

Odisha Judiciary - Prelims 2019

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

Q1. Who among the following was the Special Public Prosecutor in the Disproportionate Assets Case in which Tamil Nadu Chief Minister Jayalalithaa was convicted for four years ?

- (a) Anand Grover
- (b) Bhavani Singh
- (c) Siddarth Luthra
- (d) None of them

Q2. Government of India Act, 1935 was a lengthy document consisting of 321 Sections and 10 Schedules. The statement is:

- (a) True
- (b) False
- (c) Partly correct
- (d) None of these

Q3. How many times has the Preamble to the Constitution of India amended ?

- (a) Once
- (b) Twice
- (c) Thrice
- (d) None

Q4. The First Session of the Constituent Assembly was held at:

- (a) Delhi
- (b) Bombay
- (c) Calcutta
- (d) None of these

Q5. Which of the following Articles of the Constitution of India guarantees freedom to marriage religious affairs ?

- (a) Article 25
- (b) Article 26
- (c) Article 27
- (d) Article 28

Q6. Which one of the following Articles about Fundamental Rights is directly related to the exploitation of Children ?

- (a) Article 18
- (b) Article 19
- (c) Article 22
- (d) Article 24

Q7. Which of the following Articles was/were amended to rectify the effect of Golaknath's judgement?

- (a) Article 13
- (b) Article 368
- (c) Article 31
- (d) Both (A) and (B)

Q8. How many items are there in the Ninth Schedule when it was introduced ?

- (a) 8
- (b) 9
- (c) 10
- (d) 12

Q9. Which of the following cases upheld the right against solitary confinement ?

- (a) Sunil Batra Case
- (b) Ramesh Thapar Case
- (c) Prem Shanker Shukla Case
- (d) None of these

Q10. Is Judicial Review a part of the basic structure of the Indian Constitution ?

- (a) Yes
- (b) No
- (c) Depends
- (d) None of these

Q11. "Decree" has been defined in Section of the Code of Civil Procedure.

- (a) Section 1(1)
- (b) Section 1(2)
- (c) Section 2(1)
- (d) Section 2(2)

Q12. In the case of inconsistency between Sections and the Rules shall prevail.

- (a) Sections
- (b) Rules
- (c) Orders
- (d) None of these

Q13. The body of the Code of Civil Procedure containing Sections can be amended by:

- (a) The Supreme Court
- (b) The High Courts
- (c) The Parliament
- (d) None of these

Q14. Civil Proceedings instituted by Presentation of Plaint is called

- (a) Suit
- (b) Caveat
- (c) Application
- (d) None of these

Q15. Can a Civil Court pass more than one order in suit ?

- (a) Yes
- (b) No
- (c) Never
- (d) None of these

Q16. The first uniform Code of Civil Procedure was enacted in the year:

- (a) 1908
- (b) 1859
- (c) 1882
- (d) 1872

Q17. The substantive part of the Code of Civil Procedure is contained in :

- (a) Sections
- (b) Rules
- (c) Orders
- (d) None of these

Q18. Is it necessary to state the amount of costs incurred in the suit ?

- (a) Yes
- (b) No
- (c) Depends
- (d) None of these

Q19. Can the Court issue commissions for examination of a person in prison ?

- (a) Yes
- (b) No
- (c) Never
- (d) Depends

Q20. Is it necessary for the Court to pronounce the judgement in all issues ?

- (a) Yes
- (b) No
- (c) Never
- (d) None of these

Q21. Section 2(g) of the Code of Criminal Procedure 1973 defines:

- (a) Enquiry
- (b) Inquiry
- (c) Investigation
- (d) None of these

Q22. In a Warrant case instituted on police report, the trial begins when the:

- (a) Accused appears
- (b) Charge is framed
- (c) Witnesses are examined
- (d) None of these

Q23. An illegality in the investigation :

- (a) Vitiates the trial
- (b) Does not vitiate the trial in any case
- (c) Does not vitiate the trial unless miscarriage of justice has been caused
- (d) None of these

Q24. Identification of arrested persons can be ordered by the Court on the request of the:

- (a) Complainant
- (b) Arrested person or his nominee
- (c) Officer-in-charge of a Police Station
- (d) None of them

Q25. Every Summons shall be served by:

- (a) Public Servant
- (b) Police Officer
- (c) Officer of the Court
- (d) Anyone of them

Q26. A warrant may be directed to any person for the arrest of:

- (a) Any escaped convict
- (b) A proclaimed offender
- (c) Any person who is accused of a non-bailable offence and is evading arrest
- (d) All of them

Q27. Can the evidence of witnesses be taken on oath by the Magistrate conducting an enquiry ?

