



Solved Paper of Haryana Judicial Services (Prelims)

HARYANA CIVIL SERVICE (JUDICIAL BRANCH)

EXAMINATION 2018

(Held on 22.12.2018)

Q.1. Match the following persons in List - I with their achievements in List- II:

List - I	List - II
a. Rajkumar Amrit Kaur	i First woman Chief Minister
b. Leila Seth	ii First woman High Court
c. Sucheta Kriplani	iii First woman Ambassador
d. C. B Muthamma	iv First woman Central Minister

- (a) a-iii, b-i, c-ii, d-iv
- (b) a-iv, b-ii, c-iii, d-i
- (c) a-iii, b-iv, c-i, d-ii
- (d) a-ii, b-iv, c-iii, d-i
- (e) a-iv, b-ii, c-i, d-iii

Ans. (Deleted)

Q.2 _____ won the "first justice prize" from India who is also named as the "Living Legend of Law" by the international Bar Association?

- (a) Krishna Iyer, retired Judge Supreme Court of India
- (b) Fali S. Nariman, Senior Advocate
- (c) Kabil Sibal, Senior Advocate
- (d) None of the above

Ans. (B) - Nariman was awarded the Gruber Prize for Justice in 2002. The Gruber Prize for Justice, established in 2001, was one of five international prizes worth US \$500,000 awarded by The Peter and Patricia Gruber Foundation, an American non-profit organization. It is presented to individuals or organizations for contributions

that have advanced the cause of justice as delivered through the legal system.

Q.3 Which one of the following decided to set up a website, which will compare the World's Constitutions by themes online "to arm drafters with a better tool for Constitution design and writing"?

- (a) UN
- (b) Microsoft
- (c) Google
- (d) Amnesty

Ans. (C)- In 2013, Google Launched 'Constitute' Site for Exploring World's Constitutions. The readers can now read, search, and compare 160 constitutions from around the world on this website. The site, developed by the Comparative Constitutions Project, with seed funding by Google Ideas, has digitized the constitutions of 160 countries, making them fully searchable.

Q.4. In deciding the question of negligence by professionals, the classical statement of law which has been widely accepted both by professionals generally and by medical practitioners in particulars is popularly called

- (a) Stephen test
- (b) Friedman test
- (c) Bolan test
- (d) Hyde test

Ans. (C) - Bolan test was laid down in the case of Bolam v Friern Hospital Management

Committee (1957) for assessing the appropriate standard of reasonable care in negligence cases involving skilled professionals such as doctors. It states that if a doctor reaches the standard of a responsible body of medical opinion, they are not negligent. However, this rule was rejected in the case of *Montgomery v Lanarkshire Health Board* (2015).

Q.5. Which one of the following dispute cannot be raised before the Consumer Forum?

- (a) A dispute relating to Services by a government servant
- (b) A dispute relating to services provided by the medical professional
- (c) A dispute relating to banking services.
- (d) A dispute relating to insurance services

Ans. (A) - For filing a case in the Consumer courts, the complainant has to be a consumer and the dispute should relates to - defect in goods; deficiency in service or unfair trade practices. Judging by this criteria, a government servant is not a consumer under section 2(7) of the COPRA. A government servant is an employee and not a consumer.

Q.6. Law of contract creates

- (a) *Jus in rem*
- (b) *Jus in personam*
- (c) *Ubi jus ibi remedium*
- (d) None of above



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Ans. (Deleted)

Q.7 Void agreements include:

- (a) Agreements in restraint of marriage
- (b) Agreements in restraint of legal proceedings
- (c) Agreements with minors
- (d) All the above

Ans. (D) – Refer to section 26, 28 and section 11 of the Indian contract Act. Section 26 specifically states that agreement in restraint of marriage is void and section 28 states that agreements in restraint of legal proceedings is void. Under section 11, a minor is incompetent to contract and hence he cannot enter in to a contract.

Q.8 A minor is:

- (a) not liable either personally or through his estate
- (b) capable of ratifying agreements
- (c) liable for necessities supplied out of property
- (d) not permitted to plead minority as defence

Ans. (C) – A minor is liable for necessities supplied to him during minority if such supply was not gratuitous. However, this liability will not be a personal liability; his estate will be liable for payment.

Q.9 Which is the first country to allow voting through mobile phones?

- (a) Estonia
- (b) Finland
- (c) France
- (d) Germany

Ans. (A) – Estonia became the first nation to hold legally binding general elections over

the Internet with their pilot project for the municipal elections in 2005. In another first, The Estonian parliamentary election in 2007 also used internet voting, in another world first.

Q.10 Who said that “The people have a right, an inalienable, indisputable, indefeasible, divine right to that most dreaded and envied kind of knowledge – I mean, of the character and conduct of their ruler.”?

- (a) Abraham Lincoln
- (b) Mahatma Gandhi
- (c) Martin Luther
- (d) John Adams

Ans. (D) – The above statement is that of John Adams, one of the founding fathers of America and the 2nd President of America.

Q.11. Goods are deemed to be in course of transit from the time when they are delivered to a carrier or other bailee for the purpose of transmission to the buyer,

- (a) until the buyer or his agent in that behalf takes delivery of them from such carrier or other bailee.
- (b) until the buyer himself takes delivery of them from such carrier or other bailee.
- (c) until the buyer or his agent personally communicates to the carrier or bailee that the delivery is taken
- (d) None of the above

Ans. (A) – Refer to section 51(1) of Sale of Goods Act. Goods are deemed to be in the course of transmit when they are delivered to a carrier for the purpose of transmission to the buyer and

until such buyer or his agent takes delivery. Transit also comes to an end in situations as under 51(2) & 51(3). However Rejection of goods by the buyer do not amount to end of transit (Read 51(4))

Q.12 In the case of _____ it was held that lottery tickets are goods and not actionable claims. Thus, sale of lottery tickets is sale of goods.

- (a) H. Anraj v. Government of Tamil Nadu [AIR 1986 SC 63]
- (b) UP Cooperative Cane Unions Federation v. West UP Sugar Mills Assn. [AIR 2004 SC 3697]
- (c) Commissioner of Sales Tax v. Madhya Pradesh Electricity Board [AIR 1970 SC 732]
- (d) None of the above

Ans. (A) – In this case, It has been held by the SC that lottery tickets are goods and not actionable claim. It was observed that a sale of a lottery ticket confers two rights on the purchaser:

- (i) right to participate in the draw
- (ii) right to claim the prize, if successful

The right to participate in the draw, which takes place on the sale of lottery ticket would be transfer of beneficial interest in the movable property to the purchaser, and is therefore a sale of lottery ticket. The right to claim the prize is held to be an actionable claim.

13. A bought a horse from B. A wanted to enter the horse in a race. Turns out the horse were not capable of running a race on account of being lame. But A did not inform B of his intentions.



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So B will not be responsible for the defects of the horse.

- (a) The Doctrine of Caveat Emptor will apply
- (b) The Doctrine of Caveat Emptor will not apply
- (c) The Doctrine of Caveat Emptor may apply
- (d) None of the above

Ans. (A) - Refer to section 16 of the Sale of Goods Act which deals with the principle of caveat emptor. According to this rule, the buyer himself should be careful while purchasing the goods and he should himself ascertain that the goods suits his purpose and he cannot subsequently reject the goods or claim compensation for any defect that was visible (patent defects) at the time he purchased it. However, in case of latent defects, the buyer is still protected.

