

## Madhya Pradesh Judiciary - Mains 2021

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### CONSTITUTION OF INDIA

**Q1. Discuss the scope of the "Freedom of Speech and Expression". Does it include freedom of press ? Is it an absolute right ? The Constitution of India guarantees the right to freedom of speech and expression under Article 19(1)(a). This right is fundamental to the functioning of a democratic society as it allows individuals to express their thoughts, ideas, and opinions without fear of retaliation or censorship. The scope of this right is broad and encompasses a variety of forms of expression, including spoken and written words, symbolic speech, gestures, and even artistic expression. It serves as the cornerstone for other liberties, enabling open discourse, the exchange of ideas, and the ability to criticise the government and public officials.**

**Q2. Whether Right to die is a fundamental right under Article 21 of the Constitution of India ? Discuss with case law. Article 21 of the Constitution of India states that "No person shall be deprived of his life or personal liberty except according to the procedure established by law." This article guarantees the fundamental right to life and personal liberty. Over the years, the Supreme Court of India has expanded the interpretation of Article 21 to include various facets of life, making it one of the most dynamic and progressive provisions in the Constitution. The question of whether the right to die falls under the ambit of Article 21 has been a matter of extensive judicial scrutiny and debate.**

**Q3. What are the major commitments incorporated in the preamble of the constitution of India ? The Preamble to the Constitution of India serves as an introductory statement that outlines the fundamental values and principles upon which the Constitution is based. It reflects the vision and aspirations of the framers of the Constitution and provides a guiding philosophy for the governance of the country. The Preamble encapsulates several major commitments that form the cornerstone of the Indian state.**

### CIVIL PROCEDURE CODE, 1908

**Q4. Describe the principle of Res Judicata. Whether the principle of Res Judicata is applicable against co-plaintiffs and co-defendants ? If yes, under what circumstances ? The principle of Res Judicata, enshrined in Section 11 of the Code of Civil Procedure, 1908, is a fundamental doctrine in the legal system that aims to prevent the multiplicity of litigation. Derived from the Latin phrase meaning "a matter already judged," Res Judicata bars the re-litigation of a matter that has been adjudicated by a competent court. The doctrine is based on the principle of finality, ensuring that once a dispute is resolved, it should not be re-opened in subsequent proceedings between the same parties. The primary objectives of Res Judicata are to uphold the dignity of the judicial process, protect parties from harassment through repeated litigation, and conserve judicial resources.**

**Q5. Discuss legal provisions relating to withdrawal of suit. Whether transposition of defendants as plaintiffs may be permitted? If so, when?**

**Q6. What are the grounds for rejection of a plaint ? What will be the procedure consequent to rejection of plaint ? Whether rejection of plaint precludes presentation of fresh plaint on the same cause of action by plaintiff ?**

## TRANSFER OF PROPERTY ACT.1882

Q7. Explain,- (a) Difference between lease and licence. (b) Attestation, Notice and Subrogation. (c) Principle of lis-pendens.

Q8. Discuss about transfer by ostensible owner and transfer by unauthorised person, who subsequently acquires interest in property transferred ? Transfer by Unauthorised Person Who Subsequently Acquires Interest

Q9. Write a short note on Fraudulent Transfer. Fraudulent transfer refers to a transfer of property made with the intent to deceive creditors or other parties with legitimate claims. Such transfers are typically done to place the property beyond the reach of creditors, thereby preventing them from satisfying their claims through the property in question. Section 53 of the Transfer of Property Act, 1882, specifically deals with fraudulent transfers. It states that every transfer of immovable property made with the intent to defeat or delay the creditors of the transferor shall be voidable at the option of any creditor so defeated or delayed.

## INDIAN CONTRACT ACT. 1872

Q10. What is the measure of compensation for breach of contract where penalty is stipulated for, in the contract? Explain with illustrations. The Indian Contract Act, 1872, under Section 74, addresses the issue of compensation in cases where a contract includes a clause stipulating a penalty for its breach. This provision is significant because it attempts to balance the need to enforce contractual agreements and the prevention of unjust enrichment through exorbitant penalties.

