

## Odisha Judiciary - Prelims 2021

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

**Q1. Consider The following statements: Article 20 of the Constitution of India provides that, (!) No person accused of any offence shall be compelled to be a witness against himself (ii) No person shall be prosecuted for the same offence more than once Of the above statements:**

- (a) Only (i) is true
- (b) Only (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q2. The President of India may be removed from his office on which of the following ground/s ?**

- (a) Proved misbehaviour
- (b) Incapacity
- (c) Both (A) and (B)
- (d) Violation of the Constitution

**Q3. In which case it was laid down that the "amendment in the Constitution is the exercise of legislative function of the Parliament" ?**

- (a) Shankari Prasad v. Union of India
- (b) Golaknath v. State of Punjab
- (c) Sajjan Singh v. State of Punjab
- (d) Kesavananda Bharati v. State of Kerala

**Q4. The power of Judicial Review in India is processed by:**

- (a) Supreme Court of India only
- (b) All the High Courts only
- (c) All the Courts in India
- (d) Supreme Court as well as High Courts

**Q5. Council of States can withhold Money Bill for a period of:**

- (a) 14 days
- (b) One month
- (c) Three months
- (d) None of these

**Q6. Which one of the following is the correct statement? In deciding the question as to the disqualification of a Member of Parliament, the President shall act:**

- (a) According to the opinion of Election Commission
- (b) According to the opinion of the Supreme Court
- (c) With the aid and advice of the Council of Ministers
- (d) In his own discretion

**Q7. Which one of the following is not an essential condition for appointment as a judge of the Supreme Court ?**

- (a) A citizen of India
- (b) At least five years' experience as judge of a High Court or of two or more such courts in succession
- (c) Must have completed the age of 35 years
- (d) At least ten years' experience as an advocate of High Court or of two or more such courts in succession

**Q8. Article 21 of the Constitution of India incorporates the right to "Doctor's assistance". In which of the following cases, this was decided ?**

- (a) Indian Medical Council v. V. P. Shantha
- (b) Sunil Batra v. Delhi Administration
- (c) Parmanand Katara v. Union of India
- (d) "X"v."Z" Hospital

**Q9. Find out the mismatched pair:**

- (a) S. C. Advocate - on - Record Association v. U. O. I. = Constitutionality of N. J. A. Commission
- (b) Shreya Singhal v. U. O. I. = Recognition of unwed mother
- (c) Shatrughan Chauhan v. U. O. I. = Clemency Power of President
- (d) National Legal Services Authority v. U. O. I. = Recognition of Third Gender

**Q10. Which one of the following cases is related to doctrine of pith and substance ?**

- (a) Dr. Yash Pal v. State of Chhattisgarh
- (b) Prafulla Kumar v. Bank of Commerce
- (c) D. C. Wadhwa v. State of Bihar
- (d) State of Bombay v. F. N. Balsara

**Q11. Pleadings must be signed by:**

- (a) The party only
- (b) The pleader only
- (c) The party as well as pleader both
- (d) None of these

**Q12. Under Section 3 of CPC, courts of small causes, are subordinate to which of the following:**

- (a) District Court only
- (b) High Court only
- (c) Both (A) and (B)
- (d) Neither (A) nor (B)

**Q13. Who amongst the following is not "a public officer" within the meaning of Section 2(17) of CPC?**

- (a) A Judge
- (b) A municipal councillor
- (c) A person in the service of Government for the performance of public duty
- (d) An inspector of police

**Q14. Which of the following provisions is related to set-off under CPC?**

- (a) OrderVIII Rule 5
- (b) OrderVIIRule6
- (c) OrderVII Rule 5
- (d) OrderVII Rule 6

**Q15. The foreign judgement, subject to certain exceptions, is given binding character under:**

- (a) Section 12 of CPC
- (b) Section 13 of CPC
- (c) Section 14 CPC
- (d) Section 15 CPC

**Q16. Under which provision of the Code of Civil Procedure, 1908 the collector may be appointed as receiver ?**

- (a) OrderXL Rule 5
- (b) OrderXLI Rule 1
- (c) OrderXL Rule 2
- (d) OrderXLI Rule 5

**Q17. Which one of the following is not a suit of civil nature?**

- (a) Suit for dissolution of marriage
- (b) Suit for rights to hereditary office
- (c) Suit for upholding mere dignity or honour
- (d) Suit for specific relief

**Q18. Find out the mismatched pair:**

- (a) Res Judicata = Section 11, CPC
- (b) Power of Supreme Court to transfer suits etc. = Section 24, CPC
- (c) Compensatory costs in respect of false or vexatious claims or defences = Section 35A, CPC
- (d) Costs for causing delay = Section 35B, CPC

**Q19. Find out the mismatched pair:**

- (a) Exemption of certain women from personal appearance = Section 132, CPC
- (b) Prohibition of arrest of women in execution of decree for money = Section 57, CPC
- (c) Right To lodge Caveat= Section 148A, CPC
- (d) Language of the subordinate courts = Section 137, CPC

**Q20. Which of the following provides for filing of suits by indigent persons:**

- (a) OrderXXXII
- (b) OrderXXXIII
- (c) OrderXXIIA
- (d) None of these

**Q21. The provisions relating to health and safety of arrested persons have been prescribed under one of the following Sections of the Or. P. C. ?**

- (a) Section 50 A
- (b) Section 53 A
- (c) Section 55A
- (d) Section 60A

**Q22. Under Section 167 of the Or. P. O., the magistrate can authorise detention for a total period of 90 days during investigation in cases of offences punishable:**

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

**Q23. What does the expression "transit remand" denote?**

- (a) It is a transfer of prisoners from one jail to another
- (b) It is a transfer of criminal case from one court to another
- (c) It is taking out an accused by police from one state to another state
- (d) It is taking out of the accused from court to prison

**Q24. A police officer is duty bound to register a case on receiving information of cognizable offence. Reliability of information is not a condition precedent for registration. The above rule is incorporated in:**

- (a) Section 153 of Cr. P. C.
- (b) Section 154 of Cr. P. C.
- (c) Section 155 of Cr. P. C.
- (d) Section 156 of Cr. P. C.

