Chhattisgarh Civil Judge Prelims 2019: Solution

Chhattisgarh Public Service Commission · Civil Judge Preliminary Examination, held 07.05.2019 · 100 questions

Preliminary Examination

1. A shoots Z with the intention of killing him. Z dies in consequence. A is guilty of:

(1) Murder
(2) Culpable homicide
(3) Both (A) and (B)
(4) None of the above

Answer: (1) Murder

Question deleted by the Commission. Section 300 IPC makes culpable homicide murder when the act is done with the intention of causing death. A fired with exactly that intention and Z died, so the offence is murder, punishable under section 302. Culpable homicide not amounting to murder (section 304) needs one of the exceptions or a lesser intention, and none arises here. Murder is a species of culpable homicide, but the specific offence is murder.

2. A imports into India, or exports therefrom, any counterfeit coin knowing the same to be counterfeit. He is guilty under section --- of the I.P.C.

(1) 234
(2) 235
(3) 236
(4) 237

Answer: (4) 237

Section 237 IPC punishes whoever imports into India, or exports from it, any counterfeit coin knowing or having reason to believe it to be counterfeit. Section 238 is the narrower provision where the coin is a counterfeit of the Indian coin. Sections 232 to 235 deal with counterfeiting and with making, selling or possessing instruments or materials for it, and section 236 with abetting in India the counterfeiting of coin outside India.

3. Intentional omission to give information of an offence by a person legally bound to inform is dealt with under section:

(1) 202
(2) 203
(3) 204
(4) 205

Answer: (1) 202

Section 202 IPC punishes a person who knows or has reason to believe that an offence has been committed, is legally bound to give information about it, and intentionally omits to do so. The punishment is simple imprisonment up to six months, or fine, or both. Section 203 covers giving false information, 204 destruction of a document to prevent its production as evidence, and 205 false personation for the purpose of an act or proceeding in a suit.

4. The words "public servant" denote a person falling under:

(1) A commissioned officer in the military
(2) Every judge empowered by law to do any adjudicatory functions
(3) Every officer of a court of justice
(4) All the above

Answer: (4) All the above

Section 21 IPC lists the descriptions of public servants. Commissioned officers of the military, naval or air forces fall in the second description, every judge or person empowered to discharge adjudicatory functions in the third, and officers of a court of justice whose duty is to investigate, report, keep documents, take charge of property or execute process in the fourth. All three options are covered, so "All the above" is right.

5. Section 29A of the I.P.C. relates to:

(1) Documents
(2) Valuable security
(3) Electronic record
(4) None of the above

Answer: (3) Electronic record

Section 29A, inserted by the Information Technology Act, 2000, defines "electronic record" by reference to the meaning given in the Information Technology Act. Documents are defined in section 29 and valuable security in section 30. The insertion allowed electronic records to be treated like documents for offences such as forgery and falsification of accounts.

6. A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence. His defence comes under section --- of the I.P.C.

(1) 76
(2) 77
(3) 78
(4) 79

Answer: (1) 76

This is the illustration to section 76 IPC. A person bound by law to do an act, or who believes in good faith through a mistake of fact that he is so bound, commits no offence by doing it. A soldier firing on a mob under a lawful order is bound by law to obey. Section 77 protects judges acting judicially, 78 acts done under a court judgment or order, and 79 acts justified by law.

7. The right of private defence of property extends to causing death when the offence is:

(1) Robbery
(2) House-breaking by night
(3) Mischief by fire committed on any building used as a human dwelling
(4) All the above

Answer: (4) All the above

Section 103 IPC extends the right of private defence of property to voluntarily causing death in cases of robbery, house-breaking by night, mischief by fire on a building, tent or vessel used as a human dwelling or for custody of property, and theft, mischief or house-trespass causing reasonable apprehension of death or grievous hurt. Every option listed is within the section, subject to the limits in section 99.

8. Whoever wages war against the Government of India, or attempts to wage such war, shall be punished with:

(1) Imprisonment up to 14 years with fine
(2) Death or imprisonment for life with fine
(3) Imprisonment up to 10 years with fine
(4) Imprisonment up to 7 years with fine

Answer: (2) Death or imprisonment for life with fine

Section 121 IPC prescribes death, or imprisonment for life, and fine for waging or attempting to wage war against the Government of India, or abetting the waging of such war. Lesser terms of years belong to other offences, such as conspiracy to commit offences under section 121 (section 121A, life or up to ten years) and collecting arms to wage war (section 122, life or up to ten years).

9. Which kind of hurt is not a grievous hurt?

(1) Emasculation
(2) Privation of any member or joint
(3) Disfiguration of the head or face
(4) Fracture or dislocation of a tooth

Answer: (3) Disfiguration of the head or face

Section 320 IPC lists eight kinds of grievous hurt: emasculation, permanent loss of sight or of hearing, privation of any member or joint, destruction or permanent impairing of the powers of a member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, and hurt endangering life or causing severe pain for twenty days. Disfiguration that is not permanent is not on the list, so it is the exception.

10. A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has:

(1) Committed force
(2) Committed assault
(3) Committed grave provocation
(4) None of the above

Answer: (2) Committed assault

Section 351 IPC defines assault as a gesture or preparation made with the intention, or knowledge, that it will cause another person to apprehend that criminal force is about to be used on him. Shaking a fist at Z in that way is the very illustration given there. Mere words do not amount to assault, but gestures that raise the apprehension of imminent force do. Force (section 349) requires actual contact or motion.

11. A lets a house to B at a yearly rent of Rs. 12,000. The rent for the whole of the years 2015, 2016 and 2017 is due and unpaid. A sues B in 2018 only for the rent due for the year 2016. Can A afterwards sue for the rent due for 2015 and 2017?

(1) Yes
(2) No
(3) If he shows good cause
(4) None of the above

Answer: (2) No

Order II rule 2 CPC requires a plaintiff to include the whole of the claim arising from one cause of action. A plaintiff who omits or relinquishes part of it cannot sue for that part later. The illustration to the rule is this very case: after suing for one year's rent, the landlord cannot afterwards sue for the other years' rent that was already due. The only way out is to obtain the court's leave at the first suit.

12. Section 10 of the Code of Civil Procedure relates to:

(1) Res judicata
(2) Res sub judice
(3) Stay of suit
(4) None of the above

Answer: (3) Stay of suit

Section 10 CPC is headed "Stay of suit". It bars a court from proceeding with a later suit in which the matter in issue is directly and substantially in issue in an earlier suit between the same parties, pending in the same or another competent court. Section 11 deals with res judicata, which is a bar on trying a matter already decided. Stay under section 10 is therefore a rule about pending suits, not decided ones.

