

**Legal Reasoning**

- XIV.** Writ is a public law remedy. It refers to a formal, written order issued by a judicial authority directing an individual or authority to do or refrain from doing an act. The High Court, while exercising its power of judicial review, does not act as an appellate body. It is concerned with illegality, irrationality and procedural impropriety of an order passed by the State or a Statutory Authority. A High Court is empowered to issue directions, orders or writs for the enforcement of Fundamental Rights and for any other purpose. The writ jurisdiction of High Court is discretionary and equitable. Writ of mandamus is issued by a court commanding a public authority to perform a public duty belonging to its office. It can be issued only when a legal duty is imposed on the authority and the petitioner has right to compel the performance of such duty. Writ of mandamus is requested to be issued, *inter alia*, to compel performance of public duties which may be administrative, ministerial or statutory in nature. A writ of mandamus may be issued in favour of a person who establishes a legal right in himself. It may be issued against a person who has a mandatory legal duty to perform, but has failed or has neglected to do so. Such a legal duty emanates by operation of law. The writ of mandamus is most extensive in regards to its remedial nature. The object of mandamus is to prevent disorder emanating from failure of justice and is required to be granted in all cases where law has established no specific remedy.
66. The government of a state made a rule to make it discretionary to grant dearness allowance to its employees. One of the employees filed a writ petition seeking a mandamus to compel the government to grant dearness allowance. In the given situation, which of the following statements is true?
- (A) Writ of mandamus cannot be granted as no legal duty was imposed on the government to grant dearness allowance.
  - (B) Writ of mandamus cannot be granted as a statutory right was conferred on the employee to receive dearness allowance.
  - (C) Writ of mandamus can be granted as it is a public law remedy.
  - (D) Writ of mandamus can be granted as it is a discretionary remedy.
67. A public-spirited citizen filed a writ petition seeking a mandamus to compel the government to make a law to curb the ill-effects of climate change. In the given situation, which of the following statements is true?
- (A) Writ of mandamus can be granted as it is an equitable remedy.
  - (B) Writ of mandamus cannot be granted as no legal duty is imposed on the government to pass a law to curb the ill-effects of climate change.
  - (C) Writ of mandamus can be granted as it is a discretionary remedy.
  - (D) Writ of mandamus cannot be granted as there is no violation of fundamental right.
68. Mr. A and Mr. B are parties to a contract of sale of goods. Upon breach of contractual obligations by Mr. A, Mr. B filed a writ petition seeking a mandamus to compel Mr. A to perform his obligations under the contract. In the given situation, which of the following statements is true?
- (A) Writ of mandamus can be granted as it is a discretionary remedy.
  - (B) Writ of mandamus cannot be granted as there is no violation of fundamental right.
  - (C) Writ of mandamus cannot be granted as Mr. B's right under the contract is a private right.
  - (D) Writ of mandamus can be granted as there is no statutory duty imposed on Mr. A to fulfill his contractual obligations.



69. A licensing officer is under a statutory duty to issue a license to an applicant who fulfils the conditions prescribed for the issue of such license. Mr. X, an applicant, fulfilled all the conditions prescribed for the issue of such license, but his application for issuance of license was rejected by the licensing officer. In the given situation, which of the following statements is correct?
- (A) Writ of mandamus can be granted compelling the license officer to issue the license.
  - (B) Writ of mandamus cannot be granted compelling the license officer to issue the license as there is no violation of fundamental right.
  - (C) Writ of mandamus can be granted as it is the discretion of the licensing officer to grant license.
  - (D) Writ of mandamus cannot be granted compelling the license officer to issue the license as there is no violation of public duty.
70. Which of the following statements is incorrect?
- (A) Writ of mandamus may be issued in favour of a person who establishes the existence of a legal right.
  - (B) Writ of mandamus may be issued against a person or authority who has a mandatory duty to perform but has failed or has neglected to do so.
  - (C) Writ of mandamus is purported to prevent disorder emanating from failure of justice.
  - (D) Writ of mandamus may be requested to be issued to compel performance of private duties which may be administrative, ministerial or statutory in nature.
- XV.** To maintain the secular character of the Indian polity, not only does the Constitution of India guarantee freedom of religion to individuals and groups, but it is also against the general policy of the Constitution of India that any money be paid out of the public funds for promoting or maintaining any particular religion. Accordingly, it is provided in the Constitution of India that no person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination. This does not prohibit the State from enacting a law to incur expenses for the promotion or maintenance of any particular religion or religious denomination, but by such law, no person can be compelled to pay any tax, the proceeds of which are to be so utilized. This, however, does not invalidate levy of a fee to provide some service. Thus, a fee can be levied on pilgrims to a religious fair to meet the expenses of the measures taken to safeguard the health, safety and welfare of the pilgrims. Such fee levied by a State will be valid because the object of such contribution is not to foster or preserve religion, but to control secular administration of religious institutions.
71. Mr. A, a tax-payer of various taxes levied by the State Government, filed a writ petition for issuance of a writ of mandamus directing the State to forbear from spending any amount from the public funds of the state for renovation of water tanks belonging to a Hindu temple in the State. These tanks were used by the general public, irrespective of their religious affiliation, for bathing and drinking purposes. In the given situation, which of the following statements is correct?
- (A) The State is promoting or maintaining the Hindu religion.
  - (B) The State cannot be said to be promoting or maintaining the Hindu religion.
  - (C) The State is compelling citizens to pay tax for promotion of Hindu religion.
  - (D) The State is compelling citizens to pay tax for maintenance of Hindu religion.