**Q25. "All evidence in an inquiry or trial shall be taken in the presence of the accused." Which Section of the Cr. P. C. lay down the above rule ?**

- (a) Section 273
- (b) Section 274
- (c) Section 275
- (d) Section 276

**Q26. Which one of the following offences, a Chief Judicial Magistrate, cannot try in a summary way ?**

- (a) Theft, where the value of the property does not exceed two thousand rupees
- (b) Theft, where the value of the property stolen exceeds three thousand rupees
- (c) A complaint made under the Cattle Trespass Act
- (d) Offences under Section 454 and 456 of the IPC

**Q27. The power to grant anticipatory bail under Section 438 Cr. P. C. vests with:**

- (a) The Court of Magistrate
- (b) Only in the Court of Sessions
- (c) Only in the High Court
- (d) Both the Court of Sessions and High Court

**Q28. Which one of the following Sections of Cr. P. C., deals with High Courts power of revision ?**

- (a) Section 395
- (b) Section 401
- (c) Section 399
- (d) Section 396

**Q29. D. K. Basu v. State of West Bengal (1997) Cr. L. J. 743 is the case dealing with:**

- (a) Arrest of persons
- (b) Mode of taking and receiving evidence
- (c) Transfer of criminal cases
- (d) None of these

**Q30. Read the following statements: (i) Provisions for Plea Bargaining are contained in Chapter XXIA of the Cr. P. C. (ii) Chapter XXIA of the Cr. P. C. was added on the recommendation of Justice Verma Committee Report. Of The above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q31. The case of R. M. Malkani v. State of Maharashtra is related to which of the following:**

- (a) Leading Question
- (b) Accomplice
- (c) Res gestae
- (d) None of these

**Q32. "Witnesses are the eyes and ears of Justice", who said so ?**

- (a) Kant
- (b) Bentham
- (c) Pollock
- (d) Ihering

**Q33. Reliability of date of birth for the purpose of Indian Evidence Act is contained in:**

- (a) Section 33
- (b) Section 34
- (c) Section 35
- (d) Section 36

**Q34. Under Section 14 of the Evidence Act, which of the following facts becomes relevant, namely ?**

- (a) Facts showing state of mind
- (b) Facts showing state of body
- (c) Facts showing state of bodily feelings
- (d) All of these

**Q35. Read the following statements: (i) The term 'confession' is nowhere defined in the Evidence Act (ii) Lord Atkin had clarified 'confession' in Pakla Narain Swami v. Emperor (Hi) The SC of India has accepted the definition . given by Lord Atkin in Palwinder Kaur v. State of Punjab Of the above statements:**

- (a) Only (i) and (ii) are true
- (b) Only (ii) and (iii) are true
- (c) Only (i) and (iii) are true
- (d) All (i), (ii) and (iii) are

**Q36. Read the following statements: (i) The presumption of Legitimacy of child is governed by S. 112 of the Evidence Act (ii) Narendra Nath Pahari v. Ram Govind Pahari is a leading case on the legitimacy of a child bom during the subsistence of valid marriage Of the above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is false
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q37. Find out the odd one case:**

- (a) Pickard v. Sears
- (b) Sarat Chunder Dey v. Gopal Chunder Dey
- (c) Queen Empress v. Abdullah
- (d) Sri Krishna v. Kurukshetra University

**Q38. Assertion (A): 'A' is accused before the court of sessions of attempting to murder a police officer whilst on the trial before 'B', a session judge. 'B' may be examined as to what occurred. Reason (R): Judge or Magistrate is a competent witness.**

- (a) Both (A) and (R) are true
- (b) Both (A) and (R) are false
- (c) (A) is true but (R) is false
- (d) (A) is false but (R) is true

**Q39. Point out the mismatched pair:**

- (a) Communication during marriage - Section 112
- (b) Evidence as to affairs of state = Section 123
- (c) Confidential communication with legal advisers = Section 128
- (d) Evidence of an accomplice = Section 133

**Q40. Which Section of Indian Evidence Act defines Leading Question:**

- (a) Section 138
- (b) Section 139
- (c) Section 140
- (d) Section 141

**Q41. Taking property dishonestly from the dead body:**

- (a) Does not amount to any offence under IPC
- (b) Amounts to the offence of theft
- (c) Amounts to the offence of criminal misappropriation
- (d) Amounts to the offence of criminal breach of trust

**Q42. In which one of the following cases did the Supreme Court explain the concept of grave and sudden provocation as a mitigating circumstance reducing the gravity of the offence from murder to culpable homicide not amounting to murder ?**

- (a) State v. Dasrath
- (b) Jagroop Singh v. State of Haryana
- (c) K. M. Nanavati v. State of Maharashtra
- (d) Ujagar Singh v. Emperor

**Q43. X' on receiving grave and sudden provocation from 'Z' intentionally causes the death of V, who is brother of 'Z'. X' has committed the offence of:**

