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# **LINKING** **PAPERATHON** **BOOKLET**

**Prelims &  
Mains  
Booklet**

## **Unique Features**

- **Linked Provision (according to New Criminal Law)**
- **Linking Explanation (according to New Criminal Law)**
- **Mains Questions with Linked Provision**
- **Section Switching Table (Old to New Criminal Laws)**
- **Weightage Table (Year Wise) {Prelims & Mains}**
- **Exam Coverage -**
  - Prelims (2019-2024)**
  - Mains (2017-2024)**
- **English Edition**



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# Gujarat Judiciary Paperathon

Covered Last 7 Years

## Prelims & Mains Examination



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LL.M, CA  
Ex. Govt Officer (Raj.)  
Founder, Linking Laws



# Linking Publication

Jodhpur, Rajasthan

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# 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 (Prelims & Mains) 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](http://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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# SYLLABUS

## GUJARAT SCHEME OF EXAMINATION

- I. Preliminary Examination (Objective Type)
- II. Main Examination (Written)
- III. Viva-Voce (Interview)

### PRELIMINARY

#### Paper - I

(Marks -100

Duration 2 Hours)

Negative Marking of 0.33 Mark

#### Part - A

- (1) Indian Penal Code, 1860 & Bharatiya Nyaya Sanhita, 2023
- (2) Code of Criminal Procedure, 1973 & BharatiyaNagrik Suraksha Sanhita, 2023
- (3) Indian Evidence Act, 1872 & BharatiyaSakshya Adhinyam, 2023.
- (4) Gujarat Prohibition Act, 1949
- (5) Probation of Offenders' Act, 1958
- (6) Juvenile Justice (Care and Protection of Children) Act, 2015
- (7) Protection of Women from Domestic Violence Act, 2005
- (8) Gujarat Prevention of Gambling Act, 1887
- (9) Immoral Traffic (Prevention) Act, 1956
- (10) Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994
- (11) Negotiable Instruments Act, 1881
- (12) Registration of Births and Deaths Act, 1969
- (13) Protection of Children from Sexual Offence Act, 2012
- (14) Information Technology Act, 2000
- (15) Indecent Representation of Women (Prohibition) Act, 1986

#### Part - B

- |   |   |
|---|---|
| (1) Code of Civil Procedure, 1908                               | (2) Limitation Act, 1963                    |
| (3) Indian Contract Act, 1872                                   | (4) Constitution of India                   |
| (5) Indian Partnership Act, 1932                                | (6) Specific Relief Act, 1963               |
| (7) Gujarat Court Fees Act, 2004                                | (8) Sale of Goods Act, 1930                 |
| (9) Transfer of Property Act 1882                               | (10) Arbitration and Conciliation Act, 1996 |
| (11) Commercial Courts, Act, 2015                               | (12) Legal Maxims                           |
| (13) Succession Laws, Personal Laws (Hindu, Muslim & Christian) |   |

#### Part -C

- (1) General Knowledge,
- (2) English Language,
- (3) Test of Reasoning,
- (4) Numerical & Mental Ability
- (5) Basics of Computer Applications.

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# Constitution of India

## Year- Wise Weightage Analysis

Year	Question No.	Total No. of Questions	Weightage (%)
2019	66-75	10	13.33%
2019-II	41,60,79,94	4	5.33%
2022	64-67	4	4%
2023	42, 49	2	2%
<b>Total</b>		<b>20</b>	<b>5.71%</b>

**GJS (PRELIMS) PAPERATHON**  
**Constitution of India**

**2019**

66. **Article 14 of the Constitution of India guarantees equality before law and equal protection of law to:**  
(A) All persons living within the territory of India  
(B) All the citizens of India living in India  
(C) All persons domiciled in India  
(D) All persons natural as well as artificial.

**Ans. [A]**

**Linked Provision- Art.14 L/w 19, 21, 358, 359 COI.**

**Explanation- Art.14** deals with Equality before law. It provides that State shall not deny to **any person** equality before the law or the equal protection of the laws within the territory of India i.e. in the eyes of law, all persons within the territory of India should be treated equally.

