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Bar Council of India

All India Bar Examination – XIV

14018593

15th-Sep-2019

[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.*
- *Make sure that same Question Booklet Set code is mentioned on all the sheets of question paper, in case of any change immediately inform the invigilator.*
- *There is **no negative** marking.*
- *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.*
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- *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.*
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1.Which one of the following sentence is correctly method?

A. In India, consideration must follow from promisee only.

B. In India, consideration must follow from only promisor or only promisee.

C. In India, consideration must follow from promisor or any other person.

D. In India, consideration must follow from promisee or any other person

2.Assertion (A): Collateral transactions to wagering are valid.

Reason (R): only wagering agreements are declared void under section 30 of the Indian contract Act.

Codes:

A. (a) is true, but (r) is false.

B. (a) is false, but (r) is true.

C. Both (a) and (r) are true, but (r) is not correct explanation of (a)

D. Both (a) and (r) are true, and (r) is correct explanation of (a)

3.Term 'holder' include

A. The payee

B. The bearer

C. The endorsed

D. All of the above

4.Under the Dissolution of Muslim Marriage Act,1939 a Muslim wife can seek Dissolution of marriage if the husband fails to perform marital obligation for :

A. 2 year

B. 3 year

C. 4 year

D. 5 year

5.The Concept of 'Curative' Petition was introduced by the Supreme Court of India in the case of

A. Rupa Ashok Hura V/s Ashok Hura,AIR 2002 SC 1771

B. M.C.Mehta V/s Union of India, AIR 1987 SC 1087

C. Krishna Swami V/s Union of India, (1992) 45 CC 605

D. Sheela Barse V/s Union of India, (1986) 35 CC 5962

6.Right to Fare Legal Aid was recognised as a Fundamental Right under Act 21 of Indian Constitution in the case of-

A. Hussaainara Khatoon V/s State of Bihar, AIR 1979 SC 1360

B. M.H Hoskot V/s State of Maharashtra, AIR 1978 SC 1548

C. Madhu Mehta V/s Union of India (1989) 4 SC 1548

D. Rudal Shah V/s State of Bihar (1983) 45 SC 14

7.The case of Muhammad Allahdad Khan Vs Muhammad Ismail Khan is related to:

A. Pre-emption

B. Gift

C. Mahr

D. Acknowledgement of paternity

8.In which of the following cases, the Supreme Court was in 2017 declared pronouncements of talaq three times at a time by a Muslim husband as unconstitutional?

A. Shayara Bano V/s Union of India

B. Shassnim Ara V/s State of U.P

C. Baitahira V/s Ali Hasan

D. Danial latifi V/s Union of India

9.'Meshe Profits' of property means:

A. Those profits by which the person in wrongful possession of such property actually received or might have received there from, together with interest on such profits.

B. The profits due to improvements made by person in wrongful possession.

C. Both A & B

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D. None of the above.