72. Communal riots between religion 'A' and religion 'B' resulted in the destruction of places of worship of both religions in a State. As a result, the State Government utilized public funds for restoring the places of worship of both religions 'A' and 'B'. In the given situation, which of the following statements is correct?
- (A) The State Government's act is violative of the Constitution of India as it is promoting or maintaining particular religions.
  - (B) The State Government's act is not violative of the Constitution of India as it is not promoting or maintaining any particular religion.
  - (C) The State Government's act is violative of freedom of religion as it condones communal violence.
  - (D) The State Government's act is not violative of the Constitution of India as it is promoting or maintaining a particular religion.
73. Communal riots between religion 'A' and religion 'B' resulted in the destruction of a place of worship of religion 'B' in the State. As a result, the State Government utilized public funds for restoring the places of worship of religion 'B'. In the given situation, which of the following statements is correct?
- (A) The State Government's act is violative of the Constitution of India as it is promoting or maintaining a particular religion.
  - (B) The State Government's act is not violative of the Constitution of India as it is promoting or maintaining a particular religion.
  - (C) The State Government's act is not violative of the Constitution of India as it is not promoting or maintaining a particular religion.
  - (D) The State Government's act is violative of freedom of religion as it condones communal violence.
74. A State Government passed a law making it mandatory for all residents of the State to pay a hefty 'pilgrimage tax' so as to aid the State in organizing a popular religious pilgrimage in that State. The said pilgrimage is undertaken only by followers of religion 'X' and draws a large number of followers of religion 'X' from all over the country to the state every year. In the given situation, which of the following statements is correct?
- (A) The State Government's act is violative of the Constitution of India as it is not promoting or maintaining religion 'X'.
  - (B) The State Government's act is not violative of the Constitution of India as it is not promoting or maintaining religion 'X'.
  - (C) The State Government's act is violative of the Constitution of India as it is compelling citizens to pay tax for promoting or maintaining religion 'X'.
  - (D) The State Government's act is not violative of the Constitution of India as it is a measure to safeguard the health, safety and welfare of the pilgrims.



75. The object of a State Legislation is “to provide for the better administration and governance of certain Hindu religious endowments”, where ‘religious endowment’ means the property belonging to or given or endowed for the support of temples. The State Legislation vests the supervision of public temples in a statutory authority, i.e., ‘Commissioner of Hindu Religious Endowments’. For the purpose of meeting the expenses of the Commissioner and his staff, every Hindu temple in the State is required under provisions of the State Legislation, to pay an annual contribution at certain percentage of their annual income. In the given situation, which of the following statements is correct regarding the annual contribution provided under the State Legislation?
- (A) It is not violative of the Constitution of India because its object is the proper administration of religious trusts and institutions.
  - (B) It is not violative of the Constitution of India because its object is fostering of Hindu religion.
  - (C) It is violative of the Constitution of India because its object is fostering of Hindu religion.
  - (D) It is violative of the Constitution of India because its object is not inclusive of administration of religious endowments belonging to all religions.

