

HIMACHAL PRADESH JUDICIAL SERVICE

PRELIMINARY EXAM 2011

1. The provisions regarding 'specific performance of part of contract are contained under Specific Relief Act, in:

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

2. Section 26 of the Specific Relief Act contains the provision regarding:

- (a) Declaratory Decrees
- (b) Mandatory Injunction
- (c) Rectification of instruments
- (d) Rescission of contracts

3. Which Section of the Specific Relief Act deals about contracts not specifically enforceable?

- (a) Section 9
- (b) Section 14
- (c) Section 11
- (d) Section 16

4. The word expression used but not defined in the Specific Relief Act, 1963 have the same meaning as:

- (a) Defined in the Indian Contract Act, 1872, if defined in that Act
- (b) Defined in the Transfer of Property Act, 1882. if defined in that Act
- (c) Defined in the Sale of Goods Act. 1930, if defined in that Act
- (d) Defined in the Indian Evidence Act, 1872. if defined in that Act

5. Under which provision of the Code of Civil Procedure, the parties can be struck out, added or substituted?

- (a) Order 1, Rule 2
- (b) Order 1, Rule 10
- (c) Order 1, Rule 3
- (d) Order 1, Rule 9

From Student to Lawyer to Judge

6. Which of the following Sections, the provision has been made for settlement of disputes outside the Court through 'arbitration', conciliation', 'mediation' and 'lok adalats' by the Code of Civil Procedure (Amendment) Act, 1999?

- (a) Section 87
- (b) Section 88
- (c) Section 89
- (d) Section 90

7. The essential elements of a decree:

- (a) these must be an adjudication
- (b) the determination must be of a conclusive nature
- (c) the adjudication must have been done in a suit
- (d) all of the above

8. The provisions relating to the summoning and attendance of witnesses are under:

- (a) Order 16 of the Code of Civil Procedure
- (b) Order 17 of the Code of Civil Procedure
- (c) Order 18 of the Code of Civil Procedure
- (d) Order 19 of the Code of Civil Procedure

9. The plaint should be filed In duplicate, this rule was inserted by:

- (a) Code of Civil Procedure (Amendment) Act, 1976
- (b) Code of Civil Procedure (Amendment) Act, 1999
- (c) Code of Civil Procedure (Amendment) Act, 2002
- (d) None of the above

10. The rule of 'res-judicata' is not applicable in the writ of:

- (a) Quo-warranto
- (b) Prohibition
- (c) Habeas Corpus
- (d) Mandamus

11. An 'order' which is not a 'Decree?'

- (a) An order refusing stay
- (b) An order passed in execution proceedings
- (c) An order rejecting an application to sue in 'forma pauperis'
- (d) All of the above

12. Which Section of the Code of Civil Procedure provides that the objections as to the territorial and pecuniary jurisdiction must be raised at the first opportunity?

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

13. Section 96(4) of the Code of Civil Procedure inserted by the Code of Civil Procedure (Amendment) Act, 1976, bars:

- (a) appeal against consent decree
- (b) appeal in petty cases
- (c) appeal against final decree
- (d) appeal against findings

14. A 'caveat' lodged under sub-section (1) of Section 148A will remain in force for:

- (a) 30 days
- (b) 60 days
- (c) 90 days
- (d) 180 days

15. The doctrine of restitution' is based upon the maxim:

- (a) actus incumbit onus probandi
- (b) actus curiac neminem gravavit
- (c) actus dei nemini facit injuriam
- (d) actus non-facit reum nisi mens sit rea

16. Which provision of the Code of Civil Procedure provides that a person may sue or defend on behalf of all in same interest?

- (a) Order 1, Rule 1
- (b) Order 1, Rule 2
- (c) Order 1, Rule 8
- (d) Order 1, Rule 9

From Student to Lawyer to Judge

17. Which provision of the Code of Civil Procedure deals with the consequences of disobedience of an injunction granted by the court?

