

Haryana Judiciary - Prelims 2011

125 questions. Answer key with solutions follows the paper. Source: lawmock.com - free previous-year papers & mock tests.

Q1. The Directive Principles of State Policy as embodied in Chapter IV of the Constitution were derived by us from

- (a) The Constitution of Ireland
- (b) The Constitution of U.S.S.R.
- (c) The Constitution of Switzerland
- (d) The Gandhian Constitution for Free India

Q2. State which of the following statements is correct:

- (a) Preamble is not part of the Constitution
- (b) Preamble is part of the Constitution and relates to its basic structure,
- (c) Preamble is not part of the Constitution but a sort of introduction to the Constitution,
- (d) Preamble is like a prologue to the Constitution

Q3. State which of the following statements is correct

- (a) The American doctrine of waiver of fundamental rights is part of the Indian Constitution.
- (b) No person can waive his fundamental rights under the Indian Constitution as they are sacrosanct and no individual can tinker with them.
- (c) Non-citizen can waive his fundamental rights.
- (d) A citizen can waive his fundamental rights which are for his individual benefit.

Q4. The right to equality means that no person is above law. To this rule, certain exceptions are recognized. State which of the following come under the exception:

- (a) President of India
- (b) Ambassador of the USA.
- (c) Judges of the High Courts.
- (d) All the above

Q5. Which one of the following writs can be issued only against the judicial or quasi-judicial authorities?

- (a) Mandamus
- (b) Habeas Corpus
- (c) Certiorari
- (d) Quo Warranto

Q6. A writ cannot be issued against

- (a) A writ can be issued against the High Court,
- (b) Government of India and State Governments,
- (c) Any authority under the power and control of the Government of India.
- (d) Parliament or a State Legislature.

Q7. The Directive Principles are -

- (a) Justiciable the same way as the fundamental rights.
- (b) Justiciable though not the same way, as the fundamental rights.
- (c) Decorative portions of the Indian Constitution.
- (d) Not justifiable, yet fundamental in the governance of the country

Q8. Which of the following has been withdrawn by RBI In 2011:

- (a) 20 Paisa
- (b) 10 paisa
- (c) 25 Paisa
- (d) 5 paisa

Q9. The total number of Ministers, including the Prime Minister in the Council of Minister should not exceed

- (a) 20% of the total number of members of Lok Sabha.
- (b) 15% of the total number of members of Lok Sabha.
- (c) 20% of the total number of members of Rajya Sabha.
- (d) 15% of the total number of members of both the Houses.

Q10. Who has been conferred with Rajiv Gandhi Khel Ratna Award in the year 2011.

- (a) Abhinav Bindra
- (b) Gagan Narang
- (c) Kapil Dev
- (d) Sachin Tendulkar

Q11. Vast powers and functions vested in the Indian President make him:

- (a) Almost a dictator
- (b) A benevolent ruler
- (c) Real head of the Government
- (d) A nominal Constitutional Head

Q12. Only that person can be appointed a Judge of the Supreme Court who is a citizen of India and:

- (a) Judge of the High Court for at least five years.
- (b) Advocate of the Supreme Court for at least 10 years standing.
- (c) Judge of the High Court for at least ten years.
- (d) Advocate of the High Court for at least fifteen years.

Q13. While a proclamation of emergency is in operation the State Government -

- (a) Cannot legislate.
- (b) Can legislate only on subjects in the Concurrent List
- (c) Can legislate on the subject in the State List.
- (d) Is suspended.

Q14. 'What cannot be done directly cannot be done indirectly'. This statement epitomises, the doctrine of

- (a) Pith and Substance,
- (b) Ancillary Powers,
- (c) Implied Powers,
- (d) Colourable Legislation

Q15. Residuary powers are vested in:

- (a) Executive
- (b) Judiciary
- (c) Parliament
- (d) State legislatures

Q16. Who said that the Supreme Court in India has the highest powers which no other Court in the world possesses?

- (a) Mahatma Gandhi
- (b) Jawahar Lal Nehru
- (c) Sardar Vallabh Bhai Patel
- (d) Alladi Krishna Swamy Iyer

Q17. The Constitution of India is -

- (a) Highly federal
- (b) Highly unitary
- (c) Neither federal nor unitary
- (d) Partly federal and partly unitary

Q18. Who amongst the following is not a 'public officer' within the meaning of Section 2 (17) of C.P.C.

- (a) A Judge
- (b) A person in service under the pay of Government
- (c) Sarpanch of a Gram Panchayat
- (d) All of the above

Q19. Give response to the statement Equality before law under Article 14 of the Constitution is with reference to

- (a) Laws enacted by legislature
- (b) Orders passed by the executive
- (c) Notifications issued by the Government only
- (d) Laws enacted by legislature, executive order etc.

Q20. A change of nature of obligation of a contract is known as

- (a) Repudiation
- (b) Rescission
- (c) Alteration
- (d) None of the above

Q21. Indira Sawhney v. Union of India is a case popularly known as:

- (a) Ayodhya judgement
- (b) Mandal judgement
- (c) Suicide judgment
- (d) Election Commission judgement

Q22. The Advisory opinion tendered by the Supreme Court:

- (a) Is binding on the President
- (b) Is not binding on the President
- (c) Is binding on the President only if it is unanimously made
- (d) Is not made public at all

Q23. Among the following States, which one sends the highest number of members of the Lok Sabha?

- (a) Andhra Pradesh
- (b) Bihar
- (c) Karnataka
- (d) Madhya Pradesh

Q24. A contract, which is formed without the free consent of the parties, is

- (a) Void ab initio
- (b) Void
- (c) Illegal
- (d) Void at the instance of the party whose consent was not free.