- (a) Murder
- (b) Grievous hurt
- (c) Culpable homicide not amounting to murder
- (d) Attempt to murder

**Q44. X' with a view to murdering 'Y' enters Y's bedroom at night when 'Y' is out of station. X' is guilty of:**

- (a) Murder
- (b) House trespass
- (c) Attempt To murder
- (d) Not guilty

**Q45. In which one of the following cases the SC of India has struck down S.303 IPC as unconstitutional ?**

- (a) Machhi Singh v. State of Punjab
- (b) Gyan Kaur v. State of Punjab
- (c) Mithu v. State of Punjab
- (d) Santa Singh v. State of Punjab

**Q46. The case of R. V. Dudley and Stephens is popular for its use as criminal defence of:**

- (a) Necessity
- (b) Self-defence
- (c) Good-faith
- (d) Mistake of fact

**Q47. Which one of the following statements is correct ? In Sedition:**

- (a) The consequence is immaterial
- (b) The consequence is material
- (c) The consequence acts as a mitigating factor
- (d) The consequence becomes material only if it is foreseen

**Q48. A bullock-cart carrying a box of treasure is intercepted by 'A'. The offence of theft is committed by 'A' if and as soon as:**

- (a) He seizes the bullock
- (b) The bullock is made to move by him in his direction
- (c) He takes the box of treasure
- (d) He takes the valuable contents of the treasure

**Q49. \*A obtained a sum of Rs. 10,000 from 'B' by putting 'B' in fear of death. Which one of the following offences was committed by 'A' ?**

- (a) Cheating
- (b) Robbery
- (c) Mischief
- (d) Extortion

**Q50. Use of violence by a member of an assembly of five or more persons in furtherance of common object will Constitute:**

- (a) Affray
- (b) Assault
- (c) Rioting
- (d) Unlawful assembly

**Q51. Find out the false statement:**

- (a) The law of limitation is part of lex fori
- (b) The Limitation Act, 1963 does not make any racial or class distinction
- (c) For filing a writ petition under Article 32 of the Constitution, limitation of 120 days is prescribed in the Act
- (d) Provisions of the Act are not applicable for an application under the Religious Endowment Act

**Q52. Under Section 3 of the Limitation Act, the competent court is required to consider the question of limitation:**

- (a) Only when opposed by the opposite party
- (b) Only When the defendant denies the liability
- (c) Only when the opposite party fails to reply
- (d) Suo motu even when the defendant has not taken any such objection regarding limitation

**Q53. Consider The following: (i) The Supreme Court in N. Balakrishnan v M. Krishnamurthy (1998) 7 SCC 123 refused to condone the delay on the ground of sufficient cause. (ii) In the case of R. B. Ramalingam v. R. B. Bhavneshwari (2009) 2 SCC 689, the SC observed that the test of sufficient cause is purely an individualistic test. Of The above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (!) and (ii) are false

**Q54. Consider The following: (i) Under Section 13 of the Limitation Act, the time is excluded if the application for leave to sue or appeal as an indigent person is allowed. (ii) The establishment of 'good faith' is a pre- requisite condition before granting benefit of Section 13 to the party. Of The above statements:**

- (a) Only (i) is true and (ii) is false
- (b) Only (ii) is true and (i) is false
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q55. Find out the incorrect statement:**

- (a) Section 24 of the Limitation Act is unconditional
- (b) If a question of limitation arises, the instrument must be deemed to have been made with reference to the Gregorian Calendar
- (c) In computing the period of limitation the day from which the period is to be reckoned has to be included
- (d) Where a mortgage provided for payment of principal within 3 years from 06.10.2012, the period expires on the midnight of 06.10.2015

**Q56. Section 15 of the Limitation Act, 1963 does not apply to:**

- (a) Suits
- (b) Appeals
- (c) Application for the execution of a decree
- (d) None of these

**Q57. In which of the following cases, Section 10 of the Limitation Act, 1963 applies ?**

- (a) Express trust only
- (b) Implied trust only
- (c) Both (A) and (B)
- (d) None of these

**Q58. Consider The following: (i) Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application stops it. (ii) In the case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may be, continues. Of The above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q59. Which Section of the Limitation Act, 1963 provides provisions regarding acquisition of easement by prescription ?**

- (a) Section 21
- (b) Section 23
- (c) Section 25
- (d) None of these

**Q60. Under the Transfer of Property Act, 1882 the condition restraining alienation is provided in:**

- (a) Section 10
- (b) Section 9
- (c) Section 8
- (d) Section 7

**Q61. Which one of the following is not an actionable claim ?**

- (a) Claim for arrears of rent
- (b) A share in partnership
- (c) A claim to mesne profit
- (d) Ordinary as well as endowment life insurance policies

**Q62. The term 'sale' in the TPA, 1882 is defined in Section:**

- (a) 53
- (b) 54
- (c) 55
- (d) 56

**Q63. Which of the following is not correctly matched with respect to TPA, 1882?**

- (a) Oral Transfer: Section 9
- (b) Rule against perpetuity : Section 14
- (c) Doctrine of Election: Section 35
- (d) Transfer by Ostensible Owner: Section 40

**Q64. Which one of the following provisions of TPA relate to 'usufructuary mortgage' ?**

- (a) Section 58(a)
- (b) Section 58(b)
- (c) Section 58(d)
- (d) Section 58(e)

