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Bar Council of India

All India Bar Examination – XI

3rd Dec 2017

11021065

[Set Code – A]

LANGUAGE – ENGLISH

Name of the Candidate:	
Roll Number:	
Enrollment Number :	

IMPORTANT INSTRUCTIONS

(Kindly read these instructions carefully before attempting this question paper)

- *This Booklet contains 100 questions and each question carries 1 mark.*
- *In case of any confusion in translation, kindly refer to the English version for clarification.*
- *Make sure that same Question Booklet Set code is mentioned on all the sheets of question paper, in case of any discrepancy immediately inform the invigilator.*
- *There is **no negative** marking for wrong answer of a question.*
- *Duration of this exam is **3 hours** only.*
- *Fill in your Roll number and Question Booklet Set code very carefully, as the answer sheet will be evaluated as per the code you mention on the answer sheet.*
- *Under no circumstances will the answer sheet be evaluated with any other Question Booklet Set code*
- *Only books and notes are allowed for this examination.*
- *Mobile phones, laptop, tabs and/or any other electronic devices are strictly prohibited in the examination hall.*
- *On possession of any electronic device inside the examination hall, the candidate will be disqualified from the examination.*
- *Candidate shall not be allowed to leave the Examination Hall before the conclusion of the examination.*
- *Do not forget to submit the answer sheet back to the invigilator. Failing to do so would lead to **disqualification**.*
- *Use only **blue/black ball pen** to fill the OMR answer sheet.*
- *OMR filled with **pencil or ink pen** would be **disqualified**.*
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- *Do not make any **stray marks or tear the OMR answer sheet**. It will lead to **disqualification**.*
- *Write your roll number carefully and darken the correct corresponding ovals. In case wrong ovals are darkened your answer sheet **will not be evaluated**.*
- *Candidate must follow the instructions strictly as mentioned on the answer sheet.*

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1. Section 154 under IT Act is

a) For filing return of Income
b) For filing return with late fee
c) Rectification of mistakes
d) Appeal against the order passed by the ITO

2. Which of the following is not included in the Capital Asset under Section 2 (14) of Income Tax Act

a) Any stock in Trade
b) Special Bearer Bonds 1991 issued by Central Government
c) (a) and (b)
d) None of the above

3. The language which is to be used in the arbitral proceedings is decided by

a) The Tribunal
b) Parties to decide by mutual understanding
c) The petitioner
d) The Defendant

4. The Arbitral proceeding shall stand terminated

a) On making of the final award
b) By an order of the arbitral tribunal
c) When the parties to the dispute agree to terminate proceedings
d) All of the above

5. Every Award of a Lok Adalat is deemed to be

a) Order of district collector
b) Order of Income Tax commissioner
c) Decree of a civil court
d) (a) and (b)

6. The Arbitration and Conciliation Act 1996, Section 18-27 states

a) The Conducting of Arbitral Proceedings
b) Receipt and Written Communications
c) Extent of judicial intervention
d) Awarding final decision

7. Provision of Section 80 of CPC is binding on

a) The High Court
b) The court of civil judge
c) The district judge
d) All of the above

8. Temporary Injunction can be granted

a) Suo moto
b) Ex parte
c) Hearing both parties
d) None of the above

9. Right to Appeal is a

a) Natural Right
b) Inherent right
c) Statutory right
d) Delegated right

10. The last amendment to the Indian Succession Act was made in

a) 2000
b) 2001
c) 2002
d) 2004

11. Which is the correct statement :

a) There can be a will without a codicil
b) There can be a codicil without a will
c) Every will has a codicil
d) A codicil proceeds a will

12. As per Section 63 of Indian Succession Act, a Will should be attested by

a) By two witnesses
b) By two or more witnesses

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c) Only one witness who is not a relative of testator
d) None of the above

13. 'Iddat' under Mohammadan law refers to

a) A gift made on the occasion of marriage
b) The right of the husband to divorce his wife
c) Attaining of puberty
d) None of the above

14. Under the Christian Marriage Act the marriage Registrar for any district is appointed by

a) State government
b) The central government
c) The Clergyman of the Church
d) High Court judges

15. The word 'Ombudsman' is derived from

a) French administration
b) British Administration
c) Swedish Administration
d) German Administration

16. Under Section 3 of the Commission of Inquiry Act 1952, an Inquiry Commission is appointed by

a) Central government or State government
b) Union Public Service Commission
c) State Public commission
d) Supreme Court of India

17. Information Technology Act was enacted in

a) 1988
b) 1996
c) 2000
d) 2004

18. Government of India passed Information Technology Act in 2000 with objective

a) To provide legal sanction to all transaction for e-commerce
b) To facilitate electronic filing of all documents to the government
c) To amend Indian Penal Code, Indian Evidence Act, to punish the cyber crimes
d) All of the above

