CLAT PG 2026

Mock Test

INSTRUCTIONS TO CANDIDATES

(This booklet contains 38 pages of Question Paper including 1 blank page for rough work.)

Duration of test: 2 Hours (120 minutes) **Maximum marks: 120**

1. Separate carbonised Optical mark reader (OMR) response Sheet is supplied along with this Question booklet.
2. In case of any discrepancy in the question booklet (QB), please request the invigilator for replacement of a fresh packet of QB with OMR. do not use the previous OMR response Sheet for a fresh booklet so obtained.
3. Candidates will not be given a second blank OMR response Sheet under any circumstance. Hence, OMR response Sheet shall be handled carefully.
4. Answer all questions. No clarification can be sought on the Question Paper.
5. Possession of electronic devices in any form is Strictly prohibited in the examination Hall.
6. The use of any unfair means by any candidate shall result in the cancellation of his/her examination.
7. Impersonation is an offense and the candidate, apart from disqualification, will be liable to be prosecuted.
8. The test Paper for Post Graduate (LL.M.) Programme is for **120 marks containing120 multiple Choice Questions.**
9. There will be Negative marking for multiple-choice objective type questions. **0.25 marks will be deducted for every wrong answer or where candidates have marked more than one response.**
10. **Use Black/Blue Ball Point Pen only** for writing the roll No. and other details on OMR response Sheet.
11. Use Black/Blue Ball Point Pen for shading the circles. indicate only the most appropriate answer by shading from the options provided. the answer circle should be shaded completely without leaving any space.
12. As the responses cannot be modiſed/corrected on the OMR response Sheet, candidates have to take necessary precautions before marking the appropriate circle.
13. The candidate should retain the Admit Card duly Signed by the invigilator, as the same has to be produced at the time of Admission.
14. Handle the OMR response Sheet with care. Do not fold.
15. Ensure that invigilator puts his/her signature in the space provided on the OMR response Sheet. Candidate should sign in the space provided on the OMR response Sheet.
16. The candidate should write Question Paper booklet No., and OMR response Sheet No., and sign in the space/column provided in the attendance sheet.
17. Return the Original Page of OMR response Sheet to the invigilator after the examination.
18. The candidate shall not write anything on the OMR response Sheet other than the details required and, in the spaces, provided for.

Passage (Q1-Q6): What is "efficacy"? Efficacy means "the ability to produce a desired or intended result". Hence, the test of efficacy in the context of section 3(d) would be different, depending upon the result the product under consideration is desired or intended to produce. In other words, the test of efficacy would depend upon the function, utility or the purpose of the product under consideration. Therefore, in the case of a medicine that claims to cure a disease, the test of efficacy can only be "therapeutic efficacy". The question then arises, what would be the parameter of therapeutic efficacy and what are the advantages and benefits that may be taken into account for determining the enhancement of therapeutic efficacy? With regard to the genesis of section 3(d), and more particularly the circumstances in which section 3(d) was amended to make it even more constrictive than before, we have no doubt that the "therapeutic efficacy" of a medicine must be judged strictly and narrowly. Our inference that the test of enhanced efficacy in case of chemical substances, especially medicine, should receive a narrow and strict interpretation is based not only on external factors but there are sufficient internal evidence that leads to the same view. It may be noted that the text added to section 3(d) by the 2005 amendment lays down the condition of "enhancement of the known efficacy". Further, the explanation requires the derivative to "differ significantly in properties with regard to efficacy". What is evident, therefore, is that not all advantageous or beneficial properties are relevant, but only such properties that directly relate to efficacy, which in case of medicine, as seen above, is its therapeutic efficacy. Hence, the mere change of form with properties inherent to that form would not qualify as "enhancement of efficacy" of a known substance.

[Excerpt taken from *Novartis AG v. Union of India* 2013 (6) SCC 1]

Q1. What was the primary legal issue before the Apex Court in the case of *Novartis AG v. Union of India*?

A) The validity of Novartis' patent application for a cancer drug

B) The enforcement of Novartis' existing patents in India

C) The legality of generic drug production in India

D) The application of Indian tax laws to multinational corporations

Q2. In *Novartis AG v. Union of India*, Justice Aftab Alam's analysis focused on a key aspect of patent law related to the application of Section 3(d) of the Indian Patent Act. Which of the following best represents Justice Alam's view on the interpretation of "enhanced efficacy" under this section?

A) Enhanced efficacy must be demonstrated by showing any improvement in the drug's formulation, including its physical or chemical properties.

B) Enhanced efficacy refers to a significant improvement in the drug's therapeutic effect or clinical utility over the known substance, rather than just minor improvements.

C) Enhanced efficacy requires proving that the new form of the drug is superior in terms of cost- effectiveness and manufacturing efficiency compared to the known substance.

D) Enhanced efficacy involves demonstrating that the new drug has a longer shelf life and better stability than the existing version.

Q3. What impact did the Supreme Court's decision in *Novartis AG v. Union of India* have on the pharmaceutical industry in India?

A) Strengthened the position of multinational pharmaceutical companies

B) Encouraged the production of generic drugs

C) Increased the number of patents granted in India

D) Reduced the availability of affordable medicines

Q4. How does *Section 2(1)(j)* of the Indian Patents Act, 1970, define an *"invention"* and what are its implications for patentability in India?

A) An invention under Section 2(1)(j) is defined as a new product or process involving an inventive step and capable of industrial application. This means that for an invention to be patentable, it must be novel, non-obvious, and useful in an industrial context. Thus, ensuring that patents are only granted for genuine innovations that contribute to technological progress and are not merely trivial or already known improvements.

B) An invention under Section 2(1)(j) is defined as any product or process that is new and useful, regardless of its industrial application implying that the novelty and usefulness of a product or process alone are sufficient for it to be patentable, allowing for a broader range of patents, including those with limited practical use.

C) An invention under Section 2(1)(j) is defined as a new product or process involving an inventive step, without considering its industrial application. This means that the focus is solely on the novelty and inventiveness of the invention, potentially leading to patents on innovations that may not be practically useful in an industrial setting.

D) An invention under Section 2(1)(j) is defined as any product or process that involves an inventive step and is capable of industrial application, without considering its novelty. This implies that even known products or processes can be patented if they are inventive and industrially applicable, potentially allowing for the evergreening of patents.

Q5. In the context of the Indian Patents Act, 1970, which of the following statements most accurately describes the criteria set forth by Section 3(d) regarding the patentability of new forms of known substances?

A) Section 3(d) mandates that any new form of a known substance must demonstrate an increased manufacturing efficiency to be patentable.

B) Section 3(d) requires that any new form of a known substance must exhibit an improved economic value to be considered for patentability.

C) Section 3(d) stipulates that any new form of a known substance must show a significant enhancement in therapeutic efficacy to qualify for a patent.

D) Section 3(d) states that any new form of a known substance must possess better marketability potential to be patentable.

Q6. What is the maximum term of protection for a patent under the Patents Act, 1970?

A) 10 years B) 15 years

C) 20 years D) 25 years

Passage (Q7-Q13): The Supreme Court of India's recent ruling on 5th April 2024, recognising the fundamental right to a clean environment as intertwined with the rights to life and equality under the Indian Constitution, is a landmark decision that reverberates across legal and environmental spheres. Led by Chief Justice DY Chandrachud, a three-judge panel delivered this pivotal judgment in a case revolving around the conservation of endangered species like the Great Indian Bustard and the Lesser Florican.

Central to this verdict was the Court's decision to lift a ban on overhead power lines spanning 99,000 square kilometres in parts of Gujarat and Rajasthan. The ban aimed to protect these endangered birds but was deemed counterproductive to India's transition to clean energy, particularly wind and solar power, which is crucial for global climate action and fulfilling the energy needs of Indian citizens. The judgment delineates the distinction between climate mitigation and ecological conservation, stressing India's efforts to combat climate change through various legislative acts like the Wildlife (Protection) Act 1972, the Water (Prevention and Control of Pollution) Act 1974, and others.

While previous cases like *M.C. Mehta v Kamal Nath and others* have acknowledged the right to a clean environment and its connection to fundamental rights like life, health, and equality, this ruling specifically addresses the adverse effects of climate change on these rights. As climate change intensifies, there's a growing imperative to delineate this as a distinct right recognised under Articles 14 and 21 of the Constitution.

The ruling aligns with international commitments like the Paris Agreement, viewing climate change not just as an environmental issue but also as a human rights concern touching upon health, indigenous rights, gender equality, and overall development. It calls upon states to take robust measures to mitigate climate change and safeguard citizens' right to a healthy environment. Despite the significance of this ruling in advancing climate rights in India, criticisms have surfaced regarding its anthropocentric focus and limited safeguards for environmental and biodiversity concerns, especially concerning renewable energy projects.

In conclusion, the Supreme Court's recognition of the right to a clean environment as a fundamental right marks a crucial milestone in India's legal landscape. It not only affirms citizens' rights in the face of climate change challenges but also sets a precedent for future climate-related litigation and policy development, paving the way for a more sustainable and rights-centric approach to environmental governance.

[Excerpted, with edits, from: '*Supreme Court recognises right to clean environment as fundamental right'*, Vidhi Churiwala, The Statesman, 18 May, 2024]

Q7. On 5th April, 2024, the Supreme Court delivered a judgment addressing the protection of eco- sensitive zones around protected areas in India which is being analysed in the above Article. What is the name of the judgment?

A) *T.N. Godavarman Thirumulpad v. Union of India*

B) *M K Ranjitsinh & Ors. v. Union of India*

C) *Narmada Bachao Andolan v. Union of India*

D) *MC Mehta v. Union of India*

Q8. What was the Supreme Court's directive regarding the commercial activities in eco-sensitive zones in the above judgment?

A) Complete ban on all commercial activities

B) Regulation of commercial activities

C) Allowing commercial activities with government approval

D) No specific directive on commercial activities

Q9. Which principle did Justice Chandrachud emphasize as fundamental in the interpretation of environmental laws in the judgment being talked about in the above Article?

