

AIBE

**(All India Bar Examination)
PAPERATHON BOOKLET**

Coverage of AIBE III to IX

ENGLISH EDITION



Linking Publication

Jodhpur, Rajasthan

Preface

Hello & नमस्कार,

Since 2011, when I entered in Law field, I have felt that current system of studying law as a Law learner is quite traditional (like 1980's competition times). I strongly believed one thing that if you want to fight in present tough competition war like judiciary exams or any other law exam, you must be equipped with smart techniques to learn with tech support. So, in student life as LL.B. student, I used to start linking with one provision other similar provisions at same time, so that I can recall multiple sections/concepts in one MCQs.

Along with that I do believe in one statement, "वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें". This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

Finally, my above said thoughts and vision concluded in one word i.e. "Paperathon" which means a unique type of marathon where you will find LINKING ANALYSIS of each question asked in previous exam paper along with subject wise weightage analysis. Further, I have also tried to give video solution of such Paperathon on YouTube. You will be able to find out video solution by scanning the QR code, which will direct you to the official website of we all Law Linkers i.e. www.LinkingLaws.com. I have strong faith that you will find the initiative of 'Paperathon' useful & productive for your exam preparation.

- Tansukh Paliwal

Founder of Linking Laws

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Note : The above index contain the various subjects of laws as per latest syllabus for All India Bar Examination {Source: www.allindiabarexamination.com}

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Syllabus for All India Bar Exam

Sr. No.	Topic /Subject	Number of Questions
1.	Constitutional law	10
2.	I. P. C. (Indian Penal Code) & (New) Bharatiya Nyaya Sanhita	8
3.	Cr. P. C. (Criminal Procedure Code) & (New) Bharatiya Nagarik Suraksha Sanhita	10
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8.	Public Interest Litigation	4
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10.	Professional Ethics & Cases of Professional Misconduct under Bar Council of India Rules	4
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12.	Environmental Law	2
13.	Cyber Law	2
14.	Labour & Industrial Law	4
15.	Law of Tort, including Motor Vehicle Act and Consumer Protection Law	5
16.	Law related to Taxation	4
17.	Law of Contract, Specific Relief, Property Laws, Negotiable Instrument Act	8
18.	Land Acquisition Act	2
19.	Intellectual Property Laws	2
	Total	100

Note : The above Particulars are as per latest syllabus for All India Bar Examination mentioned at official website for AIBE exam

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

AIBE LINKING WEIGHTAGE ANALYSIS (EXAM WISE) (AIBE Paper III-IX without Linked Provision & Explanations)

SR. No	Subjects	Total Questions no. (In %)								
		AIBE-3 rd (2012)	AIBE-4 th (2012)	AIBE-5 th (2013)	AIBE-6 th (2014)	AIBE-7 th (2014)	AIBE-8 th (2015)	AIBE-9 th (2016)	Total No. of Ques.	Average of Sevan Exams
I. Civil Major Law										
1.	CoI	9	8	11	10	7	9	7	61	8.71%
2.	C.P.C	8	11	11	10	6	6	5	57	8.14%
II. Criminal Major Law										
3.	BNS (I.P.C.)	7	6	6	6	6	8	6	45	6.42%
4.	BNSS (Cr.P.C.)	9	8	10	10	12	11	10	70	10%
5.	BSA (I.E.A.)	7	8	8	8	5	7	9	52	7.42%
III. Common Civil Minor Law										
6.	Family Law	1	4	5	4	2	2	2	20	2.85%
7.	I.C.A.	3	14	16	9	8	8	6	64	9.14%
8.	S.R.A.	1	3	3	2	5	-	4	18	2.57%
9.	T.P.A.	11	2	2	4	2	2	5	28	4%
10.	N.I.A.	1	2	-	3	3	2	2	13	1.85%
IV. Other Civil Minor Law (Codified)										
11.	A&C Act	5	5	2	3	2	3	4	24	3.42%
12.	C.P. Act,1986	-	2	1	1	-	3	2	9	1.28%
13.	Environment Law	8	4	3	4	4	4	4	31	4.42%
14.	Adv. Act, 1961	1	1	-	-	3	2	4	11	1.57%
15.	M.V. Act	1	-	1	1	1	2	1	7	1%
V. Other Civil Minor Law (Uncodified)										
16.	Adm. Law	1	2	2	3	1	1	-	10	1.52%
17.	Law of Tort	7	2	3	4	3	4	3	26	3.71%
18.	P.I.L.	-	-	-	-	-	-	-		
VI. Technical Law										
19.	I.T. Act, 2000	-	-	-	-	5	5	6	16	2.28%
20.	Company Law	4	3	5	4	3	5	5	29	4.14%
21.	Taxation Law	-	-	-	-	-	-	-	-	-
22.	I.P. Laws	-	-	-	-	-	-	-	-	-
23.	L.A. Act, 1894	-	-	-	-	-	-	-	-	-
24.	Labour Law	2	6	6	6	4	2	6	32	4.57%

Note: Any Law which was part of Syllabus earlier but not included in Latest Syllabus of AIBE has been intentionally removed in this book.

CONSTITUTION OF INDIA

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis

AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	15,16,17,19,61,78,81,84,86,	9	9%
AIBE 4 th (2012)	7,88,90,92,93,94,95,96	8	8%
AIBE 5 th (2013)	11,19,20,21,23,24,25,35,90,94,97	11	11%
AIBE 6 th (2014)	91,92,93,94,95,96,97,98,99,10	10	10%
AIBE 7 th (2014)	14,15,28,57,97,98,99	7	7%
AIBE 8 th (2015)	13,14,15,16,17,39,40,95,98	9	9%
AIBE 9 th (2016)	3,4,5,18,19,36,42	7	7%



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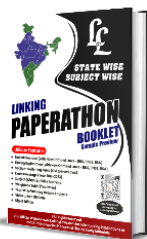
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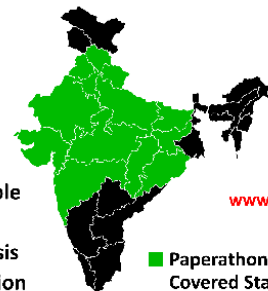
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ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Constitution of India

Examination – III [2012]

15. Which of the following matters does the Parliament have the power to make laws on?

- (1) Entries in List I in Seventh Schedule of the Constitution of India.
- (2) Entries in Lists-I and II in Seventh Schedule of the Constitution of India.
- (3) Entries in Lists II and III in Seventh Schedule of the Constitution of India.
- (4) Entries in Lists I and III in Seventh Schedule of the Constitution of India.
- (5) Entries in Lists I, II, and III in Seventh Schedule of the Constitution of India.

Ans. [4]

16. Which of the following is a fundamental right that a foreign national residing in India enjoys?

- (1) The right to assemble peaceably and without arms.
- (2) The right to carry on a business.
- (3) The right to move freely throughout the territory of India.
- (4) The right against deprivation of personal liberty.
- (5) The right to reside in any part of India.

Ans. [4]

17. Which of the following writs is used to challenge the legality of a claim that a person asserts to a public office, and to remove such a person from the public office if the claim is not well-founded?

- | | |
|-------------------|--------------------|
| (1) Quo warranto. | (2) Habeas corpus. |
| (3) Mandamus. | (4) Certiorari. |
| (5) Prohibition. | |

Ans. [1]

19. A State passes a legislation making it mandatory for all persons riding two-wheelers within the State to wear helmets. This rule extends not only to the driver, but also to any passenger on a two-wheeler. A two-wheeler rider, A, challenges the legislation on the ground that it violates A's fundamental right under Article 19(1)(d) of the Constitution of India to move freely throughout the territory of India. Will the challenge succeed?

- (1) Since the rule that makes helmets for two-wheeler riders does not exist in other States, it is arbitrary and unreasonable. As such, it violates the fundamental right under Article 19(1)(d) and must be struck down.
- (2) The safety of persons riding two-wheelers cannot be said to be in the interest of the 'general public'. Moreover, wearing a helmet affects the safety only of those riding the two-wheeler, and nobody else, including the other persons on the road. Hence, the rule that makes helmets compulsory will be struck down.
- (3) The rule that makes helmets compulsory is a reasonable restriction on the right under Article

19 (1) (d), and moreover, is in the interests of the general public. Therefore, the challenge will not succeed.

- (4) The rule that makes helmets compulsory, if struck down, would affect the right to carry on any occupation-trade, or business of the helmet manufacturers, and therefore, cannot be struck down.
- (5) The rule that makes helmets compulsory is a reasonable restriction on the right under Article 19 (1)(d), but it must be imposed by the Central Government for it to be valid. Hence, the rule will be struck down.

Ans. [3]

61. Charges of corruption are brought against A, the President of India. The President is found to enjoy immunity against those charges. Which of the following Statements is the most accurate application of the principle below?

- (1) There is a presence of 'disability' in the office of the President, and hence, A cannot function as President so long as A is relying on 'immunity'.
- (2) There is an absence of 'disability' in the office of the President as there is a presence of 'immunity' in the office of the President.
- (3) There is an absence of 'disability' in the Court of law to try the President of India for an offence of corruption.
- (4) There is a presence of 'disability' from prosecution in the office of the President of India, and this results in an 'immunity' from prosecution for an offence of corruption.

Ans. [5]

81. X, was denied a job in a government department on account of being HIV positive, despite possessing the necessary qualifications for the post. X filed a petition challenging the denial, of the job. The petitioner argued that the said denial was arbitrary, unreasonable, and infringes X's right under Articles 14 and 21 of the Constitution of India: In light of these facts, which of the following Statements is the most accurate application of the principle below?

- (1) X's petition will fail because X's HIV positive status would be a threat to public health.
- (2) X's petition will succeed because X has the necessary qualifications.
- (3) X's petition will fail because X's right to livelihood is not an absolute right.
- (4) X's petition will succeed because no person can be deprived of the right to livelihood merely on the grounds of being HIV positive.

Ans. [4]

84. In a challenge to adjudication of disqualification of a member of a legislature, bias was alleged against the Chief Election Commissioner on the

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Constitution of India

ground that the complainant was a friend of the Chief Election Commissioner. The Supreme Court held that as there was a suspicion of bias, the Chief Election Commissioner should excuse himself from participating in the decision and let the other two Election Commissioners decide the point. However, there is a difference of opinion between the two Election Commissioners and they are unable to decide the matter. Can the Chief Election Commissioner participate in the adjudication to resolve the deadlock?

- (1) The Chief Election Commissioner cannot participate in the adjudication, as the Supreme Court has already ordered that the Chief Election Commissioner step aside from the adjudication.
- (2) The Chief Election Commissioner cannot participate in the adjudication, as personal bias has already disqualified the Chief Election Commissioner.
- (3) The Chief Election Commissioner cannot participate in the adjudication, as the Chief Election Commissioner will now be even more biased towards the complainant.
- (4) The Chief Election Commissioner can participate in the adjudication as no other person competent to adjudicate and resolve the deadlock is available.

Ans. [4]

86. A was arrested and detained under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974. The detention order prevented A from meeting A's lawyer more than once month. A filed a petition challenging the constitutional validity of the detention order, which restricted A from meeting A's lawyer. In light of these facts, which of the following Statements is the most accurate application of the principle below?

- (1) A will succeed because the detention order violates Article 22 of the Constitution of India, as it restricts the right of the accused to consult a lawyer of choice.
- (2) A will not succeed because the restriction stipulating that A can meet a lawyer once a month is a reasonable restriction.
- (3) A will succeed because A has the right to meet anyone A wants to.
- (4) A will not succeed because A is a detainee and has no fundamental rights.

Ans. [1]

Examination - IV [2012]

7. What is the period of appointment of the Comptroller and Auditor- General of India?

- (1) 6 years
- (2) Up to 65 years of age
- (3) 6 years or 65 years of age whichever is earlier

- (4) Up to 62 years of age

Ans. [3]

88. While interpreting the phrase "equality before the law" contained in Article 14 of the Constitution, the Supreme Court constantly maintained that equality means:

- (1) Absolute equality among human beings
- (2) Equal treatment to all persons
- (3) Among equals, the law should be equal and should be equal and should be equally administered
- (4) Both (2) & (3)

Ans. [3]

90. The concept of 'Judicial Review in India is based on:

- (1) Procedure established by law;
- (2) Due process of law;
- (3) Rule of law;
- (4) International treaties and convention

Ans. [3]

92. The item 'Education' belongs to the:

- (1) Union List
- (2) State List
- (3) Concurrent List
- (4) Residuary Subject.

Ans. [3]

93. Who was the Constitutional Advisor to the Constituent Assembly of India?"

- (1) Dr. Rajendra Prasad
- (2) Dr. B.R. Ambedkar
- (3) B.N. Rao
- (4) Jawaharlal Nehru.

Ans. [3]

94. Which of the following writs is a bulwark of personal freedom?

- (1) Quo Warranto
- (2) Mandamus
- (3) Habeas Corpus
- (4) Certiorari

Ans. [3]

95. Which one of the following Fundamental Rights was described by Dr. B.R. Ambedkar as the heart and soul of the Constitution?"

- (1) Rights of equality
- (2) Rights, to Freedom of Religion
- (3) Rights to Constitutional Remedies
- (4) All the above

Ans. [3]

96. The number of Fundamental Rights available in Constitution of India are:

- (1) Six
- (2) Seven
- (3) Eight
- (4) Ten

Ans. [1]

Examination - V [2013]

11. Original Jurisdiction of the Supreme Court is dealt under-

- (1) Article 226
- (2) Article 130

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Constitution of India

- (3) Article 131 (4) Article 124
Ans. [3]
19. It was held by the Supreme Court of India that preamble was not a part of the constitution in the case of and this has been overruled in the case of.....
(1) In re : Berubari Union; Keshavananda Bharathi vs. State of Kerala
(2) A. K. Gopalan vs. State of Madras; Maneka Gandhi vs. Union of India
(3) Ajay Hasia vs. Khalid Mujib; Som Prakash vs. Union of India
(4) I.C. Golaknath vs. State of Punjab; Shankar Prasad vs. Union of India
Ans. [1]
20. The Supreme Court in Selvi & Ors. vs. State of Karnataka held that compulsory brain-mapping and polygraph tests and NARCO analysis were in violation of the following Articles of the Constitution.
(1) Articles 23 and 24 (2) Articles 15 and 16
(3) Articles 29 and 30 (4) Articles 20 and 21
Ans. [4]
21. Laws declared by the Supreme Court shall be binding on all Courts-mentioned under -
(1) Article 142 (2) Article 143
(3) Article 136 (4) Article 141
Ans. [4]
23. Justice Ramanandan Committee relates to-
(1) Union State relations (2) Creamy layer
(3) Finance Commission (4) Elections
Ans. [2]
24. Equal pay for Equal work - can be enforced through-
(1) Article 39 (2) Articles 14 and 16
(3) Article 311 (4) Article 309
Ans. [2]
25. The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws mentioned under -
(1) Article 352 (2) Article 256
(3) Article 254 (4) Article 301
Ans. [2]
35. A seven-member bench of the Supreme Court unanimously struck down Clause 2(d) of Article 323-A and Clause 3 (d) of Article 323-B of the Constitution relating to tribunals which excluded the jurisdiction of High Court and Supreme Court. The court held that power of judicial review over legislative action is vested in the High Court under Article 226 and in the Supreme Court under

Article 32. This is an integral part of the basic structure of the Constitution. Name the case -

- (1) L. Chandra Kumar vs. Union of India
(2) Kihota Hollohon vs. Zachilhu
(3) Nagaraj vs. State of A. P.
(4) Rajendra Singh Rana vs. Swami Prasad Maurya
Ans. [1]

90. If a Quasi-judicial authority violates the principles of natural justice, the appropriate writ would be

- (1) Mandamus (2) Habeas Corpus
(3) Quo warranto (4) Certiorari
Ans. [4]

94. By the Constitution (97th Amendment) Act, 2011 the following word has been, inserted under Article 19(1)(c)

- (1) Democratic Societies
(2) Registered Societies
(3) Co-operative Societies.
(4) Co-operative Management
Ans. [3]

97. "Passive Euthanasia is permitted in certain cases-"
held in -

- (1) Aruna Ramachandran Shanbaug vs Union of India
(2) Gian Kaur vs State of Punjab
(3) P. Rathinam vs Union of India
(4) State of Maharashtra vs. Chandraben
Ans. [1]

Examination - VI [2014]

91. New states are created under

- (1) Art. 3 of the Indian
(2) Art. 4 of the Indian Constitution
(3) Art.5 of the Indian Constitution
(4) Art. 370 of the Indian Constitution
Ans. [1]

92. Doctrine of pleasure with reference to civil servants is mentioned under

- (1) Art. 311 of the Indian Constitution
(2) Art. 308 of the Indian Constitution
(3) Art. 301 of the Indian Constitution
(4) Art. 310 of the Indian Constitution
Ans. [4]

93. Right to know flows from one of these Articles of the Constitution

- (1) Art. 15 (2) Art. 19
(3) Art. 20 (4) Art.23
Ans. [2]

94. Freedom of trade, commerce and intercourse throughout the territory of India - is mentioned under

- (1) Art. 19(1)(g) (2) Art. 300-A

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Constitution of India

- (3) Art. 301 (4) Art. 299
Ans. [3]
95. **Passive euthanasia under certain circumstance is permissible - held in the case of -**
(1) Aruna Ramachandra Shanbaug Vs. Union of India
(2) Gian Kaur Vs State of Punjab
(3) State of Maharashtra Vs. Maruty Sripaty Dubal
(4) P. Rathinam Vs Union of India
Ans. [1]
96. **It was held by the Supreme Court that the balance between Fundamental Rights and Directive Principles of State Policy is the bedrock and the basic structure of the constitution in which case?**
(1) Keshavanada Bharathi v State of Kerala
(2) Minerva Mills Vs. UOI
(3) Indira Nehru Gandhi v Rajnarain
(4) Kihota Hollohon v. Zachilhu
Ans. [2]
97. **K. C. Gajapati Narayan Deo v. State of Orissa, is often quoted with reference to**
(1) Doctrine of Eclipse
(2) Doctrine of severability
(3) Doctrine of colorable legislation
(4) Doctrine of territorial nexus
Ans. [3]
98. **Raja Ram Pal v. Hon'ble Speaker, Lok Sabha deals with**
(1) Presidents' election
(2) Privileges of the legislature
(3) Pardoning power
(4) Office of profit
Ans. [2]
99. **Under Art. 1 of the Constitution, India that is Bharat shall be**
(1) Federation of states (2) Union of states
(3) Democratic republic (4) Quasi federal
Ans. [2]
100. **A Minister ceases to hold office if he does not become a member of the Legislature within six months is mentioned under**
(1) Art. 164 (4) (2) Art. 164(1)
(3) Art. 164(2) (4) Art. 164 (3)
Ans. [1]
- Examination - VII [2014]**
14. **The question whether the Fundamental Rights can be amended under Art. 368 came for consideration first time in-**
(1) Shankari Prasad vs. Union of India
(2) Keshavananda Bharati vs. Union of India
(3) Golak Nath vs. State of Punjab
- (4) None of the above
Ans. [1]
15. **Equality of opportunity admits discrimination with reasons, it was observed by Apex Court in-**
(1) State of Kerala vs. N.M. Thomas
(2) Indira Sawhney vs. Union of India
(3) AIR India vs. Nargesh Mirza
(4) All the above
Ans. [1]
25. **National Conservation Strategy and Policy Statement on Environment and Development is a major environmental policy in India and it was passed in the year-**
(1) 1958 (2) 1982
(3) 1992 (4) 1990
Ans. [3]
28. **Right to freedom to acquire, hold and dispose-off property is abolished by-**
(1) 44th Amendment Act, 1978
(2) 43rd Amendment Act, 1976
(3) 50th Amendment Act, 1950
(4) 1st Amendment Act, 1951
Ans. [1]
57. **Equal pay for equal work for both men and women is proclaimed under of the Constitution of India.**
(1) Article 39 (a) (3) Article 39 (b)
(2) Article 39 (d) (4) Article 39(c)
Ans. [2]
97. **The Sampoorna Grameen Rozgar Yojana (Universal Rural Employment Programme) was launched in 2001 and was implemented through -**
(1) Labour offices
(2) Government
(3) Panchayati Raj Institutions
(4) All the above
Ans. [3]
98. **A law which violates fundamental rights is not nullity or void-ab-initio but becomes only unenforceable, this doctrine is called as -**
(1) Doctrine of severability
(2) Doctrine of 3 points
(3) Tornado doctrine
(4) Doctrine of eclipse
Ans. [4]
99. **Which one of the following is covered under the definition of State -**
(1) The Indian Statistical Institute
(2) Indian Council of Agricultural Research
(3) Sainik School Society
(4) NCERT
Ans. [4]

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Constitution of India

Examination - VIII [2015]

13. According to Article 71 Disputes arising in connection with the elections of a President or Vice- President are to be enquired into and decided by

- (1) The Supreme Court
- (2) High Court
- (3) Both by High Court and Supreme Court.
- (4) Tribunal established for that purpose.

Ans. [1]

14. The Supreme Court observed, Where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability. In such a case, the measure of compensation must be correlated to the magnitude and capacity of the enterprise because such compensation must have a deterrent effect. The larger and more prosperous the enterprise, the greater must be the amount of compensation payable by it for the harm caused on account of an accident in the carrying on of the hazardous or inherently dangerous activity by the enterprise. Name the case.

- (1) Subhash Kumar vs. State of Bihar 1991
- (2) Rural Litigation and Entitlement Kendra vs. State of U.P., 1985
- (3) M.C. Mehta vs. Union of India, 1986
- (4) Union Carbide vs. Union of India, 1984

Ans. [3]

15. Selvi's daughter Kavita had married Shivakumar of a different caste against the wishes of her family. Shivakumar was brutally killed in 2004, and Selvi and two others became the suspects. Since the prosecution's case depended entirely on circumstantial evidence, it sought the Court's permission to conduct polygraphy and brain-mapping tests on the three persons. The Court granted permission and the tests were conducted. When the results of the polygraphy test indicated signs of deception, the prosecution sought the Court's permission to perform narcoanalysis on the three persons. The Magistrate directed the three to undergo narcoanalysis. All of them challenged this decision in the Karnataka High Court, but failed to get relief. They then went in appeal to the Supreme Court. The Court held -

- (1) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 20(3) and 21 of the Constitution.

- (2) Compulsory brain-mapping and polygraph tests and narcoanalysis were valid under Articles 20(3) and 21 of the Constitution.
- (3) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 20(1) and 21 of the Constitution.
- (4) Compulsory brain-mapping and polygraph tests and narcoanalysis were in violation of Articles 14 and 21 of the Constitution

Ans. [1]

16. Article 48-A and Article 51-A (g) were inserted in the Constitution by-

- (1) The Constitution (42nd Amendment) Act, 1978
- (2) The Constitution (42nd Amendment) Act, 1976
- (3) The Constitution (43rd Amendment) Act, 1978
- (4) The Constitution (44th Amendment) Act, 1978

Ans. [2]

17. It was held by the Supreme Court that noise pollution beyond permissible limits cannot be tolerated, even if such noise was a direct result of and was connected with religious activities in the case of-

- (1) Vellore Citizens Welfare Forum vs. Union of India
- (2) Church of God (Full Gospel) in India vs. KKR Majestic Colony Welfare Association
- (3) Rural Enlightenment Kendra vs. Union of India
- (4) Narmada Bachao Andolan vs. Union of India

Ans. [2]

39. Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed, cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies- this was stated in the case of-

- (1) Jespar & Slong vs. State of Meghalaya, AIR 2004 SC 3533
- (2) Vajravelu Mudiliar vs. Special Dty Collector, AIR 1965 SC 1017
- (3) E. P. Royappa vs. State of T.N., AIR 1974 SC 555
- (4) In Punjab Communication Ltd. vs. Union of India. 1999 (4) SCC 727

Ans. [3]

40. In State of Karnataka vs. Union of India, AIR 1978 SC 68, Appointment of a commission by the Union government under Section 3 (1) of the Commission of Inquiry Act (60 of 1952) to look into the charges of corruption etc. against the Chief Minister and other Ministers of a State was challenged. It was held -

- (1) Arbitrary under Article 14
- (2) Violates federal principle
- (3) Jurisdiction of the Court is ousted and hence violates the Basic Structure of the Constitution
- (4) Federal Structure is not jeopardized

Ans. [4]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Constitution of India

95. Which Article under the Constitution of India talks about the participation of workers in the management of Industries?

- | | |
|----------|----------|
| (1) 43 | (3) 43-B |
| (2) 43-A | (4) 42 |

Ans. [2]

98. Entry No. 22 of the Concurrent List deals with-

- (1) Social security and insurance, employment and unemployment
- (2) Industrial disputes concerning Union employees
- (3) Trade unions and industrial and labour disputes
- (4) Regulation of labour and safety in mines and oil fields

Ans. [3]

Examination - IX [2016]

3. Directive Principles are-

- (1) justifiable as fundamental rights
- (2) justifiable but not as fundamental rights
- (3) decorative portions of Indian Constitution
- (4) not justifiable, yet fundamental in the governance of the country

Ans. [4]

4. Who has the power to dissolve the Lok Sabha

- (1) President
- (2) Prime Minister
- (3) Speaker of Lok Sabha
- (4) Council of Ministers

Ans. [1]

5. An amendment of the Constitution can be initiated by introduction of Bill for such purpose in

- (1) Council of States
- (2) House of People
- (3) either in Council of States or House of People
- (4) none of the above

Ans. [3]

18. Which of the following are included in the concept of "State" under Article 12?

- (1) Railway Board and Electricity Board
- (2) Judiciary
- (3) University
- (4) All of the above

Ans. [2]

19. The word 'procedure established by law' in Article 21 means -

- (1) that due process of law must be followed
- (2) A procedure laid down or enacted by a competent authority
- (3) The same thing as due process of law
- (4) A law which is reasonable, just and fair.

Ans. [2]

36. The entry on forests and protection of Wild animals and birds was moved from..... to the..... by the 42nd Amendment to the Constitution of India.