**XVI.** The Constitution of India guarantees to all its citizens certain fundamental freedoms, which are recognized as their fundamental rights. However, these fundamental freedoms guaranteed by the Constitution of India are not absolute as no right can be. Each of these fundamental rights is liable to be controlled, curtailed and regulated to some extent by laws made by the Parliament or the State Legislatures. Accordingly, the Constitution of India lays down the grounds and the purposes for which a legislature can impose ‘reasonable restrictions’ on the rights guaranteed to citizens. The State cannot travel beyond the contours of these reasonable restrictions in curbing the fundamental rights guaranteed to citizens. While determining the constitutional validity of a restriction imposed on a fundamental right by a legislation, the Court is not concerned with the necessity of the restriction or the wisdom of the policy underlying it, but only whether the restriction is in excess of the requirement, and whether the legislature has overstepped the Constitutional limitations. Two of the fundamental rights guaranteed to every citizen of India are- the right to move freely throughout the territory of India and the right to reside and settle in any part of India. However, the State may impose reasonable restrictions on these rights by law, in the interests of the general public or for the protection of the interests of any Scheduled Tribes.

76. A law was enacted by the Parliament of India which consisted of a provision making it mandatory for every person riding a two-wheeler in India, to wear a helmet, failing which such person was made liable to a fine. Mr. X, a citizen of India, was fined for violation of the said provision. Mr. X challenged the constitutional validity of the said provision. In the given situation, which of the following statements is correct?
- (A) The provision is violative of the Constitution of India because it is a restriction on the freedom to move freely throughout the territory of India.
  - (B) The provision is not violative of the Constitution of India because it is a reasonable restriction on the freedom to move freely throughout the territory of India.
  - (C) Mr. X’s fundamental right to move freely throughout the territory of India is violated.
  - (D) Both (A) and (C).



77. A group of Indian students of XYZ University located in New Delhi, India posted on social networking sites that they would hold a demonstration outside the university campus, protesting against a recently passed law which made it compulsory for university students to wear uniforms while attending classes. The students further threatened to “use whatever means necessary” to “stop the oppression of students”. Therefore, the State Authorities placed barricades around the university campus in order to restrict movement of the students carrying out the demonstration and ensuring that the demonstration does not turn violent. In the given situation, which of the following statements is correct regarding the act of placing of barricades by State Authorities?
- (A) The act is violative of the Constitution of India because it is a restriction on the freedom to move freely throughout the territory of India.
  - (B) The act is not violative of the Constitution of India because it is a reasonable restriction in the interests of general public.
  - (C) The act is violative of the Constitution of India because it is restriction in the interest of students.
  - (D) The act is not violative of the Constitution of India because it is a reasonable restriction in the interest of morality.
78. The appropriate authority in a State passed an externment order against Mr. A, a citizen of India. The externment order prohibited Mr. A, from residing within the State, from the date specified in such order. The externment order was passed by virtue of powers conferred on the appropriate authority by law, and the constitutional validity of this law had been upheld by the Supreme Court of India. The externment order was passed on the ground that Mr. A was found to be frequently engaged in illegal business of narcotic drugs and was also involved in several cases of riot and criminal intimidation. In the given situation, which of the following statements is correct regarding the externment order?
- (A) It is a reasonable restriction on Mr. A’s fundamental right of free movement throughout the territory of India.
  - (B) It is an unreasonable restriction on Mr. A’s fundamental right of residence and settlement in any part of India.
  - (C) It is violative of Mr. A’s fundamental right of free movement throughout the territory of India.
  - (D) It is an unreasonable restriction on Mr. A’s fundamental right of free movement throughout the territory of India.
79. Mr. Z, a citizen of India, was issued a passport on June 1, 2020 by the Passport Office. Mr. Z was due to travel to Spain on July 15, 2021. On July 11, 2021, Mr. Z received a letter from the Regional Passport Officer intimating him that it was decided by the Government of India to seize his passport “in public interest”. Mr. Z was required to surrender his passport within seven days of the receipt of that letter. In the given situation, which of the following statements is correct?
- (A) Mr. Z can challenge the letter on the ground that it is violative of his fundamental right of free movement throughout the territory of India.
  - (B) Mr. Z can challenge the letter on the ground that it is violative of his fundamental right to reside and settle in any part of India.
  - (C) Mr. Z can challenge the letter on the ground that it is violative of the law relating to passports in India.
  - (D) Mr. Z cannot challenge the letter on the ground that it is violative of his fundamental right(s) of free movement throughout the territory of India and/or to residence and settlement in any part of India.



80. Which of the following statements is incorrect?
- (A) Fundamental right to movement and residence in any part of India are sacrosanct and are guaranteed to all citizens.
  - (B) Fundamental right to movement and residence in any part of India are sacrosanct, but are guaranteed subject to reasonable restrictions on such rights.
  - (C) Reasonable restrictions may be imposed, on fundamental rights to movement and residence in any part of India, by law.
  - (D) The constitutional validity of a law imposing reasonable restrictions on fundamental rights can be challenged by a citizen before the legislature.

