Haryana Civil Judge Prelims 2021: Solution

Punjab and Haryana High Court · HCS (Judicial Branch) Preliminary Examination, held 13 November 2021 · 125 questions

Preliminary Examination

1. The definition of "Victim" has been inserted in Cr.P.C. in

(A) 2008
(B) 2009
(C) 2010
(D) 2011

Answer: (B) 2009

The definition of "victim" in section 2(wa) of the Code of Criminal Procedure (BNSS s. 2) was added by Act 5 of 2009, in force from 31 December 2009. It covers a person who has suffered loss or injury from the act or omission charged, and includes the guardian or legal heir. The other years are not the year of insertion.

2. Sec. 27 of the Cr.P.C. deals with

(A) Trial of Persons of Unsound Mind
(B) Trial of Non-Citizens of India
(C) Trial of Juveniles
(D) Trial of Diplomats

Answer: (C) Trial of Juveniles

Section 27 of the Code of Criminal Procedure provides for the jurisdiction of courts in the case of juveniles: an offence not punishable with death or life imprisonment, committed by a person under sixteen years, may be tried by the Chief Judicial Magistrate or a court empowered under the children's legislation. It does not deal with persons of unsound mind, non-citizens or diplomats. (No equivalent section in the BNSS.)

3. Preventive action of Police has been discussed under

(A) Chapter X of Cr.P.C
(B) Chapter XI of Cr.P.C.
(C) Chapter XII of Cr.P.C.
(D) No specific Chapter has been prescribed

Answer: (B) Chapter XI of Cr.P.C.

Chapter XI of the Code of Criminal Procedure ("Preventive action of the police", sections 149 to 153) lets police interpose to prevent cognizable offences, deals with information of designs to commit them, and arrests to prevent offences (BNSS ss. 168-172). Chapter X concerns public order and tranquillity, and Chapter XII concerns information to the police and their investigation powers.

4. Sec. 166A Cr.P.C. deals with

(A) Medical Examination of Rape Victim
(B) Requisition of additional Search Warrant
(C) Recording of Statement of Rape Victim
(D) Investigation outside India

Answer: (D) Investigation outside India

Section 166A of the Code of Criminal Procedure is the letter of request to a competent authority in a country or place outside India for investigation (BNSS s. 112). Medical examination and recording of the statement of a rape victim are covered by other provisions, and a search warrant is dealt with elsewhere.

5. Women detained below the age of eighteen years shall be sent to

(A) Remand Home
(B) Women Prison
(C) Women Police Station
(D) Shall not be detained

Answer: (A) Remand Home

The second proviso to section 167(2) of the Code of Criminal Procedure (BNSS s. 187) says that where an accused is a woman under eighteen years of age, detention is to be authorised in the custody of a remand home or a recognised social institution. She is not sent to a prison or police lock-up.

6. Case Diary has been discussed under

(A) Sec. 169 of Cr.P.C
(B) Sec. 170 of Cr.P.C.
(C) Sec. 171 of Cr.P.C.
(D) Sec. 172 of Cr.P.C.

Answer: (D) Sec. 172 of Cr.P.C.

Section 172 of the Code of Criminal Procedure (BNSS s. 192) requires every police officer investigating a case to maintain a day-to-day diary of proceedings: time of receiving information, places visited and circumstances ascertained. Sections 169 to 171 deal with release of an accused when evidence is deficient, cases sent to a Magistrate, and the complainant's and witnesses' attendance.

7. The Principle of Speedy Trial and the limitation period of completing the trial of certain cases has been provided under

(A) Sec. 301 of Cr.P.C.
(B) Sec. 305 of Cr.P.C.
(C) Sec. 308 of Cr.P.C
(D) Sec. 309 of Cr.P.C.

Answer: (D) Sec. 309 of Cr.P.C.

Section 309 of the Code of Criminal Procedure (BNSS s. 346) directs that the inquiry or trial be held as expeditiously as possible and, once witnesses are examined, continued from day to day. Adjournments are limited, and for certain sexual offences the trial is to be completed within the period it states. Sections 301 to 308 deal with other matters such as prosecutors and tenders of pardon.

8. At what stage of the trial, prosecution of any person can be withdrawn with the consent of the court?

(A) Before framing of charges
(B) After the examination of accused
(C) After the completion of examination of prosecution witnesses
(D) At any time before the pronouncement of judgment

Answer: (D) At any time before the pronouncement of judgment

Under section 321 of the Code of Criminal Procedure (BNSS s. 360) the Public Prosecutor, with the consent of the court, may withdraw from the prosecution of a person at any time before the judgment is pronounced. Before charge the accused is discharged; after charge he is acquitted.

9. Application for Plea bargaining may be filed by

(A) The Prosecutor
(B) The De facto Complainant
(C) The Accused
(D) The Legal Services Authority

Answer: (C) The Accused

Section 265B of the Code of Criminal Procedure (BNSS s. 290) allows an accused to file an application for plea bargaining in the court where the case is pending. The prosecutor, the complainant and a legal services authority do not file it, though the court notices the victim and prosecutor afterwards.

10. Section 394 Cr.P.C. provides the procedure relating to

(A) Suspension of sentence
(B) Summary dismissal of appeal
(C) Abatement of appeal
(D) Finality of judgment on appeal

Answer: (C) Abatement of appeal

Section 394 of the Code of Criminal Procedure (BNSS s. 435) deals with abatement of appeals. An appeal from a conviction abates on the death of the appellant, and an appeal against acquittal or a fine and some other appeals have their own rules. It is not about suspension of sentence, summary dismissal or finality of judgment.

11. Commutation of a death sentence on a pregnant woman is provided under

(A) Sec. 413 of Cr.P.C.
(B) Sec. 414 of Cr.P.C.
(C) Sec. 415 of Cr.P.C.
(D) Sec. 416 of Cr.P.C.

Answer: (D) Sec. 416 of Cr.P.C.

Section 416 of the Code of Criminal Procedure (BNSS s. 456) deals with a woman sentenced to death who is found to be pregnant: the High Court is to commute the sentence to life imprisonment, after postponing execution. Sections 413 to 415 deal with execution of the death sentence and appeals.

12. ..... can proceed under Section 340 of the Code of Criminal Procedure, 1973 and hold a preliminary enquiry.
I. Civil Court
II. Revenue Court
III. Criminal Court

(A) I and II
(B) II and III
(C) III and I
(D) I, II and III

Answer: (D) I, II and III

Section 340 of the Code of Criminal Procedure (BNSS s. 379) applies when "any Court" is of opinion that an inquiry should be made into an offence mentioned in section 195(1)(b) committed in relation to a proceeding in that court. The power is therefore not limited to criminal courts: civil and revenue courts may also hold the preliminary enquiry.

13. ..... of the Cr.P.C deals with the power of the Magistrate to arrest.

(A) Sec. 40
(B) Sec. 44
(C) Sec. 48
(D) Sec. 52

Answer: (B) Sec. 44

Section 44 of the Code of Criminal Procedure (BNSS s. 41) deals with arrest by a Magistrate: a Magistrate may himself arrest, or order arrest of, an offender committed in his presence within his local jurisdiction. Section 40 relates to village officers, section 48 to pursuit of offenders into other jurisdictions and section 52 to search of arrested persons' weapons.

14. It is mandatory to produce the person arrested before the Magistrate, within 24 hours of his arrest, under:

(A) Sec. 56 Cr.P.C.
(B) Sec. 57 Cr.P.C.
(C) Sec. 58 Cr.P.C
(D) Sec. 59 Cr.P.C.

Answer: (B) Sec. 57 Cr.P.C.

Section 57 of the Code of Criminal Procedure (BNSS s. 58) bars a police officer from detaining an arrested person for more than twenty-four hours, excluding journey time to the Magistrate, without a special order of the Magistrate under section 167. Sections 56, 58 and 59 deal with different duties on arrest and release.

