



Teachingninja.in



Latest Govt Job updates



Private Job updates



Free Mock tests available

Visit - teachingninja.in

27th Bihar Judicial Services

**Previous Year Paper
(Prelims) Law Paper-II
2009**



Bihar Judicial Service Exam., 2009

[Judicial Exam. P.T.]

LAW

1. The writ of Habeas corpus means

- (A) To produce the Body of a person illegally detained before a Court
- (B) Respect the Human Rights of a person
- (C) Stop the violation of a right of a man
- (D) None of the above

2. The writ of Certiorari can be issued against

- (A) A person exercising purely administrative powers
- (B) Against a Minister
- (C) Against any Quasi Judicial or Judicial authority
- (D) None of the above

3. Act of State can be questioned and challenged in

- (A) Privy Council
- (B) Queens Court
- (C) High Court
- (D) None of the above

4. During the operation of Martial Law

- (A) The citizens important rights are suspended
- (B) Parliament is dissolved
- (C) Civilian Govt. is suspended
- (D) None of the above

5. Out of the following which is not a Void Marriage?

- (A) That at the time of the Marriage either party has a spouse
- (B) The parties are sapindas to each other
- (C) The parties are within prohibited degree of relationship
- (D) That either party is of bad character

6. A Hindu female can adopt a male child but, she must be senior to the child by at least

- (A) 12 years
- (B) 14 years
- (C) 18 years
- (D) 21 years

7. Hindu Law is not applicable in which of the following cases?

- (A) Any person who is a Hindu, Jain, Sikh or Buddhist by religion
- (B) Any person who is born of Hindu parents
- (C) Any person who is not a Muslim, Christian, Parsi or Jew
- (D) Members of the scheduled tribes coming within clause (25) of Article 366 of the Constitution of India

8. Marriage with Eunuch is regarded as

- (A) Illegal
- (B) Legal
- (C) Void
- (D) Voidable

9. What type of Muslim marriage is which is performed temporarily for enjoyment?

- (A) Batil
- (B) Sahih
- (C) Muta
- (D) Fasid

10. The Statutory Instruments Act 1946 ensures

- (A) Judicial control of delegated legislation
- (B) Growth of delegated legislation
- (C) Parliamentary control of delegated legislation
- (D) None of the above

11. Two important principles of Natural Justice in the British administrative law are

- (A) Doctrine of Bias and Doctrine of Hearing
- (B) Doctrine of Bias and Right of cross examination
- (C) Personal Bias and cross examination
- (D) None of the above

12. Which out of the following is not a ground, which allows a guardian to give a child in adoption?

- (A) If both the parents are dead
- (B) If parties have finally renounced the world
- (C) If parents have been declared judicially to be of unsound mind
- (D) If parents are illiterate

13. Which out of the following does not fall within the meaning of the term 'Avyavaharika' debt?

- An Immoral debt
- An Illegal debt
- A debt resulting from Tortuous act
- Suretyship debt

14. The term Ombudsman in English Administrative Law means

- A Parliamentary Commissioner
- Vigilance Commissioner of England
- Speaker of House of Commons
- None of the above

15. The Crown Proceeding Act was enacted in

- 1935
- 1942
- 1945
- 1947

16. Marriage in Muslim Law

- A Sacrament
- A Civil Contract
- A Sacrament and a Civil Contract both
- A Social Status

17. What is the age of Puberty for a Muslim marriage?

- 9 years
- 12 years
- 15 years
- 18 years

18. Marriage by a Muslim with his real sister is

- Void
- Voidable
- Valid
- Invalid

19. In Muslim Law

- Payment of Meher is necessary
- Payment of Meher is not necessary
- Meher is to be paid on demand before marriage
- Meher is determined after marriage

20. Which out of the following is not modern source of Hindu Law?

- Equity, Justice and good Conscience
- Precedent
- Legislation
- Custom

21. The Nature of Marriage of an Impotent Person is

- Void
- Voidable
- Illegal
- None of the above

22. The highest court in British Constitution is called

- Privy Council
- High Court
- Supreme Court
- House of Lords

23. The Fundamental Rights in England are given to citizens by

- The written constitution
- By conventions of the Constitution
- By judicial decisions
- None of the above

