it places limits on the amending power of Parliament, it is closer to the partisan rather than the neutral model of law.
(B) As it emerged from a series of judicial decisions rather than legislation, it is a product of partisan rather than neutral law-making.
(C) It does not reflect any of the attributes of either the neutral or partisan model of law.
(D) As it places limits on the amending power of Parliament, it is closer to the neutral rather than the partisan model of law.

65. Based on the passage above, which of the following is Waldron most likely to agree with?

(A) Legislators always make laws based on their party's ideology, rather than any non-partisan interests
(B) Legislators make laws based on non-partisan considerations
(C) Laws are made on the basis of the needs and demands of society from time to time
(D) Law and law-making can be understood using the partisan or the neutral model

66. Which of the following most strongly supports the neutral model of law and law-making?

(A) The fact that once enacted, a legislation is regarded as an act of Parliament as a whole, rather than any political party
(B) The fact that party whips ensure party members vote in accordance with their party's ideological position
(C) The fact that social welfare legislation are enacted for the benefit of the weaker sections of society
(D) The fact that elections to legislatures are hotly contested

67. Which of the following is a proponent of the neutral model of law-making most likely to agree with?

(A) Everyone agrees that democracy is desirable, and the fact that the voter turnout in recent years has increased tremendously shows that law-making is non-partisan.

(B) Everyone agrees that legislators should represent their constituents' interests, and so, they should vote only for laws that their party has promised to the electorate in the election manifesto.

(C) Everyone agrees that child pornography is heinous, and that fact that politicians across parties have voted for strong punishments to be imposed on child pornographers shows that law-making is non-partisan.

(D) Everyone agrees that judges are not elected, and so, they should not have any law-making powers, directly through legislation or indirectly through interpretation.

68. Which of the following arguments most strongly supports the partisan model of law-making?

(A) Calling a legislation an act of Parliament rather than the act of a political party shows that it is the view of society as a whole on some matter, and thus deserving of respect by members of all political parties.

(B) merely calling a legislation an act of Parliament does not take away from the fact that it is partisan, since it was introduced by a political party, and voted for by its members on the party's directions, in furtherance of the party's ideological agenda.

(C) Calling a legislation an act of Parliament indicates that politicians have the liberty to vote for or against legislation on the basis of their idea of the rule of law, rather than on the basis of their party's ideological agenda.

(D) The mere act of calling a legislation an act of Parliament shows that it is the result of the collective effort of legislators from different political parties, and therefore, non-partisan in nature.

69. General elections are held again in Partyland, and yet again, the Public Party wins power. It now introduces a new law, which provides that legislators who vote against their party whip may not be disqualified from membership of their party for that reason alone. Which of the models of law described in the passage does this new law align most closely with?

(A) The neutral model of law

(B) The partisan model of law

(C) Equally with both, the neutral and the partisan model of law

(D) With neither the neutral nor the partisan model of law

70. Which of the following, if true, would most weaken the neutral model of law's arguments about the common law?

(A) Common law doctrine evolves over time, and in some instances may take much longer to evolve than the passage of a legislation.

(B) Common law doctrine only evolves based on a form of reasoning specific to the law and is not affected by the personal values or ideologies of judges.

(C) The evolution of common law doctrine proceeds in a purely logical manner and is not affected by any partisan values or ideology.

(D) The evolution of common law doctrine is directed by the partisan interests of judges and is not divorced from political values or ideology.