- (a) Order 39, Rule 1
- (b) Order 39, Rule 2A**
- (c) Order 39, Rule 2
- (d) Order 39, Rule 3

18. The material facts, on which a party relies, are:

- (a) facta probanda**
- (b) facta probantia
- (c) facta terrae
- (d) none of these

19. The court do not have inherent power to:

- (a) set aside an ex parte decree**
- (b) consolidate suit and appeals
- (c) allow a defence in forma pauperis
- (d) all of the above

20. Section 11 of the Code of Civil Procedure contains:

- (a) Five Explanations
- (b) Six Explanations
- (c) Seven Explanations
- (d) Eight Explanations**

21. The 'draft bill' of the Indian Evidence Act, 1872 was prepared by:

- (a) Sir James Stephen Turner**
- (b) Sir Charles
- (c) Sir Raymond West
- (d) Mr. Whitley Stokes

22. The Indian Evidence Act, 1872, does not apply to:

- (a) proceedings before arbitrators
- (b) departmental proceedings
- (c) disciplinary proceedings in educational institutions
- (d) all of the above**

23. Many rules of 'Law of Evidence' are contained in:

- (a) Code of Criminal Procedure, 1973
- (b) Indian Limitation Act, 1963
- (c) Banker's Book Evidence Act. 1963
- (d) All of the above

24. Electronics records produced before the court are:

- (a) oral evidence
- (b) documentary evidence
- (c) ordinary evidence
- (d) technical evidence

25. Which of the following Sections was not inserted in the Indian Evidence Act by the Information Technology Act, 2000?

- (a) Section 22A
- (b) Section 67A
- (c) Section 81A
- (d) Section 114A

26. Under the Indian Evidence Act. 'evidence' does not include:

- (a) Identification proceedings
- (b) condition of witness at the time of giving evidence
- (c) facts of which judicial notice is taken
- (d) all of the above

27. Appreciation of evidence is a:

- (a) question of fact
- (b) question of law
- (c) question of law and fact
- (d) all of the above

28. Under the Indian Evidence Act, the evidence may be given in all cases about:

- (a) facts in issue only
- (b) relevant facts only
- (c) facts in issue and relevant facts only

From Student to Lawyer to Judge

(d) none of the above

29. Which Section of the Indian Evidence Act provides that the Admission can be proved by or on behalf of the person who makes admission?

(a) Section 17

(b) Section 18

(c) Section 21

(d) Section 22

30. The constitutionality of which Section of the Indian Evidence Act was challenged in "State of U.P.v. Deoman Upadhyaya" for the violation of Article 14 of the Constitution?

(a) Section 25

(b) Section 26

(c) Section 27

(d) Section 28

31. Exceptions to the hearsay rule' are provided in the Indian Evidence Act under:

(a) Section 17 and Section 18

(b) Section 32 and Section 33

(c) Section 34 and Section 35

(d) Section 36 and Section 37

32. Section 106 of the Indian Evidence Act is based on the principle of:

(a) res gestae

(b) res ipsa loquitur

(c) res judicata

(d) none of these

33. Which Section of the Indian Evidence Act is based on the maxim "Salus populi est suprema

(a) Section 123

(b) Section 118

(c) Section 119

(d) Section 130

From Student to Lawyer to Judge

34. Where the handwriting of a teacher is in question the opinion of his principal may be relevant under which Section of the Indian Evidence Act?

- (a) Section 47
- (b) Section 48
- (c) Section 49
- (d) Section 50

35. Admissions are not conclusive proof of the matters admitted but they may operate as:

- (a) res judicata
- (b) estoppels
- (c) res gestae
- (d) all of these

36. The criteria for 'res gestae':

- (a) proximity of time and place
- (b) community of purpose
- (c) continuity of action
- (d) all of the above

37. "Under Section 14 of the Himachal Pradesh Court Act, 1976, the High Court may authorize any Civil Judge to take cognizance of proceeding under:

- (a) The Indian Succession Act, 1925
- (b) The Guardians and Wards Act, 1890
- (c) The Provincial Insolvency Act, 1920
- (d) All of the above

38. Under Section 17 of the Himachal Pradesh Court Act, 1976 who is empowered to distribute the civil business?

- (a) District Judge
- (b) Civil Judge
- (c) High Court
- (d) State Government

39. Under the Indian Stamp Act. 1899. 'executed' and 'execution used with reference to instruments means:

- (a) signed
- (b) signature
- (c) signed and signature

From Student to Lawyer to Judge

(d) none of these

40. Under the Indian Stamp Act, 1899. the expenses of providing proper stamp in case of 'Administration Bonds' shall be borne by:

- (a) the person drawing such instrument
- (b) the person making such instrument
- (c) the person executing such instrument

(d) all of the above

41. Duty under the Indian Stamp Act, 1899, in the case of 'conveyance' is payable by:

- (a) the grantee
- (b) the grantor
- (c) the grantor and grantee
- (d) none of these

