

Legal Reasoning-1



91-9811155160



gp@careerlauncher.com

www.gpkafunda.com

You have been given some passages followed by questions based on each passage. You are required to choose the most appropriate option which follows from the passage. Only the information given in the passage should be used for choosing the answer and no external knowledge of law howsoever prominent is to be applied.

PASSAGE – 1

The Juvenile Justice (Care and Protection of Children) Act is related to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation. A juvenile in conflict with law, if apprehended, has to be placed immediately under the care of the special juvenile police unit or a designated child welfare officer. The child has to be produced before the Juvenile Justice Board (JJB). The Supreme Court has made it clear that the police have no right to detain children in conflict with law in a lockup or a jail. Additionally, Section 21 of The Juvenile Justice (Care and Protection of Children) Act, 2015 says "No child in conflict with law shall be sentenced to death or for life imprisonment without the possibility of release, for any such offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other law for the time being in force."

Maximum sentence which can be imposed is 3 years not beyond that. Once a child is produced before a JJB, bail is the rule. And even if, for some reason, bail is not granted, a child cannot be put behind bars. He has to be lodged either in an observation home or in a place of safety. The law is meant to protect children and not detain them in jail or keep them in police custody. The police cannot torture children.

If it comes to the knowledge of the JJBs that a child has been detained in prison or police lockup, they should ensure that the child is immediately granted bail or sent to an observation home or a place of safety.

The Act cannot be flouted by anybody, least of all by the police. The concept of justice is limited in itself, and does not address the needs of the child and family. Several times, the victims have an emotional turmoil around the court system itself. It aims to address what the child victim really needs and could even be after the criminal justice system.

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1. JJ Act mandates that no juvenile shall be sentenced to death or life imprisonment or committed to prison. Gopinath was convicted for having committed murder of Rabi Ghosh. The trial court convicted Gopinath and sentenced him to observatory home. After re-appreciation of the evidence, it was found Gopinath has furnished false certificates and documents. Based on the author's reasoning, should Gopinath's age be investigated and determined again?
 - (a) Yes, age should be investigated and determined, since Gopinath is a juvenile and he must be accorded beneficial provisions of the statute.
 - (b) No, age should not be investigated and determined, since Gopinath has committed heinous offence which should be nipped in the bud.
 - (c) Yes, age should be investigated, since Gopinath has adduced false certificates and documents. Therefore, determination of right age for right sentencing is necessary.
 - (d) No, age should not be investigated and determined, if Gopinath isn't punished other children like him will get inspiration to commit crime.
2. Supreme Court would be reluctant to entertain a plea about the determination of the age of a convict. Simultaneously, Supreme Court cannot ignore, overlook or nullify the beneficial provisions of the Act. Guddu, a juvenile, convicted for having committed rape and murder of 4 years old girl. He was sentenced to death penalty. However, Guddu only raised the plea of juvenility in the Supreme Court. Based on the author's reasoning and principle of law, choose the appropriate option with best course of action on the plea of juvenility?
 - (a) Yes, apex court should entertain the plea of juvenility, since Guddu being a child deserves protection and security from the coercive action of the State.
 - (b) No, apex court should not entertain the plea of juvenility, since Guddu has not shown any remorse and repentance, and committed the crime with a calculated strategy and design.
 - (c) Yes, apex court should entertain the plea of juvenility, since the age of Guddu is undetermined as well as he cannot be disqualified from the protective JJ Act.
 - (d) No, apex court should not entertain the plea of juvenility, since Guddu has shown strong criminal determination which cannot be wiped off easily.

3. When any juvenile is arrested such person shall be released on bail unless his release would not pose harm to a larger society. Arun is being prosecuted before the Juvenile Justice Board for having committed murder of one Maharaj by inflicting knife wounds. Arun is admittedly a juvenile. He is volatile by nature, shameless and has no guilty conscious. Based on the author's reasoning and principle of law cited, should the Juvenile Justice Board grant the bail to Arun?
- (a) Yes, bail should be granted to Arun, as jailing a juvenile will run contradictory to philosophy, objects and reasons behind the JJ Act.
 - (b) Yes, bail should be granted to Arun, as Maharaj was innocent who was made victim of a cold blooded murder.
 - (c) No, bail should not to be granted to Arun, because Arun can become a hardened criminal and cannot be reintegrated into the society again.
 - (d) No, bail should not to be granted to Arun, since his volatile and shameless nature can become a threat to life of others if he is released on bail.
4. Master Bholu was convicted for offence of murder, possessing illegal Arms and conspiring in a terrorist activity. Bholu has been found as a juvenile. He was fined heavily and given exemplary punishment. Will Bholu be afforded the protection of Section 21 of Justice (Care and Protection of Children) Act, 2015?
- (a) Yes, he will be afforded the protection, being a juvenile Bholu cannot be sentenced to death or life imprisonment.
 - (b) No, he will not be afforded the protection, as murder, possessing illegal Arms and conspiring in a terrorist activity are serious crime against the unity, integrity and sovereignty of India.
 - (c) No, he will not be afforded the protection, because he has failed to adduce any age determining certificate like School Leaving Certificate, Boards Mark sheets etc.
 - (d) No, he will not be afforded the protection, since Section 21 is not attracted in this case in the first place.

5. If it is declared that retribution has no Constitutional value in the country. Simultaneously, Section 21 has been amended making way for the life imprisonment and death penalty. Based on the inference drawn, what should be the author's stand on this amendment?
- (a) Author would welcome the amendment as it seeks to augment the deterrent effect in the society.
 - (b) Author would welcome the amendment as it will make the environment conducive for a crime free society wherein no criminals are spared.
 - (c) Author would oppose the amendment as it will have detrimental impact on the norms of juvenile protection and their security.
 - (d) Author would oppose the amendment as it violates the Constitutional value of non-retribution.
6. A juvenile convict in the case has been released from a reformation home after serving a three-year term.
- Is it consistent with the Juvenile Act?
- (a) Yes, reformation is one of the objectives of the Act.
 - (b) No, he should not be released and must be punished for committing such a crime.
 - (c) No, because School Leaving Certificate is not a good evidence for determining juvenility.
 - (d) Yes, Criminal Justice system's object is to rehabilitate.