15. Under Cr.P.C. imprisonment in default of payment of fine can be awarded

(A) To run concurrently with substantive sentence imposed
(B) In addition to the substantive sentence imposed
(C) Court can condone it
(D) None of the above

Answer: (B) In addition to the substantive sentence imposed

Section 30(2) of the Code of Criminal Procedure (BNSS s. 24) states that imprisonment in default of fine may be in addition to a substantive sentence of imprisonment. The default term is not concurrent with the substantive term and the court has no power to condone it; it is limited by section 30(1).

16. Under Cr.P.C. the period of limitation for taking cognizance of an offence shall be three years

(A) If the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years
(B) If the offence is punishable with imprisonment for a term exceeding one year but not exceeding seven years
(C) If the offence is punishable with imprisonment for a term exceeding one year but not exceeding ten years
(D) If the offence is punishable with imprisonment for a term exceeding one year but not exceeding five years

Answer: (A) If the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years

Section 468(2) of the Code of Criminal Procedure (BNSS s. 514) fixes the period for taking cognizance: six months for fine-only offences, one year where the punishment is imprisonment up to one year, and three years where it exceeds one year but not three years. The other options give terms to which the three-year bar does not apply.

17. The contents of documents :

(A) may only be proved by primary evidence
(B) may only be proved by secondary evidence.
(C) may be proved either by primary or by secondary evidence.
(D) shall be proved either by primary or by secondary evidence

Answer: (C) may be proved either by primary or by secondary evidence.

Section 61 of the Evidence Act (BSA s. 56) provides that the contents of documents may be proved either by primary or by secondary evidence. Primary evidence is the document itself (section 62). Secondary evidence is allowed only in the cases listed in section 65, so the choice is not unrestricted in every case.

18. The following documents are public documents:

(A) Documents forming the acts, or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial and executive, of any part of India or of the Commonwealth, or of a foreign country
(B) Public records kept (in any State) of private documents
(C) Both A) and B)
(D) Only documents maintained by legislative, judiciary and executive in India

Answer: (C) Both A) and B)

Section 74 of the Evidence Act (BSA s. 74) lists as public documents the acts or records of the acts of the sovereign authority, official bodies, tribunals and public officers, legislative, judicial and executive, of any part of India, the Commonwealth or a foreign country, and also public records kept in any State of private documents. Both A and B are correct.

19. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead

(A) is on a person who affirms it
(B) is on a person who denies it
(C) is on spouse of the dead person
(D) is on first blood relative of the dead person

Answer: (A) is on a person who affirms it

Section 107 of the Evidence Act (BSA s. 110) says that when it is shown that a man was alive within thirty years, the burden of proving that he is dead lies on the person who affirms it. Section 108 reverses the burden where he has not been heard of for seven years by those who would naturally have heard of him.

20. Which of the following is not included in the expression 'court' under the Indian Evidence Act ?

(A) All judges
(B) All persons legally authorized to take evidence
(C) All magistrates
(D) Arbitrator

Answer: (D) Arbitrator

Under section 3 of the Evidence Act (BSA s. 2) "Court" includes all Judges and Magistrates and all persons, except arbitrators, legally authorised to take evidence. An arbitrator is therefore outside the expression, and the Evidence Act does not apply to arbitral proceedings.

21. Which of the following was included in the definition of 'evidence' under the Evidence Act by the Information Technology Act, 2000?

(A) Social media
(B) E-mail
(C) Electronic record
(D) Compact Disk

Answer: (C) Electronic record

The Information Technology Act, 2000 amended section 3 of the Evidence Act so that "evidence" includes all documents, including electronic records, produced for the inspection of the court (BSA s. 2). "Electronic record" is the term the amendment brought in; e-mail, social media and discs are only examples of such records.

22. An admission constitutes a :

(A) Substantive piece of evidence
(B) Corroborative piece of evidence
(C) Conclusive proof
(D) None of the above

Answer: (A) Substantive piece of evidence

Admissions under sections 17 to 31 of the Evidence Act (BSA ss. 15-25) are substantive evidence against the maker, relevant as such and not merely corroborative. Section 31 (BSA s. 25) provides that they are not conclusive proof of the matters admitted, though they may operate as estoppel.

23. "Hearsay evidence is no evidence." Which one of the following is an exception to the above rule under the Evidence Act?

(A) Sec. 32
(B) Sec. 27
(C) Sec. 14
(D) Sec. 23

Answer: (A) Sec. 32

Hearsay is excluded, but section 32 of the Evidence Act (BSA s. 26) makes relevant statements of persons who are dead, cannot be found or are incapable of giving evidence, such as dying declarations. Section 27 concerns information leading to discovery, section 14 states of mind and section 23 admissions in civil cases.

24. Judges power to put question or order the production of any document or thing is given in ..... of Evidence Act

(A) Sec. 165
(B) Sec. 167
(C) Sec. 141
(D) Sec. 159

Answer: (A) Sec. 165

Section 165 of the Evidence Act (BSA s. 168) gives the Judge power, in order to discover or obtain proper proof of relevant facts, to ask any question he pleases, in any form, at any time, of any witness or party, and to order production of any document or thing. The other numbers deal with different matters of examination.

25. Confidential communication with whom of the following is protected under Evidence Act?

(A) To Magistrate
(B) To Police Officer
(C) To Legal Advisor
(D) To Revenue Officer

Answer: (C) To Legal Advisor

Section 126 of the Evidence Act (BSA s. 132) protects professional communications between a client and his barrister, attorney, pleader or vakil (legal adviser): the adviser cannot disclose them without the client's express consent. Communications to a Magistrate, police officer or revenue officer are protected only in the limited ways of sections 121 and 124.

26. Section 62 of the Evidence Act deals with:

(A) Primary evidence
(B) Secondary evidence
(C) Proof of documents by primary evidence
(D) Cases in which secondary evidence relating to documents may be given

Answer: (A) Primary evidence

Section 62 of the Evidence Act (BSA s. 57) defines primary evidence as the document itself produced for the inspection of the court. Secondary evidence is defined in section 63, proof of documents by primary evidence in section 64, and the cases in which secondary evidence may be given in section 65.

27. In the absence of substantive evidence:

(A) corroborative evidence can be used
(B) corroborative evidence has no worth
(C) corroborative evidence may be or may not be used as per the discretion of the Court
(D) none of the above

Answer: Question deleted by the High Court

Question deleted by the High Court. The sound position is that corroborative evidence only supports substantive evidence and cannot stand alone. Where there is no substantive evidence there is nothing to corroborate, so corroborative material has no independent worth and cannot found a conviction or decree. Option B states this.

28. Where a married woman, dying of burns was a person of unsound mind and the medical certificate vouchsafed her physical fitness for a statement and not the state of mind at the crucial moment; in which of the following cases the court said that the statement could not be relied upon ?

(A) Ravi Chander v. State of Punjab
(B) Shripatrao v. State of Maharashtra
(C) Uka Ram v. State of Rajasthan
(D) Baldev Raj v. State of H.P.

Answer: (C) Uka Ram v. State of Rajasthan

A dying declaration must be shown to have been made by a person mentally fit when she spoke. A certificate of physical fitness that says nothing of her state of mind at the crucial moment, in the case of a woman of unsound mind, cannot support reliance on the statement. The court so held in the decision named in option C.

29. Under Section 14 of the Evidence Act, the facts showing the existence of state of mind must be:

(A) Specific state of mind
(B) General state of mind
(C) Both A) and B)
(D) None of the above

Answer: (A) Specific state of mind

Explanation 1 to section 14 of the Evidence Act (BSA s. 12) says that a fact relevant as showing a relevant state of mind must show that the state of mind exists not generally but in reference to the particular matter in question. It must therefore be a specific state of mind.

30. Statement recorded during investigation under Section 161 Cr.P.C. can be used during trial:

(A) For corroborating the witness
(B) For contradicting the witness
(C) Both A) and B)
(D) Neither A) nor B)

Answer: (B) For contradicting the witness

Section 162 of the Code of Criminal Procedure (BNSS s. 181) bars use of a statement made to the police during investigation for any purpose at the trial, except to contradict a prosecution witness under section 145 of the Evidence Act (BSA s. 148), and the re-examination use. It cannot be used to corroborate the witness.