67. **Which of the following is correct?**  
(A) Article 15(3) of the Constitution prevents the State from making provision for women and children  
(B) Nothing in Article 15 of the Constitution shall prevent the State from making provisions for women and children  
(C) The State is prevented from making special provision for disabled by Article 15 of the Constitution of India  
(D) Special provisions are made for foreign diplomats under Article 15 of the Constitution of India.

**Ans. [B]**

**Linked Provision- Art.15 L/w 14, 16-18, 358, 359 COI.**

**Explanation- Art.15** deals with prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. Art.15(3) provides that nothing in Art.15 shall prevent the State from making any special provision for women and children.

68. **Which one of the following does not correctly match?**  
(A) Freedom of speech & expression - includes freedom of press  
(B) Freedom of conscience - includes right to wear and carry Kirpan by Sikhs  
(C) Right to personal liberty - includes right to carry on any trade or business  
(D) Right to equality- includes principles of natural Justice

**Ans. [C] or [D]**

**Linked Provision- Art.21 L/w 14, 19, 358, 359 COI.**

**Explanation-** Right to Personal liberty does not include right to carry on any trade or business. Art.21 provides for right to Personal Liberty as "No person shall be deprived of his life or personal liberty except according to a procedure established by law."

**Case Law-** In **Sodan Singh vs. New Delhi Municipal Committee (1989)**, the Court held that the right to carry on trade or business is not included in the concept of life and personal liberty. Thus, Art.21 is not attracted in the case of trade and business.

69. **Which of the following is not a fundamental right?**  
(A) right to property  
(B) right to assemble peacefully  
(C) right to move freely throughout the country  
(D) right to Constitutional remedies

**Ans. [A]**

**Linked Provision- Art.300A L/w 19(1)(f) COI.**

**Explanation- Art.300A** deals with Persons not to be deprived of property save by authority of law. It was inserted by 44<sup>th</sup> Amendment Act, 1978. This amendment eliminated the right to property as a fundamental right and replaced it with Art.300A, which reduced it to a legal right.

70. **The State shall provide free and compulsory education to all children of the age of**  
(A) six to fourteen years  
(B) five to ten years  
(C) five to twelve years  
(D) seven to fourteen years.

**Ans. [A]**

**Linked Provision- Art.21A L/w 15, 30, 41, 45, 46, 51A(k), 337 COI.**

**Explanation- Art.21A** deals with Right to education. It was inserted by Constitution 86<sup>th</sup> Amendment Act, 2002. It provides that State shall provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right.

71. **No law providing for preventive detention shall authorise the detention of a person for a longer period than .**  
(A) three months  
(B) six months  
(C) one year  
(D) nine months.

**Ans. [A]**

**Linked Provision- Art.22 L/w 358, 359 COI, Sec.50, 57 CrPC.**

**Explanation- Art.22** deals with protection against arrest and detention in certain cases. Art.22(4)-(7) provides the procedure which is to be followed if a person is arrested under the law of 'Preventive Detention'. **Art.22(4)** states that no law framed for preventive detention gives authority to detain any person for more than **3 months** unless; an advisory board reports a sufficient cause for such detention.

72. **Which of the following Articles of the Constitution of India provides for freedom to manage religious affairs?**  
(A) Article 26  
(B) Article 28  
(C) Article 29  
(D) Article 30.

**Ans. [A]**

**Linked Provision- Art.26 L/w 25, 27-28, 358, 359 COI.**

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## GJS (PRELIMS) PAPERATHON

### Constitution of India

**Explanation- Art.26** deals with freedom to manage religious affairs. It guarantees to every religious denomination the following rights-

1. to establish and maintain institutions for religious and charitable purposes,
2. to manage its own affairs in matters of religion,
3. to own and acquire movable and immovable property, and
4. to administer such property in accordance with law.

73. Which of the following writs can be issued only against the Judicial or quasi-judicial authorities?

- (A) Mandamus
- (B) Habeas Corpus
- (C) Certiorari
- (D) Quo warranto

Ans. [C]

**Linked Provision- Art.32 L/w 139, 226, 358, 359 COI.**

**Explanation-** The literal meaning of the writ of 'Certiorari' is 'To be certified' or 'To be informed.' This writ is issued by a court higher in authority to a lower court or tribunal ordering them either to transfer a case pending with them to itself or quash their order in a case. It can be issued against the Judicial or quasi-judicial authorities.