7. Once a child is produced before a JJB, bail is the rule. It has come to light that Juvenile Justice Board(JJB) are acting as silent spectators and they only take note of the factual situation if it comes to the knowledge of the JJBs that a child has been detained in prison or police lock up. Based on the author's reasoning, are the JJBs acting in conformity to the law?
- (a) Yes, JJBs are acting in conformity to the law, as jailing juveniles will cause moral, physical or psychological harm to the children in the long run.
 - (b) Yes, JJBs are acting in conformity to the law, as JJBs are mandated file compliance report every month otherwise they would have been already closed.
 - (c) No, JJBs are not acting in conformity to the law, because JJBs are utter failures as depicted in recent media reports and they are acting against the letter and spirit of JJ Act.
 - (d) No, JJBs are not acting in conformity to the law, since JJBs are not steadfast and proactive in securing the bail and protecting them from being incarcerated.
8. Abhishek was shot dead. Arnit Das was arrested in connection with the said offence. Arnit Das was remanded to Juvenile home being entitled to protection of the Juvenile Justice Act. However, he was put in an adult prison due to lack of space in the observatory home. Based on the inference drawn, what should be the author's stand on not Arnit into observatory home?
- (a) Author would welcome sending Arnit to adult prison as the State prison capacity is low forcing the authority putting him in the adult jail.
 - (b) Author would welcome sending Arnit to adult prison as it will help Arnit understand and imbibe into the adult prison ecosystem when he will be transferred there after the completion of 3 years.
 - (c) Author would oppose sending Arnit to adult prison as it will have detrimental impact on his psychological health and moral well-being.
 - (d) Author would oppose sending Arnit to adult prison since it will undermine the juvenile's interest. Additionally, law protects the children and jail is the last resort.

PASSAGE – 2

We generally describe theft to be the act of stealing property belonging to somebody else. The offence of Theft comes under the purview of offences against property which extends from section 378 to section 462. Theft has been dealt with under sections 378 to 382. Theft is an offence in which movable property of a person is taken away and it is taken away without his consent. Theft has been defined under Section 378 of IPC. Simultaneously the punishment for the commission of act of theft has also been defined under Section 379 of IPC.

However, theft under IPC has certain specific requirements and ingredients. According to Section 378, theft means dishonestly taking any movable property out of the possession of a person. This taking must always be without the concerned person's consent. Therefore, in order to constitute theft under IPC, the following conditions must exist:

- (1) The offender must have a dishonest intention to take property;

- (2) The property in question must always be a movable property and not immovable;
- (3) The offender must take the property out of the other person's possession without consent; and
- (4) The offender must move the property to complete its taking.

All of these requirements must exist in order to complete the offence of theft. If anyone of them is missing, the offender is not guilty of theft. For example, a person may take and move somebody else's property thinking it actually belongs to him. In this case, since the offender moved the property as a mistake, he did not commit theft. The Punishment for the offence of Theft is defined under Section 379 of the Indian Penal Code which states that anyone who commits theft will be punished with imprisonment of either for a term which can be extended to a period of three years either with fine, or with both.

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9. A person intending to take dishonestly any movable property out of the possession of someone is said to commit theft. Theft is against possession and not against ownership. For the offence of theft, a continuous intention is not compulsory. A's dad gifted him a fitbit. One of his friends Shyam thought of a great idea to trouble A. When A was out in the interval Shyam quickly took out his fitbit watch from his bag with a view to do a prank with A, kept the watch in some other pocket of A's bag. Finding his fitbit missing, A immediately went and complained to his Dean. Shyam thought that now A has made a complaint so there is no point in telling the same to A that it is a prank. Finally when the dean ordered for checking of the bags of all the students, one student Radha told the dean that she saw Shyam taking out the watch and changing the place of the fitbit watch. Will Shyam be held liable for theft?
- (a) Shyam will not be held liable for theft as he is not having any dishonest intention while changing the place of the watch.
 - (b) Shyam will be held guilty of theft as he should have immediately told the dean about the same.
 - (c) Shyam is guilty of theft at the time he took out the fitbit from A's bag because he moved the property without A's knowledge and therefore should be held guilty.
 - (d) Shyam will not be held guilty of theft because he just wanted to play a prank and with A making a complaint he knew anyways that if he were caught then he will be held liable for theft so no point keeping it back.
10. Nothing is an offence which is done in the exercise of right of private defense. An aggressor cannot claim the right of private defense in criminal law. A entered B's house with the intention of committing theft. B and other family members surrounded A and attacked him with lathis. Realizing that his life was in danger, A took out his knife and stabbed B near his heart. B died immediately thereafter. At the trial, A pleads that he caused the death of B in exercise of the right of private defense in order to save his own life. Will this defense succeed?
- (a) Yes
 - (b) No
 - (c) May be
 - (d) Can't say.

11. Sanya had lent her copy of Carry On to Manya. Janya, a friend of theirs, also wanted to read the book so she asked Sanya if she could have it after Manya was done with it. Sanya agreed but forgot to tell Manya. After Manya was done reading, she went to Sanya's place and finding that she wasn't home, left it with her younger sister Anya. Janya came over later and asked Anya for the book, who refused to give it saying she had been asked to give it to Sanya and no one else. Janya got annoyed and simply picked it up when Anya went to the washroom. Anya wants to file a case of theft against Manya.
- (a) Anya will fail because Janya had Sanya's permission.
 - (b) Anya will succeed because the book was taken out of her possession without her permission.
 - (c) Anya will fail because it's not Janya's fault that Sanya wasn't at home and forgot to tell Anya that the book was supposed to be in Janya's possession now.
 - (d) Anya will succeed because it wasn't right on Janya's part to just take the book while she was looking the other way.
12. Madhuri visits her friend Charulata's house. Madhuri sees a gold ring kept unattended on the table. She also wanted to purchase a similar ring and tries it on her finger. She meets Charulata and comes back home forgetting to return the ring. On coming home Madhuri didn't find the ring as it got lost somewhere while she was travelling back to her home. Charulata wishes to prosecute Madhuri. Decide.
- (a) Madhuri may be liable for theft as she may have had a guilty mind.
 - (b) Madhuri is liable for theft as she had a guilty mind.
 - (c) Charulata should have not left the ring unattended.
 - (d) Madhuri is liable as she did not take Charulata's permission.

