

Constitution of India

Prelims MCQs,
Mains & Interview Questions



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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.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool; it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- Tansukh Paliwal

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Sample Preview



CONSTITUTION OF INDIA PRELIMS PAPERATHON

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CONSTITUTION OF INDIA PRELIMS PAPERATHON

HISTORY & SOURCES OF CONSTITUTION

HISTORY & SOURCES OF CONSTITUTION

1. Which of the following was established by the Government of India Act, 1919?

(a) Council of States
(b) Lower House
(c) Dyarchy
(d) All of these

[UK PSC(J) 2023]
Ans. [d]

Explanation- The Government of India Act 1919 was an act of the British Parliament that sought to increase the participation of Indians in the administration of their country. Dyarchy was introduced by this Act, i.e., there were two classes of administrators i.e. Executive councillors and ministers. Also, a bicameral legislature was set up with two houses i.e. Lok Sabha and the Council of State.

2. Which of the following Article of the United Nations Charter relates to Domestic Jurisdiction?

(a) Article 2(7)
(b) Article 23
(c) Article 3
(d) Article 4

[UK PSC(J) 2023]
Ans [a]

Linked Provision- Art.2 U.N. Charter.

Explanation- Art.2 provides certain principles in accordance with which the Organization and its Members shall act. Art.2(7) states that nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter but this principle shall not prejudice the application of enforcement measures under Chap.7.

3. Which of the following is not correctly matched?

(a) Indian Independence Act
(b) The Indian Council Act
(c) The Communal Award
(d) First meeting of Constituent Assembly

[UK PSC(J) 2023]
Ans [c]

Explanation- The Communal Award (also known as MacDonald Award) was created by the British prime minister Ramsay MacDonald on 16 August 1932 and was announced after the Round Table Conference (1930-32). The reason behind introduction of Communal Award was that Ramsay MacDonald considered himself as 'a friend of the Indians' and thus wanted to resolve the issues in India.

4. When was the first meeting of the Constituent Assembly held?

(a) 8th December

(b) 9th December
(c) 10th December
(d) 12th December

[BJS 2020]
Ans.[b]

Explanation- The first meeting of the Constituent Assembly of India took place in Constitutional Hall, New Delhi, on 9th December 1946. Dr. Sachchidananda Sinha was the first president of the Constituent Assembly. Later Dr Rajendra Prasad was elected the President of the Constituent Assembly.

5. Which one of the following is considered as a Supreme Source of power :

(a) Supreme Court of India
(b) Parliament of India
(c) President of India
(d) Constitution of India

[UPPCS(J) 2015]
Ans. [d]

Explanation:- The Constitution of India is the supreme law of the Nation. All the organs of the government viz., Legislature, Executive and Judiciary draw their power and domain from the constitution. No one can surpass the constitutional limits and it distributes the power accordingly.

6. The task of making the Constitution was over on?

(a) 26th November, 1949
(b) 26th January, 1950
(c) 15th August, 1947
(d) 25th November, 1949

[BJS 2020]
Ans.[a]

Explanation- The Cabinet Mission that put forth the idea of the Constituent Assembly marked the beginning of formulating the Indian Constitution and thereby creating history. The supreme law of democratic India was drafted by the Assembly from 1946 to 1950 and was finally adopted on **26th November 1949** w.e.f. 26th January 1950 which has been celebrated as the Republic Day of India.

7. The concept of fundamental rights was borrowed from the

(a) British Constitution
(b) US Constitution
(c) Australian Constitution
(d) Canadian Constitution

[BJS 2020]
Ans.[b]

Linked Provision: Part III (Art.12-35) COI.

Explanation- The model for Fundamental Rights in India has been taken from the Constitution of the USA. Part III of Constitution of India, titled as "fundamental rights". There are total 6 Fundamental Rights provides under Part III-

(1) Right to Equality (Art.14-18)

CONSTITUTION OF INDIA PRELIMS PAPERATHON

PREAMBLE

[Raj. JLO 2013-14]
Ans [b]

Linked Provisions:-

1. The first meeting of Constituent Assembly was presided by Dr Sachchidananda Sinha.
2. Dr Rajendra Prasad was elected the President of the Constituent Assembly on December 11, 1946.
3. Dr BR Ambedkar was the chairman of the Drafting Committee.
4. Constituent Assembly held 11 sessions and took 2 years, 11 months and 18 days to frame the Constitution.

Explanation:- The Republic is governed in terms of the Constitution of India which was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26th January, 1950.

26. **Who was the the President of the Constituent Assembly?**

- (a) Dr. B.R. Ambedkar
- (b) Dr. Rajendra Prasad
- (c) Sardar Vallabh Bhai Patel
- (d) Maulana Abul Kalam Azad

[Raj. JLO 2019]
Ans [b]

Explanation- The constituent assembly was formed for the creation of Indian constitution. It was formed in July 1946, based on the recommendations of the cabinet mission. Dr. Rajendra Prasad was elected as the President of constituent assembly.

27. **Who adopted the Constitution of India?**

- (a) Governor General
- (b) British Crown
- (c) Constituent Assembly
- (d) Indian Parliament

[Raj. JLO 2019]
Ans [c]

Explanation- The Constituent Assembly adopted the Constitution of India on 26th November 1949 which came into force on 26th January 1950.

Drafting Committee

28. **Who proposed the Preamble before the Drafting Committee of the Constitution?**

- (a) Jawaharlal Nehru
- (b) B. R. Ambedkar
- (c) B. N. Rao
- (d) Mahatma Gandhi

[BJS 2020]
Ans.[a]

Linked Provision: Preamble of COI.

Explanation- Jawaharlal Nehru proposed the 'Objectives Resolution' on December 13, 1946. The 'Resolution' highlighted the objectives and laid down the 'national goals'. The 'Objective Resolution' passed by the Constituent Assembly on January 22,

1947, ultimately became the Preamble to the Constitution of India.

29. **Who was the Chairman of the Drafting Committee of Indian Constitution?**

- (a) Dr. Rajendra Prasad
- (b) Dr. B. R. Ambedkar
- (c) M. K. Gandhi
- (d) Moti Lal Nehru

[Raj. JLO 2013-14]
Ans [b]

Linked Provisions:-

The Drafting Committee of the Constitution was chaired by Dr. B.R Ambedkar. B. R. Ambedkar was a wise constitutional expert, he had studied the constitutions of about 60 countries. He is recognized as the "Father of the Constitution of India".

Explanation:- The drafting committee was set up on 29 August 1947 under the chairmanship of Dr B R Ambedkar. The constituent assembly took 2 years, 11 months and 18 days to frame the constitution.

30. **The number of the members of the Drafting Committee of the Constitution were**

- (a) 7
- (b) 8
- (c) 10
- (d) 5

[Raj. JLO 2019]
Ans [a]

Explanation- On 29th August 1947, the drafting committee of the Indian Constitution was appointed and had seven members i.e. Alladi Krishnaswami Ayyar, N. Gopalaswami, B.R. Ambedkar (Chairman of the drafting committee), K.M Munshi, Mohammad Saadulla, B.L. Mitter, D.P. Khaitan.

PREAMBLE

31. **Preamble of Constitution is a part of Constitution and can be amended under Article-368 declared by Indian Supreme Court in which case of the following?**

- (a) Re Berubari case
- (b) Keshvanand Bharti case
- (c) Golaknath case
- (d) S.R. Bommai case

[Raj. JLO 2019]
Ans [b]

Linked Provision- Preamble L/w Art.368 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. The preamble being part of the Constitution is discussed several times in the SC. It can be understood by reading the following two cases-

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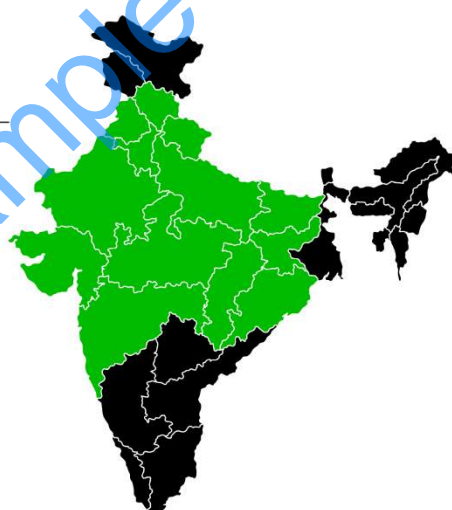
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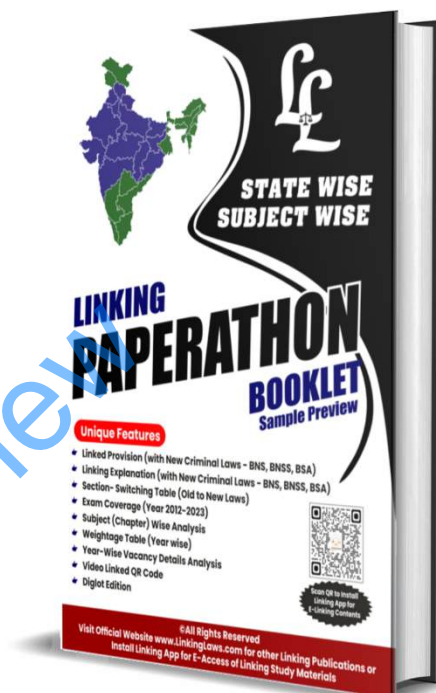
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CONSTITUTION OF INDIA

Mains Questions – Solved

Sample Preview

CONSTITUTION OF INDIA MAINS PAPERATHON

Constitution of India

Constitution of India

Constitution, Constitutionalism & Historical Background

1. Write a short note on Salient features of the Government of India Act, 1935.

[BJS 1980]

Ans. Salient Features of the Government of India Act, 1935

The Government of India Act, 1935 was a significant piece of legislation that laid the groundwork for the current Constitution of India. It marked a substantial shift from British colonial rule toward a more self-governing structure, although it still fell short of granting full independence. Here are the key features of the Act:

1. Act proposed an All-India Federation consisting of British India provinces and princely states. However, the federation never came into effect as the princely states did not join.
2. The Act introduced provincial autonomy, granting provinces more power and responsibility. Provincial legislatures were given significant control over local affairs, and the governors were required to act according to the advice of ministers, except in certain reserved matters.
3. The Act provided for a bicameral legislature at the center, consisting of the Federal Assembly (lower house) and the Council of States (upper house). Some provinces were also given bicameral legislatures with a legislative assembly and a legislative council.
4. While the dyarchy system (introduced at the provincial level by the Government of India Act, 1919) was abolished in the provinces, it was introduced at the central level under the 1935 Act. Subjects were divided into "Federal" and "Provincial" lists, with certain "Reserved" subjects managed by the Governor-General and "Transferred" subjects managed by ministers responsible to the legislature.
5. The Act expanded the electorate, granting voting rights to about 10% of the Indian population. This was a significant increase, although still a small fraction of the population was allowed to vote.
6. The Act established the Federal Court of India, which was the precursor to the Supreme Court of India. The Federal Court had jurisdiction to resolve disputes between provinces and hear appeals from the high courts.
7. The Act divided powers between the center and the provinces, with separate lists of subjects for each level of government.

2. What extend did the Government of India Act, 1935, Contribute to the present Constitution of India? Discuss, pointing out relevant provisions of each.

[BJS 1986]

Ans. The Government of India Act, 1935 is often regarded as a precursor to the Constitution of India. Many of its provisions laid the groundwork for the principles and structures that are found in the Indian Constitution:

- The Act proposed a federal structure with a clear division of powers between the central government and the provinces. The Constitution adopted a federal structure where powers are divided between the Union and State governments in the Seventh Schedule. The division of powers outlined in the Constitution is similar to the one proposed in the 1935 Act.
- The Act established a bicameral legislature at the central level, with the Federal Assembly and the Council of States. The Indian Constitution also established a bicameral Parliament consisting of the Lok Sabha (House of the People) and the Rajya Sabha (Council of States).
- The Governor was the head of the provincial government, with powers to act in his discretion in certain areas. The Governor had significant powers, particularly in emergencies. The role of the Governor as the head of a state's executive branch continues in the Constitution, though with more clearly defined powers and limitations.
- The Governor-General had wide-ranging powers to declare emergencies and take control of provincial administrations in times of crisis. The emergency provisions in the Constitution (Articles 352, 356, and 360) have their roots in the 1935 Act.

CONSTITUTION OF INDIA MAINS PAPERATHON

Constitution of India

- The Act established the Federal Court of India, which was the first step toward an independent judiciary at the national level. The Indian Constitution adopted the concept of an independent judiciary and expanded it by establishing the Supreme Court of India.
- The Act provided for the establishment of Public Service Commissions at both the central and provincial levels to oversee recruitment and service conditions of government employees. The Constitution retains the provision for the Union Public Service Commission (UPSC) and State Public Service Commissions (SPSCs), ensuring an independent and impartial recruitment process for public services.

3. Write a short note on Indian Independence Act, 1947.

[BJS 1980, 1991]

Ans. The Indian Independence Act, 1947 was a landmark legislation passed by the British Parliament that led to the creation of two independent dominions, India and Pakistan, on August 15, 1947. The Act marked the end of British rule in India and laid the foundation for the sovereign nations of India and Pakistan. Here are the key features of the Act:

- The Act provided for the end of British sovereignty over India and the partition of the country into two separate dominions, India and Pakistan. This partition was based on religious lines, with Pakistan being established as a separate nation for Muslims.
- Each dominion was given the right to secede from the British Commonwealth if it so chose.
- Both India and Pakistan were granted full legislative sovereignty. The legislatures of the two dominions were empowered to frame their own constitutions and govern themselves without interference from the British Parliament.
- The Act abolished the office of the Viceroy in India. Instead, each dominion was to have a Governor-General as the representative of the British Crown, but with only ceremonial powers. The Governor-General was appointed by the respective dominion's government.
- The princely states, which were semi-autonomous regions under British suzerainty, were given the option to join either India or Pakistan or remain independent.
- The Act provided for the division of the assets and liabilities of British India between the two new dominions. This included the division of the military, civil services, and other administrative machinery.
- Until the new constitutions were framed, the governance of India and Pakistan was to be carried out under the provisions of the Government of India Act, 1935, with necessary modifications as required.
- The Act allowed the existing Constituent Assemblies of India and Pakistan to function as their respective sovereign legislative bodies. These assemblies were responsible for drafting the constitutions of the two new nations.

Nature of Indian Constitution

1. "The Indian Constitution is federal in form but unitary in substance". Comment.

[UP PCSJ 2003]

Ans. The Indian Constitution is often described as a unique blend of federal and unitary features, making it difficult to classify it strictly as either a federal or a unitary constitution. The statement "The Indian Constitution is federal in form but unitary in substance" encapsulates this dual nature. It is sometimes called a quasi-federal system, as it contains elements of both federation and union. The Constitution specifies the distribution of legislative, administrative and executive powers between the union government and the state governments. The legislative powers are categorized under a Union List, a State List and a Concurrent List, representing the powers conferred upon the union government, the state governments and the powers shared among them.

