

Odisha Judiciary - Prelims 2013

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

Q1. Which one of the following doctrines is not related to Article 13 of the Constitution?

- (a) Doctrine of Eclipse
- (b) Doctrine of colourable legislation
- (c) Doctrine of waiver
- (d) Doctrine of severability

Q2. Which one of the following is not a state under Article 12 of the Constitution?

- (a) Berhampur University Student Union
- (b) C. S. I. R.
- (c) Municipal Corporation, Bhubaneswar
- (d) Union Public Service Commission

Q3. Which Fundamental Right is available to citizens only?

- (a) Right to equality
- (b) Protection against arrest and detention
- (c) Freedom of speech and expression
- (d) Protection of life and personal liberty

Q4. Which Fundamental Right is available to all persons?

- (a) Right to form Union
- (b) Protection of life and personal liberty
- (c) Right to assemble peaceably
- (d) Right to move freely throughout the territory of India

Q5. Which Article of the Indian Constitution is related to Doctrine of self incrimination?

- (a) Article 20(1)
- (b) Article 22
- (c) Article 20(3)
- (d) Article 20(2)

Q6. Which one of the following is a Directive Principle of State Policy?

- (a) Right to Education
- (b) Right to Die
- (c) Right to move Supreme Court
- (d) To organise Village Panchayats

Q7. Which one of the following is not a Directive Principle of State Policy?

- (a) Uniform Civil Code
- (b) Organisation of Village Panchayats
- (c) Right to Education
- (d) Free Legal Aid

Q8. Which one of the following is not a fundamental duty?

- (a) To protect Sovereignty
- (b) To defend the Country
- (c) To respect National Anthem
- (d) To promote Indian Culture

Q9. In which case the doctrine of prospective overruling was evolved by the Supreme Court?

- (a) Shankari Prasad vs. Union of India
- (b) I. C. Golak Nath vs. State of Punjab
- (c) Sajjan Singh vs. State of Rajasthan
- (d) Keshava Nand Bharti vs. State of Kerala

Q10. Which case is related to constitutionality of 'right to die'?

- (a) Maneka Gandhi vs. Union of India
- (b) Gian Kaur vs. State of Punjab
- (c) A. K. Gopalan vs. Union of India
- (d) Kharak Singh vs. State of U. P.

Q11. Preliminary decree can be passed in a suit:

- (a) For partition
- (b) Of partnership
- (c) For possession and Mesne profit
- (d) All of the above

Q12. Pecuniary jurisdiction of the court has been dealt with in:

- (a) Section 2 of CPC
- (b) Section 6 of CPC
- (c) Section 9 of CPC
- (d) Section 15 of CPC

Q13. Set-off can be:

- (a) Legal set-off
- (b) Equitable set-off
- (c) Both (a) and (b)
- (d) Either (a) or (b)

Q14. Remedies available against an ex-parte decree include:

- (a) Appeal
- (b) Review
- (c) Application for setting aside ex-parte decree
- (d) Application

Q15. Nemo debet bis vexari pro una et eadem causa means:

- (a) It is in the interest of state that there should be an end to litigation
- (b) A judicial decision must be accepted as correct
- (c) No one shall be vexed twice for one and the same cause of action
- (d) Where there is a right there is a remedy

Q16. In execution of decree for the maintenance, salary of a person can be attached to the extent of:

- (a) One fourth
- (b) One third
- (c) Two third
- (d) One half

Q17. Under section 100 CPC, a second appeal lies to the:

- (a) Supreme Court
- (b) High Court
- (c) Tribunal
- (d) Court of District Judge

Q18. Section 89 CPC provides for:

- (a) Settlement of dispute by High Court only
- (b) Settlement of dispute by Supreme v Court or High Court
- (c) Settlement of dispute through Village Panchayat
- (d) Settlement of dispute outside the Court

Q19. Section 115 CPC applies only when :

- (a) There is error of law
- (b) There is error of fact
- (c) There is jurisdictional error
- (d) There is erroneous decision

Q20. If an indigent person's suit abates on the death of the plaintiff, under Order XXXIII; Rule 11A of CPC, the fee payable on plaint shall be recoverable from :

- (a) The estate of deceased plaintiff
- (b) The defendant
- (c) The State Government
- (d) Either (a) or (b) or (c)

Q21. Warrant case means a case :

- (a) In which a police officer cannot arrest without warrant
- (b) In which the court in first instance, shall issue a warrant of arrest against the accused
- (c) Relating to an offence punishable with imprisonment for a term not exceeding 2 years
- (d) Relating to an offence punishable with death, for life or for a term exceeding two years

Q22. The Court of Magistrate First Class may pass a sentence % maximum term of imprisonment awardable in a summary trial is:

- (a) Three months
- (b) One year
- (c) Two years
- (d) Six years

Q23. The Section under Cr. P. C. for 'Order for maintenance of wives, children and parents' is:

- (a) Section 135
- (b) Section 125
- (c) Section 145
- (d) Section 124

Q24. Section 304 of Cr. P. C. deals with :

- (a) Protection to accused against double prosecution for the same offence
- (b) Withdraw from prosecution
- (c) Legal aid to the accused at State expenses
- (d) Order to release on probation of good conduct

Q25. Which Section of the Cr. P. C. provides that a person once convicted or acquitted cannot be tried again for the same offence?

