Odisha Judicial Service (Prelims) 2019

Odisha Public Service Commission · Series A · 2 February 2020 · 100 questions

Preliminary Examination

1. Who among the following was the Special Public Prosecutor in the Disproportionate Assets Case in which Tamil Nadu Chief Minister Jayalalithaa was convicted for four years ?

(A) Anand Grover
(B) Bhavani Singh
(C) Siddarth Luthra
(D) None of them

2. Government of India Act, 1935 was a lengthy document consists of 321 Sections and 10 Schedules. The statement is:

(A) True
(B) False
(C) Partly correct
(D) None of these

3. How many times has the Preamble to the Constitution of India amended ?

(A) Once
(B) Twice
(C) Thrice
(D) None

4. The First Session of the Constituent Assembly was held at:

(A) Delhi
(B) Bombay
(C) Calcutta
(D) None of these

5. Which of the following Articles of the Constitution of India guarantees freedom to marriage religious affairs ?

(A) Article 25
(B) Article 26
(C) Article 27
(D) Article 28

6. Which one of the following Articles about Fundamental Rights is directly related to the exploitation of Children ?

(A) Article 18
(B) Article 19
(C) Article 22
(D) Article 24

7. Which of the following Articles was/were amended to rectify the effect of Golaknath's judgement?

(A) Article 13
(B) Article 368
(C) Article 31
(D) Both (A) and (B)

8. How many items are there in the Ninth Schedule when it was introduced ?

(A) 8
(B) 9
(C) 10
(D) 12

9. Which of the following cases upheld the right against solitary confinement ?

(A) Sunil Batra Case
(B) Ramesh Thapar Case
(C) Prem Shanker Shukla Case
(D) None of these

10. Is Judicial Review a part of basic structure of Indian Constitution ?

(A) Yes
(B) No
(C) Depends
(D) None of these

11. "Decree" has been defined in Section _____ of the Code of Civil Procedure.

(A) Section 1(1)
(B) Section 1(2)
(C) Section 2(1)
(D) Section 2(2)

12. In the case of inconsistency between Sections and the Rules _____ shall prevail.

(A) Sections
(B) Rules
(C) Orders
(D) None of these

13. The body of the Code of Civil Procedure containing Sections can be amended by:
(A) The Supreme Court
(B) The High Courts
(C) The Parliament
(D) None of these

14. Civil Proceedings instituted by Presentation of Plaint is called _____
(A) Suit
(B) Caveat
(C) Application
(D) None of these

15. Can a Civil Court pass more than one orders in suit ?
(A) Yes
(B) No
(C) Never
(D) None of these

16. The first uniform Code of Civil Procedure was enacted in the year:
(A) 1908
(B) 1859
(C) 1882
(D) 1872

17. The substantive part of the Code of Civil Procedure is contained in :
(A) Sections
(B) Rules
(C) Orders
(D) None of these

18. Is it necessary to state the amount of costs incurred in the suit ?
(A) Yes
(B) No
(C) Depends
(D) None of these

19. Can the Court issue commissions for examination of a person in prison ?
(A) Yes
(B) No
(C) Never
(D) Depends

20. Is it necessary for the Court to pronounce the judgement in all issues ?
(A) Yes
(B) No
(C) Never
(D) None of these

21. Section 2(g) of the Code of Criminal Procedure 1973 defines:
(A) Enquiry
(B) Inquiry
(C) Investigation
(D) None of these

22. In a Warrant case instituted on police report, the trial begins when the:
(A) Accused appears
(B) Charge in framed
(C) Witnesses are examined
(D) None of these

23. An illegality in the investigation :
(A) Vitiate the trial
(B) Does not vitiate the trial in any case
(C) Does not vitiate the trial unless miscarriage of justice has been caused
(D) None of these

24. Identification of arrested persons can be ordered by the Court on the request of the:
(A) Complainant
(B) Arrested person or his nominee
(C) Officer-in-charge of a Police Station
(D) None of them

