All India Bar Examination-XVI [2021]

1. **The Hindu Marriage Act, 1955 petition in which a decree of restitution of conjugal rights has been passed to apply to the court for a decree for divorce by showing that there has been no restitution of conjugal rights as between parties of marriage for a period of one year or upwards after passing of the decree**
   (1) Does not permit any party to that
   (2) Does not permit the party against whom the
   (3) Does permit any party to that
   (4) Does permit any person related to either party to that

2. **The commission of offences under the Prohibition of Child Marriage Act, 2006 are**
   (1) Cognizable and bailable
   (2) Non cognizable and non-bailable
   (3) Cognizable and non-bailable
   (4) Non cognizable and bailable

3. **An arbitration proceeding is a**
   (1) Judicial proceeding
   (2) Quasi-judicial proceeding
   (3) Administrative proceeding
   (4) None of the above

What is ad hoc arbitration?
   (1) It is a proceeding administered by the parties themselves, with rules created solely, for that specific case
   (2) Parties make their own arrangement with respect to all aspects of the arbitration, including the laws and rules
   (3) The seal of arbitration, the language, and the scope and issues to be resolved by means of arbitration.
   (4) (a) (b) (c)

5. **Which of the following Sections of the Civil Procedure Code define the 'Mesne Profit?**
   (1) Section 2 (4)
   (2) Section 2 (14)
   (3) Section 2 (6)
   (4) Section 2 (12)

6. **How many kinds of presumptions are there as classified by the Supreme Court?**
   (1) Permissive presumptions or presumptions of facts
   (2) Compelling presumptions or presumptions of law (rebuttable presumptions)
   (3) Irrebuttable presumptions of law or conclusive presumptions.
   (4) All of them

7. **What is the leading decision in the case of Menaka Gandhi Vs Union of India?**
   (1) Right of hearing
   (2) Separation of powers
   (3) Delegated legislation
   (4) Rule of evidence

8. **Advocate's Act 1961 came into force on:**
   (1) 19th May, 1961
   (2) 19th April, 1961
   (3) 1st May, 1961
   (4) 19th January, 1961

9. **A Railway servant was killed in a bus accident during the course of employment. His family members may claim compensation under**
   (1) The Motor Vehicle Act
   (2) The Employees Compensation Act, 1923
   (3) Both (a) and (b)
   (4) Either under (a) OR under (b)

10. **"Casting Couch" in Bollywood, the Indian film industry, is an example of**
   (1) sexual assault
   (2) sexual harassment
   (3) both (a) and (b)
   (4) None of the above

11. **According to section 2 of motor vehicles Act, 1988 the term motor cab means any motor vehicle constructed or adapted to carry not more than**
   (1) 5 passengers including the driver
   (2) 6 passengers including the driver
   (3) 5 passengers excluding the driver
   (4) 6 passengers excluding the driver

Ans. [4]

12. **The National Commission of Consumer Protection is composed of**
   (1) 7 members:
   (2) 5 members;
   (3) 8 members;
   (4) 6 members:

13. **Which of the following sections of the Hindu Adoption and Maintenance Act, 1956 deals with " amount of maintenance"?**
    (1) Section 21
    (2) Section 22
    (3) Section 23
    (4) Section 24

14. **In which of the following case the Supreme Court First of all made an attempt to look into the question regarding the extension of the right to life to the right to Health and other Hygienic conditions**
    (1) The Rural Litigation and Entitlement Kendra Vs State of Uttar Pradesh.
    (2) M.C Mehta Vs Union of India
    (3) V. Lakshmipathy Vs State of Karnataka
    (4) F.K. Hussain Vs Union of India.

15. **Basel Convention is associated with one of the following -**
    (1) International Trade in Endangered species of wild Fauna & flora
    (2) Climate change
    (3) Protection of Ozone layer
    (4) The control of transboundary movement of Hazardous waste and their disposal.

16. **The nature of Cyber crime is**
    (1) Tangible
    (2) Intangible
    (3) Of mental Violence
    (4) None of the above

17. **Under Civil Procedure Code, 1908 "Foreign Court" means**
    (1) A court situated outside India
    (2) A court situated outside India and not established under the authority of Government of India
    (3) A court situated in India, applying foreign law
    (4) All of the above

18. **Misuse of mechanism of PIL means**
    (1) filing PIL for protection of private interest
    (2) filing PIL for oblique motive
    (3) filing PIL only for publicity
    (4) All of the above

19. **What is meant by procedural ultra-vires?**
    (1) It is the non-observance of the procedural norms by the rule making authority
    (2) It may make the rule ultra vires due to non-observance of rule-making authority and hence become void
    (3) It means the lacuna in the procedure of law
    (4) (a) and (b)

