

## AIBE X 2017 – All India Bar Exam 10 – Previous Question Paper

1. The objective of the EU Directive on mediation is:
  - a) Reducing back logs of cases at the courts in the member states
  - b) Dividing the cases between all dispute resolution methods
  - c) Economical reasons in times of crisis, thus ensuring that mediators will have a proper income
  - d) Ensuring better access to alternative dispute resolution in cross border commercial conflicts
  
2. Fulfilling the constitutional obligation under Article 300 A, the Land Acquisition Act, is the law providing for
  - a) Acquisition of land and taking over possession of land
  - b) Assessment of compensation      c) Payment of compensation      d) All of the above
  
3. Minto-Morley reform is associated with which Act?
  - a) Indian Council Act 1912      b) Indian Council Act 1856
  - c) Indian Council Act 1908      d) Indian Council Act 1909
  
4. Vikramaditya Vs. Smt. Jamila Khatoun is an important case relating to professional misconduct due to which factor
  - a) Advocate attending the court with fire arms
  - b) Not appearing before the court deliberately and intentionally
  - c) Suppression of material facts with intention to harass poor persons
  - d) Defrauding the client by exploiting the client's illiteracy
  
5. Where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the sample of goods forwarded to appropriate laboratory for laboratory test. Such types of case finding report within \_\_\_\_ days
  - a) 30 days      b) 40 days      c) 45 days      d) 60 days
  
6. Which section of Indian Evidence Act is based on English Doctrine of Res Gestae
  - a) 5      b) 6      c) 7      d) 8
  
7. The various words used to denote Mens Rea under the IPC and are defined in the code itself are
  - a) Voluntary, dishonestly, fraudulently & reason to believe
  - b) Corruptly and want only      c) Maliciously and maliciously      d) Rashly and negligently
  
8. Under Section 25 of the Land Acquisition Act, the amount of compensation awarded by the court
  - a) Shall not be less than the amount awarded by the Collector under Section II
  - b) Shall not be equal to the amount awarded by the Collector under Section II
  - c) Shall not be more than the amount awarded by the Collector under Section II
  - d) All of the above
  
9. A Hindu's widow, if there are more than one, shall take
  - a) One share each      b) One share for all the widows
  - c) One share each to the maximum of two shares, if there are more than two widows
  - d) None of the above
  
10. In joint trial, the evidentiary value of confession of a co-accused affecting himself and others, has been discussed by the Supreme Court in

- a) Kashimira Singh Vs state of MP                      b) State of UP Vs Deorman Upadhyay  
c) Ram Bharose Vs state of UP                         d) Rameshwar Vs State of Rajasthan

11. Minimum number of members required to apply for Incorporation Certificate in a Public Ltd.

Company Is:

- a) 7                      b) 3                      c) 2                      d) 50

12. Complaint means allegation in writing made by a complainant that

- a) An unfair trade practice or restrictive trade practice has been adapted by any traders or service provider.  
b) The goods bought by him or agreed to be bought by him suffer from one or more defect  
c) A traders or the service provider as the case may be has charged for the goods or for the services mentioned in the complaint a price in excess of the price  
d) All the above

13. In a written statement, the defendant can claim:

- a) Set off                      b) Counter plain                      c) Both a & b                      d) None of the above

14. An appeal to the high court against the order of ITAT should be filed within

- a) 45 days when the order is communicated  
b) 60 days when the order is communicated  
c) 90 days when the order is communicated  
d) 120 days when the order is communicated

15. When can the Supreme Court refuse to grant remedy under Article 32?

- a) Delay                      b) Malicious petition                      c) Infructuous petition                      d) All of the above

16. In respect of family relations the law applicable in India is

- a) Secular law in India                      b) Statutory law                      c) Religious law                      d) Personal law of the parties

17 The term sabbatical is connected with

- a) Paid leave for study                      b) Paternity leave                      c) Maternity leave                      d) Quarantine leave

18. The undertaking contained in a promissory note, to pay a certain sum of money is:

- a) Conditional                      b) Unconditional  
c) May be conditional or unconditional depending upon the circumstances  
d) All of the above

19. Section 112 of Indian Evidence Act, provides that a child would be treated as legitimate if after dissolution of marriage, he/she has born within

- a) 180 days                      b) 270 days                      c) 280 days                      d) 300 days