- (1) Centre list to State list
- (2) Centre list to Concurrent list
- (3) State list to Concurrent list
- (4) State list to Union list

Ans. [3]

42. Which of the following is true in respect of a Government contract which does not confirm to provisions of Article 299 of the Constitution?

- (1) They are not enforceable in Court against the parties
- (2) They can be rectified by the Government
- (3) Both (1) and (2)
- (4) Neither (1) nor (2)

Ans. [1]

Code of Civil Procedure, 1908

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	8,10,11,12,13,14,45,46,	8	8%
AIBE 4th (2012)	41,47,48,49,51,52,53,54,55,56,57	11	11%
AIBE 5th (2013)	5,6,8,13,14,62,77,79,81,82,83	11	11%
AIBE 6th (2014)	43,47,48,49,50,51,52,53,54,55	10	10%
AIBE 7th (2014)	2,30,44,48,49,50	6	6%
AIBE 8th (2015)	19,50,77,78,79,83	6	6%
AIBE 9th (2016)	8,9,20,21,22	5	5%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Code of Civil Procedure, 1908

Examination - III [2012]

8. Which of the following Statements is most accurate about a clerical error that has accidentally crept into a judgment?

- (1) Such an error cannot be corrected except by way of an appeal against the judgment.
- (2) The parties must file a fresh suit to rectify the error in the judgment.
- (3) The parties can apply to and request the registrar of the Court to rectify the error in the judgment.
- (4) The clerk who is responsible for the error must file an application to correct the error in the judgment.
- (5) The Court may, of its own motion, rectify the error in the judgment.

Ans. [5]

10. In which of the following circumstances can a Court pass an interlocutory order?

- (1) Before a suit has been filed, to protect the rights of the parties.
- (2) After a suit has been filed but before its final disposal, to protect the disputed property.
- (3) After a suit has been filed but before its final disposal, to protect the rights of the parties.
- (4) After final disposal of a suit, to protect the disputed property.
- (5) After final disposal of a suit, to protect the rights of the parties.

Ans. [3]

11. In which of the following circumstances will a judgment of a foreign Court not operate as res judicata between the parties?

- (1) The foreign Court was not, one of competent jurisdiction.
- (2) The judgment was given only on the merits of the case.
- (3) The judgment was obtained fraudulently.
- (4) The proceedings in the foreign Court did not follow the principles of natural justice.
- (5) The foreign Court failed to recognise that Indian law was applicable.

Ans. [Deleted]

12. A files a suit against B over a contractual dispute. The Court summons B and fixes a date to hear the matter. On the appointed day, A fails to appear in person. A's lawyer informs the Court and B that A will be unable to attend the hearing as she is attending a parent-teacher meeting at her son's school. In light of these facts and the principle below, what is the Court most likely to do?

- (1) The Court will dismiss the suit, as the plaintiff did not appear in person.
- (2) The Court will proceed ex-parte, as the defendant did not appear in person.
- (3) The Court will proceed with the hearing, as the plaintiff has sufficient cause to be absent.

- (4) The Court will proceed with the hearing, as the defendant has sufficient cause to be absent.
- (5) The Court will proceed with the hearing, as the defendant and the plaintiffs lawyer are present in Court.

Ans. [5]

13. A enters into agreements with B and C. A agrees to supply B with oranges and to supply C with mangoes. Subsequently, A fails to supply both B and C with the fruits as promised. In light of these facts and the principle below, which of the following Statements is most accurate?

- (1) B & C must file separate suits, as A has entered into separate agreements with B and C.
- (2) B and C may file a suit against A together, as A's failure to supply them, with fruits is a common cause of action.
- (3) B and C may file a suit against A together, as the right to relief arose from the same act, that is, A's failure to supply them with fruits.
- (4) B and C may file a suit against A together, as the right to relief arose from the same transaction, that is, A's agreement with B and C.
- (5) B and C may file a suit together, as common questions of law and facts would arise if they filed separate suits.

Ans. [1]

14. ABC Private Limited is a courier company head quartered at Mumbai. D, a resident of New Delhi, is visiting Mumbai and dispatches a consignment of valuable goods through ABC Private Limited from Mumbai to his ancestral home in Kolkata. In the course of transit, the goods are damaged at Bhopal. In light of these facts and the principles below, where is D permitted to file a suit against ABC Private Limited?

- (1) At Bhopal, Mumbai, or Kolkata.
- (2) At Mumbai or Bhopal.
- (3) At Mumbai, Bhopal, or New Delhi.
- (4) At New Delhi or Bhopal.
- (5) At Mumbai or Kolkata.

Ans. [2]

45. Which of the following Statements does not describe a fundamental rule regarding pleadings?

- (1) Pleadings must State all material facts.
- (2) Pleadings need not follow, word-for- word in all cases, the forms set out in Appendix A to the Code of Civil Procedure, 1908.
- (3) Pleadings must list all principles of law applicable to the facts.
- (4) Pleadings need not State the facts by means of which the material facts are to be proved.
- (5) Pleadings need to include material facts that the law presumes in the party's favour. only if the same has been specifically denied.

Ans. [3]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Code of Civil Procedure, 1908

46. Which of the following Statements regarding written Statements is the most accurate?

- (1) The rules applicable to plaints are, generally, not applicable to written Statements.
- (2) The defendant is allowed a maximum of ninety days from the commission of the offence to file a written Statement with the Court.
- (3) A Statement questioning the maintainability of the suit would be sufficient in a written Statement, as it is not always necessary to specifically State why the suit is not maintainable.
- (4) The defendant may choose to admit or deny the allegations in the plaint but must not allege any new facts in the written Statement.
- (5) The defendant can add to the written Statement the defence of set-off or counter-claim even at a later stage in the proceedings, with the permission of the Court, if there is due cause for doing so.

Ans. [5]

Examination - IV [2012]

41. Judgment under Section 2(9) means:

- (1) A decree
- (2) Dismissal of an appeal
- (3) Statement of ground of an order or decree
- (4) All the above.

Ans. [3]

47. In every plaint, under Section 26 of CPC facts should be proved by:

- (1) Oral evidence
- (2) Affidavit
- (3) Document
- (4) Oral evidence as well as document.

Ans. [2]

48. Doctrine of Res-judicata as contained in Section 11 of CPC is based on the maxim;

- (1) Nemo debet bis vexari pro uno et eadem causa
 - (2) Interest republicae at sit finis litium
 - (3) Both (1) & (2)
 - (4) Either (1) or (2)
- Ans. [3]

49. Foreign Court under Section 2(5) of CPC means:

- (1) A Court situated outside India;
- (2) A Court situated outside India the authority of Government of India;
- (3) A Court situated in India applying foreign law;
- (4) All of these

Ans. [1]

51. Principle of Res-sub judice is provided in -

- (1) Sec.10 of CPC
- (2) Sec.11 of CPC
- (3) Sec.13 of CPC
- (4) Sec. 14 of CPC

Ans. [1]

52. A suit for damages for breach of contract can be filed at a place:

- (1) Where the contract was made;
- (2) Where the contract was to be performed or breach occurred;
- (3) Anywhere in India;
- (4) Both (1) and (2)

Ans. [4]

53. Limitation Act is applicable to-

- (1) Civil suits
- (2) Criminal cases
- (3) Both of the following is correct
- (4) Civil, all the above

Ans. [1]

54. Principle of Res-judicata applies;

- (1) Between Co-defendants
- (2) Between Co-plaintiffs
- (3) Both (1) & (2)
- (4) Neither (1) & (2)

Ans. [4]

55. Validity of a foreign judgment can be challenged under Section 13 of CPC; -

- (1) In a civil Court only
- (2) In a criminal Court only,
- (3) In both civil and criminal Court
- (4) Neither in civil nor in criminal Court

Ans. [1]

56. Under Section 15 of CPC, every suit shall be instituted in:

- (1) The District Court
- (2) The Court of the lowest grade
- (3) The Court of higher grade
- (4) All of the above

Ans. [2]

57. 'X' residing in Delhi, publishes Statements defamatory to "Y" in Calcutta, "Y" can sue "X" at:

- (1) Delhi
- (2) Calcutta;
- (3) Anywhere in India
- (4) Either in Delhi or in Calcutta

Ans. [4]

Examination - V [2013]

5. The provision under CPC that relates to suit by indigent persons-

- | | |
|--------------|--------------|
| (1) Order 32 | (3) Order 35 |
| (2) Order 34 | (4) Order 33 |

Ans. [4]

6. Where a party to a suit requires information as to facts from the opposite party, he may administer to his adversary a series of questions. It is called as-

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Code of Civil Procedure, 1908

- (1) Question Petition (2) Question pamphlet
(3) Interrogatories (4) Discovery

Ans. [3]

- (2) Right to file suit
(3) Power to alienate the property
(4) Capacity of execution of a decree.

Ans. [3]

8. Who decides as to which of the several modes he/she will execute the decree

- (1) Plaintiff (2) Court
(3) Judgement debtor (4) Decree holder

Ans. [4]

13. A person appointed by the Court to protect, preserve and manage the property during the pendency of the litigation

- (1) Amicus curiae (3) Protector
(2) Preserver (4) Receiver

Ans. [4]

14. is a suit filed by or against one or more persons on behalf of themselves and others having the same interest in the suit.

- (1) Joint suit
(2) Representative suit
(3) Collusive suit
(4) Collective suit.

Ans. [2]

62. Which section under the Civil Procedure Code, 1908 deals with the settlement of disputes outside the Court ?

- (1) Section 98 (3) Section 89
(2) Section 99 (4) Section 88

Ans. [3]

77. Where there are mutual debts between the plaintiff and the defendant, one debt may be settled against another. This can be a statutory defence to a plaintiff's action and it is called as

- (1) Cross-claim (2) Set-off
(3) Cross-demand (4) Cross-decrees

Ans. [2]

79. Existence of two suits, by parties litigating under same title, one previously instituted which is pending at present and the other filed later, wherein a matter in issue in the subsequently filed suit is directly and substantially in issue in the other and the relief claimed in the subsequent suit can effectively be passed by the court of previous instance. Which section of CPC decides the fate of the subsequently filed suit and its proceeding?

- (1) Section 11 (2) Section 9
(3) Section 10 (4) Section 12

Ans. [3]

81. An attachment before judgement order takes away.

- (1) Right to ownership

82. The three pillars on which foundation of every order of injunction rests

- (1) Prima facie case, injury with damage and balance of inconvenience
(2) Prima facie case, reparable injury and balance of convenience
(3) Prima facie case, irreparable injury and balance of convenience
(4) Prima facie case, damage without injury and balance of convenience

Ans. [3]

83. is to enable subordinate Courts to obtain in non-appealable cases the opinion of the High Court in the absence of a question of law and thereby avoid the commission of an error which could not be remedied later on.

- (1) Review (3) Appeal
(2) Reference (4) Revision

Ans. [2]

Examination - VI [2014]

43. In which year by an amendment of the Code of Civil Procedure Sec.89 has been included in the code, which gives importance to mediation, conciliation and arbitration.

- (1) 2002 (2) 2004
(3) 2013 (4) 2012

Ans. [1]

47. Claim made by the defendant in a suit against the plaintiff

- (1) Cross claim (2) Cross suit
(3) Counter claim (4) Cross decree

Ans. [3]

48. Interpleader suit is dealt with in which of the following sections of C.P.C.?

- (1) Section 87 (2) Section 88
(3) Section 89 (4) Section 90

Ans. [2]

49. As required by S.80 C.P.C, the suit can be instituted after the expiry of----- of notice

- (1) 1 month (2) 2 months
(3) 60 days (4) 30 days

Ans. [2]

50. Under S.2 (2) of C.P.C. Rejection of a plaint is -

- (1) Decree (2) Deemed decree
(3) Cross decree (4) Cross appeal

Ans. [2]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Code of Civil Procedure, 1908

51. **Ratilal v. State of Bombay** is a popular case on the point of

- (1) Res judicata
- (2) Res sub-judice
- (3) Restitution
- (4) Doctrine of Cy-pres

Ans. [4]

52. **Pick out the case u/S. 58 (1-A), in which arrest or detention in civil prison is not maintainable.**

- (1) A judgment debtor, where decretal amount does not exceed Rs. 5,000/-
- (2) A judgment debtor where decretal amount is does not exceed Rs.2,500-
- (3) A judgment debtor where decretal amount is does not exceed Rs.2000/-
- (4) A judgment debtor where decretal amount is does not exceed Rs.1,000/-

Ans. [3]

53. **A precept seeks to of the judgement debtor.**

- (1) Attach the property
- (2) Prevent alienation of property of the
- (3) Prevent attachment and alienation
- (4) None of the above.

Ans. [2]

54. **R.90 of Order 21 deals with-**

- (1) Pre-sale illegalities committed in the execution
- (2) Post-sale irregularities causing substantial injury to judgment debtor
- (3) Both 1 and 2
- (4) None of the above.

Ans. [2]

55. **The place of suing in a suit for partition will be**

- (1) Court within whose jurisdiction the person is residing
- (2) Court within whose jurisdiction the elder person of the family resides
- (3) Court within whose jurisdiction the entire property of the family is situated.
- (4) Court within whose jurisdiction the immovable property is situated

Ans. [4]

Examination - VII [2014]

2. **In the judgment of the Supreme Court in Salem Bar Association vs. Union of India, the Supreme Court had requested this committee headed by to prepare a case management formula.**

- (1) Justice Bhagwathi
- (2) Justice Muralidhar
- (3) Justice Raveendran
- (4) Justice Jagannandha Rao

Ans. [4]

30. **"A", a railway company, is in possession of goods as a consignee. It does not claim any interest in the goods except lien of wharfage, demurrage and**

freight but rival claims have been made by B and C adversely to each other. A can institute —

- (1) An application to decide the same
- (2) An interpleader suit
- (3) Friendly suit
- (4) None of the above

Ans. [2]

44. **Section 89 of the Civil Procedure Code was incorporated through the Civil Procedure Code Amendment Act of..... which is the prominent provision that discusses about the jurisdiction of civil Courts in applying Alternate Dispute Resolution mechanisms.**

- (1) 1989
- (2) 1999
- (3) 1988
- (4) 2009

Ans. [2]

48. **'A' resides at Delhi, and 'B' at Agra. B borrows Rs. 20,000/- from A at Benares and passes a promissory note to A payable at Benares. B fails to repay the loan. A may sue Bat-**

- (1) Benares or Agra
- (2) Benares only
- (3) Agra only
- (4) Benares, Agra and Delhi

Ans. [1]

49. **The general principle of waiver that provides that failure to raise objection in the Court of the first instance and at the earliest opportunity shall prevent the defendant from raising such objection at a subsequent stage and the judgment would not be vitiated on the ground of absence of territorial or pecuniary jurisdiction is reflected in which provision of Civil Procedure Code-**

- (1) Section 15
- (2) Section 16
- (3) Section 51
- (4) Section 21

Ans. [4]

50. **"Act of Court can do no wrong to any person". Which concept relates to this ideology-**

- (1) Precept
- (2) Caveat
- (3) Restitution
- (4) Injunction

Ans. [3]

Examination - VIII [2015]

19. **A is in possession of property claimed by B and C adversely. A does o not claim any interest in the property is ready to deliver it to the rightful owner. A can institute.**

- (1) Friendly suit
- (2) Caveat
- (3) Interpleader
- (4) Restitution.

Ans. [3]

50. **Amendments made in the year..... through the insertion of Section Procedure to the Civil Code introduced provisions to enable the Courts to**

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Code of Civil Procedure, 1908

refer pending cases to arbitration, conciliation and mediation to facilitate early and amicable resolution of disputes.

- (1) 1989, 98 (2) 1990, 88
(3) 1999, 89 (4) 2001, 88

Ans. [3]

77. Where territorial jurisdiction of a Court is transferred after passing a decree, an execution application may be filed—

- (1) In the Court which had passed the decree
(2) In the Court to which territorial jurisdiction was transferred only
(3) In either of the Court under (1) or (2)
(4) In any Court in India

Ans. [1]

78. Identify a case where set off can be pleaded.

- (1) Claim for unliquidated damages
(2) Suit for recovery of ascertained sum of money
(3) Suit for a sum legally non-recoverable
(4) None of the above

Ans. [2]

79. Where the right to the discovery or the inspection sought depends on the determination of any issue in the suit, the Court may try that issue as a before deciding upon the right to discovery or inspection.

- (1) Special issue (2) Preliminary issue
(3) Res judicata (4) Res sub judice

Ans. [2]

83. When a decree is transferred for execution to another Court and if the decree holder has reasons to apprehend that the judgment debtor will dispose of the property before it is attached by the other Court, he may apply to the Court which passed the decree to issue a attach the property at once.

- (1) Caveat
(2) Restitution order
(3) Attachment order
(4) Precept

Ans. [4]

Examination - IX [2016]

8. Section 10 of CPC does not apply-

- (1) when the previous suit is pending in the same Court
(2) when the previous suit is pending in a foreign Court
(3) when the previous suit is pending in any other Court of India.
(4) when the previous suit is pending in a Court outside India established by the Central Government

Ans. [2]

9. Principle of Res judicata is -

- (1) Mandatory (2) Directory
(3) Discretionary (4) All the above

Ans. [1]

20. Objection as to non-joinder or mis-joinder of parties under Order 1, Rule 13 of CPC

- (1) Can be taken at any stage of the proceedings
(2) should be taken at the earliest possible opportunity or shall be invalid
(3) can be taken in appeal or revision for the first time
(4) either (1) or (3)

Ans. [2]

21. Objection as to the place of suing

- (1) can only be taken before the Court of first instance at the earliest possible opportunity
(2) can also be taken before the appellate Court for the first time
(3) can also be taken before the Court of revision for the first time
(4) all of the above

Ans. [1]

22. On the retirement, removal or death of a next friend, under Order XXXII, Rule 10 of CPC, the suit is liable to be

- (1) stayed (2) dismissed
(3) rejected (4) either 1, 2 OR 3

Ans. [1]

Bharatiya Nyaya Sanhita, 2023 (IPC, 1860)

Exam- Wise Weightage Analysis

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AIBE 6 th (2014)	63,64,65,66,67,68	6	6%
AIBE 7 th (2014)	7,91,92,94,95,96	6	6%
AIBE 8 th (2015)	1,5,9,11,12,31,73,100	8	8%
AIBE 9 th (2016)	13,16,24,46,64,66	6	6%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Nyaya Sanhita, 2023 (IPC, 1860)

Examination - III [2012]

30. Which of the following is not an essential element to be proved in cases of hurt or grievous hurt?

- (1) That the offender intended to hurt the victim.
- (2) That hurt was caused.
- (3) That the hurt was caused voluntarily.
- (4) That the victim did not consent.
- (5) That the offender intended to cause hurt.

Ans. [1]

31. In which of the following instances is an accused most likely to be guilty of an offence under the Indian Penal Code, 1860?

- (1) Where a lawful act resulted in an unforeseen injury due to an accident.
- (2) Where the injury is caused while acting pursuant to an order of the Court.
- (3) Where the injury is caused by a Judge while acting judicially.
- (4) Where the injury caused is very slight and trifling, according to the accused.
- (5) Where the injury caused by accused when he is of unsound mind.

Ans. [4]

32. Which of the following is not a form of punishment under the Indian Penal Code, 1860?

- (1) Forfeiture of property. (2) Imprisonment for life.
- (3) Simple imprisonment. (4) Fine.
- (5) Community service.

Ans. [5]

33. Four men agree to rob a bank. Two of them are carrying large knives and one has a shotgun. The last one is carrying a bag for the money. They agree that they will try not to hurt anyone. They enter the bank wearing masks, threaten the staff, and demand cash. One of the bank employees tries to grab the shotgun, and the man holding it discharges the shotgun, causing the death of the employee. The men get the cash and leave the bank. Can any or all of the robbers be charged in relation to the death of the bank employee?

- (1) Yes, all of the robbers can be charged because the act of one man in discharging the gun was in pursuit of the common intention to hurt anyone if necessary while robbing the bank.
- (2) No, the robbers were of the common intention that they would try not to hurt anyone, and this was obviously an accident.
- (3) Yes, but only the three robbers carrying weapons may be charged as they clearly had the common intention to use the weapons, if necessary.
- (4) Yes, all of the robbers can be charged because the act of one man in discharging the gun, was in pursuit of the common intention of all of them to rob the bank.

- (5) Yes, but only the man who discharged the shotgun can be charged, as it is his fault alone, and the others were of the common intention that they would try not to hurt anyone.

Ans. [4]

34. A gives B Rs. 25,000/- to buy a television from a store. B runs away with the money. Which of the following Statements is the most accurate application of the principle Trobelow?

- (1) B has committed the offence of theft and criminal breach of trust.
- (2) B has committed the offence of theft only and not criminal breach of trust.
- (3) B has committed the offence of criminal breach of trust only and not theft.
- (4) B has committed no offence.
- (5) B has committed the offence of theft, but will also be guilty of criminal breach of trust if he converts the money to his use.

Ans. [3]

35. A threatens to publish a defamatory article about B unless B gives him money. B gives him the money to protect his reputation. Which of the following Statements is most accurate about A's liability?

- (1) A is guilty of extortion as A has put B in fear of injury to his reputation and induced B to give the money.
- (2) A is not guilty of extortion as money is not a property or valuable security.
- (3) A is not guilty of extortion as A only threatened to publish an article, which would not have caused any physical injury to B.
- (4) A is guilty of extortion as A has put B in fear of physical harm and induced B to give the money.
- (5) A is not guilty of extortion as A did not actually publish the article to get the money from B.

Ans. [1]

Examination - IV [2012]

60. Right of private defence of the body extends to voluntary causing death if the offence, which is occasions the exercise of right:

- (1) Reasonably causes apprehension that death will be caused
- (2) Reasonably causes apprehension that simple injury will be caused
- (3) Is of escaping with stolen property immediately after the theft
- (4) Is of arresting a person who is running away after having committed an offence of voluntarily causing hurt

Ans. [1]

61. Under Section 498 A, the 'Cruelty' means and includes:

- (1) Only demand of dowry

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- (2) Only physical torture
- (3) Both mental & physical torture
- (4) None of the above

Ans. [3]

64. What is the offence where preparation itself of a offence is punishable:

- (1) Theft (2) Dacoity
- (3) Murder (4) Rape

Ans. [2]

66. In the IPC, nothing is an offence which is done by a child under:

- (1) Eight years (2) Ten years
- (3) Seven years (4) Twelve years

Ans. [3]

72. A has sexual intercourse with his own wife aged about 14 years with her consent A committed:

- (1) No offence
- (2) Offence of Rape
- (3) Intercourse with own wife is not Rape.
- (4) As there was consent hence A cannot be held guilty for the offence rape

Ans. [2]

74. In Rex vs. Govinda the points of distinction between the two provisions of the IPC were explained:

- (1) Section 34 and Section 149
- (2) Section 302 and Section 304
- (3) Section 299 and Section 300
- (4) Section 403 and Section 405

Ans. [3]

Examination - V [2013]

38. The gist of this offence is meeting of minds

- (1) Section 120 - A (2) Section 133
- (3) Section 221 (4) Section 340

Ans. [1]

42. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. and doing acts prejudicial to maintenance of harmony is an offence under which provision of Indian Penal Code?

- (1) Section 120-A (2) Section 120-B
- (3) Section 153 - A (4) Section 226

Ans. [1]

44. A obtains property from Z by saying "Your child is in the hands of my gang and will be put to death unless you send us Rs. 10,000/-. This offence is -

- (1) Robbery (2) Extortion
- (3) Dacoity (4) None of the above

Ans. [1]

45. A places men with firearms at the outlets of a building and tells B that they will fire at B if B attempts to leave the building. What is the offence committed by A as against B.

- (1) Wrongful restraint
- (2) Wrongful confinement
- (3) Refusal to leave the place
- (4) None of the above

Ans. [2]

46. Adulteration of food or drink intended for sale is punishable under

- (1) Section 227 (2) Section 272
- (3) Section 277 (4) Section 273

Ans. [2]

47. Voluntarily causing grievous hurt to deter public servant from his duty is

- (1) Cognizable & non-bailable offence
- (2) Non cognizable & bailable offence
- (3) Cognizable and bailable offence
- (4) None of the above

Ans. [1]

Examination - VI [2014]

63. Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion is dealt under

- (1) Section 385 IPC (2) Section 386 IPC
- (3) Section 387 IPC (4) Section 388 IPC

Ans. [3]

64. F invited C to have a fix of his heroin. Each filled his own syringe and injected each other several times one night. Next morning F died on the question of causation:

- (1) C must be convicted of manslaughter
- (2) must not be convicted of manslaughter
- (3) C can be convicted for the possession of heroin only
- (4) C is neither guilty of possessing heroin nor the death of F

Ans. [1]

65. Literally, mens rea means

- (1) Guilty mind
- (2) Guilty or a wrongful purpose
- (3) Criminal intent, a guilty knowledge and wilfulness
- (4) All of the above

Ans. [4]

66. In which of the following cases mens rea is not an essential ingredient for offences under:

- (1) Revenue Acts.
- (2) Public Nuisance
- (3) Criminal case which are in summary mode
- (4) All of these

Ans. [4]

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67. Actus non facit reum, nisi mens sit rea means?

