"9. We now come to the Division Bench judgment of this Court reported as Rajeev Kumar Gupta & Others v. Union of India & Others – (2016) 13 SCC 153. In this judgment, the posts in Prasar Bharati were classified into four Groups–A to D. The precise question that arose before the Court is set out in para 5 thereof in which it is stated that the statutory benefit of 3 per cent reservation in favour of those who are disabled is denied insofar as identified posts in Groups A and B are concerned, since these posts are to be filled through direct recruitment. After noticing the arguments based on the nine-Judge bench in Indra Sawhney vs. Union of India, 1992 Supp (3) SCC 217, this Court held:

14. We now examine the applicability of the prohibition on reservation in promotions as propounded by Indra Sawhney. Prior to Indra Sawhney, reservation in promotions were permitted under law as interpreted by this Court in Southern Railway v. Rangachari, AIR 1962 SC 36. Indra Sawhney specifically overruled Rangachari to the extent that reservations in promotions were held in Rangachari to be permitted under Article 16(4) of the Constitution. Indra Sawhney specifically addressed the question whether reservations could be permitted in matters of promotion under Article 16(4). The majority held that reservations in promotion are not permitted under our constitutional scheme.

15. The respondent argued that the answer to Question 7 in Indra Sawhney squarely covers the situation on hand and the reasons outlined by the majority opinion in Indra Sawhney at… must also apply to bar reservation in promotions to identified posts of Group A and Group B.

16. We do not agree with the respondent's submission. Indra Sawhney ruling arose in the context of reservations in favour of backward classes of citizens falling within the sweep of Article 16(4).

21. The principle laid down in Indra Sawhney is applicable only when the State seeks to give preferential treatment in the matter of employment under the State to certain classes of citizens identified to be a backward class. Article 16(4) does not disable the State from providing differential treatment (reservations) to other classes of citizens under Article 16(1) if they otherwise deserve such treatment. However, for creating such preferential treatment under law, consistent with the mandate of Article 16(1), the State cannot choose any one of the factors such as caste, religion, etc. mentioned in Article 16(1) as the basis. The basis for providing reservation for PWD is physical disability and not any of the criteria forbidden under Article 16(1). Therefore, the rule of no reservation in promotions as laid down in Indra Sawhney has clearly and normatively no application to PWD."

Source: *Excerpt taken from a Judgment of three judge bench comprising of R.F. Nariman, Aniruddha Bose & V. Ramasubramaniyam., JJ.*

1. The above passage has been taken from which of the following recent judgments, relating to the question of reservation in promotions for the disabled persons?

a) National Federation of the Blind v. Sanjay Kothari, Secy. Deptt. of Personnel and Training.
b) Siddaraju v. State of Karnataka & Ors.
c) Rajeev Kumar Gupta & Ors. v. Union of India & Ors.
d) Ashok Kumar v. Union of India & Ors.

CORRECT ANSWER : OPTION B

2. Which of the following is true in context of the scheme provided under Article 16 of the Indian Constitution, relating to reservation in promotion?

a) Reservation in promotion can only be granted to the class of citizens mentioned under Article 16 (4).
b) Reservation in promotion cannot be granted to a class of citizen provided by the virtue of Article 16 (1).
c) The scheme of reservation in promotion can be extended to any class of citizens under the scheme of Article 16 (1).
d) Reservation in promotion defeats the scheme of Article 16 (1) and Article 15 (1).

CORRECT ANSWER : OPTION C

3. The Union government has issued an office memorandum under which 3% reservation has been provided to the persons with disability, apart from the reservations provided to different class of citizens such as 27% for OBCs, 14% to SCs and & 7% to STs. Now, the total percentage of reservation has reached 51%, which is against the judgment given in Indira Sawhney v. Union of India. Now, choose the most appropriate option amongst the following.

a) The reservation provided to persons with disability is constitutionally valid as it falls within the horizontal scheme of reservation.
b) The judgment in Indira Sawhney is not applicable to the persons with disability and hence such reservation is valid.
c) The reservation provided to persons with disability is invalid as in no case reservation can increase 50%.
d) The reservation to PWD does not fall under the scheme of Article 16 (4) and hence unconstitutional.

CORRECT ANSWER : OPTION A

4. What is the meaning of the "Catch-up" rule associated with the matters of seniority in reservation in promotion?

a) If the junior candidate promoted on the basis of reservation gets promoted to further grade by the time senior general category candidate is promoted to earlier grade, the question of seniority does not arise.
b) A reserved category candidate promoted on the basis of reservation earlier than his senior general category candidates in the feeder category, shall become junior when general category senior candidate too gets promoted.
c) The candidate promoted to higher grade on the basis of reservation remains senior even if his senior is promoted to the same grade.
d) None of the above.

CORRECT ANSWER : OPTION B

5. The Article 16 (4A), provides for which of the following?
a) Catch-up rule.
b) Carry forward rule.
c) Consequential seniority.
d) All of the above.

CORRECT ANSWER : OPTION C

6. The scheme of reservation in promotion is limited to which of the following as per the text of Article 16 (4A)?
a) Schedule Castes and Schedule Tribes.
b) Backward class of citizens.
c) PWD candidates.
d) All of the above.

CORRECT ANSWER : OPTION A

7. Government policy of no reservation in promotion for class I and II posts was initially:
a) Struck down in C.A. Rajendra case.
b) Struck down in M. Nagraj case.
c) Upheld in Jarnail Singh case.
d) Upheld in C.A. Rajendra case.

CORRECT ANSWER : OPTION D

8. Jarnail Singh case overruled the M. Nagraj on the issue of:
a) Collection of quantifiable data to determine inadequacy of representation of SCs and STs.
b) Collection of quantifiable data to determine the backwardness.
c) Collection of data on efficiency of administration.
d) All the above.

CORRECT ANSWER : OPTION B

9. Creamy layer concept is applicable to
a) All reservations
b) SC ST reservations
c) OBC reservation
d) Only horizontal reservation

CORRECT ANSWER : OPTION C

10. In *Vivekanand Tiwari*, Supreme Court held that the unit for reservation in universities should be:

a) University as a whole
b) Faculties of the University
c) Departments of the University
d) (a) and (b)

CORRECT ANSWER : OPTION C

It will be relevant to refer to the statement made by the contemnor which was made and read out before this Court by the contemnor on 20.08.2020, which reads as under:

"*I have gone through the judgment of this Hon'ble Court. I am pained that I have been held guilty of committing contempt of the Court whose majesty I have tried to uphold - not as a courtier or cheerleader but as a humble guard - for over three decades, at some personal and professional cost. I am pained, not because I may be punished, but because I have been grossly misunderstood. I am shocked that the court holds me guilty of "malicious, scurrilous, calculated attack" on the institution of administration of justice. I am dismayed that the Court has arrived at this conclusion without providing any evidence of my motives to launch such an attack. I must confess that I am disappointed that the court did not find it necessary to serve me with a copy of the complaint on the basis of which the suo-motu notice was issued, nor found it necessary to respond to the specific averments made by me in my reply affidavit or the many submissions of my counsel. I find it hard to believe that the Court finds my tweet "has the effect of destabilizing the very foundation of this important pillar of Indian democracy". I can only reiterate that these two tweets represented my bona-fide beliefs, the expression of which must be permissible in any democracy. Indeed, public scrutiny is desirable for healthy functioning of judiciary itself. I believe that open criticism of any institution is necessary in a democracy, to safeguard the constitutional order. We are living through that moment in our history when higher principles must trump routine obligations, when saving the constitutional order must come before personal and professional niceties, when considerations of the present must not come in the way of discharging our responsibility towards the future. Failing to speak up would have been a dereliction of duty, especially for an officer of the court like myself. My tweets were nothing but a small attempt to discharge what I considered to be my highest duty at this juncture in the history of our republic. I did not tweet in a fit of absence mindedness. It would be insincere and contemptuous on my part to offer an apology for the tweets that expressed what was and continues to be my bona-fide belief. Therefore, I can only humbly paraphrase what the father of the nation Mahatma Gandhi had said in his trial: I do not ask for mercy. I do not appeal to magnanimity. I am here, therefore, to cheerfully submit to any penalty that can lawfully be inflicted upon me for what the Court has determined to be an offence, and what appears to me to be the highest duty of a citizen.*"

Source: *Excerpt taken from the Judgment delivered by Arun Mishra, B. R. Gavai & Krishna Murari, J.J.*

11. The above passage has been taken from which of the following recent cases relating to the Criminal Contempt of Court?
a) In Re: Prashant Bhushan & Anr.
b) The Registrar General, Supreme Court of India v. Prashant Bhushan & Anr.
c) Amicus Curiae v. Prashant Bhushan
d) Union of India v. Prashant Bhushan & Anr.