13. During his visit to the home of C, A asks B, the son of C, to accompany A to a forest. Neither A nor B inform C in this regard. B accompanies A to the forest. Decide.
- (a) A has committed theft.
 - (b) A has not committed theft.
 - (c) A has committed theft as soon as he entered the home of C.
 - (d) A has not committed theft till B did not accompany him.
14. Theft is the dishonest moving of property with the intention of taking it out of the person's possession without his consent. The bailor has to pay bailee for the services rendered during the course of bailment A gives his woollen Suit to a dry cleaner along with his wife's clothes for the purpose of dry cleaning. He is told to collect the clothes after two days. When he comes after two days, he finds that he does not have enough money to pay to the dry cleaner. But since he needs the suit desperately to wear for a party, he surreptitiously places the suit near his other goods so that he can quietly take it without the knowledge of the dry cleaner. Decide.
- (a) A is guilty of theft.
 - (b) A is not guilty of theft.
 - (c) A is not guilty of theft but has to pay for the services to the dry cleaner
 - (d) A is guilty of theft as he has moved his suit out of the shop without the consent of the dry cleaner.
15. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft. Whoever intentionally puts any person in fear of any injury to that person, or to any other to deliver to any person any property commits extortion. Amar breaks into Bimal's house at night for committing theft. However, Bimal wakes up and tries to tackle Amar down. Amar takes out a gun and holds Bimal at a gunpoint. While Bimal is being held so, Amar asks Bimal to give him the keys of the safe. Bimal gives Amar the keys and Amar takes out the cash from the safe. He then locks Bimal in the bedroom and while leaving the house, steals Bimal's bicycle. What will be the liability of Amar?
- (a) Theft
 - (b) Extortion.
 - (c) Both theft and extortion
 - (d) Neither theft nor extortion.

16. Amir had borrowed a book from Kapil. Raj, Kapil's friend urgently needed that book. Upon asking Kapil, he was given permission by him to take the book from Amir. However, when Raj went to Amir's house to take the book from him, Amir's brother told him that Amir was not at home and he could give the book only to the owner and not anyone else. As Amir's brother did not know Kapil, Raj told him that he was the owner of the book. Believing Raj, Amir's brother let him in the house and take Kapil's book. Has Raj committed theft?
- (a) Yes, as he did not had the consent of the person who possessed the book.
 - (b) No, because he had the owner's consent for taking the book.
 - (c) No, because he had the consent of Amir's bother, who was in possession of the book.
 - (d) Yes, as he dishonestly told Amir's brother that he was the owner of the book.
17. Ali Baba secured a treasure that he brought in a cart to his house. When he went inside to greet his family, he had left the treasure outside the house premises. Mir Qasim saw the treasure and knew that if he takes away the treasure, he would be liable for theft. Instead, he induced the bullocks to follow him to his house. Decide
- (a) Mir Qasam is liable for theft
 - (b) Mir Qasam is not liable for theft, as he has not dishonestly taken away the property from Ali Baba's property
 - (c) Mir Qasam is not liable for theft as the treasure was not in his possession
 - (d) Mir Qasam is not liable for theft, as the bullocks following him does not pile up liability of theft over him.
18. A used to borrow books from B from B's personal library. A used to return the books to A within a specified amount of time. Once A borrowed a book from B in which he found a gift coupon. A took the coupon with the intention of availing the gift. He subsequently returned the book to B. Has A committed theft.
- (a) A is liable for theft
 - (b) A is not liable, as B had no knowledge about the coupon
 - (c) A is not liable as he had no intention to commit theft
 - (d) A is not liable as he returned the book within the stipulated time

PASSAGE – 3

Into the second week of the amendments to Motor Vehicles Act kicking in, the step to sharply increase fines for violations remains controversial. Gujarat this week reduced some of the fines set by the Centre on humanitarian grounds. The overarching aim of the amendments has wide support. Given that India has a shameful record of fatalities on account of road accidents, even when compared to other developing countries, some of the measures in the amendments, particularly the one relating to encouraging good Samaritans, are welcome. The debate is over a steep hike in fines. For example, the penalty for jumping a traffic light has gone from Rs 100 to Rs 5,000. Will a harsh measure be the game changer?

The newly passed Act increases the minimum compensation for hit and run cases as follows: (i) in case of death, from Rs 25,000 to two lakh rupees, and (ii) in case of grievous injury, from Rs 12,500 to Rs 50,000. The Act also allows the central government to order for recall of motor vehicles if a defect in the vehicle may cause damage to the environment, or the driver, or other road users. The manufacturer of the recalled vehicle will be required to reimburse the buyers for the full cost of the vehicle.

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The record across the world is decidedly mixed but fine remains a popular tool, with Finland going so far as to link it to a violator's disposable income. What is unambiguous is that the problem of fatalities is more pronounced in the developing world, which WHO says accounts for 93% of fatalities with around 60% of vehicles. Richer countries have created safer roads over the last four decades. There are two solutions and both are needed. One, is to strengthen the regulatory and enforcement framework. Two, significantly improve road design in India which is also a cause of fatalities.