- (1) A deed, a material result of human conduct
- (2) The intent and act must both concur to constitute the crime.
- (3) Putting to death
- (4) Un commended manner

Ans. [2]

68. Cheating and thereby dishonesty inducing delivery of property, or the making alteration. or destruction of a valuable security is dealt under

- (1) Section 417 IPC
- (2) Section 418 IPC
- (3) Section 419 IPC
- (4) Section 420 IPC

Ans. [4]

Examination - VII [2014]

7. Section 82 IPC is an illustration for-

- (1) Presumption of fact
- (2) Presumption of law
- (3) Presumption of fact and presumption of law
- (4) None of the above

Ans. [2]

91. R obtained a sum of Rs. 50,000/- from D by putting D in fear of death. Here, R commits-

- (1) Extortion
- (2) Cheating
- (3) Mischief
- (4) Robbery

Ans. [1]

92. Whoever causes bodily pain, disease or infirmity to any person is said to have inflicted on the victim.

- (1) Grievous hurt
- (2) Hurt
- (3) Assault
- (4) None of the above

Ans. [2]

94. Personation at Election is an offence under Section..... of the Indian Penal Code.

- (1) Section 124-A
- (2) Section 121-A
- (3) Section 153-B
- (4) Section 171-D

Ans. [4]

95. Raman having found a key of Raju's house which Raju had lost, commits house trespass by entering Raju's house after opening the door with that key, Raman has committed the offence of-

- (1) House trespass
- (2) Criminal trespass
- (3) House breaking
- (4) None of these

Ans. [3]

96. Who among the following is not a 'public servant'?

- (1) Liquidator
- (2) A Civil Judge
- (3) Secretary of a Co-operative Society
- (4) None of these

Ans. [3]

Examination - VIII [2015]

1. P and Q agree to commit theft in R's house, but no theft is actually committed. Here P and Q are guilty of-

- (1) Abetment of conspiracy
- (2) Abetment by instigation
- (3) No offence
- (4) Criminal conspiracy

Ans. [4]

5. A issued a warrant to a police officer to arrest P. But the officer arrests Q after the due inquiry believing Q to be P. Here-

- (1) P is liable for criminal negligence
- (2) P has committed no offence by virtue of Section. 76 IPC
- (3) P has committed an offence of wrongful confinement
- (4) None of these

Ans. [2]

9. Durham doctrine-means doctrine-means no genos-

- (1) That an accused is not criminally liable if his unlawful act is the product of immature understanding due to immature age
- (2) That an accused is not criminally liable if his unlawful act is the product of mental disease or mental defect
- (3) That an accused is criminally liable if his unlawful act even if it is the product of mental disease or mental defect
- (4) None of these

Ans. [2]

11. Ramu is suffering from disease of Dilatation of heart. Rahul his heir rushes into his room and shouts in his ear "your house has been destroyed by fire" intending thereby to kill Ramu. Ramu dies of the shock. Here Rahul is liable for the offence of-

- (1) Attempt to murder
- (2) Murder
- (3) Culpable homicide
- (4) Abetment to murder

Ans. [3]

12. De minimus non curat lex implies

- (1) Every person is liable for his own acts
- (2) Trifling acts do not constitute an offence
- (3) Necessity knows no law
- (4) Nothing is an offence which is done in private defense

Ans. [2]

31. If by imposing solitary confinement there is total deprivation of comradeship (friendship) 'amongst co-prisoners coming and taking and being talked to, it would offend Article 21 of the Constitution. The liberty to move, mix, mingle, talk, Share

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Company with co-prisoners if substantially curtailed would be violative of Article 21- This was held in the case of -

- (1) Sunil Batra vs. Delhi Administration, AIR 1978 SC 1675
- (2) Kishore Singh vs State of Rajasthan, AIR 1981 SC 625
- (3) D.K. Basu vs State of West Bengal, AIR 1997 SC 610
- (4) Parmanand Katara vs Union of India, AIR 1989 SC 2039

Ans. [1]

- (4) All the above

Ans. [3]

46. To establish section 34 -

- (1) Common Intention must be proved but not overt act is required to be proved.
- (2) Common intention and overt act both are required to be proved
- (3) Common intention need not be proved but only overt act is required to be proved.
- (4) All of the above

Ans. [2]

73. The persons taking part in the commission of an offence have been divided into two classes. They are-

- (1) Principal and abettors
- (2) Principle and disciples
- (3) Principal and accessory
- (4) Debtor and holder

Ans. [1]

64. In the light of the Criminal Law Amendment Act, 2013, which of the following Statement is lare correct?

- (1) The word "rape" in Section 375 of Indian Penal Code, 1860 has been replaced with sexual assault
- (2) Rape is now a gender-neutral offence
- (3) The amendment has fixed the age for consensual sex as 16 years
- (4) All the above

Ans. [Grace]

100. Pick out the case that is popularly called as the Solicitor's Case-

- (1) Ahmedabad Textile Industry's Research Association vs. State of Bombay
- (2) National Union of Commercial Employees vs. Industrial Tribunal Bombay
- (3) Salem Advocates Bar Association vs. Union of India
- (4) Central Machine Tools Institute vs. Dy. Registrar of Trade Unions

Ans. [3]

66. In kidnapping, the consent of minor is-

- (1) wholly immaterial
- (2) partly immaterial
- (3) wholly material
- (4) partly material

Ans. [1]

Examination - IX [2016]

13. The committee that led to the passing of the Criminal Law Amendment Act, 2013 was headed by-

- (1) Justice Dalveer Bhandari
- (2) Justice Altamas Kabeer
- (3) Justice J.S. Verma
- (4) Justice J.S. Anand

Ans. [3]

16. According to one of the theories of punishment evil should be returned by evil. This theory is called the

- (1) Reformatory Theory
- (2) Deterrent Theory
- (3) Preventive Theory
- (4) Retributive Theory

Ans. [4]

24. The right to private defence is -

- (1) available under all circumstances
- (2) available when there is time to have the recourse to the protection of public authorities
- (3) available when there is no time to have recourse of public authorities

Bharatiya Nagarik Suraksha Sanhita 2023 (CrPC, 1973)

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	36,37,38,39,40,41,42,59,85	9	9%
AIBE 4th (2012)	1,2,4,5,6,8,9,12	8	8%
AIBE 5th (2013)	2,3,16,48,49,50,51,52,89,93	10	10%
AIBE 6th (2014)	1,2,3,4,5,6,7,8,9,10	10	10%
AIBE 7th (2014)	8,17,31,32,33,51,52,53,54,55,78,79	12	12%
AIBE 8th (2015)	27,28,30,33,34,55,67,85,86,87,97	11	11%
AIBE 9th (2016)	54,65,72,73,74,75,76,85,86,87	10	10%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON
Bharatiya Nagarik Suraksha Sanhita 2023 (CrPC, 1973)

Examination - III [2012]

36. Which of the following Statements concerning confessions in criminal matters is most accurate?

- (1) Due to the privilege against self-incrimination, neither confessions given to a police officer or a Magistrate are admissible at trial.
- (2) Confessions to police officers are only admissible at trial, if the accused have been advised beforehand that they are not obligated to make any Statement.
- (3) Confessions are admissible provided the accused's rights have been protected, most importantly those including the right to legal advice and the right to not be tortured.
- (4) Confessions are admissible provided the accused has given it voluntarily and police officer recording it has followed all procedures outlined in the Code of Criminal Procedure, 1973.
- (5) Confessions are admissible provided the accused has given it voluntarily and the Magistrate recording it has followed all procedures outlined in the Criminal Procedure Code, 1973.

Ans. [5]

37. Which of the following is not one of the basic rights of an arrested person under the Criminal Procedure Code, 1973?

- (1) The right not to be subjected to unnecessary restraint.
- (2) The right to have a lawyer present at all times, including in the interrogation room.
- (3) The right not to be tortured or be subject to custodial violence, and for the interrogation to remain humane.
- (4) The right to be produced before a Magistrate within twenty-four hours of arrest.
- (5) The right to be informed of the grounds of arrest.

Ans. [2]

38. Which if the following is least likely to be a consideration that the Court will normally weigh when considering an application for bail?

- (1) The character of the evidence presented.
- (2) What the police officers handling the case want.
- (3) Whether the accused will appear in Court, or leave the jurisdiction.
- (4) The nature and seriousness of the offence.
- (5) Apprehension of the accused tampering with witnesses.

Ans. [2]

39. Which of the following Statements about the Criminal Procedure Code, 1973 is least accurate?

- (1) Since it is a central legislation, only the Parliament can amend it and not State legislatures.
- (2) It provides the rules and procedure for investigation into offences.

- (3) It provides the rules and procedure for trial of offences.
- (4) It provides the procedural law to implement the substantive criminal law.
- (5) It balances the rights of the accused and the need for society to protect itself from crime.

Ans. [1]

40. A is taken to a Police Station for questioning. The police officer was informed that A was one of the witnesses to an incident the previous day where one man assaulted another. What the police officer does not know is that A was also involved in the assault on the man, but had stopped before any other witnesses arrived on the scene. Is A obliged to answer the police officer's questions?

- (1) No, A does not have to answer any questions as he may incriminate himself in the assault.
- (2) Yes, he has to answer all the officer's questions because neither is he a suspect nor has he been charged; so he cannot avail the protection of the principle above.
- (3) No, he does not have to answer any questions if he does not want to, as anyone involved in criminal matters has the right against self-incrimination.
- (4) Yes, he has to answer all the questions; but since he will become a suspect, he is entitled to have a lawyer present.
- (5) Yes, he has to answer questions up to the point where he may incriminate himself in the assault.

Ans. [5]

41. A police officer attends A's house and tells him that he is under arrest, and that he should accompany the officer to the Police Station. A refuses to go with the officer. The officer leaves, saying that he will return the next day with more police officers. A says he will go with the police officers the next day. Is A under arrest at this stage, and why?

- (1) Yes, because the police officer has clearly told A that he is under arrest and A has been notified that A will be taken to the police station the following day.
- (2) Yes, the police officer has clearly told A that A is under arrest, and A has consented to go with the officers the following day, so that constitutes submission.
- (3) No, but A is not allowed to leave the jurisdiction because he has agreed to be arrested the following day.
- (4) No, because when A refused to go with the police officer, the police officer did not touch or otherwise attempt to confine A, so A is not yet under arrest.
- (5) No, but A is on tentative arrest, as A is under notice that the police will collect A on following day.

Ans. [4]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Nagarik Suraksha Sanhita 2023 (CrPC, 1973)

42. A is charged with murder. At his trial, the Judge considers that there is not sufficient evidence against A, including a lack of evidence that A was even at the scene, and delivers a verdict of acquittal. The police are frustrated by this and conduct further searches and testing at the scene. They are able to recover some finger prints, which they say match those of A. Can A be tried again for murder?

- (1) Yes, A can be tried again, because of the discovery of new evidence:
- (2) No, A cannot be tried again, because that would amount, to trying A again for the same offence:
- (3) No, A cannot be tried again, but A can be tried for palpable homicide because. of the new evidence.
- (4) Yes, A can be tried again, but only if the police or prosecution first have the initial acquittal quashed.
- (5) No, A cannot be tried again, but once the acquittal is quashed, A can be tried for culpable homicide.

Ans. [2]

59. Which of the following philosophers suggested that society ought to concentrate on reducing all forms of injustice rather than focusing on what 'justice' is?

- (1) Roscoe Pound. (2) Amartya Sen.
- (3) Ronald Dworkin. (4) John Rawls.
- (5) H.L.A. Hart.

Ans. [2]

85. C, who is a suspected of committing genocide in the war in Country A in 1993 is found to be living in Country B in 2007. The international community is almost wholly of the opinion that C should be tried in relation to the allegations. Which of the following Statements least accurately applies the principle below?

- (1) C may be extradited to Country A to face trial.
- (2) C may only be tried in the International Criminal Court.
- (3) C may be tried in Australia.
- (4) C may be tried in any country in the world.
- (5) C may be tried in Country A or Country B.

Ans. [2]

Examination - IV [2012]

1. In a bailable offence, the bail is granted as a matter of right-

- (1) By the police officer
- (2) By the Court
- (3) Both by the police officer and the Court.
- (4) Either (1) or (2)

Ans. [3]

2. Which classification of offence under Criminal Procedure comes Code?

- (1) Cognizable & non-cognizable

- (2) Bailable & non-bailable.
- (3) Summons cases & warrant cases
- (4) All of the above.

Ans. [4]

4. Non-cognizable offence has been defined-

- (1) Under Section 2 (a) (2) Under Section 2 (e)
- (3) Under Section 2 (f) (4) Under Section 2 (1)

Ans. [4]

5. It is mandatory to produce the person arrested before the Magistrate within 24 hours of his arrest under -

- (1) Sec. 56 of Cr.P.C. (2) Sec. 57 of Cr.P.C.
- (3) Sec. 58 of Cr.P.C. (4) Sec. 59 of Cr.P.C.

Ans. [2]

6. A refused to answer questions put to a witness under section 161 of CrPC is an offence under-

- (1) Section 176 I.P.C.
- (2) Section 179 I.P.C.
- (3) Section 187 I.P.C.
- (4) Neither(1) nor (2) nor (3)

Ans. [2]

8. The Investigating Officer during the investigation records Statements of a witness under-

- (1) Sec.160 of CrPC (2) Sec. 162 of CrPC
- (3) Sec. 161 of CrPC (4) Sec.164 of CrPC

Ans. [3]

9. Complaint as provided under Section 2 (d) of Cr.P.C-

- (1) Can be in writing only (2) Can be oral
- (3) Either in writing or oral (4) Can be by gestures.

Ans. [3]

12. A Statement of a witness recorded under section 161 of Cr.P.C. in writing during investigation and is signed by the person making the Statement is hit by:

- (1) Sec. 161(2) of CrPC (2) Sec. 161(3) of CrPC
- (3) Sec.162(1) of CrPC (4) Sec.162(2) of CrPC

Ans. [3]

Examination - V [2013]

2. What persons may be charged jointly and tried together under Section 223 of CrPC.

- (1) persons accused of the same offence committed in the course of the same transaction
- (2) persons accused of an offence and persons accused of abetment of or attempt to commit such offence
- (3) persons accused of different offences committed in the course of the same transaction
- (4) all the above

Ans. [4]

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3. Compensation to Victims of Crime under Criminal Law relates to -

- | | |
|-----------------|-----------------|
| (1) Section 336 | (2) Section 331 |
| (3) Section 335 | (4) Section 357 |

Ans. [4]

16. Obstructing Public Servant in discharge of his public functions is a

- | | |
|--------------------------|-----------------------|
| (1) non-bailable offence | (2) bailable offence |
| (3) civil wrong | (4) none of the above |

Ans. [2]

48. Which provision under the Code provides the indication as to the rule against double jeopardy?

- | | |
|-----------------|-----------------|
| (1) Section 300 | (3) Section 309 |
| (2) Section 305 | (4) Section 311 |

Ans. [1]

49. Which provision under Criminal Procedure Code, 1973 deals with the procedure to be adopted by the Magistrate, to record confessions and statements?

- | | |
|-----------------|-------------------|
| (1) Section 164 | (2) Section 162 |
| (3) Section 163 | (4) Section 164-A |

Ans. [1]

50. Any police officer may without an order from a Magistrate and without a warrant, arrest any person who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody under which section -

- | | |
|--------------------|-------------------|
| (1) Section 41(a) | (2) Section 41(c) |
| (3) Section 41 (e) | (4) Section (d) |

Ans. [3]

51. The Plea Bargaining is applicable only in respect of those offences for which punishment of imprisonment is up to a period of -

- | | |
|-------------|--------------|
| (1) 7 years | (3) 10 years |
| (2) 2 years | (4) 5 years |

Ans. [1]

52. "If an accused is charged of a major offence but is not found guilty thereunder, he can be convicted of minor offence, if the facts established indicate that such minor offence has been committed." It was so upheld in which case-

- | |
|--|
| (1) Sangarabonia Sreen vs. State of Andhra Pradesh |
| (2) State of Himachal Pradesh vs. Tara Dutta |
| (3) Shamsheer Singh vs. State of Punjab |
| (4) Nalini vs. State of Tamilnadu. |

Ans. [2]

89. Order granting anticipatory bail becomes operative

- | |
|---------------------|
| (1) on arrest |
| (2) prior to arrest |

- | |
|--|
| (3) on passing of the order by the Court |
| (4) none of the above |

Ans. [1]

93. "Provisions of Section 195 of the Code are mandatory and non. compliance of it would initiate the prosecution and all other consequential orders." In which case the Court upheld so -

- | |
|--|
| (1) C. Muniappan vs. State of Tamilnadu |
| (2) Kishun Singh vs. State of Bihar |
| (3) State of Karnataka vs. Pastor P. Raju. |
| (4) None of the above. |

Ans. [1]

Examination - VI [2014]

1. The Criminal Procedure Code ensures that-

- | |
|--|
| (1) Principle of separation of powers of each of the State is not breached |
| (2) Principle of combined of powers of each limb of the State is not breached. |
| (3) (1) and (2) |
| (4) Principle of separation of powers of each limb of the State is breached. |

Ans. [1]

2. Section 6 of the Cr.P.C. defines?

- | |
|---------------------------------|
| (1) Classes of Criminal Courts |
| (2) Classes of District Courts |
| (3) Classes of Municipal Courts |
| (4) Classes of Civil Courts |

Ans. [1]

3. When an offence is bailable:

- | |
|---|
| (1) A person has no right to be released on bail upon arrest. |
| (2) A person has a right to be released on bail upon arrest. |
| (3) A right to be released is dependent on the exercise of judicial discretion. |
| (4) A person shall be released within 24 hours. |

Ans. [2]

4. As per section 273 of Cr.P.C., how evidence is to be taken?

- | |
|--|
| (1) In the presence of accused. |
| (2) When personal attendance of the accused is dispensed with, in the presence of his pleader. |
| (3) In presence of police |
| (4) Both (1) and (2) |

Ans. [4]

5. If a woman sentenced to death is found to be pregnant, the High Court shall Order the execution of the sentence

- | |
|--|
| (1) To be postponed. |
| (2) If thinks fit commute the sentence to imprisonment for life. |
| (3) Sent for medical assistance |

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Nagarik Suraksha Sanhita 2023 (CrPC, 1973)

(4) Non- Judicial mandate of powers.

Ans. [2]

6. Under which section of the Cr.P.C, the procedure when investigation cannot be completed within twenty-four hours has been described?

- (1) Sec. 165 (2) Sec. 167
(3) Sec. 166 (4) Sec. 164

Ans. [2]

7. What is provided by the Code of Criminal Procedure 1973?

- (1) The Code provides the procedure for the implementation of the criminal justice system
(2) It provides the mechanism for the investigation in to trial of offences
(3) The code provides the procedure for the implementation of the civil justice system.
(4) (1) and (2)

Ans. [4]

8. As per section 2(c) a cognizable offence is

- (1) Where a police officer may arrest without warrant.
(2) Where a police officer may not arrest without warrant
(3) Where a police officer may arrest with permission of a court
(4) Any person in the public can arrest

Ans. [1]

9. Section 100 of the Cr.P.C. refers to

- (1) Seizure (2) Search
(3) Summons (4) Search-warrants

Ans. [2]

10. Is there any maximum period for which an under-trial can be detained under Section 436. A of the Cr.P.C.,

- (1) Yes, half of the Maximum period of imprisonment specified for that offence
(2) No period is prescribed
(3) Court can decide
(4) Maximum 90 days

Ans. [1]

Examination - VII [2014]

8. Period of limitation for execution of the order of maintenance is from the date on which it becomes due.

- (1) 1 year (2) 9 years
(3) 5 years (4) 15 years

Ans. [1]

17. If a Court lower to the Sessions Court tries a murder case that Court is called as-

- (1) Coram sub judice

- (2) Coram non judice
(3) Coram non subjudice
(4) Coram judice

Ans. [2]

31. As per the provisions of the Criminal Procedure Code, the word 'inspection' used in Section 93(1) (c) refers to-

- (1) Things or documents
(2) Documents only
(3) Locality and place
(4) None of the above

Ans. [3]

32. Statement recorded during investigation under Section 161 of Cr.P.C. can be used during trial for-

- (1) Corroborating the witness
(2) Contradicting the witness
(3) Both (1) and (2)
(4) Neither (1) nor (2)

Ans. [2]

33. "If an accused is charged of a major offence but is not found guilty thereunder, he can be convicted of minor offence, if the facts established indicate that such minor offence has been committed." It was so upheld in which case -

- (1) Sangarahunia Sreenu vs State of Andhra Pradesh
(2) State of Himachal Pradesh vs Tara Dutta
(3) Shamsheer Singh vs State of Punjab
(4) Nalini vs State of Tamil Nadu

Ans. [2]

51. An Executive. Magistrate may require security for keeping good behaviour from habitual offenders for a period not more than-

- (1) 6 months (2) 1 year
(3) 2 years (4) 3 years

Ans. [4]

52. Section 167 of the Criminal Procedure Code provides that the nature of custody can be altered from judicial custody to police custody and vice-versa. This alteration can be done during the period of first-

- (1) 15 days (2) 16 days
(3) 14 days (4) 12 days

Ans. [1]

53. Under which provision of the Code of Criminal Procedure it is mandatory for a police officer w inform the person arrested, the grounds of arrest and right of bail if the offence is not non-bailable.

- (1) Section 150 (2) Section 105
(3) Section 50 (4) Section 510

Ans. [3]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Nagarik Suraksha Sanhita 2023 (CrPC, 1973)

54. Section 41-B is inserted into the Criminal Procedure Code on the basis of which among the following decisions-

- (1) Nandini Satpathy vs. PL Dhani
- (2) Sunil Batra vs. Delhi Administration
- (3) Prem Shankar Shukla vs. Delhi Administration
- (4) D.K. Basu vs. State of West Bengal

Ans. [4]

55. Civil Surgeon shall refer unsound minded person to a clinical Psychologist / Psychiatrist However by virtue of Sectionthe aggrieved accused may prefer appeal before Medical Board consisting of head of Psychiatry and faculty of Medical College.

- (1) Section 328
- (2) Section 328 (1-A)
- (3) Section 328(2)
- (4) Section 346

Ans. [3]

78. A Charge Sheet filed under Section 173 of Cr.P.C. is an example of-

- (1) Public document
- (2) Private document
- (3) Patent document
- (4) Latent document

Ans. [1]

79. Procedure of investigation of criminal cases under the Criminal Procedure Code is contained in Chapter-

- (1) Chapter XI
- (2) Chapter XII
- (4) Chapter IX
- (3) Chapter X

Ans. [2]

Examination - VIII [2015]

27. Chapter dealing with "Plea Bargaining" has been inserted by-

- (1) The Criminal Law (Amendment) Act, 1993
- (2) The Criminal Law (Amendment) Act, 2005
- (3) The Code of Criminal Procedure (Amendment) Act, 2001
- (4) The Code of Criminal (Amendment) Act, 1993

Ans. [2]

28. Section 41-B is incorporated into the Criminal Procedure Code on the basis of which of the following decisions

- (1) Nandini Satpati vs. P.L. Dani
- (2) Sunil Batra vs. Delhi Administration
- (3) Prem Shankar Shukla Administration VS. Delhi
- (4) D.K. Basu vs. State of West Bengal

Ans. [4]

30. Period of limitation for execution of the order of maintenance is from the date on which it becomes due.

- (1) 1 year
- (2) 5 years
- (3) 6 years
- (4) 15 years

Ans. [1]

33. As per the Criminal Procedure Code, during investigation a search can be conducted without warrant by

- (1) Judicial officer
- (2) Any Person
- (3) The investigating officer
- (4) Any police officer

Ans. [3]

34. Prosecution for the offence of defamation can be initiated only

- (1) On the complaint of the aggrieved
- (2) On the basis of an F.I.R
- (3) On the basis of a police report
- (4) If it is a matter related to domestic affairs of a family

Ans. [1]

55. Which provision under the Criminal Procedure Code reflects the principle of autrefois acquit/ autrefois convict—

- (1) Sec. 300
- (2) Sec. 305
- (3) Sec. 306
- (4) Sec. 311

Ans. [1]

67. Special Summons under Section 206 of the Criminal Procedure Code can be issued by

- (1) A Magistrate only
- (2) A Magistrate as well as the Court of Sessions
- (3) The Court of Sessions
- (4) The High Court

Ans. [1]

85. The police officer executing the warrant may use adequate force to access the place where search is to be conducted when—

- (1) A free ingress is not possible
- (2) The occupant of the place is a hardened criminal and there is possibility to escape
- (3) The area is in such a nature that problem may arise at any time
- (4) One of these

Ans. [1]

86. An Executive Magistrate may require security for keeping good behavior from habitual offenders for a period not more than-

- (1) 6 months
- (2) 3 months
- (3) 1 year
- (4) 3 years

Ans. [4]

87. As per the provisions of the Code of Criminal Procedure, in case of merger of the complaint with the police report the procedure to be followed for the trial shall be of-

- (1) The complaint case
- (2) The case instituted on the police report
- (3) Both as per the convenience during the trial

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON
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(4) None of these

Ans. [2]

97. A statement made by an accused person before the trial begins, by which he admits to have committed the offence, but which he repudiates at the trial is known as-

- (1) Extra-judicial confession
- (2) Judicial confession
- (3) Retracted confession
- (4) Voluntary confession

Ans. [3]

Examination - IX [2016]

51. A retracted confession-

- (1) can be solely made the basis of conviction
- (2) cannot be solely made the basis of conviction
- (3) cannot be solely made the basis of the same is conviction corroborated unless
- (4) both a and c are correct

Ans. [3]

52. A confession to be inadmissible under Section 25 of the Act

- (1) must relate to the same crime for which offender is charged
- (2) may relate to the same crime for which offender is charged
- (3) must relate to another crime
- (4) none of the above

Ans. [3]

53. An unjustified and unexplained long delay on the part of the Investigating Officer in recording the Statement of a material witness would render the evidence of such witness

- (1) Unreliable
- (2) Inadmissible
- (3) Inadmissible and unreliable
- (4) None of the above

Ans.