CORRECT ANSWER : OPTION A

12. The Source of power of the Supreme Court to take *suo-motu* cognizance of Contempt of the Court has been provided under which of the following?
a) Section 15 of the Contempt of Courts Act, 1971.
b) Article 129 r/w Section 13 of the Contempt of Courts Act, 1971.
c) Article 129
d) Article 129 r/w Article 141.

CORRECT ANSWER : OPTION C

13. Which of the following could be a valid defence for the contemnor in a contempt proceeding against him?
a) Statements are bona-fide fair criticism without attributing motives to the judges.
b) Statements are the personal opinion of the person and do not have the capacity to influence the thinking of public at large.
c) Statements are based on the quotes from retired judges of the Supreme Court.
d) Statements are mere opinions which does not fall under the category of the term "scandalising the court."

CORRECT ANSWER : OPTION A

14. In which of the following cases, the apex court held that, "*Contempt jurisdiction should not be used by judges to uphold their own dignity. In the free market-place of ideas, criticism about the judicial system or the judges should be welcomed, so long as criticisms do not impair or hamper the 'administration of justice*'."?
a) Amicus Curiae v. Prashant Bhushan
b) P.N. Duda v. V. P. Shivshankar
c) A.K. Gopalan v. Noordeen
d) Hari Singh Nagra v. Kapil Sibal

CORRECT ANSWER : OPTION B

15. Which of the following can be stated as not true about the intent of the contemnor as mentioned in the passage above?

a) He believes in the dignity and independence of judiciary and his act, further strengthens his belief.
b) His statements hold the sanctity of the institution to be of utmost importance and his actions will uphold the same.
c) He compares himself with the father of the nation Mahatma Gandhi and puts himself at the same pedestal.
d) His statements are criticism of an individual and not the institution itself and such criticism is quintessential for a healthy democracy.

CORRECT ANSWER : OPTION C

16. A comparison of the Freedom of Speech and Expression between the text of Constitution of India and the U.S. Constitution may lead to many conclusions. Which of the following is not a conclusion of such a comparison?

a) The U.S. Constitution expressly mentions about the Freedom of Press but does not mention about the Freedom of Expression.
b) The Freedom of Press though not expressly mentioned under Article 19 (1) (a), it is implicit under the Freedom of Speech.
c) The idea of Freedom of Speech and Expression is much broader in India as compared to that in the U.S. Constitution.
d) The Freedom of Speech and Expression under both the constitutions is identical in terms of its extent.

CORRECT ANSWER : OPTION C

17. Which of the following case is not related to the Contempt of Court as a restriction to the Freedom of Speech and Expression enshrined under Article 19 (1) (a)?

a) In Re Arundhati Roy, (2002) 3 SCC 343.
b) Hari Singh Nagra v. Kapil Sibal, AIR 2010 SC 55.
c) In Re Harijai Singh, (1996) 6 SCC 466.
d) Subramaniam Swamy v. UOI, (2016) 7 SCC 221.

CORRECT ANSWER : OPTION D

18. In which of the following cases it was held that holding Dharna in front of Supreme Court in which lawyers too, take part is not by itself Contempt of Court if the access to the Court is not hindered?

a) Hiralal Dixit v. Union of India
b) J.R. Parashar v. Prashant Bhushan
c) Tarun Bharat Singh v. Union of India
d) P. N. Duda v. V. P. Shivshankar

CORRECT ANSWER : OPTION B

19. Justice Krishna Iyer in (1) observed that normative guideline for Judges to observe in contempt jurisdiction is not to be (2) even where distortions and criticism oversteps the limitation.

a) (1) S. Mulgaokar, (2) hypersensitive
b) (1) Shamsher Singh, (2) provocative
c) (1) Hira Lal, (2) emotional
d) (1) Ediga Annama, (2) sensitive

CORRECT ANSWER : OPTION A

20. Late Arun Jaitely, in Parliament had said that the Supreme Court is destroying the edifice of Parliament brick by brick. Another member responded by saying transparency in judicial appointments is required as half the judges in the country lack integrity. Are these statements Contempt of Court after the Prashant Bhushan 2020 judgment?

a) Yes, because MPs are also bound by Contempt law
b) No, because MPs are exempted from Contempt law.
c) Jaitely can't be punished as he is no more but the other member can be held liable.
d) No, because the statements made in Parliament are protected.

CORRECT ANSWER : OPTION D

In taking this view, Justice Rajagopala Ayyangar, speaking for a majority of five judges, relied upon the judgment of Justice Frankfurter, speaking for the US Supreme Court in Wolf v Colorado, which held:

"The security of one's privacy against arbitrary intrusion by the police … is basic to a free society… We have no hesitation in saying that were a State affirmatively to sanction such police incursion into privacy it would run counter to the guarantee of the Fourteenth Amendment."

While the Court observed that the Indian Constitution does not contain a guarantee similar to the Fourth Amendment of the US Constitution, it proceeded to hold that:

"Nevertheless, these extracts would show that an unauthorised intrusion into a person's home and the disturbance caused to him thereby, is as it were the violation of a common law right of a man an ultimate essential of ordered liberty, if not of the very concept of civilisation. An English Common Law maxim asserts that "every man's house is his castle" and in Semayne case [5 Coke 91: 1 Sm LC (13th Edn) 104 at p. 105] where this was applied, it was stated that "the house of everyone is to him as his castle and fortress as well as for his defence against injury and violence as for his repose". We are not unmindful of the fact that Semayne case [(1604) 5 Coke 91: 1 Sm LC (13th Edn) 104 at p. 105] was concerned with the law relating to executions in England, but the passage extracted has a validity quite apart from the context of the particular decision. It embodies an abiding principle which transcends mere protection of property rights and expounds a concept of "personal liberty" which does not rest on any element of feudalism or on any theory of freedom which has ceased to be of value."

Source: *Excerpt taken from the Judgment delivered by a 9 Judge bench of the Supreme Court in 2017 and authored by Dr. D. Y. Chandrachud. J.*

21. The above passage is from which of the following judgments?
a) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2018) 10 SCC 1.
b) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 1 SCC 10.
c) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.
d) Justice K. S. Puttaswamy (Retd.) v. Union of India, (2018) 1 SCC 10.

CORRECT ANSWER : OPTION C

22. Which of the following is directly related with the central idea of the passage mentioned above?
a) Right to Privacy of an individual, being part of the Right to Life.
b) The extent and scope of the 'ordered liberty' as a tenet of liberty under Article 21 of the Constitution.
c) Right to Life of an individual apart from mere animal existence.
d) All of the above

CORRECT ANSWER : OPTION D

23. The above passage mentions, "*Every man's house is his castle*." Who amongst the following has stated this quote in the Semayne's Case?
a) Justice Rowland.
b) Justice Holmes.
c) Lord Justice A.W. Semens.
d) Justice Blackburn.

CORRECT ANSWER : OPTION B

24. The above passage makes a mention of the judgment delivered by Justice Rajagopala Ayyangar. Which one of the following judgments is in context here?
a) Kharak Singh v. State of U.P.
b) M.P. Sharma v. Satish Chandra
c) Maneka Gandhi v. Union of India
d) Rustom Cavasji Cooper v. Union of India

CORRECT ANSWER : OPTION A

25. Which of the following is not an interpretation of the Right to Privacy as explained by the Supreme Court in *Puttaswamy* judgment?
a) The destruction by the State of a sanctified personal space, of body and mind is violative of the guarantee against arbitrary state action.
b) The intersection between one's mental integrity and privacy entitles the individual to the freedom of self-determination.
c) The privacy of an individual recognises an inviolable right to determine how freedom shall be exercised.
d) The guarantee of privacy is a guarantee against the arbitrary State action.

CORRECT ANSWER : OPTION C

26. Which of the following is true in relation to the scope of the newly evolved 'Right to Privacy'?
a) The Right to Privacy cannot be denied, even if there is a miniscule fraction of the population which is affected.
b) The majoritarian concept applies to the Constitutional Rights and the Courts must adhere to the majoritarian view.
c) One's sexual orientation is undoubtedly not an attribute of privacy.
d) Right to Privacy is an unrestricted and inviolable right, outside the fetters of any State action.