20. **The ground of " error of law apparent on the face of the record" is connected with which of the writ?**
    (1) Quo-warranto
    (2) Mandamus
    (3) Habeas Corpus
    (4) Certiorari

21. **Under Civil Procedure Code find the incorrect match:**
    (1) Section 5... Revenue Court
    (2) Section 7..... Provincial Small Causes Court
    (3) Section 9..... Pecuniary Jurisdiction of Courts
    (4) Section 8..... Presidency Small Cause Courts

22. **What is the Period of Limitation for expeditious disposal of Suit under Specific Relief Act 1963:**
    (1) 6 months
    (2) 10 months
    (3) 12 months
    (4) 18 months

23. **A Chief Judicial Magistrate may pass a sentence of imprisonment**
    (1) Not exceeding seven years
    (2) Exceeding seven years
    (3) For life
    (4) None of the above

24. **Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital is dealt under**
    (1) Section 215 of IPC
    (2) Section 216 of IPC
    (3) Section 217 of IPC
    (4) Section 218 of IPC

25. **The maxim 'actus not facit reum nisi mens sit red' means**
    (1) There can be no crime without a guilty mind

(2) Crime has to be coupled with guilty mind
(3) Crime is the result of guilty mind
(4) In crime intention is relevant, motive is irrelevant

26. Law laid down under section -73 of Indian Contract Act 1872 is related to which of the following cases:
(1) Hothester Vs De-la-tur
(2) Rabinson Vs Devison
(3) Hedley Vs Baxendal
(4) Dikinson Vs Dads

27. Recovery of Specific Immovable Property may be obtained by C.P.C within what period
(1) Within 7 months
(2) Within 6 months
(3) Within 8 months
(4) Within 10 months

28. Who appoints the Commissioner for rehabilitation and resettlement under the LARR Act?
(1) LARR Authority
(2) Minister of Environment and Forests
(3) Central Government
(4) State Government

29. The Bond under section 109 Cr.P.C as security for good behaviour from suspected person can be executed for a period not exceeding:
(1) Six months
(2) Two years
(3) One year
(4) Three months

30. The maximum limit of Rs. 500 that could be paid to the wife as maintenance under Section 125 of the Cr.P.C 1973 was removed in:/ Cr.P.C 1973
(1) 1973
(2) 1989
(3) 2001
(4) 2007

31. The term "WIPO" stands for:
(1) World Investment policy organization
(2) World intellectual property organization
(3) Wildlife Investigation and Policing organization
(4) World institute for Prevention of organized crime

32. Health and education cess is applicable to -
(1) All assesses
(2) All assesses except company
(3) Individual / HUF
(4) Company only

33. Contractual Liability arises, where:
(1) There is offer and acceptance only.
(2) There is intention to create legal relation.
(3) There is loss to one party
(4) The loss of one party is the gain of other party

34. Provisions of Section 10 of CPC are:
(1) Directory
(2) Mandatory
(3) None Mandatory
(4) Discretionary

35. Constructive res-judicata is contained in which of the following?
(1) Explanation III to Section 11
(2) Explanation IV to Section 11
(3) Explanation VI to Section 11
(4) Explanation VIII to Section 11

36. The famous pronouncement of Delhi High Court regarding constitutional validity of section 377 Indian Penal Code reversed by Supreme Court in:
(1) NALSA Vs Union of India
(2) Naz Foundation Vs Government of NCT of Delhi
(3) Shabnam Hasmi Vs Union of India
(4) Suresh Kaushal Vs Naz Foundation

37. Reference to the Arbitration is provided in which section of the Arbitration and Conciliation Act, 1996
(1) Section 7
(2) Section 8
(3) Section 9
(4) Section 10

38. Under the head subsequent conduct, which of the following type of conduct would be material?
(1) Change of life
(2) Evasion of justice

(3) Fear, trembling
(4) All of them

39. Freedom of Residence under Article 19 of the Indian Constitution is available in which of the following clauses?
(1) Clause (1) (E)
(2) Clause (1) (D)
(3) Clause (1) (B)
(4) Clause (1) (C)

40. Under which section of the Evidence Act, admissions are defined?
(1) 17
(2) 16
(3) 15
(4) 18

41. In which of the following cases the Supreme Court has held that the investigating officer should be allowed to refer to the records of investigation
(1) State of Karnataka Vs Yarappa Reddi
(2) Mohammed Khalid Vs State of West Bengal
(3) Baburam Vs State of U. P.
(4) State of Rajasthan Vs Om prakash