Q25. Which of the following legal pleas need not be pleaded

- (a) Estoppel
- (b) Limitation
- (c) res judicata
- (d) None of the above

Q26. At present the Vice President of India is -

- (a) Meera Kumari
- (b) Bhairon Singh Shekhawat
- (c) Dr. Karan Singh
- (d) A.R. Ansari

Q27. The smallest military outfit is called a

- (a) Division
- (b) Brigade
- (c) Section
- (d) Platoon

Q28. India's largest and most sophisticated indigenously built warship which was commissioned in 1994-95 is:

- (a) INS Delhi
- (b) INS Satpura
- (c) INS Mysore
- (d) INS Kulish

Q29. The Battle of Longewala took place in the year:

- (a) 1965
- (b) 1967
- (c) 1969
- (d) 1971

Q30. The National Anthem was first sung at this session of the Indian National Congress in 1911

- (a) Pune
- (b) Calcutta
- (c) Lucknow
- (d) Ahmedabad

Q31. Goodwill of a partnership business is the property of the partnership

- (a) Under Section 14
- (b) Under Section 13
- (c) Under Section 12
- (d) Under Section 11

Q32. The State with the highest population density in India is:

- (a) Uttar Pradesh
- (b) West Bengal
- (c) Gujarat
- (d) Maharashtra

Q33. The Indian State with the highest female sex ratio is:

- (a) Punjab
- (b) Madhya Pradesh
- (c) Maharashtra
- (d) Kerala

Q34. The first recipient of the Bharat Ratna after it was revived in 1980 was:

- (a) Acharya Vinoba Bhave
- (b) Mother Teresa
- (c) M.G. Ramachandran
- (d) V.V. Giri

Q35. Compulsory dissolution of a firm has been provided under

- (a) Section 39 of the Act
- (b) Section 41 of the Act
- (c) Section 40 of the Act
- (d) Section 44 of the Act

Q36. An act done by a partner on behalf of the firm beyond the implied authority

- (a) Can be ratified expressly
- (b) Can be ratified impliedly by conduct
- (c) Either (a) or (b)
- (d) Neither (a) nor (b)

Q37. After dismissal of a complaint under Section 203, a fresh similar complaint on the same facts

- (a) is banned
- (b) Is not banned but will be entertained only in exceptional circumstances
- (c) Is not banned and will be entertained in all circumstances
- (d) Either (a) or (c)

Q38. A new person can be introduced into a firm as a partner under Section 31 of the Act by

- (a) Unanimous consent of all the partners
- (b) Majority consent amongst the partners
- (c) With the consent of the managing partner
- (d) None of the above

Q39. Complaint may relate to:

- (a) A cognizable offence
- (b) A non cognizable offence
- (c) Both (a) & (b) are correct
- (d) Must be for a non-cognizable offence as the police have no power to investigate such an offence.

Q40. If the, person who is competent to compound offence is dead, the compounding

- (a) Cannot be done
- (b) Can be done by the legal representative of the deceased without the permission of the Court
- (c) Can be done by the legal representative of the deceased only with the permission of the Court
- (d) Both (b) & (c)

Q41. In a bailable offence:

- (a) Conditions can be imposed while granting bail by the police officer
- (b) Conditions can be imposed while granting bail by the Court
- (c) No condition can be imposed while granting bail by the police officer or by the Court
- (d) Only mild conditions can be imposed by the Court only

Q42. In case where an inquiry, trial or other proceedings have been conducted in a wrong place:

- (a) The inquiry, trial or other proceedings shall be void ab initio
- (b) The inquiry, trial or other proceedings cannot be set aside as void unless it has occasioned in failure of justice
- (c) The inquiry, trial or other proceedings, cannot be set aside even if it has occasioned in failure of justice
- (d) Either (a) or (c)

Q43. In computing the period of limitation the time during which

- (a) The accused avoided arrest by absconding has to be excluded
- (b) The accused remained absent from India has to be excluded
- (c) Both (a) & (b)
- (d) Neither (a) nor (b)

Q44. Irregularities which do not vitiate trial have been stated in

- (a) Section 460 of Cr.P.C
- (b) Section 461 of Cr.P.C
- (c) Section 462 of Cr.P.C
- (d) Section 466 of Cr.P.C

Q45. Objection as to the lack of territorial jurisdiction of the Criminal Court:

- (a) Can be taken before or at the time of commencement of trial
- (b) Can be taken at any time after the commencement of trial
- (c) Can be taken in appeal for the first time
- (d) All the above.

Q46. Power to recall any witness(es) under Section 311 of Cr.P.C, can be exercised: Singhla's Judicial Service Examinations

- (a) Even after the evidence of both the sides is closed
- (b) After the evidence of the prosecution is closed, but before the evidence of defence is closed
- (c) Before the evidence of the prosecution is closed, if the witness is to be called on the motion of the prosecution
- (d) After the evidence of the prosecution is closed if the witness is called on the motion of the defence

Q47. Words 'competent jurisdiction' under Section 39 of C.P.C. refers to

- (a) Pecuniary jurisdiction of transferee Court
- (b) Territorial jurisdiction of the transferee Court
- (c) Pecuniary and territorial jurisdiction of the transferee Court
- (d) None of the above

Q48. Section 428 Cr.P.C. provides for concession to the effect that period of detention undergone by accused be set off

- (a) Against the substantive period of imprisonment awarded
- (b) Against the period of imprisonment in default of payment of fine
- (c) A & b above
- (d) None of the above

Q49. Under Section 167 of Cr.P.C, the Magistrate can authorise detention for a total period of 90 days during investigation, in cases of offences punishable

- (a) With death
- (b) With imprisonment for life
- (c) With imprisonment for a term not less than 10 years
- (d) All the above

Q50. Under Section 216 of Cr.P.C, the Court has the power to:

- (a) Add to the charge(s) already framed
- (b) Alter the charge(s) already framed
- (c) Neither to alter nor to add to the charge already framed
- (d) Add to and alter the charge both.

Q51. Under Order VI, Rule 17 of C.P.C., an application for amendment of pleadings can be allowed

- (a) Before the commencement of trial
- (b) After the commencement of trial
- (c) Either before or after the commencement of trial
- (d) None of the above

Q52. Under Section 315 of Cr.P.C.

- (a) An accused cannot be a witness
- (b) An accused can be compelled to give his own evidence generally
- (c) An accused can be called as a witness only on his own request in writing
- (d) Either (a) or (b)

Q53. Under Section 439 of Cr.P.C., the jurisdiction to cancel the bail vests with:

- (a) The Court of Sessions
- (b) The High Court
- (c) The Court of Magistrate
- (d) Only (a) &(b)

Q54. With reference to Crime response the following:

- (a) It is a state wrong
- (b) It is a civil wrong
- (c) It is a private wrong
- (d) None of the above

Q55. Actus Reus includes

- (a) Positive (intentional doing) as well as negative (intentional non-doing, i.e. omission) acts.
- (b) Only positive acts.
- (c) External (bodily) as well as internal (mind) acts
- (d) Both (a) and (c)

Q56. Section 34 of I.P.C,

- (a) Creates a substantive offence
- (b) Is a rule of evidence
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

Q57. Preparation and attempt are two stages of commission of crime. Preparation is not punishable generally but attempt is, One basic reason as to why preparation is not punishable is that there:

- (a) Is no nexus between preparation and attempt.
- (b) Can be chances of change of mind before commission of offence
- (c) Is absence of intention.
- (d) Is absence of attempt.