CORRECT ANSWER : OPTION A

27. In which of the following cases the Supreme Court held that, *"Sexual orientation is an attribute of privacy. Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual. Equality demands that the sexual orientation of each individual in society must be protected on an even platform. The right to privacy and the protection of sexual orientation lie at the core of the fundamental rights guaranteed by Article 14, 15 and 21 of the Constitution."*?
a) Justice K.S. Puttaswamy (Retd.) v. Union of India.
b) Navtej Singh Johar v. Union of India.
c) NALSA v. Union of India.
d) Suresh Kumar Koushal v. Naz Fundation.

CORRECT ANSWER : OPTION A

28. Speaking for four of the nine judges, Justice D.Y. Chandrachud, observes, *"Individually, these information silos may seem inconsequential. In aggregation, they disclose the nature of the personality; food habits, language, health, hobbies, sexual preferences, friendships, ways of dress and political affiliation."* Which of the following is in context of the above statement?
a) Right to Privacy.
b) Informational/Data Privacy.
c) The Aadhaar Act, 2016.
d) None of the above.

CORRECT ANSWER : OPTION B

29. Which of the following is not a tenet of the term 'Life' under Article 21 of the Constitution?
a) Right to Die with Dignity
b) Right to Live with Dignity
c) Freedom of Sexual Orientation
d) Right to Reputation

CORRECT ANSWER : OPTION D

30. Recently, it has been reported that in Uttar Pradesh more than 50% of the people booked under the National Security Act were involved in cow slaughter. In Puttaswamy, which of the following judges has included food preferences in his judgment?

a) Justice D.Y. Chandrachud
b) Justice Dipak Misra
c) Justice R. F. Nariman
d) Justice Jasti Chelameshwar

CORRECT ANSWER : OPTION D

The requirement of balancing various considerations brings us to the principle of proportionality. In the case of K. S. Puttaswamy (Privacy-9J.) (supra), this Court observed: *"310...Proportionality is an essential facet of the guarantee against arbitrary State action because it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law..."* Further, in the case of CPIO v. Subhash Chandra Aggarwal, [(2019) SCC OnLine SC 1459], the meaning of proportionality was explained as: "*225. It is also crucial for the standard of proportionality to be applied to ensure that neither right is restricted to a greater extent than necessary to fulfil the legitimate interest of the countervailing interest in question…"*

The proportionality principle can be easily summarized by Lord Diplock's aphorism 'you must not use a steam hammer to crack a nut, if a nutcracker would do?' [Refer to R v. Goldsmith, [1983] 1 WLR 151, 155 (Diplock J)]. In other words, proportionality is all about means and ends. The suitability of proportionality analysis under Part III, needs to be observed herein. The nature of fundamental rights has been extensively commented upon. One view is that the fundamental rights apply as 'rules', wherein they apply in an 'all¬ or ¬nothing fashion'. This view is furthered by Ronald Dworkin, who argued in his theory that concept of a right implies its ability to trump over a public good. Dworkin's view necessarily means that the rights themselves are the end, which cannot be derogated as they represent the highest norm under the Constitution. This would imply that if the legislature or executive act in a particular manner, in derogation of the right, with an object of achieving public good, they shall be prohibited from doing so if the aforesaid action requires restriction of a right. However, while such an approach is often taken by American Courts, the same may not be completely suitable in the Indian context, having regard to the structure of Part III which comes with inbuilt restrictions.

Source: *Excerpt taken from a judgment delivered by the bench of N. V. Ramanna, R. Subhash Reddy, B.R. Gavai, J.J. on 10th January, 2020.*

31. The above passage has been taken from which of the following judgments, which decided the state of affairs relating to internet ban in Jammu & Kashmir?

a) Sita Ram Yechury v. Union of India
b) Anuradha Bhasin v. Union of India
c) In Re: State of Jammu & Kashmir
d) Bhim Singh v. State of Jammu & Kashmir

CORRECT ANSWER : OPTION B

32. The above passage discusses about the proportionality, in the context of which of the following issues?
a) The limitations of state action sanctioned under the Constitution.
b) The powers of the President under Article 370 of the Constitution.
c) The extent of restrictions to be imposed by the State on the exercise of Fundamental Rights.
d) The proportionality of powers and duties under the Constitution.

CORRECT ANSWER : OPTION C

33. In the above passage, the Court expresses the limitations on application of 'All-or-nothing' approach to the fundamental rights. Which of the following statements truly explains such limitations?
a) The application of Part-III is subject to the interest of the majority and it overrides the rights of an individual.
b) The state may act in derogation of the Fundamental Rights of the people to achieve a higher public good and the social equilibrium.
c) The Fundamental Rights of citizens are secondary and the authority of State over its citizens is primary and of utmost importance.
d) The above approach is suitable only for the American Constitution as no limitation on rights is mentioned in the text of the Constitution.

CORRECT ANSWER : OPTION B

34. In which of the following cases the Supreme Court held that Right to Access Internet is protected under Article 19 of the Indian Constitution?
a) Anuradha Bhasin v. Union of India.
b) Irtiqa Iqbal v. Union of India
c) Kapil Sibal v. Union of India.
d) None of the above.

CORRECT ANSWER : OPTION A

35. Which of the following State actions passes the 'Proportionality Test'?
a) A complete internet ban for indefinite period in a state effected by terrorism, insurgency and local militia.
b) A slowdown of the internet speed in a State, affecting the Right of Free speech and expression and trade, business and occupation.
c) House arrest of eminent political leaders for an indefinite period.
d) A complete lockdown in an area effected by militant attacks for an indefinite period.

CORRECT ANSWER : OPTION B

36. Which of the following is not an essential, validating the restrictions imposed upon the exercise of Fundamental Rights?

a) Legality, which postulates the existence of law which is enacted to restrict the application of Fundamental Rights.
b) Need, defined in terms of a legitimate State aim.
c) Proportionality, which ensures a rational nexus between the objects and the means adopted to achieve them.
d) Consequence, which the restriction would ensue after its application.

CORRECT ANSWER : OPTION D

37. The Right to Access to the internet is useful for exercising which of the following Fundamental Rights?

a) Freedom of Speech and Expression.
b) Right to carry out trade, business and occupation
c) Right to Life.
d) All of the above.

CORRECT ANSWER : OPTION D

38. Who amongst the following can order for suspension of telecom services in a state under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017?

a) The Secretary to the Government of India in the Ministry of Home Affairs.
b) The Secretary to the Government of India in the Ministry of Information and Broadcasting.
c) A District Magistrate, exercising his powers under S.144 of the Cr. P. C.
d) The Chief Secretary to the Government of State in the Ministry of Home Affairs.

CORRECT ANSWER : OPTION A

39. Which of the following was true prior to 5th August, 2019 in relation to power of the Parliament under Article 3 of the Constitution for the State of Jammu & Kashmir?

a) Any Bill to alter the boundaries of the State shall be introduced in the Parliament after the recommendation of the Governor of the State.
b) No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the Legislature of the State.
c) No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the Constituent Assembly of the State.
d) No Bill can be introduced in the Parliament for the alteration of the boundaries of the State without the consent of the President.

CORRECT ANSWER : OPTION B

40. Which of the following is not true in relation to the Jammu and Kashmir Reorganisation Act, 2019?

a) The Act has amended Schedule 1 of the Constitution
b) The Act has amended Article 4 of the Constitution.
c) The Act has amended Schedule 4 of the Constitution.
d) None of the above.

CORRECT ANSWER : OPTION B

"The main argument on behalf of the Respondents was that the Government was bound by its promise and could not have resiled from it. They had an indefeasible legitimate expectation of continued employment, stemming from the Government Order dated 20.02.2002 which could not have been withdrawn. It was further submitted on behalf of the Respondents that they were not given an opportunity before the benefit that was promised, was taken away. To appreciate this contention of the Respondents, it is necessary to understand the concept of legitimate expectation.

14. The principle of legitimate expectation has been recognized by this Court in "Union of India v. Hindustan Development Corporation & Ors." If the promise made by an authority is clear, unequivocal and unambiguous, a person can claim that the authority in all fairness should not act contrary to the promise.

15. M. Jagannadha Rao, J. elaborately elucidated on legitimate expectation in "Punjab Communications Ltd. v. Union of India & Ors." He referred to the judgment in 2 (1993) 3 SCC 499 "Council of Civil Service Unions and Ors. v. Minister for the Civil Service" in which Lord Diplock had observed that for a legitimate expectation to arise, the decisions of the administrative authority must affect the person by depriving him of some benefit or advantage which, (i) he had in the past been permitted by the decision- maker to enjoy and which he can legitimately expect to be permitted to continue to do until there has been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that they will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn.