Federal Features of the Indian Constitution

1. Division of Powers
2. Bicameral Legislature

CONSTITUTION OF INDIA MAINS PAPERATHON

Constitution of India

3. Written and Rigid Constitution
4. Independent Judiciary
5. Dual Government System

Unitary Features of the Indian Constitution

1. Strong Central Government
2. Single Citizenship
3. Power to Alter State Boundaries
4. Unified Judiciary
5. Emergency Provisions
6. Appointment of Governors

Preamble

1. Write short note on Preamble to the Constitution of India.

[BJS 2000, BJS 2006, M.P. C] 2012]

Ans. The Preamble to the Constitution of India serves as an introductory statement that outlines the fundamental values, objectives, and guiding principles of the Constitution. The Preamble reflects the core values and ideals upon which the Indian Constitution is based. It serves as a guiding light for interpreting the provisions of the Constitution. However, the Preamble itself is not justiciable (i.e., it cannot be enforced in a court of law), it is used by the judiciary to understand and interpret the intent and spirit of the Constitution. The Preamble embodies the aspirations and goals of the nation, serving as a source of inspiration and a reminder of the commitment to the principles of justice, liberty, equality, and fraternity.

Key Features of the Preamble

1. **Sovereign:** India is a sovereign nation with full control over its internal and external affairs. It is not subject to any external authority or interference.
2. **Socialist:** India aims to achieve social equality and justice through the equitable distribution of wealth and resources.
3. **Secular:** India upholds the principle of religious neutrality, treating all religions equally and providing freedom of religion to its citizens.
4. **Democratic:** India is a democracy where power is vested in the people, who exercise it through elected representatives.
5. **Republic:** India is a republic where the head of state is elected, not a hereditary monarch.
6. **Justice:** The Preamble commits to securing justice—social, economic, and political—to all citizens.
7. **Liberty:** The Preamble guarantees individual freedoms including thought, expression, belief, faith, and worship.
8. **Equality:** The Constitution seeks to ensure equality of status and opportunity for all citizens.
9. **Fraternity:** The Preamble promotes a sense of brotherhood and unity among the citizens of India.

2. What are the major commitments of the Constitution of India as incorporated in its preamble?

[M.P.C] 2014, 2022]

Ans. The major commitments of the Constitution of India as incorporated in its Preamble are:

1. **Sovereignty:** India is a sovereign nation with full control over its internal and external affairs. It is not subject to any external authority or interference.
2. **Socialism:** India aims to achieve social equality and justice through the equitable distribution of wealth and resources.
3. **Secularism:** India upholds the principle of religious neutrality, treating all religions equally and providing freedom of religion to its citizens.
4. **Democracy:** India is a democracy where power is vested in the people, who exercise it through elected representatives.
5. **Republic:** India is a republic where the head of state is elected, not a hereditary monarch.
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CONSTITUTION OF INDIA

Interview Questions – Solved

Sample Preview

CONSTITUTION OF INDIA INTERVIEW QUESTIONS

CONSTITUTION OF INDIA

1. What is constitutionalism?

Ans. Constitutionalism is the concept of a polity that is within the constitution and in which the powers of the government are limited and under the law.

2. When the Constitution of India was adopted?

Ans. Sir, on 26 November 1949.

3. When the Constitution of India was enforced?

Ans. Sir, on 26 January 1950.

4. When was the first amendment to the preamble?

Ans. Sir, in 1976.

5. By which amendment Act?

Ans. Sir, 42nd Constitutional (Amendment) Act, 1976.

6. What was amended?

Ans. Sir, the words 'Socialist' 'Secularism' and 'integrity' were added to the preamble.

7. India is a 'Union of States' in which article it is stated?

Ans. Sir, in Article 1.

8. In which Article, the date of commencement of Constitution has been prescribed?

Ans. Sir, under Article 394 of the Constitution.

9. The name of the Constitution is the Constitution of India. Where is it mentioned?

Ans. Sir, in Article 393.

10. What is the difference between Fundamental Rights and Human Rights?

Ans. The rights given in Part 3 (Articles 12 to 35) of the Constitution are fundamental rights, while human rights are broader than fundamental rights. All fundamental rights are human rights but not all human rights are not fundamental rights.

11. When can the Fundamental Rights be restricted?

Ans. (1) In relation to members of the armed forces (Article 33)
(2) While martial law is in force (Article 34)
(3) By amendment of the Constitution (Article 368)
(4) During emergency proclamation (Article 352)

12. In which article are the definitions of 'State'?

Ans. Sir, in Article 12 and Article 36.

13. What is the meaning of judicial review?

Ans. Judicial review is the power under which the Supreme Court examines the constitutionality of Acts passed by the Legislature. They may refuse to enforce any law which is inconsistent with the provisions of the Constitution.

14. The power of review of court vested in which article?

Ans. Sir, Hon'ble Supreme Court and High Court under Article 32 and 226 respectively.

15. What is included under the word 'law' under Article 13?

Ans. For the purposes of Article 13, the word 'Law' includes any ordinance, order, bye-law, rules, notification, regulation, custom or usage.

16. What is the meaning of Rule of Law?

Ans. Rule of law means-no person is above the law. Every person is subject to the general laws of the country and within the jurisdiction of ordinary courts.

17. You are a resident of Uttar Pradesh (other state) so we do not select you? Is it constitutional?

Ans. Sir No, Article 16 (2) prohibits discrimination on the basis of place of residence.

18. What is provision in Article 16 (6)?

Ans. Sir, 10% reservation has been given on economic ground to upper caste (by 103rd Constitution Amendment Act).

19. In which article is related to reservation?

Ans. Sir, in Articles 16 (4), 16 (6) and 15 (4), 15 (6).

20. What is the basis of backwardness?

Ans. Sir, caste, status, opportunity.

21. When was the case of Indra Sawhney v. Union of India AIR 1993 SC was decided?

Ans. Sir, in 1993.

22. What about Article 20?

Ans. Article 20 provides constitutional safeguard to the accused persons who have been accused of committing the offence. The constitutional protections under this article are as follows -
(i) Protection from ex-post facto law
(ii) Protection from double jeopardy
(iii) Protection from self-incrimination

23. What is 'Nemo debet vis vexari'? Or what is 'Double Jeopardy'?

Ans. Sir, a person cannot be prosecuted and punished twice for the same offence.

24. Where is the provision?

Ans. Yes Sir, under Article 20 (2).

25. There is also a provision in the Code of Criminal Procedure?

Ans. Sir, under Section 300.

CONSTITUTION OF INDIA INTERVIEW QUESTIONS

Constitution of India

26. What is the difference between Article 20 (2) and Section 300?

Ans. Article 20 (2) uses the phrase 'prosecuted and punished' while under section 300 there is the phrase 'guilty or acquitted'. If the accused is acquitted, Article 20 (2) does not provide protection to him.

27. How is Article 20 (2) and Section 300 of the Criminal Procedure Code different from Section 11 of the Code of Civil Procedure?

Ans. Article 20 (2) and Section 300 are related to criminal proceedings. Whereas Section 11 is related to civil case.

28. What is the provision in Article 21?

Ans. Article 21 provides that no person shall be deprived of his life or personal liberty except to the procedure established by law.

29. What does 'personal liberty' mean?

Ans. Personal liberty is a wide-ranging terminology and includes many rights that constitute the individual's freedom and some of them have been given the status of specific fundamental rights and given additional protection under Article 19.

30. Which amendment Act has made the right to education a fundamental right?

Ans. 86th Amendment Act of the Constitution, 2002. (Article 21-A)

31. Everyone has the right to be protected by a lawyer of his choice. Where is the provision in the constitution?

Ans. Sir, under Article 22.

32. What is the provision under Article 22?

Ans. Under Article 22, protection from arrest is provided. अनुच्छेद 22 के तहत गिरफ्तारी से सुरक्षा प्रदान की जाती है।

33. What are constitutional protection to accused?

Ans. (1) Cannot be keep in police custody without order of Magistrate for more than 24 hours.
(2) The right to consult a lawyer
(3) The right to defend himself
(4) The right to know the reasons for arrest
(5) Protection from ex post facto laws
(6) Protection against double-jeopardy
(7) Protection against self-prosecution.

34. Who can file a Public Interest Litigation (PIL)?

Ans. Any citizen or an institution can file a writ for the enforcement of constitutional or legal rights of a person who is not able to file a writ in the court due to poverty or any other reason.

35. Who is father of PIL?

Ans. Sir, Hon'ble Justice P.N. Bhagawati.

36. What is PIL?

Ans. Public Interest Litigation is the use of the law to advance human rights and equality or raise issues of broader public concern. It helps to advance the cause of disadvantage groups or individuals.

37. What are the advantage of PIL?

जनहित याचिका (पीआईएल) के क्या फायदे हैं?

Ans. It protects our basic rights called fundamental rights through the court. Due to this any section or class of peoples can approach the court with their petition.

38. Who is mother of PIL?

Ans. Sir, Puspa Kapila Hingorari. P.K. Hingorani was an Indian lawyer who is regarded as mother of PIL. As per then prevailing laws, a petition could be filed only by a victim or a relative. Kapila and her husband Nirmal Hingorani wanted to represent the undertrial prisoners in Bihar.

सर, पुष्पा कपिला हिंगोरानी। पीके हिंगोरानी एक भारतीय वकील थी जिन्हें जनहित याचिका की जननी माना जाता है। तत्कालीन प्रचलित कानूनों के अनुसार, याचिका केवल पीड़ित या रिश्तेदार द्वारा दायर की जा सकती है। कपिला और उनके पति निर्मल हिंगोरानी बिहार में विचाराधीन कैदियों का प्रतिनिधित्व करना चाहते थे।

39. Where is the provision of PIL in the Constitution?

Ans. In Articles 32 and 226. The concept of PIL has been introduced (evolved) by the Supreme Court Honorable Justice P.N. Bhagwati.

40. What do you understand by Judicial Activism?

Ans. The court is interfering in many public interest matters which are interfering with the executive and legislature's jurisdiction and forcing the government and authorities to perform their duties under the Constitution and other laws. This action of the Supreme Court is called judicial activism.

41. What is mercy petition?

Ans. A mercy petition is the last resort available to a convict having death sentence after all legal and judicial remedies like review and curative petition are exhausted. For seeking mercy petition, the death sentence by a trial court must be confirmed by the High Court.

42. Whether an aggrieved person is entitled to any relief against the final judgment or order of the Supreme Court after the dismissal of review petition?

Ans. Yes Sir, curative petition (in the case of Mutual Consent Divorce, Rupa Ashok Hurra vs Ashok Hurra case (2002 SC). the concept of curative petition first evolved by the Supreme Court.)



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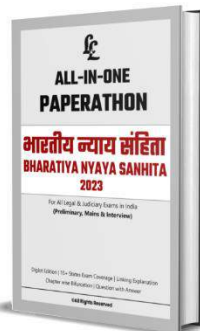
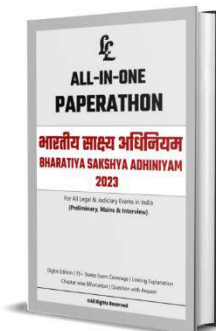
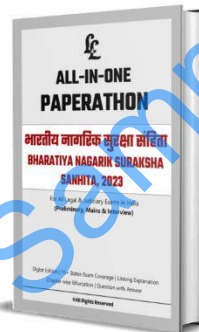
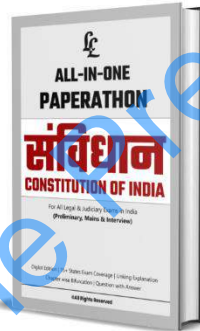
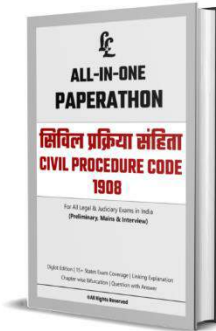
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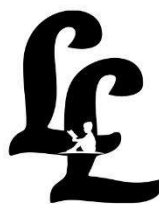
Sample Preview

Code Of Civil Procedure, 1908

Prelims MCQs,
Mains & Interview Questions



Tansukh Paliwal
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Founder, Linking Laws



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.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool; it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- Tansukh Paliwal

Founder of Linking Laws

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Sample Preview

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CPC PRELIMS PAPERATHON
PRELIMINARY

PRELIMINARY

[UP PSC(J) 2023]

1. **Code of Civil Procedure (Amendment) Act, 1999 (46 of 1999) came into force on:**

- (a) 1 January, 2002 (b) 1 July, 2002
(c) 1 January, 2003 (d) 1 July, 2003

[UK PSC(J) 2023]

Ans [b]

Explanation:- Code of Civil Procedure (Amendment) Act, 1999 was came into force on 1 July, 2002.

2. **What is meant by 'mutates mutandis'?**

- (a) Mutual understanding
(b) As is where is
(c) Mutually inclusive
(d) Apply with such changes as may be necessary

[UK PSC(J) 2023]

Ans [d]

Explanation:- 'Mutatis mutandis' translates to 'all necessary changes having been made' or 'with the necessary changes'. The phrase mutatis mutandis indicates that whilst it may be necessary to make some changes to take account of different situations, the main point remains the same.

3. **Which of the following is not true about a legal representative?**

- (a) A person who in law represents the estate of a deceased person
(b) Any person who intermeddles with the estate of a deceased.
(c) The person on whom the estate devolves on the death of the party so suing or sued.
(d) The term is limited to executors only and not covered the administrators.

[UK PSC(J) 2023]

Ans [d]

Linking Provisions:-

1. Section 11, Explanation VI – Res-judicata apply on Representative suit.
2. Section 50 – Legal representative.
3. Order 1, Rule 8 – Representative suit.

Explanation:- Section 2(11) – a legal representative is a person in law who represents the estate of a deceased person. This includes anyone who interferes with the estate of a deceased person, as well as the person to whom the estate devolves upon the death of the party.

4. **Arrange the following in the chronological order on the basis of Sections of Civil Procedure Code, 1908-**

- (I) Institutions of Suits
(II) Res Judicata
(III) Legal representative
(IV) Arrest and detention

Select the correct answer-

Code-

- (a) I, II, III & IV (b) I, III, II & IV
(c) II, I, III & IV (d) II, III, I & IV

Ans [c]

Linked Provision- Sec.11, 26, 50, 55 CPC.

Explanation- Sec.11 deals with res judicata.

Sec.26 deals with institution of Suit.

Sec.50 dals with legal representative.

Sec.55 deals with arrest and detention.

5. **'Movable Property' under Section 2(13) of the Code of Civil Procedure Code, 1908 includes**

- (a) growing trees
(b) buildings
(c) growing crops
(d) money

[UP PSC(J) 2023]

Ans [c]

Linked Provision- Sec.2(13) L/w sec.19, O.20 R.10, O.21 R.12, 31, 43, 43A, 47, 74-81, O.26 R.10C CPC.