42. Provisions regarding 'Adjudication as the proper stamp are contained under the Indian Stamp Act, 1899 in:

- (a) Section 28
- (b) Section 29
- (c) Section 31
- (d) Section 30

43. Who makes rules to carry out generally the purposes of the Indian Stamp Act, 1899?

- (a) Central Government
- (b) State Government
- (c) High Court
- (d) Supreme Court

44. Section 72 of the Indian Stamp Act, 1899 contains the provision regarding:

- (a) place of trial
- (b) penalty for post dating bills
- (c) jurisdiction of Magistrates
- (d) penalty for breach of rule relating of stamps to sale

45. All instruments chargeable with duty and executed by any person in India shall be stamped:

- (a) before execution only
- (b) at the time of execution only

(c) before or at the time of execution

(d) none of the above

46. All duties and penalties under the Chapter IV of the Indian Stamp Act, 1899 may be recovered by:

(a) The Collector

(b) The State Government

(c) The High Court

(d) None of these

47. Specific relief under the Specific Relief Act, 1963 can be granted for enforcing:

(a) only individual civil rights

(b) individual and public civil rights

(c) only public civil rights

(d) all of the above

48. An injunction under the Specific Relief Act can be granted to restrain:

(a) the theft

(b) the murder

(c) the publication of a defamatory statement

(d) none of the above

49. Under Section 7 of the Specific Relief Act, the recovery of the movable property can be made by:

(a) finder of the movable property

(b) buyer of the movable property

(c) bailee of the movable property

(d) all of the above

50. Under Section 15 of the Specific Relief Act, the specific performance of a contract may be obtained by:

(a) any party of the contract

(b) the representative in interest of any party of the contract

(c) the principal of any party of the contract

(d) all of the above

From Student to Lawyer to Judge

51. In Modern Hindu Law, Marriage has become:

- (a) Monogamous
- (b) Indissoluble Union
- (c) Sacramental Union
- (d) Contract

52. Who is not a class heir under Hindu Succession Act?

- (a) Mother
- (b) Father
- (c) Son
- (d) Wife

53. Coparcenary property is known as:

- (a) Joint family property
- (b) Self acquired property
- (c) Separate property
- (d) None of these

54. Under Hindu Marriage Act. Condonation' applies to the matrimonial offence of:

- (a) Adultery
- (b) Cruelty
- (c) Desertion
- (d) Both (a) and (b)

55. Which of the following theories is the outcome of a fundamental shift in the policy discernible from the judicial recognition of the view that the purpose of divorce law was not to punish the guilty but to protect the innocent spouse:

- (a) Fault theory
- (b) Consent theory
- (c) Breakdown theory
- (d) Both (b) and (c)

56. A married male can adopt:

- (I) Only with his wife's consent
- (II) Only with his wife's consent, when she is living with him
- (III) If he has more than one wife, consents all the wives is necessary
- (IV) If marriage is void, the wife's consent is not necessary

(V) In the case of voidable marriage, the Wife's consent is necessary

- (a) (I), (III), (IV) and (V)
- (b) (II), (III), (IV) and (V)
- (c) (I), (IV), and (V)
- (d) (II), (III), and (IV)

57. The Supreme Court has recently held in which of the following cases, that under certain circumstances, even when the father is alive, mother can act as a natural guardian:

- (a) Vandana Shiva v. Jayanata Bandho- padhya
- (b) Narayan v. Sapurna
- (c) Jiyabal v. Pathan
- (d) Both (a) and (c)

58. The Hindu Marriage Act, 1955 contains the minimum period of desertion for filing a suit for judicial separation:

- (a) Three years
- (b) Five years
- (c) Two years
- (d) Seven years

59. The doctrine of relation back was explained in:

- (a) Raghvamma v. Chenchamma
- (b) Pedasubhayya v. Akkamma
- (c) Kewal Narain v. Prabhu Lal
- (d) Gurupad v. Hirabal

60. A Hindu widow could be divested of her property inherited by her from her husband if she:

- (a) Becomes unchaste
- (b) Re-marries
- (c) Converts to another religion
- (d) None of these

61. Provisions of Section 3 of Limitation Act, 1963 are: the

- (a) Mandatory
- (b) Directory
- (c) Discretionary

From Student to Lawyer to Judge

(d) Optional

62. The Limitation Act brought into force in:

(a) 1964

(b) 1963

(c) 1965

(d) 1967

63. Bar of Limitation Act applied to:

(a) Appeal

(b) Suit

(c) Application

(d) All of the above

64. In computing the period of limitation for an appeal:

(a) The day on which judgement pronounced shall be included

(b) The day on which judgement pronounced shall be excluded

(c) The day on which judgement pronounced and the time requisite for obtaining copy of the decree shall be excluded