14. Documents of which registration is optional _____

- (a) Will
- (b) Instruments not acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;
- (c) Lease of immovable property for any term exceeding one year
- (d) None of the above

Ans. (A) - Refer to section 17 of the Registration Act - the documents at (b) and (c) are compulsorily registrable whereas in the case of will, registration is optional.

15. Identify the correct proposition

(a) A decree is not exempted from registration under section 17 (2) of the Registration Act, 1908.

(b) A consent decree purporting to create a gift require registration under section 17 (1) (a) and is not exempt from Registration under section 17(2) of the Registration Act, 1908.

(c) A consent decree purporting to create a gift does not require registration under section 17 (1) (a) and is not exempt from Registration under section 15(2) of the Registration Act, 1908.

(d) A consent decree purporting to create a gift is exempted from registration under section 17 (2) of the Registration Act, 1908.

Ans. (B) - Refer to section 17 of the Registration Act.

16. The calling of at least one attesting witness to prove a document under Section 68 of the Indian Evidence Act is not necessary

(a) when the document other than a will is registered under the Indian Registration Act, 1908

(b) when the document including will registered under the Indian Registration Act, 1908.

(c) when the document irrespective of whether it is a Will, is registered under the Indian Registration Act, 1908.

(d) both (B) & (C) are correct.

Ans. (A) - Section 68 of the Evidence Act makes it mandatory to examine one of the attesting witnesses for the purpose of proving of the execution of Will but such limitation is not applicable in respect of proof of execution of

any document which has been registered in accordance with provisions of the Indian Registration Act.

17. Which statement is true in relation to a child witness?

(a) A child of tender age can be allowed to testify if he has intellectual capacity to understand questions and give rational answers thereto,

(b) A child witness may be easy prey of tutorial and when it is established that he is under the influence of tutoring it is not safe to solely rely on his evidence.

(c) The law recognizes the child as a competent witness but a child of a tender age of six years is not considered by the Court to be a witness whose sole testimony can be relied without other corroborative evidence.

(d) All the above statements are true.

Ans. (D) - A witness is supposed to state the facts on oath. There is no precise and fixed rule as to the time within which infants are excluded from giving evidence; but their admissibility depends upon the sense and reason they entertain of the danger and impiety to falsehood, which is to be collected from their answers to the questions propounded to them by the courts. But if they are found incompetent to take an oath, their testimony cannot be received. According to SC, adequate corroboration of his testimony must be looked from other evidence. A child of 6 years, who became the victim of rape, immediately told of this fact to her mother. The statement to the mother was used as corroborative evidence to



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the testimony of the child which was otherwise also found to be natural and credible. The evidence of a child is not to be discarded per se. Where the child is found to be competent and his evidence reliable, it can be acted upon.

18. Under section 145 of Evidence Act, a witness may be contradicted as to previous statement in writing

- (a) without proving the same but only after showing the same to the witness
- (b) after proving the same may be before showing the same to the witness
- (c) after proving the same & to the witness
- (d) without proving the same and without showing the same to the witness.

Ans. (A) - Section 145 allows the cross-examination of a witness with respect to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

19. The Narco -Analysis technique involves the intravenous administration of

- (a) Sodium Pentothal
- (b) Potassium Pentothal
- (c) Magnesium Pentothal
- (d) All of the above

Ans. (A) - Narco analysis technique involves the

intravenous administration of sodium pentothal, a drug which lowers inhibitions on part of the subject and induces the person to talk freely.

20. The evidence unearthed by the sniffer dog falls under

- (a) oral evidence
- (b) documentary evidence
- (c) hearsay evidence
- (d) scientific evidence

Ans. (C) - *the services of a sniffer dog may be taken for the purpose of investigation, its faculties cannot be taken as evidence for the purpose of establishing the guilt of an accused. (In Dinesh Borthakur v. State of Assam, (2008) 5 SCC 697)*

21. Under Section 1(3) of the Haryana Urban (Control of Rent and Eviction) Act, 1973, an exemption for a period of _____ from the operation of the Act is allowed to buildings, the construction of which commenced or was completed on or after the date of commencement of the Act

- (a) 11 years
- (b) 10 years
- (c) 20 years
- (d) 15 years

Ans. (B) - Refer to section 1(3) of the Haryana Urban (Control of Rent and Eviction) Act 1973.

22. The Muslim Women (Protection of Rights on Marriages Ordinance 2018 provides for:

- I. It declares instant triple talaq illegal and criminalizes it.
- II. It makes declaration of talaq a non-bailable offence.

III. A husband declaring talaq can be imprisoned for up to two years along with fine.

IV. It entitles Muslim woman against whom triple talaq has been declared to seek subsistence allowance from her husband for herself and for her dependent children.

- (a) I and IV
- (b) I, III, and IV
- (c) I, II, and IV
- (d) All of the above

Ans. (A) - *It was enacted to protect the rights of married Muslim women and to prohibit divorce by pronouncing talaq by their husbands and to provide for matters connected therewith or incidental*

thereto. The Act provides that - (i) any pronouncement of triple talaq in any form will be void. (ii) For effecting triple talaq, the husband shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine, (iii) the offence shall be cognizable and compoundable (iv), the wife and dependent children after talaq shall be entitled to subsistence allowance. (v), the Ordinance does not specify the offence as bailable or non-bailable but the Act specifies that bail is in the discretion of the Magistrate.

23. A Muslim gift is:

- (a) Compulsorily registrable
- (b) Not compulsorily registrable
- (c) Optionally registrable
- (d) Note necessary to register

Ans. (Deleted)

24. If husband swears that he will not have sexual intercourse with his wife for four months or more



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it amounts to a form of divorce known as

- (a) I'la
- (b) Zihar
- (c) Tafweez
- (d) Mubaraat

Ans. (A) - In Ila, the husband takes an oath not to have sexual intercourse with his wife. Followed by this oath, there is no consummation for a period of four months. After the expiry of the fourth month, the marriage dissolves irrevocably. But if the husband resumes cohabitation within four months, Ila is cancelled and the marriage does not dissolve.

25. Payment and delivery under Sale of Goods Act, 1930 is:

- (a) Implied Condition
- (b) Express Condition
- (c) Concurrent Condition
- (d) May be implied. Condition or Express Condition
- (e) Non of the Above

Ans. (C) - Refer to section 31 - It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale. Delivery of the goods and payment of the price are concurrent conditions. The parties may agree otherwise.

26. A non-testamentary document is one

- (a) Which is intended to take effect or be operative immediately on its execution
- (b) Which is final
- (c) Which is irrevocable
- (d) All the above
- (e) Which is revocable

Ans. (D) - (a), (b) & (c) are the characteristics of a non-testamentary document.