31. Where by a contract of sale, the seller purports to effect a present sale of future goods, the contract operates as :

(A) Sale
(B) An agreement to sell the goods
(C) A sale or an agreement to sell the goods, depending upon the facts and circumstances of the case
(D) None of the above

Answer: (B) An agreement to sell the goods

Under section 6(3) of the Sale of Goods Act, 1930, where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell. The property cannot pass in goods that do not yet exist; it passes when the goods are acquired and the agreement is duly appropriated.

32. The unpaid seller's right of lien terminates:

(A) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods
(B) When the buyer or his agent lawfully obtains possession of the goods.
(C) Both A) and B)
(D) None of the above

Answer: (C) Both A) and B)

Section 49 of the Sale of Goods Act, 1930 says the unpaid seller loses his lien when he delivers the goods to a carrier or other bailee for transmission to the buyer without reserving the right of disposal, when the buyer or his agent lawfully obtains possession, or when he waives the lien. Both A and B are therefore correct.

33. There are exceptions to the rule that a seller of goods cannot give to the buyer a better title than he himself has over them. Which among the following is a wrong exception?

(A) Sale by Mercantile Agent
(B) Sale by one of the joint owners
(C) Sale by seller in possession after sale
(D) Sale without the consent or authority of owner

Answer: (D) Sale without the consent or authority of owner

The general rule is that no one can give a better title than he has. The Act allows exceptions: sale by a mercantile agent (section 27), by one of joint owners in sole possession (section 28), by a seller or buyer in possession after sale (section 30), among others. A sale by someone with no consent or authority of the owner is the rule itself, not an exception.

34. Which provision of the Limitation Act provides that an appeal from an order can be filed in a High Court within 90 days and in another court within 30 days?

(A) Article 102
(B) Article 133
(C) Article 116
(D) Article 109

Answer: (C) Article 116

Article 116 of the Schedule to the Limitation Act, 1963 prescribes ninety days for an appeal to a High Court from any decree or order and thirty days for an appeal to any other court under the Code of Civil Procedure. Articles 102, 133 and 109 deal with other subjects such as hire of animals and suits by or against agents.

35. Which of the following is not covered under Section 6 of The Limitation Act, 1963?

(A) Insane
(B) Insolvent
(C) Idiot
(D) Minor

Answer: (B) Insolvent

Section 6 of the Limitation Act, 1963 gives extra time to a person under a legal disability when the right to sue accrues: minority, insanity or idiocy. Insolvency is not a disability under that section, so an insolvent gets no extended period.

36. Which of the following provisions of The Limitation Act, 1963 states that in case of debt, payment will provide fresh period of limitation from the time of payment?

(A) Sec. 13
(B) Sec. 16
(C) Sec. 19
(D) Sec. 22

Answer: (C) Sec. 19

Section 19 of the Limitation Act, 1963 provides that where payment on account of a debt or interest on a legacy is made before the limitation period expires by the person liable, a fresh period runs from the time the payment was made, provided it is acknowledged in writing or appears in the debtor's handwriting. Sections 13, 16 and 22 deal with other matters.

37. Section 20 of The Specific Relief Act, 1963 provides for :

(A) Discretion of the court as to decreeing specific performance.
(B) Substituted performance of contract
(C) Power of the court to engage experts
(D) Expeditious disposal of suits

Answer: (B) Substituted performance of contract

After the Specific Relief (Amendment) Act, 2018, section 20 of the Specific Relief Act, 1963 deals with substituted performance of contract: the party may employ a third party or have the work done at the cost of the defaulter, after notice. The discretion regarding specific performance now sits in section 10 and the old section 20 was replaced.

38. Which of the following situation(s) has/have been inserted by the Specific Relief (Amendment) Act, 2018 in Section 41 of The Specific Relief Act, 1963 (when an injunction cannot be granted) :

(A) To restrain any person from applying to any legislative body
(B) When equally efficacious relief can certainly be obtained by any other usual mode of proceedings except in case of breach of trust
(C) If it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project
(D) All the above

Answer: (C) If it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project

The 2018 amendment added clause (ha) to section 41: no injunction can be granted if it would impede or delay the progress or completion of an infrastructure project or interfere with continued provision of relevant services. The restraint on applying to a legislative body and the "equally efficacious relief" clause existed earlier; only option C is new.

39. Which of the following provisions of the Code of Civil Procedure relates to the application of the doctrine of res-judicata in a representative suit?

(A) Sec. 11, Explanation II
(B) Sec. 11, Explanation IV
(C) Sec. 11, Explanation VI
(D) Sec. 11, Explanation VIII

Answer: (C) Sec. 11, Explanation VI

Explanation VI to section 11 of the Code of Civil Procedure says that where persons litigate bona fide in respect of a public right or a private right claimed in common for themselves and others, all persons interested are deemed to claim under the persons so litigating. This is the res judicata rule for representative suits.

40. In which of the following proceedings Order II Rule 2 of the Code of Civil Procedure is applicable ?
I. Appeals
II. Execution Proceedings
III. Petition under Article 226 of the Constitution of India

(A) Only II
(B) II and III
(C) I, II and III
(D) None of the above.

Answer: (D) None of the above.

Order II Rule 2 bars a plaintiff from omitting a part of his claim arising from one cause of action in a suit. It applies only to suits. It does not apply to appeals, execution proceedings or writ petitions under Article 226, so none of the proceedings listed is covered.

41. Which of the following provision of the Code of Civil Procedure prohibits further appeal against the decision of a single judge in second appeal?

(A) Section 100
(B) Section 100-A
(C) Section 101
(D) Section 102

Answer: (B) Section 100-A

Section 100A of the Code of Civil Procedure provides that where an appeal from an original or appellate decree or order is heard and decided by a single Judge of a High Court, no further appeal lies from his decision, notwithstanding anything in the Letters Patent. Section 100 itself creates second appeal on substantial questions of law.

42. An order allowing or disallowing an application for amendment is :

(A) Appealable
(B) A decree
(C) An appealable order
(D) None of the above

Answer: (D) None of the above

An order allowing or refusing amendment of pleadings under Order VI Rule 17 is neither a decree nor a listed appealable order under section 104 or Order XLIII. It is therefore not appealable as such, though it may be challenged in revision or by writ. None of the first three options is correct.

43. Among the following properties, which shall not be liable for attachment under the Code of Civil Procedure:

(A) Government securities
(B) Bank notes
(C) A mere right to sue for damages
(D) All the above

Answer: (C) A mere right to sue for damages

Section 60(1) of the Code of Civil Procedure lists attachable property, including government securities, bank notes and currency notes. Proviso (g) exempts a mere right to sue for damages and similar personal rights, so that alone cannot be attached. Options A and B are attachable, so D is wrong.

44. A plaint was rejected under Order VII Rule 11 Code of Civil Procedure, for non-payment of court fee. Remedy available to the aggrieved party is :

(A) To file an appeal
(B) To file a revision
(C) To file a restoration petition in the same court
(D) All the above.

Answer: (A) To file an appeal

Rejection of a plaint is a decree under section 2(2) of the Code of Civil Procedure, so a first appeal lies under section 96. Order VII Rule 13 also lets the plaintiff present a fresh plaint on the same cause of action. A revision or restoration application is not the remedy for the rejection itself.

45. A decree is preliminary

(A) When it deals with some preliminary issue
(B) When it is used in the preliminary stages of the suit
(C) When further proceedings have to be taken before the suit to be completely disposed of
(D) None of the above

Answer: (C) When further proceedings have to be taken before the suit to be completely disposed of

Under section 2(2) of the Code of Civil Procedure a decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of, as in a partition suit before the final decree. It is final when it completely disposes of the suit. Dealing with a preliminary issue does not by itself make a decree preliminary.

46. Second appeal shall not lie from any decree, as provided under Section 102 of the Code of Civil Procedure when the subject matter of the original suit is for recovery of money not exceeding

(A) Rs. 10,000/-
(B) Rs. 25,000/-
(C) Rs. 20,000/-
(D) Rs. 15,000/-

Answer: (B) Rs. 25,000/-

Section 102 of the Code of Civil Procedure bars a second appeal from any decree where the subject matter of the

original suit is recovery of money not exceeding twenty-five thousand rupees. The other figures are not in the section.

