Odisha Judicial Service (Prelims) 2015

Odisha Public Service Commission · JSP-2015 · Series A · 31 May 2015 · Annulled sitting · 100 questions

Preliminary Examination

1. Which of the following articles of the Indian Constitution provides protection of certain rights regarding freedom of speech etc. to Indian Citizens?
(A) Article 18(2)
(B) Article 18(1)
(C) Article 19
(D) Article 20

2. Which of the following Articles of the Indian Constitution gives the provision of the Post of Prime Minister in India?
(A) Article 73
(B) Article 74
(C) Article 75
(D) Article 74(1)

3. Which of the following methods is adopted for the election of the President of India?
(A) Direct
(B) Indirect
(C) Proportional Representation
(D) Both (A) and (C)

4. In which of the following articles is the procedure for impeachment of the President mentioned?
(A) Article 61
(B) Article 60
(C) Article 59
(D) Article 58

5. By which of the following Amendment Act, Sikkim is associated with the Union?
(A) 36th Amendment Act, 1975
(B) 36th Amendment Act, 1974
(C) 38th Amendment Act, 1975
(D) 38th Amendment Act, 1974

6. Untouchability is abolished and its practice in any form is forbidden in the essence of which of the following Articles of the Indian Constitution?
(A) Article 14
(B) Article 15
(C) Article 16
(D) Article 17

7. All proceedings in the Supreme Court and in every High Court shall be in which language?
(A) Hindi
(B) English
(C) Language of the Bill/Case
(D) Both (A) and (B)

8. Which of the following Articles of Indian Constitution describes India as a Union of State?
(A) Article 4
(B) Article 1
(C) Article 3
(D) Article 2

9. Which of the part of Indian Constitution is associated with Citizenship?
(A) Part-I
(B) Part -II
(C) Part-III
(D) Part-IV

10. Right to Equality is mentioned in which of the following Articles of Constitution?
(A) Article 14
(B) Article 14(1)
(C) Article 13(3)(1)
(D) Article 15

11. Which of the following deals with the application of the Code to Revenue Courts with the Code of Civil Procedure?
(A) Section 5
(B) Section 2
(C) Section 3
(D) Section 4

12. Which of the following deals with Summons to witnesses in the Code of Civil Procedure?
(A) Section 31
(B) Section 20
(C) Section 22
(D) Section 25

13. Which of the following deals with the particulars to be contained in Plaint in the Code of Civil Procedure?

(A) Order 7 Rule 1
(B) Order 9 Rule 12
(C) Order 6 Rule 10
(D) Order 10 Rule 22

14. Which one of the following deals with the power of court to order separate trials in the Code of Civil Procedure?

(A) O. 4 R. 1
(B) O. 1 R. 2
(C) O. 1 R. 3
(D) O. 2 R. 8

15. Which of the following deals with objections to be jurisdiction proceeding in the C, P. C;?

(A) Section 18
(B) Section 20
(C) Section 21
(D) Section 25

16. Which of the following deals with suits against Foreign Rulers Ambassadors and Envoys in the Code of Civil Procedure?

(A) Section 90
(B) Section 86
(C) Section 92
(D) Section 82

17. Which of the following deals with definition of Court which, passed a decree in the Code of Civil Procedure?

(A) Section 37
(B) Section 39
(C) Section 22
(D) Section 11

18. Which of the following; deals with second appeal on no other grounds in the Civil Procedure Code?

(A) Section 111
(B) Section 101
(C) Section 108
(D) Section 100

19. Which of the following deals, with compensatory costs in respect of false or vexatious claims or defences in C. PC.?

(A) Section- 31A
(B) Section 35A
(C) Section 32B
(D) Section 30A

20. The bill of lading is signed by which of the following?

(A) Consignor
(B) Consignee
(C) Captain
(D) All of them

21. Intention is:

(A) Foreknowledge of the act
(B) The purpose or design with which an act is done
(C) Both (A) and (B)
(D) None of these

22. Under Section 320(1) Cr. P. C. for ‘ criminal intimidation which Section of I. P. C. is applicable?

(A) Section 506
(B) Section 503
(C) Section 505
(D) Section 504

23. Anticipatory bail means:

(A) A bail in anticipation of arrest
(B) A bail not in anticipation of arrest
(C) A bail in anticipation of Summons
(D) Both (A) and (C)

24. First Information means:

(A) Information as recorded
(B) Information as published
(C) Information as communicated
(D) Information as received

25. Which of the following deals with the procedure of the Magistrate taking cognizance?

(A) Section 343 Cr. P. C.
(B) Section 287 Cr. P. C.
(C) Section 388 Cr P. C.
(D) Section 458 Cr. P. C.