Q58. Illegal signifies:

- (a) Every thing which is an offence
- (b) Every thing which is prohibited by law
- (c) Everything which furnishes ground for civil action
- (d) All the above

Q59. How many types of punishments have been prescribed under the Indian Penal Code:

- (a) Three
- (b) Six
- (c) Five
- (d) Four

Q60. Second appeal under Section 100 of CP.C. lies

- (a) On question of facts
- (b) On substantial questions of law
- (c) On mixed question of law & fact
- (d) None of the above

Q61. The maxim 'ignorantia juris non excusat' means:

- (a) Ignorance of law is no excuse
- (b) Ignorance of fact is no excuse
- (c) Ignorance of law is an excuse
- (d) Ignorance of fact is an excuse

Q62. Section 76 & Section 79 of I.P.C provide the general exception of

- (a) Mistake of law
- (b) Mistake of fact
- (c) Both mistake of law and fact
- (d) Either mistake of law or of fact

Q63. A hang man who hangs the prisoners pursuant to the order of the Court is exempt from criminal liability by virtue of

- (a) Section 76 of I.P.C.
- (b) Section 78 of I.P.C
- (c) Section 77 of I.P.C
- (d) Section 80 of I.P.C.

Q64. "A", with the intention to kill, shoots aiming at "B", instead "C" gets killed. The principle for holding "A" liable is known as

- (a) The doctrine of intention
- (b) The doctrine of transferred malice
- (c) The doctrine that no one can escape
- (d) None of these

Q65. The right to private defence is based on the natural instinct of

- (a) Self-preservation
- (b) Self-respect
- (c) Self-sufficiency
- (d) Self-reliance

Q66. Section 511 does not apply in the case of

- (a) Attempt of riot
- (b) Attempt of murder
- (c) Attempt of theft
- (d) Attempt of affray

Q67. The essence of sedition is

- (a) Intention
- (b) Benefits or gains of the accused
- (c) Result
- (d) Both intention and result.

Q68. A mental pain is

- (a) Also covered under the offence of simple hurt.
- (b) Not covered under the offence of simple hurt.
- (c) Sometimes covered under the offence of simple hurt.
- (d) None of the above.

Q69. Under Indian Penal Code, there can be abetment to

- (a) A person of unsound mind
- (b) An infant
- (c) Both (a) & (b)
- (d) Neither (a) nor (b)

Q70. In which of the following cases, the punishment must be 'simple'

- (a) Refusing to take an oath.
- (b) Disobedience to an order duly promulgated by a public servant.
- (c) Wrongful restraint.
- (d) All of the above.

Q71. Fight under Section 159 of I.P.C. signifies

- (a) Two opposite parties actively involved
- (b) Two parties one of which is passive
- (c) Two parties both of which are passive
- (d) None of the above

Q72. Misconduct in public by a drunken person is

- (a) Public mischief
- (b) Annoyance
- (c) Intentional insult
- (d) All of the above

Q73. Which of the following is defamation:

- (a) X says, "Y is an honest man, he never stole Z's watch," intending to cause it to be believed that Y did steal Z's watch.
- (b) X is asked, who stole Z's watch? X points to Y,
- (c) X draws a picture of Y running away with Z's watch
- (d) All of the above.

Q74. Assault can be caused by

- (a) Gestures
- (b) Preparations
- (c) Both (a) & (b)
- (d) Neither (a) nor (b)

Q75. Trespass being made in a surreptitious manner (concealment) is called

- (a) House-trespass
- (b) House-breaking
- (c) Lurking house-trespass
- (d) None of the above

Q76. The word 'takes' in Section 361 of I.P.C. signifies

- (a) Taking by force
- (b) Taking by fraud
- (c) Physical taking
- (d) All the above

Q77. The expression 'harm' is used in Section 81 of the Indian Penal Code in the sense of

- (a) Hurt
- (b) Injury or damage
- (c) Physical injury
- (d) Moral wrong or evil

Q78. Which one of the following is not a "Public Servant" -

- (a) Liquidator
- (b) A Civil Judge
- (c) Member of a panchayat assisting a Court of Justice
- (d) Secretary of a Co-operative Society

Q79. The causing of death of child in the mother's womb is not homicide under

- (a) Indian law only
- (b) English law only
- (c) Both English and Indian law
- (d) Neither in Indian law nor in English law

Q80. The difference between Section 34 and Section 149 of Indian Penal Code is

- (a) That whereas in Section 34 there must at least be five persons, Section 149 requires only two persons
- (b) That Section 149 is only a rule of evidence whereas Section 34 creates a specific offence and provides for its punishment
- (c) That Section 34 requires active participation in action whereas Section 149 requires mere passive membership of the unlawful assembly
- (d) That Section 34 need not be joined with the principle offence, whereas Section 149 must be combined with the principle offence,

Q81. A confession made by a person while in police custody is inadmissible under:

- (a) Section 29 of Evidence Act
- (b) Section 26 of Evidence Act
- (c) Section 25 of Evidence Act
- (d) Section 27 of Evidence Act

Q82. A co-defendant in a case

- (a) Cannot be cross-examined by another co-defendant under any circumstance
- (b) Can be cross-examined by another co-defendant if their interests are identical
- (c) Can be cross-examined by another co-defendant when their interests adverse to each other
- (d) Can be cross-examined by another co defendant as a matter of right.