A) The principle of sustainable development

B) The polluter pays principle

C) The principle of absolute liability

D) The precautionary principle

Q10. What was a significant concern highlighted by the judges regarding the use of genetically modified organisms (GMOs) in the above discussed judgment?

A) Economic benefits

B) Public health risks

C) Agricultural productivity

D) Ethical considerations

Q11. Which body is responsible for granting environmental clearances for projects under the Environment Impact Assessment (EIA) Notification, 2006?

A) Central Pollution Control Board (CPCB)

B) Ministry of Environment, Forest and Climate Change (MoEFCC)

C) National Green Tribunal (NGT)

D) State Pollution Control Boards (SPCBs)

Q12. Under which article of the Indian Constitution is the right to a healthy environment implicitly recognized as a fundamental right?

A) Article 14

B) Article 19

C) Article 21

D) Article 32

Q13. What was India's commitment under the Paris Agreement reached at Conference of Parties-21 (COP-21) regarding its Intended Nationally Determined Contributions (INDCs)?

A) To reduce the emissions intensity of its GDP by 20-25% by 2025

B) To achieve 40% of its cumulative electric power installed capacity from non-fossil fuel-based energy resources by 2030

C) To decrease greenhouse gas emissions by 50% by 2030

D) To completely phase out coal-based power plants by 2030

Passage (Q14-Q21): Elementary principles of natural justice, which are well recognised in our jurisprudence, mandate that an order of vacating interim relief or modification of the interim relief is passed only after hearing all the affected parties. An order of vacating interim relief passed without hearing the beneficiary of the order is against the basic tenets of justice. Application of mind is an essential part of any decision-making process. Therefore, without application of mind, an order of interim stay cannot be vacated only on the ground of lapse of time when the litigant is not responsible for the delay. An interim order lawfully passed by a Court after hearing all contesting parties is not rendered illegal only due to the long passage of time.

Moreover, the directions issued in *Asian Resurfacing* regarding automatic vacation of interim orders of stay passed by all High Courts are applicable, irrespective of the merits of individual cases. If a High Court concludes after hearing all the concerned parties that a case was made out for the grant of stay of proceedings of a civil or criminal case, the order of stay cannot stand automatically set aside on expiry of the period of six months only on the ground that the High Court could not hear the main case. If such an approach is adopted, it will be completely contrary to the concept of fairness. If an interim order is automatically vacated without any fault on the part of the litigant only because the High Court cannot hear the main case, the *maxim "actus curiae neminem gravabit"* will apply.

No litigant should be allowed to suffer due to the fault of the Court. If that happens, it is the bounden duty of the Court to rectify its mistake. In the subsequent clarification in the case of *Asian Resurfacing*, a direction has been issued to the Trial Courts to immediately fix a date for hearing after the expiry of the period of six months without waiting for any formal order of vacating stay passed by the High Court. This gives an unfair advantage to the respondent in the case before the High Court. Moreover, it adversely affects a litigant's right to the remedies under Articles 226 and 227 of the Constitution of India. Such orders virtually defeat the right of a litigant to seek and avail of statutory remedies such as revisions, appeals, and applications under Section 482 of the Code of Criminal Procedure, 1973. All interim orders of stay passed by all High Courts cannot be set at naught by a stroke of pen only on the ground of lapse of time.

[Excerpt taken from a recent Judgment delivered by the Supreme Court on 29th Feb,2024. The Bench comprised of D.Y. Chandrachud CJI, A.S. Oka J, J.B) Pardiwala J, Pankaj Mithal J, Manoj Misra J]

Q14. The above excerpt has been taken from which of the following landmark Judgment?

A) High Court Bar Association Allahabad v The State of Uttar Pradesh

B) Asian Resurfacing of Road Agency Pvt Ltd and Another v Central Bureau of Investigation

C) Pepsi Foods Ltd v. ACIT

D) Asian Resurfacing of Road Agency Pvt Ltd and Another v Union of India

Q15. Why did the Court hold that automatic vacation of stay orders is problematic?

A) It always favours the petitioner.

B) It leads to longer trials.

C) It gives an unfair advantage to the respondent.

D) It is against Article 19 of the Constitution.

Q16. Under what circumstances can High Courts modify or vacate stay orders according to the judgment in "*High Court Bar Association Allahabad v. The State of Uttar Pradesh*"?

A) When the case is of public interest

B) When the litigant tries to prolong the case based on unreasonable grounds

C) When the government requests it

D) When the trial is in a different jurisdiction

Q17. Which article provides the High Courts with the power of superintendence over all courts under its jurisdiction?

A) Article 227 B) Article 123

C) Article 356 D) Article 324

Q18. What was the Court's view on the automatic vacation of interim orders after six months?

A) It supported the automatic vacation.

B) It opposed the automatic vacation without judicial application of mind

C) It left the decision to the Parliament.

D) It stated that such orders should never be vacated

Q19. In the context of the case, what does the term *'vacation of interim orders'* refer to?

A) The process of making temporary judicial orders permanent

B) The annulment or suspension of temporary judicial orders

C) The reassignment of cases to different judges

D) The termination of judicial positions during holidays

Q20. What was the impact of the Supreme Court's judgment in *High Court Bar Association Allahabad v. The State of Uttar Pradesh* on future interim orders?

A) It set a precedent for stricter scrutiny of interim orders by higher courts.

B) It allowed for more lenient issuance of interim orders by High Courts.

C) It removed the power of High Courts to issue interim orders.

D) It mandated automatic stay of all interim orders by the Supreme Court.

Q21. Article 142 of the Constitution of India grants the Supreme Court certain powers. Which of the following best describes the scope of these powers?

A) The power to review its own judgments and orders

B) The power to transfer cases from one High Court to another

C) The power to pass any decree or make any order necessary for doing complete justice in any cause or matter pending before it

D) The power to appoint judges to the Supreme Court and High Courts

Passage (Q22-Q28): In a case where a husband has fulfilled his obligations under Section 3 of the 1986 Act or as provided by customary or personal law so followed, and the divorced Muslim woman subsequently prefers to invoke Section 125 of CrPC 1973 on the ground of inability to maintain herself, in such a factual matrix, undeniably, the right to move under this provision is open in favour of a divorced Muslim woman. When a husband opposes resort to Section 125 CrPC 1973, he has to establish that, (a) initial obligations under the customary and/or personal statutory enactments as detailed earlier stands fulfilled by him, and (b) that the wife, in the light of this, is able to maintain herself. However, if the husband fails to sustain the said objection(s) raised during the proceedings initiated under Section 125 of CrPC 1973, and an order is accordingly passed, it would not be inherently barred or liable to be cancelled through an application under Section 127(3)(b) of CrPC 1973.

Nevertheless, other appropriate remedies as provided under the CrPC 1973 or any other law to that effect, shall always be open to be exercised by such a husband to seek setting aside or appropriate modification of an order so passed under Section 125 of CrPC 1973. Having said that, undoubtedly, if a "reasonable substitute" has been provided for by the husband as per their personal or customary laws at the time of their divorce, the maintenance provided for by a Magistrate or a Family Court, as the case may be, under Section 125 of CrPC,1973, can be reduced to the extent of deemed double benefit being given to a divorced wife. From the aforementioned, we are inclined to conclude that equivalent rights of maintenance ascertained under both, the secular provision of Section 125 of CrPC,1973, and the personal law provision of Section 3 of the 1986 Act, parallelly exist in their distinct domains and jurisprudence.

[Excerpt taken from the Judgment of Apex Court in *Mohd Abdul Samad v State of Telangana and Anr 2024 INSC 560* delivered on 10th July 2024]

Q22. In the above judgment, what did the Supreme Court decide regarding the enforcement of maintenance orders for Muslim women?

A) They should be enforced according to the specific provisions of the Sharia.
B) They should be enforced in line with the procedural norms applicable to other maintenance orders.
C) They can be ignored if they conflict with personal beliefs.
D) They should be handled by the local religious councils instead of the courts.

Q23. Section 125 of the CrPC provides for maintenance to be awarded by a magistrate. Which of the following statements is NOT a condition under which a person can claim maintenance under this section?

A) The claimant must be unable to maintain themselves.

B) The respondent must be a person who has neglected or refused to maintain the claimant.

C) The claimant must be a wife, child, or parent of the respondent.

D) The claimant must have a legal right to maintenance under personal law, even if it is not enforced under Section 125.

Q24. What is the maximum amount of maintenance a magistrate can award under Section 125 of the CrPC, and what factors does the magistrate consider when determining the amount?

A) There is no maximum limit; the magistrate decides based on the claimant's needs and the respondent's financial capacity.

B) The magistrate can award up to Rs. 10,000 per month, based on the cost of living in the area.
C) The magistrate awards a fixed percentage of the respondent's income, with a maximum cap of Rs. 50,000.

D) The magistrate awards a lump sum amount based on the property value of the respondent.

Q25. In the judgment of *Mohd Abdul Samad vs State of Telangana and Another 2024*, how did the Supreme Court view the interaction between personal law and statutory law concerning maintenance?

A) Personal law supersedes statutory law in all cases of maintenance

B) Statutory law takes precedence over personal law in matters of maintenance

C) Personal law and statutory law are completely independent with no interaction

D) Personal law and statutory law are harmonized to ensure fair maintenance

Q26. What did the Supreme Court determine about the role of financial status in the determination of maintenance under Section 125 in *Mohd Abdul Samad vs State of Telangana and Another 2024*?

A) Financial status is irrelevant in determining maintenance under Section 125

B) The financial status of both the petitioner and the respondent is considered

C) Only the financial status of the petitioner is considered

D) Only the financial status of the respondent is considered

Q27. The *Shah Bano* case led to significant discussions and legislative changes regarding the rights of Muslim women in India. Following the Supreme Court's judgment, which legislative action was taken by the Indian Parliament, and what was its primary objective?

A) The Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, aimed at nullifying the Supreme Court's decision and limiting maintenance claims under Section 125 to only the period of Iddat (a waiting period after divorce).