26. Procedure when. Not convicted is. stated in:

(A) Section 254 Cr. P. C.
(B) Section 256 Cr. P C.
(C) Section 252 Cr. P C.
(D) Section 240 Cr. P C.

27. In case a civil suit in respect of same of matter is pending a criminal is not barred from exercising jurisdiction under:

(A) Section 140 and 146 Cr. P. C.
(B) Section 143 and 146 Cr. P C.
(C) Section 145 and 146 Cr. P. C.
(D) Section 147 and 146 Cr. P C.

28. Arrest under Section 151 Cr. P. C. is possible only if the person concerned:

(A) Is believed to have a design to commit a cognizable offence
(B) Is believed to have a design to commit a non cognizable offence
(C) Is believed to have committed a cognizable offence
(D) None of these

29. The amended Section 2, Section 24, Section 26 of Cr. P. C. came into effect in:

(A) 31.12.2009
(B) 30.11.2009
(C) 29.10.2009
(D) 28.09.2009

30. Section 151 Cr. P. C.:

(A) Is not arbitrary. and unreasonable
(B) Does infringe Fundamental Rights under Article 21 and 22 of the Constitution
(C) Both (A) and (B)
(D) None of these

31. Which of the following are outside the scope of the Indian Evidence Act?

(A) Contempt Proceeding's
(B) Affidavit
(C) Proceeding before arbitrator
(D) All of these

32. Accomplice is a person who:

(A) Commits a crime only as a perpetrator
(B) Commits a crime only as an accessory
(C) Both (A) and (B)
(D) None of these

33. When a document is lost or destroyed the provisions of which of the following clauses of Section 65 of the Indian Evidence Act is not attracted?

(A) Clause (e)
(B) Clause (f)
(C) Clause (c)
(D) Both (A) and (B)

34. When the Indian Evidence Act did come into force?

(A) March 15,1872
(B) March 15,1875
(C) March 15,1880
(D) March 15.1885

35. The Provision in Section 68, Indian Evidence Act was added by the:

(A) Amendment Act 29 of 1926
(B) Amendment Act 30 of 1926
(C) Amendment Act 31 of 1926
(D) Amendment Act 37 of 1926

36. Under which of the following Section of Indian Evidence Act is not necessary that the attesting witnesses should identify each other?:

(A) Section 61
(B) Section 71
(C) Section 81
(D) Section 91

37. Which provisions of the following Section of the Evidence Act will apply only when a matter is pending before the court and not otherwise?

(A) Section 53
(B) Section 63
(C) Section 73
(D) Section 83

38. Satisfaction is:

(A) The fulfilment of a craving
(B) The fulfilment of a claim
(C) The fulfilment of a reminder
(D) The fulfilment of desire

39. Word 'acquitted' is defined as:

(A) Released only from custody
(B) Released only from jail
(C) Released only from a debt, duty, obligation, charge or suspicion of guilt
(D) None of these

40. The principles of Section 44 Indian Evidence Act cannot be extended to which of the following?

(A) Misrepresentation or undue influence
(B) Fraud
(C) Collusion
(D) All of these

41. Knowingly stating a public servant on oath as true that which is false is dealt under:

(A) Section 179 of IPC
(B) Section 180 of IPC
(C) Section 181 of IPC
(D) Section 182 of IPC

42. Public servant disobeying a direction of Law with intent to save person from punishment or property from under forfeiture is. dealt now:

(A) Section 216 of IPC
(B) Section 217 of IPC
(C) Section 218 of IPC
(D) Section 219 of IPC