74. One of the objectives of Directive Principles of State policy is:

- (A) prohibition of liquor
- (B) prevention of cow slaughter
- (C) protection and improvement of environment and safeguarding forests and wildlife
- (D) prevention of gambling

Ans. [B] or [C]

**Linked Provision- Part IV (Art.36-51) COI.**

**Explanation- Part IV** deals with Directive principles of State policy. DPSPs act as a guidelines for the state which needs to be taken into consideration while making new laws. The provisions contained in this Part shall not be enforceable by any court. The major objectives of DPSP are to maintain economic, social and political justice in the affairs of the State.

75. Which of the following is the fundamental duty of every citizen of India?

- (A) To be truthful to one's duties
- (B) To renounce practices derogatory to the dignity of children
- (C) To renounce practices derogatory to the dignity of human beings
- (D) To renounce practices derogatory the dignity of women

Ans. [D]

**Linked Provision- Art.51A COI.**

**Explanation-** The 42nd Amendment Act, 1976 added a Chap.IV-A which consist of Art.51A provides 11 Fundamental Duties for citizens. Fundamental duties requires citizens to observe certain basic norms of

democratic conduct and democratic behaviour because rights and duties are co-relative.

**Art.51A(e)-** Fundamental duty to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.

### 2019-II

41. By which Amendment Act to the Constitution of India, the provision with regard to compulsory acquisition of property was omitted?

- (A) 44th Amendment
- (B) 42nd Amendment
- (C) 61st Amendment
- (D) 40th Amendment

Ans. [A]

**Linked Provision- Art.31 L/w 19(1)(f), 300A COI.**

**Explanation-** Art.31 deals with compulsory acquisition of property, which was repealed by the Constitution 44<sup>th</sup> Amendment Act, 1978 w.e.f. 20-06-1979. 44th Amendment Act, 1978 inserted Art.300A which deals with persons not to be deprived of property save by authority of law. This amendment also eliminated the right to property as a fundamental right & reduced it to a legal right.

60. Article 51A of the Constitution of India provides for:

- (A) fundamental duties
- (B) promotion of international peace and security
- (C) organization of agriculture and animal husbandry
- (D) protection of monuments and places and objects of national importance

Ans. [A]

**Linked Provision- Art.51A COI.**

**Explanation- Part IVA (Art.51A)** deals with Fundamental duties. It was inserted by 42nd Amendment Act, 1976. It provides 11 Fundamental Duties for citizens. Fundamental duties requires citizens to observe certain basic norms of democratic conduct and democratic behaviour because rights and duties are co-relative.

79. X has been illegally detained by the police authorities. His father has been advised to file a writ petition before the High Court. Which Writ should be prayed for in such petition?

- (A) Habeas Corpus
- (B) Certiorari
- (D) Mandamus
- (C) Quo Warranto

Ans. [A]

**Linked Provision- Art.32 L/w 139, 226, 358, 359 COI.**

**Explanation-** The term habeas corpus is the Latin word which means to bring or present the body before the court. The literal meaning of the term Habeas Corpus means 'you may have the body'. It is the most

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## GJS (PRELIMS) PAPERATHON

### Constitution of India

important right available to the person detained unlawfully. The basic purpose for which this writ is used is to release a person from unlawful detention or imprisonment.

94. **Article 20(2) of the Constitution of India provides for protection against:**

(A) double jeopardy  
(B) wrongful restraint  
(C) arrest and detention  
(D) child labour

**Ans. [A]**

**Linked Provision- Art.20(2) COI L/w Sec.300 CrPC.**

**Explanation- Art.20** deals with Protection in respect of conviction for offences. Art.20(2) provides for doctrine of double jeopardy. Doctrine of Double Jeopardy means no person can be prosecuted and punished twice for the same offence in subsequent proceedings'. Art.20(2) states that no one could be convicted and punished more than once for the same offence involving the same set of facts guarantees against the multiple convictions and Double jeopardy.