10. Which of the following is not a legal representative?
    A. Executor and administrators.
    B. Hindu coparceners.
    C. Creditor
    D. Intermeddler
11. Public Interest litigation is relaxation of which of the following requirements:
    A. Jurisdiction
    B. Locus Standi
    C. Both A & B
    D. None of the Above
12. Which of the following is not a case of Public Interest Litigation:
    A. Kesavananda Bharti v. State of Kerala AIR 1973 SC 1461
    B. Vincent Narayan v. Union of India, AIR 1988 SC 889
    C. Union of India v. Association for Democratic Reforms, AIR 2002 SC 2112
    D. Vincent Panikurlangara v. Union of India, AIR 1987 SC 990.
13. Which of the following can be done by a Senior Advocate in accordance with the Rules of Bar Council of India:
    A. Make concessions on behalf of client on instructions from junior advocate.
    B. Accept instructions to draft a pleading
    C. Accept brief directly from a client
    D. None of the Above
14. Which one of the following is true about Latin Maxim 'Ubi Jus Ibi remedium'?
    A. Where there is right, there is remedy.
    B. Where there is remedy, there is right.
    C. Both A & B
    D. None of the Above
15. The Latin word 'Injuria Sine Damnum' Literally means:
    A. Infringement of legal right without damages.
    B. Damages without Infringement of legal right.
    C. Both A & B
    D. All of the above
16. The Provision relating to claims Tribunal is given under _____ of Motor Vehicles Act:
    A. Section 165-175
    B. Section 175-180
    C. Section 170-175
    D. Section 171-177
17. 'Rule of Law' means
    A. Equality before the Law
    B. Supremacy of the Law
    C. Predominance of legal spirit
    D. All of the above
18. The purpose of writ of 'Quo warranto' is?
    A. To compel public authority to perform duty
    B. To restraint public authority to do illegal act
    C. To oust illegal occupant of a public post
    D. All of the above
19. Writ of Certiorari can be issued against
    A. Judicial and Quasi-Judicial bodies
    B. Quasi Judicial and Administrative bodies
    C. Administrative Bodies only
    D. None of the above
20. Supreme Court of India held that it is permanent obligation of every member of medical profession either government or private to give medical aid to every injured person brought for treatment immediately without waiting for procedural formalities in the case of-
    A. Common Cause V/s Union of India (1996) 1 SC 753

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B. Peoples Union of India, AIR 1983 SC 339
C. Parmanand Katara V/s Union of India ,AIR 1989 SC 2039
D. Lakshmi Kant Pandey V/s Union of India (1984) 25 SC 244

21. The Supreme Court of India has issued the direction to make the CBI independent agency so that it can function more effectively and investigate Crimes and Corruptions at high places in public life in the Case of-
A. Union of India V/s Association For democratic reforms, AIR 2002 SC 2112
B. Bangalore medical Trust V/s B.S Muddappa (1991) 45 SC 54
C. Vincent Panikurlangra V/s Union of India (1987) 2 SC 165
D. Vincent Narayan V/s Union of India, AIR 1998 SC 889

22. One of the following statements is not true, which one is that:
A. A confession by one co accused implicating other co accused would be proved.
B. A confession to a police-officer cannot be proved.
C. A confession by a person in the custody of a police officer to any person in the presence of magistrate can be proved.
D. If the confession of a person leads to recovery of a thing it can be proved.

23. The Kashmira Singh Vs State of MP is a leading case on:
A. Dying declaration
B. Admission
C. Confession to police officer
D. Confession of a co-accused

24. Which of the following fact is not relevant in civil and criminal cases under Section 8 of the Indian Evidence Act
A. Motive
B. Attempt
C. Conduct
D. Preparation

25. BATNA Stands for:
A. Bilateral agreement to negotiation and arbitration
B. Best alternative to a negotiated agreement
C. Bilateral Trade negotiated agreement
D. None of the above

26. Section 9 of the Arbitration and Conciliation Act, 1996 deals with
A. Interim measures by the court
B. Discretionary powers of the court
C. Both A & B
D. None of the above

27. For the first time in India Income Tax was introduced by Sir James Wilson in the year:
A. 1886
B. 1868
C. 1860
D. None of the Above

28. In which case Justice J.C. Shah of S.C. observed "Since by the exercise of the power a serious invasion is made upon the rights, privacy and freedom of the tax payer, the power must be exercised strictly in accordance with law and only for the purpose for which law authorises it to be excercised"
A. Director of Inspection Vs Pooranmal
B. ITO Vs Seth Brothers
C. P.R. Metrani Vs CIT
D. None of the above

29. Which of the following statements are true?
i. Minor's contract can be ratified on

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ii. Minor's contact be ratified on attaining majority
iii. Minor's contract can be ratified jointly by both the parties to the contract.
iv. Minor is not liable under minor's contract

A. (i) and (iii)
B. (ii) and (iv)
C. (i) and (ii)
D. (ii) and (iii)

30. Which one of the following sections of CrPC deals with irregularities which vitiate proceeding?
A. Section 460
B. Section 461
C. Section 462
D. Section 468

31. Which of the following is not an essential element of a decree:
A. Conclusive determination of the rights of the parties.
B. Formal expression of adjudication.
C. An adjudication from which an appeal lies as an appeal from an order.
D. The adjudication must have been given in a suit before the court.