Explanation- Sec.2(13) defines "movable property". It provides that movable property includes growing crops.

6. **Match list-I with list-II and select the answer using the code given below the lists -**

List-I		List - II	
(A)	Execution of Decree	1.	Section 50 CPC
(B)	Letter of request. /	2.	Section 26 CPC
(C)	Legal representative	3.	Section 77 CPC
(D)	Institution of Suit	4.	Section 38 CPC

Code -

- (a) A-1, B-2, C-4, D-3.
(b) A-2, B-4, C-1, D-3
(c) A-4 B-3 C-1, D-2
(d) A-3, B-4, C-1, D-2

[UP PSC(J) 2023]

Ans [c]

Linked Provision- Sec.26, 38, 50, 77 CPC.

Explanation- Sec.26 deals with institution of Suit.

Sec.38 deals with execution of Decree.

Sec.50 dals with legal representative.

Sec.77 deals with letter of request.

7. **Which one of the following is not correctly matched?**

- (a) Section 2(2) CPC-Decree
(b) Section 2(9) CPC - Judgement
(c) Section 2(13) CPC - Order
(d) Section 2(6) CPC-Foreign Judgment

[UP PSC(J) 2023]

Ans [c]

Linked Provision- Sec.2(13) L/w sec.19, O.20 R.10, O.21 R.12, 31, 43, 43A, 47, 74-81, O.26 R.10C CPC.

Explanation- Sec.2(13) defines "movable property". It provides that movable property includes growing crops.

CPC PRELIMS PAPERATHON PRELIMINARY

8. Match list-I with list-II and select the correct answer using the code given below-

List-I		List - II	
(A)	Settlement of dispute outside the court	1.	Section 74 CPC
(B)	Suit by or against Government	2.	Section 88 CPC
(C)	Interpleader Suit /	3.	Section 79 CPC
(D)	Resistance to execution /	4.	Section 89 CPC

Code -

- (a) (A)-4, (B)-3, (C)-2, (D)-1
(b) (A)-4, (B)-2, (C)-1, (D)-3
(c) (A)-3, (B)-4, (C)-2, (D)-1
(d) (A)-3, (B)-2, (C)-4, (D)-1

[UP PSC(J) 2023]

Ans [a]

Linked Provision- Sec.74, 79, 88, 89 CPC.

Explanation- Sec.74 deals with resistance to execution.

Sec.79 deals with suit by or against Government.

Sec.88 deals with interpleader Suit.

Sec.89 deals with settlement of dispute outside the court.

9. In which of the following cases, did the Supreme Court uphold the validity of the code of civil Procedure Amendment Acts of 1999 and 2002:

- (a) Delhi H.C. Bar Association Vs. UOI.
(b) Allahabad H.C. Bar Association Vs. UOI.
(c) Salem Advocate Bar Association Vs. UOI.
(d) P & H H.C. Bar Association Vs. UOI.

[RJS 2015]

Ans. [c]

Explanation:- The Supreme Court declared the Civil Procedure 1999 and 2002 Amendment Act as constitutional by the decision of Salem Advocate Bar Association Vs Union of India, 2005. This Act was incorporated on the recommendation of the Malimath Committee. Both the Acts were implemented from 01/07/2002.

10. Under the Code of Civil Procedure, 1908, which of the following statement is not correct?

- (a) Decree includes the rejection of plaint.
(b) Decree includes the determination of any question under section 144.
(c) Decree does not include any order of dismissal for default.
(d) Decree includes any adjudication from which an appeal lies as an appeal from an order.

[RJS 2021]

Ans. [d]

Explanation: Decree - is the formal expression of adjudication.

There is a conclusive determination of the rights of the parties by the court.

Two types-

- i) preliminary decree ii) Final decree

The decree includes -

- i) Section 144 order ii) Rejection of plaint

Not included in the decree -

- i) Dismissal of the suit
ii) An adjudication the appeal of which is like an appeal from an order.
According to Article 136, the execution of the decree can be done in 12 years.

11. Under the Code of Civil Procedure, 1908, in which of the following case 'Signed' does not include 'Stamped'?

- (a) Summon (b) Bailable Warrant
(c) Attachment Warrant (d) Judgement

[RJS 2021]

Ans. (4)

Explanation:-Section 2(20) Except judgment and decree, the stamp of the court is also included in the signature.

12. Under Civil Procedure Code, 1908 "Foreign Court" means:

- (a) A court situated outside India
(b) A court situated outside India and not established under the authority of Government of India
(c) A court situated in India, applying foreign law
(d) All of the above

[UK PCS(J) 2014]

Ans. [B]

Linked provision :-

- Section 2(6)** - Foreign award.
- Section 10 Explanation** - Not applicable to suit pending in foreign court.
- Section 13** - Foreign award when not conclusive.
- Section 14** - Presumption as to foreign judgments.
- Section 29** - Service of foreign summons.
- Section 45** - Execution of decree outside India.

Explanation - Section 2(5) - Foreign Court - Court situated outside India and not established by the authority of the Central Government.

13. Who of the following is not a legal representative according to Civil Procedure Code, 1908?

- (a) Executor and administrator
(b) Creditors
(c) Coparceners
(d) None of the above

[UK PCS(J) 2016]

Ans. [b]

Linked Provision- Sec.2(11) L/w sec.11 expl. VI, 50, 52, 146, O.1 R.8, O.7 R.4, O.23 R.3B CPC.

Explanation- As per sec.2(11), "legal representative" means a person who interferes with the estate of a deceased person, as well as the person to whom the estate devolves upon the death of the party. In other words, it refers to all individuals and heirs who hold assets but do not own them, such as an executor or administrator of an estate or a court-appointed guardian of a minor or incompetent person.

CPC PRELIMS PAPERATHON

PART - I : SUITS IN GENERAL

1. An adjudication;
2. Adjudication must have been given in a suit;
3. It must have determined the rights of the parties with regard to all or any of the matter in controversy in the suit;
4. Such determination must be of a conclusive nature;
5. There must be a formal expression of adjudication.

Types of decree- CPC recognizes the following three types of decrees-

1. **Preliminary Decree-** It is a prior stage. A decree is stated as a preliminary decree when it does not dispose of the suit completely.
2. **Final decree-** The final decree is a decree which disposes of a suit completely and settles all the matter in dispute between the parties.
3. **A partly preliminary and partly final decree-** A decree passed under the CPC may be partly preliminary and partly final.

65. Which of the following deals with the application of the Code of Revenue Courts with the Code of Civil Procedure ?

- (A) Section 5
- (B) Section 2
- (C) Section 3
- (D) Section 4

[HPJS 2018]

Ans [A]

Linked Provisions- Sec.5 L/w Sec.4(1), 43, 44 CPC.

Explanation- Sec.5 deals with application of the CPC to Revenue Courts. As per this sec., "revenue court" means a Court having jurisdiction under any local law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction in CPC to try such suits or proceedings as being suits or proceedings of a civil nature.

PART I SUITS IN GENERAL

66. Which of the following Section of Civil Procedure Code deals with the concept of Res Judicata?

- (A) Section
- (B) Section
- (C) Section
- (D) Section

[AIBE XVII -2023]

Ans. [B]

Linked Provision- Sec.11 L/w Sec.9, 10, 12 CPC, 115 IEA, 300 CrPC, Art.20(2) COI.

Explanation- Sec.11 deals with Res judicata. Res-judicata means a matter already adjudged or adjudicated or decided. It is based on the need of giving finality to judicial decisions. The doctrine of res judicata is based on 3 maxims-

1. **nemobebetbisvexari pro una et eadem causa-** no man should be vexed twice for the same cause.
2. **interestreipublicaeut sit finis litium-** it is in the interest of the State that there should be an end to a litigation.
3. **res judicata pro veritate occipitur-** a judicial decision must be accepted as correct.

67. Which one of the following is correctly matched? **Subject Matter Sections of the Civil Procedure Code**
- (a) Stay of Suit
 - (b) Res Judicata
 - (c) Institution of Suit
 - (d) Bar to further Suit

[UK PSC(J) 2023]

Ans [b]

Explanation:- Following are the correct match of sections-

1. Stay of suits – section 10.
2. Institution of suit – section 26.
3. Bar to further suit – section 12.

68. A Latin maxim "Ut pendent Nihil Innovatur" finds its place in the Civil Procedure Code, 1908

- (a) Res Judicata
- (b) Ejusden Generis
- (c) Lis pendens
- (d) Res Ipsa Loquitur

[UK PSC(J) 2023]

Ans [c]

Linking Provisions:- Section 52 – Lis pendens.

Explanation:- The doctrine has been derived from a latin maxim "Ut pendent nihil innovetur" which means that during litigation nothing should be changed.

69. Principle of Res judicata applies to:

- (a) Suits only
- (b) Arbitration proceedings only
- (c) Execution proceedings only/
- (d) Suits as well as execution proceeding

[UK PSC(J) 2023]

Ans [d]

Linking Provisions:-

1. **Section 47** – Bar on subsequent suit.

2. **Section 12** – Bar to further suit.

Explanation:- Section 11, explanation VII – The provisions of Res-judicata apply to a proceeding for the execution of a decree. Res-judicata relates to a matter already adjudicated or matter in which decision is already there. Res-judicata, bars to file a suit.

70. Which of the following is correct meaning of Latin term 'Res'?

- (a) Matter or thing
- (b) Issues
- (c) Claim
- (d) Remedy

[UK PSC(J) 2023]

CPC PRELIMS PAPERATHON

ORDER - X : Examination of Parties by the Court

- (c) I and III are correct, II is incorrect
(d) All are correct

[OJS 2023]

Ans [a]

Linked Provisions- O.9 R.2-4 L/w O.9 R.6-9, 13 CPC.

Explanation- O.9 deals with appearance of parties and consequence of non-appearance.

- R.2-** It provides that if summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the court-fee or postal charges, the Court may make an order to dismiss the suit.
- R.3-** It provides that when neither party appears on the date of hearing, the court may make an order to dismiss the suit.
- R.4-** It provides that in dismissal of suit under R.2 or 3, the plaintiff may bring a fresh suit or he may apply for an order to set the dismissal aside.

ORDER X

Examination of Parties by the Court

330. The object of oral examination under Order X Rule 2 of CPC is :-

- (A) to elucidate the matters in controversy in the suit
(b) to record evidence
(c) to secure admissions
(d) None of these

[MPCJ 2019- I]

Ans. [a]

Linked Provision :-

- 1. Order 18** – Examination.
2. Section 137/138 – Examination-in-chief, cross-examination, re-examination (Evidence Act, 1872).

Explanation – Order 10 Rule 2 – Oral examination – The court shall examine the parties present on the first hearing and may examine the persons present with the parties.

The purpose of the examination – to elucidate matters in controversy in the suit.

331. Direction of the Court to opt for any one mode of alternative dispute resolution, is provided in:-

- (A) Order 10 rule 1-A C.P.C.
(B) Order 10 rule 1-B C.P.C.
(C) Order 10 rule 1-C C.P.C.
(D) Order 10 rule 1-D C.P.C.

[UP PCS(J) 2016]

Ans. [A]

Linked Provision: O.10 R.1A L/w sec.89, O.10 R.1B-1 C, O.23 R.3-3B, O.27 R.5B CPC.

Explanation- Sec.89 and O.10 R.1A-1C were inserted in 1999 w.e.f. 1-7-2002. The key reason behind the amendment was to provide an amicable, congenial, peaceful, and mutual settlement between the disputing parties without the intervention of the court.

SECTION 30 /ORDER XI

"Discovery and Inspection"

332. Objection to interrogatories may be taken only when they are

- (b) Scandalous
(c) Not bonafide
(d) Any one of the above

[Raj. JLO 2013-14]

Ans [d]

Linked Provisions- O.11 R.6 - Objections to interrogatories by answer.

Explanation- O.11 R.6 provides that any objection to answering any interrogatory may be taken in the affidavit in answer on the following grounds-

- i) it is scandalous; or
ii) it is irrelevant; or
iii) it is not exhibited bona fide for the purpose of the suit; or
iv) the matters inquired into are not sufficiently material at that stage; or
v) the matters inquired into are on the ground of privilege; or
vi) any other ground.

333. Which one of the following penalty cannot be imposed by the court to compel the attendance of any person to whom a summons has been issued under Section 30 of the Code of Civil Procedure, 1908?

- (a) Issue a warrant for his arrest
(b) Attach and sell his property
(c) Impose a fine upon him exceeding five thousand rupees
(d) Order him to furnish security for his appearance

[Raj. JLO 2019]

Ans [c]

Linked Provisions:-

1. Section 30 – Power to order discovery and the like.
2. Section 25(4) – Compensation for false or vexatious application.

Explanation:- Under section 32 of CPC, the Court may compel the attendance of any person to whom a summons has been issued under section 30 and for that purpose may-

- (a) issue a warrant for his arrest;
(b) attach and sell his property;
(c) impose a fine upon him not exceeding five thousand rupees;
(d) order him to furnish security for his appearance and in default commit him to the civil prison.

"ORDER XII - Admissions"

334. For the purpose of Order 12 Rule 6 of C.P.C. admission of facts

- (a) Must be in pleading
(b) Must be otherwise
(c) May be either in pleading or otherwise

Code Of Civil Procedure, 1908

Mains Questions – Solved

Sample Preview

MAINS PAPERATHON
Code of Civil Procedure, 1908
Code of Civil Procedure, 1908

DEFINITIONS

1. Define

(A) Legal representative

[UP PCS(J) 1988, RJS 1975, 1992, BJS 2011, HJS 2011, M.P. CJ 2018]

Ans. Legal representative is defined under S.2(11) of the CPC, 1908. It is a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued.

The following are held to be legal representatives- executors, administrators, reversioners, hindu coparceners, residuary legatees, etc. Trespasser, official assignee or receiver is not a legal representative.

(B) Mesne profits.

[RJS 1971, 1986, 1994, CGCJ 2003, DJS 2005, BJS 1975, 2014, 2006, HJS 2011, M.P. CJ 2018]

Ans. S. 2(12) of the CPC defines mesne profits as those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received, together with interest on such profits. It shall not include profits due to improvements made by the person in wrongful possession. Mesne profits can be claimed with regard to immovable property only.

(C) Decree.

[RJS 1976, 1986, M.P. CJ 2004, BJS 2006, 2011, M.P. CJ 2018]

Or

What is meant by "Decree"?

[RJS 2021]

Ans. S.2(2) of the CPC defines decree as the formal expression of an adjudication which conclusively determines the rights of the parties with regard to all or any matter in controversy in the suit. It may be preliminary or final or partly-preliminary or partly-final.

There are two deemed decrees under this section- rejection of plaint under O.7, R.11 and determination of any question under S.144. However, decree shall not include any adjudication from which an appeal lies as an appeal from an order as well as any order of dismissal for default.