Q83. A dying declaration

- (a) Can form the sole basis of conviction without any corroboration by independent evidence
- (b) Confirm the basis of conviction only on corroboration by independent witness
- (c) Cannot form the sole basis of conviction unless corroborated by independent witness
- (d) Is not a substantive piece of evidence

Q84. A husband or wife are permitted to disclose any communication between them during marriage:

- (a) In civil proceedings between the parties
- (b) In criminal proceedings between the parties
- (c) In matrimonial proceedings between the parties
- (d) All the above

Q85. Admissions

- (a) Are conclusive proof of the matters admitted
- (b) Are not conclusive proof of the matters admitted but operate as estoppel
- (c) Are conclusive proof of the matter and also operate as estoppel
- (d) None of the above

Q86. Alibi is governed by

- (a) Section 9 of Evidence Act
- (b) Section 12 of Evidence Act
- (c) Section 10 of Evidence Act
- (d) Section 11 of Evidence Act

Q87. Burden of introducing evidence under Section 102 of Evidence Act

- (a) Never shifts
- (b) Occasionally shifts
- (c) Constantly shifts
- (d) Only (a) and not (b) or (c)

Q88. Burden of proof is lightened by

- (a) Presumption
- (b) Admissions
- (c) Estoppel
- (d) All of the above

Q89. Contents of a document under Section 59 of Evidence Act

- (a) Can be proved by oral evidence
- (b) Cannot be proved by oral evidence
- (c) May or may not be proved by oral evidence
- (d) Can only be proved by oral evidence under the order of the Court

Q90. Estoppel

- (a) is a cause of action in itself
- (b) Creates a cause of action
- (c) Both (a) & (b) are correct
- (d) Neither (a) nor (b) is correct

Q91. In criminal trials, the accused justification of an offence

- (a) Beyond reasonable doubt
- (b) prima facie
- (c) Substantially has to establish his plea mitigation or
- (d) Partially

Q92. Necessity rule as to the admissibility of evidence is applicable, when the maker of a statement

- (a) is dead or has become incapable of giving evidence
- (b) is a person who can be found but his attendance cannot be procured without unreasonable delay or expenses
- (c) is a person who cannot be found
- (d) All of the above

Q93. Re-examination of a witness

- (a) Can be for the purposes of filling what is left over in examination-in-chief
- (b) Can be for the purposes of explaining the matters referred to in cross examination.
- (c) Can be for the purposes of explaining the matters referred to in the examination-in-chief.
- (d) All the above

Q94. Section 105 of Evidence Act applies to -

- (a) Criminal trials
- (b) Civil trials
- (c) Both (a) & (b)
- (d) Neither (a) nor (b)

Q95. Testimony of an accomplice before it is accepted & acted upon

- (a) Must be corroborated from the testimony of another accomplice.
- (b) Must be corroborated from an independent source
- (c) Need not be corroborated at all
- (d) Either (a) or (c)

Q96. The term "character" as explained in Section 55 of the Indian Evidence Act, 1872, means

- (a) Good and bad character
- (b) Reputation and disposition of general nature
- (c) Reputation formed on the basis of particular disposition
- (d) Character in a criminal act

Q97. Under the law of evidence, as a general rule

- (a) Opinion on a matter of fact is relevant but not on a matter of law
- (b) Opinion on a matter of law is relevant but not on a matter of fact
- (c) Opinion on a matter of fact and law both are relevant
- (d) Opinion whether on a matter of fact or law, is irrelevant

Q98. A post-marriage agreement to live separately in future is

- (a) Void
- (b) Voidable
- (c) Valid
- (d) Invalid

Q99. After the passing of a decree for judicial separation, cohabitation is

- (a) Obligatory
- (b) Not obligatory
- (c) Directory
- (d) Either (a) or (b)

Q100. Degrees of prohibited relationship include relationship by

- (a) Full blood
- (b) Half or uterine blood
- (c) Adoption
- (d) All the above

Q101. Insanity is a ground for

- (a) Getting the marriage annulled as voidable
- (b) Judicial separation
- (c) Divorce
- (d) All the above

Q102. Remedy of restitution of conjugal rights is aimed at

- (a) Dissolving the marriage
- (b) Preserving the marriage
- (c) Both (a) & (b)
- (d) Either (a) or (b)

Q103. Under Muslim Law, the only natural guardian

- (a) Father
- (b) Mother
- (c) Grand-father
- (d) Grand-mother

Q104. The renunciation of Islam by a married Muslim women of her conversion to a faith other than Islam

- (a) Shall not by itself dissolve marriage
- (b) Shall by itself dissolve marriage
- (c) May by itself dissolve marriage
- (d) None of the above

Q105. Mother's right to have the custody of minor child is known as

- (a) Hizanat
- (b) Hazina
- (c) Khula
- (d) Ahula

Q106. A decision on issue of law

- (a) Shall always operate as res judicata
- (b) Shall never operate as res judicata
- (c) May or may not operate as res judicata
- (d) None of the above

Q107. A defendant under Order V, Rule 1

- (a) Within 90 days from the date of service of summons
- (b) Within 60 days from the date of service of summons
- (c) Within 30 days from the date of service of summons
- (d) Within 15 days from the date of service of summons

Q108. A party filing affidavit in reply to interrogatories

- (a) Can be cross-examined upon it
- (b) The other party can adduce evidence to contradict it
- (c) Can neither cross-examine nor adduce any evidence to contradict it, as it is a conclusive proof
- (d) None of the above

Q109. A person arrested or detained in civil imprisonment in execution can be released

- (a) On payment of the outstanding amount
- (b) On the ground of illness of self
- (c) On the ground of illness of a member of his family
- (d) Both (a) and (b) of a decree

Q110. A plaint can be rejected

- (a) Under Order 8, Rule 10 of C.P.C
- (b) Under Order 8, Rule 10A of CP.C
- (c) Under Order 7, Rule 11 of CP.C
- (d) None of the above

Q111. A suit filed on behalf of a minor can be

- (a) Withdrawn at any time as a matter of right
- (b) Cannot be withdrawn
- (c) Withdrawn only with the leave of the Court
- (d) None of the above

Q112. A witness who has already been examined can be recalled under Order 18, Rule 17 of C.P.C.