**2022**

64. **The provisions regarding 'Recruitment of persons other than district judges to the judicial service is found in which of these Articles of the Constitution of India?**

(A) Article 233  
(B) Article 233A  
(C) Article 234  
(D) Article 237

**Ans. [C]**

**Linked Provision- Art.234 L/w Art.233, 235, 236 COI.**

**Explanation- Art.234** deals with recruitment of persons other than district judges to the judicial service. It states that appointments of persons other than district judges to the judicial service of a State shall be made by the Governor of the State in accordance with rules made by him in that behalf after consultation with the SPSC and with the HC exercising jurisdiction in relation to such State.

65. **Part III of the Constitution of India guarantees .....**

(A) Citizenship  
(B) Directive Principles of State Policy  
(C) Fundamental Rights  
(D) Fundamental Duties

**Ans. [C]**

**Linked Provision- Part III (Art.12-35) L/w Art.226, 358, 359 COI.**

**Explanation- Part III** deals with Fundamental rights. Fundamental Rights in India has been borrowed from the Constitution of the USA. It provides 6 fundamental rights which are as follows-

- 1) Right to Equality (Art.14-18).
- 2) Right to Freedom (Art.19-22).

- 3) Right against Exploitation (Art.23-24).
- 4) Right to Freedom of Religion (Art.25-28).
- 5) Cultural and Educational Rights (Art.29-30).
- 6) Right to Constitutional Remedies (Art.32-35).

66. **The words 'unity and integrity of the Nation' were substituted for the words 'unity of the Nation' by the .....**

(A) Constitution (Forty-Second Amendment) Act, 1976  
(B) Constitution (Seventh Amendment) Act, 1956  
(C) Constitution (Thirty-fifth Amendment) Act, 1974  
(D) Constitution (Ninety-third Amendment) Act, 2005

**Ans. [A]**

**Linked Provision- Preamble L/w Art.368 COI.**

**Explanation-** The idea of preamble is taken from the American Constitution. It is the summary or essence of constitution. As of now, the preamble is only amended once through **the 42nd Amendment Act, 1976**. Through this amendment, the words "socialist" and "secular" were added and the words "unity of the Nation" were changed to "unity and integrity of the Nation".

67. **In which of these cases has the Hon'ble Supreme Court of India held that 'Timely delivery of justice is part of human rights. Denial of speedy justice is a threat to public confidence in the administration of justice'?**

(A) K. S. Puttaswamy (RetD) v. Union of India  
(B) Hussain v. Union of India  
(C) Dipak Shubashchandra Mehta v. Central Bureau of Investigation  
(D) Ravinder Singh v. State of Himachal Pradesh

**Ans. [B]**

**Linked Provision- Art.21 L/w 14, 19, 358, 359 COI.**

**Explanation-** In Hussain & Anr. vs. Union of India (2017), it was held that timely delivery of justice is part of human rights. Denial of speedy justice is a threat to public confidence in the administration of justice.

**2023**

42. **What out of the following is not included as Fundamental Duty in Article 51A of the Constitution of India.**

(A) To cherish and follow the noble ideas which inspired our national struggle for freedom  
(B) To safeguard public property and to abjure violence  
(C) To develop the scientific temper, humanism and the spirit of inquiry and reform  
(D) To obey the executive instructions and Ordinances issued by the Government during exigencies

**Ans [D]**

**Linked Provision- Art.51A COI.**

**Explanation- Part IVA (Art.51A)** deals with Fundamental Duties. It was inserted by 42<sup>nd</sup>

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## GJS (PRELIMS) PAPERATHON

### Constitution of India

Amendment Act, 1976 on recommendation of Swaran Singh Committee. Initially there was 10 Fundamental duties but, 86<sup>th</sup> Amendment Act, 2002 later added 11<sup>th</sup> Fundamental Duty. These are-

- a) Should respect ideals of constitution, national flag and national anthem.
- b) Should cherish & follow the noble ideals of the freedom struggle.
- c) Protect the sovereignty and integrity of our nation.
- d) Protect the nation and provide national services when required.
- e) Should have the spirit of a common brotherhood.
- f) Value & preserve the culture of our country.
- g) Protect & improve the natural environment.
- h) Develop scientific rationale for every thought.
- i) To protect public property.
- j) Strive towards excellence.
- k) Duty of every parent or guardian to provide opportunities for education to his child between 6-14 years [Added by 86<sup>th</sup> Amend. Act].