43. Escape from confinement negligently suffered by a public servant is dealt under:

(A) Section 220 of IPC
(B) Section 221 of IPC
(C) Section 222 of IPC
(D) Section 223 of IPC

44. Absconding to avoid service of summons or other proceedings from a public servant is dealt under:

(A) Section 172 of IPC
(B) Section 173 of IPC
(C) Section 174 of IPC
(D) Section 175 of IPC

45. Attempt to commit robbery or dacoity when armed with deadly weapons is dealt with:

(A) Section 398 of IPC
(B) Section 399 of IPC
(C) Section 400 of IPC
(D) Section 401 of IPC

46. Death caused by an act done with intent to cause miscarriage is dealt under:

(A) Section 314 of IPC
(B) Section 315 of IPC
(C) Section 316 of IPC
(D) Section 317 of IPC

47. Attempt to commit suicide is dealt under:

(A) Section 306 of IPC
(B) Section 307 of IPC
(C) Section 308 of IPC
(D) Section 309 of IPC

48. Abetting the commission of suicide is dealt under:

(A) Section 306 of IPC
(B) Section 307 of IPC
(C) Section 308 of IPC
(D) Section 309 of IPC

49. Threatening any person to give false evidence is dealt under: ‘

(A) Section 192 A of IPC
(B) Section 193 A of IPC
(C) Section 194 A of IPC
(D) Section 195A of IPC

50. Which of the following is not an ingredient of abetment?

(A) Instigating
(B) Engaging in conspiracy
(C) Intentional aiding
(D) Enticement

51. In view Section 16(3), Section 16(1) of Limitation Act does not apply in which of the following?

(A) Suits of movable property
(B) Suits of immovable property
(C) Either (A) or (B)
(D) None of these

52. Which of the following is the Limitation Period under Article 43 of the Limitation Act 1963?

(A) Three years
(B) Five years
(C) Seven years
(D) None of these

53. For application for a review of judgement by a Court other than the Supreme Court which of the following Articles of the Limitation Act, 1963.’ comes into play?

(A) Article 121
(B) Article 122
(C) Article 124
(D) Article 123

54. For suit for compensation, which of the following Articles of the Limitation Act, 1963 comes into play?

(A) Article 93
(B) Article 91
(C) Article 95
(D) Article 97

55. Which of the following deals with the exclusions of time in legal proceedings in the Limitation Act, 1963?

(A) Section 6
(B) Section 12
(C) Section 8
(D) Section 10

56. On which of the following the doctrine of Limitation is found?

(A) Consideration of Public Policy
(B) Expediency
(C) Both (A) and (B)
(D) None of these

57. The Limitations Act does not interms apply to a proceeding under which of the following Articles of the Constitution?

(A) Article 32
(B) Article 152
(C) Article 226
(D) Either (A) or (B)

58. "Applicant in the Limitation Act, 1963 includes which of the following?

(A) Petitioner,-
(B) Any person from or through whom an applicant derives his right to apply
(C) Any person whose estate is represented by the applicant as executor, administrator or other representative
(D) All of these

59. 'Application 'in the Limitation Act, 1963 includes which of the following?

(A) Petititon
(B) Cheque
(C) Bond
(D) None of these

60. "Bill of Exchange" in the Limitation Act, 1963 includes which of the following?

(A) Cheque
(B) Condition
(C) Hundi
(D) Both (A) and (B)

61. Under the provisions of the transfer of Property Act, 1882,; if there are patent defects in the property:

(A) The maxim of caveat emptor ' will apply
(B) The maxim of uberrimae fidei ' will apply?
(C) Both (A) and (B)
(D) Neither (A) nor (B)

62. Which of the following can be transferred under the provisions of the Transfer of Property Act, 1882?

(A) The right of mesne profits
(B) A decree for mesne profits
(C) A transfer of property to a prostitute for future co-habitation
(D) A sub-lease of a farm for the retail sale of opium

63. The English rule against perpetuities deals with:

(A) Interests to arise in future
(B) Interests in proesenti
(C) Both (A) and (B)
(D) Neither (A) nor (B)