Will stiff fines improve driving habits? Yes, if the violator is fairly sure that it's difficult to escape. However, enforcement has been India's weakness. Once the current fuss dies, our record suggests it will be business as usual. It may also encourage petty corruption. Therefore, instead of fixing fines at a level where even a relatively wealthy BJP-administered state feels pressured to lower it, focus on consistent enforcement. A model where most fines escalate with repeat offences with the possibility of flying below the radar minimised is the way forward.

19. With which of the following steps, according to the passage, would the author most likely to agree with?
- (a) The government includes private contractors in road construction.
 - (b) The government provides for high toll collection at the national highways.
 - (c) The government orders that any construction of road must be only after consulting architects for its design and layout.
 - (d) The government orders that the road construction be finished within a fixed timeframe.
20. According to the author, why would the Motor Vehicles (Amendment) Act be a failure or be less efficacious?
- (a) The Act does not learn from foreign experiences.
 - (b) The Act ignores the problem of tepid enforcement in India.
 - (c) The Act does not have adequate penalties.
 - (d) The Act did not take suggestions from the State governments.
21. Suppose, the Motor Vehicles (Amendment) Act is not passed. Chandu, in an inebriated condition is driving back home when he runs over Gunjan. Gunjan suffers left leg and right arm fractures besides major bruises on her head. Chandu had fled the spot. Decide.
- (a) Gunjan will get minimum Rs.12500 from the government.
 - (b) Gunjan will get minimum Rs.12500 from Chandu.
 - (c) Gunjan will get minimum Rs.50000 from Chandu.
 - (d) Gunjan will get minimum Rs.50000 from the government.
22. Kalyan hits his car against a cyclist Ranga, as a result of which Ranga dies. Kalyan noticing no one at the accident spot, sped away. Decide based on the passage.
- (a) Kalyan is liable for causing death by rash and negligent act.
 - (b) Ranga will be paid half by Kalyan and balance by government.
 - (c) Kalyan has to pay Rs. 2 Lakhs compensation to Ranga.
 - (d) Ranga is to be paid a compensation of Rs. 2 Lakhs by the government.

23. X industry manufactures passenger cars. It launched a new model which uses a new engine technology resulting in greater power and better driving experience. Shashank purchase one of this model cars for Rs. 10 Lakhs. A month later some scientific studies found emissions containing large amounts of heavy metals in the exhaust of the car. The government ordered the entire new stock to be called back. Decide.
- (a) Shashank has to be paid back Rs. 10 Lakhs by the government.
 - (b) Shashank has to be paid back Rs. 10 Lakhs by the X industry.
 - (c) Shashank has to pay the government Rs. 10 Lakhs.
 - (d) X industry has to pay the government Rs. 10 Lakhs for polluting the environment.

PASSAGE – 4

After the Parliament approval, President of India, gave his assent for the Protection of Children from Sexual Offences (Amendment) Act, 2019 (POCSO Act). The said Act has been enacted to protect children i.e. any person below 18 years of age, from offences of sexual assault, sexual harassment, and pornography and provide for the establishment of Special Courts for the trial of such offences and for matters connected therewith or incidental thereto.

In the recent past incidences of child sexual abuse cases demonstrating the inhumane mind-set of the abusers, who have been barbaric in their approach towards young victims, is rising in the country. Children are becoming easy prey because of their tender age, physical vulnerabilities and inexperience of life and society.

The Act defines "child pornography" as any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer-generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child. The Act also penalizes storage of certain material. Section 15 of the Act reads,

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"any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, which is the police unless otherwise stated, with an intention to share or transmit child pornography, shall be liable to fine." The section goes further and makes any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, or for use as evidence in court, liable for imprisonment which may extend to three years, or with fine, or with both.

There is a strong need to take stringent measures to deter the rising trend of child sex abuse in the country, the proposed amendments to the said Act make provisions for enhancement of punishments for various offences so as to deter the perpetrators and ensure safety, security and dignified childhood for a child. It also empowers the Central Government to make rules for the manner of deleting or destroying or reporting about pornographic material in any form involving a child to the designated authority.

24. What, according to the passage, is the reason for a special law and on protection of children from sexual offences?
- (a) Children are immature and may take a decision thinking it to be correct when in reality it is not so.
 - (b) Under the Constitution it is the duty of government to further the interests of children.
 - (c) Moral values of Indians is eroding.
 - (d) Parents are so busy in their life that they forget to properly take care of their children.
25. What assumption has been made behind the imposition of harsher penalties under the amended POCSO Act?
- (a) The more the penalty, the more is the conviction rate.
 - (b) The harsher the punishment for a crime, the lesser is its commission.
 - (c) The more young a child, the more legal protection he/ she needs.
 - (d) The higher the power, the greater the responsibility.
26. Sudipta, aged 16 years sends some nude pics of herself to her boyfriend Abhilash through WhatsApp. Abhilash, without telling Sudipta uploads it on a porn website. Decide.
- (a) Abhilash is not liable under the POCSO Act.
 - (b) Only Sudipta is liable under the POCSO Act.
 - (c) No one is liable as Sudipta sent the pics with her own free consent.
 - (d) Only Abhilash is liable under the POCSO Act.
27. Ojaswee is in a WhatsApp group which consist of, besides himself, Gourav and Divyang. Divyang sends a child porn clip on the group. Ojaswee instantly deletes it and leaves the group. Gourav forwards it to another friend of his. Who all are liable ?
- (a) Only Divyang.
 - (b) Only Divyang and Gourav.
 - (c) Ojaswee, Divyang and Gourav.
 - (d) Only Gourav.
28. Anees shows a porn clip to his friend Gautam on his phone. The clip involves a 24 year old infamous porn star. Who all are liable under the POCSO Act?
- (a) Only Anees.
 - (b) Only Gautam
 - (c) Both Anees and Gautam.
 - (d) Neither Anees nor Gautam.

