



Solved Paper of Haryana Judicial Services (Prelims)

## HARYANA CIVIL SERVICES (JUDICIAL BRANCH) PRELIMS EXAMINATION - 2013

1. As per section 2[12] of CPC, 'mesne profits' of property are profits received by a person in;

- Unlawful possession of the property
- Wrongful possession of the property
- Lawful possession of the property
- Effective possession of the property

*Ans: (b) - Mesne profits of property as those profits which the person in wrongful possession of such property actually received or might, with ordinary diligence, have received there from, together with interest thereon, but not profits resulting from Improvements made by the person in wrongful possession. The fundamental object of passing mesne Profits is to compensate the actual owner of the property for all the loss he has suffered. It is in the nature of damages and the right to sue for mesne profits is a right to sue for damages. The assessment of mesne profits is not what the plaintiff has lost but what the defendant has gained by his wrong possession. Mesne profits can only be claimed with regard to immovable property.*

2. A decree is preliminary;

- When it is issued in the preliminary stages of the suit

b. When further proceedings have to be taken or the suit to be completely disposed of

- When it deals with some preliminary issues
- None of the above

*Ans: (b) A decree is preliminary when a further procedure has to be taken before the suit can be completely disposed off. In a preliminary decree certain rights are conclusively determined and unless the preliminary decree is challenged in appeal, the rights so determined become final and conclusive and cannot be questioned in the final decree (Parvathamma v. Muniyappa AIR 1997 Ker. 37).*

*It is not capable of execution till the final decree is passed (A.Akkukamma v. G. Papi Reddy).*

*Both the decrees must be in the same suit and if the preliminary decree is set aside the final decree is superseded (Talebali v. Abdul Aziz). There can be more than one preliminary decree in a suit.*

*There can be an appeal from a preliminary decree but such appeal should be filed within limitation period. Unless the preliminary decree is challenged in appeal the rights so determined become final and conclusive and cannot be questioned in final decree. (Parvathamma v. Muniyappa AIR 1997 Ker. 37).*

3. That a petition dismissed under Article 226 would operate as res judicata so as to bar a similar petition in the Supreme Court under Article 32 of the Constitution was held in the case of;

- Daryao v, State of U.P,
- Arjun Singh v, State of M.P.
- Sudhir Chandra v, State of W.B,
- None of the above

*Ans: (a) - In Daryao v State of UP, the Supreme court has placed the doctrine of res judicata on a still broader foundation. "The binding character of judgments pronounced by courts of competent jurisdiction is itself an essential part of the rule of law and the rule obviously is the basis of the administration of justice which the Constitution lays so much emphasis.*

4. Which of the following is true;

- The pendency of suit in a foreign court precludes the courts in India from a trying a similar suit
- The pendency of a suit in a foreign court precludes the courts in India from trying a similar suit provided the suit is founded on the same cause of action
- The pendency of a suit in a foreign court does not preclude the courts in India from trying



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similar suit even if it is founded on the same cause of action

d. None of the above

*Ans: (c) – Explanation to section 10 of CPC lays down that the pendency of a suit in a Foreign Court doesn't preclude the Courts in India from, trying a suit founded on same cause of action.*

5. "Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused."

This provision is incorporated in;

a. Section 11, Explanation II

b. Section 11, Explanation III

c. Section 11, Explanation IV

d. Section 11, Explanation V

*Ans: (d) – This is given under Explanation V to section 11 of the CPC.*

6. The general power to transfer suits under section 24 has been granted to:

a. High Court

b. District Court

c. Both [a] and [b]

d. Supreme Court

*Ans: (c) – As per section 24 - On the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion, without such notice, the High Court or the District Court may, at any stage,—(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any court subordinate to it and competent to try or dispose of the same; or (b) withdraw any suit, appeal or other proceeding pending in*

*any court subordinate to it; and (i) try to dispose of the same; or (ii) transfer the same for trial or disposal to any court subordinate to it and competent to try or dispose of the same; or (iii) re-transfer the same for trial or disposal to the court from which it was withdrawn.*

7. Under section 32 of CPC, the maximum fine which can be imposed by the court for compelling the attendance of any person to whom a summons has been issued under section 30;

a. Two thousand rupees

b. Three thousand rupees

c. One thousand rupees

d. Five thousand rupees

*Ans: (d) – Section 32 deals with punishment for default. 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; and (d) order him to furnish security for his appearance and in default commit him to the civil prison.*

8. Precepts are issued under section 46 of CPC for;

a. Serving summons on persons residing beyond local jurisdiction

b. Serving a warrant on the judgment-debtor

c. Attaching the property of the judgment-debtor

d. None of the above

*Ans: (c) – In CPC, (Section 46) the court which passed the*

*decree shall have power to issue a command or instruction called Precept order to another court to attach the property of the judgment debtor property which situate within its territorial jurisdiction.*

9. Under Section 58 of CPC, a person detained shall be released from the detention on the amount mentioned in the warrant of his detention being paid to:

a. The officer appointed by the court

b. The officer in charge of the civil prison

c. The court

d. None of the above

*Ans: (b) – A person detained under section 58 shall be released from such detention before the expiration of the said period of detention— (i) on the amount mentioned in the warrant for his detention being paid to the officer in charge of the civil prison, or (ii) on the decree against him being otherwise fully satisfied, or*

*(iii) on the request of the person on whose application he has been so detained, or*

*(iv) on the omission by the person, on whose application he has been so detained, to pay subsistence allowance:*

*Provided, also, that he shall not be released from such detention under clause (ii) or clause (iii), without the order of the court.*

10. Which of the following property is not liable to be attached and sold in the execution of a decree;

a. Money



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- b. Hundis
- c. Electricity
- d. None of the above

*Ans: (d) – According to section 61 lands, houses or other buildings, goods, money, bank notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation and, save as hereinafter mentioned, all other saleable property, movable or immovable, belonging to the judgment debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment debtor or by another person in trust for him or on his behalf.*

*Electricity was held to be goods as it can be transmitted, transferred, delivered, stored, and possessed in the same way as any other movable property. (Commissioner Sales Tax, MP v. Madhya Pradesh Electricity Board).*

11. The stipulation that in a suit by the Central Government, the authority to be named as plaintiff shall be the Union of India" has been provided for in Section:

- a. 78
- b. 79
- c. 79A
- d. 77

*Ans: (b) – In a suit by or against government, the plaintiff or defendant, as the case may be, shall be the Union of India, in case of central govt. & the state in the case of State government.*

12. Which of the following is true?

- a. Alien enemies residing in India can never sue
- b. Alien enemies residing in India may sue with the permission of the Central Government
- c. Alien enemies residing in India may sue with the permission of the State Government in whose jurisdiction they are residing
- d. Alien enemies can sue in any court

*Ans: (b) – Alien enemies residing in India, with the permission of the central Government and alien friends may sue in any court otherwise competent to try a suit, as if they were citizens, of India. Alien enemies residing in India without such permission or residing in a foreign country, cannot sue in any court. Every person residing in a country which is at war with India shall be deemed to be an Indian enemy. (Section 83).*

13. Under Section 89 of CPC, the court cannot make a reference for;

- a. Arbitration.
- b. Conciliation
- c. Negotiation
- d. Mediation

*Ans: (c) – Section 89 is about settlement of disputes outside court. Where it appears to the court that there exists elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving*

*the observations of the parties, the court may reformulate the terms of a possible settlement and refer the same for – Arbitration, Conciliation Mediation Judicial settlement including settlement through Lok Adalat. Thus the court cannot refer the disputes for negotiation.*

14. No second appeal shall lie from any decree when the subject matter of the original suit is for recovery of money not exceeding;

- a. Fifteen thousand rupees
- b. Twenty thousand rupees
- c. Twenty-five thousand rupees
- d. Thirty thousand rupees

*Ans: (c) – No second appeal in certain cases. No second appeal shall lie from any decree, when the subject matter of the original suit for recovery of money not exceeding Rs. 25,000/-. Thus where the subject matter of the original suit is for the recovery of money not exceeding Rs.25,000/- no second appeal shall lie from any decree. (Section 102, CPC)*

15. The authority to annul, alter or add to the rules in the First Schedule of the Code of Civil Procedure rests with the;

- a. High Court
- b. State Government
- c. Supreme Court with the previous approval of rules by the Central Government
- d. High Court with the previous approval of rules by the State Government

*Ans: (a) – High Court not being the court of a Judicial*



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Commissioner may, from time to time after previous publication, make rules regulating their own procedure and the procedure of the Civil Courts subject to their superintendence, and may by such rules annul, alter or add to all or any of the rules in the First Schedule. [Section 122, CPC]

The First Schedule relates to the procedure and method and manner in which the jurisdiction may be exercised. The body of the Code containing sections is fundamental and cannot be amended except by the legislature. The First schedule containing the Orders and Rules on the other hand can be amended by High Courts. (*Vareed Jacob v. Sosamma Geevarghese*).