42. If a party who obtained an order for leave to amend pleading does not amend the same within how many days, he shall not be permitted to do that without the leave of the Court
(1) Fifteen days
(2) Fourteen days
(3) Twenty days
(4) Thirty days

43. Punishment of advocates for misconduct has been given under section of the Advocate's Act – 1961
(1) 30
(2) 32
(3) 35
(4) None

44. Under which Section of IPC, Professional Negligence is often invoked against medical professionals in cases alleging professional negligence?
(1) 303A
(2) 304A
(3) 302
(4) 305

45. A offers to bribe B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe
(1) A has abetted the offence define in Section 160, IPC
(2) A has abetted the offence define in Section 161, IPC
(3) A has abetted the offence define in Section 162, IPC
(4) A has abetted the offence define in Section 163, IPC

46. When Perpetual Injunction may be granted-
(1) Where the defendant is trustee of the Property for the plaintiff
(2) Where there is no standard for ascertaining the actual damage.
(3) Compensation in money would not afford adequate relief.
(4) All of the above

47. An advocate is under an obligation to uphold the rule of law and ensure that the public justice system is enabled to function at its full potential. Any violation of the principle of professional ethic by an advocate is unfortunate and unacceptable. Ignoring even a minor violation/misconduct militates against the fundamental foundation of the public justice system. It was said in
(1) Hikmant ali khan Vs Ishwar Prasad Arya, (1997) 3 SCC 131
(2) O. P. Sharma Vs high court of Punjab & Haryana, (2011) 6 SCC 86
(3) L.D. Jaikwal Vs state of Uttar Pradesh, (1984) 3 SCC 405
(4) Shamsher singh Bedi Vs High court of Punjab & Haryana, (1996) 7 SCC 99.

48. Section 8 of the Companies Act, 2013 contains provision relating to
(1) incorporation of company
(2) formation of companies with charitable objects, etc
(3) effect of registration
(4) Effect of memorandum and articles.

49. The verification of the registered office shall be furnished to the registrar within a period of incorporation
(1) 30 days
(2) 60 days
(3) 90 days
(4) 120 days

50. Cyber law deals with
(1) All activities concerning the internet
(2) IPR
(3) E-commerce
(4) All of the above

51. The payment of compensation to railway employees by the railway administration for injury by accident is governed by:
(1) The Employees Compensation Act, 1923
(2) The payment of Wages Act, 1936
(3) Rights of Persons with Disabilities Act, 2016
(4) The Workmen Compensation Act, 1986

52. The minimum amount of compensation payable under Employees Compensation Act, 1923 in case of total permanent disablement of a railway servant due to accident is Rs___.
(1) Rs 80,000/-
(2) Rs 90,000/-
(3) Rs 1,40,000/
(4) Rs 1,20,000/-

53. A company wishes to ensure that no one else can use their logo.
(1) Copy rights
(2) Trade mark
(3) Patent
(4) Industrial designs

54. The Section of the Arbitration and Conciliation Act, dealing with the time of commencement of arbitral proceeding is
(1) Section 20
(2) Section 21
(3) Section 22
(4) None of the above

55. Under Criminal procedure Code 1973, who shall record the information of rape being given by a rape victim?
(1) Officer in charge of the police station
(2) Deputy Superintendent of police
(3) Officer not below the rank of Sub Inspector
(4) Woman police officer or any Woman officer

56. Under the provision of the code of criminal procedure, 1973
(1) Summons can be oral
(2) Summons cannot be served on corporate entities
(3) Summons are either for appearance or for producing a document/thing
(4) Summons can be served to servants in case the person on whose name summons are made cannot be found

57. Every person who is a member of a defence service or hold a any civil post under the Union, holds office during the pleasure of the
(1) Prime Minister
(2) President
(3) Council of Minister
(4) Both (A) and (B)

58. Which of the following statement / statements is/are false for the purpose of the Hindu Marriage Act, 1955?
I. It is assumed that a person who is not Muslim, Santhal, Christian, Jew or Parsi by religion is Hindu
II. A person who belongs to Lingayat sub sect is assumed to be Hindu
III. A person converted who converted to another religion needs to follow local ritual/ custom for converting back to Hinduism
(1) I only
(2) I and II
(3) III only
(4) I and III

59. Provision for settlement of dispute outside court has been provided under Section..... of Civil Procedure Code
(1) 91
(2) 89
(3) 51
(4) 151

60. The Indian Evidence Act came into force on
(1) 6th October, 1860
(2) 1st March, 1974
(3) 15th March, 1872
(4) 1st September, 1872