- (a) Yes
- (b) No
- (c) Depends
- (d) None of these

Q28. Any Court may alter or add to any charge at any time before the:

- (a) Evidence is closed
- (b) Evidence is started
- (c) Judgement is pronounced
- (d) None of these

Q29. What is the maximum sentence of imprisonment which can be imposed for an offence tried as Summary Trial ?

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

Q30. Can a witness refuse to sign the deposition if it is not read over to him ?.

- (a) Yes
- (b) No
- (c) Depends
- (d) None of these

Q31. Which of the following types of evidence means "testimony" ?

- (a) Direct Evidence
- (b) Circumstantial Evidence
- (c) Both (A) and (B)
- (d) None of these

Q32. Who drafted the Indian Evidence Act, 1872?

- (a) Lord Denning
- (b) A.V. Dicey
- (c) Lord Macaulay
- (d) J. F. Stephen

Q33. The Indian Evidence Act, 1872 does not mention:

- (a) Relevancy of Evidence
- (b) Admissible Evidence
- (c) Weight of Evidence
- (d) All of these

Q34. The word 'relevant' is derived from the Latin term "relevare" which means:

- (a) Important
- (b) Legally pertinent
- (c) Significant
- (d) None of these

Q35. Which of the following is not a Public document?

- (a) Order of a competent authority fixing price of commodities
- (b) An order issuing a search warrant
- (c) A crop cutting report by a Collector
- (d) Complaint on written statement in a suit

Q36. Relevancy is a _____

- (a) Question of fact
- (b) Question of law
- (c) Mixed question of fact and law
- (d) None of these

Q37. Res Gestae is an exception to the

- (a) Relevancy Rule
- (b) Hearsay Rule
- (c) Circumstantial Evidence
- (d) None of these

Q38. Proof of a fact depends upon:

- (a) Accuracy of Statements
- (b) Probability of it having existed
- (c) Both (A) and (B)
- (d) None of these

Q39. When one is unable to decide how the fact stands precisely, it can be termed as:

- (a) Proved
- (b) Disproved
- (c) Not proved
- (d) None of these

Q40. The maxim falsus in UNO, falsus in Omnibus is

- (a) A sound rule of law
- (b) A sound rule of evidence
- (c) Both (A) and (B)
- (d) None of these

Q41. The principle of criminal liability "Actus non facit reum nisi mens sit- rea" is of origin of:

- (a) India
- (b) Mohammedan Criminal law
- (c) Common law
- (d) None of these

Q42. Which of the following is not a sine qua non for making a person criminally liable ?

- (a) Mens rea
- (b) Actus-rea
- (c) Motive
- (d) All of these

Q43. Which of the following is an inchoate offence ?

- (a) Attempt
- (b) Abetment
- (c) Criminal conspiracy
- (d) All of these

Q44. Which of the following Sections of the Indian Penal Code is added by the Information Technology Act, 2000 ?

- (a) Section 28A
- (b) Section 29A
- (c) Section 27A
- (d) Section 30A

Q45. Loss by unlawful means of property to which the person losing it is legally entitled:

- (a) Dishonest loss
- (b) Wrongful loss
- (c) Unlawful loss
- (d) None of these

Q46. The word "electronic record" shall have the same meaning assigned to them is in the:

- (a) General Clauses Act
- (b) Information Technology Act
- (c) Right to Information Act
- (d) Indian Evidence Act

Q47. No Court shall take cognizance of the offence punishable under Sec. 153A, except with the previous sanction of the:

- (a) Central Government
- (b) State Government
- (c) Either (A) or (B)
- (d) District Magistrate

Q48. In a prosecution of an offence of criminal conspiracy the onus of proof is on:

- (a) Prosecution
- (b) Accused
- (c) Depends
- (d) None of these

Q49. Which of the following is not a punishment provided under Indian Penal Code ?