27. What is the effect of opinion of the experts upon the court?

- (a) Binding on the judge
- (b) Only advisory in nature
- (c) The judge can form an opinion contrary to that of expert
- (d) Both (B) and (C)
- (e) None of the above

Ans. (D) - Refer to section 45 of the Evidence Act. The opinion of an expert does not bind the court. The ultimate opinion has to be formulated by the Court. The duty of the expert is to depose and not to decide. He only has to furnish the data with necessary scientific criteria to enable the judge to come to an independent conclusion.

28. Use of violence by a member of unlawful assembly, in furtherance of their common object will constitute offence of:

- (a) Assault
- (b) Rioting
- (c) Affray
- (d) All of the above
- (e) None of the above

Ans. (B) - According to section 146 of the IPC - Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.

29. A is arrested by police and accused of murder of B. During investigation, A voluntarily agrees to undergo narco analysis and therein he confesses to have murdered B.

- (a) The confession is relevant and can be sole basis of conviction
- (b) The confession is irrelevant.

(c) The confession is relevant but requires corroboration

(d) Only that much of A's statement can be used as leads to discovery of a fact.

(e) None of the above

Ans. (D) - In Selvi v. State of Karnataka, the Supreme Court rejected the supposed utility, reliability and validity of narco-analysis and other tests as methods of criminal investigation. It violated individual's right to privacy and amounted to cruel, inhuman or degrading treatment. However, any information or material that is subsequently discovered with the help of voluntary administered test results can be admitted, in accordance with Section 27 of the Evidence Act.

30. The general rule is that leading questions cannot be asked during examination in chief. However, there are some exceptions to this rule. Choose the exceptions:

- (a) Any question at the discretion of judge
- (b) as to matters which are introductory or undisputed
- (c) as to matters which have already been sufficiently proved
- (d) Both (B) and (C)
- (e) None of the above

Ans. (D) - Leading questions are questions which are framed in a way which evokes a specific response from the individual being questioned. According to section 143, The Courts permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.



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31. Delay in filing the suit _____

- (a) Can be condoned under Order VII, Rule 6, C.P.C.
- (b) Cannot be condoned
- (c) Can be condoned under section 3, Limitation Act
- (d) Can be condoned under Section 6, Limitation Act
- (e) Can be condoned under Section 5, Limitation Act

Ans. (B) – A suit cannot be filed or instituted after the limitation period is over. The courts cannot condone delay for the initial institution of suits. However, in case of appeals and applications, the courts may condone delay on showing sufficient cause under section 5 of the Limitation Act.

32. Section 3 and Section 14 of Limitation Act are:

- (a) Both independent and not mutually exclusive
- (b) Mutually exclusive of each other
- (c) Neither independent nor mutually exclusive
- (d) None of the above
- (e) Only mutually exclusive

Ans. (A) – These are independent sections and not mutually exclusive.

33. Identify the correct statement

- (a) Section 10 of the Indian Limitation Act, 1963 is applicable only to the situation where the appeal is already filed.
- (b) The Section 5 of the Indian Limitation Act, 1963 is applicable only to the situation where the suit or appeal is already filed and pending for disposal.
- (c) The Section 5 of the Indian Limitation Act, 1963 is applicable only to the situation where suit is to be filed

(d) None of the above

Ans. (D) – All the statements are incorrect. Section 5 is applicable to application and appeals only. Section 10 is applicable to suits against trustees and their representatives.

34. Limitation period prescribed in filling a suit by a mortgagor to recover possession of immovable property mortgaged

- (a) 20 years
- (b) 12 years
- (c) 10 years
- (d) 30 years

Ans. (D) – Refer to Article 61 of Schedule I of the Indian Limitation Act.

35. When can the landlord convert residential building into a non-residential building under section 11 of the Haryana Urban (Control of Rent and Eviction) Act, 1973:

- (a) At his /her own will
- (b) With the permission of the Controller
- (c) After making an application to the High Court
- (d) All of the above

Ans. (B) – It can be done with the permission of the controller under section 11 of the Act.

36. Secondary evidence of a document is admissible in evidence as a substitute for _____

- (a) Inadmissible primary evidence under certain circumstances
- (b) Admissible primary evidence
- (c) Both (A) and (B)
- (d) None of the above

Ans. (B) – Secondary evidence cannot be admitted unless sufficient reason is given for non production of the original (*SBI v. Allibhoy Muhammad*). An

application for production of secondary evidence should not be allowed summarily. It should be allowed after giving opportunity of hearing to both the parties.

37. As per the Evidence Act, admissions _____

- (a) Are conclusive proof of the matters admitted
- (b) Are not conclusive proof of the matters admitted but operate as estoppel
- (c) Are conclusive proof of the matter also operate as estoppel
- (d) None of the above

Ans. (B) – It is true that admissions are not conclusive proof of facts admitted and be explained or shown to be wrong, but they do raise an estoppel and the burden of proof to the person making them or his representative –in-interest. (*Oud Kishore v Ram Gopal AIR 1979 SC 861*).

38. In criminal trials, the accused has to establish his plea for the mitigation or justification of an offence:

- (a) Substantially
- (b) Beyond reasonable doubt
- (c) Prima facie
- (d) None of these

Ans. (A) – The obligation of the accused to prove his innocence in criminal cases is not – beyond reasonable doubt as in the case of prosecution. It is based on balance of probabilities as in civil cases.

39. All statements which the court permits or requires to be made before it by witness in relation to matters of fact under inquiry is/are _____



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- (a) Primary evidence
- (b) Oral evidence
- (c) Hearsay evidence
- (d) Both (A) and (B)

Ans. (B) – Testimony of witnesses in a court constitutes oral evidence.

40. Under Sec. 116 of the Evidence Act, the tenant is stopped from denying

- (a) The title to the property of the actual owner
- (b) The title to the property of the landlord
- (c) Both (A) and (B)
- (d) None of these

Ans. (B) - The basic principle of Section 116 is that when a person comes into possession of any immovable property as a tenant from other person whom he accepts as the owner he will be estopped from questioning the title of the landlord.

41. Rehabilitation scheme for victim compensation is prepared on the recommendation of the _____ shall decide the quantum of compensation

- (a) District Legal Services Authority
- (b) State Legal Services Authority
- (c) Either (A) or (B)
- (d) None

Ans. (C) – The court shall refer the case to the State/District Legal Services Authority for deciding the compensation.

42. As per the provisions of the Cr. P.C, offences can be compounded under Sec. 320 by the legal guardian of a person:

- (a) Under the age of 18 years
- (b) Who is an idiot
- (c) Who is Lunatic
- (d) All the above

Ans. (D) – Refer to section 320, CrPC. Compounding in the case of persons who are not able to contract can be made by the guardian of such person.

43. As per the provisions of Sec. 315 of the Cr. P.C, an accused:

- (a) Can be compelled to give his own evidence generally
- (b) Cannot be a witness
- (c) Can be called as a witness only on his own request in writing
- (d) None of these

Ans. (C) – Refer to section 315 of CrPC. An accused can be a witness in his own case if he makes a request in writing.

44. As per the provisions of Sec. 437 of the Cr. P.C, the jurisdiction to cancel the bail vests with

- (a) The Magistrate competent to try and entertain the offence
- (b) The Magistrate where the Magistrate has not ordered the release on bail
- (c) The Magistrate only where the Magistrate has ordered release on bail
- (d) None of the above

Ans. (C) – A magistrate can only cancel a bail granted by under section 439. If the bail is granted by the Session court or High Court, the magistrate cannot cancel it under 437.