24. Which out of the following is not regarded as 'Stridhan' by Shastric Hindu Law?

- Gifts from relatives
- Property purchased with Stridhan
- Property obtained in lieu of maintenance
- Gifts of immovable property by husband

25. The legal status of a mahant of 'Math' is

- A Trustee
- Corporation sole
- Owner of 'Maths' property
- Manager of 'Math'

26. In which section of Indian Evidence Act, the Plea of Alibi is laid down?

- Section 7
- Section 26
- Section 49
- Section 11

27. Under which section of Evidence Act, confession before Police is not admissible

- Section 25
- Section 32
- Section 20
- Section 21

28. In which section, doctrine of dying declaration is found?

- Section 16
- Section 27
- Section 32
- Section 41

29. A sues B for Rs.1000 and shows entries in his account book showing B to be indebted to him to this amount. This entry is

- Not relevant
- Relevant
- Does not have evidentiary value
- Inadmissible

30. Out of the following which is not a secondary evidence?

- Copies made from the original by mechanical process

(B) Copies made from or compared with the original
(C) Oral accounts of the contents of a document given by a person who has himself seen it
(D) Oral account of a Photograph

31. Presumption as to dowry death is laid down in
(A) Section 113-B (B) Section 114
(C) Section 117 (D) Section 118

32. Under which provision of Civil Procedure Code, a High Court can transfer a case?
(A) Section 25 C.P.C. (B) Section 20 C.P.C.
(C) Section 12 C.P.C. (D) Section 15 C.P.C.

33. Under which section of C.P.C. a notice is required to be given at least two months before filing a suit against a Central or State Government?
(A) Section 50 C.P.C. (B) Section 51 C.P.C.
(C) Section 80 C.P.C. (D) Section 81 C.P.C.

34. Facts forming part of the same Transaction are known as
(A) Plea of Alibi
(B) Dying Declaration
(C) Admission
(D) Res Gestae

35. The term Judicial confession means
(A) It is made before a Police Officer
(B) It is caused by inducement, threat or promise
(C) It is made before any court Officer
(D) It is made before a Magistrate

36. No person shall be twice punished for the same offence is incorporated in
(A) Art. 19 1(F) (B) Art. 20(2)
(C) Art. 22 (D) Art. 368

37. Which out of the following is not a right covered by Art. 21 of the Constitution?
(A) Right to Health
(B) Right to Education
(C) Right to safe drinking water
(D) Right to Strike

38. A person who is appointed to protect the disputed property is known as
(A) A judgement debtor
(B) Commissioner
(C) Receiver
(D) A pauper

39. The Arbitration and Conciliation Act was enacted in
(A) 1908 (B) 1940
(C) 1996 (D) 2002

40. Section 482 Cr.P.C. deals with
(A) Injunction
(B) Arrest of a proclaimed offender
(C) Appellate powers of High Court
(D) Inherent powers of a High Court

41. By which amendment, the words Secular and Socialist were included in the preamble?
(A) 1st Amendment
(B) 6th Amendment
(C) 42nd Amendment
(D) 44th Amendment

42. In which section of Indian Evidence Act, opinion of third person is relevant?
(A) Section 14 (B) Section 34
(C) Section 44 (D) Section 45

43. In criminal proceedings, the fact that the person accused is of good character is relevant according to
(A) Section 53 (B) Section 54
(C) Section 55 (D) Section 56

44. In civil proceedings, ordinarily a civil judge is required to deliver judgements within ninety days of the conclusion of hearing, this was proposed by
(A) Amendment Act of 1976
(B) Amendment Act of 1999
(C) Amendment Act of 2002
(D) None of the above

45. Under which article of the Constitution Parliament can create a new state?
(A) Art. 3
(B) Art. 4
(C) Art. 5
(D) Art. 368

46. Which out of the following is not covered under 'State' of Article 12 of the Constitution?
(A) Central Govt.
(B) State Govt.
(C) University of Patna
(D) A Deity

47. Who out of the following cannot be appointed as arbitrator?

- A person of sound mind
- A person who has attained the age of majority
- A person who has an interest in the subject matter of dispute
- A person of good character