PASSAGE – 5

The Surrogacy (Regulation) Bill 2019, which seeks to ban commercial surrogacy, was passed by the Lok Sabha in the Monsoon Session and was moved for consideration and passage in the Rajya Sabha. During the debate on the bill, some of the members sought its review as over a dozen major recommendations by a standing committee were incorporated in the draft law.

Surrogacy is an arrangement wherein a surrogate mother bears and delivers a child for a couple or person.

In gestational surrogacy, an embryo, which is fertilised by in vitro fertilisation, is implanted into the uterus of the surrogate mother who carries and delivers the baby. In traditional surrogacy, the surrogate mother is impregnated with the sperms of the intended father. Surrogacy may be commercial or altruistic. Altruistic surrogacy does not involve monetary considerations, except medical expenses and insurance. In commercial surrogacy, the woman who gives birth to a child for the intending couple is rewarded for it in cash or kind. According to the Bill, if an individual is found advertising or undertaking surrogacy, exploiting the surrogate mother, selling, importing, purchasing or trading human embryos or gametes for surrogacy, conducting sex selection for surrogacy, or has abandoned, exploited or disowned a surrogate child, he/she can be imprisoned for up to 10 years and fined of up to Rs 10 lakh.

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According to the Bill, only altruistic surrogacy will be permitted in India, in cases where either one or both the members making up the couple suffer from infertility, of which the certificate of essentiality is proof. Additionally, a certificate of eligibility is issued to the intending couple and is proof that the couple has been married for at least five years, and are Indian citizens. The wife must be in the age group of 23-50, and the husband in the age group of 26-55.

In case abortion of a surrogate foetus is considered, only the consent of the surrogate mother is required, according to the provisions under the Medical Termination of Pregnancy Act, 1971. The intending couple has no say in this decision. On the other hand, after being born, the child is considered to be the biological child of the intending couple and the surrogate mother loses all rights to the child. The intending couple should not have any surviving biological child, through adoption or through surrogacy. An exception is made if the intending couple has a surviving child who is mentally or physically challenged, or is suffering from a fatal illness with no permanent cure.

29. Which of the following, according to the passage, most correctly describe the present status of the Surrogacy Bill?
- (a) The Bill has become a law.
 - (b) The Bill has been passed only in one house of the Parliament.
 - (c) The Bill has lapsed.
 - (d) The Bill has been withdrawn by the relevant introducer.
30. X agrees to be a surrogate mother for a couple for Rs.25 Lakhs besides Rupees Twenty Thousand towards medical costs. Choose the most appropriate option.
- (a) X is contracting for commercial surrogacy.
 - (b) X is contracting for altruistic surrogacy.
 - (c) There cannot be any kind of surrogacy as the Bill is pending.
 - (d) X will have custody of the 'to be born' child till it becomes an adult.
31. Suppose the Bill becomes a law. Rama makes a website offering her services for surrogacy for a very nominal amount. Decide.
- (a) Rama is not liable under the law.
 - (b) Rama's liability depends upon the 'nominal' amount she is charging.
 - (c) Rama is liable for imprisonment and fine.
 - (d) Rama's liability depends upon whether the surrogacy is altruistic or commercial.
32. Suppose the Surrogacy Bill is passed. Ramesh is married to Madhu. They have a biological child Rohan, aged 5 years. Madhu is pregnant with their 2nd child when due to an accident she suffers a miscarriage. Her ovaries and uterus were also removed making her unable to ever conceive in future. Can Ramesh and Madhu go for surrogacy ?
- (a) Yes, as Madhu can never conceive in future.
 - (b) Yes, as Madhu suffered a miscarriage when she was pregnant with her second child.
 - (c) No, as they already have a child.
 - (d) No, as Madhu was not biologically infertile but became so, due to an accident.
33. Suppose the Surrogacy Bill becomes a law. X and Y are infertile couple. They get a child from a surrogate mother Z. A year later Z wants the child back. Decide.
- (a) Z can get the child back as she is the biological mother of the child.
 - (b) Z can get the child back if she can prove that she can take care of the child better than X and Y.
 - (c) Z cannot get the child back as she did not take care of the child in the first year.
 - (d) Z cannot get the child back as X and Y are the child's legal parents now.

PASSAGE – 6

The Parliament passed the Consumer Protection Act, 2019, which promises to strengthen the rights of consumers and provides a mechanism for redressal of complaints regarding defects in goods and deficiency in services.

Union Food and Consumer Affairs Minister stressed that the overall purpose of the legislation was to ease the process of addressing grievances of consumers.

The Act also seeks to bring in e-commerce under their jurisdiction and hold celebrities accountable for false and misleading advertisements of products that they endorse. The Act proposed strict action against the advertiser in case of misleading advertisements but not against the media through which the advertisement is being publicised. It also provides for product liability action on account of harm caused to consumers due to defective products or deficient services. Product liability means the liability of a product manufacturer, service provider or seller to compensate a consumer for any harm or injury caused by a defective good or deficient service.

Under the Act, a consumer is defined as a person who buys any good or avails a service for a consideration.

(Contd.)

It does not include a person who obtains a good for resale or a good or service for commercial purpose. It covers transactions through all modes including offline, and online through electronic means, teleshopping, multi-level marketing or direct selling. Only a consumer can bring an action under the Act. Certain consumer rights have been defined in the Act, including the right to: (i) be protected against marketing of goods and services which are hazardous to life and property; (ii) be informed of the quality, quantity, potency, purity, standard and price of goods or services; (iii) be assured of access to a variety of goods or services at competitive prices; and (iv) seek redressal against unfair or restrictive trade practices.

The central government will set up a Central Consumer Protection Authority (CCPA) to promote, protect and enforce the rights of consumers. It will regulate matters related to violation of consumer rights, unfair trade practices, and misleading advertisements. The CCPA will have an investigation wing, headed by a Director-General, which may conduct inquiry or investigation into such violations. The CCPA may impose a penalty on a manufacturer or an endorser of up to Rs 10 lakh and imprisonment for up to two years for a false or misleading advertisement. In case of a subsequent offence, the fine may extend to Rs 50 lakh and imprisonment of up to five years.