32. Which of the following is not a duty of an Advocate to Court:
A. To not commit breach of section 126 of Evidence Act.
B. To not to appear on behalf of any organisation of whose Executive Committee, he is a member.
C. To not appear before a Court, Tribunal or Authority in which his near relation is a member.
D. To conduct himself with dignity and self-respect during presentation of a case before a Court and otherwise acting before a Court.

33. Which of the following rules of Chapter II of Part VI of the Bar Council Rules deal with the duty of an Advocate in respect of any moneys received by him from Client:
A. Rule 25
B. Rule 33
C. Rule 24
D. None of the Above

34. Under which of the following sections of CrPC provisions relating to police report is given?
A. Section 173 (2) (i)
B. Section 177
C. Section 174 (2) (i)
D. Section 175

35. Which one of the following provisions of CrPC deals with anticipatory bail?
A. Section 437
B. Section 438
C. Section 439
D. None of the above

36. The provision relating to cancellation of bond and bail bond is given under:
A. Section 446-A
B. Section 446
C. Section 447
D. Section 450

37. The provisions relating to dowry is given under:
A. Section 304-B of the I.P.C
B. Section 304-A of the I.P.C
C. Section 304 of the I.P.C
D. Section 305-B of the I.P.C

38. Which of the following section is designed to curb infanticide:
A. Section 317 of the I.P.C
B. Section 313 of the I.P.C
C. Section 318 of the I.P.C
D. Section 315 of the I.P.C

39. Which order has been specially enacted to protect the interest of Minors and Unsound Mind:
A. Order 31

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B. Order 32
C. Order 33
D. Order 34

40. Which order of the CPC lays down general rules governing pleadings in a court?
A. Order 6
B. Order 7
C. Order 8
D. Order 9

41. Second appeal under section 100 is applicable:
A. Substantial question of law as formulated by the High Court.
B. Substantial question of law as not formulated by the High Court.
C. An appellate decree passed Ex Parte.
D. All of the above

42. Which of the following is an infringement of a Registered Trade mark:
A. Use of a mark identical to the Trade mark in relation to goods without authorisation.
B. Advertising of that Trade mark such that the advertisement is against the reputation of the Trade Mark.
C. Use of that Trade mark as a business name without authorisation.
D. All of the above.

43. A person undergoing life imprisonment, if attempts to commit murder and hurt is caused thereby, he may be punished with:
A. Life Imprisonment
B. Death
C. Imprisonment
D. All of the above

44. Residuary Powers in India may be exercised by
A. Parliament
B. State Legislatures
C. President
D. Both A & B

45. The Punishments to which offenders are liable under the provision of I.P.C are:
A. Death and imprisonment for life
B. Rigorous imprisonment and simple imprisonment
C. Forfeiture of property and fine
D. All of the above

46. M' Naghten Rules form the basis of the law of:
A. Infancy
B. Insanity
C. Ignorance of fact
D. Mistake

47. The authentication to be affected by the use of asymmetric crypto system and hash function is known as:
A. Public key
B. Private key
C. Digital Signature
D. Electronic Governance

48. Punishment for Cyber Terrorism under Section 66F shall be punishable:
A. With Imprisonment which may extend to three year or with fine not exceeding two lakh rupees or with both.
B. With imprisonment for a term which may extend to seven years and shall also be liable to fine.
C. With imprisonment which may extend to imprisonment for life.
D. With imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

49. Section 2(j) of the Industrial Disputes Act, 1947 define "Industry" means any
i. Business trade, undertaking
ii. Manufacture or calling of