Rao, J. observed in this case, that the procedural part of legitimate expectation relates to a representation that a hearing or other appropriate procedure will be afforded before the decision is made. The substantive part of the principle is that if a representation is made that a benefit of a substantive nature will be granted or if the person is already in receipt of the benefit, that it will be continued and not be substantially varied, then the same could be enforced.

16. It has been held by R. V. Raveendran, J. in "Ram Pravesh Singh v. State of Bihar" that legitimate expectation is not a legal right. Not being a right, it is not enforceable as such. It may entitle an expectant:

(a) to an opportunity to show cause before the expectation is dashed; or

(b) to an explanation as to the cause of denial. In appropriate cases, the Courts may grant a direction requiring the authority to follow the promised procedure or established practice."

Source: *Excerpt taken from the judgment delivered by the bench of L. Nageshwar Rao & Hemant Gupta, J.J. in Kerala State Beverages (M and M) v. P P Suresh & Ors.,(2019) 9 SCC 710.*

41. Which of the following statements cannot be identified as a limitation upon the Doctrine of Legitimate Expectation?
a) The concept of Legitimate Expectation is only procedural and has no substantive impact.
b) The doctrine does not apply to legislative activities.
c) The doctrine does not apply if it is contrary to Public Policy or against the Security of State.
d) There are parallels between the Doctrine of Legitimate Expectation and Promissory Estoppel.

CORRECT ANSWER : OPTION A

42. Which of the following is not true in relation to the Doctrine of Legitimate Expectation as observed by the Supreme Court in '*Monnet Ispat & Energy Ltd. v. Union of India"*?
a) The Doctrine of Legitimate Expectation cannot be invoked as a substantive and enforceable right.
b) The Legitimate Expectation is different from anticipation and an anticipation cannot amount to an assertable expectation.
c) The Doctrine fails where an overriding public interest justifies the change in Administrative Policy.
d) The Doctrine of Legitimate Expectation is founded on the principles of reasonableness and fairness.

CORRECT ANSWER : OPTION A

43. Which of the following cases can be traced as the origin of the Doctrine of Legitimate Expectation?
a) Attorney General of Hong Kong v. Ng Yeun Shiu, (1983) 2 AC 629.
b) Schmidt v. Secy. Of State for Home Affairs, (1969) 2 Ch 149 (CA).
c) Food Corporation of India v. Kamdhenu Cattle Feed Industries, AIR 1993 SC 1601.
d) Breen v. Amalgamated Engg. Union, (1971) 2 WLR 742.

CORRECT ANSWER : OPTION B

44. Which of the following is not a ground for judicial review of a discretionary action of an Administrative Authority in India?
a) Failure to exercise discretion
b) Excess or abuse of discretion
c) A breach of rules of Natural Justice
d) None of the above

CORRECT ANSWER : OPTION A

45. Which of the following statement is true in relation to "Empty formality" theory of the Principle of Natural Justice?
a) The plea for not following the Principle of Natural Justice is not sustainable on the grounds of Empty Formality.
b) The plea for not following the Principle of Natural Justice is sustainable on the grounds of Empty Formality.
c) The Empty Formality affords a legitimate ground for the avoidance of Principle of Natural Justice.
d) Both options (b) & (c) are correct.

CORRECT ANSWER : OPTION B

46. What is the meaning of a writ of "*Certiorarified mandamus*"?
a) A writ of Mandamus, issued against an adjudicating body to quash a decision.
b) A writ of Certiorari issued to an administrative body to quash its decision.
c) A simultaneous writ to quash a decision and also to give a direction.
d) A simultaneous writ to quash a direction and give a decision.

CORRECT ANSWER : OPTION C

47. Which of the following is not a ground for holding a Delegated Legislation as invalid?
a) Parent Act delegates non-essential legislative functions.
b) Delegated legislation is inconsistent with the general law.
c) Parent Act itself is unconstitutional.
d) Delegated legislation is inconsistent with the Parent Act.

CORRECT ANSWER : OPTION A

48. In which of the following cases, Hegde J observed that, "*Whenever a complaint is made before a court that some Principle of Natural Justice had been contravened, the court had to decide whether the observance of that rule was necessary for a just decision on the facts of that case*." ?
a) A.K. Kraipak v. Union of India
b) Maneka Gandhi v. Union of India
c) Union of India v. P.K. Roy
d) Dharampal Satyapal Ltd. v. CCE

CORRECT ANSWER : OPTION A

49. Which of the following is not an essential condition before pressing the Doctrine of Estoppel into service or benefit contract?
a) A representation or conduct amounting to representation have been made.
b) He must have acted to his detriment or suffered as a result of such representation.
c) The other party to whom representation was made must have acted upon such representation.
d) The representation must have been made with the intention of not fulfilling it.

CORRECT ANSWER : OPTION D

50. Suppose, students filled up JEE Mains form for 2020. Due to repeated postponements of JEE, IIT Kharagpur decided to opt out of JEE mains and conducted its own separate Test. On which of the following grounds the decision of IIT Kharagpur can be challenged?

a) Procedural fairness
b) Legitimate expectation
c) Manifest arbitrariness
d) IIT Kharagpur's decision cannot be challenged as it was taken in the interest of the students.

CORRECT ANSWER : OPTION B

Read the piece written by Prof. Upendra Baxi and answer the questions below:

No matter how the matters are for the time being resolved (and swiftly on all indications), the present crisis in the Supreme Court involves mainly a contention on how judicial business should be conducted. The extraordinary movement of four justices in making public a letter addressed to the Chief Justice of India (CJI) in November 2017, and assorted observations at the press conference last week are very unusual judicial happenings. At that conference, Justice Chelameswar said that "less than desirable things have happened" and the protesting Justices vainly "tried to collectively persuade" the CJI to take "remedial measures". These happenings are now made even more unusual by Justice Ranjan Gogoi reportedly denying any "crisis" and Justice Kurian Joseph saying the matter is now settled leaving little scope for "outside intervention". However, the letter released at the press conference said otherwise; it spoke of the ways in which "the overall functioning of the justice delivery system", the "independence of the high courts", and the functioning of the office of the CJI have been "adversely affected". A moving appeal to the Indian "Nation" was issued at the press conference and Justice Chelameswar justified speaking out, lest "wise people" say later that they were complicit. A situation where four senior-most justices went public to express their discontent with the present CJI's exercise of authority to constitute Benches raises grave constitutional questions. Although only an in-house rectification can save matters, it is an anti-democratic error of grave proportions to think that co-citizens should have no interest, stake, or say in the matter. Undoubtedly, the Chief Justices, whether of the High courts or the Supreme Court, have the power to order the roster. The question is whether that power is coupled with a constitutional duty to follow certain conventions. Obviously, there are a few: Chief Justices have a primary duty of accountability to the Brother Justices, the Bar, and a general obligation through the Bar to the litigating public and people at large. But when a letter by four Senior Justices has been ignored for about two months, is going public with a copy of that letter and holding even a press conference unjudicial? On this question opinions are varied. Some have lauded this step as heroic while others regard this as "sheer trade union tactics" and some even say the step was extremely unfortunate but now some institutional solidarity should pave the path ahead. What are the other conventions? First, a part-heard matter may not be divested from the co-justices who are seized with it. Second, the CJI may not deny a request for recusal on grounds of conflict of interest. Third, the Chief Justice may not ignore the requests by co-justices to form a larger Bench. Fourth, a Chief Justice may not selectively assign sensitive or important cases to the same judges. However, fifth, it is doubtful whether there is, or ought to be, a convention requiring such matters to be heard only by the senior-most justices. No, because the decision to elevate a citizen to judgeship

must involve all relevant considerations; once elevated, a justice is co-equal to all other brethren. Sixth, it is true that co-equality occurs within a hierarchy: Not every justice becomes a Chief Justice, and the SC collegium must comprise the five senior-most justices. Outside this framework, the question about the rank-ordering may not arise; all Justices speak for the constitutional court. Any discussion about benches headed by "junior" justices is therefore injudicious. The second issue looming large is the finalisation of Memorandum of Procedure (MoP). In early July 2017 (in Justice Karnan's case), at least two Justices observed a need "to revisit the process of appointment of judges and establishment of a mechanism for corrective measures other than impeachment". The letter also suggests that the issue of MoP "cannot linger on for indefinite period" and since the government has not responded to the MoP sent as far back as March 2017, the Court must now presume this long "silence" amounts to acceptance. Convening a full court and/or an agreement of the Chief Justices' conference stand was suggested. The highest court in the land cannot endlessly wait for the government.