61. According to the provisions of Article 315 of the Indian Constitution:

I. There shall be a public service commission for the Union and a Public Service commission for each state.

II. The public service commission for the Union, if requested to do by the governor of a state may, with the approval of the president, agree to serve all or any of the needs of the state

Which of the above statements is/are correct?/

(1) Only I
(2) Only II
(3) I and II
(4) None of them

62. Any private person may arrest any person who:

(1) Commits non-bailable offence in his presence
(2) Commits non-bailable offence and cognizable offence in his presence
(3) Commits compoundable offence in his presence
(4) Commits offence in his presence or is a proclaimed offender

63. How long a warrant of arrest shall remain in force?

(1) 6 years
(2) 10 years
(3) 12 years
(4) Until executed or cancelled

64. Rate of additional Depreciation will be ----- under section 32 Indian Income Tax Act

(1) 10%
(2) 20%
(3) 15%
(4) 30%

65. Amount of deduction under section 24 of The Income Tax Act from annual value is –

(1) 1 / 2 of Annual Value
(2) 1 / 3 of Annual Value
(3) 3/10 of Annual Value
(4) 17 / 10 of Annual Value

66. The test of reasonableness is not wholly ..... test and its contours are Fairley indicated by constitution.

(1) Subjective
(2) Objective
(3) Descriptive
(4) Summative

67. The power to enact a law relating to the citizenship of India is left to ..... under the provisions of Article 11 of the Indian Constitution.

(1) President
(2) Council of ministers
(3) House of people
(4) Parliament

68. Promissory estoppel against Government agencies is decided in:

(1) Tweedle Vs Atkinson
(2) Dutton Vs Poole
(3) Pournami all Mills Vs State of Kerala
(4) Kedar Nath Vs Gauri Mohamad

69. Frustration of contract is provided by which section of the India contract Act?

(1) Sec. 73
(2) Sec. 70
(3) Sec. 2 (d)
(4) Sec. 56

70. Schedule II of the Employees Compensation Act 1923 deals with

(1) Age factor for calculating the amount of compensation
(2) List of persons who are included in the definition of 'Employee'
(3) List of occupational
(4) List of injuries Deemed to Result in Permanent Total Disablement

71. Admission can be broadly categorised into :

(1) Judicial
(2) Extra-judicial
(3) Either A and B
(4) Both A and B

72. Section 66, of Indian Evidence Act lays down:

(1) A notice must be given before secondary evidence can be received under section 65 (a), Indian Evidence Act
(2) Notice to produce a document must be in writing

(3) Order XI, Rules 15, of Civil Procedure Code, prescribes the kind of notice to produce a document
(4) All of them

73. Maxim "Res Ipsa Loquitur" means: -
(1) The thing speaks for itself
(2) Where there is right there is remedy
(3) Where there is remedy there is right
(4) Where there is no fault there is no remedy

74. The Committee which led to the passing of the Criminal Law (Amendment) Act, 2013 was headed by
(1) Justice Dalveer Bhandari
(2) Justice Altamas Kabir
(3) Justice J.S Verma
(4) Justice A.S. Anand

75. Under the scheme of Criminal Procedure Code, non-cognizable offences are:
(1) Public wrongs
(2) Private wrongs
(3) Both public and private wrongs
(4) None of the above

76. A discrimination against a man or a woman, only on grounds of ..... would be violative of Article 15 (1)
(1) Sex
(2) Remuneration
(3) Place of birth
(4) Religion

77. The "Objective Resolution" adopted by the constituent assembly on January 22, 1947 was drafted by whom
(1) Jawaharlal Nehru
(2) Dr. BR Ambedkar
(3) Dr. Rajendra Prasad
(4) B.N. Rao

78. Right to the property was eliminated from the list of Fundamental Rights during the tenure of
(1) Indira Gandhi
(2) Charan Singh
(3) Rajiv Gandhi
(4) Morarji Desai

79. When the accused states, "I will produce the share which I received in such and such robbery" which of the following are not admissible with regard to Section 25, Indian Evidence Act?
I. An admission that there was a robbery
II. An admission that the accused took part in it
III. An admission that he got part of the property
IV. A statement as to where the property is
(1) I II and III
(2) III and IV
(3) II, III and IV
(4) All of above

80. The rule of Strict Liability is based on the decision in:
(1) Donoghue Vs Stevenson
(2) Homes Vs Ashford
(3) Rylands Vs Fletcher
(4) None of the above

81. The Rule of Last opportunity was Laid down in:-
(1) Davies Vs Manh
(2) State of A.P. Vs Ranganna
(3) Nugent vs Smith.
(4) Kalawati Vs state of HP

