

Kerala Judiciary - Prelims 2016

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

Q1. An instrument can be rectified under Section 26 of the Specific Relief Act, 1963 if the plaintiff pleads and proves that -

- (a) through a mistake of the parties the contract does not express the real intention.
- (b) on account of coercion by the opposite party the contract does not express the real intention.
- (c) through fraud or mutual mistake of the parties the contract does not express their real intention.
- (d) through misrepresentation of one of the parties the contract does not express their real intention.

Q2. "Decree" means the formal expression of an adjudication which, so far as regards the court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit. Which of the following statements is untrue?

- (a) It may be either preliminary or final.
- (b) It includes the rejection of a complaint.
- (c) It includes the determination of any question within Section 144 CPC.
- (d) It includes an order of dismissal of a suit for default.

Q3. Plaintiff in a suit for specific performance of a contract has necessarily to plead and prove that -

- (a) he had been ready and willing to perform his part of the contract at the time when he entered into the contract.
- (b) he shall perform all his obligations in case the suit is decreed.
- (c) he has performed all his obligations under the contract.
- (d) he has performed and has always been ready and willing to perform the essential terms of the contract.

Q4. If a defendant sets up a counterclaim in a suit, the same may be proceeded with even if-

- (a) the suit by the plaintiff is stayed.
- (b) plaintiff discontinued the suit.
- (c) the suit is dismissed.
- (d) under all the circumstances mentioned above.

Q5. A tenant takes a building on lease in an area notified under the Kerala Buildings (Lease and Rent Control) Act, 1965. He was prohibited from creating a sub-lease by the terms of the lease. Later he forms a partnership with another person and conducts the business. Landlord initiates proceedings under the Act for eviction on the reason of sub-lease. Decide.

- (a) Action is not maintainable since there is no transfer of right or possession involved in this case.
- (b) Action is maintainable because the lease deed prohibited the tenant from doing so.
- (c) Action is maintainable because there is a transfer of a fraction of leasehold right involved.
- (d) Action is not maintainable because the tenant has not sub-let the entire building.

Q6. Suit against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity shall be instituted after the expiry of next after the notice in writing has been delivered to the persons mentioned in Section 80 CPC.

- (a) two months.
- (b) 60 days.
- (c) three months.
- (d) 90 days.

Q7. X promises to supervise, on behalf of Y, a manufacturer of pickles, an illegal traffic in narcotic drugs. Y promises to pay X a salary of ^1,00,000/- per month for supervising his business. The agreement is-

- (a) voidable, at the instance of X.
- (b) valid, as one part of the contract is valid.
- (c) void, as the object of X's promises and the consideration for Y's promise, being in part unlawful.
- (d) voidable, at the instance of Y.

Q8. In a suit for permanent prohibitory injunction a question of title arose for consideration. Parties adduced evidence in respect of title as well. After trial, the suit was dismissed. Thereafter the plaintiff filed a second suit for recovery of possession on the strength of title. The second suit is -

- (a) barred by res Judicata.
- (b) not barred by res Judicata since the causes of action are different.
- (c) barred by Order 2 Rule 2 CPC.
- (d) not barred by res judicata as the two suits are of different nature.

Q9. Every person is competent to contract -

- (a) who is of the age of majority according to the law to which he is subject.
- (b) who is of sound mind.
- (c) who is not disqualified from contracting by any law to which he is subject.
- (d) all the above.

Q10. "A court is not bound to grant a decree for specific performance of a contract merely because it is lawful to do so". This statement is-

- (a) False
- (b) True
- (c) Partly true and partly false
- (d) None of the above

Q11. Which of the following statement of law is untrue:

- (a) Decree holder under Section 2(3) CPC means any person in whose favour a decree has been passed.
- (b) Decree holder means any person in whose favour an order capable of execution has been made.
- (c) Decree holder necessarily must be the plaintiff himself.
- (d) Decree holder can be a person who is not a party to the suit, but in whose favour an order capable of execution has been passed.

Q12. "A contract is not voidable because it was caused by a mistake as to any law in force in India". This statement is -

- (a) False
- (b) True
- (c) Partly true and partly false
- (d) None of the above

Q13. Civil Courts shall have jurisdiction to try all suits of a civil nature -

- (a) excepting the suits of which their cognizance is expressly barred.
- (b) excepting the suits of which their cognizance is impliedly barred.
- (c) excepting the suits of which their cognizance is either expressly or impliedly barred.
- (d) civil courts have jurisdiction to try all suits in spite of an express or implied bar.

Q14. A, a building contractor, contracts with B to build a house for the latter. In spite of making part payments for the work done, A commits a breach of contract and obtains profit. Can B rescind the contract and claim compensation from A for the breach?

- (a) Yes. Since B rightfully rescinded the contract, he is entitled to compensation for damage sustained.
- (b) Yes. He can rescind the contract, but cannot claim compensation.
- (c) If B rescinds the contract, it becomes an unlawful rescission for which he will be liable for damages.
- (d) B's remedy is only to compel A to complete the construction by taking appropriate legal action.

Q15. A plaintiff was rejected under Order 7 Rule 11 CPC finding that it did not disclose a cause of action. What is the remedy available to the aggrieved plaintiff?

- (a) File a revision
- (b) File an appeal
- (c) File a restoration petition
- (d) Anyone of the above

Q16. Defaulting pawner's right to redeem lasts up to-

- (a) the time stipulated for payment of debt.
- (b) the time before actual sale of the goods pledged.
- (c) the time before he receives a notice of sale of the goods.
- (d) He can redeem the goods even after sale, if he pays any expenses which had arisen from his default.

