Telangana Civil Judge Prelims 2023: Solution

High Court for the State of Telangana · Computer-based screening test · 23 April 2023 · 100 questions

Screening Test

1. Is there any limitation prescribed for filing application under section 47 of CPC before executing Court?

(1) There is no limitation prescribed and application can be filed at any point of time after decree is passed
(2) It is governed by provisions of Limitation Act
(3) The issue of limitation can be decided only if such objection is raised
(4) The executing Court can suo motu frame issue of limitation

Answer: (1) There is no limitation prescribed and application can be filed at any point of time after decree is passed

A party can object in the pending execution proceedings to a matter concerning execution, discharge or satisfaction of the decree. Section 47 of the CPC prescribes no separate time limit for raising such an objection. This does not extend the time allowed to the decree-holder to institute execution itself.

2. The following properties cannot be attached and sold in execution of decree under Section 60 of CPC:

(1) Dwelling house
(2) Promissory notes
(3) Shares in company
(4) House of agriculturist

Answer: (4) House of agriculturist

The exemption protects a house belonging to an agriculturist and occupied by that person. It also covers the site and land immediately attached to the house and necessary for its enjoyment. Merely describing a building as a dwelling does not establish the exemption. Shares and promissory notes ordinarily fall within attachable property.

3. A plaint can be returned under Order VII Rule 10 CPC only:

(1) at the pre numbering stage
(2) at any stage of the suit
(3) at any time before settlement of the issues
(4) at any time before the defendant files the written statement

Answer: (2) at any stage of the suit

A court that finds the suit should have been instituted elsewhere returns the plaint for presentation to the proper court. Order VII Rule 10 expressly allows this at any stage. Registration of the suit, settlement of issues and filing of the defence therefore do not cut off the power.

4. A decree of restitution of conjugal rights can be enforced:

(1) by attachment of the property of judgement debtor
(2) by detaining the judgement debtor in civil prison
(3) by attachment of property of judgement debtor or by detaining him in civil prison
(4) initiating criminal prosecution against the judgement debtor

Answer: (1) by attachment of the property of judgement debtor

A spouse who had an opportunity to obey the restitution decree and wilfully failed to do so may have property attached. Order XXI Rule 32 distinguishes restitution from specific performance and injunctions. Civil detention is available under the rule for the latter decrees, but attachment is the method specified for restitution.

5. When order directing deposit of rents during pendency of rent Court proceedings is not complied with, then the Rent Controller can order summary eviction of tenant under:

(1) Section 11(2)
(2) Section 11(1)
(3) Section 11(4)
(4) Section 11(3)

Answer: (3) Section 11(4)

Section 11(4) states the consequence of default in paying or depositing rent during the proceedings. Unless the tenant shows sufficient cause, the Controller or appellate authority stops further proceedings and directs delivery of possession to the landlord. Subsection (2) concerns how and when the deposit is to be made.

6. For the purpose of cheating under Section 420 IPC, it is necessary that the victim or aggrieved person:

(1) Need not to suffer unlawful loss
(2) Necessarily has to suffer unlawful loss
(3) May or may not suffer unlawful loss
(4) Mere inducement with dishonest intention is enough

Answer: (3) May or may not suffer unlawful loss

Section 420 IPC requires deception that dishonestly induces delivery of property or the making, alteration or destruction of a valuable security. The dishonest intention can concern wrongful gain to one person or wrongful loss to another. Proof of completed loss to the victim is unnecessary, although mere inducement without the specified consequence is insufficient. [BNS section 318(4).]

7. Under which among the following Sections alternative charge can be framed?

(1) Section 306 and Section 34 IPC
(2) Section 306 and Section 120(b) IPC
(3) Section 306 and Section 109 IPC
(4) Section 306 and Section 304-B IPC

Answer: (4) Section 306 and Section 304-B IPC

Where a married woman dies by suicide in circumstances suggesting dowry harassment, the evidence may support dowry death or abetment of suicide. Each has distinct ingredients. Section 221 CrPC permits alternative charges if it is doubtful which offence the facts will establish. [BNSS section 244. The corresponding BNS offences are sections 80 and 108.]

8. To constitute an offence of unlawful assembly it is necessary that:

(1) There should be physical presence of five persons or more persons to do any act enumerated under the provision
(2) There need not be any physical presence of five or more persons
(3) There should be at least one person who is physically present and others need not be physically present
(4) There may be several persons but at least five persons should have common object whether they are physically present or not

Answer: (1) There should be physical presence of five persons or more persons to do any act enumerated under the provision

An unlawful assembly requires five or more people assembled with one of the common objects enumerated in section 141 IPC. The assembly may become unlawful after it has formed. Agreement among people located elsewhere may raise a different issue, but agreement alone does not constitute the assembly described here. [BNS section 189(1).]

9. A person is deemed to be dead under Section 108 of the Indian Evidence Act:

(1) if he is not heard to be alive for the last 7 years
(2) If he is not heard to be alive for the last 30 years
(3) If he is not heard to be alive for the last 12 years
(4) If he is not heard to be alive after 7 years after attaining majority

Answer: (1) if he is not heard to be alive for the last 7 years

The seven-year period runs while the person is unheard of by those who would naturally have heard from that person if alive. Once that foundation is established, the person asserting continued life bears the burden. The rule does not identify a particular date of death within the period. [BSA section 111.]

10. Under Section 116 of the Indian Evidence Act:

(1) A tenant is debarred from denying the title of the landlord
(2) A tenant is entitled to deny the title if the landlord's title is doubtful
(3) A tenant has the option to deny the title of the landlord
(4) A tenant can deny the title of the landlord after expiry of the lease period

Answer: (1) A tenant is debarred from denying the title of the landlord

A tenant who obtained possession under a landlord cannot, during the tenancy, deny that the landlord had title at its beginning. This estoppel explains why a mere doubt about ownership is insufficient. A later loss or transfer of the landlord's title poses a different question. [BSA section 122.]

