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***2017***

1. The Power of Revision under Section 115 of Code of Civil Procedure lies with:

- a) Trial Court
- b) District Court
- c) High Court
- d) Supreme Court

**Ans 3**

*As per S.115 of CPC the High Court has powers of Revision*

*S.115 (1)The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears*

*(a) to have exercised a jurisdiction not vested in it by law, or*

*(b) to have failed to exercise a jurisdiction so vested, or*

*(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity, the High Court may make such order in the case as it thinks fit:*

2. Suit for recovery of possession of immovable property under section 6 of Specific Relief Act can be filed:

- a) within 3 months from disposition
- b) within 6 months from disposition
- c) within 1 year from disposition
- d) within 1 month from disposition

**Ans 2**

*Section 6. Suit by person dispossessed of immovable property. (2) No suit under this section shall be brought— (a) after the expiry of six months from the date of dispossession; or (b) against the Government.*

**3. The Historic Judgment of Privy Council in Pakala Narayan Swami vs. The King Emperor deals with:**

- a) Dying Declaration
- b) Confession
- c) Admission
- d) Relevancy of Facts

**Ans 2- Issues raised in case of PAKALA NARAYANA SWAMI .v. EMPEROR (AIR 1939):**

- I. Whether the statement of the accused can be considered as confession?**
- II. Whether the statement of the deceased to his wife that he is going to Berhampur to take back his loan was considered as a dying declaration?**

*This case clarifies the principles for identifying confession and a dying declaration.*

**Confession**

*The Privy Council expressed the opinion that the statement of the accused was partly confession and partly explanation for his innocence. The word confession can be construed from a statement by an accused suggesting the inference that he had committed the crime. A confession either admits in terms of the offence or at any rate substantially admits all the facts which constitute the offence. An admission of a gravely incriminating facts even if a conclusively incriminating facts cannot be considered as a confession. A statement which contain self-explanatory matter cannot amount to confession. It must be either be taken as whole or rejected.*

**Dying Declaration**

*The question before the Privy Council was as to whether a statement made by the deceased to his wife before going to the Pakala Narayan Swamy, without the idea of impending death, would really come within the purview of Section 32(1) of the Evidence Act. In fact, it was held by the Privy Council that the statement made by the deceased to his wife just prior to leaving his house to go to Behrampur was a statement and one of the circumstances of the transaction which resulted in the death of the man. Therefore the expression 'any of the circumstances of the transaction which resulted in his death' is necessarily wider in its interpretation than the expression 'the cause of his death.'*

4. Nothing is an offence which is done by a child under \_\_\_\_\_ years of age.

- a) 10
- b) 15
- c) 12
- d) 7

**Ans 4**

**Section 83 of IPC**

*Act of a child above seven and under twelve of immature understanding—Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.*

5. In which of the following cases, the Supreme Court of India struck down a clause in the service agreement whereby service of a permanent employee could be terminated by giving 3 months notice, as unreasonable and opposed to public policy?

- a) Hakam Singh vs. Gammon India
- b) Central Inland Water Transport Corp. Ltd. vs. Brojo Nath
- c) S. G. Nayak vs. National Insurance Co.
- d) State of Karnataka vs. Shree Rameshwarna Rice Mills

**Ans 2-** *In Central Inland Water Transport Corp. Ltd v. Brojo Nath, the Supreme Court struck down a clause in service agreement whereby the service of a permanent employee could be terminated by giving him a 3 months' notice or 3 months' salary. It was held that such clause was unreasonable and against public policy and void under section 23 of Indian Contract Act. ....Under section 24, if any part of a single consideration for one or more objects, or any one or any part of any one of several considerations for a single object is unlawful, the agreement is void. The agreement is, however, not always void in its entirety for it is well settled that if several distinct promises are made for one and the same lawful consideration, and one or more of them be such as the law will not enforce, that will not of itself prevent the rest from being enforceable.*

6. Fundamental Duties was inserted in the Constitution of India by which of the following Amendments?

- a) 42nd
- b) 86th
- c) 24th
- d) 44th

*Ans 1- The fundamental duties of citizens were added to the constitution by the 42nd Amendment in 1976, upon the recommendations of the Swaran Singh Committee that was constituted by the government earlier that year.*

7. The doctrine of 'lis pendens' had been explained in which of the Section of the Transfer of Property Act?

- a) Section 9
- b) Section 37
- c) Section 20
- d) Section 53-A

*Ans 4- Please change the option no. 4 to S.52.*

*Add explanation as follows-S.52. Transfer of property pending suit relating thereto.—During the [pendency] in any Court having authority [within the limits of India excluding the State of Jammu and Kashmir] or established beyond such limits] by [the Central Government] of [any] suit or proceedings which is not collusive and in which any right to immovable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose.*

*[Explanation.—For the purposes of this section, the pendency of a suit or proceeding shall be deemed to commence from the date of the presentation of the plaint or the institution of the proceeding in a Court of competent jurisdiction, and to continue until the suit or proceeding has been disposed of by a final decree or order and complete satisfaction or discharge of such decree or order has been obtained, or has become unobtainable by reason of the expiration of any period of limitation prescribed for the execution thereof by any law for the time being in force.*

8. Any man who monitors the use of internet, email or any other form of electronic communication by a woman, commits the offence of.

- a) Sexual Harassment
- b) Stalking
- c) Voyeurism
- d) Assault

**Ans 2**

**Section 354D IPC**

**Any man who-**

*(i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or*

*(ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking*

9. Which of the following do not constitute evidence within the meaning of Section 3 of the Evidence Act?

- a) Contents of Panchnama
- b) All documents produced for inspection of the Court
- c) Tape recording of Conversation
- d) Electronic record produced for inspection of the Court

**Ans 1- Evidence— “ Evidence” means and includes—**

*(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry, such statements are called oral evidence;*

*(2) all documents including electronic records produced for the inspection of the Court, such documents are called documentary evidence.*

*A Panchanama is a record of what the Panchs (Witness) see and the same can be proved only when the said Panchs stand in the witness box and testify on oath as to what they saw during the Panchanama. The main intention behind conducting Panchanama is to guard the case from unfair dealings on the Part of the Officers. The Panchanama can be used as a corroborative piece of evidence. It cannot be said to be a substantive piece of evidence, and hence relying only on the Panchanama in absence of any substantive evidence cannot attract conviction.*

**10. Which of the following statement is not correct?**

- a) Investigation is a Judicial proceeding
- b) Investigation can be made by a person authorised by a magistrate
- c) Investigation is made by Police officer
- d) Object of Investigation is to collect evidence

*Ans 1- According to the Code of Criminal Procedure, 1973, Section 156 confers upon the police officer the power to investigate a cognizable offence. This section empowers the police officer to begin the investigation of the case with or without the orders of the magistrate.*

*Section 156. Police officer's power to investigate cognizable case—(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.*

*(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.*

*(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.*

11. Which of the following statement is correct?

- a) The plea bargaining does not apply to the offences committed against a woman.
- b) Court may award half of minimum sentence provided under the law. in case of plea bargaining.
- c) The judgment delivered in pursuance of plea bargaining is appealable.
- d) The judgment is criminal trial shall be delivered in camera

**Ans 1- Section 265A CrPC**

***Plea Bargaining does not apply where the offence affects the socio-economic condition of the country or has been committed against a woman, or a child below the age of fourteen years.***

12. An Inchoate Instrument is:

- a) Bill of Exchange
- b) Ambiguous Instrument
- c) Incomplete or blank negotiable instrument but duly signed
- d) Hundi

***Ans 3- An incomplete instrument is called an inchoate instrument. Section 20 of the Negotiable Instruments Act provides that when one person signs and delivers to another a paper stamped in accordance with the law relating to negotiable instruments then in force in India and either wholly blank or having written thereon an incomplete negotiable instrument, he thereby give prima facie authority to the holder thereof to maker to complete, as the case may be, upon it a negotiable instrument for an amount specified therein and not exceeding the amount covered by the stamp. The person so signing shall be liable upon such instrument in the capacity in which he signed the same, to any holder in due course for such amount.***



13. In a suit for recovery of maintenance, the computation of court fee will be done on the basis of:

- a) amount claimed
- b) court may exempt payment of court fee
- c) 10% of amount claimed
- d) 50% of amount claimed

**Ans 1- As per the Court Fees Act, 1870 S.7. Computation of fees payable in certain suits.—**  
**The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:— 7. Computation of fees payable in certain suits.—The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:—** " for money.— (i) In suits for money (including suits for damages or compensation, or arrears of maintenance, of annuities, or of other sums payable periodically)—according to the amount claimed.