49. What out of the following do not form a part of the Preamble to the Constitution of India.

- (A) Justice, social, economic and political;
- (B) Liberty of thought, expression, belief, faith and worship;
- (C) Equality of status and of opportunity;
- (D) Right to Property in any part of India

Ans [D]

**Linked Provision- Preamble, Art.300A COI.**

**Explanation- Preamble of COI** presents the intention of its framers, the history behind its creation, and the core values and principles of the nation.

Components of Preamble-

- 1) Sovereign (independent authority of a State).
- 2) Socialist (democratic socialism).
- 3) Secular (democratic socialism).
- 4) Democratic (rule of the people).
- 5) Republic (head of state is elected).
- 6) Justice (rule of law).
- 7) Liberty(freedom on the activities of Indian nationals)
- 8) Equality (head of state is elected).
- 9) Republic (no discrimination).
- 10) Fraternity (feeling of brotherhood).
- 11) Republic (no discrimination).

\*Right to property do not form part of Preamble. It is enshrined in Art.300A as a legal right, which was inserted by 44th Amendment Act, 1978.

# Civil Procedure Code, 1908

## Year- Wise Weightage Analysis

Year	Question No.	Total No. of Questions	Weightage (%)
2019	46-55	10	13.33%
2019-II	21,30,31,36,53,56	6	8%
2022	9-18	10	10%
2023	12, 13, 27, 38, 46, 51, 53, 60, 83, 84	10	10%
<b>Total</b>		<b>36</b>	<b>10.28%</b>

# GJS (PRELIMS) PAPERATHON

## Civil Procedure Code, 1908

2019

46. The plaint for which of the following Civil suits shall, in addition to the other statements necessary for plaints, state that the plaintiff claims no interest in the subject matter in dispute?

(A) interpleader suit  
(B) suit for specific performance  
(C) suit for eviction  
(D) none of these.

Ans. [A]

**Linked Provision-** O.35 R.1 L/w sec.88, O.7 R.1-8 CPC.

**Explanation-** O.35 deals with Interpleader suits. The general principle on which such suits are based is that the person in possession of an object/property having no interest in it should not be compelled to be involved in multiple suits filed by the prospective owners of the property in dispute.

**O.35 R.1-** It provides that in every interpleader suit, plaint shall, in addition to the other statements necessary for plaints, state that-

(a) plaintiff claims no interest in the subject-matter in dispute other than for charges or costs;  
(b) claims made by the defendants severally; and  
(c) there is no collusion between the plaintiff and any of the defendants.

47. Where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one court and the defendant resides within the local limits of the jurisdiction of another court, the suit may be instituted .....

(A) in the court within whose local limits of the jurisdiction the wrong was done  
(B) in the court within whose local limits of jurisdiction, the defendant resides  
(C) at the option of the plaintiff in either of the said courts  
(D) in the court within whose local limits of jurisdiction, the plaintiff resides.

Ans. [C]

**Linked Provision-** Sec.19 L/w sec.15-18, 20 CPC.

**Explanation-** Sec.19 deals with suits for compensation for wrongs to person or movables. It provides that where suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts.

48. What is the period for which a person can be detained in civil prison if execution of a decree is for the payment of sum of money exceeding five thousand rupees?

(A) not exceeding three months

(B) not exceeding six weeks  
(C) not exceeding one month  
(D) not exceeding two months.

Ans. [A]

**Linked Provision-** Sec.58 R.1 L/w sec.55-57, 59, 134, O.21 R.37-40, O.38 R.1-4 CPC.

**Explanation-** Sec.58 deals with detention and release. It provides that every person detained in the civil prison in execution of a decree shall be so detained as per following scale-

Money Decree	Detention period
Of exceeding 5000 Rs.	Upto 3 months
Of 2000-5000 Rs.	Upto 6 weeks
Less than 2000 Rs.	No arrest

49. No suit shall be instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of .....next after notice in writing has been delivered.