16. Assault or use of criminal force otherwise than on grave provocation under Section 352 of the IPC is which kind of offence;

- a. Bailable and Cognizable
- b. Bailable and Non-cognizable
- c. Non-bailable and Cognizable
- d. Non-bailable and Non-cognizable

**Ans: (b)** - The offence of assault or use of criminal force otherwise than on grave provocation under section 352 of the IPC is a bailable and non-cognizable offence, triable by any magistrate and compoundable by the person assaulted or to whom criminal force is used.

17. Attempt to commit suicide is triable by;

- a. Court of Session

- b. Magistrate of the first class
- c. Any Magistrate
- d. Executive Magistrate

**Ans: (c)** - Attempt to commit suicide under section 309 of the IPC is punishable with imprisonment for one year or fine or both. It is cognizable, bailable, non-compoundable, and triable by any magistrate.

18. The definition of the "victim" was incorporated in the Code of Criminal Procedure by the Amendment Act of;

- a. 2009
- b. 2010
- c. 2011
- d. 2008

**Ans: (a)** - Note:- Criminal Law (Amendment) Act, 2008 (Act No 5 of 2009) w.e.f. 31-12-2009. Criminal is more focused on the punishment to be given to the victim and it least bothers about the victim and his dependents who were solely dependent on the victim. Punishing the offender does not ameliorate the situation of the victim or his dependents and there arose demand that criminal law should take in to interest the suffering of the victim as well. Many countries now have victim compensation schemes. In India it is given under section 357 or 357-A of the CPC.

19. The stipulation that all offences under Indian Penal Code would be tried according to the provisions in Code of Criminal Procedure, is contained in which Section.

- a. 5
- b. 4
- c. 3
- d. 6

**Ans: (b)** - All offences under the Indian Penal Code shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained. All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying, or otherwise dealing with such offences. (Sec. 4).

20. In relation to the commission of which of the following offence, the general public does not have a duty under section 39 of Cr. PC to give information to the nearest Magistrate or police officer.

- a. Criminal breach of trust by public servant.
- b. Kidnapping for ransom
- c. Mischief by destroying a light-house
- d. House-trespass in order to commit offence punishable with imprisonment.

**Ans: (d)** - Section 39(1) gives a list of offences the information of which are to be given by every person having knowledge of such offences. House trespass in order commit offence punishable with imprisonment is not included in it.

21. Which one of the following is not a necessary requirement for a proper procedure of arrest under section 41B of Cr.PC;



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a. The police officer shall bear an accurate identification of his name

b. The police officer shall bear a visible and clear identification of his name

c. The police officer shall prepare a memorandum of arrest to be countersigned by the person arrested

d. The police officer shall inform the person arrested that he has the right of legal counsel during interrogation.

*Ans: (d) - Every police officer while making an arrest shall-*

*(a) bear an accurate, visible and clear identification of his name which will facilitate easy identification;*

*(b) prepare a memorandum of arrest which shall be-*

*(i) attested by at least one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made;*

*(ii) countersigned by the person arrested; and*

*(c) inform the person arrested, unless the memorandum is attested by a member of his family, that he has a right to have a relative or a friend named by him to be informed of his arrest. (Section 41-B).*

22. Under section 53A of Cr.PC, when a person is arrested on the charge of 'committing rape, the arrestee may be examined by a registered medical practitioner other than a registered medical practitioner employed in a hospital run by the Government or by a local authority when the later is not

available within a radius of Sixteen kilometers from the place;

a. Where the offence has been committed

b. Where the arrest was made

c. Where the nearest police station is situated

d. Where the nearest court is situated

*Ans: (a) - The distance of sixteen kilometers has to be counted from the place where the offence was committed.*

23. Which one of the following Magistrate is authorized under section 110 Cr. P.C. to require security for good behavior from habitual offenders within his local jurisdiction:

a. Judicial Magistrate First Class

b. District Magistrate

c. Chief Judicial Magistrate

d. Executive Magistrate

*Ans: (d) - This duty under section 110, Cr PC is that of the Executive Magistrate. When an Executive magistrate deems it necessary to require any person to show cause why he should not be ordered to execute a bond for his good behavior under section 107 to 110, he shall make a written order setting forth the substance of the information received, the amount of the bond to be executed the term for which it is to be in force, and the number character and class of sureties if any required.*

24. Which of the following person cannot claim maintenance under section 125 of Cr.PC;

a. A legitimate child who after attaining majority cannot maintain himself by reason of economic hardship

b. An illegitimate child who after attaining majority cannot maintain himself by reason of economic hardship

c. Both (a) and (b)

d. None of the above

*Ans: (c) - Children on attaining majority cannot claim maintenance in the absence of physical or mental infirmity (K.Sivaram v. K Mangalamba 1995 Cr LJ 861). A daughter however can claim maintenance till her marriage (Jagdish jagtawat v. Manju Lata).*

25. Which one of the following is not an act for the prevention of which and order cannot be made under section 144 Cr.PC;

a. Disturbance of the Public Tranquility

b. Annoyance to any person lawfully employed

c. Injury to any person lawfully employed

d. None of the above

*Ans: (d) - An order under section 144 of the Cr PC can be given by a District Magistrate, Sub Divisional Magistrate or an Executive Magistrate where it is necessary to prevent obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.*

26. Which of the following is a ground on which a witness under section 161[2] of Cr.PC



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may refuse to answer questions put by a police officer;

- Answers would have a tendency to expose him to a criminal charge
- Answers would have a tendency to expose him to a penalty
- Answers would have a tendency to expose him to a forfeiture
- All of the above

**Ans: (d)** - Section 161(2) requires a person, including an accused person, to answer truly all questions (relating to the case under investigation) put to him by the investigating police officer, that section as well as Article 20(3), of the Constitution give protection to such person against questions the answers would have a tendency to expose him to a criminal charge, or to a penalty or to a forfeiture. The accused person may remain silent or may refuse to answer when confronted with incriminating questions.

27. Any court may alter or add to any charge any time before;

- The closing of arguments
- The judgment is written
- The judgment is pronounced
- None of the above

**Ans: (c)** - According to Section 216 (1) of Cr.PC, any court may alter or add to any charge at any time before judgment is pronounced. The section invests a comprehensive power to remedy the defects in the framing or non-framing of a charge, whether discovered at the initial stage of the trial or at

any subsequent stage prior to the judgment.

28. Chapter XXIA of the Cr.P.C. was incorporated in the year;

- 2005
- 2006
- 2004
- 2003

**Ans: (b)** - Chapter XXIA - Plea bargaining was added to the Cr PC by the Criminal Procedure (Amendment) Act 2006, which came in to effect on the 5<sup>th</sup> of July 2006.

Objective was to reduce the back log of pending cases in court encouraging speedy disposal.

The law relating to Plea bargaining is codified under sections 265A to 265L of the Criminal Procedure Code.

The Concept of plea bargaining was adopted from the American practice followed in *Brady v United States*.

Plea-Bargaining is available in those offences where the maximum punishment is imprisonment below 7 years.

Offence should not have been committed by the accused against women, or a child below the age of 14 years.

The accused pleading guilty must be above the age of 18 years.

The accused should not have earlier been convicted for the same offence.

Plea bargaining is not applicable in offences falling under Dowry prohibition Act, Sati Prevention Act, Indecent Representation of Women (Prohibition) Act, Protection of Women from domestic Violence Act, Essential

Commodities Act, Protection of Civil Rights Act, Armed Forces Act etc.

The proceedings under plea bargaining are tried in camera.

29. In case of plea bargaining by the parties;

- No Judgment may be delivered by the court
- Judgment may be delivered in private to the parties
- Judgment shall be delivered in the open court
- The bargain struck by the parties is to operate as the Judgment.

**Ans: (c)** - When a meeting of all the parties has been worked out, a report may be submitted before the court and it has to be signed by the Presiding Officer and the parties. In case no satisfactory disposition is worked out, the court must record such observation and proceed according to the provisions of Cr PC. In case a satisfactory disposition has been worked out, the court can dispose off the case by passing suitable orders. Before disposing the case the court must ensure that compensation is paid to the victim. The court must also hear the accused on the quantum of sentence.