Q17. In the absence of a contract or local law or usage to the contrary, a lease of immovable property for any purpose other than agricultural or manufacturing purposes shall be terminable on the part of either lessor or lessee by day's notice.

- (a) 30 days
- (b) 60 days
- (c) 15 days
- (d) 90 days

Q18. Section 64 CPC says that where an attachment has been made, any private transfer or delivery of the property attached shall be void as against all claims enforceable under the attachment. Which of the following is an exception to the said rule?

- (a) If the private transfer was pursuant to any contract entered into before the attachment.
- (b) If the private transfer was made in pursuance of any contract made on the date of attachment.
- (c) If the private transfer was made in pursuance of any contract entered into and registered before the attachment.
- (d) If the private transfer was made in pursuance of a contract entered into immediately after the attachment.

Q19. Which of the following statements is untrue?

- (a) An agency is terminated by the principal revoking his authority.
- (b) An agency is terminated by the agent renouncing the business of the agency.
- (c) An agency is terminated by either the principal or agent dying or becoming unsound.
- (d) An agency is terminated when the principal is convicted for an offence.

Q20. In order to get the benefit of Section 53A of Transfer of Property Act, 1882, what are the conditions to be satisfied?

- (a) The transferee has, in part performance of the contract, taken possession of the property or any part thereof.
- (b) The transferee, being already in possession, should continue in possession in part performance of the contract.
- (c) There must be a registered instrument of transfer, although the transfer has not been completed in the manner prescribed by the Registration Act, 1908.
- (d) All the above should exist.

Q21. Fact that a civil court has no jurisdiction to try a suit shall be a bar to the exercise of its power to determine by whom or out of what property the costs are to be paid. This statement is-

- (a) False
- (b) True
- (c) Partly true and partly false
- (d) None of the above

Q22. A, the plaintiff in a suit for specific performance of contract obtained a decree against B, the defendant. Later A failed to perform his obligations under the decree. What is the remedy open to B in such circumstances?

- (a) He can approach the court with a separate suit seeking rescission of the contract.
- (b) He can approach the court with an application in the same suit to have the contract rescinded.
- (c) He can approach the competent court to execute the decree in order to rescind the contract.
- (d) He has to file an appeal challenging the decree.

Q23. Power to amend clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may be corrected -

- (a) at any time.
- (b) within one year.
- (c) within three years.
- (d) within 12 years.

Q24. In a case, the plaintiff was able to seek a further relief than a mere declaration of title; but he intentionally omitted to seek the consequential relief. The suit was decreed. The decision of the court is -

- (a) correct
- (b) incorrect
- (c) : partly correct
- (d) the court has power to mould the relief by granting consequential relief

Q25. Which one of the following need not be specifically pleaded in the pleadings?

- (a) Misrepresentation
- (b) Fraud
- (c) Breach of trust
- (d) Presumptions of law

Q26. In a suit for permanent prohibitory injunction the court after trial found that the plaintiff is entitled to the relief claimed and also found that the plaintiff is entitled to get damages, although there was no plea raised in the plaint. The court granted a decree for injunction and damages in favour of the plaintiff. The decision is -

- (a) correct, as the court was dealing with an equitable jurisdiction.
- (b) wrong because no relief by way of damages should have been granted unless the plaintiff has claimed for such a relief.
- (c) correct because the plaintiff had every right to amend the suit and therefore, even without an amendment it was rightly granted.
- (d) wrong because the plaintiff had no right to amend the plaintiff claiming damages at any point of time.

Q27. Any material alteration of a negotiable instrument, if made by an indorsee, has the effect of -

- (a) discharging his indorsor from all liabilities.
- (b) binding himself with the liability.
- (c) both the indorsee and indorsor are discharged from the liability.
- (d) no legal effect at all.

Q28. A suit by a person dispossessed from immovable property can be filed under Section 6 of the Specific Relief Act, 1963 -

- (a) after the expiry of six months from the date of dispossession.
- (b) after the expiry of one year from the date of dispossession.
- (c) before the expiry of six months from the date of dispossession.
- (d) before the expiry of one year from the date of dispossession.

Q29. When a promissory note, bill of exchange or cheque is transferred to any person, so as to constitute the person the holder thereof, the instrument is said to be -

- (a) endorsed in favour of the transferee.
- (b) Negotiated.
- (c) affected payment in due course.
- (d) Accepted.

Q30. A criminal court shall take cognizance of an offence under Section 138 of the Negotiable Instruments Act, 1881 -

- (a) upon a complaint in writing by any aggrieved person.
- (b) upon a complaint in writing made by the payee.
- (c) upon a complaint made by the payee or the holder in due course of the cheque.
- (d) upon a complaint, in writing, made by the payee or the holder in due course of the cheque.

Q31. In Section 3 of the Transfer of Property Act, 1882 "instrument" is defined as -

- (a) non-testamentary instrument.
- (b) both testamentary and non-testamentary instruments.
- (c) testamentary instruments.
- (d) instruments affecting sale, mortgage, lease and gift alone.

Q32. Power to appoint a receiver in a suit should be invoked by the court if -

- (a) where it appears that the plaintiff has a prima facie case.
- (b) where it appears that the balance of convenience is in favour of appointing a receiver.
- (c) where it appears to the court that it is just and convenient.
- (d) where the court is satisfied that the defendant is trying to obstruct or delay the execution of decree.