11. A petition for mutual divorce under Section 13 of the Hindu Marriage Act can be filed:

(1) At any time after marriage
(2) Only after one year of marriage
(3) Only after two years of marriage
(4) Only when there is no resumption of cohabitation between the parties to the marriage for a period of one year or upwards

Answer: (2) Only after one year of marriage

For a joint petition for divorce by mutual consent, the spouses must have lived separately for at least a year, been unable to live together and agreed to dissolve the marriage. Section 13B governs that remedy. Mere passage of the first year of marriage does not establish all three requirements.

12. Interim maintenance under Section 24 of the Hindu Marriage Act can be granted by the Family Court:

(1) Only when main relief of maintenance is sought for
(2) In any proceeding under the Hindu Marriage Act irrespective of main relief of maintenance is sought for or not
(3) Only in a divorce case
(4) Only in a case for restitution of conjugal rights

Answer: (2) In any proceeding under the Hindu Marriage Act irrespective of main relief of maintenance is sought for or not

Either spouse can apply for support pending proceedings under the Hindu Marriage Act if their independent income is insufficient for their maintenance and necessary litigation expenses. This relief enables them to pursue or defend the case. A substantive claim for maintenance in the original petition is unnecessary.

13. Agreement which is voidable can become a contract:

(1) At the option of promisor or promisee
(2) With the consent of promisor or promisee
(3) At the option of promisee
(4) At the option of promisor

Answer: (1) At the option of promisor or promisee

Either the promisor or the promisee may be the party entitled to avoid the agreement, depending on whose consent was impaired. The other party has no corresponding election merely by being a party. A voidable contract is already enforceable at the protected party's option and continues unless that party avoids it.

14. Limitation for filing suit for damages for act of defamation is:

(1) 3 years
(2) 2 years
(3) 5 years
(4) 1 year

Answer: (4) 1 year

The Limitation Act allows one year for a civil claim for compensation for libel or slander. For libel, time runs from publication. For slander, it ordinarily runs when the words are spoken, or when special damage occurs if the words are not actionable without that damage.

15. Under Section 145 Cr.P.C when there is a dispute regarding land or water which is likely to cause breach of peace, an order passed by the concerned Magistrate is:

(1) Final
(2) Subject to order that may be passed by competent Courts in due course of law
(3) Valid for a period of two months
(4) Valid for a period of six months

Answer: (2) Subject to order that may be passed by competent Courts in due course of law

The Executive Magistrate's immediate task is to prevent a breach of the peace by deciding actual possession. The declared possessor is protected against disturbance until evicted in due course of law. The order neither settles ownership nor prevents a competent civil court from determining the parties' rights. [BNSS section 164.]

16. The following provisions of law in Cr.P.C deal with period of limitation for taking cognizance of offence:

(1) Section 448
(2) Section 458
(3) Section 468
(4) Section 478

Answer: (3) Section 468

Section 468 CrPC sets limitation periods for taking cognizance according to the punishment prescribed. For example, it provides six months for a fine-only offence and one year where imprisonment does not exceed one year. The provision concerns cognizance of the specified classes of offences. [BNSS section 514.]

17. Sanction from Government for prosecution of Public Servants under Section 197 Cr.P.C means:

(1) Sanction for lodging FIR
(2) Only sanction before filing charge sheet
(3) Sanction after filing charge sheet and before judgement
(4) Sanction only before judgement

Answer: No printed option — Before the court takes cognizance

Section 197 CrPC requires previous sanction before the court takes cognizance of a covered offence connected with official duty. Registration of the FIR and presentation of the police report are distinct procedural events. Sanction obtained after the report but before cognizance can satisfy the rule. None of the alternatives states the controlling stage. [BNSS section 218.]

18. Shared household under Section 17 of the Domestic Violence Act:

(1) Includes tenanted property of the respondent
(2) Only own property of the respondent
(3) Only joint property of the respondent
(4) Does not include tenanted property of the respondent

Answer: (1) Includes tenanted property of the respondent

A woman in a domestic relationship may have a right to reside in the shared household even though she owns no interest in it. A tenancy taken by the respondent can qualify if the household meets the statutory definition. Joint ownership by both parties is unnecessary.

19. A child in conflict with law convicted for the offence under Section 302 IPC:

(1) Can be sentenced to imprisonment for life after he attains majority
(2) Cannot be sentenced to imprisonment for life
(3) Can be sentenced to imprisonment to life subject to gravity of offence
(4) Can be sentenced to imprisonment for life in rescue homes

Answer: (3) Can be sentenced to imprisonment to life subject to gravity of offence

Section 21 of the Juvenile Justice Act prohibits death and life imprisonment without the possibility of release for a child in conflict with law. Thus a life sentence, if otherwise lawfully available through the Children's Court procedure for a heinous offence, must preserve that possibility. Reaching adulthood by itself does not authorize the sentence. [IPC section 302 corresponds to BNS section 103.]

20. Every offence under the Telangana Gaming Act, 1974 is:

(1) Cognizable and bailable
(2) Cognizable and compoundable
(3) Non-cognizable and non-bailable
(4) Cognizable and non-bailable

Answer: (4) Cognizable and non-bailable

Section 5 of the Telangana Gaming Act classifies every offence under the Act as cognizable and non-bailable. Cognizability concerns the police power to arrest without a warrant, subject to the applicable conditions. Non-bailability means release is not an automatic entitlement merely upon an offer to furnish bail.

21. Easement is a right related to:

(1) Only land
(2) Land and building
(3) Land and water
(4) Land and water channel

Answer: (1) Only land

An easement belongs to the owner or occupier of one parcel for its beneficial enjoyment and operates in relation to other land. For example, a right of way allows access across a neighbour's land. The statutory meaning of land includes things permanently attached to the earth, so buildings can also benefit.

22. Assault or criminal force to deter public servant from discharging his duty is punishable under Section:

(1) 352 of IPC
(2) 353 of IPC
(3) 346 of IPC
(4) 342 of IPC

Answer: (2) 353 of IPC

Section 353 IPC applies where assault or criminal force is used against a public servant executing official duty, to deter its performance, or in consequence of a lawful official act. A mere disagreement with an officer does not itself supply these elements. [BNS section 132.]