30. In which of the following cases it has been held that Presence of a lawyer at the time of interrogation cannot be demanded as a matter of right;

- Poolpandi and other v. Superintendent, Central Excise
- Senior Intelligence Officer v. Jugol Kishore Samra
- Both [a] and [b]



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d. None of the above

*Ans: (c) - the interrogation of the respondent may be held within the sight of his advocate or any other person duly authorized by him. The advocate or the person authorized by the respondent may watch the proceedings from a distance or from beyond a glass partition but he will not be within the hearing distance and it will not be open to the respondent to have consultations with him in the course of the interrogation.*

31. The Information Technology Amendment Act came into force in;

- a. 2008
- b. 2009
- c. 2007
- d. 2010

*Ans: (b) - The Amended Act came in to force in the year 2009.*

32. Which of the following is not a 'fact'?

- a. Mental condition
- b. Relation of things
- c. State of things
- d. None of the above

*Ans: (d) - All the above, mental condition, relation of things, state of things, all can be relevant facts under certain circumstances.*

*Fact means and includes - any thing, state of things, or relation of things, capable of being perceived by the senses and any mental condition of which any person is conscious. (Section 3 Indian Evidence Act)*

33. Which one of the following has not been

mentioned in the definition of "Documents" as the means by which any matter is expressed or described upon any substance?

- a. Letters
- b. Figures
- c. Symbols
- d. Marks

*Ans: (c) - Document means any matter expressed or described upon any substance by means of letters, figures or marks or by more than one of those means intended to be used, or which may be used, for the purpose of recording that matter. (Section 3 Indian Evidence Act)*

34. 'Res Gestae' literally means;

- a. Things done
- b. Things spoken
- c. Same transaction
- d. Things then

*Ans: (a) - It is a Latin word which means "things done" and in English language it means - "things done and said in the course of a transaction". Thus whenever a transaction such as a contract or crime is a fact in issue, then evidence can be given of every fact which forms part of the same transaction. The facts which surround the happening of an event are its res gestae. The principle of res gestae is given under sections 6 to 11 of the Indian Evidence Act.*

35. The stipulation that facts which enable the court to determine the amount of damages are relevant is incorporated in Section of Evidence Act;

- a. 12

b. 10

c. 8

d. 11

*Ans: (a) - In a suit in which damages are claimed, any fact which will enable the court to determine the amount of damages which ought to be awarded is relevant. Facts tending to enable Court to determine amount of damages or compensation are relevant under section 12 of Indian Evidence Act. (Torts, Damages, Consumer protection etc) - For example, income of victim's family, number of family members, medical expenditure after accident etc. at a given time.*

36. Which of the following state of minds has not been expressly mentioned in section 14 of the Indian Evidence Act

- a. Intention
- b. Rashness
- c. Motive
- d. ill-will

*Ans: (c) - Facts showing existence of state of mind or of body or bodily feeling or any intention, knowledge, good faith, negligence, rashness, ill-will towards any particular person are always relevant under section 14 of Indian Evidence Act.*

37. Oral admission as to contents of electronic records is relevant when;

- a. The party proposing to prove them shows that he is entitled to give secondary evidence of the same
- b. The genuineness of the electronic record produced is in question





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- c. Both [a] and [b]  
d. None of the above

*Ans: (b) – Oral admission can only be given when the genuineness of the electronic records produced is in question.*

38. Which one of the following has not been mentioned as a ground under section 24 rendering a confession by an accused person irrelevant?

- a. Inducement  
b. Promise  
c. Deceit  
d. Threat

*Ans: (c) - Confession must not be the result of inducement threat or promise.*

*(ii) Inducement etc must proceed from a person in authority.*

*(iii) It should relate to the charge in question.*

*(iv) It should hold out some worldly benefit or disadvantage.*

39. Section 32 of Evidence Act does not speak of which of the following kind of persons:

- a. Person who is dead  
b. Person who cannot be found  
c. Person who is unwilling to give evidence  
d. Person who has become incapable of giving evidence

*Ans: (c) - Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court unreasonable, are themselves*

*relevant facts under the following circumstances – when it relates to his cause of death; made in the course of business; against interest of maker; gives opinion as to public right or custom, or matters of general interest; relates to existence of relationship; is made in will or deed relating to family affairs; in document relating to transaction mentioned in section 13, clause (a); or is made by several persons, and expresses feelings relevant to matter in question. (Section 32 Indian Evidence Act).*

40. Under Section 45 of Evidence Act, which of the following have not been mentioned as points on which opinion of experts is relevant;

- a. Point of foreign law  
b. Point of domestic law  
c. Point of art  
d. Point of science

*Ans: (b) - When the Court has to form an opinion upon a point of foreign law or of science or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as of identity of handwriting or finger impressions, are relevant facts. Such persons are called experts. In points of domestic law the court itself can form an opinion. (Section 45).*

41. Under Section 57 of the Evidence Act, the court is not bound to take judicial notice of which of the following facts:

a. The existence of every state recognized by the Government of India

b. The title of every state recognized by the Government of India

c. The national flag of every state recognized by the Government of India

d. The national emblem of every state recognized by the Government of India

*Ans: (d) – The court under section 57 is bound to take notice of the existence, title and national flag of every State or Sovereign recognised by the Government of India. The courts are not supposed take notice of national emblem of other countries.*

42. The Best Evidence Rule in relation to documentary evidence is incorporated in section;

- a. 61  
b. 64  
c. 65  
d. 66

*Ans: (b) - Documents must be proved by primary evidence except in the cases hereinafter mentioned. Primary evidence is evidence which the law requires to be given first. Secondary evidence is evidence which may be given in the absence of primary evidence.*

*This section is based upon the principle that the "best evidence in the possession of power of the party must be produced. What the best evidence is, it will depend on the circumstances. Generally speaking, the original document is the best evidence. The content can only be proved by the writing itself.*





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43. Which one of the following is not a public document?

- a. Documents forming records of acts of tribunals
- b. Documents forming records of acts of public officers of India
- c. Documents forming records of acts of public officers of a foreign country
- d. Public records kept of private documents

*Ans: (d) - Section 74 defines public documents as documents forming the acts or records of the acts-*

- (a) of the sovereign authority
- (b) of official bodies and tribunals and
- (c) of public officers, legislative judicial and executive, of any part of India or of the Commonwealth, or of a foreign country.

(ii) Public documents which are registered in any public offices, like the MOU, various deeds etc.

Hence the most correct option under the given circumstances can be option (d), but it is ambiguous.

44. A person is presumed to be alive if it is shown that he was alive within years

- a. Fourteen
- b. Twenty
- c. Seven
- d. Thirty

*Ans: (d) - In law, there is a general provision of continuity of things. Once a thing is shown to exist, the law presumes that it continues to exist until the contrary is shown. This applies to continuity of life also. Section 107 accordingly provides that that when a person is shown to*

*have existed within the last 30 years, the presumption is that he is still alive and if anybody alleges that he is dead, he must prove that fact.*

45. The rule that once the terms of any contract have been proved by documentary evidence, no evidence of any oral statement shall be admitted for contradicting such terms has \_\_\_ provisos establishing variations to the rule.

- a. 6
- b. 4
- c. 3
- d. 7

*Ans: (a) - The question is based on section 96 - when, the language used in a document is on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects. Section 93 has six provisos:*

1. fact which itself questions the validity of contract
2. existence of separate oral agreement on which law is silent and which is not inconsistent with its terms.
3. the existence of any separate oral agreement constituting a condition precedent.
4. the existence of any distinct subsequent oral agreement to rescind or modify such contract.
5. any usage or custom by which incidents not expressly mentioned in any contract.
6. any fact that may be proved which shows in what manner the language of a document is related to existing facts.

46. If a child is born within days after the dissolution of a valid marriage, it is a

conclusive proof of the legitimacy of the child.

- a. 270
- b. 275
- c. 280
- d. 285

*Ans: (c) - This presumption is based on section 112 of the Evidence Act. This section deals with presumption of legitimacy. This section is based on the fact that when a particular relation, such as marriage is shown to exist, then its continuance must prima facie be proved. A child will be presumed to be legitimate if born:*

(i) during the continuance of a valid marriage between his mother and any man.

(ii) within 280 days after its dissolution, the mother remaining unmarried. And burden of proof will be on that person who wants to disprove it and claim that such a person is illegitimate. The presumption under this provision is a conclusive presumption of law which can be displaced only by proof of non access between partners to the marriage at the time when according to the ordinary course of nature the husband and - wife have no access to each other. Non access can be proved by evidence direct or circumstantial and the proof of non-access must be clear and satisfactory. Further, the child must have born during the continuance of a valid marriage between his mother and any man.