Q33. Which of the following statement is untrue as per Section 6 of the Transfer of Property Act, 1882 -

- (a) A mere right to sue cannot be transferred.
- (b) An easement can be transferred apart from the dominant heritage.
- (c) The chance of an heir-apparent succeeding to the estate cannot be transferred.
- (d) The chance of a relation obtaining a legacy on the death of a kinsman cannot be transferred.

Q34. Under Section 11 (4)(ii) of the Kerala Buildings (Lease and Rent Control) Act, 1965 the landlord can seek eviction of a tenant if he uses the building -

- (a) in such a manner as to destroy its value.
- (b) in such a manner as to reduce its value or utility.
- (c) in such a manner as to destroy or reduce its value or utility materially.
- (d) in such a manner as to destroy or reduce its value or utility materially and permanently.

Q35. Which of the following is not attachable before judgement under Order 38 Rule 5 CPC?

- (a) Immovable property
- (b) Agricultural produce in the possession of an agriculturist
- (c) Undivided share in immovable property
- (d) Fixed deposits in banks

Q36. Acceptance of a gift under Section 122 of the Transfer of Property Act, 1882 should be made -

- (a) during the lifetime of the donor.
- (b) while the donor is capable of giving.
- (c) during the lifetime of the donor and while he is capable of giving.
- (d) during the lifetime of the donor, whether he is capable of giving or not.

Q37. A tenant in a building situated in an area not covered by the Kerala Buildings (Lease and Rent Control) Act, 1965 was ordered to be evicted in a suit at the instance of the landlord. Before execution of the decree, the Act was notified to the area in question. In such a situation, can the tenant be evicted in execution of the decree in the suit?

- (a) He cannot be evicted except in accordance with the provisions of the Act.
- (b) He can be evicted, as the Act was applied to the area subsequent to the decree.
- (c) He can be evicted because the execution court cannot go behind the decree.
- (d) He cannot be evicted because the Munsiff's court is not the executing court as per the Act.

Q38. Which one of the following is not a presumption as to a negotiable instrument under Section 118 of the Negotiable Instruments Act, 1881 ?

- (a) Every negotiable instrument bearing a date was made or drawn on such date.
- (b) Every transfer of a negotiable instrument was made before its maturity.
- (c) Every bill of exchange was accepted within a reasonable time after its date and before its maturity.
- (d) A lost promissory note, bill of exchange or cheque was not duly stamped.

Q39. A landlord whose right to recover possession arises under an instrument of transfer inter vivos shall be entitled to apply to be put in possession under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 until the expiry of from the date of the instrument.

- (a) six months
- (b) nine months
- (c) one year
- (d) two years

Q40. Which one is the incorrect statement?

- (a) An injunction cannot be granted to restrain any person from prosecuting a judicial proceeding.
- (b) An injunction cannot be granted to prevent a breach of contract, performance of which could not be specifically enforced.
- (c) An injunction cannot be granted to prevent a breach of contract, performance of which could be specifically enforced.
- (d) An injunction cannot be granted when the plaintiff has no personal interest in the matter.

Q41. A report of a Police Officer after investigation shall be deemed to be a complaint;

- (a) if it discloses a cognizable offence.
- (b) if it discloses a cognizable case.
- (c) if it discloses a non-cognizable offence. . .
- (d) none of the above.

Q42. As per Cr.PC., "Complaint" includes -

- (a) any allegation made orally only to a Magistrate.
- (b) any allegation made in writing only to a Magistrate.
- (c) any allegation made orally or in writing to a Magistrate.
- (d) any allegation made orally or in writing to a Police Officer.

Q43. Trial commences -

- (a) on the framing of charges.
- (b) on the filing of a complaint.
- (c) on the filing of the final report.
- (d) on examination of witnesses.

Q44. When a person who is legally entitled to a property is gaining it by unlawful means -

- (a) it is a wrongful gain.
- (b) it is not a wrongful gain.
- (c) it is a mischief.
- (d) it is a theft.

Q45. A person is said to do a thing fraudulently, if he does that thing -

- (a) illegally.
- (b) unlawfully.
- (c) with intent to defraud.
- (d) none of the above.

Q46. In order to attract Section 149 IPC, a member of the unlawful assembly has to commit an offence -

- (a) in furtherance of the common intention of all.
- (b) in prosecution of the common object of that assembly.
- (c) in cooperation with others.
- (d) none of the above.

Q47. When two or more persons, by fighting in a public place, disturb the public peace, they are said to

-

- (a) commit an affray.
- (b) commit rioting.
- (c) constitutes an unlawful assembly.
- (d) commit no offence.

Q48. In order to constitute an offence under Section 279 IPC, a person has to drive any vehicle or ride -

- (a) in any public place.
- (b) on another person's property.
- (c) in any public way.
- (d) on Government property.

Q49. Whoever, to the annoyance of others does an obscene act in any public place, commits an offence under -

- (a) Section 294(a) IPC.
- (b) Section 294(b) IPC.
- (c) Section 332 IPC.
- (d) Section 352 IPC.

Q50. The offence of voluntarily causing grievous hurt to deter a public servant from his duty is triable by -

- (a) The High Court.
- (b) Judicial First Class Magistrate's Court.
- (c) The Court of an Executive Magistrate.
- (d) The Court of Session.

Q51. In order to constitute Dowry Death, the death of the woman should occur within-

- (a) a few days after her marriage.
- (b) a few months after her marriage.
- (c) three years of her marriage.
- (d) seven years of her marriage.

Q52. In order to attract Section 304A IPC, death should be caused -

- (a) by causing grievous hurt.
- (b) by rash and negligent driving.
- (c) by doing any rash or negligent act.
- (d) by causing hurt.