14. In which of the following cases, the Supreme Court quashed the ban on dancing bars in the State of Maharashtra as violation of Article 19(1)(g)?

- a) State of Maharashtra vs. Labour Law Practitioner
- b) State of Maharashtra vs Lok Shikshsan Sanstha
- c) State of Maharashtra vs. Milind
- d) State of Maharashtra vs. Indian Hotels & Restaurant Association

**Ans 4- It was held in the case of Indian Hotel And Restaurant vs The State Of Maharashtra Home ... on 17 January, 2019-“ Before parting, we would like to re-emphasise that the State cannot take exception to staging dance performances per se. It appears from the history of legislative amendments made from time to time that the respondents have somehow developed the notion that such performances in the dance bars do not have moralistic basis. Initially the law was passed in the year 2005 by inserting Sections 33A and 33B in the Maharashtra Police Act, 1951. At that time, by the said amendment, State desired total prohibition on the performance of dance in eating house, permit room or bear bar on the premise that such performances are always indecent, obscene or vulgar. It was also on the notion that such performances were giving rise to exploitation of women as well. However, while upholding the decision of the High Court declaring Section 33A of Maharashtra Police Act, 1951 to be unconstitutional, this Court found and specifically held that there was no material or empirical data in the aforesaid perception garnered by the State. This Court also held that the impugned provision did not pass the muster of constitutional provisions as it was found to be violative of Articles 14, 19(1)(a) and 19(1)(g) of the Constitution. The Court also categorically observed that there were enough statutory provisions in number of Acts and Rules (which are stipulated in Paras 127 to 131 of the said judgment).”**

15. Leading questions may be asked at the stage of:

- a) any time during trial
- b) re-examination
- c) cross-examination
- d) examination-in-chief

**Ans 3- Section 141 and 142 of Evidence Act**

**141- Leading questions—Any question suggesting the answer which the person putting it wishes or expects to receive, is called a leading question.**

**142. When they must not be asked. —Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.**

16. A private person can also arrest any person who is:

- a) a proclaimed offender
- b) committing bail able offence in his presence
- c) committing non cognizable offence in his presence
- d) an accused in any offence

**Ans 1- Section 43 of CrPC**

**Arrest by private person and procedure on such arrest—(1) Any private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over or cause to be made over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.**

**(2) If there is reason to believe that such person comes under the provisions of section 41, a police officer shall re-arrest him.**

**(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 42; but if there is no sufficient reason to believe that he has committed any offence, he shall be at once released.**

17. 'A' agrees to provide a loan to "B" for import of banned products. The agreement between A & B is:

- a) voidable
- b) valid
- c) void
- d) illegal

**Ans 4-**

*An agreement which is against the provisions of the law which is enforceable in India shall be considered as an illegal agreement. Therefore, for an agreement to be illegal either the object or the consideration should be illegal, which will render the agreement as an illegal.*

18. A cognizable offence is one in which:

- a) A Police officer may arrest without warrant.
- b) Accused is not granted bail.
- c) The accused has to surrender before magistrate.
- d) A Police officer has no authority to arrest without warrant.

**Ans 1**

*“cognizable offence” means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant;*

**19. Who is not entitled to claim maintenance under Section 125 of the Code of Criminal Procedure?**

- a) Illegitimate Child
- b) Parents
- c) Divorced Wife
- d) Wife living in Adultery

**Ans 4**

*Order for maintenance of wives, children and parents—(1) If any person having sufficient means neglects or refuses to maintain—*

*(a) his wife, unable to maintain herself, or*

*(b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or*

*(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or*

*(d) his father or mother, unable to maintain himself or herself,*

*a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit and to pay the same to such person as the Magistrate may from time to time direct:*

20. In *Shreya Singhal vs Union of India*, the Supreme Court held that:

- a) Section 66-A of Information Technology Act, 2000 is violation of freedom of speech and expression
- b) The Autonomy of unaided educational institutions should be maintained
- c) Transgender Community should be given status of third gender
- d) Hazardous food articles are dangerous to right to life under Article 21

*Ans 1- The Supreme Court in the landmark judgment struck down section 66A of the Information Technology Act, 2000 which provided provisions for the arrest of those who posted allegedly offensive content on the internet upholding freedom of expression. This Section 66A defined the punishment for sending "offensive" messages through a computer or any other communication device like a mobile phone or tablet and a conviction of it can fetch a maximum three years of jail and a fine. The case emphasized on the fundamental right of freedom of speech and expression under Article 19(1)(a) of the Constitution of India, which challenged the constitutional validity of section 66A and led to the struck down of section 66A of the Information Technology Act 2000.*

21. Provision for award of cost is provided in which of the following Sections of Code of Civil Procedure?

- a) Section 100
- b) Section 34
- c) Section 14
- d) Section 35

*Ans 4*

*Section 35 of the Code of Civil Procedure contains the provision as to costs. The cost of an incident to all suits are in the discretion of the Court and the court shall have full power to determine by order out of what property and what extent such costs are to be paid. All necessary direction for these purposes will be given by the court. Where the Court directs the costs are not to follow the events the court shall give it in writing.*

**22. Which of the following statements is not correct?**

- a) Negotiability is essential characteristic of negotiable instrument
- b) Consideration is presumed in case of transfer by negotiation
- c) Valid endorsement can be made by affixing rubber stamp
- d) A bona fide transferee of negotiable instrument for value gets instrument free from all defects

**Ans 3- Essentials of a valid endorsement**

*i) It must be on the instrument. The endorsement may be on the front side or at the back side of the instrument & if no space is left on instrument, it may be made on a separate paper affixed to it known as allonge. It should generally be in ink.*

*ii) It must be made by the maker or should be made by the holder of the instrument. A stranger cannot endorse it.*

*iii) It must be signed by endorser. Full name is not important. Initials may be adequate. Thumb impression should be attested. Signature may be done on any part of instrument. A rubber stamp is not acknowledged but the designation of holder can be done by rubber stamp.*

*iv) It may be made either by endorser only signing his name on the instrument or by any words showing a purpose to transfer or endorse the instrument to a specified person. No specific form of words is arranged for an endorsement. But intention to transfer must be there.*

*v) It must be concluded by delivery of instrument.*

*vi) It must be an endorsement of the entire bill not a partial endorsement.*

**23. The Second appeal shall lie on which of the following ground?**

- a) Decree was passed by court of small cause.
- b) Substantial question of law is involved.
- c) The decree was passed ex parte.
- d) The decree was based on compromise obtained by fraud.

**Ans 2- as per S.100 of CPC Second appeal shall lie in case where substantial question of law is involved.**

24. Which of the following provisions of the Indian Contract Act deals with "Frustration of Contract?"

- a) Section 35
- b) Section 56
- c) Section 62
- d) Section 75

**Ans 2-**

*Section 56 of the Indian Contract Act deals with the provisions relating to Agreement to do impossible act which is basically laying down provisions relating to doctrine of frustration wherein it mentions about the acts which cannot be performed or the impossibility of performance of the contract. This section is based on the maxim "les non cogit ad impossibilia" which means the law will not compel a man to do what he cannot possibly perform.*

25. Which of the following is essential requirement of 'Gift'?

- a) Transfer should be of movable property only
- b) Transfer should be of future property
- c) Gift should be accepted by donee during life time of donor
- d) There should be some consideration

*Ans 3- Section 122 of Transfer of Property Act defines a gift as the transfer of an existing moveable or immovable property. Such transfers must be made voluntarily and without consideration. Section 122 also provides that the acceptance must be made during the lifetime of the donor and while he is still capable of giving. The acceptance that comes after the death or incompetence of the donor is no acceptance.*

26. Which of the following words were inserted in the Preamble by Constitution 42<sup>nd</sup>

Amendment Act?

