Bar Council of India
All India Bar Examination – XIV
15th-Sep-2019
[Set Code-C]
LANGUAGE – ENGLISH

Name of the Candidate:

Roll Number:

Enrollment Number:

IMPORTANT INSTRUCTIONS
(Kindly read these instructions carefully before attempting this question paper)

- This Booklet contains 100 questions and each question carries 1 mark.
- Make sure that same Question Booklet Set code is mentioned on all the sheets of question paper, in case of any change immediately inform the invigilator.
- There is no negative marking.
- Duration of this exam is 3 hours only.
- Fill in your Roll number and Question Booklet Set code very carefully, as the answer sheet will be evaluated as per the code you mention on the answer sheet.
- Under no circumstances will the answer sheet be evaluated with any other Question Booklet Set code.
- Only books and notes are allowed for this examination.
- Mobile phones, laptop, tabs and/or any other electronic devices are strictly prohibited in the examination hall.
- On possession of any electronic device inside the examination hall, the candidate will be disqualified from the examination.
- Candidate shall not be allowed to leave the Examination Hall before the conclusion of the examination.
- Do not forget to submit the answer sheet back to the invigilator. Failing to do so would lead to disqualification.
- Use only blue/black ball pen to fill the OMR answer sheet.
- OMR filled with pencil or ink pen would be disqualified.
- Use of whitener/eraser/blade or fluid is strictly prohibited. It will lead to disqualification.
- Do not make any stray marks or tear the OMR answer sheet. It will lead to disqualification.
- Write your roll number carefully and darken the correct corresponding ovals. In case wrong ovals are darkened your answer sheet will not be evaluated.
- Candidate must follow the instructions strictly as mentioned on the answer sheet.

Invigilator’s Signature
In India, consideration must follow from only promisor or only promisee.

2. In India, consideration must follow from promisor or other person.

3. In India, consideration must follow from promisee or any other person.

4. In India, consideration must follow from promisee or any other person.


Codes:

A. (a) true, but (b) is false.
B. (a) false, but (b) is true.
C. Both (a) and (b) are true, but (a) is not correct explanation of (a).
D. Both (a) and (b) are true, and (b) is correct explanation of (a).

6. Term ‘holder’ includes

A. The payee
B. The bearer
C. Both A & B
D. None of the above

7. In which of the following cases, the Supreme Court was in 2017 declared pronouncements of ‘Iqbal’ three times unconstitutional?

A. Shafin Jahan V/s Anjum Anam
B. Srinivasa V/s Renu
C. Baali V/s V. S. Gopinath
D. Both A & B

8. Which of the following is not a correct explanation of ‘Rule of Law’?

A. Equality before the law
B. Supremacy of the law
C. Preeminence of legal spirit
D. All of the above

9. The purpose of the writ of quo warranto?

A. To compel public authority to perform duty
B. To restrain public authority to do illegal act
C. To oust illegal occupant of the public post
D. All of the above

10. Under the Indian Evidence Act, the character of a person is not relevant in which of the following cases?

A. In the case of Muhammad Ahmad Khan V/s Muhammad Ismail Khan
B. In the case of Rekha V/s State of U.P.
C. Belar V/s State of U.P.
D. Both A & B
A. Previous good character of an accused in criminal case
B. Previous bad character in reply to good character in criminal case.
C. Character to prove conduct imputed in civil case
D. Character affected the amount of damage is civil case

12. Which one of the following is primary evidence
A. Document produced for the inspection of the court
B. Copies made from original
C. Certified copies of the document
D. Photostat copies of a document

13. Under which of the following
Articles of the Indian Constitution
Parliament is empowered to legislate with respect to a matter in the State List in National Interest?
A. Article 249
B. Article 250
C. Article 252
D. Article 253

14. In which of the following cases the court has laid down that ‘Right to life’ does not include ‘Right to die’?
A. State Vs Sanjay Kr. Bhatia
B. Smt. Gian Kaur Vs State of Punjab
C. R Vs Holiday
D. P. Rathnam Vs UOI

15. The question whether a bill is a money bill or not is decided by?
A. The Prime Minister
B. The Finance Minister
C. The President
D. The Speaker, Lok Sabha