VIII. ...If a person enters into a transaction which is surely likely to result in loss, he cannot be accused of insider trading. In other words, the actual gain or loss is immaterial, but the motive for making a gain is essential. The words, "likely to materially affect the price" appearing in the main part of regulation 2(ha) gain significance for the simple reason that profit motive, if not actual profit should be the motivating factor

for a person to indulge in insider trading. This is why the information in Item No.(vii) of the Explanation under regulation 2(ha) may have to be examined with reference to the words "likely to materially affect the price". Keeping this in mind let us now come back to the facts of the case. Gammon Infrastructure Projects Limited ("GIPL") was awarded a contract for the execution of a project, whose total cost was admittedly ` 1,648 crores. Simplex Infrastructure Limited ("SIL") was awarded a contract for a project whose cost was ` 940 crores. Both GIPL and SIL created Special Purpose Vehicles and then they entered into two shareholders Agreements. Under these Agreements, GIPL and SIL will have to make investments in the Special Purpose Vehicles created by each other, in such a manner that each of them will hold 49% equity interest in the other's project.

It means that GIPL could have acquired 49% equity interest in the project worth ` 940 crores and SIL would have acquired 49% equity interest in a project worth ` 1,648 crore.

In arithmetical terms, the acquisition by GIPL, of an equity interest in SIL's project was worth ` 460 crores approximately. Similarly, the acquisition by SIL, of the equity interest in GIPL's project was worth ` 807.52 crores. Therefore, the cancellation of the shareholders Agreements resulted in GIPL gaining very hugely in terms of order book value. In such circumstances an ordinary man of prudence would expect an increase in the value of the shares of GIPL and would wait for the market trend to show itself up, if he actually desired to indulge in insider trading. But the respondent did not wait for the information about the market trend, after the information became public. The reason given by him, which is also accepted by the Whole-Time member ("WTM") and the Tribunal is that he had to dispose of his shares as well as certain other properties for the purpose of honouring a Corporate Debt restructuring ("CDR") package. It is on record that if the CDr package had not gone through successfully, the parent company of GIPL namely, Gammon India Ltd., could have gone for bankruptcy.

Therefore, the Tribunal was right in thinking that the respondent had no motive or intention to make undeserved gains by encashing on the unpublished price sensitive information that he possessed.

As a matter of fact, the Tribunal found that the closing price of shares rose, after the disclosure of the information. This shows that the unpublished price sensitive information was such that it was likely to be more beneficial to the shareholders, after the disclosure was made. Any person desirous of indulging in insider trading, would have waited till the information went public, to sell his holdings. The respondent did not do this, obviously on account of a pressing necessity.

[Excerpted from the judgment delivered by ramasubramanian, J., in Securities and Exchange Board of India v. Abhijit Rajan, CA No. 563 of 2020 (hereafter 'A Rajan')]

71. In A Rajan, which of the following are essential prerequisites for an insider to fall within the mischief of "insider trading" under the Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations, 1992 (the "Insider Trading Regulations")?

(A) Lack of access to price sensitive information
(B) A profit motive
(C) Mens rea
(D) Abstaining from dealing in securities of a company about which the insider has price sensitive information

72. Which of the following are the key facts in A Rajan?

(A) The respondent sold the shares of the company about which he had unpublished price sensitive information ("UPsI") after the rise in price of the shares consequential to the disclosure of the UPSI.
(B) The respondent did not possess any UPSI about the company whose shares he sold.
(C) The respondent sold the shares of the company about which he had UPSI before the rise in price of the shares consequential to the disclosure of the UPSI in his possession.
(D) The response did not sell any shares of the company about which he had UPSI.

73. Based on the passage, what is 'insider trading' under the Insider Trading regulations?

(A) Dealing in the securities of a company about which one does not have UPSI, without any desire to make a profit.
(B) Dealing in the securities of a company about which one has UPSI, without any desire to make a profit.
(C) Dealing in the securities of a company about which one does not have UPSI, with the desire to make a profit.
(D) Dealing in the securities of a company about which one has UPSI, with the desire to make a profit.

74. Based on the passage, what was the impact of the cancellation of the shareholders' agreements between SIL and GIPL?

(A) There was a decrease in the closing prices of the shares after this information was disclosed.
(B) There was an increase in the closing prices of the shares after this information was disclosed.
(C) There was no change in the closing prices of the shares after this information was disclosed.
(D) The company's securities were delisted from the stock exchange.