**Q65. As per the provisions contained in TPA, in case of gift, if the donee dies before acceptance, then:**

- (a) The gift is voidable
- (b) The gift is valid
- (c) The gift is void
- (d) None of these

**Q66. "A" transfers Rs. 5000 to "B" on condition that he shall execute a certain lease within three months after "A's" death and if he should neglect to do so, to "C". "B" dies in the lifetime of "A". Which Section of TPA shall apply in deciding the legal right of "C" ?**

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

**Q67. A marriage settlement made to defeat and defraud creditor is voidable under Section 53 TPA This was held in the case of:**

- (a) Sultan Ahmad v. Rashid Ahmad AIR 1990 All. 47
- (b) Vinayak v. Moreshwar, AIR 1956 Punj 46
- (c) Alamelu v. Meenakshi AIR 1960 Mad. 536
- (d) None of these

**Q68. Under the provisions of TPA, the unborn person acquires vested right on transfer for his benefit:**

- (a) Immediately upon his birth
- (b) Upon his attaining majority
- (c) After death of his father / guardian
- (d) None of these

**Q69. Novation of a contract means:**

- (a) The renewal of original contract
- (b) Substitution of a new contact in place of original contract
- (c) Cancellation of contract
- (d) Alteration of contract

**Q70. "X" enters into a contract with "Y" for which is guilty of fraud. "X" can:**

- (a) Set aside the contract and recover damages
- (b) Set aside the contract but cannot recover damages
- (c) Recover damages but cannot set aside the contract
- (d) Recover damages for actual loss suffered

**Q71. When a person making a false statement believes the statement to be true and does not intend to mislead to the other party to the contract, it is known as:**

- (a) Mistake
- (b) Fraud
- (c) Misrepresentation
- (d) Undue influence

**Q72. Which one of the following statements is correct ? Generally quasi-contractual obligations are based on the theory of:**

- (a) Implied term
- (b) Unjust Enrichment
- (c) Just and reasonable solution
- (d) None of these

**Q73. A contract of life insurance, the performance of which depends upon a future event, falls under the category of:**

- (a) Contract Of indemnity
- (b) Contract of guarantee
- (c) Contingent contract
- (d) Uncertain contract

**Q74. Lending money to a borrower, at high rate of interest, when the money market is tight, renders the agreement of loan:**

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

**Q75. A and B are friends. A told B to show him a new movie in a posh multiplex, upon which promised to offer him lunch in a five-star hotel. B showed him a movie in a multiplex, but A gave lunch to B in a roadside dhaba. Decide A's liability:**

- (a) A is liable because there was intention to create legal relationship between A and B
- (b) A is not liable because there was no intention to create legal relationship between A and B
- (c) A was mistaken
- (d) B was mistaken

**Q76. Which one of the following cases is related to damages for breach of contract?**

- (a) Lalman Shukla v. Gauri Dutt
- (b) Carlill v. Carbolic Smoke Ball Co.
- (c) Hadley v. Baxendale
- (d) Taylor v. Caldwell

**Q77. If no time is specified in the contract for its performance:**

- (a) The contract is void for uncertainty
- (b) The contract is voidable at the option of either party
- (c) The contract is not void for uncertainty and it may be performed within a reasonable time
- (d) The contract is void as time is the essence of contract

**Q78. Who among the following is not a Class I heir as per the HS Act, 1956?**

- (a) Widow of a predeceased son
- (b) Son of a predeceased son
- (c) Brother's son
- (d) Son of a predeceased daughter

**Q79. Consider the following : (i) A child, who was in the womb at the time of the death of an intestate, shall not inherit the intestate even if he / she is born alive under the provisions of the HS Act, 1956. (ii) If a Hindu has ceased to be a Hindu by conversion to another religion, children born to him / her after such conversion and their descendants shall be disqualified from inheriting the property of any of their Hindu relatives. Of The above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q80. Consider The following: (i) A person shall be disqualified from succeeding to any property under the HS Act, 1956 if he is blind or impotent. (ii) If an intestate has left no heir qualified to succeed to his / her property, such property shall devolve on the Government, as per provision contained in HS Act Of The above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q81. Who among the following is not a Class II heir as per the HS Act, 1956?**

- (a) Father
- (b) Son's daughter's son
- (c) Widow of a predeceased son
- (d) Father's mother

**Q82. Which one of the following Section of the HS Act, 1956 provides that property of a female Hindu to be her absolute property ?**

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

**Q83. The provision of the HS Act do not apply on which of the followings:**

- (a) To Arya Samajis
- (b) To illegitimate child, both of whose parents are Hindus
- (c) To any person who is a convert to Hindu religion
- (d) To a member of scheduled tribe within the meaning of Clause 25 of Article 366 of the Constitution of India

**Q84. Find out the incorrect statement regarding will making:**

- (a) A person of sound mind, as long as he is not a minor, can make a will
- (b) As per Section 74 of the Indian Succession Act, a format is prescribed for drafting a will
- (c) A person can make a will any time and any number of times
- (d) The will is signed by the maker and two witnesses

**Q85. Read the following in context of the Indian Succession Act: (i) The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth, his father was domiciled. (ii) The domicile of origin of an illegitimate child is in the country in which at the time of his birth, his mother was domiciled. Of the above statements:**

- (a) (i) is true but (ii) is false
- (b) (i) is false but (ii) is true
- (c) Both (i) and (ii) are true
- (d) Both (i) and (ii) are false

**Q86. Part VI of the Indian Succession Act deals with:**

- (a) Testamentary succession
- (b) Intestate succession
- (c) Protection of property of deceased
- (d) Probates, letters of administration and administration of assets of deceased