**XVII.** Where a spouse contracts a second marriage while the first marriage is still subsisting, the spouse would be guilty of the offence of bigamy under the penal law in India, if it is proved that the first as well as the second marriages were legally valid, i.e., all the necessary ceremonies required by law or by custom have been performed at the time of contracting the marriages. According to the penal law in India, if a person, who has a living husband or wife, marries again, then such person is liable to be punished with imprisonment up to seven years along with a fine for committing the offence of bigamy. Although the penal law of India is applicable to all citizens irrespective of their religious affiliations, an exception to the offence of bigamy may be created by the law relating to marriage applicable to followers of a particular religion. Under the Hindu law relating to marriage, bigamy is not permitted. If a Hindu wife files a criminal complaint against her husband on the ground that during the subsistence of her marriage, her husband had married a second wife by converting into another religion which legally permits having more than one wife, then her husband is liable to be punished for the offence of bigamy. Further, the Hindu law relating to marriage also provides that the punishment for offence of bigamy as provided in the penal law of India would be applicable to marriage between two Hindus.

81. Mr. A, a Hindu male, has been married to Ms. B, a Hindu female. Their marriage was solemnized as per Hindu rites and ceremonies. After his marriage to Ms. B, Mr. A underwent religious conversion into a religion 'X' which legally permits males to have two wives. Thereafter, Mr. A got married to Ms. C, a female belonging to religion 'X', in compliance with all the legal requirements of contracting a valid marriage under religion 'X'. In the given situation, which of the following statements is true?
- (A) As Mr. A married Ms. C, the marriage of Mr. A and Ms. B has become invalid.
  - (B) As Mr. A is not a Hindu, the marriage of Mr. A and Ms. B has become invalid.
  - (C) Mr. A's marriage with Ms. C has not affected the validity of his marriage with Ms. B.
  - (D) Both (A) and (B).
82. Mr. A, a Hindu male, has been married to Ms. B, a Hindu female. Their marriage was solemnized as per Hindu rites and ceremonies. After his marriage to Ms. B, Mr. A underwent religious conversion into a religion 'X' which legally permits males to have two wives. Thereafter, Mr. A got married to Ms. C, a female belonging to religion 'X', in compliance with all the legal requirements of contracting a valid marriage under religion 'X'. Ms. B filed a criminal complaint against Mr. A for committing the offence of bigamy. In the given situation, which of the following statements is true?
- (A) Mr. A is liable to be punished according to the Hindu law relating to marriage.
  - (B) Mr. A is liable to be punished according to the penal law of India.
  - (C) Mr. A has not committed the offence of bigamy.
  - (D) Both (A) and (B).





83. Mr. A, a Hindu male, has been married to Ms. B, a Hindu female. Their marriage was not solemnized as per Hindu rites and ceremonies or any other custom, but was performed by seeking blessings of their family members. After his marriage to Ms. B, Mr. A underwent religious conversion into a religion 'X' which legally permits males to have two wives. Thereafter, Mr. A got married to Ms. C, a female belonging to religion 'X', in compliance with all the legal requirements of contracting a valid marriage under religion 'X'. Ms. B filed a criminal complaint against Mr. A for committing the offence of bigamy. In the given situation, which of the following statements is true?
- (A) Mr. A has committed the offence of bigamy because he married again during the subsistence of the first marriage.
  - (B) Mr. A has not committed the offence of bigamy because his first marriage is not valid.
  - (C) Mr. A has committed the offence of bigamy because he underwent religious conversion in order to contract a bigamous marriage.
  - (D) Mr. A has not committed the offence of bigamy because his second marriage is not valid.
84. Mr. A, a male belonging to religion 'P', has been married to Ms. B, a female belonging to religion 'P'. Their marriage was solemnized in compliance with all the legal requirements of contracting a valid marriage under religion 'P'. Monogamy is espoused as a cherished value by the followers of religion 'P' and provided as a pre-condition for a valid marriage for the followers of the religion. After his marriage to Ms. B, Mr. A underwent religious conversion into a religion 'Q' which legally permits males to have two wives. Thereafter, Mr. A got married to Ms. C, a female belonging to religion 'Q', in compliance with all the legal requirements of contracting a valid marriage under religion 'Q'. Ms. B wife filed a criminal complaint against Mr. A for committing the offence of bigamy. In the given situation, which of the following statements is true?
- (A) Mr. A has committed bigamy according to the Hindu law relating to marriage.
  - (B) Mr. A has committed bigamy according to the penal law of India.
  - (C) Mr. A has committed bigamy according to the law relating to marriage of religion 'P'.
  - (D) Both (B) and (C).
85. Which of the following statements is incorrect?
- (A) Marrying again during lifetime of husband or wife is a pre-condition for performing a valid Hindu marriage.
  - (B) Religious conversion is not a defence for the offence of bigamy under the penal law of India.
  - (C) Bigamy is an offence under the penal law of India.
  - (D) Offence of bigamy can be committed according to the provisions of Hindu law relating to marriage.