75. Which of the following approaches has been adopted in several jurisdictions, including India, to determine cases of insider trading?

(A) Parity of information
(B) Lifting the corporate veil
(C) Indoor management
(D) Constructive notice

76. What reason did A Rajan give for selling his shares in the company about which he had UPSI?

(A) He expected a huge rise in the share price of GIPL upon the disclosure of the UPSI in his possession.
(B) It was a compulsory requirement under the shareholders' agreement with SIL.
(C) He needed funds to buy the securities of SIL.
(D) He needed funds to honour a CDr package.

77. Which of the following did the court in A Rajan say was clarified in SEBI v. Kanaiyalal Baldevbhai Patel, (2017) 15 SCC 1, as regards the SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) regulations, 2003 (the "fUTP Regulations")?

(A) That mens rea is an indispensable requirement to attract the rigour of the FUTP regulations
(B) That mens rea is not an indispensable requirement to attract the rigour of the FUTP regulations
(C) That mens rea is not an indispensable requirement to attract the rigour of the Insider Trading regulations
(D) That mens rea is an indispensable requirement to attract the rigour of the Insider Trading regulations

78. The Insider Trading regulations are no longer in force. Which of the following is the current set of regulations governing insider trading in India?

(A) The FUTP regulations
(B) The SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2018
(C) The SEBI (Prohibition of Insider Trading) Regulations, 2015
(D) The SEBI (Listing Obligations and Disclosure Requirements) Regulations 2015

79. What did A Rajan hold regarding the information related to the termination of the shareholders' agreements between GIPL and SIL?

(A) It was not in the respondent's possession
(B) It had no impact on the closing price of GIPL's shares
(C) It was not price sensitive information
(D) It was price sensitive information

80. In A Rajan, the court opined that a person who wanted to indulge in insider trading would have:

(A) Held on to the shares, and only sold them after the news about the termination of the shareholders' agreements with SIL was made public.
(B) Sold the shares before the news about the termination of the shareholders' agreements with SIL was made public.
(C) Held on to the shares and not sold them under any circumstances whatsoever.
(D) Never have bought GIPL's shares in the first place.

IX. The russian Federation's specific claims alleging genocide, and invoking that alleged genocide as the basis for military action against Ukraine, include: a. On 21 February 2022, the President of the russian Federation stated in an official address that there was a "genocide" occurring in Ukraine, "which almost 4 million people are facing."... c. The President of the russian Federation then announced a "special military operation" and stated that "[t]he purpose of this operation is to protect people who, for eight years now, have been facing humiliation and genocide perpetrated by the Kiev regime."... f. In an interview on 25 February 2022, the russian Ambassador to the European Union was asked about President Putin's reference to genocide as justification for russia's unlawful acts against Ukraine and said "[w]e can turn to the official term of genocide as coined in international law. If you read the definition it fits pretty well." Ukraine has emphatically denied that any act of genocide has occurred in the Luhansk and Donetsk oblasts or elsewhere in Ukraine, and that russia has any lawful basis whatsoever to take action in and against Ukraine for the purpose of preventing and punishing genocide... ...Therefore, the parties' dispute over first, the existence of acts of genocide, and second, russia's claim to legal authority to take military action in and against Ukraine to punish and prevent such alleged genocide, is a dispute that concerns the interpretation, application or fulfilment of the [1] Convention. Accordingly, the Court should recognize its jurisdiction on a prima facie basis for purposes of indicating provisional measures. [Excerpted from: Request for the Indication of Provisional Measures Submitted by Ukraine, February 26, 2022, in Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation), International Court of Justice]

81. Ukraine filed the application excerpted above concerning "a dispute . . . relating to the interpretation, application and fulfilment of " an international convention (the "convention"), whose name has been replaced with '[1]' in the excerpt above. What is the full name of the Convention?