47. Which of the following does not figure in section 115 while dealing with applying the principle of Estoppel;



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- a. Conduct
- b. Act
- c. Omission
- d. Declaration

*Ans: (a) - When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing*

48. The provisions of section 126 of the Evidence Act dealing with confidentiality of professional communication shall apply to;

- a. Clerks of barristers
- b. Servants of pleaders
- c. Interpreters of barristers
- d. All of the above

*Ans: (d) - Section 127, Indian Evidence Act makes it clear that the prohibition contained in section 126 applies also to interpreters, and the clerks and servants of the lawyer. They are also likely to come to know of the confidential information relating to litigation. A paid or salaried employee who advises his employer on all questions of law and relating to litigation must get the same protection of law. Communication made in official confidence by his employer to him for the purpose of seeking legal advice or vice versa should get the protection of sections 126 and 129.*

49. Which of the following is true;

a. There cannot be further cross-examination after re-examination

b. There can be further cross-examination after re-examination as per Section 137

c. There can be further cross-examination after re-examination as per Section 138

d. There can be further cross-examination after re-examination as per Section 139

*Ans: (c) - Witnesses shall be first examined-in-chief; then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined. The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.*

*Direction of re-examination.— The re-examination shall be directed to the explanation of matters referred to in cross-examination; and, if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine upon that matter. (Section 138).*

50. Indecent and scandalous questions may be forbidden by the court under;

- a. Section 149
- b. Section 150
- c. Section 151
- d. Section 152

*Ans: (c) - Under Section 151, Indian Evidence Act, the Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or*

*inquiries may have some bearing on the questions before the Court unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.*

51. In relation to devolution of joint liabilities, as a general rule the Indian Contract Act incorporates the principle of;

- a. Survivorship
- b. Succession
- c. Both a & b
- d. None of the above

*Ans: (c) - When two or more persons have made a joint promise, then unless a contrary intention appears by the contract, all such persons, during their joint lives and, after the death of any of them, his representative jointly with the survivors and after death of last survivor, the representative of all, jointly must fulfill the promise. For example A, B, C jointly promises to pay Rs.*

*3000/- to D. A dies, but B & C along with the legal representative are jointly and severally liable to pay the amount to D. However, if a contrary intention appears from the contracts then the rule given above shall not apply. (Section 42, Indian Contract Act)*

52. An agreement enforceable by law at the instance of one party & not of other party under section 2(i) is called

- a. A valid contract
- b. An illegal contract
- c. A void contract
- d. A voidable contract



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**Ans: (d)** - An agreement is Voidable when an agreement or contract is enforceable at the option of one or more of the other parties thereto but not at the option of the other or others. For example: The contract was entered under duress, coercion, undue influence or fraud. A consent given under duress is no consent and the person giving such consent has the option to withdraw it.

A contract the consent to which is caused by coercion, undue influence, fraud or misrepresentation is voidable at the option of the party whose consent is so caused. Burden is on the party alleging fraud to establish it.

*(Hajra Bai v. Jadavabai AIR 1986 MP 106)*

A person avoiding the contract on the basis of being voidable has to disclose in his plaint the full particulars of any of the vitiating factors entitling him to avoid the contract *(G. Subhashini v. P. Lakshmi Bai (1987) 1 MLJ 107)*

In a voidable contract, vague and general allegations are insufficient. The vitiating factors must be separately pleaded with specificity, particularity and precision *(Bishundeo Narain v. Seogeni Rai AIR 1951 SC 280)*

53. Competency to contract relates to

- a. Age of the parties
- b. Soundness of mind of the parties
- c. Both age & soundness of mind
- d. Intelligence of the parties

**Ans: (c)** - Thus a person is not competent to contract if:

- (a) he has not attained the age of majority according to the law to which he is subject.
- (b) he is of unsound mind
- (c) he has been disqualified from contracting by some law.

In ordinary contracts the age of majority is to be determined by *lex loci contractus* (law of the place where the contract was made) - *(TNS Firm v Muhammad Hussain)*

54. A general offer open for world at large can be accepted

- a. By sending a communication of acceptance
- b. By complying with the conditions of offer
- c. By tendering himself to comply the conditions of offer
- d. None of the above

**Ans: (b)** - In certain cases communication of acceptance is not necessary. The offeror may prescribe a particular mode of performance and then all that the acceptor has to do is to follow the prescribed mode. Then there may be an offer which impliedly indicates that acting on its terms will be a sufficient acceptance. Announcement to pay reward for discovering lost thing is an offer of this kind. *(Carlill v. Carbolic Smoke ball Co.)*

55. A sub-agent is responsible to the principal on which of the following grounds

- a. Fraud or Negligence
- b. Negligence or Deceit
- c. Wilful wrong or Fraud
- d. Wilful wrong or Negligence

**Ans: (c)** - According to law of agency, the agent is responsible to the principal for the acts of a sub-agent *(Section 192)*.

The sub-agent is responsible for his acts to the agent but not the principal, except in cases of fraud and willful wrong. *(Section 192)*.

56. Which of the following Section of the Indian Contract Act provides that the responsibility of finder of goods is similar to that of a bailee;

- a. 69
- b. 70
- c. 71
- d. 72

**Ans: (c)** - Responsibility of finder of goods is given under Section 71 of the Indian Contract Act 1872. His duties are similar to that of a bailee.

57. Under Section 6 of the Specific Relief Act, 1963, a person cannot sue for recovering the possession of immovable property;

- a. After six months from the date of dispossession
- b. After nine months from the date of dispossession
- c. After twelve months from the date of dispossession
- d. After twenty-four months from the date of dispossession

**Ans: (a)** - This section was incorporated in the Act with a view to provide a summary, cheap and useful remedy to a person dispossessed of immovable property, without following the due process of law.

The objects of section 6 are as under:

- 1. to discourage people from taking the law in to their own hands, however good their title may be.



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2. to provide a summary, cheap and useful remedy to a person dispossessed of immovable property otherwise than in due course of law.

Further application of this section is limited to cases where the plaintiff proves that:

1. he was in juridical possession of the immovable property in dispute.

2. he had been dispossessed without his consent and otherwise than in due course of law

3. the dispossession took place within 6 months from the date of the suit.

58. Which one of the following is not a ground on which a reasonable restrictions on the right to freedom of speech and expression can be imposed;

- a. Security of the State
- b. Morality
- c. Public Order
- d. Public Policy

Ans: (d) - Article 19(2) lays down the circumstances which authorize the state to impose restrictions upon the freedom of speech and expression. The grounds are as under:

- (i) security of the state
- (ii) friendly relations with foreign state
- (iii) Public order
- (iv) decency or morality
- (v) contempt of court
- (vi) Defamation
- (vii) incitement to an offence
- (viii) sovereignty and integrity of India.

59. Which of the following is included in the definition of 'law' as provided in Article 13;

- a. By-Law
- b. Custom having the force of law
- c. Usage having the force of law
- d. All of the above

Ans: (d) - 13 (3) (a): Law includes any ordinance, order, by-law, rule, regulation, notification, custom or usage having in the territory of India the force of law. However it is important to note here that law does not include personal laws and it is disputed.

60. Which one of the following is a ground which is not mentioned in both Articles 15 and Article 16 on which the State cannot discriminate;

- a. Race
- b. Caste
- c. Residence
- d. Place of Birth

Ans: (c) - Under Article 15 - the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 16(2) prohibits discrimination against a citizen on the ground of - religion, race, caste, sex, place of birth descent and residence.

Race, caste, and place of birth are common in both the sections whereas residence is given under Article 16 only.

61. Practising untouchability is;

- a. Violation of a constitutional right
- b. A criminal offence
- c. Both [a] and [b]
- d. Violation of a legal right only

Ans: (c) - Untouchability is violation of a Constitutional right under Article 17 as well as an offence under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 & Rules, 1995.

62. Petitions to the Supreme Court under Article 32 are subject to the rule of *Res judicata* except

- a. *Quo Warranto*
- b. *Habeas Corpus*
- c. *Certiorari*
- d. Prohibition

Ans: (b) - The principle of *res judicata* is not applicable in the writ of *habeas corpus*.

The writ of *Habeas corpus* is enjoined by the Constitution to protect the right of a person illegally detained and the courts will become powerless to enforce it if *res judicata* is applied. That would amount to whittling down the wide sweep of the constitutional protection. [*Ghulam Sarwar v. Union Of India & Ors 1967 AIR 1335*].