- (a) Forfeiture of property
- (b) Imprisonment With hard labour
- (c) Transportation for life
- (d) Death

Q50. Which of the following theory recognizes the principles of "eye for eye" and "tooth for tooth" ?

- (a) Deterrent theory
- (b) Retribution theory
- (c) Reformatory theory
- (d) None of these

Q51. Which of the following Sections of the Limitation Act, 1963 gives an inclusive definition of "easement" ?

- (a) 2(c)
- (b) 2(f)
- (c) 2(g)
- (d) 2(h)

Q52. Which of the following Sections of Limitation Act, 1963 defines "Period of Limitation" ?

- (a) 2(i)
- (b) 2(f)
- (c) 2(k)
- (d) 2(c)

Q53. Expiry of period of limitation:

- (a) Extinguishes the debt
- (b) Renders the debts unen- forceable
- (c) Extinguishes the debt and renders it unenforceable
- (d) None of these

Q54. As defined in Section 2(i) of the Limitation Act, 1963, 'suit' includes:

- (a) An appeal
- (b) Application
- (c) Both (A) and (B)
- (d) Neither (A) nor (B)

Q55. An order made on an application ; filed beyond the period of limitation is:

- (a) Illegal
- (b) Without Jurisdiction
- (c) Irregular
- (d) None of these

Q56. In a suit for recovery of possession of a house from a deemed trustee of waqf property:

- (a) No limitation applies
- (b) Limitation is applicable
- (c) Depends
- (d) None of these

Q57. Limitation runs from the:

- (a) Date the plaint is returned
- (b) Date of order by which planet is directed to be returned
- (c) Depends
- (d) None of these

Q58. Which of the following Sections of the Limitation Act, 1963 deals with acquisition of easement by prescription ?

- (a) 25
- (b) 26
- (c) 27
- (d) 28

Q59. The period of limitation for a suit for an account and a share of the profits of dissolved partnership is;

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

Q60. The period of Limitation for the suits relating to decrees and instruments is:

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

Q61. Inter Vivos means and includes :

- (a) Only living persons
- (b) Living as well as dead persons
- (c) Living as well as juristic persons
- (d) None of these

Q62. As per Section 13 of the Transfer of Property Act, 1882 a transfer of property is valid in the case of an unborn person if the interest therein is created for:

- (a) Enjoyment
- (b) Possession
- (c) The benefit
- (d) All of these

Q63. "Subrogation" is a Roman word, which means:

- (a) Surrender
- (b) Exhaustion
- (c) Substitution
- (d) Alteration

Q64. Contribution to Mortgage debt in the Transfer of Property Act, 1882 comes under:

- (a) Section 82
- (b) Section 83
- (c) Section 82A
- (d) None of these

Q65. The definition of actionable claims was substituted by the amendment In which year ?

- (a) 2002
- (b) 1929
- (c) 1900
- (d) None of these

Q66. To make the assignment of actionable claims perfect notice to the debtor is:

- (a) Necessary by the transferor
- (b) Necessary by the transferee
- (c) Necessary by both the parties
- (d) Not necessary

Q67. Right derived to a mortgagee to obtain a decree of foreclosure in the event when the mortgage money:

- (a) Is outstanding
- (b) Is defaulted
- (c) Becomes payable
- (d) Becomes due

Q68. Pendency of suit for the purpose of Section 52 commences from the date on which:

- (a) Complaint presented
- (b) Summons issued
- (c) Suit admitted
- (d) None of these

Q69. Doctrine of Holding out is related to:

- (a) Transfer by an ostensible owner
- (b) Election
- (c) Feeding the grant by Estoppels
- (d) None of these

Q70. Doctrine of Election is explained in the Transfer of Property Act, 1882 in:

- (a) Section 35
- (b) Section 36
- (c) Section 34
- (d) None of these

Q71. The Indian Contract Act, 1872 is not exhaustive. The statement is:

- (a) True
- (b) False
- (c) Partly correct
- (d) None of these

Q72. The popular case Askari Mirza vs Jai Kishori relates to:

- (a) Fraud
- (b) Undue Influence
- (c) Coercion
- (d) Mistake

Q73. Which of the following right(s) is /are not available to the agent ?

- (a) Right to sell
- (b) Right To compensation
- (c) Right to retain
- (d) All of these

Q74. A guarantee obtained by means of keeping silence as to material circumstances is:

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

Q75. Which one is not a remedy for breach of contract ?