(d) The time taken for preparing the decree be included

65. Delay in filing the suit:

(a) Can not be condoned

(b) Can be condoned under Section 3 of the Limitation Act, 1963

(c) Can be condoned under Order VII, Rule 6 of the Code of Civil Procedure, 1908

(d) Can be condoned under Section 5 of the Limitation Act, 1963

66. The Fraud contemplated by Section 17 of the Limitation Act, 1963 is that of:

(a) The Plaintiff

(b) The defendant

(c) A third person

(d) Both (a) and (c)

67. Period during which proceedings stand stayed by an injunction or order is excluded:

(a) Under Section 14 of the Limitation Act, 1963

(b) Under Section 15 of the Limitation Act, 1963

(c) Under Section 16 of the Limitation Act, 1963

(d) Under Section 13 of the Limitation Act, 1963

68. Under Section 25 of the Limitation Act, 1963 the easement rights over the property belonging to the court are acquired by continuous and uninterrupted user:

(a) For 12 years

(b) For 20 years

(c) For 30 years

(d) For 60 years

69. Under Section 19 of the Limitation Act, 1963 of part payment extends the period limitation:

(a) From the date of expiry of initial period of limitation

(b) From the date of the waiting evidencing payment

(c) From the date of extended period of limitation

(d) From the date of payment

70. The period of limitation for a review of the Judgment is:

(a) 60 days

(b) 90 days

(c) 30 days

(d) 180 days

71. The expression "appointed day" for the purpose of the Himachal Pradesh Urban Rent Control Act, 1987 is:

(a) 17th November, 1971

(b) 18th August, 1987

(c) 20th October, 1987

(d) None of these

72. The term "building" under the Himachal Pradesh Urban Rent Control Act, 198, does not include:

(a) A hotel

(b) Godowns

(c) Out-houses

(d) Land

From Student to Lawyer to Judge

73. Fair rent of a building or rented land, under the Himachal Pradesh Urban Rent Control Act, 1987, is determined by the Rent Controller:

- (a) Taking into consideration the rent prevailing in the locality for similar building or rented land during specified period
- (b) Taking into consideration the rent agreed upon between the landlord and the tenant
- (c) Taking into consideration the compromise arrived at between the parties to the proceedings
- (d) Either (a) or (b) or (c) with reference to the particular line

74. Provisions as to eviction of tenants, under the Himachal Pradesh Urban Rent Control Act, 1987, are described in:

- (a) Section 12
- (b) Section 13
- (c) Section 14
- (d) Section 18

75. Which building are exempted under the Himachal Pradesh Rent Control Act 1987?

- (a) The State Government may direct that all or any provision of this Act shall not apply to any particular building, rented land or any class of building or rented land
- (b) The Centre Government may direct that all or any provisions of this act shall not apply to any particular building, rented land or any class of building or rented land
- (c) Rented land owned by the foreign nationals
- (d) Rented land owned by the multinational company

76. In what cases increase in fair rent is not admissible?

- (a) Addition
- (b) Improvement
- (c) Alteration
- (d) None of these

77. No person shall convert a residential building into a non-residential building except with the permission of the:

- (a) Prescribed Authority
- (b) Civil Judge
- (c) District Magistrate
- (d) Controller

From Student to Lawyer to Judge

78. Which one of the following is not the ground of eviction of tenant by the landlord?

- (a) The tenant has not paid the rent within 15 days after the expiry of the time fixed in the agreement of tenancy
- (b) The tenant has committed such acts as are likely to impair materially the value of the building
- (c) That the tenant has been guilty of such acts and conduct as are nuisance to the occupiers of the building in the neighbourhood
- (d) That the tenant has ceased to occupy the building or rented land for a period of 6 months without reasonable cause

79. Under Sections 14 (1) (c), the following is not the ground available to the landlord to seek eviction of the tenant:

- (a) To carry out building work at the instance of Government
- (b) If it has become unsafe or unfit for animal habitation
- (c) If it required bona fide for carrying out repairs which can not be carried out without the building is vacated
- (d) That the building is required bonafide by him for the purpose of re-building which cannot be carried without the building is vacated

80. The deposit under Section 21 shall not be accompanied by an application by the tenant containing the following particulars:

- (a) The name and address of the tenant or persons claiming to be tenants
- (b) The building or rented land for which the rent is deposit with a description sufficient for identifying the building or rented land
- (c) The period for which the rent is deposited
- (d) The name and address of the landlord or persons claiming to be entitled to such rent

81. Under the Transfer of Property Act. 1882 where a writing is not expressly required by law:

- (a) a transfer of parties may be made without writing in every case
- (b) a transfer of property is subject to only writing
- (c) no provision of oral transfer is made
- (d) none of the above

82. Spes successionis means:

- (a) Chances of succeeding to hereditary property
- (b) Chances of succeeding to property of another
- (c) Both (a) and (b)

(d) None of the above

83. A' by a settlement deed transfers property to P for life, then to 'S'. 'S' dies before 'P' dies. On the death p the heir of 'S' claims the property. Is the claim valid?

(a) Valid, since 'S' interest is heritable

(b) Invalid, since 'S' interest is contingent

(c) Invalid, since settlement deed is vague

(d) None of the above

84. Nemo dat quod non habet (no man can confer abetter title than that which he himself has) is an established principle of:

(a) Rule of transfer of property

(b) Rule of Law of Torts

(c) Rule of Law of crimes

(d) Rule of contract

85. The doctrine of 'Lis pendens' applicable:

(a) During the pendency of the proceeding

(b) After filing the suit

(c) After disposal of the suit

(d) After filing of the suit

86. The transfer of right to enjoyment of property of certain time is in consideration of price paid or promised to pay is called:

(a) Mortgage

(b) Lease

(c) Sale

(d) None of these

87. Actionable claims are:

(a) Share in a company

(b) Claim to copyright

(c) Mortgage debt

(d) None of these

88. Section 41 of the Transfer of the Property Act, 1882 applies to voluntary transfer and has no application to:

(a) Court sale

(b) Contingent sale

- (c) Perpetuity sale
- (d) Priceless sale

89. In case of usufructuary mortgage, the mortgage is placed in possession and has a right to enjoy the rents and profits:

- (a) **Until the debt is paid**
- (b) Till the contract is rescinded
- (c) Only (b) is correct
- (d) None of the above

90. In case of Mortgaged lease, if the mortgagee obtains a renewal of the lease, the mortgagor upon redemption:

- (a) Shall not have the benefit of new lease
- (b) **Shall have the benefit of new lease**
- (c) Shall have the benefit of previous lease
- (d) None of the above

91. Which Jurist has said "Contract is not joke of leisure time"?

- (a) Anson
- (b) Chesire
- (c) **Lord Stowell**
- (d) Lord Atkin

92. If a proposal has been accepted subject to certain conditions, then:

- (a) The Contract is valid and conditions are binding
- (b) The contract is voidable
- (c) The contract is valid but conditions are not binding
- (d) **The contract is not constituted at all**

93. In Carlil v. Carbolic Smoke Ball Co. the definition of "Wagering Agreement" was given by:

- (a) Justice Bowen
- (b) **Justice Hawkins**
- (c) Lord Denning
- (d) Lord Selbome

94. Which one of the following Sections of Indian Contract Act provides for the liability for necessary supplied to persons incompetent to contract?

- (a) Section 11

(b) Section 68

(c) Section 69

(d) Section 25(1)

95. Match List I with List II and select the correct answer using the codes given below the lists:

List I

- (a) Invitation to v. Powell
- (b) Anticipatory breach
- (c) Restitution
- (d) Implied contract

List II

- (1) Upton Rural Dist- offerriet Coun-cil
- (2) Hochester v. De La Tour
- (3) Harvey v. Facle
- (4) Leslie (R) Ltd. v. Sheill

Codes:

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

96. Which of the following cases is related to cross-offer?

- (a) Adams v. Lindsell
- (b) **Tinn v Hoffmann & Co.**
- (c) Household Fire & Accident Insurance Co.v Grant
- (d) Dunlop v. Higgins

97. A and B agree that A shall pay B Rs. 500 for which B shall afterwards deliver to A one quintal wheat or a smuggled pistol. Decide:

- (a) The whole agreement is void
- (b) The whole agreement is valid
- (c) The whole agreement is unlawful
- (d) **The agreement to deliver wheat is valid but the agreement to deliver a smuggled pistol is void.**

98. A Guru (Spiritual Advisor) induced the Chela (his devotee) to gift him the whole of his property to secure benefit to his soul in the next world. The gift shall be:

- (a) void
- (b) **voidable**
- (c) valid

From Student to Lawyer to Judge

(d) immoral

99. Which one of the following essentials of contract does not find place in the Indian Contract Act, 1872?

(a) Competency of Parties

(b) Real consideration

(c) Intention of contract

(d) Lawful object

100. Assertion (a): 'A' supplies necessary necessities to 'B', a minor. 'A' can recover the payment from the estate of 'B'.