45. As per the provisions of the Cr. P.C surety can be sentenced to civil imprisonment in default of payment of penalty under the surety bond for a maximum period of

- (a) 2 months
- (b) 6 months
- (c) 5 months

(d) 9 months

Ans. (B) – Refer to section 446 of the CrPC. Provided that where such penalty is not paid and cannot be recovered in the manner aforesaid, the person so bound as surety shall be liable, by order of the Court ordering the recovery of the penalty, to imprisonment in civil jail for a term which may extend to six months.

46. The test of ascertaining the burden of proof lies on the person who would fail if that part is not proved is contained in Section of Evidence Act.

- (a) 202
- (b) 203
- (c) 102
- (d) 101

Ans. (C) – Section 102 deals with burden of proof. The burden of proof lies upon the party whose case would fail if no evidence were given on either side.

47. Section 124 of the Evidence Act provides for privilege in respect of

- (a) Official communications
- (b) Professional communications
- (c) Professional as to the information of commission of offence
- (d) None of the above

Ans. (A) – Section 124 gives a privilege to public officers to refuse to disclose matters which are brought to their knowledge in official confidence.

48. In execution of a decree for the maintenance, salary of a person can be attached to the extent of

- (a) one fourth
- (b) one third



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- (c) two third
(d) one half

Ans. (C) – Refer to section 60(ia), CPC – one third of the salary in execution of any decree for maintenance cannot be attached.

49. The Commissioner appointed for the purposes of recording evidence (cross-examination) is obliged to submit his report to the court appointing the commission within:

- (a) 15 days from the date of issue of the commission
(b) 30 days from the date of issue of the commission
(c) 60 days from the date of issue of the commission
(d) 90 days from the date of issue of the commission

Ans. (C) – Refer to Order XVIII, Rule 4(5) – the report of the Commissioner shall be submitted to the court appointing the Commission within sixty days from the date of issue of the commission unless the court for reasons to be recorded in writing extends the time.

50. Where a mortgagee obtains a decree for payment of money in satisfaction of claim arising under the mortgage

- (a) he is entitled to bring the mortgage property to sale without instituting a suit for sale in enforcement of the mortgage under Order 34 Rule 14 CPC
(b) he is entitled to bring the mortgage property to sale only by instituting a suit for sale in enforcement of the mortgage under Order 34 Rule 14 CPC
(c) he is entitled to bring the mortgage property to sale in execution proceedings
(d) Either (A) or (C)

Ans. (B) – Refer to Rule 2 & 3 of Order 34, CPC.

51. Chapter XXI A of Cr. P.C. dealing with Plea Bargaining has been inserted by

- (a) The Criminal Law (Amendment) Act 1993
(b) The Criminal Law (Amendment) Act 1993
(c) The Code of Criminal Procedure (Amendment) Act, 2001
(d) The Code of Criminal (Amendment) Act 1993

Ans. – Chapter XXIA containing sections 265 to 265L (plea bargaining) has been inserted by Act No.2 of 2006, w.e.f 5-7-2006.

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

- (a) 15 days
(b) 16 days
(c) 14 days
(d) 12 days

Ans. (A) – The Magistrate to whom an accused person is forwarded under this section may, whether he has or has no jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole.

53. The maximum number of offences of the same kind that can be tried together is

- (a) 5
(b) 6
(c) 2

- (d) 3

Ans. (D) – Refer to section 219 – Three offences of the same kind within a year may be charged together. Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the IPC or any special law or local law.

54. As per the provisions of the Cr. PC as amended in 2005, a surety has to declare the number of accused for whom he is surety under Section-

- (a) 441
(b) 441-A
(c) 144
(d) None of the above

Ans. (B) – Refer to section 441-A – Every person standing as surety to an accused person for his release on bail, shall make a declaration before the court as to the number of persons to whom he has stood as surety including the present accused.

55. Evidence shall be taken down by the Magistrate either himself or by dictation in open court. Which amended provision of the Cr. P.C. permits audio-video electronic means in the presence of Advocate of the accused?

- (a) S. 274
(b) Proviso to S. 275 (1)
(c) S. 276
(d) S. 473

Ans. (B) – Refer to section 275-provided that evidence of a witness under this sub section may also be recorded by audio-video electronic means in the presence of the advocate of the person accused of the offence.



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56. O. 6, R. 16 CPC empowers the court, at any stage of the pleadings, to strike out any matter contained in it:

- (a) If it is unnecessary, scandalous, frivolous or vexatious
- (b) If it tends to prejudice, embarrass or delay the fair trial of suit
- (c) If it an abuse of the process of the court
- (d) All of the above

Ans. (D) – Under Order VI, Rule 16, A court may order striking of the pleadings in the following cases:

1. Where such pleadings is unnecessary, scandalous, frivolous or vexatious or
2. Where such pleading tends to prejudice, embarrass or delay fair trial of the suit; or
3. Where such pleading is otherwise an abuse of the process of the court.

57. Mark the correct statement:

- (a) In set-off, court-fee is payable by the defendant
- (b) O. 8, R. 6, CPC deals with legal set-off
- (c) Legal set-off can be claimed as of right the equitable set-off is dependent the court's discretion
- (d) All of the above

Ans. (D) – All the above statements are correct. In set-off, since it is plaint from the defendant, court fee is payable by him. Order VIII, Rule 6 deal with legal set off and legal set-off can be claimed as a matter of right.

58. An agreement entered into or compromise, on behalf of a minor without the leave of the

court, under Order 32, Rule 7 of CPC is

- (a) Voidable against all the parties other than the minor
- (b) Valid
- (c) Void
- (d) Voidable

Ans. (A) – The guardian or next friend shall not enter in to an agreement or compromise on behalf of a minor without the leave of the court. Any such agreement or compromise entered into without the leave of the court shall be voidable against all parties other than the minor.

59. On dismissal of the suit for non-compliance with an order for discovery under Order XI, Rule 21 of CPC

- (a) the plaintiff can bring a fresh suit on the same cause of action as a matter of right
- (b) the plaintiff can bring a fresh suit on the same caused of action only with the leave of the court
- (c) the plaintiff is precluded from bringing any fresh suit on the same cause of action.
- (d) the plaintiff can bring a fresh suit on the same cause of action only if the court dismissing the suit has granted liberty to file a fresh suit

Ans. (C) – Where an order is made under Order XI rule 21 dismissing any suit, the plaintiff shall be precluded from bringing a fresh suit on the same cause of action.

60. Order XVII, Rule 2 and Order XVII, Rule 3 of CPC are:

- (a) in conflict with each other
- (b) Independent & mutually exclusive

(c) Order XVII, Rule 3 of CPC is dependent on Order XVII, Rule 2 of CPC

(d) Order XVII, Rule 3 of CPC controls Order XVII, Rule 2 CPC

Ans. (B) – Rule 2 deals with Procedure if parties fail to appear on day fixed. According to Rule 3 Court may proceed notwithstanding either party fails to produce evidence, etc. These two sections are independent and mutually exclusive.

