



## Previous Year Paper

### BIHAR JUDICIAL PRELIMINARY EXAM 2013

1. **A music teacher committing sexual intercourse with a minor girl having obtained her consent on the pretext that the same is required to improve her voice, was held guilty of rape in**

- (a) Rv. Cathrine
- (b) Ashby v. White
- (c) Dounge v. Stevensionals
- (d) Rv. Williams Ans(a)

**Exp.** Facts of the given problem are similar to R v. Williams case. It has been held that mere submission to an intercourse does not imply consent, if the submission had been procured by fraud which indeed mistake in the mind of the victim as to the real nature of the act done.

2. **The doctrine of vicarious liabilities is applied when there is relationship between**

- (a) principal and agent
- (b) servant and independent contractor
- (c) master and servant
- (d) All of the above

Ans (a) and (c) both are correct.

**Exp.** Generally, a person is liable for his own wrongful acts or one does not incur any liability for the acts done by others. However, in vicarious liability, the liability of one person for the act done by another person, may arise.

3. **For the tort of 'false imprisonment', there should be**

- (a) total restraint on the liberty of a person
- (b) partial restraint on the liberty of person
- (c) means of escape
- (d) All of the above Ans (a)

**Exp.** The tort of false imprisonment there should be total restraint on the liberty of person.

4. **Tort of defamation is divided into libel and slander in**

- (a) English Law only
- (b) Indian Law only
- (c) both Indian Law and English Law
- (d) None of the above

Ans. (a)

**Exp.** English law divide actions for defamation into libel and slander.

Slander - publication of a defamatory statement in a transient form eg. words or gestures.

Label - It to representation made in some permanent form of writing, painting, picture, effigy or statute.

5. **Nuisance as a tort was defined as "unlawful interference with a person's use or enjoyment of land, or some right over or connection with it" by**

- (a) Winfield
- (b) Salmond
- (c) Pollock
- (d) Underhill Ans(a)

**Exp.** The above definition of tort of nuisance has been given by Winfield.

6. **Tore of defamation can be in respect of a**





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- (a) living person only
- (b) deceased person
- (c) Both (a) and (b)
- (d) Either (a) or (b) Ans(c)

**Exp.** Tort of defamation can be in respect of both living person & deceased person.

**7. Which one of the following can be described as malicious prosecution?**

- (a) Criminal Proceeding
- (b) Money Recovery Proceeding
- (c) Bankruptcy Proceeding
- (d) Liquidation Proceeding Ans(a)

**Exp.** Essentials of Malicious Prosecution.

- (a) A Criminal proceedings initiated by the defendant.
- (b) Proceedings must be terminated in favour of present plaintiff.
- (c) Proceedings instituted without any reasonable and probable cause.
- (d) Damages. Ans(a)

**8. The ability for malicious prosecution arises when the proceedings are instituted before**

- (a) judicial authority
- (b) executive authority
- (c) quasi-judicial authority
- (d) Both (a) and (c) Ans(d)

**Exp.** The liability for malicious prosecution arises when the proceedings are instituted before a judicial authority or tribunals.

**9. The doctrine of res ipsa loquitur is applied by the Supreme Court in**

- (a) Jasbir Kaur V.State of Punjab
- (b) Alka v. Union of India
- (c) Asha Ram v. Municipal Corporation of Delhi
- (d) Muncpal Corporation of Delhi v. Subhagwanti Ans(d)

**Exp.** Res ipsa loquitur is a rule of evidence,was applied in Municipal Corpoation of Delhi v. Subhagwanti.

**10. The maxim res ipsa loquitur is a**

- (a) rule of law
- (b) rule of procedure
- (c) rule of evidence
- (d) rule of negligence Ans(c)

**Exp.** It means "things speaks for itself. There are certain cases where one fact raises prima facie presumption of another fact unless and untill contrary is proved. This phrase is used in action for injury occasioned by negligence where no proof is required of negligence beyond the accident itself.

**11. Case of Kasturilal v. State of UP is related to**

- (a) fraud of State
- (b) contractual liability of State
- (c) vicarious liability of State
- (d) None of the above Ans(c)

**12. 'Goods' within the meaning of Section 2(7) of the sale of Goods Act is**

- (a) actionable claim
  - (b) money
  - (c) Both (a) and (b)
  - (d) Neither (a) nor (b) Ans(a)
- Exp.** Section 2(7) of SGA.

**13. Under Section 2(6) of the Sale of Goods Act, 1930, 'Future Goods' mean**

- (a) goods which are not yet in existence
- (b) unascertained goods
- (c) ascertained goods
- (d) specific goods Ans(a)

**Exp.** Future goods according to Section 2(6) of SOGA. means goods which are not yet in existence.

**14. The Sale of Goods Act, 1930 came into force on**

- (a) 1st July, 1930
- (b) 1st December. 1930
- (c) 1st April, 1930





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(d) 31st January. 1931 Ans(a)

**15. The meaning of the term 'caveat emptor'**

- (a) goods should be free from defect
- (b) ownership of goods passes after sale
- (c) let the buyer be aware
- (d) none of the above Ans(c)

**Exp.** Section 16 of Sale of Goods Act, 1930 deals with caveat emptor. Literally means let the buyer beware.

**16. Which of the following are goods within the meaning of Section 2(7) of the Sale of Goods Act, 1930?**

- (a) Things attached to land which are agreed to be severed before sale
- (b) Things forming part of the land agreed to be severed before sale.
- (c) Either (a) or (b)
- (d) Neither (a) nor (b) Ans(c)

**Exp.** According to S. 2(7) of Sale of Goods Act, "Goods" means every kind of movable property other than actionable claim and money and includes stock and shares, growing crops, grass and things attached to or forming part of the land which are agreed to be severed before sale of under the contract of sale.

**17. The mode of determining the existence of partnership has been laid down in**

- (a) Section 5
- (b) Section 6
- (c) Section 9
- (d) Section 10 Ans(b)

**Exp.** Whether a firm is partnership firm or not, regard shall be had to the real intention between the parties as shown by all relevant facts taken together-Sec. 6 of Partnership Act.

**18. If a partner chooses to use any assets of the partnership firm for his own purpose, It gives rise to**

- (a) civil liability of the partner
- (b) criminal liability of the partner
- (c) Both (a) and (b)
- (d) Either (a) or (b) Ans(a)

**Exp.** According to Sec. 16 of the Partnership Act, if a partners derives any profit for himself from any transaction of the firm, or from the use of the property or business in connection of the firm, he shall account for that profit and pay it to the firm.

