



000051

## High Court of SIKKIM

WRITTEN EXAMINATION (PAPER – I) FOR RECRUITMENT TO THE POST OF CIVIL JUDGE-CUM-JUDICIAL MAGISTRATE (GRADE-III) IN THE SIKKIM JUDICIAL SERVICE, 2014

Paper – I : Procedural Law – Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act, Limitation Act & Local Laws

Time : 3:00 hours (9:30 a.m. to 12:30 noon)

Total Marks : 200

### Instructions

1. Answer all questions
2. The answer sheet shall be filled by a BLACK/BLUE Ball Point Pen only.
3. Question No. 1 to 190 are multiple choice questions for which only one answer is to be given. If more than one answer is marked, it would be treated as wrong answer.
4. The Answer sheet shall be submitted to the invigilator at the end of examination, along with the answer sheet for Language Test.
5. The candidates can keep the question paper booklet with them. No Candidate shall carry out the answer sheet with him out of the examination hall.
6. Please fill your Roll Number carefully & correctly and question booklet number on the Answer Sheets for multiple choice questions as well as the Language Test Sheet.
7. Each question from 1 to 190 has four optional responses marked serially as a,b,c and d. The candidates have to **tick only one option** for indicating the correct answer on the answer sheet.
8. Language Test consist of 2 questions of 5 marks each.
  - a. Translation of English Paragraph to Nepali or any language of the State (5 Marks).
  - b. Short notes on any one of the Topics in Nepali or any language of the State, provided in the question (5 Marks).
9. No candidate shall be allowed to enter the examination hall beyond 30 minutes from the time of commencement of the examination. Any candidate joining the examination hall late will not be allowed any extra time.
10. No candidate shall be allowed to leave the examination hall before expiry of one hour of commencement of the examination.
11. Mobile Phones, Pagers, Tablets, Electric Equipments, etc are prohibited inside the examination hall. The candidate shall not possess any such equipment or device even in switched- off mode.
12. No candidate is permitted to carry with him/her any book, slip or writing as a mean of communication in the examination.
13. Violation of any of these instructions will entail the cancellation of examination.



10. A person can be made a party in the suit either as a plaintiff or a defendant
  - (a) Under order I, Rule 8A of CPC
  - (b) Under order I, Rule 10 of CPC
  - (c) Under order x, Rule 1 of CPC
  - (d) Under order X Rule 8 of CPC
11. Pleading must state
  - (a) Facts
  - (b) Law
  - (c) Evidence
  - (d) All the above
12. Set-off is a
  - (a) Reciprocal agreement between the plaintiff and defendant
  - (b) Reciprocal ascertainment of debts between the parties
  - (c) Both (a) or (b)
  - (d) Neither (a) nor (b)
13. An ex-parte decree can be set aside
  - (a) Under order IX, Rule 7 of CPC
  - (b) Under order IX, Rule 11 of CPC
  - (c) Under order IX, Rule 13 of CPC
  - (d) Under order IX, Rule 12 of CPC
14. Affidavit in answer to interrogatories shall be filed
  - (a) Within 7 days of the order
  - (b) Within 10 days of the order
  - (c) within 14 days of the order
  - (d) Within 15 days of the order
15. Issues mean
  - (a) Contentions arising out of plaint only
  - (b) Contentions arising out of written statement only
  - (c) Rival contentions of the parties based on their pleading
  - (d) Presumptions of fact or law or fact & law
16. Issues can be altered
  - (a) Under order XIV, Rule 2 (2) of CPC
  - (b) Under order XIV, Rule 3 of CPC
  - (c) Under order XIV, Rule 5 of CPC
  - (d) Under order XIV, Rule 6 of CPC
17. Transfer of a decree for execution to another court has been dealt with
  - (a) Under section 37 of CPC
  - (b) Under section 38 of CPC
  - (c) Under section 39 of CPC
  - (d) Under section 40 of CPC
18. Modes of execution of a decree have been
  - (a) Section 48 of CPC
  - (b) Section 49 of CPC
  - (c) Section 51 of CPC
  - (d) Section 52 of CPC

19. A person arrested & detained in Civil imprisonment in execution of a decree can be released
- (a) On payment of the outstanding amount
  - (b) On the ground of illness of self
  - (c) On the ground of illness of a member of his family
  - (d) Only (a) or (b) not (C)
20. Effect of abatement or dismissal of a suit
- (a) Under order XXII, Rule 9 of CPC
  - (b) Under order XXII, Rule 8 of CPC
  - (c) Under order XXII, Rule 10 of CPC
  - (d) Under order XXII, Rule 11 of CPC
21. Provisions relating to interpleader suit are contained in
- (a) Order XXII of CPC
  - (b) Order XXXIV of CPC
  - (c) Order XXXV of CPC
  - (d) Order XXXVI of CPC
22. Attachment before judgment can be ordered
- (a) Under order XXXVIII, Rule 1 of CPC
  - (b) Under order XXXVIII, Rule 3 of CPC
  - (c) Under order XXXVIII, Rule 5 of CPC
  - (d) Under order XXXVIII, Rule 7 of CPC
23. A temporary injunction can be granted to a party establishing
- (a) Ex parte
  - (b) Balance of convenience in his favour
  - (c) Irreparable injury to him in the event of non-grant of injunction
  - (d) All the above
24. A receiver can be appointed
- (a) During the pendency of proceedings
  - (b) After the termination of proceedings
  - (c) Both (a) and (b)
  - (d) Either (a) or (b)
25. Next friend' is
- (a) A local commissioner
  - (b) A receiver
  - (c) A person defending a suit on behalf of the minor
  - (d) A person filing a suit on behalf of a minor
26. Summary procedure in relation, to suits has been provided
- (a) Under order XXXV of CPC
  - (b) Under order XXXVII of CPC
  - (c) Under order XXXVIII of CPC
  - (d) Under order XLIV of CPC

27. Delay in putting in the appearance in a suit under order XXXVII  
(a) Cannot be condoned  
(b) Can be condoned as a matter of right  
(c) Can be condoned on sufficient cause being shown  
(d) Either (a) or (b).
28. Right to lodge a caveat has been provided under  
(a) Section 148 of CPC  
(b) Section 148 A of CPC  
(c) Section 148 B of CPC  
(d) Section 147 of CPC
29. The cross-examination of a witness in attendance whose examination-in-chief has been furnished by affidavit under order XVIII, Rule 4 (2) of CPC shall be taken  
(a) By the court  
(b) By the commissioner appointed by the Court  
(c) Either (a) or (b)  
(d) None of above
30. A suit to set aside a decree on the ground of lack of territorial jurisdiction is barred.  
(a) Under section 21 of CPC  
(b) Under section 21A of CPC  
(c) Under section 22 of CPC  
(d) Under section 23 of CPC
31. Second appeal shall not lie from any decree, as provided under section 102 of CPC when the subject matter of the original suit is for recovery of money not exceeding  
(a) Rs. 10,000  
(b) Rs. 25,000  
(c) Rs. 50,000  
(d) Rs. 1,00,000
32. On account of mis-joinder or non-joinder of parties, under order I, Rule 9 of CPC, the suit is  
(a) Liable to be dismissed  
(b) Cannot be dismissed  
(c) May be dismissed or may not be dismissed as per the discretion of the court.  
(d) None of the above
33. In set-off fee is  
(a) Payable  
(b) Not payable  
(c) Discretionary  
(d) None of the above
34. Attachment of property under a precept shall remain valid for a period of  
(a) 90 days until extended  
(b) 60 days until extended  
(c) 30 days until extended  
(d) Till further order

35. Maximum period of detention in civil imprisonment where the decree is for more than Rs. 2000 but less than Rs. 5000 is  
(a) Six weeks  
(b) Two months  
(c) Three months  
(d) Six months
36. A suit filed on behalf of a minor can be  
(a) Withdrawn at any time as a matter of right  
(b) Cannot be withdrawn  
(c) Withdrawn only with the leave of the court  
(d) None of the above
37. Public nuisance within the meaning of section 91 of CPC is  
(a) Nuisance in law  
(b) Nuisance in fact  
(c) Both (a) and (b)  
(d) None of the above
38. Pauper appeals have been provided  
(a) Under order XLII of CPC  
(b) Under order XLIII of CPC  
(c) Under order XLIV of CPC  
(d) Under order XLV of CPC
39. Decree means  
(a) Formal expression of an adjudication  
(b) Informal expression of an adjudication  
(c) Formal expression of an adjudication but shall not include any adjudication from which an appeal lies as an appeal from an order  
(d) All of the above
40. A decree may be executed by  
(a) Tehsildar  
(b) Collector  
(c) District Judge  
(d) Either by the court which passed it or to which it is sent.
41. Dasti summons for serving on the defendant(s) can be given to the plaintiff by virtue of  
(a) Order V, Rule 9A of CPC  
(b) Order V, Rule 9 of CPC  
(c) Order V, Rule 7 of CPC  
(d) Order V, Rule 6 of CPC
42. Rights to appeal from every original decree has been provided under  
(a) Under section 94 of CPC  
(b) Under section 95 of CPC  
(c) Under section 96 of CPC  
(d) Under section 100 of CPC

43. A leave to defend may be  
(a) Refused  
(b) Granted unconditionally  
(c) Granted conditionally  
(d) All the above
44. Notice under section 80 of CPC has to be served on  
(a) The Secretary to the Government  
(b) The Deputy Commissioner  
(c) The President of India  
(d) The Prime Minister of India
45. Under section 75, a commission can be issued  
(a) To make local investigation  
(b) To hold a scientific technical or expert investigation  
(c) To perform any ministerial act  
(d) All the above
46. Right to withdraw the suit is  
(a) An absolute right of the plaintiff  
(b) A qualified right of the plaintiff  
(c) Fettered by certain conditions  
(d) All the above
47. A 'garnishee' is  
(a) The judgment debtor  
(b) Judgment debtor's debtor  
(c) Judgment debtor's creditor  
(d) The banker of the judgment debtor
48. A magistrate has the power to direct the police to investigate into an offence in IPC under  
(a) Section 156 (1) of Cr. P. C.  
(b) Section 156 (2) of Cr. P. C.  
(c) Section 156 (3) of Cr. P. C.  
(d) All the above
49. Non-cognizable offence has been defined  
(a) Under section 2 (a)  
(b) Under section 2 (c)  
(c) Under Section 2 (i)  
(d) Under Section 2 (1)
50. In a bailable offence, the bail is granted as a matter of right.  
(a) By the police officer  
(b) By the court  
(c) Both by the police officer & the court  
(d) None of the above

51. Warrant case has been defined under section 2 (x) or Cr.P.C. as a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term
- Exceeding three years
  - Exceeding two years
  - Exceeding one year
  - Exceeding one year but less than two years.
52. Classification of summons case & Warrant case
- Is useful to determine the trial procedure to be adopted
  - Is useful to determine the investigation procedure to be adopted
  - Is useful to decide the question of issuance of process to the accused.
  - Both (a) & (c)
53. Complaint, as provided under section 2 (d) of Cr. P. C.
- Can be in writing only
  - Can be oral
  - Either in writing or oral
  - Can be by gestures
54. It is mandatory for a police officer to inform the person arrested, the grounds of arrest and right of bail if the offence is not non-bailable, under
- Section 49 of Cr. P. C.
  - Section 50 of Cr. P. C.
  - Section 51 of Cr. P. C.
  - Section 54 of Cr. P. C.
55. Period of limitation for filing claims & objections to the attachment of any property attached under section 83 of Cr. P. C. by any person other than the proclaimed person, as provided under section 84 of Cr. P. C.
- Within three months of attachment
  - Within six months of attachment
  - Within one year of attachment
  - Within two months of attachment
56. During investigation a search can be conducted without warrant by
- Any police officer
  - The investigating officer
  - Both (a) or (b)
  - None of the above
57. Sections 39 & 40 of Cr. P. C. make it mandatory to give information regarding commission of certain offences such information can be given to
- A Magistrate
  - A police officer
  - Either to a Magistrate or to a police officer
  - The Magistrate & the police officer both simultaneously
58. The Power of direct investigation under section 156 (3) of Cr. P. C. can be exercised by
- S Magistrate
  - A session Judge
  - None of the above
  - Either (a) or (b)