(A) Convention on the Elimination of All Forms of Discrimination against Women, 1979
(B) Convention on the Prevention and Punishment of the Crime of Genocide, 1948
(C) International Covenant on Civil and Political Rights, 1966
(D) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

82. Article IX of the Convention provides that disputes between Contracting Parties relating to the interpretation, application or fulfilment of the Convention, shall be submitted to the International Court of Justice (the "ICJ") at the request of:

(A) The United Nations High Commissioner for refugees
(B) Any State not party to the dispute
(C) The Secretary-General of the United Nations
(D) Any of the parties to the dispute

83. Article II of the Convention defines 'genocide' to mean certain acts, "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group". Which of the following is not included in the list of such acts under Article II of the Convention?

(A) Killing members of the group
(B) Promoting the cultural activities of the group
(C) Imposing measures intended to prevent births within the group
(D) Forcibly transferring children of the group to another group

84. The ICJ held hearings for provisional measures in response to Ukraine's application excerpted above on march 7, 2022. Which of the following did the russian Federation do in relation to these hearings?

(A) It appeared before the ICJ, and also submitted written pleadings objecting to the ICJ's jurisdiction over the matter
(B) It chose not to appear before the ICJ, and did not submit any written pleadings either
(C) It chose not to appear before the ICJ, and submitted written pleadings objecting to the ICJ's jurisdiction over the matter
(D) It appeared before the ICJ, but chose not to submit any written pleadings

85. Which of the following relates to the conditions under which States may resort to war or the use of armed force in general?

(A) Jus gentium
(B) Jus ad bellum
(C) Jus in bello
(D) Jus cogens

86. Who among the following is the author of the work mare Liberium, and is also often called the 'Father' of modern international law?

(A) Jeremy Bentham
(B) Baruch Spinoza
(C) Hugo Grotius
(D) mohamed ElBaradei

87. Article 38(1) of the Statute of the International Court of Justice recognises certain sources of law that it must apply in deciding disputes submitted to it. Which of the following is or are included under Article 38(1)?

(A) International conventions, whether general or particular, establishing rules expressly recognised by the contesting states
(B) International custom, as evidence of a general practice accepted as law
(C) The general principles of law recognized by civilized nations
(D) All the above

88. Article 38(2) of the Statute of the International Court of Justice provides that Article 38 "shall not prejudice the power of the Court to decide a case ex aequo et bono, if the parties agree thereto". Which of the following is the meaning of the phrase ex aequo et bono?

(A) The thing speaks for itself
(B) According to the right and good
(C) By that very fact or act
(D) Towards all

89. Which among the following was established by the General Assembly of the United Nations in 1947, to undertake the mandate of the Assembly, under Article 13(1)(a) of the Charter of the United Nations to "initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification"?

(A) The International Law Commission
(B) The International Court of Justice
(C) The International Criminal Court
(D) The World Trade Organisation

90. Who among the following first coined the term 'genocide'?

(A) Hersch Lauterpacht
(B) Judge radhabinod Pal
(C) raphael Lemkin
(D) mirjan Damaška

X. Food Corporation of India ("FCI" or "Corporation"), the Appellant herein, procures and distributes foodgrains across the length and breadth of the country as a part of its statutory duties. In the process, it enters into many contracts with transport contractors. In one such contract, the subject matter of present appeals, the Corporation empowered itself (under clause XII (a)) to recover damages, losses, charges, costs and other expenses suffered due to the contractors' negligence from the sums payable to them. The short question arising for consideration is whether the demurrages imposed on the Corporation by the railways can be, in turn, recovered by the Corporation from the contractors as "charges" recoverable under clause XII (a) of the contract. In other words, does contractors' liability for "charges", if any, include demurrages?