**19. The term "goodwill" is a thing easy to describe but very difficult to define, is stated by**

- (a) Lord Herschell
- (b) Lord Heldaene
- (c) Lord Macnaughten
- (d) Lord Eldon Ans(c)

**20. Where a partner is authorised to recover dues of the partnership and spend the same for the business of the partnership, and if he does not deposit the money so collected in the bank, the partner is**

- (a) guilty of criminal breach of trust
- (b) accountable civilly to the other partners
- (c) Both (a) and (b)
- (d) Either (a) or (b) Ans(b)

**21. A dormant partner is one who is**

- (a) not interested in the business of the firm
- (b) not liable to outsider
- (c) entitled to share profits only
- (d) neither active nor known to outsiders Ans(d)

**Exp.** A dormant partner is one who is neither active or not know to outsiders.

**22. The term 'negotiable instrument is defined in the Negotiable Instrument Act, under**

- (a) Section 2(d)
- (b) Section 12



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(c) Section 13

(d) Section 13A Ans(c)

**23. Relation of Section 138 of the Negotiable Instruments Act, 1881 is with**

- (a) right of holder
- (b) right of holder in due course
- (c) punishment for dishonour of cheque
- (d) None of the above Ans(c)

**Exp.** Punishment for dishonour of cheques for insufficiency etc. of funds in the account is provided in Sec. 138 of NIA.

**24. A person who receives a negotiable instrument in good faith for valuable consideration is known as**

- (a) holder of value
- (b) holder
- (c) holder in rights
- (d) holder in due course Ans(d)

**Exp.** Sec. 9 of NIA Act provides for 'Holder in due course' which means any person who for consideration become the possessor of a negotiable instrument.

**25. All cheques are bill of exchange, but all bills of exchange are not cheques**

- (a) False
- (b) Partly true and partly false
- (c) True
- (d) None of the above Ans(c)

**Exp.** Sec. 5 of NIA defines Bill of exchange as an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of, a certain person, or to the bearer of the instrument. Whereas if we see the definition of cheque under Sec.6 which says that cheque is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand. Thus, we may say that all cheques are primarily a Bill of exchange but not vice versa.

**26. In determining reasonable time for the purpose of a negotiable instrument**

- (a) public holidays are excluded
- (b) public holidays are included
- (c) only the holidays observed by banks are excluded
- (d) None of the above Ans(a)

**Exp.** When the day on which a promissory note or bill of exchange is at maturity is a public holiday, the instrument shall be deemed to be on the next preceding business day-Sec. 25.

**27. 'A shareholder of a company can enter into a contract with the company was held in the case of**

- (a) Solomon v. Solomon
- (b) Daimler Co. v. Continental Tyre & Rubber Co. Ltd
- (c) Ashbury Railway Carriage and Iron Co. v. Rick L.R.
- (d) S.T. Corporation of India v. Commercial Tax Officer Ans(a)

**28. Liability of directors of a public company is towards**

- (a) shareholder the of company
- (b) public
- (c) government
- (d) Company Law Board Ans(a)

**29. Which of the following is most essential for a company?**

- (a) Memorandum of Association
- (b) Share Capital
- (c) Prospectus
- (d) Certificate of Incorporation Ans(a)

**Exp.** Without certificate of Incorporation a company does not come into existence. A

**30. How many meetings of the shareholders of a company in a year is essential?**

- (a) 4





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- (b) 2
- (c) 3
- (d) 1 Ans(d)

**Exp.** At least one meeting is essential of the A share holders of company in a year.  
34

**31. How much amount out of the profits of a company can be distributed as dividend 69 amongst its shareholders?**

- (a) 10%
- (b) 15%
- (c) 5%
- (d) Not fixed Ans(d)

**32. Evidence means and includes**

- (a) only oral evidence
- (b) only documentary evidence
- (c) both oral evidence and documentary evidence
- (d) only such oral evidence based on documents Ans (c)

**Exp.** Evidence means and includes oral and documentary evidence including electronic records both-Sec. 3

**33. Any disputed handwriting can be proved**

- (a) by calling a handwriting expert
- (b) by calling a person who is acquainted with the handwriting of the writer
- (c) by comparing the admitted and disputed handwriting
- (d) All of the above Ans(d)

**Exp.** Evidence the court has to form an opinion as to the handwriting of any person, the opinion of person acquainted with his handwriting is a relevant fact-Sec. 47.

**34. Question is this, whether A was raped and murdered? The fact that she said, without making complaint, that she was raped**

- (a) will be relevant as conduct

(b) will be relevant as substantial evidence

(c) will be relevant as secondary evidence  
(d) can be relevant under Section 32(1) or Section 157 of the Evidence Act Ans(d) ;

**Exp.** The given problem is based on illustration (i) Section 8 of I.E.A.

**35. The Indian Evidence Act was drafted by**

- (a) Lord Macaulay
- (b) Sir James F. Stephen
- (c) Huxley
- (d) Sir Henry Summer main Ans(b)

**36. Relevancy and admissibility under the Evidence Act are**

- (a) synonymous
- (b) co extensive
- (c) neither synonymous nor co extensive
- (d) None of the above Ans(c)

**Exp.** Relevancy and admissibility under the Evidence Act are neither synonymous nor coextensive.

**37. Under the law of evidence, the relevant fact**

- (a) must be logically relevant
- (b) must be legally relevant
- (c) must be legally and logically relevant
- (d) must be legally and logically relevant and admissible  
Ans(b)

**Exp.** Relevant fact must be legally relevant. The fact which is relevant need not be admissible.

**38. Confession of an accused is admissible against the other co accused**

- (a) under Section 28 of the Evidence Act
- (b) under Section 29 of the Evidence Act
- (c) under Section 30 of the Evidence Act
- (d) under Section 31 of the Evidence Act  
Ans(c)

**Exp.** When more persons than one are being tried jointly for the same offence,





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and a confession made by one of such persons affecting himself and some other of such persons is proved, the Court may take into consideration such confession as against such other person as well as against the person makes such confession-Sec.30 IEA.

**39. A dying declaration to be admissible**

- (a) must be made before a magistrate
- (b) must be made before a police officer
- (c) must be made before a doctor or a private person
- (d) may be made either before a magistrate or a police officer or a doctor or a private person

Ans(d)

**Exp.** A dying declaration to be admissible may be made either before a magistrate or a police officer or a doctor or a private person.