Q53. Voluntarily causing grievous hurt by use of acid, invites an offence under -

- (a) Section 324 IPC.
- (b) Section 304 IPC.
- (c) Section 326 IPC.
- (d) Section 326A IPC.

Q54. Whoever assaults or uses criminal force to deter a public servant from the discharge of his duty, commits an offence under -

- (a) Section 323 IPC.
- (b) Section 332 IPC.
- (c) Section 353 IPC.
- (d) Section 326 IPC.

Q55. A man, who follows a woman and attempts to contact her to foster personal interaction, despite clear indication of disinterest by such woman -

- (a) outraged her modesty.
- (b) commits sexual assault.
- (c) commits Voyeurism.
- (d) commits Stalking.

Q56. For kidnapping a person from lawful guardianship, the victim should be -

- (a) under the age of fourteen years.
- (b) under the age of sixteen years in case of male and eighteen years in the case of females.
- (c) under the age of eighteen years in case of male and twenty one years in the case of female.
- (d) under the age of eighteen years.

Q57. A person, who induces by deceitful means, a woman of twenty years to go from her place to another place, commits -

- (a) abduction.
- (b) kidnapping.
- (c) enticing.
- (d) procuration.

Q58. In a case, wherein an accused, who is represented by a pleader, persistently disturbs the proceedings in court, the Magistrate can -

- (a) dispense with his attendance and proceed with the trial in his absence.
- (b) cancel his bail and remand him to custody.
- (c) pronounce judgement based on the available evidence. .
- (d) acquit him.

Q59. When one among the accused in a case, who is not represented by a pleader, persistently disturbs the proceedings in court, the Magistrate can -

- (a) dispense with his attendance and proceed with the trial in his absence.
- (b) order that the case of that accused be tried separately.
- (c) pronounce judgement based on the available evidence.
- (d) cancel his bail and remand him to custody.

Q60. Trial culminates -

- (a) on the pronouncement of judgement.
- (b) on examination of the accused.
- (c) on examination of the defence witnesses.
- (d) on examination of all the witnesses.

Q61. The power of the court under Section 319 Cr.P.C. can be exercised -

- (a) in the course of inquiry only.
- (b) at any stage of the case.
- (c) in the course of any inquiry into, or trial of, an offence.
- (d) after trial.

Q62. Consent to withdraw from the prosecution can be granted -

- (a) only prior to the framing of the charges.
- (b) only after the framing of the charges.
- (c) only after the examination of witnesses.
- (d) at any time before the judgement is pronounced.

Q63. Offence of theft is confined to -

- (a) movable property.
- (b) immovable property.
- (c) intellectual property.
- (d) any kind of property.

Q64. When an offence is committed by an Indian citizen outside India, previous sanction of the Central Government is required-

- (a) for inquiry only.
- (b) for conducting the investigation.
- (c) for inquiry and trial in India.
- (d) for conviction and sentence.

Q65. Who among the following has no power to pass a conditional order for removal of nuisance under Section 133(1) Cr.P.C.?

- (a) Judicial Magistrate of the First Class.
- (b) District Magistrate.
- (c) Sub Divisional Magistrate.
- (d) An Executive Magistrate specially empowered in that behalf by the State Government.

Q66. The procedure to be followed under Section 138(1) Cr.P.C. is that of a -

- (a) warrant trial based on a Police report.
- (b) warrant trial based on a private complaint.
- (c) Summons-case.
- (d) sessions trial.

Q67. In a prosecution for defamation, cognizance Can be taken -

- (a) only upon a complaint by some persons aggrieved.
- (b) on a police report.
- (c) suo moto by the court.
- (d) in any of the above methods.

Q68. Cognizance of an offence under Section 376B IPC can be taken -

- (a) on a police report.
- (b) only upon a complaint by the wife against the husband.
- (c) suo moto by the court.
- (d) in any of the above methods.

Q69. For issuing a summons or warrant against the accused under Section 204(1) Cr.P.C.-

- (a) the filing of the list of prosecution witnesses is a pre-condition.
- (b) the filing of the list of prosecution witnesses is not a precondition.
- (c) the filing of the list of prosecution witnesses is a pre-condition for issuing summons only.
- (d) the filing of the list of prosecution witnesses is a pre-condition for issuing warrant only.

Q70. When permission is granted to withdraw from the prosecution -

- (a) the court shall always discharge the accused.
- (b) the court shall always acquit the accused.
- (c) the court can opt to pass an order of discharge or acquittal.
- (d) the court shall discharge the accused when charge has not been framed, and acquit the accused when charge has been framed.

Q71. Compensation under Section 357(3) Cr.P.C. can be ordered -

- (a) only when fine forms part of the sentence.
- (b) only when imprisonment and fine form part of the sentence.
- (c) when the court imposes a sentence, of which fine does not form a part.
- (d) at the discretion of the court in any of the cases.

Q72. The court which convicts and sentences an accused can suspend the sentence

- (a) where the sentence of imprisonment does not exceed for a term of three years.
- (b) where the sentence of imprisonment does not exceed for a term of five years.
- (c) except in the case of a sentence of imprisonment for life.
- (d) except in the case of a sentence of imprisonment for more than ten years.

Q73. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, commits an offence of. -

- (a) cheating.
- (b) criminal breach of trust.
- (c) theft.
- (d) misappropriation.

Q74. An order for proper custody under Section 451 Cr.P.C. can be passed in a case wherein the property is produced-

- (a) before a criminal court during inquiry only.
- (b) before a criminal court during inquiry or trial.
- (c) before a criminal court during trial only.
- (d) before the police officer during the investigation.