23. The power to review judgement in criminal cases under Section 362 Cr.P.C lies with:

(1) High Court only
(2) Sessions Court and High Court
(3) The Court which passes the judgement
(4) None of the above

Answer: (4) None of the above

Once a criminal court signs its judgment or final order disposing of the case, section 362 CrPC bars alteration or review unless another legal provision permits it. The narrow exception for clerical or arithmetical errors does not authorize reconsideration of the merits, even by the court that decided the matter. [BNSS section 403.]

24. Which one among the following provisions deal with the power of the Court to add an accused during trial or inquiry:

(1) Section 219 Cr.P.C
(2) Section 319 Cr.P.C
(3) Section 419 Cr.P.C
(4) Section 209 Cr.P.C

Answer: (2) Section 319 Cr.P.C

During an inquiry or trial, evidence may disclose another person's involvement in an offence for which that person could be tried with the existing accused. Section 319 CrPC permits the court to proceed against that person. The proceedings against the added accused begin afresh and witnesses are reheard. [BNSS section 358.]

25. The Jurisdiction of the Court for filing the cases will be on the basis of:

(1) Subject matter regarding the cause of action
(2) Territorial jurisdiction
(3) Pecuniary jurisdiction
(4) All the above

Answer: (4) All the above

A civil court must be competent to hear the type of dispute and its monetary value. The place-of-suing rules then identify the appropriate territorial court, using such connecting factors as the location of immovable property, the defendant's residence or the place where the cause of action arose.

26. A Court can pass a preliminary decree in a suit for:

(1) Dissolution of partnership firm
(2) for possession and mesne profits
(3) declaration of title
(4) partition suit

Answer: (1) Dissolution of partnership firm / (4) partition suit

In a partnership suit, the court may determine the date of dissolution and the partners' shares before accounts are settled. In partition, it may declare the parties' interests before dividing the property. Order XX Rule 12 also permits a separate inquiry into mesne profits when possession and profits are claimed.

27. Under Code of Civil Procedure, 1908 a plaint can be rejected under:

(1) Order VII Rule 8
(2) Order VII Rule 9
(3) Order VII Rule 11
(4) None of the above

Answer: (3) Order VII Rule 11

Order VII Rule 11 directs rejection on specified grounds, including failure to disclose a cause of action and a legal bar apparent from the plaint itself. The court examines the plaint for this purpose. Presenting the suit in the wrong territorial court ordinarily calls for return of the plaint instead.

28. In a suit defendant after service of notice can file a written statement within a period of:

(1) 45 days
(2) 90 days
(3) 30 days
(4) 60 days

Answer: (3) 30 days

The ordinary deadline for the written statement is thirty days from service of summons. If the defendant misses it, the court may permit a later filing on recorded reasons. The ninety-day period in the ordinary proviso concerns an extension. It is not the period automatically allowed upon service.

29. Pleadings in a suit consist/s of:

(1) Plaint only
(2) Written Statement only
(3) Plaint and Written Statement
(4) None of the above

Answer: (3) Plaint and Written Statement

Order VI Rule 1 defines a pleading as a plaint or written statement. The plaintiff pleads material facts supporting the claim, and the defendant pleads the defence. Evidence used to prove those facts serves a different function. Both parties' documents therefore fall within the definition.

30. Order IX Rule 13 of the Code of Civil Procedure, 1908, provides grounds:

(1) For reopening of evidence
(2) For filing written statement
(3) For setting aside ex parte decree
(4) For issuing summons afresh

Answer: (3) For setting aside ex parte decree

The defendant applies to the court that passed the ex parte decree. An application may succeed if summons was not duly served or sufficient cause prevented appearance when the suit was called. The rule gives relief against a decree already passed in the defendant's absence.

31. Under the provisions of the Code of Civil Procedure, 1908, an Executing Court has the power to:

(1) modify the terms of the decree
(2) modify and vary the terms of the decree
(3) cannot either modify or vary the decree
(4) modify the judgment and terms of the decree

Answer: (3) cannot either modify or vary the decree

The executing court must give effect to the decree actually passed. It may construe the decree to ascertain what must be performed and decide questions concerning execution, discharge or satisfaction. It cannot use execution proceedings to grant a different substantive relief or revise the merits of the original decision.

32. An Executing Court under the provisions of the Code of Civil Procedure, 1908, in execution of a decree can impose on the judgment debtor:

(1) rigorous imprisonment
(2) simple imprisonment
(3) civil imprisonment
(4) none of the above

Answer: (3) civil imprisonment

Arrest and detention in civil prison are among the permitted modes of enforcing a decree. For a money decree, the court must give the debtor an opportunity to show cause and record the statutory grounds. This detention enforces a civil obligation and is distinct from punishment after criminal conviction.

33. Section 100 of the Code of Civil Procedure, 1908, provides for filing of a second appeal in the:

(1) District Court
(2) High Court
(3) Supreme Court
(4) None of the above

Answer: (2) High Court

A second appeal lies to the High Court from an appellate decree of a subordinate court where the case involves a substantial question of law. The memorandum must state that question precisely. A party cannot obtain a general retrial of disputed facts merely because it lost the first appeal.

34. Section 148A of the Code of Civil Procedure, 1908, provides for:

(1) Enlargement of time
(2) Filing of caveat
(3) Review application
(4) Filing First Appeal

Answer: (2) Filing of caveat

A person expecting an application in a suit or proceeding may lodge a caveat if entitled to be heard before the court acts on it. The caveat gives advance notice of that interest. It carries neither a challenge to an existing decree nor a request to enlarge time.

35. The doctrine of res judicata is based on the principle that

(1) Prohibiting the parties from filing suits against each other
(2) Parties should not file successive suits against each other
(3) Two suits on the same cause of action are prohibited
(4) One should not be vexed twice for the same cause of action and there should be a finality to the litigation

Answer: (4) One should not be vexed twice for the same cause of action and there should be a finality to the litigation

Res judicata gives finality to an issue directly and substantially in dispute that a competent court has already

heard and finally decided between the same parties or their privies litigating under the same title. The parties can still litigate genuinely different issues. Their identities alone do not trigger the bar.