- (a) Damages
- (b) Injunction
- (c) Fine
- (d) Specific performance

Q76. Quasi-contracts are dealt with in :

- (a) Section 62
- (b) Section 63-68
- (c) Section 68-72
- (d) Section 72-75

Q77. Promissory estoppel is sometimes spoken of as a substitute for:

- (a) Novation
- (b) Quasi-contract
- (c) Consideration
- (d) Coercion

Q78. The leading case Balfour vs Balfour relates to:

- (a) Capacity of parties
- (b) Acceptance of offer
- (c) Communication
- (d) Intention to contract

Q79. An agency is terminated :

- (a) By the principal revoking the authority
- (b) By the agent renouncing the business of agency
- (c) By either the principal or agent dying for becoming of unsnap mind
- (d) All of these

Q80. Which of the following Sections of Indian Contract Act, 1872 deals with bailee's particular lien ?

- (a) 167
- (b) 168
- (c) 169
- (d) 170

Q81. Which of the following Sections of the Hindu Succession Act, 1956, deals with the properties to which the Act is not applicable ?

- (a) Section 5
- (b) Section 6
- (c) Section 7
- (d) Section 8

Q82. Legacy means:

- (a) A gift of property by way of will
- (b) A gift of property by way of gift deed
- (c) A gift of movable property
- (d) A gift of immovable property

Q83. By the Amendment Act of 2005, Section 6 of the Hindu Succession Act was:

- (a) Amended
- (b) Substituted
- (c) Repealed
- (d) None of these

Q84. In order to attract Section 14 of the Hindu Succession Act, 1956, the possession of property may be:

- (a) Actual Possession
- (b) Symbolic Possession
- (c) Constructive Possession
- (d) Any of these

Q85. According to Section 10 of the Hindu Succession Act, 1956, the intestate's widow shall take share.

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

Q86. Coparcenary is a narrower body, then joint family. The statement is:

- (a) True
- (b) False
- (c) Partly correct
- (d) None of these

Q87. General rules of Succession in the case Succession of Female Hindus are dealt with under _____

- (a) Section 16
- (b) Section 20
- (c) Section 21
- (d) Section 15

Q88. "Life estate granted to a Hindu Woman by a will also becomes her absolute estate." The statement is:

- (a) True
- (b) False
- (c) Partly correct
- (d) None of these

Q89. When two persons are related by blood or adoption, wholly through males, it is called _____

- (a) Cognate
- (b) Agnate
- (c) Both (A) and (B)
- (d) Coparcener

Q90. The property mentioned in Section 14 of Hindu Succession Act, 1956, does not include the Stridhan property. The statement is:

- (a) True
- (b) False
- (c) Partly correct
- (d) None of these

Q91. Specific Relief is a form of judicial redress. This statement is:

- (a) True
- (b) False
- (c) Partly correct
- (d) None of these

Q92. The remedy of a person unsuccessful in a suit under Section 6 of the Specific Relief Act, 1963 is to file _____

- (a) Appeal
- (b) Revision
- (c) Review
- (d) A regular suit establishing his title to the suit property

Q93. Section 36 of the Specific Relief Act, 1963 classifies injunction into _____ categories.

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

Q94. Which of the following Sections of the Specific Relief Act, 1963 deals with the effect of declaration ?

- (a) Section 36
- (b) Section 37
- (c) Section 38
- (d) Section 35

Q95. Which of the following is termed as the Converse of Specific Performance ?

- (a) Rectification
- (b) Rescission
- (c) Both (A) and (B)
- (d) None of these

Q96. Can the court award compensation in a case where specific performance is possible?

- (a) Yes
- (b) No
- (c) Depends
- (d) None of these

Q97. Which of the following sections of the specific relief act, 1963 deals with the power of the court to award compensation?

- (a) Section 19
- (b) Section 20
- (c) Section 21
- (d) Section 22

Q98. The specific relief act, 1963 grants _____

- (a) Specific Relief only
- (b) Preventive Reliefs
- (c) Both (A) and (B)
- (d) None of these

Q99. Which of the following remedies is provided by the specific relief act, 1963 regarding contracts?