59. A person can be summoned as a witness under section 160 of Cr. P.C. by  
 (a) Any police officer  
 (b) The Station House Officer  
 (c) An Investigating Officer  
 (d) Any of the above
60. Section 161 of Cr. P.C. covers the cases of information received by the Police  
 (a) Before the commencement of investigation  
 (b) After the commencement of investigation  
 (c) After the conclusion of trial  
 (d) Both (a) & (b)
61. Complaint to the police or statements made to the police that fall within exception 8 of section 499, IPC, can claim  
 (a) Absolute privilege  
 (b) A qualified privilege  
 (c) Both absolute as well as qualified privilege  
 (d) Neither absolute nor qualified privilege.
62. FIR is not a substantive evidence, it can be used during trial  
 (a) To corroborate the informant  
 (b) To contradict the informant  
 (c) Both (a) & (b)  
 (d) Neither (a) nor (b)
63. The bar created by section 162 of Cr. P.C. does not apply to  
 (a) Civil proceedings  
 (b) Proceedings under Article 34 of the Constitution  
 (c) Proceedings under Article 226 of the Constitution  
 (d) All of the above.
64. In re-examination, the previous statement made to a police officer can be used for  
 (a) The purposes of contradicting what is stated in the cross-examination  
 (b) The purposes of explaining what is left over in the examination-in-chief  
 (c) The purpose of explaining any matter in the cross examination  
 (d) All of the above
65. The non-compliance with the provisions of section 164 of Cr. P. C.  
 (a) Reduces the statement recorded by the Magistrate to a nullity  
 (b) Is an irregularity curable under section 463 of Cr. P. C.  
 (c) Both (a) and (b)  
 (d) Neither (a) nor (b)
66. A confession under section 164 of C. P. C. can be recorded by  
 (a) Metropolitan/Judicial Magistrate  
 (b) Executive Magistrate  
 (c) Police officer on whom the power of a magistrate has been conferred  
 (d) Either (a) or (b)

67. Obtaining signature on the confession of the person making the confession, under section 164 of Cr. P.C. is
- (a) Mandatory
  - (b) Directory, being procedural
  - (c) Discretionary
  - (d) Optional
68. Under section 167 of Cr. P. C. the longest period for which an accused can be remanded to police custody is
- (a) Fifteen days
  - (b) Fourteen days
  - (c) Ten days
  - (d) Twenty eight days
69. Under section 167 of Cr. P. C. for offences other than those punishable with death, imprisonment for life or imprisonment for a period not less than 10 years, the detention during investigation, can be authorized for a total period of
- (a) 30 days
  - (b) 45 days
  - (c) 60 days
  - (d) 75 days
70. Section 125 of Cr. P. C. provides a remedy
- (a) By way of summary procedure which is co-extensive with the civil liabilities under the personal law
  - (b) By way of summary procedure which is co-extensive with the civil liabilities under the civil law
  - (c) By way of summary procedure which is not co-extensive with the civil liabilities under the personal law or civil law
  - (d) Both (a) and (b)
71. Under section 125 of Cr. P. C. the father and the mother i.e. the parents can claim maintenance from their
- (a) Son
  - (b) Daughter
  - (c) Stepson
  - (d) Both son and daughter
72. Under section 195 of Cr. P. C. a complaint can be filed by
- (a) A public servant
  - (b) A private individual
  - (c) Police
  - (d) None of the above
73. Section 210 of Cr. P.C. can be invoked
- (a) When there is a complaint case & police is also investigating the matter
  - (b) When there is a complaint case but no police investigation is in progress
  - (c) When there is a complainant case & the police has already completed the investigation & filed the final report
  - (d) All the above

74. Under section 439 (2) of Cr. P. C, the jurisdiction to cancel the bail vests with
- (a) The Court of sessions
  - (b) The High Court
  - (c) The Court of Magistrate
  - (d) Only (a) & (b)
75. In a case of non-bailable offence, a bail granted by a Magistrate can be cancelled under section 437 (5) of Cr. P. C.
- (a) By the Magistrate granting the bail
  - (b) By the Court of sessions
  - (c) By the High Court
  - (d) All of the above
76. Additional or alteration of charge has been provided
- (a) Under section 214 of Cr. P. C.
  - (b) Under section 215 of Cr. P. C.
  - (c) Under section 216 of Cr. P. C.
  - (d) Under section 218 of Cr. P. C.
77. Joinder of charges is permissible
- (a) Under section 219 of Cr. P. C.
  - (b) Under section 220 of Cr. P. C.
  - (c) Under section 221 of Cr. P. C.
  - (d) All the above
78. Under section 267 production warrants in respect of a person detained in prison, can be issued for the purposes of
- (a) Investigation
  - (b) Inquiry
  - (c) Trial
  - (d) All the above
79. Withdrawal of a complaint under section 257 of Cr. P. C. results in
- (a) Acquittal of the accused in cases where charge has already been framed
  - (b) Discharge of the accused in cases where the charge has not been framed
  - (c) Acquittal of the accused irrespective of whether the charge has been framed or not
  - (d) Either (a) or (b)
80. Stoppage of proceedings under section 258 of Cr. P. C. has the effect of
- (a) Acquittal under all circumstances
  - (b) Acquittal where the evidence of the principal witness has been recorded
  - (c) Discharge in all other case where the evidence of the principal witness has not been recorded
  - (d) Only (b) and (C)
81. Under section 311 of Cr. P. C., a witness can be called
- (a) On the motion of the prosecution
  - (b) On the motion of the defence
  - (c) On its own motion by the court
  - (d) All the above

82. The Magistrate has the power to grant compensation to the victim as provided under
- (a) Section 360 of Cr. P. C.
  - (b) Section 359 of Cr. P. C.
  - (c) Section 358 of Cr. P. C.
  - (d) Section 357 of Cr. P. C.
83. In a non-cognizable case, investigation made by the police, without order of the Magistrate under section 155 (2) or Cr. P. C. is an
- (a) Illegality not curable under section 460 of Cr. P. C.
  - (b) Illegality curable under section n460 of Cr. P. C.
  - (c) Illegality but the Magistrate can proceed on the report if so desires and can be validated subsequently
  - (d) Irregularly and the Magistrate has to proceed on the report submitted.
84. Irregularities which vitiate trial have been stated in
- (a) Section 460 of Cr. P. C.
  - (b) Section 461 of Cr. P. C.
  - (c) Section 466 of Cr. P. C.
  - (d) Section 467 of Cr. P. C.
85. The FIR can be quashed in the exercise of inherent powers by
- (a) The Magistrate's Court
  - (b) The Court of Session
  - (c) The High Court
  - (d) Either (a) or (b) or (C)
86. The inherent power of the High Court are contained in
- (a) Section 462 of Cr. P. C.
  - (b) Section 472 of Cr. P. C.
  - (c) Section 482 of Cr. P. C.
  - (d) Section 492 of Cr. P. C.
87. Within the meaning of section 144A of Cr. P. C., who among the following authorities has power to prohibit carrying arms in procession or mass drill or mass training with arms?
- (a) SDJM
  - (b) Munsiff
  - (c) District Magistrate
  - (d) Any Judicial Magistrate
88. Plea bargaining interest by Criminal Law (Amendment) Act, 2005 (2 of 2006) does not apply in case of
- (a) Offences affecting socio-economic conditions of country
  - (b) Offences committed against woman
  - (c) Offences against children below the age of fourteen years
  - (d) All of the above

89. The powers of Magistrate to order person to give specimen signatures or handwriting has been inserted by Criminal Procedure (Amendment) Act, 2005 (25 of 2005) under
- (a) Section 310 A
  - (b) Section 311 A
  - (c) Section 312 A
  - (d) Section 313 A
90. Section 304 of Code of Criminal Procedure provides for
- (a) In certain cases making available a pleader to the accused At the expenses of state
  - (b) Tender of pardon to accomplice
  - (c) Power to adjourn proceedings
  - (d) Power to proceed against other persons appearing to be guilty of offence
91. On a busy Junction of road, a huge poster/banner installed by an association is creating obstruction in traffic. Who from amongst the following, on having information, may remove such banner/poster by initiating proceedings under the provisions of the Code of Criminal Procedure?
- (a) The District Judge
  - (b) The Chief Judicial Magistrate
  - (c) The Sub Divisional Magistrate
  - (d) The Collector
92. In a criminal trial, without producing the Chemical Examiner to the Government the report given by him upon a thing duly submitted for analysis in the course of any proceedings under the Code of Criminal Procedure
- (a) Cannot be used as evidence
  - (b) Can be used as evidence only in summons cases
  - (c) Can be used as evidence
  - (d) Can be used only to refresh memory of the investigating officer coming in evidence
93. The Offence affecting the Socio-economic condition of the country, to which plea bargaining is not applicable, shall be notified by
- (a) The State Government
  - (b) The Scheduled Castes / Scheduled Tribes Commission
  - (c) The Human Rights Commission
  - (d) The Central Government
94. In a summons case, when the accused appears or is brought before the Magistrate, it shall not be necessary to –
- (a) State the particulars of the offence of which he is accused
  - (b) Ask whether he pleads guilty
  - (c) Ask whether he has any defence to make
  - (d) Frame a formal Charge

95. To whom as per section 98 of the Code of Criminal Procedure, a complaint on oath for restoration of an abducted female child to the person having her lawful charge, may be presented?
- (a) The District Magistrate
  - (b) The Sub Divisional Magistrate
  - (c) The Magistrate First Class
  - (d) All the above
96. For the purpose of the Code of Criminal Procedure 1973 who from amongst the following, may determine the language of each court in the state other than the High Court ?
- (a) The High Court of the State
  - (b) The Supreme Court of India
  - (c) The State Government
  - (d) The Legislative Assembly of the State
97. Law of evidence is
- (a) lex tallients
  - (b) lex fōri
  - (c) lex loci solutionis
  - (d) lex situs.
98. Section 108 of Evidence Act relates to
- (a) Presumption of life
  - (b) Presumption of death
  - (c) Presumption of legitimacy
  - (d) Presumption of relationship
99. Fact in issue means
- (a) Fact, existence or non-existence of which is admitted by the parties
  - (b) Fact, existence or non-existence of which is disputed by the parties
  - (c) Fact existence or non- existence of which is not disputed by the parties
  - (d) All the above
100. Relevancy is
- (a) Question of law and can be raised at any time
  - (b) Question of law but can be raised at the first opportunity
  - (c) Question of law which can be waived
  - (d) Question of procedure which can be waived.
101. Which of the following documents are not admissible in evidence
- (a) Documents improperly procured
  - (b) Documents procured by illegal means
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
102. Alibi is governed by
- (a) Section 6 of Evidence Act
  - (b) Section 8 of Evidence Act
  - (c) Section 12 of Evidence Act
  - (d) Section 11 of Evidence Act