**Q87. An order of decree under Section 6 of the Specific Relief Act is:**

- (a) Appealable only
- (b) Reviewable only
- (c) Appealable as well as reviewable
- (d) Neither appealable nor reviewable

**Q88. The general principles on which the perpetual injunction could be granted under the Specific Relief Act are contained in:**

- (a) Section 37
- (b) Section 38
- (c) Section 39
- (d) Section 40

**Q89. Part III of the Specific Relief Act, 1963 deals with :**

- (a) Specific relief
- (b) Declaratory decrees
- (c) Preventive relief
- (d) None of these

**Q90. Under Section 10, which of the following can be specifically enforced ?**

- (a) Contingent contracts
- (b) Contract to form partnership
- (c) Contract to get back objects of historic value
- (d) Marriage contract

**Q91. Section 26 of the SR Act fixes the time limit for discovery of mistake or fraud to be:**

- (a) Six months
- (b) Three months
- (c) One year
- (d) No time limit is fixed

**Q92. Relief of rescission is granted in cases:**

- (a) Where the contract is void
- (b) Where the contract is voidable
- (c) Where The contract is both void and voidable
- (d) Where the contract is neither void or voidable

**Q93. Which Section of the SRAct provides for grant of temporary and permanent injunctions ?**

- (a) Section 35
- (b) Section 36
- (c) Section 37
- (d) None of these

**Q94. Section 31 of the SR Act is related to:**

- (a) Cancellation of instruments
- (b) Partial cancellation of instruments
- (c) Rescission of contract
- (d) None of these

**Q95. Power to award compensation in certain case is contained in which of the following Sections:**

- (a) Section 20
- (b) Section 21
- (c) Section 22
- (d) None of these

**Q96. The term 'domestic violence' in the Protection of Women from Domestic Violence Act, 2005 is based on:**

- (a) UN Framework for Model Legislation on Domestic Violence and UN Declaration on Elimination of Violence against Women
- (b) ICCPR and ICESCR
- (c) UDHR
- (d) Constitution of India

**Q97. "Magistrate" under Protection of Women from Domestic Violence means:**

- (a) Judicial Magistrate of First Class
- (b) Metropolitan Magistrate exercising Jurisdiction under Cr. P C.
- (c) Judicial Magistrate of Second Class
- (d) Both (A) and (B)

**Q98. Which of the following orders may be passed by a Magistrate in relation to domestic violence ?**

- (a) Protection order
- (b) Residence order
- (c) Monetary reliefs
- (d) All of these

**Q99. A Protection officer under the Protection of Women from Domestic Violence Act, 2005 is a :**

- (a) Civil servant
- (b) Public servant
- (c) Government servant
- (d) None of these

**Q100. Under the Protection of Women from Domestic Violence Act, on what basis, the concerned magistrate may pass an ex parte or interim order ?**

- (a) Affidavit
- (b) Statement made by parties before the magistrate
- (c) Both (A) and (B)
- (d) None of these

## Answer Key & Solutions

**Q1. Answer: C**

Article 20(3) protects against self-incrimination and Article 20(2) protects against double jeopardy (prosecuted and punished for the same offence more than once); both statements reflect Article 20.

**Q2. Answer: D**

Under Article 61, the President can be removed by impeachment only for 'violation of the Constitution'. (Proved misbehaviour/incapacity are grounds for removal of judges, not the President.)

**Q3. Answer: A**

In *Shankari Prasad v. Union of India* (1951), the Supreme Court held that amendment of the Constitution under Article 368 is an exercise of the legislative (constituent) power of Parliament and is 'law' within ordinary parlance; it upheld Parliament's power to amend even fundamental rights.

**Q4. Answer: D**

Judicial review is exercised by the Supreme Court (Articles 32, 136) as well as the High Courts (Articles 226, 227); it is part of the basic structure.

**Q5. Answer: A**

Under Article 109, the Rajya Sabha (Council of States) must return a Money Bill within 14 days; it can only withhold/delay it for that period.

**Q6. Answer: A**

Under Article 103, on a question of disqualification of an MP the President decides according to the opinion of the Election Commission, and that opinion is binding.

**Q7. Answer: C**

Article 124(3) prescribes citizenship, 5 years as a High Court judge, or 10 years as a High Court advocate (or distinguished jurist). There is no minimum-age requirement of 35 years, so that is not an essential condition.

**Q8. Answer: C**

*Parmanand Katara v. Union of India* (1989) held that every doctor has a paramount duty to provide immediate medical aid to preserve life under Article 21, recognising the right to emergency medical/doctor's assistance.

**Q9. Answer: B**

*Shreya Singhal v. U.O.I.* struck down Section 66A of the IT Act (free speech), not 'recognition of unwed mother' (that is *ABC v. State (NCT of Delhi)*); hence (b) is the mismatched pair.

**Q10. Answer: B**

*Prafulla Kumar Mukherjee v. Bank of Commerce, Khulna* (1947) is the leading authority on the doctrine of pith and substance.

**Q11. Answer: C**

Under Order VI Rule 14 CPC, every pleading shall be signed by the party and his pleader (if any); thus both sign.

**Q12. Answer: C**

Under Section 3 CPC, the Court of Small Causes is subordinate to both the District Court and the High Court.

**Q13. Answer: B**

Section 2(17) CPC defines 'public officer' (judges, persons in government service, police officers etc.). A municipal councillor is not within that definition.

**Q14. Answer: B**

Set-off is provided under Order VIII Rule 6 CPC.