63. Which one of the following is a ground on which the state can impose reasonable restrictions on the right to move freely throughout the territory of India;

- a. Security of the State
- b. Decency
- c. Morality
- d. Protecting the Interests of any Scheduled Tribe

Ans: (d) - All citizens shall have the right to move throughout the territory of India and the right to reside and settle in any part of India. However the state may impose reasonable



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restrictions on this freedom as under: [Art. 19(1) (d)]

- (i) in the interest of the general public
- (ii) for the protection of the interest of any scheduled tribe.

64. As per Article 21A, the state shall provide free and compulsory education to all children of the age of;

- a. Six to fourteen years
- b. Six to twelve years
- c. Six to ten years
- d. Six to eighteen years

**Ans: (a) - In Unnikrishnan v. State of A.P., the Supreme Court held that the right to education is not stated expressly as a fundamental right in Part III of the Constitution. However having regard to the fundamental significance of education to the life of an individual and the nation, right to education is implicit in and flows from the right to life guaranteed by article 21.**

Right to education has been treated as one of transcendental importance in the life of an individual all over the world and without education provided to the citizens of the country; the objectives set forth in the preamble to the Constitution cannot be achieved.

Accordingly a new section Article 21/A was introduced in the Constitution making compulsory education of all the children between the age of 6 and 14 recognizing it as their fundamental right. Consequently the Right to Education Act 2009 was passed by the Parliament.

65. According to Article 50, the state shall take steps to;

- a. Separate the judiciary from the executive in the public services of the state
- b. Separate functioning of judiciary from executive
- c. Separate the powers of judiciary from the executive
- d. Separate the powers of judiciary from the legislature

**Ans: (a) - Article 50 provides that the state shall take steps to separate the judiciary from executive in public services of the state. In Union of India v. Pratibha Banerjee 1996 AIR SC 693, the SC held that:**

- (i) Judiciary belongs to the third organ of the State and is not subordinate to the other two wings.
- (ii) There can never be a master and servant relationship between a judge and the government.
- (iii) Independent, impartial and fearless judiciary is our constitutional mandate.

66. What is the minimum age to be eligible for becoming the President of India?

- a. 35
- b. 45
- c. 55
- d. 25

**Ans: (a) - Article 58 lays down the qualification for being eligible for selection as President.**

- (i) he must be a citizen of India
- (ii) he must have completed the age of 35 years
- (iii) He must be qualified for election as a member of the House of the people. He must therefore be registered as a

voter in any parliamentary constituency

(iv) He must not hold any office of profit under the Govt. of India or the Govt. of any state, or under any local or other authority subject to the control of any of the said governments.

The candidature of a person for the election of the President must be proposed by at least 50 elected members and be seconded by another 50.

67. When the President is to be impeached, the charge shall be preferred by;

- a. Either House of the Parliament
- b. The Upper House of the Parliament
- c. The Lower House of the Parliament
- d. Both the Houses of the Parliament simultaneously

**Ans: (a) - Article 56(1) - President may be removed from office for the violation of the Constitution by impeachment. Thus the only ground on which President can be removed is violation of the Constitution.**

**Article 61- Procedure:**

(i) the proposal to prefer a charge against the President for violating the Constitution may be preferred or initiated in either house of Parliament.

(ii) the proposal to prefer such charge must be contained in the form of a resolution.

(iii) the resolution can be filed in either house of Parliament only after the expiry of a notice of 14 days. The notice must be in writing and signed by not less than 1/4<sup>th</sup> of the total



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number of members of the house in which the resolution is to be moved.

(iv) Such resolution must be passed by the house in which it is initiated by a majority of not less than two third of the total membership of the house.

(v) When the resolution is passed by the House in which the charge has been preferred, the other house shall investigate the charge. During this investigation President shall have the right to appear and to be represented.

(vi) If after such investigation, the house in which the charge against the president is investigated passes a resolution by a majority of not less than 2/3<sup>rd</sup> of the total membership of the House, such resolution shall have the effect of removing the President from his office from the date of resolution.

68. What is the meaning of 'lex loci'

- a. Law of land
- b. Sovereignty is essential for enacting laws
- c. Law of the land is supreme
- d. Crown has supreme authority

*Ans: (a) – lex loci means the law of the country in which a transaction is performed, a tort is committed, or a property is situated.*

69. The words 'Socialist' and 'Secular' were inserted in the Preamble by amendment of the Constitution.

- a. 15th
- b. 39th
- c. 42nd
- d. 44<sup>th</sup>

*Ans: (c) – These were added by the 42<sup>nd</sup> amendment which wanted to introduce many changes to the constitution and some such changes were controversial. This amendment is also known as mini-constitution for the sweeping changes that it wanted to introduce.*

70. As far as Armed Forces are concerned the fundamental rights granted under Articles 14 and 19 of the Constitution are

- a. Not available at all
- b. Available to armed forces but not to other forces
- c. Available only at the discretion of the Chief of Army staff
- d. Available only according to law made by Parliament

*Ans: (d) - Parliament may, by law, determine to what extent any of the rights conferred by Part III shall be applied to the members of the Armed Forces; or the members of the Forces charged with the maintenance of public order; or persons employed in any bureau or other organisation established by the State for purposes of intelligence or counter intelligence; or persons employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organisation referred to in clauses (a) to (c), be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them. (Article 33)*

71. The following are not included in the right to personal liberty

- a. Right to go abroad
- b. Right to human dignity
- c. Right to undertrial prisoners not to be detained for unreasonably long period
- d. Right not to be detained beyond 24 hours in police custody

*Ans: (d) – Option (d) is a right guaranteed under Article 22 the Constitution whereas the other rights are covered under Article 21, right to life and personal liberty.*

*Clauses (1) & (2) of Article 22 of the Constitution ensures four safeguards to a person who is arrested:*

*(i) Right to be informed as soon as may be of the grounds of arrest.*

*(ii) Right to consult and be defended by a legal practitioner of his choice.*

*(iii) Persons arrested shall be produced before the nearest magistrate within 24 hours of his arrest. (Excluding travelling time).*

*(iv) No detention beyond 24 hours except by the order of a magistrate.*

*These rights are available to citizens as well as non citizens. However these rights are not available to:*

*(i) enemy aliens*

*(ii) person detained under law of preventive detention.*

72. During the Proclamation of Emergency, the duration of the House of People may be extended by the Parliament for a period not exceeding \_\_\_ at a time



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- a. One year
- b. Six months
- c. Nine months
- d. Eighteen months

*Ans: (a) - Lok Sabha continues for 5 years from the date on which it holds its first meeting after being constituted. The expiration of the period of five years operates as dissolution of the Lok Sabha. This period of 5 years may be extended by the Parliament for a period not exceeding one year at one time, during the period when proclamation of emergency made under Article 352 is in operation. However, it shall not exceed in any case beyond a period of six months from the date of proclamation of emergency has ceased to operate. (Article 83(2))*

73. When the President refers a matter to the Supreme Court;

- a. The court is bound to render its opinion
- b. The court is bound to render its opinion when it is a dispute of the kind mentioned in the Proviso to Article 131
- c. The court is bound to render its opinion when it is a dispute of the kind mentioned in Article 71
- d. The court is bound to render its opinion when it is a dispute of the kind mentioned in Article 72

*Ans: (b) - Article 143 (1) authorizes the President to refer to this Court questions of law or fact which appear to him to have arisen or are likely to arise and which are of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court*

*upon them. This Article provides that when such questions are referred to this Court by the President, the Court may, after such hearing as it thinks fit, report to the President its opinion thereon.*

*Under 143 (2) The President may, notwithstanding anything in the proviso to Article 131, refer a dispute of the kind mentioned in the said proviso to the Supreme Court for opinion and the Supreme Court shall, after such hearing as it thinks fit, report to the President its opinion thereon.*

*In the case of reference made under Article 143(2) it is the constitutional obligation of this Court to make a report on that reference embodying its advisory opinion, in a reference made under Article 143(1) there is no such obligation. (In The Matter Of: Under Article 143 ... v. Unknown AIR 1965 SC 745).*

74. Which of the following grounds is necessary to be proved in order to remove a speaker of any Legislative Assembly:

- a. Misbehaviour
- b. Incapacity
- c. Conduct involving moral turpitude
- d. None of the above

*Ans: (d) - A speaker can be removed by the members of Lok Sabha by a resolution passed by absolute majority (majority of the total members of the House) of Lok Sabha. However, 14 days advance notice must be given for such resolution. Whenever the House of the People is dissolved, the Speaker shall not*

*vacate his office until immediately before the first meeting of the House of the People after the dissolution. (Article 94 (2)).*

*The Speaker shall have the right to speak in the House when such resolution is tabled but shall have no right to vote.*

75. Questions as to the age of a judge of a High Court are to be decided by;

- a. President
- b. Chief Justice of the concerned High Court.
- c. Governor
- d. Chief Justice of India

*Ans: (a) - According to Article 217(3), if any question arises as to the age of a Judge of a High Court, the question shall be decided by the President after consultation with the Chief Justice of India and the decision of the President shall be final. Article 217 lays down appointment and conditions of the office of a Judge of a High Court.*

76. Which of the following Section deal with an implied warranty in every contract of sale;

- a. 14[a]
- b. 14[b]
- c. 15
- d. 16[2]

*Ans: (b) - In a contract of sale unless the circumstances of the contract are such as to show a different intention there is:*

- b) an implied warranty that the buyer shall have and enjoy quiet possession of the goods.
- c) an implied warranty that the goods shall be free from any charge or encumbrance in favor





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of any third party not declared or known to the buyer before or at the time when the contract is made.