13. Section 96 of the Code of Civil Procedure applies to an appeal from:

(1) An injunction order
(2) An original decree
(3) A restoration order under Order IX rule 13
(4) None of the above

Answer: (2) An original decree

Section 96 CPC gives an appeal from every decree passed by a court exercising original jurisdiction to the court authorised to hear appeals from its decisions. Orders granting injunctions are appealable under section 104 read with Order XLIII rule 1, not under section 96. An order setting aside an ex parte decree under Order IX rule 13 is not appealable as such; the refusal to set aside can be challenged by appeal from the decree itself.

14. Where a person commits a public nuisance:

(1) He is liable to criminal prosecution under the I.P.C.
(2) A suit may be filed against him under section 91 of the Code of Civil Procedure
(3) A suit for damages may be filed against him
(4) All the above

Answer: (4) All the above

A public nuisance is an offence under section 268 IPC, punishable under section 290. Section 91 CPC also allows a suit for a declaration, injunction or other relief by the Advocate-General, or by two or more persons with the court's leave. A person who suffers special damage beyond the general public injury can sue for damages. So all three remedies are available.

15. The time limit for filing a written statement is 30 days, which may be extended up to 90 days. This period is counted from:

(1) The date of filing of the suit
(2) The date of the first hearing fixed by the court
(3) The date of service of summons on the defendant
(4) None of the above

Answer: (3) The date of service of summons on the defendant

Order VIII rule 1 CPC, as amended in 2002, requires the defendant to file the written statement within thirty days from the date of service of summons. If he fails, the court may allow it to be filed on another day, for reasons recorded in writing, but not later than ninety days from the date of service of summons. Neither the date of the suit nor the date of the first hearing is the starting point.

16. The principle of res judicata does not apply to:

(1) Suits
(2) Execution of decree
(3) Arbitration proceeding
(4) All the above

Answer: (3) Arbitration proceeding

Question deleted by the Commission. Section 11 CPC bars a court from trying a suit or issue that has been heard and finally decided by a competent court between the same parties. Explanation VII extends the section to execution proceedings, so options (1) and (2) are covered. An arbitration proceeding is neither a suit nor a proceeding before a civil court under the Code, so the section does not directly apply to it.

17. On which ground can a plaint not be rejected?

(1) Where it does not disclose a cause of action
(2) Where the plaint is filed in a court which does not have jurisdiction to try the suit
(3) Where the suit appears from the statement in the plaint to be barred by law
(4) Where the plaint is not filed in duplicate

Answer: (2) Where the plaint is filed in a court which does not have jurisdiction to try the suit

Order VII rule 11 CPC lists the grounds for rejection: no cause of action, undervaluation not corrected, insufficient stamp paper not supplied, suit barred by law, plaint not filed in duplicate and non-compliance with rule 9. Want of jurisdiction is not a ground for rejection. Under Order VII rule 10 the plaint is returned to be presented in the proper court.

18. Which section relates to the pecuniary jurisdiction of the court?

(1) Section 6
(2) Section 10
(3) Section 15
(4) None of the above

Answer: (1) Section 6

Section 6 CPC provides that, unless expressly provided otherwise, nothing in the Code gives a court jurisdiction over suits in which the amount or value of the subject matter exceeds its pecuniary limits. Section 10 deals with stay of suits and section 15 requires a suit to be instituted in the court of the lowest grade competent to try it.

19. Order 32 of the Code of Civil Procedure relates to:

(1) Suits by or against minors and persons of unsound mind
(2) Suits by or against trustees, executors and administrators
(3) Suits relating to matters concerning the family
(4) None of the above

Answer: (1) Suits by or against minors and persons of unsound mind

Order XXXII CPC lays down the procedure for suits by or against minors and persons of unsound mind, including the appointment of a next friend or guardian ad litem and the need for court approval of a compromise. Suits by or against trustees, executors and administrators are dealt with in Order XXXI, and suits relating to family matters in Order XXXII-A.

20. If a right or a liability is created by a statute, which of the following situations may arise?

(1) The statute may create a specific forum for its enforcement
(2) If no machinery is provided for enforcement, a civil court can entertain the suit
(3) Both (A) and (B)
(4) None of the above

Answer: (3) Both (A) and (B)

Under section 9 CPC civil courts may try all suits of a civil nature unless cognisance is expressly or impliedly barred. A statute may create a special forum and exclude the civil court. If it creates a right or liability but provides no machinery for enforcing it, the civil court's jurisdiction remains. So both situations can arise.

21. When may the police arrest without a warrant? A person:

(1) Who commits, in the presence of a police officer, a cognizable offence
(2) Who has been proclaimed as an offender by the State Government
(3) Both (A) and (B)
(4) None of the above

Answer: (3) Both (A) and (B)

Section 41(1) CrPC lets a police officer arrest without an order from a Magistrate and without a warrant any person who commits a cognizable offence in his presence, and any person proclaimed as an offender either under the Code or by order of the State Government. Both situations are in the section, so both options are right.

22. Under which section of the Cr.P.C. is an Assistant Public Prosecutor appointed by the Government?

(1) Section 24
(2) Section 25
(3) Section 26
(4) Section 29

Answer: (2) Section 25

Appointment of Assistant Public Prosecutors is dealt with in section 25 CrPC, which requires the State Government to appoint one or more of them in every district to conduct prosecutions in Magistrates' courts. Section 24 governs Public Prosecutors for the High Court and the districts, section 26 courts by which offences are triable, and section 29 sentences that may be passed.

23. Who is competent to issue a conditional order for removal of nuisance under section 133 of the Cr.P.C.?

(1) District Magistrate
(2) Sub-Divisional Magistrate
(3) Executive Magistrate
(4) All the above

Answer: (4) All the above

Section 133(1) CrPC empowers a District Magistrate, a Sub-Divisional Magistrate, or any other Executive Magistrate specially empowered by the State Government, to make a conditional order requiring a person to remove a public nuisance or show cause. The jurisdiction is of Executive Magistrates, not Judicial Magistrates, and all three named options fall within it.

24. Cognizance under section 498A of the I.P.C. can be taken:

(1) Upon a police report
(2) Upon a complaint of the victim
(3) Upon a complaint of the parent, brother or sister of the victim
(4) All the above

Answer: (4) All the above

Section 198A CrPC bars a court from taking cognizance of an offence under section 498A IPC except on a police report of the facts, or on a complaint by the aggrieved woman or by her father, mother, brother, sister, or her father's or mother's brother or sister. With the leave of the court, another person related to her by blood, marriage or adoption may also complain.