**Q15. Answer: B**

Section 13 CPC makes a foreign judgment conclusive (binding), subject to the six exceptions listed therein.

**Q16. Answer: C**

Under Order XL Rule 1 the court appoints a receiver; specifically Order XL Rule 2 (in some texts Rule 5 covers collector remuneration) - the Collector may be appointed as receiver under Order XL. The provision empowering appointment of a Collector as receiver is Order XL Rule 5.

**Q17. Answer: C**

A suit for mere dignity or honour (with no civil/property right involved) is not a suit of a civil nature under Section 9 CPC, as it does not involve a justiciable civil right.

**Q18. Answer: B**

Power of the Supreme Court to transfer suits etc. is under Section 25 CPC (Section 24 is the power of the High Court/District Court). Hence (b) is mismatched.

**Q19. Answer: D**

Language of subordinate courts is dealt with under Section 137 CPC, so option (d) is correctly matched and the others (Section 132 exemption of women, Section 56 prohibition of arrest of women, Section 148A caveat) - note Section 57 is wrongly matched for prohibition of arrest of women (it is Section 56). Hence (b) is the genuine mismatch.

**Q20. Answer: B**

Suits by indigent persons are provided under Order XXXIII CPC.

**Q21. Answer: C**

Section 55A CrPC requires that the person having custody of an accused take reasonable care of the health and safety of the arrested person.

**Q22. Answer: D**

Under Section 167(2) CrPC, the 90-day detention limit applies to offences punishable with death, imprisonment for life, or imprisonment for not less than 10 years; hence all of these.

**Q23. Answer: C**

Transit remand is the remand obtained to transport/take an accused arrested in one State by police to another State (the State where the offence/court is), to cover the travel period.

**Q24. Answer: B**

Section 154 CrPC mandates registration of an FIR on information of a cognizable offence; reliability/genuineness of the information is not a condition precedent for registration (*Lalita Kumari v. Govt. of U.P.*).

**Q25. Answer: A**

Section 273 CrPC provides that, except as otherwise provided, all evidence taken in an inquiry or trial shall be taken in the presence of the accused (or his pleader).

**Q26. Answer: B**

Under Section 260 CrPC, theft (s.379-381 IPC) can be tried summarily only where the value of property stolen does not exceed Rs. 2,000; theft exceeding that value cannot be tried summarily.

**Q27. Answer: D**

Section 438 CrPC vests the power to grant anticipatory bail concurrently in both the Court of Session and the High Court.

**Q28. Answer: B**

Section 401 CrPC confers on the High Court its powers of revision; s.397 deals with calling for records and s.399 with the Sessions Judge's revisional powers.

**Q29. Answer: A**

*D. K. Basu v. State of West Bengal (1997)* laid down guidelines/safeguards regarding arrest and detention of persons by police.

**Q30. Answer: A**

Plea bargaining is in Chapter XXIA CrPC (s.265A-265L), so (i) is true; but it was added on the recommendation of the Malimath Committee and the 154th Law Commission Report, not the Justice Verma Committee, so (ii) is false.

**Q31. Answer: D**

R. M. Malkani v. State of Maharashtra (1973) concerned the admissibility of tape-recorded conversation as evidence, not leading questions, accomplice or res gestae; hence 'none of these'.

**Q32. Answer: B**

Jeremy Bentham famously described witnesses as 'the eyes and ears of justice.'

**Q33. Answer: C**

Section 35 of the Evidence Act makes entries (e.g., date of birth) in a public/official register, made by a public servant in discharge of duty, a relevant fact.

**Q34. Answer: D**

Section 14 of the Evidence Act makes facts showing the existence of any state of mind, or state of body or bodily feeling, relevant; hence all of these.

**Q35. Answer: D**

'Confession' is not defined in the Evidence Act; Lord Atkin clarified it in Pakala Narayana Swami v. Emperor (1939); and the Supreme Court adopted that definition in Palvinder Kaur v. State of Punjab. All three are true.

**Q36. Answer: C**

Section 112 of the Evidence Act governs the presumption of legitimacy of a child, and Nandlal/Narendra Nath type cases on legitimacy during subsistence of a valid marriage support both statements as true.

**Q37. Answer: C**

Pickard v. Sears, Sarat Chunder Dey v. Gopal Chunder Dey and Sri Krishna v. Kurukshetra University are all estoppel cases (s.115); Queen Empress v. Abdullah relates to dying declaration/relevant facts and is the odd one out.

**Q38. Answer: A**

Under Section 121 Evidence Act a Judge/Magistrate may be examined as to matters that occurred before him in trial with special court permission; the example fits and the reason (a Judge is a competent witness) is correct, so both A and R are true.

**Q39. Answer: A**

Communication during marriage is governed by Section 122, not Section 112 (which is presumption of legitimacy); hence pair (a) is mismatched.

**Q40. Answer: D**

Section 141 of the Indian Evidence Act defines a 'leading question.'

**Q41. Answer: C**

Dishonestly taking property from a dead body amounts to criminal misappropriation under Section 403 IPC (theft is excluded since the dead person cannot be 'in possession'); this is the standard illustration to s.403.

**Q42. Answer: C**

K. M. Nanavati v. State of Maharashtra (1962) is the leading Supreme Court case explaining grave and sudden provocation under Exception 1 to Section 300 IPC.

**Q43. Answer: A**

Provocation by Z does not extend to killing Y (Z's brother) who gave no provocation; the benefit of Exception 1 to s.300 is lost, so X is guilty of murder.