61. A partition of Joint family property has to be done:

- (a) Only by registration
- (b) Only in writing
- (c) Can be oral or in writing
- (d) None of the above.

Ans. (C) – A partition can be oral or in writing. In Peddu Reddiyar v. Gothanda Reddi, wherein it has held that an oral partition is valid.

62. Under section 173 of the Cr. PC as amended in 2018, the investigation into the offence of rape shall be completed within a span of:

- (a) Six months
- (b) Four months
- (c) One months
- (d) Two months

Ans. (D) – The section as amended in 2018 states that - an offence under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of the Indian Penal Code shall be completed within two months.

63. A person can be arrested without warrant:

- (a) As preventive or precautionary measure



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(b) For obtaining correct name and address

(c) For securing attendance of accused at trial

(d) All the above

Ans. (D) – Arrest can be made as a preventive measure, in non-cognizable offences if the offender refuses to disclose his name and address and to secure the custody of the accused in trial, particularly in serious cognizable offences.

64. A warrant of arrest is a command and should be:

(a) Must be in writing

(b) Must be signed, sealed and issued by a Magistrate

(c) Addressed to a police officer

(d) All of the above

Ans. (D) – Refer to section 70 which deals with the requisites of a warrant.

65. Who among the following is not entitled to claim maintenance under Section 125, Cr. P.C.

(a) Divorced wife so long as she does not marry

(b) Unmarried sister

(c) Adoptive mother

(d) Illegitimate minor child.

Ans. (Deleted)

66. Arrest & detention of a person in civil imprisonment in execution of the decree_____.

(a) absolves him from liability under the decree but can be re-arrested

(b) does not absolve him and the person can be re-arrested

(c) does not absolve him but the person cannot be re-arrested

(d) Absolves him from the liability altogether and cannot be re-arrested.

Ans. (C) – Section 55, CPC states that a judgment debtor may be arrested in execution of a decree and detained in a civil prison of the district in which the court ordering the detention is situated or a prison as appointed by the State Government. Further, section 58 states that undergoing imprisonment shall not discharge the judgment debtor from his debt, but he shall not be liable to be re-arrested under the decree in execution of which he was detained in the civil prison.

67. In cases of withdrawal of suit by the plaintiff, under Order XXIII. Rule 1A of CPC:

(a) defendants cannot be transposed as plaintiffs

(b) defendants can be transposed as plaintiffs under all circumstances

(c) defendants can be transposed as plaintiff if substantial question is to be decided against any of the other defendants

(d) either (A) or (B)

Ans. (C) – Rule 1-A of Order 23 enables a defendant to be transposed as plaintiffs under Order 1, Rule 10 where a suit is withdrawn or abandoned by the plaintiff under Rule 1 of Order 23. The Court shall have due regard to the question whether the applicant has a substantial question to be decided as against any of the other defendants.

68. The land for the beneficial enjoyment of which the easementary right exists is called

(a) Profit-a-pendre

(b) Servient heritage

(c) Dominant heritage

(d) Customery heritage.

Ans. (C) – The land for the beneficial enjoyment of which the right exists is called the dominant heritage, and the owner or occupier thereof the dominant owner; the land on which the liability is imposed is called the servient heritage, and the owner or occupier thereof the servient owner.

69. Under section 34(2) of the CPC, 1908, where a decree is silent with respect to the payment of further interest on the principal sum from the date of the decree to the date of the payment or other earlier date,

(a) further interest shall be paid at the contractual rate up to the date of decree.

(b) the court shall be deemed to have refused such interest.

(c) further interest shall be paid at the contractual rate of 6% per annum.

(d) none of the above

Ans. (B) – Where a decree is silent with respect to the payment of further interest on such principal sum from the date of the decree to the date of payment or other earlier date, the court shall be deemed to have refused such interest, and a separate suit there for shall not lie.

70. During the execution proceedings, if a question arises as to whether any person is a representative of a party, such question shall be determined by

(a) The court which passed the decree

(b) The court executing the decree

(c) The appellate court

(d) A separate suit



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Ans. (a) – Refer to section 50 (1) of the CPC. The application to substitute a party with legal representative during the execution proceedings has to be made to the decreeing court only.

71. A married B and subsequently married C during the life time of B. One Mr. D petitions to the court for declaring A's marriage with C as void. Examine the maintainability.

- (a) Only either party to the marriage can get the relief of nullity of the marriage
- (b) Only state can make it.
- (c) Any public spirited person can initiate and get the decree of nullity
- (d) D can succeed.

Ans. (A) – Refer to section 198 of the CrPC – No court shall take cognizance of an offence punishable under chapter xx of the IPC except upon a complaint by some person aggrieved by the offence. The exceptions to this principle are also given in the section.

72. Adoption does not deprive the adoptive father or mother of the power to dispose of his or her property by transfer *inter vivos* or by will. Which Section of the Hindu Adoptions and Maintenance Act provides for the same.

- (a) Sec. 12
- (b) Sec. 11
- (c) Sec. 13
- (d) Sec. 9

Ans. (c) – Refer to section 13 of Hindu Adoptions and Maintenance Act 1956 – Subject to any agreement to the contrary, an adoption does not deprive the

adoptive father or mother of the power to dispose of his or her property by transfer *inter vivos* or by will.

73. Agnates are the heirs:

- (a) Wholly related
- (b) Wholly related through males
- (c) Strangers
- (d) None of the above

Ans. (b) – Refer to section 3(1)(a) of the Hindu Succession Act, 1956 – one person is said to be agnate of another if the two are related by blood or adoption wholly through males.

74. Any property possessed by a female Hindu whether acquired before or after the commencement of the Hindu Succession Act shall be held by her:

- (a) As a limited owner
- (b) As a life estate
- (c) As a full owner
- (d) As a co owner

Ans. (C) – Refer to section 14 of the Hindu Succession Act – any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.

75. Sapinda relationship for the purpose of Hindu Marriage Act includes:

- (a) Five degrees of ascent through mother and five degrees of ascent through father
- (b) Three degrees of ascent through mother father
- (c) Three degrees of ascent through mother and five degrees of ascent through father

(d) five degrees of ascent through mother and seven degrees of ascent through father

Ans. (C) – Refer to section 3(f) of the Hindu Marriage Act – sapinda relationship with reference to any person extends as far as the third generation (inclusive) in the line of ascent through mother and the fifth (inclusive) in line of ascent through father, the line being traced upwards in each case from the person concerned, who is to be concerned as the first generation. Section 5(v) further stipulates that marriage between two sapindas is void. Since it is void from its inception, it is presumed that there is no need of any divorce as well. Customs overrides sapinda.

76. Private alienation of property, by the judgment debtor after attachment under section 64(1) of CPC is?

- (a) Valid
- (b) Voidable
- (c) Void
- (d) None

Ans. (C) – Any private transfer, delivery or of any interest in property, payment to the judgment debtor of any debt, or any payment contrary to such attachment, shall be void as against all claims enforceable under the attachment. However this section shall not apply to any private transfer or delivery of the property attached in pursuance to a contract entered into and registered before the attachment.

