

BAR COUNCIL OF INDIA

ALL INDIA BAR EXAMINATION - XIII

DECEMBER 2018

Here is the full and exact PDF for All India Bar Examination, December 2018.

This is SET B.

But questions in all four sets (A, B, C, D) are same. Only the question numbers are different for all four sets.

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Examination Material

Subject : [Set B]

(Language - English)

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1. OMR Sheet
2. Question paper

Instruction for Examination

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2. After getting the instructions, kindly fill the OMR sheet with blue/black ball point pen.
3. Use of whitener /eraser on answer sheet is strictly prohibited. Use of whitener on answer sheet will lead to rejection of Answer sheet.
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5. Only one answer option should be filled in for each question. Multiple marking of oval for a single question would lead to rejection of that answer.
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Bar Council of India
All India Bar Examination – XIII
23rd-Dec-2018
[Set Code-B]
LANGUAGE – ENGLISH

Name of the Candidate:	
Roll Number:	
Enrollment Number :	

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1. Disciplinary Committee of Bar Council is Conferred the powers of Civil Court under code of Civil Procedure 1908 by-
 - a) Section 36 of Advocates Act 1961
 - b) Section 42 of Advocates Act 1961
 - c) Section 42 A- of Advocates Act 1961
 - d) Section 28 of Advocates Act 1961
2. Which one of the following is a leading case on 'Injuria Sine Damnum' ?
 - a) Rylands Vs Fletcher
 - b) Ashby Vs White
 - c) Donougue Vs Stevenson
 - d) All of the Above
3. Which one is leading case on Strict Liability?
 - a) Alen Vs Flood
 - b) Rylands Vs Fletcher
 - c) Borhil Vs Young
 - d) Donougue Vs Stevenson
4. Which of the following is not a Federal feature of any Constitution
 - a) Written Constitution
 - b) Double set of Government
 - c) Rigid Constitutional
 - d) Single Citizenship
5. Parliament in exercise of its power to amend under Article 368, may not amend
 - a) Preamble
 - b) Fundamental Right
 - c) Supreme Court
 - d) Basic statement *Structure*
6. Which article starts with "Subject to public order, morality & health".
 - a) Article 14
 - b) Article 15
 - c) Article 28
 - d) Article 25
7. Section 19 of the Hindu Adoption and Maintenance Act 1956 provides for the Maintenance of:
 - a) Wife
 - b) Parents
 - c) Widowed daughter -in-law
 - d) Children
8. Section 30 of the Hindu successions Act, 1956 deals with:-
 - a) Woman estate
 - b) Testamentary Successions
 - c) Male Successions
 - d) Female Successions
9. Which one of the following sections of Cr. P.C deals with compoundable offence?
 - a) Section 319
 - b) Section 320
 - c) Section 321
 - d) Section 324
10. What is the time limit under section 468 of Cr. P.C for taking cognizance:
 - a) One year
 - b) Two year
 - c) Three year
 - d) No limit
11. The designation 'Senior Advocates' is provided under
 - a) Section 16, Advocates Act 1961
 - b) Section 26, Advocates Act 1961
 - c) Section 6, Advocates Act 1961
 - d) Section 15, Advocates Act 1961
12. Right to pre-audience is provided by
 - a) Section 33 of Advocates Act 1961
 - b) Section 23 of Advocates Act 1961
 - c) Section 16 of Advocates Act 1961
 - d) Section 36 of Advocates Act 1961
13. The 'Contempt of Court' belongs to
 - a) Entry 77 of Union list and entry 14 of State list in the VIIth schedule of Constitution of India.
 - b) Entry 70 of union list and entry 40 of state list
 - c) Entry 67 of Union list and entry 13 of State list
 - d) None of these
14. Section 66A was invalidated by the Supreme Court of India in:

- a) Anvar P. V. Vs P.K. Basheer, (2014)10 SCC 473.
- b) Shreya Singhal Vs Union of India, AIR 2015SC 1523.
- c) Dr. Prafulla Desai Vs State of Maharashtra, AIR 2003 SC 2053.
- d) State (NCT of Delhi) Vs Navjot Sandhu, (2005) 11 SCC 600.

15. Environmental impact assessment (EIA) is mandatory under

- a) Indian forest act
- b) Air act
- c) Wildlife protection act
- d) Environment protection act

16. The term 'Suit of a Civil Nature' refers to:

- a) Private rights and obligations of a citizen.
- b) Political, social and religious question.
- c) A suit in which principal question relates to caste or religion.
- d) All of the above

17. The rule of res Sub- Judice implies:

- a) Where the same subject matter is pending in a court of law for adjudication between the same parties, the other court is barred to entertain the case so long as the first suit goes on.
- b) Where the same subject matter is pending in a court of law for adjudication between the different parties, the other court is barred to entertain the case so long as the first suit goes on.
- c) Where the different subject matter is pending in a court of law for adjudication between the same parties, the other court is barred to entertain the case so long as the first suit goes on.
- d) None of the above

18. A suit brought by a person to recover possession from a stranger of matth property claiming it as heir of the deceased Mahant. The suit is dismissed on his failure to produce the succession certificate. A second suit was filed by him as manager of the math.