- a) Republic
- b) Democratic and Sovereign
- c) Socialist and Secular
- d) Socialist

*Ans 3- As per the Forty-second Amendment of the constitution, a committee under the chairmanship of Sardar Swaran Singh recommended that this amendment be enacted after being consulted to study the question of amending the constitution in the light of past experience. Through this amendment, the words "socialist" and "secular" were added between the words "Sovereign" and "democratic" and the words "unity of the Nation" were changed to "unity and integrity of the Nation".*

27. All documents, other than Will should be presented within \_\_\_\_\_ from the date of execution.

- a) 1 year
- b) 6 months
- c) 4 months
- d) 3 months

*Ans 3- Section 23 of Registration Act*

*Time for presenting documents—Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution: Provided that a copy of a decree or order may be presented within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.*



**28. The provisions of Section 357-A introduced in the year 2009 deals with:**

- a) special provision for woman
- b) legal aid to accused
- c) victim compensation scheme
- d) compounding of offence

**Ans 3- Section 357A of CrPC - Victim Compensation Scheme.**

**29. In which of the following case, the Supreme Court of India has held that mere fact that a witness is inimically disposed toward accused person (hostile witness) cannot by itself be a ground for total rejection of his evidence"?**

- a) Anil Sharma vs. State of Jharkhand
- b) Sadhu Singh vs. State of Uttar Pradesh
- c) State of Karnataka vs. Yarappa Reddy
- d) V.K. Mishra vs. State of Uttrakhand

**Ans 2- In Sadhu Singh vs State of Uttar Pradesh, law is settled that the evidence of a hostile witness cannot be rejected out right. Both parties are entitled to rely on such part of his evidence which assists their case. In Anil Sharma vs State of Uttarakhand, the admissibility of extra-judicial confession was discussed. The extra-judicial confession is a weak evidence by itself. It has to be examined by the court with greater care and caution.**

**(ii) It should be made voluntarily and should be truthful.**

**(iii) It should inspire confidence.**

**(iv) An extra-judicial confession attains greater credibility and evidentiary value if it is supported by a chain of cogent circumstances and is further corroborated by other prosecution evidence.**

**(v) For an extra-judicial confession to be the basis of conviction, it should not suffer from any material discrepancies and inherent improbabilities.**

**(vi) Such statement essentially has to be proved like any other fact and in accordance with law.**

*In State of Karnataka v Yarappa Reddy, the Supreme Court held that investigating officer can refer to records while giving evidence in Court. There is nothing wrong if the trial court has permitted the investigating officer from the police department to refresh his memory by referring to his investigation records while recording his evidence. But, at the same time, you will also get a right to see such investigation papers and a right to cross-examine the I.O. on the basis of such papers.*

**30. Which of the following statements is not correct?**

- a) Right to property is not a fundamental right
- b) Fundamental rights are absolute and not subject to any restriction
- c) Reasonable restriction can be imposed on fundamental rights
- d) Fundamental rights are enforceable rights

*Ans 2- Fundamental rights are not absolute in nature. They have reasonable restrictions, which means they are subject to the conditions of state security, public morality and decency and friendly relations with foreign countries. These rights also have limitations.*

**31. Section 151 of the Code of Civil Procedure deals with:**

- a) Review
- b) Inherent Powers of the Court
- c) Appeal
- d) Fundamental rights are enforceable rights

**Ans 2**

*As per CPC S.151 Saving of Inherent Powers of the Court.*

*- Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.*

32. In which of the recent cases, the Supreme Court has summarized and reiterated the Rule of inadmissibility of confessions made to Police officer in police custody?

- a) State of Punjab vs. Dhanjit Singh Sandhu
- b) Indra Dalal vs. State of Haryana
- c) Ramakant Mishra vs. State of Uttar Pradesh
- d) Pawan Kumar vs. State of Uttar Pradesh

**Ans 2- In Indra Dalal v. State of Haryana 2 issues were raised**

1) Whether the prosecution has been able to prove the involvement of the appellants with the aid of Section 120-B of the IPC (ie Criminal Conspiracy)

2) Whether conviction could be sustained on the basis of confessions to police officer in police custody

The Supreme Court observed that the confessional statements were recorded after the arrest of the accused while they were in police custody. Therefore, such statements were inadmissible having regard to the provisions of Sections 25 and 26 of the Indian Evidence Act, 1872. The approach of the High Court relying upon the confessional statements, otherwise inadmissible, with the aid of 'other connected evidence' is contrary to law. The inadmissibility of confessional statements, stood accepted and established by the Court owing to the joint operation of Sections 25 and 26 of the Evidence Act, 1872, whereby confession to a police officer and confession made by an accused in police custody do not stand proved as against him. The bench was of the view that the prosecution has miserably failed to prove, beyond reasonable doubt, the charge of conspiracy against these appellants with the aid of Section 120-B of IPC. As a result, the appeals were allowed and the impugned judgment and sentence were, accordingly, set aside. In Ramakant Mishra v. State of UP, it was held that mere fact that in the dying declaration an oath had been administered to the deceased before recording the same, would not doubt the credibility of the dying declaration and would not nullify the same. In State of Punjab v. Dhanjit Singh Sandhu, it was held that the doctrine of "approbate and reprobate" is only a species of estoppel, it implies only to the conduct of parties. As in the case of estoppel it cannot operate against the provisions of a statute. It is settled proposition of law that once an order has been passed, it is complied with, accepted by the other party and derived the benefit out of it, he cannot challenge it on any ground

"Law does not permit a person to both approbate and reprobate. This principle is based on the doctrine of election which postulates that no party can accept and reject the same instrument and that 'a person cannot say at one time that a transaction is valid and thereby obtain some advantage, to which he could only be entitled on the footing that it is valid, and then turn round and say it is void for the purpose of securing some other advantage'".

33. A is in urgent need of money for marriage of his daughter therefore agrees to sale his house to B at a price lower than the market price. Is this agreement valid?

- a) Yes, because 'A' has voluntarily agreed to accept lower price
- b) No as there is undue influence by 'B' on 'A'
- c) No the consideration is not adequate
- d) No as there is coercion by 'B' on 'A'

*Ans 1- The important element for converting an agreement into a contract is the presence of Consideration, however, it is not essential that the consideration should be adequate. Therefore, consideration may or may not be adequate but it should be of some value in the eyes of the law. Also, an agreement to which the consent of the promisor is freely given is not void merely on the basis that the consideration is inadequate; but the inadequacy of the consideration may be taken into account by the Court in determining the question whether the consent of the promisor was freely given or not.*

34. 'Mesne Profits' according to section 2 (12) of code of Civil Procedure does not include

- a) Profit which the person in wrongful possession of property actually received.
- b) Interest on the profit.
- c) Profit made by person in wrongful possession due to improvement made by him.
- d) Profit which the person in wrongful possession might with ordinary diligence. have received.

*Ans 3- Section 2 (12) of the Code of Civil Procedure provides that: "Mesne profits" of property means those profits which the person in wrongful possession of such property actually received or might with the ordinary diligence have received therefrom, together with interest on such profits but shall not include profits due to improvement made by the person in wrongful possession.*

**35. In which of the following cases, the Supreme Court of India has held that “when the hearing of suit is commenced, it has to be continued from day-to-day”?**

- a) M. V. Shastri vs. M. Gopalakrishna Bhat
- b) Bajaj Auto Limited vs. TVS Motor Co.
- c) Manohar Singh vs. D.S. Sharma
- d) Rama Narang vs. Ramesh Narang

**Ans 2- In the case of Bajaj Auto Ltd. Vs TVS motors company ltd. -**

*The Supreme Court directed that hearing in the intellectual property matters should proceed on day to day basis and the final judgment should be given normally within four months from the date of the filing of the suit. The Supreme Court further directed to all the courts and tribunals in the country to punctually and faithfully carry out the aforesaid orders.*

**36. In which of the following cases, the Supreme Court of India has enumerated the rights of an arrestee?**

- a) Maneka Gandhi vs. Union of India
- b) Madhu Limaye vs. S.D. M. Monghyr
- c) D. K. Basu vs State of West Bengal
- d) A.D.M. Jabalpur vs Union of India

*Ans 3- D.K. Basu v. State of West Bengal is a landmark judgment given by the Apex court in the case of an increasing number of custodial deaths in India. The executive chairman of legal aid services wrote a letter against the increasing number of cases of custodial deaths and this letter was treated as a writ petition by the court by taking into consideration the gravity of the issue.*

*The court observed that custodial death is a matter of concern and it is more aggravated as it is committed by the protector of the citizens. Thus, it was held by the court that this act is against Art. 21 and 22 of the Constitution of India. It is in clear transgression of the victim's fundamental rights and human dignity. It was also observed by the court that the use of third-degree methods by police is illegal and should not be used to extract the information from the accused and held that majesty of the law must prevail.*