36. Which of the below mentioned statements is incorrect?

(1) An agreement opposed to public policy is enforceable under law
(2) There cannot be any valid contract between minors
(3) All valid agreements are enforceable through Courts
(4) An agreement entered by the guardian of minor is enforceable

Answer: (1) An agreement opposed to public policy is enforceable under law

An agreement whose object or consideration is opposed to public policy is void under section 23 of the Contract Act. Consent cannot make an unlawful object enforceable. A minor's own lack of contractual capacity is a different point from a lawful transaction undertaken by a competent guardian within the guardian's authority.

37. Consent of a party entering into a contract is said to be free when it is not caused by

(1) coercion or undue influence
(2) misrepresentation
(3) fraud
(4) All the above

Answer: (4) All the above

Consent obtained by coercion, undue influence, fraud or misrepresentation falls outside the statutory definition of free consent. Section 14 also refers to mistake subject to the provisions governing it. The connection matters: the vice must have brought about consent that the party would otherwise have withheld.

38. A Hindu woman can file for a petition interim maintenance under

(1) Section 125 Cr.P.C. and Section 18 of the Hindu Adoption & Maintenance Act, 1956
(2) Section 24 of the Hindu Marriage Act, 1955
(3) Section 20 of the Protection of Women from Domestic Violence Act, 2005
(4) All the above

Answer: (4) All the above

The available route depends on the proceeding and facts. A wife may seek interim support during matrimonial litigation, in maintenance proceedings before a Magistrate, or through monetary and interim orders for domestic violence. Hindu personal law also recognizes the wife's maintenance claim. The remedies have distinct conditions. [CrPC section 125 corresponds to BNSS section 144.]

39. Section 13B of the Hindu Marriage Act, 1955 provides for

(1) Restitution of Conjugal Rights
(2) Divorce on the ground of cruelty
(3) When the marriage was a void marriage
(4) Divorce by mutual consent

Answer: (4) Divorce by mutual consent

Section 13B permits spouses to present a joint petition after living separately for at least one year when they cannot live together and agree on dissolution. It enables a consensual decree. A petitioner alleging cruelty follows a different ground and does not depend on the respondent agreeing to divorce.

40. Section 5 of the Limitation Act, 1963, applies to only

(1) Interlocutory applications and appeals
(2) Suits
(3) Execution Petitions
(4) All the above

Answer: (1) Interlocutory applications and appeals

A court may admit a late appeal or application on proof of sufficient cause, except an application under Order XXI CPC. The rule does not extend the period for instituting a suit. The first option is closest, although eligible applications are not confined to interlocutory ones.

41. Section 6 of the Specific Relief Act, 1963, provides for filing a suit for possession of immovable property within a period of

(1) one year from the date of dispossession
(2) Six months from the date of dispossession
(3) Three years from the date of dispossession
(4) Twelve years from the date of dispossession

Answer: (2) Six months from the date of dispossession

A person dispossessed without consent otherwise than through due process may bring this summary possessory suit within six months of dispossession. The immediate issue is prior possession and unlawful dispossession. The parties remain free to bring an ordinary suit to establish title and recover possession on that basis.

42. In a suit filed for declaration of title based on adverse possession, the burden of proof is on

(1) Plaintiff
(2) Defendant
(3) Both on the plaintiff and defendant
(4) Court

Answer: (1) Plaintiff

The plaintiff asking the court to declare title by adverse possession must establish the facts making possession adverse, including when that possession became hostile to the true owner. Mere long occupation does not necessarily establish hostility. The party who relies on that change must plead and prove it. [BSA section 104.]

43. When the witness is not having personal knowledge of a fact and merely repeats the statement made by another person, such evidence is called

(1) Secondary evidence
(2) Hearsey evidence
(3) Hearsay evidence
(4) Direct evidence

Answer: (3) Hearsay evidence

A witness who repeats another person's account ordinarily cannot prove the underlying event through that account. For a fact capable of being seen, direct oral evidence normally comes from someone who saw it. The third option gives the legal term. The similar spelling in the second option does not denote a separate category of evidence. [BSA section 55.]

44. Section 45 of the Indian Evidence Act, 1872, which provides for opinion of an Expert is

(1) Conclusive proof
(2) Not conclusive proof
(3) Supportive and corroborative
(4) None of the above

Answer: (2) Not conclusive proof

Expert opinion is relevant when specialized knowledge can assist the court. The court considers the expert's reasons, observations and the other evidence, and may reject an unpersuasive opinion. Its admissibility therefore does not compel a particular finding. An expert assists the decision-maker rather than deciding the case. [BSA section 39(1).]

45. Estoppel is a rule of

(1) Civil Action
(2) Criminal Action
(3) Both civil and criminal actions
(4) None of the above

Answer: (3) Both civil and criminal actions

Estoppel may operate in judicial proceedings where one person led another to believe a fact and to act on that belief. Its application turns on the representation, reliance and issue in dispute. In criminal proceedings it cannot supply missing ingredients of an offence or relieve the prosecution of proving guilt. [BSA section 121.]

46. Privileged information under the Indian Evidence Act, 1872, is the communication between

(1) Police officer and Advocate
(2) Advocate and client
(3) Magistrate and Accused
(4) None of the above

Answer: (2) Advocate and client

Professional privilege protects qualifying communications made by a client to a legal adviser for professional employment. Disclosure generally requires the client's express consent. The protection does not cover communications furthering an illegal purpose or certain facts showing a subsequent crime or fraud. The obligation continues after the engagement ends. [BSA section 132.]

47. For determination of age of a person, the Court can rely on the following:

(1) Affidavit of father/mother
(2) Evidence from third parties
(3) Ossification test
(4) No such proof is required

Answer: (3) Ossification test

An ossification test may assist the court in estimating age. Under the juvenile justice framework, prescribed school or examination records, followed by the relevant municipal or panchayat birth certificate, take priority. Medical testing is a fallback when those documents are unavailable. Its result is an estimate rather than an exact birth date.

48. Section of the Indian Evidence Act, 1872, provides for admissibility of the Electronic records

(1) 65
(2) 66
(3) 65B
(4) 65A

Answer: (3) 65B

Section 65A directs proof of electronic records through section 65B. The latter sets the conditions for admitting a qualifying computer output and addresses its certificate. The section governing admissibility therefore differs from the provision introducing this special method of proof. An ordinary notice to produce does not meet these requirements. [BSA section 63.]