The remedies of impeachment and removal for judicial misconduct and review, and now curative jurisdiction, constitutionally exist. And further, the spectre of the call of conscience to go to the "Nation" will now haunt all Chief Justices. Informed criticism has some impact on judicial dispositions. But the ultimate guarantee of fairness as justice lie with the Justices themselves. As Eugene Ehrlich, a founder of European sociology of law, said: "The best guarantee of justice lies in the personality of the judge." Justices must be seen practising what they preach to the other holders of public power. It is only when they collectively fail to do so that a democracy is truly imperilled.

51. Consider the following statements:
1. CJI is the boss of High Court Judges
2. CJI is superior to other Judges of the Supreme Court
3. CJI and other four members of Collegium for appointment of Judges in Supreme Court are equal
4. Chief Justice is one amongst equals and vested with many administrative powers.

Which of the statement given above is / are correct?
a) 1 and 3 only
b) 2 and 3 only
c) 3 only
d) 1, 2, and 4 only

CORRECT ANSWER : OPTION C

52. Consider the following statements:
1. A Bench of the Supreme Court must follow a decision delivered by a Bench of a larger or even equal strength.
2. In case of inability to agree, the only option available is to refer the matter to the CJI, requesting that a larger Bench be constituted to resolve the conflict.
3. This basic principle was laid down by Supreme Court in Central Board of Dawoodi Bohra Community vs State Of Maharashtra & Anr (December 17, 2004).

Which of the statement given above is / are correct?
a) 1 and 3 only
b) 1 and 2 only
c) 3 only
d) 1, 2 and 3
CORRECT ANSWER : OPTION D

53. Consider the following statements:
1. The Constitution does not make CJI the "Master of Roster"
2. The Supreme Court Rules vests in CJI the power of the "Master of Roster"
3. The Constitution of India read with Supreme Court Rules vests in CJI the Power of the "Master of Rolls"
4. The Power is neither given by the Constitution not by the Supreme Court Rules. It's just a convention.

Which of the statement given above is / are correct?
a) 1 and 3 only
b) 2 only
c) 3 and 4 only
d) 1, 3 only
CORRECT ANSWER : OPTION B

54. Consider the following statements:
1) A judge of Supreme Court can be removed from his office by the Parliament.
2) A judge of Supreme Court can be impeached from his office by the President on the recommendation of Chief Justice of India.
3) The removal of Supreme Court judge is based on two grounds - proved misbehaviour or incapacity to act.

Which of the statement given above is / are correct?
a) 1 and 2 only
b) 2 and 3 only
c) 3 only
d) 1, 2 and 3
CORRECT ANSWER : OPTION C

55. Accountability makes the exercise of power more efficient and effective. The ancient Greek historian Herodotus said: "*The Greeks though free [were] not absolutely free; they [had] a master called the law.*" Which of the following statement correctly describes the law?

a) CJI as Master of Rolls is not bound by any law.
b) CJI is bound by the conventions mentioned in the passage above.
c) CJI in his administrative capacity is bound by law.
d) CJI as Master of Roster must act fairly, justly and in non-arbitrary manner.
CORRECT ANSWER : OPTION D

56. Supreme Court Rules framed under Article 145 of the Constitution provide CJI as the Master of Rolls. These rules-

a) Cannot be challenged as per Justice Dinakaran Judgment
b) Can be challenged before the President of India who is the appointing authority of CJI and other Judges
c) Rules made by the Court violative of Fundamental Rights may be struck down as ultra vires the Constitution as per Prem Chand Garg (1963) judgment of the Supreme Court.
d) Supreme Court is supreme and no authority can question it.

CORRECT ANSWER : OPTION C

57. In S. P. Gupta v. Union of India, it was held that the word 'Consultation' means:

a) Discussion
b) Ascertainment of opinion
c) Concurrence
d) Advice

CORRECT ANSWER : OPTION B

58. Per Incuriam means:

a) Judgment given against law
b) Judgment given contrary to people's conscience
c) Judgment given contrary to natural law
d) All of the above

CORRECT ANSWER : OPTION A

59. In which of the following cases, Supreme Court held that "*Chief Justice is an institution himself*"?

a) Kamini Jaiswal v. Union of India
b) Asok Pande v. Union of India
c) S.P. Gupta v. Union of India
d) Prashant Bhushan v. Union of India

CORRECT ANSWER : OPTION B

60. In which of the following cases, Chief Justice was held to be as 'Master of Roster', who alone has prerogative to constitute bench?

a) Prakash Chandra v. Union of India (UOI) through Secretary to the Government of India
b) S P Gupta v. Union of India
c) Third Judges Case
d) Justice C. S. Karnan v. The Hon'ble Supreme Court of India

CORRECT ANSWER : OPTION A

Read the excerpts from an opinion piece entitled "Labour Law Suspension: Hit The Workers When They Are Down" by Pranab Bardhan, Professor of Graduate School at the Department of Economics at the University of California, Berkeley, published by Bloomberg Quint and answer the questions below:

It is interesting that while Indian states are trying to suspend labour protection and make it easier for employers to sack workers, many other countries are trying to minimise lay-offs in this period of crisis by giving wage subsidy to employers to induce them to keep the workers on the payroll. These programs are an effort to reduce displacement, distress, and loss of worker morale, and at the time of economic recovery less friction and de-skilling. The wage subsidies are quite substantial in Europe, Canada, Australia, and New Zealand. It is also being attempted in some developing countries like Argentina, Bangladesh, Botswana, China, Malaysia, Philippines, South Africa, Thailand, and Turkey.

In the continuing sordid saga of callousness and brutality with the millions of suddenly unemployed migrant workers over the last six weeks since lockdown, an interesting fact to note is that employers who mostly had stopped paying them over this period, thus causing widespread hunger and homelessness, have lobbied with state governments to stop sending them back to their villages so that they remain available when the industries restart. I am actually in favour of a thorough overhaul. The current labour laws, tangled and outdated as they are, serve the long-term interests of neither the employers nor the workers. At the beginning of this century, the Second National Commission of Labour made a whole set of sensible recommendations for such an overhaul, but they remain largely unimplemented. I would support abolishing the firm size limit on labour retrenchment altogether, provided there is a provision for adequate unemployment benefits, both for regular and contract workers, and there is something like a state-provided universal basic income supplement as a fall-back option for everybody. *"Allowing more flexibility in hiring and firing has to be combined, as part of a package deal, with a reasonable scheme of unemployment compensation from an earmarked fund, to which employers and employees should both regularly contribute."* For far too long businesses in India, with some notable exceptions, have considered labour as a necessary but troublesome cog in the production machine, and the focus is to squeeze the maximum out of it with minimum pay and benefits while brandishing the threat of job insecurity. Organised labour, often under politicised partisan leadership from outside, has played that adversarial game. It is in the long-term interests of both sides to see at the ground level that labour-friendly practices can actually enhance long-term productivity and profitability. If cooperation can replace mutual suspicion and labour representatives can be trusted to participate in corporate governance—as is the practice, say, in Germany and a few other European countries—labour organisations can play a responsible role in achieving mutually beneficial goals. Taking the cover of the pandemic to unilaterally whittle down labour protections is going the opposite way, to distrust, and labour unrest.

61. The Government of Uttar Pradesh and many other state governments promulgated Ordinances for Temporary Exemption from Certain Labour Laws that would suspend the operation of all labour laws applicable to factories and manufacturing establishments in their respective state for a period of three years, with the exception of:

a) Bonded Labour System (Abolition) Act, 1976
b) Employees' Compensation Act, 1923,

c) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
d) All the above

CORRECT ANSWER : OPTION D

62. On which of the following areas, Central Government is exclusively competent to enact legislations?

a) Trade unions; industrial and labour disputes.
b) Social security and social insurance; employment and unemployment.
c) Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.
d) Regulation of labour and safety in mines and oilfields.