**40. The fact in issue' means**

- (a) fact, the existence or non-existence of which is admitted by the parties
- (b) fact, the existence or non-existence of which is disputed by the parties
- (c) fact the existence or non existence of which is not disputed by the parties
- (d) All of the above Ans(b)

**Exp.** The fact in issue means and includes any fact from which, either by itself or in connection with their facts, the existence non-existence. nature or extent of any right. liability or disability, asserted ordenied in a suit or proceeding-Sec. 3.

**41. Defence of alibi is governed by**

- (a) Section 6 of the Evidence Act
- (b) Section 9 of the Evidence Act
- (c) Section 12 of the Evidence Act
- (d) Section 11 of the Evidence Act

Ans(d)

**Exp.** Sec. 11 of Evidence Act. provides - Facts not otherwise relevant are relevant

(1) if they are inconsistent with any fact is issue or relevant fact:

(2) If by themselves or in connection with other facts they make the existence or non-existence of any fact in Issue or relevant fact highly probable or improbable

**42. Which of the following is a right of civil nature?**

- (a) Right to worship in a temple
- (b) Right to share in offerings in a temple
- (c) Right to take out procession
- (d) All of the above Ans(d)

**Exp.** A suit in which the right to property or to an office is contested is a suit of civil nature notwithstanding that such right may depend entirely on the decision of questions as to religious rites or cermonies.

**43. Principle of res judicata applies**

- (a) between co plaintiffs
- (b) between co defendants
- (c) Both (a) and (b)
- (d) Neither (a) nor (b) Ans(c)

**Exp.** Res-judicata is also applicable between co-plaintiff and co-defendants. If there is a conflict of interest between co-defendants or co-plaintiffs, and it is necessary to resolve the same by a Court in order to give relief, and the matter is in fact decided, it will operate as res-judicata between them in a subsequent suit.

**44. Validity of a foreign judgement can be challenged under Section 13 of the CPC**

- (a) in a civil court only
- (b) in a criminal court only
- (c) both in civil court and in criminal court
- (d) neither in civil court nor in criminal court

Ans(a)

**Exp.** According to Section 13 of CPC a for





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Foreign judgement shall be conclusive except when

- (1) It has not been pronounced by a court of competent jurisdiction.
- (2) Where it has not been given on the merits of the case
- (3) Where it appears to be founded on an incorrect view of international law or a refusal to recognise the law of India in all cases in which such law is applicable.
- (4) Where proceeding in which the judgement was obtained are opposed to natural justice
- (5) Where it has been obtained by fraud
- (6) Where it sustains a claim founded on a breach by any law in force in India.

**45. A dies leaving behind a son X and a married daughter Y. A suit filed by A, after his A death can be continued by**

- (a) X alone as legal representative
  - (b) Y alone as legal representative
  - (c) X, Y and the husband of Y as legal representative
  - (d) X and Y both as legal representative
- Ans(d)

**46. Principle of constructive res judicata is contained in**

- (a) Explanation III of Section 11
- (b) Explanation IV to Section 11
- (c) Explanation VI to Section 11
- (d) Explanation VII to Section 11

Ans(b)

**Exp.** Constructive Res-judicata means any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

**47. Which one of the following is an incorrect statement?**

- (a) An arbitral award is a contract.

(b) An arbitral award must be in writing and signed.

(c) An arbitral award includes an interim award

(d) None of the above Ans(a)

**Exp.** Sec. 2(1) (c) of Arbitration and Conciliation Act, 1996 says that arbitral award includes an interim award. Sec. 3(1) says that an arbitral award shall be made in writing and shall be signed by the members of arbitral tribunal.

**48. After the arbitral award is made, each party shall be delivered**

- (a) the original award
  - (b) a signed copy of the award
  - (c) a photocopy of the award
  - (d) an unsigned copy of the award
- Ans(b)

**Exp.** After the Arbitral Award is made, each party shall be delivered a signed copy of award -Sec. 31(5).

**49. In a bailable offence, the bail is granted as a matter of right**

- (a) by the police officer
- (b) by the court
- (c) Both (a) and (b)
- (d) Either (a) or (b) 5 Ans(c)

**Exp.** Under Sec. 436(1) CrPc bail can be granted in a bailable offence by court or a police officer incharge of a Police Station.

**50. The power to direct investigation under Section 156(3) of CrPC can be exercised by**

- (a) a Magistrate
- (b) a Sessions Judge
- (c) Both (a) and (b)
- (d) Either (a) or (b) Ans (a)

**Exp.** Any Magistrate empowered under Sec. 190 may order investigation-Sec. 156(3) Cr.P.C.

**51. The investigating police officer has power**





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to summon the attendance of a person acquainted with the facts and circumstances of the case under

- (a) Section 158 of Cr.P.C.
- (b) Section 159 of Cr.P.C.
- (c) Section 160 of Cr.P.C.
- (d) Section 161 of Cr.P.C.

**Exp.** Any Police officer making an investigation by order in writing require the attendance before himself of any person acquainted with the facts and circumstances of the case, but no male under 15 years or above 65 years or woman or mentally or physically disabled person shall be required to attend at any place other than the place of such male or woman resides Sec. 160 Cr.P.C.

52. Which of the following Articles of the Indian Constitution empowers the Parliament to form new States, change in the area of present States, change in the territories and name of the States?

- (a) Article 5
- (b) Article 11
- (c) Article 13
- (d) Article 3 Ans(d)

**Exp.** Art. 3 provides the power of the Parliament to form a new State and alteration of areas, boundaries or name of existing states.

53. Which of the following Articles of the Constitution of India empowers the Parliament to make law on the subject mentioned in the State List?

- (a) Article 245
- (b) Article 249
- (c) Article 251
- (d) Article 253 Ans(b)

**Exp.** Article 249 of Indian Constitution deals with power of Parliament to legislate with respect to matter in the state list in the national interest

54. In which of the following cases the traditional concept of equity was not accepted by the Supreme Court and a new concept of equity was adopted by the Supreme Court?