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iii. Included any calling, service, employment, handicraft
iv. Industrial occupation of workmen
A. (i) and (ii)
B. (i), (ii) and (iii)
C. (iii)and (iv)
D. All of the above

50. Which of the following provisions of the Hindu Marriage Act, 1955 incorporates the fault theory of divorce?
A. Section 13(1)
B. Section 11
C. Section 13B
D. Section 13(2)

51. Under the Hindu Maintenance and Adoption Act, 1956, which of the both following circumstances can a dependent enforce his right to maintenance against a transferee of an estate out of which he has a right to receive maintenance:
A. Only when the Transferee has notice of such right.
B. Only when the transfer is gratuitous.
C. Both A & B
D. None of the above.

52. Which of the following Courts/ Tribunals cannot entertain a Public Interest Litigation:
A. Supreme Court
B. High Court
C. Central Administrative Tribunal
D. None of the Above

53. 'A' places men with firearms at the outlets of a building and tells 'Z' that they will fire at 'Z' if 'Z' attempts to leave the building 'A' is:
A. Wrong fully restrains Z
B. Wrong fully confine Z
C. Both A & B
D. None of the above

54. 'A' incites a dog to spring upon 'Z', without Zs' consent. If 'A' intends to cause injury, fear or annoyance to 'Z':
A. 'A' uses force to 'Z'
B. 'A' assaulted 'Z'
C. 'A' uses criminal force to 'Z'
D. None of the above

55. 'A' causes cattle to enter upon the field belonging to 'Z', intending to cause and knowing that he is likely to cause damage to 'Z's' crop. 'A' has committed:
A. Mischief
B. Criminal trespassing
C. Criminal breach of trust
D. Extortion

56. From which of the following countries, the Constitution of India has borrowed the 'Power of Judicial Review'?
A. Canada
B. United Kingdom
C. USA
D. Ireland

57. Enforcement of which of the following articles of the Constitution of India cannot be suspended even during the proclamation of emergency?
A. 14 & 19
B. 20& 21
C. 23 &24
D. 21 & 22

58. Which of the following provisions of the Advocates Act, 1961 provides for the power of Bar Council of India to withdraw to itself, any proceedings for disciplinary action pending before any State Bar Council:
A. Section 35
B. Section 37
C. Section 36(2)
D. None of the Above

59. Which Court or Authority has the power to punish any person for contempt of the National Company Law Tribunal:
A. Supreme Court

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B. High Court
C. National Company Law Appellate Tribunal
D. National Company Law Tribunal

60. Which of the following is not a vested interest:
A. 'A' stipulates that title in a property shall pass to 'C' on his death.
B. 'A' stipulates that title in a property shall pass to 'C' on the death of 'B'
C. 'A' stipulates that title in a property shall pass to 'C' if he marries 'B'
D. 'A' stipulates that title in a property shall pass to 'C' after ten years.

61. Which of the following is wrong in respect of the law of Copyright:
A. Copyright protects only the expression and not idea.
B. There is no copyright in respect of a fact.
C. There is no copyright in a government work
D. Copyright doesn't require registration.

62. Under the Indian Evidence Act, the character of a person is not relevant in which of the following cases
A. Previous good character of an accused in criminal case
B. Previous bad character in reply to good character in criminal case.
C. Character to prove conduct imputed in civil case
D. Character affected the amount of damage is civil case

63. Which one of the following is primary evidence
A. Document produced for the inspection of the court
B. Copies made from original
C. Certified copies of the document

64. The Consumer Protection Act, 1986 come into effect on
A. 24th August 1986
B. 15th April 1986
C. 24th May 1986
D. 24th December 1986

65. Which one of the following sections of Consumer Protection Act, 1986 defines the term 'Consumer'?
A. Section 2(1)(a)
B. Section 2(1)(b)
C. Section 2(1)(c)
D. Section 2(1)(d)