20. Maintenance application under Section 18(2) of Hama is filed in

- a) Matrimonial court                      b) District court                      c) High court                      d) Any of the above

21. There is either theft or extortion. It is

- a) Robbery                      b) Dacoity                      c) Criminal breach of trust                      d) Receiving stolen property

22. In most EU member countries, which of the following is the most visible form of ADR?

- a) Mediation                      b) Arbitration                      c) Litigation                      d) Conciliation

23. Which one of the following is known as Consumer Disputes Redressal Agency?  
a) District Forum      b) State Commission      c) National Commission      d) All the above
24. The rule is that penal statutes must be constructed  
a) Liberally      b) Strictly      c) Golden rule      d) Mischievous
25. Indian Computer Emergency Response Team to serve as National Agency for incident response is constituted under section  
a) 71 of IT Act      b) 70 of IT Act      c) 70(a) of IT Act      d) 70(b) of IT Act
26. In relation to Relevancy of Character in civil cases, which of the following is not correct?  
a) It is not at all relevant  
b) It is relevant when it affects award of damage  
c) When character is itself an issue  
d) When it appears from the fact otherwise relevant
27. The chief elements necessary to constitute a crime are  
a) A human being      b) An evil intent  
c) Injury to another human being or society      d) All of the above
28. Income which accrues or arises outside India but is directly received into India is taxable in case of  
a) Residents only      b) Both ordinarily residents and non-resident  
c) Non-resident      d) All the assesses
29. The provision relating to Abolition of Untouchability is given in  
a) Article 23      b) Article 24      c) Article 17      d) Article 15
30. Where a magistrate of the first class passes only a sentence of fine not exceeding Rs 100, against this order where an appeal shall lie:  
a) In the court of Chief Judicial Magistrate      b) In the court of Chief Metropolitan Magistrate  
c) Both a and b      d) None of the above
31. Government employees may refer their unresolved grievances and labour dispute to  
a) Internal Labour Department      b) Bureau of Labour Relations  
c) Public Sector Labour-Management Council      d) Department of Labour
32. Who is an adolescent as per Factories Act, 1948?  
a) Who has completed 17 years      b) Who is less than 18 years of age  
c) Who is more than 15 years but less than 18 years of age  
d) None of these
33. 'A' does not fall under the clause of Memorandum of Association. 'A' here is:  
a) Subscription      b) Director      c) Capital      d) Situation
34. PIL is criticised on the ground of  
a) Private motive      b) Political ends      c) Tremendous increase in the litigation      d) All of the above
35. To close down a factory the occupier has to give how many days' notice to the authorities  
a) 30 days      b) 60 days      c) 90 days      d) 14 days
36. The Environment (protection) Act, 1986, came into force on

- a) 18th November 1986                      b) 19th November, 1986  
c) 20th November, 1986                    d) 21st November, 1986

37. What should be the difference of age under the Hindu Adoption and Maintenance Act, 1956, if a female adopts male

- a) 21 years                      b) 25 years                      c) 18 years                      d) 16 years

38. "Dealer" includes a person who is engaged—

- a) In building bodies for attachment to chassis; or  
b) In the repair of motor vehicles; or  
c) In the business of hypothecation, leasing or hire-purchase of motor vehicle;  
d) All of the above

39. A surgeon, knowing that a particular operation is likely to cause the death of 'Z', who suffers under a painful complaint, but not intending to cause Z's death & intending in good faith Z's benefit performs that operation on Z with Z's consent. A has committed no offence, it is contained in

- a) Section 88 of the IPC   b) Section 89 of the IPC   c) Section 90 of the IPC   d) Section 87 of the IPC

40. Under Section 115, in the exercise of its revisional jurisdiction, a high court can do which of the following things:

- a) To call for the record of any case which has been decided by any court, subordinate to the High Court.  
b) To vary/reverse any decree or order against which an appeal lies to the High Court  
c) Both a & b    d) None of the above

41. A warrant of arrest may be extended

- a) To that place where the offender has committed the offence   b) At any place within India  
c) To the place specified under the Criminal Procedure Code        d) None of the above

42. Which is not included within the meaning of artistic work under Copyright Act?

- a) Drawing    b) Work of architecture    c) Work of craftsmanship    d) Work of carpenter