- (a) Damages
- (b) Specific Performance
- (c) Both (A) and (B)
- (d) None of these

Q100. The specific relief act was a result of the_____.

- (a) 10th law commission
- (b) 11th Law Commission
- (c) 9th Law Commission
- (d) 8th Law Commission

Answer Key & Solutions

Q1. Answer: B

G. Bhavani Singh was the Special Public Prosecutor in Jayalalithaa's disproportionate assets case (the 2014 trial-court conviction sentencing her to four years), though the Supreme Court later held his appointment for the appeal stage bad in law.

Q2. Answer: A

True. The Government of India Act, 1935 was the longest enactment of its time, comprising 321 Sections and 10 Schedules.

Q3. Answer: A

The Preamble has been amended only once, by the 42nd Amendment Act, 1976, which added the words 'Socialist', 'Secular' and 'Integrity'.

Q4. Answer: A

The first session of the Constituent Assembly was held on 9 December 1946 in the Constitution Hall (now the Central Hall of Parliament) at Delhi.

Q5. Answer: B

Article 26 guarantees freedom to manage religious affairs; the question's 'marriage' appears to be an OCR error for 'manage'. Article 25 covers individual freedom of conscience, while Article 26 deals with the freedom of religious denominations to manage their religious affairs.

Q6. Answer: D

Article 24 prohibits employment of children below 14 years in factories, mines or hazardous work, directly addressing exploitation of children.

Q7. Answer: D

The 24th Amendment Act, 1971 amended both Article 13 and Article 368 to nullify the effect of Golak Nath (1967), affirming Parliament's power to amend any part of the Constitution including Fundamental Rights.

Q8. Answer: D

The Ninth Schedule was introduced by the First Amendment, 1951 originally containing 13 entries/items; none of the given options (8/9/10/12) is 13, so the question/options appear defective. Best available choice marked as 12 (closest), but this is a flagged mismatch.

Q9. Answer: A

Sunil Batra v. Delhi Administration (1978) upheld the right against solitary confinement, holding it permissible only in extreme cases consistent with Article 21.

Q10. Answer: A

Yes. Judicial review is part of the basic structure of the Constitution, as held in Kesavananda Bharati, Minerva Mills and L. Chandra Kumar.

Q11. Answer: D

'Decree' is defined in Section 2(2) of the Code of Civil Procedure, 1908.

Q12. Answer: A

Where there is inconsistency between the Sections (the body) and the Rules (the Schedule) of the CPC, the Sections prevail, as the Rules cannot override the substantive provisions of the Code.

Q13. Answer: C

The body of the CPC (the Sections) can be amended only by Parliament; the Rules in the First Schedule can be amended by the High Courts under Sections 122-125.

Q14. Answer: A

A civil proceeding instituted by presentation of a plaint is called a 'suit' (Section 26, Order IV CPC).

Q15. Answer: A

Yes. A civil court may pass more than one order in a suit; numerous interlocutory and procedural orders can be made during the pendency of a suit.

Q16. Answer: B

The first uniform Code of Civil Procedure was the Code of 1859 (assented 23 March 1859), the first to apply to the whole country; it was later replaced by the 1877, 1882 and finally the 1908 Code.

Q17. Answer: A

The substantive part of the CPC is contained in the Sections (the body), while the procedural detail/machinery is in the Orders and Rules of the First Schedule.

Q18. Answer: A

Yes. Under Order XX Rule 6 and Section 35 CPC, the judgment/decree must state the amount of costs incurred and by/to whom they are payable.

Q19. Answer: A

Yes. Under Section 75 and Order XXVI CPC, the court may issue a commission to examine any person, including one confined in prison.

Q20. Answer: A

Yes. Under Order XX Rule 5 CPC, the court must state its decision on each separate issue in the suit unless the finding on any one is sufficient to dispose of the whole suit.

Q21. Answer: B

Section 2(g) of the CrPC, 1973 defines 'inquiry' as every inquiry, other than a trial, conducted under the Code by a Magistrate or Court.

Q22. Answer: B

In a warrant case instituted on a police report, the trial begins when the charge is framed (Section 240 CrPC).

Q23. Answer: C

An illegality or irregularity in investigation does not vitiate the trial unless it has caused a miscarriage of justice (H.N. Rishbud v. State of Delhi, AIR 1955 SC 196).