47. Which of the following statement is correct

(A) No decree is to be reversed or modified for error or irregularity not affecting merits or jurisdiction
(B) An appeal shall lie from a decree passed by the court with the consent of parties
(C) An appeal may lie from an original decree passed ex parte
(D) Both A) and C)

Answer: (D) Both A) and C)

Section 99 of the Code of Civil Procedure says no decree is to be reversed or modified for an error or irregularity not affecting the merits or jurisdiction, so A is correct. An appeal lies from an original decree passed ex parte under section 96(2), so C is correct. No appeal lies from a consent decree under section 96(3), so B is wrong.

48. If a cloud is cast upon the title or legal character of the plaintiff, he is entitled to seek the aid of the court to dispel it by way of

(A) Injunction
(B) Order
(C) Declaratory Decree
(D) Specific Performance

Answer: (C) Declaratory Decree

Under section 34 of the Specific Relief Act, 1963 a person entitled to any legal character or to any right as to property, against whom a denial or interest is raised, may sue for a declaration. A cloud on title or legal character is removed by a declaratory decree, though consequential relief may be added.

49. The Order of injunction may be discharged, or varied, or set aside by the Court at the instance of

(A) Plaintiff
(B) Defendant
(C) Both A) and B)
(D) State Government

Answer: (C) Both A) and B)

Under Order XXXIX Rule 4 of the Code of Civil Procedure the court may discharge, vary or set aside an order of injunction on the application of any party dissatisfied with it. It can be either party, plaintiff or defendant, and the State Government has no special standing.

50. "Section 10 of Code of Civil Procedure, bars not only the trial of subsequent suit, but also the institution of subsequent suit." This statement is :

(A) Partly true
(B) Untrue
(C) True
(D) None of the above

Answer: (B) Untrue

Section 10 of the Code of Civil Procedure bars the trial of a subsequent suit where the matter in issue is directly and substantially in issue in a previous suit between the same parties. It stays the trial, not the institution of the later suit, so the statement is untrue: the later suit can be filed and merely stayed.

51. Decree means

(A) Extract of the judgment
(B) Reasons for which the suit is decreed or dismissed
(C) Formal expression of the court of an adjudication determining the rights of parties
(D) Bill of costs

Answer: (C) Formal expression of the court of an adjudication determining the rights of parties

Section 2(2) of the Code of Civil Procedure defines "decree" as the formal expression of an adjudication which, so far as the court expressing it is concerned, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit. A judgment is the statement of grounds and the bill of costs is separate.

52. On the ground of jurisdiction under Section 13 of Code of Civil Procedure, ... can be challenged

(A) only a judgment in personam
(B) only a judgment in rem
(C) both A) and B)
(D) neither of the above

Answer: (C) both A) and B)

Section 13 of the Code of Civil Procedure makes a foreign judgment conclusive except in the stated cases, one being that it was not pronounced by a court of competent jurisdiction. Want of jurisdiction can be pleaded against a foreign judgment, whether it is in personam or in rem.

53. Which of the following propositions is incorrect:

(A) A void contract is void ab initio
(B) A void agreement is void ab initio
(C) A voidable contract is a contract until rescinded
(D) An illegal agreement is void ab initio

Answer: (A) A void contract is void ab initio

A void contract is not void ab initio: under section 2(j) of the Contract Act it is a contract which ceases to be enforceable by law, becoming void when it ceases to be enforceable. A void agreement (section 2(g)) is void from

the start, a voidable contract is valid till rescinded, and an illegal agreement is void from the start.

54. Where the acceptance to an offer is sent by the offeree by an e-mail:

(A) The postal rule will be applied for the purpose of determining the communication of acceptance, as also the place and time of contract

(B) The receipt (recipient) rule will be applied for the purpose of determining the communication of acceptance, as also the place and time of contract.

(C) The law in India is unclear on this subject

(D) Neither of the above

Answer: (B) The receipt (recipient) rule will be applied for the purpose of determining the communication of acceptance, as also the place and time of contract.

For instantaneous modes such as telephone, telex and e-mail, the acceptance is complete only when it is received by the offeror, not when it is sent. This is the receipt rule, which is also reflected in section 13 of the Information Technology Act, 2000 on time and place of dispatch and receipt of electronic records.

55. Which of the following propositions is incorrect about the doctrine of frustration of contract:

(A) The event which causes frustration must have occurred without the fault of either party

(B) Frustration puts an end to a contract independently of the volition of the parties at the time of the frustrating event (automatic discharge).

(C) A contract is not frustrated by an event arising from an act or election of the promisor

(D) The doctrine of frustration is applicable when the rights and obligations of the parties arise under a transfer of property under a lease.

Answer: (D) The doctrine of frustration is applicable when the rights and obligations of the parties arise under a transfer of property under a lease.

Frustration under section 56 of the Contract Act applies to contracts where an event, without the fault of either party, makes performance impossible. The doctrine does not apply to a lease of immovable property, because a lease is a transfer of an interest in land; section 108(B)(e) of the Transfer of Property Act deals with destruction of the property instead. So D is incorrect.

56. X owes Rs.10,000/- to Y under a contract. It is agreed between X, Y & Z that Y shall henceforth accept Z as his debtor instead of X for the same amount. Old debt of X is discharged and a new debt from Z to Y is contracted. This is :

(A) Alteration of contract.

(B) Rescission of contract

(C) Novation of contract

(D) Change in contract

Answer: (C) Novation of contract

Under section 62 of the Contract Act, where the parties agree to substitute a new contract for the old one, or to rescind or alter it, the original contract need not be performed. A tripartite arrangement where Z becomes debtor in place of X, discharging X, is novation by substitution of a new debtor.

57. Which of the following statement(s) is correct?

(A) An agreement enforceable by law is a contract

(B) Every promise and every set of promises, forming the consideration for each other, is an agreement.

(C) All agreements enforceable by law are contracts and valid. But all agreements are not enforceable by law.

(D) All the above.

Answer: (D) All the above.

Section 2(h) defines a contract as an agreement enforceable by law, and section 2(e) defines an agreement as every promise and every set of promises forming the consideration for each other. All agreements enforceable by law are contracts, but not all agreements are enforceable by law. Each statement is correct, so D is right.

58. Section 27 of the Indian Contract Act declares an agreement in restraint of trade

(A) Voidable

(B) Unenforceable

(C) Void

(D) Valid

Answer: (C) Void

Section 27 of the Indian Contract Act, 1872 declares void every agreement by which anyone is restrained from exercising a lawful profession, trade or business of any kind, except the sale of goodwill under the stated exception. The agreement is void, not voidable or merely unenforceable.

59. As per the Punjab Courts Act, 1918, the provision for second appeal is mentioned in

(A) Sec. 40

(B) Sec. 41

(C) Sec. 39

(D) Sec. 43

Answer: (B) Sec. 41

Section 41 of the Punjab Courts Act, 1918 deals with second appeals to the High Court from decrees of the District Court

on the grounds stated, which are applied for civil suits in Haryana. Section 39 deals with first appeals from Subordinate Judges and section 40 with transfer of appeals.

60. Which country has become the first country to adopt bitcoin as legal tender ?

(A) Ecuador
(B) Costa Rica
(C) El Salvador
(D) Cuba

Answer: (C) El Salvador

El Salvador became the first country in the world to adopt bitcoin as legal tender, under a law that took effect on 7 September 2021, so businesses there must accept it alongside the US dollar. Ecuador, Costa Rica and Cuba had not done so as of the exam date.

61. What is the amount of ex-gratia compensation recommended by the central government to be paid to the family members of persons who succumbed to Covid-19 ?

(A) Rs. 50,000/-
(B) Rs. 1,50,000/-
(C) Rs. 1,00,000/-
(D) Rs. 2,00,000/-

Answer: (A) Rs. 50,000/-

The National Disaster Management Authority recommended ex-gratia assistance of fifty thousand rupees to the family of each person who died of Covid-19, and the Union Government informed the Supreme Court in September 2021 that it accepted this. The larger sums in the other options were not recommended.