16. Decision under 10th Schedule is taken by?
A. President
B. Chief Justice of India
C. Prime Minister
D. Presiding officers of Houses

17. Under which one of the following section of CrPC, police officer can arrest an accused without warrant?
A. Section 40
B. Section 41
C. Section 42
D. Section 43

18. Which one of the following courts, under criminal procedure code, 1973 can try a murder case.
A. Judicial Magistrate 1st class
B. Chief Judicial Magistrate
C. Court of Session
D. None of the above

19. It deals with the Internal Management and Affairs of company:
A. Prospectus
B. Article of Association
C. Memorandum of Association.
D. Debenture

20. Public Liability Insurance Act was enacted in
A. 1991
B. 1993
C. 1995
D. 1997

21. Environmental Impact Assessment (EIA) is mandatory under
A. Indian Forest Act
B. Air Act
C. Wildlife Protection Act
D. Environment Protection Act

22. The liability under Section 138 of the negotiable instruments act 1881 is
A. Strict liability
B. Vicarious liability
C. Both A and B
D. None of the above

23. The objectives of Land Acquisition Act, 1894 are-
A. An Act to amend the law for the acquisition of land for public purposes and for industry,
B. An Act to amend the law for the purchase of land for public purpose and for business.
C. An Act to amend the law for the possessions of land for public purpose and for manufacturing.
D. An Act to amend the law for the Acquisition of land for public purposes and for Companies.

24. Under the Dissolution of Muslim Marriage Act, 1939 a Muslim wife can seek Dissolution of marriage if the husband fails to perform marital obligation for:
A. 2 year
B. 3 year
C. 4 year
D. 5 year

25. The Concept of ‘Curative’ Petition was introduced by the Supreme Court of India in the case of:
A. Rupa Ashok Hura V/s Ashok Hura, AIR 2002 SC 1771
B. M.C.Mehta V/s Union of India, AIR 1987 SC 1087
D. Sheela Barse V/s Union of India, (1986) 35 CC 5962

26. Right to Fare Legal Aid was recognised as a Fundamental Right under Act 21 of Indian Constitution in the case of:
A. Hussainara Khatoon V/s State of Bihar, AIR 1979 SC 1360
B. M.H Hoskot V/s State of Maharashtra, AIR 1978 SC 1548
C. Madhu Mehta V/s Union of India (1989) 4 SC 1548

27. Which one of the following sections of CrPC deals with irregularities which vitiate proceeding?
A. Section 460
B. Section 461
C. Section 462
D. Section 468

28. Which of the following is not an essential element of a decree:
A. Conclusive determination of the rights of the parties.
B. Formal expression of adjudication.
C. An adjudication from which an appeal lies as an appeal from an order.
D. The adjudication must have been given in a suit before the court.

29. Residuary Powers in India may be exercised by:
A. Parliament
B. State Legislatures
C. President
D. Both A & B

30. The Punishments to which offenders are liable under the provision of I.P.C are:
A. Death and imprisonment for life
B. Rigorous imprisonment and simple imprisonment
C. Forfeiture of property and fine
D. All of the above

31. ‘M’ Naghten Rules form the basis of the law of:
A. Infancy
B. Insanity
C. Ignorance of fact
D. Mistake

32. In which of the following cases, the Supreme Court held that an International Commercial Arbitration is one which has its juridical or legal seat of arbitration outside India:

33. Which of the following provisions of the Hindu Succession Act, 1956 lays down for the escheat:
A. Section 25
B. Section 26
C. Section 27
D. Section 29

34. The authentication to be affected by the use of asymmetric crypto system and hash function is known as:
A. Public key
B. Private key
C. Digital Signature
D. Electronic Governance

35. Punishment for Cyber Terrorism under Section 66F shall be punishable:
A. With Imprisonment which may extend to three years or with fine not exceeding two lakh rupees or with both.
B. With imprisonment for a term which may extend to seven years and shall also be liable to fine.
C. With imprisonment which may extend to imprisonment for life.
D. With imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.