- (a) Kedar Nath v. State of West Bengal
- (b) State of West Bengal v. Anwar Ali
- (c) Balsara v. Bombay State
- (d) E.P. Royappa v. State of Tamil Nadu Ans(d)

**Exp.** The same was held in E.P. Royappa v. State of Tamil Nadu.

55. By which of the following Amendment Acts of the Indian Constitution, right to education was made a

- (a) 42nd Amendment
- (b) 44th Amendment
- (c) 40th Amendment
- (d) 80th Amendment Ans (1)

57. If the positions of President and Vice President are vacant, who among the following officiates as the President of India?

- (a) The Prime Minister
- (b) The Chief Justice of India
- (c) The Speaker of Lok Sabha
- (d) None of the above Ans(b) Exp. The Chief Justice of India will officiate the post of President of India, if the office of President and Vice-President are vacant.

58. "If I were asked to name any particular Article in this Constitution as the most important Article without which this Constitution would be a nullity. I could not refer to any other Article except this one.... it is the very soul of the Constitution and the very heart of it." Who among the following has given the above statement?

- (a) Pt. Jawaharlal Nehru
- (b) Dr. Rajendra Prasad







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- (c) Dr. B.R. Ambedkar  
(d) Sarvepalli Radhakrishnan  
Ans(c)
59. In which of the following cases it was held by the Supreme Court that right to trade on pavements is a Fundamental Rights?  
(a) Sukumar Mukherjee v. State of Bengal  
(b) Fertilizer Corporation Workers' Union, Syndri v. Union of India  
(c) P. A. Inamdar v. State of Maharashtra  
(d) Sodan Singh v. New Delhi Municipal Committee Ans(d)
60. By which of the following Amendment Acts of the Constitution, Chapter of Fundamental Duties have been added as Chapter IV-A in the Constitution?  
(a) 40th Amendment Act  
(b) 42nd Amendment Act  
(c) 45th Amendment Act  
(d) 49th Amendment Act Ans(b)
61. Which of the following is the sequence number of Ms. Patil as President of the Republic of India?  
(a) 10th  
(b) 11th  
(c) 12th  
(d) 13th Ans(c)
62. According to our Constitution, Rajya Sabha is  
(a) dissolved in two years  
(b) dissolved every five years  
(c) dissolved every six years  
(d) not subject to dissolution Ans(d)  
**Exp.** The Council of States shall not subject to dissolution, but as nearly as possible one-third of the members there of, shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law- Article.83.
63. In the case of Golaknath v. State of Punjab, it was remarked that our "Preamble contains in a nutshell its ideals and inspirations." Who was the Judge?  
(a) Justice Mathew  
(b) Justice Krishna Iyer  
(c) Justice Subba Rao  
(d) Justice H.R Khanna Ans(c)  
**Exp.** A.K. Golaknath vs State of Punjab. 1967 SC, Justice Subba Rao held that  
(i) Our Preamble contains in a nutshell its ideal and inspiration.  
(ii) Doctrine of Prospective overruling passed.  
(iii) The Provisions of Fundamental Rights are not liable to be amended.
64. In which of the following cases the Supreme Court held that the Preamble is not a part of the Constitution?  
(a) A.K. Gopalan's case  
(b) Berubari's case  
(c) Minerva Mill's case  
(d) A.K. Antony's case Ans(b)  
**Exp.** In Re Berubari Union Case, 1960. Supreme Court held that preamble is not a part of the Constitution. But in Kesavananda Bharti case, Preamble is the part of the Constitution.
65. Right to life does not include Right to die was held in  
(a) R. Rathinam v. Union of India  
(b) State v. Sanjay Kumar Bhatia  
(c) Chenna Jagdeshwar v. State of Andhra Pradesh  
(d) Gyan Kaur v. State of Punjab Ans(a)  
**Exp.** Gyan Kaur v. State of Punjab, 1996 SC, it was held that right to life does not include right to die.
66. Petitions to the Supreme Court under





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**Article 32 are subject to the rule of Res Judicata, except**

- (a) quo warranto
- (b) habeas corpus
- (c) certiorari
- (d) prohibition Ans(b)

**Exp.** The principle of res-judicata shall not apply on the writ of habeas-corporus.

**67. Which among the following is not a Fundamental Right?**

- (a) Right to Strike
  - (b) Right against Exploitation
  - (c) Right to Equality
  - (d) Right to Freedom of Religion
- Ans(a)

**Exp.** To prohibit Lock-outs and strikes, is, however different as this is within the prohibitory powers of Government in the interests of the General Public, e.g. , to keep the utility services running (Indian M.M. Corporation v. Industrial Tribunal, AIR 1953. Right against exploitation-Arts. 23 & 24 Right to Equality-Arts. 14-18. Right to freedom of Religion-Arts. 25 28.

**68. The Right to Property was dropped from the List of Fundamental Rights by the**

- (a) 24th Amendment
- (b) 42nd Amendment
- (c) 44th Amendment
- (d) None of the above Ans (c)

**Exp.** The Right of property was dropped from the list of Fundamental Rights by the 44th Amendment Act 1978.

**69. The protection and improvement of environment including forests and wildlife of the country are in**

- (a) Directive Principles
  - (b) Fundamental Duties
  - (c) National Policy
  - (d) both Directive Principles and Fundamental Duties
- Ans(d)

**70. By which of the following Constitutional Amendment Acts the voting age was reduced from 21 years to 18 years?**

- (a) 48th
- (b) 57th
- (c) 61st
- (d) 63rd Ans(c)

**71. Under the Government of India Act, 1935, the Federal Court had**

- (a) original jurisdiction only
- (b) appellate jurisdiction only
- (c) advisory jurisdiction only
- (d) original, appellate and advisory jurisdictions Ans(d)

**72. Which one of the following made the Indian Legislature bicameral ?**

- (a) Indian Council Act, 1909
- (b) Government of India Act, 1919
- (c) Government of India Act, 1935
- (d) Indian Independence Act, 1947

**73. Which one of the following aimed at providing a federal structure for India?**

- (a) Indian Council Act, 1909
  - (b) Government of India Act, 1919
  - (c) Government of India Act, 1935
  - (d) Indian Independence Act, 1947
- Ans(c)

**Exp.** Government of India Act 1935 provided for federal structure.

**74. When was Magna Carta granted in England?**

- (a) 1832
- (b) 1911
- (c) 1949
- (d) 1215 Ans(d)

**Exp.** Magna Carta granted in England is the first written document pertaining to fundamental rights and issued in.1215.