62. Which among the following cases deal with the "Pegasus" surveillance scandal ?

(A) Prashant Bhushan v. Union of India
(B) Sadre Alam v. Union of India
(C) CPIL v. Union of India
(D) Manohar Lal Sharma v. Union of India

Answer: (D) Manohar Lal Sharma v. Union of India

The Supreme Court heard the Pegasus spyware allegations in Manohar Lal Sharma v. Union of India and in October 2021 appointed a technical committee, headed by a former Supreme Court Judge, to inquire into the use of the spyware. The other cases named were not the Pegasus matter.

63. In which among the following cases the Supreme Court refused to vacate its order allowing women candidates to appear for the National Defence Academy examination this year?

(A) Dr. Apurva Satish Gupta v. Union of India
(B) Kush Kalra v. Union of India
(C) R Rajeshwaran v. Union of India
(D) K Jayakumar v. Union of India

Answer: (B) Kush Kalra v. Union of India

In Kush Kalra v. Union of India the Supreme Court, in August and September 2021, allowed women candidates to appear in the National Defence Academy examination and declined to vacate that interim order, though the Army argued it needed more time. The other cases concern different service matters.

64. Who among the following is the Chairman of the Bar Council of India?

(A) Manan Kumar Mishra
(B) Apurba Kumar Sharma
(C) Prashant Kumar Singh
(D) Ashok Kumar Deb

Answer: (A) Manan Kumar Mishra

Manan Kumar Mishra was the Chairman of the Bar Council of India as on the exam date, 13 November 2021. The other names listed are not holders of that office, and the Chairman is elected by the members of the Council.

65. Exposure to sunlight helps a person improve his health because

(A) the infrared light kills bacteria in the body
(B) resistance power increases
(C) the pigment cells in the skin get stimulated and produce tan
(D) the ultraviolet rays convert 7-dehydrocholesterol in the skin into vitamin D

Answer: (D) the ultraviolet rays convert 7-dehydrocholesterol in the skin into vitamin D

Ultraviolet rays in sunlight act on the skin, converting 7-dehydrocholesterol into vitamin D3, which helps in absorption of calcium and improves bone health. The other statements are wrong: tanning is only a pigment response and infrared light does not kill bacteria in the body.

66. Ecology deals with

(A) Birds
(B) Cell formation
(C) Relation between the organisms and their environment
(D) Tissues

Answer: (C) Relation between the organisms and their environment

Ecology is the branch of biology that studies the relationship between living organisms and their environment, both living and non-living. Birds are studied

in ornithology, cell formation in cytology and tissues in histology, so none of those options describes ecology.

67. How many medals were won by India in the Tokyo Olympics 2020 ?

(A) 5
(B) 6
(C) 7
(D) 8

Answer: (C) 7

India won seven medals at the Tokyo Olympics 2020, held in 2021: one gold (Neeraj Chopra, javelin throw), two silver and four bronze. This was India's highest Olympic medal tally up to that date, ahead of the six medals won at London 2012.

68. 'A dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed.' This statement made by Chief Justices Charles Evans Huges and subsequently cited in a famous Indian dissent by

(A) Justice M.C. Chagla
(B) Justice Sir Saiyid Fazl Ali
(C) Justice A.N. Ray
(D) Justice H.R. Khanna

Answer: (D) Justice H.R. Khanna

The quoted line about a dissent being an appeal to the brooding spirit of the law was used by Justice H.R. Khanna in his dissenting opinion in the Habeas Corpus case (ADM Jabalpur v. Shivkant Shukla, 1976), where he held that the right to life could not be suspended in an Emergency.

69. Which is the first country to make broadband a legal right for every citizen?

(A) England
(B) Finland
(C) Denmark
(D) China

Answer: (B) Finland

Finland became the first country in the world to make broadband access a legal right of every citizen, with effect from 1 July 2010, when it guaranteed a minimum one megabit connection to every resident. England, Denmark and China had not done so at that time.

70. To inculcate reading habit among students, which mission has been initiated by the state Government of Haryana ?

(A) Read More Lead More - Haryana
(B) Reading to leading - Haryana
(C) Reading Mission - Haryana
(D) Read to learn - Haryana

Answer: (C) Reading Mission - Haryana

"Reading Mission-Haryana" was launched by the State Government in February 2020 to inculcate reading habits among students, with monthly book reviews and a collective reading session on the fourth Saturday of each month. The other names listed are not initiatives of the State.

71. Justice N.V. Ramana is serving as the ..... Chief Justice of India

(A) 49th CJI
(B) 48th CJI
(C) 47th CJI
(D) 46th CJI

Answer: (B) 48th CJI

Justice N.V. Ramana took oath as the 48th Chief Justice of India on 24 April 2021 and was still serving on the exam date. He succeeded Justice S.A. Bobde, who was the 47th Chief Justice of India. The 49th and 46th are not correct.

72. The boundary line between India and China is

(A) Redline
(B) Durand Line
(C) McMahon Line
(D) Radcliffe Line

Answer: (C) McMahon Line

The McMahon Line is the boundary line between India and China in the eastern sector, drawn in 1914 at the Simla Convention. The Durand Line lies between Afghanistan and Pakistan and the Radcliffe Line between India and Pakistan. Redline is not a boundary name.

73. Who is the Union Minister of Law and Justice, Government of India?

(A) Pashupati Kumar
(B) Kiren Rijiju
(C) Ashwani Vaishnav
(D) Ravishankar Prasad

Answer: (B) Kiren Rijiju

Kiren Rijiju became the Union Minister of Law and Justice in the Council of Ministers reshuffle of July 2021, taking over from Ravi Shankar Prasad, and held the portfolio on the exam date. The other names are not holders of that office.

74. Under Section 7 of the Hindu Marriage Act, 1955 a marriage must be solemnised in accordance with the customary rites and ceremonies of

(A) the bride
(B) the bridegroom
(C) both bride and bridegroom
(D) either bride or bridegroom

Answer: (D) either bride or bridegroom

Section 7 of the Hindu Marriage Act, 1955 provides that a Hindu marriage may be solemnised in accordance with the customary rites and ceremonies of either party thereto. Where the rites include the saptapadi, the marriage becomes complete and binding when the seventh step is taken.

75. The consequence of non-registration of a marriage under Section 8 of the Hindu Marriage Act is

(A) Marriage becomes voidable at the option of either party thereto
(B) Marriage is valid but calls for imposition of penalty
(C) Marriage is void and calls for imposition of penalty
(D) None of the above

Answer: (B) Marriage is valid but calls for imposition of penalty

Under section 8(5) of the Hindu Marriage Act, 1955 failure to register a marriage does not affect its validity, but a penalty (fine) is imposed for contravening the rules made under the section. The marriage is neither void nor voidable for non-registration.

76. Restitution of conjugal rights can be claimed

(A) when there is a withdrawal from the society by one spouse from the other spouse with or without any excuse
(B) only when the withdrawal from society is with a valid excuse
(C) only when the withdrawal from society is without a valid excuse
(D) only when the withdrawal from society is with a wrong motive

Answer: (C) only when the withdrawal from society is without a valid excuse

Section 9 of the Hindu Marriage Act, 1955 allows a petition for restitution of conjugal rights where either spouse has, without reasonable excuse, withdrawn from the society of the other. The petitioner need not prove any wrong motive, and the burden of proving a reasonable excuse lies on the withdrawing spouse.

77. On the ground of inability to produce a progeny a marriage can be

(A) void
(B) voidable
(C) both A) and B)
(D) none of the above

Answer: (D) none of the above

Section 12(1)(a) makes a marriage voidable on the ground of impotence of the respondent at the time of marriage and its continuation until the petition is presented. Mere inability to produce a child (sterility) is not a ground for declaring a marriage void or voidable, so none of the options applies.

78. If two persons are related to each other by blood or adoption not wholly through males, they are called

(A) blood relations
(B) agnates
(C) cognates
(D) cousins

Answer: (C) cognates

Under section 3(1)(c) of the Hindu Succession Act, 1956 (and the Adoptions Act) one person is a cognate of another if the two are related by blood or adoption but not wholly through males. Agnates are related wholly through males. "Blood relations" and "cousins" are not the statutory term.