103. Admission has been defined as a statement made by a party or any person connected with him, suggesting any inference as to a fact in issue, or relevant fact under certain circumstances, under
- (a) Section 16 of Evidence Act
  - (b) Section 17 of Evidence Act
  - (c) Section 18 of Evidence Act
  - (d) Section 19 of Evidence Act
104. Admissions bind the maker
- (a) In so far as it relates to facts
  - (b) In so far as it relates to question of law
  - (c) Both on questions of facts & of law
  - (d) Neither (a) nor (b)
105. Persons who can make admissions are mentioned in
- (a) Section 17 of Evidence Act
  - (b) Section 20 of Evidence Act
  - (c) Section 19 of Evidence Act
  - (d) Section 18 of Evidence Act
106. Confession of an accused is admissible against the other co-accused
- (a) Under section 28 of Evidence Act
  - (b) Under section 29 of Evidence Act
  - (c) Under section 30 of Evidence Act
  - (d) Under section 31 of Evidence Act
107. Necessity rule as to the admissibility of evidence is contained in
- (a) Section 31 of evidence Act
  - (b) Section 32 of Evidence Act
  - (c) Section 60 of Evidence Act
  - (d) Section 61 of Evidence Act
108. A dying declaration is admissible
- (a) Only in criminal proceedings
  - (b) Only in civil proceedings
  - (c) In civil as well as criminal proceedings both
  - (d) In criminal proceedings alone & not in civil proceedings
109. Secondary evidence is admissible
- (a) Where the non-production of primary evidence has not been accounted for
  - (b) Where the non-production of primary evidence has been accounted for
  - (c) Irrespective of whether the non-production of primary evidence has been accounted for or not
  - (d) Both (a) & (c) are correct.
110. Public documents are mentioned in
- (a) Section 72 of Evidence Act
  - (b) Section 73 of Evidence Act
  - (c) Section 74 of Evidence Act
  - (d) Section 75 of Evidence Act

111. In cases of wills, the period of thirty years shall run
- (a) From the date of the will
  - (b) From the date of the death of the testator
  - (c) From the date of registration of the will, if registered
  - (d) None of the above
112. Electronic record in proper custody gives rise to a presumption as the digital signature, to be affixed by that particular person under section 90 A of Evidence Act if the electronic record produced is
- (a) 20 years old
  - (b) 15 years old
  - (c) 10 years old
  - (d) 5 years old
113. Burden of proof means
- (a) The burden of proof as a matter of law & pleadings is burden of establishing a case
  - (b) The burden of proof as to introduction of evidence
  - (c) Both (a) & (b)
  - (d) None of the above
114. Any person in section 106 of Evidence Act refers to
- (a) A party to the suit
  - (b) A stranger to the state
  - (c) A person who is not a party to the suit but interest in the outcome of the suit
  - (d) A witness
115. In cases a child is born within 280 days of dissolution of marriage, the mother remaining unmarried the presumption of legitimacy of child under section 112 of Evidence Act arises
- (a) If the father is alive on the day the child is born
  - (b) If the father is not alive on the day the child is born
  - (c) Irrespective of whether the father is alive or dead on the day the child is born
  - (d) Either in (a) or (b)
116. Section 112 of Evidence Act applies when there is a dispute regarding
- (a) Maternity of a child
  - (b) Paternity of a child
  - (c) Both (a) & (b)
  - (d) None of the above
117. An accomplice is
- (a) Not a competent witness against an accused
  - (b) A competent witness against an accused
  - (c) Cannot be a competent witness against an accused
  - (d) Either (a) or (c)

118. Presumption as to abetment of suicide by a married woman has been provided
- (a) Under section 111 A of Evidence Act
  - (b) Under section 113 A of Evidence Act
  - (c) Under section 113 B of Evidence Act
  - (d) Under section 113 of Evidence Act
119. The estoppel in section 115 of Evidence Act
- (a) Is an estoppel by record
  - (b) Is an estoppel by deed
  - (c) Is an estoppel by pais
  - (d) All the above
120. Under section 118 who amongst the following are competent witnesses
- (a) Child
  - (b) Accused
  - (c) lunatic
  - (d) All the above
121. Privilege in respect of husband & wife under section 122 of Evidence Act relates to
- (a) Question which a witness cannot be compelled to answer
  - (b) Question which a witness cannot be permitted to answer
  - (c) Both (a) & (b)
  - (d) Only (b) & not (a).
122. Cross-examination of a witness
- (a) Must relate to relevant facts but need not be confined to what the witness testified in examination in chief
  - (b) Must relate to relevant facts but need not be confined to what the witness testified in examination in chief
  - (c) May not relate to relevant facts but must relate to what the witness testified in examination in chief
  - (d) May not relate to relevant facts & may not be confined to what the witness testified in examination in chief.
123. Re-examination of a witness
- (a) Can be for the purpose of filling what is left-over in examination in chief
  - (b) Can be for the purposes of explaining the matters referred to in cross-examination
  - (c) Can be for the purpose of explaining the matters referred to in the examination in chief
  - (d) All the above
124. Leading questions can be asked during
- (a) Examination in chief
  - (b) Cross-examination
  - (c) Re-examination
  - (d) All the above

125. The provision "Hostile witness" is provided under section ..... of Indian Evidence Act
- (a) Section 155
  - (b) Section 133
  - (c) Section 154
  - (d) Section 145
126. DNA Finger Print is admissible under section
- a) 45 of Evidence Act
  - b) 46 of Evidence Act
  - c) 47 of Evidence Act
  - d) 48 of Evidence Act
127. In which year Indian Evidence Act was passed
- a) 1871
  - b) 1973
  - c) 1864
  - d) 1872
128. In the Indian Evidence Act, the expression "Court means
- (a) All Judges-
  - (b) All Magistrates
  - (c) All persons except arbitrators, legally authorized to take evidence
  - (d) All of the above
129. In a trial, while explaining any circumstances appearing in evidence against him, an accused of committing murder states that due to grave and sudden provocation he was deprived of the power of self control and thus, gave a single lathi blow to A, causing his death.  
The burden to prove grave and sudden provocation is on –
- (a) The prosecution
  - (b) The investigating agency
  - (c) The Court
  - (d) The Accused
130. Under which provision of the Indian Evidence Act, an accused may plead alibi?
- (a) Section 10
  - (b) Section 11
  - (c) Section 12
  - (d) Section 13
131. In a Criminal Case, the primary burden to prove a fact is upon
- (a) Accused
  - (b) Prosecution
  - (c) Police
  - (d) Court
132. Which one document from the following is not a "Public Document"?
- (a) Judgment of a Court
  - (b) Police Charge Sheet
  - (c) Postmortem Report
  - (d) Will

133. Which Kind of agreement can be presumed by the court under section 85-A of the Indian Evidence Act?
- (a) Written Agreement
  - (b) Oral Agreement
  - (c) Electronic Agreement
  - (d) None of the above
134. Which one of the following statement is not correct?
- (a) A sentence of death passed by the Session court is subject to confirmation by the High Court
  - (b) A sentence of death passed by the Session court can be confirmed by the High Court only when a bench hearing the case consists of a least two judges, when such court consists of two or more judges.
  - (c) No order of confirmation of death sentence shall be made prior to expiry of the period for preferring appeal.
  - (d) The High Court, considering the death punishment for confirmation, if no appeal is preferred by the accused challenging the death sentence passed, can not acquit the accused person.
135. A confession made by a conspirator involving other members is relevant against the co-conspirator jointly tried with him and is admissible
- (a) Under section 8 of Evidence Act
  - (b) Under section 10 of Evidence Act
  - (c) Under section 30 of Evidence Act
  - (d) None of the above
136. A confession made by a person while in police custody is inadmissible as per
- (a) Section 25 of Evidence Act
  - (b) Section 26 of Evidence Act
  - (c) Section 27 of Evidence Act
  - (d) Section 30 of Evidence Act
137. Section 27 of Evidence Act applies
- (a) When the person giving information is an accused but not in police custody
  - (b) When the person giving information is an accused and is in police custody
  - (c) When the person is in police custody but not an accused.
  - (d) When the person is neither in police custody nor an accused.
138. A disputed handwriting can be proved
- (a) By calling an expert
  - (b) By examining a person acquainted with the handwriting of the writer of the questioned document
  - (c) By comparison of the two-admitted & disputed handwritings
  - (d) All the above
139. Secondary evidence of a document means
- (a) Copies of the document
  - (b) Oral account of the contents of the documents
  - (c) Both (a) and (b)
  - (d) Only (a) & not (b)

140. A dumb person is a competent witness as provided under  
(a) Section 118 of Evidence Act  
(b) Section 119 of Evidence Act  
(c) Section 120 of Evidence Act  
(d) Section 121 of Evidence Act
141. Presumptions under the law of evidence are  
(a) Presumption of facts  
(b) Presumption of law  
(c) Both (a) or (b)  
(d) Only (b) & not (a)
142. Under section 8 of Evidence Act  
(a) Motive is relevant  
(b) Preparation is relevant  
(c) Conduct is relevant  
(d) All the above
143. Mode of proof of a custom is contained in  
(a) Section 32 (4) of Evidence Act  
(b) Section 32 (7) of Evidence Act  
(c) Section 48 of Evidence Act  
(d) All the above
144. Under section 32 of Evidence Act, a statement of a person who is dead, to be admissible  
(a) Must relate to the cause of his own death  
(b) May relate to the cause of someone else death  
(c) May relate to the cause of his own death or someone else death  
(d) Both (b) & (c)
145. Opinion as to relationship of marriage under section 50 of CPC  
(a) Is admissible in cases of offences against marriage  
(b) Is admissible in proceedings under Indian Divorce Act  
(c) Is admissible both in (a) & (b)  
(d) Is neither admissible in cases of offences against marriage nor in proceedings under Indian Divorce Act
146. Period of thirty years under section 90 of Evidence Act is to be reckoned from  
(a) The date on which the document is relied upon  
(b) The date on which the document is filed in the court  
(c) The date on which the document is tendered in evidence, when its genuineness becomes a subject of proof  
(d) All the above
147. Before the Limitation Act of 1963 which Limitation Act was being followed in Indian Courts and Tribunals?  
(a) The Limitation Act of 1859  
(b) The Indian Limitation Act, 1871  
(c) The Indian Limitation Act, 1908  
(d) None of the above

148. Section 4, Limitation Act, 1963 applies
- (a) Where a certain period has been prescribed by a statute
  - (b) Where a certain period is fixed by agreement of parties
  - (c) Where a certain date is fixed by agreement of parties
  - (d) All the above
149. The prescribed period of limitation for preferring an appeal under section 28 of the Hindu Marriage Act is :
- (a) Thirty Days
  - (b) Sixty Days
  - (c) Ninety Days
  - (d) One hundred & Twenty days
150. Under the Limitation Act, the period of limitation for filing an application for an order to set aside an abatement is
- (a) 60 days
  - (b) 90 days
  - (c) 120 days
  - (d) None of the above
151. Under the Limitation Act, the period of Limitation for filing a suit for compensation for false imprisonment begins to run from the time:
- (a) When imprisonment ends
  - (b) When imprisonment begins
  - (c) When prosecution terminates
  - (d) None of the above
152. Where the prescribed period of limitation for any application is expiring on a holiday, the application
- (a) Should be made a day prior to holiday
  - (b) May be made on the day when the court re-opens
  - (c) May be made within thirty days of re-opening of the court
  - (d) May be made on any day after the courts re-opens.
153. Section 5 of Limitation Act applies to
- (a) Suits
  - (b) Execution
  - (c) Election petitions
  - (d) None of the above
154. Period of limitation stands extended, by virtue of section 6 of Limitation Act for a maximum period of
- (a) 1 year
  - (b) 3 year
  - (c) 6 year
  - (d) 12 year
155. Limitation for filing an appeal commence from
- (a) The date of judgment
  - (b) The date of signing of the decree
  - (c) The date of application for copy of the judgment
  - (d) The date of availability of copy of the judgment