[1]

70. Indian Evidence Act applies to

- (1) Proceedings before Tribunals
- (2) Proceedings before the arbitrator
- (3) Judicial proceedings in Court
- (4) All of the above

Ans. [3]

71. Fact in issue means-

- (1) Fact, existence or non existence of which is admitted by the parties
- (2) Fact, existence or non existence of which is disputed by the parties
- (3) Fact, existence or non existence of which is not disputed by the parties
- (4) All the above

Ans. [2]

81. Necessity rule as to admissibility of evidence is applicable when the maker of a Statement

- (1) is dead or has become incapable of giving evidence
- (2) is a person who can be found but his attendance cannot be procured without unreasonable delay or expenses
- (3) is a person who cannot be found
- (4) all of the above

Ans. [4]

82. Secondary evidence of a document means?

- (1) Copies of the document
- (2) oral account of the contents of the documents
- (3) Both (1) and (2)
- (4) none of the above

Ans. [3]

83. A Will is required to be proved by calling at least one attesting witness

- (1) when it is registered
- (2) when it is unregistered
- (3) when it is admitted
- (4) All of the above

Ans. [1]

84. Any person in Section 106 of Evidence Act refers to

- (1) a party to the suit
- (2) a stranger to the suit
- (3) a person who is not a party to the suit but interested in the outcome of the suit
- (4) all of the above

Ans. [1]

Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	50,51,52,53,54,55, 56	7	7%
AIBE 4 th (2012)	10,11,13,14,15,16,17,18	8	8%
AIBE 5 th (2013)	1,36,37,39,40,41,91,92	8	8%
AIBE 6 th (2014)	11,12,13,14,15,16,17,18	8	8%
AIBE 7 th (2014)	4,5,16,74,77	5	5%
AIBE 8 th (2015)	35,41,51,53,56,91,93	7	7%
AIBE 9 th (2016)	51,52,53,70,71,81,82,83,84	9	9%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Examination - III [2012]

50. Which of the following is least likely to be admitted as evidence in a Court of law in India?

- (1) Expert evidence.
- (2) Third party evidence.
- (3) Documentary evidence.
- (4) Secondary evidence.
- (5) Oral evidence.

Ans. [2]

51. Which of the following Statements is most accurate about extra-judicial confessions in India?

- (1) Extra-judicial confessions are illegal.
- (2) Extra-judicial confessions are inadmissible.
- (3) Extra-judicial confessions are admissible only with the accused's permission.
- (4) Extra-judicial confessions are admissible but a weak form of evidence.
- (5) Extra-judicial confessions would not ordinarily require any corroboration.

Ans. [4]

52. Which of the following Statements is most accurate about 'leading questions'?

- (1) A leading question is any question suggesting the answer that the Court expects to receive.
- (2) Leading questions are permitted during examination in chief.
- (3) Leading questions are permitted during re-examination
- (4) Leading questions are permitted during re-cross-examination.
- (5) The permission of the Court is necessary' to ask leading questions during examination-in-chief, examination, or cross-examination.

Ans. [4]

53. Which of the following Statements most accurate about illegally is most obtained evidence?

- (1) Illegally obtained evidence cannot be relied on to convict an accused but can be relied only on to support contentions in civil matters.
- (2) Illegally obtained evidence cannot be relied on by any Court.
- (3) Illegally obtained evidence can be used against a party charged with an offence.
- (4) Illegally obtained evidence can be relied on, only if corroborated by other evidence.
- (5) Illegally obtained evidence can be used to establish the mens rea of an accuse but not the actus reus.

Ans. [3]

54. A is being tried for the murder of her husband. In her trial, she claims that she committed the murder under grave and sudden provocation. Which of the following Statements is the most accurate application of the principle below?

- (1) A is guilty of murder as this amounts to an admissible confession.
- (2) The onus of proving the grave and sudden provocation is on A.
- (3) The onus of disproving the grave and sudden provocation is now, on the prosecution.
- (4) The onus of proving the grave and provocation is on the sudden prosecution.
- (5) The Court will presume that A's Statement is the truth in the absence of conflicting circumstances.

Ans. [2]

55. A is charged with committing forgery. C, a witness, States in Court that A had committed forgery. Chad earlier Stated in Court that A had not committed forgery. Which of the following Statements is the most accurate application of the principle below?

- (1) The evidence of C will be admissible.
- (2) The evidence of C will be inadmissible and neither party will be able to rely on C's Statements.
- (3) The evidence of C will be inadmissible, as it does not support the prosecution's case.
- (4) The evidence of C will be admissible, but only after C has been tried for perjury for lying in Court earlier.
- (5) The evidence of C will be inadmissible because C has completely contradicted her Statement.

Ans. [1]

56. A is accused of forging currency notes, and is convicted by a Court of competent jurisdiction in State B of India and sentenced to the minimum prescribed punishment. Since part of the cause of action also arose in State C of India, a Court of competent jurisdiction in State G seeks to try A on the same facts. Which of the following Statements is the most accurate application of the principle below?

- (1) A can produce the judgment of his previous conviction and sentence handed down by the Court in State B, which would be a relevant fact, and would prevent the Court in State C from conducting a second trial on the same facts.
- (2) A cannot produce the judgment of his previous conviction and sentence handed down by the Court in State B, as it is not relevant and would not prevent the Court in State C from conducting a trial.
- (3) A cannot produce the judgment of his previous conviction and sentence handed down by the Court in State B because the previous sentence was handed down by Court in State B and was not in force in State C.
- (4) A can produce the judgment of his previous conviction and sentence handed down by the Court in State B, provided that the High Court of State C permits it.

Ans. [1]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Examination – IV [2012]

10. Which of the following is relevant fact under Evidence Act, 1872?

- (1) facts regarding motive
- (2) facts regarding Statement without related conduct
- (3) facts regarding Statements clubbed with conduct
- (4) facts which make other relevant and fact is highly probable

Ans. [1]

11. Test of competency of witness is:

- (1) Her being intelligent
- (2) Must be major
- (3) Understanding the nature of question
- (4) Capable of understanding the nature of question and giving rational answer.

Ans. [4]

13. Communication between husband and wife is treated as privileged if communication-

- (1) Was made during marriage with promise of confidentiality.
- (2) Was made during marriage, even without promise of confidentiality.
- (3) Was made before marriage with promise of confidentiality.
- (4) Is made after marriage.

Ans. [2]

14. Leading questions can be asked even without permission of Court during

- (1) Examination-in-Chief
- (2) Cross Examination
- (3) Re-Examination
- (4) All of the above

Ans. [2]

15. Which one is exception as rule of hearsay evidence?

- (1) dying declaration
- (2) facts forming part of same transaction
- (3) facts forming plea of alibi
- (4) facts regarding character of accuse

Ans. [1]

16. What is fact in issue?

- (1) Facts involved indirectly
- (2) Necessary facts to arrive or determine rights, liability or community
- (3) Both
- (4) None

Ans. [4]

17. Relevant fact is?

- (1) Facts logically relevant to any fact in issue.
- (2) Facts legally relevant to any fact in issue
- (3) Both
- (4) None

Ans. [1]

18. What do you mean by word 'evidence'?

- (1) Every fact connected with case
- (2) Facts introduced in Court of law
- (3) Both
- (4) None

Ans. [4]

Examination – V [2013]

1. Which are the provisions under Indian Evidence Act, 1872 that deals with relevancy of opinion of experts?

- (1) Secs. 49 & 50
- (2) Secs. 23 & 24
- (3) Secs. 45 & 46
- (4) Secs. 81 & 82

Ans. [3]

36. The contents of documents may be proved either by-

- (1) Primary evidence or by secondary evidence
- (2) Direct evidence or circumstantial evidence
- (3) Primary evidence or documentary evidence
- (4) Primary evidence or direct evidence

Ans. [1]

37. Oral accounts of the contents of a document given by some person who has himself if seen it is

- (1) Direct evidence
- (2) Best evidence
- (3) Circumstantial evidence
- (4) Secondary evidence

Ans. [4]

39. "The DNA test cannot rebut the conclusive presumption envisaged under Section. 112 of the Indian Evidence Act. The parties can avoid the rigor rigor of such conclusive presumption only by proving non- access which is a negative proof." It was so held in which case -

- (1) Shaik Fakruddin vs. Shaik Mohammed Hasan, AIR 2006 AP 48
- (2) Siddaramesh vs. State of Karnataka (2010) 3 SCC 152
- (3) Kailash vs. State of Madhya Pradesh AIR 2007 SC 107
- (4) Somwanti vs. State of Punjab. AIR 1963 SC 151

Ans. [1]

40. The statements of dead persons are relevant under which provision -

- (1) Section 48
- (2) Section 49
- (3) Section 32(4)
- (4) Section 13 (3)

Ans. [3]

41. "Witnesses are the eyes and ears of Justice." Whose statement is this?

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

- (1) Lord Atkin
- (2) Bentham
- (3) Lord Denning
- (4) Phipson

Ans. [2]

91. An accomplice is unworthy of credit unless he is corroborated in material particulars is a -

- (1) presumption of fact
- (2) presumption of law
- (3) conclusive of proof
- (4) none of the above

Ans. [2]

92. Patent ambiguity in interpreting documents renders it -

- (1) Curable
- (2) In-curable
- (3) Curable and incurable
- (4) None of the above

Ans. [2]

Examination - VI [2014]

11. Presumption of law is

- (1) Discretionary and rebuttable
- (2) Mandatory and rebuttable
- (3) Mandatory and irrebuttable
- (4) All of the above

Ans. [3]

12. In Selvi's case, the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping on the touchstones of

- (1) Art. 20(3) and Art. 21
- (2) Art. 21 and Art. 23(2)
- (3) Art 23 and Art. 21
- (4) Art. 20(2) and Art. 20(1)

Ans. [1]

13. According to the Law Commission of India 69th Report, S.27 of the Indian Evidence Act is based on the

- (1) Doctrine of introspection
- (2) Doctrine of testimonial incrimination
- (3) Doctrine of confirmation
- (4) None of the above

Ans. [3]

14. S.99 of the Indian Evidence Act says persons who are not parties to a document or their representatives in interest may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document. This is based on the principle

- (1) Pacta tertii nec nocent nec prosunt
- (2) Pacta sunt servanda
- (3) Action personalis moriturcum persona

- (4) None of the above

Ans. [1]

15. Burden of proving that person is alive who has not been heard of for seven years is on whom

- (1) One who denies it
- (2) One who affirms it
- (3) Any third person/stranger
- (4) None of the above

Ans. [2]

16. The Court's discretion to permit leading questions is confined only to matters which are

- (1) Introductory facts.
- (2) Undisputed facts
- (3) Facts already sufficiently proved to the satisfaction of the court
- (4) All the above

Ans. [4]

17. The question is whether A murdered B. Marks on the ground, produced by a struggle at or near the place where the murder as committed, are relevant facts under

- (1) S.7
- (2) S.6
- (3) S.8
- (4) S.11

Ans. [1]

18. S.93 of the Indian Evidence Act treats the patent ambiguity -

- (1) Curable
- (2) Incurable
- (3) Proper
- (4) None of the above

Ans. [2]

Examination - VII [2014]

4. Evidences to document unmeaning in reference to existing, facts is called as

- (1) Patent ambiguity
- (2) Latent ambiguity
- (3) Both of them
- (4) None of the above

Ans. [2]

5. Original document is the best evidence. Exception to this rule is contained in -

- (1) Indian Evidence Act
- (2) Criminal Procedure Code
- (3) Bankers Book Evidence Act
- (4) None of these

Ans. [2]

16. Meaning of Nemo moriturus praesumuntur mentiri-

- (1) A dying man can never speak truth
- (2) A dying man can never speak falsehood
- (3) A dying man can speak truth

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

- (4) A dying man may not speak falsehood

Ans. [2]

74. Rabindra Kumar Pal @ Dara Singh vs. Republic of India a famous case coming under Section 30 of Evidence Act is also well known as-

- (1) Graham Stains Murder Case
- (2) Graham Bells Murder case
- (3) Graham Street's Murder case
- (4) Graham Stoits Murder case

Ans. [1]

77. Statement by a person who is dead is a relevant fact under of the Indian Evidence Act.

- (1) Section 32 (3)
- (2) Section 32 (4)
- (3) Section 32 (5)
- (4) Section 32 (6)

Ans. [3]

Examination - VIII [2015]

35. The presumption of continuance of life is contained in Section of the Evidence Act-

- (1) 107 (3) 207
- (2) 108 (4) 115

Ans. [1]

41. Testimony of a witness to the existence or non-existence of the fact or facts in issue is/are-

- (1) Oral evidence
- (2) Original evidence
- (3) Direct evidence
- (4) Both (1) and (2)

Ans. [3]

51. Under Section 122 of the Evidence Act, a communication made to, the spouse during marriage-

- (1) Remains privileged after the dissolution of marriage by divorce but not so on after death
- (2) Does not remain privileged after the dissolution of marriage by divorce, but remains privileged even after death
- (3) Does not remain privileged after dissolution of marriage by divorce or death
- (4) Remains privileged communication after the dissolution of marriage by divorce or death.

Ans. [4]

53. Estoppel is a rule by which a party to litigation is/are-

- (1) Stopped from asserting or denying a fact
- (2) Prevented from appearing in person
- (3) Prevented from hiding an evidence
- (4) Both (1) and (2)

Ans. [1]

56. Leading questions can be asked during-

- (1) Re-examination
- (2) Examination-in-chief
- (3) Cross-examination
- (4) None of these.

Ans. [3]

91. A sees B running away from a room and afterwards sees C lying down in a pool of blood in the same room. A's evidence in as far as seeing running away is direct but as far as the murder is concerned, it is a-

- (1) Primary evidence
- (2) Circumstantial evidence
- (3) Real evidence
- (4) Substantial evidence

Ans. [2]

93. Expert opinion under Section 45 is—

- (1) A conclusive proof
- (2) Not a conclusive proof
- (3) Supportive and corroborative in nature
- (4) None of these

Ans. [3]

Examination - IX [2016]

54. Recording of pre-summing evidence may be dispensed with under Section 200 of Cr.PC.

- (1) If the complaint is supported by the affidavit of the complainant
- (2) If the complaint is made in writing by a public servant in the discharge of his official duties
- (3) both I and 2 are correct
- (4) only 1 is correct but 2 is incorrect

Ans. [2]

65. The offence of stalking upon second or subsequent conviction is

- (1) Non Cognizable and Bailable
- (2) Cognizable and Bailable
- (3) Cognizable and Non-bailable
- (4) Non Cognizable and Non-bailable

Ans. [3]

72. In a bailable offence bail is granted as a matter of right.

- (1) By the police officer
- (2) By the Court
- (3) Both by the police officer and the Court
- (4) either (1) or (2)

Ans. [3]

73. A proclaimed person whose property has been attached can claim the property or the sale proceeds on appearance

- (1) within 6 months of attachment
- (2) within 2 years of attachment
- (3) within 3 years of attachment
- (4) within 1 year of attachment

Ans. [2]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

74. The question whether a Statement was recorded in the course investigation is a

- (1) question of law
- (2) question of fact
- (3) mixed question of law and fact
- (4) question of law or of fact depends on facts and circumstances

Ans. [2]

75. Where the police submits a final report under Section 173 (2) of CrPC for dropping of proceedings to a Magistrate, the Magistrate

- (1) may accept the same
- (2) may reject the same
- (3) may reject the same & order further investigation
- (4) any of the above

Ans. [4]

76. The orders under Section 125 of CrPC are

- (1) summary in nature but finally determine the rights and obligations of the parties
- (2) summary in nature and do not finally determine the rights and obligations of the parties which are to be finally determined by a civil Court
- (3) Substantive in nature and finally determine the rights and obligations of the parties.
- (4) Substantive in nature and are not Subject to determination of a right of the parties by a civil Court.

Ans. [2]

85. In a cognizable case under IPC, police have the

- (1) Authority to arrest a person without warrant
- (2) Authority to investigate the offence without permission of the Magistrate
- (3) Both (1) or (2)
- (4) Either (1) or (2)

Ans. [3]

86. During investigation a search can be conducted without warrant by

- (1) any Police Officer
- (2) by the investigating officer
- (3) Both (1) and (2)
- (4) either (1) or (2)

Ans. [3]

87. Committal proceedings under Sec. 209 of CrPC are in the nature of

- (1) aid in investigation
- (2) inquiry
- (3) trial
- (4) either inquiry or trial

Ans. [2]

Family Law

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	89	1	1%
AIBE 4 th (2012)	68,69,70,71	4	4%
AIBE 5 th (2013)	10,28,29,58,59	5	5%
AIBE 6 th (2014)	72,73,74,75	4	4%
AIBE 7 th (2014)	64,66	2	2%
AIBE 8 th (2015)	24,29	2	2%
AIBE 9 th (2016)	27,97	2	2%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Family Law

Examination - III [2012]

89. A, a Muslim man, and B, a Muslim woman, are in a relationship; A and B have a child, C, out of wedlock. Later, A dies intestate. Which of the following options is the most accurate application of the principle set out below?

- (1) C can inherit from both A and B, as C was born out of wedlock.
- (2) C can inherit from neither A nor B, as C was born out of wedlock.
- (3) C can inherit from B through A.
- (4) C can inherit from A through B.
- (5) C cannot inherit from A.

Ans. [5]

Examination - IV [2012]

68. A Sunni Muslim marries with Kitabya girl, the marriage is:

- (1) Valid
- (2) Void
- (3) Irregular
- (4) None of these

Ans. [1]

69. The Dissolution of Muslim Marriage Act, 1939 is based on which School of Muslim-

- (1) Hanafi School
- (2) Shafi School
- (3) Maliki School
- (4) Zaidi School

Ans. [1]

70. A child born of void and voidable marriage under Hindu law is:

- (1) Legitimate
- (2) Illegitimate
- (3) Illegal
- (4) None of these

Ans. [1]

71. Under the Hindu Adoption and Maintenance Act, 1956 a female Hindu has the capacity to take a son or daughter in adoption if:

- (1) She is not married
- (2) She is married
- (3) She is widow and has no son or daughter but has a widowed daughter in-law
- (4) She cannot adopt at all

Ans. [1]

Examination - V [2013]

10. Section 9 of the Hindu Marriage Act, 1955 deals with

- (1) Restitution of Conjugal Rights
- (2) Void Marriages
- (3) Judicial Separation
- (4) Grounds of Divorce

Ans. [1]

28. Mubara'at under Muslim law refers to

- (1) Divorce at the instance of Wife
- (2) Cruelty
- (3) Illa
- (4) Dissolution of marriage with mutual consent

Ans. [4]

29. The discriminatory aspects of Section 10 of Indian Divorce Act (now Divorce Act) was removed by substituting new section by the

- (1) Indian Divorce (Amendment) Act, 2001
- (2) Indian Divorce (Amendment) Act, 2002
- (3) Indian Divorce (Amendment) Act, 2006
- (4) Indian Divorce (Amendment) Act, 2012

Ans. [1]

58. Which provision of Hindu Marriage Act, 1955 deals with conciliation

- (1) Section 23
- (2) Section 23 (2)
- (3) Section 23(3)
- (4) Section 22

Ans. [2]

59. Daughter is equated with the son references to joint family with property under

- (1) Hindu Succession (Amendment) Act 2002
- (2) Hindu Succession (Amendment) Act 1976
- (3) Hindu Succession (Amendment) Act 1978
- (4) Hindu Succession (Amendment) Act 2005

Ans. [4]

Examination - VI [2014]

72. A is the mother of B. She becomes a widow and remarries. B dies. Can A succeed to him as mother? (Both are Hindus)

- (1) No
- (2) Yes
- (3) Depends on their School
- (4) Only when B has no sons

Ans. [2]

73. Referring to Section 6 of Hindu Minority and Guardianship Act the Supreme Court observed that the words "after him" does not mean 'after the life time of the father'. Indeed, it means 'in the absence of. If the father is non-functional as guardian for various reasons like indifference, physical or mental incapacity, away from the place where the child lives with the mother, by mutual understanding, it may be treated as the 'absence' of the father. In which case?

- (1) Lily Thomas case
- (2) Sarla Mudgal case
- (3) Githa Hariharan case
- (4) Goverdhan Lal case

Ans. [3]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Family Law

74. By a recent amendment the daughter of a coparcener by birth becomes a coparcener in her own right in the same manner as the son Which Amendment?

- (1) The Hindu Succession (Amendment) Act, 2004
- (2) The Hindu Succession (Amendment) Act, 2005
- (3) The Hindu Succession (Amendment) Act, 2006
- (4) The Hindu Succession (Amendment) Act, 2012

Ans. [2]

75. Shamim Ara v State of U.P. relates to

- (1) The condition precedent for a Muslim husband for rendering divorce is the pronouncement of divorce which has to be proved on evidence
- (2) Option of puberty
- (3) Guardianship in Marriage
- (4) Dower

Ans. [1]

Examination - VII [2014]

64. Conditions of Hindu Marriage have been laid down under..... of Hindu Marriage Act.

- (1) Section 9
- (2) Section 10
- (3) Section 5
- (4) Section 13

Ans. [3]

66. The Hindu Succession (Amendment) Act, 2005 -

- (1) Allows daughters of the deceased equal rights with daughter
- (2) Allows sons of the deceased equal rights with widows
- (3) Allows daughters of the deceased equal rights with wife
- (4) Allows daughters of the deceased equal rights with sons

Ans. [4]

Examination - VIII [2015]

24. Talak-e-tafwiz is -

- (1) Talak by delegation
- (2) Triple Talak
- (3) Talak by agreement
- (4) Improper Talak

Ans. [1]

29. Any immovable property possessed by a by a female Hindu, acquired before or after the commencement of Hindu Succession Act, shall be held by her after the commencement of the Act as-

- (1) A limited owner
- (2) A full owner
- (3) No ownership
- (4) Not as absolute owner.

Ans. [2]

Examination - IX [2016]

27. Onus to prove reasonable excuse for withdrawal from the Society of the other is on

- (1) Petitioner
- (2) Respondent
- (3) Both (1) and (2)
- (4) Either (1) or (2)

Ans. [2]

97. A disqualified person / heir

- (1) Transmits an interest to his or her own heir
- (2) Transmits no interest to his or her own heir
- (3) May or may not transmit an interest to his or her own heir as per the discretion of the Court
- (4) May only transmit an interest to his or her own heir with the consent of the other heirs.

Ans. [2]

Indian Contract Act, 1872

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	23, 25, 27,	3	3%
AIBE 4th (2012)	19-23 25-31, 33	12	12%
AIBE 5th (2013)	43, 53, 54, 55, 56, 63-73	16	16%
AIBE 6th (2014)	19-20, 22-28	9	9%
AIBE 7th (2014)	1, 19, 27, 69, 70, 71, 76, 100	8	8%
AIBE 8th (2015)	3, 6, 7, 8, 37, 42, 49, 84	8	8%
AIBE 9th (2016)	55, 77, 88, 89, 90, 93	6	6%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Indian Contract Act, 1872

Examination - III [2012]

23. Which of the following Statements best describes the doctrine of privity as it is applicable to contract law?

- (1) A contract cannot usually confer rights or impose obligations under it to any person except the parties to such contract.
- (2) Terms of a contract cannot be revealed to any third party unless expressly provided for in the contract.
- (3) Terms of a contract cannot be revealed to a third party, unless both parties agree to do so.
- (4) As long as there is consideration for a promise, it is immaterial if a third party has provided it.
- (5) A third party is entitled to demand performance of the contract, if the contract results in a benefit to such third party.

Ans. [1]

25. Which of the following Statements is least accurate regarding an 'offer' under contract law in India?

- (1) An offer is not valid unless such offer has been communicated to the other party.
- (2) An offer is complete as against an acceptor when the offeror puts it in a mode of transmission outside the control of the offer or.
- (3) An offer lapses when a counter offer is made.
- (4) An offer lapses by revocation, as long as such offer is revoked prior to acceptance of such offer.
- (5) An offer lapses upon acceptance of the terms of the offer by a third party.

Ans. [5]

27. A hands over a permit to a courier company, who agree to deliver it without delay to A's, paper factory. A informs the courier company, that his factory cannot restart production till the permit is delivered to them. The courier company unreasonably delays the delivery of the permit. As a result, A loses an unusually lucrative contract with a Japanese company. What is the compensation that A is entitled to receive from the courier company?

- (1) A is entitled to receive as compensation the average amount of profit that he would have made from the working of his factory during the period of delay, but not the loss sustained through the loss of the contract with the Japanese company.
- (2) A is entitled to receive as compensation an amount equal to overhead costs of his factory that were incurred during the period of delay.
- (3) A is not entitled to any compensation.
- (4) A is entitled to receive as compensation the profits that he would have made from the unusually lucrative contract with a Japanese company.

Ans. [1]

Examination - IV [2012]

19. As a general rule, an agreement made without consideration is.....

- | | |
|--------------|--------------|
| (1) Void | (3) Valid |
| (2) Voidable | (4) Unlawful |

Ans. [1]

20. Which of the following is correct of a standard form contract?

- (1) It is valid contract
- (2) The party has no choice but to accept and sign the contract
- (3) Both (1) and (2)
- (4) The consent is not a free consent

Ans. [3]

21. In famous Carlill vs. Carbolic Smoke - Ball Co., (1893) 1 QBD 256, Smoke-Ball the Hob'ble Court held that the Contract was accepted on being.....

- | | |
|------------------|----------------|
| (1) Communicated | (2) Acted upon |
| (3) Refused | (4) Advertised |

Ans. [2]

22. A contingent agreement based on an impossible event under Section 36 is—

- (1) Void
- (2) Voidable
- (3) Void till impossible is known
- (4) Void when even becomes impossible.

Ans. [1]

23. The consensus ad-idem means-

- (1) General consensus
- (2) Reaching an agreement
- (3) Meeting of minds upon the same thing in the same sense
- (4) All the above

Ans. [1]

24. A jus in personam means a right against-

- | | |
|-----------------------|-------------------------|
| (1) A specific person | (2) The public at large |
| (3) A specific thing | (4) None of these |

Ans. [1]

25. An agreement to remain unmarried is—

- | | |
|--------------|-------------------|
| (1) Valid | (2) Void |
| (3) Voidable | (4) Unenforceable |

Ans. [2]

26. Inadequacy of consideration does not make the contract-

- | | |
|-------------------|------------------------------|
| (1) Void | (2) Voidable |
| (3) Unenforceable | (4) Neither void or voidable |

Ans. [1]

27. A proposal when accepted becomes—

- (1) Promise under Section 2 (b)

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Indian Contract Act, 1872

- (2) Agreement under Section 2 (e)
(3) Contract under Section 2(H)
(4) None of the above

Ans. [1]

28. Exposure of goods by a shopkeeper is-

- (1) Offer for Sale (2) Invitation to Offer
(3) Offer (4) Acceptance

Ans. [2]

29. Offer under Section 2 (a) is—

- (1) Communication from one person to another
(2) Suggestion by one person to another
(3) Willingness to do or abstain from doing an action order to obtain the assent of other thereto.
(4) None of the above

Ans. [3]

30. An agreement enforceable at law is-

- (1) Enforceable acceptance (2) Accepted offer
(3) Approved promise (4) Contract

Ans. [4]

31. An agreement shall be void for—

- (1) Mistake of fact by one party
(2) Mistake of fact by both the parties
(3) Mistake of foreign law.
(4) All the above

Ans.