**XVIII.** A special marriage, i.e., a marriage between persons from two different religious affiliations can be legally contracted in India under the provisions of the law relating to special marriages. The law relating to special marriages provides for the registration of such marriages and for divorce in such cases. One of the modes in which a special marriage can be legally terminated is through divorce by mutual consent of parties to the marriage. In order to obtain a divorce by mutual consent, both the parties to the special marriage are required to jointly present a petition for divorce to the district court on the ground that they have been living separately for one year or more, that they have not been able to live together and that they have mutually agreed that the marriage should be dissolved. At least six months after the presentation of such petition, but not later than eighteen months after the presentation of such petition, the district court, after hearing the parties and after making the necessary inquiry, and being satisfied that the marriage is a 'special marriage', and that the claims made in the petition are true, shall declare the marriage to be dissolved. Further, the personal presence of the parties before the district court at the time of presenting the joint petition for divorce is not mandatory, as the parties can satisfy the court even by affidavit that the requirements for granting divorce on mutual consent are fulfilled.

86. Ms. A, a Hindu female and Mr. B, a Christian male, got married as per the law relating to special marriages in January 2018. On January 26, 2021, Ms. A and Mr. B jointly presented a petition for divorce by mutual consent before the district court on the ground that they have been inflicting mental cruelty on each other for a period of three years and that they have mutually agreed that the marriage should be dissolved. In the given situation, which of the following statements is correct?
- (A) The district court shall pass a decree of divorce within six months after the presentation of petition for divorce by mutual consent.
  - (B) The district court shall pass a decree of divorce after eighteen months of the presentation of petition for divorce by mutual consent.
  - (C) The district court shall not immediately pass a decree of divorce by mutual consent.
  - (D) The district court shall immediately pass a decree of divorce by mutual consent if it is satisfied that the marriage was valid.
87. Ms. A, a Hindu female and Mr. B, a Christian male, got married as per the law relating to special marriages in January 2018. On February 15, 2021, Ms. A presented a petition for divorce by mutual consent before the district court on the ground that Ms. A and Mr. B have been living separately for a period of one year because Mr. B has been in an adulterous relationship with Ms. X, a Christian female. In the given situation, which of the following statements is correct?
- (A) The district court shall pass a decree of divorce by mutual consent six months after the date of presentation of petition for divorce.
  - (B) The district court shall pass a decree of divorce by mutual consent eighteen months after the date of presentation of petition for divorce.
  - (C) The district court shall not pass a decree of divorce by mutual consent as the requirements for grant of divorce are not fulfilled.
  - (D) The district court shall not pass a decree of divorce by mutual consent as Ms. A and Mr. B have not been living separately for more than one year.