43. Which of the following statement is correct?

- a) A confession made by an accused to the police officer is relevant  
b) A confession made by an accused in police custody to a magistrate is not relevant  
c) A confession made by an accused in the police custody and discovery made from the information received from confession, both confession and discovery are relevant  
d) None of the above is correct

44. In which of the following cases a Set Off can be claimed?

- a) 'A' owes the partnership firm of 'B' & 'C' Rs 1000/-. B dies leaving C surviving. A sues C to a debt of Rs. 1500/- due in his separate character. C wants to set off the debt of Rs 1000/-.  
b) A sues B for Rs. 20,000/-. B wants to set off the claim for damages for breach of contract for specific performance.  
c) Both a & b  
d) None of the above

45. It refers to an authority derived from official character merely, not expressly conferred upon the individual character, but rather annexed to official position

- a) Designation                      b) Ex-Officio                      c) Appointment                      d) Ad interim

46. Part III of Arbitration and Conciliation Act, 1996 formalizes:

- a) Process of Conciliation
- b) Process of Arbitration
- c) Enforcement of Foreign Awards under New York and Geneva Conventions
- d) All the above

47. The parties which cannot be compelled to perform specific performances of contract are provided in which section of Specific Relief Act:

- a) 27
- b) 28
- c) 29
- d) 30

48. Which of the following sections deals with the provisions relating to maximum period for which an under trial prisoner can be detained

- a) 436
- b) 436-a
- c) 437-a
- d) 437

49. The Right of Equality before the law under Article 14, is subject to the restriction of

- a) Public order and morality
- b) Reasonable classification
- c) Reasonable restriction
- d) Reasonable situations

50. Under Section 114, a person can apply for review of judgment when:

- a) He is aggrieved by a decree/order from which an appeal is allowed, but no appeal is allowed.
- b) He is aggrieved by a decree/order from which Appeal is allowed.
- c) He is aggrieved by a decision on a reference from a court of small causes.
- d) All of the above

51. The Chairperson of Cyber Appellate Tribunal is appointed by the

- a) Central Government in consultation with the Chief Justice of India
- b) State Government in consultation with the Chief Justice of the High Court
- c) Central Government
- d) Central Government in consultation with Controller of Certifying Authority

52. In case of a co-operative society the maximum amount on which income tax is not chargeable is

- a) 50,000
- b) 30,000
- c) 20,000
- d) Nil

53. Pre-emption on the ground of Shafie-i-Jar was declared unconstitutional in

- a) Bhau Ram Vs Baij Nath
- b) Govind Dayal Vs Inayatullah
- c) Bhagawan Das Vs Chetram
- d) Ram Saran Lall Vs Mst. Domini Kuer

54. Which case is leading case on arrest

- a) Joginder Kumar Vs State of U.P.
- b) State of W.B. Vs D.K. Basu
- c) Both a and b
- d) None of the above

55. Filing with the court, to object owns or another's imprisonment is called?

- a) Writ of Quo Warranto
- b) Habeas Corpus
- c) Writ of Prohibition
- d) None of the above

56. Under which Supreme Court judgement action of the President to summon, Prorogue and dissolve either of the houses of the parliament, shall be unconstitutional if acted without advice of Council of Ministers—

- a) Indira Gandhi Vs. Raj Narain A.I.R. 1975 S.C. 2299
- b) Anandan Vs. Chief Secretary, A.I.R. 1966 S.C 657
- c) Rao Vs. Indira Gandhi A.I.R. 1971 S.C. 1002
- d) None of the above

57. What is the Special Constitutional Position of Jammu and Kashmir?

- a) It Is above Indian constitution
- b) Indian laws are not applicable
- c) It has its own constitution
- d) It is not of the integral parts of Indian Union

58. To make the criminal harmless by supplying him those things which he lacks and to cure him of those drawbacks which made him to commit crime is known as

- a) Expiatory or penance theory of punishment
- b) Deterrent theory or preventive theory of punishment
- c) Reformatory or rehabilitative or corrective theory of punishment
- d) Retributive theory of punishment

59. The distinction between Sections 299 and 300 was made clear by Melvill J. in

- a) Reg Vs Guruchand Gope
- b) Reg Vs Govinda
- c) Reg Vs Hayward
- d) Govind Vs Reg

60. Which of the following cases the Supreme V Court of India opined that “bail is the surety and jail is an exception”

- a) Joginder Kumar Vs State of U.P.
- b) Moti Ram Vs State of M.P.
- c) Maneka Gandhi Vs Union of India
- d) State of W.B. Vs D.K. Basu