[Grace]

33. Void agreement signifies -

- (1) Agreement illegal in nature
(2) Agreement not enforceable by law
(3) Agreement violating legal procedure
(4) Agreement against public policy

Ans. [2]

Examination - V [2013]

43. A debtor owes several distinct debts to the same creditor and he makes a payment which is insufficient to satisfy all the debts. In such a case, a question arises as to which particular debt the payment is to be appropriated. Which sections of the Contract Act provide an answer to this question?

- (1) Sections 59 to 61 (2) Sections 22 of 31
(3) Sections 10 to 12 (4) Sections 55 to 60

Ans. [1]

53. The essence of a contract of agency is the agent's

- (1) Representative capacity coupled with a power to affect the legal relations of the principal with third persons
(2) Power and title to the property that is being dealt with'.
(3) Authority and status of dealing with the trade
(4) None of the above.

Ans.

[1]

54. "A Contract is an agreement between two or more persons which is intended to be enforceable at law and is contracted, by the acceptance by one party of an offer made to him by the other party to do or abstain from doing some act". - Whose statement is this?

- (1) Halsbury (3) Phipson
(2) Salmond (4) Pollock

Ans. [1]

55. A Delivery of goods by one person to another for some purpose upon a contract that they shall, when the purpose is accomplished, be returned or disposed of according to the directions of the person delivering them. What is the type of contract called us

- (1) Indemnity (3) Bailment
(2) Guarantee (4) Pledge

Ans. [3]

56. A's nephew has absconded from his home. He sent his servant to trace his missing nephew. When the servant had left, A then announced that anybody who discovered the missing boy without knowing the reward. When the servant came to know about the reward, he brought an action against A to recover the same. But his action failed. It was held that the servant was not entitled to the reward because he did not know about the offer when he discovered the missing boy. Name the case on reading the facts.

- (1) Lalman Shukla vs. Gauri Dutt
(2) Donogue vs. Stevenson
(3) Tweedle vs. Atkinson
(4) Dutton vs. Poole

Ans. [1]

63. A solicitor sold certain property to one of his clients. The client subsequently property alleged that the was considerably overvalued and his consent was caused by..... Court considered the relationship between the parties to reach the decision.

- (1) Coercion (2) Misrepresentation
(3) Undue influence (4) Estoppel

Ans. [3]

64. Accepting any other satisfaction than the performance originally agreed is known as

- (1) reciprocal agreement
(2) reciprocal acceptance
(3) reciprocal accord and satisfaction
(4) accord and satisfaction

Ans. [4]

65. "Where two parties have made a contract which one of them has broken the damage which the other party ought to receive in respect of such breach of contract should be either such as may

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Indian Contract Act, 1872

fairly and reasonably be considered arising naturally i.e. according to the usual course of things from such breach of contract itself or such as may reasonably be supposed to have been in the contemplation of the parties at the time they made the contract as the probable result of breach of it." In which case the principle was down so:

- (1) Clegg vs. Hands
- (2) Frost vs. Knight
- (3) Kapur Chand vs. Himayat Ali Khan
- (4) Hadley vs. Baxendale

Ans. [4]

66. When a misrepresentation has been made, what are the alternative courses open to an aggrieved?

- (1) He can avoid or rescind the contract
- (2) He can affirm the contract and insist on the misrepresentation being made
- (3) He can rely upon the misrepresentation, as a defence to an action upon the contract
- (4) All of the above

Ans. [4]

67. "The law of contract is intended to ensure that what a man has been led to expect shall come to pass, that what has been promised shall be performed: Whose statement is this?

- (1) Lord Black
- (2) Henderson
- (3) Anson
- (4) Salmond

Ans. [3]

68. Raghav owes Murli Rs. 10,000/-. This debt is time barred by the Limitation Act. Even then Murli, promises in writing to pay Raghav Rs. 4,500/- on account of debt and signs the document. This contract is

- (1) Enforceable
- (2) Unenforceable
- (3) Void
- (4) None of the above

Ans. [1]

69. Intention not to create a legal obligation was clear from the conduct of parties which among the popular cases deals on the topic.

- (1) Balfour vs. Balfour
- (2) Donogue vs. Stevenson
- (3) Derry vs. Peek
- (4) Birch vs. Birch

Ans. [1]

70. According to the Indian law in a lawful contract, consideration

- (1) Must move from promises only
- (2) May move from promise or any other person
- (3) Is not necessary at all
- (4) None of the above

Ans. [2]

71. An agency can be terminated by?

- (1) Agreement between parties
- (2) By renunciation by the agent
- (3) By completion of business of agency
- (4) All the above.

Ans. [4]

72. Which type of loss are not covered by a contract of indemnity

- (1) Loss arising from accidents like fire or perils of the sea.
- (2) Loss caused by the promisor himself or by a third person
- (3) Loss arising by human agency
- (4) None of the above

Ans. [1]

73. The Supreme Court has held that an advocate cannot claim a lien over a litigation file entrusted to him for his fees..... no professional can be given the right to withhold the returnable records relating to the work done by him with his clients matter on the strength of any claim for unpaid remuneration. The alternative is the professional concerned can resort to other legal remedies for such unpaid remuneration. Refer to the specific case.

- (1) RD Saxena vo. Balram Prasad Sharma
- (2) VC Rangadhurai vs D Gopalan
- (3) Emperor vs. Dadu Ram
- (4) G Naranswamy vs Challapalli

Ans. [1]

Examination - VI [2014]

19. A promise or set of promises forming consideration to each other - is known as

- (1) Proposal
- (2) Consideration
- (3) Agreement
- (4) Contract

Ans. [3]

20. A past consideration under Indian Law

- (1) Invalid
- (2) Valid
- (3) Void
- (4) Voidable

Ans. [2]

22. Consensus ad idem means

- (1) Good faith
- (2) Opinion of third parties
- (3) Opinion of the offeree
- (4) Meeting of the minds

Ans. [4]

23. Agreement in restraint of marriage is

- (1) Contingent contract
- (2) Wager
- (3) Void
- (4) Valid

Ans. [3]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Indian Contract Act, 1872

24. A tells B, the shopkeeper, "Give Z the Goods, I will see you paid" - this contract is

- | | |
|---------------|---------------|
| (1) Bailment | (2) Agency |
| (3) Guarantee | (4) Indemnity |

Ans. [3]

25. A contract to perform the promise or discharge the liability of a third person in case of his default is a contract of -

- | | |
|---------------|-----------------|
| (1) Guarantee | (2) Default |
| (3) Indemnity | (4) Partnership |

Ans. [1]

26. "He who does an act through another, does it himself" is a contract of

- | | |
|------------|-----------------|
| (1) Sale | (2) Purchase |
| (3) Agency | (4) Partnership |

Ans. [3]

27. When at the desire of the promisor, the promise or any other person has done or abstained from doing something or does or abstains from doing something or promises to do or abstain from doing something, such act or abstinence or promise is called a

- | | |
|----------------|-------------------|
| (1) Proposal | (2) Consideration |
| (3) Acceptance | (4) Agreement |

Ans. [2]

28. X owes Y Rs.20, 000 but this debt is barred by Limitation Act. X executes a written promise to pay B Rs.15, 000 on account of debt. This is

- | | |
|-------------|--------------|
| (1) Invalid | (2) Void |
| (3) Valid | (4) Voidable |

Ans. [3]

Examination - VII [2014]

1. The concept of 'privity of contract' was rejected in —

- (1) Winterbottom vs. Wright
- (2) Donoghue vs. Stevenson
- (3) Longmeid vs. Holiday
- (4) Heaven vs. Pender

Ans. [3]

19. Frost vs. Knight is a leading case on-

- | | |
|----------------|----------------|
| (1) Section 32 | (2) Section 33 |
| (3) Section 34 | (4) Section 35 |

Ans. [3]

27. The maximum period during which property can be tied up is-

- (1) Only 15 years
- (2) One or more life or lives in being at the date of transfer and the minority of an unborn person
- (3) During the lifetime of the transferor and the minority period of an unborn person
- (4) None of the above

Ans. [2]

69. In bailment if the goods are lent free of cost to the bailee for his use it is known as bailment by-

- | | |
|-----------------|-----------------------|
| (1) Deposition | (2) Pledge |
| (3) Commodation | (4) None of the above |

Ans. [3]

70. Where the proposal and acceptance is through letters, the contract is made at the place where-

- (1) The acceptance is received
- (2) The letter of acceptance is posted
- (3) Both the above answers
- (4) None of the above

Ans. [2]

71. All contracts which are unlawful and void are known as -

- | | |
|------------------------|-----------------------|
| (1) Illegal contracts | (2) Nugatory contract |
| (3) Voidable contracts | (4) None of the above |

Ans. [2]

76. Wager relate with—

- | | |
|-------------------|----------------------|
| (1) Present event | (2) Past event |
| (3) Future event | (4) Any of the above |

Ans. [4]

100. The surety 'stands discharged by' -

- (1) Death
- (2) Revocation
- (3) Variance in the terms of the contract without his consent
- (4) None of the above

Ans. [3]

Examination - VIII [2015]

3. Point out an example not related to a contract of bailment.

- (1) Delivering a watch or radio for repair
- (2) Leaving a car or scooter at a parking stand
- (3) Leaving luggage in a cloak room
- (4) A shareholder executes an agreement/ bond favoring the company thereby agreeing to satisfy the company for any loss caused as a consequence of his own act.

Ans. [4]

6. Which is true of contracts of agency?

- (1) The relation between the agent and the principal is of a trust
- (2) It is only when a person acts as a representative of the other in the creation, modification or termination of contractual obligations; between that order and third persons that he is an agent.
- (3) The only essence of a contract of agency is the agent's representative capacity.
- (4) None of the above

Ans. [2]

7. Identify the wrong statement from the following,

- (1) An indemnity is for reimbursement of a y loss, while a guarantee is for security of the creditor

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Indian Contract Act, 1872

Examination - IX [2016]

- (2) In a contract of indemnity, the liability of the indemnifier is secondary and arises when the contingent event occurs. In case of contract of guarantee, the liability of surety is primary and arises when the principal debtor defaults.
- (3) The indemnifier after performing his part of the promise has no rights against to the third party and he can sue the third party only if there is an assignment in his favor. Whereas in a contract of guarantee, the surety steps into the shoes of the creditor on discharge of his (liability, and may sue the principal debtor,
- (4) In a contract of indemnity, the liability of the indemnifier is primary and arises when the contingent event occurs. In case of contract of guarantee the liability of surety is secondary and arises when the principal debtor defaults.

Ans. [2]

8. A corporate resolution is not an offer unless efforts are made to communicate it. Which case held so?

- (1) Blair vs. Western Mutual Benefit Association
(2) R. vs. Dawood
(3) Harvela Investments Ltd. vs. Royal Trust Co. of Canada
(4) None of the above.

Ans. [1]

37. Principles evolved in Hadley vs. Baxendale are the basis of Section..... of the Indian Contract Act.

- (1) 74 (3) 87
(2) 55 (4) 73

Ans. [4]

42. There was a contract to supply oil- seeds. But the Government rendered the sale and purchase of oil-seed illegal under the Defence of India Rules. Identify the effect.

- (1) Party at default is held liable
(2) Both parties are discharged from the performance of such contract
(3) Both parties are directed specific performance of the contract
(4) None of the above

Ans. [2]

49. A transfer Rs.500 to his niece C, if she will desert her husband. The transfer is-

- (1) Void (2) Voidable
(3) Valid (4) None of the above

Ans. [1]

84. Peek vs. Gurney is a famous case relating to -

- (1) Mistake
(2) Misrepresentation
(3) Fraud
(4) Frustration of contract

Ans. [2]

55. Contract without consideration made in writing and registered and made on account of natural love and affection is

- (1) void (2) reasonable
(3) valid (4) unenforceable

Ans. [3]

77. A contingent contract based on the uncertain events not specified happening within a fixed time under Section 35-

- (1) remains valid even if the event does not happen within that fixed time
(2) becomes void at the expiration of the time fixed
(3) becomes void if the happening of that event becomes impossible before the expiry of time fixed.
(4) both (2) and (3)

Ans. [4]

88. Which is correct?

- (1) proposal + acceptance = promise
(2) promise + consideration = agreement
(3) agreement + enforceability = contract
(4) all of the above

Ans. [4]

89. Communication of acceptance is complete as against the proposer

- (1) when it comes to the knowledge of the proposer
(2) when it is put in course of transmission to him so as to be out of power of the acceptor
(3) when the acceptance is communicated to the proposer
(4) all of the above

Ans. [2]

90. In cases of general offer, for a valid contract

- (1) the acceptor need not have the knowledge of the offer
(2) the acceptor must have the knowledge of the offer before acceptance by performance
(3) the acceptor may acquire the knowledge of the offer after the performance of the condition for acceptance
(4) knowledge does not matter so long as the condition is performed with or without knowledge

Ans. [2]

93. Where co-judgment debtors are in the position of joint promisors, each is-

- (1) not jointly and severally liable to the decree holder
(2) jointly and severally liable to the decree holder
(3) jointly liable to the decree holder only
(4) severally liable to the decree holder only

Ans. [2]

Specific Relief Act, 1963

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	24	1	1%
AIBE 4 th (2012)	24, 32, 36	3	3%
AIBE 5 th (2013)	15, 22, 17	3	3%
AIBE 6 th (2014)	36, 37	2	2%
AIBE 7 th (2014)	20, 21, 34, 38, 47	5	5%
AIBE 8 th (2015)	-	-	-
AIBE 9 th (2016)	38, 58, 59	3	3%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Specific Relief Act, 1963

Examination - III [2012]

24. Which of the following instances is specific performance of the contractual obligation most likely to be granted?

- (1) Where the contract is to transfer movable property.
- (2) Where the contract is to transfer immovable property.
- (3) Where the trustee enters into the contract in breach of the trustee's powers.
- (4) Where the contract is determinable.
- (5) Where the contract is for the performance of a continuous duty.

Ans. [2]

Examination - IV [2012]

24. A jus in personam means a right against-

- (1) A specific person
- (2) The public at large
- (3) A specific thing
- (4) None of these

Ans. [1]

32. Which the following is the correct Statement:

- (1) Under Sec. 7 the suit may be for recovery of special movable property or, in the alternative for compensation
- (2) Under Sec. 7 pecuniary compensation is not an adequate relief to the plaintiff for the loss of the article and the relief prayed is for injunction restraining the defendant from disposing of the article or otherwise injuring or concealing it, or for return of the same.
- (3) Both (1) and (2) are correct
- (4) All are incorrect.

Ans. [4]

36. Which of the following Statement is incorrect?

- (1) Specific Relief Act, 1963, extends to the whole of India except State of Jammu and Kashmir
- (2) Specific performance is granted where there exists no standard for ascertaining damage.
- (3) Where the aggrieved party can be adequately compensated in money, he will get only a decree for damages and not the recourse to
- (4) None of the above

Ans. [4]

Examination - V [2013]

15. Under Section 41 of the Specific Relief Act, an injunction cannot be granted

- (1) to restrain in any person from instituting or prosecuting any proceeding in a Court not subordinate to that from which the injunction is sought
- (2) to restrain any person from applying to any legislative body

- (3) to restrain any person from instituting or prosecuting any proceeding in a criminal matter
- (4) all of the above

Ans. [4]

22. Specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law. Which provision brings in such prohibition?

- (1) Section 4
- (2) Section 5
- (3) Section 7
- (4) Section 10

Ans. [1]

17. A contract made by a trustee in excess of his powers or in breach of trust cannot be specifically enforced as per

- (1) Section 12
- (2) Section 11 (2)
- (3) Section 12 (2)
- (4) Section 13.

Ans. [2]

Examination - VI [2014]

36. Under Section 9 of Specific Relief Act, the person against whom the relief is claimed may plead by way of defense any ground which is available to him

- (1) Under law of torts
- (2) Under any law relating to contracts
- (3) Under IPC
- (4) Under Cr.P.C.

Ans. [2]

37. The following contract cannot be specifically enforced

- (1) A contract the performance of which involves the performance of a continuous duty which the court cannot supervise.
- (2) A contract the performance of which involves the performance of a continuous duty which the court can supervise.
- (3) A Tort the discharge of which involves the performance of a continuous obligation
- (4) A contract for the non-performance of which compensation is not adequate relief

Ans. [1]

Examination - VII [2014]

20. Which among the following is a law based on equity?

- (1) Indian Contract Act, 1872
- (2) Indian Penal Code, 1860
- (3) Indian Partnership Act, 1932
- (4) Specific Relief Act, 1963

Ans. [4]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Specific Relief Act, 1963

21. Which section of the Specific Relief Act, describes temporary Injunction-

- (1) Section 45
- (2) Section 41
- (3) Section 37
- (4) Section 36

Ans. [3]

34. 'Ex dolo malo oritur actio' is-

- (1) An action arose only when a right infringes
- (2) An action could not prevent a legal right
- (3) No action on an immoral act
- (4) None of the above

Ans. [3]

38. Section 6 of the Specific Relief Act, 1963 states thus: If any person is dispossessed without his consent of immovable property otherwise than in due course of law, he or any person claiming through him may, by, recover possession thereof; notwithstanding any other title that may be set up in such suit.

- (1) Application
- (2) Restitution application
- (3) Suit
- (4) Reference

Ans. [3]

47. As per the Specific Relief Act, 1963 identify the situation wherein any person interested 'in a contract may sue to have it rescinded, and such rescission may be adjudged by the court.

- (1) Where the contract is voidable or terminable by the plaintiff.
- (2) Where the contract is unlawful for causes not apparent on its face and the defendant is more to blame than the plaintiff.
- (3) Both (1) and (2).
- (4) None of the above.

Ans. [3]

Examination - IX [2016]

38. What is true of perpetual injunction

- (1) It is a judicial process
- (2) preventive in nature
- (3) the thing prevented is a wrongful act
- (4) all of the above

Ans. [2]

58. A suit under Section 6 of the Specific Relief Act can be brought by

- (1) trespasser
- (2) a tenant holding over
- (3) servant
- (4) manager

Ans. [2]

59. Injunction cannot be granted in a suit

- (1) in which the specific performance cannot enforced
- (2) for breach of negative contract to enforce specific contract
- (3) for declaration where the plaintiff is in possession
- (4) neither 1, nor 2, nor 3

Ans. [1]

Transfer of Property Act, 1882

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	43, 44, 47, 63, 71-77	11	11%
AIBE 4th (2012)	34, 35	2	2%
AIBE 5th (2013)	57, 60	2	2%
AIBE 6th (2014)	31-34	4	4%
AIBE 7th (2014)	22, 27	2	2%
AIBE 8th (2015)	4, 43	2	2%
AIBE 9th (2016)	53, 57, 91, 92, 93	5	5%



ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Transfer of Property Act, 1882

Examination - III [2012]

43. Which of the following Statements regarding the examination of title to immovable property is the least accurate?

- (1) Examination of title to immovable property covers information available in public records but not in private records.
- (2) Examination of title to immovable property usually begins with the preparation of an abstract of title.
- (3) Examination of title to immovable property involves reviewing past deeds, trusts, and other encumbrances on the property.
- (4) Examination of title to immovable property seeks to reveal any defect in the title.
- (5) Examination of title to immovable property aims to ascertain whether the title has passed correctly to each new owner.

Ans. [1]

44. Which of the following Statements regarding the parties to a deed arising out of the transfer of property this the most accurate?

- (1) Both parties to such a deed need to be competent to contract.
- (2) A minor cannot be a party to such a deed.
- (3) Unlike a deed arising out of contract, a deed arising out of the transfer of property does not require two parties.
- (4) The person on whom any obligation is imposed under such a deed has to be competent to contract.
- (5) A person under a disability cannot be a party to such a deed.

Ans. [4]

47. A, aged thirty-two years, executes a gift deed to transfer a plot of land to his daughter B, who is nine years old at that time. After ten years, B transfers the plot of land to her cousin C, aged seventeen years, for a discounted price of Rupees Twenty thousand only. Does C have valid title to the property?

- (1) C has valid title to the property because both the first and second transfers were valid transfers, as the transferor in both cases was competent to contract.
- (2) C has valid title to the property because in deeds relating to transfer of property, the transferee can be a minor.
- (3) C does not have valid title to the property because B was not competent to contract in the second transaction.
- (4) Whether C has valid title is to be ascertained by the Court on the basis of whether the discounted price is considered to be adequate consideration.

Ans. [5]

63. A signed a lease agreement with B. The lease document States that A would lease his 'food-supermarket' to B. Which of the following Statements is the most accurate application of the principle regarding the meaning of 'supermarket' here?

- (1) The meaning of 'supermarket' is limited by the preceding word to mean a shop that sells food and other fast-moving consumer goods,
- (2) The meaning of supermarket' is enhanced by the preceding word to mean a shop where food is also sold.
- (3) The meaning of 'supermarket' is limited by the preceding word to mean a shop selling of items of food.
- (4) The meaning of 'supermarket' automatically includes the selling of items of food as well as various other consumer goods.
- (5) The meaning of 'supermarket' is supported by the preceding word to mean a shop selling highly nutritious items of food.

Ans. [3]

71. Which of the following Statements most accurately describes the relationship between 'vested interests' and 'contingent interests' with respect to the law governing transfer of property in India?

- (1) Contingent interest is a subset of vested interest.
- (2) Vested interest is a subset of contingent interest.
- (3) A vested interest becomes a contingent interest upon the occurrence of certain contingent events.
- (4) A contingent interest becomes a vested interest upon the occurrence of certain contingent events.
- (5) A vested interest is the same as a contingent interest.

Ans. [4]

72. Which one of the following is not a form of mortgage recognized by the laws governing Transfer of Property in India?

- (1) Equitable mortgage.
- (2) Mortgage by conditional sale of goods.
- (3) Usufructory mortgage.
- (4) English mortgage.
- (5) Mortgage by way of deposit of title deeds.

Ans. [2]

73. Which one of the following is a permitted transfer of property?

- (1) Transfer of the right to civil pension from the Government.
- (2) Transfer of easement rights.
- (3) Transfer of a right to sue for damages.
- (4) Transfer of the right to salary of a public officer.
- (5) Transfer of a debt owed to the transferor.

Ans. [2]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Transfer of Property Act, 1882

74. In which one of the following types of mortgages is 'foreclosure' permissible remedy for non-payment of the mortgage-money within the stipulated time?

- (1) Simple mortgage.
- (2) English mortgage.
- (3) Mortgage by way of deposit of title deeds.
- (4) Usufructory mortgage.
- (5) Mortgage by conditional sale.

Ans. [5]

75. A gifts the house owned by her to B, her granddaughter, by providing the registered title deeds to the house to B. Two witnesses attested the registered title deeds. Is the gift valid and why?

- (1) The gift is valid because the principle above does not apply in this case, as A's house is a movable property, and only the land on which the house has been built is immovable.
- (2) The gift is valid because while the house is an immovable property, the gift by way of delivery of title deeds is an exception to the rule.
- (3) The gift is valid because A handed over the immovable property's registered title-deeds, which were attested by two witnesses, as a gift.
- (4) The gift is not valid because the house is an immovable property, and the gift of a house must therefore be registered and attested by witnesses.

Ans. [4]

76. A, a Hindu, has separated from his father B. A sells to C three fields: D, E, and F. A represents to C that he is authorised to do so. Of these fields, F does not belong to A. F was retained by B during partition of the family property. Subsequently, B dies and A receives the property as B's heir: Which of the following Statements is the most accurate application of the principle set out below?

- (1) C, not having rescinded the contract of sale, may require A to deliver F to him.
- (2) A can transfer the property to another bona fide transferee without informing C.
- (3) The benefit of Section 43 is not available to C, as he was not misled into believing that A had the power to transfer F.
- (4) C is a gratuitous transferee in respect of F, and therefore cannot avail the benefit of Section 43.

Ans. [1]

77. A, a married Hindu lady, transfers some of her immovable property to B to be held in trust for the benefit of her son C, until A's unborn daughter attains majority. However, the trust deed stipulates that if her unborn daughter marries outside the religion, the immovable property is to revert in favour of the trust and be transferred to C. Which of the following Statements is the most accurate application of the principle below regarding the transfer to the unborn daughter?

- (1) The transfer is invalid as A has transferred the immovable property to a trust, and thus there has been no preceding transfer to a living person.
- (2) The transfer is invalid because it is conditional on whether A's unborn daughter marries within the religion, and this is not a transfer of the whole of residual interest in the property.
- (3) The transfer is valid.
- (4) The transfer is invalid because A has transferred the property to C and then her unborn daughter through the same trust deed.

Ans. [2]

Examination - IV [2012]

34. Transfer of Property Act, 1882 unborn person acquires vested interest on transfer for his benefit under Transfer of Property Act -

- (1) Upon his birth
- (2) 7 days after his birth
- (3) 12 days after his birth
- (4) None of all

Ans. [1]

35. Which section of Transfer of Property Act deals with onerous gift?

- (1) Section 127
- (2) Section 126
- (3) Section 125
- (4) Section 124

Ans. [1]

Examination - V [2013]

57. What property cannot be transferred under Section 6 of Transfer of Property Act, 1882 -

- (1) An easement apart from the dominant heritage
- (2) An interest in property restricted in its enjoyment to the owner personally
- (3) A right to future maintenance, in whatsoever manner arising, secured, or determined.
- (4) All of the above.

Ans. [4]

60. A transfers property, of which he is the owner, to B in trust for A and his intended wife successively for their lives, and, after the death of the survivor, for the eldest son of the intended marriage for life, and after his death for A's second son. Can the interest so created for the benefit of the eldest son take effect?