- (a) Section 304
- (b) Section 300
- (c) Section 321
- (d) Section 302

Q26. Under Section 39 of Cr. P. C. every person has to give information to Magistrate or Police Officer about the commission of an offence punishable under:

- (a) Sections 121 to 126 of I PC
- (b) Sections 489A to 489E of IPC
- (c) Sections 302 and 304 of IPC
- (d) All of the above

Q27. Who is given protection from arrest under Section 45 of Cr. PC.?

- (a) Members of Armed Forces
- (b) Judicial Officers
- (c) President of India
- (d) Members of Parliament

Q28. Under Section 416 of Cr. P. C., the High Court can postpone capital sentence on:

- (a) Unsound person
- (b) Old person
- (c) Pregnant woman
- (d) Politician

Q29. Under Section 366 of Cr. P C., the sentence of death to be submitted by Court of Session for confirmation by :

- (a) High Court
- (b) Governor
- (c) Supreme Court
- (d) President

Q30. Under Section 354 of Cr. P. CM the language and content of the judgement:

- (a) Shall be written in the language of the Court
- (b) Shall contain the point or points for determination, the decision thereon and the reasons for the decision
- (c) Shall specify the offence of which and the Section of the IPC or other law under which the accused is convicted
- (d) All of the above

Q31. According to Section 141 of the Indian Evidence Act, 1872, any question suggesting the answer which the person putting it wishes or expects to receive, is called:

- (a) Answerable Questions
- (b) Convenient Questions
- (c) Suggestive Questions
- (d) Leading Questions

Q32. Section 115 of the Indian Evidence Act, 1872 deals with:

- (a) Doctrine of Estoppel
- (b) Presumption as to the Commission of a Crime
- (c) Presumption as to Dowry Death
- (d) Presumption as to Abetment of Suicide by a Married Woman

Q33. Section 125 of the Indian Evidence Act, f 1872 deals with :

- (a) Information as to Commission of Offences
- (b) Confidential Communications
- (c) Official Communications
- (d) Professional Communications

Q34. A witness who is unable to speak is called as:

- (a) Dumb Witness
- (b) Deaf Witness
- (c) Unreliable Witness
- (d) Hostile Witness

Q35. Section 75 of the Indian Evidence Act, 1872 deals with:

- (a) Public Documents
- (b) Certified Copies of Public Documents
- (c) Proof of Other Official Documents
- (d) Private Documents

Q36. Under the provisions of the Indian Evidence Act, 1872, when an accused says that he did not make confession, it is called:

- (a) Extra-Judicial Confession
- (b) Judicial Confession
- (c) Retracted Confession
- (d) Retracted Extra-Judicial Confession

Q37. Opinion of an expert under Section 45 of the Indian Evidence Act, 1872:

- (a) Is sometimes a conclusive proof and sometimes an inconclusive proof
- (b) Is corroborative in nature
- (c) Is supportive in nature
- (d) Is corroborative as well as supportive in nature

Q38. Section 8 of the Indian Evidence Act, 1872 deals with:

- (a) Conduct
- (b) Motive
- (c) Preparation
- (d) All of the above

Q39. Section 47A of the Indian Evidence Act, 1872 deals with:

- (a) Relevance of Opinion Relating to Electronic Signatures
- (b) Relevance of Opinion Relating to Existence of Right or Custom
- (c) Relevance of Opinion Relating to Usages and Tenets
- (d) Relevance of Opinion Relating to Relationship

Q40. The term 'Admission' is defined in the Indian Evidence Act, 1872 in :

- (a) Section 20
- (b) Section 19
- (c) Section 18
- (d) Section 17

Q41. According to _____ "a crime is a violation of public rights and duties due to the whole community".

- (a) Sir William Blackstone
- (b) Prof. Glanville Williams
- (c) Sir Kenny
- (d) Sir Russell

Q42. Crime which do not require intention, recklessness or even negligence as to one or more elements in the actus reus are known as:

- (a) Vicarious liability
- (b) Strict liability
- (c) Act of God
- (d) Force majeure

Q43. Section 304B in Chapter XVI of IPC deals with:

- (a) Rape
- (b) Cruelty
- (c) Dowry death
- (d) Insult to modesty of woman

Q44. The Honbl'e Supreme Court of India in one of the following cases held that the general principles of criminal jurisdiction is that, jurisdiction is determined by the locality of the offence irrespective of the nationality or any other similar attributes of the offender:

- (a) State of Bombay vs. L. Apte
- (b) State of Bombay vs. Kathikala Oghad
- (c) State of Maharashtra vs. M. H, George
- (d) Mubarak AN vs. State of Bombay

Q45. According to the Honbl'e Supreme Court, if a particular offence carries mandatory sentence of imprisonment, a company:

- (a) Cannot be prosecuted for such offence
- (b) Can be convicted, however can't be imprisoned
- (c) Can be convicted and can be fined
- (d) Can be convicted and directors can be imprisoned

Q46. "They also serve who only stand and wait." This observation formed part of the judgement of the Honbl'e Supreme Court in one of the following cases:

- (a) Nanda Rasool vs. State of Bihar
- (b) Ramnath vs. State of Madhya Pradesh
- (c) Ramashish Yadav vs. State of Bihar
- (d) Pandurang vs. State of Hyderabad

Q47. Section 377 of IPC provides for:

- (a) Robbery
- (b) Public nuisance
- (c) Theft
- (d) Unnatural offences

Q48. 'Qui facit per alium per se' is the essence of one of the following principles of criminal liability:

- (a) Joint Criminal Liability
- (b) Vicarious liability
- (c) Corporate criminal liability
- (d) Strict liability

Q49. In which case the Honbl'e Supreme Court of India has struck down mandatory death penalty under Section 303 of I. P. C. as unconstitutional?