156. Section 17, Limitation Act, 1963 does not apply to  
 (a) Criminal Proceedings  
 (b) Civil Proceedings  
 (c) Execution Proceedings  
 (d) Both (a) and (C)
157. Law of limitation is  
 (a) Lex loci  
 (b) Lex Fori  
 (C) Non-obstante  
 (d) All the above
158. Law of Limitation has to be strictly construed. In view of the same section 5 of Limitation Act has to be construed  
 (a) Strictly  
 (b) liberally  
 (c) Harmoniously  
 (d) Ejusdem- generic
159. Section 3 of Limitation Act does no apply to :  
 a) Suits  
 c) Appeals  
 c) Application  
 d) Execution
160. Section 13 of Limitation Act applies to  
 a) Suit filed in forma paupers  
 b) Appeal filed in forma paupers  
 c) Both (a) and (b)  
 d) None of the above
161. Section 6 of Limitation Act does not apply to –  
 a) Insolvent  
 b) Minor  
 c) Insane  
 d) Idiot
162. Period of limitation stands extended, by virtue of section 6 of Limitation Act for a maximum period of  
 a) 1 Year  
 b) 3 Year  
 c) 6 yea  
 d) 12 years
163. Section 17 of Limitation Act does not take within its ambit  
 a) Suits  
 b) Appeals  
 c) Execution application  
 d) All the above
164. Period of limitation for setting aside an exparte decree is  
 a) 10 days  
 b) 30 days  
 c) 60 days  
 d) 90 days
165. An appreciation for Special Leave to Appeal to the Supreme Court can be filed within  
 a) 30 days to 180 days depending upon the subject-matter  
 b) 30 days to 90 days depending upon the subject-matter  
 c) 60 days to 180 days depending upon the subject-matter  
 d) 60 days to 90 days depending upon the subject-matter.

166. Delay in filling the suit  
(a) Cannot be condoned  
(b) Can be condoned under section 3, Limitation Act  
(c) Can be condoned under order VII, Rule 6, CPC  
(d) Can be condoned under section 5, Limitation Act.
167. Section 3 Limitation Act does not apply to  
(a) Suits  
(b) Appeals  
(c) Application  
(d) Execution
168. Legal disabilities are  
(a) Minority  
(b) Insanity  
(c) Idiocy  
(d) All the above
169. Acknowledgement after the period of Limitation  
(a) Is of no effect  
(b) Gives rise to an independent & enforceable contract  
(c) Both (a) & (b)  
(d) Neither (a) nor (b)
170. The period of limitation for a review of the judgment is  
(a) 30 days  
(b) 60 days  
(c) 90 days  
(d) 180 days
171. The period of limitation of preferring an appeal to the High Court from a decree of order is  
(a) 15 days  
(b) 30 days  
(c) 60 days  
(d) 90 days
172. Section 14 of Limitation Act will have no application  
(a) Where the suit is dismissed after adjudication on its merits  
(b) Where the suit is dismissed because the court was unable to entertain it  
(c) Both (a) and (b)  
(d) Neither (a) nor (b)
173. Condonation of delay is dealt with under  
(a) Section 5 of the Limitation Act  
(b) Section 7 of the Limitation Act  
(c) Section 9 of the Limitation Act  
(d) Section 10 of the Limitation Act

174. The Limitation Act does not apply to  
(a) Industrial Tribunal  
(b) Labour courts  
(c) Both (a) and (b)  
(d) Neither (a) nor (b)
175. Any bhutia and lepchas can sell or sublet his land without sanction of Darbar  
(a) He will be punished  
(b) Such sell is valid  
(c) He will not be punished  
(d) None of above
176. Mortgaging land to another person who enjoys the produce of the land as interest, so long at the principal loan remains unpaid is known as  
(a) Masikata  
(b) Biyaz  
(c) Pakhuria  
(d) None of above
177. Bhutia/Lepcha woman marrying a person of community other than her own may sell land to her own community  
(a) Only if such land was acquire by her after to her marriage  
(b) She cannot sell any property  
(c) Only if such land was acquire by her prior to her marriage  
(d) None of the above
178. Under Sikkim State Notification No. 2947 G, An unregistered document, may however be validated and admitted in court to prove title  
(a) On payment of a penalty upto 100 times the usual registration fees  
(b) On payment of a penalty upto 50 times the usual registration fees  
(c) On payment of a penalty upto 5 times the usual registration fees  
(d) None of the above
179. Under Sikkim state rules registration of document relating to immoveable property shall be accepted for registration  
(a) If it contains description of the property  
(b) With out identity of the property  
(c) Without adopting any procedure  
(d) None of above
180. Under Government of Sikkim, which of the following is not valid ground of ejection of tenant by landlord  
(a) Has scarcity of housing accommodation  
(b) Premises required for his personal occupation  
(c) Need of over hauling of the premises  
(d) Failure to pay rent for 6 months
181. Sikkim Land (Requisition & Acquisition) Act, 1977, does not apply on  
(a) Land used for the purpose for religious worship  
(b) Private land  
(c) Can be requisition when essential  
(d) None of the above

182. The Sikkim Regulation of transfer of land Act, 2005 was enacted to regulate the transfer of land
- (a) For certain section of population
  - (b) For covering wider section of population
  - (c) To restrict the transfer of land in Sikkim
  - (d) None of the above
183. According to Sikkim court fees and stamps on documents (Amendment) Act, 2013, Value of stamp chargeable on Rs. 3 lakhs to Rs. 6 lakhs is
- (a) 1 %
  - (b) 1.25%
  - (c) 1.50%
  - (d) 2%
184. The Chief Inspector may suspend or revoke a registration certificate granted under the Sikkim shops & commercial Establishments Act, 1983
- (a) In the interest of public safety
  - (b) License was obtained by suppression of material information
  - (c) If the holder of license has failed to comply with notice given
  - (d) All (a), (b) & (c)
185. Punishment for making false entries by employer or manager in register with intention to deceive, under Sikkim shops & commercial Establishments Act, 1983 is
- (a) 6 months imprisonment or fine up to Rs. 2000/- or with both
  - (b) 1 Year imprisonment or fine up to Rs. 2000/- or with both
  - (c) 2 Year imprisonment or fine up to Rs. 2000/- or with both
  - (d) 3 Year imprisonment or fine up to Rs. 3000/- or with both
186. Under the Sikkim Cinema (Regulation) Amendment Act, 1985, Video Library does not means
- (a) A place where film is kept for the purpose of exhibition
  - (b) A place of business of selling the films
  - (c) A place where video film are kept for hire
  - (d) A place where raw film are kept
187. Sikkim Interpretation and General Clauses Act, was passed in the year
- (a) 1976
  - (b) 1977
  - (c) 1978
  - (d) 1979
188. Sikkim Anti Drugs Act 2006 contains provisions for offences and penalties in section
- (a) 1 to 8
  - (b) 9 to 19
  - (c) 20 to 39
  - (d) 40 to 44

189. An appeal from a decree or order of the District Judge or an Additional district judge shall lie to the
- (a) Same court
  - (b) District Judge/ Additional District Judge
  - (c) The High Court
  - (d) None of the above
190. What will be the standard rent of a premise on market value under gangtok rent control, and eviction Act of 1956
- (a) 8%
  - (b) 9%
  - (c) 10%
  - (d) 11%

**High Court of SIKKIM**

WRITTEN EXAMINATION (PAPER – I) FOR RECRUITMENT TO THE POST OF CIVIL JUDGE-CUM-JUDICIAL MAGISTRATE (GRADE-III) IN THE SIKKIM JUDICIAL SERVICE, 2014

For Language Test - Question Paper – I Procedural Law

(Question No. 191 & 192) of 5 Marks each

191. Following paragraph is to be translated in Nepali or any language of the state.

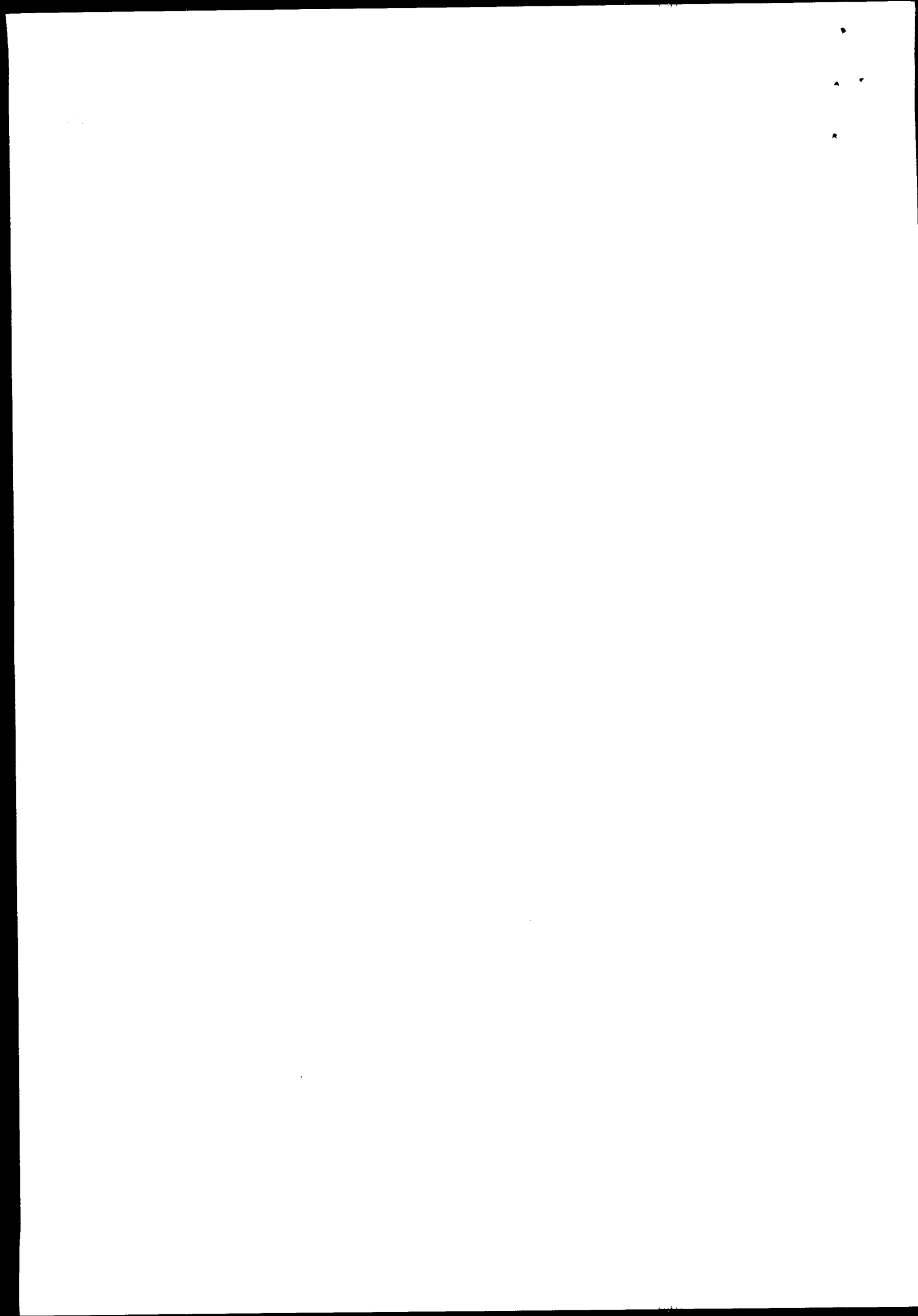
(5 Marks)

The appellants had filed a suit against the present respondents for a declaration to the effect that the agreement to sell entered into between the appellants and the respondents should be cancelled and the appellants should be put in possession of the land in question, which had been agreed to be sold in pursuance of the agreement to sell dated 17.08.1995. Certain undisputed facts in the case are to the effect that the aforesaid agreement to sell had been entered into and in pursuance of the said agreement; possession of the land in question had been handed over to the respondents upon a payment of Rs. 1 lac, which was part of the consideration. The consideration for sale was Rs. 10 lacs. The remaining amount of Rs. 9 lacs was to be paid in two installments of Rs. 4 lacs and Rs. 5 lacs each. Rupees 4 lacs were to be paid by the respondents by the end of 30.01.1996 and the remaining Rs. 5 lacs were to be paid at the time of execution of the sale deed.