Reason (R): An agreement with a minor is void ab initio

(a) Both (a) and (R) are true and (R) is is not correct explanation of (a)

(b) Both (a) and (R) are true, but(R) is the correct explanation of (a)

(c) (a) is true but (R) is false

(d) (a) is false but (R) is true

CRIMINAL LAW-III

101. Which one of the following court is empowered to try the offence relating to dishonour of cheque for insufficiency etc. under the Negotiable instrument Act, 1881?

(a) Judicial Magistrate the Second Class

(b) Judicial Magistrate the First Class

(c) Banking Ombudsman

(d) None of the above

102. Power of the Court to try cases summarily given under Section:

(a) 143 of the Negotiable Instrument Act

(b) 142 of the Negotiable Instrument Act

(c) 138 of the Negotiable Instrument Act

(d) 139 of the Negotiable Instrument Act

103. Every trial under Section 143 of the 03 Negotiable Instrument Act shall be conducted as expeditiously as possible and an endeavour shall be made to conclude the trial:

(a) within three months from the dated filing of the complaint

(b) within one months from the date of filing of the complaint

(c) within six months from the date of filing of the complaint

(d) within one year from the date of filing of the complaint

104. Section 141 of the Negotiable Instrument Act deals with the offences caused by the:

- (a) Government Servants
- (b) Individual and companies both
- (c) Individual alone

(d) Companies

105. Court can take cognizance of any offence punishable under Section 138 of the Negotiable Instrument Act:

- (a) suo motu
- (b) upon a complaint in writing made by the payee**
- (c) upon a police report
- (d) none of the above

106. Which of the following section provides power to State Government to declare limit of sale by retail and by wholesale of any intoxicant?

- (a) Section 4 of the Punjab Excise Act
- (b) Section 7 of the Punjab Excise Act
- (c) Section 6 of the Punjab Excise Act
- (d) Section 5 of the Punjab Excise Act:**

107. Saving clause of enactments provided under chapter:

- (a) I of the Punjab Excise Act**
- (b) II of the Punjab Excise Act
- (c) III of the Punjab Excise Act
- (d) IV of the Punjab Excise Act

108. Provision of an Appeal from an original or appellate order of any excise officer is made under:

- (a) Section 15 of the Punjab Excise Act
- (b) Section 14 of the Punjab Excise Act**
- (c) Section 13 of the Punjab Excise Act
- (d) None of the above

109. No licensed vendor or any person on his behalf shall sell or deliver any liquor to any person who is apparently under:

- (a) the age of twenty five years**
- (b) the age of eighteen years
- (c) the age of fifteen years

(d) the age of twelve years

110. Who shall grant of licence for sale of liquor within the District?

(a) Financial Commissioner

(b) Excise Commissioner

(c) Collector

(d) Excise Minister

111. Under the Wildlife Protection Act the term Wildlife' does not includes:

(a) any animal specified in Scheduled I and IV

(b) any aquatic

(c) 200

(d) any land vegetation which forms part I of any habitat

112. Who is Chairperson of the National Board for Wildlife under Section 5A of the Wildlife Protection Act?

(a) The President of India

(b) The Prime Minister of India

(c) The Chief Minister of the State:

(d) The Minister in-charge of Forests and Wildlife

113. Who is empowered to grant a permit, to hunt, by an order, for the purpose of education, and scientific research etc.?