- (a) By the party calling the witness
- (b) By the opposite party
- (c) By the Court
- (d) None of the above

Q113. After dismissal of suit under Order 9, Rule 8 of CP.C, a fresh suit on the same cause of action, under Order 9 Rule.9 of C.P.C

- (a) Is barred
- (b) Is not barred under any circumstances
- (c) Is not barred subject to law of limitation
- (d) None of the above

Q114. An executing Court can go behind the decree where

- (a) The decree has been passed without jurisdiction-pecuniary, territorial, or subject-matter.
- (b) The decree is a nullity having been passed against a dead person Without bringing his legal representatives on the record.
- (c) Where the decree is ambiguous
- (d) None of the above

Q115. Compromise under Order XXIII, Rule 3 of C.P.C

- (a) Must be in writing and signed by the parties
- (b) Must be in writing but need not be signed by the parties
- (c) Must be in writing but need not be lawful
- (d) None of the above

Q116. For the application of the principle res subjudice, which of the following is essential

- (a) Suits between the same parties or litigating under the same title
- (b) The two suits must be pending disposal in a Court
- (c) The matters in issue in the two suits must be directly and substantially the same
- (d) None of the above

Q117. If a document, which ought to be produced in the Court along with the pleadings, is not produced, under Order VII, Rule 14(3) of C.P.C. at the hearing of the suit

- (a) The same shall not be received in evidence on behalf of the plaintiff
- (b) The same shall not be received in evidence on behalf of the defendant
- (c) The same shall not be received in evidence on behalf of third party
- (d) None of the above

Q118. Inherent powers under Section 151 of C.P.C. are

- (a) Discretion in nature
- (b) In addition to the power conferred under the other provision of the Code
- (c) Both (a) & (b)
- (d) None of the above

Q119. Legal representative under Section 2(11) of C.P.C. means a person who is a -

- (a) Relative of parties to the suit
- (b) Co-sharer of the benefits assuming to the parties to the suit
- (c) Who in law represents the estate of the deceased
- (d) None of the above

Q120. Lodging of caveat under Section 148-A of C.P.C.

- (a) Entitles the caveator to receive notice of the application
- (b) Makes the caveat or a party to the suit
- (c) Both (a) & (b)
- (d) None of the above

Q121. On default in filing of written statement under Order 8, pronouncement of judgement

- (a) Is mandatory
- (b) Discretionary
- (c) Directory Rule 10 of CPC.
- (d) None of the above

Q122. Parties by their consent/agreement

- (a) Can confer jurisdiction on a Court, where there is none in law
- (b) Can oust the jurisdiction of the Court where there is one in law
- (c) Can oust the jurisdiction of one of the Courts when there are two simultaneously having jurisdiction in law.
- (d) None of the above.

Q123. Provisions of Section 10 of C.P.C. are

- (a) Directory
- (b) Mandatory
- (c) Discretionary
- (d) None of the above

Q124. Provisions of Section 80 of C.P.C. are binding on

- (a) The Court of a Civil Judge
- (b) The Court of District Judge
- (c) The High Court
- (d) All of the above

Q125. Review is maintainable

- (a) When an appeal is provided, but no appeal preferred
- (b) When no appeal is provided
- (c) Both (a) & (b)
- (d) Neither (a) nor (b)

Answer Key & Solutions

Q1. Answer: A

The Directive Principles of State Policy (Part IV) were borrowed from the Constitution of Ireland (which itself drew on the Spanish Constitution).

Q2. Answer: B

Per *Kesavananda Bharati v. State of Kerala* (1973) and *LIC v. Manubhai Shah*, the Preamble is a part of the Constitution and reflects its basic structure.

Q3. Answer: D

In *Behram Khurshid Pesikaka and Bhasheshar Nath v. CIT*, the Supreme Court held a citizen may waive fundamental rights conferred solely for his individual benefit (though not those founded on public policy).

Q4. Answer: D

The President (Art. 361 immunity), a foreign ambassador (diplomatic immunity) and High Court judges (judicial immunity) all enjoy recognised exceptions to equality before law; hence all the above.

Q5. Answer: C

Certiorari (and prohibition) issue only against judicial or quasi-judicial authorities to quash/prevent excess of jurisdiction; mandamus, habeas corpus and quo warranto have wider application.

Q6. Answer: D

A writ cannot be issued against Parliament or a State Legislature in respect of their legislative proceedings/privileges; courts otherwise enjoy immunity from writs only against judicial functions.

Q7. Answer: D

Article 37 expressly makes the Directive Principles not enforceable by any court, yet fundamental in the governance of the country.

Q8. Answer: C

Coins of 25 paise and below ceased to be legal tender from 30 June 2011 per RBI/Government notification; the 25 paise coin was withdrawn in 2011.

Q9. Answer: B

Article 75(1A) (inserted by the 91st Amendment, 2003) caps the Council of Ministers including the PM at 15% of the total strength of the Lok Sabha.

Q10. Answer: B

Ace shooter Gagan Narang was conferred the Rajiv Gandhi Khel Ratna Award for 2011.

Q11. Answer: D

Despite the wide language of his powers, the President acts on the aid and advice of the Council of Ministers (Art. 74) and is a nominal/constitutional head of State.

Q12. Answer: A

Article 124(3): a person qualifies as a Supreme Court judge if he has been a High Court judge for at least 5 years, or an HC advocate for 10 years, or is a distinguished jurist; option (a) correctly states the 5-year HC judge qualification.

Q13. Answer: C

During a proclamation of emergency under Art. 352, Parliament gets power over State List subjects (Art. 250) but the State Legislature is not displaced and can still legislate on the State List.

Q14. Answer: D

The maxim that what cannot be done directly cannot be done indirectly is the essence of the doctrine of colourable legislation.

Q15. Answer: C

Article 248 read with Entry 97 of List I vests residuary powers of legislation in Parliament.

Q16. Answer: D

Alladi Krishnaswami Iyer, a member of the Drafting Committee, made this observation in the Constituent Assembly about the Supreme Court's powers.

Q17. Answer: D

The Indian Constitution is quasi-federal: partly federal and partly unitary, with a strong central tilt (per K.C. Wheare and the Supreme Court in cases like *State of West Bengal v. Union of India*).

Q18. Answer: C

Section 2(17) CPC enumerates public officers; a Judge and a person in government pay are covered, but a Sarpanch of a Gram Panchayat is not a public officer within that definition.

Q19. Answer: D

Article 14's guarantee of equality before law operates against the State in all its forms - laws enacted by the legislature, executive orders, notifications etc.

Q20. Answer: C

A change in the nature of the obligation of a contract is termed alteration; novation/repudiation/rescission denote other modes of discharge.

Q21. Answer: B

Indra Sawhney v. Union of India (1992) dealt with reservations for OBCs and is popularly known as the Mandal Commission judgment.

Q22. Answer: B

An advisory opinion under Article 143 is consultative and is not binding on the President.

Q23. Answer: A

In 2011 (undivided Andhra Pradesh, pre-Telangana), Andhra Pradesh had 42 Lok Sabha seats - more than Bihar (40), Madhya Pradesh (29) and Karnataka (28).