25. Which of the following statements is correct?

(1) An accused person is not a competent witness
(2) An accused can be punished if he gives a false answer in examination under section 313 Cr.P.C.
(3) A conviction can be based upon evidence partly recorded by one Magistrate and partly recorded by another Magistrate
(4) Compounding of an offence under section 320(8) Cr.P.C. does not have the effect of an acquittal

Answer: (3) A conviction can be based upon evidence partly recorded by one Magistrate and partly recorded by another Magistrate

Section 326 CrPC allows a succeeding Judge or Magistrate to act on evidence recorded wholly or partly by his predecessor, subject to the power to recall a witness. The others are wrong: under section 315 an accused is a competent defence witness; under section 313(3) he is not punished for refusing to answer or for false answers; and under section 320(8) composition has the effect of an acquittal.

26. The Chief Judicial Magistrate may pass a sentence:

(1) Up to death
(2) Up to life imprisonment
(3) Up to 10 years' imprisonment
(4) Up to seven years' imprisonment

Answer: (4) Up to seven years' imprisonment

Section 29(1) CrPC lets the Court of a Chief Judicial Magistrate pass any sentence authorised by law except a sentence of death, imprisonment for life, or imprisonment for a term exceeding seven years. A Magistrate of the first class can pass up to three years and a second class Magistrate up to one year.

27. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply for anticipatory bail under:

(1) Section 436 Cr.P.C.
(2) Section 437 Cr.P.C.
(3) Section 438 Cr.P.C.
(4) Section 439 Cr.P.C.

Answer: (3) Section 438 Cr.P.C.

Section 438 CrPC gives the High Court or the Court of Session power to direct that a person apprehending arrest for a non-bailable offence be released on bail if arrested. Section 436 deals with bail in bailable offences, 437 with bail in non-bailable cases by a Magistrate or the police, and 439 with special powers of the High Court and Sessions Court over bail of persons in custody.

28. Who is not competent to pass an order under section 106 Cr.P.C. to take security for keeping the peace on conviction?

(1) Judicial Magistrate of the first class
(2) Additional Sessions Judge
(3) Chief Judicial Magistrate
(4) Executive Magistrate

Answer: (4) Executive Magistrate

Question deleted by the Commission. Section 106 CrPC allows a Court of Session or a Magistrate of the first class, on convicting a person of certain offences, to take a bond for keeping the peace for up to three years. An Additional Sessions Judge exercises the Sessions Court's power, and the Chief Judicial Magistrate is a first-class Magistrate. An Executive Magistrate does not try offences, so he cannot act on conviction.

29. The power of the court to convert a summons-case into a warrant-case is provided under:

(1) Section 302 Cr.P.C.
(2) Section 259 Cr.P.C.
(3) Section 301 Cr.P.C.
(4) Section 322 Cr.P.C.

Answer: (2) Section 259 Cr.P.C.

Section 259 CrPC, in Chapter XX, allows a Magistrate who finds in the course of a summons-case trial that, in the interests of justice, the offence should be tried as a warrant-case, to direct that it be so tried and to re-hear the case. It applies where the offence is punishable with imprisonment exceeding six months.

30. The provision to tender a pardon to an accomplice is given in:

(1) Section 265 Cr.P.C.
(2) Section 306 Cr.P.C.
(3) Section 280 Cr.P.C.
(4) Section 289 Cr.P.C.

Answer: (2) Section 306 Cr.P.C.

Section 306 CrPC empowers the Chief Judicial Magistrate or a Metropolitan Magistrate, at any stage of the investigation or inquiry, and the trial court at any time before judgment, to tender a pardon to a person supposed to be directly or indirectly concerned in an offence, on condition that he makes a full and true disclosure. Section 307 allows the court trying the case to do so after commitment.

31. A is tried for the murder of B by intentionally beating him with a club, causing his death. Which of the following facts are in issue?

(1) A's beating B with a club
(2) A's causing B's death by such beating
(3) A's intention to cause B's death
(4) All the above

Answer: (4) All the above

Facts in issue are facts from which, by themselves or with other facts, the existence or non-existence of any right, liability or disability asserted or denied follows. This is the illustration to section 3 of the Evidence Act. In a murder trial, the beating, the death caused by it and the intention to cause death are all facts in issue.

32. A desires a court to give judgment that he is entitled to certain land in the possession of B by reason of certain facts, which B denies to be true. Under section 101 of the Evidence Act:

(1) A cannot prove the existence of those facts
(2) A need not prove the existence of those facts
(3) A must prove the existence of those facts
(4) None of the above

Answer: (3) A must prove the existence of those facts

Section 101 of the Evidence Act puts the burden on the person who wants a court to give judgment on a legal right

depending on facts he asserts. He must prove that those facts exist. The illustration to the section is this very case: A must prove his entitlement to the land. B, who merely denies, need not prove anything until A discharges that burden.

33. The relevant facts to consider a statement under section 32 of the Evidence Act are:

(1) When it relates to the cause of death
(2) When it relates to the existence of a relationship
(3) When it is made in a will or deed relating to a family affair
(4) All the above

Answer: (4) All the above

Section 32 makes statements of dead or untraceable persons relevant in several classes of case. Clause (1) covers statements about the cause of death, clause (5) statements about the existence of a relationship by blood, marriage or adoption, made before the dispute arose, and clause (6) such statements made in a will, deed or family pedigree. All three options are therefore covered.

34. The essential requirements for the application of section 27 of the Evidence Act are:

(1) The person giving the information must be accused of an offence
(2) The person must be in police custody
(3) The person may or may not be in police custody
(4) (A) and (B) both

Answer: (4) (A) and (B) both

Section 27 of the Evidence Act lets so much of the information received from an accused as leads to a discovery of a fact be proved, whether it amounts to a confession or not. The information must come from a person accused of an offence and in the custody of a police officer. Custody is a condition, so option (3) is wrong and options (A) and (B) together are right.

35. When the court has to form an opinion regarding an electronic signature, the opinion of the Certifying Authority which has issued the Electronic Signature Certificate is:

(1) Not admissible in evidence
(2) Relevant
(3) Not relevant
(4) None of the above

Answer: (2) Relevant

Section 47A of the Evidence Act, inserted in 2000, provides that when a court has to form an opinion about an electronic signature, the opinion of the Certifying Authority which issued the Electronic Signature Certificate is a relevant fact. It is an exception to the general rule that only experts' opinions are relevant on such matters of science or art.

36. When any fact is especially within the knowledge of the accused, the burden of proving that fact is upon:

(1) Accused
(2) Prosecution
(3) Either accused or prosecution
(4) None of the above

Answer: (1) Accused

Section 106 of the Evidence Act states that when any fact is especially within the knowledge of a person, the burden of proving that fact is upon him. Applied to a criminal case, the accused must explain facts only he can know, but this does not relieve the prosecution of its duty to prove the case beyond reasonable doubt in the first place.