*Court also observed that recommendations suggested by the law commission report must be adopted by the government to curb these offenses against humanity.*

**37. Quota of reservation for women in Panchayat and Municipal elections is \_\_\_\_.**

- a) one third of total seats
- b) one half of total seats
- c) two third of total seats
- d) one fourth of total seats

**Ans 1- Article 243D (3) of the Constitution ensures participation of women in Panchayati Raj Institutions by mandating not less than one- third reservation for women out of total number of seats to be filled by direct election and number of offices of chairpersons of Panchayats. AS per Art. 243 T in case of Municipalities – Art 243 T(3) Not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.**

**38. The Vice President of India shall be elected by:**

- a) Electoral college consisting of members of Lok Sabha only
- b) Electoral college consisting of members of Lok Sabha and members of State Legislature
- c) Electoral college consisting of members of Rajya Sabha only
- d) Electoral college consisting of members of both houses of parliament

**Ans 4- As per The Constitution Art. 66 (1) The Vice-President shall be elected by the members of an electoral college consisting of the members of both Houses of Parliament in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.**

39. In which of the following cases, the Supreme Court of India held that, 'Police Offer cannot refuse to record FIR on the ground that his police station had no Territorial Jurisdiction.?'

- a) State of Uttar Pradesh vs. Mukesh
- b) State of Andhra Pradesh vs. Punati Ramube
- c) State of Andhra Pradesh vs. V. V. Panduranga Rao
- d) Gurpreet Singh vs. State of Punjab

*Ans 2- In State of AP Vs Punati Ramune and others, the court held that "Any lack of territorial jurisdiction should not have prevented the constable from recording information about cognizable offence and forwarding the same to the police station having jurisdiction over the area in which the crime was said to have been committed.*

*In this case where the constable refused to lodge the FIR by the informant who was the nephew of the deceased and an eye witness of the crime on the grounds of jurisdictional limitations, the court observed the failure of duty of the police constable and emphasized on his legal obligation to record the information and then transfer it to the competent police station.*

*State of Andhra Pradesh v. V.V. Panduranga Rao - In this case, supreme court held that, "If the information about the offence is given on telephone and the information is non-cryptic then such information is not to lodge FIR but to request the officer incharge of the police station to reach the place of occurrence. On the other hand if the information given on telephone is not cryptic and on the basis of that information the officer in charge is prima facie satisfied about the commission of a cognizable offence and proceeds from the police station after recording such information to investigate such offence then any statement made by any person in respect of the said offence including details about the participants shall be deemed to be a statement made by a person to the police officer in the course of investigation covered by Section 162 of Code. That statement cannot be treated as FIR. To put it differently any telephonic information about the commission of cognizable offence irrespective of the nature of details of such information cannot be treated as FIR.*

40. In which of the following cases, the Supreme Court held that registered documents have better evidentiary value over non registered documents?

- a) K. Raghunandan vs. Ali Hussain
- b) Om Prakash vs. Shanti Devi
- c) Maya Devi vs. Lalta Prasad
- d) Bhoop Singh vs. Ram Singh Majar

*Ans 3- In Maya Devi v Lalta Prasad, the court observed “there can be no gain saying that when the probative value of documents is to be assessed, specially those dealing with the creation of any interest in property or its transfer, of a value exceeding Rs.100/-, obviously documents which have been duly registered regardless of whether or not that was legally mandatory, would score over others.”*

*In Bhoop Singh vs. Ram Singh Majar, it was held that Decree passed in suit whereby conferring ownership, based upon pre-existing right, does not require registration under Sec 17 of Registration Act*

**Q.41 Which of the following statements is correct?**

- a) When 4 or more persons conjointly commit robbery, they have said to commit Dacoity
- b) When 5 or more persons conjointly commit robbery, they have said to commit Dacoity
- c) When 3 or more persons conjointly commit robbery, they have said to commit Dacoity.
- d) When 2 or more persons conjointly commit robbery, they have said to commit Dacoity

**Ans.2- Section 391 IPC**

*Dacoity—When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit “dacoity”.*



**Q42.** In which of the following Section of the transfer of Property Act provision for transfer for benefit of unborn person is made?

- a) Section 41
- b) Section 19
- c) Section 11
- d) Section 13

**Ans-4- As per the Transfer of Property Act, 1882-**

**S.13. Transfer for benefit of unborn person.—**Where, on a transfer of property, an interest therein is created for the benefit of a person not in existence at the date of the transfer, subject to a prior interest created by the same transfer, the interest created for the benefit of such person shall not take effect, unless it extends to the whole of the remaining interest of the transferor in the property. *Illustration A transfers property of which he is the owner to B in trust for A and his intended wife successively for their lives, and, after the death of the survivor, for the eldest son of the intended marriage for life, and after his death for A's second son. The interest so created for the benefit of the eldest son does not take effect, because it does not extend to the whole of A's remaining interest in the property.*

**Q43.** The Court may presume that a document which is \_\_\_\_\_ old is genuine.

- a) 25 years
- b) 50 years
- c) 20 years
- d) 30 years

**Ans- 4. - Section 90 of the Indian Evidence Act deals with the presumption as to documents that are thirty years old. The Court presumes that any document which is produced for investigation is from proper custody and the signature corresponds to the signature of the person whose custody the document was in. The Court also presumes that any handwriting in the document is the handwriting of the person who has the custody of the document. It is also presumed by the Court that in case if the document attested or executed, that it was duly executed and attested by the persons by whom it professes to be executed and attested.**

**Q.44 Which of the following is not included in the definition of 'Immovable Property within meaning of Sec 3 of the Transfer of Property Act?**

- a) Building
- b) Mines
- c) Agricultural Land
- d) Standing Timber

**Ans. 4.**

**S. 3. Interpretation clause.—In this Act, unless there is something repugnant in the subject or context,— “immoveable property” does not include standing timber, growing crops or grass;**

**Q 45. Formal Certificate of dishonor issued by the Notary Public to the holder of Bill or Note on his demand, is called as:**

- a) Endorsement
- b) Indorsement
- c) Protest
- d) Noting

**Ans- 3. - Noting- When a note or a bill has been dishonoured by non-acceptance or non-payment, the holder causes such dishonour to be noted by a Notary Public. Noting is a minute recorded by a notary public on the dishonoured instrument**

**Protest- When an instrument is dishonoured, the holder may cause the fact not only to be noted, but also to be certified by a Notary Public that the bill has been dishonoured. Such a certificate is referred to as a protest.**

Q46. 'A' instigates 'B' to murder 'C'. But 'B' refuses to do so. Has "A" committed any offence?

Select correct answer using options below.

- a) No, 'A' has not committed any offence
- b) 'A' has committed offence of criminal conspiracy
- c) 'A' has committed offence of abetment
- d) 'A' has committed offence of concealing design to commit offence

**Ans- 3. - Section 107 and 108 IPC**

Q47. The National Judicial Appointment Commission(NJAC) was declared unconstitutional by the Supreme Court in which of the following cases?

- a) S. PaneerSelvam vs. State of Tamil Nadu
- b) Common Cause vs. Union of India
- c) Bhim Singh vs. Union of India
- d) Supreme Court Advocate on Record Association vs. Union of India

**Ans- 4- Supreme Court Advocates on Record Association Vs. union of India- The appointments made by NJAC (National Judicial Appointments Commission) was held to be unconstitutional. The case is based on the independence of the judiciary as the part of basic structure of the Constitution. This case is famously known as 'Second Judges Case'. To secure the 'Rule of Law' which is essential for the preservation of the democratic system and the separation of powers which is adopted in the constitution with the directive principles of 'Separation of judiciary from the executive', the case was decided on 6th October 1993.**

**Q48. The Clyton Rule is applicable to which of the following ?**

- a) Quasi Contract
- b) Wagering Agreement
- c) Performance of Contract
- d) Appropriation of Payment

**Ans- 4. –**

*In the case of Devaynes v. Noble, also known as Clayton's it was held that the debtor can request the creditor to appropriate the amount to any of the debt in case, he owes to the creditor several and distinct debts, if the creditor agrees to it, then he is bound by it. Section 59 to 61 of the Indian Contract Act, 1872, lay down certain rules regarding the Appropriation of payments.*

**Q49. According to Article 44 of the Constitution of India:**

- a) State shall make provision for securing just & humane conditions of work
- b) The state shall endeavor to secure for the citizen a Uniform Civil Code throughout the territory of India.
- c) State shall endeavor to provide early childhood care & education
- d) State shall take steps to separate judiciary from Executive.