79. Under the Hindu Adoption and Maintenance Act, 1956, a Hindu male can adopt a child without the consent of his wife provided,

(A) the wife is not interested in the adoption
(B) the wife is living in a foreign country
(C) he has more than one wife
(D) the wife has ceased to be a Hindu

Answer: (D) the wife has ceased to be a Hindu

Under the proviso to section 7 of the Hindu Adoptions and Maintenance Act, 1956 a male Hindu may adopt without his wife's consent only if she has completely and finally renounced the world, has ceased to be a Hindu or has been declared of unsound mind by a competent court. Mere disinterest, living abroad or plural wives do not dispense with consent.

80. Choose the wrong statement

(A) A Hindu who has a Hindu son cannot adopt a son
(B) A Hindu who has a Hindu grandson cannot adopt a son
(C) A Hindu who has a Hindu great grandson cannot adopt a son
(D) A Hindu who has a Hindu daughter cannot adopt a son

Answer: (D) A Hindu who has a Hindu daughter cannot adopt a son

Section 11(i) of the Hindu Adoptions and Maintenance Act, 1956 bars adoption of a son if the adopter has a Hindu son, son's son or son's son's son living. A daughter is not a bar to

adopting a son: only an existing daughter bars adoption of a daughter. So statement D is wrong.

81. Alienation by the Karta without legal necessity or the benefit of estate is

(A) valid
(B) voidable at the instance of the coparcener
(C) voidable at the instance of alienee
(D) void ab initio

Answer: (B) voidable at the instance of the coparcener

Alienation by a karta of joint family property without legal necessity or benefit to the estate is not void. It is voidable at the instance of a coparcener, who can have it set aside to the extent of his share. The alienee cannot avoid it.

82. Proceedings to be in camera and may not be printed or published, is provided in Section ..... of the Hindu Marriage Act, 1955

(A) Section 24
(B) Section 22
(C) Section 21
(D) Section 23

Answer: (B) Section 22

Section 22 of the Hindu Marriage Act, 1955 requires proceedings under the Act to be conducted in camera and prohibits printing or publishing any matter in relation to them, except a judgment of the High Court or Supreme Court with the court's permission. Section 24 deals with maintenance pendente lite, and section 21 with the application of the Code of Civil Procedure.

83. Which section of the Hindu Marriage Act, 1955 deals with Custody of children?

(A) Section 27
(B) Section 24
(C) Section 26
(D) Section 29

Answer: (C) Section 26

Section 26 of the Hindu Marriage Act, 1955 empowers the court to pass interim and final orders about the custody, maintenance and education of minor children in proceedings under the Act. Section 24 concerns interim maintenance of a spouse and section 27 disposal of property.

84. Desertion is

(A) total repudiation of obligation of marriage
(B) partial repudiation of the obligation of marriage
(C) both (A) and (B)
(D) none of the above

Answer: Question deleted by the High Court

Question deleted by the High Court. The Explanation to section 13(1) of the Hindu Marriage Act, 1955 describes desertion as abandonment of one spouse by the other without reasonable cause and without consent. Judicially it has been described as total repudiation of the obligations of marriage, so statement A is the best answer.

85. Presumption that the younger survived the elder under Section 21 of the Hindu Succession Act is a

(A) Presumption of fact
(B) Presumption of fact and law
(C) Rebuttable presumption of law
(D) Irrebuttable presumption of law

Answer: (C) Rebuttable presumption of law

Under section 21 of the Hindu Succession Act, 1956, where two persons die in circumstances in which it is uncertain which died first, for succession purposes the younger is presumed to have survived the elder. This is a statutory presumption of law, but it may be rebutted by proof of the actual order of death.

86. Section 14 of the Hindu Succession Act applies to

(A) Movable property
(B) Immovable property
(C) Both movable and immovable property
(D) None of the above

Answer: (C) Both movable and immovable property

Section 14 of the Hindu Succession Act, 1956 makes any property possessed by a female Hindu, whether acquired before or after the Act, her absolute property. The section expressly covers movable and immovable property, including that acquired by inheritance, partition, maintenance, gift, purchase or otherwise.

87. A Hindu dies leaving behind father and son's daughter's son. They are

(A) Class I heirs
(B) Class II heirs
(C) Preferential heirs
(D) None of the above

Answer: (B) Class II heirs

Class I of the Schedule to the Hindu Succession Act, 1956 covers the son, daughter, widow, mother and certain lineal descendants. The father is in Class II (entry I), and the son's daughter's son is also a Class II heir (entry II). Both are therefore Class II heirs.

88. The effect of death of Muslim husband or wife during the period of iddat, following a revocable pronouncement of divorce on inheritance rights is

(A) only husband can inherit
(B) only wife can inherit
(C) both can inherit
(D) both cannot inherit

Answer: (C) both can inherit

Where a Muslim husband pronounces a revocable talaq, the marriage subsists during iddat. If either spouse dies in that period, the other can inherit from the deceased, since the divorce is not final until iddat ends. Both can therefore inherit.

89. The punishment for pronouncement of any irrevocable form of divorce by a Muslim husband upon his wife is

(A) imprisonment for a term which may extend to three years
(B) imprisonment for a term which may extend to three years and fine
(C) imprisonment for a term which may extend to two years
(D) imprisonment for a term which may extend to two years and fine

Answer: (B) imprisonment for a term which may extend to three years and fine

Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 provides that a Muslim husband who pronounces talaq-e-biddat (any form of instantaneous and irrevocable divorce) upon his wife shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

90. Under Muslim law, Wakf means

(A) permanent dedication of movable property
(B) permanent dedication of immovable property
(C) permanent dedication of movable or immovable property
(D) permanent or temporary dedication of movable or immovable property

Answer: (C) permanent dedication of movable or immovable property

As on the exam date the Waqf Act, 1995 defined waqf as the permanent dedication by any person of any movable or immovable property for any purpose recognised by Muslim law as pious, religious or charitable. It is not limited to one kind of property and cannot be temporary, so D is wrong.

91. Where partners upon or in anticipation of the dissolution of the firm make an agreement that some or all of them will not carry on a business similar to that of the firm within a specified period or within specified local limits, such agreement is

(A) Valid, if restrictions imposed are reasonable; notwithstanding anything contained in Section 27 of the Indian Contract Act
(B) Void, irrespective of the nature of restrictions imposed, on the ground of being an agreement in restraint of trade
(C) Voidable
(D) None of the above

Answer: (A) Valid, if restrictions imposed are reasonable; notwithstanding anything contained in Section 27 of the Indian Contract Act

Section 54 of the Indian Partnership Act, 1932 allows partners, upon or in anticipation of dissolution, to agree that some or all will not carry on a similar business within a specified period or local limits. Notwithstanding section 27 of the Contract Act, such agreement is valid if the restrictions are reasonable.

92. In which of the following situations, a public notice is not required to be given under the Indian Partnership Act, 1932

(A) When a partner retires from the firm
(B) When a partner is expelled from the firm
(C) When the firm is dissolved
(D) When an alteration is made in the name of the firm

Answer: (D) When an alteration is made in the name of the firm

Public notice must be given on retirement or expulsion of a partner (sections 32(3) and 33) and on dissolution (section 45). A change in the name of the firm is not one of those events for which public notice is required: it is notified to the Registrar of Firms where the firm is registered.

93. An act of a firm means :

(A) Any act of partner or agent of the firm which gives rise to a right enforceable by or against the firm
(B) Any act by all the partners
(C) Any omission by all the partners
(D) All of the above

Answer: (A) Any act of partner or agent of the firm which gives rise to a right enforceable by or against the firm

Section 2(a) of the Indian Partnership Act, 1932 defines an "act of a firm" as any act or omission by all the partners, or by any partner or agent of the firm, which gives rise to a right enforceable by or against the firm. Option A states that test. Note: B and C repeat parts of the definition, which also speaks of acts or omissions by all the partners.

94. The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless ..... attest with their signatures or initials such interlineation, blank, erasure or alteration.