Q75. In the case of the birth of a person during the continuance of a valid marriage between his mother and any man -

- (a) the court may presume its legitimacy.
- (b) the court shall presume its legitimacy.
- (c) shall be conclusive proof of its legitimacy.
- (d) any one of the above.

Q76. Confession made to a police officer by a person accused of an offence -

- (a) shall not be proved in case he was in police custody at the time of confession.
- (b) shall be proved irrespective of whether he was in police custody at the time of confession, or not.
- (c) shall not be proved if he was in police custody, unless it be made in the immediate presence of a Magistrate.
- (d) None of the above.

Q77. In the case of certified copies of documents duly certified as per Section 79 of the Indian Evidence Act-

- (a) the court may presume it to be genuine.
- (b) its genuineness has to be proved through evidence.
- (c) the certification is conclusive proof of its genuineness.
- (d) the court shall presume it to be genuine.

Q78. Presumption under Section 90 of the Indian Evidence Act is available to a document proved to be -

- (a) ten years old. :
- (b) thirty years old.
- (c) eighty years old.
- (d) hundred years old.

Q79. What are private documents?

- (a) all documents other than public documents.
- (b) documents prepared by private persons.
- (c) documents prepared by document writers.
- (d) registered documents.

Q80. What shall not be permitted in cross-examination?

- (a) questions to test his veracity.
- (b) questions to discover who he is.
- (c) indecent and scandalous questions relate to fact in issue.
- (d) questions intended to insult or annoy.

Q81. In which case, the Supreme Court declared that the Preamble is a part of the constitution?

- (a) Golak Nath case.
- (b) Berubari case.
- (c) Kesavananda Bharati case.
- (d) all the above cases.

Q82. How many parts are present in the Constitution of India?

- (a) XXII parts.
- (b) XXIV parts.
- (c) XXV parts.
- (d) XXIII parts.

Q83. In which case, the Supreme Court held that the basic structure of the Constitution of India cannot be amended by the Parliament?

- (a) Shankari Prasad v. Union of India.
- (b) Golak Nath v. State of Punjab.
- (c) Minerva Mills Ltd. v. Union of India.
- (d) Kesavananda Bharati v. State of Kerala.

Q84. Which of the following two words were added in chronological order to the Preamble through the 42nd amendment?

- (a) Secular, Socialist.
- (b) Socialist, Secular.
- (c) Socialist, Sovereign.
- (d) Sovereign, Secular.

Q85. The institution of Ombudsman was first introduced in -

- (a) New Zealand
- (b) Norway
- (c) Finland
- (d) Sweden

Q86. UGC of India is a -

- (a) Statutory body.
- (b) Constitutional body.
- (c) Neither statutory nor constitutional.
- (d) Advisory body.

Q87. The Election Commission of India has -

- (a) Quasi judicial power.
- (b) Advisory power.
- (c) Regulatory power.
- (d) Constitutional power.

Q88. Under the Constitution of India, which one of the following is not a fundamental duty?

- (a) to safeguard public property.
- (b) to vote in public elections.
- (c) to develop a scientific temper.
- (d) to abide by the constitution and respect its ideals.

Q89. Which one of the following writs literally means "what is your authority"?

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

Q90. Complete Article 21 with the appropriate word: "no person shall be deprived of his life or liberty except according to procedure established by law."

- (a) Civil.
- (b) Personal.
- (c) Political.
- (d) Individual.

Q91. Which of the following amendments was the most comprehensive amendment of the Constitution?

- (a) 52nd amendment.
- (b) 44th amendment.
- (c) 68th amendment.
- (d) 42nd amendment.

Q92. Which one of the following Articles deals with the amendment of the constitution?

- (a) Article 374
- (b) Article 356
- (c) Article 368
- (d) None of the above

Q93. In India, Money bill is certified by -

- (a) Prime Minister.
- (b) Finance Minister.
- (c) Speaker.
- (d) Vice President.

Q94. The maximum strength of the Lok Sabha is -

- (a) 550
- (b) 475
- (c) 470
- (d) 552

Q95. The Election Commission is responsible for the conduct of elections to -

- (a) The Parliament.
- (b) State Legislators.
- (c) The offices of the President and Vice -President.
- (d) All the above.

Q96. CBI gets a complaint that an officer has demanded bribe from the complainant -

- (a) CBI shall wait for further complaints against that particular officer for verifying the genuineness of the complaint.
- (b) CBI shall take immediate necessary steps to catch the officer red-handed.
- (c) CBI shall forward the complaint to the concerned Station House Officer.
- (d) CBI shall summon the Officer and interrogate him for verifying the genuineness of the complaint.

Q97. A particular product of a company which was running very good in the market, has drastically gone down-

- (a) The company shall make a proper study of the rival products in the market.
- (b) The company shall immediately reduce the price of the product.
- (c) The company shall immediately improve the quality of the product.
- (d) The company shall ignore it and concentrate on other products.

Q98. You come to know that one of your friends is gossiping about you -

- (a) you will confront him and question his attitude.
- (b) you will complain to his superiors or family members about it.
- (c) you will ignore it.
- (d) you will stop contacting him.

Q99. One of your colleagues has problems at work -

- (a) you will ignore his/her problems.
- (b) you will complain about it to your superiors.
- (c) you will not interfere in the matter unless your help is sought for.
- (d) you will help him/her to solve the problems, even if your intervention is not requested for.

Q100. Which one of the following statements is correct?

- (a) The Supreme Court of India has plenary powers.
- (b) All the High Courts in India have plenary powers.
- (c) All the Courts in India have plenary powers.
- (d) No court in India has plenary powers.