25. Every Summons shall be served by:
(A) Public Servant
(B) Police Officer
(C) Officer of the Court
(D) Anyone of them

26. A warrant may be directed to any person for the arrest of:
(A) Any escaped convict
(B) A proclaimed offender
(C) Any person who is accused of a non-bailable offence and is evading arrest
(D) All of them

27. Can the evidence of witnesses be taken on oath by the Magistrate conducting an enquiry ?

(A) Yes
(B) No
(C) Depends
(D) None of these

28. Any Court may alter or add to any charge at any time before the:

(A) Evidence is closed
(B) Evidence is started
(C) Judgement is pronounced
(D) None of these

29. What is the maximum sentence of imprisonment which can be imposed for an offence tried as Summary Trial ?

(A) Six months
(B) One year
(C) Two years
(D) Three months

30. Can a witness refuse to sign the deposition if it is not read over to him ?.

(A) Yes
(B) No
(C) Depends
(D) None of these

31. Which of the following types of evidence means “testimony" ?

(A) Direct Evidence
(B) Cirumstantial Evidence
(C) Both (A) and (B)
(D) None of these

32. Who drafted the Indian Evidence Act, 1872?

(A) Lord Denning
(B) A.V. Dicey
(C) Lord Macaulay
(D) J. F. Stephen

33. The Indian Evidence Act, 1872 does not mention:

(A) Relevancy of Evidence
(B) Admissible Evidence
(C) Weight of Evidence
(D) All of these

34. The word ‘relevant’ is derived from the Latin term “relevare” which means:

(A) Important
(B) Legally pertinent
(C) Significant
(D) None of these

35. Which of the following is not a Public document?

(A) Order of a competent authority fixing price of commodities
(B) An order issuing a search warrant
(C) A crop cutting report by a Collector
(D) Plaint on written statement in a suit

36. Relevancy is a_____

(A) Question of fact
(B) Question of law
(C) Mixed question of fact and law
(D) None of these

37. Res Gestae is an exception to the _____

(A) Relevancy Rule
(B) Hearsay Rule
(C) Circumstantial Evidence
(D) None of these

38. Proof of a fact depends upon:

(A) Accuracy of Statements
(B) Probability of it having existed
(C) Both (A) and (B)
(D) None of these

39. When one is unable to decide how the fact stands precisely, it can be termed as:

(A) Proved
(B) Disproved
(C) Not proved
(D) None of these

40. The maxim falsus in UNO, falsus in Omnibus is _____

(A) A sound rule of law
(B) A sound rule of evidence
(C) Both (A) and (B)
(D) None of these

41. The principle of criminal liability “Actus non facit reum nisi means sit- rea” is of origin of:

(A) India
(B) Mohammedan Criminal law
(C) Common law
(D) None of these

42. Which of the following is not a sine qua non for making a person criminally liable ?

(A) Mens rea
(B) Actus-rea
(C) Motive
(D) All of these

43. Which of the following is an inchoate offence ?

(A) Attempt
(B) Abetment
(C) Criminal conspiracy
(D) All of these

44. Which of the following Sections of the Indian Penal Code is added by the Information Technology Act, 2000 ?

(A) Section 28A
(B) Section 29A
(C) Section 27A
(D) Section 30A

45. Loss by unlawful means of property to which the person losing it is legally entitled:

(A) Dishonest loss
(B) Wrongful loss
(C) Unlawful loss
(D) None of these

46. The word "electronic record" shall have the same meaning assigned to them is in the:

(A) General Clauses Act
(B) Information Technology Act
(C) Right to InformationAct
(D) Indian Evidence Act

47. No Court shall take cognizance of the offence punishable under Sec. 153A, except with the previous sanction of the:

(A) Central Government
(B) State Government
(C) Either (A) or (B)
(D) District Magistrate

48. In a prosecution of an offence of criminal conspiracy the onus of proof is on:

(A) Prosecution
(B) Accused
(C) Depends
(D) None of these

49. Which of the following is not a punishment provided under Indian Penal Code ?

(A) Forfeiture of property
(B) Imprisonment With hard labour
(C) Transportation for life
(D) Death