(A) The Sub Registrar
(B) The Notary Public
(C) The persons executing the document
(D) Document Writer

Answer: (C) The persons executing the document

Under section 20 of the Registration Act, 1908 a registering officer may refuse a document containing interlineations, blanks, erasures or alterations, unless the persons executing it attest those changes with their signatures or initials. The Sub-Registrar himself, a notary or document writer cannot cure them.

95. Normally no document other than a Will shall be accepted for registration unless presented for that purpose to the proper officer within ..... month(s) from the date of its execution.

(A) One
(B) Two
(C) Three
(D) Four

Answer: (D) Four

Section 23 of the Registration Act, 1908 requires every document other than a will to be presented for registration within four months from the date of its execution. Sections 24 and 25 deal with documents executed by several persons and with delay, which may be condoned on payment of a fine.

96. Which of the following documents needs compulsory registration as per the Registration Act, 1908 ?

(A) Wills
(B) Instruments acknowledging the receipt of payment
(C) Lease of Immovable property not exceeding one year
(D) Lease of immovable property exceeding one year

Answer: (D) Lease of immovable property exceeding one year

Under section 17 of the Registration Act, 1908 a lease of immovable property from year to year or for any term exceeding one year must be registered. Section 17(2) exempts leases not exceeding one year and receipts for payment. A will is optionally registrable under section 18, not compulsorily.

97. No person shall convert a residential building into a non-residential building except with the permission in writing of

(A) The Landlord
(B) The Tenant
(C) The Controller appointed by the State Government under the Haryana Urban (Control of Rent and Eviction) Act, 1973
(D) The Municipal Authority

Answer: (C) The Controller appointed by the State Government under the Haryana Urban (Control of Rent and Eviction) Act, 1973

Under section 11 of the Haryana Urban (Control of Rent and Eviction) Act, 1973 no person may convert a residential building into a non-residential building except with the written permission of the Controller appointed under the Act. Neither the landlord's nor the tenant's consent is enough, and the municipal authority does not give it.

98. When the fair rent of building rented has been made or fixed under Section 4 of the Haryana Urban (Control of Rent and Eviction) Act, 1973, no further increase or decrease in such fair rent shall be permissible for a period of

(A) Two years
(B) Three years
(C) One year
(D) Five years

Answer: (D) Five years

Section 5(1) of the Haryana Urban (Control of Rent and Eviction) Act, 1973 provides that once fair rent has been fixed under section 4, no further increase or decrease in it is permissible for a period of five years. After that either party may apply for revision within the limits stated in the Act.

99. A custom must be immemorial. In India this implies that

(A) The custom dates back to 1189 AD
(B) It should date back to 1773 for mofussil districts and 1775 for presidencies
(C) Long usage is sufficient
(D) It should date back to 1950

Answer: (C) Long usage is sufficient

In English law a custom had to date from time immemorial, fixed at 1189. In India courts have not applied that test strictly: a custom is accepted as immemorial if it is shown to have been followed for a long time, with continuous and uniform usage, so long usage is enough. The dates 1773, 1775 and 1950 are not tests.

100. 'Uberrima Fides' means

(A) Reason for deciding the judgment
(B) In utmost good faith
(C) As much as deserved
(D) The principle that courts abide by

Answer: (B) In utmost good faith

"Uberrima fides" is a Latin expression meaning "of the utmost good faith". It describes contracts, such as insurance, where each party must disclose every material fact honestly and fully. It does not mean a reason for a judgment, proportionate desert or the rule of precedent.

101. 'Persona non-grata' means :

(A) By the fact itself
(B) Person not wanted
(C) Granting legal personality
(D) No discrimination between persons

Answer: (B) Person not wanted

"Persona non grata" is a Latin term for a person who is not welcome. It is used in diplomacy when a host State informs the sending State that a diplomat is unacceptable and must be recalled. It does not mean legal personality or non-discrimination.

102. A police officer has received a sum of Rs. 5,000/- against fine from the persons violating traffic rules. Instead of depositing the fine money with State Treasury, he utilized the same for his personal use. What offence under Indian Penal Code, the police has committed ?

(A) Criminal breach of trust
(B) Mischief
(C) Cheating with Government
(D) None of the above

Answer: (A) Criminal breach of trust

A police officer who receives fine money in his official capacity and, instead of depositing it in the treasury, uses it himself, commits criminal breach of trust by a public servant under section 409 of the IPC (BNS s. 316(5)). He was entrusted with the money as a public servant and dishonestly used it. It is not mischief or cheating.

103. A hangman who hangs the prisoners pursuant to the order of the court is exempt from criminal liability by virtue of

(A) Section 77 of IPC
(B) Section 78 of IPC
(C) Section 79 of IPC
(D) Section 76 of IPC

Answer: (B) Section 78 of IPC

Section 78 of the IPC (BNS s. 16) protects an act done pursuant to the judgment or order of a court of justice, if done during the continuance of that judgment or order, even though the court had no jurisdiction, provided the doer believed in good faith it had. A hangman executing a death sentence is protected on this basis.

104. 'A' beat his wife. She fell down and became unconscious. Believing her to be dead and to save himself from being arrested for murder, 'A' hanged her from the fan with a rope. Postmortem report disclosed her death by hanging. 'A' is liable for

(A) Murder
(B) Culpable homicide
(C) Hurt
(D) Grievous hurt

Answer: (A) Murder

The wife's death was caused by hanging. A beat her and then acted to conceal his act and escape arrest for murder, which shows that the original assault and the hanging were parts of a single transaction ending in her death. He is liable for murder, section 302 of the IPC (BNS s. 103). Note: where the first assault carries no intention to kill, the Madras ruling in Palani Goundan treated the later hanging of a body believed dead as outside homicide and convicted only of hurt; the facts here point the other way.

105. For abduction the abducted person should be

(A) Below 16 years of age
(B) Below 18 years of age
(C) Insane person
(D) Of any age

Answer: (D) Of any age

Section 362 of the IPC (BNS s. 138) defines abduction as compelling a person by force, or inducing her by deceitful means, to go from any place. It is not limited by age: the person abducted may be of any age. Age matters only for kidnapping under section 361 (BNS s. 137).

106. The case of Bachan Singh v State of Punjab is concerned with

(A) Capital punishment in India
(B) Custody of under trial prisoners
(C) Prosecution for attempt to suicide
(D) None of the above

Answer: (A) Capital punishment in India

Bachan Singh v. State of Punjab (1980) upheld the constitutional validity of the death penalty and laid down the "rarest of rare" guideline for imposing it, so it concerns capital punishment. It does not deal with custody of undertrials or attempt to suicide.

107. Grave and sudden provocation is a

(A) question of fact
(B) question of law
(C) mixed question of law and fact
(D) presumption under law

Answer: (A) question of fact

Whether there was grave and sudden provocation, so as to reduce murder to culpable homicide under Exception 1 to section 300 of the IPC (BNS s. 101), is a question of fact in each case, to be decided on the circumstances of the provocation and the accused's reaction. It is not a question of law or a presumption.

108. 'A' voluntarily burns a valuable security belonging to 'Z' intending to cause wrongful loss to 'Z'. A has committed the offence of

(A) Criminal force
(B) Mischief
(C) Assault
(D) Battery

Answer: (B) Mischief

Voluntarily burning Z's valuable security, intending wrongful loss to Z, is mischief: section 425 of the IPC (BNS s. 324) covers causing destruction of property or such change in it as destroys or diminishes its value, with intent to cause wrongful loss, and the illustrations use this very example. Criminal force, assault and battery concern the person, not property.

109. Public servant disobeying a direction of the law with intent to cause injury is dealt under

(A) Section 164 of IPC
(B) Section 165 of IPC
(C) Section 166 of IPC
(D) Section 167 of IPC

Answer: (C) Section 166 of IPC

Section 166 of the IPC (BNS s. 198) punishes a public servant who knowingly disobeys a direction of law on the way he is to conduct himself as such, intending to cause, or knowing it likely to cause, injury to any person. Sections 164 and 165 relate to other public servant offences.

110. Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes, is dealt under

(A) Section 506 of IPC
(B) Section 507 of IPC
(C) Section 508 of IPC
(D) Section 509 of IPC

Answer: (B) Section 507 of IPC

Section 507 of the IPC (BNS s. 351(4)) deals with criminal intimidation by an anonymous communication, or by a person who has taken precaution to conceal whence the threat comes. Section 506 is the general punishment for criminal intimidation, section 508 concerns acts caused by inducing a belief of divine displeasure, and section 509 insult to the modesty of a woman.

111. Z is thrown from his horse and is insensible. A, a surgeon, finds out that Z requires to be trepanned. A, not intending Z's death, but in good faith for Z's benefit, performs the trepan before Z recovers his power of judging for himself.

(A) A has committed offence
(B) A has committed no offence
(C) A has committed culpable homicide
(D) Both A) and C)

Answer: (B) A has committed no offence

Under section 92 of the IPC (BNS s. 30) an act done in good faith for a person's benefit, even without his consent, is not an offence where it is impossible to obtain consent in time and no guardian is available, even if it causes harm, so long as no death is intended. The surgeon's illustration is exactly this case, so A has committed no offence.

112. Voyeurism is punishable under

(A) Section 354 A of IPC
(B) Section 354 B of IPC
(C) Section 354 C of IPC
(D) Section 376 A of IPC

Answer: (C) Section 354 C of IPC

Section 354C of the IPC (BNS s. 77) punishes voyeurism: watching or capturing the image of a woman engaged in a private act. Section 354A is sexual harassment, section 354B assault with intent to disrobe, and section 376A punishment for rape causing death or a vegetative state.

113. Under Section 82 and Section 83 of IPC an offence is punishable if it is done by a child

(A) of below seven years of age
(B) of above seven years of age but below twelve if he has not attained sufficient maturity and understanding
(C) of above seven years of age but below twelve having attained sufficient maturity and understanding
(D) all the above

Answer: (C) of above seven years of age but below twelve having attained sufficient maturity and understanding

Section 82 of the IPC (BNS s. 20) exempts a child under seven. Section 83 (BNS s. 21) exempts a child above seven and under twelve only if he has not attained sufficient maturity to judge the nature and consequence of his conduct. A child above seven and below twelve who has attained such maturity is therefore punishable.

114. Making a false document or part of a document with any one of the intents specified in Section 463 IPC constitutes

(A) Mischief
(B) Fabrication of false documents
(C) Forgery
(D) A) and C) only

Answer: (C) Forgery

Under section 463 of the IPC (BNS s. 336(1)) whoever makes a false document or false electronic record or part of one, with intent to cause damage or injury, to support a claim, to cause a person to part with property or enter into a contract, or to commit fraud, commits forgery. It is not mischief or fabrication of evidence.

115. The feature of 'Concurrent List' in our Constitution is borrowed from which country's Constitution ?

(A) Japan
(B) Ireland
(C) United States
(D) Australia

Answer: (D) Australia

The Concurrent List in the Seventh Schedule is borrowed from the Constitution of Australia, which also supplied the provisions on freedom of trade and commerce and the joint sitting of Parliament. Ireland gave the Directive Principles and the United States the Fundamental Rights and judicial review.

116. Which was the first case to introduce the concept of judicial review?

(A) Donoghue v Stevenson (1932)
(B) Marbury v Madison (1803)
(C) Entick v Carrington (1765)
(D) Rylands v Fletcher (1868)

Answer: (B) Marbury v Madison (1803)

Marbury v. Madison (1803) of the United States Supreme Court, decided by Chief Justice Marshall, established the principle of judicial review of legislative acts. Donoghue v. Stevenson (1932) concerns negligence, Entick v. Carrington (1765) executive power and Rylands v. Fletcher (1868) strict liability.

117. Who among the following was the first Chief Justice of Supreme Court during British India?

(A) Sir Elijah Impey
(B) Sir Robert Chambers
(C) Sir John Anstruther
(D) Justice H.L. Kania

Answer: (A) Sir Elijah Impey

Sir Elijah Impey was the first Chief Justice of the Supreme Court of Judicature at Fort William (Calcutta), established by the Regulating Act, 1773 and set up in 1774, in British India. Justice H.L. Kania was the first Chief Justice of India after independence.

118. Which among the following language is NOT there in the 8th Schedule of Constitution of India ?

(A) Dogri
(B) Rajasthani
(C) Sindhi
(D) Manipuri

Answer: (B) Rajasthani

The Eighth Schedule to the Constitution lists twenty-two languages including Dogri, Sindhi and Manipuri (Sindhi was added by the 21st Amendment, Dogri and others by the 92nd Amendment, Manipuri by the 71st). Rajasthani is not in the Eighth Schedule.

119. In India sovereignty lies with

(A) The Constitution
(B) The Supreme Court
(C) The Parliament
(D) The people

Answer: (D) The people

The Preamble begins "We, the People of India", and the Constitution derives its authority from the people. Sovereignty in India lies with the people, not with the Constitution, the Parliament or the Supreme Court, which are organs created under it.

120. Under the Constitution, the State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India as per

(A) Article 40
(B) Article 43
(C) Article 44
(D) Article 48

Answer: (C) Article 44

Article 44 of the Constitution, in the Directive Principles, says the State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. Article 40 concerns village panchayats, Article 43 living wage for workers and Article 48 organisation of agriculture and animal husbandry.

121. The satisfaction of the President means the satisfaction of the Council of Ministers and not his personal satisfaction, was held in

(A) Shamsher Singh v State of Punjab
(B) U.N. Rao v Indira Gandhi
(C) Ram Jawaya Kapoor v State of Punjab
(D) Sardar Lal v Union Government

Answer: (A) Shamsher Singh v State of Punjab

In Shamsher Singh v. State of Punjab (1974) a seven-judge Bench held that the President and Governor are only constitutional heads and where the Constitution speaks of their satisfaction it means the satisfaction of the Council of Ministers, not personal satisfaction. U.N. Rao v. Indira Gandhi (1971) concerned continuance of the Council after dissolution of the House.

122. Article 360 of the Constitution has been invoked

(A) Only one time
(B) Two times
(C) Three times
(D) Never

Answer: (D) Never

Article 360 of the Constitution (financial emergency) has never been invoked in India as on the exam date. National emergencies under Article 352 have been declared three times (1962, 1971 and 1975), and President's Rule under Article 356 many times, but not a financial emergency.

123. The protection and improvement of environment including forests and wild life of the country is

(A) Directive Principles of State Policy
(B) Fundamental National Policy
(C) Fundamental Duty of a Citizen
(D) Both Directive Principles of State Policy and Fundamental Duty of a Citizen

Answer: (D) Both Directive Principles of State Policy and Fundamental Duty of a Citizen

Article 48A (Directive Principle) directs the State to protect and improve the environment and safeguard forests and

wild life, and Article 51A(g) (Fundamental Duty) makes it a duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wild life. It is therefore both.

124. Secularism is part of the Basic Structure of the Indian Constitution as held in :

(A) Excel Wear v. Union of India (SC, 1978)
(B) F.N. Balsara v State of Bombay (SC, 1951)
(C) Narasu Appa Mali v State of Bombay (SC, 1951)
(D) S.R. Bommai v. Union of India (SC, 1994)

Answer: (D) S.R. Bommai v. Union of India (SC, 1994)

S.R. Bommai v. Union of India (1994) held that secularism is a basic feature of the Constitution and that State action to dismiss governments for failing in secularism is open to judicial review. The other cases concern other points: Balsara on prohibition and Narasu Appa Mali on personal laws and Article 13.

125. The Constitution does not provide for the post of

(A) Deputy Chairman of Rajya Sabha
(B) Deputy Speaker of Lok Sabha
(C) Deputy Prime Minister
(D) Deputy Speaker of State Legislative Assembly

Answer: (C) Deputy Prime Minister

The Constitution provides for the Deputy Chairman of the Rajya Sabha (Article 89), the Deputy Speaker of the Lok Sabha (Article 93) and the Deputy Speaker of a State Legislative Assembly (Article 178). There is no constitutional post of Deputy Prime Minister.