**Ans- 2**

**Article 44 in The Constitution Of India 1949**

*Uniform civil code for the citizens The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.*

**Q50. Claim for necessities supplied to a person incompetent to contract is covered under:**

- a) Agency
- b) Quasi Contractual obligation
- c) Contingent Agreement
- d) Baliment

*Ans- 2 - Section 68. Claim for necessities supplied to person incapable of contracting, or on his account: If a person, incapable of entering into a contract, or any one whom he is legally bound to support, is supplied by another person with necessities suited to his condition in life, the person who has furnished such supplies is entitled to be reimbursed from the property of such incapable person.*

**Q51. In which of the following cases, the Supreme Court of India propounded 'Rarest of Rare' rule for awarding death sentence?**

- a) State of Tamil Nadu vs. Nalini
- b) Bachhan Singh vs. State of Punjab
- c) Kehar Sigh vs. Delhi Administration
- d) Ashok Kumar vs. State of Rajasthan

*Ans- 2- In bachan singh vs state of Punjab 1980- The Apex Court laid down the doctrine of 'rarest of the rare cases' in awarding the death penalty. Life imprisonment is the rule, and the death sentence is awarded as an exception for those convicted for murder. Exercise of discretion under Section 354(3) of CrPC, 1973 would be exceptional. The death penalty would be awarded only in crimes that shake the collective conscience of society. The imposition of the death sentence should only be in the rarest of rare cases.*

**Q52.** The prohibitory order passed under Section 144 of the Code of Criminal Procedure shall not remain in force for more than \_\_\_\_ from making thereof.

- a) 3 months
- b) 2 months
- c) 1 months
- d) 15 days

**Ans- 2- Section 144 of CrPC - Power to issue order in urgent cases of nuisance of apprehended danger.**

*(4) No order under this section shall remain in force for more than two months from the making thereof: Provided that, if the State Government considers it necessary so to do for preventing danger to human life, health or safety or for preventing a riot or any affray, it may, by notification, direct that an order made by a Magistrate under this section shall remain in force for such further period not exceeding six months from the date on which the order made by the Magistrate would have, but for such order, expired, as it may specify in the said notification.*

**Q53.** Provision of Sections 143 & 147 for speedy trial of offences relating to bouncing of Cheques were inserted by:

- a) Negotiable Instrument (Amendment) Act, 1988
- b) Negotiable Instrument (Amendment) Act, 2015
- c) Negotiable Instrument (Amendment) Act, 2002
- d) Negotiable Instrument (Amendment) Act, 2010

**Ans- 3 - The Negotiable Instrument Act has been amended on a timely basis to eliminate the discrepancies or any such hurdles that would reduce the efficiency of the Negotiable Instruments Act. The amendments of 2002 have introduced new sections from Section 143 to Section 147 that has widened the scope and diminished the limitation of the parent Act. The need for such amendments was to reduce the cases of dishonoring cheques by introducing penal provisions by the stringent implementation of laws. The introduction of five new sections and the Amendment Act was brought into force on Feb 6, 2002. The Sections come under Chapter XVII that was primarily for penal provisions as the person can be charged with offenses for dishonoring the cheques in case of deficiency of funds.**

**Q54. Registration of which of the following documents is compulsory ?**

- a) Lease of immovable property for period below 1 year
- b) Instrument of gift of immovable property
- c) Deed of will
- d) Acknowledge receipt of payment 4

**Ans- 2- Under Section 123 of the Transfer of Property Act, 1882, the gift of immovable property is valid when gifted through a registered gift deed signed by the donor and the donee and attested by two witnesses. The gift of movable property is valid when gifted under a registered gift deed or by giving delivery of the property to the donee.**

**Q55. The famous case of Lalman Shukla vs. Gauri Datt is related to:**

- a) Invitation to offer
- b) Revocation of offer
- c) Conditional offer
- d) Knowledge of offer before acceptance

**Ans- 4. –**

**In this case it was held that for the purpose of entering into a contract two things are essential: (1) To have complete knowledge of the facts of the offer or proposal; and (2) Acceptance of the offer. To convert a proposal into an agreement both knowledge and assent to it must be present. However, in the given case, both were missing. As the plaintiff had no knowledge and hadn't given his approval or accepted the proposal so there did not exist a valid contract between the two. In the case it was held that for creating or entering into a valid contract there has to be knowledge and assent to the offeree made by the proposer.**

**Q56. In which of the following cases the Supreme Court of India has upheld the Constitutional Validity of Sec 377 Indian Penal Code?**

- a) Suresh kumar koushal vs. Naz foundation
- b) Naz Foundation vs. Delhi NCT
- c) Childline India foundation VS. Allan John
- d) Mr. 'X' vs. Hospital 'Z'

**Ans- 1. - In 2013, the Supreme Court judgment dealt a big blow to gay rights activists. The apex court Bench upheld the constitutional validity of the Section 377 making gay sex an offence punishable with upto life imprisonment. The Supreme Court of India reinstated Section 377 of the IPC in Suresh Kumar Koushal and another v NAZ Foundation and others in 2013.**

**The Delhi High Court judgment in 2009 had decriminalized Section 377 Naz Foundation vs. Govt. of NCT of Delhi.**

**On September 6th, 2018 the five-judge Bench partially struck down Section 377 of the Indian Penal Code, decriminalising same-sex relations between consenting adults. LGBT individuals are now legally allowed to engage in consensual intercourse. The Court has upheld provisions in Section 377 that criminalise non-consensual acts or sexual acts performed on animals.**

**Q57. Which of the following language is not mentioned in Eighth Schedule of the Constitution of India?**

- a) Nepali
- b) Bodo
- c) Rajasthani
- d) Malyalam

**Ans- 3. - Rajasthani is not a language in the list of 22 languages in the 8<sup>th</sup> schedule of the Constitution, even English is not a part of it. List of 22 languages is as follows--**

**Assamese, Bengali, Bodo, Dogri, Gujarati, Hindi, Kannada, Kashmiri, Konkani, Malayalam, Manipuri, Marathi, Maithili, Nepali, Oriya, Punjabi, Sanskrit, Santhali, Sindhi, Tamil, Telugu, Urdu**



**Q58. The Constitution (Ninety – Seventh Amendment) Act 2011 makes provision for which of the following ?**

- a) The Co- operative Societies
- b) The Panchayats
- c) The Scheduled & Tribal Area
- d) The Municipalities

**Ans- 1.**

*The Ninety-Seventh Amendment Act of 2011 gave constitutional status and protection to cooperative societies. In this context, it made the following three changes in the constitution-*

*It made the right to form cooperative societies a fundamental right (Article 19). It included a new Directive Principle of State Policy on the promotion of cooperative societies (Article 43B). It added a new Part IX-B in the constitution, which is entitled “The Cooperative Societies” (Article 243-ZH to 243-ZT).*

**Q59. The constitutional Validity of Section 499- the Indian Penal Code (Defamation) has been upheld by the Supreme Court of India in which of the following cases?**

- a) Subramanian Swamy vs. Union of India
- b) Dev Singh vs. State of Punjab
- c) Naz foundation vs. Delhi NCT
- d) Fiona Shrikhande vs. State of Maharashtra

**Ans-1.**

*In 2014, corruption charges were made by Dr. Subramanian Swamy against Ms. Jayalathitha. Defamatory cases were filed by the State Government of Tamil Nadu against Dr. Subramanian Swamy in response to these allegations. Later, the constitutional validity of the offense of criminal defamation was challenged by Dr. Subramanian Swamy along with some other prominent politicians.*

*This is one of the landmark cases as far as criminal defamation is concerned. This was also the first case in which the Supreme Court conducted a hearing on a frontal challenge to the constitutionality of one of the oldest and most strict laws that restrict speech, that is, criminal defamation.*

*The challenges to the constitutionality of the offense of criminal defamation were dismissed by the Apex Court and the Court said that the restrictions that were imposed on the Right to Freedom of Expression by the criminalization of the offense of defamation were reasonable and just in nature. The Court also said that there exists a constitutional duty to respect the dignity of other people.*

*Therefore, the constitutionality of the criminal offense of defamation under Section 499 and Section 500 of the Indian Penal Code, 1860 was upheld by the Supreme Court.*