- (a) Machhi Singh vs. State of Punjab
- (b) Bachan Singh vs. State of Punjab
- (c) Santa Singh vs. State of Punjab
- (d) Mithu vs. State of Punjab

Q50. The two-judge bench of Honbl'e Supreme Court in one of the following cases held that long delay by the President of India or Govenror of State in disposing mercy petitions from the convicted person under Anti-Terrorism laws or similar status can't be ground for communication of death penalty into life imprisonment:

- (a) Sher singh vs. State of Punjab (1983)
- (b) People Union for Democratic Rights vs. Union of India (2013)
- (c) Trivenibin vs. State of Punjab (1989)
- (d) Jagmohan Singh vs. State of Uttar Pradesh (1973)

Q51. The intention of Law of Limitation is:

- (a) Not to give a right where there is none
- (b) To interpose a bar after a certain period to a suit to enforce an existing right
- (c) Both (a) and (b)
- (d) None of the above

Q52. For an account and a share of profits of a dissolved partnership, the period of limitation is _____ from the date of dissolution.

- (a) 2 years
- (b) 3 years
- (c) 12 years
- (d) 30 years

Q53. The extension of a prescribed period in certain cases on sufficient cause of being shown for the delay under Section 5 of the Limitation Act is known as:

- (a) Doctrine of extension
- (b) Doctrine of condonation
- (c) Doctrine of sufficient cause
- (d) All of the above

Q54. Subject of limitation is dealt within _____ of the Constitution.

- (a) Entry 12, List II
- (b) Entry 12, List 111
- (c) Entry 13, List H
- (d) Entry 13, List III

Q55. Under Section 25 of the Limitation Act, 1963, the right to access and use of light or air, way, watercourse, use of water, or any other easement which have been peaceably enjoyed without interruption for _____ years if the property belongs to government, shall be absolute and indefeasible:

- (a) 20 years
- (b) 30 years
- (c) 12 years
- (d) 3 years

Q56. Choose the right answer: (i) The Law of Limitation bars the remedy in a court of law only when period of limitation has expired. (ii) The Law of Limitation does not extinguish the right that it cannot be enforced by judicial process (iii) If a claim is satisfied outside the court of law after the expiry of period of limitation, that is not illegal. (iv) If a claim is satisfied outside the court of law after the expiry of period of limitation, that is illegal.

- (a) (i), (ii), (iii)
- (b) (ii) and (iv)
- (c) (ii), (iii), (iv)
- (d) None of the above

Q57. Under the Code of Civil Procedure, 1908 the period of limitation to file an appeal to a High Court from decree or order is _____ from the date of decree or order.

- (a) 30 days
- (b) 60 days
- (c) 90 days
- (d) 3 years

Q58. The Limitation Act, 1963 came into force on:

- (a) 1st January, 1964
- (b) 5th October, 1963
- (c) 1st January, 1963
- (d) 1st October, 1963

Q59. The specific performance of a contract shall be sought within _____ from the date fixed for the performance, or, if no such date is fixed, when the plaintiff has noticed that performance is refused.

- (a) 1 year
- (b) 3 years
- (c) 12 years
- (d) 20 years

Q60. Continuous running of time refers to:

- (a) Where once time has begun to run, no subsequent disability or inability to institute a suit or make application stops it
- (b) Where once time has begun to run, subsequent disability or inability to institute a suit or make application stops it
- (c) Where once time has begun to run, subsequent disability or inability to institute a suit or make application stops it, provided the court grant leave
- (d) Where once time has begun to run, subsequent disability or inability to institute a suit or make application stops it, provided there is bonafide cause in view of the court

Q61. 'Nemo dat quod non habet' means :

- (a) One can transfer what he doesn't possess
- (b) Possession is nine points in law
- (c) Transfer without consideration is invalid
- (d) One cannot transfer what he doesn't possess

Q62. 'A' transferred a land to 'B' with a condition that if B sold it, he must sell it to 'C' and nobody else. The condition is :

- (a) Void
- (b) Voidable
- (c) Legal
- (d) Voidable at the option of 'C'

Q63. Section 52 of the Transfer of Property Act contains the doctrine of:

- (a) Lis Pendens
- (b) Part performance
- (c) Feeding the grant by estoppel
- (d) Notice

Q64. A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called a suit for:

- (a) Part performance
- (b) Election
- (c) Foreclosure
- (d) Estoppel

Q65. For the purpose of making a gift of immovable property, the transfer must be effected by:

- (a) Delivery of possession
- (b) A registered instrument signed by or on the behalf of the donor and duly attested
- (c) By simple instrument
- (d) By simple instrument accompanied by delivery of possession

Q66. A mortgage by deposit of title deed is called:

- (a) Anomalous mortgage
- (b) English mortgage
- (c) Equitable mortgage
- (d) Usufructuary mortgage

Q67. A lease of immovable property from year to year, can be made by:

- (a) Oral agreement
- (b) Oral agreement accompanied by delivery of possession
- (c) Simple instrument
- (d) Only by a registered instrument

Q68. Which one of the following statement is not correct in the context of transfer of property ?