37. Husband and wife are competent witnesses against each other in:

(1) Civil and criminal cases
(2) Only civil cases
(3) Only criminal cases
(4) Only during investigation

Answer: (1) Civil and criminal cases

Section 120 of the Evidence Act provides that in all civil proceedings the parties and the husband or wife of any party are competent witnesses, and in criminal proceedings against any person the husband or wife of that person is a competent witness. Spouses are competent in both kinds of proceedings, though section 122 protects confidential communications between them during marriage.

38. Presumption as to dowry death is provided in --- section of the Evidence Act.

(1) Section 113A
(2) Section 113B
(3) Section 114A
(4) Section 111A

Answer: (2) Section 113B

Section 113B of the Evidence Act, inserted in 1986, requires the court to presume that a person caused a dowry death if it is shown that soon before her death the woman was subjected to cruelty or harassment for dowry by him. Section 113A deals with presumption of abetment of suicide by a married woman within seven years of marriage.

39. Queen v. Abdulla (1885) All. 385 is a case law relating to:

(1) Conduct
(2) Consequences
(3) Motive
(4) Preparation

Answer: (1) Conduct

Section 8 of the Evidence Act makes relevant the motive, preparation, and previous or subsequent conduct of a party or person concerned in a proceeding, and its Explanations deal with statements accompanying or explaining conduct. The decision named in the question is cited for the

relevance of a person's conduct, as against motive, preparation or consequences.

40. Are the following documents public documents?

(1) Documents forming the acts or records of the acts of the sovereign authority
(2) Public records kept in a State of private documents
(3) Both (A) and (B)
(4) None of the above

Answer: (3) Both (A) and (B)

Section 74 of the Evidence Act lists public documents: documents forming the acts, or records of the acts, of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial or executive, and public records kept in any State of private documents. Both options appear in the section. All other documents are private under section 75.

41. A owes B Rs. 1,000, but the debt is barred by the Limitation Act. A signs a written promise to pay B Rs. 500 on account of the debt.

(1) This is not a contract
(2) This is a contract
(3) Either A or B
(4) None of these

Answer: (1) This is not a contract

Section 25(3) of the Contract Act treats a promise, made in writing and signed by the debtor, to pay wholly or in part a debt barred by limitation as valid without consideration. The promise must be about a debt the debtor actually owed. Here A signs a written promise to pay Rs. 500 on account of a barred debt of Rs. 1,000. Note: the illustration to section 25(3) treats this very case as a contract, so option (2) states the position in law.

42. A agrees to buy from B a certain horse. It turns out that the horse was dead at the time of the bargain, though neither party was aware of the fact.

(1) This agreement is void
(2) This agreement is valid for compensation
(3) Either A or B
(4) None of these

Answer: (1) This agreement is void

Under section 20 of the Contract Act, where both parties are under a mistake as to a matter of fact essential to the agreement, the agreement is void. The illustration to the section gives this very case: the subject matter had perished before the bargain, so the agreement is void and no compensation can be claimed on it.

43. A employs B to beat C, and agrees to indemnify him against all consequences of the act. B thereupon beats C and has to pay damages to C for so doing.

(1) A is liable to indemnify B for these damages
(2) A is partially liable to indemnify B for these damages
(3) A is not liable to indemnify B for these damages
(4) None of these

Answer: (3) A is not liable to indemnify B for these damages

Section 224 of the Contract Act says an employer is not liable to the agent, on an express or implied promise, to indemnify him against the consequences of an act which is criminal. Beating C is a criminal act, and the promise to indemnify for it is also unlawful under section 23. The illustration states that A is not liable to indemnify B.

44. A, for natural love and affection, promises to give his son B Rs. 1,00,000. A puts his promise to B into writing and registers it. This is a:

(1) Contract
(2) Promise only
(3) Proposal
(4) None of the above

Answer: (1) Contract

Section 25(1) of the Contract Act exempts from the need for consideration an agreement expressed in writing, registered under the law for registration of documents, and made on account of natural love and affection between parties standing in a near relation to each other. A father's registered written promise to his son satisfies each condition, so it is a contract.

45. In order to convert a proposal into a promise the acceptance must:

(1) Be absolute and qualified
(2) Be expressed in some usual and reasonable manner
(3) Both (A) and (B)
(4) None of the above

Answer: (3) Both (A) and (B)

Question deleted by the Commission. Under section 7 of the Contract Act, to convert a proposal into a promise the acceptance must be absolute and unqualified, and must be expressed in some usual and reasonable manner, unless the proposal prescribes the manner. Both requirements are therefore needed. Note: option (1) as printed says "qualified", but section 7 requires the acceptance to be unqualified; the question is meant to test both conditions.

46. The Court Fees Act provides for fees on documents filed, etc., in mufassal courts or in public offices under:

(1) Section 5
(2) Section 6
(3) Section 7
(4) Section 8

Answer: (2) Section 6

Section 6 of the Court Fees Act, 1870 is headed "Fees on documents filed, etc., in mufassal courts or in public offices". It bars filing or receipt of documents chargeable under the schedules unless the fee is paid. Section 7 deals with computation of fees payable in suits and section 8 with the fee on a memorandum of appeal against an order relating to compensation.

47. A fee on a memorandum of appeal against an order relating to compensation is provided under:

(1) Section 7
(2) Section 8
(3) Section 9
(4) None of the above

Answer: (2) Section 8

Question deleted by the Commission. Section 8 of the Court Fees Act, 1870 fixes the fee on a memorandum of appeal against an order relating to compensation under any law for the acquisition of land for public purposes. The fee is computed on the difference between the amount awarded and the amount claimed by the appellant.

48. Under the Court Fees Act, the exemption of certain documents from fees includes:

(1) Written statement
(2) Plaint and process
(3) Both (A) and (B)
(4) None of the above

Answer: (1) Written statement

Section 19 of the Court Fees Act, 1870 lists documents not chargeable with any fee. One of them is a written statement called for by the court after the first hearing of a suit. Plaints are chargeable under the first schedule, and the exemption for plaints and processes applies only to certain special courts mentioned in the section, not to ordinary suits.

49. Where the court refers the parties to the suit to any one of the modes of settlement of dispute referred to in section 89 of the C.P.C., the plaintiff shall be entitled to a refund of court fees under --- section of the Court Fees Act.

(1) Section 16
(2) Section 17
(3) Section 18
(4) None of the above

Answer: (1) Section 16

Section 16 of the Court Fees Act, 1870, as substituted in 1999, provides that where the court refers the parties to arbitration, conciliation, judicial settlement, including Lok Adalat, or mediation under section 89 CPC, the plaintiff is entitled to a certificate to receive back the full amount of the fee paid on the plaint. Section 17 deals with multifarious suits.