(A) two months (B) one months  
(C) sixty days (D) three months

Ans. [A]

**Linked Provision-** Sec.80 L/w 79, O.27 CPC.

**Explanation-** Sec.80 deals with notice. It provides that no suits shall be instituted against the Government or public officer in respect of any act done in his official capacity, until the expiration of two months next after notice in writing has been delivered.

50. At which stage of the civil suit, an objection on the ground of misjoinder of causes of action shall be taken?

(A) at the time of or before settlement of issues  
(B) at the time of filing the written statement  
(C) at the time of or before pronouncement of judgment  
(D) at any stage.

Ans. [A]

**Linked Provision-** O.1 R.13 L/w sec.99 proviso, O.1 R.1, 3, 6, 9, 10, O.2 R.7 CPC.

**Explanation-** O.1 R.13 deals with objections as to non-joinder or misjoinder. It states that all objections on the ground of non-joinder or misjoinder of parties shall be taken at the earliest possible opportunity.

51. Within what time a party who has obtained an order for leave to amend the pleadings, is required to carry out the necessary amendment, when no time is limited by the order?

(A) fourteen days  
(B) fifteen days  
(C) thirty days  
(D) forty five days.

Ans. [A]

**Linked Provision-** O.6 R.18 L/w sec.152, 153, 153A, O.1 R.10(4), O.6 R.16, 17, O.41 R.3 CPC.

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## GJS (PRELIMS) PAPERATHON

### Civil Procedure Code, 1908

**Explanation-** O.6 R.18 deals with failure to amend after Order. It states that if a party obtained an order for leave to amend does not amend within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time, unless the time is extended by the Court.

52. Within how much time from the date on which hearing of the Civil Suit is concluded, shall the court pronounce its judgment?

(A) thirty days  
(B) sixty days  
(C) ninety days  
(D) any time

Ans. [A]

**Linked Provision-** O.20 R.1 L/w sec.33, O.20 R.1-5, 6B, 20, O.41 R.30-34 CPC.

**Explanation-** O.20 R.1 deals with judgment when pronounced. R.1(1) proviso states that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment **within thirty days** from the date on which the hearing of the case was concluded.

53. In a summary suit, within how many days of service of summons, should the defendant put in his appearance?

(A) ten days (B) fifteen days  
(C) thirty days (D) sixty days.

Ans. [A]

**Linked Provision-** O.37 R.3 L/w sec.91-93, O.5, O.9 CPC.

**Explanation-** O.37 R.3 deals with procedure for the appearance of defendant in case of summary suit. It provides that the defendant may, at any time within **ten days** of service of summons, enter an appearance either in person or by pleader and, in either case, he shall file in Court an address for service of notices on him.

54. Which of the following provisions of the Civil Procedure Code deals with the inherent powers of the Court?

(A) Section 151 (B) Section 152  
(C) Section 153 (D) Section 148

Ans. [A]

**Linked Provision-** Sec.151 CPC L/w 148-150, 152-153B CPC, 482 (Sec 528 BNSS) CrPC, 165 IEA, Art.142 COI.

**Explanation-** Sec.151 deals with saving of inherent powers of Court. Inherent powers of courts are those powers which may be applied by the court to perform full and complete justice between the parties before it. As per sec.151, court has inherent power to make such orders as may be important for the ends of justice or to limit abuse of the method of the Court.

55. Order 17, Rule 1 of the Civil Procedure Code restricts the number of adjournments to be granted to a party to:

(A) five (B) four  
(C) three (D) ten.

Ans. [C]

**Linked Provision-** O.17 R.1 L/w O.10 R.4, O.18 R.2(3C), O.23 R.3, O.32A R.3 CPC, sec.309 CrPC.

**Explanation-** O.17 R.1 deals with Court may grant time and adjourn hearing. R.1(1) proviso states that adjournment shall not be granted more than **three time** to a party during hearing of the suit.

### 2019-II

21. Under which of the following provisions of the Code of Civil Procedure, the Particulars of set-off are to be given in the written statements?

(A) Order 5, Rule 30  
(B) Order 8, Rule 6  
(C) Order 6, Rule 10  
(D) Order 10, Rule 22

Ans. [B]

**Linked Provisions-** O.8 R.6 L/w O.8 R.7, 8, 9, O.20 R.6, R.19 CPC, sec.3 Lim. Act.

**Explanation-** O.8 R.6 deals with Set-off. Set-off means a claim by the defendant against the plaintiff or a plea in defence available to the defendant. It is a cross-claim between the parties to the suit regarding their recovery of money.