Q24. Answer: D

Under Section 19 of the Contract Act, an agreement made without free consent (caused by coercion, fraud or misrepresentation) is voidable at the option of the party whose consent was not free.

Q25. Answer: D

Estoppel, limitation and res judicata must all be specifically pleaded to be relied upon; hence none of these need-not-be-pleaded pleas qualify - the answer is 'None of the above'.

Q26. Answer: D

As of 2011 (when this paper was set) the Vice President of India was Mohammad Hamid Ansari. Option (d) 'A.R. Ansari' is the garbled/OCR rendering of Hamid Ansari and is the intended answer; the other names (Meira Kumar, Shekhawat, Karan Singh) are clearly wrong.

Q27. Answer: C

In army organisation the order of size (largest to smallest) runs Division > Brigade > Battalion > Company > Platoon > Section. The Section is the smallest sub-unit, so among the given options it is the smallest military outfit.

Q28. Answer: A

INS Delhi (D61), lead ship of the Delhi-class, is India's largest indigenously built warship of that era (built at Mazagon Dock). The question's '1994-95' date is inaccurate (she was commissioned 15 Nov 1997) but INS Delhi is the only correct match among the options.

Q29. Answer: D

The Battle of Longewala was fought on 4-7 December 1971 during the Indo-Pakistani War of 1971. Hence 1971.

Q30. Answer: B

Jana Gana Mana was first publicly sung on 27 December 1911 at the Calcutta session of the Indian National Congress.

Q31. Answer: A

Section 14 of the Indian Partnership Act, 1932 defines 'property of the firm' and expressly includes the goodwill of the business as partnership property.

Q32. Answer: B

Among the listed states, West Bengal has the highest population density (about 1,028 persons per sq km per the 2011 Census), exceeding UP, Gujarat and Maharashtra.

Q33. Answer: D

Kerala has the highest female sex ratio in India (1,084 females per 1,000 males in the 2011 Census), far above Punjab, MP and Maharashtra.

Q34. Answer: A

After the Bharat Ratna was revived in 1980, the first recipient was Acharya Vinoba Bhave (awarded posthumously in 1983).

Q35. Answer: A

Compulsory dissolution of a firm is provided under Section 39 of the Indian Partnership Act, 1932 (note: the original heading 'Dissolution of a firm' is in s.39; compulsory dissolution as a mode is the first statutory ground in the dissolution chapter). The intended key is Section 39.

Q36. Answer: C

An act done beyond a partner's implied authority can be validated by ratification, and ratification may be either express or implied (by conduct). Hence either (a) or (b).

Q37. Answer: B

After dismissal of a complaint under Section 203 CrPC, a fresh complaint on the same facts is not absolutely barred but, as held in *Pramatha Nath Talukdar v. Saroj Ranjan Sarkar*, it can be entertained only in exceptional circumstances.

Q38. Answer: A

Under Section 31 of the Indian Partnership Act, 1932, a new partner can be introduced only with the consent of all the existing partners (subject to contract), i.e. unanimous consent.

Q39. Answer: C

A complaint under CrPC may relate to either a cognizable or a non-cognizable offence; the definition of 'complaint' in Section 2(d) is not confined to non-cognizable offences. Hence both (a) and (b).

Q40. Answer: C

Under Section 320(4)(b) CrPC, where the person competent to compound is dead, his legal representative may compound the offence, but only with the consent of the Court.

Q41. Answer: C

In a bailable offence, bail is a matter of right under Section 436 CrPC and no conditions may be imposed by either the police officer or the court while granting it.

Q42. Answer: B

Under Section 462 CrPC, proceedings held in a wrong place (wrong sessions division/district) are not void unless the error has in fact occasioned a failure of justice.

Q43. Answer: C

Under Section 470 CrPC (exclusion of time), time during which the accused has absconded/avoided arrest and time he was absent from India are both excluded in computing limitation. Hence both (a) and (b).

Q44. Answer: C

Section 462 CrPC deals with proceedings in wrong place which do not vitiate trial; however the cluster of curable irregularities not vitiating proceedings is in Section 460 (irregularities that do not vitiate) and Section 461 (those that do).

The settled key here is Section 460/462 - the intended answer is Section 462 Cr.P.C.

Q45. Answer: A

Under Section 462 read with the scheme of CrPC, an objection as to want of territorial jurisdiction of a criminal court must be taken before or at the commencement of the trial, at the earliest opportunity.

Q46. Answer: A

Section 311 CrPC empowers the court, at any stage of inquiry, trial or other proceeding, to summon or recall any witness - even after the evidence of both sides is closed - if essential to a just decision.

Q47. Answer: C

Under Section 39 CPC, 'court of competent jurisdiction' for transfer of a decree means a court competent both pecuniarily and territorially to try the suit. Hence both pecuniary and territorial jurisdiction.

Q48. Answer: A

Section 428 CrPC sets off the period of pre-conviction detention only against the substantive sentence of imprisonment, not against imprisonment imposed in default of payment of fine.

Q49. Answer: D

Under the proviso to Section 167(2) CrPC, the 90-day detention limit applies where the offence is punishable with death, imprisonment for life, or imprisonment for a term of not less than ten years. Hence all the above.

Q50. Answer: D

Section 216 CrPC empowers the court at any time before judgment to alter or add to any charge. Hence the power is to both add to and alter the charge.

Q51. Answer: C

Order VI Rule 17 CPC permits amendment of pleadings at any stage, i.e. either before or after commencement of trial; the proviso only adds that amendment after trial has commenced requires the 'due diligence' test to be satisfied, but it is not barred.

Q52. Answer: C

Under Section 315 Cr.P.C., an accused may be a competent witness for the defence only on his own request in writing; he cannot be compelled to give evidence and is not called otherwise.

Q53. Answer: D

Section 439(2) Cr.P.C. vests the power to cancel bail only in the High Court or the Court of Session, hence only (a) & (b).

Q54. Answer: A

A crime is a wrong against the State/public (state wrong/public wrong), prosecuted by the State, as distinguished from a civil or private wrong.

Q55. Answer: A

Actus reus comprises both positive (intentional doing) and negative (intentional omission) acts; it is the external/physical element, not the mental element, so 'internal mind acts' are excluded.

Q56. Answer: B

Section 34 IPC (common intention) does not create a substantive offence; it is only a rule of evidence/constructive liability read with the substantive offence.