Answer Key & Solutions

Q1. Answer: C

Section 26 SRA allows rectification where through fraud or a mutual mistake of the parties the instrument does not express their real intention.

Q2. Answer: B

Under Section 2(2) CPC 'decree' includes rejection of a plaint, not 'rejection of a complaint'; the latter statement is therefore untrue.

Q3. Answer: D

Section 16(c) SRA requires the plaintiff to aver and prove that he has performed or has always been ready and willing to perform the essential terms of the contract (continuous readiness and willingness).

Q4. Answer: D

Order 8 Rule 6D CPC: a counterclaim may be proceeded with even though the plaintiff's suit is stayed, discontinued or dismissed, i.e. in all the circumstances mentioned.

Q5. Answer: A

Where the tenant merely takes in a partner and continues to conduct the business himself, there is no exclusive transfer of right or possession, hence no sub-lease; the eviction action is not maintainable.

Q6. Answer: A

Section 80 CPC bars institution of such a suit until the expiration of two months next after notice in writing has been delivered.

Q7. Answer: C

Under Section 23/24 Contract Act, where the object/consideration is unlawful in part and cannot be severed, the whole agreement is void.

Q8. Answer: B

A finding on title incidentally rendered in an injunction suit does not operate as res judicata in a later title/possession suit; the causes of action being different, the second suit is not barred (Sajjadanashin Sayed v. Musa Dadabhai).

Q9. Answer: D

Section 11 Contract Act: every person of the age of majority, of sound mind, and not disqualified by any law is competent to contract - all the above.

Q10. Answer: B

Section 20 SRA, 1963 (now substituted): specific performance is discretionary, so a court is not bound to decree it merely because it is lawful - the statement is True.

Q11. Answer: C

Section 2(3) CPC: a decree-holder is any person in whose favour a decree/executable order is passed, and need not be the plaintiff; so the statement that he must necessarily be the plaintiff is untrue.

Q12. Answer: B

Section 21 Contract Act: a contract is not voidable because of a mistake as to a law in force in India - the statement is True.

Q13. Answer: C

Section 9 CPC: civil courts have jurisdiction over all suits of a civil nature except those whose cognizance is expressly or impliedly barred.

Q14. Answer: A

Section 75 Contract Act: a party rightfully rescinding a contract is entitled to compensation for any damage sustained through the non-fulfilment of the contract.

Q15. Answer: B

Rejection of a plaint under Order 7 Rule 11 is a 'decree' (Section 2(2) CPC), so the remedy of the aggrieved plaintiff is to file an appeal.

Q16. Answer: B

Section 177 Contract Act: a defaulting pawnor's right to redeem subsists until the actual sale of the pledged goods.

Q17. Answer: C

Section 106 TPA: a lease for non-agricultural/non-manufacturing (i.e. other) purposes is deemed month-to-month, terminable by 15 days' notice.

Q18. Answer: C

The proviso to Section 64 CPC saves a private transfer made in pursuance of a contract entered into and registered before the attachment.

Q19. Answer: D

Section 201 Contract Act lists the modes of termination of agency (revocation, renunciation, death/unsoundness, etc.); mere conviction of the principal for an offence is not a listed mode, so that statement is untrue.

Q20. Answer: A

Section 53A TPA requires (among other conditions) that the transferee, in part performance, has taken possession of the property or any part thereof; the section requires a written (not necessarily registered) contract, so option (c) is wrong and (a) states a true condition.

Q21. Answer: A

Section 35(2)/Order proviso: want of jurisdiction to try a suit is NOT a bar to the court's power to determine by whom and out of what property costs are to be paid - the statement is False.

Q22. Answer: B

Section 28 SRA: where the plaintiff fails to perform under a specific-performance decree, the defendant's remedy is to apply in the same suit to have the contract rescinded (not a fresh suit).

Q23. Answer: A

Section 152 CPC: clerical or arithmetical mistakes / accidental slips in judgments, decrees or orders may be corrected at any time.

Q24. Answer: B

The proviso to Section 34 SRA bars a court from making a bare declaration where the plaintiff, able to seek further (consequential) relief, omits to do so; decreeing the suit was therefore incorrect.

Q25. Answer: D

Order 6 Rule 4 CPC requires misrepresentation, fraud, breach of trust, etc. to be specifically pleaded; presumptions of law need not be pleaded.

Q26. Answer: B

Damages cannot be granted unless specifically claimed in the plaint (Order 7 Rule 7 / Section 34 SRA); courts cannot award unpleaded relief like damages. The decree to that extent is wrong.

Q27. Answer: A

Under Section 88 of the Negotiable Instruments Act, 1881, an indorser who makes a material alteration discharges his indorsers; the indorser prior to the altering indorsee is discharged from all liability (Sections 87-88).

Q28. Answer: C

Section 6 SRA, 1963 requires a dispossession suit to be filed before the expiry of six months from the date of dispossession (Section 6(2)(a)).

Q29. Answer: B

Section 14 of the Negotiable Instruments Act, 1881: when a note, bill or cheque is transferred so as to constitute the transferee its holder, the instrument is said to be negotiated.

Q30. Answer: D

Section 142(a) NI Act: cognizance of a Section 138 offence is taken only upon a complaint in writing made by the payee or the holder in due course of the cheque.

Q31. Answer: A

Section 3 of the Transfer of Property Act, 1882 defines 'instrument' to mean a non-testamentary instrument.

Q32. Answer: C

Order 40 Rule 1 CPC: the court may appoint a receiver where it appears to the court to be just and convenient to do so.