49. The burden of proof in a criminal proceedings lies on

(1) Prosecution to prove the guilt of the accused
(2) Accused to prove his innocence
(3) Both on the Prosecution and the Accused
(4) On the Magistrate

Answer: (1) Prosecution to prove the guilt of the accused

The prosecution bears the legal burden of proving the ingredients of the alleged offence beyond reasonable doubt. A specific exception or presumption can place an evidential burden on the accused. That limited burden does not turn the criminal trial into a general requirement to establish innocence. [BSA section 104.]

50. Basic structure theory was first propounded by the Hon'ble Supreme Court in the case of

(1) Maneka Gandhi vs. Union of India
(2) Minerva Mills vs. Union of India
(3) Keshavanand Bharathi vs. State of Kerala
(4) Golaknath vs. State of Punjab

Answer: (3) Keshavanand Bharathi vs. State of Kerala

In Kesavananda Bharati, the Supreme Court held that Parliament's power to amend the Constitution does not extend to destroying its basic structure. An amendment can

therefore alter constitutional provisions while preserving the Constitution's essential identity. The distinction concerns the limits of the amending power rather than ordinary legislative competence.

51. A Writ Petition can be filed in a High Court under Article of the Constitution of India

(1) 326
(2) 226
(3) 32
(4) 256

Answer: (2) 226

Article 226 gives the High Court jurisdiction to issue writs for enforcement of fundamental rights and for other legal purposes. The location of the cause of action can establish territorial jurisdiction. Article 32 provides a separate remedy before the Supreme Court for enforcement of fundamental rights.

52. Under the Constitution of India, the term of the President is

(1) 6 years
(2) 5 years
(3) life
(4) 10 years

Answer: (2) 5 years

The President's five-year term runs from the date of entering office. Resignation or removal can bring the term to an earlier end. If a successor has yet to enter office when the five years expire, the incumbent continues until the successor takes office.

53. The oath of the Office of the President is administered by

(1) The President himself
(2) The outgoing President
(3) The Prime Minister
(4) The Chief Justice of India

Answer: (4) The Chief Justice of India

Before entering office, the President makes the prescribed oath or affirmation in the presence of the Chief Justice of India. If the Chief Justice is absent, the senior-most available judge of the Supreme Court performs that function. The outgoing President has no such role.

54. The Upper House of the Parliament is called

(1) Lok Sabha
(2) Praja Sabha
(3) Rajya Sabha
(4) Intellectual Sabha

Answer: (3) Rajya Sabha

The Council of States is the Rajya Sabha, the upper House of Parliament. The House of the People is the Lok Sabha. Article 79 includes the President and both Houses in Parliament's composition. The Rajya Sabha continues in existence while its membership is renewed periodically.

55. The Constitution of India came into force on

(1) 15.08.1947
(2) 26.01.1947
(3) 26.01.1950
(4) 15.08.1950

Answer: (3) 26.01.1950

Article 394 distinguishes provisions that commenced immediately on adoption from the rest of the Constitution, which commenced on 26 January 1950. Adoption took place on 26 November 1949. Independence in August 1947 was an earlier event and is not the constitutional commencement date asked for here.

56. The Preamble of the Constitution of India is

(1) a part of the Constitution
(2) not a part of the Constitution
(3) a part of fundamental rights
(4) none of the above

Answer: (1) a part of the Constitution

The Preamble forms part of the Constitution and sets out the people's decision to constitute the Republic and secure the stated objectives. It assists interpretation where a provision's purpose is disputed. It is separate from Part III and does not independently create a judicially enforceable fundamental right.

57. Article 21 of the Constitution of India guarantees

(1) Protection of right to life and personal liberty
(2) Right to Education
(3) Protection against arrest and detention
(4) Right to property

Answer: (1) Protection of right to life and personal liberty

Article 21 protects every person against deprivation of life or personal liberty except through procedure established by law. The question distinguishes this general protection from specific neighbouring provisions. Education for children of the prescribed ages falls under Article 21A, while Article 22 addresses safeguards concerning arrest and detention.

58. Article 20 of the Constitution of India deals with

(1) Estoppel
(2) Res judicata
(3) Double jeopardy
(4) Per incuriam

Answer: (3) Double jeopardy

Article 20(2) protects a person from being prosecuted and punished for the same offence more than once. Article 20 also addresses retrospective criminal punishment and compelled self-incrimination. Res judicata concerns the finality of matters already decided and is distinct from this protection against repeated prosecution and punishment.

59. Article 300A of the Constitution of India deals with

(1) Right to Life
(2) Freedom of Trade and Commerce
(3) Contracts
(4) Right to Property

Answer: (4) Right to Property

Article 300A permits deprivation of property only by authority of law. A public authority therefore needs legal authority for taking a person's property. The guarantee applies to persons generally and sits outside Part III. Life and personal liberty have their separate protection under Article 21.

60. Fundamental duties enumerated in Article 51-A of the Constitution of India are

(1) enforceable
(2) not enforceable
(3) only enforceable when violated
(4) none of the above

Answer: (2) not enforceable

Article 51A states duties of citizens, including protecting public property and respecting the Constitution. These duties do not by themselves provide a direct action to compel every citizen to perform them. Legislation may give a particular duty enforceable consequences, which then depend on the terms of that legislation.

61. A Writ of Habeas Corpus is available

(1) against Police brutality
(2) as Fundamental Right
(3) in cases of wrongful deprivation of personal liberty or wrongful detention
(4) in case of wrongful deprivation of property

Answer: (3) in cases of wrongful deprivation of personal liberty or wrongful detention

Habeas corpus permits the court to inquire into the legality of a person's detention and order release if the custodian has no lawful authority. Someone acting for the detained person can seek the remedy. A complaint confined to ownership of property does not raise this issue.