50. Under section 35 of the Court Fees Act, the State Government remits the court fees, where the plaintiff's annual income does not exceed Rs. 25,000, to:

(1) Members of Scheduled Castes
(2) Members of Scheduled Tribes
(3) Women
(4) All of these

Answer: (4) All of these

Section 35 of the Court Fees Act, 1870 empowers the appropriate Government to reduce or remit, by notification, any of the fees in the schedules. The question refers to such a remission for plaintiffs below an income limit, extended to Scheduled Castes, Scheduled Tribes and women alike. As the three classes are listed as beneficiaries, the answer is all of these. Note: the statutory power is in section 35; the income limit and the classes of beneficiaries come from the State notification, which could not be checked.

51. "Cultivate personally" means, under the Chhattisgarh Land Revenue Code:

(1) By one's own labour
(2) Industrial labour
(3) Technician
(4) None of these

Answer: (1) By one's own labour

Section 2 of the Code defines "to cultivate personally" as to cultivate on one's own account by one's own labour, or by the labour of a member of one's family, or by servants on wages payable in cash or kind but not in crop share, or by hired labour under one's own or a family member's personal supervision. Industrial labour and technicians are not in the definition.

52. When a witness fails to comply with a summons, --- may be issued under the C.G. Land Revenue Code.

(1) Bailable arrest warrant
(2) An order to furnish security for appearance
(3) A fine not exceeding Rs. 1,000
(4) All of the above

Answer: (4) All of the above

Question deleted by the Commission. Section 34 of the Code, on compelling the attendance of witnesses, lets a Revenue Officer whose summons has been served and disobeyed issue a bailable warrant of arrest, order the person to furnish security for appearance, or impose a fine. All three consequences are provided. Note: the text of section 34(c) available to us states the fine limit as fifty rupees, so the figure in option (3) could not be confirmed.

53. The assessment of land revenue on any land shall be made with reference to the use of land:

(1) For education purposes
(2) For industrial purposes
(3) For commercial purposes
(4) All of the above

Answer: (4) All of the above

Section 59(1) of the Code requires assessment of land revenue with reference to the use of land for agriculture, as sites for dwelling houses, for purposes other than these, or for industrial or commercial purposes. Educational use falls in the residual class of other purposes, while industrial and commercial uses are named separately. So all three options are covered.

54. Section 118 of the Chhattisgarh Land Revenue Code relates to:

(1) Obligation to furnish information as to title
(2) Presumption as to entries in land records
(3) Dispute regarding entry in khasra or any other land record
(4) None of the above

Answer: (1) Obligation to furnish information as to title

Section 118 of the Code is headed "Obligation to furnish information as to title" and requires a person whose rights, interest or liabilities are to be entered in the land records to furnish, within one month of a written requisition from a Revenue Officer, Revenue Inspector or Patwari compiling or revising them, the information and documents needed. The presumption as to entries in land records is dealt with in the preceding section 117.

55. Under the Chhattisgarh Land Revenue Code, the Government's title to minerals is defined in:

(1) Section 250
(2) Section 249
(3) Section 247
(4) Section 248

Answer: (3) Section 247

Section 247 of the Code, headed "Government's title to minerals", vests the right to all minerals, mines and quarries in the State Government, unless the terms of a Government grant expressly provide otherwise. Section 250 deals with reinstatement of a Bhumiswami improperly dispossessed.

56. Chapter V of the Chhattisgarh Land Revenue Code relates to:

(1) Appeal
(2) Revision
(3) Review
(4) All the above

Answer: (4) All the above

Chapter V of the Code, running from section 44 to section 56, is headed "Appeal, Revision and Review". It covers appeals and appellate authorities, limitation for appeals, the power of appellate authorities, revision, review of orders, stay of execution and related matters. All three remedies are therefore within the chapter.

57. The documents the registration of which is optional have been dealt with in:

(1) Section 16 of the Registration Act
(2) Section 17 of the Registration Act
(3) Section 18 of the Registration Act
(4) Section 19 of the Registration Act

Answer: (3) Section 18 of the Registration Act

Section 18 of the Registration Act, 1908 is headed "Documents of which registration is optional" and lists documents that may be registered at the option of the parties, such as leases of immovable property for a term not exceeding one year, wills, and all other documents not required to be registered by section 17. Section 17 lists documents whose registration is compulsory.

58. A document executed out of India can be registered if presented within:

(1) Two months of its arrival in India
(2) Four months of its arrival in India
(3) One month of its arrival in India
(4) Six months of its arrival in India

Answer: (2) Four months of its arrival in India

Section 26 of the Registration Act, 1908 deals with documents executed outside India. If such a document is not presented within the ordinary time, the registering officer may accept it on payment of the proper fee, provided he is satisfied that it was so executed and that it is presented within four months after its arrival in India.

59. Under section 32 of the Registration Act, a document for registration can be presented:

(1) By the person executing the document
(2) By the representative of the executant
(3) By the authorised agent of the executant
(4) Any of the above

Answer: (4) Any of the above

Section 32 of the Registration Act, 1908 provides that every document to be registered must be presented at the proper office by some person executing or claiming under it, or by the representative or assign of that person, or by the agent of such person, representative or assign, duly authorised by a registered power of attorney. So any of the three can present it.

60. The term "negotiation" in the Negotiable Instruments Act, 1881 refers to:

(1) The transfer of a bill of exchange, promissory note or cheque to any person so as to constitute that person the holder thereof
(2) The payment by a bank on a negotiable instrument after due verification of the instrument
(3) The bargaining between the parties to a negotiable instrument
(4) All of the above

Answer: (1) The transfer of a bill of exchange, promissory note or cheque to any person so as to constitute that person the holder thereof

Section 14 of the Negotiable Instruments Act defines negotiation: when a promissory note, bill of exchange or cheque is transferred to any person so as to constitute that person the holder, the instrument is said to be negotiated. The other options describe payment and bargaining, which are not negotiation in the statutory sense.

61. When is presentment for payment to be made under section 65 of the Act?

(1) Presentment for payment can be made at any reasonable time
(2) Presentment for payment must be made during the usual hours of business and, if at a banker's, within banking hours
(3) There is no such stipulation on time for presentment
(4) None of the above

Answer: (2) Presentment for payment must be made during the usual hours of business and, if at a banker's, within banking hours

Question deleted by the Commission. Section 65 of the Negotiable Instruments Act provides that presentment for payment must be made during the usual hours of business, and, if the instrument is payable at a banker's, within banking hours. A presentment outside those hours is not a valid presentment, so the instrument holder cannot hold the other parties liable on it.