48. Under which section of Cr.P.C. a Police Officer can release an accused on bail in non-bailable case?

- Section 336
- Section 337
- Section 436
- Section 437

49. From which date Civil Procedure Code 1908, became operative?

- 1st January, 1908
- 1st April, 1908
- 31st December, 1908
- 1st January, 1909

50. Under which section of Cr.P.C. a Magistrate can arrest a person?

- Section 38
- Section 40
- Section 41
- Section 44

51. Who will be Guardian of a minor under Muslim Law?

- Mother
- Father
- Executor appointed will on death of father
- Grand father

52. The Guardian who does not possess the right of transfer of property of a minor

- Natural Guardian
- De-Facto Guardian
- Legal Guardian
- Guardian appointed by Court

53. The term actionable claim does not include any one of the following:

- Claim for arrears of rent
- A share in partnership
- The right to the proceed of business
- A debt secured by mortgage of immovable property

54. Which out of the following does not constitute exception to the rule against perpetuity?

- Where a property is transferred for the benefit of the public
- A lease with a covenant for renewal
- It does not apply to vested interests
- A fund is bequeathed to next seven generations

55. Which out of the following is not a transfer according to T.P. Act?

- Sale
- Gift
- Exchange
- Abandonment of a claim to property

56. What is the meaning of the maxim **equity acts in personam**?

- Equity enforces its behest by acting on the conscience of the person who is charged therewith
- Equity looks on that as done which ought to have been done
- Where there is equal equity the Law still prevail
- None of the above

57. Who gave the following comment? "Trust is the very centre and kernel of Equity"

- Bacon
- Story
- Snell
- Hanbury

58. Under which section of the Trust Act, 1882 the definition of the breach of trust is provided?

- 1(d)
- 2
- 3
- 5

59. As a general rule what is the liability of a trustee for breach of trust by co-trustee?

- Fully liable
- Partially liable
- No liability
- None of the above

60. Which out of the following is not a kind of mortgage?

- Mortgage by conditional sale
- Usufructuary mortgage
- English mortgage
- Subrogation

61. Which out of the following does not constitute agricultural lease?

- A lease for rearing tea plants
- A lease for cultivation of Indigo
- A lease for cultivation of potatoes
- A lease for gathering fruits from trees

62. When is Iddat observed for three months
(A) On the death of husband
(B) On the death of husband of pregnant woman
(C) On Divorce
(D) On Invalid marriage

63. Talaq which cannot be revoked after pronouncement, is called
(A) Talaq-ul Bain
(B) Talaq-I Tufweez
(C) Talaq-I-Iddat
(D) Talaq Hasan

64. Who has no right of maintenance?
(A) Unmarried Daughter
(B) Poor Parents
(C) Physically disabled major son
(D) Widow Daughter

65. Which out of the following is not immovable property according to T.P. Act, 1882?
(A) Land
(B) Benefits to arise out of land
(C) Things attached to earth
(D) Standing timber

66. A gift of immovable property can be given
(A) By delivery of immovable property
(B) By written instrument
(C) By delivery and registration of document
(D) None of the above

67. Out of the following, which is a actionable claim?
(A) Mortgage debt (B) Mesne profit
(C) Decree (D) Provident fund

68. The Law regarding transfer by ostensible owner is laid down in
(A) Section 39 (B) Section 41
(C) Section 45 (D) Section 53

69. The literary meaning of Lis Pendens is
(A) A suit under consideration of any court of law
(B) A previous decision bars the subsequent filing of the suit
(C) Exception to Doctrine of Res-judicata
(D) None of the above

70. The term *ces-tui-que trust* was used by
(A) Queen's Court
(B) High Court
(C) Court of Equity
(D) None of the above

71. Who out of the following cannot create a trust
(A) A person of 21 years of age
(B) An advocate
(C) A minor
(D) A juristic person

72. Which section of T.P. Act bars fraudulent transfer?
(A) Section 43 (B) Section 53
(C) Section 63 (D) Section 71

73. "Equity had come not to destroy the Law but to fulfill it"—who said this?
(A) Maitland (B) Potter
(C) Salmond (D) Snell

74. The meaning of the maxim "Equality is Equity" is
(A) Equity delights in equity
(B) Delay defeats equity
(C) Equity looks to the intent rather than the form
(D) None of the above

75. The doctrine of part performance is based on
(A) Section 53A
(B) Section 54
(C) Section 57(B)
(D) None of the above

76. A buys from B an original painting by Picasso. B refuses to honour his promise. On what ground, A can specifically enforce the contract?
(A) Compensation is not an adequate remedy
(B) He loves Picasso's paintings
(C) He wants to make his collections of paintings rich
(D) None of the above