192. Short Note of any of the following in Nepali or any language of the state.  
in 150 words

(5 Marks)

- (a) Judicial Reforms
- (b) Environment
- (c) Right to Information Act
- (d) Corruption





High Court of SIKKIM

000127

WRITTEN EXAMINATION (PAPER – II) FOR RECRUITMENT TO THE POST OF  
CIVIL JUDGE-CUM-JUDICIAL MAGISTRATE (GRADE-III) IN THE SIKKIM JUDICIAL  
SERVICE, 2014

Paper – II : Substantive Law – Hindu Law, Indian Contract Act, Sale of Goods Act,  
Partnership Act, Specific Relief Act, General Clauses Act, Transfer of Property Act,  
Indian Penal Code and Constitutional Law of India.

Time: 3:00 hours (2:30 p.m. to 5:30 p.m.)

Total Marks : 200

**Instructions**

1. Answer all questions
2. All questions carry equal marks
3. Only one answer is to be given for each question
4. If more than one answer is marked, it would be treated as wrong answer.
5. Please fill your Roll Number carefully & correctly and question booklet number on the Answer Sheets for multiple choice questions.
6. Each question has four optional responses marked serially as a,b,c,d. You have to tick only for indicating the correct answer on the answer sheet using BLACK/ BLUE Ball Pen only.
7. Answer sheet is to be given back.
8. No candidate shall be allowed to enter the examination hall beyond 30 minutes from the time of commencement of the examination. Any candidate joining the examination hall late will not be allowed any extra time.
9. No candidate shall be allowed to leave the examination hall before expiry of one hour of commencement of the examination.
10. No overwriting, if more than one tick mark is found of the question, no marks will be given for that question.
11. No candidate is permitted to Carry with him/her any mobile phone, any electronic equipment, any book, slip or writing as a mean of communication in the examination and violation of these instructions will entail the cancellation of examination.

1. In the smritis the spinda relationship extends, in the line of ascent to
  - (a) Three degree through the mother & five degrees through the father
  - (b) Five degrees through the mother and seven degrees through the father
  - (c) Four degrees through the mother and six degrees through the father
  - (d) Two degrees through the mother and four degrees through the father
  
2. Which of the following Hindu marriages are valid
  - (a) A man marrying his deceased wife's sister
  - (b) A man marrying his divorced wife's sister
  - (c) A man marrying his deceased wife's sister's daughter
  - (d) All the above
  
3. A marriage, solemnized between any two Hindus, one of whom is not having the mental capacity to marry, shall be
  - (a) Void
  - (b) Voidable
  - (c) Invalid
  - (d) Either (a) or (b) or (c)
  
4. Registration of Hindu Marriage under section 8 of Hindu Marriage Act is
  - (a) Compulsory
  - (b) Optional
  - (c) May be made compulsory by the state Government
  - (d) Both (b) & (C) are corrected
  
5. Punishment prescribed under section 18 of Hindu marriage Act, 1955 for child marriage is
  - (a) Imprisonment only
  - (b) Fine only
  - (c) Imprisonment or fine or both
  - (d) Imprisonment and fine both
  
6. Remedy of restitution of conjugal rights is available
  - (a) Wife
  - (b) Husband
  - (c) Wife and husband both
  - (d) Only husband & not wife
  
7. Which of the following cases relate to mental cruelty and decided by the supreme Court
  - (a) Sayal V. Sarla
  - (b) Dastane V. Dastane
  - (c) Rita Nijhawan V. Bal Kishan Nijhawan
  - (d) Roop Lal v. Kartaro
  
8. Before filing a petition for divorce by mutual consent, the parties must be living separately for a period of
  - (a) Six month or more
  - (b) One year or more
  - (c) Eighteen month or more
  - (d) Two years or more

9. Adoption can be made by a major Hindu male of sound mind if he is a
  - (a) Bachelor
  - (b) Widower or divorcee
  - (c) Married person
  - (d) Above All
  
10. In giving a child in adoption by the father, the requirement of the consent of the mother, can be dispensed with if
  - (a) The mother has finally & completely renounced the world
  - (b) The mother has ceased to be a Hindu
  - (c) The mother has been declared to be of unsound mind by the court of competent jurisdiction
  - (d) Above All
  
11. The Hindu Succession Act as amended in September 2005 empowered the daughter of a coparcener, rights in coparcenary property like son under ----- of the Act
  - (a) Section 6
  - (b) Section 7
  - (c) Section 12
  - (d) Section 12
  
12. Cruelty as a ground for divorce has been provided under
  - (a) Section 13 (1) (i) of 1955 Act
  - (b) Section 13 (1) (ia) of 1955 Act
  - (c) Section 13 (1) (ib) of 1955 Act
  - (d) Section 13 (1) (ii) of 1955 Act
  
13. Section 29 of Hindu Marriage Act, 1955
  - (a) Saves a custom which recognized divorce
  - (b) Over-rides the custom which recognized divorce
  - (c) Saves and over-rides both, the custom which recognized divorce depending on the fact & circumstances of the case
  - (d) Gives discretion to the court to recognize or not to recognize any such custom.
  
14. A married Hindu Female/ Woman
  - (a) Can adopt with the implied consent of her husband
  - (b) Can adopt without the consent of her husband
  - (c) Can adopt with the prior permission of the court
  - (d) Neither (a) nor (b) nor (c)
  
15. Conditions for a Hindu Marriage have been prescribed under
  - (a) Section 4 of Hindu Marriage Act
  - (b) Section 5 of Hindu Marriage Act
  - (c) Section 6 of Hindu Marriage Act
  - (d) Section 7 of Hindu Marriage Act
  
16. Bigamy under the Hindu Marriage Act includes
  - (a) Polygamy
  - (b) Polyandry
  - (c) Both polygamy and polyandry
  - (d) Only (a) & not (b).

17. Under section 13 of Hindu Marriage Act, 1955 the number of grounds which are exclusively available to the wife, is
- (a) Two
  - (b) Three
  - (c) Four
  - (d) Five
18. Bars to the relief in matrimonial proceedings, as provided under section 23 of Hindu Marriage Act, 1955 include
- (a) Connivance
  - (b) Condonation
  - (c) Collusion
  - (d) All the above
19. Under section 6 of the Hindu Minority & Guardianship Act, 1956 the natural guardian of a minor child is
- (a) Mother
  - (b) Father
  - (c) Both mother and father
  - (d) Either mother or father
20. General rule of succession to a female Hindu, under section 15 (1) of Hindu succession Act, 1956 is
- (a) Heirs in the earlier entry excludes heirs in the latter entries
  - (b) Heirs in all the entries take simultaneously
  - (c) Heirs in all the entries take one share to be divided among the heirs in that entry per-capita
  - (d) Heirs at the earlier position in one entry exclude the heir in the latter position in the same entry.
21. The propositions are
- (i) A wife can adopt to her husband
  - (ii) A mother can adopt to her husband
  - (iii) A sister can adopt to her brother
- Which of the following combination is correct in respect of the said proposition
- (a) I is true and II & III are false
  - (b) I & II are true and III is false
  - (c) I & III are true and II is false
  - (d) I, II and III are true
22. Which of the following is not an ancestral property
- (a) Property inherited from paternal grand father
  - (b) Property inherited from paternal great –grand-father
  - (c) Property inherited from maternal grand-father
  - (d) All the above
23. Revocation of offer by letter or telegram can be complete
- (a) When it is dispatched
  - (b) When it is received by the offeree
  - (c) When it reaches the offeree
  - (d) Both (a) and (b)

24. An agreement not to pursue any legal remedy to enforce the rights under section 28 is
- (a) Valid
  - (b) Voidable
  - (c) Void
  - (d) Unenforceable
25. A contingent contract based on the specified uncertain event happening within a fixed time under section 35.
- (a) Remains valid even if the event does not happen within that fixed time
  - (b) Becomes void at the expiration of the time fixed
  - (c) Becomes void if the happening of that event becomes impossible before the expiry of time fixed
  - (d) Both (b) or ( C)
26. Frustration of contract implies
- (a) Commercial hardship
  - (b) Physical impossibility due to disappearance of the subject matter of the contract or the object has failed to materialize
  - (c) Both (a) & (B)
  - (d) Neither (a) nor (b) nor (C)
27. A wagering contract is void under
- (a) Section 28
  - (b) Section 29
  - (c) Section 30
  - (d) Section 31
28. The surety stand discharged
- (a) By revocation
  - (b) By death
  - (c) By variance in term of the contract without his consent
  - (d) In (a), (b) & (C) above
29. Bailee is bound to take care of goods
- (a) As an expert
  - (b) As a lay man
  - (c) As a man of ordinary prudence
  - (d) Both (b) & (c)
30. Goods may be pledged
- (a) By the owner of goods
  - (b) By the servant in the absence of owner
  - (c) By the person who is left with the goods for some special purpose
  - (d) All the above
31. The principle of agency of necessity is
- (a) Unknown to the law of agency
  - (b) Applicable in normal situations
  - (c) Applicable in emergent situations where communication with the principal is possible
  - (d) Applicable in emergent situation where the communication with the principal is not possible

32. Right of lien, of an agent  
(a) Is extinguished by his parting with the possession of the goods  
(b) Is extinguished by destruction of goods accidentally  
(c) Both (a) & (b) are correct  
(d) Neither (a) nor (b) is correct
33. An agreement to remain unmarried is  
(a) Valid  
(b) Voidable  
(c) Void  
(d) Unenforceable
34. A promisor can perform  
(a) The promise himself  
(b) The promise through his representative competent to perform  
(c) The promise through his representative irrespective of the competency of that representative  
(d) Both (a) & (b).
35. Under the Indian Contract Act  
(a) A stranger to the contract can sue  
(b) A stranger to the contract cannot sue  
(c) A stranger but beneficiary under the contract can sue  
(d) None of the above
36. Goods displayed in a shop with a price tag is  
(a) Offer  
(b) Invitation to offer  
(c) Counter offer  
(d) None of the above
37. What is correct of a standard form contract  
(a) It is a valid contract  
(b) One party has not choice but to accept & sign the contract  
(c) Both (a) & (b)  
(d) The consent is not a free consent
38. In case of breach of contract, compensation can be claimed under section 73  
(a) For the proximate and natural consequences of breach  
(b) For remote consequence of the breach  
(c) For indirect consequences of the breach  
(d) All the above.
39. Section 74 applies  
(a) Where the actual damage or loss has been proved to be caused by breach  
(b) Where the actual damage or loss has not been proved to be caused by the breach  
(c) In both (a) & (b)  
(d) Neither (a) nor (b) nor (c)