77. Under Order 39, Rule 2A, CPC a person guilty of disobedience or breach can be penalized by:



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- (a) Attachment of property
- (b) Detention in civil imprisonment
- (c) Either (A) or (B) or both
- (d) Either (A) or (B)

Ans. (C) - An application under Order XXXIX Rule 2A lies only where disobedience/breach of injunction granted or order complained of was one that is granted by the Court under Order XXXIX Rules 1 and 2 CPC, which is naturally to ensure during the pendency of the suit. Order XXXIX Rule 2A; deals with punishment by attachment of the property or by detention in civil prison of the person who committed the breach. It does not provide for the implementation of order of injunction.

78. Under the provision of Civil Procedure Code, plea of adverse possession is a defence available

- (a) Only to plaintiff against defendant
- (b) Only to defendant against plaintiff
- (c) Both plaintiff and defendant
- (d) Only to movable property
- (e) Only immovable property

Ans. (B) - Adverse possession is a plea available to the defendant against the plaintiff.

79. Preliminary decree can be passed in a suit:

- (a) For partition
- (b) Of partnership
- (c) For possession and mesne profits
- (d) All of above
- (e) None of the above

Ans. (D) - Refer to order xx & xxxiv CPC - A preliminary decree can be passed in all the above. A decree is preliminary when a further procedure has to

be taken before the suit can be completely disposed off. Order xx provides instances when the court can pass a preliminary decree, though not exhaustive. Order 34 Rule 2-8 also deal with instances when a preliminary decree can be passed.

80. Which of the following is not a decree?

- (a) Dismissal in default
- (b) Rejection of a plaintiff
- (c) Both (A) & (B)
- (d) Neither (A) nor (B)

Ans. (Deleted)

81. A Hindu female *propositus* died leaving behind a sister, two sons, one daughter, mother and father, find the share of the daughter.

- (a) $\frac{1}{2}$
- (b) $\frac{1}{3}$
- (c) $\frac{1}{4}$
- (d) $\frac{1}{5}$
- (e) $\frac{1}{6}$

Ans. (B) - According to section 15 of the Hindu Succession Act, read with Rule-1 of section 16 - the property shall devolve firstly on the sons and daughters (including the children of any pre-deceased son or daughter) and the husband. Thus the sons and daughter are entitled to the entire property being the heirs in the first entry and hence entitled to one-third share.

82. In the debate on the custody, guardianship or adoption of the child, the courts in India is governed by which of the following principle:

- (a) Best interest of the child
- (b) Right of parenthood
- (c) Claims of the biological parents

- (d) Consanguinity
- (e) Religious affiliation

Ans. (A) - An order of custody of minor children under the Hindu Minority and Guardianship Act 1956 is required to be made by the court treating the interest and welfare of the minor to be of paramount importance. (*Gayatri Bajaj v. Jiten Bhalla*, AIR 2013 SC 102).

83. Order of permanent alimony under Section 25 of Hindu Marriage Act, 1955 can be varied, modified or rescinded:

I. if the party in whose favor the order has been passed, re-marries

II. if the party in whose favor the order has been passed, if the wife, and she has not remained chaste.

III. if the party in whose favor the order has been passed is the husband and he has had sexual intercourse with any other woman.

- (a) Only (I) is correct
- (b) Only (II) is correct
- (c) Both (II) and (III) are correct
- (d) All of the above are correct
- (e) None of the above are correct

Ans. (D) - Refer to section 25(3) of the Hindu Marriage Act. The court in all the above situations can vary, modify or rescind the order for permanent alimony.

84. Find out the correct statement(s) from the following:

I. A void marriage remains valid until a decree annulling it has been passed by a competent Court.

II. A void marriage is never a valid marriage and there is no necessity of a decree annulling it.



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III. Avoidable marriage is regarded as a valid subsisting marriage until a decree annulling it has been passed by a competent Court.

- (a) I and III are correct
- (b) II and III are correct
- (c) Only II is correct
- (d) Only III is correct
- (e) All (I), (II) and (III) are correct

Ans. (B) – A void marriage is no marriage from the day of its celebration and cannot be given any validity. However, a voidable marriage remains valid till it is avoided by the affected party.

85. Under Hindu law after passing of a decree for judicial separation; if one of the spouse dies intestate, the other spouse:

- (a) can inherit the property of the deceased spouse
- (b) cannot inherit the property of the deceased spouse
- (c) can inherit the property of the spouse only with the consent of the children
- (d) is decided by the Court on case to case basis
- (e) can inherit the property of the deceased spouse if the judicial separation was on grounds other than mutual consent

Ans. (A) – Judicial separation does not dissolve the marriage and the right of the parties for mutual inheritance continues till the decree of divorce is granted.

86. Under ____ redemption of mortgage can be sought by any one of the legal representatives after death of mortgagor.

- (a) Order 34 Rule 1 CPC
- (b) Order 33 Rule 1 CPC
- (c) Order 32 Rule 1 CPC

(d) Order 31 Rule 1 CPC

(e) Order 35 Rule 1 CPC

Ans. (A) – Order 34, Rule 1 lays down the rule of joinder of parties – all persons having an interest either in the mortgage-security or in the right of redemption shall be joined as parties to any suit relating to the mortgage.

87. In which of the following writs, the doctrine of *res judicata* is not applicable?

- (a) Habeas corpus
- (b) Certiorari
- (c) Mandamus
- (d) Quo warranto

Ans. (A) – In a writ of habeas corpus, the principle of *res judicata* will not be available. *res judicata* will not have any application in the writ of habeas corpus. The Principle of *res judicata* or constructive *res judicata* would apply only in the case of civil actions and proceedings and do not bar subsequent writ petition in the matter of habeas corpus petition where personal liberty of citizen is involve. (*Gulam Sarwar v. Union of India*, AIR 1967 SC 1335)

88. If the election of the President of India is declared void by the Supreme Court, the acts performed by the President incumbent before the date of such decision of court are:

- (a) valid but subject to judicial review
- (b) invalid
- (c) valid
- (d) valid but subject to the approval of the Parliament

Ans. (C) – Refer to Article 71(4) - (4) If the election of a person as President or Vice-President is declared void under any such law as is referred to in clause (1), acts done by him in the exercise and performance of the powers and duties of the office of President or Vice-President, as the case may be, on or before the date of such declaration shall not be invalidated by reason of that declaration.

89. Which of the following sentence (s) is/are correct?

- I. The President can commute death sentence to the life imprisonment.
 - II. The Governor cannot commute death sentence to the life imprisonment
 - III. The President's power to pardon extends to the punishment or sentence by court martial.
- (a) I, II and III
 - (b) II
 - (c) I and II
 - (d) I

Ans. (A) - Article 72 of the Constitution empowers the President to grant pardons to persons who have been tried and convicted of any offence in all cases where the: Punishment or sentence is for an offence against a Union Law; Punishment or sentence is by a court martial (military court); and Sentence is a sentence of death..

90. In 2017, the Supreme Court held that right to privacy is protected under Article 21 of the Constitution of India in the context of _____

- (a) State Surveillance
- (b) Power of search & seizure



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- (c) Homosexuality
(d) Indian Biometric Identification Scheme

Ans. (D) – Refer to Justice K.S Puttaswamy v. Union of India, WP (CIVIL) No. 494 of 2012, decided on August 24, 2017.