66. The principle of Law of Taxation that "No tax shall be levied or collected except by authority of law". It is contained under
A. Article 265 of the constitution
B. Article 300 of the constitution
C. Article 19(1)(g) of the constitution
D. Article 285 of the constitution

67. Under which section of Income Tax Act " Income of other persons are included in assessee's total income"
A. Sections 56-58
B. Sections 139-147
C. Section 246-262
D. Section 60-65

68. Under which of the following Articles of the Indian Constitution Parliament is empowered to legislate with respect to a matter in the State List in National Interest?
A. Article 249
B. Article 250
C. Article 252
D. Article 253

69. In which of the following cases the court has laid down that 'Right to life' does not include 'Right to die'?
A. State Vs Sanjay Kr. Bhatia
B. Smt. Gian Kaur Vs State of Punjab
C. R Vs Holiday
D. P. Rathinam Vs UOI

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70. The question whether a bill is a money bill or not is decided by?
A. The Prime Minister
B. The Finance Minister
C. The President
D. The Speaker, Lok Sabha

71. Decision under 10th Schedule is taken by?
A. President
B. Chief Justice of India
C. Prime Minister
D. Presiding officers of Houses

72. In which of the following cases, the Supreme Court held that an International Commercial Arbitration is one which has its juridical or legal seat of arbitration outside India:
A. Bhatia International v. Buk Trading S.A. (2002) 4 SCC 105.
B. Bharat Aluminium Company v. Kaiser Aluminium Technical Services Inc. (2012) 9 SCC 552.
C. Booz Allen and Hamilton Inc. v. SBI Home Finance Limited (2011) 5 SCC 532.
D. Vimal Kishore Shah v. Jayesh Dinesh Shah (2016) 8 SCC 788.

73. Which of the following provisions of the Hindu Succession Act, 1956 lays down for the escheat:
A. Section 25
B. Section 26
C. Section 27
D. Section 29

74. Which one is a Foreign Award-
A. An award in a arbitration where at least one party in non-Indian
B. An award passed in a foreign seated arbitration
C. An award passed in a arbitration where both the parties are non-Indian
D. None of the above

75. If a man marries a girl who is within his prohibited relationship and his custom does not permit such marriage, such a man would be punished under:
A. Section 17 of the Hindu Marriage Act 1955
B. Section 18 (a) of the Hindu Marriage Act 1955
C. Section 18(b) of the Hindu Marriage Act 1955
D. No punishment for such marriages

76. Which section of the Hindu Marriage Act 1955 provides that a child from a void marriage would be legitimate?
A. Section 11
B. Section 13 (a)
C. Section 12
D. Section 16

77. Under which one of the following section of CrPC, police officer is under obligation to inform the accused ground of right to bail.
A. Section 49
B. Section 50
C. Section 57
D. Section 60

78. Under what circumstance court can issue an order for the attachment of property of person absconding;
A. Where the person to whom proclamation is issued is about to dispose of the whole of his property
B. Where the person to whom proclamation is issued is about to dispose of any part of his property
C. Where the person to whom proclamation is issued is about to remove the whole or any part of his property from the local jurisdiction of the court
D. All of the above

79. Inherent Power under section 482 CrPC can be exercised by.

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A. The Supreme Court
B. The Court of Session
C. The High Court
D. All of the above

80. If it is proved that a man has not been heard of for _____by those who would naturally have heard of him if he were alive, the presumption under section 108 of the Indian Evidence Act is that he is dead:
A. 5 year
B. 7 year
C. 15 year
D. 20 year

81. A dumb witness given his evidence in writing in the open court, such evidence would be treated as
A. Oral evidence
B. Documentary evidence
C. Secondary evidence
D. Primary evidence

82. Which of the following is not a public document?
A. Bank Books
B. Post-Mortem Report
C. Judgement of the High Court
D. Registered Sale Deed

83. The Land Acquisition Act, 1894 came into force on-
A. First Day of January, 1894.
B. First Day of February, 1894.
C. First Day of March, 1894.
D. First Day of April, 1894

84. Which of the following sentences can the Court of Session pass:
A. Death Sentence.
B. Rigorous Imprisonment.
C. Simple Imprisonment.
D. Any sentence authorised by law but Death Sentence must be confirmed by the High Court.