Section 14 (a) deals with conditions whereas (b) & (c) deals with warranty.

77. Which of the following rights of an unpaid-seller can be exercised *only* when the buyer has become insolvent and not otherwise?

- a. Right of lien
- b. Right of Re-sale
- c. Right of Stoppage in transit
- d. Right to Sue

*Ans: (c) - Where the goods have delivered to a carrier or other bailee for the purpose of transmission to the buyer, who has become insolvent, the seller may stop the goods, as long as they are in transit. This is one of the methods of protecting the unpaid seller against the risk of his goods going to the possession of an insolvent. This is a right founded upon the reason that one man's goods shall not be applied to the payment of another man's debt.*

78. As per section 41, the buyer must have the reasonable opportunity to examine the goods for the purpose of ascertaining;

- a. The goods are in a deliverable state
- b. The goods are of merchantable quality
- c. The goods are in conformity with the contract
- d. All of the above

*Ans: (c) - By accepting the documents of the title, the buyer is not deemed to have accepted the goods. He still has*

*the right of examining the goods on their arrival. Buyer has this right under the following circumstances:*

*(i) Where goods are delivered to the buyer which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.*

*(ii) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract. [Section 41 Sale of Goods Act]*

79. Within how many months of attaining majority, a minor admitted into the benefits of a partnership firm must decide whether he wants to become a partner in the firm?

- a. Two
- b. Three
- c. Six
- d. Twelve

*Ans: (c) - Within six months of attaining majority or of knowing that he has been admitted to the benefits of a partnership, whichever is later, a minor can elect to become or not to become a partner. This option is exercised by giving a notice under section 72 of the Indian Partnership Act. Silence or failure on his part to give notice will be treated as willingness to become a partner and he shall become a partner in the firm after six months. Towards the creditors of the*

*firm, he becomes personally liable for all the acts of the firm from the date of his admission to the benefits of partnership. When he elects not to become a partner, his rights and liabilities continue to be the same as that of a minor up to the date of his giving public notice. Thereafter no liability arises or exists.*

80. Generally, an introduction of a new partner in a partnership firm would require the consent of;

- a. The majority of the partners
- b. All the partners
- c. The majority of partners barring the dormant partners
- d. The partners having majority share in the firm

*Ans: (b) - The relation of partners is based upon mutual confidence and trust and obviously therefore no person may be introduced as a partner in the firm without the consent of all the existing partners. Thus no partner can assign his share in a way which may substitute an outsider in his place. If a partner transfers whole of his interest in the firm to a third party, the other partners may apply to the court for dissolution of the firm. But a partner can transfer his right of interest (right to receive share in profits) in the business of the firm in favor of a third party. But such transferee does not become entitled to interfere in the conduct of business, nor can he inspect the books of the firm. He is bound to accept the account profits agreed to by the partners.*



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81. Which of the following sections deals with Personal bars to the remedy of specific relief;

- a. 14
- b. 15
- c. 16
- d. 17

*Ans: (c) - Specific performance of contract cannot be enforced in favour of a person in the following cases:- (Personal bars to remedies - Section 16).*

1. Who would not be entitled to recover compensation for its breach; or

2. A person guilty of any of the following:

(i) Who has become incapable of performing or violates any essential term of

(ii) the contract that in his part remains to be performed or acts in fraud of the contract,

(iii) or willfully acts at variance with or in subversion of the relation intended to be established by the contract; or

3. Who fails to aver and prove that he has performed or has always been ready and willing to perform the essential terms of the contract.

82. The period of limitation for a suit to claim compensation for false imprisonment is;

- a. One year
- b. Two years
- c. Three years
- d. Twelve years

*Ans: (a) - One year from when the false imprisonment ends. [Part VII, entry 73 of the Schedule to Limitation Act].*

83. Which section of the Haryana Urban (Control of Rent and Eviction) Act, 1973 deals with eviction of tenants;

- a. 10
- b. 11

- c. 12
- d. 13

*Ans: (d) - The terms and conditions for eviction of a tenant is given under Section 13 of the Act.*

84. A petition for divorce may be presented under section 13(1A) if even after the passing of a decree for restitution of conjugal rights, which have not been restored for a period of at least

- a. 2 years
- b. 6 months
- c. 1 years
- d. 18 months

*Ans: (c) - Either party to a marriage, may present a petition for the dissolution of the marriage by a decree of divorce on the ground that:-*

(i) there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation.

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights.

*(Section 13 (1A), Hindu Marriage Act).*

85. Naveen Kohli v. Neelu Kohli's case dealt with

- a. Irretrievable breakdown of marriage
- b. Adultery
- c. Divorce by mutual consent
- d. Conversion

*Ans: (a) - This case was based on irretrievable breakdown of*

*marriage. The law lays down that if a marriage has broken down beyond any possibility or repair, then it should be dissolved. The determination of the question whether in fact a marriage has been broken down or not is left to the courts. Secondly, the legislature lays down the criteria of breakdown of a marriage and if that is established, the courts have no option but to dissolve the marriage. In the following circumstances marriage will be presumed to be broken down.*

(i) if it is shown that a decree for restitution of conjugal rights has not been complied with for a period of one year or more.

(ii) Co-habitation has not been resumed for a period of one year or more after the passing of the decree of judicial separation

86. The decree of Restitution of Conjugal Rights can be enforced under the following provision of CP:

- a. Order 21 Rule 32
- b. Order 22 Rule 31
- c. Order 21 Rule 25
- d. None of the above

*Ans: (a) A decree for restitution of conjugal rights can be enforced by the attachment of the property of the defaulting party under Order 21 Rule 32.*

87. The period of limitation for seeking an annulment of marriage on the ground of Fraud is

- a. One year from the date of knowing the fact of Fraud
- b. Six months from the date of knowledge of Fraud



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- c. Within two years from the incident of Fraud
- d. Within fourteen months from the date of knowledge of fraud

*Ans: (a) When the consent of the petitioner or guardian was obtained by force or fraud as to the nature of ceremonies or as to any material fact or circumstances concerning the respondent - the petition should be filed within a period of one year after the force has ceased or the fraud has discovered. (Section 12, HMA 1955).*

88. Forced intercourse by a man with his wife while a decree of judicial separation is in effect

- a. Is punishable under the Hindu Marriage Act.
- b. Is punishable under the Indian Penal Code
- c. Is not an offence in India
- d. None of the above

*Ans: (b) - It amounts to rape under section 376-B of the IPC. A husband having intercourse with his own wife, who is living separately whether under a decree of separation or otherwise, without her consent shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.*

89. One of the following is not a condition for determining the capacity of a male Hindu to adopt;

- a. Consent of wife under certain circumstances

- b. Majority
- c. Soundness of mind
- d. Must be necessarily married

*Ans: (d) - Marriage is not a pre-condition for a Hindu to make a valid adoption whereas soundness of mind, majority, and consent of wife if married are pre-conditions for valid adoption.*

90. A Hindu man wants to adopt a girl-child. The difference in age between the two should be:

- a. at least 21 years
- b. at least 15 years
- c. at least 24 years
- d. none of the above

*Ans: (a) - If a Hindu wants to adopt a child of the opposite sex, he or she must be older to the child by at least 21 years. Violation of this requirement renders the adoption void.*

91. Under the Hindu Adoptions and Maintenance Act, a wife will not be entitled to maintenance if

- a. She is unchaste
- b. Her husband has ceased to be a Hindu
- c. She is suffering from a venereal disease in communicable form
- d. All of the above