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75. "The British Constitution is the mother of Constitutions. The British Parliament is the mother of Parliaments." Whose statement is the above?  
(a) William Holdsworth  
(b) Herman Finer  
(c) Ogg  
(d) Munro Ans(d)
76. Which of the following statements is incorrect?  
(a) Conventions are certain and dear.  
(b) Conventions are unwritten.  
(c) Conventions are not applied by the courts.  
(d) Conventions take birth by chance  
Ans(a)
77. Which of the following is/are the main source of the British Constitution?  
(a) Judicial Decisions  
(b) Conventions  
(c) Commentaries  
(d) Common Law Ans(b)  
Exp. Conventions are the main source of the British Constitution.
78. "There are many subtle distinctions in the Vernacular of the British Constitution but none more vital than the distinction between the King and the Crown." Whose statement is the above?  
(a) Herman Finer  
(b) Munro  
(c) Ogg  
(d) Gladstone Ans(d)
79. The two Houses of the British Parliament are  
(a) Senate and House of Lords  
(b) House of Commons and Diet  
(c) House of Commons and Senate  
(d) House of Commons and House of Lords
80. In the constitutional history of England, veto power was lastly used by the king in  
(a) 1707  
(b) 1832  
(c) 1911  
(d) 19492 Ans. (a)
81. In England, the government is called the  
(a) Government of the King  
(b) Government of the People  
(c) Constitutional Government  
(d) Government of Parliament Ans(a)
82. The mother of British Cabinet is  
(a) Privy Council  
(b) House of Lords  
(c) House of Commons  
(d) Parliament Ans(d)  
Exp. Parliament is the mother of British cabinet.
83. "Cabinet is the solar orbital around which other bodies revolve and that it is a Ar threefold hinge that connects together for Ex action-the King, the Lords and the Commons." Whose statement is the above?  
(a) Lowell  
(b) Marriot  
(c) Munro  
(d) Gladstone Ans(d)
84. Which of the following statements is not correct?  
(a) Money Bill can be presented first in the House of Lords.  
(b) The House of Lords cannot detain Money Bill for more than one month.  
(c) The Speaker of the House of Commons decides which bill is Money Bill.  
(d) The House of Lords is the highest court of appeal.  
Ans(a)





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**85. It is convention in Britain that**

- (a) the Prime Minister can be member of the House of Lords
- (b) the Prime Minister will be from House of Commons
- (c) the Prime Minister will be the person of King's choice
- (d) the Prime Minister can be member of the Privy Council Ans(b)

**86. The highest court in the British Constitution is called**

- (a) Supreme Court
- (b) Privy Council
- (c) High Court
- (d) House of Lords Ans(d)

**87. Delegatus non potest delegare means**

- (a) a delegate can further delegate its powers
- (b) delegated legislation is valid
- (c) a delegate cannot further delegate his powers
- (d) None of the above Ans(c)

**Exp.** The Maxim 'Delegatus non protest delegare' means a delegate cannot be further delegate his powers.

**88. During the operation of martial law**

- (a) important rights of citizens are suspended
- (b) Parliament is dissolved
- (c) Civil Government is suspended
- (d) None of the above Ans(a)

**Exp.** Article 34 provides for restriction on rights conferred by this part while martial law is in force in any area.

**89. In Britain, who among the following make Shadow Cabinet ?**

- (a) Prime Minister
- (b) King
- (c) Leader of the Opposition Party
- (d) Lord Chancellor Ans(c)

**Exp.** Leader of opposition forms the shadow cabinet.

**90. In England, the doctrine of "Rule of Law was propounded by**

- (a) Jenning
- (b) Blackstone
- (c) Prof. Dicey
- (d) Sydney Low Ans(c)

**Exp.** Prof. Dicey gave these meaning of Rule of law

- (a) Absence of Arbitrary power or Supremacy of the law.
- (b) Equality before the law
- (c) The Constitution is the result of the ordinary law of the land.

**91. Writ of Habeas corpus means**

- (a) to produce the body of a person illegally detained before the court
- (b) stop the violation of right of a man
- (c) respect the Human Rights of a person
- (d) None of the above Ans(a)

**Exp.** Writ of habeas corpus means to produce the body of a person illegally detained before the court. This writ issued by the Supreme Court under Article 32 and by the High Court under Article 226 of the Constitution.

**92. Under Hindu Law, marriage is a**

- (a) sacrament
- (b) contract
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

**Exp.** A Hindu marriage is considered as a sacrament (sanskara) which has the implication that Hindu marriage is permanent, indissoluble, eternal. It is deemed as holy union.

**93. Law relating to marriages amongst Hindus has been codified under the**

- (a) Hindu Marriage Act, 1955





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(b) Hindu Adoption and Maintenance Act, 1956

(c) Child Marriage Restraint Act, 1929

(d) All of the above Ans (a)

**Exp.** A Hindu Marriage Act, 1955 came into force on 18th May, 1955.

94. **If parties to a Hindu Marriage are 'Sapinda' to each other, the marriage is**

(a) valid

(b) voidable

(c) void

(d) None of the above Ans(c)

**Exp.** Section 11 of HMA provides void marriage. Following are grounds of void marriage under HMA.

1. If either party has a spouse living at the time of the Tiage

2. If the parties are within prohibited degree unless the custom or usage governing each of them permits such marriage

3. If parties are sapindas of each other unless the custom or usage governing each them permits marriage between the two

95. **A Hindu dies Intestate leaving behind two sons, one daughter, and widow. His property shall devolve to**

(a) widow only

(b) sons and daughter only

(c) sons only

(d) sons, daughter and widow all Ans(d)

**Exp.** Sec. 8 of HSA describe the general rules of succession in the case of males.

(a) Firstly upon the heirs, being the relatives specified in class I of the schedule.

(b) Secondly. If there is no heir in class I, then upon the heir in class II in the schedule.

(c) If not above two found, than agnates of deceased.

(d) If all above not present, then cognates. Sec. 9 says that heir in class I shall take simultaneously and to the exclusion of all and so on. Thus in the given problem. widow will get one share. the daughter and sons shall each take one share.

96. **Under Section 30 of the Hindu Succession Act, 1956, a Hindu can dispose of his interest in a Mitakshara Coparcenary Property by**

(a) sale

(b) gift

(c) will

(d) None of the above Ans(c)

**Exp.** Any Hindu, may dispose of by will or other testamentary disposition, any property, which is capable of being so disposed of by him in accordance with the provisions of Indian Succession Act, 1925 or any other law for the time being Inforce and applicable to Hindus-Sec. 30 of HSA. Explanation says that interest of a male Hindu in a Mitakshara coparcenary shall be deemed to be property capable of being disposed of by him.