CORRECT ANSWER : OPTION D

63. Which of the following laws has been enacted to prevent exploitation of inter-state migrant workers and, to ensure fair and decent conditions of employment for them?

a) The Inter-State Migrant Workmen Act, 1979
b) Contract Labour (Regulation and Abolition) Act, 1970
c) Bonded Labour System (Abolition) Act, 1976
d) Migrant Workers (Protection) Act, 1979

CORRECT ANSWER : OPTION A

64. The Employees' State Insurance Act, 1948 protects the interest of workers in contingencies such as —

I. Sickness
II. Maternity,
III. Temporary or permanent physical disablement,
IV. Death due to employment injury resulting in loss of wages or earning capacity.

Select the correct answer from the codes given bellow:
a) I only
b) II only
c) I, III and IV
d) I, II, III and IV

CORRECT ANSWER : OPTION D

65. As per the provisions contained in Chapter VB of the Industrial Dispute Act, 1947 establishment employing _____ persons or more are required to seek prior permission of Appropriate Government before effecting lay-off, retrenchment and closure.
a) 50
b) 100
c) 250
d) 500

CORRECT ANSWER : OPTION B

66. '*First come last go and last come first go'* is the principle of:
a) Lay-off
b) Closure
c) Retrenchment
d) Dismissal
CORRECT ANSWER : OPTION C

67. Which of the following is an illegal industrial action as per law?
a) Mutual Insurance
b) Collective Bargaining
c) Lock out
d) Gherao
CORRECT ANSWER : OPTION D

68. Choose the correct objective of the Industrial Disputes Act, 1947.
a) To prevent illegal strikes
b) To promote measures for securing and preserving good relations between the employers and the employees
c) To provide relief to workmen in matters of lay - off, retrenchment, wrongful dismissals
d) All of the above
CORRECT ANSWER : OPTION D

69. Contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment/ contractor in which _____ workmen are employed or were employed on any day of the preceding twelve months as contract labour.
a) Ten or more
b) Fifteen
c) Twenty or more
d) Twenty-five or more
CORRECT ANSWER : OPTION C

70. The Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to establishments in which work is of:

a) An intermittent or casual nature
b) In nature of Permanent work
c) Both a) and b)
d) None of the above.
CORRECT ANSWER : OPTION A

Read the following passage carefully and then answer the accompanying questions employing the concepts provided in the passage:

According to Hohfeld, legal relationships can exist only between two legal persons and one thing. One of the two persons always has a legal advantage (that's the right) over the other. The other person has the corresponding legal disadvantage. … For example employer - employee. The basic building block of legal rights is liberty. It allows one person to do exactly as she pleases with no duty to do otherwise. … But … the important thing about a liberty: No one is required to respect it. It is merely a "permission without a protection". … For example, I can enjoy the view of my neighbour's garden but he is not under a duty to protect my view and can screen it off.

A "claim" entitles one person to limit the liberty of another, who then has a duty either to act or not to act in certain ways toward the claimant. For example, a child's claim to maintenance from parents places a duty on parents to provide maintenance. *In personam* claims can be made against a definite number of persons whilst *in rem* claims are available against every person in the world. …An immunity disables one person from interfering with the liberty of another…Claims tell us what we should not do. Immunities tell us what we cannot do. … For example, a public official cannot be prosecuted without special permission. A "power" is an ability that the law gives a person to (realise) her own legal rights or the rights of someone else (for example the power to sue). Its correlate, the liability carries the sense of exposure to having one's legal status changed. For example, only a person with locus in a case can file a litigation to press his claims.
[Adapted from Steven Wise, *Rattling the Cage Towards Legal Rights of Animals*) (2000)]

71. The boundary wall surrounding A's property was broken which caused a number of villagers to cross through his property to reach the adjoining market. A repaired the wall and stopped the villagers. What was the nature of legal relationship?

a) Liberty-no right
b) Claim-duty
c) Immunity-disability
d) Power-liability

CORRECT ANSWER : OPTION A

72. 'A' does not repair the boundary wall for more than twenty-five years and does not stop the villagers from crossing his property. Now the villagers have:

a) An immunity
b) A claim
c) A power
d) A liberty

CORRECT ANSWER : OPTION B

73. After changing her religion, an adult medical student Bareta got married to a man of her choice. The medical student's right to marry was:

a) A claim
b) A liberty
c) A power
d) A liability

CORRECT ANSWER : OPTION A

74. The situation for Bareta would change if she were a minor. Her minority would impact on her:

a) Claim
b) Liberty
c) Power
d) Immunity

CORRECT ANSWER : OPTION C

75. Article 21 of the Constitution of India lays down that no person can be denied life and liberty except according to procedure established by law. By reason of this article, the State cannot deny liberty through executive order. What does the Article impose on the State?

a) Duty
b) Liability
c) Disability
d) No Right

CORRECT ANSWER : OPTION C

76. A person can be taken into custody only if there is a legislation specifying a procedure which allows the deprivation of liberty. This protection from wrongful arrest granted to people is:

a) An immunity
b) A liberty
c) A disability
d) A power

CORRECT ANSWER : OPTION A

77. The Civil Procedure Code lays down the conditions that have to be fulfilled before a Plaint can be filed or defended. These conditions impact on the individual's:

a) Claim
b) Power
c) Disability
d) Liability

CORRECT ANSWER : OPTION B

78. As a rule, only States can move international institutions for the enforcement of their rights. Special requirements have to be fulfilled before individuals can move international institutions. These requirements impact on the _____ of individuals to obtain their rights.

a) liberty
b) power
c) claim
d) immunity

CORRECT ANSWER : OPTION B

79. When A enters into a contract with B, then the rights A has under the contract are:
a) In personam
b) In rem
c) Both (a) and (b)
d) None of the above

CORRECT ANSWER : OPTION A

80. Recognition of the Right to Privacy by the Indian Supreme Court has:
a) Converted a liberty into a claim right.
b) Placed a duty on the State to protect the right
c) Prevented tate from undertaking any activity which intruded on the privacy of the people
d) All of the above

CORRECT ANSWER : OPTION D

The Archimedean point of Habermas' philosophy of law is not the concept of natural law. His approach to positive law differs from both Han's and Hobbes'. For him, positive laws are democratically established human artifacts. In the democratic procedure for legislatures to make laws, even if there may be arguments appealing to the concept of natural law, democratically established positive laws are not duplications of natural laws. Instead, they differ from natural laws both in content and form. The legitimacy and validity of positive laws come exclusively from the democratic process in which laws are established and published. By the same token, the rationality of positive laws comes exclusively from a democratic legislature based upon rational communication under the guidance of the communicative rationality. In social management, morality is complementary to positive law. But positive law is not subordinate to [1]. Instead, the two are parallel institutions. Habermas shares with Han and Hobbes the view that positive laws have two salient features. First, they are written and publically published. Second, they are backed by those who have a monopoly on force. The second feature of positive laws is dubbed by Habermas as the "facticity" of law. The facticity or social reality of positive laws is that they are compulsory and backed by sanctions. As Habermas puts it, "Such laws appear as the will of a lawgiver with the power to punish those who do not comply; to the extent that they are actually enforced and followed, they have an existence somewhat akin to social facts.". Also, for Habermas, as it is for Han and Hobbes, positive law differs from natural law in the sense that positive law is a social institution, a human artifact, not a natural institution. Positive law comes into existence by a historical and public action—that is, the democratically legislation of it and its being publically published.

81. Habermas is a:
a) German Philosopher
b) French Philosopher
c) Western Social Scientist
d) English Jurist

CORRECT ANSWER : OPTION A

82. For Hobbes, the key tenet of his philosophy is:
a) Natural law is necessary for a good positive law and they are not identical in content.
b) Natural law is not necessary for a good positive law, though they are identical in content.
c) Natural law is necessary for a good positive law, and they are identical in content but differ in form.
d) Natural law is necessary for a good positive law but they differ in both form and content.
CORRECT ANSWER : OPTION C

83. Which of the following words has been replaced by '[1]' in the above paragraph?
a) Culture
b) Ethics
c) Morality
d) None of the above.
CORRECT ANSWER : OPTION C

84. Which one of the following statements, correctly conveys the Fuller's Inner Morality of Law?
a) Every piece of Law, in order to be valid, must fulfil minimum moral standard comprising of certain procedural requirements like generality, Prospectively promulgation, intelligibility and consistency.
b) The contents of every law in order to be valid must be mere minimum moral standard without anything more.
c) The question of morality of every law is a matter for the inner conscience of the legislators and judges have nothing to do with it.
d) The question of morality of law is not for the courts to determine.
CORRECT ANSWER : OPTION A