62. The age of retirement of a Judge of Supreme Court of India is

(1) ten years
(2) till he/she attains the age of 65
(3) till he/she attains the age of 62
(4) for life

Answer: (2) till he/she attains the age of 65

A Supreme Court judge holds office until reaching sixty-five years of age unless the office is vacated earlier, for example by resignation or removal under the constitutional procedure. The appointment has no fixed ten-year duration. The sixty-two-year age mentioned in another option applies to High Court judges.

63. An implead petition can be allowed under Order 1 Rule 10 of CPC:

(1) Before framing of issues
(2) Before commencement of trial
(3) At any stage of the suit
(4) None of the above

Answer: (3) At any stage of the suit

Order I Rule 10 permits the court to add a necessary or proper party at any stage of the proceedings. The issue is whether that person ought to have been joined or is needed for complete adjudication. Filing the application after issues have been framed does not, by itself, defeat it.

64. Charge framed under Section 211 of Cr.P.C. shall contain:

(1) Time, place and person alleged to have committed the offence
(2) The law and the Section of the Law
(3) Shall be written in the language of the court
(4) All the above

Answer: (4) All the above

The charge identifies the offence, specifies its law and section, and is written in the court's language. Section 212 supplements section 211 with enough detail about time, place and the person or thing concerned to inform the accused of the accusation. Read together, the provisions cover the particulars listed. [BNSS sections 234–235.]

65. A decree may be executed by -

(1) District judge
(2) Senior Civil Judge
(3) Junior Civil Judge
(4) Either by the Court which has passed the decree or to which the decree is sent for execution

Answer: (4) Either by the Court which has passed the decree or to which the decree is sent for execution

The decree may be executed by the court that passed it or by a court to which it is sent for execution. Transfer may be necessary when the debtor or relevant property is in another jurisdiction. The designation of a judge alone does not establish authority to execute that decree.

66. Correction of judgment or final order is permissible

(1) To correct a clerical error
(2) To correct arithmetical error
(3) Both (a) and (b)
(4) None of the above

Answer: (3) Both (a) and (b)

A signed criminal judgment or final order can be corrected for a clerical or arithmetical error under section 362 CrPC. Typical examples are a copying mistake or an incorrect total. Correcting the recorded expression of the decision does not permit the court to decide the merits again. [BNSS section 403.]

67. Which section of Negotiable Instruments Act, 1881 governs the dishonour of cheque for insufficiency of funds?

(1) section 132
(2) section 129
(3) section 138
(4) section 136

Answer: (3) section 138

Section 138 applies to dishonour of a cheque issued for a legally enforceable debt or other liability where funds are insufficient or the amount exceeds the arrangement with the bank. Dishonour alone does not complete the offence. The statutory notice and the drawer's failure to pay within the permitted period also matter.

68. A time barred debt can be claimed by way of -

(1) Counter claim
(2) Fresh suit
(3) Set off
(4) None of the above

Answer: (4) None of the above

A counterclaim is treated as a separate claim for limitation, and a legal set-off requires a sum legally recoverable from the plaintiff. Recasting an already time-barred claim under those headings does not revive it. A fresh written and signed promise to pay a time-barred debt raises a different contractual question.

69. Grave and sudden provocation is -

(1) A question of law
(2) A question of fact
(3) A mixed question of fact and law
(4) A presumption of law

Answer: (2) A question of fact

The explanation to Exception 1 of section 300 IPC expressly treats the sufficiency of grave and sudden provocation as a question of fact. The court considers what happened and whether self-control was actually lost. No automatic presumption arises merely because the accused describes the provocation as grave. [BNS section 101.]

70. The remedies available to a 'person in conflict with law' as defined under Juvenile Justice Act involved in a criminal case -

(1) To obtain Regular bail
(2) To obtain Anticipatory bail
(3) To approach juvenile justice Board
(4) None of the above

Answer: (3) To approach juvenile justice Board

The Juvenile Justice Board is the statutory forum for a child alleged to be in conflict with law. The Act provides a specific release-on-bail procedure when the child is apprehended, detained, appears or is brought before the Board. Refusal requires statutory grounds and recorded reasons.

71. Who has to administer oath to a witness -

(1) Counsel of the witness
(2) Bench Clerk
(3) Office Sub-ordinate on duty
(4) Presiding officer

Answer: (4) Presiding officer

Rule 51 of the Criminal Rules of Practice directs the Sessions Judge or Magistrate personally to administer the oath to a witness or interpreter. The presiding judicial officer therefore performs this step before testimony. Counsel calling the witness and court staff cannot assume that role merely because they are present.

72. Limitation prescribed for enforcement of a decree of mandatory injunction is -

(1) 6 years
(2) 9 years
(3) 10 years
(4) 12 years

Answer: No printed option — Three years

Article 135 allows three years to enforce a decree granting a mandatory injunction. Time runs from the decree or, if it fixes a date for performance, from that date. Article 136's ordinary twelve-year execution period expressly excludes a decree granting a mandatory injunction. None of the periods printed here is correct.

73. The period prescribed under Section 148A of CPC-

(1) 30 days
(2) 90 days
(3) 60 days
(4) 120 days

Answer: (2) 90 days

A caveat ordinarily expires ninety days after it is lodged. Section 148A preserves its operation if the anticipated application is made before the ninety days end. The period is measured from lodgement of the caveat, rather than from the date on which a party later receives notice.

74. "Former Suit" referred in Explanation I of Section 11 of C.P.C. connotes -

(1) A suit which has been decided prior to the suit in question
(2) A suit which was dismissed for default
(3) A suit dismissed as withdrawn
(4) All the above

Answer: (1) A suit which has been decided prior to the suit in question

For res judicata, the former suit is the suit decided before the suit now under consideration, whether instituted before or after it. The order of decisions is decisive for this definition. Dismissal for default or withdrawal does not, merely by ending the proceeding, establish a final adjudication of the issue.

75. To institute a suit against Government -

(1) Serve 2 months prior notice
(2) File an application to dispense with issuance of notice
(3) None of the above
(4) Both (a) and (b)

Answer: (4) Both (a) and (b)

Ordinarily the plaintiff must give the Government two months' prior written notice. A suit seeking urgent or immediate relief may be instituted without that notice with the court's leave. Merely filing an application seeking dispensation does not grant the exception. The plaintiff must obtain the required judicial permission.