36. Section 2(j) of the Industrial Disputes Act, 1947 define "Industry" means any
i. Business trade, undertaking
ii. Manufacture or calling of employers
iii. Included any calling, service, employment, handicraft
iv. Industrial occupation of workmen
A. (i) and (iii)
B. (i), (ii) and (iii)
C. (iii) and (iv)
D. All of the above

37. One of the following statements is not true, which one is that:
A. A confession by one co accused implicating other co accused would be proved.
B. A confession to a police-officer cannot be proved.
C. A confession by a person in the custody of a police officer to any person in the presence of magistrate can be proved.
D. If the confession of a person leads to recovery of a thing it can be proved.

38. The Kashmir Singh Vs State of MP is a leading case on:
A. Dying declaration
B. Admission
C. Confession to police officer
D. Confession of a co-accused

39. For the first time in India Income Tax was introduced by Sir James Wilson in the year:
A. 1886
B. 1868
C. 1860
D. None of the Above

40. In which case Justice J.C. Shah of S.C. observed "Since by the exercise of the power a serious invasion is made upon the rights, privacy and freedom of the tax payer, the power must be exercised strictly in accordance with law and only for the purpose for which law authorises it to be exercised"
A. Director of Inspection Vs Pooramnal
B. ITO Vs Seth Brothers
C. P.R. Metrani Vs CIT
D. None of the above
61. Under which section of Income Tax Act “Income of other persons are included in assessee’s total income”
A. Sections 56-58
B. Sections 139-147
C. Section 246-262
D. Section 60-65

62. The Land Acquisition Act, 1894 came into force on-
A. First Day of January, 1894.
B. First Day of February, 1894.
C. First Day of March, 1894.
D. First Day of April, 1894

63. Which of the following sentences can the Court of Session pass:
A. Death Sentence.
B. Rigorous Imprisonment.
C. Simple Imprisonment.
D. Any sentence authorised by law but Death Sentence must be confirmed by the High Court.

64. Which of the following is not a requirement for a foreign judgment to be conclusive:
A. It must be given on merits of the case.
B. It must be pronounced by a Court of competent jurisdiction.
C. It was not obtained by fraud.
D. It is by a court in an enemy country.

65. Which order has been specially enacted to protect the interest of Minors and Unsound Mind:
A. Order 31
B. Order 32
C. Order 33
D. Order 34

66. Which order of the CPC lays down general rules governing pleadings in a court?
A. Order 6
B. Order 7
C. Order 8
D. Order 9

67. Second appeal under section 100 is applicable:
A. Substantial question of law as formulated by the High Court.
B. Substantial question of law as not formulated by the High Court.
C. An appellate decree passed Ex Parte.
D. All of the above

68. Writ of Certiorari can be issued against
A. Judicial and Quasi-Judicial bodies
B. Quasi Judicial and Administrative bodies
C. Administrative Bodies only
D. None of the above

69. Supreme Court of India held that it is permanent obligation of every member of medical profession either government or private to give medical aid to every injured person brought for treatment immediately without waiting for procedural formalities in the case of-
A. Common Cause V/s Union of India (1996) 1 SC 753
B. Peoples Union of India, AIR 1983 SC 339
C. Parmannad Katara V/s Union of India, AIR 1989 SC 2039
D. Lakshmi Kant Pandey V/s Union of India (1984) 25 SC 244

70. The Supreme Court of India has issued the direction to make the CBI independent agency so that it can function more effectively and investigate Crimes and Corruptions at high places in public life in the Case of-
A. Union of India V/s Association For democratic reforms, AIR 2002 SC 2112
B. Bangalore medical Trust V/s B.S Muddappa (1991) 45 SC 54
C. Vincent Panikurlangra V/s Union of India (1987) 2 SC 165
D. Vincent Narayan V/s Union of India, AIR 1998 SC 889

71. If it is proved that a man has not been heard of for ____ by those who would naturally have heard of him if he were alive, the presumption under section 108 of the Indian Evidence Act is that he is dead:
A. 5 year
B. 7 year
C. 15 year
D. 20 year