*Ans: (a) - A Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by conversion to another religion. Section 18, Hindu Adoption and Maintenance Act.*

92. A Nikah solemnised in the absence of Qazi is

- a. Valid
- b. Void
- c. Irregular
- d. None of the above

*Ans: (a) - Muslim law provides for simple ceremonies of marriage. All that is necessary for the performance of the a Muslim Marriage is that there should be a proposal of marriage made by or on behalf of one party and accepted by or on behalf of another party. The proposal and acceptance must be made in the same meeting. The Sunni Law requires that the offer and acceptance must be in the presence of two adult male witnesses or one adult male and two adult female witnesses. The Shia law does not require the presence of witnesses. For making a valid proposal and acceptance, no specific words are given, though it is necessary that whatever words are used, these must be clearly and unequivocally convey the intention to be married. But even if proper words are not used, consummation of marriage cures the deficiency. No religious ceremonies are essential. No writing is required either. No Qazi is required even.*

93. As a general rule, interest in the coparcenary property is acquired by virtue of

- a. Birth
- b. inheritance
- c. marriage
- d. none of the above

*Ans: (a) - Coparcenary is narrower body of persons within a joint family and consists of father, son's son,*



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son's, son's son. Like joint family, to begin with, it consists of the father and his three male lineal descendants. Within its fold, no outsider can be admitted except by adoption. It confers a status on its members which can be acquired only by birth in the family or by adoption in to family.

94. Customs are an important source of Hindu Law. One of the following is not a necessary feature of Customs:

- Uniformity
- Certainty
- Conformity with public policy
- None of the above

**Ans: (d)** - A custom may be defined as a binding rule of conduct established by long usage which is obligatory to observe on the part of the persons who come within its spheres. A valid custom contains the force of law. Customs may be general, particular or local. General customs are applicable in the entire country, particular customs are applicable to particular class of people, and local customs are applicable to certain part of the country.

Antiquity, continuance, peaceable enjoyment, matter of right, certainty, consistency, reasonableness, compulsory observance, conformity with statute law are some of the essentials of a custom.

According to Historical School of jurisprudence, custom is the source of law and above legislation and precedent whereas according to analytical school custom can become law

when it is adopted by the sovereign or is expressed in the form of a precedent.

95. The term "offence" is defined under Section, of IPC

- 41
- 42
- 40
- 43

**Ans: (c)** - An offence denotes a thing made punishable by this Code (Section 40 IPC). Crime is not a private wrong like tort or breach of contract etc. It is a public wrong, crime against the society at large. Criminal liability is best explained in the maxim "*actus non facit nisi mens sit rea*" which means act does not constitute guilt unless done with a guilty intent. It is important to note here that act include omissions but all omissions are not punishable, act includes illegal omissions only.

96. In the IPC, nothing is an offence when it is done by a child below:

- 12 years of age
- Above seven but below 12 years of age
- Below 14 years of age
- None of the above

**Ans: (d)** - Section 82 of the Code completely makes an infant below 7 years of age immune from criminal liability since a child below this age is considered as *doli incapax* in law. The reason being that a child under such an age cannot form the necessary intention to constitute a crime, or possess adequate discretion or understanding at this age. Thus a child under the age of 7

is exempted from liability not only under the IPC but all other special and local laws etc.

Blackstone explains why a child below a certain age cannot be held liable - "infancy is a defect of the understanding, and infants under the age of discretion ought not to be punished by any criminal prosecution whatsoever". However, there appears to be no absolute rule as regards the age of discretion. It differs from country to country.

97. A, under the influence of grave provocation by Z, kills V, Z's child. A is guilty of

- Culpable homicide
- murder
- Grievous hurt
- No offence as he was under provocation

**Ans: (b)** - The problem is based on Section 301 of the IPC which is based on transfer of malice. Section 301 embodies the principle of transfer of malice. If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

However, one has to distinguish whether the death of the child was caused intentionally or accidentally. If death is caused accidentally, it



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would not amount to murder but culpable homicide not amounting to murder.

98. Under section 376 of the IPC, A public servant committing rape on a woman in his custody shall be punishable with

- Rigorous imprisonment up to 7 years
- Rigorous imprisonment of at least 8 years
- Rigorous imprisonment up to 10 years
- None of the above

**Ans: (c)** – If a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; he shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life and also shall be liable to fine. [Section 376 (2)]

99. A crime under section 399 can sufficiently attract punishment under the IPC at the stage of:

- Intention.
- Preparation.
- Attempt
- Commission

**Ans: (b)** – Section 399 is about preparation to commit dacoity. Preparation to commit crime implies arrangement of necessary means for the commission of crime, like procuring poison, weapons etc. Generally preparation to commit crime is not punishable,

but there are certain exceptional classes of crime whose preparation to commit it is punishable under Indian Penal Code. These exceptional circumstances include:

- preparation to wage war against Govt (Section 122)
- Preparation to commit depredation on the territories of any power at peace with govt. of India. (Sec. 126)
- Preparation to commit dacoity, (Sec. 399)
- making or selling or being in possession of instruments for counterfeiting coins or govt. stamps etc. (223-235 and 257)
- possession of false weights and measures, government stamp, counterfeit coins etc

100. S. 511 of the Indian Penal Code applies to offences punishable under the

- Indian Penal Code
- Any special Law
- Any Local Law
- All of the above

**Ans: (a)** – Attempt to commit an offence is always punishable. IPC deals with attempts in four different ways:

- Commission of an offence and attempt to commit it are dealt within the same section and the extent of punishment being the same. For example: offences against the state, assaulting or attempting to assault the president of India or governor etc with the intent to restrain the exercise of any lawful power or offences under sections 124-A, 125, 161, 391 etc.
- Attempts to commit offences and commission of

specific offences have been dealt with separately and separate punishments have been provided for attempt.

For example: attempts to commit murder, attempt to commit culpable homicide not amounting to murder, attempt to commit robbery have been dealt with in sections 307, 308 and 393 and punishable under section 302, 304 and 392.

- Attempt to commit suicide is made punishable under section 309 IPC
- Attempts to commit offences in general (except those falling in the above categories) have been made punishable under section 511.

Thus section 511 provides for punishment to attempts which are not specifically provided under any specific section of IPC.

101. Under section 103 of IPC, the right to Private defence of property extends to causing death if the offence is:

- Mischief per se
- Robbery per se
- Theft per se
- All of the above

**Ans: (d)** – Private defence of property extends to causing death, if the offence is one of:

- Robbery
- House breaking by night
- Mischief by fire committed on any building, tent vessel which is used as a human dwelling or as a place for the custody of property.
- Theft, mischief, or house trespass which causes apprehension that death or grievous hurt will be the consequence, if such right is not exercised. (Section 103, IPC)



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102. Smith v. Desmond is a leading case on:

- a. Rape
- b. Extortion
- c. Sedition
- d. Criminal Conspiracy

**Ans: (d)** - D robbed a bakery where the night watchman and a maintenance engineer were on duty. Their hands and ankles were bound and they were blindfolded. D made off with £10,447 from the safe. The Court of Criminal Appeal substituted verdicts of larceny.

**Held:** The watchman and the engineer were in the building to guard its contents, so that the safe was, at the time when they were assaulted, within the area of their vigilance. Rendering them powerless enabled the thieves to take the money from the safe; D had been rightly convicted of robbery.

It was more based on robbery than criminal conspiracy.

103. In the Indian Penal Code, the offence of Criminal Breach of Trust has been dealt with in Section:

- a. 405
- b. 402
- c. 404
- d. 401

**Ans: (a)** - Section 405 of the Indian Penal Code defines criminal breach of trust.

104. For which of the following offences, mensrea is not a requisite?

- a. Kidnapping
- b. Robbery
- c. Trespass
- d. None of the above

**Ans: (a)** - Intention of the kidnapper is immaterial for the

offence of kidnapping. It is the consent of the guardian that makes the taking lawful or unlawful. The taking or enticing of the minor out of the keeping of the lawful guardian must be without his consent. Thus mens rea is not an essential requirement for kidnapping.

105. If the offender is armed with deadly weapons at the time of attempting dacoity, he is liable to be punished with

- a. Rigorous imprisonment of at least 7 years
- b. Rigorous imprisonment up to 7 years
- c. Rigorous imprisonment not exceeding 5 years
- d. None of the above

**Ans: (a)** - The punishment under section 398, IPC is rigorous imprisonment for not less than 7 years.

106. A was attempting to kill a deer in a sanctuary. While doing so, the gunshot hit a man who died instantly. A is guilty of:

- a. Culpable Homicide
- b. Murder
- c. Grievous hurt
- d. None of the above

**Ans: (d)** - section 80 exempts the doer of an innocent or lawful act in an innocent and lawful manner from any unforeseen result that may ensue from accidents or misfortune. If either of these elements is wanting the act will not be executed on the ground of accident. An accident is not the same as an occurrence. An effect is said to be accidental when the act by which it is

caused is done without the intention of causing it, or when its occurrence as a consequence of such act is not so probable that a person of ordinary prudence ought, under the circumstances in which it is done, to take reasonable precautions against it.