76. After completion of investigation and filing of final report, Magistrate shall -

(1) Take cognizance of the same and issue summons to the accused
(2) If the final report is filed stating that lack of evidence, false or civil in nature, send the notice to the complainant to enable him to file protest petition
(3) Both (a) and (b)
(4) None of the above

Answer: (3) Both (a) and (b)

The Magistrate examines the police report before deciding whether there are grounds to take cognizance and issue process. If the report recommends closure, the informant must have an opportunity to be heard before it is accepted. The police recommendation does not bind the Magistrate. [BNSS sections 193 and 210.]

77. To cross examine one's own witness -

(1) On obtaining permission of the court
(2) By declaring the witness as Hostile
(3) By declaring the witness as Hostile and on obtaining permission from the court
(4) None of the above

Answer: (1) On obtaining permission of the court

The party calling a witness needs the court's permission to ask questions normally put in cross-examination. Section 154 leaves that decision to the court. A formal declaration that the witness is hostile is not a statutory prerequisite, and obtaining permission does not automatically erase the witness's testimony. [BSA section 157.]

78. The Magistrate shall dispose of a petition filed under Section 12 of The Protection of Women from Domestic Violence Act within -

(1) 3 years from the date of filing
(2) 60 days from the first date of hearing
(3) One year from the date of filing
(4) 180 days from the first date of hearing

Answer: (2) 60 days from the first date of hearing

The Magistrate must endeavour to dispose of the application within sixty days from its first hearing. The date of filing is a different date and does not start this particular period. The wording sets a disposal target rather than directing automatic dismissal if the sixty days expire.

79. The investigating officer can summon a person under Section 160 Cr.P.C. -

(1) An accused
(2) A suspect accused
(3) A witness
(4) All the above

Answer: (3) A witness

An investigating officer can issue a written attendance order to a person who appears acquainted with the facts and circumstances of the case. The section contains territorial limits and special protections as to where certain persons may be required to attend. Its object is the examination of witnesses during investigation. [BNSS section 179.]

80. The statement under Section 164 Cr.P.C shall be recorded by:

(1) Magistrate
(2) Investigating Officer
(3) Sessions Judge
(4) All the above

Answer: (1) Magistrate

A Metropolitan Magistrate or Judicial Magistrate may record the statement even without jurisdiction to try the case. Where a confession is involved, the Magistrate must explain that the maker is under no obligation to confess and satisfy himself that the confession is voluntary. A police interview is a different procedure. [BNSS section 183.]

81. Pre-requisites for conducting identification parade:

(1) Requisition from the police to the Magistrate
(2) Witnesses who are summoned for parade shall be kept out of the view of the suspect/accused
(3) Presence of accused
(4) All the above

Answer: (4) All the above

The police request a Magistrate to conduct the identification parade. The suspect must be included, and witnesses must not see the suspect beforehand. Separating witnesses and preventing prior exposure helps test recognition from the incident itself rather than from a glimpse of the suspect at the parade venue.

82. What is the period prescribed under Limitation Act to set-aside a decree passed ex-parte

(1) 30 days
(2) 90 days
(3) 120 days
(4) 3 years

Answer: (1) 30 days

Article 123 ordinarily gives thirty days from the date of the ex parte decree. If summons or notice was not duly served, time runs from when the applicant acquired knowledge of the decree. The application must also establish one of the grounds for setting aside the decree.

83. What is the period prescribed to file a petition to set-aside an abatement?

(1) 30 days
(2) 60 days
(3) 90 days
(4) 120 days

Answer: (2) 60 days

Article 121 gives sixty days from abatement to apply to set it aside. The ninety-day period in Article 120 serves a different purpose. It is ordinarily the period for bringing a deceased party's legal representatives on record. An applicant must identify which procedural step is now required.

84. Which of the following statements with regard to dying declaration is correct?

(1) Investigating officer cannot discard the dying declaration
(2) Conviction can be recorded on the sole basis of dying declaration
(3) Investigating officer can discard the dying declaration and file final report
(4) Both (a) and (b)

Answer: (2) Conviction can be recorded on the sole basis of dying declaration

A reliable and voluntary statement by the deceased concerning the cause or circumstances of death may sustain a conviction without independent corroboration. The court must examine its credibility, including the maker's opportunity and capacity to speak. Recording the statement does not make conviction automatic. [BSA section 26.]

85. Under what circumstances a plaint can be rejected -

(1) Where it does not disclose cause of action
(2) Where it is not filed in duplicate
(3) Where the suit appears from the statement in the plaint to be barred by any law
(4) All the above

Answer: (4) All the above

All three defects appear in Order VII Rule 11. The court rejects a plaint that lacks a cause of action, shows on its own statements that the suit is barred by law, or is not filed in duplicate. A disputed defence, by itself, does not establish the statutory bar.

86. A suit can be instituted in a court within the local limits -

(1) Where plaintiff resides
(2) Where the defendant resides
(3) Where cause of the action wholly or in part arises
(4) (b) and (c)

Answer: (4) (b) and (c)

For suits governed by section 20, the defendant's residence, business or place of work can furnish territorial jurisdiction. The place where the cause of action arose, wholly or in part, is another basis. The plaintiff's residence alone does not ordinarily give jurisdiction under this provision.

87. A statement given before the police u/s 161 of Cr.P.C.:

(1) Admissible in evidence
(2) Inadmissible in evidence
(3) Admissible in part
(4) None of the above

Answer: (2) Inadmissible in evidence

A witness's statement to police during investigation is not substantive evidence of the facts stated. It may be used for the limited purpose of contradicting the witness in the prescribed manner, subject to the statutory exceptions. The witness's sworn testimony in court supplies the evidence at trial. [BNSS sections 180–181.]

88. To constitute an offence of 'Stalking'

(1) A man shall follow a woman
(2) A man shall contact or attempt to contact such woman to foster personal interaction
(3) Monitors the use by a woman of the internet, e-mail or any other form of electronic communication
(4) All the above

Answer: (4) All the above

The first limb of stalking requires following and repeatedly seeking personal interaction despite a clear indication of disinterest. A separate limb covers monitoring a woman's internet, email or other electronic communications. The electronic conduct need not accompany physical following. Section 354D IPC also provides specified exceptions. [BNS section 78.]