82. In which of the following case was it held that "the rights conferred under section 25 of the Hindu Adoption and Maintenance Act, 1956 supersedes any contract to the contrary. The fact that the date of decree makes no difference"?
(1) Surenderabal vs Suppiah
(2) Mukesh teli Vs Bharti Teli
(3) Sesi Ammal vs Thaiyu Ammal
(4) Laxmi Vs Krishna

83. A plaint has to be presented to the Court under Order IV, Rule 1 in
(1) Single copy
(2) Duplicate
(3) Triplicate
(4) No fixed rule

84. Omission to give notice under Order XXI. Rule 22 will
(1) Render the execution null and void
(2) Render the execution irregular
(3) Render the execution voidable
(4) Not affect the execution

85. Where a decree is passed against the Union of India or State for the Act done in the official capacity of the person concerned, under section. 82 CPC, execution, shall not be issued on any such decree unless the decree remains unsatisfied for a period of
(1) 3 months from the date of decree
(2) 6 months from the date of the decree
(3) 1 year from the date of the decree
(4) 2 years from the date of decree

86. On which of the following dates did Hindu Marriage Act, 1955 come into operation?
(1) 18th May, 1955
(2) 17th June, 1955
(3) 22nd May, 1955
(4) 18th June, 1955

87. Which of the following properties will section 30 of the Hindu Succession Act, 1956, govern?
I. Tarwad
II. Tavazhi
III. Kutumba
IV. Kavaru
V. Illom
(1) I, III, and V
(2) II, IV and V
(3) I and II
(4) All of the above

88. The maximum limit of the members of the state bar council:
(1) 15
(2) 20
(3) 25
(4) None

89. Specific Relief Act 1963 contains -
(1) 6 chapters and 40 Sections
(2) 7 chapters and 42 Sections
(3) 8 chapters and 43 Sections
(4) 8 chapters and 44 Sections

90. The phrase "file a PIL, ostensibly in public interest but, in fact, to serve personal or private interests" means –
(1) filing PIL for protection of only public interest
(2) filing PIL for protection of both public and private interest
(3) filing PIL for protection of only private interest
(4) filing PIL alleging it to be in public interest but actually seeking protection of private interest

91. Filing of frivolous PILs results in -
(1) increasing backlog of cases
(2) wastage of resources
(3) lesser availability of time for hearing other genuine cases
(4) All of the above

92. Z, under the influence of madness, attempts to kill X. Is Z guilty of an offence. Has X the same right of private defence which he would have if Z were sane?
(1) Z has not committed any offence as per section 98 of IPC and same right of private. defence to X if Z is mad
(2) As per Section 98 of IPC, X has committed an offence and no right of private defence to X
(3) Z has committed an offence for not using his mind
(4) None of the above

93. Protection against arrest and detention in certain cases is mentioned in which of the following Articles of Indian Constitution?
(1) Article 21
(2) Article 21A
(3) Article 22
(4) Article 22A

94. Article 300A of Indian Constitution i.e. Right to property has been inserted in the Constitution by .....
(1) 44th Amendment Act
(2) 42nd Amendment Act
(3) 40th Amendment Act
(4) 51st Amendment Act

95. Which of the following sections of the Muslim Personal Law (Shariat) Application Act, 1937 have been repealed/ amended by section 6 of the Dissolution of Muslim Marriage Act, 1939?
(1) Section 4
(2) Section 5
(3) Section 6
(4) Section 7

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96. As per section 53 of IPC, the word "injury" denotes any harm whatever illegally caused to any person's

(1) Body
(2) Mind
(3) Reputation
(4) All above

97. Which of the following cases can be cured under section 465 of the code of criminal procedure, 1973?

(1) Entertaining of complaint without complying with section 195 and 340 of the Cr.P.C
(2) The reading and recording of the evidence taken in one case into another companion case
(3) The examination of witness in absence of the accused
(4) Non-Compliance with 235 (2)

98. Which of the following statements hold true for de nova trials?

(1) Omission or illegality in the procedure even if it does not affect the core of the case can become a ground for calling de nova trials
(2) A de nova trial should be the last resort
(3) the court originally trying the case can order de nova trial
(4) None of these

99. In case of land acquisition by the Central Government for public-private partnership projects, consent of how many affected families is mandated by the LARR Act?

(1) 60%
(2) 70%
(3) 80%
(4) 90%

100. A company which is not a domestic company will pay income tax at the rate of:-

(1) 25%
(2) 30%
(3) 40%
(4) 20%