88. Ms. A, a Hindu female and Mr. B, a Christian male, got married as per the law relating to special marriages in January 2018. On April 10, 2021, Ms. A and Mr. B jointly presented a petition for divorce by mutual consent before the district court on the ground that they have been living separately for a period of three years and that they have mutually agreed that the marriage should be dissolved. In the given situation, which of the following statements is correct?
- (A) The district court shall pass a decree of divorce by mutual consent after all other legal requirements are fulfilled.
  - (B) The district court shall pass a decree of divorce by mutual consent immediately because Ms. A and Mr. B have been living separately for more than one year.
  - (C) The district court shall not pass a decree of divorce by mutual consent because the marriage between Ms. A and Mr. B is not valid.
  - (D) The district court shall not pass a decree of divorce by mutual consent because neither party is at fault in the marriage.
89. Ms. A, a Hindu female and Mr. B, a Christian male, got married as per the provisions of the law relating to special marriages in January 2018. On June 16, 2021, Ms. A and Mr. B jointly presented a petition for divorce by mutual consent before the district court on the ground that they have been living separately for a period of three years and that they have mutually agreed that the marriage should be dissolved. During the presentation of the petition, while Ms. A was present physically in the district court, Mr. B joined via video-conferencing. In the given situation, which of the following statements is correct?
- (A) The district court may pass a decree of divorce by mutual consent six months after the date of presentation of petition for divorce.
  - (B) The district court shall pass a decree of divorce by mutual consent after all other legal requirements are fulfilled.
  - (C) The district court shall not pass a decree of divorce by mutual consent.
  - (D) Both (A) and (B).
90. Ms. A, a Hindu female and Mr. B, a Christian male, got married as per the law relating to special marriages in January 2018. On March 15, 2021, Ms. A and Mr. B jointly presented a petition for divorce before the district court on the ground that they have been living separately for a period of three years and that they have mutually agreed that the marriage should be dissolved. Six months later, the district court, after hearing the parties and making inquiry, found that the marriage had been solemnized under the law relating to special marriages, and that the consent of Ms. A for the presentation of petition of divorce was obtained by fraud. In the given situation, which of the following statements is correct?
- (A) The district court shall pass a decree of divorce by mutual consent because the legal requirements are fulfilled.
  - (B) The district court shall pass a decree of divorce because the marriage had been solemnized under the law relating to special marriages.
  - (C) The district court shall not pass a decree of divorce because there was no mutual consent between parties.
  - (D) The district court shall not pass a decree of divorce because Ms. A has not been punished for fraud.



**XIX.** There are two principal theories on the relationship between international law and domestic law- Monism and Dualism. The monistic theory maintains that the subjects of two systems of law, i.e., international law and municipal law are essentially one. The monistic theory asserts that international law and municipal law are fundamentally the same in nature, and arise from the same science of law, and are manifestations of a single conception of law. The followers of this theory view international law and municipal law as part of a universal body of legal rules binding all human beings, collectively or singly. In a monist system, international law does not need to be incorporated into domestic law because international law immediately becomes incorporated in domestic legal system upon ratification of an international treaty. According to this theory, domestic law is subordinate to international law. The Statute of the International Criminal Court, therefore, can be directly applied and adjudicated in national courts according to the monistic theory. According to dualism theory, international law and municipal law represent two entirely distinct legal systems, i.e., international has an intrinsically different character from that of municipal law. International law is not directly applicable in the domestic system under dualism. First, international law must be translated into State legislation before the domestic courts can apply it. For example, under dualism, ratification of the Statute of the International Criminal Court is not enough-it must be implemented through State legislation into the domestic system. Most states and courts presumptively view national and international legal systems as discrete entities and routinely discuss in dualist fashion incorporation of rules from one system to the other.

91. In light of the given passage, which of the following statements is correct?
- (A) Monism and Dualism are similar approaches to adopt international law into domestic law.
  - (B) Dualism postulates the homogeneousness of domestic law and international law.
  - (C) Monism and Dualism are different approaches to understand how domestic law impacts international law.
  - (D) Monism postulates the homogeneousness of international law and domestic law.
92. 'X' is a developing country. 'X' ratified the United Nations Framework Convention on Climate Change in 1995, and incorporated the provisions of the said convention in its domestic legislation addressing climate change in 1996. However, 'X' has been widely criticized in the international community for its failure in meeting the obligations under the said convention. 'Y' is a developed country. 'Y' ratified the United Nations Framework Convention on Climate Change in 1995, and has not incorporated the provisions of the said convention in its domestic legislation till date. 'Y' has been appreciated by the international community for its success in meeting the obligations under the said convention. In the given situation, which of the following statements is correct?
- (A) 'X' is a monist State and 'Y' is a dualist State.
  - (B) 'X' is a dualist State and 'Y' is a monist State.
  - (C) 'X' and 'Y' are both monist States.
  - (D) 'X' and 'Y' are both dualist States.