Q24. Answer: C

Under Section 54A CrPC, a test identification/identification of an arrested person may be ordered by the Court on the request of the officer in charge of a police station.

Q25. Answer: B

Under Section 62 CrPC, every summons shall be served by a police officer or, subject to rules made by the State Government, by an officer of the court issuing it or other public servant. The single best classical answer is the police officer.

Q26. Answer: D

Under Section 73 CrPC, a warrant of arrest may be directed to any person for arrest of an escaped convict, a proclaimed offender, or a person accused of a non-bailable offence who is evading arrest - hence all of them.

Q27. Answer: A

Under Section 200 CrPC and the general scheme of inquiry, a Magistrate conducting an inquiry examines witnesses on oath; evidence of witnesses can be taken on oath. Answer: Yes.

Q28. Answer: C

Section 216(1) CrPC: any court may alter or add to any charge at any time before judgment is pronounced.

Q29. Answer: D

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

Q30. Answer: A

A witness may refuse to sign the deposition unless it is read over to him; the deposition must be read over and, where necessary, interpreted (Sections 275/278 CrPC). Answer: Yes.

Q31. Answer: A

Direct evidence is testimony of a witness who perceived the fact in issue directly - i.e., 'testimony'. Circumstantial evidence is inferential, not testimony of the fact itself.

Q32. Answer: D

The Indian Evidence Act, 1872 was drafted by Sir James Fitzjames Stephen (J.F. Stephen).

Q33. Answer: C

The Evidence Act deals with relevancy and admissibility of evidence but does not deal with the weight/sufficiency of evidence, which is left to judicial appreciation.

Q34. Answer: B

'Relevant' derives from Latin 'relevare', meaning to bear upon or be legally pertinent to the matter in hand (Stephen's formulation in Sec. 3 Evidence Act).

Q35. Answer: D

Under Sections 74-76 Evidence Act, public documents are acts/records of public/official bodies. A plaint or written statement in a private suit is a private document, not a public document.

Q36. Answer: B

Relevancy is determined by the provisions of the Evidence Act (Secs. 5-55); it is a question of law, whereas admissibility/proof can involve fact.

Q37. Answer: B

Res gestae (Section 6 Evidence Act) is the principal exception to the hearsay rule, admitting statements forming part of the same transaction.

Q38. Answer: C

Proof of a fact depends on the accuracy of statements and the probability of the fact having existed (definition of 'proved' in Sec. 3 Evidence Act).

Q39. Answer: C

Under Section 3 Evidence Act, where the court can neither say a fact is proved nor disproved, it is 'not proved'.

Q40. Answer: D

Falsus in uno, falsus in omnibus is neither a rule of law nor a rule of evidence in India; it is at most a rule of caution (Indian courts have consistently rejected it as a rule). Answer: None of these.

Q41. Answer: C

The maxim 'actus non facit reum nisi mens sit rea' is a doctrine of English Common law origin.

Q42. Answer: C

Mens rea and actus reus are the essential elements (sine qua non) of crime; motive is not essential to criminal liability.

Q43. Answer: D

Inchoate (incomplete/preliminary) offences include attempt, abetment and criminal conspiracy - all of these.

Q44. Answer: B

Section 29A IPC, defining 'electronic record', was inserted by the Information Technology Act, 2000.

Q45. Answer: B

Section 23 IPC: 'Wrongful loss' is loss by unlawful means of property to which the person losing it is legally entitled.

Q46. Answer: B

Section 29A IPC provides that 'electronic record' shall have the meaning assigned to it in the Information Technology Act, 2000.

Q47. Answer: C

Section 196(1) CrPC: cognizance of an offence under Section 153A IPC requires previous sanction of the Central Government or the State Government - either (A) or (B).

Q48. Answer: A

The burden/onus of proving the offence of criminal conspiracy lies on the prosecution (general rule, Sec. 101 Evidence Act; he who asserts must prove).

Q49. Answer: B

Section 53 IPC lists punishments: death, imprisonment for life, imprisonment (simple/rigorous), forfeiture of property, and fine. 'Imprisonment with hard labour' is not a listed category (rigorous imprisonment involves hard labour but is not described as a separate punishment).

Q50. Answer: B

The retributive theory of punishment embodies the principle of 'an eye for an eye, a tooth for a tooth'.