50. Which of the following theory recognizes the principles of "eye for eye" and "tooth for tooth" ?

(A) Deterrent theory
(B) Retribution theory
(C) Reformative theory
(D) None of these

51. Which of the following Sections of the Limitation Act, 1963 gives an inclusive definition of "easement" ?

(A) 2(c)
(B) 2(f)
(C) 2(g)
(D) 2(h)

52. Which of the following Sections of Limitation Act, 1963 defines "Period of Limitation" ?

(A) 2(i)
(B) 2(f)
(C) 2(k)
(D) 2(c)

53. Expiry of period of limitation:

(A) Extinguishes the debt
(B) Renders the debts unenforceable
(C) Extinguishes the debt and renders it unenforceable
(D) None of these

54. As defined in Section 2(i) of the Limitation Act, 1963, 'suit' includes:

(A) An appeal
(B) Application
(C) Both (A) and (B)
(D) Neither (A) nor (B)

55. An order made on an application ; filed beyond the period of limitation is:

(A) Illegal
(B) Without Jurisdiction
(C) Irregular
(D) None of these

56. In a suit for recovery of possession of a house from a deemed trustee of waqf property:

(A) No limitation applies
(B) Limitation is applicable
(C) Depends
(D) None of these

57. Limitation runs from the:

(A) Date the plaint is returned
(B) Date of order by which plaint is directed to be returned
(C) Depends
(D) None of these

58. Which of the following Sections of the Limitation Act, 1963 deals with acquisition of easement by prescription ?

(A) 25
(B) 26
(C) 27
(D) 28

59. The period of limitation for a suit for an account and a share of the profits of dissolved partnership is;

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

60. The period of Limitation for the suits relating to decrees and instruments is:

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

61. Inter Vivos means and includes :

(A) Only living persons
(B) Living as well as dead persons
(C) Living as well as juristic persons
(D) None of these

62. As per Section 13 of the Transfer of Property Act, 1882 a transfer of property is valid in the case of an unborn person if the interest therein is created for:

(A) Enjoyment
(B) Possession
(C) The benefit
(D) All of these

63. "Subrogation" is a Roman word, which means:

(A) Surrender
(B) Exhaustion
(C) Substitution
(D) Alteration

64. Contribution to Mortgage debt in the Transfer of Property Act, 1882 comes under:

(A) Section 82
(B) Section 83
(C) Section 82A
(D) None of these

65. The definition of actionable claims was substituted by the amendment In which year ?

(A) 2002
(B) 1929
(C) 1900
(D) None of these

66. To make the assignment of actionable claims perfect notice to the debtor is:

(A) Necessary by the transferor
(B) Necessary by the transferee
(C) Necessary by both the parties
(D) Not necessary

67. Right derived to a mortgagee to obtain a decree for foreclosure in the event when the mortgage money:

(A) Is outstanding
(B) Is defaulted
(C) Becomes payable
(D) Becomes due

68. Pendency of suit for the purpose of Section 52 commences from the date on which:

(A) Plaint presented
(B) Summons issued
(C) Suit admitted
(D) None of these

69. Doctrine of Holding out is related to:

(A) Transfer by an ostensible owner
(B) Election
(C) Feeding the grant by Estoppels
(D) None of these

70. Doctrine of Election is explained in theTransferof Property Act, 1882 in:

(A) Section 35
(B) Section 36
(C) Section 34
(D) None of these

71. The Indian Contract Act, 1872 is not exhaustive. The statement is:

(A) True
(B) False
(C) Partly correct
(D) None of these

72. The popular case Askari Mirza vs Jai Kishori relates to:

(A) Fraud
(B) Undue Influence
(C) Coercion
(D) Mistake

73. Which of the following right(s) is /are not available to the agent ?

(A) Right to sell
(B) Right To compensation
(C) Right to retain
(D) All of these

74. A guarantee obtained by means of keeping silence as to material circumstances is:

(A) Valid
(B) Void
(C) Invalid
(D) Voidable

75. Which one is not a remedy for breach of contract ?

(A) Damages
(B) Injunction
(C) Fine
(D) Specific performance

76. Quasi-contracts are dealt with in :

(A) Section 62
(B) Section 63-68
(C) Section 68-72
(D) Section 72-75

77. Promissory estoppel is sometimes spoken of as a substitute for:

(A) Novation
(B) Quasi-contract
(C) Consideration
(D) Coercion

78. The leading case Balfour vs Balfour relates to:

(A) Capacity of parties
(B) Acceptance of offer
(C) Communication
(D) Intention to contract