**Q60. A Bank Draft is:**

- a) Very much like Cheque
- b) Promissory Note
- c) Not a Negotiable Instrument
- d) Bill of Exchange

*Ans- 1- A draft is very much like cheque. A Demand Draft is a negotiable instrument issued by a bank to a client, directing another bank or one of its own branches to pay a certain sum to the specified party. Demand drafts are safer than cheques in the respect that they can't be dishonored unlike the cheques.*

**Q61. Section 376 D as substituted vide Criminal Law (Amendment) Act, 2013 is related to:**

- a) Rape in Police Station
- b) Sexual Intercourse by husband upon his wife during separation
- c) Gang Rape
- d) Rape in Hospital

**Ans- 3 - By Criminal Law (Amendment) 2013, Section 376D was added. It reads as - Gang Rape**

*Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons<sup>1</sup> shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine;*

*Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim;*

*Provided further that any fine imposed under this section shall be paid to the victim.*

**Q62. A Decree for restitution of conjugal rights can be executed by which of the following modes?**

- a) Sale of property of defying party
- b) Appointment of receiver
- c) Sending defying party in prison
- d) Attachment of property of defying party

**Ans- 4 - As per Order 21 Rule 32 of CPC- The court can pass a decree for restitution of conjugal rights and order the erring spouse to cohabit with the aggrieved spouse. Also under the Indian law a decree of restitution of conjugal rights can be executed by attachment of the respondent's property.**

**Q63. Which of the following is not a punishment within the meaning of Section 53 of the Indian Penal Code?**

- a) Fine
- b) Imprisonment for Life
- c) Removal from Service
- d) Imprisonment till rising of the Court

**Ans- 3.**

*Section 53 of the IPC in Chapter III deals with the kinds of punishments which can be inflicted on the offenders. They are as follows: Death penalty, imprisonment for life, imprisonment, forfeiture of property and fine.*

**Q64. Section 53-A of the Evidence Act as introduced by the Criminal Law Amendment Act, 2013 makes:**

- a) Previous character of rape victim irrelevant
- b) Provision of compensation to victim
- c) Previous character of rape victim relevant
- d) Presumption of guilt against accused

**Ans-1- Section 53A of Evidence Act**

*Evidence of character or previous sexual experience not relevant in certain cases. -- In a prosecution for an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code (45 of 1860) or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent.*

**Q65. The doctrine of 'Full faith & credit' is enshrined in which of the following Article of the Constitution of India?**

- a) Article 261
- b) Article 358
- c) Article 148
- d) Article 304

**Ans-1**

**Article 261 of the Indian Constitution deals with Public acts, records and judicial proceedings. It has the following provisions: (1) Full faith and credit shall be given throughout the territory of India to public acts, records and judicial proceedings of the Union and of every State.**

**Q66. A money decree cannot be executed against a woman judgment debtor by adopting one of the following modes:**

- a) Sake of property
- b) Attachment of property
- c) Arrest and detention
- d) Appointment of receiver

**Ans- 3- As per S.56 of CPC- Notwithstanding anything in this part, the court shall not order the arrest or detention in the civil prison of a women in execution of a decree for the payment of money.**

**Q67. In which of the following Indian Cases, the Supreme Court of India recognized the principle' once a mortgage always a mortgage'.**

- a) Smt. Indira Kaur vs. Shri Sheo Lal Kapoor
- b) Mritunjay Pane vs. Narmada Bake Sasumal
- c) Chandi Rani vs. Kamal Rani
- d) Sidh Kamal Nayal vs. Bira Nayak

**Ans- 2.**

*In the case of Mritunjay Pani And Another vs Narmanda Bala Sasmal And Another on 14 March, 1961- the Supreme Court observed*

*"The position, in our opinion, is very clear and in the absence of any special statutory provision to the contrary is governed by s. 90, Trusts Act. The defendant is a mortgagee and, apart from special statutes, the only way in which a mortgage can be terminated as between the parties to it is by the act of the parties themselves, by merger or by an order of the Court. The maxim "once a mortgage always (1) A.I.R. 1954 S.C. 336. a mortgage" applies. Therefore, when the defendant entered upon possession he was there as a mortgagee and being a mortgagee the plaintiffs have a right to redeem unless there is either a contract between the parties or a merger or a special statute to debar them."*

**Q68. A painter 'X' has entered into contact for painting picture for 'Y' Subsequently 'X' has refused. Which of the following remedy is available to 'Y' against 'X'?**

- a) Claim damages from X
- b) Substitution of Agreement
- c) Specific performance of contract
- d) Injunction against X

**Ans- 1-**

*Section 73. Compensation for loss or damage caused by breach of contract- When a contract has been broken, the party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused to him*

*thereby, which naturally arose in the usual course of things from such breach, or which the parties knew, when they made the contract, to be likely to result from the breach of it. Such compensation is not to be given for any remote and indirect loss or damage sustained by reason of the breach.*

**Q69. Meaning of Res judicata is:**

- a) Rule of finality or conclusiveness of judgment
- b) Related to place of suing
- c) Rule against trial of concurrent suits between same parties
- d) Related to execution of decree

*Ans-1- The doctrine of Res Judicata has been defined in Section 11 of the Civil Procedure Code. The doctrine of the Res Judicata means the matter is already judged. It means that no court will have the power to try any fresh suit or issues which has been already settled in the former suit between the same parties.*

**Q70. The Constitutional Validity of Section 309 (Attempt to commit Suicide) has been restored by the Supreme Court of India in which of the following cases?**

- a) Gian Kaur vs. State of Punjab
- b) Prabhu vs. State of Madhya Pradesh
- c) R. Rathinam Patnaik vs. Union of India
- d) Vasant Virthu Jadhav vs. State of Maharashtra

*Ans- 1- Constitutionality of Section 309 of Indian Penal Code, 1860 first came up for consideration before the Bombay High Court in the case of Maruti Shripati Dubal v. State of Maharashtra (1986).*

*In Chenna Jagdeshwar v. State of Andhra Pradesh (1988), the Andhra Pradesh High Court decided that the right to die is not a fundamental right under Article 21 of the Indian Constitution, and hence Section 309 of the IPC is not unconstitutional.*

*In the case of P. Rathinam v. Union of India (1994), the Supreme Court upheld the Bombay High Court's decision in State of Maharashtra v. Maruti Sripati Dubal (1986), observing that a person has the right to die and declared that Section 309 is unconstitutional.*

*The Supreme Court's constitution bench in Gian Kaur v. State of Punjab (1996) held that the right to life under Article 21 of the Constitution does not include the right to die or the right to be killed, thereby providing some clarity on the constitutionality of Section 309 of the Code of 1860. The court held that*

*The importance of 'sanctity of life' should not be disregarded. Article 21 guarantees the protection of life and personal liberty, and extinction of life cannot be construed to encompass the protection of life by any stretch of the imagination. Article 21's word 'life' has been interpreted as life with human dignity to give it meaning and content. If there is a right to die, it is essentially incompatible with the right to life, just as death is incompatible with life. The Supreme Court had also held that there is no requirement of awarding any minimum sentence with respect to the offence of attempt to suicide. The sentence of imprisonment or fine is not compulsory but discretionary. Taking these reasons into consideration, the Apex Court concluded that Section 309 is not violative of constitutional provisions and therefore is valid.*

**Q71. Rule against perpetuity is applicable to:**

- a) Only immovable property
- b) Movable and immovable property
- c) Actionable claim
- d) Only movable property

**Ans- 2-** *Section 14 of the 'The Transfer of Property Act, 1882' (TPA) is rightly called 'Rule against perpetuity' as it limits the maximum time period beyond which property cannot be transferred. The provision or doctrine is applicable to immovable as well as movable property.*

**Q72. When there is a breach of contract, the party which has performed a part of his obligation, is entitled to recover value of what has been done by him. This remedy is known as:**



- a) Compensation for mental anguish
- b) Damages
- c) Specific performance
- d) Quantum merit

**Ans- 4.**

*This is a Latin Phrase related to the Indian Contract Act which means as much as he has earned. Further, it provides that even if there is no contract between the parties this law implies a promise to pay a reasonable amount for the labour and material provided. Such circumstances wherein someone gets a benefit while the other party gets nothing or the benefit or enrichment which one party receives as a result of the other party's actions. Therefore, the party who has received the services is unjustly benefited and must return it to the party who provided that.*