**Q44. Answer: B**

Entering Y's bedroom at night to murder him, when Y is absent, is only house-trespass (lurking house-trespass) since the attempt to murder has not commenced; X is guilty of house trespass.

**Q45. Answer: C**

In *Mithu v. State of Punjab* (1983) the Supreme Court struck down Section 303 IPC (mandatory death sentence) as unconstitutional.

**Q46. Answer: A**

*R v. Dudley and Stephens* (1884) is the celebrated case on the defence of necessity (and its rejection in cases of murder).

**Q47. Answer: A**

Sedition (s.124A IPC) is complete on the doing of the act with the requisite intent; the actual consequence (whether disaffection in fact results) is immaterial.

**Q48. Answer: B**

Theft is complete on moving the property; here moving the bullock moves the cart and the treasure, so the offence is committed as soon as the bullock is made to move in his direction (Illustration to s.378 IPC).

**Q49. Answer: D**

Obtaining money by putting a person in fear of death is extortion under Section 383 IPC.

**Q50. Answer: C**

Where force or violence is used by a member of an unlawful assembly (five or more) in prosecution of the common object, the assembly is guilty of rioting under Section 146 IPC.

**Q51. Answer: C**

There is no fixed statutory limitation period prescribed in the Limitation Act for a writ petition under Article 32; the '120 days' statement is false. (a), (b) and (d) are correct statements.

**Q52. Answer: D**

Section 3 of the Limitation Act, 1963 mandates that a suit, appeal or application filed after the prescribed period shall be dismissed, and the court must consider limitation suo motu even if not pleaded by the defendant.

**Q53. Answer: B**

Statement (i) is FALSE: in *N. Balakrishnan v. M. Krishnamurthy* (1998) 7 SCC 123 the Supreme Court actually CONDONED the 883-day delay, holding length of delay is immaterial if the explanation is bona fide. Statement (ii) is TRUE: *R.B. Ramalingam v. R.B. Bhavneshwari* held the test of 'sufficient cause' is an individualistic/diligence-based test.

**Q54. Answer: C**

Section 13 of the Limitation Act excludes time taken in an application for leave to sue/appeal as an indigent person, and the benefit is conditioned on good faith; both statements are true.

**Q55. Answer: C**

Under Section 12(1) of the Limitation Act, in computing the period of limitation the day from which the period is to be reckoned is EXCLUDED, not included; therefore statement (c) is the incorrect one.

**Q56. Answer: C**

Section 15(2) of the Limitation Act (exclusion of time for which notice/consent is required, etc.) applies to suits and appeals but does NOT apply to applications for execution of a decree.

**Q57. Answer: A**

Section 10 of the Limitation Act applies only to suits against express trustees and their representatives for following trust property; it does not apply to implied or constructive trusts.

**Q58. Answer: C**

Statement (i) reflects Section 9 (once time begins to run it does not stop) and (ii) reflects Section 22 (continuing breach/tort gives a fresh period of limitation); both are true.

**Q59. Answer: C**

Section 25 of the Limitation Act, 1963 provides for acquisition of easements (light, air, way, watercourse, etc.) by prescription after 20 years' peaceable, open, uninterrupted enjoyment as of right (30 years against Government).

**Q60. Answer: A**

Section 10 of the Transfer of Property Act, 1882 deals with conditions restraining alienation, declaring such absolute restraints void.

**Q61. Answer: C**

Under Section 3 TPA, an actionable claim is an unsecured debt or beneficial interest in movable property not in possession. A claim to mesne profits is a mere right to sue, which is expressly NOT an actionable claim.

**Q62. Answer: B**

Section 54 of the Transfer of Property Act, 1882 defines 'sale' as a transfer of ownership in exchange for a price paid or promised.

**Q63. Answer: D**

Transfer by ostensible owner is dealt with by Section 41 of the TPA, not Section 40. Section 40 concerns burden of obligation imposed on property. Hence the pair in (d) is incorrectly matched.

**Q64. Answer: D**

Section 58(d) of the TPA defines usufructuary mortgage, where the mortgagee is put in possession and receives rents/profits in lieu of interest/principal.

**Q65. Answer: C**

Under Section 122 read with Section 123 TPA, a gift requires acceptance during the lifetime of the donee while still capable of giving; if the donee dies before acceptance, the gift is void.

**Q66. Answer: C**

Section 29 of the TPA (ulterior disposition on failure of prior disposition) applies: since B died in A's lifetime and could not perform the condition, the gift over to C takes effect.

**Q67. Answer: A**

Sultan Ahmad v. Rashid Ahmad, AIR 1990 All 47, held that a marriage settlement made to defeat or defraud creditors is voidable at the option of the creditor under Section 53 TPA.

**Q68. Answer: A**

Under Section 20 of the TPA, where an interest is created for the benefit of an unborn person, that person acquires a vested interest immediately upon his birth (though enjoyment may be postponed), unless a contrary intention appears.

**Q69. Answer: B**

Under Section 62 of the Indian Contract Act, 1872, novation means the substitution of a new contract for the existing one, the old contract thereby being discharged.

**Q70. Answer: A**

Where consent is obtained by fraud (Sections 17 and 19 of the Contract Act), the contract is voidable at the option of the deceived party, who may rescind/set aside the contract and also recover damages for the loss sustained.

**Q71. Answer: C**

A false statement made by a person who believes it to be true, without intent to deceive, is misrepresentation under Section 18 of the Indian Contract Act, 1872.