"XII [road Transport Contract]. recovery of losses suffered by the Corporation (a) The Corporation shall be at liberty to reimburse themselves for any damages, losses, charges, costs or expenses suffered or incurred by them, or any amount payable by the Contractor as Liquidated Damages as provided in Clauses X above...." Interpretation of contracts concerns the discernment of the true and correct intention of the parties to it. Words and expressions used in the contract are principal tools to ascertain such intention. While interpreting the words, courts look at the expressions falling for interpretation in the context of other provisions of the contract and also in the context of the contract as a whole. These are intrinsic tools for

interpreting a contract. As a principle of interpretation, courts do not resort to materials external to the contract for construing the intention of the parties. There are, however, certain exceptions to the rule excluding reference or reliance on external sources to interpret a contract. One such exception is in the case of a latent ambiguity, which cannot be resolved without reference to extrinsic evidence. Latent ambiguity exists when words in a contract appear to be free from ambiguity; however, when they are sought to be applied to a particular context or question, they are amenable to multiple outcomes....". It observed that "....Extrinsic evidence, in cases of latent ambiguity, is admissible both to ascertain where necessary, the meaning of the words used, and to identify the objects to which they are to be applied. The Corporation in the present contract has chosen not to include the power to recover demurrages and as such the expression "charges" cannot be interpreted to include demurrages. Demurrage is undoubtedly a charge, however, such a textual understanding would not help us decipher the true and correct intention of the parties to the present contract". After examining the contract in its entirety, including its nature and scope, the Court concluded that the contractors' liability in the present contract was clearly distinguishable from other contracts entered into by the Corporation in 2010 and 2018, which included loading and unloading of foodgrains from the railway wagons within the scope of contractors' duties, thereby necessitating the inclusion of demurrages as a penalty for non-performance of contractual duties. [Extracted from: Food Corporation of India v. Abhijit Paul, (CA 8572-8573/2022). Judgment of Justices A.S. Bopanna and P.S. Narasimha, 18 November 2022]

91. According to the Court, how was this road Transport Contract different from FCI's earlier contracts with transport contractors?

(A) FCI's earlier contracts had expired
(B) The present contract did not include loading and unloading of foodgrains from the railway wagons within the scope of contractor's duties
(C) Earlier contracts were executed by FCI with contractors who were both handlers and transporters
(D) Earlier contracts were not validly executed

92. What is the extrinsic evidence that the Court used?

(A) Work order under the road Transport Contract
(B) FCI's Handling and Transport Contracts of 2010 and 2018
(C) Tender documents filed by the contractors
(D) FCI's Handbook on movement Operations

93. The Court referred to Union of India v. Raman Iron Foundry (1974), to explain that contractual terms cannot be interpreted in isolation, following strict etymological rules or be guided by popular connotation of terms, at variance with the contractual context. This principle of interpretation of contracts is known as

(A) Ejusdem generis
(B) mischief rule
(C) Literal rule
(D) rule of contextual interpretation

94. In Clause XII (road Transport Contract), discussed in the extract above, the FCI may reimburse itself for damages etc., as Liquidated Damages. What does the term 'liquidated damages' mean?

(A) Stipulated amount payable on breach of contract
(B) Amount payable for actual damage caused due to breach
(C) Amount intended to secure performance of contract
(D) Damages payable for breach, where the exact amount is not pre-agreed

95. The High Court had held that the Corporation was only entitled to recover losses that were incurred due to the contractor's dereliction of duties under Section 73 of the Indian Contract Act, 1872. What does Section 73 provide for?

(A) Obligation of parties to perform their promise
(B) Compensation for breach of contract where penalty stipulated for
(C) Compensation for loss or damage caused by breach of contract
(D) Effect of refusal of party to perform promise wholly

96. The Court used the expression "Ex praecedentibus et consequentibus optima fit interpretatio". What does this mean?

(A) Of the same kind
(B) The best interpretation is made from the context
(C) An exception proves the rule
(D) No action arises on an immoral contract

97. In the case excerpted above, the Court used the following as an internal aid to interpret the contract:

(A) Schedule
(B) Title
(C) Words and expressions
(D) Proviso

98. What was the latent ambiguity in the contract discussed in the case excerpted above?

(A) if the parties had capacity to perform the contract
(B) if the parties intended to execute the contract
(C) whether the term "charges" was exclusive of liability for demurrages
(D) whether the Corporation can recover charges under the contract