Q57. Answer: B

Preparation is generally not punishable because up to that stage there can still be a change of mind (locus poenitentiae) before the offence is actually committed.

Q58. Answer: D

Section 43 IPC defines 'illegal' as applicable to everything which is an offence, or which is prohibited by law, or which furnishes ground for a civil action.

Q59. Answer: C

Section 53 IPC prescribes five kinds of punishment: death, imprisonment for life, imprisonment (rigorous/simple), forfeiture of property, and fine.

Q60. Answer: B

Under Section 100 CPC, a second appeal lies to the High Court only on a substantial question of law.

Q61. Answer: A

The maxim 'ignorantia juris non excusat' means ignorance of law is no excuse.

Q62. Answer: B

Sections 76 and 79 IPC embody the defence of mistake of fact (a person bound or justified by law, acting under a mistake of fact in good faith); mistake of law is no defence.

Q63. Answer: A

A hangman executing a sentence pursuant to the Court's order is a person bound by law to do it and is protected under Section 76 IPC.

Q64. Answer: B

Where A aiming at B kills C, A is liable on the doctrine of transferred malice/transmigration of intent (Section 301 IPC).

Q65. Answer: A

The right of private defence is founded on the natural instinct of self-preservation.

Q66. Answer: B

Section 511 IPC (general residuary provision for attempts) does not apply to attempt to murder, which has its own specific provision in Section 307 IPC.

Q67. Answer: A

The essence of sedition (Section 124A IPC) is the intention to bring into hatred/contempt or excite disaffection; actual result/incitement is not necessary.

Q68. Answer: B

Hurt under Section 319 IPC means bodily pain, disease or infirmity; mere mental pain is not covered under the offence of simple hurt.

Q69. Answer: C

Under Section 108 IPC Explanation 3, abetment of an offence can exist even though the person abetted is a child or a person of unsound mind incapable of committing the offence; hence both (a) & (b).

Q70. Answer: A

Section 178 IPC (refusing to take oath when duly required by a public servant) prescribes punishment of simple imprisonment; the other listed offences allow imprisonment of either description.

Q71. Answer: A

An affray under Section 159 IPC requires a 'fight', i.e. two or more persons (two opposite parties) actively and bilaterally engaged; if one side is merely passive there is no fight.

Q72. Answer: B

Section 510 IPC punishes misconduct in public by a drunken person who causes annoyance to any person; the offence is one of causing annoyance.

Q73. Answer: D

These are the illustrations to Section 499 IPC; an ironical/innuendo statement, pointing out the thief, and a defamatory drawing/imputation by visible representation all amount to defamation, hence all of the above.

Q74. Answer: A

Assault under Section 351 IPC is caused by a gesture or preparation that causes apprehension of imminent criminal force; mere preparation by itself is not assault, so the correct answer is gestures.

Q75. Answer: C

Where house-trespass is committed by a person taking precautions to conceal such trespass from one who has the right to exclude him, it is lurking house-trespass under Section 443 IPC.

Q76. Answer: D

Per Explanation to s.361 IPC and case law, 'taking' need not be by force or fraud; it means physical taking/causing the minor to go. Courts read it to cover force, fraud and mere physical taking.

Q77. Answer: B

In s.81 IPC (necessity), 'harm' is used in the broad sense of injury or damage of any kind, not merely physical hurt.

Q78. Answer: D

Under s.21 IPC, a liquidator, a civil judge and a panchayat member assisting a court are public servants; the Secretary of a co-operative society is not.

Q79. Answer: C

Causing the death of a child in the mother's womb is not homicide under both English and Indian law; the child must be born to be a 'person' (Explanation 3 to s.299 IPC).

Q80. Answer: B

s.34 IPC is a rule of evidence (constructive joint liability) creating no offence by itself, while s.149 (unlawful assembly of five or more) creates a substantive offence with its own punishment.

Q81. Answer: B

s.26 of the Evidence Act bars confessions made by a person while in police custody (unless in the immediate presence of a Magistrate). s.25 bars confessions to a police officer.

Q82. Answer: C

A co-defendant can be cross-examined by another co-defendant only where their interests are adverse to each other.

Q83. Answer: A

A dying declaration, if found truthful and reliable, can form the sole basis of conviction without corroboration (Khushal Rao v. State of Bombay, AIR 1958 SC 22).

Q84. Answer: B

Under s.122 of the Evidence Act, the privilege for marital communications does not apply in criminal proceedings (suits/prosecutions) between the married persons themselves.

Q85. Answer: B

Under s.31 of the Evidence Act admissions are not conclusive proof but may operate as estoppel; they are not binding in the conclusive sense.

Q86. Answer: D

The plea of alibi is governed by s.11 of the Evidence Act (facts inconsistent with, or rendering highly improbable, a fact in issue).

Q87. Answer: A

s.102 deals with the burden of proof (onus probandi) which never shifts and rests on the party who would fail if no evidence were given; only the burden of adducing evidence (s.103/onus) shifts.

Q88. Answer: D

Presumptions, admissions and estoppel all relieve/lighten the burden of proof by dispensing with the need to prove the admitted/presumed facts.

Q89. Answer: B

Under s.59 of the Evidence Act, all facts except the contents of documents (and electronic records) may be proved by oral evidence; contents of a document cannot be proved by oral evidence.

Q90. Answer: D

Estoppel (s.115) is only a rule of evidence; it is neither a cause of action in itself nor does it create one.

Q91. Answer: B

Under s.105 of the Evidence Act, the accused need only establish his plea of an exception/justification on a preponderance of probabilities (prima facie), not beyond reasonable doubt.

Q92. Answer: D

The 'necessity' principle (e.g. s.32, s.33 Evidence Act) applies when the maker is dead, incapable of giving evidence, cannot be found, or whose attendance cannot be procured without unreasonable delay/expense.

Q93. Answer: B

Under s.138 of the Evidence Act, re-examination is directed to explaining matters referred to in cross-examination; new matter requires the court's leave.

Q94. Answer: A

s.105 (burden of proving that the case falls within a General Exception) applies to criminal trials only.

Q95. Answer: B

Though under s.133 a conviction on uncorroborated accomplice testimony is not illegal, the rule of prudence (illustration (b) to s.114) requires corroboration in material particulars from an independent source.

Q96. Answer: B

The Explanation to s.55 of the Evidence Act states that 'character' includes both reputation and disposition (of a general nature, not particular acts).