- (a) It means an act by which a living person conveys property
- (b) He conveys property in present or in future
- (c) He conveys to one or more other living person
- (d) He cannot transfer property to himself and one or more other living persons

Q69. Which of the following is not an actionable claim?

- (a) A claim to mesne profits
- (b) A claim for arrears of rent
- (c) A claim for return of earnest money
- (d) A claim to money under insurance policy

Q70. Which of the following is not an essential requirement for a gift made by a Mohammedan?

- (a) Declaration of the gift by the donor
- (b) Acceptance of the gift by the donee
- (c) Delivery of possession to the donee
- (d) The gift must be effected through a registered instrument

Q71. An offer made to the public at large is called:

- (a) Valid offer
- (b) Specific offer
- (c) General offer
- (d) None of the above

Q72. "Past consideration is no consideration." This statement is:

- (a) Correct under Indian Law of Contract
- (b) Correct under English Law of Contract
- (c) Correct both under Indian and English Law of Contract
- (d) Not correct under both, Indian and English Law of Contract

Q73. The display of articles in a show-room indicating their prices amounts to:

- (a) Offer
- (b) Counteroffer
- (c) Invitation to an offer
- (d) Mere advertisement

Q74. Which one of the following does not render a contract void after it has been made ?

- (a) Commercial impossibility
- (b) Physical impossibility
- (c) Legal impossibility
- (d) Practical impossibility

Q75. Hadley V. Baxendale is related to:

- (a) Ouasi-contract
- (b) Contingent Contract
- (c) Damages for Breach of Contract
- (d) None of the above

Q76. M. C. Chako vs. State Bank of Travancore, AIR 1970 SC 504 case is related to:

- (a) Breach of Contract
- (b) Privity of Contract in India
- (c) Restitution
- (d) None of the above

Q77. Under the Indian Contract Act, 1872, a contract of 'Indemnity' is defined in Section:

- (a) 126
- (b) 127
- (c) 128
- (d) 124

Q78. 'A' saves 'B' from drowning in a river. 'B' promises to pay 'A' ? 10,000 for this kind of act. The contract is :

- (a) Void for want of consideration
- (b) Voidable
- (c) Unenforceable because it is immoral
- (d) Enforceable as it covered by exceptions to consideration

Q79. The Commissioner of Wealth Tax, Mysore vs. Vijayaba Dowger Maharani Saheb, Bhavnagarand Others, AIR 1970 SC case is related to :

- (a) General damages
- (b) Special damages
- (c) Wagering agreement
- (d) Contingent Contract

Q80. A continuing guarantee may be revoked:

- (a) By notice to the creditor
- (b) By surity's death
- (c) By both (a) and (b)
- (d) None of the above

Q81. On which date the Hindu Succession Act, 1956 came into force ?

- (a) 17th May
- (b) 17th June
- (c) 17th July
- (d) 17th April

Q82. A dies intestate and is survived by a son of predeceased half-blood brother, S and a daughter of a full blood predeceased sister D. How S and D will succeed the property ?

- (a) D will get entire property
- (b) S will get entire property
- (c) D and S both will get equal property
- (d) D will get 3/4th share and S will get 1/4th share

Q83. The Hindu Succession Act does not have territorial jurisdiction over:

- (a) Only Hindus of Jammu and Kashmir
- (b) Only Hindus of Goa, Daman and Diu
- (c) Only Hindus of Renocants of Pondicherry
- (d) Hindus of all the above areas

Q84. A Hindu female W dies and is survived by her husband H, one son S, two unmarried daughters D1 and D2. How the property of W will be divided ?

- (a) Into four equal parts
- (b) 1/2 to husband and remaining 1/2 to son and daughters
- (c) 1/2 to son and remaining 1/2 to husband and daughters
- (d) 1/3 to husband, 1/3 to son and remaining 1/3 to daughters

Q85. Which one of the following cannot be a ground for disqualification under Hindu Succession Act, 1956?

- (a) Mental Infirmary
- (b) Physical defects
- (c) Conversion to other religion
- (d) Diseases

Q86. The term 'Codicil' under Indian Succession Act relates to instruments made in relation to:

- (a) Intestate
- (b) Probate
- (c) Will
- (d) Gift

Q87. The degree of kindred are computed under Indian Succession Act in the manner set forth in the table of kindred set out in:

- (a) Schedule 2
- (b) Schedule 1
- (c) Schedule 3
- (d) Schedule 4

Q88. A legacy is bequeathed to A on condition that he shall marry with the consent of B, C, and D. A marries with F without consent but obtains consent afterwards. The legacy is:

- (a) Valid as A has fulfilled the condition of vesting legacy
- (b) Not valid as A has not fulfilled the condition of vesting legacy
- (c) Both (a) and (b)
- (d) The condition is void ab-initio hence no question of challenging legacy

Q89. A person taking no benefit directly under a will but deriving a benefit under it indirectly is not put to his election, has been provided under which section of Indian Succession Act ?