34. According to the passage, what all additional areas or persons or institutions have been brought under the Consumer Protection Act ?
- (a) Celebrities only.
 - (b) Celebrities, e-commerce and product liability.
 - (c) E-commerce only.
 - (d) Neither celebrities nor e-commerce.
35. Suppose a misleading advertisement is shown on 'XY' channel and 'ZA' channel for consecutive two weeks. Who all are liable in this case ?
- (a) Channels XY and ZA.
 - (b) Channels XY and ZA and also the maker of the misleading advertisement.
 - (c) The maker of the misleading advertisement.
 - (d) The consumer who sees the product on the respective channels.
36. Kanika Sharma, a famous actress endorsed a brand of leggings. In the advertisement, the actress says, "100% cotton leggings to keep you cool during summers." Manasa purchase a pair of the same brand leggings relying on the advertisement. It turns out to be only 20% cotton and the rest is nylon. Choose the best option.
- (a) Kanika Sharma is liable for performing a misleading and false advertisement.
 - (b) Kanika Sharma is not liable.
 - (c) Manasa cannot file a case under Consumer Protection Act as she must know that advertisements are not perfectly truthful.
 - (d) Kanika Sharma has to compensate Manasa for the cost of leggings.
37. Ankit brought 1000 kgs of wheat from Kartik. He grinds the wheat and uses the flour so produced for making bread, which he then sells in the open market. The wheat turns to be infested with pests making it unsuitable for use. What course of action is available to Ankit ?
- (a) Ankit can sue Kartik under the Consumer Protection Act.
 - (b) Ankit can sue Kartik for breach of conditions of contract.
 - (c) Ankit file an FIR against Kartik for supplying unsuitable product.
 - (d) Ankit cannot take action against Kartik under the Consumer Protection Act.

38. Garima ordered fried rice at a 3-star restaurant. She found a dead cockroach in it. Decide.
- (a) Garima can file a complaint under the Consumer Protection Act.
 - (b) Garima can complaint to the manager of the restaurant.
 - (c) Garima can sue the restaurant under Law of Torts for negligence.
 - (d) Garima cannot take any action as the cockroach must have come mistakenly.

PASSAGE – 7

Property is mainly divided into two parts, namely movable and immovable. Any offence which is committed in regard to any property whether it is movable or immovable is punishable under the provisions of the law of Crimes or the Indian Penal Code.

PROPERTY OFFENCES ARE PROVIDED HEREUNDER, APPLY THEM WHEREVER APPLICABLE:

1. THEFT AND ATTEMPT TO THEFT

- Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property, is said to commit theft.
- Whoever attempts to commit an offence punishable by the IPC and in such attempt does any act towards the commission of the offence, shall be punished.

2. EXTORTION

- Whoever intentionally puts any person in fear of any injury to that person and dishonestly induces the person so put in fear to deliver to any person, any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion".

3. ROBBERY

- Theft is "robbery" if by committing the theft or attempting to commit the theft, the offender voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint.
- Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the person put in fear of death, hurt, or wrongful restraint to that person and, by so putting in fear, induces the person so put in fear to deliver up the thing extorted.

4. DACOITY

When five or more persons conjointly commit a robbery, or attempt to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit "dacoity".

(Contd.)

39. A holds Z down and fraudulently takes Z's money and jewels from Z's clothes without Z's consent. Based on the information in the passage above, decide the guilt of A?
- (a) A has committed theft
 - (b) A has voluntarily caused wrongful restraint to Z
 - (c) A has Committed Extortion
 - (d) A has committed Robbery.
40. A meets Z on the high roads, shows a pistol, and demands Z's purse. Z in consequence, surrenders his purse. Based on the information in the passage above, decide the guilt of A?
- (a) A has committed Theft.
 - (b) A has committed Extortion
 - (c) A has committed both Theft and Extortion
 - (d) A has committed Robbery.
41. Vidyu meets Lata in a dark street-corner and tells her that unless she delivers her Palme D'eol trophy to her, Vidyu will kill Lata's only son Ajey whom she has held captive. Lata does the same. On reaching home, Lata finds that her son is watching a movie and gets very angry at being fooled by Vidyu. Based on the information in the passage above what offence, if any, has been committed by Vidyu?
- (a) No offence has been committed as Vidyu didn't have Lata son with him.
 - (b) Vidyu has committed robbery.
 - (c) Vidyu has committed extortion.
 - (d) Vidyu is only guilty of causing nuisance and nothing else.
42. Brahma, Vishnu, Mahesh, Ganesh and Kartik are teammates at Bahar-se-lo-naa Football club. Since the club has been in a pretty bad shape financially and doesn't pay them much, they capture their coach and call his wife and tell her that they would not release him unless she pays them 10 Million Euros. His wife starts crying and says that she has no money. Frustrated, the players let go of the coach. Based on the information in the passage above what offence have they committed?
- (a) Attempt to robbery.
 - (b) Robbery.
 - (c) Dacoity.
 - (d) No offence has been committed since they let the coach go.