**Q73. The Doctrine of 'Res Gestae' has been incorporated in which of the following Section of the Evidence Act?**

- a) Section 9
- b) Section 11
- c) Section 6
- d) Section 14

**Ans- c**

*The doctrine of res gestae is embodied in Section 6 of Indian Evidence Act. In Bhairon Singh v. State of MP, SC pointed out that rule embodied in Section 6 is usually known as rule of res gestate.*

**Q74. When Court refers parties to suit for settlement of dispute under Section 89 of the code of Civil Procedure, the plaintiff is :**

- a) entitled to refund of court fee and interest there on

- b) entitled to refund of court fee
- c) not entitled to refund of court fee paid
- d) entitled to refund one fourth of court fee

**Ans -b**

**Section 16 Refund of fee—Where the Court refers the parties to the suit to any one of the mode of settlement of dispute referred to in section 89 of the Code of Civil Procedure, 1908 (5 of 1908), the plaintiff shall be entitled to a certificate from the Court authorising him to receive back from the collector, the full amount of the fee paid in respect of such plaint**

**Q75. 'A' finds a diamond ring in mall not knowing to whom it belongs. 'A' sells it immediately without attempting to discover the owner. Has 'A' committed any offence?**

- a) 'A' has committed offence of dishonest misappropriation of property.
- b) No. 'A' has not committed any offence.
- c) 'A' has committed offence of mischief.
- d) Yes 'A' has committed offence of criminal breach of trust.

**Ans -a**

**Illustration g of Section 378**

**A finds a ring lying on the highroad, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property**

**Section 403 IPC - Dishonest misappropriation of property—Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.**

**Q76. The period of limitation for filing any suit (for which no period of limitation has been provided in Schedule of the Limitation Act) shall be:**

- a) 12 years
- b) 3 years
- c) 7 years
- d) 5 years

**Ans 2**

**The Schedule (Periods of Limitation)- PART X—SUITS FOR WHICH THERE IS NO PRESCRIBED PERIOD- 113. Any suit for which no period of limitation is provided elsewhere in this Schedule. Three years. When the right to sue accrues.**

**Q77. The Tenth Schedule of the Constitution of India makes provision for:**

- a) Distribution of Legislative Powers
- b) Oaths and Affirmations
- c) Anti-Defection law
- d) Languages

**Ans 3**

**This Schedule of the Constitution of Indian is referred to as the 'Anti-Defection Law' and was inserted by the 52nd Amendment to the Constitution. Apart from the 10th Schedule Clause (2) was added in Article 102 and Article 191. Article 102 relates to grounds of disqualification of members of the Parliament while Clause (2) gave authority to the 10th Schedule as holding legitimate grounds of disqualification. Article 191 spoke about the same but for State Legislatures. It was given effect for ensuring that a party member does not violate the mandate of the party and in case he does so, he will lose his membership of the House. Thus, this law applies to both Parliament and state assemblies.**

**Q78. If a witness resides outside India, the court may issue**

- a) A Letter of Request
- b) A Commission
- c) A Warrant

- d) An Attachment Order

**Ans 1**

**ORDER XXVII, Rule 5 of the Code of Civil Procedure: Commission Or Request To Examine Witness Not Within India: Where any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within India is satisfied that the evidence of such person is necessary, the Court may issue such commission or a letter of request.**

**Q79. The General lien is not applicable to which of the following?**

- a) Unpaid Seller
- b) Policy Broker
- c) Banker
- d) Factor

**Ans 1**

**Indian Contract Act: Section 171. General lien of bankers, factors, wharfingers, attorneys and policy-brokers: Bankers, factors, wharfingers, attorneys of a High Court and policy-brokers may, in the absence of a contract to the contrary, retain as a security for a general balance of account, any goods bailed to them; but no other persons have a right to retain, as a security for such balance, goods bailed to them, unless there is an express contract to that effect.**

**Q80. Period of limitation is not applicable in a suit against:**

- a) trustee
- b) debtor
- c) tenant
- d) mortgage

**Ans 1**

**Limitation Act: Section 10. Suits against trustees and their representatives: Notwithstanding anything contained in the foregoing provisions of this Act, no suit against a person in whom**

*property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.*

**Q81. In which of the following cases, the Supreme Court has held that filing of Complaint for Dishonor of Cheque through power of attorney is permissible?**

- a) P.J. Agro Tech. vs. Water Base Ltd.
- b) A.C. Narayanan vs. State of Maharashtra
- c) Mahinder Singh Narula vs. Pawan Kumar
- d) Dasrath Ruba Singh Rathod vs. State of Maharashtra

**Ans 2**

*In A C Narayan vs State of Maharashtra, the court held that that the power-of-attorney holder may be allowed to file, appear and depose for the purpose of issue of process for the offence punishable under Section 138 of the NI Act. An exception to the above is when the power-of-attorney holder of the complainant does not have a personal knowledge about the transactions then he cannot be examined. However, where the attorney holder of the complainant is in charge of the business of the complainant payee and the attorney holder alone is personally aware of the transactions, there is no reason why the attorney holder cannot depose as a witness. Nevertheless, an explicit assertion as to the knowledge of the power-of-attorney holder about the transaction in question must be specified in the complaint.*

**Q82. According to Section 6 of the Limitation Act, during period of legal disability, the period of limitation shall:**

- a) be increased
- b) remained Suspended
- c) continue to run
- d) be extended to one year

Ans 2

**Section 6. Legal disability:** (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the prescribed period is to be reckoned, a minor or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time specified therefor in the third column of the Schedule.

**Q83. With reference to the "Decree" which of the following statement is wrong?**

- a) A 'decree' can be preliminary and final.
- b) A 'decree' is adjudication by Civil Court in a Suit.
- c) Any Order of dismissal for default is also 'decree'
- d) A 'decree' conclusively determine the rights of parties.

Ans 3

**Decree has been defined under section 2(2) of the Code of Civil Procedure, 1908:** (2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 144, but shall not include. Thus, a decree is a decision of the court or a formal expression of adjudication by which the court determines the rights of parties relating to the matter in dispute. It is generally of three kinds: preliminary, final and partial

**Q84. Ordinance promulgated by the President Under Article 123 of the Constitution of India shall cease to operate at the expiration of from re-assembly of Parliament**

- a) 4 weeks
- b) 3 months
- c) 2 months
- d) 6 weeks

Ans 4

**CHAPTER III: LEGISLATIVE POWERS OF THE PRESIDENT: Article 123(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance— (a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions.**

**Q85. In which of the following cases, the Supreme Court of India declared section 303 of the Indian Penal Code (which mandates the award of death sentence to life imprisonment, if he commits murder) unconstitutional?**

- a) Dev Singh vs. State of Punjab
- b) Asu vs. State of Rajasthan
- c) Mithu vs. State of Punjab
- d) Pradeep Kumar vs. State of Haryana

**Ans 3**

**In Mithu vs State of Punjab, a five-Judge Bench of the SC struck down Section 303 of the IPC, holding that the provision violated Articles 14 and 21 of the Constitution. As per Section 303, if a person undergoing life imprisonment committed murder, they would mandatorily be sentenced to death. The SC held that the provision drew an arbitrary distinction between persons committing murder and persons undergoing life imprisonment who committed murder. There was no rationale behind this distinction. Further, a mandatory death sentence prevents courts from exercising their discretion.**

**Q86. Which of the following statements is correct?**

- a) Only High Courts are Court of Record
- b) All Courts in India are Court of Record

- c) Only Supreme Court is Court of Record
- d) High Courts and Supreme Court. both are Court of Record

**Ans 4**

*Article 129 Supreme Court to be a court of record The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. Article 215. Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself.*

**Q87. Vicarious liability of the Director of Company for dishonor of Cheque has been laid down in which of the following cases?**

- a) S. R. Sunil & Co, vs. D. Srinivas
- b) H.M.T. Watches Ltd. vs. M.A. Abrda
- c) Krishna Text Port & Capital Markets vs. Ila A. Agarwal
- d) Vinita S. Rao vs. Essen Corporate Services