61. Which of the following heirs is not class 1 heir under the Hindu Succession Act, 1956?

- a) Son
- b) Widow
- c) Father
- d) Mother

62. According to Republic Act No. 6770, which of these powers is not provided to office of Ombudsman

- a) Prosecutory power
- b) Function to adopt, institute and implement preventive measures
- c) Public assistant functions
- d) None of the above

63. Who is responsible for payment to a person employed by him in a factory under the Payment of Wages Act. 1936

- a) Accounts manager
- b) HR manager
- c) Floor manager
- d) Owner

64. Natural guardian of an adopted son under the Hindu Minority & Guardianship Act 1956 is

- a) Original father
- b) In the absence of (a), original mother
- c) Adoptive father
- d) None of the above

65. The concept of “plea bargaining” is not applicable to the offence committed against

- a) A women
- b) A child
- c) Both a and b
- d) None of the above

66. Under which Section of CR. PC the Assistant Public Prosecutor is appointed

- a) 13
- b) 20
- c) 24
- d) 25

67. In which section of the Hindu Succession Act 1956 the Law of Mitakshara has been incorporate

- a) Section 8
- b) Section 7
- c) Section 9
- d) Section 6

68. Who are the partners in a bill of exchange

- a) Drawer A Drawee
- b) Payee
- c) Both a and b
- d) None of the above

69. A perpetual injunction can only be granted by the decree at the hearing and upon the  
a) Demand of the party b) Discretion of the court c) Merit of the suit d) None of the above

70. Under which section of CPC, option for settlement of dispute is provided outside the court?  
a) 80(1) b) 89(2) c) 89(1) d) 80(2)

71. 'A' resides at Shimla, 'B' at Kolkata and 'C' at Delhi. A, B & C being together at Banaras. B & C make a joint promissory note, payable on demand and delivered to A. A may sue B & C  
a) At Banaras, where the cause of action arose b) At Kolkata where B resides.  
c) At Delhi where C resides. d) All of the above

72. In which case did the Supreme Court hold that misconduct envisages breach of discipline?  
a) P D Gupta Vs. Ram Murti b) Noratanmal Chaurasia Vs. M.R. Murli  
c) P J Ratnam Vs. D. Kanikaram d) None of the above

73. Which is the leading case on environment?  
a) Mehta Vs Union of India b) Union of India Vs H.S. Dhillon  
c) Maneka Gandhi Vs Union of India d) None of the above

74. In the Government of India Act 1935, which subjects are included in the concurrent list?  
a) Marriage b) Divorce & Arbitration c) Criminal Law & Procedure d) All of the above

75. A contract of Indemnity under the Indian Contract Act. 1872 has been defined in Section:  
a) 124 b) 123 c) 125 d) 126(a)

76. Liability of drawer to compensate the drawee in case of dishonour is primarily provided under-  
a) Section 29 (a) b) Section 29 c) Section 30 d) Section 31

77. Which of the following case is leading case in term of deliberate delay in filing of the suit resulting in huge losses to the complainant?  
a) Prof Krishanraj Goswami Vs Vishwanath D. Mukashikar  
b) Pratap Narayan Vs. Y. P. Raheja  
c) Babulal Jain Vs. Subhash Jain  
d) John D'souza Vs Edward Ani

78. In which of the following cases, it was said that unless a right of appeal is clearly given by statute it does not exist":  
a) M/s. Ram Njirayan Pvt. Ltd. Vs Trading corporation Ltd. A I R 1983 S.C. 786  
b) Raja Himanshu Dhar Singh Vs Addl. Registrar, A.I.R 1962 ALL. 439  
c) Zair Hussain Khan Vs Khurshed Jain (1906) I.L.R 28 ALL 545  
d) Smt. Gangabai Vs Vijaya Kumar, A.I.R 1974, S.C 1126

79. A reference can be made during the pendency  
a) The subordinate court refers the case to the high court for the latter's opinion on a question of law.  
b) The subordinate court refers the case to the high court for the latter's opinion on a question of evidence  
c) The subordinate court refers the case to the high court for the latter's opinion on a question of fact  
d) The subordinate court refers the case to the high court for the latter's opinion on a question of court procedure.