43. Mr Yechell Sattu is the manager of a cricket team in the Insane Premier League. His biggest rival is Santasivam, the manager of another team. Santasivam's team has never beaten Sattu's team in a match and is desperate to end this losing streak. He finds Sattu before the match and asks him to give the team's strategy papers to Santasivam. His plans fail as Sattu does not have the papers. Based on the information in the passage above what offence has Santasivam committed?
- (a) Attempt to extortion.
 - (b) Attempt to Robbery.
 - (c) Santasivam has committed no offence.
 - (d) Santasivam is guilty of match-fixing.
44. Manav, Sidharth, Ajey, Sudhanshu, Vageesh and Surabhi decide to make some quick and easy cash and get hold of Amita, a very rich guru of the meninist faith, and keep her with them for 6 days, thinking that they can withdraw cash from her ATM card, but Amita does not budge and doesn't give them her PIN. On the 7th day, poor Manav has mercy on Amita and convinces Surabhi to let her go. Surabhi, who is also a devout meninist, unties her and even beats up the other 4 and helps Amita get away. Amita goes to the police and informs them about these events. Based on the information in the passage above who is guilty of what offences?
- (a) Sidharth, Ajey, Sudhanshu and Vageesh have committed dacoity, while the other two have committed extortion.
 - (b) All 6 have committed dacoity.
 - (c) All 6 have committed robbery.
 - (d) All 6 have committed extortion.
45. A makes an attempt to steal some jewels by breaking open a box and after opening the box, finds that there is no jewel in it. He takes the box itself and runs away. Based on the information in the passage above what offence, if any, has A committed?
- (a) A has committed no offence.
 - (b) A has committed the offence of theft.
 - (c) A has attempted to commit the offence of theft.
 - (d) A has committed the offence of mischief.
46. Sanya had lent her copy of Carry On to Manya. Janya, a friend of theirs, also wanted to read the book so she asked Sanya if she could have it after Manya was done with it. Sanya agreed but forgot to tell Manya.
- After Manya was done reading, she went to Sanya's place and finding that she wasn't home, left it with her younger sister Anya. Janya came over later and asked Anya for the book, who refused to give it saying she had been asked to give it to Sanya and no one else. Janya got annoyed and simply picked it up when Anya went to the washroom. Anya wants to file a case of theft against Manya. Based on the information in the passage above, will Ananya succeed?
- (a) Anya will fail because Janya had Sanya's permission.
 - (b) Anya will succeed because the book was taken out of her possession without her permission.
 - (c) Anya will fail because it's not Janya's fault that Sanya wasn't at home and forgot to tell Anya that the book was supposed to be in Janya's possession now.
 - (d) Anya will succeed because it wasn't right on Janya's part to just take the book while she was looking the other way.

PASSAGE – 8

The polity assured to the people of India by the Constitution is described in the Preamble wherein the word "secular" was added by the 42nd Amendment. It highlights the fundamental rights guaranteed in Articles 25 to 28 that the State shall have no religion of its own and all persons shall be equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion of their own choice, in brief, this is the concept of secularism as a basic feature of the Constitution of India and the way of life adopted by the people of India as their abiding faith and creed. M.C. Setalvad in Patel Memorial Lectures - 1985, on Secularism, referring to the Indian concept of secularism, stated thus:

The ideal, therefore, of a secular State in the sense of a State which treats all religions alike and displays benevolent neutrality towards them is in a way more suited to the Indian environment and climate than that of a truly secular State. Secularism, in the Indian context, must be given the widest possible content. It should connote the eradication of all attitudes and practices derived from or connected with religion which impede our development and retard our growth into an integrated nation

(Contd.)

The concept of secularism is very much embedded in our constitutional philosophy. Secularism is thus more than a passive attitude of religious tolerance. It is a positive concept of equal treatment of all religions. The State has no religion. The State is bound to honour and to wield the scales even between all religions. It may not advance the cause of one religion to the detriment of another. Thus, only concerted and earnest endeavour, both by the State and citizen, towards secularisation lead to the stabilisation of our democratic state and the establishment of a true and cohesive Indian nationhood.

47. Parliament recently passed an amendment that would change the structure and character of the Constitution. This amendment seeks to tinker with the basic feature of 'secularism' and it has created a sense of insecurity in the minds of minority. Based on the author's arguments and essence of the passage, would such an amendment be constitutionally permissible?

- (a) The amendment would be constitutionally permissible, since the government is not aligned to any religion.
- (b) The amendment would not be constitutionally permissible, since secularism is part of the basic structure of the Constitution.
- (c) The amendment would be constitutionally impermissible, since secularism cannot be effaced from the Indian civilization despite being removed from the constitution.
- (d) The amendment would not be valid, since it is not backed by a cultural principle.

48. Apex Court had held that "Equality and Secularism cannot be separated from each other. They are mutually reinforcing forces." Government has passed a cabinet resolution to eliminate the norms and values of equality. Legal scholars are of the view that it will create asymmetry in the scheme of the constitution.

Based on the author's arguments and precedent of the Apex Court, would the cabinet resolution seeking removal of equality be held valid?

- (a) Yes, cabinet resolution seeking removal of equality is valid, since equality and secularism is not part of the basic structure of the Constitution.
- (b) No, cabinet resolution seeking removal of equality is not valid, since the basic aim of secularism is to ensure equality amongst religions and preserving secular fabric of the society.
- (c) Yes, cabinet resolution seeking removal of equality is valid, since a society that is not committed to equality need not be committed to secularism.
- (d) No, cabinet resolution seeking removal of equality is not valid, since cabinet resolutions are not formal instrument of law. It has no binding value.

49. There was a movement to construct a temple for which some part of the land was acquired including the disputed site. Acquisition led to dispute over this portion of land between two religious denominations. Neither denomination has better title over the land. Despite this fact, Parliament enacted a law giving green signal for the construction of temple. In such a case, based on the author's reasoning, what is the likely outcome if the temple construction law is challenged?
- (a) Temple construction law will be upheld since the pro-temple community was long subjected to religious persecution and temple desecrations.
 - (b) Temple construction law will be upheld since the pro-temple communities are original inhabitants of this land.
 - (c) Temple construction law will be struck down since secularism is a basic feature of the constitution.
 - (d) Temple construction law will be struck down since the law is operating in exclusion of a community. Exclusion is equivalent to discrimination and communal harmony since the law is violating the secular tenets of the constitution.
50. Modu is an ardent follower of a religion followed by the majority population in the country. Modu is elected with a landslide victory in the general elections. Gondu, his political opponent belongs to a minority religion in the country. Gondu challenges Modu's appointment. Basic premise of the challenge is that election cannot be allowed of a person who follows communal practices, excludes the interests of other religions and remains silent during religious intolerance and lynching. Based on the author's arguments and reasoning of the passage, decide the validity of the petition?
- (a) Gondu's petition would not succeed, since there is a need for greater representation of minorities in political office.
 - (b) Gondu's petition would not succeed, since secularism does not mean that the state creates a high wall against the religion. Equality is the norm, discrimination is violation.
 - (c) Modu would be disqualified from being appointed as Prime Minister, since secularism ensures tolerance and equality of religions.
 - (d) Gondu's challenge would succeed, since secularism requires that only irreligious individuals are appointed as the head of the state.