91. Which of the following statements is true about malice-in-law and malice-in-fact?

- (a) The former is a wrongful act done intentionally without just cause whereas the latter is a wrongful act done intentionally with evil motive.
(b) The former is a wrongful act done intentionally with evil motive whereas the latter is a wrongful act done intentionally without a just cause.
(c) The former is a wrongful act done intentionally whereas the latter is a wrongful act done intentionally.
(d) Both have same consequences.

Ans. (A) - Malice-in-Fact refers to performance of an act which may be legal, but with ill-will, or hatred, or bad intention. Whereas, Malice-in-Law, refers to a wrongful act, done intentionally, without just cause or legal excuse.

92. The term 'pari-passu' means

- (a) Equal right of another creditor with that of the secured creditor.
(b) Unequal right of another creditor with that of the secured creditor
(c) Share in the remaining, after due appropriation.
(d) None of the above.

Ans. (A) – the term means at the "same rate" or "equal footing",

"ranking equally", "hand-in-hand", "with equal force"

93. In 2016, the Supreme Court has clarified that the "Third Gender" will include (s)_____

- (a) Bisexuals
(b) Gays & Lesbians
(c) Transgender
(d) All of these

Ans. (C) – Refer to the decision of the SC in National legal Services Authority v. Union of India, AIR 2014 SC 1863

94. Qui facit per alium, facit per se means:

- (a) The welfare of the State is the Supreme law
(b) He who acts through another acts himself
(c) Nobody can be judge in his own case
(d) The law must not be violated even by the king.

Ans. (B) - It is a fundamental legal maxim of the law of agency. It is a maxim often stated in discussing the liability of employer for the act of employee in terms of vicarious liability.

95. Who has right to partition under Hindu Law?

- (a) mother
(b) son, grandson, great grandson
(c) son conceived at the time of partition
(d) None of the above

Ans. (X) – All of the above under mitakshara school can claim partition - the father not only has a right to partition but also has the power to effect partition among the sons; son, grandson and great grandson have a right to seek partition; the partition should be reopened to give the

share to the son born after partition. A mother can also claim partition being a Class I heir.

96. The Constitution of India empowers the Supreme Court of India to adjudicate disputes between the Centre and the States through:

- (a) Appellate Jurisdiction
(b) Original Jurisdiction
(c) Advisory Jurisdiction
(d) Writ Jurisdiction
(e) None of the above

Ans. (B) – Refer to Article 131. Original jurisdiction is jurisdiction inherent in, or conferred upon, a court of first instance. SC is the court of original jurisdiction in disputes between the centre and states.

97. Which of the following is not true about the Attorney General of India?

- I. He is the highest legal officer of the union government of India
II. He has the right of audience in all the courts in India
III. He has the voting right in the proceeding of the parliament
IV. His term of the office and remuneration is decided by the president.
V. One of the eligibility criteria for appointment as the attorney general of India is that the candidate must be qualified to the appointed as a judge of Supreme Court
(a) Only II
(b) Only III
(c) I and II
(d) None of the above
(e) Only V

Ans. (B) – Refer to Article 76(1) of the Constitution. The AG has no right to vote even though he is



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the only outsider who can be present during parliamentary proceedings.

98. Which of the following are true about the fundamental duties for Indian citizens?

I. They require us to safe guard public property

II. They require us to protect and improve the natural environment

III. They are contained in Article 51A of the Constitution of India.

IV. They were added by 42nd Amendment of the Constitution of India.

V. They require us to develop the scientific temper and spirit of enquiry

VI. They were originally 11 fundamental duties

VII. They can be enforced through writs as well as promoted through constitutional methods.

(a) I, II, III IV, V, VI are true

(b) I, II, III IV, V, VI are true

(c) all are true

(d) I, II, III IV, V, VI are true

(e) None of them are true

Ans. (B) - Refer to Article 51A of the Constitution. All the above statements except vii are correct.

99. Match the following:

(a) Indira Sawhney v. Union of India	i. Doctrine of legitimate Expectation
(b) Keshavananda Bharati v. State of Kerala	ii. Validity of Narco Analysis
(c) Aruna Ramachandra Shanbaug v. Union of India	iii. Doctrine of Basic Structure
(d) Selvi v. State	iv. Mandamus

of Karnataka	Commission
(e) Food Corporation of India v. M/s Kamdhenu Cattle Feed	v. Passive Euthanasia

(a) a- iv; b - iii; c- v; d- ii; e- i

(b) a- iv; b - iii; c- v; d- i; e- ii

(c) a- iv; b - i; c- v; d- ii; e- iii

(d) a- iii; b - iv; c- v; d- ii; e- i

Ans. (A) -

100. Doctrine of legitimate expectation and wednesbury principles were read by Supreme Court into

(a) Art. 12

(b) Art. 14

(c) Art. 13

(d) Art. 25

Ans. (B) - doctrine of legitimate expectation imposes in essence a duty on the public authorities to act fairly by taking into consideration all the relevant factors bearing a nexus to such legitimate expectation.

101. If the act is lawful one and not a criminal act and if in the course of such act any one of the person's jointly doing that act commits an offence, then

(a) All the person shall be liable under Section 34 of I.P.C.

(b) Only the doer of the act shall be liable for it and not others and Section 34 of I.P.C shall not apply.

(c) Nobody shall be liable for it and Section 34 of I.P.C shall not apply.

(d) No other person except the real doer of the act shall be liable for it and section 34 of I.P.C shall apply.

Ans. (B) - Section 34 deals with joint liability for unlawful acts. If the act is lawful, section 34 will

have no application and hence it will be the individual liability of the person doing the act.

102. Right to private defence is:

(a) Available where there is no time to have recourse to the protection of public authorities

(b) Available under all circumstances

(c) Available where there is time to have the recourse to the protection of public authorities

(d) Available under no circumstances

(e) None of the above

Ans. (A) - Right to private defence is subject to certain restrictions and one restriction is that when there is time to take recourse to the authorities, the right to private defence cannot be exercised.

103. Punjab State Reorganization Act was enacted in the year.

(a) 1947

(b) 1950

(c) 1951

(d) 1956

(e) 1966

Ans. (E) - The Act was enacted in the year 1966.

104. A child who doesn't understand or distinguish between the right and the wrong is called as *doli incapax*. This is defined under which section of the IPC, 1860.

(a) Sec. 86

(b) Sec. 87

(c) Sec. 84

(d) Sec. 83

(e) Sec. 82

Ans. (E) - According to section 82, IPC, a child below the age of 7 is considered as *doli incapax* which means, the child is not



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liable for the consequences of his act as he cannot form the necessary mens rea for the offence.

105. Section 396 IPC deals with:

- (a) Only dacoity
- (b) Dacoity and murder
- (c) Only culpable homicide not amounting to murder
- (d) Attempt to cause dacoity or robbery by using deadly weapons
- (e) Both (A) and (D)

Ans. (B) – Section 396 deals with the commission of murder during dacoity.