B) The Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986,

to enhance the maintenance provisions under Section 125 of the CrPC for Muslim women and extend their rights beyond personal laws.

C) The Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, to provide Muslim women with equal maintenance rights as provided under personal laws, aligning it with the Supreme Court's ruling.

D) The Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986, to ensure that Muslim women receive maintenance only from their former husbands and not from their families or communities, thereby reinforcing personal law protections.

Q28. What did the Supreme Court hold in *Danial Latifi v. Union of India (2001)* regarding the provision of maintenance under the Muslim Women (Protection of Rights on Divorce) Act, 1986?
A) The Act was unconstitutional in its entirety.

B) The Act required maintenance to be provided only for the period of *Iddat*

C) The Act was valid but needed to be interpreted in a manner ensuring fair maintenance for divorced women.

D) The Act was only applicable to women married before 1986.

Passage (Q29-Q35): Since the 'Group of Companies' doctrine is a consent-based theory, its application depends upon the consideration of a variety of factual elements to establish the mutual intention of all the parties involved. In other words, the Group of Companies doctrine is a means to infer the mutual intentions of both the signatory and non-signatory parties to be bound by the arbitration agreement. The relationship between and among the legal entities within the corporate group structure and the involvement of the parties in the performance of the underlying contractual obligations are indicators to determine the mutual intentions of the parties. The other factors such as the commonality of the subject matter, composite nature of the transactions, and the performance of the contract ought to be cumulatively considered and analysed by courts and tribunals to identify the intention of the parties to bind the non-signatory party to the arbitration agreement. Section 7 of the Arbitration Act broadly talks about an agreement by the parties in respect of a defined legal relationship, whether contractual or not. Such a legal relationship must give rise to legal obligations and duties. In a corporate group, a company may have various related companies. The legal relationship must be analysed in the context of the underlying contract containing the arbitration agreement. The nature of the contractual relationship can either be formally encrusted in the underlying contract, or it can also be inferred from the conduct of the signatory and non-signatory parties with respect to such contract.

However, we clarify that mere presence of a commercial relationship between the signatory and non-signatory parties is not sufficient to infer "legal relationship" between and among the parties. If this factor is applied solely, any related entity or company may be impleaded even when it does not have any rights or obligations under the underlying contract and did not take part in the performance of the contract.

[Extracted from *Cox and Kings Ltd v SAP India Pvt. Ltd & Anr.* 2023, delivered by the Supreme Court on 06 December,2023]

Q29. Which section of the Arbitration and Conciliation Act, 1996 was primarily discussed in the *Cox and Kings Ltd v. SAP India Pvt. Ltd & Anr*?

A) Section 8 B) Section 34

C) Section 11 D) Section 9

Q30. What is the ‘Group Companies’ doctrine as discussed in the Cox and Kings judgment?

A) A principle that allows unrelated companies to be treated as a single entity for legal purposes
B) A principle that permits arbitration agreements to bind non-signatory affiliates of a signatory company
C) A principle that prevents companies within a group from being sued individually
D) A principle that mandates all companies within a group to have the same legal representation

Q31. In the context of the *Cox and Kings*, under what conditions can the Group Companies doctrine be applied?

A) When the non-signatory company consents to arbitration
B) When there is a clear intention of the parties to bind the group companies
C) When the non-signatory company is involved in the negotiation of the contract
D) When the group companies share the same management team

Q32. Which legal principle was emphasized in the *Cox and Kings* judgment to justify the application of the ‘Group Companies’ Doctrine?

A) Principle of estoppel B) Principle of piercing the corporate veil

C) Principle of separate legal entity D) Principle of agency

Q33. How did the Supreme Court in the *Cox and Kings* judgment determine the involvement of non-signatory group companies in the contract?

A) By examining the organizational structure of the group
B) By reviewing the financial statements of the companies
C) By considering the role and participation of the non-signatory in the negotiation and performance of the contract
D) By analyzing the geographical location of the group companies

Q34. What impact does the ‘Group Companies’ doctrine have on arbitration agreements according to the above discussed judgment?

A) It restricts the scope of arbitration agreements

B) It broadens the scope to include non-signatory affiliates within the group

C) It invalidates arbitration agreements involving group companies

D) It requires separate arbitration agreements for each group company

Q35. Under the *Arbitration and Conciliation Act, 1996*, which section provides for the appointment of arbitrators by the court?

A) Section 8 B) Section 11

C) Section 16 D) Section 21

Q36. What is the effect of 'piercing the corporate veil' on the legal status of a company?

A) It merges the company with its parent company

B) It nullifies the company's existence

C) It disregards the company's separate legal entity for certain purposes

D) It changes the company's name

Passage (Q37-Q43): The Court has determined that Israeli policies and practices and the manner in which they are implemented and applied on the ground have significant effects on the legal status of the occupation through the extension of Israeli sovereignty to certain parts of the occupied territory, their gradual annexation to Israeli territory, the exercise of Israeli governmental functions and the application of its domestic laws therein, as well as through the transfer of a growing number of its own nationals to those parts of the territory and impeding the exercise of the right to self- determination of the Palestinian people. The Court considers that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation. Nor can Israel's security concerns override the principle of the prohibition of the acquisition of territory by force.

The effects of these policies and practices include Israel's annexation of parts of the Occupied Palestinian Territory, the fragmentation of this territory, undermining its integrity, the deprivation of the Palestinian people of the enjoyment of the natural resources of the territory and its impairment of the Palestinian people's right to pursue its economic, social and cultural development. The Court is of the view that occupation cannot be used in such a manner as to leave indefinitely the occupied population in a state of suspension and uncertainty, denying them their right to self-determination while integrating parts of their territory into the occupying Power's own territory.

The Court recalls that, under the first paragraph of Article 49 of the Fourth Geneva Convention, "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive". In this regard, the Court considers that transfer may be "forcible" — and thus prohibited under the first paragraph of Article 49 — not only when it is achieved through the use of physical force, but also when the people concerned have no choice but to leave. Further, the Court notes that, to be permissible, evacuations are conceived as a temporary measure, to be reversed as soon as the imperative military reasons subside.

The nature of Israel's acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations under the Fourth Geneva Convention.

[Excerpt, with edits, from the latest ICJ Advisory Opinion delivered on 19th July 2024]

Q37. Which United Nations organ requested the ICJ to provide the advisory opinion in the above case?

A) The General Assembly

B) The Security Council

C) The Economic and Social Council

D) The International Criminal Court

Q38. What is the title of the latest ICJ advisory opinion on the Israel-Palestine issue, from which an excerpt has been reproduced above?

A) *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*

B) *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*

C) *Legality of Israeli Settlements in the Occupied Palestinian Territory*

D) *Status of Jerusalem and the Occupied Palestinian Territories*

Q39. According to the ICJ, what is the status of the territories occupied by Israel since 1967?

A) Annexed territories B) Disputed territories

C) Occupied territories D) Sovereign Israeli territories

Q40. Which human rights conventions did the ICJ refer to when assessing Israel's actions in the occupied territories?

A) International Covenant on Civil and Political Rights (ICCPR)

B) International Covenant on Economic, Social and Cultural Rights (ICESCR)

C) Convention on the Rights of the Child (CRC)

D) All of the above

Q41. Which of the following is a primary protection afforded to civilians under the 4th Geneva Convention?

A) The right to participate in hostilities

B) The right to maintain their standard of living during occupation

C) The protection against deportation from occupied territories

D) The right to receive military

training Q42. How are judges of the

ICJ elected?

A) By a vote of the UN General Assembly alone

B) By the UN Security Council alone

C) By a simultaneous vote of both the UN General Assembly and the UN Security Council

D) By the Secretary-General of the United Nations

Q43. Which notable case established the principle that the ICJ can exercise jurisdiction only

over states, not individuals?

A) *The Corfu Channel Case* B) *The Nicaragua Case*

C) *The Barcelona Traction Case* D) *The South West Africa Case*

Passage(Q44-Q48): In 2020, NN Global filed a Special Leave Petition against the High Court's judgment. A three-judge bench comprising D.Y. Chandrachud, Indu Malhotra and Indira Banerjee heard the appeal.

On 11 January 2021, the bench set aside the High Court's judgment but noted that the view in *SMS Tea Estates* and *Garware* was incorrect. Therefore, they referred the issue of the validity of an unstamped arbitration agreement to a larger bench of five judges.
In April 2023, a bench comprising Justices K.M. Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy and C.T. Ravikumar in a 3:2 majority, held that an unstamped arbitration agreement was void and unenforceable. The judgment resulted in serious criticism.

In September 2023, a five-judge bench headed by CJI Chandrachud with S.K. Kaul, Sanjiv Khanna, B.R. Gavai and Surya Kant were hearing a curative petition in the case of *Dharmaratnakara Rai v Bhaskar Raju (2020).* A three-judge bench of CJI S.A. Bobde and Justices BR. Gavai and Surya Kant in *Dharmaratnakara* had held that an unstamped agreement with an arbitration clause could not be acted upon by the Court. The bench hearing the curative petition also took note of the NN Global decision to be reconsidered, and referred the case to a seven-judge bench.

A seven-judge bench comprising of D.Y. Chandrachud and Justices S.K. Kaul, Sanjiv Khanna, B. R. Gavai, Surya Kant, J.B. Pardiwala, and Manoj Misra began hearing the case on 11th October 2023.

On 12 October 2023, the bench reserved judgment in the case. Two months later on 13 December 2023, the Bench **upheld the validity of an unstamped arbitration agreement**. They stated that not stamping was a curable defect that did not render the agreement as a whole void.

[Excerpt, with edits, taken from *'Validity of an unstamped arbitration agreement'*, Supreme Court Observer, 11th Jan,2024]

Q44. In the above excerpt, which judgment is the **underlined** section referring to?