99. What does the term 'latent ambiguity' mean?

(A) A glaring ambiguity, obvious from the face of the contract
(B) A contractual term is reasonably, but not obviously, susceptible to more than one interpretation
(C) A contractual term written in plain language and clearly understood
(D) A contractual term that is illegal and against the public good

100. Which one of the following cases is a key precedent on contextual interpretation of contracts?

(A) Louisa Carlill v. Carbolic Smoke Ball Company, [1892]
(B) Dunlop Pneumatic Tyre Co. Ltd. v. New Garage & Motor Co. Ltd., [1914]
(C) Investors Compensation Scheme Limited v. West Bromwich Building Society, [1997]
(D) Home Office v. Dorset Yacht Co. Ltd., [1970]

XI. The Plaintiff is a world-renowned company, carrying on business in the field of sealants and adhesives, construction and paint chemicals, art materials, industrial adhesives, industrial and textile resins and organic pigments and preparations since at least 1969. The mark m-SEAL was conceived and adopted by the Plaintiff's predecessors in title... in or about the year 1968, and has been continuously, extensively and in an uninterrupted manner used since then. The said mark and the artistic representation thereof have been acquired by the Plaintiff pursuant to agreement dated 27 march 2000, together with the goodwill thereof and the Plaintiff is the registered proprietor of the mark m-SEAL and/or marks consisting of m-SEAL as one of its leading, essential and distinctive features. Plaintiff's earliest trade mark registration bearing no. 282168 [is] in respect of the mark m-SEAL, dated 16 th August 1972, claiming use from 1 st December

1968... The registrations are valid and subsisting and the entries appearing on the register of trade marks including the dates of use thus constitute prima facie evidence of such facts.

It is stated that the Plaintiff's m-SEAL registration bearing No. [...] contains a disclaimer with regard to the word PHATAPHAT, however the mark as a whole is registered and to that extent all features taken as a whole stand protected by the registration. Further, it is stated that registration bearing no. [...] contains a disclaimer with regard to the word SEAL and the registrations bearing nos. [...] have a condition imposed on it viz "registration of this trade mark shall give no right to the exclusive use of all other descriptive matters appearing on the label". However, the Plaintiff states that these conditions do not limit the rights of the Plaintiff including for reasons set out hereinafter and in any event the rest of the m-SEAL registrations have no conditions/limitations. The unique and distinctive artistic representation of m-SEAL i.e., (including in particular the unique line below the mark which is an extension from the first letter of the mark) as well as the m-SEAL Labels are original artistic works in respect of which copyrights subsist and such copyrights are owned by the Plaintiff. The Plaintiff states that in or about December 2020, the Plaintiff was shocked and surprised to come across sealant products of the Defendant being sold under the mark r-SEAL, which mark is deceptively similar to the Plaintiff's registered trade mark m-SEAL... The said product of the Defendant is identical to the m-SEAL product of the Plaintiff and the Defendant's product also bears an impugned packaging/labels/ trade dress which is a reproduction of and/or in appearance, almost identical or deceptively similar to the m-SEAL products of the Plaintiff, and the m-SEAL Labels... The impugned products of the Defendant also bear the impugned identification mark JHAT-PAT that is deceptively similar to the Plaintiff's identification mark PHATAPHAT. In comparing rival marks / labels to consider whether they are similar, the Supreme Court in Cadilla Healthcare Limited v. Cadilla Pharmaceuticals Limited, 2001 (2) PTC 541 SC10 lays down that attention and stress is to be given to the common features in the two rather than on differences in essential features. [Source: Pidilite Industries Limited v. Riya Chemy 1-IA (L) 15502 of 2021 in Comm. IP. Su. 147 of 2022. Decision of Justice r. I. Chagla of the Bombay High Court, 11 November, 2022]

101. The main complaint against the Defendant in the case excerpted above is that their mark is " " to the Plaintiff's registered trademarks.