97. **A person is not disqualified from succeeding to any property on the ground of any disease, defect or deformity" is provided under**

(a) Section 28 of the Hindu Succession Act, 1956

(b) Section 29 of the Hindu Succession Act, 1956

(c) Section 30 of the Hindu Succession Act, 1956

(d) None of the above Ans (a)

**Exp.** According to Section 28 of Hindu Succession Act, 1956 "no person shall be disqualified from succeeding to any property on the ground of any discase, defect or deformity or save as provided in this act on any other ground whatsoever."



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98. Under which of the following Sections of the Hindu Marriage Act, 1955, husband and wife may file a petition of divorce by mutual consent?

- (a) Section 10
- (b) Section 11
- (c) Section 9
- (d) Section 13B Ans(d)

**Exp.** Section 13B of H.M.A. 1955 was inserted by Act of 68 of 1976 and it came into force on 27-5-1976.

99. Consent theory of divorce was introduced in the Hindu Marriage Act, 1955 in the year

- (a) 1956
- (b) 1961
- (c) 1976
- (d) 1979 Ans (c)

**Exp.** Section 13 B of H.M.A. provides for divorce by mutual consent. Section 13B of H.M.A. 1955 was inserted by Act of 68 of 1976 and it came into force on 27-5-1976.

100. Under the Hindu Adoption and Maintenance Act, 1956, who among the following is not entitled to adopt?

- (a) An unmarried person
- (b) Wife who is divorced
- (c) Husband with the consent of wife
- (d) Husband without consent of wife Ans (d)

**Exp.** Without the consent of wife a married Hindu male cannot adopt. Section 7 of Hindu Adoption and Maintenance Act 1956.

101. A Hindu male of 28 years of age adopts a female child of 13 years of age. The adoption is

- (a) valid
- (b) voidable
- (c) void
- (d) illegal

Ans (c)

**Exp.** Section 11 of the Hindu Adoption and Maintenance Act, 1956. provides for "other conditions for a valid adoption" According to Section 11 clause (iii) & (iv) there must be a gap of 21 years between the person adopting and the person being adopted if the sex is opposite.

102. Which of the following is the secondary source of Muslim Law?

- (a) Custom
- (b) Ijma
- (c) Qiyas
- (d) None of the above Ans (a)

**Exp.** Primary sources of Muslim law.

- (i) Koran
- (ii) Hadis
- (iii) Ijma
- (iv) Qiyas Secondary sources of Muslim law.
- (v) Customs
- (vi) Judicial decisions (fatawas)
- (vii) Legislation
- (viii) Justice equity and good conscience

103. Which of the following modifies the application of Muslim Law?

- (a) Muslim Marriage Dissolution Act, 1939
- (b) Muslim Women (Protection of Rights on Divorce) Act, 1986
- (c) Shariat Act, 1937
- (d) All of the above Ans(d)

104. Who applied Qiyas for the first time as source of Muslim Law?

- (a) Imam Abu Hanifas
- (b) Imam Yusuf
- (c) Imam Jafar
- (d) Imam Ahmed Ans(a)

105. Which of the following is absolute incapacity for marriage?

- (a) Consanguinity
- (b) Affinity





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(c) Fosterage

(d) All of the above Ans (d)

**Exp.** Absolute Bar for marriage: (results marriage void)

(1) Prohibition on the ground of consanguinity.

(2) Prohibition on the ground of affinity.

(3) Prohibition on the ground of fosterage.

(4) Plurality of husband marrying another wife.

Relative Bar for marriage = Results marriage Irregular/void marriage.

(1) Unlawful conjunction.

(2) Marrying the Afth wife.

(3) Absence of proper witness (only under Sunni law).

(4) Marriage of a Muslim major without his/her consent.

(5) Difference of religion.

(6) Marriage with a woman undergoing Iddat.

(7) Rule of pilgrimage.

(8) Marriage with a divorced women.

**106. A Muslim can marry any number of wives not exceeding four. If a Muslim marries a fifth wife such a marriage shall be**

(a) void

(b) valid

(c) irregular

(d) Either (a) or (b) Ans(c)

**Exp.** A Muslim male can only have four wives. He can marry a fifth wife only after divorcing one of the four.

**107 After divorce, a Muslim woman**

(a) can immediately marry

(b) cannot remarry

(c) can marry only after completion of Iddat

(d) None of the above Ans(c)

**Exp.** 'Iddat' or 'Idda' is the period during which it is incumbent upon a woman, whose marriage has been dissolved by

divorce or death to remain in seclusion, and to abstain from marrying another person.

**108. How many witnesses are necessary in Shia Muslim marriage**

(a) One Male and two females

(b) Two males

(c) No witnesses is required

(d) Both (a) and (b) Ans(c)

**Exp.** In Shia marriage. no Witnesses are required while in divorce witnesses are required. There is vice versa in casw of Sunnis.

**109. Which of the following is the wife's the when her husband does not pay dower?**

(a) Refuse consummation

(b) File suit for recovery of dower

(c) Keep possession over dead husband' property

(d) All of the above Ans(d)

**Exp.** The Muslim Wife's rights when her husband does not pay dower are as un der (i) She is entitled to refuge consummation. (ii) She may file a suit for recovery of dower.

(iii) She is entitled to possession over deceased husband's property.

**110. Which of the following is the right of pre emption?**

(a) A right to seek eviction of tenant and get vacant possession

(b) A right to purchase property in preference to other person

(c) A right to purchase property at low price

(d) None of the above Ans(b)