62. For what term of imprisonment can an offender under section 138 of the Negotiable Instruments Act be punished?

(1) For a term which may extend to two years
(2) For a term which may extend to one year
(3) For a term exceeding three years
(4) None of the above

Answer: (1) For a term which may extend to two years

Section 138 of the Negotiable Instruments Act, as amended in 2002, punishes dishonour of a cheque for insufficiency of funds, or because it exceeds the arrangement with the bank, with imprisonment up to two years, or with fine up to twice the amount of the cheque, or with both. The earlier limit of one year no longer applies.

63. "At sight" under the Negotiable Instruments Act means:

(1) On presentation
(2) On demand
(3) On coming into vision
(4) None of the above

Answer: (2) On demand

Section 21 of the Negotiable Instruments Act says that in a promissory note or bill of exchange the expressions "at sight" and "on presentment" mean on demand. An instrument payable "at sight" is therefore payable on demand without any days of grace, as against "after sight" which runs from the date of acceptance or noting.

64. Dishonour of a cheque for insufficiency of funds, etc., in the account relates to:

(1) Section 137 of the N.I. Act
(2) Section 138 of the N.I. Act
(3) Section 139 of the N.I. Act
(4) Section 141 of the N.I. Act

Answer: (2) Section 138 of the N.I. Act

Section 138 of the Negotiable Instruments Act creates the offence of dishonour of a cheque for insufficiency of funds in the account. Section 139 provides the presumption in favour of the holder, and section 141 fixes liability of companies and their officers. Section 137 is not the provision creating this offence.

65. Section 13 of the Chhattisgarh Excise Act relates to:

(1) Passes for import, export or transport
(2) Licence required for manufacture, etc., of intoxicants
(3) Requirement of pass for import, export or transport
(4) All the above

Answer: (2) Licence required for manufacture, etc., of intoxicants

Section 13 of the Act, in Chapter IV, is headed "Licence required for manufacture, etc., of intoxicants". No intoxicant may be manufactured or collected, no hemp plant cultivated, no tari-producing tree tapped, no liquor bottled for sale and no distillery or brewery constructed or

worked, except under a licence. The requirement of a pass for import, export or transport is in sections 10 and 11.

66. Under the Chhattisgarh Excise Act, the penalty for certain unlawful acts of a licensed vendor is defined in:

(1) Section 38
(2) Section 37
(3) Section 36
(4) Section 35

Answer: (1) Section 38

Section 38 of the Act is headed "Penalty for certain unlawful acts of licensed vendors". It punishes a licensed vendor, or a person in his employ, for acts such as selling to a drunken person, selling to a person under twenty-one in breach of section 23, employing prohibited persons and permitting disorderly conduct on the licensed premises.

67. On the direction of the State Government, duty may be levied on excisable articles:

(1) Imported
(2) Exported
(3) Transported
(4) All the above

Answer: (4) All the above

Section 25(1) of the Act provides that if the State Government so directs, an excise or countervailing duty shall be levied on excisable articles that are imported, exported or transported, as well as on those manufactured, cultivated or collected under a licence under section 13, or manufactured in a distillery or brewery. So all three listed are covered.

68. Prohibition of sale of liquor or intoxicating drug to a person under the age of 21 years is provided under:

(1) Section 22 of the C.G. Excise Act
(2) Section 23 of the C.G. Excise Act
(3) Section 24 of the C.G. Excise Act
(4) Section 25 of the C.G. Excise Act

Answer: (2) Section 23 of the C.G. Excise Act

Section 23 of the Act is headed "Prohibition of sale of liquor or intoxicating drug to persons under the age of twenty-one years". Section 22 prohibits employment of male persons under twenty-one and of women in places where liquor is consumed or sold, and section 24 provides for closing of shops for public peace.

69. The limit of quantity for the possession of an intoxicant has been provided in --- section of the Chhattisgarh Excise Act.

(1) Section 10
(2) Section 16
(3) Section 18
(4) Section 13

Answer: (2) Section 16

Section 16(1) of the Act lets the State Government prescribe by notification a limit of quantity for possession of any intoxicant. Under sub-section (2), possession beyond that limit is allowed only under a licence, pass or permit. Section 10 deals with the requirement of a pass for import, export or transport beyond a specified quantity.

70. Section 21 of the Specific Relief Act relates to:

(1) Power to award compensation in certain cases
(2) Power to grant relief for possession, partition, refund of earnest money, etc.
(3) Both (A) and (B)
(4) None of the above

Answer: (1) Power to award compensation in certain cases

Section 21 of the Specific Relief Act, 1963 is headed "Power to award compensation in certain cases". The plaintiff may claim compensation in addition to specific performance, or the court may award compensation instead if specific performance is refused. The power to grant other relief such as possession, partition or refund of earnest money is in section 22.

71. The State shall provide free and compulsory education to all children of the age:

(1) 8 - 16 years
(2) 6 - 14 years
(3) 8 - 18 years
(4) None of the above

Answer: (2) 6 - 14 years

Article 21A, inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, requires the State to provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may by law determine. Article 45 separately directs early childhood care and education for children below six.

72. Which of the following is not related to freedom to manage religious affairs under the Constitution of India?

(1) To establish and maintain institutions for religious and charitable purposes
(2) To manage its own affairs in matters of religion
(3) To administer such property in accordance with law
(4) To pay taxes for the promotion of any particular religion

Answer: (4) To pay taxes for the promotion of any

particular religion

Article 26 gives every religious denomination the right to establish and maintain institutions for religious and charitable purposes, manage its own affairs in matters of religion, own and acquire property, and administer it in accordance with law. Article 27 is separate: no person can be compelled to pay taxes the proceeds of which are used for promoting any particular religion.

73. Provisions as to the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram are in which Schedule of the Constitution of India?

(1) Third Schedule
(2) Eighth Schedule
(3) Fifth Schedule
(4) None of the above

Answer: (4) None of the above

Article 244(2) applies the Sixth Schedule to the administration of tribal areas in Assam, Meghalaya, Tripura and Mizoram. The Third Schedule contains forms of oaths, the Eighth lists languages, and the Fifth covers Scheduled Areas and Scheduled Tribes in other States, including Chhattisgarh. Since the Sixth Schedule is not offered, the answer is none of the above.

74. Under which Article does the definition of "State" include the Government and Parliament of India, the Government and Legislature of each State and all local or other authorities within the territory of India?

(1) Article 11
(2) Article 12
(3) Article 13
(4) Article 9

Answer: (2) Article 12

Article 12 defines "the State" for Part III of the Constitution as including the Government and Parliament of India, the Government and Legislature of each State, and all local or other authorities within the territory of India or under the control of the Government of India. Article 13 deals with laws inconsistent with fundamental rights.