(D) Order

[M.P. CJ 2018]

Ans. Order has been defined under S. 2(14) of the Code as the formal expression of any decision of a civil court which is not a decree. An order may originate from a suit or appeal, application or petition. There cannot be a preliminary order. Every order is not appealable and only those mentioned under S.104 r/w O.43 are appealable. An order does not necessarily conclusively determine the substantive rights of the parties. It deals with incidental or procedural matters.

3. Define and distinguish between preliminary decree and final decree.

[UP PCS(J) 1992, 1987, BJS 1986]

Ans.

Preliminary decree	Final decree
Does not conclusively decide all matters in a suit but only settles some of the matters. It is a first stage decree, which requires further proceedings to fully resolve the suit.	A final decree is one that fully and finally disposes of the suit by determining all issues and granting the final relief to the parties.
Examples: Decrees in partition suits, dissolution of partnerships, or administration of estates.	Example, Execution or enforcement of rights post-settlement.
Cannot be executed unless followed by a final decree.	Can be executed and enforced by the court.

MAINS PAPERATHON
Code of Civil Procedure, 1908

3. Interest can be granted on mesne profits. Courts usually determine an appropriate rate of interest from the date of wrongful possession until the time of restoration of possession to the rightful owner.
4. The court will consider the exact period during which the rightful owner was deprived of possession.
5. The wrongful possessor's claim of good faith or any improvements made to the property does not entitle them to retain the profits earned, but profits due to such improvements are excluded.
6. If the property was capable of earning income or being used profitably, that potential income must be included in the calculation.

In *Sarup Singh Gupta v. S. Jagdish Singh & Others* (2006) the SC stated that mesne profits are the profits or benefits that a person has enjoyed during wrongful possession, and it must be based on market rental value.

(ii) Indigent person

Ans.- Order XXXIII of CPC specifically deals with suits by indigent persons and outlines the procedure for instituting suits without paying court fees. Under Explanation I to Rule 1 of Order XXXIII, an indigent person is defined as someone who:

- Is not possessed of sufficient means to pay the court fees prescribed by law for the suit they intend to institute.
- If the person is not able to pay the fee due to poverty, then they can be classified as indigent.
- A person will also be considered indigent if they are declared insolvent or have no property in their name.

In determining whether a person qualifies as indigent, the court will exclude certain assets from consideration, such as:

- Necessary wearing apparel.
- Tools of artisans.
- Books of scholars.
- Household effects required for daily living.

Part I - JURISDICTION OF CIVIL COURTS

1. What is meant by jurisdiction of a civil court?

[RJS 1992, 1999]

Ans.- The jurisdiction of a civil court refers to the authority or power granted to a court to hear and adjudicate civil disputes and pass judgments. Jurisdiction determines the competence of a particular court to try a case based on factors such as the subject matter of the dispute, territorial limits, and the pecuniary value involved.

Section 9 of the CPC establishes the general principle that civil courts have jurisdiction to try all suits of a civil nature, except those that are expressly or impliedly barred by law.

Types of Jurisdiction Under CPC:

1. **Subject Matter Jurisdiction (S.9):** It refers to the court's authority to hear cases related to a specific type of subject matter. For example, civil courts handle civil disputes, while specific tribunals like consumer courts handle consumer disputes.
2. **Territorial Jurisdiction (S.16-20):** This refers to the geographical area within which a court has authority to hear cases. Example, a dispute over property located in Mumbai would be heard in the courts in Mumbai.
3. **Pecuniary Jurisdiction (S.15):** Pecuniary jurisdiction is based on the monetary value of the subject matter of the dispute. For example, a Civil Judge (Junior Division) may have jurisdiction over disputes where the value is up to ₹1 lakh, while a Civil Judge (Senior Division) or District Court handles cases involving higher amounts.

2. Explain the essential conditions relating to jurisdiction of civil courts.

CODE OF CIVIL PROCEDURE, 1908

Interview Questions – Solved

Sample Preview

CPC INTERVIEW QUESTIONS

CODE OF CIVIL PROCEDURE, 1908

1. For which courts are the provisions related to procedure described in civil procedure code?

Ans. The provisions of this Code have been made and implemented for the procedure adopted by the Courts of Civil Jurisdiction.

2. Which Code was in force before this code?

Ans. Before this Code, the Civil Code 1859 was in force, which was amended in 1877 and 1882.

3. When the C.P.C. was enforced?

Ans. This Code is in force in India from January 1, 1909.

4. Two amendments were made to the C.P.C. Name the amendment Act?

Ans. (1) The Code of Civil Procedure (Amendment) Act, 1999.
(2) The Code of Civil Procedure (Amendment) Act, 2002.

5. What is called the substantial law?

Ans. The basic law is that which creates rights and obligations and defines human behaviour and their relations.

6. What is a procedural law?

Ans. Procedural law is the law which decides the procedure for the use of the court for settlement of disputes arising out of certain rights and obligations by substantive law.

7. Who is a pleader?

Ans. The person authorized to appear and plead for any other person (in civil cases) is called Pleader.

8. What is difference between lawyer and advocate?

Ans. A person who has LL.B. degree, him call a lawyer where as lawyer has passe Bar Council of India examination then enrolled in State Bar Council, he is to call an advocate (Adhivakta). He represents his client.

9. Is the Revenue Court defined elsewhere in the CPC?

Ans. Yes Sir, according to Section 5 (2), a court which has the or benefits of land used for agricultural purposes.

10. Will the provisions of CPC be applicable to the Revenue Courts?

Ans. Yes Sir, when the revenue law is silent on that subject.

11. What is jurisdiction?

Ans. It is the right by which the court is empowered to accept any suit, appeal or application and give a decision after hearing.

12. What is the original/primary jurisdiction?

Ans. Primary jurisdiction gives the power to first admit and decide any suit, application or other legal proceedings.

13. What is the appellate jurisdiction?

Ans. The power to admit and decide an appeal or objection made against the decision of the subordinate court is called appellate jurisdiction.

14. Will the principle of res judicata apply to the Habeas Corpus petition

Ans. No sir.

15. Will res judicata apply to co-plaintiff and co-defendants?

Ans. Sir, it will be applicable when the interests are conflicting and it is necessary to give a decision on such interest.

16. Which is the Formal Defendant?

Ans. A formal defendant is one, which the court compiles in the suit so that a question can be disposed of effectively.

17. Can intermediate orders be revised?

Ans. No Sir

18. What is supplementary proceedings? .

Ans. The action that should be taken for justice after the suit is instituted.

19. Give some examples of supplementary proceeding?

Ans. (i) Arrest and attachment before judgment (O.38).
(ii) Temporary injunction (O. 39)
(iii) Appointment of Receiver (O. 40)
(iv) Interlocutory Order (O.r 39)

20. Why inherent power is given to the court?

Ans. To resolve such problems and difficulties arising during civil litigation or if any party misuses the procedure and there is no clear provision for that in the Code.

21. What is the purpose of Section 148 (A) (Caveat)?

Ans. Prohibition from passing ex-parte orders.

22. What is a commission?

Ans. A person authorized by the court who is appointed by the parties at any later time for conducting the examination or for any local inspection etc.

23. Who is called a proper party?

Ans. A proper party is that whose presence in the case is regarded by the court as necessary to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit.

CPC INTERVIEW QUESTIONS

Code of Civil Procedure, 1908

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Bharatiya Nyaya Sanhita, 2023

Prelims MCQs,
Mains & Interview Questions



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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.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool; it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

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Ch. - I : Preliminary (1-3)

Ch. - I : Preliminary (1-3)

1. **When did Indian Penal Code 1860 come in to force?**

- (a) 1860
- (b) 1861
- (c) 1862
- (d) 1863

Ans. [c]

Linked Provision :- Sec.1 IPC.(1 BNS)

Explanation: IPC was enacted on 6th October, 1860, and brought into force fifteen months later on the 1st January, 1862.

2. **Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing:**

- (a) Fraudulently
- (b) Dishonestly
- (c) Wrongfully
- (d) Mischievously

Ans. [b]

Linked Provision: L/w sec.24 (2(7) BNS), 209 (246 BNS), 246-247 (deleted), 369 (97 BNS), 378 (303(1) BNS), 383 (308(1) BNS), 403-405 (314-316 BNS), 411-412 (317 (2)-(3) BNS), 420-424 (318-323 BNS), 439 (328 BNS), 461-462 (334 BNS), 464 (335 BNS), 471, 474 (339 BNS), 477 (343 BNS), 496 IPC (83 BNS).

3. **Doctrine of mens rea is Not attracted to which of the following categories of offences?**

- (a) Relating to fraud
- (b) Relating to bodily injury
- (c) Relating to offence against state
- (d) Strict liability

Ans. [d]

Linked Provision:- Sec.34 IPC. (3(5)BNS)

Explanation: Mens rea means a wrongful intention. The maxim means that an act does not itself make one guilty unless the mind is also guilty. Strict liability crimes, also known as public welfare offences, are crimes that do not require mens rea.

4. **To which of the following is Indian Penal Code not applicable?**

- (a) State of J & K
- (b) A foreigner committing offence in India
- (c) Offence committed on Indian Aircraft flying over territory of Japan
- (d) A foreigner committing offence in territorial water of India

Ans. [a]

Linked Provision :- Sec.1 IPC. (1 BNS)

Explanation: Indian Penal Code extends to whole of India including state of J&K after J & K State Reorganisation Act 2019 (34 of 2019) (w. e. f. 31-10-2019). Earlier it was applicable to whole of India except state of J & K.

5. **The word "Public servant" denotes a person falling under-**

- (a) A commissioned officer in the military
- (b) Every judge empowered by Law to do any adjudicatory functions
- (c) Every Officer of Court of justice
- (d) All the above

Ans. [d]

Linked Provision: sec.21 (2(28) BNS), L/w 14 (deleted), 19 (2(16) BNS), 20 IPC (2(5) BNS), 2(17) CPC.

6. **Section 29A of I.P.C. is related to.**

- (a) Documents
- (b) Valuable Security
- (c) Electronic record
- (d) None of the above

Ans. [c]

Linked Provision: - sec.17, 22A, 34, 35, 39, 45A, 59, 65A, 65B, 67A, 81A, 85A, 88A, 90A, 131 IEA.

Explanation: Sec.29A inserted in 2000 w.e.f.17-10-2000. Documents- **sec.29 (2(8) BNS)**

Valuable Security- **sec.30 (2(31) BNS)**

Electronic record- **sec.29A (2(39) BNS)**

7. **Which are the two essential elements of an offence?**

- (a) Motive and Act
- (b) Motive and Conviction
- (c) Motive and Injury
- (d) Preparation and Punishment

Ans. [a]

Linked Provision :- Sec. 40 IPC (2(24) BNS), 2(n) Cr.P.C. (2 BNSS)

Explanation: It is generally agreed that the essential ingredients of any crime are (1) a voluntary act or omission (actus reus), accompanied by (2) a certain state of mind (mens rea).

8. **The word 'Court of Justice' has been defined under which Section of I.P.C.?**

- (A) Section 19
- (B) Section 20
- (C) Section 30
- (D) Section 25

Ans. [B]

Linked Provision- Sec.20 (2(5) BNS), L/w sec.19 IPC. (2(16) BNS)

Explanation- Sec.20 defines the term "court of justice". As per this sec., the term "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

9. **In Indian Penal Code the pronoun "he" and its derivatives are used for-**

- (a) Male
- (b) Female
- (c) Any person whether male or female
- (d) Such words are not used in the Code

BNS, 2023 PRELIMS PAPERATHON

Ch. - I : Preliminary (1-3)

Ans. [c]

Linked Provisions:- In sec. 354- 'she' includes woman also. Even a woman can outrage the modesty of a woman.

Explanation - Sec. 8 - Where gender-masculine words are used, they are applicable to both men and women.

10. Which of the following statements is not correct:

- (a) In a criminal act done by several persons in furtherance of common intention of all, each of them will be held liable for that act
- (b) In an act done by several persons, the act being criminal only by reason of its being done with criminal knowledge or intention, all persons joining in the act, irrespective of such knowledge or intention, will be held liable for that act.
- (c) In an offence done by means of several acts, all the persons intentionally cooperating in that act by doing any of those acts, will be held liable for that offence.
- (d) In a criminal act done by several persons, all may be held liable for different offences by means of that act.

Ans. [b]

Explanation - Sec. 36 - When it is a case of common intention and the act is an offence by reason of criminal knowledge or intention then the knowledge or intention of all the persons shall be seen.

Principle of joint liability:- Section 34, Section 149, Section 376D, Section 396, Section 460.

11. 5 persons take illegal possession of a field. The owner (the complainant party) of the field collects his supporters and goes to the field for ousting the trespassers therefrom. In the free fight, which ensues, the trespassers kill one person from the complainant side. All The accused can be convicted :

- (a) With the aid of section 34 of IPC.
- (b) With the aid of section 149 of IPC.
- (c) For the individual injuries caused to the members of the complainant party.
- (d) None of the above

Ans. [c]

Linked Provisions:-The provisions of the Indian Penal Code, 1860 where the offence is committed by more than one person and all are liable:-

- i) Section 34 - common intention
- ii) Section 149 common object
- iii) Section 376D gang rape
- iv) Section 396 Dacoity including murder
- v) Section 460. Lurking house-trespass by night or house-breaking by night.

Explanation - Section 38 - Where several persons are engaged or concerned in doing any act, they may be guilty of different offences on the basis of that act.

12. Under section 13 of Indian Penal Code, 1860, definition of 'Queen' was repealed by:

- (1) Adaptation Order 1937
- (2) Adaptation Order 1950
- (3) Adaptation Order 1938
- (4) Adaptation Order 1951

Ans. (2)

Explanation - Section 13 - Rep. by the 'Queen's Law Adaptation Order, 1950'.

13. 'A' knowing that her husband 'B' has committed murder, knowingly conceals in order to screen him from legal punishment, 'A' is liable for :

- (a) Murder by reason of having common intention
- (b) Harboursing
- (c) Abatement by aid
- (d) "A" has committed no offence

Ans. [d]

Linked Provision:-

1. Section 52-A [Sec. 2(13) BNS] - "Harbour".

2. Sec.201 (Sec. 238 BNS) - Causing disappearance of evidence of offence, or giving false information to screen offender.

Explanation:- The offence of Harboursing is not applicable to husband and wife as per sec. 52A of IPC.

14. "A" a police officer without warrant apprehends "Z" who has committed murder. "A" has committed the offence of:

- (a) wrongful confinement
- (b) wrongful restraint
- (c) (a) and (b) both
- (d) no offence

Ans. [d]

Linked Provision:-

1. Sec. 76 (Sec. 14 BNS) - Act done by a person bound, or by mistake of fact believing himself bound by law.

2. Sec. 340 (Sec. 127 BNS) - Wrongful confinement.

Explanation:- this case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it".

15. "In every statute means-rea is to be implied unless the contrary is show." This view was expressed in:

- (a) Sheras v. De-Rutzen
- (b) Rv. Dudley and Stephen
- (c) Harding v. Price
- (d) Rv. Prince

Ans. [a]

Explanation:- *Mens rea* is generally taken to mean some blameworthy mental condition, whether constituted by intention or knowledge or otherwise, the absence of which any particular occasion negatives the intention of the crime.