30. Which of the following deals with subsequent pleading in the Code of Civil Procedure?

(A) Order 8, Rule 9  
(B) Order 4, Rule 13  
(C) Order 6, Rule 10  
(D) Order 10, Rule 22

Ans. [A]

**Linked Provisions-** O.8 R.9 L/w R.1, R.6-6G, R.10, O.6 CPC.

**Explanation-** O.8 R.9 deals with subsequent pleadings. It states that no pleading after the written statement of the defendant other than by way of defence to set-off or counter claim can be filed.

31. Which of the following deals with power to amend decree or order where appeal is summarily dismissed in the Code of Civil Procedure?

(A) Section 145A  
(B) Section 103A  
(C) Section 148A  
(D) Section 153A

Ans. [D]

**Linked Provisions-** Sec.153A L/w sec.152, 153, O.1 R.10(4), O.6 R.16, R.17, O.14 R.5, O.20 R.3, O.41 R.3 CPC.

**Explanation-** Sec.153A deals with power to amend decree or order where appeal is summarily dismissed.

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Analysis Table (GJS 2017-2023 Mains Previous Year Papers)							
Paper – I ( Criminal)							
S. No.	Subjects	Total marks of Last 5 Years					Average Marks (Last 5 Years)
		2017 [MM-75]	2019 [MM-75]	2020 [MM-75]	2022 [MM-100]	2023 [MM-100]	
1.	Indian Penal Code, 1860.	25	13	19	28	15	20
2.	Code of Criminal Procedure, 1973.	40	15	22	36	32	29
3.	Indian Evidence Act, 1872.	25	15	14	14	28	19.20
4.	Juvenile Justice (Care and Protection of Children) Act, 2015.	5	20	2	7	10	8.80
5.	Probation of Offenders Act, 1958.	5	-	2	5	5	3.40
6.	Protection of Women from Domestic Violence Act, 2005.	10	10	8	2	5	7
7.	Immoral Traffic (Prevention) Act, 1956.	-	1	-	-	-	0.20
8.	Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.	5	1	1	-	-	1.40
9.	Negotiable Instruments Act, 1881 (Only Ch. XVII).	12	6	8	14	15	11
10.	Registration of Births and Deaths Act, 1969.	-	-	1	-	-	0.20
11.	Information Technology Act, 2000	-	-	-	2	-	0.40
12.	Gujarat Prohibition Act, 1949					2	0.40
13.	Protection of Children from Sexual Offences Act					8	1.6
14.	Practical question	10	10	10	10	15	11
15.	English (Essay)	-	-	-	12	12	4.8
16.	Gujarat Prevention of Gambling Act, 1956.						Newly Added
17.	Indecent Representation of women (Prohibition) Act, 1986						Newly Added

## GJS (MAINS) PAPERATHON

Analysis Table (GJS 2017-2023 Mains Previous Year Papers)							
Paper – II ( Civil)							
S. No.	Subjects	Total marks of Last 5 Years					Average Marks (Last 5 Years)
		2017 [MM-75]	2019 [MM-75]	2020 [MM-75]	2022 [MM-100]	2023 [MM-100]	
1.	Constitution of India	-	-	-	2	-	0.40
2.	Code of Civil Procedure, 1908.	32	22	16	29	35	26.80
3.	Limitation Act, 1963.	5	1	2	8	1	3.4
4.	Indian Contract Act, 1872.	25	12	23	19	23	20.40
5.	Indian Partnership Act, 1932.	14	12	15	17	1	11.8
6.	Specific Relief Act, 1963.	10	7	1	11	7	7.20
7.	Transfer of Property Act, 1882	5	-	-	19	12	7.20
8.	Gujarat Court Fees Act, 2004.	2	-	-	-	-	0.40
9.	Hindu Law	-	-	-	-	5	1
10.	Muslim Law	-	-	-	-	7	1.40
11.	Indian Evidence Act	-	-	-	-	12	2.40
12.	Sale of Goods Act	-	-	-	-	5	1
13.	Practical question	5	10	10	10	15	10
14.	English (Essay)	10	15	15	15	12	13.40

**Note** – (\* Weightage Include marks of optional Questions)

**GUJARAT JUDICIAL MAINS EXAMINATION**  
**PAPER – I (CRIMINAL)**

Time: 3 Hours.