40. In a contract of Guarantee
- (a) There are two parties and one contract
  - (b) There are two parties and two contracts
  - (c) There are three parties & three contracts
  - (d) There are three parties & one contract
41. Bank Guarantee is independent contract between
- (a) Creditor and debtor
  - (b) Bank and beneficiary
  - (c) Buyer and seller
  - (d) None of the above
42. The documents of title to goods In the sale of goods Act, 1930 have been described under
- (a) Section 2 (3)
  - (b) Section 2 (4)
  - (c) Section 2 (1)
  - (d) Section (2)
43. Price under section 2 (10) of the sale of Goods Act, 1930 means
- (a) The money consideration
  - (b) The consideration given in the form of goods
  - (c) Partly money consideration and partly consideration in goods
  - (d) Either (a) or (b) or (C)
44. The rule of "caveat emptor" as enunciated in section 16 of the sale of Goods Act, 1930 means that
- (a) The buyer must take a chance
  - (b) The buyer must take care
  - (c) The seller must take care
  - (d) Both (a) and (b)
45. The transit of Goods under section 51 of the sale of Goods Act, 1930 comes to an end on
- (a) The delivery of goods to the carrier for transmission to the buyer
  - (b) The arrival of goods at the appointed destination
  - (c) The buyer taking delivery of the goods from the carrier
  - (d) Neither (a) nor (b) nor (c)
46. What is a 'reasonable time', by virtue of section 63 of the sale of Goods Act, 1930, is a
- (a) Question of law
  - (b) Question of fact
  - (c) Mixed question of law and fact
  - (d) Either (a) or (C)
47. Under section 5 of the sale of Goods Act, 1930, a contract of sale of goods can be
- (a) In writing
  - (b) By words of mouth
  - (c) Partly in writing and partly by words of mouth
  - (d) All Above

48. The sale of Goods Act 1930 came into force on  
(a) 1<sup>st</sup> April 1930  
(b) 1<sup>st</sup> July 1930  
(c) 1<sup>st</sup> December 1930  
(d) 31<sup>st</sup> January 1931
49. Under section 11 of the Sale of Goods Act, 1930 which of the following is an essence of the Contract  
(a) Time of payment  
(b) Time of delivery  
(c) Both (a) and (b)  
(d) Neither (a) nor (b)
50. The right of stoppage in transit is available to the unpaid seller in cases of  
(a) Carriage by land  
(b) Carriage by sea  
(c) Carriage by air  
(d) All the above
51. Section 61 of the sale of Goods Act, 1930, provides damages for  
(a) Award of interest to the buyer  
(b) Award of interest to the seller  
(c) Non-award of interest to the buyer or the seller  
(d) Award of interest to the seller or the buyer
52. Transfer of actionable claim is governed by  
(a) The Transfer of Property Act, 1882  
(b) The sale of Goods Act, 1930  
(c) The Indian Contract Act, 1872  
(d) All the above
53. Quasi-contracts of sale have been dealt with under  
(a) The sale of Goods Act, 1930  
(b) The English sale of Goods Act, 1893  
(c) Both (a) and (b)  
(d) Neither (a) nor (b)
54. The Breach of warranty gives a right to claim  
(a) Damages but not to a right to reject the goods and treat the contract as repudiated  
(b) Right to reject the goods only  
(c) Right to treat the to contract repudiated  
(d) New goods
55. Section 23 of the sale of Goods Act, 1930 applies to  
(a) Ascertained goods  
(b) Specific goods  
(c) Unascertained goods  
(d) All the above

56. Unpaid Seller of goods has been defined under  
(a) Section 45 of the sale of Goods Act, 1930  
(b) Section 44 of the sale of Goods Act, 1930  
(c) Section 47 of the sale of Goods Act, 1930  
(d) Section 46 of the sale of Goods Act, 1930
57. A partnership firm is  
(a) A distinct legal entity from its partners  
(b) Not a distinct legal entity from its partners  
(c) A juristic person  
(d) Either (a) or (C)
58. Section 13 of the Indian Partnership Act, 1932 is  
(a) A mixed statement of rights and duties of the partners  
(b) A mixed statement of duties and liabilities of the partners  
(c) A mixed statement of rights and liabilities of the partners  
(d) A mixed statement of rights, duties and liabilities of the partners.
59. A contract between the partners  
(a) Can provide for introduction of a new partner without the consent of all the existing partners  
(b) Can provide for introduction of a new partner by nomination by one or any of the partners  
(c) Can provides either (a) or (b) or both  
(d) Can neither provide for (a) nor for (b)
60. Dissolution of a firm has been defined under  
(a) Section 39 of the Act  
(b) Section 38 of the Act  
(c) Section 41 of the Act  
(d) Section 40 of the Act
61. Section 12 (C) of the Indian Partnership Act provides for a  
(a) Rule of majority  
(b) Rule of unanimity  
(c) Both (a) and (b)  
(d) Only (a) and not (b)
62. An unauthorized compromise or relinquishment of any claim by a partner can be questioned by  
(a) The other partner(s)  
(b) A third party  
(c) Both (a) and (b)  
(d) Either (a) or (b)
63. Acknowledgement of a liability of the firm by a partner amounts to  
(a) Compromising a claim  
(b) Relinquishment of a claim  
(c) Admission of liability in a suit or proceedings against the firm  
(d) Neither (a) nor (b) nor (C)

64. Rights of transferee of a partner's interest have been dealt with under  
(a) Section 30 of the Act  
(b) Section 31 of the Act  
(c) Section 28 of the Act  
(d) Section 29 of the Act
65. A partnership for which no period or duration is fixed, under the Indian Partnership Act, 1932 is known as  
(a) General partnership  
(b) Partnership at will  
(c) Particular partnership  
(d) Co-ownership
66. The right to indemnity is lost on  
(a) The dissolution of the partnership  
(b) The death of the partner  
(c) The retirement of the partner  
(d) All above
67. The effect of the doctrine of holding out is that  
(a) The persons may be partners towards the world without being partners between themselves  
(b) The persons may be partners towards the world on being partners between themselves  
(c) The persons may be partners towards the world without having done anything  
(d) Both (a) and (b).
68. Expulsion of partner has been provided under  
(a) Section 33 of the Act  
(b) Section 32 of the Act  
(c) Section 35 of the Act  
(d) Section 34 of the Act
69. The type of dissolution provided under section 43 of the Indian Partnership Act, 1932 is  
(a) Dissolution by court  
(b) Dissolution by notice  
(c) Dissolution by agreement  
(d) Dissolution by insolvency
70. The term 'notice' under section 24 of the Indian Partnership Act 1932 has a reference to  
(a) Actual notice  
(b) Constructive notice  
(c) Deemed notice  
(d) All the above
71. The liability of a minor admitted to the benefits of the partnership, for the acts of the firm, is  
(a) Personal  
(b) His share in the firm  
(c) Personal and his share in the firm  
(d) His share in the firm only and not personal .

72. A suit for recovery of possession of an immovable property under section 6 of specific Relief Act can be filed against
- (a) A private individual only
  - (b) A government
  - (c) Both a private individual and a government
  - (d) Neither (a) nor (b)
73. A Claim for damages in suits for injunction can be laid
- (a) Under section 38
  - (b) Under section 39
  - (c) Under section 40
  - (d) Under section 37
74. Jurisdiction of the Court to enforce specific performance of a contract is
- (a) Absolute
  - (b) Discretionary
  - (c) General & not exceptional
  - (d) Extensive
75. A suit under section 6 can be brought by
- (a) Trespasser
  - (b) Tenant holding over
  - (c) Servant
  - (d) Manager
76. Perpetual injunction under section 38 can be granted
- (a) When there exists no standard for ascertaining the actual damages caused
  - (b) When compensation would not afford adequate relief
  - (c) When the defendant is a trustee of the property for the plaintiff
  - (d) All the above
77. Section 10 of the Specific relief Act, 1963 applies to
- (a) Promises which are not completed contracts
  - (b) Completed contracts which are valid in law and capable of enforcement
  - (c) Inchoate agreements
  - (d) All the above
78. Obligation under specific Relief Act
- (a) Is a right in rem
  - (b) Is a right in personam
  - (c) Both (a) & (b)
  - (d) None of the above
79. Mistake contemplated under section 26 when can be Rectified
- (a) Mutual mistake
  - (b) When through fraud
  - (c) Does not express their real intention
  - (d) All the above
80. Cancellation under section 31 can be claimed
- (a) By party to the instrument
  - (b) By any person against whom the instrument is void or voidable
  - (c) In respect of any instrument not necessarily a contract
  - (d) All the above

81. Under section 12 (2) of the Specific Relief Act, 1963 part performance of a contract can be enforced by
- (a) The promisor
  - (b) The promise
  - (c) Either the promisor or the promise
  - (d) Only promisor and not the promise
82. Injunction cannot be granted
- (a) In contract which can be specifically enforced
  - (b) In contract which can not be specifically enforce
  - (c) Irrespective of whether the contract is specifically enforceable or not
  - (d) None of the above
83. An injunction granted during the pendency of a suit under section 37 of the specific Relief Act, 1963 is known as a
- (a) Perpetual injunction
  - (b) Mandatory injunction
  - (c) Temporary injunction
  - (d) Either (a) or (C)
84. Specific performance of a contract can be granted in respect of
- (a) Immovable property
  - (b) Chattols
  - (c) Immovable property as well as chattels
  - (d) None of the above
85. Damages in suits for injunctions can not be granted
- (a) If the plaintiff has not claimed damages
  - (b) If the suit of the plaintiff is dismissed
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
86. A Mandatory injunction in its nature is
- (a) Restitutory
  - (b) Prohibitory
  - (c) Both restitutory and prohibitory
  - (d) Only (a) and not (b)
87. The General Clauses Act, was enacted in the year
- (a) 1888
  - (b) 1897
  - (c) 1899
  - (d) 1987
88. Which section of General Clauses Act lays down that a offender shall not be punished twice if the offence is constituted under two enactments
- (a) Section 25
  - (b) Section 26
  - (c) Section 27
  - (d) Section 28

89. The transfer of property Act, 1882, came into effect from
- (a) 17<sup>th</sup> February, 1882
  - (b) 27<sup>th</sup> February, 1882
  - (c) 17<sup>th</sup> March 1882
  - (d) 1<sup>st</sup> July 1882
90. The term "Transfer" Under the transfer of Property Act, 1882, refers to
- (a) Partly or whole transfer
  - (b) Absolute or conditional transfer
  - (c) Contingent transfer
  - (d) Both (a) and (b) are correct
91. Within the meaning of section 40 of the Transfer of Property Act, 1882, the purchaser at a court sale:
- (a) Is not a transferee by operation of law
  - (b) Is a transferee by operation of law
  - (c) Is a transferee by operation of law and is not a transferee within the meaning of section 40
  - (d) None of the above
92. The provision of improvements made by bona fide holders under defective titles is dealt in:
- (a) Section 50 of the Transfer of Property Act, 1882
  - (b) Section 51 of the Transfer of Property Act, 1882
  - (c) Section 53 of the Transfer of Property Act, 1882
  - (d) None of the above.
93. The provision of fraudulent transfer is dealt in :
- (a) Section 49 of the Transfer of Property Act, 1882
  - (b) Section 50 of the Transfer of Property Act, 1882
  - (c) Section 51 of the Transfer of Property Act, 1882
  - (d) Section 53 of the Transfer of Property Act, 1882
94. Section 53 of the Transfer of Property Act, 1882, does not affect to :
- (a) Movable property
  - (b) Immovable property
  - (c) Both (a) and (b)
  - (d) None of above
95. If the mortgagor has not insured against fire, the mortgagee is authorized to insure and to add the premium to the mortgaged debt. This is the provision under :
- (a) Section 73 of the Transfer of Property Act, 1882
  - (b) Section 72 of the Transfer of Property Act, 1882
  - (c) Section 71 of the Transfer of Property Act, 1882
  - (d) Section 70 of the Transfer of Property Act, 1882
96. Under the transfer of property Act, 1882, the term "attested" means
- (a) Attested by two or more witnesses
  - (b) Attested by one witness only
  - (c) Attested by two witnesses only
  - (d) No condition prevails