77. A enters into contract with B to marry her. Can this contract be specifically enforced?
(A) Yes
(B) No
(C) With the help of court, yes
(D) None of the above

78. The case related to minors agreement is valid ab initio in
 (A) Carlill v. Carbolic Smoke Ball Co
 (B) Mohoribibi V. Dharmadas Ghose
 (C) Nash V. Inman
 (D) None of these

79. The consent obtained by threatening to commit suicide amounts to consent by
 (A) Coercion
 (B) Undue influence
 (C) Fraud
 (D) None of these

80. The law relating to the payment of damages is based on the leading English case of
 (A) Hadley v. Baxendale
 (B) Hobbs v. London Rly. Co.
 (C) Hadley v. Sullivan
 (D) None of these

81. In case of breach of contract which of the following remedy is available to the aggrieved party?
 (A) Suit for recession
 (B) Suit for damages
 (C) Suit for specific performance
 (D) All of these

82. The meaning of the maxim UBI-JUS-IBI Remedium is
 (A) Where there is a right there is a remedy
 (B) Rights and Duties are Co-relative
 (C) Tort is actionable per se
 (D) None of the above

83. Which out of the following persons is an exception who cannot sue for tort?
 (A) An alien enemy
 (B) Husband and wife
 (C) A child in mothers womb
 (D) A Govt. servant

84. In the wrong of negligence there is breach of
 (A) Legal duty of the defendant
 (B) Legal right of the defendant
 (C) Of good faith
 (D) None of the above

85. Objective theory of negligence was given by
 (A) Salmond (B) Austin
 (C) Holland (D) Pollock

86. The delivery of goods by one person to another for some specific purpose is known as
 (A) Bailment (B) Pledge
 (C) Hypothecation (D) Mortgage

87. Tort is a special branch of Law which originated in
 (A) America (B) France
 (C) India (D) England

88. The remedy in case of tort is
 (A) Deterrent punishment to wrong doer
 (B) Reformation of wrong doer
 (C) Compensation in money (Damages)
 (D) None of the above

89. Gloucester Grammar School case is about
 (A) Damnum Sine Injuria
 (B) Injuria Sine Damnum
 (C) Contributory negligence
 (D) Strict liability

90. A void contract is one which is
 (A) Enforceable at the option of one party
 (B) Enforceable at the option of both the parties
 (C) Enforceable at the direction of court
 (D) Not enforceable in the court of Law

91. A voidable contract is one which
 (A) Can be enforced at the option of aggrieved party
 (B) Can be enforced at the option of both the parties
 (C) Cannot be enforced in a court of Law
 (D) Courts prohibit

92. Where the consent of both the parties is given by mistake, the contract is
 (A) Void (B) Valid
 (C) Voidable (D) Illegal

93. A agrees to sell his car to B at a price which B may be able to pay. This agreement is
 (A) Void (B) Valid
 (C) Voidable (D) Contingent

94. Which out of the following cannot be used as defences in an action for tort?
 (A) Acts of State
 (B) Judicial acts
 (C) Statutory authority
 (D) A Tax payer

95. **Vidyawati v. State of Rajasthan** is a case Law relating to
(A) Tortuous liability of corporations
(B) Tortuous liability of a company
(C) Vicarious Liability of State
(D) None of the above

96. A person who supplies 'Necessaries' to a minor is entitled to be reimbursed from the property of the minor on the basis of a
(A) Valid contract
(B) Voidable contract
(C) Quasi contract
(D) Contingent contract

97. On the valid performance of the contractual obligations by the parties, the contract
(A) Is discharged
(B) Becomes enforceable
(C) Becomes void
(D) None of these

98. The case of **Reyland v. Fletcher** has laid down the principle of
(A) Defamation
(B) Conspiracy
(C) Strict liability of land owner
(D) None of the above

99. As a general rule, an agreement made without consideration is
(A) Void (B) Voidable
(C) Valid (D) Unlawful

100. A agrees to sell his scooter worth Rs. 10,000/- to B for Rs. 5000/- only and as consent was obtained by coercion. Here the agreement is
(A) Void (B) Valid
(C) Voidable (D) Unlawful