- (a) Section 185
- (b) Section 186
- (c) Section 187
- (d) Section 184

Q90. The deceased has made a specific bequest of part of his property The executor not having assented to the bequest sells the subject of it. The sale is:

- (a) Valid
- (b) Void
- (c) Voidable
- (d) Voidable at the discretion of executor only

Q91. Under Section 31 of the Specific Relief Act, the essential conditions under which cancellation of an instrument may be ordered are:

- (a) That the written instrument is void or voidable against the plaintiff
- (b) That the plaintiff has reasonable apprehension of serious injury from the instrument is left outstanding
- (c) That in view of the circumstances the court considers it as reasonable and necessary to cancel the document
- (d) All of the above

Q92. A relief against parties and persons claiming under them by subsequent title, for specific performance of a contract may be enforced under:

- (a) Section 12
- (b) Section 19
- (c) Section 18
- (d) Section 8

Q93. In a simple suit for specific performance of contract for sale, a person who is not a party to the Agreement for Sale is neither a necessary, nor proper party. The exemptions available under Specific Relief Act are as follows:

- (a) Cases of novatio
- (b) Interest arising out of prior contracts
- (c) Where it is necessary to join parties for avoiding multiplicity of proceedings
- (d) All of the above

Q94. Where a person is in settled possession of property, even on the assumption that he had no right to remain on the property, he cannot be dispossessed by the owner. This relief is available in the Specific Relief Act under:

- (a) Section 6
- (b) Section 11
- (c) Section 9
- (d) Section 8

Q95. A person is entitled to possession of specific immovable property may recover it by suit filed under the provisions of the Civil Procedure Code. This relief is provided in Specific Relief Act under:

- (a) Section 11
- (b) Section 4
- (c) Section 5
- (d) Section 9

Q96. Any person having the possession or control over the article of movable property, of which he is not the owner, may be compelled to deliver it to the person entitled to the immediate possession in the following case:

- (a) When the possession of the thing claimed has been wrongfully transferred from the plaintiff
- (b) When the thing claimed is held by the defendant as the agent or trustee of the plaintiff
- (c) Both (a) and (b)
- (d) None of the above

Q97. Injunction can be granted under Specific Relief Act in the following :

- (a) Protection of intellectual properties
- (b) A wife can restrain her husband from contracting a second marriage
- (c) Passing-off and like action
- (d) All of the above

Q98. One of the following Sections under Specific Relief Act deals with Specific Performance with variation:

- (a) Section 18
- (b) Section 19
- (c) Section 20
- (d) Section 21

Q99. To obtain a mandatory injunction under Section 39 of the Specific Relief Act, the plaintiff must show that there has been a breach of obligation in the nature of:

- (a) Legal obligation
- (b) It is necessary to maintain status quo
- (c) None of the above
- (d) Both (a) and (b)

Q100. Where an instrument is evidence of different rights or different obligations, the Court may, in a proper case, cancel it in part and allow it to stand for the residue. This provision is provided in the Specific Relief Act under:

- (a) Section 21
- (b) Section 32
- (c) Section 42
- (d) Section 40

Answer Key & Solutions

Q1. Answer: B

Doctrine of colourable legislation relates to legislative competence (Art 246/Schedule VII), not Art 13. Eclipse, waiver and severability all flow from Art 13.

Q2. Answer: A

A university student union is not 'State' under Art 12. CSIR, a municipal corporation and the UPSC are all 'State'/instrumentalities.

Q3. Answer: C

Freedom of speech and expression (Art 19) is available to citizens only. The others (Arts 14, 21, 22) are available to all persons.

Q4. Answer: B

Protection of life and personal liberty (Art 21) extends to all persons. Art 19 freedoms (union, assembly, free movement) are citizen-only.

Q5. Answer: C

Article 20(3) embodies the privilege against self-incrimination: no person accused of an offence shall be compelled to be a witness against himself.

Q6. Answer: D

Organisation of village panchayats is a DPSP under Art 40. The others are fundamental rights, not directive principles.

Q7. Answer: C

Right to Education is now a Fundamental Right (Art 21A), not a DPSP. UCC (Art 44), village panchayats (Art 40) and free legal aid (Art 39A) are DPSPs.

Q8. Answer: D

Art 51A speaks of valuing and preserving the rich composite culture, not 'promoting Indian culture' as worded; protecting sovereignty, defending the country and respecting the National Anthem are listed duties.

Q9. Answer: B

The doctrine of prospective overruling was first applied by the Supreme Court in I.C. Golak Nath v. State of Punjab (1967).

Q10. Answer: B

Gian Kaur v. State of Punjab (1996) held the right to life under Art 21 does not include the right to die, overruling P. Rathinam.

Q11. Answer: D

Preliminary decrees may be passed in suits for partition, dissolution of partnership, and possession with mesne profits (Order XX CPC) - all of the above.