**111. Custody of illegitimate children belongs to**

(a) the mother

(b) the father

(c) both the mother and the father



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- (d) either the mother or the father Ans(a)  
**Exp.** Custody of illegitimate children lies with mother.
- 112. Which one of the following Sections of the T.P. Act defines "Transfer of Property"?**  
(a) Section 2  
(b) Section 3  
(c) Section 4  
(d) Section 5 Ans(d)  
**Exp.** Sec. 5 of Transfer of Property Act defines the term Transfer of Property. It means an act by which a living person conveys property in present or in future, to one or more other living persons, or to himself, and one or more other living persons, and "to transfer property" is to perform such act. Living person includes a company or as sociation or body of individuals, wheter incorporated or not.
- 113. The T.P. Act came into force on**  
(a) July 01.1882  
(b) August 01,1882  
(c) September 01.1882  
(d) October 01,1882 Ans(a)
- 114. The gift of future property is**  
(a) valid  
(b) voidable  
(c) void  
(d) conditionally void Ans(c)  
**Exp.** According to Section 124 of TPA a gift Az comprising both existing and future property E is void as to later.
- 115. In case of gift, if the donee dies before acceptance, then**  
(a) gift is voidable  
(b) gift is void  
(c) gift is valid  
(d) None of the above Ans(b)  
**Exp.** According to sec. 122 TPA, if the donee dies before acceptance, the gift is void.
- 116. An unborn person acquires vested interest on transfer**  
(a) immediately on birth  
(b) after attaining majority  
(c) on attaining 21 years of age  
(d) in case of female after marriage  
Ans(a)  
**Exp.** Where, on a transfer of property, an interest is created for the benefit of a persons not then living, he acquires upon his birth, unless a contrary intention appears, a vested interest, although he may not be entitled to the enjoyment there of immediately on his birth-Sec. 20. T.P.A
- 117. Which one of the following mortgages does not require writing and registration?**  
(a) Simple mortgage  
(b) English mortgage  
(c) Usufructuary mortgage  
(d) Mortgage by deposit of title deeds  
Ans(d)  
**Exp.** Where the principal money secured is 100 Rs. or upwords a mortgage, other than a mortgage by deposit of title deeds. can be effected only by a registered instrument signed by the mortgager and attested at least by two witnesses. Where prinicipal money secured is less than 100 Rs. a mortgate may be effected either by a registered instrument signed and attested by two witnesses, or (except in simple mortgage) by delivery of the property-Sec. 59 of T.P.A.
- 118. The 'rule against perpetuity' is provided in the T.P. Act under**  
(a) Section 13  
(b) Section 14  
(c) Section 15  
(d) Section 17 Ans(b)







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**Exp.** Rule against perpetuity is incorporated in Sec. 14 of the T.P.A. it says that no transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period. and to when, if he attains full age, the interest created is to belong.

**119. The principle of lis pendens embodied in Section 52 of the T.P. Act pertains to**

- (a) bonafide purchase
- (b) public policy
- (c) auction sale
- (d) None of the above Ans(b)

**Exp.** The basis of doctrine of lis pendens under Sec. 52 is not the doctrine of notice but expediency and public policy. Faiyaz Hussain v. Prag Narayan. (1907). 29 All. 389.

**120. According to Section 5 of the T.P. Act. living person includes**

- (a) company or association of individuals
- (b) individual human being only
- (c) only important company or associations
- (d) None of the above Ans(a)

**Exp.** Under sec. 5 of TPA, living person includes a company or association or body of individuals, whether incorporated or not.

**121. The term 'sale', in the Transfer of Property Act, is defined in**

- (a) Section 53
- (b) Section 54
- (c) Section 56
- (d) Section 56 Ans(b)

**Exp.** Sale is a transfer of ownership in exchange for a price paid or promised or part paid and part promised-Sec. 54 TPA

**122. The primary source of equity is**

- (a) custom
- (b) written law
- (c) Judicial decision
- (d) conscience Ana(d)

**Exp.** Conscience of human being is the primary source of equity.

**123. English rules of equity have**

- (a) been substantially Incorporated by the Indian legislature
- (b) been partially incorporated by the Indian legislature
- (c) been wholly Incorporated by the Indian legislature
- (d) not all been incorporated by the Indian legislature Ans(a)

**124. In case of conflict between equity on one hand and the text of law on the other, the court shall**

- (a) choose equity
- (b) choose law
- (c) have the discretion to choose between equity and law
- (d) be bound by precedents Ans(b)

**Exp.** Legislation is certain and apply over equity in case of conflict between the two.

**125. Which of the following statements is correct?**

- (a) A litigant cannot seek equitable remedies as a matter of right as such remedies are at the discretion of the court.
- (b) A litigant can seek equitable remedies as a matter of right as such remedies are the duty of the court.
- (c) There is distinction between legal Interest and equitable interest in India





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(d) Statutory provision shall apply only to legal interest and not to equitable at the interest in India. Ans(a)

**Exp.** Equitable remedies are at the discretion of the court and can not be not be claimed as a matter of right.

**126. The concept of 'trusts' originated in**

- (a) France
- (b) Germany
- (c) England
- (d) Rome Ans(c)

**Exp.** The concept of trusts originated in England.

**127. The person not necessary for the creation of trust is**

- (a) the author of the trust
- (b) trustee
- (c) legal representative
- (d) beneficiary Ans(c)

**Exp.** According to Sec. 6 of Trust Act, a trust is created when the author of the trust indicates with reasonable certainty by any words or acts

- (a) an intention to create a trust,
- (b) the purpose of the trust,
- (c) the beneficiary.
- (d) the trust-property and transfers the trust property to the trustee.

**128. A trust created by the will of the testator may be revoked by him at his pleasure**

- (a) by express words
  - (b) by acts which lead to the inference that he intended to revoke it
  - (c) by subsequent will
  - (d) in case of person governed by the Hindu Marriage Act by the marriage of the testator
- Ans(d)

**Exp.** Sec. 78 of Indian Trust act, 1882 provides for revocation of trust. A trust created by the will may be revoked at the pleasure of the testator.

**129. A trust is not extinguished**

- (a) when the purpose is completely fulfilled
- (b) when its purpose becomes unlawful
- (c) when the trust being revocable is expressly revoked
- (d) where the trustees have transferred their interest

**Exp.** Section 77 says that a trust is extinguished

- (a) when its purpose is extinguished.
- (b) in when its purpose is completely fulfilled, or
- (c) when the fulfillment of its purpose becomes impossible by destruction of the trust-property, or
- (d) when the trust, being revocable, is expressly revoked.

**130. Under Section 10 of the Specific Performance Act the specific performance cannot be granted, if**

- (a) there is no concluded contract
- (b) there is a concluded contract
- (c) the compensation in money is not an adequate relief
- (d) there exists no standard for ascertaining the actual damages

**Exp.** Sec. 10 SRA declared that the specific performance of a contract shall be forced by the court subject to the provisions contained in Sec. 11(2). 14 and sec.16.