93. 'D', a dualist State, has signed and ratified the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS Agreement), an international agreement administered by the World Trade Organization (WTO). If 'D' is compelled to fulfill its international obligations under the TRIPS Agreement, which of the following statements is correct?
- (A) 'D' may adopt the provisions of the TRIPS Agreement without enacting a new domestic legislation or amending an existing legislation.
  - (B) 'D' may not incorporate the provisions of the TRIPS Agreement into a new domestic legislation.
  - (C) 'D' must incorporate the provisions of the TRIPS Agreement into an existing domestic legislation or in a new domestic legislation.
  - (D) 'D' may not incorporate the provisions of the TRIPS Agreement into an existing domestic legislation.
94. Which of the following statements is incorrect?
- (A) According to monism, the nature of domestic law and international law is the same and domestic law is subordinate to international law.
  - (B) According to monism, ratified international conventions automatically become a part of domestic law and domestic law is subordinate to international law.
  - (C) According to dualism, ratified international conventions automatically become a part of domestic law and domestic law is subordinate to international law.
  - (D) According to dualism, the nature of domestic law and international law is different and domestic law is not subordinate to international law.
95. The country 'X' has ratified an International Convention which requires each State Party to enact laws defining and punishing bribery, i.e., the act of offering bribes to Government officials. The Convention has neither defined bribery, nor prescribed a punishment for the same, so that each State Party may define the offence of bribery differently in their respective domestic legislations. By 2022, 'X' has not enacted any law defining and punishing the offence of bribery. In November 2021, Mr. A was being prosecuted by a domestic criminal court in 'X' for allegedly offering a bribe to a Government official. In the given situation, which of the following statements is correct?
- (A) If 'X' is a monist State, Mr. A can be punished for committing an offence under the Convention.
  - (B) If 'X' is a dualist State, Mr. A can be punished for committing an offence under the Convention.
  - (C) If 'X' is a dualist State, Mr. A cannot be punished for committing an offence under the Convention.
  - (D) Mr. A cannot be punished for committing an offence under the Convention irrespective of whether 'X' is a monist or a dualist State.
- XX.** The United Nations Commission on Environment and Development defines 'sustainable development' as follows: "*Sustainable development is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs.*" Sustainable development clearly postulates an anthropocentric bias, least concerned with the rights of other species which live on this earth. Anthropocentrism is always human-interest focused thinking that considers non-humans as having only instrumental value to humans,



in other words, humans take precedence and human responsibilities towards non-human are based on benefits to humans. Eco-centrism is nature-centred, where humans are part of nature and non-humans have intrinsic value. In other words, human interest does not take automatic precedence and humans have obligations towards non-humans independently of human interest. Eco-centrism is, therefore, life-centred, nature-centred where nature includes both humans and non-humans. The Constitution of India protects not only human rights but also casts an obligation on human beings to protect and preserve a specie from becoming extinct. Conservation and protection of environment is an inseparable part of the fundamental right to life. According to the doctrine of 'public trust' recognized under the Constitution of India, certain common properties such as rivers, seashores, forests and the air are held by the Government in trusteeship for the free and unimpeded use of the general public. The resources like air, sea, waters and the forests have such a great importance to the people as a whole, that it would be totally unjustified to make them a subject of private ownership. The State, as a custodian of the natural resources, has a duty to maintain them not merely for the benefit of the public, but for the best interest of flora and fauna, wildlife and so on.

96. Ms. G, a student of environmental science, has cultivated a butterfly garden which provides a favourable habitat for butterflies. Ms. G has cultivated the butterfly garden so that she could observe and study the different stages of development of butterflies such as egg, larvae, pupae, and adult. In the given situation, which of the following statements is correct?
- (A) Ms. G's approach to cultivation of butterfly garden is anthropocentric because it concerns the furtherance of her academic interest.
  - (B) Ms. G's approach to cultivation of butterfly garden is anthropocentric because it concerns the conservation of environment.
  - (C) Ms. G's approach to cultivation of butterfly garden is eco-centric because it concerns the provision a favourable habitat to the butterflies.
  - (D) Ms. G's approach to cultivation of butterfly garden is eco-centric because it concerns the understanding of the different stages of development of butterflies.
97. Which of the following statements is correct?
- (A) Anthropocentrism and eco-centrism are different approaches to achieving sustainable development.
  - (B) Anthropocentrism focuses on the promotion of non-human interests.
  - (C) Eco-centrism is concerned with the promotion of both human and non-human interests.
  - (D) Anthropocentrism and eco-centrism are different approaches to protection of environment and sustainable development.
98. Which of the following is the basis for the difference between anthropocentrism and eco-centrism?
- (A) The inherent value placed on humans and non-humans.
  - (B) The inherent value placed on living things and non-living things.
  - (C) The relationship between human society and environment.
  - (D) The relationship between non-humans and environment.