Q12. Answer: D

Section 15 CPC deals with pecuniary jurisdiction: every suit shall be instituted in the court of the lowest grade competent to try it.

Q13. Answer: C

Set-off may be both legal (Order VIII Rule 6) and equitable, hence both (a) and (b).

Q14. Answer: C

Against an ex-parte decree the specific remedy is an application to set it aside under Order IX Rule 13 (appeal and review are general remedies); this is the on-point option.

Q15. Answer: C

'Nemo debet bis vexari pro una et eadem causa' means no one shall be vexed twice for one and the same cause - the basis of res judicata.

Q16. Answer: B

Under the proviso to Section 60(1) CPC, in execution of a maintenance decree salary is attachable to the extent of one-third (the usual two-thirds exemption does not apply).

Q17. Answer: B

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

Q18. Answer: D

Section 89 CPC provides for settlement of disputes outside the court through ADR (arbitration, conciliation, mediation, Lok Adalat).

Q19. Answer: C

Section 115 CPC (revision) applies where the subordinate court has committed a jurisdictional error - exercised jurisdiction not vested, failed to exercise it, or acted illegally/with material irregularity.

Q20. Answer: A

Under Order XXXIII Rule 11A CPC, where an indigent person's suit abates on the plaintiff's death, the court fee is recoverable from the estate of the deceased plaintiff.

Q21. Answer: D

Under Section 2(x) CrPC a warrant case relates to an offence punishable with death, imprisonment for life, or imprisonment for a term exceeding two years.

Q22. Answer: A

Under Section 262(2) CrPC, no sentence of imprisonment exceeding three months can be passed in a summary trial.

Q23. Answer: B

Section 125 CrPC provides for orders for maintenance of wives, children and parents.

Q24. Answer: C

Section 304 CrPC provides for legal aid to an accused at State expense where he is not represented by a pleader.

Q25. Answer: B

Section 300 CrPC embodies the rule against double jeopardy (autrefois acquit/convict): a person once convicted or acquitted shall not be tried again for the same offence.

Q26. Answer: D

Section 39 CrPC lists offences (including ss.121-126, ss.302/303/304 cluster, and ss.489A-489E counterfeiting of currency) about which every person aware is bound to inform the nearest Magistrate or police officer; all the listed clusters fall within it.

Q27. Answer: A

Section 45 CrPC protects members of the Armed Forces from arrest for anything done in discharge of official duties except with the consent of the Central/State Government.

Q28. Answer: C

Section 416 CrPC empowers the High Court to postpone the execution of a death sentence on a pregnant woman, and it may commute the sentence to life imprisonment if it thinks fit.

Q29. Answer: A

Section 366 CrPC requires the Court of Session, on passing a death sentence, to submit the proceedings to the High Court; the sentence is not executed until confirmed by the High Court.

Q30. Answer: D

Section 354 CrPC governs the language and contents of a judgment: it must be in the language of the court, contain points for determination with reasons, and specify the offence and the section under which the accused is convicted - all

of the above.

Q31. Answer: D

Section 141 of the Indian Evidence Act, 1872 defines a 'leading question' as one suggesting the answer which the person putting it wishes or expects to receive.

Q32. Answer: A

Section 115 of the Indian Evidence Act, 1872 enacts the doctrine of estoppel by conduct/representation.

Q33. Answer: C

Section 125 of the Indian Evidence Act, 1872 protects official communications: a public officer cannot be compelled to disclose communications made to him in official confidence when the public interest would suffer.

Q34. Answer: A

A witness unable to speak (under s.119 of the Evidence Act, who may give evidence by writing or signs) is referred to as a dumb witness.

Q35. Answer: B

Section 75 of the Indian Evidence Act, 1872 (read with s.76) deals with proof of public documents by their certified copies.

Q36. Answer: C

Where the accused withdraws or denies a confession he had earlier made, it is termed a retracted confession.

Q37. Answer: B

Expert opinion under Section 45 of the Evidence Act is only corroborative/advisory in nature; it is not binding or conclusive and requires corroboration.

Q38. Answer: D

Section 8 of the Indian Evidence Act, 1872 makes motive, preparation and previous or subsequent conduct relevant facts - all of the above.

Q39. Answer: A

Section 47A of the Indian Evidence Act, 1872 (inserted by the IT Act amendments) deals with relevance of the opinion of a Certifying Authority as to electronic/digital signatures.

Q40. Answer: D

'Admission' is defined in Section 17 of the Indian Evidence Act, 1872 as a statement, oral or documentary, which suggests an inference as to any fact in issue or relevant fact.

Q41. Answer: A

The definition of crime as 'a violation of public rights and duties due to the whole community' is attributed to Sir William Blackstone (Commentaries).

Q42. Answer: B

Offences not requiring intention, recklessness or negligence as to one or more actus reus elements are strict liability offences.

Q43. Answer: C

Section 304B IPC (Chapter XVI) defines and punishes dowry death.

Q44. Answer: D

The principle that criminal jurisdiction is determined by the locality of the offence irrespective of the offender's nationality was laid down in Mobarik Ali Ahmed v. State of Bombay, AIR 1957 SC 857 (option (d), 'Mubarak AN vs. State of Bombay', is the OCR-garbled form of this case).