Q51. Answer: B

Section 2(f) of the Limitation Act, 1963 gives an inclusive definition of 'easement' (a right not arising from contract to remove/appropriate part of the soil or things growing on another's land).

Q52. Answer: A

'Period of limitation' is actually defined in Section 2(j) of the Limitation Act, 1963, which is NOT among the options (2(i), 2(f), 2(k), 2(c)). The intended/closest key is (a) 2(i); option set appears to use different sub-clause lettering. Flagged for option-text mismatch.

Q53. Answer: B

Under the Limitation Act, expiry of the limitation period bars the remedy but does not extinguish the right; the debt remains but becomes unenforceable in a court of law (except in the case of suits for possession of property where Section 27 extinguishes the right).

Q54. Answer: D

'Suit' under the Limitation Act, 1963 does NOT include an appeal or an application; therefore it includes neither (A) nor (B).

Q55. Answer: B

Limitation is a bar on the court's authority to entertain a time-barred proceeding; an order made on an application filed beyond the period of limitation (without condonation) is without jurisdiction.

Q56. Answer: B

A deemed trustee of waqf property is not an express trustee for whom Section 10 bars limitation; hence in a suit for recovery of possession against such a person, limitation is applicable.

Q57. Answer: B

Where a plaint is ordered to be returned for presentation to the proper court, limitation for the fresh presentation runs from the date of the order directing the return of the plaint.

Q58. Answer: A

Section 25 of the Limitation Act, 1963 deals with acquisition of easements by prescription (peaceable, open enjoyment as of right, without interruption, for 20 years; 30 years against Government).

Q59. Answer: C

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

Q60. Answer: C

Part IV of the Schedule to the Limitation Act, 1963 (suits relating to decrees and instruments, Articles 101-113) prescribes a general period of three years.

Q61. Answer: A

'Inter vivos' literally means 'between the living'; a transfer inter vivos is a transfer between living persons (as contemplated by the Transfer of Property Act, 1882).

Q62. Answer: C

Section 13 of the Transfer of Property Act, 1882 permits creation of an interest for the benefit of an unborn person (the prior life interest followed by the whole remaining interest vesting in the unborn person).

Q63. Answer: C

'Subrogation' derives from the Latin 'subrogare', meaning substitution; one person is substituted in place of another in respect of a right or claim (Section 92, TPA).

Q64. Answer: A

Section 82 of the Transfer of Property Act, 1882 deals with contribution to mortgage debt (rateable contribution by properties subject to a common mortgage).

Q65. Answer: C

The definition of 'actionable claim' was substituted/inserted into Section 3 of the Transfer of Property Act by the Amending Act 2 of 1900.

Q66. Answer: D

Under Section 130 of the TPA, transfer of an actionable claim is effected by a written instrument and is complete and effectual upon execution; notice to the debtor is not necessary to perfect the assignment as between transferor and transferee (it only affects priority/discharge).

Q67. Answer: C

The mortgagee's right to obtain a decree of foreclosure (or sale) arises when the mortgage money has become due/payable, i.e. on the mortgagor's failure to pay after it becomes payable (Section 67, TPA).

Q68. Answer: A

For the doctrine of lis pendens under Section 52, TPA, the pendency of a suit commences from the date of presentation of the plaint (institution of the suit) and continues until the final decree/order is satisfied.

Q69. Answer: A

The doctrine of holding out relates to transfer by an ostensible owner; a person who holds out another as the owner is estopped from denying the transferee's title (akin to Section 41, TPA).

Q70. Answer: A

The doctrine of election is contained in Section 35 of the Transfer of Property Act, 1882.

Q71. Answer: A

The Indian Contract Act, 1872 is not exhaustive; it does not cover the whole field of contract law and many matters are left to general principles and judicial decisions. The statement is True.

Q72. Answer: C

Askari Mirza v. Bibi Jai Kishori relates to coercion: the Privy Council held that a mere threat to bring a criminal prosecution is not per se coercion under the Contract Act (it would be only if it amounted to a threat to file a false charge).

Q73. Answer: A

An agent has the right to compensation (for injury) and the right to retain/lien over the principal's goods, but he has no general 'right to sell' the principal's property; therefore the right to sell is not available to the agent.

Q74. Answer: B

Under Section 143 of the Indian Contract Act, 1872, a guarantee obtained by keeping silence as to material circumstances is invalid/void.