Q11. Describe undue influence and fraud?

Q12. Explain:- (i) All contracts are agreements, but all agreements are not contracts. The statement "All contracts are agreements, but all agreements are not contracts" reflects a fundamental principle of contract law as laid down in the Indian Contract Act, 1872. (ii) "Novation" and "Accord and Satisfaction". The Indian Contract Act, 1872, provides for various mechanisms to alter, discharge, or terminate contractual obligations. Two significant concepts in this regard are "Novation" and "Accord and Satisfaction."

## SPECIFIC RELIEF ACT.1963

Q13. What are the various kinds of injunctions and describe grounds to grant such injunctions?

Q14. Write a short note on "rectification of instruments". Rectification of instruments is a legal remedy provided under Section 26 of the Specific Relief Act, 1963, which allows for the correction of errors in written documents to reflect the true intention of the parties involved. This remedy is essential to ensure that the legal documents accurately represent the agreements and terms agreed upon by the parties, thus preventing potential disputes and ensuring fairness.

Q15. Explain the law relating to recovery of possession of Immovable property ? Whether in a case for specific performance of contract of sale, it is necessary for a plaintiff to claim the relief of "possession".

## LIMITATION ACT.1963

Q16. Discuss the effect of substituting or adding a new plaintiff or defendant with reference to the date of institution of suit ?

Q17. "Limitation bars the remedy but does not destroy the right". Discuss and state the exceptions if any.

Q18. Write Short-notes on (A) Control over subordinate Courts under Article 235 of Constitution of India. (B) Ready and willing to perform the terms of contract. . (C) Describe Concept of "precept" under Civil Procedure Code? THIRD PART

### M.P. ACCOMMODATION CONTROL ACT. 1961

Q1. What are the restrictions on the eviction of tenants under sec.12 of the Madhya Pradesh Accommodation Control Act, 1961 ? Discuss.

Q2. Whether a widow can maintain a suit for eviction u/s 23 A (b) of M.P. Accommodation Control Act for her major sons ?

Q3. (a) To which accommodations M.P. Accommodation control Act, 1961 does not apply ? (b) Define "Land Lord" and "tenant" ?

### M.P. LAND REVENUE CODE.1959

Q4. Explain, state ownership in all lands and liability of land to payment of land revenue ? Is there any exception to it ? How is land revenue accessed ?

Q5. Write a short note on "Service Land"?

Q6. What are the classes of the "Revenue officers"? Indian evidence act, 1872

Q7. What is a dying declaration? Discuss its evidentiary value. Whether an accused can be convicted only on the basis of dying declaration?

Q8. What do you understand by Examination in chief, cross Examination and Re-Examination of witness ?

Q9. How does the contents of electronic records may be proved and how it may be admitted in any proceedings ?

### INDIAN PENAL CODE. 1860

Q10. What is defamation ? What are the essential ingredients to constitute the offence of defamation ? Explain it's Exceptions.

Q11. Explain the ingredients of the offence of "Dishonest Misappropriation of property"? Distinguish it from "Criminal Breach of Trust" .

Q12. What is abetment? How is it different from criminal conspiracy?

### CRIMINAL PROCEDURE CODE,1973

Q13. Whether the right to "default bail" get extinguished by subsequent filing of charge-sheet by police ? Explain through case law. (a) Define 'Charge' and enumerate the contents of charge? Is a 'defective Charge' necessarily fatal to conviction ? (b) Can a court may alter the 'Charge'?

**NEGOTIABLE INSTRUMENTS ACT. 1881**

**Q14. What is the presumption in favour of holder of cheque and how can it be rebutted ?**

**Q15. When Cognizance of offences can be taken under the Negotiable Instrument Act, 1881? Discuss the provision as to the Court within whose local jurisdiction, the offence under section 138 of Negotiable Instrument Act shall be inquired into and tried? MIXED**

**Q16. Write Short-notes on- (A) Doctrine of estoppel. (B) Difference between 'Investigation', 'Inquiry' and 'Trial'? (C) Vicarious liability in criminal law.**