BHARATIYA NYAYA SANHITA, 2023 (IPC, 1860)

Interview Questions – Solved

Sample Preview

BNS MAINS PAPERATHON

Bharatiya Nyaya Sanhita, 2023 (IPC, 1860)

Bharatiya Nyaya Sanhita, 2023 (IPC, 1860)

Chapter I

Nature, Definition, Meaning and Elements of Crime

1. Write short note Mens Rea.

[UP PCS(J) 1982, PJS 1995(II), M.P. CJ 2014]

Or

Mensrea is an essential element in every crime.' Explain this rule and state to what extent it is applicable to the offences under the Indian Penal Code, 1860.

[JHARKHAND PCS(J) 2014]

Or

Discuss the doctrine of Mensrea. How has it been diluted in the case of strict liability offences?

[HJS 1988]

Or

What do you understand by Mens Rea? What is the importance of mensrea under the Indian Penal Code, 1860? Discuss.

[UP PCS(J) 2016]

Ans.- Mens Rea refers to the mental element or guilty mind necessary to constitute a crime. It implies the intention or knowledge of wrongdoing while committing an offense. Mens rea is a crucial component in criminal law because it distinguishes between accidental actions and those done with criminal intent.

In the Indian Penal Code (IPC), the requirement of mens rea can be found in terms like "dishonestly" (S 24) (2(7) BNS), "fraudulently" (S 25) (2(9) BNS), and "voluntarily" (S 39) (2(33) BNS). For example, in offenses like theft (S 378) (303(1) BNS), the person must have dishonest intent to take property.

Without mens rea, certain acts may not be considered crimes. However, strict liability offenses under BNS do not require proof of mens rea.

2. **What is meant by Mens Rea? Explain the dictum "actus non facit reum nisi mens sit rea". How far a motive necessary for determining a crime? Are there any exceptions to the dictum of Mens Rea? Illustrate your answer.**

[HJS 1996, UP PCS(J) 2012]

Ans.- Mens Rea refers to the mental element or guilty mind necessary to constitute a crime. It implies the intention or knowledge of wrongdoing while committing an offense. Mens rea is a crucial component in criminal law because it distinguishes between accidental actions and those done with criminal intent. In the Indian Penal Code (IPC), the requirement of mens rea can be found in terms like "dishonestly" (S 24) (2(7) BNS), "fraudulently" (S 25) (2(9) BNS), and "voluntarily" (S 39) (2(33) BNS). For example, in offenses like theft (S 378) (303(1) BNS), the person must have dishonest intent to take property.

The Latin maxim "actus non facit reum nisi mens sit rea" translates to "an act does not make a person guilty unless there is a guilty mind." It means that, to constitute a crime, both a wrongful act (actus reus) and a guilty mind (mens rea) must be present. This rule ensures that a person is punished only when they intend to commit a crime or have knowledge of their wrongful actions.

Motive is the underlying reason why a person commits a crime, but it is distinct from mens rea. While mens rea focuses on the intent or knowledge during the crime, motive explains why the crime was committed. Motive is generally not necessary to prove criminal liability, though it may help determine the severity of punishment or influence the judge's discretion.

Exceptions to Mens Rea: Certain offenses under the Indian Penal Code (IPC) do not require mens rea. These are often strict liability offenses, where the mere commission of the act makes the person liable, regardless of intent. Examples include:

- Public Nuisance (S 268 IPC) (270 BNS): Does not require mens rea.
- Abetment by public servant (S 166A IPC) (199 BNS) : Involves strict liability for acts done in violation of public duty.
- Regulatory offenses, like those related to public health and safety, do not require proof of mens rea.

In these cases, the focus is on the act itself rather than the intent behind it.

BNS MAINS PAPERATHON
Bharatiya Nyaya Sanhita, 2023 (IPC, 1860)

After the Threat:

- o The right does not extend to actions taken after the threat has ended. If the attacker has fled or the threat is no longer imminent, the right to private defence ceases.

(b) Write a note on "de minimis non curat lex".

[UK PCS(J) 2014]

Ans.- The Latin phrase "de minimis non curat lex" translates to "the law does not concern itself with trifles." This legal doctrine asserts that minor issues or trivial matters are not worth the court's time or intervention.

- The doctrine emphasizes that the legal system should focus on significant issues that have a real impact on society rather than wasting resources on trivial disputes. This helps maintain judicial efficiency and prevents the legal system from being bogged down by minor grievances.
- : De minimis is often invoked in tort and criminal law. For example, in tort cases, a court may dismiss claims where the harm or injury is negligible, such as slight property damage or minimal personal injury. In criminal law, it may apply to minor infractions where prosecution is deemed unnecessary.
- Courts have the discretion to apply this principle, often considering the circumstances of each case to determine if the matter at hand is trivial enough to fall under this doctrine.
- While de minimis is a useful principle, it does not apply universally. Serious or repetitive minor offences can lead to significant cumulative effects, warranting legal intervention.

(c) 'A' see that 'B' is doing an act which he seems murder. 'A' caught 'B' with intention to give him to Police, in good faith. Has 'A' committed any offence ?

[UK PCS(J) 2014]

Ans.- In this scenario, A has acted with good faith and with the intention of preventing a crime (murder) by detaining B until the police can be notified.

A's intention to act in good faith is crucial. A believed that B was committing murder, which justifies A's intervention. Since A did not intend to cause harm but rather to protect potential victims and act in the public interest, this further supports the argument that A did not commit an offence.

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Bharatiya Nyaya Sanhita, 2023 (IPC, 1860)

Chapter II

Principle of Joint Liability

1. Section 34(3(5) BNS) of the Indian Penal Code, 1860, does not create any joint liability.

[GJS 2017]

OR

"The essence of joint responsibility lies in the common intention to commit the offence actually committed." Discuss.

[UP PCS(J) 2006]

Ans.- Section 34 (3(5) BNS) of (IPC) states that when criminal conduct is committed by numerous people in pursuit of a 'common intention', each of them is accountable for the crime in the same way as if it were committed by him alone.

Section 34 (3(5) BNS) only provides a broad concept of joint culpability. It does not result in any significant or appropriate offence. There is no mention of any specific offence. If two or more individuals conduct a crime in furtherance of a common intention, they might be held jointly responsible for an IPC offence. Thus, if the requirements of Section 34 (3(5) BNS)IPC are met, two or more individuals might be found accountable for any offence listed in that section

A criminal act committed by the entire group is required to establish joint culpability. It is critical that the court determine some illegal conduct was committed with the group's cooperation in pursuit of the common intention. The individual who initiates or assists in the conduct of the crime must physically do an act to facilitate the commission of the real (planned) crime.

Therefore, the above phase is no correct and section 34 (3(5) BNS) creates joint liability.

2. "Every person shall be liable to punishment under this Code (I.P.C.) and not otherwise for every act or omits contrary to the provision there of which he shall be guilty, within India". Discuss and state the exceptions of rule, if any.

[JHARKHAND PCS(J) 2017]

Ans.- Section 2 (1(3) BNS) of the Indian Penal Code deals with the intra territorial jurisdiction of the Code. It makes the code universally applicable on all the persons on every act or omission contrary to the provisions of the Act.

It states that every person who commits an act or omits to do an act which is contrary to the provisions of the code shall be liable for punishment. Here, every wrongdoer is made liable for punishment without any discrimination on the basis of his nationality, rank, caste or creed.

The only requirement under this Section to incriminate a person is that he should commit the act or omission within the territory of India. Thus a foreigner who committed a wrong within the territory of the country cannot plead ignorance of Indian law. However, there are exceptions to the universal application of the code and so specific class of people are immune from criminal liability, the class of people include:

- Foreign sovereign;
- Diplomats;
- Enemy aliens;
- foreign army and warships;
- President and governors.

3. Distinguish between rioting and affray.

[UK PCS(J) 2015]

Or

Distinguish between riot and affray.

[UP PCS(J) 1984, 1997, 1999, 2012, HJS 1986, 2006, M.P. Cj 2018]

Ans.- Distinction between Riot and Affray

Riot	Affray
May be committed in any one place, public or private	Must be committed in a public place and cannot be committed in a private place.
There must be common object and it must be one of the five mentioned in section 141.(189(1) BNS)	Must be committed by two or more (minimum number must be two).
Is generally premeditated.	There may be or may not be common object.

BHARATIYA NYAYA SANHITA, 2023 (IPC, 1860)

Interview Questions – Solved

Sample Preview

BNS INTERVIEW QUESTIONS

BHARATIYA NYAYA SANHITA, 2023 (IPC, 1860)

1. **How many sections are there under the Indian Penal Code?**
Ans. Sir, 511 sections. (358 BNS, 2023)
2. **Section 511 is related to which offence?**
धारा 511 किस अपराध से संबंधित है ?
Ans. Section 511 is related to criminal attempt, which is not mentioned in the Code.
3. **When did the Indian Penal Code came into force?**
Ans. Sir, on January 1, 1862. (1 JULY 2024 BNS)
4. **How many stages of offence?**
Ans. Sir, four Intention, Preparation, Attempt and Completion of offence.
5. **Intention is punishable?**
Ans. Intention is generally not punishable, only in certain circumstances, punishable eg. Assembling for purpose of committing dacoity (Section 402) (310 BNS), Criminal conspiracy (Section 120-A) (61 BNS)
6. **What is the difference between Preparation and Attempt?**
तैयारी और प्रयास में क्या अंतर है?
Ans. Preparation is not punishable except for certain offences whereas the attempt to commit an offence is always punishable.
7. **What are the essential elements of offence?**
अपराध के आवश्यक तत्व क्या हैं?
Ans. Sir,
1. human or person, 2. act or omission,
3. mens rea 4. damage.
8. **Mens-rea is applicable in Indian Penal Code?**
आपराधिक मन: स्थिति भारतीय दंड संहिता में लागू है?
Ans. Sir, negatively and positively both apply. As a general exception, absence of the rem is assumed. Not implemented under the definition of offence. it was not applied as an element of offence.
9. **What does Mens-rea mean?**
आपराधिक मन: स्थिति का क्या अर्थ है?
Ans. Mens-rea means act which committed with a guilty mind. actus reus equal to mens--rea.
10. **What does 'actus non facit reum nisi mens sit rea' mean?**
Ans. An act committed by innocent mind is not an offence.
11. **Give a definition of dishonestly.**
Ans. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing dishonestly. (Section 24) [2(7) BNS]
12. **What is the difference between a common intention and a similar or same intention?**
Ans. In common intention prior concert of minds is necessary whereas similar or same intent is not required.
13. **What is meant by 'Prior concerts of mind'?**
Ans. Every person participating in the offence is aware of the intent of every other person.
14. **What is a meeting of mind?**
Ans. Meeting of minds means that each one of the participants knows and concurs with the mind of each of the others.
15. **Define 'good faith'.**
Ans. Nothing is said to be made or believed in 'good faith' which was made or believed without due care and attention. (Section 52) [2(11) BNS]
16. **What are the types of punishment?**
Ans. Sir, 5 types,
(i) death sentence,
(ii) life imprisonment,
(iii) imprisonment (two types-rigorous and simple)
(iv) forfeiture of property and
(v) fine.
17. **State the sections under which provision of death penalty has been made?**
Ans. Section 121, 132, 194, 195-A, 302, 305, 307, 364-A, 376-A, 376-E and Section 396.
[147, 160, 230, 232, 103, 107, 140, 66, 71, 310 BNS]
18. **Can life imprisonment be simple?**
Ans. No, Sir, there is always rigorous imprisonment.
19. **What is the meaning of life imprisonment.**
Ans. Life imprisonment means life imprisonment till death of the convicted person. (Case-Gopal Vinayak Godse v. State, 1961 SC, Kartar Singh v. State, 1985 SC.)
20. **Explain the sections related to the provision for minimum mandatory imprisonment.**
Ans. Sections 304-B (80 BNS), 397 (311) and 398 (312 BNS), 376 to 376-E (64-71 BNS).
21. **What is the minimum imprisonment under the Indian Penal Code?**
Ans. Sir, 24 Hours (Section 510) (355 BNS)
22. **What are the sections related to the property's forfeiture ?**
Ans. Sir, sections 126, 127, 169 and 263-A. (154, 155, 157, 186 BNS)
23. **What are the sections under the Indian Penal Code related to fines only?**

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Bharatiya Nagarik Suraksha Sanhita, 2023

Prelims MCQs,
Mains & Interview Questions



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BNSS PRELIMS PAPERATHON

BHARATIYA NYAYA SANHITA, 2023		
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BNSS PRELIMS PAPERATHON

Ch. - I : Preliminary (1-3)

Ch. - I : Preliminary (1-5)

1. A warrant-case means:

- (a) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding six months
- (b) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding three years
- (c) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding five years
- (d) A case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years

Ans. [d]

Linked Provision: Sec.2(x) (Sec. 2(z) BNSS) L/w 238-250, 275, 277, 278 Cr.P.C. (Sec. 261-273, 310, 312, 313 BNSS)

2. Non cognizable offence means an offence where:

- (a) police officer can arrest without warrent
- (b) police officer can arrest without warrent
- (c) Police officer can grant bail
- (d) only court can grant bail

Ans. [b]

Linked Provision :- Section 2(l) (Sec. 2(o) BNSS) L/w 2(c), 41, 42-43, 149-151, 154-156, 359 of CrPC. (Sec. 2(g), 35, 39-40, 168-170, 173-175, 400 BNSS)

Explanation: As per Section 2(l) (Sec. 2(o) BNSS) of CrPC, Non-Cognizable offence means an offence for which and Non-Cognizable Case means a case in which, a police officer has no authority to arrest without warrant

3. Under which Section of the Code of Criminal Procedure, 1973 the term "offence" has been defined?

- (a) Section 40
- (b) Section 2 (n)
- (c) Section 2 (w)
- (d) None of the above

Ans. [b]

Linked Provisions:-

- 1. **Sec.2(a) [2(1)(c) BNSS]-** "Bailable and non-bailable offence".
- 2. **Sec.2(c) [2(1)(g) BNSS]-** "Cognizable offence".
- 3. **Sec.2(l) [2(1)(o) BNSS]-** "Non-cognizable offence".
- 4. **Sec.2(n) [2(1)(q) BNSS]-** "Offence".
- 5. **Sec.40 IPC [2(24) BNS]-** "Offence".

Explanation:- Sec.2(n) defines "offence". It means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle- trespass Act, 1871.

4. Complaint as defined under Section 2 (d) of the Criminal Procedure Code, 1973 is concerned with :

- (a) Cognizable offence only

- (b) Non cognizable offence only
- (c) Both (a) and (b)
- (d) None of the above

Ans. [c]

Linked Provisions:-

- 1. **Sec.2(d) [2(1)(h) BNSS]-** "Complaint".
- 2. **Sec.190(1)(a) [210(1)(a) BNSS]-** Cognizance upon receiving a complaint.
- 3. **Sec.200-203 (223-226 BNSS)-** Complaints to Magistrates.