(A) *In Re Interplay Between Arbitration Agreements Under the Arbitration and Conciliation Act 1996 and the Indian Stamp Act 1899*

(B) *N.N. Global Mercantile Private Ltd v. Indo Unique Flame Ltd*

(C) *Emmar MGF Land Ltd v. Aftab Singh*

(D) *Intercontinental Hotels Group (India) (P) Ltd v. Waterline Hotels (P) Ltd*

Q 45. How did the Supreme Court of India resolve the conflict between the Arbitration and Conciliation Act 1996 and the Indian Stamp Act 1899 regarding the commencement of arbitration proceedings in the above judgment?

A) Arbitration proceedings can commence without regard to the Stamp Act

B) Arbitration proceedings must be stayed until the agreement is stamped

C) The Arbitration Act prevails, making the Stamp Act irrelevant

D) The parties must pay a penalty to proceed with arbitration

Q46. According to the Supreme Court's judgment, what role do courts play in dealing with unstamped arbitration agreements?

A) Courts must dismiss the arbitration proceedings

B) Courts must impound the agreement and send it for stamping

C) Courts have no role in such matters

D) Courts must appoint arbitrators despite the stamping issue

Q47. In the context of the case, what does the term *"impounding"* refer to?

A) Declaring an arbitration agreement invalid

B) Temporarily seizing an arbitration agreement for stamping

C) Registering an arbitration agreement

D) Enforcing an arbitration award

Q48. In the above judgment delivered by a 7 Judge Bench, Justice Chandrachud in his ruling, writing for the majority, overruled which of the following judgment(s)?

A) *M/s. Unissi (India) Pvt. Ltd v. Post Graduate Institute of Medical Education & Research* and *Union of India v. R. Gandhi*

B) *A. Ayyasamy v. A. Paramasivam* and *Reva Electric Car Co. Pvt. Ltd. v. Green Mobil*

C) *SMS Tea Estates Pvt. Ltd v. Chandmari Tea Co. Pvt. Ltd* and *Garware Wall Ropes Ltd v. Coastal Marine Constructions & Engineering Ltd*

D) *SBP & Co. v. Patel Engineering Ltd* and *Dharmaratnakara Rai v Bhaskar Raju*

Q49. Which section of the Indian Contract Act, 1872 deals with the agreements in restraint of trade?

A) Section 27 B) Section 28

C) Section 29 D) Section 30

Passage (Q50-Q55): "*Bhat, J highlights that the central question which arises for the consideration of this Court is whether the absence of law or a regulatory framework, or the failure of the State to enact law, amounts to discrimination that is protected under Article 15. He states that "there is no known jurisprudence or case law (yet) pointing to the absence of law being considered as discrimination as understood under Article 15."* Here, I would like to sound a note of caution (which, though obvious, bears repetition) – the manner in an issue is framed impacts the analysis of the issue. In fact, Bhat, J's reasoning deviates from the

jurisprudence that this Court has developed on the interpretation of Article 15. Bhat, J's reasoning assesses the 'objective' of a law instead of its 'effect. This is best understood with the help of an example. Suppose the state were to enact a law which enabled only citizens of a particular caste to avail the services of a particular government hospital but which did not expressly prohibit members of other castes from availing its services. This law contains various conditions which must be satisfied before services of the hospital can be availed (such as a list of diseases which it treats or how advanced a particular disease is). This law can be understood as being an "enabling law" or a law which "regulates" or it can be understood (in its true sense) as a law which has the effect of excluding certain groups on the basis of prohibited markers of identity. This remains true not only of a hospital but of any service or scheme or institution that one can imagine. Hence, what is framed as the "absence of a law" or an

“enabling law” can have the same restrictive effect as a law which expressly bars or prohibits certain actions or excludes certain groups.

[Excerpt from the case Supriyo *@ Supriya Chakraborty & Anr. v. Union of India* (2023 SC)]

Q50. According to Justice Bhat, what is the moot question for consideration regarding Article 15?

A) Whether the presence of discriminatory laws is protected under Article 15.

B) Whether the absence of law or a regulatory framework amount to discrimination protected under Article 15.

C) Whether the effectiveness of laws is protected under Article 15.

D) Whether the enactment of new laws is mandatory under Article 15

Q51. What is the implication of framing a law as the "absence of a law" or an "enabling law" according to Justice Bhat?

A) It guarantees universal access to public services.

B) It can have the same restrictive effect as a law that expressly bars or prohibits certain actions.

C) It ensures compliance with international human rights standards.

D) It simplifies the legal framework for public services.

Q52. Which constitutional right did the petitioners primarily rely on in *Supriyo Chakraborty v. Union of India*?

A) Right to Equality under Article 14

B) Right to Freedom of Speech under Article 19

C) Right to Life and Personal Liberty under Article 21

D) Right to Education under Article 21A

Q53. What was the Union of India's primary argument against the recognition of same-sex marriages in *Supriyo Chakraborty v. Union of India*?

A) It would undermine the country's economic stability.

B) It was against the cultural and societal norms of India.

C) It would create legal complications in inheritance laws.

D) It was not explicitly provided for in the Constitution.

Q54. In the judgment, how did the court address the petitioners' reliance on international human rights principles?

A) The court dismissed the relevance of international human rights principles entirely.

B) The court acknowledged international principles but prioritized domestic laws.

C) The court adopted international human rights principles into Indian law.

D) The court stated that international principles were irrelevant to the case.

Q55. What was the final decision of the court in *Supriyo Chakraborty v. Union of India* regarding the recognition of same-sex marriages?

A) The court fully recognized same-sex marriages and directed immediate implementation.

B) The court ruled against the recognition of same-sex marriages.

C) The court recognized same-sex marriages but stated that it required legislative action for implementation.

D) The court deferred the decision to a larger bench for further consideration.

Passage (Q56-Q61): The appointment of the Chief Election Commissioner (CEC) and the Election Commissioners (ECs) should be made by a collegium consisting of the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India) This mechanism aims to ensure that the selection process for these crucial positions is transparent and independent, thereby enhancing the credibility of the Election Commission of India (ECI). The ECI plays a pivotal role in upholding the democratic principles enshrined in the Constitution, and its independence must be safeguarded to prevent any executive interference.

The Court underscored the necessity of ensuring a fixed tenure and security of tenure for the CEC and the ECs to protect them from arbitrary removal. Such measures are vital to maintain the integrity and impartiality of the ECI. Furthermore, the Court suggested that the government consider enacting a law to formalize the appointment process, reflecting the recommendations laid out in this judgment.

While recognizing the crucial role played by the ECI in the democratic framework of the country, the Court emphasized that a robust and transparent appointment process is essential to uphold the trust and confidence of the public in the electoral process. The suggested collegium system aims to balance the power dynamics and prevent any potential misuse of executive authority in the appointment of members to the ECI.

The judgment reflects the Court's commitment to ensuring that democratic institutions remain independent and free from undue influence, thereby strengthening the overall democratic governance in the country. It is now up to the legislature to take the necessary steps to implement these recommendations and ensure that the ECI remains an autonomous and credible institution.

[Excerpt from the judgment of *Anoop Baranwal v. Union of India (2023 SC)*]

Q56. According to the Supreme Court's judgment in *Anoop Baranwal v. Union of India*, what was the proposed mechanism for the appointment of the Chief Election Commissioner and Election Commissioners?

A) Appointment by the President alone.

B) Selection by a collegium consisting of the Prime Minister, the Leader of the Opposition in the Lok Sabha, and the Chief Justice of India)

C) Direct election by the Parliament.

D) Nomination by a committee of senior judges.

Q57. What role does the Court envision for the legislature following its recommendations in the judgment?

A) To immediately implement the suggestions without further deliberation.

B) To consider enacting a law to formalize the appointment process of Election Commissioners.

C) To establish a temporary committee to oversee the Election Commission.

D) To revise the Constitution to accommodate the new appointment process.

Q58. What is the overarching purpose of the Supreme Court's recommendations regarding the Election Commission of India as stated in the judgment?

A) To centralize the power of appointment in the executive branch.

B) To prevent any potential misuse of executive authority in the appointment process.

C) To reduce the involvement of the judiciary in the electoral process.

D) To align the Election Commission's functioning with other democratic countries.

Q59. In *Anoop Baranwal v. Union of India*, what did the Supreme Court state about the necessity of legislative action to implement its recommendations on the Election Commission?

A) The Court held that no legislative action was necessary.

B) The Court mandated immediate legislative action to implement its recommendations.

C) The Court left the decision of legislative action to the discretion of the Parliament.

D) The Court recommended a constitutional amendment to enforce its suggestions.

Q60. What is the tenure of the Chief Election Commissioner and other Election Commissioners as prescribed by *the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023*?

A) A fixed term of 5 years, extendable by the President.

B) A term of 6 years or until the age of 65, whichever is earlier.

C) A term of 6 years or until the age of 70, whichever is earlier.

D) A fixed term of 4 years with no extension allowed.

Q61. According to the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023, who has the authority to appoint the Chief Election Commissioner and other Election Commissioners?

A) The President of India, based on the recommendation of a Selection Committee.

B) The Prime Minister of India, with the approval of the Cabinet.

C) The Chief Justice of India, based on the recommendations of the judiciary.

D) The Parliament of India, through a special resolution.

Passage (Q62-Q66) The Preamble to the Constitution describes India as a "democratic republic": a democracy in which citizens are guaranteed political equality irrespective of caste and class and where the value of every vote is equal. Democracy does not begin and end with elections. Democracy sustains because the elected are responsive to the electors who hold them accountable for their actions and inactions. Would we remain a democracy if the elected do not heed to the hue and cry of the needy? We have established the close relationship between money and politics above where we explained the importance of money for entry to politics, for winning elections, and for remaining in power. That being the case, the question that we ask ourselves is whether the elected would truly be responsive to the electorate if companies which bring with them huge finances and engage in quid pro quo arrangements with parties are permitted to contribute unlimited amounts. The reason for political contributions by companies is as open as day light. Even the learned Solicitor General did not deny during the course of the hearings that corporate donations are made to receive favours through quid pro quo arrangements. *(para 201)*

Further, Companies before the amendment to Section 182 could only contribute a certain percentage of the net aggregate profits. The provision classified between loss-making companies and profit-making companies for the purpose of political contributions and for good reason. The underlying principle of this distinction was that it is more plausible that loss-making companies will contribute to political parties with a quid pro quo and not for the purpose of income tax benefits. The provision (as amended by the Finance Act 2017) does not recognize that the harm of contributions by loss-making companies in the form of quid pro quo is much higher. Thus, the amendment to Section 182 is also manifestly arbitrary for not making a distinction between profit- making and loss-making companies for the purposes of political contributions. *(para 214)*

[Excerpt from the judgment of *Association for Democratic Reforms v. Union of India (2024 SC)*]

Q62. What was the central issue addressed by the Supreme Court in the judgment of *Association for Democratic Reforms v. Union of India (2024)*?