**Ans 3**

*In the case of Krishna Texport & Capital Markets Ltd. vs. Ila A. Agrawal & Ors[1]. The Honorable Supreme Court of India in its attempt to clarify the issues pertaining to Section 138 of the Act overruled the judgment of the Division Bench of Madras High Court in B. Raman & Ors. Vs. M/s. Shasun Chemicals and Drugs Ltd., wherein it was concluded by the Honorable High Court that the service of Notice as envisaged under Section 138 to all the Directors and persons concerned is a mandatory obligation before a complaint could be filed against any wrong committed on their part. Further, it was added by the Honorable High Court that a non-compliance of such a mandatory requisite would outlaw the legal proceedings of any kind against the Directors.*

*The Honorable Supreme Court while deciding the question whether the notice under Section 138 of the Act is mandatorily required to be sent to the directors of a Company before a complaint could be filed against such directors along with the Company observed that the*



*there is nothing in Section 138 of the NI Act which may even remotely suggest issuance of notice to anyone other than the drawer. The Honorable Supreme Court went through the interpretation of the Sections 138 and 141. While interpreting the Section 141 of the Act, the Supreme Court explained that plain reading of Section 141 of the Act provides that if the person committing an offence under Section 138 is a Company, every director of such Company who was in charge of and responsible for its affairs and who guided actions to that Company for conduct of its business shall also be deemed to be vicariously liable as company is a juristic entity. Section 141 of the Act does not provide any requirement to send notices separately to the directors.*

**Q88. If before expiry of period of limitation, an acknowledgement in writing is made about liability of debt and promised to pay. What will be the effect of such acknowledgement?**

- a) The period of limitation will not be applicable
- b) Fresh period of limitation shall begun
- c) Period of limitation shall be increased by 1 year
- d) No effect on period of limitation

**Ans 2**

*Section 18 of Limitation Act: Effect of acknowledgment in writing—(1) Where, before the expiration of the prescribed period for a suit of application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by any person through whom he derives his title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed*

**Q89. Section 112 of the Evidence Act deals with:**

- a) estoppel
- b) conclusive proof of legitimacy of child

- c) oral evidence
- d) documentary evidence

**Ans 2**

**Section 112 of Evidence Act**

**Birth during marriage, conclusive proof of legitimacy — The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten**

**Q90. The provision for Anticipatory Bail has been provided under which of the following sections of Code of Criminal Procedure?**

- a) Section 438
- b) Section 437
- c) Section 440
- d) Section 439

**Ans 1**

**Section 438 of Criminal Procedure Code**

**Direction for grant of bail to person apprehending arrest.**

**(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.**

**Q91. Which of the following statements is correct?**

- a) All facts must be provided by documentary evidence only
- b) In offence of dowry death the presumption of guilt is invoked against accused
- c) Expert opinion is binding on Court
- d) An accomplice is not a competent witness against an accused

**Ans 2**

**Option 1 - Proof of contents of documents. — The contents of documents may be proved either by primary or by secondary evidence.**

**Option 2- Section 113B Presumption as to dowry death. —When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.**

**Option 3- The Act only provides about the relevancy of expert opinion but gives no guidance as to its value. The value of expert opinion has to be viewed in light of various adverse factors**

- There is danger of error or deliberate falsehood**
- Evidence given by experts is 'opinion' and human judgement is fallible**
- An expert witness may be unconsciously prejudiced in favour of the side which calls him**

**There are two aspects of the expert evidence- Data evidence and Opinion evidence.**

**Data evidence are accepted until they vary the oral evidence**

**Opinion evidence is drawn from the data and it would not get precedence over the direct eyewitness testimony unless the inconsistency between the two is so great as to falsify the oral evidence**

**Expert witness must be corroborated either by direct evidence or by circumstantial evidence**

**Option 4 – Section 113 of Evidence Act - An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.**

**Q92. Which of the following Section of Code of Criminal Procedure enables the police to examine accused during investigation?**

- a) Section 161
- b) Section 160
- c) Section 164
- d) Section 145

**Ans 1**

**Section 161 of CrPC. Examination of witnesses by police.**

*(1) Any police officer making an investigation under this Chapter, or any police officer not below such rank as the State Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer, may examine orally any person supposed to be acquainted with the facts and circumstances of the case.*

*(2) Such person shall be bound to answer truly all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.*

*(3) The police officer may reduce into writing any statement made to him in the course of an examination under this section; and if he does so, he shall make a separate and true record of the statement of each such person whose statement he records.*

**Q93. Amit signs an instrument in the following terms "I promise to pay Babu Rs. 10,000 and all other sums which shall be due to him". What is the legal status of above instrument?**

- a) It is Bill of Exchange
- b) It is not Promissory Note
- c) It is Inchoate Instrument
- d) It is Promissory Note

**Ans 2**

**According to Section 4 of Negotiable Instrument Act, a promissory note is:**

- **An instrument (not being bank note or currency note) in writing**
- **Containing an unconditional undertaking**
- **Signed by the maker**

• To pay a certain sum of money only to or to the order of, a certain person, or to the bearer of the instrument.

In question, the sum is not certain as it is mentioned "Rs 10000 and all other sums which shall be due to him".

A Bill of Exchange has three parties.

An inchoate instrument is an incomplete instrument

**Q94. Section 51 of the Code of Civil Procedure deals with which of the following issues?**

- a) Award of Interest
- b) Execution of Decree
- c) Foreign Judgment
- d) Transfer of Suit

**Ans 2**

**Section 51. Powers of Court to enforce execution:** Subject to such conditions and limitations as may be prescribed, the Court may, on the application of the decree-holder, order execution of the decree: (a) by delivery of any property specifically decreed; (b) by attachment and sale or by the sale without attachment of any property; (c) by arrest and detention in prison [for such period not exceeding the period specified in section 58, where arrest and detention is permissible under that section; (d) by appointing a receiver; or (e) in such other manner as the nature of the relief granted may require.

**Q95. If a Money Bill' is passed by Lok Sabha and transmitted to Rajya Sabha and the Rajya Sabha do not return the Money Bill within \_\_\_\_\_ it will be deemed to have been pass by both Houses.**

- a) 10 days
- b) 14 days
- c) 30 days
- d) 15 days

**Ans 2**

**Constitution of India: Article 109. Special procedure in respect of Money Bills: (5) If a Money Bill passed by the House of the People and transmitted to the Council of States for its recommendations is not returned to the House of the People within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the House of the People.**

**Q96. Which of the following mortgage does not require writing in law?**

- a) Mortgage by deposit of title deed
- b) Usufructuary mortgage
- c) Simple Mortgage
- d) Mortgage by conditional sale

**Ans 1**

**Transfer of Property Act: Section 58. Mortgage , mortgagor , mortgagee , mortgage-money and mortgage- deed defined- (f) Mortgage by deposit of title-deeds-- Where a person in any of the following towns, namely, the towns of Calcutta, Madras and Bombay, and in any other town which the State Government concerned may, by notification in the Official Gazette, specify in this behalf, delivers to a creditor or his agent documents of title to immoveable property, with intent to create a security thereon, the transaction is called a mortgage by deposit of title-deeds.**

**Q97. Transfer of right to enjoy an immovable property in consideration of price is known as:**

- a) Exchange
- b) Gift
- c) Mortgage
- d) Lease

**Ans 4**

**Transfer of Property Act: Section 105. Lease: A lease of immoveable property is a transfer of a right to enjoy such property, made for a certain time, express or implied, or in perpetuity, in consideration of a price paid or promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee, who accepts the transfer on such terms. Lessor, lessee, premium and rent defined: The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent.**

**Q98. In which of the provisions of Evidence Act, electronic record has been made admissible as evidence?**

- a) Section 62
- b) Section 65-A
- c) Section 45
- d) Section 75

**Ans 2**

**Section 65A of Evidence Act - Special provisions as to evidence relating to electronic record. —The contents of electronic records may be proved in accordance with the provisions of section 65B**

**Q99. A person who occupies the position of surety as well as agent is called as:**

- a) Factor
- b) Broker
- c) Del Credere Agent
- d) Commission Agent

**Ans 3**

**Del Credere Agent means an agent who sells products and/or services for another party for a fee, and guarantees payment to the Seller. If a Del Credere Agent has paid the seller, the rights of the Seller are assigned to that agent.**

**Q100. Specific Relief Act is applicable for enforcement of:**

- a) Civil Rights of Individual
- b) Taxation Law
- c) Constitutional Write
- d) Penal Law

**Ans 1**

**Section 4. Specific relief to be granted only for enforcing individual civil rights and not for enforcing penal laws. Specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law.**

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