101. A general procedure for alteration of articles of association which has the effect of converting a public company into a private company is by passing
(A) Special resolution and approval of CLB
(B) Special resolution and approval of Central Govt.
(C) Ordinary resolution and approval of CLB
(D) None of the above

102. The power to order rectification of register of members vests in the
(A) Court
(B) Company Law Board

(C) Central Govt.
(D) Board of Directors

103. The case of **Abranth v. North Eastern Rly. Co.** is about
(A) Malicious prosecution
(B) Defamation
(C) Strict liability
(D) None of the above

104. Which out of the following does not constitute an exception to the rule in **Ryland v. Fletcher**?
(A) Act of God
(B) Malicious Act of Stranger
(C) Plaintiff's own fault
(D) Poor condition of land

105. A orally abuses B, it is a case of
(A) Libel
(B) Slander
(C) Both (A) and (B)
(D) None of the above

106. The Sale of Goods Act, 1930 deals with the
(A) Movable goods only
(B) Immovable goods only
(C) Both movable and immovable goods
(D) All goods except ornaments

107. Which of the following is not an essential feature of partnership?
(A) Result of an agreement
(B) Organised to carry on business
(C) Carried on by all or any of them acting for all
(D) Separate legal entity

108. A Dormant partner is one who is
(A) Entitled to share profits only
(B) Neither active nor known to outsiders
(C) Not interested in the business of the firm
(D) Not liable to outsider

109. A person who receives a negotiable instrument in good faith and for valuable consideration is known as
(A) Holder
(B) Holder for value
(C) Holder in due course
(D) Holder in rights

110. All Cheques are Bills of Exchange, but all Bills of Exchange are not Cheques

(A) True
(B) False
(C) Partly true and partly false
(D) None of the above

111. The case of Ratlam Municipality v. Virdhichand is related to

(A) Conspiracy
(B) Malicious prosecution
(C) Tortious liability of Municipal Corporation
(D) None of the above

112. Kasturilal v. State of U.P. is related to

(A) Contractual liability of State
(B) Vicarious liability of State
(C) Fraud of State
(D) None of the above

113. A company in which 51% or more shares are held by the Govt. is called

(A) A Private Company
(B) A Public Company
(C) A Govt. Company
(D) None of the above

114. The capital with which the company is registered is called the

(A) Subscribed capital
(B) Authorised capital
(C) Working capital
(D) None of these

115. Which of the following is not competent to draw a valid negotiable instrument?

(A) Insolvent
(B) Company
(C) Agent
(D) Both (B) and (C)

116. Section 138 of the Negotiable Instrument Act deals with

(A) Punishment for dishonour of cheque
(B) Rights of holder
(C) Rights of holder in due course
(D) None of the above

117. Which of the following is not an implied condition in a contract of sale?

(A) Condition as to title

(B) Condition as to description
(C) Condition as to free from encumbrance
(D) Condition as to sample

118. The unpaid seller can exercise his right of stoppage of goods in transit where the buyer

(A) Becomes insolvent
(B) Refuses to pay price
(C) Acts fraudulently
(D) All these

119. The registration of partnership firm with the Registrar of Companies is

(A) Compulsory
(B) Optional
(C) Required under section 54
(D) None of the above

120. Which of the following is not the right of a partner?

(A) Right to take part in business
(B) Right to have access to account books
(C) Right to share profits
(D) Right to receive remuneration

121. Which of the following is not the characteristic of a Public Company?

(A) It has a separate legal entity
(B) It has a perpetual succession
(C) It has a common seal and separate property
(D) Its shares are non-transferable

122. The meaning of the term Caveat Emptor is

(A) Let the buyer beware
(B) Goods should be free from defects
(C) Ownership of goods passes after sale
(D) None of the above

123. The unpaid seller can exercise his right of lien over the goods for

(A) Price of goods
(B) Storage charges
(C) Any lawful charges
(D) All of these

124. The Negotiable Instruments Act makes specific mention of three instruments, namely Cheque, Bill of exchange and

(A) Promissory note
(B) Hundi
(C) Bank Draft
(D) All the above

125. On which of the following grounds a partner may apply to the court for dissolution of the firm?

- Insanity of a partner
- Misconduct of a partner
- Perpetual losses in business
- All of the above