19. Right to Personal liberty includes

a) Right against custodial violence
b) Right of under trials to separate them from convicted
c) Right against Public hanging
d) All of the above

20. The Supreme Commander of the Defence Force of India is

a) President
b) Prime Minister
c) The Defence Minister
d) Chief Marshal

21. Retirement age of Supreme Court Judges is

a) 62 years
b) 60 years
c) 58 years
d) 65 years

22. Criminal Procedure Code is a subject of

a) Concurrent list
b) State list
c) Union list
d) None of the above

23. Bailable and Non-Bailable offence has been defined in

a) Section 2 (a) of Cr.PC
b) Section 2 (b) of Cr. Pc
c) Section 2 (c) of Cr. Pc
d) Section 20 of IPC

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24. Under Section 21 of Cr.PC, Special Executive Magistrate may be appointed by

a) Central Government
b) High court
c) Supreme Court
d) State Government

25. Police may carry out personal search on an arrested person,

a) U/s 49 Cr.PC
b) U/s. 50 Cr.PC
c) U/s. 51 Cr.PC
d) U/s. 52 Cr.PC

26. The Special Court is

a) Not subordinate to High Court
b) Superior to High Court
c) Supplement to High Court
d) Equal to Supreme court

27. The powers under Section 159 of Cr.PC can be exercised by a magistrate

a) When the police decides not to investigate the case
b) When the investigation is still going on
c) Both (a) and (b)
d) None of the above

28. Statement recorded during investigation U/s. 161 can be used in trial

a) For contradicting the witness
b) For corroborating the witness
c) Incorporating in the charge sheet
d) Discharging the accused

29. Power of taking cognizance of offence by a Magistrate of First class or second class is provided

a) Under Section 173 of Criminal Procedure Code
b) Under Section 190 of Criminal Procedure Code
c) Under Section 190 of Indian Penal Code
d) None of the above

30. Additions or alteration of charges is provided in Cr. PC

a) U/s. 214
b) U/s. 215
c) U/s. 216
d) U/s.210

31. Which Section of Specific Relief Act prohibits filing a case against the government?

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

32. The Patent Act became a law in

a) 1970
b) 1975
c) 1996
d) 1966

33. Cheque bouncing cases charged U/s. 138 of Negotiable Instruments Act is trialed by

a) Bank Tribunal
b) Consumer Forum
c) Magistrate Court
d) Sessions court

34. The provision of establishing Public Service Commission is made under

a) Article 310
b) Article 315
c) Article 320
d) Article 325

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35. The case Krishna Gopal V/s State of MP relates to

a) Water pollution
b) Air and water pollution
c) Noise and air pollution
d) Water and noise pollution

36. What is the punishment for advocates if the established finding of the Bar Council is misappropriation?

a) Impose a fine
b) Name of the advocate will be struck off from the Rolls
c) Suspension from practice
d) All of the above

37. On being aggrieved by the order of State Bar Council, one can appeal to

a) High Court
b) Supreme court
c) Bar Council of India
d) Indian Law Commission

38. Which Section of Advocates Act provides punishment for misconduct of advocates

a) Section 29
b) Section 35
c) Section 37
d) All of the above

39. Section 24 of Advocate Act deals with

a) Qualification of advocates who should be enrolled in the Bar
b) Qualification to become the Advocate General
c) Qualification to become the Solicitor General of India
d) (b) and (c)

40. Under the Workmen's Compensation Act, which is helpful in deciding the extent of injury for compensation

a) Insurance certificate
b) Medical examination
c) Medical Certificate
d) (b) and (c)

41. Section 23 of Workmen Compensation Act 1923 says that the Commissioner shall have the power of

a) A court
b) A Tribunal
c) A quasi judicial form
d) All of the above

42. The objective of the Industrial Dispute Act 1947 is

a) Industrial peace and economic justice
b) To create harmonious relation between employer and employee
c) To prevent illegal strike or lockout etc.,
d) All of the above

43. Section 2 (q) of Industrial Dispute Act 1947 provides the definition of

a) Lock out
b) Lay off
c) Strike
d) Hartal

44. The Land Acquisition Act came into force from

a) 1st March 1955
b) 1st March 1986
c) 1st March 1994
d) 1st March 1894

45. Under the Land Acquisition Act, the arable land means

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a) Useful for residential purpose
b) Useful for commercial purpose
c) Useful for cultivation
d) Useful for industrial purpose

46. Which one is not a fundamental right?

a) Right to Freedom of Assembly
b) Right to Property
c) Right to equality
d) Right to freedom of speech and Expression