(A) reasonably close in expression
(B) same as
(C) different from
(D) deceptively similar

102. In order to prove infringement of copyright here, the Defendant's work:

(A) should be the exact reproduction of the Plaintiff's work/label
(B) looks similar to or like a copy or is reproduction of substantial part of the Plaintiff's work
(C) bears no resemblance to the Plaintiff's work/label
(D) should be created only by the Defendant or its authorised agents

103. Which one of the following is not part of the Plaintiff's claim for infringement in this case?

(A) trademark
(B) tagline
(C) patent
(D) trade dress

104. What is the test of prior use of trademark?

(A) open, continuous, extensive, uninterrupted use and promotion for a long time
(B) owner waives rights over trademark and permits subsequent use of the mark
(C) reasonable parody, comment of a registered trademark
(D) use of trademark in good faith mainly for a descriptive purpose

105. Section 29 of the Trademarks Act, 1999, applicable in this case, considers which of the following as an infringement of a trademark?

(A) misrepresentation of ownership of a trademark
(B) Infringement of an unregistered trademark
(C) Interference with exclusive right to use a registered trade mark
(D) Infringement of a registered trademark by use of an identical or deceptively similar trademark in relation to identical or similar goods

106. use of a trademark violates exclusive rights of the prior user or proprietor when:

(A) usage has introduced differences or changes in the work
(B) usage is likely to cause confusion and deception amongst members of the trade and public
(C) usage of the work is authorised by the user or proprietor
(D) the trademark enjoys goodwill

107. Dilution of a brand by the Defendant would result in commission of which of the following?

(A) a civil wrong
(B) not actionable per se
(C) a criminal wrong
(D) violates fundamental rights

108. What is the defence of acquiescence?

(A) no confusion or difference in essential features of the trademark
(B) waiver of right over trademark and permission for use of the mark
(C) invalidity of the registered trademark
(D) use of the trademark in good faith

109. Which decision established the three elements of passing off, otherwise known as the "Classical Trinity"?

(A) Academy of Motion Picture Arts v. GoDaddy.Com, Inc., (2015)
(B) Yahoo! Inc. v. Akash Arora and Another, (1999)
(C) Reckitt & Colman Products Ltd. v. Borden Inc., (1990)
(D) Coca-Cola Company v. Bisleri International Pvt. Ltd., (2009)

110. Which of these is not, in itself, a defence to infringement of a registered trademark?

(A) honest and concurrent use
(B) acquiescence
(C) prior adoption and use
(D) fair use

XII. The philosophy of Corporate Social responsibility ("CSR") has had a long-standing history in India. India is one of the first countries in the world to create a legal framework on CSr and statutorily mandate companies to report on the same. It emanates from the Gandhian principles of trusteeship and giving back

to the society. The intent of the law is to mainstream the practice of business involvement in CSr and make it socially, economically and environmentally responsible. The Companies Act, 2013 (the 'Act') mandates companies meeting a certain minimum threshold in terms of turnover/net worth/net profit to undertake CSr activities as per Schedule VII of the Act. Schedule VII specifies the areas or subjects to be undertaken by the company as CSr activities. These areas broadly align with national priorities and relate to sustainable and inclusive development. The Act does not recognise any expenditure on areas/activities outside of Schedule VII as CSr expenditure. Companies (CSr Policy) rules, 2014 prescribes the operational framework and manner in which companies should comply with CSr provisions under the Act. The mode of implementation of CSr activities, content of CSr policy, impact assessment, reporting requirements and disclosure for CSr are covered under these rules. The CSr architecture is disclosure-based and CSr-mandated companies are required to file details of CSr activities annually in the mCA-21 registry in e-form AOC-4. A High-Level Committee set up in 2018 to review the CSr framework recommended that Schedule VII of the Act be mapped with Sustainable Development Goals ('SDGs'). The Committee noted that companies need to balance CSr spending between local area/areas around where it operates, and less developed regions such as aspirational districts. The Government of India launched the 'Transformation of Aspirational Districts' Programme ('ADP') in January 2018 with the aim to improve [the] socio-economic status of the least developed regions across India. The programme is based on five socio-economic themes such as – Health & Nutrition, Education, Agriculture and Water resources, Financial Inclusion and Skill Development and improvement of basic infrastructure... As on date, 112 aspirational districts are recognised by the Government wherein Jharkhand has the highest number of aspirational districts