Explanation:- Sec.2(d) defines "complaint". It means any allegation made orally or in writing to a magistrate. Complaint is made with the object that the Magistrate should take action under this Code against the person who has committed an offence. Here, this person can be known or unknown. It does not include a police report.

5. In which one of the following sections of the Criminal Procedure Code, 1973 the 'Cognizable offence' has been defined?

- (a) Section 2 (a)
- (b) Section 2 (b)
- (c) Section 2 (c)
- (d) Section 2 (i)

Ans. [c]

Linked Provisions:-

- 1. **Sec.2(a) [2(1)(c) BNSS]-** "Bailable and non-bailable offence".
- 2. **Sec.2(c) [2(1)(g) BNSS]-** "Cognizable offence".
- 3. **Sec.2(l) [2(1)(o) BNSS]-** "Non-cognizable offence".
- 4. **Sec.2(n) [2(1)(q) BNSS]-** "Offence".
- 5. **Sec.154 (173 BNSS)-** Information in cognizable cases.

Explanation:- Sec.2(c) defines cognizable offence. It is an offence in which the police officer can arrest the convict without a warrant and can start investigation without the permission of the court.

6. Assertion (A): Inquiry precedes trial.

Reason (R): Trial is the third stage of criminal proceeding.

- (a) (A) and (R) both are true and (R) is the correct explanation of (A)
- (b) (A) and (R) both are true but (R) is not the correct explanation of (A)
- (c) (A) is true but (R) is false
- (d) (A) is false but (R) is true

Ans [a]

Linked Provisions:- Sec.2(g) CrPC [2(1)(k) BNSS].

Explanation:- Sec.2(g) defines inquiry. It means every inquiry, other than a trial, conducted under this Code by a Magistrate or Court. It precedes trial.

Trial- CrPC does not define the term trial. A trial is a judicial proceeding that ends in either a conviction or acquittal but does not discharge anyone. It is examination and determination by a judicial tribunal over a cause which has jurisdiction over it. It is the third stage of criminal proceeding.

BNSS PRELIMS PAPERATHON

Ch. - II : Constitution Of Criminal Courts & Offices (6-20)

7. The subject of Criminal Procedure falls in which one of the following lists of the Constitution of India

(a) Union list (b) State list
(c) Concurrent list (d) Either (a) or (b)

Ans. [c]

Linked Provisions:- 7th schedule COI.

Explanation:- Criminal law and criminal procedure fall under the Concurrent List while matters relating to Police and Prisons fall under the State List.

8. A Laying of "trap" is a part of

(a) Inquiry (b) Trial
(c) Investigation (d) None of these

Ans. [c]

Linked Provisions :- Sec. 2(h) (Sec 2(I) BNSS) Cr.P.C.

Explanation- As per sec.2(h), "investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf. Trap laying is a part of investigation.

9. The Criminal Law (Amendment) Act, 2013 came into force on

(a) 19th March, 2013
(b) 3rd February, 2013
(c) 21st March, 2013
(d) 31st March, 2013

Ans. [b]

Linked Provisions :- Sec. 26 proviso, 54A Proviso 1 & 2, 154(1) Proviso 1 & 2, 160(1) Proviso, 161(3) Proviso 2, 164(5A), 173(2)(i)(h), 197(1) expl., 198B, 273 Proviso, 309(1), 327(2), 357B, 357C Cr.P.C.

Explanation- The Bill received Presidential assent on 2 April 2013 and was deemed to be effective from 3 February 2013. It was originally an Ordinance promulgated by the President of India, Pranab Mukherjee, on 3 February 2013, in light of the protests in the 2012 Delhi gang rape case.

10. Sec 91 (Sec 94 BNSS) of the Code of Criminal Procedure 1973, does not apply to:

(a) The complainant
(b) The witness
(c) The accused
(d) A person who is neither a complainant or accused or a witness

Ans. [C]

Explanation - The provisions of Sec 91 (Sec 94 BNSS)- do not apply to the accused.

Sec 91 - Summons for the production of any document or thing deemed to be by any officer in charge of a court or police station for the purpose of any such investigation, inquiry, trial or other proceeding as may be before the court or officer or order in writing that he produce.

Ch. - II : Constitution Of Criminal Courts & Offices (6-20)

11. As per Section 1(2) (sec. 1(2) BNSS), which chapters of Cr.P.C. shall apply to Nagaland?

(A) Only Chapter IX
(B) Chapters VIII and VII
(C) Chapters VIII, IX and X
(D) Chapters VIII, X and XI

Ans. [D]

Linked Provision- Sec.1 CrPC. (Sec. 1(2) BNSS)

Explanation- Sec.1 deals with short title, extent and commencement. Sec.1(2) states that CrPC extends to whole of India. But, Chap.8, 10 & 11 shall not apply to- i) the State of Nagaland, ii) the tribal areas.

* The concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas.

12. Police officer can be appointed as Asst. Public Prosecutor, provided:

(a) he is below the rank of Inspector
(b) he has taken part in investigation
(c) he is in the rank of Superintendent of Police
(d) he is not below the rank of Inspector and has not been part of investigation

Ans. [d]

Linked Provision: Sec.25(3) proviso (Sec. 19(3) proviso BNSS) L/w 24,25A of CrPC. (Sec. 18, 20 BNSS)

13. Under which Section of Cr.P.C. Assistant Public Prosecutor is appointed by the Government.

(a) Section 24 (Sec. 18 BNSS)
(b) Section 25 (Sec.19 BNSS)
(c) Section 26 (Sec.21 BNSS)
(d) Section 29 (Sec.23 BNSS)

Ans. [a]

Linked Provision:-Sec.25 L/w 24 Cr.P.C. (Sec. 19 L/w 18 BNSS)

Explanation: Sec.24 (Sec.18 BNSS)- Public Prosecutors.

Sec.25 (Sec.19 BNSS) - Assistant Public Prosecutors.

Sec. 26 (Sec.21 BNSS) - Courts by which offences are triable.

Sec. 29 (Sec.23 BNSS) - Sentences which Magistrates may pass.

14. Arrange the following in the chronological order on the basis of Sections of Criminal Procedure-

I- Public prosecutor

II- Special Metropolitan Magistrate

III- Special Judicial Magistrate

IV- Court of Session

Select the correct answer using the code given below-

Code -

(a) I, II, III and IV

BNSS PRELIMS PAPERATHON

Ch. - III : Power of Courts (21-29)

Explanation:- Sec 25(1A) - The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates.

21. Which of the following sentences a High Court can pass?

- (a) Death sentence
- (b) Imprisonment for life
- (c) Rigorous imprisonment
- (d) Any sentence authorised by law

Ans. [d]

Linked Provisions :-

1. **Sec 354(3) (Sec 393 BNSS)** - Special reason to be written in case of death penalty.
2. **Sec 368 (Sec 409 BNSS)**- Confirmation by the High Court of the death sentence given by the Court of Session.
3. **Sec 413 (Sec 453 BNSS)**- Execution of death sentence awarded under Sec 368.
4. **Sec 414 (Sec 454 BNSS)**- Execution of death sentence by High Court.
5. **Sec 415 (Sec 455 BNSS)**- Postponement of death sentence.

Explanation - Sec 28 (**Sec 22 BNSS**)- The High Court may impose any punishment authorized by law.

Ch. - III : Power of Courts (21-29)

22. Chief judicial magistrate may pass sentence?

- (a) Up to death
- (b) Upto life imprisonment
- (c) Upto 10-year imprisonment
- (d) Upto 7-year imprisonment

Ans. [d]

Linked Provision: Sec.29(1) L/w 12, 14, 15, 28, 325 Cr.P.C. (Sec. 23(1) L/w 10, 12, 13, 22, 364 BNSS)

23. Who prepares a panel of names for the appointment of public prosecutors in district?

- (a) District Magistrate only
- (b) Session Judge only
- (c) District Magistrate in consultation with the Session Judge
- (d) State Government

Ans [c]

Linking Provisions:-

1. Sec 2(u) (Sec 2(1)(v) BNSS) – Public Prosecutor
2. Sec 301 (**Sec 338 BNSS**)– Appearance by Public Prosecutor.
3. Sec 225(**Sec 248 BNSS**) - Trial to be conducted by Public Prosecutor.

Explanation:- Sec 24(4) (**Sec 18 BNSS**) – The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion, fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

24. How much maximum punishment of imprisonment could be given by Chief Metropolitan Magistrate ?

- (a) Upto 10 years
- (b) Upto 7 years
- (c) Upto 5 years
- (d) Upto 3 years

Ans. [b]

Explanation - Sec 29 (**Sec 23 BNSS**)- The Chief Metropolitan Magistrate shall have the same power to punish any person as the Chief Judicial Magistrate. Power to punish - Imprisonment up to seven years and fine (there is no limit on fine).

Ch. - IV : Powers of Superior officers of Police & aid to the Magistrates & the Police (30-34)

25. Under CrPC, which of the following courts are shown as criminal court?

- (a) The High Court
- (b) Court of Session
- (c) Judicial Magistrate First Class
- (d) All of these

Ans. [d]

Linked Provisions :- Sec 26(**Sec 21 BNSS**)- Trial Court.

Explanation- According to Sec 6 - all the options in question are criminal courts-

- 1) High Court.
- 2) Court constituted under any special law.
- 3) Court of Session.
- 4) Court of First Class Magistrate and Court of Metropolitan Magistrate.
- 5) Court of Second Class Magistrate.
- 6) Executive Magistrate.

26. Sentence in cases of conviction of several offences at one trial is provided under which of the following Sec of the Code of Criminal Procedure?

- (a) Sec 31(**Sec 25 BNSS**)
- (b) Sec 30(**Sec 24 BNSS**)
- (c) Sec 32(**Sec 26 BNSS**)
- (d) Sec 33(**Sec 27 BNSS**)

Ans [a]

Linking Provisions:-

1. Sec 71 (Sec 9 BNS)– Limit of punishment of offence made up of several offences. IPC
2. Sec 223(**Sec 246 BNSS**)– Joinder of accused.
3. Sec 219(**Sec 242 BNSS**) – Joinder of charges.

Explanation:- Provisions of Sec 31(**Sec 25 BNSS**) shall apply when a person is convicted at one trial of two or more offences and the court sentences him for such offences to the several punishments consisting of imprisonments for specific offences.

**BHARATIYA NAGARIK
SURAKSHA SANHITA, 2023
(CrPC, 1973)**

Interview Questions – Solved

Sample Preview

MAINS PAPERATHON

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

I Preliminary

1. Distinguish between the following

- (a) Inquiry and Trial
- (b) Discharge and Acquittal
- (c) Summons Case and Warrant Case

[RJS 2021]

Or

Distinguish between Inquiry and Trial.

[HJS 1988, PJS 2003]

Or

Distinguish between Inquiry and trial.

[HJS 1988]

Or

Write note on Warrant-case.

[BJS 1978]

Or

Which cases are warrant cases?

[GJS 2020]

Or

Distinguish between Summons case and Warrant case.

[PJS 2003]

Ans.-

(a) **Inquiry and Trial**

- **Inquiry**

An inquiry is a stage in a criminal case where a judicial officer, like a judge or magistrate, receives evidence from investigating authorities.

The judicial officer then decides if there is enough evidence to charge the suspect with a crime and proceed with trial.

An inquiry can't result in a conviction or acquittal, but it prepares the case for trial.

- **Trial**

A trial is a judicial proceeding where the prosecution and defence present their evidence and arguments.

A judge or jury then decides if the suspect is guilty or not guilty of the crime.

It results either in conviction or acquittal of an accused.

(b) **Discharge and Acquittal**

Ans.- The differences between Acquittal and Discharge according to Criminal Procedure Code, 1973 (BNSS) are given below:

1. Acquittal means legally freeing the accused, when he is found innocent by the court, after considering all the facts and evidence submitted in this regard. Discharge means a legal order of release given by the police officer or the magistrate or judge when the grounds on which the person is arrested transpired as false or unsubstantiated.
2. Acquittal is provided in section 232, 248, 255 of the CrPC (255, 271, 278 BNSS) whereas Discharge is provided in section 227, 239, 245 of the CrPC (250, 262, 268 BNSS).
3. Acquittal signifies a judgment of innocence, where the defendant is not found guilty of the charges beyond a reasonable doubt. Discharge does not imply a judgment on guilt or innocence; it is the termination of proceedings due to procedural or evidentiary issues.
4. A person can be discharged before framing charges. Only after the charges have been framed, a person can be acquitted.

MAINS PAPERATHON

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

5. Acquittal is ordered when the innocence of the accused is proven after a full trial in a judicial process. The accused is discharged due to the lack of any prima facie evidence against him.
6. An acquitted person cannot be re-arrested on the same grounds. One who has been discharged can be re-apprehended for the same reasons.
7. An acquittal requires a trial and verdict, while a discharge does not.
8. Acquittal results from a determination that the evidence presented by the prosecution failed to prove the defendant's guilt. Discharge can occur due to insufficient evidence to establish a prima facie case against the defendant.

(c) Summons Case and Warrant Case

Ans.- Difference Between Summon And Warrant Case

Points of difference	Summon Case	Warrant Case
Nature of Offence	Punishable with less than two years of imprisonment	Punishable with more than two years of imprisonment
Procedure	Dealt with under Chapter-XX of CrPC from Section 251 to 259 (274-282 BNSS).	Dealt with under Chapter-XIX of CrPC from Section 238 to 250 (261-273 BNSS).
Charge Framing	Framing of charges against the accused is not necessary. But, only the particulars must be conveyed to the accused.	Framing of criminal charges against the accused person is mandatory.
Object	It notifies the accused person that he is legally obliged to appear in court.	It brings the accused person before the court, who has ignored the summon has been duly issued to him.
Content	It instructs to produce the relevant documents and others before the court.	In general, it authorizes a police officer to bring the accused person before the court.
Discharge of the accused person, when?	Absence of the complainant or the death of the complainant.	Absence of the complainant. If no charges are framed. If the offence is non-cognizable and compoundable.
Conversion of case	A summon case can be converted into a warrant case.	By no mean, a warrant case can be converted into summon case.

2. Distinguish the following:

- (a) F.I.R. and complaint
- (b) Inquiry and Investigation

[MPSC CJ 2022]

Or

Distinguish between 'Inquiry' and 'Investigation'.

[GJS 2017]

Or

Explain the terms 'Inquiry' and 'Investigation'. Distinguish between the two.

[HPJS 2016]

Distinguish between Inquiry and Investigation.