Q45. Answer: C

Where an offence carries a mandatory term of imprisonment, a company (being incapable of being imprisoned) can still be convicted and sentenced to fine - the courts impose the fine and the imprisonment portion cannot be enforced

against the artificial person. The Odisha key treats this as 'can be convicted and can be fined'.

Q46. Answer: D

The Miltonic observation 'They also serve who only stand and wait', used to describe constructive/common-intention liability under s.34 IPC, appears in Pandurang v. State of Hyderabad, AIR 1955 SC 216.

Q47. Answer: D

Section 377 IPC dealt with 'unnatural offences' (carnal intercourse against the order of nature).

Q48. Answer: B

The maxim 'qui facit per alium facit per se' (he who acts through another acts himself) is the foundation of vicarious liability.

Q49. Answer: D

In Mithu v. State of Punjab, AIR 1983 SC 473, the Supreme Court struck down Section 303 IPC (mandatory death penalty for murder by a life convict) as violative of Articles 14 and 21.

Q50. Answer: B

The 2013 two-judge bench holding that delay in deciding mercy petitions cannot be a ground for commutation in anti-terror (TADA/POTA) cases is Devender Pal Singh Bhullar v. State (NCT of Delhi), (2013) 6 SCC 195 - which is NOT among the options. Of the four, only option (b) bears the year 2013, so it is the intended (mislabelled) key, but the question as printed appears defective.

Q51. Answer: C

The Law of Limitation neither creates a right where none exists nor extinguishes a right; it merely bars the remedy after a prescribed period to enforce an existing right. Hence both (a) and (b) describe its intention.

Q52. Answer: B

Article 5 of the Schedule to the Limitation Act, 1963 prescribes 3 years from the date of dissolution for a suit for an account and a share of the profits of a dissolved partnership.

Q53. Answer: B

Extension of the prescribed period on sufficient cause being shown for delay under Section 5 of the Limitation Act, 1963 is the doctrine of condonation (of delay).

Q54. Answer: D

Limitation falls under Entry 13 of List III (Concurrent List) of the Seventh Schedule, which covers civil procedure, limitation and arbitration.

Q55. Answer: B

Under Section 25 of the Limitation Act, 1963, the prescriptive period for acquiring an easement is 20 years generally, but 30 years where the property belongs to the Government.

Q56. Answer: A

Limitation bars the remedy (not the right) on expiry of the period (i & ii), and satisfying a time-barred claim outside court is not illegal (iii); statement (iv) is wrong. So (i), (ii), (iii) are correct.

Q57. Answer: C

Article 116 of the Limitation Act, 1963 prescribes 90 days for an appeal to a High Court from a decree or order (and 30 days to any other court).

Q58. Answer: A

Though enacted on 5 October 1963, the Limitation Act, 1963 came into force on 1 January 1964 (Section 1(3)).

Q59. Answer: B

Article 54 of the Limitation Act, 1963 prescribes 3 years for a suit for specific performance, running from the date fixed for performance or, if none, from when the plaintiff notices that performance is refused.

Q60. Answer: A

Under Section 9 of the Limitation Act, once time has begun to run, no subsequent disability or inability to sue stops it (continuous running of time).

Q61. Answer: D

'Nemo dat quod non habet' means no one can give/transfer what he does not have (or possess).

Q62. Answer: C

Under Section 10 of the Transfer of Property Act, a partial restraint on alienation (e.g., to sell only to a particular person) is valid/legal; only an absolute restraint is void.

Q63. Answer: A

Section 52 of the Transfer of Property Act embodies the doctrine of lis pendens (pending litigation, property cannot be transferred so as to affect the rights of any party to the suit).

Q64. Answer: C

A suit to debar the mortgagor absolutely of his right of redemption is a suit for foreclosure (Section 67, Transfer of Property Act).

Q65. Answer: B

Under Section 123 of the Transfer of Property Act, a gift of immovable property must be effected by a registered instrument signed by/on behalf of the donor and attested by at least two witnesses.

Q66. Answer: C

A mortgage by deposit of title deeds (Section 58(f), TP Act) is commonly known as an equitable mortgage.

Q67. Answer: D

Under Section 107 of the Transfer of Property Act, a lease of immovable property from year to year (or for a term exceeding one year, or reserving yearly rent) can be made only by a registered instrument.

Q68. Answer: D

Section 5 of the Transfer of Property Act expressly permits transfer 'to himself, or to himself and one or more other living persons.' So statement (d) is incorrect.

Q69. Answer: A

An actionable claim (Section 3, TP Act) is a claim to an unsecured debt or beneficial interest in movable property not in possession. A claim to mesne profits is not an actionable claim, being unascertained/damages in nature.

Q70. Answer: D

The three essentials of a valid Muslim (hiba) gift are declaration, acceptance and delivery of possession; registration through a registered instrument is not required.

Q71. Answer: C

An offer made to the public at large (e.g., Carlill v Carbolic Smoke Ball Co.) is a general offer.

Q72. Answer: B

Under Section 2(d) of the Indian Contract Act, past consideration is good consideration; the rule that 'past consideration is no consideration' holds only under English law.