Q75. Answer: C

Remedies for breach of contract include damages, injunction, specific performance (and rescission/quantum meruit). A 'fine' is a criminal penalty and is not a remedy for breach of contract.

Q76. Answer: C

Quasi-contracts ('certain relations resembling those created by contract') are dealt with in Sections 68 to 72 of the Indian Contract Act, 1872 (Chapter V).

Q77. Answer: C

Promissory estoppel is often described as a substitute for consideration, enforcing a promise relied upon despite the absence of consideration.

Q78. Answer: D

Balfour v. Balfour (1919) established that domestic/social agreements between spouses lack the intention to create legal relations and are not enforceable contracts.

Q79. Answer: D

Section 201 of the Indian Contract Act lists all these modes of termination of agency: revocation by principal, renunciation by agent, and death or unsound mind of either.

Q80. Answer: D

Section 170 of the Indian Contract Act, 1872 deals with the bailee's particular lien (right to retain goods for services involving labour or skill).

Q81. Answer: A

Section 5 of the Hindu Succession Act, 1956 is titled 'Act not to apply to certain properties' and lists properties to which the Act does not apply.

Q82. Answer: A

A legacy is a gift of property (typically movable) made by a will/testamentary disposition; among the options, 'a gift of property by way of will' is correct.

Q83. Answer: B

The Hindu Succession (Amendment) Act, 2005 substituted Section 6 in its entirety, conferring coparcenary rights on daughters.

Q84. Answer: D

For Section 14 of the Hindu Succession Act, 'possessed' has been widely construed to include actual, constructive or symbolic possession-any of these suffices.

Q85. Answer: A

Under Section 10 Rule 1 of the Hindu Succession Act, 1956, the intestate's widow (or all widows together) takes one share.

Q86. Answer: A

True. Coparcenary is a narrower body than the joint family; every coparcener is a member of the joint family but not every member of the joint family is a coparcener.

Q87. Answer: D

Section 15 of the Hindu Succession Act, 1956 lays down the general rules of succession in the case of female Hindus.

Q88. Answer: B

False. Section 14(2) excludes property acquired under a will/gift granting a restricted (life) estate; such a life estate does not enlarge into absolute ownership.

Q89. Answer: B

Per Section 3(1)(a) of the Hindu Succession Act, persons related wholly through males by blood or adoption are 'agnates'; through females, 'cognates'.

Q90. Answer: B

False. Section 14(1) expressly includes property acquired as stridhana within its sweep, converting a Hindu female's limited estate into absolute ownership.

Q91. Answer: A

True. Specific relief is a form of judicial redress whereby the court grants the very relief (e.g., specific performance, injunction) to which the party is entitled, rather than mere damages.

Q92. Answer: D

A suit under Section 6 of the Specific Relief Act bars appeal/review; the only remedy for an unsuccessful party is to file a regular suit establishing title (Section 6(4)).

Q93. Answer: A

Section 36 of the Specific Relief Act, 1963 classifies preventive relief by injunction into two categories-temporary and perpetual.

Q94. Answer: D

Section 35 of the Specific Relief Act, 1963 is titled 'Effect of declaration' and provides that a declaration binds the parties and those claiming through them.

Q95. Answer: B

Rescission of contracts (Sections 27-30) is regarded as the converse of specific performance-it undoes/cancels the contract rather than enforcing it.

Q96. Answer: A

Yes. Under Section 21 of the Specific Relief Act, the court may award compensation in addition to specific performance where performance alone is not sufficient to do justice.

Q97. Answer: C

Section 21 of the Specific Relief Act, 1963 confers the power to award compensation in proceedings for specific performance (in addition to or in substitution of performance).

Q98. Answer: C

The Specific Relief Act, 1963 grants both specific reliefs (Chapters I-VI) and preventive reliefs (injunctions, Chapter VIII).

Q99. Answer: B

The Specific Relief Act grants specific performance of contracts; damages are a remedy under the Indian Contract Act, not the principal relief under the SRA. The Act provides specific performance regarding contracts.

Q100. Answer: C

The Specific Relief Act (originally 1877, re-enacted 1963) resulted from the recommendations of the Ninth Law Commission report on the earlier Specific Relief Act, 1877.