64. According to the provisions of Transfer of Property Act, 1882, the easements:

(A) Can be transferred
(B) Cannot be transferred
(C) Cannot be transferred apart from the dominant heritage
(D) Can be transferred apart from the dominant Heritage

65. According to the court rulings in India a servant occupying the premises of the owner does so as a:

(A) Tenant
(B) Licensee.
(C) Either (A) or (B) depending 'upon the facts of the case
(D) Neither (A) nor (B)

66. According to the Supreme Court rulings the renewal of lease is:

(A) Continuation of old lease
(B) A new lease
(C) Cannot be made before the expiry of the old lease
(D) Neither of these

67. In English Law, a minor hold a legal estate In land, in India a lease by a minor is:

(A) Valid
(B) Void
(C) Voidable
(D) Depends on the facts of the case

68. Grant of license under the provision- of the Indian Easement Act, 1882:

(A) Must be expressed '
(B) Must be implied
(C) Can be either expressed / implied
(D) Is not allowed

69. Subrogation as defined in Section 92 of the T. P; A., 1882 can be;

(A) Conventional
(B) Legal
(C) Either (A) or (B)
(D) Neither (A) and (B)

70. The rule against perpetuity as given in Section 14 of the T. P. Act, 1882 applies to:

(A) Immovable property
(B) Movable property
(C) Both (A) and (B)
(D) Unconditionally to (A) Conditionally to (B)

71. Contract of tenancy can be split up

(A) Court in eviction proceedings
(B) Operation of Law
(C) Either (A), or (B)
(D) Neither (A) nor (B)

72. B, makes a gift of residential house comprising three different units one each to D, E & F but E refuses the.gift Which of the following statements will apply?

(A) One unit will default back to B.
(B) The house will be equally divided between D and F
(C) E will continue to own one unit.
(D) None of these

73. A right to recover cows trapped on the owners land will be:

(A) Actionable claim
(B) Easement
(C) Licence
(D) None of these

74. Charge can be created by:

(A) Act of parties
(B) Operation of Law
(C) Both (A) and (B)
(D) Neither (A) nor (B)

75. A and B contract to marry each other, before the time fixed for the marriage A goes mad:

(A) The contract cannot become void
(B) The contract becomes partly void
(C) The contract becomes void
(D) None of these

76. A Contract of Guarantee involves:

(A) Creditors
(B) Surety
(C) Principal debtor
(D) All of these

77. A finds 'B's purse and gives it to him. B promises to give a Rs. 50:

(A) This is not a contract
(B) This is a contract
(C) Either (A) or (B)
(D) None of these

78. A promises for no consideration to give to B, Rs. 1,000:

(A) This is a void agreement
(B) This is not a void agreement
(C) Either (A) or (B)
(D) None of these

79. A supports B's infant son. B promises to pay A's expenses in so doing:

(A) This is not a contract
(B) This is a contract
(C) Either (A) or (B)
(D) None of these

80. A for natural love and affection promises to give his son B Rs. 1,000. A puts his promise to B with writing and registers it:

(A) This is not a contract
(B) This is a contract
(C) Either (A) or (B)
(D) None of these

81. A, B and C jointly promise to pay D Rs. 3,000:

(A) D may compel A to pay his Rs. 3,000
(B) D may compel B to pay him Rs. 3,000
(C) D may compel C to pay Rs. 3,000
(D) All of these

82. Agent not entitled to remuneration for business misconduct comes under which of the following in the Indian Contract Act, 1872?

(A) Section 220
(B) Section 219
(C) Section 215
(D) Section 210

83. Any one of joint promisors may. be compelled to perform under which of the following in the Indian Contract Act, 1872?

(A) Section 42
(B) Section 36
(C) Section 43
(D) Section 40

84. Bailment by several joint owners is dealt under which of the following in Indian Contract Act, 1872?

(A) Section 169
(B) Section 159
(C) Section 163
(D) Section 165

85. Which of the following dealt with Special Relief Act when perpetual injunction is granted in Specific Relief Act, 1963?