51. After the preparation of Annual Budget, Ministry of Finance has the convention to conduct halwa ceremony. Finance Secretary who belongs to minority religion challenged the tradition. Based on the principles and information set out in the given passage, decide the validity of ceremony?
- (a) Halwa ceremony would be valid, since the constitution allows for the equal treatment of all religions and is therefore secular.
 - (b) Halwa ceremony would be invalid, since the constitution requires that the government stay away from all religions.
 - (c) Halwa ceremony would be invalid, since the constitution is derived from the cultural principle of tolerance, and it would not be possible for followers of different religions to tolerate each other in the same ceremony.
 - (d) Halwa ceremony would be valid, since the constitution requires that all persons must follow a religion of their choice, and religious dogmas should be banned.
52. All persons have a fundamental right to profess, practice and propagate religion under Article 25 of the Constitution of India. However, this right shall be subjected to the public order, morality and health, and any law enacted by state to regulate the secular activities associated with religious practices. In the general elections for the Parliament, addressing an election rally, X, a candidate belonging to religion Y appealed to the people present there that if they wanted to throw the people belonging to religion Z out of this country, then they must vote for him. X was prosecuted under the relevant provisions of the Indian Penal Code, 1860 and the Representation of Peoples Act, 1951 on the ground of creating a feeling of hatred between different classes of citizens belonging to different religion. X challenged the prosecution on the ground of his constitutional right to religion under Article 25 of the Constitution of India.
- (a) X shall succeed in thwarting the prosecution against him in the court of law
 - (b) X shall not succeed in thwarting the prosecution against him in the court of law
 - (c) X may succeed in thwarting the prosecution against him in the court of law depending upon the number of people present in the election rally addressed by him on the relevant day
 - (d) None of the above

53. Secularism is the view that public activities should be uninfluenced by religious beliefs or practices. Hungamaland was a country in South America. It was decolonized a few decades ago. It comprised of a religious majority among which believed in paganism. Paganism believes animal equivalent to god.

The government of Hungamaland made killing of cow a capital offence. This was done to calm the cow worshipping community. Decide.

- (a) The law passed by Hungamaland violates the principle of secularism as the law is passed due to the religious view of a community.
- (b) The law passed by Hungamaland violates the principle of secularism as any animal. Any animal cannot be given more sanctity than human life.
- (c) The law passed by Hungamaland does not violate the principle of secularism as protection of animals is mandated by Prevention of Cruelty towards Animals Act, 1960.
- (d) The law passed by Hungamaland does not violate the principle of secularism as goat also has feeling and feels pain on being killed.

54. Article 30 says "All minorities shall have the right to establish and administer educational institutions of their choice." The protection granted to Minority Educational Institutions to admit students of their choice is subject to reasonable restrictions. Holy Mary Institute, an educational minority institution was granted the status of "Christian Minority Educational Institution". Recently, Holy Land Govt. made a law mandating the Secondary School Certificates or Transfer Certificates (T.C.) from the school from which they have studied shall be the basis for the purpose of determining the minority status of candidates. Holy Mary Institute challenged the law on the ground that is an intrusion on the right to administer the minority institutions conferred by Article 30(1). Based on the principle of law and information set out in the given passage, choose the most appropriate choice:

- (a) Restriction is reasonable to ensure that only bona fide students were granted admission in the Management Quota of Minority Institutions thus safeguarding A.30 rights granted to minority institutions.
- (b) Restriction is unreasonable as the Minority Institutions have the uninterrupted and unimpeded right to safeguard their minority character.
- (c) Mandating the Secondary School Certificates or Transfer Certificates (T.C.) are the tools to denude minority rights under A.30.
- (d) None of the above.

55. In such a case, based on the author's reasoning, if India has been declared as a secular state, what shall be the implication of the same?

- (a) It means that India rejects the reality of an unseen spirit or the relevance of religion to life.
- (b) It means that the secularism itself becomes a sect or religion.
- (c) It means that all the religions practised in India are given equal importance and preference.
- (d) It means that in India, no particular religion should be given preferential status.

56. Parliament can amend the constitution of India or any law without violating the Basic Structure of constitution of India. Basic Structure of the constitution of India consists of its essential features such as democracy, secularism, judicial review etc. The Parliament has decided to pass a constitutional amendment act to abolish the religions in India. Following the amendment, all the religion will be de-recognized by the State and Central Government. Based on the author's arguments and given principle of law, decide the validity of the amendment?

- (a) Amendment will be held void as it violates the basic structure of Constitution of India.
- (b) Amendment will be held void as it violates the constitutional provisions.
- (c) Amendment will be held valid as it doesn't violate the basic structure.
- (d) Amendment will be held valid only subject to approval by the Supreme Court of India.

Answer Key

1	2	3	4	5	6	7	8	9	10
C	C	D	D	D	A	D	D	A	B
11	12	13	14	15	16	17	18	19	20
B	A	B	A	C	C	A	A	C	B
21	22	23	24	25	26	27	28	29	30
A	D	B	A	B	D	B	D	A	A
31	32	33	34	35	36	37	38	39	40
C	C	D	B	C	A	D	A	D	D
41	42	43	44	45	46	47	48	49	50
B	C	C	C	B	B	B	B	D	B
51	52	53	54	55	56	57	58	59	60
A	B	A	A	D	A				

Thanks!