99. Which of the following statements is correct regarding fundamental right to life under the Constitution of India?
- (A) It creates a corresponding duty on human beings to protect and preserve non-humans.
  - (B) It creates a corresponding duty on non-humans to protect the right to life of human beings.
  - (C) It is inclusive of the right of human beings to utilize non-human resources to the best of their advantage.
  - (D) It is inclusive of the right of non-humans to utilize human resources to the best of their advantage.
100. Which of the following statements is incorrect according to the doctrine of 'public trust'?
- (A) Private ownership of forests is unwarranted.
  - (B) Forests are held by the State in a fiduciary capacity.
  - (C) State is obligated to maintain forests for their economic value.
  - (D) State is obligated to maintain forests in the interest of humans and non-humans.

**XXI.** When parties to a contract are under a 'mistake' regarding an important fact related to such contract, it may affect the contract in two ways. It may, firstly, defeat the consent altogether that the parties are supposed to have given, that is to say, the consent is unreal. Two or more persons are said to consent when they agree upon the same thing in the same sense. Secondly, the mistake may mislead the parties as to the purpose which they had contemplated. Where the mistake does not defeat consent, but only misleads the parties, i.e., where both parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void. However, if the mistake is concerning an erroneous opinion regarding value of the subject-matter of the agreement, it is not a mistake as to a matter of fact. Thus, agreement is void when: (1) both the parties to an agreement are mistaken, (2) their mistake is as to a matter of fact, and (3) the fact about which they are mistaken is essential to the agreement. Further, it is pertinent to note that a mistake, in order to invalidate a contract, should be a mistake of fact and not a mistake of law. Furthermore, where only one party to the contract is under mistake of fact, and the other party is not, the contract is not voidable merely for such reason.

101. Mr. A entered into an agreement to sell his bicycle which had been kept unused in his attic for a year, to Mr. B, at an agreed price. However, neither party was aware that at the time of entering into the agreement, the bicycle had already been destroyed by a fire in the attic. In the given situation, which of the following statements is true?
- (A) The agreement is void as both parties were under a mistake as to a matter of fact essential to the agreement.
  - (B) The agreement is void as both parties were under a mistake as to a law in force in India.
  - (C) The agreement is not voidable as only one of the parties was under a mistake as to a matter of fact.
  - (D) The agreement is not voidable as the promise made under the agreement had not been performed.



102. Ms. X and Ms. Y entered into a contract of sale of an article, while reeling under the erroneous belief that the sale of the article, which was the subject-matter of the agreement, was permitted by the law in force in India. In the given situation, which of the following statements is true?
- (A) The contract is valid.
  - (B) The contract is voidable at the option of Ms. X.
  - (C) The contract is voidable at the option of Ms. Y.
  - (D) The contract is not voidable.
103. Mr. J entered into an agreement with Mr. K for the sale of Mr. J's 'club'. At the time of entering into the agreement, while Mr. J believed that he was agreeing to sell his golf club, Mr. K believed that he was agreeing to buy a clubhouse owned by Mr. J. The agreement is void because:
- (A) Mistake of fact defeated the consent of the parties.
  - (B) Mistake of fact misled the parties as to the purpose of the contract.
  - (C) Mistake of fact was regarding the identity of parties.
  - (D) Both (A) and (B)
104. Mr. D appointed Mr. K to manage the cultivation of his land as he was unable to manage it himself due to his advanced age. Mr. K agreed to manage the cultivation of Mr. D's land if he granted Mr. K a lease of the said land. Mr. D agreed to the same and signed a deed which was, unknown to both parties, a gift deed of the land and not a lease deed. In the given situation, which of the following statements is true?
- (A) Mr. D and Mr. K were reeling under a mistake as to a matter of fact essential to the agreement.
  - (B) Mr. D and Mr. K were reeling under a mistake as to a matter of law essential to the agreement.
  - (C) Mr. D was reeling under a mistake as to a matter of fact essential to the agreement.
  - (D) Mr. D was reeling under a mistake as to a matter of law essential to the agreement.
105. Ms. X and Ms. Y entered into a contract of sale of an article which was agreed to be shipped by Ms. X in a ship named 'The Cruiser' and delivered to Ms. Y on an agreed date. Mr. X shipped the said article by a different ship named 'The Mariner', without informing Ms. Y and the article was delivered to Ms. Y on the agreed date. In the given situation, which of the following statements is true?
- (A) The agreement is void as both parties were under a mistake as to a matter of fact essential to the agreement.
  - (B) The agreement is void as both parties were under a mistake as to a law in force in India.
  - (C) The agreement is valid as both parties were under a mistake as to a matter of fact not essential to the agreement.
  - (D) The agreement is valid as both parties were under a mistake as to a matter of fact essential to the agreement.