A) The legality of imposing restrictions on political donations from foreign entities.

B) The requirement for political parties to disclose their sources of funding and financial transactions.

C) The constitutionality of restrictions on political campaigning during elections.

D) The enforcement of gender quotas in political party leadership positions.

Q63. How did the Supreme Court rule regarding the need for political parties to disclose details of their funding sources?

A) Political parties are not required to disclose their funding sources if they are registered under the relevant laws.

B) Political parties must disclose their funding sources and financial transactions to ensure transparency and public accountability.

C) Political parties only need to disclose their funding sources if specifically requested by the Election Commission.

D) Political parties are exempt from disclosing funding sources due to their status as non-profit organizations.

Q64. What was the Court's stance on the enforcement of disclosure requirements for political parties?

A) Disclosure requirements are voluntary and not enforceable by law.

B) The Court upheld the enforcement of disclosure requirements, emphasizing their importance for electoral integrity.

C) Enforcement of disclosure requirements is the responsibility of individual political parties, not the judiciary.

D) The Court decided that enforcement of disclosure requirements should be relaxed due to practical difficulties.

Q65. What did the judgment indicate about the role of the Election Commission in monitoring political party finances?

A) The Election Commission has no role in monitoring political party finances and relies solely on self-disclosure.

B) The Election Commission is responsible for monitoring political party finances and ensuring compliance with disclosure requirements.

C) The Election Commission can only make recommendations regarding political party finances but cannot enforce compliance.

D) The Election Commission's role is limited to auditing financial statements of political parties after elections.

Q66. How did the Court address the issue of non-disclosure or inadequate disclosure of financial information by political parties?

A) The Court provided a grace period for political parties to improve their disclosure practices without any penalties.

B) The Court mandated strict penalties and legal consequences for non-disclosure or inadequate disclosure of financial information.

C) The Court recommended that political parties be given more time to comply with disclosure requirements before enforcing penalties.

D) The Court advised that non-disclosure issues should be resolved through internal party mechanisms rather than judicial intervention.

Passage (Q67-Q73): Section 27 of the Evidence Act is based on the doctrine of confirmation by subsequent events – a fact is actually discovered in consequence of the information given, which results in recovery of a physical object. The facts discovered and the recovery is an assurance that the information is given by a person accused of the offence can be relied upon

In *State (NCT of Delhi) v. Navjot Sandhu alias Afsan Guru*, this Court affirmed that the fact discovered within the meaning of Section 27 of the Evidence Act must be some concrete fact to which the information directly relates. Further, the fact discovered should refer to a material/physical object and not to a pure mental fact relating to a physical object disassociated from the recovery of the physical object. However, we must clarify that Section 27 of the Evidence

Act, as held in these judgments, does not lay down the principle that discovery of a fact is to be equated to the object produced or found. The discovery of the fact resulting in recovery of a physical object exhibits knowledge or mental awareness of the person accused of the offence as to the existence of the physical object at the particular place. Accordingly, discovery of a fact includes the object found, the place from which it was produced and the knowledge of the accused as to its existence. To this extent, therefore, factum of discovery combines both the physical object as well as the mental consciousness of the informant accused in relation thereto. In *Mohmed Inayatullah v. State of Maharashtra*, elucidating on Section 27 of the Evidence Act, it has been held that the first condition imposed and necessary for bringing the section into operation is the discovery of a fact which should be a relevant fact in consequence of information received from a person accused of an offence. The second is that the discovery of such a fact must be deposed to. A fact already known to the police will fall foul and not meet this condition. The third is that at the time of receipt of the information, the accused must be in police custody. Lastly, it is only so much of information which relates distinctly to the fact thereby discovered resulting in recovery of a physical object which is admissible. Rest of the information is to be excluded. The word 'distinctly' is used to limit and define the scope of the information and means 'directly', 'indubitably', 'strictly' or 'unmistakably'. Only that part of the information which is clear, immediate and a proximate cause of discovery is admissible.

[Excerpt from the Judgment delivered by the Supreme Court in *Perumal Raja v. State Rep by Inspector of Police* (2024 SC)]

Q67. Which landmark judgment by the Supreme Court of India interpreted the scope of Section 27 of the Indian Evidence Act, 1872, concerning the admissibility of confessions leading to the discovery of facts?

A) *State of Punjab v. Gurmit Singh (1996)* B) *Pakala Narayana Swami v. Emperor (1939)*

C) *Pulukuri Kottaya v. Emperor (1947)* D) *Maneka Gandhi v. Union of India (1978)*

Q68. Under Section 27 of the Indian Evidence Act, 1872, what is the extent to which information given by an accused while in police custody can be admitted as evidence?

A) The entire statement made by the accused is admissible as evidence, regardless of its content.

B) Only the information that distinctly leads to the discovery of a fact relevant to the case is admissible.

C) The information can only be admitted if it is a full confession of the crime.

D) Statements made by the accused are never admissible if obtained in police custody.

Q69. In the case of *Perumal Raja v. State Rep by Inspector of Police (2024)*, what was the primary legal issue that the Supreme Court addressed?

A) The admissibility of electronic evidence in criminal trials.

B) The validity of confessions made to police officers during an investigation.

C) The legality of detaining a suspect without formal charges.

D) The procedural correctness of arrest and detention under the specific provisions of the law.

Q70. What was the Court's stance on the use of confessions obtained during police interrogation?

A) Confessions obtained during interrogation are always admissible if they are recorded properly.

B) Confessions made to police officers are inadmissible in court regardless of their content.

C) The admissibility of confessions depends on whether they were made voluntarily and not under duress.

D) Confessions obtained during interrogation can be used only if corroborated by other evidence.

Q71. How did the Court view the procedural aspects related to the confession in this case?

A) Procedural lapses in obtaining confessions are irrelevant if the confession is found true.

B) Strict procedural adherence is required for the confession to be admissible, including recording the confession as per legal standards.

C) Procedural errors in obtaining confessions are permissible if they do not affect the confession's content.

D) The Court does not evaluate procedural aspects related to confessions but focuses solely on the confession's content.

Q72. What did the Court conclude about the reliability of confessions made to police officers in the judgment?

A) All confessions made to police officers are inherently reliable and should be accepted without further scrutiny.

B) The reliability of confessions must be assessed on a case-by-case basis, considering the circumstances under which they were made.

C) Confessions made to police officers are presumed unreliable unless corroborated by other witnesses.

D) The reliability of confessions is irrelevant as long as they are formally recorded.

Q73. In the context of this case, what role did corroborative evidence play in evaluating the confession?

A) Corroborative evidence is not required if the confession is deemed to be voluntary.

B) Corroborative evidence is essential to support the confession and ensure its credibility in court.

C) Corroborative evidence is only needed for confessions made to third parties, not to police officers.

D) Corroborative evidence is considered irrelevant as the confession alone determines the verdict.

Passage(Q74-Q81): In order to understand Hart as a critical, moral philosopher, it is important to understand the analytical basis of Hart's legal philosophy. Hart believes that there are two different types of rules which comprise the "essence" of law: primary rules and secondary rules. The

importance of distinguishing between these two types of rules, while recognizing their interrelation, should not be minimized. Hart described their relationship in The Concept of Law.

Primary rules are "duty imposing" rules. They impose certain specific duties upon the citizens of a state to act in ascertain manner, or they may be subject to certain legal sanctions. Hart characterizes primary rules as "basic" rules. They tell the citizen what one can and cannot do under the law.' For instance, laws setting speed limits, laws prohibiting trespassing or laws prohibiting corporations from requiring their employees to make contributions to political campaigns are all examples of primary rules. Primary rules are generally what the ordinary citizen means when he refers to something as "the law."

Secondary rules are not duty-imposing rules. They are what Hart calls power-conferring rules. They state the manner in which primary rules may be recognized, changed and adjudicated. For example, they grant Congress the power to legislate and private citizens the right to vote. They state the procedure one must follow in order to make a legal will. Secondary rules are, as Hart puts it, "rules about primary rules. "Secondary rules are necessary in any reasonably complex society. There must be procedures to discover just what the primary rules are and how they can be changed or challenged. This task falls to secondary rules. This union of primary and secondary rules captures for Hart the essence of a legal system.

Hart categorizes secondary rules as either rules of recognition, rules of change, or rules of adjudication. Rules of recognition provide a mechanism for discovering just what is or is not a legitimate primary rule. In a semi-developed le-gal system, these rules of recognition may be simply a reference to an authoritative text or standard for properly identifying the primary rules that have thus far been established. As a society becomes more complex, the criteria used to identify primary rules will also become more complex.

Another type of secondary rules are rules of change. These are necessary to efficiently allow primary rules to be amended. They specify how primary rules may be changed. For instance, the United States Constitution can be amended,' and statutes can be repealed or modified by later statutes.

The third type of secondary rules are rules of adjudication. These rules are essential to a legal system of a complex society and are intended to remedy the inefficiency of a legal system with just primary rules. Rules of adjudication set criteria for determining when a primary rule has been broken and what procedure is to be followed when the primary violation has been established. Judges, commissions, and regulatory agencies are given authority when the occasion is appropriate to apply secondary rules of adjudication.

[An excerpt from the Article ''Law and Morality in H.L.A Hart's Legal Philosophy Law and Morality in H.L.A Hart's Legal Philosophy, 1984'' authored by William C. Starr.]