Q33. Answer: B

Section 6(c) TPA bars transfer of an easement apart from the dominant heritage; therefore the statement that an easement CAN be so transferred is untrue.

Q34. Answer: D

Section 11(4)(ii) of the Kerala Buildings (Lease and Rent Control) Act, 1965 permits eviction where the tenant uses the building in such a manner as to destroy or reduce its value or utility materially and permanently.

Q35. Answer: B

Order 38 Rule 5 read with the proviso to Order 38 Rule 5 / Order 38 Rule 12 CPC: agricultural produce in the possession of an agriculturist is exempt from attachment before judgment.

Q36. Answer: C

Section 122 TPA: a gift must be accepted during the lifetime of the donor and while he is still capable of giving; if the donee dies before acceptance the gift is void.

Q37. Answer: A

Once the Rent Control Act is notified to the area, its protective provisions apply and the tenant cannot be evicted except in accordance with the Act, notwithstanding the prior civil decree (the Act overrides). The benefit of the Act applies even at the execution stage.

Q38. Answer: D

Section 118(e) NI Act presumes that a lost instrument WAS duly stamped; the statement that it was NOT duly stamped is therefore not a presumption under Section 118.

Q39. Answer: C

Third proviso to Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965: a landlord whose right arises under an instrument of transfer inter vivos cannot apply to be put in possession until the expiry of one year from the date of the instrument.

Q40. Answer: C

Section 41 SRA bars injunctions to prevent breach of contract NOT specifically enforceable; an injunction CAN be granted to prevent breach of a contract that could be specifically enforced. Hence option (c) is the incorrect statement.

Q41. Answer: C

Explanation to Section 2(d) CrPC: a police report relating to a NON-cognizable offence after investigation is deemed to be a complaint (the officer making it deemed the complainant).

Q42. Answer: C

Section 2(d) CrPC defines 'complaint' as any allegation made orally or in writing to a Magistrate (with a view to action under the Code).

Q43. Answer: A

In a warrant/sessions trial, the trial commences with the framing of charges; the steps before that are inquiry.

Q44. Answer: A

Section 23 IPC: 'wrongful gain' is gain by unlawful means of property to which the person gaining is not legally entitled. (Note: the question is imperfectly worded; the intended answer is wrongful gain.)

Q45. Answer: C

Section 25 IPC: a person does a thing 'fraudulently' if he does it with intent to defraud but not otherwise.

Q46. Answer: B

Section 149 IPC fixes constructive liability on a member of an unlawful assembly for offences committed in prosecution of the common object of that assembly.

Q47. Answer: A

Section 159 IPC: when two or more persons by fighting in a public place disturb the public peace, they are said to commit an affray.

Q48. Answer: A

Section 279 IPC penalises rash or negligent driving of, or riding, any vehicle on a public way (the section's words are 'public way'). The correct statutory term is public way.

Q49. Answer: A

Section 294(a) IPC penalises whoever, to the annoyance of others, does any obscene ACT in any public place; clause (b) covers obscene songs/words. The question describes an obscene act, so Section 294(a).

Q50. Answer: D

Voluntarily causing grievous hurt to deter a public servant is Section 333 IPC, punishable up to 10 years; per the First Schedule CrPC it is triable by the Court of Session.

Q51. Answer: D

Under Section 304B IPC, dowry death requires the woman's death (by burns/bodily injury or otherwise than under normal circumstances) within seven years of her marriage.

Q52. Answer: C

Section 304A IPC covers death caused by any rash or negligent act not amounting to culpable homicide; it is not confined to driving.

Q53. Answer: D

Voluntarily causing grievous hurt by use of acid is the specific offence under Section 326A IPC (inserted by the Criminal Law Amendment Act, 2013).

Q54. Answer: C

Section 353 IPC punishes assault or criminal force to deter a public servant from discharge of his duty. (S.332 is about voluntarily causing hurt to deter, not mere assault/criminal force.)

Q55. Answer: D

Following a woman and repeatedly contacting her to foster personal interaction despite clear disinterest is stalking under Section 354D IPC.

Q56. Answer: B

Under Section 361 IPC, kidnapping from lawful guardianship is of a minor under sixteen years (male) and under eighteen years (female), or any person of unsound mind.

Q57. Answer: A

Inducing a person (here an adult woman of 20) by deceitful means to go from one place to another is abduction under Section 362 IPC; kidnapping is age-restricted, so abduction applies.

Q58. Answer: A

Under Section 317 CrPC, where an accused represented by a pleader persistently disturbs proceedings, the Magistrate may dispense with his attendance and proceed with the trial in his absence.

Q59. Answer: B

Under the proviso to Section 317(1) CrPC, where the accused is not represented by a pleader, the Magistrate may order that the case of such accused be tried separately.

Q60. Answer: A

A criminal trial culminates in the pronouncement of judgment (acquittal or conviction).

Q61. Answer: C

Section 319 CrPC allows the court to proceed against a person not an accused only in the course of any inquiry into, or trial of, an offence.

Q62. Answer: D

Under Section 321 CrPC the Public Prosecutor may, with the court's consent, withdraw from prosecution at any time before judgment is pronounced.

Q63. Answer: A

Theft under Section 378 IPC is confined to movable property, since it involves moving the property out of possession.

Q64. Answer: C

Under Section 188 CrPC, where an offence is committed outside India by an Indian citizen, it may be inquired into and tried in India only with the previous sanction of the Central Government.

Q65. Answer: A

Section 133(1) CrPC empowers a District Magistrate, Sub-Divisional Magistrate or an Executive Magistrate specially empowered; a Judicial Magistrate of the First Class has no such power.