Q97. Answer: D

As a general rule opinion evidence, whether on a matter of fact or law, is irrelevant; it is admitted only by way of exception (ss.45-51, expert/special opinions).

Q98. Answer: C

A post-marriage (separation) agreement to live separately in future is valid; only a pre-nuptial agreement to live separately is void as opposed to public policy.

Q99. Answer: B

After a decree of judicial separation (s.10 Hindu Marriage Act), it is no longer obligatory for the parties to cohabit, though the marital tie subsists.

Q100. Answer: D

Under s.3(g) of the Hindu Marriage Act, degrees of prohibited relationship include relationship by full blood, half or uterine blood, and also by adoption.

Q101. Answer: D

Under the Hindu Marriage Act, 1955, unsoundness of mind/insanity is relevant at every stage: it can render a marriage voidable (s.12(1)(b) r/w s.5(ii)) and is also a ground for judicial separation and divorce under s.13(1)(iii). Hence all the above.

Q102. Answer: B

Restitution of conjugal rights (s.9, Hindu Marriage Act, 1955) is a matrimonial remedy designed to preserve the marriage by requiring the withdrawing spouse to return to cohabitation, not to dissolve it.

Q103. Answer: A

Under Muslim law the father is the sole natural guardian of a minor's person and property; on his death guardianship passes to the persons appointed by his will or, failing that, the paternal grandfather. The mother is never a natural guardian.

Q104. Answer: A

Section 4 of the Dissolution of Muslim Marriages Act, 1939 provides that renunciation of Islam or conversion to another faith by a married Muslim woman shall not by itself dissolve her marriage.

Q105. Answer: A

The mother's right to the custody of her minor child under Muslim law is termed 'Hizanat' (Hazarat). Khula is a form of divorce at the wife's instance, not custody.

Q106. Answer: C

A pure question of law decided in an earlier suit may operate as res judicata, but a decision on an erroneous view of law, or on a jurisdictional question of law, does not. Hence it 'may or may not' operate as res judicata (Mathura Prasad v. Dossibai, AIR 1971 SC 2355).

Q107. Answer: C

Under Order V, Rule 1 CPC (post-2002 amendment) the defendant must file the written statement within 30 days from the date of service of summons (extendable up to 90 days for recorded reasons).

Q108. Answer: A

Answers to interrogatories are given on affidavit and may be used as evidence; the party can be cross-examined on the affidavit (Order XI CPC). It is not conclusive proof, so options (b)/(c) are wrong.

Q109. Answer: D

Under Section 58/59 CPC and Order XXI Rules 39-40, a judgment-debtor in civil imprisonment may be released on payment of the amount due (which entitles release) and may be released on the ground of serious illness of himself. Hence both (a) and (b).

Q110. Answer: C

A plaint is rejected under Order VII, Rule 11 CPC (e.g., where it discloses no cause of action, is undervalued, or is insufficiently stamped). Order VIII deals with the written statement, not the plaint.

Q111. Answer: C

Under Order XXXII, Rule 7 CPC, no suit on behalf of a minor (by next friend) can be withdrawn or compromised without the leave of the Court.

Q112. Answer: C

Order XVIII, Rule 17 CPC empowers the Court, at any stage, to recall and re-examine a witness already examined; it is the Court's power, exercised to clarify points, not a right of either party.

Q113. Answer: C

Where a suit is dismissed for plaintiff's default under Order IX, Rule 8 CPC, a fresh suit on the same cause of action is barred (Rule 9), but the plaintiff may apply to set aside the dismissal; the fresh suit, where permissible, is subject to the law of limitation. Best fit is 'not barred subject to law of limitation.'

Q114. Answer: D

An executing court can go behind the decree only in narrow cases: where the decree is a nullity for want of inherent jurisdiction (pecuniary/territorial/subject-matter) or passed against a dead person without LRs. Both (a) and (b) are genuine grounds, but ambiguity (c) is not, so no single option ('all of the above') is offered; the intended key is likely (a) and (b) jointly. Flagged because the options force a single choice while two are correct; 'None of the above' (d) is the safest as no option captures both.

Q115. Answer: A

Under Order XXIII, Rule 3 CPC, a compromise must be in writing and signed by the parties; an oral or unsigned compromise cannot be recorded as a lawful agreement.

Q116. Answer: C

For res sub judice (Section 10 CPC) all conditions must coexist, but the indispensable core is that the matter in issue in the two suits is directly and substantially the same. Among the listed options this is the essential requirement asked for.

Q117. Answer: A

Under Order VII, Rule 14(3) CPC, a document which ought to be produced with the plaint but is not, shall not be received in evidence on behalf of the plaintiff at the hearing without leave of the Court.

Q118. Answer: C

Inherent powers under Section 151 CPC are discretionary and are in addition to (not in derogation of) the powers expressly conferred by the Code. Hence both (a) and (b).

Q119. Answer: C

Section 2(11) CPC defines 'legal representative' as a person who in law represents the estate of a deceased person, and includes one who intermeddles with the estate or on whom the estate devolves on the death of the party.

Q120. Answer: A

Lodging a caveat under Section 148-A CPC entitles the caveator to be served notice of any application made by the applicant; it does not make the caveator a party to the suit.

Q121. Answer: B

On default in filing the written statement, Order VIII, Rule 10 CPC gives the Court discretion to pronounce judgment or make such order as it thinks fit; it is not mandatory (*Balraj Taneja v. Sunil Madan*, AIR 1999 SC 3381).

Q122. Answer: C

Parties cannot by consent confer jurisdiction where none exists, nor wholly oust a court that has jurisdiction; but where two or more courts have jurisdiction, they may by agreement confine litigation to one of them (*Hakam Singh v. Gammon India*, AIR 1971 SC 740).

Q123. Answer: B

Section 10 CPC (stay of suit / res sub judice) is mandatory in terms - it bars the trial of the subsequent suit so long as the prior suit is pending between the same parties on the same matter.

Q124. Answer: D

Section 80 CPC, requiring prior notice before suing the Government or a public officer, is mandatory and binding on all civil courts - Civil Judge, District Judge and High Court alike.

Q125. Answer: C

Under Section 114 r/w Order XLVII, Rule 1 CPC, a review lies both where no appeal is allowed, and where an appeal is allowed but no appeal has been preferred. Hence both (a) and (b).