Q74. H.L.A Hart distinguishes between primary and secondary rules in his theory of law. What is the primary function of primary rules according to Hart?

A) To provide the structure for creating and modifying other rules.

B) To impose duties and regulate the behaviour of individuals.

C) To define the procedures for the resolution of disputes.

D) To grant powers and confer rights to individuals and institutions.

Q75. What role do secondary rules play in Hart's theory, and how do they complement primary rules?

A) Secondary rules establish the hierarchy of laws and prioritize certain rules over others.

B) They serve to educate the public about the content and significance of primary rules.

C) Secondary rules are concerned with the enforcement of primary rules through penalties.

D) They provide the criteria for identifying, modifying, and adjudicating primary rules.

Q76. According to Hart, what is the "rule of recognition," and why is it fundamental in a legal system?

A) It is a rule that defines the legitimacy of governmental authority.

B) It is a standard that mandates equal application of the law to all citizens.

C) It is the process by which judges interpret statutory laws.

D) It is a social convention that determines the validity of other rules within the legal system.

Q77. How does Hart differentiate between the internal and external perspectives on the rule of law, and what significance does this distinction have?

A) The internal perspective focuses on the sociological aspects of law, while the external perspective is concerned with the normative aspects.

B) The internal perspective involves understanding the law from within the legal system, whereas the external perspective is an outsider's view of the law.

C) The internal perspective emphasizes the role of morality in law, while the external perspective rejects moral considerations.

D) The internal perspective is concerned with the enforcement of law, while the external perspective deals with public perception of law.

Q78. H.L.A Hart's theory of justice emphasizes the importance of rules in maintaining fairness within a legal system. According to Hart, which of the following best describes the role of rules in achieving justice?

A) Rules serve primarily as guidelines for moral behaviour and should not be strictly enforced.

B) Rules are flexible frameworks that allow for personal discretion in legal decisions.

C) Rules are instrumental in ensuring predictable and equal treatment under the law.

D) Rules are primarily tools for maintaining order and preventing societal chaos.

Q79. Hart distinguishes between two types of justice: formal justice and substantive justice. What is the primary focus of formal justice in Hart's theory?

A) Guaranteeing that legal procedures are fair and that laws are applied consistently.

B) Ensuring that laws are morally justified and promote overall societal welfare.

C) Addressing the content of laws to ensure they reflect ethical principles and human rights.

D) Providing equitable outcomes by considering the unique circumstances of each case.

Q80. The positive school of jurisprudence, also known as legal positivism, emphasizes the distinction between law and morality. According to this school of thought, what primarily defines a law?

A) A law is a set of moral principles that must be followed by society.

B) A law is a command issued by the sovereign and backed by the threat of sanctions.

C) A law is an expression of the common will of the people.

D) A law is an inherent moral obligation that exists independently of human enactment.

Q81. In his seminal work "*The Concept of Law*", H.L.A Hart introduces the idea of the "rule of recognition." What is the primary function of the "rule of recognition" in a legal system?

A) To outline the moral foundation upon which laws should be based.

B) To mandate the separation of powers within the government.

C) To provide guidelines for interpreting ambiguous legal texts.

D) To establish the hierarchy of laws and determine which laws are valid.

Passage (Q82-Q90): Kelsen distinguished "between statutory law and customary law as the two fundamental types of law." He defined statutory law broadly, to include law created "by legislative, judicial, or administrative acts or by legal transactions, especially by contracts and (international) treaties. “Statutory law, then, was a law "created by an act that deliberately aims at creating law .... In contrast, customary law was defined as law that originated in customary conduct. Individuals do not intentionally seek to create customary law, but necessarily consider their behaviour to be conforming to a binding norm. The acting individuals who create a customary law must be an overwhelming majority of those obligated or entitled by it. Once a custom becomes law, all individuals are bound by it, just as they are by the statutory law which they did not create directly. The authority for courts to apply customary law, Kelsen argued, may be either expressed in the constitution or derived from the basic norm.

John Austin, unlike Kelsen, believed that customs could not become positive law until they were judicially adopted Austin's analysis of customary law, it is submitted, is consistent with Kelsen's view of law as a coercive order. Kelsen's concept of customary law is foreign to any theory of positive law. To Kelsen, a norm must include a sanction to be a legal norm. The sanction, furthermore, must possess social organization. Even a legislatively established norm "must be regarded as legally irrelevant" if it lacks a sanction. In a legal sense, a sanction attaches to a particular norm only when a legislature enacts a sanction for violating the norm, or a court holds a defendant liable for violating it. Until a legislature or court so acts, the norm may be socially binding, but it is not legally binding. Thus, it is immaterial whether a norm originated in a custom or originated in the minds of the legislature or court. Without a sanction a norm is not positive law; with a sanction it is. Kelsen, however, specifically disagreed with the position of Austin: “*Austin overlooks the fact that the rule created by custom may be a rule providing sanctions-and must be such a rule in order to be a rule of law-so that 'custom' is 'clothed with the legal sanction' before it is 'adopted by the courts*." Kelsen appears to argue that to be a customary law, a custom must have a customary sanction. If this is true, does a court ever need to apply customary law? Customary

law would seem to stand by itself outside the judicial system. No one need sue to have it enforced, and aspiring lawyers need not study it in law school. In addition, why should Kelsen insist that customary law be derived from the same basic norm as non-customary law? Why not presuppose two basic norms? One norm would state that people ought to behave as the constitution prescribes; the other that people ought to behave in conformity with socially binding norms.

[An excerpt from the Article '*Kelsen's Pure Theory of Law, 1981'* authored by Henry Cohen]

Q82. According to Hans Kelsen, what is a primary characteristic that distinguishes statutory law from customary law?

A) Statutory law is based on long-standing traditions, while customary law is written and codified.

B) Statutory law is explicitly created by a legislative body, whereas customary law develops through established practices over time.

C) Statutory law relies on judicial interpretations, while customary law is directly enacted by the sovereign.

D) Statutory law evolves informally through social norms, whereas customary law is established through formal legal processes.

Q83. How does Kelsen view the legal validity of customary law in comparison to statutory law within a legal system?

A) Customary law has legal validity if it is recognized by the Grundnorm or the legal system's fundamental norms.

B) Customary law has no legal validity unless it is codified into statutory law.

C) Customary law is always superior to statutory law because it represents the will of the people.

D) Customary law and statutory law are considered equally valid, but customary law takes precedence in case of conflict.

Q84. Hans Kelsen's "Pure Theory of Law" seeks to distinguish law from other social phenomena. What is a fundamental aspect of Kelsen's concept of law according to this theory?

A) Law is a system of norms grounded in moral principles.

B) Law is a set of coercive commands issued by a sovereign authority.

C) Law is a normative system that is autonomous from ethics, politics, and sociology.

D) Law is primarily a tool for achieving social justice and equity.

Q85. In Kelsen's theory, what is the "Grundnorm" and what role does it play in the legal system?

A) The Grundnorm is a basic moral principle that all laws must adhere to.

B) The Grundnorm is a foundational norm that gives validity to all other norms in a legal system.

C) The Grundnorm is the supreme law of a country, often codified as the constitution.

D) The Grundnorm is a rule that dictates the procedures for lawmaking.

Q86. In his book "*General Theory of Law and State*," Hans Kelsen discusses the concept of the state and its relation to the law. What is Kelsen's perspective on the relationship between the state and the law?

A) The state is a political entity separate from the law and operates independently.

B) The state is a metaphysical entity that exists above the law and guides legal principles.

C) The state and the law are identical; the state is a personification of the legal order.

D) The state is an institution that merely enforces laws without being part of the legal system.

Q87. In "The Pure Theory of Law," Kelsen introduces the idea of a legal system as a hierarchy of norms. What is the purpose of this hierarchical structure according to Kelsen?

A) To reflect the moral hierarchy in society, with higher norms embodying greater moral value.

B) To ensure that all legal norms derive their validity from a single foundational norm.

C) To organize laws by subject matter, making the legal system more comprehensible.

D) To differentiate between civil and criminal laws within the legal framework.

Q88. In his book "Introduction to the Problems of Legal Theory," Kelsen discusses the concept of the "normative order." How does Kelsen define a normative order?

A) A set of guidelines that recommend moral behaviour but do not have binding force.

B) A system of rules that prescribe how individuals ought to behave in specific situations.

C) A collection of customs and traditions that informally regulate social interactions.

D) A series of economic principles that dictate resource distribution within a society.

Q89. According to Hans Kelsen's theory, how does a norm become legally binding as a part of statutory or customary law?

A) A norm becomes legally binding only if it is explicitly stated in a constitution.

B) A norm is legally binding when a majority of the public recognizes it as such.

C) A norm is legally binding when it includes a sanction that is established by a legislature or recognized by a court.

D) A norm is legally binding if it has been practiced for a long time and is widely

accepted. Q90. How does Kelsen's view of customary law differ from John Austin's

perspective?

A) Kelsen believes customary law becomes binding only when explicitly recognized by courts, whereas Austin believes customs are binding without judicial recognition.

B) Kelsen argues that customary law can include norms providing sanctions before judicial recognition, while Austin asserts that customs become positive law only after judicial adoption.

C) Kelsen holds that customary law does not require sanctions to be legally binding, whereas Austin insists on the necessity of sanctions for legal validity.

D) Kelsen and Austin both agree that customary law must be formally codified to be considered legally binding.

Passage(Q91-Q97): Article 370 was couched amidst other temporary and transitional provisions with a marginal note which indicates that its provisions were temporary. Article 370 was adopted at a point of time when the Maharaja of Jammu and Kashmir had acceded to the Dominion of India by executing an Instrument of Accession. Textually, Article 370(1)(C) made it abundantly clear that Article 1 was to apply in its entirety to the State unlike other provisions of the Constitution, the application of which was to be governed by the requirement of consultation or, as the case may be, concurrence.

On 26 January 1950, when the Constitution was adopted, the State of Jammu and Kashmir became an integral part of the territory of India. The mandate of Article 1 is that "India that is Bharat shall be a Union of States". The States and their territories would be those specified in Parts A, B and C of the First Schedule.