85. Which of the following is not a requirement for a foreign judgment to be conclusive:
A. It must be given on merits of the case.
B. It must be pronounced by a Court of competent jurisdiction.
C. It was not obtained by fraud.
D. It is by a court in an enemy country.

86. Ensuring the safety, health and welfare of the employees is the primary purpose of the:
A. Payment of wages Act, 1936
B. Industrial Dispute Act, 1947
C. Factories Act, 1948
D. Equal Remuneration Act, 1976

87. In which case Supreme Court held that whether teachers are not workmen?
A. Dharangadhara Chemical work Ltd. V/s State of Saurashtra, AIR 1957 Section 264.
B. University of Delhi V/s Ram Nath, AIR 1963 Section 1873
C. J.K Cotton Spinning and Weaving Mills Co. Ltd. V/s L.T AIR 1964 Section 737
D. Sunderambal V/s Government of Goa, AIR (1988) Section 1700.

88. Under Section 2 (cc) of the Industrial Dispute Act, 1947 'Closure' means:
A. The permanent closing down of a place of employment or part thereof.
B. The partly closing down of a place of employment or part thereof.
C. The temporary closing down of a place of employment or part thereof.
D. The short-term closing down of a place of employment or part of thereof.

89. A reference can be made during the pendency of the case:
A. The Subordinate Court refers the

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latter's opinion on a question of law.

B. The Subordinate Court refers the case to the High Court for the latter's opinion on a question of evidence.

C. The Subordinate Court refers the case to the High Court for the latter's opinion on a question of fact.

D. The Subordinate Court refers the case to the High Court for the Latter's opinion on a question of court procedure.

90. A person can apply for review of judgment when

A. He is aggrieved by a decree/order from which an appeal is allowed, but no appeal has been preferred.

B. He is aggrieved by a decree/order from which no appeal is allowed.

C. He is aggrieved by a decision on a reference from a Court of small causes.

D. All of the above.

91. In which of the following cases, the remedy of revision is not available?

A. Cases in which first appeal lies.

B. Cases in which second appeal lies.

C. Interlocutory orders.

D. All of the above.

92. Effect of 'not negotiable' crossing is mentioned under

A. Section 125

B. Section 130

C. Section 131

D. Section 128

93. Section 16 of negotiable instrument defines

A. Restrictive endorsement

B. Conditional endorsement

C. Indorsement "in full" and Indorsement "in blank"

D. All of the above

94. The liability under Section 138 of the negotiable instruments act 1881 is

A. Strict liability

B. Vicarious liability

C. Both 'A and B'

D. None of the above

95. The objectives of Land Acquisition Act, 1894 are-

A. An Act to amend the law for the acquisition of land for public purposes and for industry.

B. An Act to amend the law for the purchase of land for public purpose and for business.

C. An Act to amend the law for the possessions of land for public purpose and for manufacturing.

D. An Act to amend the law for the Acquisition of land for public purposes and for Companies.

96. Under which one of the following section of CrPC, police officer can arrest an accused without warrant?

A. Section 40

B. Section 41

C. Section 42

D. Section 43

97. Which one of the following courts, under criminal procedure code, 1973 can try a murder case.

A. Judicial Magistrate 1st class

B. Chief Judicial Magistrate

C. Court of Session

D. None of the above

98. It deals with the Internal Management and Affairs of company:

A. Prospectus

B. Article of Association

C. Memorandum of Association.

D. Debenture

99. Public Liability Insurance Act was enacted in

A. 1991

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B. 1993
C. 1995
D. 1997

100. Environmental Impact Assessment (EIA) is mandatory under
A. Indian Forest Act
B. Air Act
C. Wildlife Protection Act
D. Environment Protection Act

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