(a) The Chief Wildlife Warden

(b) The Minister In-charge of Forest and Wildlife

(c) The Collector

(d) None of the above

114. The Chief Minister of the State is:

(a) The member of the State Board for Wildlife

(b) The Vice-Chairperson of the State Board for Wildlife

(c) The Chairperson of the State Board for Wildlife

(d) The Patron of the State Board for Wildlife

115. The duty of the State Board for Wildlife to advice the State Government is given:

(a) Under Section 6 of the Wildlife Protection Act

(b) Under Section 7 of the Wildlife Protection Act

(c) Under Section 8 of the Wildlife Protection Act

(d) Under Section 5C of the Wildlife Protection Act

116. Under which one of the following sections the Central Government may levy a duty on timber or other forest produce?

(a) Section 38 of the Indian Forest Act

(b) Section 39 of the Indian Forest Act

(c) Section 40 of the Indian Forest Act

(d) Section 37 of the Indian Forest Act

117. Which one of the following sections empower the State Government to reserve forest?

(a) Section 3 of the Indian Forest Act

(b) Section 2 of the Indian Forest Act

(c) Section 5 of the Indian Forest Act

(d) Section 6 of the Indian Forest Act

118. Formation of village-forest may be assigned by the:

(a) Central Government

(b) State Government

(c) Village Panchayat

(d) None of these

119. According to the Indian Forest Act 1927. the term "Cattle" does not include:

(a) Elephants

(b) Colts

(c) Pigs

(d) Cows

120. The bar of accrual of forest rights mentioned:

(a) Under Section 9 of the Indian Forest Act

(b) Under Section 5 of the Indian Forest Act

(c) Under Section 11 of the Indian Forest Act

(d) Under Section 7 of the Indian Forest Act

121. The Indian Penal Code, 1860 came into enforcement on:

(a) October 6, 1862

(b) January 1, 1862

(c) October 6, 1860

(d) January 1, 1860

122. Who are not exempted from intra- territorial jurisdiction of the Indian Penal Code?

(a) The President of India and the Governor of States

(b) Public

(c) Foreign Sovereigns and Ambassadors

(d) Alien Enemies

123. Under which one of the following Sections of the Indian Penal Code, the word 'Offence' has been defined:

(a) Section 39

(b) Section 41

(c) Section 42

(d) Section 40

124. The principle of criminal liability- 'actus non facit reum nisi mens sit rea' was developed and adopted by:

(a) The Equity Courts

(b) The Indian Courts

(c) The Common Law Courts

(d) None of these

125. Which one of the following statements is correct?

(a) Abetment of an offence is an inchoate offence

(b) Abetment of an offence is a continuing offence

(c) Abetment of an offence is a complete offence

(d) Abetment of an offence is an offence depending upon circumstances of the case

126. Common intention implies:

(a) Presence of common knowledge

(b) Common object

(c) Pre-arranged planning

(d) Similar intention

127. Match Lists I with List II and select the correct answer using the codes given below the lists:

List I

(a) Liability for the act of another person liability

List II

(1) Strict criminal

From Student to Lawyer to Judge

- (b) An unlawful act without Criminal itself intention (2) No offence in
(c) Planning to commit a theft (3) Abetment
(d) Instigating a person to commit offence (4) Vicarious Liability

Codes:

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

128. Section 84 of the Indian Penal Code is base on the:

- (a) Proximity Rule
(b) Rule of Common Intention
(c) **Mc Naghten Rule**
(d) Doctrine of Transferred Malice

129. Under which one of the following cases, first time the Supreme Court of India, has reaffirmed the distinction between culpable homicide and murder while adopting the view suggested in Govind case:

- (a) Inder Singh v. State of PEPSU
(b) **State of A.P. v.R.R. Punnayya**
(c) K.M. Nanawati v. State of Mahara-shta
(d) Madhavanv. State of Kerala

130. Section 309 of the Indian Penal Code deserves to be effected from the statute book to humanize our Penal Laws. It is cruel and irrational provision and it a person again may result in punishing who had suffered agony and would be undergoing ignominy because of his failure to commit suicide". This above dictum was laid down in:

- (a) Gian Kaur v. State of Punjab
(b) Abhayanand Mishra v. State of Bihar
(c) **P. Rathinam v. Union of India**
(d) Machhi Singh v. State of Punjab

131. A is at work with a hatchet; with a hatchet; the head flies off and kills a man who is standing by. A has committed:

- (a) an offence of murder
- (b) an offence of culpable homicide not amounting to murder
- (c) an offence of death by negligence
- (d) no offence, if there was no want of proper caution on the part of A

132. A minor girl had left the protection of her father, knowing and having capacity to know the full import of what she was doing voluntarily, joined the accused. Accused allowed the minor to accompany. Accused would be liable for:

- (a) Committing an offence of kidnapping from lawful guardianship
- (b) Committing an offence of Abduction
- (c) No offence of kidnapping from lawful guardianship
- (d) Committed an offence of kidnapping beyond the limits of India.

133. In which set of Sections of the Indian Penal Code even death can be caused in exercise of right to private defence of person and property?