106. Reference by the President of India under Article 143 (1) of the Constitution (Keshav Singh's case AIR 1965 SC 745) relates to:

- (a) Ayodhya issue
- (b) Delhi laws
- (c) Privileges
- (d) Judges appointment.

Ans. (C) – Keshav Singh's case was related to legislative privileges.

107. Which of the following statements is true regarding a decree of declaration?

- I. It creates no new rights.
 - II. It cannot be prayed as a matter of right
 - III. If all the parties are not joined, declaration cannot be granted.
 - IV. Such a decree is conclusive between the parties to it and persons litigating through them.
- (a) I, II, III IV
 - (b) I, III IV
 - (c) I, II, III
 - (d) I and II

Ans. (A) – it is only declaring an existing state of things and does

not create new rights. According to section 34 of the Specific Relief Act - Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled, and the plaintiff need not in such suit ask for any further relief: Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so

108. Extended period of limitation for institution of a suit for specific performance of a contract cannot stretch beyond _____ from the cessation of the disability.

- (a) 1 year
- (b) 2 years
- (c) 3 years
- (d) 6 years

Ans. (C) – Refer to Article 54 of the Schedule of Indian Limitation Act.

109. Under Section 6 of the Specific Relief Act, the suit can be brought by:

- (a) A Servant
- (b) A manager
- (c) A tenancy by holding over
- (d) A trespasser

Ans. (C) – A suit under section 6 can only be brought by a person who was dispossessed of his property.

110. By virtue of Section 6 of the Specific Relief Act, a suit for possession of an immovable property can be filed within a period of _____ of dispossession.

- (a) 3 years
- (b) 3 months
- (c) 6 months
- (d) 1 year

Ans. (C) – According to section 6 - No suit under this section shall be brought—

- (a) after the expiry of six months from the date of dispossession; or
- (b) against the Government.

111. If a partner withdraws from a firm by dissolving it, then

- (a) It is a dissolution and not retirement of a partner
- (b) It is a novation and not retirement of a partner
- (c) It is a retirement of a partner
- (d) None of the above

Ans. (A) -

112. According to Section 44 of the Indian Partnership Act, 1932, the Court may dissolve a firm on the suit of a partner on any of the following grounds:

- (a) Insanity
- (b) Permanent incapacity
- (c) Breach of agreement
- (d) All of the above

Ans. (D) – Under all the above circumstances, section 44 of the Indian Partnership Act states that the court may dissolve a partnership firm.

113. The age of consent for sexual intercourse between a husband and wife has been made _____ from _____ years by the Supreme Court of India.

- (a) 18, 16
- (b) 16, 15
- (c) 21, 18
- (d) 18, 15

Ans. (D) – sexual intercourse with wife below the age of eighteen amounts to rape as per the decision of the SC in the case



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of Independent Thought v. Union of India.

114. Which one of the following statements is NOT correct?

(a) Where a court is not competent to frame charge in an offence it shall not be competent to permit, withdrawing from prosecution.

(b) The Public Prosecutor is bound to receive instructions from the government and such instructions would not amount to an extraneous influence.

(c) An order granting permission to withdraw the prosecution solely on the ground that where about of the accused was not available, is permissible.

(d) The Magistrate has discretion to grant or refuse permission to withdraw the prosecution.

Ans. (C) – Refer to section 321 of the CrPC. Withdrawal cannot be allowed solely on the ground that the whereabouts of the accused is not known.

115. The maximum period of solitary confinement provided under Section 73 of I.P.C is

- (a) one month
- (b) two months
- (c) three months
- (d) six months

Ans. (C) – Refer to section 73 of the Indian penal Code – the maximum solitary confinement permitted under the section is three months.

116. It is mandatory that transfer of an actionable claim can be effected only by an instrument in writing but it does not have effect on:

- (a) negotiable instrument
- (b) arrears of rent

(c) an amount due under a letter of credit

(d) None of the above

Ans.(A) – a negotiable instrument can be transferred by simple delivery or endorsement and delivery and does not require an instrument in writing.

117. Which of the following statements are true?

I. Minor's contract can be ratified on attaining majority.

II. Minor's contract cannot be ratified on attaining majority.

III. Minor's contract can be ratified jointly by both the parties to the contract.

IV. Minor is not liable under minor's contract.

V. Minor contract is an enforceable contract.

(a) I and III

(b) V and II

(c) II & IV

(d) II and III

(e) III and V

Ans. (C) – Only statements at II & IV are correct.

118. In case of specific performance of part of contract purchaser

(a) May not relinquish claim to further performance of the remaining part of the contract and has no right to compensation

(b) May relinquish claim to further performance of the remaining part of contract and has right to compensation

(c) Specific performance of part of contract not possible

(d) All the above

(e) None of the above

Ans. (Deleted)

119. Contract in restraint of trade is:

(a) void

(b) voidable

(c) opposed to public policy

(d) None of the above

Ans. (A) – Refer to section 27 of the Indian Contract Act – an agreement in restraint of trade is void.

120. Novation amounts to:

(a) discharge of contract

(b) formation of consideration

(c) remission

(d) waiver

Ans. (A) – Novation means the substitution of the old contract with a new one. The parties get discharged under the old contract and will be bound by the terms of new contract.

121. Which of the following won the 2018 UNESCO Asia-Pacific award for Cultural Heritage conservation ?

(a) Ladakh Restoration Project

(b) Restoration of Phumdis

(c) Revival of Sundarbans Mangrove Forests

(d) Renovation of Namgyal Monastery

(e) None of the above

Ans. (A)

122. Which among the following is not a constitutional body in India?

(a) Goods and Services Tax Council

(b) Finance Commission

(c) Planning Commission

(d) National Commission for Scheduled Castes

Ans. (C) – Planning Commission is not a constitutional body

123. Who authored the award-winning book Fault lines: How



Solved Paper of Haryana Judicial Services (Prelims)

Hidden Fractures Still Threaten the World?

- (a) Raghuram Rajan
- (b) Urjit Patel
- (c) Aravind Subrahmanyam
- (d) Gita Gopinath

Ans. (A)

124. The voting age for elections to House of Peoples and to the Legislative Assemblies was lowered from 21 years to 18 years by

- (a) The Constitution (Sixty -first Amendment) Act, 1988
- (b) The Constitution (Seventh Amendment) Act, 1956
- (c) The Constitution (Forty-Fourth Amendment) Act, 1978
- (d) None of the above

Ans. (A) - *The 61st Amendment of the Constitution of India, lowered the voting age of elections to the Lok Sabha and to the Legislative Assemblies of States from 21 years to 18 years. This was done by amending Article 326 of the Constitution.*

125. The liability by holding out, in case of retiring partner, continues up to the

- (a) date of retirement
- (b) date of public notice about such retirement
- (c) date of notice to other partners about such retirement
- (d) Whichever is earlier out of (A), (B) and (C).

Ans. (B) - *Refer to section 32 of the Partnership Act. A partner ceases to be a partner by retirement. Third parties can still presume mutual agency between the retired partner and continuing partners until a public notice of retirement is*

given. In the absence of a public notice the retired partner and the continuing partners continue to be liable for the act of each other towards the third parties. Such public notice may be given either by the retired partner or by any partner of the reconstituted firm. By retirement a person ceases to be a partner.