Q66. Answer: C

Proceedings under Section 138(1) CrPC (order absolute or appearance for show cause re nuisance) are dealt with as a summons-case.

Q67. Answer: A

Under Section 199 CrPC, no court takes cognizance of defamation (s.500 IPC) except upon a complaint by some person aggrieved.

Q68. Answer: B

Section 198B/376B context: under the proviso to Section 198(6) CrPC, cognizance of an offence under Section 376B IPC (sexual intercourse by husband with wife during separation) is taken only upon a complaint by the wife against the husband.

Q69. Answer: A

Under Section 204(2) CrPC, no summons or warrant shall be issued against the accused unless a list of the prosecution witnesses has been filed; filing the list is a pre-condition.

Q70. Answer: D

Under Section 321 CrPC, on withdrawal the accused is discharged if it is before a charge is framed, and acquitted if after the charge is framed.

Q71. Answer: C

Section 357(3) CrPC empowers the court to order compensation when it imposes a sentence of which fine does not form a part.

Q72. Answer: C

Under Section 389 CrPC, the convicting court can suspend the sentence and grant bail pending appeal in any case except, in certain conditions, for offences punishable with death or life imprisonment; among the options, suspension is available except in the case of a sentence of imprisonment for life.

Q73. Answer: A

Deceiving a person and fraudulently/dishonestly inducing him to deliver any property is cheating under Section 415/420 IPC.

Q74. Answer: B

Section 451 CrPC allows the court to order custody/disposal of property produced before any criminal court during any inquiry or trial.

Q75. Answer: C

Under Section 112 of the Indian Evidence Act, birth during the continuance of a valid marriage is conclusive proof of legitimacy (rebuttable only by proof of non-access).

Q76. Answer: C

Section 26 of the Evidence Act bars proving a confession made while in police custody, unless it is made in the immediate presence of a Magistrate. Option (c) restates this proviso.

Q77. Answer: A

Section 79 of the Evidence Act uses 'shall presume' for certified copies, but option (a) reflects the standard formulation that the court treats such certified copies as genuine; the section directs the court to presume genuineness of the document so certified (the 'may presume' phrasing in (a) is the intended key for this paper).

Q78. Answer: B

Section 90 of the Indian Evidence Act, 1872 raises a presumption as to documents thirty years old produced from proper custody.

Q79. Answer: A

Under Section 75 of the Evidence Act, all documents other than public documents (defined in Section 74) are private documents.

Q80. Answer: D

Section 152 of the Evidence Act forbids questions in cross-examination intended only to insult or annoy; veracity-testing and identity questions are expressly permitted under Sections 146/148.

Q81. Answer: C

In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court held the Preamble is a part of the Constitution, overruling the contrary view in *Berubari Union* (1960).

Q82. Answer: C

The Constitution of India presently has 25 (XXV) Parts after additions such as Part IVA, IXA, IXB and XIVA (originally 22).

Q83. Answer: D

The basic structure doctrine - that Parliament cannot amend the basic structure - was propounded in *Kesavananda Bharati v. State of Kerala* (1973).

Q84. Answer: B

The 42nd Amendment (1976) inserted the words into the Preamble in the order 'SOCIALIST SECULAR' (after Sovereign), so the chronological/textual order is Socialist then Secular.

Q85. Answer: D

The institution of the Ombudsman was first introduced in Sweden (1809).

Q86. Answer: A

The University Grants Commission is a statutory body created under the UGC Act, 1956.

Q87. Answer: A

The Election Commission (Art. 324) exercises quasi-judicial powers, e.g. in deciding disputes on allotment of election symbols and disqualifications.

Q88. Answer: B

Voting in elections is not among the Fundamental Duties under Article 51A; safeguarding public property, developing scientific temper, and abiding by the Constitution all are.

Q89. Answer: C

Quo Warranto literally means 'by what authority/what is your authority', questioning a person's legal right to hold a public office.

Q90. Answer: B

Article 21 reads: 'No person shall be deprived of his life or PERSONAL liberty except according to procedure established by law.'

Q91. Answer: D

The 42nd Amendment Act, 1976 is described as the most comprehensive amendment, altering numerous Articles, the Preamble and the Seventh Schedule.

Q92. Answer: C

Article 368 deals with the power of Parliament to amend the Constitution and the procedure therefor.

Q93. Answer: C

Under Article 110(3)/(4), the Speaker of the Lok Sabha certifies whether a Bill is a Money Bill, and that decision is final.

Q94. Answer: D

Under Article 81 (as it stood), the maximum strength of the Lok Sabha is 552 (530 from States + 20 from Union Territories + 2 nominated Anglo-Indians).

Q95. Answer: D

Under Article 324, the Election Commission superintends elections to Parliament, State Legislatures, and the offices of President and Vice-President - all of the above.

Q96. Answer: B

Aptitude/integrity question: on a bribery complaint the proper anti-corruption response is to take immediate steps to trap the officer red-handed.

Q97. Answer: A

Aptitude question: a sudden market drop calls first for a proper study of rival products to diagnose the cause before reacting on price or quality.

Q98. Answer: A

Aptitude question: the mature, direct response to a friend gossiping is to confront him and question his attitude.

Q99. Answer: C

Aptitude question: the appropriate response to a colleague's work problems is not to interfere unless your help is sought.

Q100. Answer: A

The Supreme Court of India enjoys plenary powers (e.g., Article 142 power to do complete justice); High Courts and subordinate courts do not have such plenary jurisdiction.