80. The theoretical powers to amend the constitution, has been given to the Members of Parliament and State Legislatures by

- a) Article 358                      b) Article 368                      c) Article 378                      d) No such powers

81. Under Section 18 of the Indian Evidence Act, the admission of which of the following person is not admissible against the other

- a) One of the plaintiffs                      b) One of the defendants  
c) Agents of the parties                      d) Statement of the third party

82. A sells a field to B. There is a right of way over the field of which A has direct personal knowledge but which he conceals from B.

- a) B has the right to rescind the contract                      b) B cannot rescind the contract  
c) A has the right to rescind the contract                      d) A is not legally liable

83. This section was enacted to meet the cases of dowry deaths. It is

- a) Section 366A of IPC    b) Section 477A of IPC    c) Section 498A of IPC    d) Section 489A of IPC

84. What is the maximum number of witness which can be produced in a case?

- a) 5                      b) 10                      c) 15                      d) No limit

85. Under O.33, an indigent is allowed to prosecute any suit, provided he satisfied certain conditions. Which of the following is not such a condition?

- a) He is not possessed of sufficient means to enable him to pay the fees prescribed for the plaint in such suit  
b) He is not entitled to property worth Rs 1000  
c) He has no sufficient means for his livelihood  
d) He may present the application for permission to sue as an indigent either himself or through an authorized agent

86. A decree can be transferred for execution to another court:

- a) If the judgment debtor actually and voluntarily resides or carries on business or personally works for gain, within the local limits of jurisdiction of such court.  
b) If the judgment debtor has property that suffices to satisfy the decree within the limits of that court.  
c) If the decree directs the sale or delivery of immoveable property situated outside the local limits of jurisdiction of the court which passed it.  
d) All of the above.

87. Motor Vehicles Act 1939 came into force in?

- a) 1939                      b) 1940                      c) 1941                      d) 1942

88. Recently, in which case the Kerala High Court held that a University Grant Commission criterion which allowed certain relaxation of marks to reserved categories as violation of Article 16(1) of the Constitution

- a) Nair Service Society Vs UGC; WP(C) Nc 5190 of 2016(W)  
b) CBSE Vs UGC; WP(C) Nc 5190 of 2016(W)  
c) UGC Vs State Of Kerala; WP(C) Nc 5190 of 2016(W)  
d) UGC Vs Secretary of State; WP(C) Nc 5190 of 2016(W)

89. Which of the following sections enables the Court to cancel the bond and bail bond?

- a) 446-a                      b) 446                      c) 448                      d) 450



90. Which of the following belong to the category of direct tax?

- a) Goods and Services Tax
- b) Excise duty and customs duty
- c) Income tax and gift tax
- d) All of the above

91. When a bill is passed by the Parliament and the President, what is the status of the same?

- a) Bill approved
- b) Law
- c) Bill exercised for administration
- d) Government procedures

92. The maxim 'audi alteram partem' denotes

- a) No one shall be judge of his own cause
- b) No one shall be condemned unheard
- c) Rights are better than duties
- d) None of the above

93. Which of the following Section deals with search warrant

- a) 93
- b) 94
- c) 95
- d) 96

94. A contract can be specifically enforced

- a) Where compensation is adequate relief for the non-performance of the contract
- b) Where the contract by its nature is determinable
- c) Where it involves the performance of continuous duty which the court cannot supervise
- d) None of the above

95. Which condition is not required to be satisfied by an invention to be patentable subject matter under Patent Act?

- a) Novelty
- b) Inventive steps
- c) Distinctiveness
- d) Usefulness

96. Which writ is issued by the court to quash the wrongful order of a lower court?

- a) Mandamus
- b) Quo warranto
- c) Prohibition
- d) Certiorari

97. A person cannot be a next friend, a guardian of a person if:

- a) He is a minor
- b) He is an opposite party in the suit
- c) He has not given consent in writing
- d) All of the above

98. Pakala Narayan Swami Vs Emperor is a leading on

- a) Dying Declaration
- b) Confession
- c) Accomplice
- d) Expert witness

99. Any person aggrieved by an order made by the Disciplinary Committee of the Bar Council of India U/s 36 or 37 of the Advocates Act, may prefer an appeal to the

- a) High Court
- b) Supreme Court
- c) State Government
- d) Central Government

100. The provisions relating to compoundable offence is provided under Section

- a) 319
- b) 320
- c) 265(d)
- d) 321