47. In Maneka Gandhi case it was observed that

a) Confiscation of Passport was correct
b) Right to go abroad is not within the meaning of Article 21
c) Right to go abroad is within the ambit of Article 19 (1) (A) but the confiscation of Passport is not in accordance to the law
d) None of the above

48. Reasonable restrictions can be imposed on the right of free movement

a) In the interest of general public
b) In the interest of political leaders
c) In the interest of women's safety
d) All of the above

49. Which of the following can claim Article 19 of constitution?

a) A company
b) A corporation
c) Only citizens
d) Citizens and aliens

50. Clause (3) of Article 20 (i) of the Indian Constitution says that no accused person shall be compelled to be

a) An accused
b) A witness
c) A witness against himself
d) Hostile witness

51. Indra Sawhney V/s Union of India is popularly known as

a) Judges Transfer Case
b) Illegal Detention case
c) Mandal Commission case
d) Constitutional case

52. Due to the outcome of this case slum dwellers were benefitted

a) N K Chanda V/s. State of Haryana
b) Olga Tellis V/s Bombay Municipal Corporation
c) PV. Narasimharao V/s. Union of India
d) Ratlam Municipal Council V/s. Vardichand

53. A Public Interest Litigation can be filed under

a) Article 226 of constitution and Article 32 of the constitution
b) U/s. 133 of Criminal Procedure Code
c) (a) and (b)
d) None of the above

54. Supreme Court in SP Gupta V/s. Union of India AIR 1982 SC 149, decided on

a) Free Legal Aid
b) Bonded labours
c) Judges Transfer
d) Illegal detention

55. Supreme court in a PIL known as Kamal Nath case evolved,

a) Basic Future and Basic structure doctrine
b) Public Trust doctrine
c) Separation of power doctrine
d) Public Interest doctrine

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56. Vishakha v/s. State of Rajasthan case is related to

a) Sexual harassment at workplace
b) Protection of civil rights
c) Uniform civil code
d) None of the above

57. Court's power to award compensation is provided in Specific Relief Act

a) Under Section 20
b) Under Section 21
c) (a) and (b)
d) None of the above

58. Proving of hand writing is provided in Indian Evidence Act

a) By the opinion of Experts
b) By the evidence of a person who is acquainted with the handwriting
c) After police verification
d) (a) and (b)

59. Section 26 of Indian Evidence Act provides

a) No confession made by a person in police custody is admissible
b) Confession made by a person in police custody is admissible
c) Confession made in the immediate presence of a magistrate is admissible
d) (a) and (c)

60. The term 'Evidence' means and includes

a) Oral evidence
b) Documentary evidence
c) Electronic records produced for the inspection of the court
d) All of the above

61. Which is the authority that determines the language of the Court other than High Court within a given State, under Section 271 of Cr.PC

a) State government
b) Central government
c) Supreme Court of India
d) Both (a) and (b)

62. A decree can be

a) Final
b) Preliminary
c) Only Preliminary not final
d) Either preliminary or final

63. Foreign Judgement is defined in CPC

a) Under Section 2(6) of CPC
b) Under Section 2(7) of CPC
c) Under Section 2(8) of CPC
d) None of the above

64. The Minimum number of persons required to incorporate a Public Company is

a) 5
b) 10
c) 7
d) 2

65. A Private company can commence business as soon as it receives

a) Certification of incorporation
b) Letter of intent
c) Occupation certificate
d) None of the above

66. Which of the following is not an essential of a contract of guarantee

a) Concurrence of three parties
b) Surety's distinct promise to be answerable

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c) Liabilities to be legally enforceable
d) Existence of only one contract

67. The term 'Agent' is defined in Indian Contract Act under Section

a) 180 of the Act
b) 181 of the Act
c) 182 of the Act
d) 183 of the Act

68. What is the maximum number of partners in Banking business

a) Eight
b) Ten
c) Twelve
d) Sixteen

69. A person who gives the guarantee is called

a) Bailee
b) Creditor
c) Debtor
d) Surety

70. Which is not a right of an unpaid seller against the goods

a) Lien
b) Stoppage in transit
c) Right of resale
d) To ascertain price

71. Sections 36 to 42 of Specific Relief Act provides

a) Injunctions
b) Court's discretion on specific performance
c) Cancellation of instruments
d) None of the above

72. Which of the following is not of civil nature

a) Right to take out procession
b) Right to Worship in a temple
c) Right to Caste and Religion
d) All of the above

73. In a suit where the *doctrine of res judicata* applies

a) The suit is liable to be dismissed
b) The suit is liable to be stayed
c) Both (a) and (b)
d) None of the above

74. Under Section16 CPC a suit relating to immovable property can be filed in a court whose local jurisdiction is

a) Where the property is situated
b) Where the defendant voluntarily resides or carries on business
c) Both (a) and (b)
d) None of the above