**131. Specific performance of contract means**

- (a) actual execution of the contract according to its stipulations
- (b) claim of damages or compensation for non-execution of contract
- (c) Either (a) or (b)
- (d) Neither (a) nor (b)

**132. A proposal when accepted becomes**

- (a) promise under Section 2(b)





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- (b) agreement under Section 2(e)  
(c) contract under Section 2(h)  
(d) None of the above  
**Exp.** A proposal when accepted becomes promise under Section 2(b).
- 133. An agreement enforceable at the instance of one party and not of the other is called**  
(a) a valid contract  
(b) an illegal contract  
(c) a void contract  
(d) a voidable contract  
**Exp.** An agreement enforceable at the instance of one party and not of the other is called a voidable contract. 2(j) ICA
- 134. A contract made by a minor is void ab initio. It was laid down in**  
(a) Kanhiyalal v. Girdhari Lal  
(b) Mohammad Saedy. Vishambhar Dayal  
(c) Mohri Bibi v. Dharmo Dass Ghosh  
(d) Lalman Shukla v. Gauri Dutt Ans(c)
- 135. Agreement, the meaning of which is not certain or not capable of certainty, is**  
(a) voidable  
(b) illegal  
(c) enforceable  
(d) void Ans(a)  
**Exp.** Agreement, the meaning of which is not certain or not capable of certainty, is illegal. Sec.29.
- 136. Goods displayed in showcase of a shop with pricetag is**  
(a) offer  
(b) invitation to offer  
(c) counteroffer  
(d) None of the above Ans(b)  
**Exp.** Goods displayed in showcase of a shop. price tag etc. are only an invitation of offer.
- 137. An agreement in connection with horse racing under Section 30 is**  
(a) unlawful  
(b) voidable  
(c) void  
(d) valid Ans(d)  
**Exp.** Agreement by way of wager is void under Sec. 30 of Contract act but this section shall not be deemed to render unlawful a subscription or contribution towards any plate, prize or sum of money of the values 500 Rs. or upwards, to be awarded to the winner of any horse race.
- 138. An agreement to remain unmarried is**  
(a) valid  
(b) void  
(c) voidable  
(d) unenforceable Ans(b)  
**Exp.** Sec. 26 says that every agreement in restraint of marriage of any person other than a minor, is void.
- 139. A contract, the performance of which becomes unlawful or impossible, is**  
(a) void when the performance becomes unlawful or impossible  
(b) void  
(c) voidable when the performance becomes unlawful or impossible  
(d) neither void nor voidable Ans(a)  
**Exp.** An agreement to do an act impossible in itself is void. Contract to do an act the performance of which is becoming impossible or unlawful is void-Sec. 56.
- 140. The age of majority for the purpose of the Contract Act is**  
(A) 18 years  
(b) 21 years  
(c) 16 years for girls and 18 years for boys  
(d) 18 years for girls and 21 years for boys





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**Exp.** Sec. 11 says that age of majority of a person to enter into a contract is the law which he is subject. Thus, by virtue of General Clauses Act, 1897 age of majority is 18 years.

**141. A sum fixed beforehand as amount of compensation payable in the event of breach of contract is called**

- (a) liquidated damage
- (b) penalty
- (c) Either (a) or (b)
- (d) Neither (a) nor (b) Ans(c)

**Exp.** The amount of compensation fixed before the breach of contract is called liquidated damages. A stipulation for increased interest from the date of default may be a stipulation by way of penalty-Sec. 74 of I.C.A

**142. A agrees to pay Rs. 1,000 to B without consideration. This agreement is**

- (a) voidable
- (b) void
- (c) not enforceable
- (d) not enforceable as it was unwritten Ans(b)

**Exp.** An agreement without consideration is void-Sec. 25. ICA. This is based on latin maxim 'ex nudo pacto non oritur actio'.

**143. When the consent to the contract is caused by coercion, the contract under Section 19 is**

- (a) valid
- (b) voidable
- (c) void
- (d) illegal Ans(b)

**Exp.** When consent to an agreement is caused, fraud or misrepresentation the agreement is voidable at the option of the party whose consent was caused-Sec. 19.ICA

**144. When both the parties to agreement are**

**at mistake regarding facts, the agreement will**

- (a) be enforceable
- (b) be voidable
- (c) not be void
- (d) be void Ans(d)

**Exp.** Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void-Sec. 20.ICA

**145. A agrees with B to trace out secret money for him by the way of magic. This agreement is**

- (a) void
- (b) voidable
- (c) enforceable
- (d) legal and enforceable in Bengal Ans(a)

**Exp.** The given problem is based on Illustration (a) to Sec. 56. It says that an agreement to do impossible in itself is void.

**146. A enters into contract with B. In this, B is guilty of fraud. A can now**

- (a) rescind the contract but cannot get compensation
- (b) get compensation only
- (c) rescind the contract and get compensation
- (d) None of the above Ans(c)

**Exp.** If consent to an agreement is obtained by fraud then it is voidable agreement and enforce at the option of whose consent was so caused. Here, he may rescind the contract and get compensation.

**147. "Tort is a civil wrong for which the remedy is common law action for unliquidated damages and which is not exclusively the breach of trust or other mere equitable obligation." Who has given the above definition of tort?**





# LINKING LAWS

"Link The Life With Law"

RJS | DJS | MPCJ | CGCJ | UPPCSJ | BJS |  
HJS | PJS | GJS | OJS | JJS | WBJS | HPJS

- (a) Winfield
  - (b) Fraser
  - (c) Underhill
  - (d) Salmond
- Ans(d)

**148. The duty under the law of tort is towards**

- (a) a specific individual
- (b) a group of individuals
- (c) the world at large
- (d) Both (a) and (b) Ans(c)

**Exp.** Law of Tort is a right in rem which means a right available against whole of the world.

**149. To constitute a tort**

- (a) there must be some act or omission on the part of the defendant
- (b) the act must result in violation of legal right vested in the plaintiff
- (c) there must be a legal duty on the part of the defendant
- (d) Both (a) and (b) Ans(d)

**Exp.** Essentials of Tort:

- (a) there must be some act or omission on the part of the defendant
- (b) the act must be result in violation of legal right vested in the plaintiff.

**150. An inevitable accident means**

- (a) an act of God
- (b) an unexpected Injury which could not have been foreseen and avoided
- (c) an unexpected injury which could have been foreseen and avoided
- (d) Both (a) and (b) Ans(b)

**Exp.** An inevitable accident means an unexpected injury which could not have been foreseen and avoided.