85. In which of the following cases, the Supreme Court of India remarked, "*Whenever the Court is entering into a new territory and is developing a new legal norm, discussion of normative jurisprudence assumes greater significance as the Court is called upon to decide what the legal norm should be. At the same time, normative jurisprudence has been to be preceded by analytical jurisprudence which is necessary for the Court to underline existing nature of law.*"?

a) Common Cause v. Union of India (2018)
b) Bhupinder Singh v. State of H. P (2011)
c) Kumar v. State of T. N (2013)
d) Gargi v. State of Haryana (2019)
CORRECT ANSWER : OPTION A

86. Out of the following jurists, whose theory has earned the name of "Natural Law with a Variable Content"?
a) St. Thomas Aquinas
b) John Locke
c) Hobbes
d) R. Stammler
CORRECT ANSWER : OPTION D

87. Which of the following philosophers gave the theory of "Communicative Action"?
a) Habermas
b) John Locke
c) Savigny
d) Lon L. Fuller
CORRECT ANSWER : OPTION A

88. According to Habermas, the existence and legitimacy of Positive Laws hinges upon which of the following?
a) Morality
b) Publication of Laws
c) Rational Democratic Process
d) Judicial recognition
CORRECT ANSWER : OPTION C

89. Positive Law is called 'Positive' because
a) It is made as a result of divine providence
b) It is made as a result of collective positive action
c) It is made by person in authority
d) It is followed by everybody
CORRECT ANSWER : OPTION C

90. Positivists were romanticists because:
a) They were running away from the realities of post-industrial Britain.
b) They were not imagining a perfectly ordered society.
c) They were depicting the state of law and order of contemporary Britain.
d) None of the above.
CORRECT ANSWER : OPTION A

Criminal law is the most direct expression of the relationship between a state and its citizens. Criminal sanction is indeed the most coercive method of regulating an individual's behaviour which any state may deploy. The degree of coercion under criminal law is qualitatively different from the outcome in a dispute under civil law. The purpose of criminal law is to forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens substantial harm to individual or public interests. Feinberg explains the harm principle in following words: 'It is always a good reason in support of penal legislation that it would probably be effective in preventing (eliminating, reducing) harm to persons other than the actor and there is probably no other means that is equally effective at no greater cost to other values'.

91. Which of the following reformed Criminal Law?

a) Malimath Committee
b) Justice M. N. Venkatachaliah Commitee
c) 52nd Law Commission Report
d) All of the above.

CORRECT ANSWER : OPTION A

92. Under Indian Penal code 'Culpable homicide' is first defined, but 'homicide' is not defined at all. 'Culpable homicide', the genus, and 'Murder', the species, are defined in terms so closely that it is difficult to distinguish them. The distinction between 'Culpable homicide' and 'Murder' was criticised as the 'weakest part of the code' by-

a) Glanville Williams
b) Jamesh Stephen
c) Jeremy Bentham
d) Simith & Hogan

CORRECT ANSWER : OPTION B

93. Lately Indian Criminal Law has been moving away from the above mentioned classical Principles of Criminal Law. Which one of the following does not demonstrate this shift?

a) Creation of new crimes.
b) Shift in Burden of Proof
c) Presumption of Guilt
d) Broader definitions of crimes

CORRECT ANSWER : OPTION A

94. The accused must be given death penalty to satisfy the '*collective conscience of the society*'. Is this the correct method of determining sentence?

a) Yes
b) No
c) Yes, in Terror and Sedition Cases
d) No, as what others think is irrelevant in deciding punishment

CORRECT ANSWER : OPTION D

95. In determining the sentence, which of following factors are to be taken into consideration?

a) Aggravating Factors
b) Mitigating Factors
c) Both Aggravating & Mitigating Factors
d) Collective Conscience of the Society

CORRECT ANSWER : OPTION C

96. The Supreme Court itself admitted in Santosh Kumar Bariyar (2009) that death penalty is imposed 'arbitrarily or freakishly'. The court made a candid admission in saying that 'there is no uniformity of precedents'. In Sangeet (2013), the Court yet again acknowledged that 'principled sentencing' has become 'judge centric'. In Swami Shraddhananda (2008), the Court said, award of death sentence depends on the 'personal predilection of judges' and there is 'lack of uniformity' in capital punishment. Which of the following statements is correct?

a) Award of Death Penalty depends on law and is given in rarest of rare cases.
b) Award of Death Penalty depends on personal ideologies of judges.

c) a) & b) both are correct.
d) a) is wrong.

CORRECT ANSWER : OPTION B

97. In Machhi Singh (1983) a three judge bench listed five parameters to decide whether case falls within 'rarest of rare' such as the manner of commission of crime i.e. brutality, motive, anti-social or abhorrent nature of crime, magnitude of crime and personality of victim i.e. child, women or leader loved by people etc. Which parameter laid down by the constitution bench in Bachan Singh was left out?
a) Too much importance was given to 'Crime' but 'Criminal' was left out.
b) Impact on society
c) Intent
d) Weapons used in the commission of crime

CORRECT ANSWER : OPTION A

98. Who had said that '*The Indian Penal Code is to the English criminal law what a manufactured article ready for use is to the materials out of which it is made. It is to the French Penal Code and, I may add, to the North German Code of 1871, what a finished picture is to a sketch. It is far simpler, and much better expressed, than Livingston's Code for Louisiana; and its practical success has been complete*.'?
a) Lord Macaulay
b) James Stephen
c) Hari Singh Gaur
d) Justice Krishna Iyer

CORRECT ANSWER : OPTION B

99. Justice Fitzgerald observed: '*The law of conspiracy is a branch of our jurisprudence to be narrowly watched, to be zealously regarded and never to be pressed beyond its true limits*.' Under Section 149, mere membership of the assembly without any participation in the crime is sufficient. In the light of this statement, whether punishment of conspiracy by mere agreement and under Section 149 by mere presence be deleted from the IPC?
a) Yes, if we believe in liberal and enlightened criminal jurisprudence
b) No, if we are status quoist
c) No, Conspiracy must remain punishable by mere agreement
d) No, mere presence should be enough

CORRECT ANSWER : OPTION A

100. Criminal Law Revision must reflect-
a) Deterrent theory with the aim to prevent crime.
b) Retributive theory consistent with the scheme of victim compensation.
c) Reformative theory consistent with democratic values and civil liberties
d) None of the above.

CORRECT ANSWER : OPTION C

Read the extracts of leading judicial pronouncement and answer the questions below:

1. What is bad in theology was once good in law but after Shariat has been declared as the personal law, whether what is Quranically wrong can be legally right is the issue to be considered in this case. Therefore, the simple question that needs to be answered in this case is only whether triple talaq has any legal sanctity. That is no more res integra. This Court in [1] has held, though not in so many words, that triple talaq lacks legal sanctity. Therefore, in terms of Article 141 [1] is the law that is applicable in India.
2. Having said that, I shall also make an independent endeavour to explain the legal position in [1] and lay down the law explicitly.
3. [2] was enacted to put an end to the unholy, oppressive and discriminatory customs and usages in the Muslim community. Section 2 is most relevant in the face of the present controversy.

Application of Personal law to Muslims. – Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including talaq, ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be Muslim Personal Law (Shariat).

101. The name of which of the following judgments has been replaced by '[1]' in the passage above?
a) Rukia Khatun v. Abdul Khalique Laskar
b) Shamim Ara v. State of UP and Another
c) Fuzlunbi v. K Khader Vali and Another
d) Mohd. Ahmad Khan v. Shah Bano Begum

CORRECT ANSWER : OPTION B

102. Which of the following legislations has been replaced by '[2]' in the passage above?
a) The Muslim Personal Law (Shariat) Application Act, 1937
b) Special Marriage Act of 1872
c) The Muslim Women (Protection of Rights on Divorce) Act 1986
d) The *Muslim Women* (*Protection of Rights* on Marriage) Act, 2019

CORRECT ANSWER : OPTION A

103. The Supreme Court constitution bench led by Chief Justice J. S. Khehar gave a landmark judgement in *Shayara bano v. Union of India*. Consider the following statements:

1. Chief Justice J. S. Khehar's decision, along with Justice S Abdul Nazeer, concluded that despite many findings the practice abhorrent, the Supreme Court does not have the power to strike it down.
2. The five-member bench was divided 3-2 on the matter. The dissenting opinion instead called for an injunction on the practice of *talaq-e-biddat* for six months, while also prodding the legislature to take up the matter.
3. The majority struck it down with two judges holding it arbitrary and third judge holding it unislamic.