97. Chapter II of the Transfer of property Act Shall not be deemed to effect any rule of
- (a) Mohammadan law
  - (b) Christian law
  - (c) Parsi Law
  - (d) None of the above
98. The part performance in the transfer of Property is provided in :
- (a) Section 53A of the Transfer of Property
  - (b) Section 53 of the Indian Partnership Act, 1930
  - (c) Section 53 of the Indian Registration Act, 1908
  - (d) Section 53 of the Specific Relief Act, 1908
99. 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
100. Under the provisions of the Transfer of property Act, 1882 an unborn person acquires vested interest on transfer upon his birth, although
- (a) He may not be entitled to the enjoyment immediately on his birth
  - (b) He is entitled after 7 days his birth
  - (c) No such provisions is made
  - (d) None of the above
101. The rule of election under the Transfer of Property Act, 1882 as applied to will is enacted in sections 180 and 192 of the
- (a) Indian succession Act, 1925
  - (b) Indian Registration Act, 1908
  - (c) Sale of Goods Act, 1930
  - (d) General Clauses Act, 1897
102. A lessee is not entitled to the right of marshalling under the section
- (a) 55 of the Transfer of Property Act, 1882
  - (b) 56 of the Transfer of property Act, 1882
  - (c) 57 of the Transfer of property Act, 1882
  - (d) None of the above
103. The Amendment of the Transfer of property Act, 1882 in the year 2002 amended
- (a) Section 100
  - (b) Section 106
  - (c) Section 108
  - (d) Section 110
104. An accused in police custody, informs to the Station House Officer that the key by which he opened the safe and committed theft is kept by him in the patio of his house.  
To what extent this information can be proved?
- (a) For committing an offence of theft
  - (b) For opening lock of safe
  - (c) For committing theft by opening safe and destroying evidence
  - (d) For keeping the key in patio of house

105. In Indian penal Code the Pronoun "he" and its derivatives are used for –  
(a) Male  
(b) Female  
(c) Any person whether male or female  
(d) Such words are not used in the Code
106. A hotel situated at the bank of a water reservoir, despite objection, discharge its polluted water in the reservoir, causing fouls to reservoir water. For which offence under Indian Penal Code the Manager of the Hotel can be charged?  
(a) Section 277  
(b) Section 276  
(c) Section 278  
(d) Section 282
107. A police officer detains a person in the lock-up despite production of a bail order from the Court. The police officer is guilty of –  
(a) Abduction  
(b) Wrongful confinement  
(c) Wrongful restrain  
(d) Kidnapping
108. A person held guilty for commission of an offence described under section 326-A of the Indian Penal Code, is liable to be punished with imprisonment which shall not be less than ten years, but which may extend to imprisonment for life with fine, required to be paid to the victim. Such fine shall be –  
(a) Not less than Rs. 1,00,000/-  
(b) Not more than Rs, 5,00,000/-  
(c) Just and reasonable to meet the medical expenses of the treatment of victim  
(d) Determined by the Court but in no case shall be less than Rs. 5,00,000/-
109. A police officer has received a sum of Rs. 5,000/- against fine from the person violating traffic rules. Instead of depositing the fine money with state Treasury, he utilized the same for his personal use. What offence under Indian Penal Code, the police officer has committed?  
(a) Criminal breach of trust  
(b) Mischief  
(c) Cheating the Government  
(d) None of the above
110. The term "Unlawful assembly" Means-  
(a) An Assembly of five or more persons  
(b) An Assembly of five or more persons armed with lethal weapons  
(c) An assembly of five or more persons with a common object of doing a crime  
(d) An Assembly of minimum two persons having common intention to commit a crime.
111. Fraudulently, has been defined as doing anything with intent to defraud  
(a) Section 23  
(b) Section 25  
(c) Section 24  
(d) Section 26

112. Section 34 of IPC
- (a) Creates a substantive offence
  - (b) Is a rule of evidence
  - (c) Both (a) and (b)
  - (d) Neither (a) nor (b)
113. Under Section 498-A of IPC Cruelty includes
- (a) Harassment of the woman
  - (b) Physical cruelty only
  - (c) Mental cruelty only
  - (d) Cruelty by wife
114. The motive under section 81 of IPC should be
- (a) Prevention of harm to person
  - (b) Prevention of harm of property
  - (c) Both (a) and (b)
  - (d) Either (a) or (b)
115. Infancy' as an exception has been provided
- (a) Section 80
  - (b) Section 81
  - (c) Section 82
  - (d) Section 84
116. The defence of 'consent' applies to
- (a) Private wrongs
  - (b) Public wrongs
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
117. The right to private defence is
- (a) Unrestricted
  - (b) Subject to restriction contained in section 99 of IPC
  - (c) Subject to restrictions contained in Chapter IV of IPC
  - (d) Subject to restrictions contained in any other provision of IPC
118. In cases of kidnapping & abduction the right of private defence extends voluntarily causing
- (a) Any harm other than death
  - (b) Any harm other than death & grievous hurt
  - (c) Any harm including death
  - (d) Both (a) & (B)
119. For abetment
- (a) It is necessary that the act abetted should be committed successfully
  - (b) It is necessary that the act abetted should be committed through unsuccessfully
  - (c) It is not necessary that the act abetted should be committed
  - (d) Both (a) & (b)

120. Conspiracy to wage war against Government of India has been dealt with under
- (a) Section 120 of IPC
  - (b) Section 120A of IPC
  - (c) Section 120 B of IPC
  - (d) Section 121A of IPC
121. Rioting means use of force or violence by an unlawful assembly or by a member thereof, in prosecution of the common object of such assembly, as per
- (a) Section 144 of IPC
  - (b) Section 145 of IPC
  - (c) Section 146 of IPC
  - (d) Section 148 of IPC
122. For application of section 149 of IPC
- (a) A person should be a member of the unlawful assembly and should actively participate in the commission of offence
  - (b) A person should be a member of unlawful assembly but need not necessarily participate himself in the commission of the offence
  - (c) Need not be a member of unlawful assembly but must share a common intention to commit the offence
  - (d) Need not be a member of unlawful assembly but must participate in the commission of offence.
123. 10 persons were charged for offence under section 302/149 IPC, out of which six persons were acquitted the remaining four
- (a) Cannot be convicted for offence under section 302/149 of IPC
  - (b) Cannot be convicted for offence under section 302 of IPC
  - (c) Cannot be convicted for offence under section 149 of IPC
  - (d) All the above
124. Culpable homicide has been defined
- (a) Under section 299 of IPC
  - (b) Under section 300 of IPC
  - (c) Under section 302 of IPC
  - (d) Under section 304 of IPC
125. Grave & Sudden provocation is
- (a) Question of fact
  - (b) Question of law
  - (c) Mixed question of fact & law
  - (d) A presumption under the law
126. Culpable homicide is causing death
- (a) With the intention of causing death
  - (b) With the intention of causing such bodily injury as is likely to cause death
  - (c) With the knowledge that by such act death is likely to be caused
  - (d) All the above.
127. Grievous hurt has been defined under
- (a) Section 320 of IPC
  - (b) Section 321 of IPC
  - (c) Section 322 of IPC
  - (d) Section 325 of IPC

128. Assault or criminal force used in attempting to commit theft of property is punishable
- (a) Under section 378 of IPC
  - (b) Under section 379 of IPC
  - (c) Under section 509 of IPC
  - (d) Under section 356 of IPC
129. Kidnapping from lawful guardianship under section 361 of IPC can be
- (a) Of a person under sixteen years of age if male
  - (b) Of a person under eighteen year of age if female
  - (c) Of a person of unsound mind
  - (d) All the above
130. Dishonest misappropriation of property has been defined.
- (a) Under section 403 of IPC
  - (b) Under section 405 of IPC
  - (c) Under section 406 of IPC
  - (d) Under section 415 of IPC
131. Criminal breach of trust has been defined under
- (a) Section 403 of IPC
  - (b) Section 405 of IPC
  - (c) Section 406 of IPC
  - (d) Section 415 of IPC
132. The expression harm is used in section 81 of the Indian penal Code in the sense of
- (a) Hurt
  - (b) Injury or damage
  - (c) Physical injury
  - (d) Moral wrong or evil
133. Punishment for offence of committing forgery is provided in
- (a) Section 463 IPC
  - (b) Section 464 IPC
  - (c) Section 465 IPC
  - (d) Section 466 IPC
134. The difference between section 34 and section 149 of Indian penal code is
- (a) That whereas in section 34 there must at least be five persons, section 149 requires only two persons
  - (b) That section 149 is only a rule of evidence whereas section 34 creates a specific offence and provides for its punishment
  - (c) That section 34 requires active participation in action whereas section 149 requires mere passive membership of the unlawful assembly.
  - (d) That section 34 need not be joined with the principle offence whereas section 149 must be combined with the principle offence.
135. If the appellants are liable to be convicted only for their individual acts then
- (a) Section 34 IPC can be invoked
  - (b) Section 34 IPC cannot be invoked
  - (c) Section 149 IPC can be invoked
  - (d) Section 149 IPC can not be invoked

136. The doctrine "volenti non fit injuria" is contained in
- (a) Section 87 of IPC
  - (b) Section 88 of IPC
  - (c) Section 89 of IPC
  - (d) all the above
137. Right of private defence is not available
- (a) To the aggressor
  - (b) To the person who is attacked
  - (c) To the aggressor against an act done in private defence by the person attacked
  - (d) Both (a) & (c)
138. For conspiracy, the minimum number of persons required is
- (a) One
  - (b) Five
  - (c) Two
  - (d) No minimum requirement
139. The word "wrong" in a defence of insanity refers to
- (a) A legal wrong
  - (b) A civil wrong
  - (c) A moral wrong
  - (d) Moral as well as legal wrong
140. When in the committing to theft, hurt or wrongful restraint is caused to the person, the offence is
- (a) Extortion
  - (b) Robbery
  - (c) Dacoity
  - (d) Theft only
141. Lunacy is a good defence
- (a) If the act was committed during the period when the person was sound mind
  - (b) If the act was committed during the period when the person was of unsound mind
  - (c) Irrespective of the lucid or non-lucid intervals of the concerned person
  - (d) None of the above
142. The Information Technology (Amendment) Act, 2008 (10 of 2009) with effect from 27 October 2009 which amended the Indian Penal Code in section 464, substituted "Electronic Signature" for
- (a) Digital Signature
  - (b) Documentary Evidence
  - (c) Digital Certificate
  - (d) Electronically certified signature
143. Removal of ornaments from the body of one after causing his death is
- (a) Robbery
  - (b) Theft
  - (c) Cheating
  - (d) An offence under section 404

144. The limit of solitary confinement is dealt with in  
(a) Section 74 of IPC  
(b) Section 75 of IPC  
(c) Section 73 of IPC  
(d) Section 7 of IPC
145. 'X' puts jewels into a box belong to 'y' with the intention that they may be found in that box, and that this circumstance may cause Y to be convicted of theft. X has  
(a) Charged Y for misappropriation of property  
(b) Fabricated false evidence  
(c) Prosecuted Y on the charge of theft  
(d) None of the above
146. For an unlawful assembly under section 141 of IPC, the minimum number of persons required is  
(a) Five  
(b) Seven  
(c) Ten  
(d) Twenty
147. Causing of the death of child in the mother's womb is not homicide as provided under  
(a) Explanation I to Section 299  
(b) Explanation II to Section 299  
(c) Explanation III to Section 299  
(d) Explanation V to Section 300
148. The word takes in section 361 in IPC signifies  
(a) Taking by force  
(b) Taking by fraud  
(c) Physical taking  
(d) All the above
149. Use of violence by a member of assembly consisting of 12 persons, in furtherance of their common object will constitute  
(a) Affray  
(b) Assault  
(c) Rioting  
(d) Unlawful assembly
150. Dacoity is committed  
(a) When two or more persons commit or attempt to commit robbery  
(b) When five or more persons conjointly commit or attempt to commit robbery  
(c) When robbery is committed with fire-arms or lethal weapons  
(d) Which seven or more persons are engaged in extortion with arms
151. For an affray under section 159 of IPC the minimum number of person required is  
(a) Five  
(b) Two  
(c) Four  
(d) Seven