- (1) Yes
- (2) No
- (3) It is a valid transfer
- (4) None of the above

Ans. [2]

Examination - VI [2014]

31. Transfer of Property Act applies to transfers

- (1) By partition in a joint family

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Transfer of Property Act, 1882

- (2) Inter vivos
- (3) Both between animate and inanimate objects
- (4) Between living and non-living persons

Ans. [2]

32. A transfer's property of which he is the owner to B in trust for A and his intended wife successively for their lives, and, after the death of the survivor, for the eldest son of the intended marriage for life, and after his death for A's second son. The interest so created for the benefit of the eldest son

- (1) Does not take effect (2) Takes effect
- (3) Partially takes effect (4) None of the above

Ans. [1]

33. A transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability - is called

- (1) Sale (2) Gift
- (3) Mortgage (4) Lease

Ans. [3]

34. A lease of immovable property from year to year, or for any term exceeding one year or reserving a yearly rent, can be made only by a

- (1) Oral agreement (2) Written agreement
- (3) Partition (4) Registered instrument

Ans. [4]

Examination - VII [2014]

22. The maintenance amount which can be transferred is

- (1) Future maintenance
- (2) Right to future maintenance
- (3) Arrears of maintenance up to a certain date
- (4) None of the above

Ans. [3]

27. The maximum period during which property can be tied up is-

- (1) Only 15 years
- (2) One or more life or lives in being at the date of transfer and the minority of an unborn person
- (3) During the lifetime of the transferor and the minority period of an unborn person
- (4) None of the above

Ans. [2]

Examination - VIII [2015]

4. Which Section under the Transfer of Property Act, 1882 discuss about the rights and liabilities of buyer and the seller of immovable property?

- (1) 45 (2) 54
- (3) 55 (4) 44

Ans. [3]

43. A transfers property to B for life, and after his death to C and D, equally to be divided between them, or to the survivor of them. C dies during the lifetime of B. D survives B. At B's death

- (1) The property passes to D
- (2) The property reverts back to A's heirs
- (3) The property is declared as having no owner
- (4) None of the above

Ans. [1]

Examination - IX [2016]

56. Under the Transfer of Property Act, 1882

- (1) the salary of a public officer can be transferred
- (2) the salary of a public officer cannot be transferred
- (3) public office can be transferred
- (4) none of the above

Ans. [2]

57. Where a debt is transferred for the purpose of securing an existing or future debt, the debt so transferred, if or received by the transferor recovered by the by the transferee applicable first, in payment of cost of is such recovery. This is the provision of

- (1) mortgaged debt (2) gift
- (3) actionable claim (4) lease

Ans. [1]

91. Under the provision of the Transfer of Property Act, 1882, the unborn person acquires vested interest on transfer for his benefit

- (1) upon his birth
- (2) 7 days after his birth
- (3) 12 days after his birth
- (4) no such provision is made

Ans. [1]

92. Every transfer of immovable property made with intent to defeat or delay the creditors of the transferor shall be voidable

- (1) at the option of creditor so defeated or delayed
- (2) at the option of debtor
- (3) at the option of Court
- (4) none of the above

Ans. [1]

93. Where co-judgment debtors are in the position of joint promisors, each is-

- (1) not jointly and severally liable to the decree holder
- (2) jointly and severally liable to the decree holder
- (3) jointly liable to the decree holder only
- (4) severally liable to the decree holder only

Ans. [2]

Negotiable Instruments Act, 1881

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	22	1	1%
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AIBE 6th (2014)	29, 30, 38	3	3%
AIBE 7th (2014)	72, 73, 75	3	3%
AIBE 8th (2015)	46, 48	2	2%
AIBE 9th (2016)	14, 94	2	2%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Negotiable Instruments Act, 1881

Examination - III [2012]

22. Which of the following Statements is least accurate in relation to 'negotiable instruments' in terms of the Negotiable Instruments Act, 1881?

- (1) A 'negotiable instrument' means a promissory note, bill of exchange, or cheque payable either to order or to bearer.
- (2) 'Negotiation' of an instrument means the transfer of a promissory note, bill of exchange, "or cheque to any person, which makes that person the holder of the instrument.
- (3) A person affixing a signature on an instrument for the purposes of negotiation of the instrument is known as an 'indorser'.
- (4) A 'negotiable instrument' is only to be for the payment of money.
- (5) A negotiable instrument may not presumed to be made or drawn for consideration.

Ans. [5]

Examination - IV [2012]

38. The Negotiable Instrument Act, 1881 came into force on —

- (1) 9th December, 1881
- (2) 19th December, 1881
- (3) 1st March, 1882
- (4) None of the above

Ans. [3]

39. The term 'Negotiable instrument' is defined in the Negotiable Instrument Act, 1881.

- (1) Section 12
- (2) Section 13
- (3) Section 13
- (4) Section 13-B

Ans. [2]

Examination - VI [2014]

29. When a negotiable instrument is delivered conditionally or for a special purpose as a collateral security or for safe custody only, and not for the purpose of transferring absolutely property therein, it is called

- (1) Fictitious Bill
- (2) Inchoate instrument
- (3) Escrow
- (4) Clean Bill

Ans. [3]

30. Which one of the following is a promissory note when A signs the instrument?

- (1) I promise to pay B or order Rs. 10,000/- on demand
- (2) Mr. B. I. Owe. You. Rs. 10,000/-
- (3) I promise to pay B Rs. 10,000/- and such other sums which shall be due to him
- (4) I promise to pay B on his request Rs. 10,000/- on the death of X

Ans. [1]

38. A sells a TV to a minor, who pays for it by means of a cheque. A indorses that cheque to X. X takes it in good faith and for value. This Cheque was dishonoured on presentation. X can enforce payment of the cheque

- (1) Against Minor
- (2) Against Minor and A
- (3) Against A only
- (4) Cannot enforce against any body

Ans. [3]

Examination - VII [2014]

72. Cancellation of crossing is also called-

- (1) Marking
- (2) Opening of crossing
- (3) Cancellation
- (4) None of the above

Ans. [2]

73. Section of the Negotiable Instruments Act deals with noting-

- (1) Section 100
- (2) Section 101
- (3) Section 102
- (4) Section 99

Ans. [4]

75. Negotiable claim issued by a bank in return for a term deposit is called-

- (1) Share certificate
- (2) Certificate of incorporation
- (3) Certificate of deposit
- (4) Term deposit

Ans. [3]

Examination - VIII [2015]

46. A/An is one which is drawn by one person and accepted by another, without consideration, merely to enable the drawer to raise money on the bill by discounting it.

- (1) Bills in sets
- (2) Documentary bill
- (3) Bearer instrument
- (4) Accommodation bill

Ans. [4]

48. Which provision of the Negotiable Instruments Act discusses about material alteration of an instrument and its effects?

- (1) Section 77
- (2) Section 88
- (3) Section 87
- (4) Section 78

Ans. [3]

Examination - IX [2016]

14. If an instrument may be construed either as promissory note or bill of exchange, it is

- (1) a valid instrument
- (2) an ambiguous instrument
- (3) a returnable instrument
- (4) none of the above

Ans. [2]

94. At sight under Section 21 of the Negotiable Instruments Act, 1881 means

- (1) on presentation
- (2) on demand
- (3) on coming into vision
- (4) none of the above

Ans. [2]

Arbitration and Conciliation act 1996

Exam - Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	1,2,3,4,7	5	5%
AIBE 4th (2012)	40,45,46,50,84	5	5%
AIBE 5th (2013)	61,74	2	2%
AIBE 6th (2014)	44,45,46	3	3%
AIBE 7th (2014)	45,46	2	2%
AIBE 8th (2015)	80, 81, 82	3	3%
AIBE 9th (2016)	1,30,33,100	4	4%



ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Arbitration and Conciliation act 1996

Examination - III [2012]

1. Which of the following Statements is least accurate about an arbitration agreement in India?

- (1) The arbitration agreement must contemplate that the arbitral Tribunal's decision will be binding on its parties.
- (2) The arbitration agreement must contemplate that the arbitral Tribunal will determine the substantive rights of the parties.
- (3) Existence of an arbitration agreement is necessary for a valid arbitration.
- (4) The arbitration agreement must State who the members of the arbitral Tribunal shall be.
- (5) The arbitration agreement should be valid under the Indian Contract Act, 1872.

Ans. [4]

2. Which of the following is not a ground to set aside an arbitral award under the Arbitration and Conciliation Act, 1996?

- (1) The arbitral award conflicts with public policy.
- (2) The arbitral award failed to appreciate the evidence properly.
- (3) The arbitration agreement is invalid in the eyes of the law.
- (4) The arbitral award was beyond the scope of reference outlined in the arbitration agreement.
- (5) The arbitral Tribunal was composed in an illegal manner.

Ans. [2]

3. Which of the following Statements is least accurate about an expert determination?

- (1) An expert's determination requires that the dispute be referred to an independent third party.
- (2) An expert's determination is not enforceable like an arbitral award is.
- (3) An expert's determination may be challenged in a Court of law.
- (4) An expert's determination is not but intended to bind the parties.
- (5) An expert is not required to give reasons for the determination.

Ans. [3]

4. Which of the following is least likely to be required of a settlement agreement in a mediation proceeding?

- (1) A settlement agreement should be balanced and reflect the benefit to each party.
- (2) A settlement agreement should be in writing.
- (3) A settlement agreement should be expressed in judgmental language.
- (4) A settlement agreement should describe the responsibility of, each party in implementing it.
- (5) A settlement agreement should State what the parties' future relationship is to be.

Ans. [3]

7. A and B refer a dispute to an arbitral Tribunal. The Tribunal passes an award but both parties think that the Tribunal has taken an incorrect view of an applicable point of law. Can the parties approach the Court to appeal against this order?

- (1) No, unless they argue that the award is against public policy.
- (2) Yes, because Court may support their alternative view of the law.
- (3) Yes, but only because both parties agree that the tribunal's award is incorrect.
- (4) Yes, but only if the arbitral award makes the award appealable.
- (5) Yes, but only as a fresh suit, and not as an appeal from the arbitral award.

Ans. [1]

Examination - IV [2012]

40. In India the Arbitration & Conciliation Act was enacted in -

- | | |
|----------|----------|
| (1) 1992 | (2) 1993 |
| (3) 1994 | (4) 1996 |

Ans. [3]

45. The Indian Council of Arbitration was established in:

- | | | | |
|----------|----------|----------|----------|
| (1) 1956 | (2) 1976 | (3) 1965 | (4) 1996 |
|----------|----------|----------|----------|

Ans. [3]

46. Lex Arbitri means—

- (1) Arbitral Tribunal sitting in India can apply the law of the Singapore;
- (2) Just Law
- (3) Arbitrary Law
- (4) None of these

Ans. [4]

50. Section 10, Sub-section (i) of the Arbitration & Conciliation Act talks about.

- (1) Power of Arbitration
- (2) Numbers of Arbitrations
- (3) Capacity of Arbitrations
- (4) None of the above

Ans. [2]

84. Appeal against the award of Claims Tribunals under the Motor Vehicles Act, 1988 can be made under:

- | | |
|-----------------|-----------------|
| (1) Section 171 | (2) Section 172 |
| (3) Section 173 | (4) Section 174 |

Ans. [3]

Examination - V [2013]

61. The commencement of arbitral proceedings is not dependant on interim relief being allowed or denied under Section 9 of the Arbitration and Conciliation Act, 1996. Supreme Court in which case held so

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Arbitration and Conciliation act 1996

- (1) Firm Ashok Traders & another vs. Gurumukh Das Saluja & others
- (2) M.M.T.C Ltd vs. Sterile Industries (India) Ltd.
- (3) National Thermal Power Corporation. vs. Flowmore (P.) Ltd.
- (4) Magma Leasing Ltd. vs. NEPC Micon Ltd.

Ans. [1]

74. is the process whereby interested parties resolve disputes, agree upon courses of action, bargain for individual or collective advantage, and/or attempt to craft outcomes which serve their mutual interests.

- (1) Expert determination (2) Arbitration
- (3) Conciliation (4) Negotiation

Ans. [4]

Examination - VI [2014]

44. Under THE ARBITRATION AND CONCILIATION ACT an arbitration agreement may be in the form of

- (1) an arbitration clause in a contract only
- (2) in the form of a separate agreement only
- (3) an arbitration clause in a contract or in the form of a separate agreement
- (4) commercial custom

Ans. [3]

45. A decision by the arbitral tribunal that the contract is null and void shall

- (1) Entail ipso jure the invalidity of the arbitration clause.
- (2) Not entail ipso jure the invalidity of the arbitration clause.
- (3) Entail defac to invalidity of the arbitration clause.
- (4) None of the above

Ans. [2]

46. The arbitral tribunal shall not be bound by the

- (1) Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872
- (2) The Indian Evidence Act, 1872.
- (3) Code of Civil Procedure, 1908.
- (4) None of the above

Ans. [1]

Examination - VII [2014]

45. In which case the Supreme Court held that Part I of the Arbitration and Conciliation Act would equally apply to international commercial arbitration held outside India, unless any or all provisions have been excluded by agreement between the parties.

- (1) Bhatia International vs. Bulk Trading S. A
- (2) United India Ins. Co. Ltd vs. Associated Transport Corpn. Ltd
- (3) Hakam Singh vs. Gammon (India) Ltd.
- (4) Ajmera Brothers vs. Suraj Naresh Kumar Jain

Ans. [1]

46. Establishment of Permanent Lok Adalats is envisaged under Section of the Legal Services Authority Act of 1987.

- (1) Section 22B (2) Section 22A
- (3) Section 22 (1) (4) Section 22

Ans. [1]

Examination - VIII [2015]

80. The Supreme Court in held that irrespective of where the 'central management and control is exercised' by a company, companies incorporated in India, cannot choose foreign law as the governing law of their arbitration.

- (1) TDM Infrastructure (P) Ltd. vs. UE Development India (P) Ltd.
- (2) Corned Chemicals Ltd. VS. C.N. Ramchand
- (3) Shreejee Traco (I) Pvt. Ltd. VS. Paperline International Inc
- (4) Bhatia International vs. Bulk Trading

Ans. [1]

81. The judgment in ... skews the delicate balance, carefully crafted by the Model Law (and enshrined in Section 34), between finality of arbitral awards on one hand and permissible judicial review on the other.

- (1) Renu Sagar Power Co vs. General Electric Corporation
- (2) ONGC vs. Saw Pipes Ltd.
- (3) Sundaram Finance vs. NEPC
- (4) Olympus Superstructures Pvt. Ltd vs. Meena Vijay Khetan

Ans. [2]

82. Which Section of the 1996 Arbitration Act permits the parties to engage in conciliation process even while the arbitral proceedings are on?

- (1) Section 30
- (2) Section 10
- (3) Section 40
- (4) Section 20

Ans. [1]

Examination - IX [2016]

1. The conciliation proceedings-

- (1) Can be used as evidence in any judicial proceedings.
- (2) Can be used as evidence only in Arbitral proceedings.
- (3) Can be used as evidence only on the discretion of the judge or arbitrator.
- (4) Cannot be used as evidence in any judicial or arbitral proceedings.

Ans. [4]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Arbitration and Conciliation act 1996

30. The present Arbitration and Conciliation Act of 1996 is based on-

- (1) Constitution of India
- (2) Supreme Court of India guidelines
- (3) European Commercial Arbitration procedure.
- (4) Uncitral

Ans. [4]

33. The provisions of the Arbitration and Conciliation Act, 1996 have to be interpreted being uninfluenced by the principles underlying the 1940 Act. This observation was laid down in -

- (1) M.M.T.C. Ltd vs. Sterlite Industries (India) Ltd.
- (2) Sunderam Finance Ltd. vs. N.E.P.C. Ltd.
- (3) Olympus Superstructures Pvt. Ltd. vs. Meera Vijay
- (4) Orma Impex Pvt. Ltd. vs. Nissari Pvt. Ltd.

Ans. [2]

100. Which is an incorrect Statement

- (1) An Arbitral award is a contract.
- (2) An Arbitral award must be in writing and signed
- (3) An Arbitral award included an interim award.
- (4) None of the above

Ans. [1]

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Consumer Protection Act, 2019

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	-	-	-
AIBE 4th (2012)	3, 10	2	2%
AIBE 5th (2013)	34	1	1%
AIBE 6th (2014)	90	1	1%
AIBE 7th (2014)	-	-	-
AIBE 8th (2015)	89, 90, 92	3	3%
AIBE 9th (2016)	49, 68	2	2%



ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Consumer Protection Act, 2019

Examination - IV [2012]

3. Consumer Protection Act 1986 is predominantly based on UN General resolution with due negotiations in the:

- (1) UNCITRAL
- (2) UNCTAD
- (3) UNECOSOU
- (4) None of the above

Ans. [4]

83. The Consumer Protection Act was enacted in:

- (1) 1985
- (3) 2005
- (2) 1986
- (4) 2008

Ans. [2]

Examination - V [2013]

34. Consumer Protection Act was brought into operation in the year

- (1) 1987
- (3) 1985
- (2) 1986
- (4) 1984

Ans. [2]

Examination - VI [2014]

90. According to Consumer protection Act, the National Commission shall have jurisdiction over complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees

- (1) 2 lakhs
- (2) 10 lakhs
- (3) 20 lakhs
- (4) 50 lakhs

Ans. [3]

Examination - VIII [2015]

89. Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the within a period of days from the date of the order-

- (1) State Commission, 30
- (2) State Tribunal, 30
- (3) State Forum, 30
- (4) State Commission, 60

Ans. [1]

90. According to The Consumer Protection Act, 1986 what is the limitation period applicable to the three forums in entertaining a complaint?

- (1) 2 years from the date on which the cause of action has arisen

- (2) 2 years from which the article was purchased
- (3) 3 years
- (4) None of the above

Ans. [1]

92. The National Consumer Dispute Redressal Commission constituted in the year was

- (1) 1998
- (2) 1988
- (3) 1999
- (4) 2000

Ans. [2]

Examination - IX [2016]

49. Under the provisions of the Consumer Protection Act, 1986, the period of limitation complaint before the Commission is for filing National

- (1) 1 year from the date on which cause of action has arisen
- (2) 2 year from the date on which cause of action has arisen
- (3) 3 year from the date on which cause of action has arisen
- (4) 4 year from the date on which cause of action has arisen

Ans. [2]

68. Spurious goods under the provisions of the Consumer Protection Act, 1986 imply

- (1) Such goods and services which are of poor quality.
- (2) Such goods and services which are claimed to be genuine but they are actually not so
- (3) Such goods and services which might be stolen in nature
- (4) Such goods and services which are not usable in nature

Ans. [2]

Advocates Act, 1961

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	21,64,65,66,67,68,69,70	8	8%
AIBE 4 th (2012)	37,42,43,44	4	4%
AIBE 5 th (2013)	75,76,78	3	3%
AIBE 6 th (2014)	39,40,41,42	4	4%
AIBE 7 th (2014)	40,41,42,43	4	4%
AIBE 8 th (2015)	66,74,75,76	4	4%
AIBE 9 th (2016)	29,43,44,99	4	4%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Advocates Act, 1961

Examination - III [2012]

21. A, an advocate, is found to have committed contempt of the Supreme Court by trying to influence a Judge of the Court. A's punishment for contempt, the Supreme Court directs that A's licence to practice as an advocate be cancelled. Can the Supreme Court do this?

- (1) Yes, the Supreme Court can cancel A's licence to practice as an advocate, since it is a Court of record and has the power to punish for contempt of itself.
- (2) Yes, the Supreme Court can cancel A's licence to practice as an advocate, since it is the highest Court in the land, and an advocate who is in contempt of the Supreme Court should not have a right to practice.
- (3) No, the Supreme Court cannot cancel A's licence to practice, since an advocate's licence to practice, once granted, is irrevocable on any ground whatsoever;
- (4) No, the Supreme Court cannot do this, since its powers of punishment for contempt may extend to fine or imprisonment, but not to cancelling an advocate's licence to practice.
- (5) No, the Supreme Court cannot do this, since the act that A committed is not contemplated within the boundaries of an advocate's responsibilities, duties and therefore, is entirely unconnected with the licence to practice.

Ans. [4]

64. According to the Advocates Act, 1961, who among the following are least likely to be admitted as advocates?

- (1) Persons who have been guilty of a traffic offence.
- (2) Persons who have been guilty of civil contempt of Court.
- (3) Persons who are convicted of an offence under the Untouchability (Offences) Act, 1955.
- (4) Persons who have been accused of an attempt to commit suicide.
- (5) Persons who have been interrogated by the police in the past.

Ans. [3]

65. Which of the following Statements is least accurate about the restrictions on employment of advocates?

- (1) A practising advocate cannot personally engage in any business.
- (2) A practising advocate cannot be the Chairman of a Board of Directors of a company.
- (3) A practising advocate can be the director of a company.
- (4) A practising advocate cannot be a full-time salaried employee of any person.
- (5) A practising advocate may be a sleeping partner in a firm.

Ans. [2]

66. Which of the following Statements does not describe a duty of an advocate?

- (1) An advocate should not appear in a case in which the advocate believes that she will be a witness.
- (2) An advocate shall defend a person accused of a crime, regardless of the advocate's personal opinion as to the guilt of the accused.
- (3) As advocate has a duty to protect any information that the client communicates, even if it is in furtherance of an illegal purpose.
- (4) An advocate must not, at any time, foment litigation.
- (5) An advocate must act only on the instruction of the client, and no one else.

Ans. [3]

67. Which of the following Statements is least accurate about the specifications regarding an advocate's sign-board?

- (1) It should be of reasonable size.
- (2) It may State the advocate's area of expertise or practice.
- (3) It should not State that the advocate has been a judge.
- (4) It should not State that the advocate is a member of a bar council.
- (5) It should not State that the advocate is associated with any particular organisation.

Ans. [2]

68. A, an advocate, received money on behalf of a client, C. A did not intimate C of the receipt of money, but noted in his accounts that he had received money on behalf of C and set aside the amount as his fees in full. On discovering that A had received the money, C demanded the money. A assures C that once the proceeding is over, C would have had to pay A fees anyway, and that he has already recorded in his accounts that his fees have been paid in full. In light of these facts, which of the following Statements is the most accurate application of the principle below?

- (1) A has clearly fulfilled his duty by recording in the register that he has received C's money as fees.
- (2) A had fulfilled his duty by recording in the register that he has received C's money as fees, but should have handed over the money to C on his demand.
- (3) A erred in setting aside C's money for fees without written permission.
- (4) A is entitled to his fees, and was within his rights to set aside the money as fees, as he noted in his accounts that his fees had been paid in full.
- (5) The money was received on behalf of C and was not from C, and A was therefore entitled to set the money aside as fees.

Ans. [3]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Advocates Act, 1961

69. C has engaged an advocate, A. B is C's mother and she asks A to withdraw the suit filed by C as the litigation is causing public embarrassment to the entire family. What should A do?

Principle: An advocate has a duty to act only on the instruction of the client, and no one else.

- (1) A should withdraw the suit since the family name is at stake.
- (2) B has a fiduciary relationship with C, and A would therefore be obliged to withdraw the suit for the benefit of the C's family on B's instructions.
- (3) A has a duty to refrain from fomenting litigation, and should therefore withdraw the suit.
- (4) A has a professional obligation to act solely on the instructions of the client, C, and should not withdraw the suit on B's instructions.
- (5) A should withdraw the suit as B is C's mother, and is therefore A's client as well.

Ans. [4]

70. A is one of five children. A and the other four siblings are all equal heirs to a family property. On account of a quarrel between the siblings, A approaches an advocate, C, who advises them not to approach the Court and to instead settle their dispute amicably. A insists that C take the matter to Court. C is later reprimanded by the Bar Council of the concerned State, for not having insisted on a settlement. Is C at fault?

- (1) Yes, C is at fault as he effectively pushed A into litigation by not providing proper advice.
- (2) No, C has fulfilled his duty by advising the client to avoid litigation and by encouraging settlement in the given case.
- (3) Yes, C's duty to refrain from fomenting litigation extends beyond mere advice and he should have avoided litigation at all costs.
- (4) Yes, C's duty to refrain from fomenting litigation overrules his duty to protect his client.
- (5) Yes, C is at fault as he did not insist on a settlement and readily agreed to litigation.

Ans. [2]

Examination - IV [2012]

37. The Bar Council of India consists of the following as ex-officio members

- (1) Attorney General of India
- (2) Solicitor General of India
- (3) Both 1 & 2
- (4) None of the above

Ans. [3]

42. Indian Bar Committee was constituted first time under the Chairmanship of Sir Adward Charmier in the year

- (1) 1927
- (3) 1949

- (2) 1961
- (4) 1923

Ans. [4]

43. When was the Advocate Act introduced?

- (1) 1962
- (2) 1959
- (3) 1961
- (4) 1966

Ans. [3]

44. Power of Disciplinary Committee under the Advocate Act is provided under;

- (1) Section 42
- (2) Section 53
- (3) Section 40
- (4) Section 36

Ans. [1]

Examination - V [2013]

75. "The fundamental aim of Legal Ethics is to maintain the honour and dignity of the Law Profession, to secure a spirit of friendly cooperation between the Bench and the Bar in the promotion of highest standards of justice, to establish honourable and fair dealings of the counsel with his client opponent and witnesses; to establish a spirit of brotherhood in the Bar itself; and to secure that lawyers discharge their responsibilities to the community generally." Whose statement is this?