4. The Majority verdict was given by Justice Rohinton Nariman, Justice U U Lalit and Justice D. Y. Chandrachud.

Select the correct statements about judgement:

a) 1& 2 are correct
b) 1, 2 & 3 are correct
c) 1, 2 & 4 are correct
d) All are correct

CORRECT ANSWER : OPTION B

104. Which one of the following is not correctly matched?

1. Talak Ahsan--This consists of three pronouncement of divorces made during a tuhr (period between menstruations) followed by abstinence from sexual intercourse for the period of *iddat*.
2. Talak Hasan- This consists of three pronouncements made during successive tuhrs, no intercourse taking place during any of the three tuhrs. The first pronouncement should be made during a tuhr, the second during the next tuhr, and the third during the succeeding tuhr.
3. Talak-ul-Bidaat - This consists of – (i) Three pronouncements made during a single tuhr either in one sentence, e.g., "I divorce thee thrice," - or in separate sentences e.g., "I divorce thee, I divorce thee, I divorce thee",
4. Talak-ul-Bidaat - This consists of – (ii) a single pronouncement made during a tuhr clearly indicating an intention irrevocably to dissolve the marriage, e.g., "I divorce thee irrevocably."

a) Only 1
b) 1 and 2
c) 3 and 4
d) 1, 2 and 3

CORRECT ANSWER : OPTION A

105. In which one of the following cases, the proposition was laid down that Personal Laws are beyond the pale of the Fundamental Rights Chapter of the Constitution and hence cannot be struck down by this Court?

a) State of Bombay v. Narasu Appa Mali
b) Mohd. Ahmad Khan v. Shah Bano Begum
c) Daniel Latifi v. Union of India
d) Sarla Mudgal v. Union of India

CORRECT ANSWER : OPTION A

106. What does the phrase *Res integra* connote in the above passage?

a) Issues of law which have not been decided or untouched by dictum or decision.
b) Issues of law which have been settled by court.
c) Issues of law where so many inconsistent decisions are present
d) Issues of law which should be resolved by the legislature and not by the court

CORRECT ANSWER : OPTION A

107. In which of the following cases, the Delhi HC had observed that the "*Introduction of constitutional law in the home is most appropriate. It is like introducing a bull in a china shop. It will prove to be the ruthless destroyer of the marriage institution and all that it stands for. In the privacy of home and the married life, neither Article 21 nor Article 14 have any place*."?

a) Harvinder Kaur v Harmender Singh Chaudhry
b) Maneka Gandhi v. Indira Nehru Gandhi
c) T. Saritha v. Union of India
d) Prakash v. Phulwati

CORRECT ANSWER : OPTION A

108. Which of the following statement is correct?

1. Hindu Marriage Act, 1955 recognizes Personal Law of Hindus
2. Hindu Marriage Act, 1955 does not recognize Personal Laws and is a landmark legislation in the direction of Uniform Civil Code.
3. If two Hindus register their marriage under Special Marriage Act, they will continue to be governed by the Hindu Succession Act rather than Indian Succession Act.
4. Hindu Marriage Act, 1955 recognized widow remarriage for the first time in India.

a) Only 1
b) 1 and 2 only
c) 2, 3 and 4.
d) 1 and 3 only

CORRECT ANSWER : OPTION D

109. What is the meaning of 'Khula' in the above passage?

a) Khula is the right of a woman in Islam to divorce and it means separation from her husband
b) Khula is the right of a man in Islam to divorce and it means separation from his wife
c) Khula is 'obtaining release from each other'.
d) Khula is a form of Talaq practiced in Shia community.

CORRECT ANSWER : OPTION A

110. Pick up the correct statement-

a) Muslim women cannot get divorce on the grounds of cruelty.
b) Hindu woman can get divorce on the conversion to any religion by her husband. Conversion by itself shall not dissolve marriage of Muslim woman but she can obtain divorce on other grounds after conversion such as cruelty, impotency, disappearance etc.
c) Hindu woman can get divorce on the non -payment of maintenance for two years
d) All the above

CORRECT ANSWER : OPTION B

The Principles of state responsibility dictate that states are accountable for breaches of International Law. Such breaches of treaty or customary international law enable the injured state to maintain a claim against the violating state, whether by way of diplomatic action or by way of recourse to international mechanisms where such are in place with regard to subject matter in issue. Recourse to International Arbitration or to the International Court of Justice is also possible provided the necessary jurisdictional basis has been established. Customary International Law imposes several important fundamental obligations upon the States in the area of environmental protection. The view that the International law supports an approach predicated upon absolute territorial sovereignty, so that a state could do as it liked irrespective of the consequences upon other states has long been discredited. The basic duty upon states is not so to act as to injure the rights of other states. This duty has evolved partly out of the regime concerned with international waterways. In the [1] case, the Permanent Court of International Justice noted that 'this community of interest in a navigable river becomes the basis of common legal right, the essential features of which are the perfect equality of all riparian states in the use of the whole course of the river and the exclusion of any preferential privileges of any riparian state in relation to others.'. But the principle is of far wide application. It was held in [2] case that the concept of territorial sovereignty incorporated an obligation to protect within the territory the rights of other states. It has now been established that it was an obligation of every state to not to allow knowingly its territory to be used for acts contrary to the rights of other states. This judicial approach has now been widely reaffirmed in international instruments. Article [3] of the Law of Sea Convention, 1982 provides that 'states shall take all measures necessary to ensure that activities under their jurisdiction and control are so conducted as not to cause damage by pollution to other states and their environment.' It is sometimes argued that the appropriate standard for the conduct of states in this field is that of strict liability. In other words, states are under an absolute obligation to prevent pollution and are thus liable for its effects irrespective of fault.

111. In relation to State responsibility, the Permanent Court of International Justice has observed that: " *It is a principle of international law and even a greater conception of law, that any breach of an engagement involves an obligation to make reparation*", in which of the following case?
a) Chorzow Factory Case.
b) Home Missionary Society Case
c) Corfu Channel Case
d) Genocide Convention Case

CORRECT ANSWER : OPTION A

112. The name of which one of the following cases has been replaced by '[1]' in the above paragraph?
a) Corfu Channel Case
b) Trial Smelter Arbitration
c) International Commission on the River Oder Case
d) Case Concerning auditing of accounts between Netherlands and France.
CORRECT ANSWER : OPTION C

113. The name of which of the following cases has been replaced by '[2]' in the above paragraph?
a) Island of Palmas Case
b) Nuclear Tests Case
c) Corfu Channel Case
d) None of the above.
CORRECT ANSWER : OPTION A

114. Which Article has been replaced by '[3]' in the above paragraph?
a) 191
b) 192
c) 193
d) 194
CORRECT ANSWER : OPTION D

115. In which of the following cases, the International Court of Justice pointed out that when in regard to any matter of practice, two states follow it repeatedly for a long time, it becomes a binding customary rule?
a) West Rand Central Gold Mining Company Ltd Case
b) South West Africa Case
c) Right of Passage over Indian Territory Case
d) North Sea Continental Shelf Case
CORRECT ANSWER : OPTION C

116. Doctrine of "*Sic utere tuo ut alienum non leadas*" is contained in which of the following?
a) Basel Convention, 1989
b) Principle 21 of Rio Declaration
c) Kyoto Protocol, 1997
d) Principles 21 and 22 of Stockholm Declaration
CORRECT ANSWER : OPTION D

117. Advisory Opinion can be given by the International Court of Justice on Legal question:
a) On the request of Security Council Only
b) On the request of General Assembly only
c) On the request of General Assembly or Security Council or both.
d) On the request of Economic and Social Council if authorised by the Security Council.
CORRECT ANSWER : OPTION C

118. In International Law, a good example of the application of principle of Sovereignty is the "theory of auto-limitation". This theory was given by which of the following schools of thought?
a) Positivist
b) Historical
c) Sociological
d) Naturalist
CORRECT ANSWER : OPTION A

119. Which of the following instruments refer to the "Polluter Pays" Principle for fixing the liability in environmental cases?
a) Principle 16 of Rio Declaration
b) International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990.
c) Convention on Transboundary Effects of Industrial Accidents 1992.
d) All of the above.
CORRECT ANSWER : OPTION D

120.International Court of Justice is different from the Supreme Court of India because:
a) It is an International Court having jurisdiction on all countries.
b) Its judgements are binding on all the members of United Nations.
c) Its judgements have no binding force.
d) Its jurisdiction is limited to States which have consented to its jurisdiction and its judgements are binding only on the parties to the dispute.
CORRECT ANSWER : OPTION D