75. Which of the following Articles of the Constitution provides for the protection of the right of freedom of speech?

(1) Article 19
(2) Article 20
(3) Article 18
(4) Article 21

Answer: (1) Article 19

Article 19(1)(a) guarantees to all citizens the right to freedom of speech and expression, subject to reasonable restrictions under Article 19(2). Article 18 abolishes titles, Article 20 gives protection in respect of conviction for offences, and Article 21 protects life and personal liberty.

76. In which of the contingencies does Article 31A(1) of the Indian Constitution apply?

(1) Acquisition of an estate
(2) Extinguishment of rights in an estate
(3) Modification of rights in an estate
(4) All of the above

Answer: (4) All of the above

Article 31A(1)(a) saves a law providing for the acquisition by the State of any estate or any rights in it, or the extinguishment or modification of any such rights, from challenge as inconsistent with Articles 14 and 19. The other clauses deal with taking over management of property, amalgamation of companies and similar matters, but all three contingencies named here fall within clause (a).

77. The President can be impeached on the ground of:

(1) Violation of the Constitution
(2) Misconduct
(3) Corruption
(4) All of the above

Answer: (1) Violation of the Constitution

Article 61 provides that the President may be removed from office by impeachment only for violation of the Constitution. Misconduct and corruption are not grounds mentioned in the Article. The charge must be preferred by a House with a resolution moved on at least fourteen days' notice signed by one-fourth of its members, and passed by a two-thirds majority of the total membership.

78. The Vice-President may be removed from his post by a resolution of the members of the Council of States:

(1) By at least a majority of all the then members and agreed to by the House of the People
(2) By a two-thirds majority of the then members
(3) By a three-fourths majority of the then members
(4) By the Supreme Court only

Answer: (1) By at least a majority of all the then members and agreed to by the House of the People

Question deleted by the Commission. Under Article 67(b) the Vice-President may be removed by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People. At least fourteen days' notice of the intention to move the resolution must be given. No special two-thirds majority is needed, and the Supreme Court has no role in the process.

79. The President's resignation shall be given to:

(1) Speaker of the House of the People
(2) Vice-President
(3) Chief Justice of India
(4) Prime Minister

Answer: (2) Vice-President

Article 56(1)(a) allows the President to resign by writing under his hand addressed to the Vice-President, who must

then communicate the resignation to the Speaker of the House of the People under Article 56(2). The Speaker, Chief Justice and Prime Minister are not the authority to whom the resignation is addressed.

80. What is the maximum age for retirement of the President?

(1) 65 years
(2) 70 years
(3) 75 years
(4) None of the above

Answer: (4) None of the above

The Constitution fixes no maximum age for the President. Article 58 requires him to be a citizen of India, at least thirty-five years old, and qualified for election as a member of the House of the People. The term is five years under Article 56, and he continues in office until his successor enters office, so none of the given ages applies.

81. Immovable property does not include:

(1) Standing timber
(2) Growing crops
(3) Grass
(4) All the above

Answer: (4) All the above

Question deleted by the Commission. Section 3 of the Transfer of Property Act says that immovable property does not include standing timber, growing crops or grass. The General Clauses Act adds that it includes land, benefits arising out of land and things attached to the earth, but the Transfer of Property Act's own definition excludes these three items. So all of the options are outside the term.

82. Section 6 of the Transfer of Property Act relates to:

(1) Transfer of property
(2) Persons competent to transfer
(3) What may be transferred
(4) None of the above

Answer: (3) What may be transferred

Section 6 of the Transfer of Property Act is headed "What may be transferred" and says property of any kind may be transferred, except as otherwise provided. It then lists bare chances of succession, mere rights of re-entry, easements apart from the dominant heritage, and interests restricted to the owner's personal enjoyment as non-transferable. Section 7 deals with persons competent to transfer.

83. Provision of a longer period in the matter of accumulation of property under section 17 of the T.P. Act amounts to:

(1) 18 years
(2) 20 years
(3) 22 years
(4) 25 years

Answer: (1) 18 years

Section 17 of the Transfer of Property Act makes a direction to accumulate income void to the extent that the accumulation is for a period longer than the life of the transferor or eighteen years from the date of the transfer, whichever is longer. Among the periods offered, eighteen years is the statutory period. The section has exceptions, such as accumulation for payment of debts or for portions of children.

84. Under the Transfer of Property Act, where two or more persons mutually transfer the ownership of one thing for the ownership of another, neither thing nor both things being money only, the transfer is called:

(1) A transfer
(2) An exchange
(3) A lease
(4) An eviction

Answer: (2) An exchange

Section 118 of the Transfer of Property Act defines exchange in just these words: when two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction is an exchange. A sale needs a price in money, a lease transfers only a right to enjoy, and eviction is not a transfer.

85. The foundation of the doctrine of election under the Transfer of Property Act is that a person taking the benefit of an instrument:

(1) Must not bear the burden
(2) Burden is not the subject matter of election
(3) Must bear the burden
(4) None of the above

Answer: (3) Must bear the burden

Section 35 of the Transfer of Property Act embodies the rule that a person who takes a benefit under an instrument must also bear any burden it imposes. Where a person professes to transfer property he has no right to transfer, and gives a benefit to the true owner in the same instrument, the owner must either confirm the transfer or dissent and give up the benefit.

86. "Time requisite" under the Limitation Act means:

(1) Minimum time
(2) Maximum time
(3) Actual time taken
(4) Absolutely necessary time

Answer: (3) Actual time taken

The Limitation Act uses "time requisite" in section 12 for the time to be excluded for obtaining a copy of the decree, order, judgment or award. The time excluded is the time actually taken in getting the copy, subject to the Explanation, which says that the time taken by the court to prepare the decree before an application for a copy is made is not excluded.

87. Legal disability under the Limitation Act applies in case of:

(1) Illness
(2) Poverty
(3) Insolvency
(4) None of the above

Answer: (4) None of the above

Section 6 of the Limitation Act extends the period of limitation for a person who is a minor, insane or an idiot when the right to sue or apply accrues. Illness, poverty and insolvency are not recognised grounds of disability, though they may be relevant in a different context such as showing sufficient cause for condoning delay under section 5.

88. Section 14 of the Limitation Act will have no application:

(1) Where the suit is dismissed after adjudication on its merits
(2) Where the suit is dismissed because the court was unable to entertain it
(3) Both (A) and (B)
(4) Neither (A) nor (B)

Answer: (1) Where the suit is dismissed after adjudication on its merits

Section 14 excludes the time spent bona fide in prosecuting, with due diligence, a civil proceeding in a court which, from a defect of jurisdiction or other cause of a like nature, was unable to entertain it. It does not help a plaintiff whose earlier suit failed after the court had decided it on the merits. So only option (1) is outside section 14.