Total Marks: 100

**Note:**

- (1) Answers to questions may be given either in English or Gujarati, if not instructed otherwise.
- (2) If more questions are attempted than required, the best combination of the answers shall be taken into consideration.
- (3) Please answer the questions bearing in mind the weight-age of marks allotted to the questions.

**BHARATIYA NYAYA SANHITA, 2023 (IPC)**

2017

**4. Answer the questions :**

[15]

**(1) Difference between Theft and Extortion.**

**Linked Provisions :-** Sec. 378 Theft, Section 383 Extortion [Section 303(1), 308(1) BNS].

**Explanation :- Theft-** The property took dishonestly without the consent of the property holder.

**Extortion-** Property has been taken dishonestly with the consent of the property holder which is obtained by coercion.

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**(2) Difference between Common Intention and Common Object.**

**Linked Provisions :- Section 34 [Section 3(5) BNS] - Common Intention and Section 149 [Section 190 BNS]- Common Object.**

**Explanation :-** The main distinction between common object and common intention is that common object refers to the goal that members of an unlawful assembly have in mind when they gather together, whereas common intention refers to the shared intention of two or more people to commit a criminal act regardless of whether they have gathered together.

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**(3) Difference between Simple Hurt and Grievous Hurt.**

**Linked Provisions :- Section 319 [Section 114 BNS]- Simple Hurt and Section 320 [Section 116 BNS]- Grievous Hurt.**

**Explanation :-**

1. In simple hurt, the injuries caused are bodily pain, disease, infirmity, etc. In grievous hurt, the injuries are caused to the body's essential organs like the eye, Ear, joints, permanent face or head disfigurement, fracture, etc.
2. Simple hurt is non-cognizable and bailable. Grievous hurt is cognizable, bailable.

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**5. Write Short Notes :**

**[10]**

**(1) Dowry Death.**

**Linked Provisions** - Dowry death under Section 304B IPC [Section 80 BNS].

**Section 113B IEA [Section 118 BSA]**- Presumption as to Dowry Death.

**Explanation :-**

**Ingredient of Dowry Death –**

1. Death of a woman within seven years of her marriage.
2. Death caused by burns or bodily injury or otherwise than under normal circumstances; death caused by cruelty or harassment by the husband or his relatives in connection with any dowry demand.
3. Such cruelty or harassment must have been meted out to the woman shortly before her death.

If all of these factors are present, the husband or his family who exposed the wife to such cruelty or harassment might be prosecuted with dowry death under Section 304B [Section 80 BNS] of the IPC.

**Penalty-** The offence is punishable with imprisonment for a term of not less than seven years, but which may be extend to life imprisonment.

**Nature-** Dowry death is a cognizable and non-bailable offence.

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**(2) Right of Private Defence.**

**Linked Provisions** - Section 96-106 [Section 34-44 BNS]- Right of Private Defence.

**Explanation :- Section 97 [Section 35 BNS]**- Right of private defence of body and property

Every person has rights subject to the restriction contained in section 99 [Section 37 BNS] to defend

- (1) his own body and body of another person against any offence effectively the human body.
- (2) The property, whether movable or immovable of himself or any other person against any act which is an offence falling under the definition of theft, robbery, mischief, criminal trespass or which is an attempt to commit theft, robbery, mischief or criminal trespass.

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**2019**

**1. Answer the following questions in detail:**

**[6]**

**(4) What is abetment of an offence? How can it be committed? Discuss the relevant legal Provisions in this regard.**

**Linked Provisions:** - Section 107-120 [Section 45-60 BNS] -Legal Provisions of Abetment. L/w Section 132-135, 138, 305, 306 [Section 160-163, 166, 107, 108 BNS].

**Explanation :-** Chapter 5 of the Indian Penal Code, 1860 [Chapter 4 BNS] deals with offences relating to abetment. Abetment basically means the action of instigating,

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