- (1) Chief Justice Marshall
- (2) Chief Justice Coke
- (3) Chief Justice Halsbury
- (4) Chief Justice Bacon

Ans. [1]

76. Duty of an advocate towards his client is detailed out in which rules of Bar Council of India

- (1) 33 to 38
- (2) 11 to 33
- (3) 23 to 27
- (4) 33 to 36

Ans. [2]

78. Which Section under the Advocates Act, 1961 deals with disqualification as to enrolment?

- (1) Section 25-A
- (2) Section 26-A
- (3) Section 27-A
- (4) Section 24-A

Ans. [4]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Advocates Act, 1961

Examination - VI [2014]

39. Who has the authority to prescribed qualifications and disqualifications for membership of a Bar Council?

- (1) State Bar Councils
- (2) Bar Council of India.
- (3) Supreme Court of India
- (4) Supreme Court Bar Association

Ans. [2]

40. Indian Council of Legal Aid and Advise v. BCI case deals with the issue of

- (1) Prescribing pre-enrolment training for advocates
- (2) Prescribing minimum qualification for an advocate
- (3) Prescribing uniform attire for the advocates appearing in the court of law
- (4) Prescribing age bar on enrolment of advocates

Ans. [4]

41. For transfer of roll from one state to another, an application is made to the

- (1) Bar Council of India
- (2) State Bar council where one is enrolled
- (3) State bar council where one seeks transfer
- (4) High court of the state where one is enrolled

Ans. [1]

42. Which of the following committee's cannot be constituted by State Bar Council

- (1) Special Committee
- (2) Disciplinary Committee.
- (3) Legal Aid Committee
- (4) Legal Education Committee

Ans. [4]

Examination - VII [2014]

40. General power of the Bar Council of India to make rules is envisaged under which Section of the Advocates Act, 1961?

- (1) Section 48
- (2) Section 49
- (3) Section II-2
- (4) Section IV A

Ans. [2]

41. Seven lamps of advocacy is attributable to-

- (1) Justice Abbot Parry
- (2) Justice Heward
- (3) Justice Bhagawathy
- (4) Justice Grey

Ans. [1]

42. Which Section under the Advocates Act, 1961 speaks of disciplinary powers of the Bar Council of India?

- (1) Section 35
- (2) Section 37

(3) Section 36

(4) Section 39

Ans. [3]

43. Section of Advocates Act, 1961 speaks about constitution of Legal Aid Committees.

- (1) Section 9
- (2) Section 10
- (3) Section 9A
- (4) Section 10A

Ans. [3]

Examination - VIII [2015]

66. Retention of money deposited with advocate for the decree holder even after execution proceedings was held as an instance of misconduct in which case

- (1) In Re DC Saxena
- (2) M. Veerendra Rao vs. Tek Chand
- (3) Shambhu RamYadav vs. Hanuman Das Khatri
- (4) Prahlad Saran Gupta vs. Bar Council of India

Ans. [4]

74. In which famous case this issue had come up. Whether the advocate had committed a professional misconduct and is guilty of the offence of the criminal contempt of the Court for having interfered with and obstructed the course of justice by trying to threaten, overawe and overbear the Court by using insulting, disrespectful and threatening language.

- (1) Vinay Chandra Mishra. In Re
- (2) Ex- Capt. Harish Uppal vs. Union of India
- (3) Hikmat Ali Khan vs. Ishwar Prasad Arya and Ors.
- (4) None of the above

Ans. [1]

75. "Misconduct" would cover any activity or conduct which his professional brethren of good repute and competency would reasonably regard as disgraceful or dishonor- able. It may be noted that the scope of "misconduct" is not restricted by technical interpretations of rules of conduct. This was proven conclu- sively in the case of—

- (1) Noratanman Courasia vs. M. R. Murali
- (2) Bar Council of Maharashtra vs. M.V. Dahbolkar
- (3) In N. G. Dastane vs. Shrikant S. Shinde
- (4) B. M. Verma vs. Uttarakhand Regulatory Commission

Ans. [2]

76. In which case, where the advocate of one of the parties was asking for continuous adjournments to the immense inconvenience of the opposite party, it was held by the Supreme Court that seeking adjournments for postponing the examination of witnesses who were present without making'

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Advocates Act, 1961

other arrangements 'for examining such witnesses is a dereliction of the duty that an advocate owed to the Court amounting to misconduct.

- (1) N.G. Dastane vs. Shrikant S. Shinde
- (2) Sambhu Ram Yadav vs. Hanuman Das Khatri
- (3) Noratanman Courasia vs. M. R. Murali
- (4) None of the above

Ans. [1]

Examination – IX [2016]

29. The Supreme Court held in V.C. Rangadurai vs. D. Gopalan that an advocate who has been disbarred or suspended from practice must prove after expiration of a reasonable length of time that,

- (1) He appreciates the insignificance of his dereliction
- (2) He has lived a consistent life of poverty and integrity
- (3) He possesses the good character necessary to guarantee uprightness and honour in his professional dealings
- (4) The burden is on the applicant to establish that he entitled to resume the privilege of practicing law without restrictions.

Ans. [3]

43. State Bar Council under the provisions of Section 35 of the Advocates Act, 1961 has the authority to

- (1) Reprimand the advocate
- (2) Suspend the advocate from practice for such period of time as it may deem fit
- (3) Remove the name of the advocate from the State roll of advocates
- (4) All of these

Ans. [4]

44. Which of the following is untrue. regarding qualification for a person to be admitted on the State rolls maintained by State Bar Councils-

- (1) The minimum age of requirement is 21 years.
- (2) He must be an Indian Citizen
- (3) He must not have been convicted of an offence involving moral turpitude
- (4) They must not have been convicted of an offence under the provisions of the Untouchability (Offences) Act, 1958

Ans. [2]

99. The Bar Council of India Rule which stipulated that persons aged 45 years and above could not be enrolled as advocates was struck down by the Supreme Court in

- (1) In E. S. Reddi vs. Bar Council of India
- (2) Indian Council of Legal Aid and Advice vs. Bar Council of India
- (3) P. Shanmugam vs. Bar Council of India
- (4) Legal Committee vs. Bar Council of India.

Ans. [2]

Environment Law

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	100	1	1%
AIBE 4 th (2012)	91	1	1%
AIBE 5 th (2013)	-	-	-
AIBE 6 th (2014)	-	-	-
AIBE 7 th (2014)	23, 24, 26	3	3%
AIBE 8 th (2015)	18, 22	2	2%
AIBE 9 th (2016)	6, 7, 32, 35	4	4%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Environment Law

Examination - III [2012]

100. A tribal hunter, A, enters into a national park and uses a bow and arrow to shoot and kill a leopard. A then skins the leopard and sells the skin to B, another tribal hunter. B goes to the city and sells the skin to C, who is an avid collector of rare animal skins. In light of these facts, which of the following Statements most accurately applies the principle below?

- (1) A, B, and C are all likely to have violated the law for the hunting of a scheduled species, for trade in derivatives of a scheduled species, and for possession of derivatives of a scheduled species, respectively.
- (2) C is likely to have violated the law for possession of wildlife derivatives. However, both A and B are likely to be exempt from the law since they are members of a tribe that depends on the forest for their livelihood.
- (3) A is likely to have violated the law since hunting of scheduled species is prohibited. However, both B and C are likely to be exempt from the law since they were only dealing with the skin, and were not directly or indirectly involved with the killing of the leopard.
- (4) Both A and B are likely to have violated the law for having hunted a scheduled species, and for trading a derivative of a scheduled species, respectively. However, C is likely to be exempt from the law since C is only involved with collection of rare skins.
- (5) Both A and C are likely to have violated the law for having hunted a scheduled species and for being in possession of a derivative of a scheduled species. However, B is likely to be exempt from the law since B was neither involved with hunting the species nor was he found in possession of the derivative, and was merely acting within the scope of his fundamental right to carry out any trade.

Ans. [1]

Examination - IV [2012]

91. Protection of environment is a:

- (1) Constitutional Duty
- (2) Directive Principle
- (3) Fundamental Duty
- (4) Both (2) & (3)

Ans. [4]

Examination - VII [2014]

23. Polluter Pays Principle means-

- (1) Polluter should bear the cost of pollution as the polluter is responsible for pollution

- (2) Polluter should not necessarily bear the cost of pollution as the polluter may not be responsible for pollution
- (3) Polluter may bear the cost of pollution as the polluter may be responsible for pollution
- (4) None of the above

Ans. [1]

24. "Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution, has to pay damages (compensation) for restoration of the environment. He has also to pay damages to those who have suffered loss on account of the act of the offender. Further, the offender can also be held liable to pay exemplary damages so that it may act as a deterrent for others not to cause pollution in any manner. However, the Court cannot impose any pollution fine in absence of any trial and finding of guilty under the relevant statutory provisions." This observation was made in-

- (1) M.C. Mehta vs. Kamal Nath
- (2) Calcutta Tanneries Case
- (3) M. C. Mehta vs. UOI
- (4) A. P. Pollution Control Board vs. M. V Nayudu

Ans. [1]

26. of the Environmental Protection Act, 1986, defines "Environment".

- (1) Section 2(a)
- (2) Section 3 (a)
- (3) Section 1(a)
- (4) Section 11(a)

Ans. [1]

Examination - VIII [2015]

18. The Water (Prevention and Control of Pollution) Act, 1974 bad regulates-

- (1) The discharge of hazardous pollutants into the nation's surface water.
- (2) The emission of hazardous air pollutants.
- (3) Waste disposal of sea.
- (4) The transportation of hazardous materials.

Ans. [1]

22. According to Environmental (Protection) Act of 1986 "environmental pollutant" means—

- (1) any solid, liquid or gaseous substance 'present in such concentration as may be, or tend to be, injurious to environments
- (2) any substance present in such concentration as may be, or tend to be, injurious to environment
- (3) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to a person

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON
Environment Law

- (4) any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to the society

Ans. [1]

Examination – IX [2016]

- 6. Which of the following is a function of Central Pollution Control Board under the provisions of Section 16 of the Air (Prevention and Control of Pollution) Act, 1981?**

- (1) To carry out and sponsor investigation and research relating to problems of pollution and prevention, control or abatement of pollution.
- (2) To improve the quality of air
- (3) Both (1) and (2)
- (4) neither (1) and (2)

Ans. [3]

- 7. The destruction of fish by use of explosive or by poisoning the water is prohibited by**

- (1) Environment (Protection) Act, 1986
- (2) The Water (Prevention and Control of Pollution) Act, 1974
- (3) Indian Fisheries Act, 1897
- (4) The National Green Tribunal Act, 2010

Ans. [3]

- 32. Which of the following is not included in the definition of cattle as given under the Indian Forest Act, 1927**

- (1) Rams
- (2) Kids
- (3) Kitten
- (4) None of these

Ans. [3]

- 35. Under the Wild Life (Protection) Act, 1972, any person who teases an animal in a zoo maybe punished**

- (1) with fine with may extend to 5000
- (2) with imprisonment which may extend upto 1 year
- (3) Both (1) and (2)
- (4) Neither (1) or (2)

Ans. [4]

Motor Vehicle Act, 1988

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	95	1	1%
AIBE 4 th (2012)	-	-	-
AIBE 5 th (2013)	87	1	1%
AIBE 6 th (2014)	89	1	1%
AIBE 7 th (2014)	13	1	1%
AIBE 8 th (2015)	63, 70	2	2%
AIBE 9 th (2016)	69	1	1%



ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Motor Vehicle Act, 1988

Examination - III [2012]

95. B employs A to be the conductor of a bus owned by B. One day, A drives the bus negligently and injures several people on the road. Which of the following Statements most accurately applies the principle below?

- (1) B is liable for A's negligence, and is liable to pay compensation to the victims.
- (2) A and B are both liable for A's negligence.
- (3) Only A is liable for A's negligence, as B did not dictate how A's work was to be done.
- (4) B is not liable for A's negligence, as A was not in the course of employment when he was driving the bus.
- (5) A is liable for A's negligence, but B is liable for negligence is hiring A.

Ans. [4]

Examination - V [2013]

87. Under Section 20 of the M.V. Act if a person is convicted of an offence punishable under Section 189 of the Motor Vehicles Act, the Court shall ordinarily order for

- (1) Imposing penalty only
- (2) Punishment only
- (3) Both punishment and penalty
- (4) Disqualification under the act

Ans. [4]

Examination - VI [2014]

89. A motor cycle with engine capacity not exceeding 50cc may be driven in a public place by a person

- (1) after attaining the age of sixteen years
- (2) after attaining the age of eighteen years
- (3) after attaining the age of fifteen years
- (4) after attaining the age of twenty-one years

Ans. [1]

Examination - VII [2014]

13. Renewal of driving licenses is envisaged under Section of the Motor Vehicles Act, 1988.

- (1) Section 20
- (3) Section 22
- (2) Section 21
- (4) Section 15

Ans. [4]

Examination - VIII [2015]

63. According to Motor Vehicles Act, 1988 no person under the age of..... years shall drive a motor vehicle in any public place.

- | | |
|--------|--------|
| (1) 20 | (2) 16 |
| (3) 18 | (4) 21 |

Ans. [3]

70. Section 47 (3) Motor Vehicles Act empowers the Regional Transport Authority to limit the number of stage carriage permits. Explain the nature of the function exercised.

- (1) This is a judicial function, as the Authority's decision is based on an official policy.
- (2) This is a quasi-judicial function, as the Authority's decision is based on a official policy.
- (3) This is an administrative function, as the Authority's decision is based on an official policy. / यह प्रशासनिक कार्य है, जैसा कि प्राधिकारी का निर्णय राजकीय नीति पर आधारित है
- (4) None of the above / उपरोक्त में से कोई नहीं

Ans. [3]

Examination - IX [2016]

69. Who is liable to pay compensation in case of death or permanent disablement?

- (1) Owner of the vehicle
- (2) State Government
- (3) Driver
- (4) Insurance Company

Ans. [1]

Administrative law

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	18	1	1%
AIBE 4 th (2012)	76, 78	2	2%
AIBE 5 th (2013)	95, 96	2	2%
AIBE 6 th (2014)	82, 83, 84	3	3%
AIBE 7 th (2014)	38	1	1%
AIBE 8 th (2015)	71	1	1%
AIBE 9 th (2016)	-		-

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Administrative law

Examination - III [2012]

18. Which of the following Statements is most accurate about a judgment of the High Court of a State?

- (1) It is binding on an administrative Tribunal of that State.
- (2) It is binding on all administrative Tribunals in India.
- (3) It is of persuasive value to an administrative Tribunal of that State.
- (4) It has no value to any of the administrative Tribunals in India.
- (5) It has no value to an administrative Tribunal of that State.

Ans. [1]

Examination - IV [2012]

76. Maxim delegatus non potest del' means?

- (1) A delegate can further delegate
- (2) A delegate cannot further delegate
- (3) A delegate must protest delegation objectively
- (4) None of the above

Ans. [2]

78. Supremacy of law, Equality before law, and predominance of legal Spirit are the basic principles of doctrine of

- (1) Colorable Legistaltion;
- (2) Doctrine of 'Separation of Powers'
- (3) Doctrine of 'Rule of Law'
- (4) Doctrine of 'Excessive delegation'

Ans. [3]

Examination - V [2013]

95. Doctrine of Legitimate Expectation was discussed in the following case -

- (1) Ramkrishna Tendolkar VS. Justice Dalmia
- (2) M. C. Mehta vs. Union of India
- (3) State of U.P. vs. Deoman
- (4) Food Corporation of India vs. M/s. Kamdhenu Cattle Feed Industries

Ans. [4]

96. Natural law is the idea that-

- (1) there are rational objective limits to the power of legislative rulers.
- (2) there are no limits to the power of legislative rulers.
- (3) there are limits to the power of the executive laid by the legislature
- (4) Law is the command of the sovereign

Ans. [1]

Examination - VI [2014]

82. Writ of Certiorari is issued against

- (1) Lower courts or quasi-judicial bodies

- (2) Public Officials
- (3) Wrongful confinement
- (4) Usurpation of public office

Ans. [1]

83. Audi Alteram Partem - means

- (1) Bias
- (2) Hear the other side
- (3) No one can be a judge in his own case
- (4) None of the above

Ans. [2]

84. The Second Administrative Reforms Commission is constituted

- (1) 31st August 2004
- (2) 31st August 2006
- (3) 31st August 2005
- (4) 31st August 2007

Ans. [3]

Examination - VII [2014]

38. The Constitution of India has recognized the concept of Tribunals as instruments of quasi-judicial administrative adjudication

- (1) Articles 39 (a) and 39 (b)
- (2) Articles 323- A and 323 B
- (3) Article 368
- (4) Articles 202A and 202B

Ans. [2]

Examination - VIII [2015]

71. The requirement to give reasons in administrative decisions which affect rights and liabilities has been held to be mandatory by the Supreme Court in—

- (1) S.N. Mukherjee vs. Union of India
- (2) State of Orissa vs. Dr. Binapani Dei
- (3) State of Maharashtra vs. Jalgaon Municipal Council
- (4) Motilal Padampat Sugar Mills Co. Ltd. vs. State of U.P

Ans. [1]

Law of Tort

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3 rd (2012)	48, 62, 95, 96	7	7%
AIBE 4 th (2012)	86, 87	2	2%
AIBE 5 th (2013)	80, 84, 86	3	3%
AIBE 6 th (2014)	85, 86, 87, 88	4	4%
AIBE 7 th (2014)	12, 65, 68	3	3%
AIBE 8 th (2015)	10, 88, 96, 99	4	4%
AIBE 9 th (2016)	40, 79, 80	3	3%



ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Law of Tort

Examination - III [2012]

48. A was working on the first floor balcony with some heavy tools. While working, a tool slipped out of A's hands and fell down on B who was walking on the street below. The weight and sharp parts of the tool caused injuries on B's shoulder, back, and legs. B files a suit against A to recover damages for the loss suffered. With regard to the pleadings to be filed by both parties, which of the following Statements is the least accurate?

- (1) The plaint must include a description of the loss suffered by B and the amount of damages being claimed.
- (2) The plaint must include a description of the weight and sharpness of the tool and the manner in which B's injuries were caused.
- (3) The plaint must include the fact that the tool slipped out of A's hands and fell on B who was walking on the street below.
- (4) The plaint need not include a doctor's report on how each part of the tool led to each of the injuries suffered by B.
- (5) The plaint need not include a description of B's reason for walking on that street.

Ans. [2]

62. The rule of School A is that students' pet dogs are not permitted to enter the school's premises. Student B, who is blind, brings his guide dog C into School A. Which of the following Statements is the most accurate application of the principle below?

- (1) Since Student B is blind, he would not be able to come to school if he cannot bring his guide dog C into School A; since this rule does not intend to bar blind students from attending school, Student B may bring guide dog C into school.
- (2) Since the guide dog C is a pet dog in this context, Student B cannot bring guide dog C into School A.
- (3) Since this rule does not make any sense in this context, it is invalid, and Student B can bring guide dog C into School A.
- (4) Since Student B is blind, he would not be able to come to school if he cannot bring his guide dog C into School A. However, according to the context rule, Student B must look at the context of the rule and avoid bringing the guide dog C to school as it could hurt other students.
- (5) The school is required to apply the context rule while deciding each individual case of violation and it will up to the discretion of the school whether to punish guide dog C for violating the rules of the school.

Ans. [1]

95. B employs A to be the conductor of a bus owned by B. One day, A drives the bus negligently and injures several people on the road. Which of the

following Statements most accurately applies the principle below?

- (1) B is liable for A's negligence, and is liable to pay compensation to the victims.
- (2) A and B are both liable for A's negligence.
- (3) Only A is liable for A's negligence, as B did not dictate how A's work was to be done.
- (4) B is not liable for A's negligence, as A was not in the course of employment when he was driving the bus.
- (5) A is liable for A's negligence, but B is liable for negligence in hiring A.

Ans. [4]

96. A incites B to falsely imprison C. The Court holds that A and B are jointly liable for the tort and awards C a compensation of Rs. 50,000/-. The Court rules further that A is liable for forty per cent of the compensation amount, and B is liable for sixty per cent of the compensation amount. A refuses to pay the compensation, while B pays Rs. 20,000/- Which of the following Statements least accurately applies the principle below?

- (1) C can claim Rs. 30,000/- from A.
- (2) C can claim Rs. 20,000/- from A and Rs.10,000/- more from B.
- (3) C can claim Rs.30,000/- more from B.
- (4) C can claim Rs.50,000/- from A.
- (5) C can claim Rs. 30,000/- more from A or B.

Ans. [4]

Examination - IV [2012]

86. Under the vicarious liability, the liability is

- (1) Joint
- (2) Several
- (3) Both (1) and (2)
- (4) Either of the above depending upon facts and circumstances of the case

Ans. [3]

87. In Torts, in case of Defamation;

- (1) Intention to defame is not necessary
- (2) Intention to defame is necessary
- (3) Both (1) and (2)
- (4) Either (1) or (2)

Ans. [1]

Examination - V [2013]

80. Contributory negligence means

- (1) The failure by a person to use reasonable care for the safety of either of himself or his property
- (2) Volunteer to pay-for the negligence of others
- (3) Contributing the money or money's worth for others wrongs
- (4) Inciting others to commit civil wrong.

Ans. [1]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Law of Tort

84. Where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability.-Held in the case of

- (1) Francis Caroli vs.
- (2) Shriram food and fertilizers case
- (3) PUCL vs. Union of India
- (4) State of Punjab vs. Mahinder Singh Chawla

Ans. [2]

86. "A tort is a civil wrong for which the remedy is an action for unliquidated damages and which is not exclusively the breach of a contract, or the breach of a trust, or the breach of other merely equitable obligation"- Whose Statement is this?

- (1) Winfield
- (2) Salmond
- (3) Pollock
- (4) Griffith

Ans. [2]

Examination - VI [2014]

85. The type of damages awarded in the law of torts

- (1) Liquidated Damages
- (2) Unliquidated damages
- (3) Penal damages
- (4) Exemplary damages

Ans. [2]

86. Ashby v White is an example of

- (1) Damnum sine injuria
- (2) Uberremifide
- (3) Injuria sine damnum
- (4) Usufruct

Ans. [3]

87. The Supreme Court of India invoked the principle of absolute liability on an enterprise carrying on business with hazardous and inherently dangerous toxic chemicals in

- (1) Ganga Pollution case
- (2) Fletcher case
- (3) Sri Ram Fertilizers case
- (4) Prabhu dayal case

Ans. [3]

88. Res ipsa loquitor - means

- (1) Things speak for themselves
- (2) Tithes imperiled
- (3) Vicarious liability
- (4) Dangerous animals

Ans. [1]

Examination - VII [2014]

12. Accountability of medical professional and the need for qualitative change in the attitude of the medical service provided by the hospitals was emphasized by the Supreme Court in which of the following cases

- (1) Bhatia International vs. Bulk Trading S.A.
- (2) Indian Medical Association vs. V.P. Shantha and Ors
- (3) Manekha Gandhi vs. Union of India
- (4) Lucknow Development Authority vs. M. K. Gupta

Ans. [2]

65. Gloucstershire Grammar School Case is a leading case to explain the-

- (1) Volenti non fit injuria
- (2) Injuria non fit volenti
- (3) Damnum sine injuria
- (4) Injuria sine damnum

Ans. [3]

68. The Fuller / Hart Debate could be summarized as a debate between which two jurisprudential approaches/ positions.

- (1) Positivism and utilitarianism
- (2) Natural Law and Positivism
- (3) Positivism and Liberalism
- (4) Marxism and liberal feminism

Ans. [2]

Examination - VIII [2015]

10. The doctrine of civil conspiracy was enunciated by the House of Lords in

- (1) Walsby vs. Anley
- (2) Moghul Steamship Company vs. Mc. Gregor Gow and Company
- (3) Alien vs. Flood
- (4) Quinn vs. Leathem

Ans. [4]

88. Pigeon Hole theory was proposed -

- (1) Winfield
- (2) Salmond
- (3) Black Stone
- (4) Lord Knight

Ans. [2]

96. "Mere illegality of the strike does not per se spell unjustifiability". J. Krishna Iyer. In which case declared so -

- (1) Chandramalai Estate vs. Its workmen
- (2) Associated Cement Ltd. vs. Their workmen
- (3) Gujarat Steel Tubes vs. Gujarat Steel Tubes Mazdoor Sabha
- (4) Indian General Navigation of Railway Co. Ltd. vs. Their workmen

Ans. [3]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Law of Tort

99. In tort, there are two broad categories of activities for which a plaintiff may be held strictly liable-
- (1) Possession of certain animals and abnormally dangerous activities
 - (2) Assault and battery
 - (3) Battery and negligence
 - (4) None of the above

Ans. [1]

Examination – IX [2016]

40. According to Salmond every legal right
- (1) Cannot be vested in a person
 - (2) Is availed against a person upon whom lies the correlative duty
 - (3) Cannot oblige the person bound to an act or omission in favour of the person entitled
 - (4) Cannot have a title

Ans. [2]

79. The essential ingredient of the tort of negligence are
- (1) When one owes a duty of care towards the other.
 - (2) When one commits a breach of that duty and
 - (3) The other person suffers damage as a consequence thereof
- Choose correct response for below
- (1) None of them are essential ingredients
 - (2) Only the first is an essential ingredient
 - (3) All of them are essential ingredients
 - (4) Even if the first is absent the tort of negligence is committed

Ans. [3]

80. Vicarious liability includes
- (1) Liability of the principal for the tort of his agent
 - (2) Liability of the master for the tort of his servant
 - (3) Liability of the partners for each other tort
 - (4) all of the above

Ans. [4]

Information Technology Act, 2000

Exam- Wise Weightage Analysis

AIBE Previous Papers (3rd - 9th) Linking Weightage Analysis			
AIBE (Year)	No. of Questions	Total No. of Ques.	Weightage
AIBE 3rd (2012)	-	-	-
AIBE 4th (2012)	-	-	-
AIBE 5th (2013)	-	-	-
AIBE 6th (2014)	-	-	-
AIBE 7th (2014)	18, 88, 86, 87, 89	5	5%
AIBE 8th (2015)	58, 59, 62, 65, 68	5	5%
AIBE 9th (2016)	2, 23, 61, 62, 63, 78	6	6%

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Information Technology Act, 2000

Examination - VII [2014]

18. SFIO stands for-

- (1) Serious Fraud Investigation Office
- (2) Serious Force Institution Office
- (3) Serious Form Investigation Office
- (4) Serious File Investigation Office

Ans. [1]

88. Section 43 of the Information Technology Act deals with-

- (1) Criminal liability
- (2) Civil liability
- (3) Both the above
- (4) None of the above

Ans. [2]

89. Which among the following are the digital signature certifying authorities in India?

- (1) M/s. Safescript
- (2) M/s. NCERT
- (3) M/s. MTL
- (4) All the above

Ans. [1]

86. "Where a body corporate is negligent in implementing reasonable security practices and thereby causes wrongful loss or gain to any person, such body corporate shall be liable to pay damages by way of compensation to the person so affected." Which section of the Information Technology Amendment Act, 2008 envisages so?