[PJS 2003]

- (a) F.I.R. and complaint

MAINS PAPERATHON

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

BASIS OF DIFFERENCE	COMPLAINT	FIRST INFORMATION REPORT (FIR)
Definition	An allegation made orally or in writing to a magistrate, with a view to his taking action under the CrPC.	Information relating to the commission of a cognizable offence given to the police officer. [Section 154 CrPC (173 BNSS)]
Who can file	Can be filed by any person	Can be filed only by the victim, someone on behalf of the victim, or someone who has knowledge about the commission of the cognizable offence.
Where to file	Made to a magistrate directly	Filed at a police station [Section 154 CrPC (173 BNSS)]
Cognizance	Magistrate can take cognizance based on a complaint	Magistrate cannot take cognizance based on FIR until police investigates and submits final report. [Section 173, 190 CrPC (193, 210 BNSS)]
Types of offences	Can be filed for cognizable and non-cognizable offences.	Only for cognizable offences. [Section 2(c) CrPC (2(1)(g) BNSS)]
Process	Can directly approach the court.	Requires police intervention and investigation after FIR is registered.
Limitation period	No limitation period to file complaint.	FIR should be filed without delay, any delay has to be explained.

(b) Inquiry and Investigation

Difference Between Investigation and Inquiry

Basis	Investigation	Inquiry
Meaning / अर्थ	The Investigation is the process that involves the collection of facts and evidence designed to start the situations surrounding the case.	Inquiry is a judicial procedure, initiated in order to remove uncertainty, find out true facts or expand knowledge about it.
Definition	Defined in Section 2(h) of the Code of Criminal Procedure (CrPC) [2(1)(l)BNSS].	Defined in Section 2(g) of the Code of Criminal Procedure (CrPC) [2(1)(k)BNSS].
By whom Conducted	Police officer and any other person authorized by magistrate.	It is conducted by the magistrate or court.
Stage	Investigation is the first stage in a criminal case.	Inquiry is the second stage that follows the investigation.
Objective	The objective is to collect facts and evidence related to an alleged crime.	The objective is to determine the truth or falsity of the allegations based on the evidence.

**BHARATIYA NAGARIK SURAKSHA
SANHITA 2023
(CrPC, 1973)**

Interview Questions – Solved

Sample Preview

BNSS INTERVIEW QUESTIONS

BHARATIYA NAGARIK SURAKSHA SANHITA 2023 (CrPC, 1973)

1. What is difference between bailable and non-bailable offence?

Ans. Sir, in case of bailable offence, bail claimed by accused person as a matter of right and Court or the Officer-in-Charge of a Police Station is bound to release the person in custody who is prepared to give bail.

Whereas in case of non-bailable offence, bail is discretion of the Court.

2. What difference between cognizable and non-cognizable offence?

Ans. Sir, in case of cognizable offence, police has power to arrest without warrant. Whereas in case of non-cognizable offence Police Officer has no authority to arrest a person without warrant or an order of the Court under Section 155 (2) (174 BNSS) nor can he make a search under Section 165 of the Cr.P.C. (185 BNSS)

3. What is difference between complaint and information.

Ans. Sir, in the case of complaint, the complainant request to the magistrate to prosecute the person named as accused, but in case of information. The Magistrate acts his own initiative.

4. What is difference between inquiry and trial?

Ans. Sir, the term inquiry covers the proceeding upto the stage when they result in a discharge, whereas the term trial represents proceedings from the point at which the may result in a conviction or acquittal.

सर, जांच शब्द उस चरण तक की कार्यवाही को कवर करता है जब वे आरोप मुक्त हो जाते हैं, जबकि शब्द विचारण उस बिंदु से कार्यवाही का प्रतिनिधित्व करता है जिस पर दोषसिद्धि या दोषमुक्ति हो सकती है।

5. What are differences between inquiry and investigation?

Ans. Sir,

- an inquiry is made by a Magistrate or a Court but an investigation is done by a Police Officer or any that person not being a Magistrate or a Court.
- an inquiry may be judicial or non-judicial but an investigation is never judicial.
- the purpose of inquiry is to determine the truth but the an investigation is to collect evidence.

6. Tell a certain cases in which an inquiry may be made under the Criminal Procedure Code?

Ans. Sir,

- In case of dispute as to immovable property under Section 145 (4). (164 BNSS)
- In proceeding under Sections 146, 147 and 148. (165, 166, 167 BNSS)
- In case of death of a person in police custody under Section 176. / (196 BNSS)

7. What is offence?

Ans. Sir, offence means any act or omission made punishable by any law for the time being in force. (offence has been defined in Section 40 of IPC and 2(n) of crpc).

8. What are differences between summon case and warrant case?

Ans. Sir, all cases in which the offence is punishable two years or less than two years called summon cases. Whereas all cases in which the offence is punishable with death, imprisonment for life or imprisonment for a term exceeding two years are warrant cases.

9. What amendments have been made by the Criminal Procedure Code (Amendment) Act, 2008 for speedy trial?

Ans.

- In a case of a rape of a child the investigation will be completed within Two months from that date.
- No adjournment shall be given except the circumstances are beyond the control of the party.
- The trial of rape cases shall be completed within 2 months from the date of commencement of examination of the witnesses.

10. What are the objectives of the Code of Criminal Procedure (Amendment) Act, 2008?

Ans. To ensure speedy and fair justice and to promote criminal justice system.

11. Advocates were absent from judicial work due to amendment in the Code of Criminal Procedure. Were you involved in this too?

Ans. Sir No.

12. Why?

Ans.

- Sir, the amendment in section 309 with which the strike took place, the amendment will soon settle the matter. Common people will continue to have faith in justice. Sir, justice fails by delay and amendment to other sections was necessary to achieve the purposes of justice.
- If disagreed-some amendments like amendment of section 309 will cause trouble to both the advocate and the client. The client will find it difficult that he may have to pay fees to the lawyer repeatedly and the lawyer will have trouble that he can argue only in one or two cases. Secondly, if for any reason, the advocate does not appear, then the court is empowered to record the statement of the witness and release it from examination or cross examination and pass the appropriate order. The accused will benefit from this provision.

BNSS INTERVIEW QUESTIONS

Bharatiya Nagarik Suraksha Sanhita, 2023 (CrPC, 1973)

13. What is Judicial over reach?

Ans. When the judiciary starts functioning outside its jurisdiction, it is named Judicial over reach.

14. In which case and which judge has used the term Judicial over reach?

Ans. Indira Priyadarshan v. Union of India, (2008), Hon'able Justice Mr. Markandey Katju.

15. What is Interim bail?

Ans. Court can accept the bail for some time before passing the final order on the bail application. It is called Interim bail.

16. Which section of the Code of Criminal Procedure is related to the principle of natural justice audi alteram partem?

Ans. Sir, Section 313 (351 BNSS)

17. Which section of the Code of Criminal Procedure gives exceptional jurisdiction to the court?

Ans. Sir, Section 482 (528 BNSS)

18. and Article?

Ans. Sir, Article 142.

19. What is 'Plea bargaining'?

Ans. Bargaining is the process of settlement of the case by agreement between the advocate, the accused and the prosecution, where the accused can make an application on affidavit in the court in cases of crime up to 7 years, both the parties can compromise.

सौदा अभिवाक, अभियुक्त तथा अभियोजन पक्ष के बीच समझौते द्वारा मामले को निपटाने की प्रक्रिया है जहां अभियुक्त 7 वर्ष तक के अपराध के मामलों में न्यायालय में शपथ पत्र पर आवेदन कर दोनों पक्ष समझौता कर सकते हैं।

20. By which amendment Act 'Plea bargaining' has been added?

Ans. Sir, by the Criminal Laws (Amendment) Act, 2005.

21. The Criminal Procedure Code, 1973 has been amended twice recently? Name the amendment Act.

Ans. Sir, the Criminal Laws (Amendment) Act, 2013, and the Criminal Laws (Amendment) Act, 2018.

22. Explain in detail about 'Plea Bargaining' or the main points of Plea Bargaining.

Ans.

- Application for 'plea bargaining' is filed by the accused.
- The application is filed in the court where the matter is pending for trial.
- In mutually resolving settlement of the case, the court provides half of the minimum punishment and where there is no provision of

minimum penalty for the offence charged, the accused provides one-fourth of the punishment for that offence.

- The decision rendered by the Court on the basis of express bargaining is final. This decision cannot be appealed against. Writ petition can be filed in the High Court and the Special Leave Petition in the Supreme Court.
- The provision of Chapter 21-A applies against the accused by whom the offence punishable with imprisonment for a term not exceeding 7 years appears to have been committed.
- The provision of Plea bargaining shall not apply where such offence affects the socio-economic condition of the country or is female or appears to have been committed against an infant under 14 years of age. According to section 265- (g), nothing in this chapter will be applicable to any child or adolescent.

23. Is there any other similar provision under the Code of Criminal Procedure?

Ans. Yes Sir, Section 320 (359 BNSS) provides for the compounding of offence.

24. Explain Section 320. (359 BNSS)

Ans. Sir, there are two tables under Section 320-Table 1 gives the list of offences in which the offender and the victim can do compromise with each other without the permission of the Court. Table 2 lists such offences wherein the parties can compromise only with the permission of the court.

25. What is the basic difference between the compounding of offence and plea bargaining?

Ans. Sir, in compounding of offence, application can be made by victim, while in case of plea bargaining the application can be made by accused himself.

In Plea bargaining, the accused can be sentenced while in the compounding of offence, the accused is discharged.

The effect of compounding of offence is the conviction of the accused, while in plea bargaining, the accused can be punished and ordered to pay compensation.

26. What is the similarity between the two?

Ans. Sir, the accused should not be accused of prior conviction in both the provisions.

27. Have you gone to compromise on the any stage?

Ans. Yes Sir.

28. In which case?

Ans. Sir, in cases like wrongful restraint, wrongful confinement and house trespass etc.

29. Can the offence of theft and cheating be compounded?

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Bharatiya Sakshya Adhiniyam, 2023

Prelims MCQs,
Mains & Interview Questions



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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.

All these ideas, efforts, and experiences have come together in one powerful initiative—"Paperathon." It's not just a study tool, it's a movement towards smarter, sharper, and Subject wise strategic judiciary preparation. It is featured with the Linking Technique—a modern, game-changing approach that connects concepts, laws, and real-world application like never before.

In **Prelims**, you'll get linked provisions with clear explanations, helping you master the 'why' behind every question. In **Mains**, you'll learn how to write answers that don't just inform but impress—through linking-based structure and analysis. And for the **Interview**, Paperathon brings you exclusive, real-time Questions & Answers straight from those who've cracked it—now proudly serving as Civil Judges across various states.

This is more than preparation—it's transformation. And I truly believe Paperathon will save you time, boost your confidence, and help you walk into every stage of the exam with clarity, strategy, and a winning edge.

"Don't just prepare. Link your preparation with purpose, precision, and power."

With belief in your journey,

- Tansukh Paliwal

Founder of Linking Laws

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BHARATIYA SAKSHYA ADHINIYAM, 2023		
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BHARATIYA SAKSHYA ADHINIYAM, 2023 PRELIMS PAPERATHON

Ch. - I : Preliminary

PART I RELEVANCY OF FACTS CHA. I. – Preliminary

1. In the Indian Evidence Act, the expression "Court" means-
- All Judges
 - All Magistrates
 - All persons except Arbitrators, legally authorized to take evidence
 - All the above

Ans. [d]

Linked Provisions:-

- Sec. - 6 Criminal Court Division (CrPC 1973). (Sec. 6 BNSS)
- Sec. - 9, 10, 11, 12, 13, 16, 17, 18, 20, 21 (CrPC 1973).
- Mediation and Conciliation Act.

Explanation - Section 3 - Court - includes all Judges, Magistrates and all persons legally authorized to take evidence except Arbitrators.

2. The Indian Evidence Act, 1872 applies to:
- all judicial proceedings in or before any Court.
 - affidavits presented to any Court or Officer.
 - proceedings before an Arbitrator.
 - all the above.

Ans. [a]

Linked Provisions:-

- Section 23 (Sec. 21 BSA)** - Not applicable to criminal proceedings.
- Section 105 (Sec. 108 BSA)** - Not applicable to civil proceedings.

Explanation - Section 1 - Evidence Act applies - to all judicial proceedings.

Except - on Arbitrator, Affidavit and Army, Navy, Air Force Act.

4. Which of the following statement with reference to section 3 of Indian Evidence Act, 1872, is not correct?
- A map or plan is a document.
 - An inscription on a metal plate is a document.
 - A caricature is not a document.
 - That a man said certain words, is a fact./

Ans. (3)

Linked Provisions:-

- Sec.22 (Sec. 20 BSA)**-admissions in respect of documents.
- Sec. 61 (Sec. 56 BSA)** - Contents of documents to be proved by primary and secondary evidence.
- Sec.62 (Sec. 57 BSA)** - Primary evidence.
- Sec. 63 (Sec. 58 BSA)** - Secondary evidence.
- Sec. 65 (Sec. 60 BSA)** - Circumstances when evidence of secondary evidence may be given.
- Sec.74 (Sec. 74 BSA)** - Public documents.
- Sec. 76 (Sec. 75 BSA)** - Certified copy of public documents.

8. **Sec.77 (Sec. 76 BSA)** - Admissibility of certified copy in evidence.

9. **Sec.29 [Sec. 2(8) BNS]** - Documents, IPC 1860

Explanation - **Sec.3** - The caricature is a document.

5. When one fact is declared by the Indian Evidence Act, 1872 to be the conclusive proof of another, the court -----

- shall, on disproving one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.
- shall, on proof of one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.
- shall, on proof of one fact, regard the other as proved, and shall allow evidence to be given for the purpose of disproving it.
- shall, on proof of one fact, regard the other as disproved, and shall not allow evidence to be given for the purpose of disproving it.

Ans. [2]

Linked Provisions:-

- Section 41 (Sec. 35 BSA)** - Relevancy of certain judgment in probate, etc., jurisdiction.
- Section 112 (Sec. 116 BSA)** - Birth during marriage, conclusive proof of legitimacy.
- Section 113** - Proof of cession of territory.

Note:- Section 113 of Indian Evidence Act, 1872 has been deleted by BSA, 2023.

Explanation:- Section 4 of Indian Evidence Act, 1872 [Sec. 2(b/h/l) BSA] defines May Presume, Shall Presume and Conclusive Proof.

Conclusive Proof:-

- When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.
- It is well settled that where an Act enjoins any evidence to be treated as conclusive proof of certain factual situation or legal hypothesis, no other evidence may be adduced to contradict or vary the aforesaid conclusiveness.

6. Electronic record presented for inspection of the court under Indian Evidence Act, 1872 is

- Electronic evidence
- Documentary evidence
- Oral evidence
- Modern evidence

Ans. [b]

Linked Provisions -

- Section 3 (Sec 2 BSA)**- Definition of evidence.
- Section 61(Sec 56 BSA)** - Documentary evidence - primary evidence and secondary evidence.
- Section 62 (Sec 57 BSA)**- Primary evidence.
- Section 63 (Sec 58 BSA)**- Secondary evidence.