However he may be held liable under the Wild Life Protection Act.

107. The maxim 'ignorantiajuris non excusat' means

- a. Ignorance of law is no excuse
- b. Ignorance of fact is no excuse
- c. Ignorance of law is an excuse
- d. Ignorance of fact is an excuse

**Ans: (a)** - It means a mistake as to the existence or otherwise of any law on a relevant subject as well as a mistake as to what the law is. A mistake or ignorance of law, whether civil or criminal is no defence in law, howsoever, genuine it might be. If ignorance of law were a defence, it would be open to an accused charged of a crime to allege that he was not aware of the law on the point; and it would be quite impossible for the prosecution to prove that the accused was cognizant of the law in question.

108. 'Infancy' as an exception has been provided under Sec.....IPC

- a. 80
- b. 81
- c. 82
- d. 84

**Ans: (c)** - Nothing is an offence which is done by a child under seven years of age. It is an



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accepted notion that moral delinquency is a pre-requisite of criminal guilt and hence liability cannot be imputed to very young children. (Section 82)

109. Irresistible impulse is a defence

- a. In India
- b. In England
- c. In Indian and England both
- d. Neither in India nor in England

*Ans: (d) - To raise the defence of unsoundness of mind, person should be incapable of knowing the nature of the act or that he is doing what is either wrong or contrary to law. Irresistible or uncontrollable impulses cannot be raised as a defence. The cases in which insanity affects only the emotions and the will subjecting the offender to impulses, and leaves the cognitive faculties unimpaired have been left out of the exception. The reason being the object of criminal law is to make people control their insane as well as sane impulses and to guard against mischievous properties and homicidal impulses. It is not a defence neither in India nor in England.*

110. Abettor is a person

- a. Who commits the offence
- b. Who instigates the commission of offence
- c. Against whom the offence is committed
- d. Who is innocent

*Ans: (b) - Abettor is a person who instigates the doing of a thing, engages with one or*

*more other person or persons in any conspiracy for the doing of that thing provided that an illegal act or omission takes place-*

- (a) in pursuance of that conspiracy, and
  - (b) in order to the doing of that thing, or
- Intentionally aids by any act or illegal omission in doing of that thing*

111. 10 persons were charged for offence under section 302/149 IPC, out of which six persons were acquitted, the remaining four

- a. Cannot be convicted for offence under section 302/149 of IPC
- b. Cannot be convicted for offence under section 302 of IPC
- c. Cannot be convicted for offence under section 149 of IPC
- d. All the above

*Ans: (a) - In order to constitute the offence of unlawful assembly, there should be at least five persons. The apex court held that in the absence of a charge against two out of the five accused, none of the remaining three accused can be convicted under section 149 IPC. Minimum number required for conviction under section 149 is 5 [Pandurang v State of Hyderabad].*

112. In the context of the exception of grave & sudden provocation, which of the following is Correct

- a. Provocation should not be voluntarily provoked by the offender

b. Lawful exercise of the right of private defence does not give provocation

c. Lawful exercise of powers by a public servant in obedience to the law does not amount to provocation

d. All the above

*Ans: (d) - Culpable homicide is not murder if the offender, while deprived of the power of self control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident. The following conditions must be complied with in order to invoke the benefit of this clause.*

- (i) *The deceased must have given provocation to the accused.*
- (ii) *The provocation must be grave*
- (iii) *The provocation must be sudden*
- (iv) *The offender by reason of the said provocation should have been deprived of his power of self control.*
- (v) *The accused killed the deceased during the continuance of the deprivation of the power of self control.*
- (vi) *The offender must have caused the death of the person who gave the provocation or that of any other person by mistake or accident.*

113. Grave & sudden provocation is

- a. question of fact
- b. question of law
- c. mixed question of fact & law
- d. a presumption under the law





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*Ans: (a) - "Provocation is an act, or series of acts, done by the dead man to the accused which would cause in any reasonable person, and actually causes in the accused, a sudden and temporary loss of self control, rendering the accused so subject to passion as to make him or her for the moment not master of his mind."*

*This leads to two questions:*

*(i) What is the effect of the time lag between the act of provocation and the commission of the offence?*

*(ii) Whether words or gestures unaccompanied by acts can amount to provocation? {R v. Duffy}*

*Thus it is a question of fact only.*

114. Which one of the following is not a "Public Servant"

- a. Liquidator
- b. A civil judge
- c. Member of a panchayat assisting a court of justice
- d. Secretary of a co-operative society

*Ans: (d) - Public servant is a person who comes under section 21 of the Indian Penal Code. The Secretary of a co-operative society does not fall in to this category.*

115. Navy Day is observed on

- a. Dec 4
- b. Dec.25
- c. Dec.31
- d. Jan.1

*Ans: (a) Navy Day is observed on December 4 every year.*

116. The shorter version of India's National Anthem has a playing time of

- a. 12 seconds
- b. 15 seconds
- c. 20 seconds
- d. 26 seconds

*Ans: (c) - The playing time of the full version of the national anthem is approximately 52 seconds. A short version consisting of first and last lines of the stanza (playing time approximately 20 seconds) is also played on certain occasions.*

117. The highest airfield in India is

- a. Shuntar
- b. Pantnagar
- c. Chushul
- d. Parapani

*Ans: (c) - Chushul airfield situated in Leh Ladhak is the highest airfield in India.*

118. Who among the following had the longest tenure as the President of India?

- a. Dr.Zakir Hussain
- b. Dr.S.Radhakrishnan
- c. Dr.Rajendra Prasad
- d. V.v.Giri

*Ans: (c) - Dr. Rajendra Prasad, from Bihar, was the first President of independent India, and also the longest-serving President, for 12 years. He was also a freedom fighter during the Indian independence movement. Prasad was the only president to serve two terms in office.*

*Dr. Zakir Husain was the 3rd President of India, from 13 May 1967 until his death on 3 May 1969. An educator and intellectual, Husain was the*

*country's first Muslim president, and also the first to die in office.*

119. Shaurya Chakra made up of bronze is awarded for:

- a. gallantry otherwise than in the face of the enemy.
- b. most conspicuous bravery or some act of self sacrifice.
- c. gallantry in the presence of enemy
- d. none of these

*Ans: (a) The Shaurya Chakra is an Indian military decoration awarded for valour, courageous action or self-sacrifice while not engaged in direct action with the enemy.*

120. What is the effect of deficit financing on economy?

- a. Inflation
- b. Deflation
- c. Depression
- d. Recession

*Ans: (a) - Deficit financing may lead to a situation of inflation.*

121. Mother Teresa was born in

- a. Switzerland
- b. India
- c. Germany
- d. Albania

*Ans: (d) - Albania*

122. Who is known as 'Little Corporal'?

- a. Adolf Hitler
- b. Napoleon Bonaparte
- c. William E. Gladstone
- d. None of these

*Ans: (b) Napoleon Bonaparte was known by this name. He was defeated in the famous battle of Waterloo on 18 June 1815. Presently this place is in Belgium. After his defeat, he was deported to the island of*



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*St. Helena and was kept as a prisoner.*

123. Asian Games have been organized in India

- a. Once                      b. Thrice
- c. Five times              d. Twice

*Ans: (d) It was conducted in India twice in 1951, when the Asian Games was started and in the year 1981.*

*The Asian Games, also known as Asiad, is a Pan-continental multi-sport event held every four years among athletes from all over Asia. It is presently organized by the Olympic Council of Asia. The next games will be held in Jakarta and Palembang, Indonesia in 2018.*

124. Ranji Trophy and Aga Khan Cup are associated with

- a. Cricket and Football
- b. Cricket and Volleyball
- c. Cricket and Hockey
- d. Badminton and Hockey

*Ans: (c) - Ranji Trophy is associated with Cricket and Aga Khan Trophy s associated with Hockey.*

125. The term 'deuce' is common in which of the following two games?

- a. Basketball and Badminton
- b. Badminton and Tennis
- c. Volleyball and Tennis
- d. None of these

*Ans: (b) - The term deuce is associated with badminton and tennis.*