75. Pleading means

a) Plaint and written statement
b) Plaint only
c) Written statement
d) Oral statement by the pleader

76. On failure to file a written statement, under order VIII Rule 10 of CPC, the court may

a) pass any other order
b) Order for striking off the decree
c) May pronounce the judgement at once
d) Any of the above

77. What is meant by Homicide ?

a) Suicide by human being not at home
b) Suicide at home
c) Killing of a human being by another human being
d) Killing of human being by animal

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78. Adulteration of food or drink is a punishable offence

a) Under Section 274-276 of IP C
b) Under Section 277-278 of IPC
c) Under section 272-273 of IPC
d) None of the above

79. Maximum punishment for waging a war against the Government of India under IPC is

a) Rigorous imprisonment up to 5 years
b) Rigorous imprisonment up to 10 years
c) Rigorous imprisonment for life term
d) Death sentence

80. Offences relating to elections are

a) Contained in the IPC as originally enacted
b) Are introduced in the IPC by a subsequent amendment
c) Are not covered by IPC
d) None of the above

81. Rupa Bajaj V/s. KPS Gill, is a famous case which the Supreme Court decided on

a) Wrongful restraint
b) Wrongful confinement
c) Outrage the modesty of a women
d) Maintenance to the divorced women

82. Under the Hindu Adoptions and Maintenance Act, the person who is taken in adoption

a) Must be a Hindu only
b) A Hindu or Jew
c) May be Hindu or Christian
d) None of the above

83. Polygamy was permitted for Hindus before the year

a) 1956
b) 1954
c) 1955
d) 1978

84. Mohan gets married to his sister's daughter Kriti

a) The marriage is valid if the custom allows it
b) The marriage is void
c) The marriage is valid only if the court approves it
d) The marriage is valid only if the Panchayat permits

85. Within the purview of Water Act, the meaning of Stream is defined as

a) Includes a river but not a water course
b) Includes a water course but not a river
c) Includes river and water course , but not subterranean waters
d) Includes a river, a water course and subterranean river

86. Section 2 (1) (ZB) of the Trade Mark Act 1999, defines the meaning of

a) License
b) Trade Mark
c) Registration
d) Cancellation

87. Outraging the modesty of a woman is punishable under IPC

a) Section 376 (a)
b) Section 376 (b)
c) Section 354
d) Section 498

88. Section 463 of Indian Penal Code deals with the crime of

a) House breaking
b) Dishonest misappropriation of property
c) Forgery

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d) Forgery with cheating

89. Criminal intimidation is explained in IPC under

a) Section 503 to 506
b) Section 509 to 516
c) Section 319 to 329
d) None of the above

90. Under Section 59 to 60 of Indian Evidence Act the oral statement means

a) All statements made before the court by the witness
b) All statement made before the police by the accused
c) All statement of facts which a witness heard to say
d) All of the above

91. Under the Evidence Act, 'Court' includes

a) All Judges
b) All Magistrates
c) All Arbitrators
d) (a) and (b)

92. Admissibility of contents of electronic records may be proved in accordance with the provisions of

a) Under Section 61 of Indian Evidence Act
b) Under Section 65 of Indian Evidence Act
c) Under Section 65-B of Indian Evidence Act
d) None of the above

93. Which is not a public record as per the provisions of Indian Evidence Act

a) Documents forming the acts or records of the sovereign authority
b) Documents forming the acts or records of official bodies, tribunals
c) Documents and correspondence from advocate and Notary office
d) Documents and circulars from University of Delhi

94. Section 67 of Motor Vehicle Act 1988 provides

a) Possession of driving license while driving
b) Possession of Insurance certificate and PUC certificate in the vehicle
c) Revoking driving license if drunk driving is detected
d) State government's power to control the road transport

95. The term 'Tort' is a

a) Latin Word
b) French Word
c) English word
d) Italian word

96. In Tort, what is 'vicarious liability'?

a) A person is generally liable for his own wrongful act
b) A person is liable for the wrongful act done by other person
c) A person is liable for the wrongful act in his absence
d) None of the above

97. Under Section 2(1) (f) of Consumer Protection Act 1986, 'defect' is meant by any fault, imperfection or shortcomings in .....in relation to the goods

a) Quality and Quantity
b) Potency
c) Purity or standard
d) All of the above

98. Which of the following falls under the categories of Act of God

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a) Storm and cyclone
b) Extra ordinary rainfall or flood
c) Lightning and thunder
d) All of the above

99. Income Tax Act was enacted in

a) 1951
b) 1961
c) 1971
d) None of the above

100. 'Income' is defined under Section 24 of the Income Tax Act, as

a) Profits and gains
b) Dividend
c) Voluntary contribution received by a Trust for charitable Purpose
d) All of the above

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