126. As a guardian of the Govt. of India Act, 1935 a court was constituted which was called

- Privy Council
- Supreme Court
- High Court
- Federal Court

127. The Mountbatten plan led to the enactment of

- Govt. of India Act, 1919
- Govt. of India Act, 1935
- The Indian Independence Act, 1947
- None of the above

128. Delegatus non Potest Delagare means

- A delegate can further delegate its powers
- Delegated legislation is valid
- A delegate cannot further delegate his powers
- None of the above

129. The doctrine of separation of powers in the context of English constitution is not fully applicable because

- Executive is responsible to the Legislature
- Legislature is responsible to the Judiciary
- Executive and Legislature are Independent to each other
- None of the above

130. The case of Unnikrishnan v. State of Andhra Pradesh deals with which of the following rights?

- Right to go Abroad
- Right to Education
- Right to Privacy
- Right of an environment free from pollution

131. Under which article of the Constitution a distinguished jurist can be appointed a Judge of Supreme Court?

- Art. 124(2)
- Art. 127
- Art. 128
- Art. 130

132. The case of State of Bihar v. Kameshwar Singh is related with which of the following doctrines?

- Doctrine of Basic Structure
- Doctrine of Eclipse
- Doctrine of pith and substance
- Doctrine of Colourable Legislation

133. Entry 97 of Union list of the Constitution deals with

- Agriculture
- Education
- Police
- Reserved Power

134. Article 312 of the Constitution is related to

- Constitution of all India Services
- Powers of Chief Election Commissioner
- Breach of Parliamentary privileges
- None of the above

135. Under the Govt. of India's Act 1935, how many Governors provinces and Chief Commissioners provinces constituted in British India?

- 14 and 7
- 11 and 7
- 15 and 9
- None of the above

136. The Acts of 1911 and 1948 has made

- The House of Commons powerless
- The House of Lords powerless
- The House of Lords most powerful
- None of the above

137. The nature of power of Parliament to punish any person for breach of its privilege is

- Judicial
- Administrative
- Quasi Judicial
- None of the above

138. Article 301 of the Constitution is related to

- Right to property
- Rights of civil servants
- Money bill
- Freedom of Inter-State Trade

139. Under which article of the Constitution, a State can impose tax on Inter-State trade with the prior approval of the President?

(A) Art. 302 (B) Art. 303 (I)
(C) Art. 303(II) (D) Art. 304

140. Writ of Quo Warranto is related with

(A) Illegal detention of a person
(B) Want of Jurisdiction of a court
(C) Illegal holder of a Public Office
(D) None of the above

141. Which out of the following does not constitute basic structure of the Constitution?

(A) Right to Equality
(B) Secularism
(C) Judicial review
(D) Right to speedy trial

142. The doctrine of rule of law in England means

(A) Absence of Arbitrary powers
(B) Absence of discretionary powers
(C) Supremacy of droit administratif
(D) None of the above

143. The doctrine of rule of law in British constitution was propounded by

(A) Winston Churchill
(B) Douglas Home
(C) Jenning
(D) Prof. Dicey

144. The provision relating to the Federal Structure can be amended by Parliament

(A) By simple majority
(B) By 2/3rd majority
(C) By absolute majority
(D) By 2/3rd majority of members present and voting and ratification by half of the State

145. Article 300 of the Constitution deals with

(A) Tortuous and contractual liability of State
(B) Right to Property
(C) Freedom of trade and commerce
(D) Parliamentary privileges

146. Article 329 of the Constitution deals with

(A) Amending power of Parliament
(B) Taxing power of Parliament
(C) Delimitation of Electoral constituencies
(D) None of the above

147. The customs, usages and traditions in British constitution are known as

(A) Rule of law
(B) Supremacy of the Parliament
(C) Conventions of the Constitution
(D) None of the above

148. The two Houses of British Parliament are

(A) House of Commons and Senate
(B) Senate and House of Lords
(C) House of Commons and Diet
(D) House of Commons and House of Lords

149. Automobiles Ltd. v. State of Rajasthan is a case related to

(A) Federalism
(B) Amendability of the Constitution
(C) Judicial review
(D) Freedom of trade, commerce and intercourse

150. The Concurrent list of the Constitution has

(A) 52 Entries
(B) 99 Entries
(C) 107 Entries
(D) None of the above