**Q72. Answer: B**

Quasi-contractual obligations (Sections 68-72 of the Contract Act) rest on the equitable principle of unjust enrichment, preventing a person from unjustly retaining a benefit at another's expense.

**Q73. Answer: C**

A contract of life insurance, performance of which depends upon the happening of a future uncertain event, is a contingent contract under Section 31 of the Indian Contract Act, 1872.

**Q74. Answer: B**

Charging a high rate of interest when the money market is tight does not by itself amount to undue influence or unconscionability; the loan agreement remains valid.

**Q75. Answer: B**

A social/domestic arrangement between friends lacks the intention to create legal relations, an essential of a contract; hence A is not legally liable (cf. Balfour v. Balfour).

**Q76. Answer: C**

Hadley v. Baxendale (1854) laid down the rule on remoteness/measure of damages for breach of contract, the basis of Section 73 of the Indian Contract Act.

**Q77. Answer: C**

Under Section 46 of the Indian Contract Act, where no time is fixed, performance must be within a reasonable time; the contract is not void for uncertainty.

**Q78. Answer: C**

A brother's son is not a Class I heir under the Schedule to the Hindu Succession Act, 1956; he is an agnate. The other three are Class I heirs.

**Q79. Answer: B**

Statement (i) is false: under Section 20 HSA, a child in the womb who is later born alive inherits as if born before death. Statement (ii) is true under Section 26 HSA (convert's descendants disqualified).

**Q80. Answer: B**

Statement (i) is false: Section 28 HSA abolishes disqualification on grounds of disease, defect or deformity (blindness/impotency no longer disqualify). Statement (ii) is true: Section 29 provides for escheat to Government.

**Q81. Answer: C**

Widow of a predeceased son is a Class I heir, not Class II. Father (Entry I), Son's daughter's son (Entry II) and Father's mother (Entry III) are all Class II heirs under the HSA, 1956.

**Q82. Answer: D**

Section 14 of the Hindu Succession Act, 1956 declares that property possessed by a female Hindu is held by her as full/absolute owner.

**Q83. Answer: D**

Section 2(2) of the Hindu Succession Act, 1956 expressly excludes members of Scheduled Tribes (within Art. 366(25)) unless the Central Government notifies otherwise.

**Q84. Answer: B**

No statutory format is prescribed for a will; Section 74 of the Indian Succession Act, 1925 only says a will need not be in any particular form, it is to be construed by the testator's intention. Hence the statement that Section 74 prescribes a format is incorrect.

**Q85. Answer: C**

Both are correct: Section 7 of the Indian Succession Act fixes domicile of origin of a legitimate child by the father's domicile, and Section 8 fixes that of an illegitimate child by the mother's domicile at birth.

**Q86. Answer: A**

Part VI (Sections 57-191) of the Indian Succession Act, 1925 deals with testamentary succession (wills, executors, construction and effect of dispositions). Probate/letters of administration fall under Part IX.

**Q87. Answer: D**

Section 6(3) of the Specific Relief Act, 1963 expressly provides that no appeal lies and no review is allowed from an order or decree under Section 6 (suit by person dispossessed of immovable property).

**Q88. Answer: B**

Section 38 of the Specific Relief Act, 1963 lays down the principles on which a perpetual injunction may be granted.

**Q89. Answer: C**

Part III of the Specific Relief Act, 1963 (Sections 36-42) is headed 'Preventive Relief' (injunctions).

**Q90. Answer: C**

Under Section 10 read with Section 14, a contract whose subject matter has no standard for ascertaining damages or which cannot be compensated by money (e.g. property of historic/special value) is specifically enforceable; the others (partnership, marriage, contingent) are generally not.

**Q91. Answer: D**

Section 26 of the Specific Relief Act, 1963 fixes no time limit for discovery of mistake or fraud; a rectification suit may be instituted whenever the fraud or mutual mistake is discovered.

**Q92. Answer: B**

Under Section 27 of the Specific Relief Act, 1963 rescission may be adjudged where a contract is voidable or terminable by the plaintiff.

**Q93. Answer: B**

Section 36 of the Specific Relief Act, 1963 provides that preventive relief is granted by injunction, temporary or perpetual.

**Q94. Answer: A**

Section 31 of the Specific Relief Act, 1963 deals with when cancellation of an instrument may be ordered.

**Q95. Answer: B**

Section 21 of the Specific Relief Act, 1963 empowers the court to award compensation in certain cases (in lieu of or in addition to specific performance).

**Q96. Answer: A**

The definition and concept of 'domestic violence' under the PWDVA, 2005 is drawn from the UN Framework for Model Legislation on Domestic Violence and the UN Declaration on the Elimination of Violence against Women (as noted in the Act's Statement of Objects and Reasons).

**Q97. Answer: D**

Section 2(i) of the PWDVA, 2005 defines 'Magistrate' as the Judicial Magistrate of the first class, or the Metropolitan Magistrate, exercising jurisdiction in the area.

**Q98. Answer: D**

Under the PWDVA, 2005 a Magistrate may pass protection orders (s.18), residence orders (s.19), monetary reliefs (s.20), custody orders (s.21) and compensation orders (s.22) - all of these.

**Q99. Answer: B**

Section 30 of the PWDVA, 2005 declares Protection Officers and members of service providers to be public servants within the meaning of Section 21 IPC.

**Q100. Answer: A**

Section 23(2) of the PWDVA, 2005 permits the Magistrate to grant an ex parte/interim order on the basis of an affidavit of the aggrieved person.