i.e., 19 followed by Bihar (13), Odisha and Chhattisgarh (10 each). The Government has been taking various initiatives to encourage CSr in aspirational districts and to remove regional disparities. [Source: ministry of Corporate Affairs, Government of India "Compendium on Corporate Social responsibility in India" (2021)]

111. Which of the following criteria should a company satisfy during the immediately preceding financial year to qualify for CSr under the Companies Act, 2013?

(A) Net profit of ` 5 crores or more
(B) Net profit of ` 1,000 crores or more
(C) Turnover of ` 5,000 crores or more
(D) Net worth of ` 5,000 crores or more

112. What is the minimum spending obligation on CSr activities for a company under Section 135 of the Companies Act, 2013?

(A) 5% of the average net worth of the company of the preceding three financial years
(B) 2% of average net profits of the company made during the three immediately preceding financial years
(C) 7% of the average turnover of the company of the previous financial year
(D) 5% of the average net profits of the company made during the preceding financial year

113. Company A is incorporated in FY 2020-21, Company B is incorporated in FY 2019-20, and Company C is incorporated in FY 2018-19. Which company is covered under Section 135(1) of the Companies Act, 2013 for CSr in FY 2020-21?

(A) Company A
(B) Company B
(C) Company C
(D) All the above

114. Which of these activities is not specified in Schedule VII of the Companies Act, 2013?
- **(A)** promoting education and employment enhancing vocation skills
- **(B)** eradicating hunger, poverty and malnutrition
- **(C)** rural development projects
- **(D)** maintenance of law and order

115. CSr policy is based on which of the following principles?
- **(A)** trusteeship and giving back to society
- **(B)** utmost good faith
- **(C)** leveraging India's managerial, technological and innovative skills
- **(D)** promoting greater protection for the environment

116. Which of the following falls within the scope of the Companies (CSR Policy) Rules, 2014?
- **(A)** determination of the amount of expenditure to be incurred by companies on CSr activities
- **(B)** reporting on the amount remaining unspent by the Company for CSr activities with detailed reasons for failing to spend the amount
- **(C)** impact assessment and disclosure requirements for CSr
- **(D)** detailing the company's sponsorship activities for deriving marketing benefits for its products or services

117. The chief objective of the Government's aspirational district programme is to:
- **(A)** ensure access to financial services like banking, remittance, credit, insurance, pension in an affordable manner
- **(B)** promote entrepreneurship in India in manufacturing and other sectors
- **(C)** improve India's ranking in the Human Development Index
- **(D)** facilitate easy access to credit facilities for people belonging to vulnerable populations

118. Which one of the following comes within the scope of the ADP?
- **(A)** Labour Welfare
- **(B)** Skill Development
- **(C)** maternity Benefits
- **(D)** Urban Employment

119. Which Indian State has the highest number of 'aspirational districts'?
- **(A)** Jharkhand
- **(B)** West Bengal
- **(C)** Karnataka
- **(D)** Bihar

120. The High-Level Committee reviewing the CSr framework in 2018 recommended that:
- **(A)** a national CSr data portal be set up to monitor the progress of implementation of CSr policies by companies
- **(B)** spending of CSr funds on CoVID-19 related activities be considered as an eligible CSr activity
- **(C)** CSr implementing agencies should mandatorily register with the central government
- **(D)** companies should balance CSr spending between local areas and the less developed regions of the country

— End of the CLAT PG 2023 question paper —
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