89. In an execution petition the following property cannot be attached

(1) land
(2) cheques
(3) part of the salary
(4) shares

Answer: (3) part of the salary

The CPC protects a prescribed portion of salary against attachment. The extent of protection depends, among other things, on whether the decree is for maintenance. Land, cheques and shares can ordinarily be attached if they belong to the judgment-debtor and no specific exemption applies.

90. In which of the following proceeding Anticipatory Bail petition is not maintainable -

(1) Offence under Section 498A of IPC
(2) Offences under provisions of JJ Act
(3) Offences under the provisions of POCSO Act
(4) Telangana Gaming Act

Answer: No printed option — No blanket bar stated in these choices

In 2023, section 438(4) CrPC excluded specified IPC sexual offences. POCSO applied criminal procedure, including bail provisions, subject to its own terms. A POCSO charge alone

did not create a universal exclusion. The juvenile justice legislation has a separate procedure for children. The actual charges and the person's status matter. [BNSS section 482.]

91. 'Cognizable offence' as defined in Section 2 (c) of Criminal Procedure Code means:

(1) offence of serious nature
(2) non bailable offence
(3) bailable offence
(4) an offence where police officer may arrest without warrant

Answer: (4) an offence where police officer may arrest without warrant

The distinguishing feature of a cognizable offence is legal authority for a police officer to arrest without warrant under the applicable schedule or other law. Classification as bailable or non-bailable answers a different question. The power to arrest does not mean arrest is compulsory in every case. [BNSS section 2.]

92. Doctrine of lis pendense provided under Section 52 of the Transfer of Property Act lays down:

(1) pending suit, parties are prohibited to alienate the property
(2) parties are at liberty to alienate the property
(3) if alienation is made, it is subject to certain conditions
(4) the parties are bound by the decree passed by the court

Answer: (3) if alienation is made, it is subject to certain conditions

A transfer during a non-collusive suit directly concerning rights in immovable property cannot defeat rights declared by the eventual decree. A purchaser therefore takes subject to the result of the litigation. The court may authorize a disposition on terms. A transfer is not void simply because the suit is pending.

93. Registration of multiple FIRs is permissible

(1) If the allegations are not same in all the FIRs
(2) If the complainants are different
(3) If cause of action is different
(4) All the above

Answer: (3) If cause of action is different

A distinct incident or transaction may justify a fresh FIR. Further information from another complainant about the same occurrence ordinarily belongs in the existing investigation. A genuine counter-version may also be separately investigated. Merely changing the complainant or adding a detail does not justify successive FIRs against the same person. [BNSS section 173.]

94. 'Document' as per Indian Evidence Act means, matter expressed or described in the form of

(1) Letters
(2) Figures or marks
(3) (a) and (b)
(4) None of the above

Answer: (3) (a) and (b)

The statutory definition covers matter recorded or expressed on a substance through letters, figures or marks, alone or in combination, for the purpose of recording that matter. A written statement and a marked plan can therefore both be documents. The definition extends beyond conventional writing on paper. [BSA section 2.]

95. Which of the properties that can be seized by a police officer by exercising powers under Section 102 Cr.P.C

(1) Bank Account
(2) Any property which may be alleged or suspected to be stolen
(3) Property found under circumstances which creates a suspicion of commission of any offence
(4) All the above

Answer: (4) All the above

Police may seize property suspected to be stolen or found in circumstances creating suspicion of an offence. A bank account connected with the suspected offence can fall within that power. A connection to the alleged offence matters. The police must also report the seizure to the jurisdictional Magistrate. [BNSS section 106.]

96. The Competent authority to pass confiscation order under Telangana Excise Act, 1968

(1) Commissioner of Prohibition and Excise
(2) Jurisdictional Dy. Commissioner of Prohibition & Excise
(3) Jurisdictional Asst. Commissioner of Prohibition & Excise
(4) Station House Officer of the Concerned Prohibition & Excise station

Answer: (2) Jurisdictional Dy. Commissioner of Prohibition & Excise

The seizing officer produces the property before the Deputy Commissioner of Prohibition and Excise having jurisdiction over the area. On being satisfied that an offence has been committed, that officer may order confiscation. The Commissioner's appellate role is distinct from the Deputy Commissioner's original confiscation power.

97. Filing of Vakalat is -

(1) On the request made by the presiding officer
(2) On the request made by the client
(3) Mandatory
(4) All the above

Answer: (3) Mandatory

A pleader acting for a party ordinarily needs written appointment signed by the party or an authorized representative and filed in court. The vakalat records that authority. The question concerns an advocate acting for a litigant. A party appearing personally does not need to appoint an advocate.

98. In execution of a decree, if a person is detained in a civil imprisonment, the subsistence allowance has to be paid by

(1) State Government
(2) jail authorities
(3) Central Government
(4) Decree holder

Answer: (4) Decree holder

The decree-holder must deposit subsistence money before the judgment-debtor can be arrested and must provide the prescribed allowance during detention. The court fixes or applies the applicable scale. Although the debtor is held in civil prison, the immediate funding obligation rests on the party seeking execution.

99. Under the provisions of the Code of Civil Procedure, 1908, which of the following injunctions are provided?

(1) permanent and temporary injunction
(2) permanent and mandatory injunction
(3) only temporary injunction
(4) all the above

Answer: (3) only temporary injunction

Order XXXIX CPC provides for temporary injunctions to preserve the position during litigation. A perpetual injunction is granted by decree on the merits under the Specific Relief Act. The question identifies the procedural code, so the answer turns on its provision for temporary protection pending adjudication.

100. Under Section 114 of the Civil Procedure Code, 1908, which Court has the power to review a judgement or order?

(1) High Court
(2) Supreme Court
(3) Appellate Court
(4) Same Court

Answer: (4) Same Court

Review is sought from the court that passed the decree or made the order. The applicant must satisfy the prescribed grounds, such as discovery of qualifying new evidence or an error apparent on the face of the record. An appeal, by contrast, invokes the jurisdiction of a superior court.