72. A dumb witness given his evidence in writing in the open court, such evidence would be treated as
A. Oral evidence
B. Documentary evidence
C. Secondary evidence
D. Primary evidence

73. Which of the following is not a public document?
A. Bank Books
B. Post-Mortem Report
C. Judgement of the High Court
D. Registered Sale Deed

74. Ensuring the safety, health and welfare of the employees is the primary purpose of the:
A. Payment of wages Act, 1936
B. Industrial Dispute Act, 1947
C. Factories Act, 1948
D. Equal Remuneration Act, 1976

75. In which case Supreme Court held that whether teachers are not workmen?
A. Dharangadhara Chemical work Ltd. V/s State of Saurashtra, AIR 1957 Section 264.
B. University of Delhi V/s Ram Nath, AIR 1963 Section 1873
C. J.K Cotton Spinning and Weaving Mills Co. Ltd. V/s L.T AIR 1964 Section 737

76. Under Section 2 (cc) of the Industrial Dispute Act, 1947 'Closure' means:
A. The permanent closing down of a place of employment or part thereof.
B. The partly closing down of a place of employment or part thereof.
C. The temporary closing down of a place of employment or part thereof.
D. The short-term closing down of a place of employment or part of thereof.

77. A reference can be made during the pendency of the case:
A. The Subordinate Court refers the case to the High Court for the latter's opinion on a question of law.
B. The Subordinate Court refers the case to the High Court for the latter's opinion on a question of evidence.
C. The Subordinate Court refers the case to the High Court for the latter's opinion on a question of fact.
D. The Subordinate Court refers the case to the High Court for the Later's opinion on a question of court procedure.

78. A person can apply for review of judgment when
A. He is aggrieved by a decree/order from which an appeal is allowed, but no appeal has been preferred.
B. He is aggrieved by a decree/order from which no appeal is allowed.
90. Under which one of the following sections of CrPC, police officer is under obligation to inform the accused ground of right to bail.
A. Section 49
B. Section 50
C. Section 57
D. Section 60

91. Under what circumstance court can issue an order for the attachment of property of person absconding:
A. Where the person to whom proclamation is issued is about to dispose of the whole of his property
B. Where the person to whom proclamation is issued is about to dispose of any part of his property
C. Where the person to whom proclamation is issued is about to remove the whole or any part of his property from the local jurisdiction of the court
D. All of the above

92. Inherent Power under section 482 CrPC can be exercised by.
A. The Supreme Court
B. The Court of Session
C. The High Court
D. All of the above

93. Which one of the following is true about Latin Maxim 'Ubi Jus Ibi remedium'?
A. Where there is right, there is remedy.
B. Where there is remedy, there is right.
C. Both A & B
D. None of the Above

94. The Latin word 'Injuria Sine Damnum' Literally means:
A. Infringement of legal right without damages.
B. Damages without Infringement of legal right.
C. Both A & B
D. All of the above

95. The Provision relating to claims Tribunal is given under ________ of Motor Vehicles Act:
A. Section 165-175
B. Section 175-180
C. Section 170-175
D. Section 171-177

96. Public Interest litigation is relaxation of which of the following requirements:
A. Jurisdiction
B. Locus Standi
C. Both A & B
D. None of the Above

97. Which of the following is not a case of Public Interest Litigation:
B. Vincent Narayan v. Union of India, AIR 1988 SC 889
C. Union of India v. Association for Democratic Reforms, AIR 2002 SC 2112
D. Vincent Panikurlangara v. Union of India, AIR 1987 SC 990

98. Which of the following can be done by a Senior Advocate in accordance with the Rules of Bar Council of India:
A. Make concessions on behalf of client on instructions from junior advocate.
B. Accept instructions to draft a pleading
C. Accept brief directly from a client
D. None of the Above

99. 'Mesne Profits' of property means:
A. Those profits by which the person in wrongful possession of such property actually received or might have received there from,
together with interest on such profits.

B. The profits due to improvements made by person in wrongful possession.

C. Both A & B.

D. None of the above.

100. Which of the following is not a legal representative?

A. Executor and administrators.

B. Hindu coparceners.

C. Creditor.

D. Intermediary.