The State of Jammu and Kashmir was a Part B State on the date of the adoption of the Constitution. With the adoption of the Seventh Amendment to the Constitution which obliterated the distinction between Parts A, B and C States, Jammu and Kashmir became a State in the Union of States. In other words, Article 370 of the Constitution read together with Article 1 leaves no manner of doubt that the integration of Jammu and Kashmir as a part of the nation, which in itself was a Union of States was complete. Any interpretation of Article 370 cannot postulate that the integration of Jammu and Kashmir with India was temporary.

[Excerpted from the judgement of *In Re: Article 370 of the Constitution* decided on 11 Dec, 2023]

Q91. What was the primary constitutional question addressed in the judgment of *In Re: Article 370 of the Constitution*?

A) Whether Article 370 was a temporary provision subject to abrogation by a presidential order.

B) Whether Article 370 was a permanent feature of the Indian Constitution, and thus, could not be altered or abrogated.

C) Whether the abrogation of Article 370 required the consent of the Jammu and Kashmir Legislative Assembly.

D) Whether the President of India had the authority to declare all provisions of the Indian Constitution applicable to Jammu and Kashmir.

Q92. What was the role of the Constituent Assembly of Jammu and Kashmir in the context of Article 370, as discussed in the judgment?

A) The Constituent Assembly of Jammu and Kashmir had the power to recommend the abrogation of Article 370.

B) The Constituent Assembly was meant to frame the Constitution of India.

C) The Constituent Assembly had no significant role in the context of Article 370.

D) The Constituent Assembly was responsible for integrating Jammu and Kashmir into Pakistan.

Q93. What did the Supreme Court conclude regarding the permanent or temporary nature of Article 370 in the judgment?

A) The Supreme Court concluded that Article 370 was a permanent feature of the Constitution and could not be abrogated.

B) The Supreme Court concluded that Article 370 was a temporary provision that could be abrogated.

C) The Supreme Court concluded that Article 370 was neither permanent nor temporary but was instead subject to the political situation.

D) The Supreme Court did not make any definitive conclusion about the nature of Article 370.

Q94. What legal mechanism did the judgment identify as necessary for the abrogation or modification of Article 370?

A) A resolution passed by the Parliament of India with a simple majority.

B) An order issued by the President of India, after receiving the recommendation of the Jammu and Kashmir Legislative Assembly.

C) A referendum conducted among the people of Jammu and Kashmir.

D) An amendment to the Indian Constitution passed by a two-thirds majority in Parliament.

Q95. What was the primary issue discussed in the judgment regarding Article 370?

A) Whether Article 370 was a permanent provision.

B) Whether the President could unilaterally abrogate Article 370.

C) Whether Jammu and Kashmir had internal sovereignty.

D) Whether the statehood of Jammu and Kashmir should be restored.

Q96. How did the Court view the sovereignty of Jammu and Kashmir after its accession to India?

A) The state retained complete sovereignty. B) The state had partial sovereignty.

C) The state did not retain any sovereignty. D) The state was independent.

Q97. What is the significance of Article 1 of the Constitution of India, which states that "India, that is Bharat, shall be a Union of States"?

A) It establishes India as a federal state with a weak central government and strong state governments.

B) It declares India's independence from British colonial rule and establishes it as a sovereign nation.

C) It defines the relationship between the Union and the States, establishing a unified entity with a strong central government.

D) It establishes Hindi as the official language of India and recognizes other languages as secondary.

Passage(Q98-Q104): Towards the end, for the sake of completeness and to avoid confusion and debate on the ratio we have expounded, we would like to examine a few decisions, in which this Court had refused to exercise jurisdiction under Article 142(1) of the Constitution of India or dispense with the period of six months for moving the second motion. In *Manish Goel* v. *Rohini Goel*, a division bench of this Court has held that power and jurisdiction under Article 136 of the Constitution of India, though couched in the widest possible terms and plenary in nature, is discretionary. Thus, extraordinary care and caution must be exercised, and unless it is shown that exceptional and special circumstances exist to demonstrate that substantial and grave injustice has been rendered, this Court should not review/interfere with the decision appealed against.
Article 136 of the Constitution of India should not be used to short-circuit the legal procedure prescribed. The power under Article 142(1) of the Constitution of India was summarised to observe that generally, this Court would not pass an order in contravention or ignorance of a statutory provision, or merely on sympathetic grounds. However, the bench did not specifically examine the question of whether the period prescribed under Section 13-B of the Hindu Marriage Act is mandatory or directory in nature, and if directory, whether the same could be dispensed with by the High Court in exercise of its writ/appellate jurisdiction.53 Further, the two judges' bench did not exercise extraordinary jurisdiction under Article 142(1) of the Constitution of India, observing that it was not a case where there was any obstruction to the stream of justice, or there was injustice to the parties requiring the court to grant equitable relief. The contingencies to exercise of power under Article 142(1) of the Constitution of India were not established.

[Excerpted from the Supreme Court judgement of *Shilpa Sailesh v Varun Sreenivasan decided on May, 2023*]

Q98. What was the key issue regarding the 'cooling-off period' in the above Judgment?

A) Whether the cooling-off period is mandatory or discretionary

B) The duration of the cooling-off period

C) The introduction of a new cooling-off period

D) The removal of the cooling-off period from the Hindu Marriage Act

Q99. Which previous cases did the appellants refer to support their argument on the waiver of the cooling-off period?

A) *Amardeep Singh v. Harveen Kaur and Amit Kumar v. Suman Beniwal*.

B) *Lata Singh v. State of Uttar Pradesh and Shakti Vahini v. Union of India.*

C) *Maneka Gandhi v. Union of India and K.S. Puttaswamy v. Union of India.*

D) *Naveen Kohli v. Neelu Kohli and Sharda v. Dharmpal.*

Q100. Under what conditions did the Supreme Court state it could exercise its powers under Article 142 to waive the cooling-off period?

A) In all cases regardless of circumstances

B) Only when both parties agree

C) When the marriage has irretrievably broken down with no chances of reconciliation

D) When there are children involved

Q101. What stance did the Court take regarding the exercise of its powers under Article 142 in cases involving public policy issues?

A) It can override all public policy considerations

B) It should exercise restraint and consider fundamental principles

C) It should not use Article 142 in such cases

D) It should prioritize public policy over complete justice

Q102. What does the Supreme Court's ruling in this case imply for the future of divorce cases involving irretrievable breakdowns?

A) Only Parliament can legislate on this issue

B) The Supreme Court can directly grant divorces in such cases

C) The Family Courts have exclusive jurisdiction over these matters

D) The cooling-off period is permanently abolished

Q103. What was the primary reason the Supreme Court in Manish Goel did not exercise its powers under Article 142(1) of the Constitution of India to dispense with the statutory period prescribed under Section 13-B of the Hindu Marriage Act?

A) The Court determined that the statutory period is mandatory and cannot be dispensed with.

B) The Court concluded that no exceptional or special circumstances existed to justify exercising Article 142(1) powers.

C) The Court lacked jurisdiction to decide on matters related to marriage dissolution.

D) The Court believed that using Article 142(1) powers would be contrary to the legal procedures established by law.

Q104. In the judgment of *Shilpa Sailesh v. Varun Sreenivasan*, the Supreme Court emphasized the scope of its powers under Article 142(1). What is the critical limitation acknowledged by the Court in the exercise of these powers?

A) The Court can use these powers to override any statutory provisions, including personal laws.

B) These powers can be used only when the statutory provisions are unclear or ambiguous.

C) The powers should not be used to contravene statutory provisions or established legal principles without clear justification.

D) The powers are limited to cases involving fundamental rights violations.

Q105. In the case of *Shilpa Sailesh v. Varun Sreenivasan*, what specific conditions did the Supreme Court identify as necessary for invoking Article 142(1) to dissolve a marriage based on the principle of irretrievable breakdown?

A) Both parties must agree to the divorce, and there must be a mutual waiver of the cooling-off period.

B) The marriage must have lasted for at least 10 years, and there should be no children involved.

C) The Court must be convinced that the marriage is beyond repair, and continuing it would result in injustice to one or both parties.

D) The parties must have lived separately for a continuous period of five years immediately preceding the filing of the petition.

Passage (Q106-Q110): Nevertheless, the fact remains that 16 years have elapsed in the process of conclusion of the trial and pendency of the appeal and the appellant No.1 Sushil Ansal is now aged more than 74 years and even if the appellants are subjected to undergo the maximum sentence of two years, it can hardly be held to be sufficient so as to match with the magnitude and gravity of offence for giving rise to the catastrophe in which 59 persons lost their lives due to reckless and gross criminal act of negligence at the instance of the appellants. Therefore, in an offence of this nature which can be put somewhat on par with the well-known tragic incident commonly known as 'Bhopal Gas Leak Tragedy', compensation of high quantum along with sentence of imprisonment may meet the ends of justice which must be punitive, deterrent and exemplary in nature.

However, in this context, I also find force in the view taken by the High Court of Bombay in the matter of *State of Maharashtra vs. Chandra Prakash Neshavdev* reported in 1991 Cr.L.J. 3187, wherein it observed that it is an essential necessity of public policy that accused who have committed crimes must be punished when facts are fresh in the public mind. If for whatever reasons, the judicial process had dragged on for an abnormal point of time and the accused at that stage is faced with an adverse verdict, it would not be in the interest of justice to impose at this point of time jail sentence on the accused however serious the facts of the case are. Moreover, the tragic incident in this matter was the consequence of a cumulative negligence at the instance of the licensee Sushil Ansal and its executing authority Gopal Ansal as also due to the fault in the transformer of the Delhi Vidyut Board (DVB) and negligence of their employees which was not repaired and maintained properly as discussed hereinbefore and the accused appellants did not make a cautious and realistic attempt or used their foresight to foresee such an incident as ultimately the aim of the appellants Sushil Ansal and Gopal Ansal in Criminal Appeal Nos.597 and 598 of 2010 was to make monetary gain by running the theatre.