- (1) Section 43
- (2) Section 43-A
- (3) Section 43-B
- (4) Section 43-C

Ans. [2]

87. Section of Information Technology Act, 2000 which was originally "Digital Signature" was renamed as in Information Technology (Amendment) Act, 2008.

- (1) "Digital Signature and Electronic Signature"
- (2) "Digital Signature and E-Signature"
- (3) "Digital and Electronic Signature"
- (4) None of the above

Ans. [1]

Examination - VIII [2015]

58. With reference to Cyber Crimes worm attack-

- (1) needs the virus to attach
- (2) do not need the virus to attach
- (3) needs the host to attach
- (4) do not need the host to attach

Ans. [4]

59. The Act to provide legal recognition for the transactions carried out by means of electronic

data interchange and other means of electronic communication, commonly referred to as "Electronic Commerce" is dealt under—

- (1) Information Technology Act
- (2) Information and Communication Technology Act
- (3) Information Communication Act
- (4) Information and Cyber Space Act

Ans. [1]

62. An attempt to acquire sensitive information such as usernames, passwords, and credit card details and sometimes, indirectly, money by masquerading as a trustworthy entity in an electronic communication - is known as -

- (1) Salami Attacks
- (2) Phishing
- (3) Data diddling
- (4) Forgery

Ans. [2]

65. "Asymmetric Crypto System" under Information Technology Act means a system of a secure key pair consisting of a private key for creating a digital signature and—

- (1) an individual key to verify the digital signature
- (2) a lock to verify the digital signature
- (3) a public key to verify the digital signature
- (4) a Government key to verify the digital signature

Ans. [3]

68. Section 43A of the Information Technology Act deals with-

- (1) Compensation for failure to protect data
- (2) Punishment for sending offensive messages
- (3) Identity Theft
- (4) Impersonation

Ans. [1]

Examination - IX [2016]

2. The Serious Fraud Investigation Office

- (1) Takes up cases suo motto
- (2) Takes up cases for investigation on the basis of application made by the people concerned
- (3) Takes up cases for investigations referred to it by Central Government
- (4) All of the above

Ans. [4]

23. In India which of the following authorities has the power to block websites?

- (1) CERT-in
- (2) MCIIPC
- (3) C-DAC
- (4) Ministry of IT

Ans. [4]

ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Information Technology Act, 2000

61. The Controller of Certifying Authorities in India must maintain a database of the disclosure records of

- A. Certifying Authority**
- B. Cross Certifying Authority**
- C. Foreign Certifying Authority**

- (1) A and B
- (2) B and C
- (3) C and A
- (4) A, B and C

Ans. [4]

62. Under Section 37 of the IT Act, 2000, the certifying authority can suspend the digital signature certificate if

- A. The subscriber is found guilty of malpractice**
- B. The subscriber is involved in cyber terrorism**
- C. The subscriber requests for the same**
- D. In public interest**

- (1) A and B
- (2) B and C
- (3) C and D
- (4) D and A

Ans. [3]

63. In the cases before Cyber Appellate Tribunal, the appellant

- (1) Cannot appear in person without a legal practitioner
- (2) Cannot authorize a legal practitioner to appear on his behalf
- (3) Cannot authorize his officer to appear on his behalf
- (4) Cannot authorize his relative who is neither his officer nor a legal practitioner to appear on his behalf.

Ans. [4]

78. Which among the following is authorized under the Information Technology Act, 2000 to prescribe the security procedures and practices for the purpose of Sections 14 and 15 of the Act?

- (1) Central Government
- (2) State Government
- (3) Certifying authority
- (4) Issuing authority

Ans. [1]

Company Law

Exam- Wise Weightage Analysis

AIBE Previous Papers (3 rd - 9 th) Linking Weightage Analysis			
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AIBE 3 rd (2012)	82,88,90,92	4	4%
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AIBE 5 th (2013)	26,30,32,31,85	5	5%
AIBE 6 th (2014)	59,60,61,62	4	4%
AIBE 7 th (2014)	3,6,67	3	3%
AIBE 8 th (2015)	25,32,36,44,52	5	5%
AIBE 9 th (2016)	15,17,31,34,96	5	5%



ALL INDIA BAR EXAMINATION (AIBE) PAPERATHON

Company Law

Examination - III [2012]

82. A is an executive director and the majority shareholder of XYZ Private Limited. A borrows Rs. 25,00,000/- from BCD Bank and invests such money in additional shares of XYZ Private Limited, increasing A's stake in XYZ Private Limited to approximately seventy-five per cent. As A is unable to repay the debt to BCD Bank, BCD Bank proceeds against the assets of A and XYZ Private Limited for recovery of the monies borrowed by A. Which of the following Statements most accurately applies the principle below?

- (1) BCD Bank will be successful in its proceeding against XYZ Private Limited because such money borrowed by A was utilized for the benefit of XYZ Private Limited.
- (2) BCD Bank will not be successful in its proceeding against XYZ Private Limited as XYZ Private Limited has not directly borrowed any money from BCD Bank.
- (3) BCD Bank will be successful in its proceeding against XYZ Private Limited because the corporate veil will be lifted by the judiciary, as A is an executive director on the board of XYZ Private Limited.
- (4) BCD Bank will be successful in its proceeding against XYZ Private Limited because the corporate veil will be lifted by the judiciary, but it can only recover monies equivalent to A's seventy-five per cent shareholding.
- (5) BCD Bank will not be successful in its proceeding against XYZ Private Limited as A does not hold a hundred per cent stake in XYZ Private Limited.

Ans. [2]

88. The articles of association of ABC Private Limited provide that its members shall transfer shares to a third party only after first having offered such shares to the other existing members, on a pro rata basis, at the existing market value of such shares. D, a member of ABC Private Limited, gets an offer from E, who is not an existing member of ABC Private Limited, to purchase all the shares held by D in ABC Private Limited for two times the market value of the shares. D transfers the shares to E on the terms offered by E. The board of directors of ABC Private Limited refuses to record the transfer of shares on the grounds that the transfer is ultra vires the articles of association of ABC Private Limited. E goes to Court against ABC Private Limited to enforce and record the transfer of the shares. Which of the following Statements most accurately applies the principle below?

- (1) The transfer of shares shall be upheld because E paid more than the fair market value of the shares, and is therefore exempt from the requirement of the articles of association.

- (2) The transfer of shares shall be upheld because D should have secured the approval of the board of directors of ABC Private Limited prior to transferring the shares to E, and therefore E is not at fault.
- (3) The transfer of shares shall not be validated as the principle of 'caveat venditor' (seller beware) is applicable in all contracts of purchase in India.
- (4) The transfer of shares shall be upheld because ABC Private Limited will be deemed to have had constructive notice of the sale of shares.
- (5) The transfer of share shall not be validated, as E had constructive notice that D needed to offer the shares to the existing members of ABC Private Limited prior to transferring the shares to E.

Ans. [5]

90. Company A is expanding its business and leases a piece of land for three years, and agrees to return the land without any modifications to the lessor. Since the land is ideal for agriculture, it constructs a large storage shed on the land. Which of the following Statements most accurately applies the principle below?

- (1) The expenditure on building the storage shed is a capital expenditure, since the storage shed provides Company A with an enduring benefit.
- (2) The expenditure on leasing the land is a capital expenditure, since the land provides Company A with an enduring benefit.
- (3) The expenditure on leasing the land as well as building the storage shed is a capital expenditure, as it provides Company A with an enduring benefit.
- (4) The expenditure on building the storage shed is not a capital expenditure, as it only provides a business advantage and not an enduring benefit.
- (5) The expenditure on building the storage shed is a capital expenditure, since it provides Company A with an enduring benefit, but the expenditure on leasing the land is not a capital expenditure, as it only provides a business advantage.

Ans. [4]

92. In a meeting of the board of directors of ABC Private Limited, it was proposed that DEF Art Supplies Private Limited shall be its sole supplier of all art material. This resolution was passed by all directors unanimously. It was later revealed that G, a director of ABC Private Limited, had not revealed that G is also the majority shareholder and chief executive officer of DEF Art Supplies Private Limited. The resolution was sought to be set aside. Which of the following Statements most accurately applies the principle below?

- (1) The resolution shall not be set aside as DEF Art Supplies is a separate legal entity from its

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shareholders and directors, and therefore it cannot be penalized for an act done by G

- (2) The resolution shall not be set aside, as G's failure to declare an interest in DEF Art Supplied Private Limited is not culpable.
- (3) The resolution shall be set aside as G did not exhibit the duty of care and diligence as required by a director of the company.
- (4) The resolution shall be set aside as G is the majority shareholder and chief executive officer of DEF Art Supplies Private Limited, and was required to declare the same to the board of ABC Private Limited prior to the resolution being put to vote, and refrain from voting on that particular resolution.
- (5) The resolution shall not be set aside, as the resolution was passed unanimously and would have been passed so even if G had informed the board of G's interest in DEF Art Supplies Private Limited.

Ans. [4]

Examination - IV [2012]

58. Which of the following clause from Memorandum of Association cannot be amended?

- (1) Objects Clause
(2) Liability Clause
(3) Association Clause
(4) Registered office clause

Ans. [Grace]

62. Free transferability of shares is mandatory in a-

- (1) Listed Company
(2) Company Ltd. By shares
(3) Public Ltd. Company
(4) Foreign Company

Ans. [3]

63. Upon failure to hold Statutory Meeting, the penalty for defaulting Company shall be-

- (1) Rs. 500 per day of default
(3) Rs.1000 per day of the default
(4) None of these

Ans. [1]

Examination - V [2013]

26. Under Section 171 of the Companies Act, a general meeting of a company may be called by giving a notice in writing for not less than

- (1) 21 days
(3) 40 days
(2) 30 days
(4) 14 days

Ans. [1]

30. Amalgamation of Companies in National Interest is dealt under-

- (1) Section 388 of the Companies Act
(2) Section 378 of the Companies Act
(3) Section 396 of the Companies Act
(4) Section 390 of the Companies Act

Ans. [3]

31. Under Consumer Protection Act, the jurisdiction of the District Forum should not exceed rupees?

- (1) Fifty Thousands
(2) One Lakh
(3) Twenty Five Thousands
(4) Twenty lakhs

Ans. [4]

32. A private limited company limits the number of members to

- (1) 30
(3) 40
(2) 50
(4) 150

Ans. [2]

85. Trading activities of a company were stopped temporarily in view of the trade depression with an intention to continue the same when the conditions improve. A petition was preferred into the Tribunal for winding up of the company. The petition-

- (1) Is liable to be dismissed
(2) will succeed
(3) will be kept pending till the conditions improve
(4) will not be admitted.

Ans. [1]

Examination - VI [2014]

59. Which of following is a ground recognized under the Companies Act for automatic adjournment of the General Meeting.

- (1) Absence of Chairman of the meeting
(2) Quorum of the meeting is not present
(3) Meeting is held at a place different from what was prescribed in the notice
(4) Death of any of the directors prior to the meeting

Ans. [2]

60. Which of the following meetings can be called by members

- (1) Extra-ordinary General Meeting
(2) Annual General Meeting
(3) Statutory meeting
(4) Special meeting

Ans. [1]

61. Which of the following powers can be exercised by the Board of Directors without holding a meeting

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Company Law

- (1) Power to issue debentures
- (2) Power to invest funds of the company
- (3) Power to make loans
- (4) Power to appoint of additional director

Ans. [4]

62. Which of following is not a ground for compulsory winding up of a company

- (1) Oppression of minority
- (2) Loss of substratum
- (3) Non-holding of annual general meeting
- (4) Losses to the company

Ans. [3]

Examination - VII [2014]

3. The Companies Act, 2013 has increased the limit of the number of members in Private Company from 50 to-

- (1) 100
- (2) 200
- (3) 300
- (4) 150

Ans. [2]

6. Which provision of the Companies Act, 2013 discusses about the issue of bonus shares out of its free reserves or the securities premium account or the capital redemption reserve account, subject to the compliance with certain conditions such as authorization by the article, approval in the general meeting?

- (1) Section 36
- (2) Section 43
- (3) Section 63
- (4) Section 33

Ans. [3]

67. Under the Companies Act, 2013, any company having a net worth of rupees 500 crore or more or a turnover of rupees 1,000 crore or more or a net profit of rupees 5 crore or more should mandatorily spend of their net profits per fiscal on Corporate Social Responsibility activities.

- (1) 3%
- (2) 5%
- (3) 10%
- (4) 2%

Examination - VIII [2015]

25. Provisions regarding Corporate Social Responsibility are incorporated in the Companies Act, 2013 under -

- (1) Section 101
- (2) Section 111
- (3) Section 135
- (4) Section 235

Ans. [3]

32. of the Companies Act, 2013 requires disclosure in the prospectus of names and addresses of CFO about sources of promoters' contribution among other things,

- (1) Section 36
- (3) Section 26
- (2) Section 37
- (4) Section 38

Ans. [3]

36. Section 253 of the Companies Act, 2013 deals with-

- (1) Determination of Sickness
- (2) Liability of Directors
- (3) Promoters
- (4) Memorandum

Ans. [1]

44. The Companies Act, 2013 allows the formation of-

- (1) Two persons company only
- (2) Seven persons company only
- (3) Two or more persons company only
- (4) One person company also.

Ans. [4]

52. The Companies Act of 1956 accords recognition only to accounting standards whereas under Section 2(7) of the Companies Act of 2013 the recognition is accorded to both accounting and standards.

- (1) Financing
- (2) Auditing
- (3) Business
- (4) Responsibility

Ans. [2]

Examination - IX [2016]

15. How is the net worth of a foreign Company calculated for the purpose of Corporate Social Responsibility?

- (1) The networth will be calculated as per Section 198 of Companies Act, 2013
- (2) It shall be calculated as per Section 197 of the Companies Act, 2013
- (3) It shall be calculated as per Section 197 and Section 381 of the Companies Act, 2013
- (4) It shall be calculated as per Section 198 and Sec. 381 of Companies Act, 2013.

Ans. [4]

17. Which of the following actions can be taken by a Registrar under Section 4 (5) of the Companies Act, 2013?

- (1) He can direct the Company to change its name within a period of 6 months after passing an ordinary resolution
- (2) Take action for striking off the name of the Company from the registrar of Companies

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- (3) Order winding up of the Company on his own accord
- (4) All of these

Ans. [4]

31. Who among the following is authorized to issue regarding shelf prospectus

- (1) SEBI
- (2) Central Government
- (3) Company Law Board regulations
- (4) National Company Law Tribunal

Ans. [1]

34. Which of the following services cannot be provided to the Company by an auditor appointed, under the provisions of the Companies Act, 2013

- (1) Internal Audit
- (2) Actuarial services
- (3) Managerial Services
- (4) All of these

Ans. [4]

96. Which of the following Companies will have to constitute Corporate Social responsibility Committee under the Companies Act, 2013

- (1) A Company having a net profit of 2.5 cores in a financial year, a net worth of 300 crores and a turnover of rupees 800 crore
- (2) A Company having a net profit of 3 cores, in a financial year, a net worth of 300 crores and a turnover of rupees 600 crore
- (3) A Company having a net profit of 5 crores or more, a net worth of 500 crores and a turnover of rupees 1000 crore or more
- (4) A Company having a net profit of 5 crores or more, a net worth of 500 crores and a turnover of rupees 5000 crore or more

Ans. [3]

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Labour & Industrial Law

Examination - III [2012]

93. A is an accountant at a law college and draws a salary. A is also on the board of governors of the college as a representative of nonteaching staff, and votes on any administrative decisions that come up before the board of governors. Which of the following Statements most accurately applies the principle below?

- (1) A is a workman as he clearly does work of a supervisory nature as a member of the board of governors.
- (2) A is a workman as his primary duties as an accountant are clerical in nature and he works for hire.
- (3) A is not a workman as he is a salaried employee and does not work for hire or reward.
- (4) A is not a workman as he is a member of the board of governors and the nature of his work is managerial.
- (5) A is a workman as his work as an accountant is clerical and his work as a member of the board of governors is supervisory.

Ans. [2]

94. A is a workman who works at a welding workshop in a factory. A has a history of previous eye disorders. Despite being aware of the same, A continues to work at the welding, workshop. The very nature of work caused further strain on A's eyes and resulted in a permanent injury to A's eyes one day. Is A entitled to compensation and why?

- (1) A is entitled to compensation from A's employer because A suffered an injury in the course of employment and the question of A's negligence is not relevant.
- (2) A is entitled to compensation from A's employer but the quantum of compensation will be nominal due to A's contributory negligence.
- (3) A is not entitled to compensation from A's employer because A suffering an injury to the eyes was perfectly expected due to A's previous eye disorders.
- (4) A is not entitled to compensation from A's employer because A suffered the injury to the eyes due to previous eye disorders and not because of A's employment.
- (5) A is not entitled to compensation from A's employer because A did not bring the previous eye disorders to the employer's notice, who could have then given him non-hazardous work.

Ans. [1]

Examination - IV [2012]

75. The Trade Union Act provide for:

- (1) registration of trade union
- (2) registration of trade union for workers

- (3) recognition of registration of trade union as Juristic Persons
- (4) All of the above

Ans. [1]

77. The term "Lock-out" under the Industrial Dispute Act is defined in:

- (1) Section 2(L)
- (2) Section 2 (O)
- (3) Section 3(1)
- (4) Section 2 (M)

Ans. [1]

79. The Trade Union Act was enacted:

- | | |
|----------|----------|
| (1) 1926 | (2) 1946 |
| (3) 1947 | (4) 1988 |

Ans. [1]

80. The term "Lay-off" has been defined under the Industrial Disputes Act:

- | | |
|---------------------|-------------------|
| (1) Section 2 (KKK) | (2) Section 2 (O) |
| (3) Section 2(1) | (4) Section 3 (1) |

Ans. [1]

81. The term "Minimum Wage" has been described in:

- (1) The Trade Union Act
- (2) The Industrial Dispute Act
- (3) The Minimum Wage Act
- (4) None of the above

Ans. [3]

97. The Minimum Wages Act was enacted":

- | | |
|----------|----------|
| (1) 1921 | (3) 1947 |
| (2) 1923 | (4) 2007 |

Ans. [Grace]

Examination - V [2013]

9. A teacher is not a workman falling under the category of Workman under Industrial Disputes Act, 1947: This was upheld in which case-

- (1) Miss A. Sundarambal vs. Government of Goa, Daman and Diu & others
- (2) Ahmedabad Pvt. Primary Teachers' Association vs. Administrative Officer And Ors.
- (3) University of Delhi vs. Ramnath
- (4) Secretary, Madras Gym, khana Club Employees Union vs. Management of the Gymkhana.

Ans. [3]

12. The principal regulator envisaged under the Trade Unions Act, 1926-

- (1) Regulator of trade unions
- (2) Inspector of trade unions
- (3) Registrar of trade unions
- (4) Industrial relations committee

Ans. [3]

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Labour & Industrial Law

18. The type of disablement envisaged under the Employees Compensation Act that reduces the capacity to work in any employment similar to that the worker was performing at the time of the accident is referred to a-

- (1) Permanent partial disablement
- (2) Permanent total disablement
- (3) Temporary disablement
- (4) Temporary total disablement

Ans. [1]

88. "Contravention of Contract Labour Act would not create employment relationship between contract labour and principal establishment." It was so held in which case

- (1) SAIL vs. National Union Water front Workers
- (2) Air India Statutory Corporations vs United Labour Union & Ors.
- (3) Bangalore Water Supply and Sewerage Board vs. A. Rajappa
- (4) State of U. P. vs. Jai Bir Singh

Ans. [1]

98. Which provision under the Industrial Disputes Act, 1947 guarantees the right of workmen laid off to claim for compensation

- (1) Section 25-0
- (2) Section 26
- (3) Section 25-C
- (4) Section 25-M

Ans. [3]

100. The contribution payable under the ESI Act in respect of an employee shall comprise of

- (1) contribution payable by the employer only
- (2) contribution payable by the employee only
- (3) contribution payable by government only
- (4) contribution payable by employer and employee.

Ans. [4]

Examination - VI [2014]

76. The provision under the Industrial Disputes Act, 1947 which guarantees the right of workmen laid-off to claim for compensation

- (1) S.25-C
- (2) S. 26
- (3) S.25-0
- (4) S.25-A

Ans. [1]

77. The number of persons required to form trade union

- (1) 6
- (2) 7
- (3) 8
- (4) 9

Ans. [2]

78. The temporary closing of the work place or suspension of the work at work place by the employer is known as

- (1) Lay off
- (2) Lock out

- (3) Retrenchment
- (4) None of the above

Ans. [2]

79. Which of the following acts has a direct relevance for grievance handling practices?

- (1) The Industrial Disputes Act
- (2) Factories Act
- (3) The Industrial Employment (Standing Order) Act
- (4) all the above

Ans. [4]

80. Section 10A of the Industrial disputes Act refers to

- (1) Voluntary reference of disputes to arbitration
- (2) Definition of Workman
- (3) Definition of industry
- (4) Appeals

Ans. [1]

81. 'Wages' under Workmen's Compensation Act

- (1) Includes any privilege or benefit which is capable of being estimated in money
- (2) Does not include any privilege or benefit which is capable of being estimated in money
- (3) Includes any privilege or benefit which is not capable of being estimated in money
- (4) None of the above

Ans. [1]

Examination - VII [2014]

56. Rashtriya Swasthya Bima Yojna is mainly meant to serve the needs of-

- (1) Organized workers
- (2) Unorganized workers
- (3) Unorganized sector workers belonging to BPL category and their family members
- (4) Organized sector workers belonging to BPL category and their family members

Ans. [3]

58. was a leading case on the point as to whether an employer has a right to deduct wages unilaterally and without holding an enquiry for the period the employees go on strike or resort to go slow-

- (1) Bank of India vs. T.S. Kelawala and others
- (2) Randhirsingh vs. Union of India
- (3) Kamani Metals and Alloys Ltd. vs. Their workmen
- (4) Workmen vs. Reptakos Brett and Co. Ltd.

Ans. [1]

59. Where any workman is suspended by the employer pending investigation or inquiry into complaints or charges of misconduct against him, the employer shall pay to such workman subsistence allowance. This provision was inserted in the Industrial Employment (Standing Orders) Act, 1946 in which year -

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- (1) 1992 (2) 1982
(3) 2009 (4) 2010

Ans. [2]

Examination - VIII [2015]

23. What is Corporate Social Responsibility among the following?

- (1) Employee benefits
(2) Project based protection of national heritage
(3) Programs undertaken outside India
(4) Mere donations

Ans. [2]

94. Identify the case that is related to the need for promotion and preservation of internal democracy within trade unions.

- (1) Jay Engineering Works Ltd. vs. State of West Bengal
(2) Railway Union vs. Regd. of Trade Unions
(3) ONGC Workmens Association vs. State of West Bengal
(4) Hanumantha Rao vs. Dy. Registrar of Trade Unions

Ans. [4]

Examination - IX [2016]

25. Which of the following can be considered retrenchment under the provisions of the Industrial Disputes Act, 1947?

- (1) Termination due to ill-health
(2) Abandonment of job by an employee
(3) Termination on account of reaching the age of superannuation
(4) None of these

Ans. [4]

26. Which of the following Statement holds true regarding imprisonment under the provisions of Section 14 (3) of the Child Labour (Prohibition and Regulation) Act, 1986

- (1) It may extend to one year.
(2) It may extend to two years.
(3) It may extend to six months.
(4) It may extend to one month

Ans. [4]

39. The provisions of do not apply to trade unions registered under the Provisions of Trade Union Act, 1926.

- (1) The Co-operative Societies Act, 1912
(2) The Companies Act, 1956
(3) Both (1) and (2)
(4) Neither (1) nor (2)

Ans. [3]

47. Under the provisions of the Industrial Disputes Act, 1947, the appropriate Government can by order in writing

- (1) Refer the dispute to a Board for promoting a settlement of the dispute
(2) Refer any matter appearing to be relevant to the dispute to a Court for inquiry
(3) Both (1) and (2)
(4) neither (1) nor (2)

Ans. [3]

48. Which of the following Statement is true for loss of confidence by management in the workman?

- (1) Even when dismissal or discharge is held to be wrongful, the Court may not yet order reinstatement if the employer is able to establish that the workman held a position of trust and there was loss of confidence.
(2) Loss of confidence may also be a ground for discharge simpliciter of the workman
(3) Both (1) and (2)
(4) neither (1) nor (2)

Ans. [3]

67. Under the provisions of the Trade Unions Act, 1926, any person who has attained the age of may be a member of a registered Trade Union subject to any rules of the Trade Union to the contrary.

- (1) 14 years
(2) 15 years
(3) 18 years
(4) 21 years

Ans. [2]

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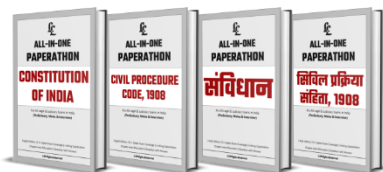




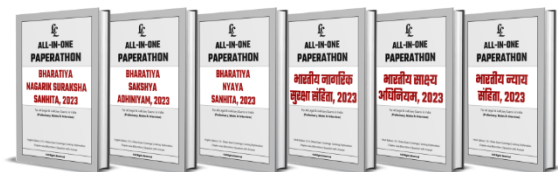
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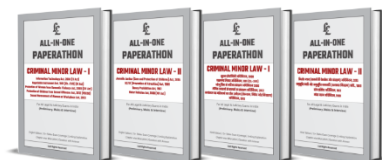
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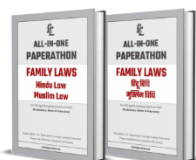
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