79. An agency is terminated :

(A) By the principal revoking the authority
(B) By the agent renouncing the business of agency
(C) By either the principal or agent dying for becoming of unsnap mind
(D) All of these

80. Which of the following Sections of Indian Contract Act, 1872 deals with bailee's particular lien ?

(A) 167
(B) 168
(C) 169
(D) 170

81. Which of the following Sections of the Hindu Succession Act, 1956, deals with the properties to which the Act is not applicable ?

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

82. Legacy means:

(A) A gift of property by way of will
(B) A gift of property by way of gift deed
(C) A gift of movable property
(D) A gift of immovable property

83. By the Amendment Act of 2005, Section 6 of the Hindu Succession Act was:

(A) Amended
(B) Substituted
(C) Repealed
(D) None of these

84. In order to attract Section 14 of the Hindu Succession Act, 1956, the possession of property may be:

(A) Actual Possession
(B) Symbolic Possession
(C) Constructive Possession
(D) Any of these

85. According to Section 10 of the Hindu Succession Act, 1956, the intestate's widow shall take _____ share.

(A) 1
(B) 2
(C) 3
(D) 4

86. Coparcenary is a narrower body, then joint family. The statement is:

(A) True
(B) False
(C) Partly correct
(D) None of these

87. General rules of Succession in the case Succession of Female Hindus are dealt with under_____

(A) Section 16
(B) Section 20
(C) Section 21
(D) Section 15

88. "Life estate granted to a Hindu Woman by a will also becomes her absolute estate." The statement is:

(A) True
(B) False
(C) Partly correct
(D) None of these

89. When two persons are related by blood or adoption, wholly through males, it is called_____

(A) Cognate
(B) Agnate
(C) Both (A) and (B)
(D) Coparcener

90. The property mentioned in Section 14 of Hindu Succession Act, 1956, does not include the Stridhana property. The statement is:

(A) True
(B) False
(C) Partly correct
(D) None of these

91. Specific Relief is a form of judicial redress. This statement is:

(A) True
(B) False
(C) Partly correct
(D) None of these

92. The remedy of a person unsuccessful in a suit under Section 6 of the Specific Relief Act, 1963 is to file_____

(A) Appeal
(B) Revision
(C) Review
(D) A regular suit establishing his title to the suit property

93. Section 36 of the Specific Relief Act, 1963 classifies injunction into _____ categories.

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

94. Which of the following Sections of the Specific Relief Act, 1963 deals with the effect of declaration ?

(A) Section 36
(B) Section 37
(C) Section 38
(D) Section 35

95. Which of the following is termed as the Converse of Specific Performance ?

(A) Rectification
(B) Rescission
(C) Both (A) and (B)
(D) None of these

96. Can the Court award compensation in a case where Specific Performance is impossible?

(A) Yes
(B) No
(C) Depends
(D) None of these

97. Which of the following Sections of the Specific Relief Act, 1963 deals with the power of the court to award compensation?

(A) Section 19
(B) Section 20
(C) Section 21
(D) Section 22

98. The Specific Relief Act, 1963 grants_____

(A) Specific Relief only
(B) Preventive Reliefs
(C) Both (A) and (B)
(D) None of these

99. Which of the following remedies is provided by the Specific Relief Act, 1963 regarding contracts?

(A) Damages
(B) Specific Performance
(C) Both (A) and (B)
(D) None of these

100. The Specific Relief Act was a result of the_____.

(A) 10th Law Commission
(B) 11th Law Commission
(C) 9th Law Commission
(D) 8th Law Commission

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