Hence, I am of the view that the interest of justice to some extent would be served by imposing on the accused appellants a substantial fine and not merely a jail sentence. Thus, while the sentence of one year imposed by the High Court is upheld, the additional sentence of one year further while allowing the appeal of AVUT, is fit to be substituted by a substantial sum of fine to be shared equally by the appellants Sushil Ansal and Gopal Ansal along with the DVB which also cannot absolve itself from compensating the victims of Uphaar tragedy represented by the AVUT.

[Excerpted from the judgment of *Sushil Ansal v. State Through CBI* decided on 05 March, 2014]

Q106. In the Sushil Ansal case, how did the Supreme Court assess the responsibilities of the Ansal brothers concerning the cinema's safety standards?

A) The Ansal brothers were held responsible only for financial management.

B) The Ansal brothers were responsible for the cinema's day-to-day operations and safety measures.

C) The Ansal brothers had no direct involvement and were only passive investors.

D) The responsibility lay solely with the lower-level staff of the cinema.

Q107. What was the primary legal issue considered by the Supreme Court in relation to the sentences of Sushil and Gopal Ansal?

A) Whether the punishment should be reduced to a fine only.

B) Whether the sentences should be increased beyond two years.

C) The legality of imprisoning the accused without a trial.

D) Whether the offences committed fell under the jurisdiction of international law.

108. What were the main factors contributing to the fire at Uphaar Cinema on June 13, 1997, as identified by the Supreme Court?

A) Faulty electrical wiring and lack of fire exits

B) Illegal construction and overcrowding

C) Negligent maintenance of the transformer and illegal closure of exits

D) Gas leak from nearby industries and poor ventilation

Q109. How did the Supreme Court justify its decision to impose a punishment that did not include imprisonment on the Ansal brothers?

A) The accused were first-time offenders.

B) Due to the advanced age of Sushil Ansal and the need for a proportional response.

C) There was insufficient evidence to support a harsher sentence.

D) The court did not have the jurisdiction to impose a prison sentence.

Q110. Which specific statutory provisions were the Ansal brothers found guilty of violating in this case?

A) Indian Penal Code Sections 304-A, 337, 338 read with Section 36

B) Cinematograph Act, 1952

C) Delhi Special Police Establishment Act, 1946

D) Electricity Act, 2003

Passage(Q111-Q115): There is also one other matter to which we should like to draw the attention of the Government of India. We have noticed that in the past few years there is an increasing trend

in the number of cases based on environmental pollution and ecological destruction coming up before the Courts. Many such cases concerning the material basis of livelihood of millions of poor people and reaching this Court by way of public interest litigation. In most of these cases there is need for neutral scientific expertise as an essential input to inform judicial decision making. These cases require expertise at a high level of scientific and technical sophistication. We felt the need for such expertise in this very case and we had to appoint several expert committees to inform the court as to what measures were required to be adopted by the Management of Shriram to safeguard against the hazard or possibility of leaks, explosion, pollution of air and water etc. and how many of the safety devices against this hazard or possibility existed in the plant and which of them, though necessary, were not installed. We have great difficulty in finding out independent experts who would be able to advise the court on these issues. Since there is at present no independent and competent machinery to generate, gather and make available the necessary scientific and technical information, we had to make an effort on our own to identify experts who would provide reliable scientific and technical input necessary or the decision of the case and this was obviously a difficult and by its very nature, unsatisfactory exercise. It is therefore absolutely essential that there should be an independent Centre with professionally competent and public-spirited experts to provide the needed scientific and technological input. We would in the circumstances urge upon the Government of India to set up an Ecological Sciences Research Group consisting of independent, professionally competent experts in different branches of science and technology, who would act as an information bank for the Court and the Government Departments and generate new information according to the particular requirements of the Court or the concerned Government department. We would also suggest to the Government of India that since cases involving issues of environmental pollution, ecological destruction and conflicts over natural resources are increasingly coming up for adjudication and these cases involve assessment and evolution of scientific and technical data, it might be desirable to set up Environment Courts on the regional basis with one professional Judge and two experts drawn from the Ecological Sciences Research Group keeping in view the nature of the case and the expertise required for its adjudication. There would of course be a right of appeal to this Court from the decision of the Environment Court.

[Excerpted from the judgement of *M.C. MEHTA & ANR. ETC. Vs. UNION OF INDIA & ORS. ETC. (also known as oleum gas leak case)* decided on 17 February, 1986]

Q111. What recommendation did the Supreme Court make regarding the establishment of specialized courts for environmental issues?

A) Establishment of a national environmental oversight body with judicial powers.

B) Creation of regional Environment Courts with a professional judge and experts.

C) Designation of special sessions within existing courts for environmental cases.

D) Implementation of a separate appellate process exclusively for environmental disputes.

Q112. What was the key principle established by the Supreme Court in the M.C. Mehta case related to environmental liability?

A. Strict Liability B. Absolute Liability

C. Limited Liability D. Contributory Negligence

Q113. In the ***Taj Trapezium Case*** (*M.C Mehta v Union of India 1986*), what was the primary cause of the pollution affecting the monument according to M.C. Mehta?

A. Industrial waste B. Traffic emissions

C. Emission of sulphur dioxide D. Agricultural practices

Q114. What was the Supreme Court's directive regarding the relocation of hazardous industries in the Oleum Gas Leak Case?

A. Immediate closure of all industries B. Relocation to less populated areas

C. Compensation to affected individuals D. Implementation of strict safety measures

Q115. What was the broader impact of the M.C. Mehta cases on Indian environmental law?

A. Introduction of the Environment (Protection) Act

B. Revision of the Water (Prevention and Control of Pollution) Act

C. Establishment of the National Green Tribunal

D. Enactment of the Wildlife Protection Act

Passage(Q116-120): In conclusion, we would like to issue certain directions. These directions are meant for the investigating agencies and also for the courts. Accordingly, we deem it appropriate to issue the following directions, which may be subject to State amendments:

a) The Government of India may consider the introduction of a separate enactment in the nature of a Bail Act so as to streamline the grant of bails.
b) The investigating agencies and their officers are duty-bound to comply with the mandate of Section 41 and 41A of the Code and the directions issued by this Court in **[1]**. Any dereliction on their part has to be brought to the notice of the higher authorities by the court followed by appropriate action.
c) The courts will have to satisfy themselves on the compliance of Section 41 and 41A of the Code. Any non-compliance would entitle the accused for grant of bail.
d) All the State Governments and the Union Territories are directed to facilitate standing orders for the procedure to be followed under Section 41 and 41A of the Code while taking note of the order of the High Court of Delhi dated 07.02.2018 in Writ Petition(C) No. 7608 of 2018 and the standing order issued by the Delhi Police i.e. Standing Order No. 109 of 2020, to comply with the mandate of Section 41A of the Code.
e) There need not be any insistence of a bail application while considering the application under Section 88, 170, 204 and 209 of the Code.
f) There needs to be a strict compliance of the mandate laid down in the judgment of this court in Siddharth (supra).
g) The State and Central Governments will have to comply with the directions issued by this Court from time to time with respect to constitution of special courts. The High Court in consultation with the State Governments will have to undertake an exercise on the need for the special courts. The vacancies in the position of Presiding Officers of the special courts will have to be filled up expeditiously.
h) The High Courts are directed to undertake the exercise of finding out the undertrial prisoners who are not able to comply with the bail conditions. After doing so, appropriate action will have to be taken in light of Section 440 of the Code, facilitating the release.
i) While insisting upon sureties the mandate of Section 440 of the Code has to be kept in mind.

j) An exercise will have to be done in a similar manner to comply with the mandate of Section 436A of the Code both at the district judiciary level and the High Court as earlier directed by this Court in Bhim Singh (supra), followed by appropriate orders.
k) Bail applications ought to be disposed of within a period of two weeks except if the provisions mandate otherwise, with the exception being an intervening application. Applications for anticipatory bail are expected to be disposed of within a period of six weeks with the exception of any intervening application.
l) All State Governments, Union Territories and High Courts are directed to file affidavits/ status reports within a period of four months.

[Guidelines from the judgement of *SATENDER KUMAR ANTIL v. CENTRAL BUREAU OF INVESTIGATION AND ANR. decided on 11th July, 2022*]

Q116. Which of the following case will replace **[1]** in the guideline (b), where the Supreme Court has emphasized the importance of its compliance?

A) *Arnesh Kumar v. State of Bihar* B) *Maneka Gandhi v. Union of India*

C) *M.C. Mehta v. Union of India* D) *D.K Basu v State of West Bengal*

Q117. The Supreme Court's judgment addressed the issue of bail in which of the following contexts?

A) Only non-bailable offences B) Only cognizable offences

C) Both cognizable and non-cognizable offences D) Only in cases of financial crimes

Q118. In the Satender Kumar Antil judgment, Justice Sundresh discussed the classification of offenses for bail purposes. What categorization did he suggest, and why?

A) Offenses should be classified based on the nature and severity, distinguishing between bailable and non-bailable offenses to streamline the bail process.

B) Offenses should be categorized based on the economic status of the accused to ensure equal treatment under the law.

C) Offenses should be categorized based on the socio-political impact of the crime to prioritize certain cases over others.

D) Offenses should be classified based on the age and gender of the accused to provide special protections.

Q119. In the judgment, the court addressed the role of bail conditions in the criminal justice system. Which of the following considerations did the court suggest that need be taken into account when imposing bail conditions?

A) The financial capacity of the accused to meet the bail amount.

B) The need to ensure the presence of the accused at trial and prevent flight risk.

C) The public perception and media coverage of the case.

D) The severity of the crime and the potential sentence.

Q120. What principle did court emphasize regarding the pre-trial detention of accused individuals in the *Satender Kumar Antil* Judgment?

A. Pre-trial detention should be the norm, not the exception.

B. Pre-trial detention should only be used when absolutely necessary to prevent flight or interference with justice.

C. Pre-trial detention should be based on the accused's social standing.

D. Pre-trial detention should be avoided in all circumstances