BHARATIYA SAKSHYA ADHINIYAM, 2023 PRELIMS PAPERATHON

Ch. - I : Preliminary

5. **Section 60 (Sec 55 BSA)**–Oral evidence must be direct at every stage.

6. **Section 91 (Sec 94 BSA)**– Documentary evidence proved by document only.

Explanation – Section 3 – Evidence – Documentary evidence – Documents and electronic evidence produced for the inspection of the court.

Oral evidence – includes both statements made in relation to the facts under investigation.

7. **As per preamble of the Indian Evidence Act, 1872, the purpose of this Act is:**

- (a) to provide, define and amend the law of evidence
- (b) to provide, consolidate the law of evidence
- (c) to define and amend the law of evidence
- (d) to consolidate, define and amend the law of evidence

Ans. [d]

Linked Provisions :-

1. Act No. 1 of 1872.

2. **Enforced** – September 1, 1872.

Explanation – It is expedient to consolidate, define and amend the law of evidence.

8. **Facts alleged by one party and denied by the other in a case, are called as**

- (a) Positive facts
- (b) Negative facts
- (c) Relevant facts
- (d) Facts in issue

Ans. [d]

Linked Provision- Sec.3 (Sec 2 BSA) L/w 5 (Sec 3 BSA) IEA, O.14 CPC.

Explanation- Sec.3 (Sec 2 BSA) define the term "Fact in Issue". These are the facts, which are alleged by one party and denied by the other in the pleading in a civil case or alleged by the prosecution and denied by the accused in a criminal case. It is called the Principal fact or "factum probandum".

9. **Irrefutable presumptions of law are indicated by the Indian Evidence Act, 1872 by the expression of**

- (a) may presume
- (b) shall presume
- (c) conclusive proof
- (d) All of these

Ans. [c]

Linked Provision- Sec.4 L/w 41 (Sec 35 BSA), 112 (Sec 116 BSA), 113 (Delete in BSA) IEA.

Explanation- Acc. to Sec.4 IEA, when one fact is declared by the Evidence Act to be conclusive proof of another, the court, on proof of that fact must regard the other having been proved and it (court) shall not permit any kind of evidence for the purpose of rebutting or disproving that fact. Sec.41, 112 and 113 IEA lays down the provisions relating to "Conclusive Proof or irrebuttable of law".

10. **Which of the following means 'a fact to be proved'?**

- (a) Quid Probandum
- (b) Modus Probandi
- (c) Both (a) and (b)
- (d) None of the above

Ans. [a]

Linked Provision- Sec.3 (Sec 2 BSA) IEA.

Explanation- Quid Probandum means things to be proved.

11. **In which of the following instances does evidence means "a fact which serves as the foundation for an inference" ?**

- (a) Direct evidence
- (b) Circumstantial evidence
- (c) Both (a) and (b)
- (d) None of the above

Ans. [b]

Linked Provision- Sec. 3 (Sec 3 BNSS) IEA.

Explanation- Circumstantial evidence refers to the indirect method of proving the guilt of an accused by drawing inferences from certain facts which are closely related to the facts in issue. However, the standard of proof required for circumstantial evidence is quite high and courts are usually cautious while basing convictions upon circumstantial evidence.

12. **Electronic records are :**

- (a) Oral evidence
- (b) No evidence
- (c) Documentary evidence
- (d) None of these

Ans. [c]

Linked Provisions :-

1. **Section 61 (Sec 56 BSA)** - Documentary evidence to be proved by primary or secondary evidence.

2. **Section 62 (Sec 57 BSA)** - Primary evidence.

3. **Section 63 (Sec 58 BSA)** - Secondary evidence.

4. **Section 65 (Sec 60 BSA)** - Circumstances when secondary evidence may be given.

5. **Section 22 (Sec 20 BSA)** - Admission of contents of documentary evidence.

6. **Section 91 (Sec 94 BSA)** - Documentary evidence proved by document only.

Explanation - Section 3 (Sec 2 BSA) - Evidence - Documentary evidence and oral evidence.

Documentary Evidence - Documents produced for the inspection of the Court including electronic records.

13. **How many Sections and Chapters are there in the Indian Evidence Act, 1872?**

- (a) 160 Sections & 10 Chapters
- (b) 180 Sections & 14 Chapters
- (c) 172 Sections & 16 Chapters
- (d) 167 Sections & 11 Chapters

Ans. [d]

BHARATIYA SAKSHYA ADHINIYAM, 2023 PRELIMS PAPERATHON

Ch. – VI – Of the Exclusion of Oral by Documentary Evidence

Ans. [d]

Linked Provision:-

1. **Sec.60 (Sec. 55 BSA)**-Oral evidence must be direct.
2. **Sec. 91 (Sec. 94 BSA)** - Evidence of terms of contracts, grants and other dispositions of property reduced to form of documents.
3. **Sec. 92 (Sec. 95 BSA)** - Exclusion of evidence of oral agreement.
4. **Sec. 144 (Sec. 147 BSA)** - Evidence as to matters in writing.

219. Which one of the following Sections under Indian Evidence Act, 1872 has been inserted by Section 92 and Schedule II of the Information Technology Act, 2000?)

- (a) Section 65
- (b) Section 67
- (c) Section 67A
- (d) Section 65B

Ans. [d]

Linked Provision:- Sec 85B (Sec. 86 BSA) - Presumption as to electronic records and electronic signatures.

Explanation:- Under Section 65B(1), any information contained in an electronic record, which has been stored, recorded or copied as a computer output, shall also be deemed as a 'document' – and shall be admissible as evidence without further proof or production of the originals, if the conditions mentioned are satisfied.

220. Section 91 (Sec 94 BSA) of the Indian Evidence Act makes provisions for:

- (A) Contracts
- (B) Grants
- (C) Contracts and grants
- (D) Contracts, grants and other disposition of property

Ans. [D]

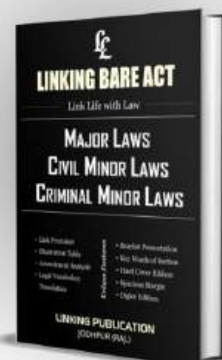
Linked Provision- Sec.91 (Sec 94 BSA) L/w sec.60(Sec 55 BSA), 92(Sec 95 BSA) , 144(Sec 147 BSA) IEA..

Explanation- Sec.91(Sec 94 BSA) deals with evidence of terms of contracts, grants and other dispositions of property reduced to form of document. It provides the best evidence rule. It states that whenever there is a question regarding terms of contracts, grants and dispositions, which have been in form of document, then, such terms of contracts, grants and other dispositions of property shall be proved by producing the original copy of the documents or secondary evidence of its contents if admissible.

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| 3. Criminal Minor Laws | 7. BSA 2023 |
| 4. Civil Minor Laws | 8. CPC 1908 |



Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Mains Questions – Solved

Sample Preview

BSA MAINS PAPERATHON
Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Chapter - I
Definitions

1. Distinguish the following:
Presumptions of fact and presumptions of law

[MPSC CJ 2022]

Ans.- Presumption of Fact:

1. **Definition:** Based on natural inferences drawn from the circumstances of the case.
2. **Nature:** Discretionary for the court to accept or reject.
3. **Examples:** Presumption of guilt from possession of stolen property, presumption of death after seven years of missing (S 108) (111 BSA).
4. **Rebuttable:** Always rebuttable.
5. **Source:** Derived from human experience and common sense.
6. **Flexibility:** May vary based on the facts of the case and judicial reasoning.

Presumption of Law:

1. **Definition:** Established by legal provisions and statutes.
2. **Nature:** Mandatory unless disproved by evidence.
3. **Examples:** Presumption of legitimacy of a child born during a valid marriage (S 112) (116 BSA), presumption of due execution of a certified copy (S 79) (78 BSA).
4. **Rebuttable or Irrebuttable:** Can be rebuttable (e.g., S 114) (119 BSA) or irrebuttable (conclusive proof, e.g., S 41) (35 BSA).
5. **Source:** Codified in statutes and legal principles.
6. **Flexibility:** Fixed; follows statutory provisions.

2. Write notes on Fact in issue.

[BJS 2018]

Or
What is a fact in issue? Illustrate your answer.

[RJS 1984, UP PCS(J) 2000, 2012, M.P. CJ 2003]

Ans.- Fact in Issue:

1. **Definition:**
As per S 3 of the Indian Evidence Act, 1872 (2 BSA), a "fact in issue" refers to facts that, under the substantive law, are necessary to establish or refute any legal right or liability claimed or denied in a case.
2. **Characteristics:**
Material Fact: It is a fact directly related to the matter in dispute.
Determination: Its proof or disproof directly affects the outcome of the case.
Connection to Rights or Liabilities: It involves legal rights or liabilities asserted by one party and denied by the other.
3. **Examples:**
In a theft case, whether the accused took the property dishonestly is a fact in issue.
In a contract dispute, whether the contract was breached is a fact in issue.
4. **Difference from Relevant Facts:**
A fact in issue is the central point of dispute.
Relevant facts are those that help in proving or disproving a fact in issue.
5. **Role in Trials:**
Guides the scope of evidence and arguments presented by parties.
Directs the framing of issues by the court to resolve disputes effectively.

3. Explain and illustrate 'Fact in issue' and 'Relevant Fact'.

[HJS 2001, 2006, 2015]

Or

Explain and illustrate 'Fact in issue' and 'Relevant Fact'.

[PJS 2003]

3. Section 11 (9 BSA)- Relevant Facts:

This section allows facts that are necessary to explain or introduce relevant facts to be admitted. The shouting could be considered as a part of the incident that introduces or explains the manner of the rioting and A's role in it. It provides context and may establish the nature of the mob's actions.

Conclusion:

The fact that the mob was shouting is relevant to the charge of rioting, as it may help establish the conduct of the mob and the active role of A in leading it. The shouting reflects the nature and intensity of the disturbance, which is crucial in proving the charge of rioting. Therefore, this fact is admissible and relevant under Sections 8, 7, and 11 of the Indian Evidence Act.

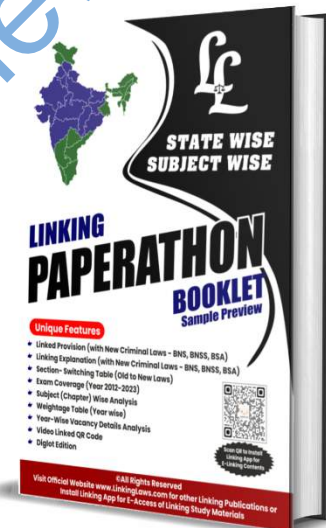
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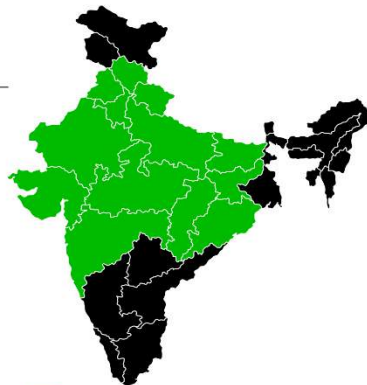
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Bharatiya Sakshya Adhiniyam, 2023 (IEA, 1872)

Interview Questions – Solved



BSA INTERVIEW QUESTIONS

BHARATIYA SAKSHYA ADHINIYAM, 2023 (IEA, 1872)

1. What are the three main principles of Evidence Act?

Ans. (1) The evidence should always be confined to the disputed fact.
(2) In each case, the best evidence must be presented.
(3) Corroborated evidence is inadmissible, hence it should always be excluded.

2. Is the evidence Act Lex-fori or Lex-loci?

Ans. Sir, Lex fori.

3. What is meant by *lex fori*?

Ans. The law of the place (country) of the action.

4. What is the difference between Relevancy and Admissibility?

Ans. Relevant facts are not necessarily admissible but admissible facts are relevant. Relevant means that which is logical probative. Admissibility on logic but on law and strict rules. The facts which are relevant are not necessarily admissible whereas the facts which are admissible are necessarily relevant.

5. Explain the difference by giving an example.

Ans. Just as the communication between husband and wife is inadmissible due to coming under section 122 (128 BSA), despite the fact that the information given by the client in course of employment to the lawyer is not relevant to the disputed cases (Section 126) (132 BSA)

6. What is the Inquest report (Panchnama)?

Ans. During the investigation the police call witnesses (two or more persons) to see the deceased persons or the injured persons at the scene, they are called Panch. Panchnama is the record of whatever these witnesses had seen. The statement in the death inquest report itself is not evidence. (Sec.174 of Cr PC)

7. What type of evidence is Tape - recording?

Ans. Sir, documentary evidence.

8. What is conclusive proof?

Ans. Where a fact has been declared by this Act to be conclusive proof of any other fact, the court shall, when proved by that fact, regard the other as proved and shall not permit evidence to be given for the purpose of denying it. (Section 4)

9. What is Res Geste?

Ans. The principle underlying Section 6 (4 BSA), the following is sometimes termed as *res gestae*. This phrase meant simply a transaction thing done. The *res gestae* may be defined as those circumstances which are the automatic and undersigned incident of the particular litigated act and which are admissible when illustrative of such act. Facts related to the same transaction are *res gestae*. (Section 6)

10. Who conducts Identification Parade?

Ans. Generally, Magistrate. Any person, police or magistrate (in State of U.P.).

11. What is the Identity Memo?

Ans. Identity memo is nothing other than the record of the statement that the witness had made in front of the person who identified it.

12. What is the evidentiary value of identification parade?

Ans. Identified evidence is not substantive evidence, but it can be used to corroborate or contradict a statement given by a witness in a court. (Section 9) (7 BSA)

13. What does alibi mean?

Ans. Accused person is away from the place of incident. (Section 11) (9 BSA)

14. What is an admission?

Ans. An admission is an oral or documentary or in electronic form statement that indicates an inference as to any fact in issue or relevant fact. (Sec. 17) (15 BSA)

15. What is the evidentiary value of admission?

Ans. Sir, Admission is a substantive evidence though they are not conclusive proof of matter Admission may operate as estoppels.

16. Is an admission is a conclusive proof of matter admitted?

Ans. No, sir. Admission may operates as estoppel.

17. What is a confession?

Ans. Sir, Admission in regards to offence by accused in called confession. It is not defined in the Act.

18. What is the evidentiary value of confession?

Ans. If the confession is true and voluntarily, then it is substantive evidence and on the basis of this, the accused can be convicted. (Supreme Court)

19. What is the difference between admission and confession?

Ans. (i) Admission is not conclusive evidence whereas confession is conclusive evidence. On the basis of this, the accused can be convicted.
(ii) Admission are generally made in civil cases, while confessions are made in criminal matters.

20. What is the difference between judicial confession and extra judicial confession?

Ans. Judicial confessions are those which are made in the course of legal proceedings before a magistrate or court. The accused can be convicted on the basis of judicial confession. Extra-judicial confession is one which is made by the accused anywhere other than the court. It is a very weak type of evidence, its admissibility depends on the credibility of the evidence of the person by whom such confession has been made.



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