(A) Section 40
(B) Section 36
(C) Section 23
(D) Section 38

86. Which of the following is false about the decree of specific performance?

(A) It is a decree in favour of both the plaintiff and dependant
(B) It is executed as money decree
(C) It is executed in the manner prescribed in Order 21 Rule 32 of the Code of Criminal Procedure.
(D) None of these

87. Which of the following circumstances under clause (C) of Section 16 Specific Relief Act,. 1963 disqualifies the plaintiff from specific performance?.

(A) Plaintiff incapable of performing
(B) Plaintiff violates essential term
(C) Plaintiff acts will fully in fraud of contract or in variance with or subversion of the relation created by contract
(D) All of these

88. Which clause of the following Section of the Specific Relief Act, 1963, is an exception to the rule that only a party to a contract can be on it?

(A) Section 13 Clause (a)
(B) Section 14 Clause (b)
(C) Section 15 Clause (c)
(D) None of these

89. Which of the following cannot be enforced due to difficulty of supervisions?

(A) Building contracts
(B) Keep Building in repair
(C) Contract for transportation of heavy and large equipment on consortium basis
(D) All of these

90. Which of the following can maintain a suit of a person entitled in possession?

(A) Only the owner by virtue of his title
(B) A person, having right to possession even though he may be in constructive possession of property and not in actual possession
(C) Both (a) and (b)
(D) None of these

91. Which of the following cases, in which a specific performance of contract is enforceable, is borrowed from the decisions in U. S. A.?

(A) Special value to plaintiff
(B) Not article of commerce or easily obtained in market
(C) Not easily obtainable from the market
(D) None of these

92. Which of the following principles of mutually admitted of exceptions?

(A) Conditional contracts
(B) Unilateral contracts
(C) Contracts in the nature of uncertainty
(D) All of these

93. Which of the following cannot be a defence in a suit of Specific Performance?

(A) Escalation in price
(B) The dismissal of suit of Specific Performance of an earlier agreement
(C) Either (A) or (B)
(D) None Of these

94. Which of the following properties will be covered under Section 14 (2) of the Hindu Succession Act, 1956?

(A) A husband created a will, giving his wife absolute right to property
(B) A husband created a will, giving his wife limited rights to property
(C) Both (A) and (B)
(D) Neither (A) nor (B)

95. Which of the following statements hold true regarding the Hindu Succession (Amendment) Act, 2005?

(A) Women can now act as Karta of the Joint Hindu Family
(B) Women cannot act as a Karta of the joint Hindu family, before or after passing of the Hindu Succession (Amendment) Act, 2005
(C) Women can now become Karta of Joint Hindu Family
(D) None of these

96. A widow W held some properties as 'widows estate'. She sold the properties to X before the commencement of the Hindu Succession Act, 1956. Which of the following statements will be true?

(A) X will get full ownership by virtue of Section 14 of the Act.
(B) X will not get full ownership. W will get full ownership of the property by virtue of Section 14 of the Act.
(C) Property will revert to W after the death of X.
(D) None of these

97. If a male Hindu died possessed property after the Hindu Succession Act, 1956, came into force leaving his widow W as his sole heir. Which of the following statements will apply?

(A) The widow will inherit an absolute estate under Section 14 of the Act.
(B) The Section 14 of the Act will not be applicable. She will inherit under Section 6 of the Act.
(C) She will inherit under Section 8 of the Act and her estate will become absolute under Section 14 of the Act.
(D) None of the above will apply

98. Disinheritance under the Hindu Succession Act, 1956 as a result of conversion to another religion

(A) Is applicable to convert himself
(B) Is applicable both to children born after and before conversion
(C) Is applicable one to children born after conversion
(D) Is applicable to convert himself and his children, born after or before conversion

99. In case of the order under Section 22 of the Hindu Succession Act, 1956 which of the following will be true?

(A) It can be appeared against under the H. S. Act, 1956
(B) It can only be reviewed under Section 115 of Cr. P. C,
(C) Only it can be issued not under Section 226 of the Constitution
(D) Further remedy is revision under Section 115 of C. P. C.

100. For the purpose of Section 14(2) of the Hindu Succession Act, 1956 Civil Court include:

(A) Deputy Commissioner
(B) Deputy Commissioner as a Revenue Court
(C) Both (A) and (B)
(D) Neither (A) nor (B)