152. The words "socialist" and 'Secular' were inserted in the preamble by
- 15<sup>th</sup> Amendment of the Constitution
  - 39<sup>th</sup> Amendment of the Constitution
  - 42<sup>nd</sup> Amendment of the Constitution
  - 44<sup>th</sup> Amendment of the Constitution
153. In which of the following cases did the Supreme Court hold that an amendment of the Constitution under Article 368 was law within the meaning of Article 13
- Golaknath V. State of Punjab
  - Sajjan Singh V. State of Rajasthan
  - Shankari Prasad V. Union of India
  - Keshvanadna Bharti V. State of Kerala
154. In Keshvananda Bharti V. State of Kerala it was held that
- Under the amended Article 368, all provisions of the constitution including those enshrined fundamental rights could be amended
  - Fundamental rights cannot be amended
  - Fundamental Rights have the primacy and supremacy than any of the provisions of the Constitution
  - None of the above.
155. Besides the right to equality of opportunity in general terms, Article 16 (2) prohibits discrimination against a citizen on the following grounds except.
- Religion
  - Caste
  - Sex
  - Education
156. To practice any profession or to carry on any occupation, trade or business under Article 19 (1) (g), dealing in intoxicants is
- A trade and legal
  - A trade but not legal
  - Not a trade and illegal
  - A trade as status varies according to the state.
157. The fundamental rights to life emanates from
- Article 21 and includes rights to die
  - Article 19 and does not include right to die
  - Article 19 and 20 and does not include rights to die
  - Article 21 and does not include right to die.
158. The doctrine of double jeopardy in Article 20 (2) means
- No one can be tried and punished more than once for the same offence
  - One can be tried several times for the same offence
  - Punishment once awarded cannot be enhanced in appeal or revision
  - One can be tried more than once but punished only once.
159. Article 25 guarantees to all persons equally
- Freedom of conscience and the right to freely profess, practice and propagate religion
  - Freedom of conscience and the right to freely profess
  - Freedom to profess, practice and propagate their religion
  - Freedom of religion

160. Article 29 guarantees the right to preserve one's own culture, language, script and right to admission to State maintained or State aided educational institutions is guaranteed to
- (a) Every citizen
  - (b) Every person residing in India
  - (c) All individuals, citizens and non-citizens
  - (d) All sections of citizens residing in India, in regard to former right and to every citizen of India whether or not residing in India, in regard to latter.
161. Petitions to the Supreme Court under Article 32 are subject to the rule of Res judicata except
- (a) Quo warranto
  - (b) Habeas Corpus
  - (c) Certiorari
  - (d) Prohibition
162. Which among the following is not a fundamental Right :
- (a) Right to strike
  - (b) Right against exploitation
  - (c) Right to equality
  - (d) Right to freedom of religion
163. In which of the following cases did the Supreme Court of India hold that there was no reason to compel non smokers to be helpless victims of air pollution ?
- (a) State of U. P. Vs. K. U. Ansari
  - (b) Murli S. Deora Vs. Union of India
  - (c) State of Punjab Vs. Raghubir chand Sharma
  - (d) C. P. Anand Vs. Union of India
164. The president can be removed by the way of impeachment which can be made only
- (a) By the Supreme Court
  - (b) By the Rajya Sabha
  - (c) By the member of Lok Sabha and Rajya Sabha
  - (d) Cannot be impeached
165. The president of India is
- (a) Commander-in-chief of Defence Forces
  - (b) Supreme Commander of Armed Forces
  - (c) Head of the Government
  - (d) Supreme Commander of Defence Forces of the Union and Executive Head of the Union
166. On the proclamation of emergency under Article 352 (1), the fundamental right guaranteed in the Article 19 becomes automatically suspended by virtue of Article 358. Additionally the president may by order under Article 359 (1) suspend.
- (a) All or any of the fundamental Rights
  - (b) The enforcement of all or any of the fundamental rights as specified in the order
  - (c) The enforcement of all or any of fundamental rights as specified (except Articles 20 and 21 )
  - (d) The enforcement of all or any of fundamental rights specified in his order except Article 21.

- 167. To Proclamation issued under Article 356, empowers the President
  - (a) To assume himself all or any of the functions of the Government of the state and all or any of powers vested in or exercisable by the Governor of the state or any body or authority of the state
  - (b) To declare that powers of the legislature of the state shall be exercisable by or under the authority of parliament
  - (c) Both (a) and (b) above
  - (d) None of the above
  
- 168. The central Government can assign any function of the states
  - (a) On the directive of the President
  - (b) On the recommendation of parliament
  - (c) At any time it wished to do so
  - (d) With the consent of the state Government
  
- 169. Under the federal system
  - (a) All powers are concentrated with the units of federation which pass on some powers of common interest to the Federal Government
  - (b) All powers are concentrated in the Federal Government
  - (c) Powers are divided between the Central and provincial Governments
  - (d) Powers are bifurcated between the Centre and units on the basis of periodic referendum.
  
- 170. The Constitution ensures
  - (a) An absolute federation
  - (b) A union
  - (c) Unitary form of government
  - (d) Quasi- federal government
  
- 171. The Indian parliament has the power to
  - (a) Form a new state by separation of territory from any state or by uniting two or more states
  - (b) Increase or diminish the area of any state
  - (c) Alter the boundaries of any state
  - (d) All of the above
  
- 172. Under the doctrine of immunity of instrumentality
  - (a) Union and states cannot tax each other's properties
  - (b) Union cannot levy taxes on the states
  - (c) Union cannot levy custom duty on the state
  - (d) None of the above
  
- 173. Union parliament has the power to legislate on the subjects of all three lists in respect of
  - (a) Scheduled areas
  - (b) Hill areas
  - (c) Backward areas
  - (d) Union Territories

174. A member of the state public service commission can be removed on the grounds of misbehaviour only after the enquiry has been held by
- (a) Joint parliamentary committee
  - (b) Supreme Court of India
  - (c) High Court of the concerned State
  - (d) Committee Constituted by the Governor of the state
175. Who nominates the Chairman of Public Accounts Committee of Indian Parliament
- (a) Prime Minister
  - (b) President
  - (c) Speaker of Lok Sabha
  - (d) Chairman of Rajya Sabha
176. Which of the following committees of parliament is concerned with the regularity and economy of expenditure of the Government
- (a) Public Accounts Committee
  - (b) Estimates Committee
  - (c) Committee on public undertaking
  - (d) All of the above
177. Panchayats were given constitutional status by
- (a) 72<sup>nd</sup> amendment
  - (b) 73<sup>rd</sup> Amendment
  - (c) 74<sup>th</sup> Amendment
  - (d) None of the above.
178. The concept of Directive Principle of State Policy is borrowed from .....
- (a) Germany
  - (b) France
  - (c) Ireland
  - (d) USA
179. Freedom under Article 19 are
- (a) Sacrosanct and inalienable
  - (b) Absolute without any restriction
  - (c) Subject to reasonable restriction
  - (d) Both (a) & (c)
180. Right to work in India is
- (a) Fundamental right
  - (b) Directive principle
  - (c) Is not a fundamental right but it can be claimed after employment
  - (d) Constitutional duty
181. Which one of the following is not a Fundamental Right
- (a) Right of property
  - (b) Right to assemble peacefully
  - (c) Right to move freely throughout the country
  - (d) Right to constitutional Remedies

182. Fundamental duties under Article 51A is confined to
- (a) Prime Minister and his Council of Ministers
  - (b) Public servants
  - (c) All those who run public sector enterprise
  - (d) Citizens of India
183. The power of dissolve the Lok Sabha is vested with
- (a) President of India on the advise of Prime Minister
  - (b) Speaker of the Lok Sabha
  - (c) Council of Ministers
  - (d) Lt. Governors of the Union territories
184. The Constitutional authority vested with the power of declaring castes or tribes as scheduled castes or scheduled Tribes is the
- (a) Parliament
  - (b) Home Minister
  - (c) President of India
  - (d) Chairman of SC/ST Commission.
185. The powers of the President are
- (a) Beyond the Constitution
  - (b) In accordance with the constitution
  - (c) In accordance with the Parliament only
  - (d) Supra- constitutional
186. Members of Lok Sabha are elected by the way of
- (a) People's representation
  - (b) By the state legislature
  - (c) Nominations
  - (d) By electoral colleges
187. Money Bills can be
- (a) Invalid by Rajya Sabha
  - (b) Invalid by both the Houses
  - (c) Rajya Sabha can reject the money bills
  - (d) None of the above
188. Prorogation of the House means
- (a) A house has been brought in session
  - (b) The session of the house has been terminated
  - (c) The house itself stands terminated
  - (d) None of the above
189. The 42<sup>nd</sup> Amendment raised the term of Lok Sabha to
- (a) Five years
  - (b) Seven years
  - (c) Six Years
  - (d) Nine years

190. The minimum age to become member in the council of states is :
- (a) 25
  - (b) 30
  - (c) 35
  - (d) None of the above
191. Every judge of the Supreme Court including the Chief justice, unless resigned or removed earlier holds office till he attains the age of
- (a) 62 years
  - (b) 68 years
  - (c) 65 years
  - (d) 70 years
192. Planning commission is
- (a) Political body
  - (b) Statutory body
  - (c) Non-political body
  - (d) Quasi-political body
193. The minimum number of judges to sit on the constitution bench or on bench which gives its advisory opinion on the reference by the President must be
- (a) One half of the total strength of the supreme court
  - (b) Five
  - (c) Three
  - (d) One third of the total strength of the court
194. The salaries of the Judges of the Supreme Court of India
- (a) Can never be reduced under any circumstances
  - (b) Can be reduced during their term of office
  - (c) Cannot be reduced during the term of their office except during a financial emergency
  - (d) Are fixed by President of India
195. A person shall not be qualified for appointment as a judge of High Court unless, he is citizen of India and
- (a) Has held a judicial office in the territory of India for at least 10 years
  - (b) Has been an advocate of High Court for 10 years
  - (c) Has been distinguished jurist
  - (d) Has either held a judicial office for 10 years or has been an advocate of a High court for 10 years.
196. The Article of the Constitution which automatically becomes suspended on proclamation of emergency is
- (a) Article 14
  - (b) Article 19
  - (c) Article 21
  - (d) Article 32

197. Article 356 (4) a proclamation of emergency in the state ceases to operate automatically after
- (a) 1 months
  - (b) 3 months
  - (c) 6 months
  - (d) 6 months from the proclamation
198. The members of the state public service Commission hold office till they attain the age of
- (a) 65
  - (b) 62
  - (c) 58
  - (d) 60
199. The Chief Election Commissioner is
- (a) Elected by Parliament
  - (b) Appointed by Home Minister
  - (c) Appointed by Prime Minister
  - (d) Appointed by the President
200. Panchayats were given constitutional status
- (a) 72<sup>nd</sup> Amendment
  - (b) 73<sup>rd</sup> Amendment
  - (c) 74<sup>th</sup> Amendment
  - (d) None of the above