- (a) Sections 100 and 103
- (b) Sections 100 and 101
- (c) Sections 102 and 105
- (d) Sections 100 and 102

134. Which one of the following preparation is not an offence?

- (a) Preparation of dacoity in a Bank
- (b) To make die for counterfeiting coins
- (c) Preparation to wage war against the Government of India
- (d) Preparation for robbery of a Bank

135. A knows that B is suffering from enlarged liver, Being a doctor, A knows that if he gives a fist blow to B in that region with moderate force, it would result in rupture of B's liver and is likely to cause his death. Knowing this, A gives B first blow which ruptures B's liver and causes his death A is:

- (a) guilty of culpable homicide not amounting to murder since he knew that his act is likely to cause death
- (b) guilty of some offence other than culpable homicide or murder
- (c) guilty of no offence since this blow would not have caused the death of a person in normal health
- (d) guilty of murder since he had an intention to cause injury and also knew that it is likely to cause death of

136. Right of private defence is:

- (a) right to self-defence
- (b) right to self-revenge
- (c) right to self-preservation
- (d) none of these

137. 'X', a doctor, informs his patient Y that he has cancer which is in its last stage. 'X' requests 'Y' to arrange his family affairs as he cannot survive for more than a couple of weeks. 'Y' dies because of shock on hearing this. 'X' is:

- (a) guilty of murder as he knew that such a disclosure will cause death
- (b) guilty of causing death by negligence
- (c) not guilty since communication was made in good faith for the benefit of 'Y'
- (d) guilty of culpable homicide not amounting to murder as he knew that such disclosure is likely to cause death

138. A thrusts his hand into the pocket of B to pick the pocket. There is nothing in his pocket. A is:

- (a) guilty of no offence
- (b) guilty of theft
- (c) guilty of attempt to theft
- (d) guilty of robbery

139. X for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn Y's house. X is guilty of:

- (a) Extortion
- (b) Abetment
- (c) Threat of Mischief
- (d) Criminal Intimidation

140. Abetment of suicide of child is punishable:

- (a) under Section 306, IPC
- (b) under Section 305, IPC
- (c) under Section 309, IPC
- (d) under Section 109, IPC

From Student to Lawyer to Judge

141. Which one of the following Sections of the Code of Criminal Procedure, 1973 authorises to any Police Officer to arrest any person without an order by a Magistrate and without a warrant?

- (a) Section 42
- (b) Section 44
- (c) Section 43
- (d) Section 41**

142. Bailable offence means:

- (a) Where to get bail is right
- (b) Where to give bail is duty of the court
- (c) Which is shown as bailable in the First Schedule of the Cr.P.C. or under any other law for time being in force**
- (d) None of the above

143. Point out correct statement:

- (a) a private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence
- (b) an Executive or Judicial Magistrate may himself arrest or order any person to arrest the offender when any offence is committed in his presence and within his jurisdiction
- (c) any police officer may arrest any person without an order from a Magistrate and without a warrant who has been concerned in any cognizable offence'
- (d) (a), (b) and (c) are correct**

144. Permission to investigation into a non- cognizable offence can be granted by the:

- (a) Session Judge
- (b) Magistrate having power to try the case or commit to cause for trial**
- (c) District Magistrate
- (d) Chief Judicial Magistrate

145. Any Magistrate of the first class may not take cognizance of any offence:

- (a) Only upon receiving a complaint of facts which constitute such offence
- (b) Only upon a police report of such facts

(c) Only upon information received from any person other than a police officer or upon own knowledge, that such offence has been committed

(d) Only upon oral information received from any person other than police officer

146. Which is not content of charge?

(a) Description of family background of the accused

(b) Specific name of the offence as per the law which provides the offence

(c) In case of unspecific name of the offence, definition of the offence

(d) Particulars of time and place of the alleged offence

147. Match List I with List II and select the correct answer using the codes given below the lists:

List I

List II

(a) Joinder of charges

(1) Section 200. Cr.P.C.

(b) Examination of complaint

(2) Section 218, Cr.P.C.

(c) Cognizance of offence by Magistrate

(3) Section 125, Cr.P.C.

(d) Order for main-
tenance of wives,
children and parents

(4) Section 190, Cr.P.C

Codes:

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

148. In every trial before a Court of Sessions prosecution shall be conducted by:

(a) the Sessions Judge

(b) the counselor of accused

(c) a public Prosecutor

(d) none of these

149. Which one of the following offence is triable summarily?

(a) Wrongful restraint

(b) Abducting in order to murder

(c) House trespass

(d) Offences not punishable with death, imprisonment for life or imprisonment for a term exceeding two years