89. Under the Limitation Act, "applicant" includes:

(1) A petitioner
(2) Any person from or through whom an applicant derives his right to apply
(3) Any person whose estate is represented by the applicant as executor, administrator or other representative
(4) All of the above

Answer: (4) All of the above

Section 2(a) of the Limitation Act defines "applicant" as including a petitioner, any person from or through whom the applicant derives his right to apply, and any person whose estate is represented by the applicant as executor, administrator or other representative. Each of the three options matches a part of the definition.

90. Section 6 of the Limitation Act relates to:

(1) Bar of limitation
(2) Legal disability
(3) Both (A) and (B)
(4) None of the above

Answer: (2) Legal disability

Section 6 of the Limitation Act is headed "Legal disability" and allows a minor, an insane person or an idiot to institute a suit or make an application within the same period after the disability ceases as would otherwise have been allowed from the time prescribed. The bar of limitation is the subject of section 3, not section 6.

91. Section 2(14) of the Chhattisgarh Rent Control Act relates to:

(1) Tenant
(2) Social nuisance
(3) Rent
(4) Municipal area

Answer: (1) Tenant

Section 2(14) of the Chhattisgarh Rent Control Act, 2011 defines "tenant". It covers a person by or on whose account rent is, or but for a contract would be, payable for any accommodation, including a person continuing in possession after termination of the tenancy, and certain family members who ordinarily resided or carried on business with the tenant at his death. Social nuisance is defined in clause (13) and rent in clause (9).

92. The Rent Control Tribunal is constituted under:

(1) Section 3
(2) Section 4
(3) Section 5
(4) Section 6

Answer: (4) Section 6

Section 6 of the Chhattisgarh Rent Control Act, 2011 requires the State Government to constitute, by notification, the Chhattisgarh Rent Control Tribunal under Article 323-B of the Constitution to adjudicate disputes

about rent and tenancy. The Chairman is a District Judge of the prescribed rank, appointed in consultation with the High Court. Section 7 provides for Rent Controllers.

93. The powers and functions of the Rent Control Tribunal do not include:

(1) Reconciling disputes between landlord and tenant
(2) Establishment of Rent Controller
(3) Functioning as appellate authority
(4) (B) and (C)

Answer: (1) Reconciling disputes between landlord and tenant

Question deleted by the Commission. Reconciling disputes between landlord and tenant is a function of the Rent Controller under section 9 of the Chhattisgarh Rent Control Act, 2011, not of the Tribunal. The Tribunal's powers under section 8 include ensuring that Rent Controllers actively exist and functioning as the appellate authority against their orders. Rent Controllers are appointed by the State Government under section 7.

94. The Rent Controller shall execute the order through one or more modes:

(1) Attachment and sale of the movable or immovable property of the opposite party
(2) Arrest and detention of the opposite party
(3) Attachment of any one or more bank accounts
(4) All of the above

Answer: (4) All of the above

Section 11 of the Chhattisgarh Rent Control Act, 2011 lets the Rent Controller execute a final or other order by attaching and selling the movable or immovable property of the opposite party, arresting and detaining him, attaching bank accounts, attaching the salary of a government or bank employee, appointing an advocate commissioner, or delivering possession. Every option listed is a permitted mode.

95. Section 12 of the Chhattisgarh Rent Control Act relates to:

(1) Procedure to be followed by Rent Controllers and Rent Control Tribunal
(2) Rights and obligations of landlords and tenants
(3) Repeal and savings
(4) None of the above

Answer: (2) Rights and obligations of landlords and tenants

Section 12 of the Chhattisgarh Rent Control Act, 2011 is headed "Rights and obligations of landlords and tenants". It gives every tenant the rights in Schedule 1 and every landlord the rights in Schedule 2, and imposes the obligations in Schedule 3, with a rule of benefit of doubt in favour of the tenant on rent and of the landlord on recovery of possession.

96. Which of the following are true about the word "possession" used in section 5 of the Specific Relief Act?

(1) It is prima facie proof of property
(2) It is good title against all who cannot show a better title
(3) It is constituted by itself a limited title to the property
(4) All of the above

Answer: (4) All of the above

Question deleted by the Commission. Section 5 of the Specific Relief Act lets a person entitled to possession of specific immovable property recover it under the Code of Civil Procedure. Possession is itself a limited title: it is prima facie evidence of ownership, and it is good against everyone who cannot show a better title. All three statements describe the legal weight given to possession.

97. What is the remedy where a lessor agreed to sell the property to his lessee and accepted part of the price?

(1) Specific performance
(2) A suit for eviction
(3) Either (A) or (B)
(4) None of these

Answer: (1) Specific performance

Question deleted by the Commission. A lessee who has an agreement of sale, has paid part of the price and is in possession can seek specific performance of the agreement under the Specific Relief Act. Section 53A of the Transfer of Property Act also protects his possession against the transferor, who cannot evict him on the basis of the title he agreed to transfer. A suit for eviction is therefore not the remedy.

98. Schedule 1 of the Chhattisgarh Rent Control Act relates to:

(1) Tenant's rights available under the Act
(2) Landlord's rights available under the Act
(3) Landlord's obligations under the Act
(4) None of the above

Answer: (1) Tenant's rights available under the Act

Section 12(1) of the Chhattisgarh Rent Control Act, 2011 says every tenant shall have rights according to Schedule 1. Landlords' rights are in Schedule 2 under section 12(2) and landlords' obligations in Schedule 3 under section 12(3). So Schedule 1 is the list of tenants' rights.

99. Which of the following contracts cannot be specifically enforced?

(1) A contract which is in its nature determinable
(2) A contract for the non-performance of which compensation in money is an adequate relief
(3) (A) and (B)
(4) None of the above

Answer: (1) A contract which is in its nature determinable

Section 14 of the Specific Relief Act, 1963, as amended in 2018 and in force from 1.10.2018, lists four contracts that cannot be specifically enforced: where substituted performance has been obtained, a contract involving a continuous duty the court cannot supervise, a contract dependent on personal qualifications, and a contract which is in its nature determinable. The old ground of adequate compensation was removed, so option (B) does not apply.

100. Specific performance of a contract cannot be enforced in favour of a person:

(1) Who would not be entitled to recover compensation for its breach
(2) Who has become incapable of performing the contract
(3) Who fails to aver and prove that he has performed or has always been ready and willing to perform the essential terms
(4) All of the above

Answer: (2) Who has become incapable of performing the contract

Under section 16 of the Specific Relief Act, specific performance cannot be enforced in favour of a person who has become incapable of performing, or violates an essential term of, the contract that remains to be performed by him. A person who cannot perform his own part cannot demand the other side's performance. The ground in option (1) was dropped by the 2018 amendment. Note: option (3) also states a bar under section 16(c), which requires proof of readiness and willingness.