Q73. Answer: C

Display of goods with price tags in a shop is merely an invitation to offer (invitation to treat), not an offer (Pharmaceutical Society v Boots).

Q74. Answer: A

Commercial impossibility (mere increase in cost/difficulty of performance) does not frustrate or render a contract void under Section 56; physical and legal impossibility do.

Q75. Answer: C

Hadley v. Baxendale is the leading case on remoteness of damages / damages for breach of contract (foreseeability rule), reflected in Section 73 of the Indian Contract Act.

Q76. Answer: B

M.C. Chacko v. State Bank of Travancore, AIR 1970 SC 504, is the leading Indian authority on privity of contract; the bank, not being a party to the gift deed, could not enforce the covenant.

Q77. Answer: D

A contract of indemnity is defined in Section 124 of the Indian Contract Act, 1872.

Q78. Answer: D

Saving B from drowning is a voluntary act done for B; B's subsequent promise to pay is enforceable as it falls within the exceptions to consideration under Section 25(2) of the Indian Contract Act.

Q79. Answer: C

Flagged: stem citation (AIR 1970) and the wealth-tax subject matter do not cleanly map to any contract-law category; per the standard exam key the case is associated with a wagering/contingent obligation, best fit (c) wagering agreement.

Q80. Answer: C

Under Sections 130 and 131 of the Indian Contract Act, a continuing guarantee is revoked both by notice to the creditor and by the surety's death (as to future transactions).

Q81. Answer: B

The Hindu Succession Act, 1956 received assent and came into force on 17th June 1956.

Q82. Answer: A

A full-blood heir is preferred to a half-blood heir of the same degree (Section 18, HSA); the full-blood sister's branch (D) excludes the half-blood brother's branch (S), so D takes the entire property.

Q83. Answer: A

As originally enacted, the Hindu Succession Act, 1956 extended to the whole of India except the State of Jammu and Kashmir (Section 1), so it did not apply to Hindus of J&K.

Q84. Answer: A

On a Hindu female's intestacy the property goes first to her sons, daughters and husband, who share equally (Section 15(1)(a) r/w Section 16); here husband, son, D1 and D2 take in four equal parts.

Q85. Answer: B

Flagged: Section 28 HSA abolishes disqualification on the ground of any disease, defect or deformity, so disease, physical defect and mental infirmity all cannot disqualify, while only conversion (its descendants, Section 26) can; the question is defective. Best single answer is physical defects.

Q86. Answer: C

A 'codicil' (Section 2(b), Indian Succession Act, 1925) is an instrument made in relation to a will, explaining, altering or adding to its dispositions.

Q87. Answer: B

Degrees of kindred are computed per the Table of Kindred set out in Schedule I to the Indian Succession Act, 1925 (Section 24 r/w Schedule I).

Q88. Answer: A

Under the Indian Succession Act (illustrations to Sections 126/127), a condition to marry with consent is satisfied if consent is obtained though after the marriage; the legacy is valid as the condition is fulfilled.

Q89. Answer: B

Section 186 of the Indian Succession Act, 1925 provides that a person taking no direct benefit under a will but deriving a benefit under it indirectly is not put to his election.

Q90. Answer: A

Until the executor assents, the legatee has no title; the executor's sale of the subject of a specific bequest before assent is valid (Indian Succession Act provisions on executor's assent, Section 332 r/w 333).

Q91. Answer: D

Section 31 of the Specific Relief Act, 1963 permits cancellation where the instrument is void/voidable against the plaintiff and there is reasonable apprehension of serious injury if left outstanding, the court considering it reasonable to cancel - all of the above.

Q92. Answer: B

Section 19 of the Specific Relief Act, 1963 - 'Relief against parties and persons claiming under them by subsequent title' - allows enforcement of specific performance against such persons.

Q93. Answer: D

Exceptions to the rule that a stranger to the agreement is not a necessary/proper party include novation, interest under prior contracts, and joinder to avoid multiplicity of proceedings - all of the above (Section 15/19 SRA framework).

Q94. Answer: A

Section 6 of the Specific Relief Act, 1963 protects settled possession: a person dispossessed without consent otherwise than by due course of law may recover possession even against the owner.

Q95. Answer: C

Section 5 of the Specific Relief Act, 1963 provides that a person entitled to possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure (i.e., on strength of title).

Q96. Answer: C

Under Section 8 of the Specific Relief Act, 1963 a non-owner in possession may be compelled to deliver movable property where it was wrongfully transferred from the plaintiff or is held by the defendant as agent/trustee - both (a) and (b).

Q97. Answer: D

Injunctions under the Specific Relief Act can protect intellectual property, restrain a husband from a second marriage, and prevent passing-off - all of the above (Sections 36-42).

Q98. Answer: A

Section 18 of the Specific Relief Act, 1963 - 'Non-enforcement except with variation' - deals with specific performance subject to a variation set up by the defendant.

Q99. Answer: A

Under Section 39 of the Specific Relief Act, 1963 a mandatory injunction requires a breach of an obligation - i.e., a legal obligation - which the court must compel performance of.

Q100. Answer: B

Section 32 of the Specific Relief Act, 1963 provides that where an instrument evidences different rights or obligations, the court may cancel it in part and let it stand for the residue.