- a) The second suit will be barred by Res Judicata.
- b) The second suit will not be barred by Res Judicata.
- c) The second suit will be barred by Res sub – Judicae
- d) None of the above

19. under section 118 of the Indian evidence act, a person is a competent witness if he or she-

- a) Is a major
- b) Is not lunatic
- c) Is not of extreme old age
- d) Is capable of understanding questions put to him and giving rational answers irrespective of age

20. which of the following judgement is irrelevant under section 43 of Indian evidence act

- a) Judgement of an insolvency court
- b) Judgement of criminal court
- c) Judgement of matrimonial court
- d) Judgement of probate court

21. under which section of the Indian evidence act a witness has been given right to refresh his memory

- a) Section 157
- b) Section 158
- c) Section 159
- d) Section 160

22. The provision relating to free legal aid is given under

- a) Section 301
- b) Section 304
- c) Section 303
- d) Section 305

23. Under Which one of the following provisions of Cr.P.C police officer is under an obligation to produce the person arrested before a magistrate within 24 hours of the arrest

- a) Section 56
- b) Section 57
- c) Section 60
- d) Section 70

224. Who may record confessional statement under section 164 of the Cr.P.C ?

- a) Police Officer
- b) Judicial officer
- c) Both A and B
- d) Judicial Magistrate having Jurisdiction only.

25. The provision relating Plea bargaining is not applicable in following offence.

- a) Scio – economic offence
- b) Offence against women
- c) Both A and B
- d) None of the above

26. Who among the following cannot transfer an immovable property?

- a) Hindu widow
- b) Muslim widow
- c) Natural guardian of a minor.
- d) Karta or manager of joint Hindu family

27. The doctrine of 'Lis pendens' was explained in the leading case of:

- a) Bellamy Vs Sabine
- b) Cooper Vs Cooper
- c) Streatifised Vs Streafield
- d) Tulk Vs Moxbay

28. Delegated legislation was declared constitutional in?

- a) Berubari case
- b) Re Delhi laws act case
- c) Keshwarnand bharti case
- d) Maneka Gandhi case

29. A Prospectus which does not include complete particulars of the quantum

or price of the securities included therein is known as:

- a) shelf Prospectus
- b) memorandum
- c) Red Herring Prospectus
- d) Issuing house

30. When there is no profit in one year or the profit of a company is not enough to pay the fixed dividend on

preference shares, the arrears of dividend are to be carried forward and paid before a dividend is paid on the ordinary shares. This is called:

- a) Participating preference shares
- b) cumulative preference shares
- c) Non- cumulative preference shares
- d) Non- Participating preference shares

31. "Industrial dispute" means any dispute or difference between

- i. Employers and employers
- ii. Employers and workmen
- iii. Workmen and workmen
- iv. Master and worker

(a) (i) and (ii)

(b) (iv)

(c) (i), (ii), (iii) and (iv)

(d) (i), (ii) and (iii)

32. Who was the Chief Justice of India when the Concept of PIL was

introduced to Indian Judicial system

- a) M. Hidayataullah
- b) A.M. Ahmadi
- c) A.S. Anand
- d) P.N. Bhagwati

33. The Supreme Court of India issued a number of direction for the prevention of Woman in Various

forms of prostitution and to rehabilitate their Children Through various welfare measures an 'so as to provide them with dignity of person, means of livelihood and socio-economic development in the Case of-

- a) Vishaka Vs State of Rajasthan ,
AIR 1997 Section 3011
- b) Gaurav Jain Vs Union of India , AIR
1997 Section 3021
- c) Delhi Domestic Working women's
Forum Vs Union of India (1998) 1
Section 14
- d) Sheela Barse Vs Union of India
(1986) 35 Section 596
34. X strike 'A'. 'A' is by this provocation
excited to violent range. 'y' a
bystander intending to take
advantage of 'A's rage and to cause
him kill 'X', gives a revolver into 'A' s
hand for that purpose. 'A' kills 'X' with
the revolver :
- a) A is liable for committing murder
and Y is liable for abetting
murder.
- b) A is liable for committing culpable
homicide and Y is not liable.
- c) A is liable for committing culpable
homicide and Y is liable for
abetting culpable homicide not
amounting to murder.
- d) A is not liable and Y is liable for
abetting murder.
35. Right to fare Legal Aid was recognised
as a fundamental right under act 21 of
Indian Constitution in the Case of-
- a) Hussaainara Khatoun Vs Home
Secretary, State of Bihar, Air 1979
SC 1360
- b) M.H Hoskot Vs State of
Maharashtra, Air 1978 SC 1548
- c) Madhu Mehta Vs Union of India
(1989) 4 SC 1548
- d) Rudal Shah Vs State of Bihar
(1983) 45 Sc 14
36. In Which Country was the concept of
PIL Originated
- a) United Kingdom
- b) United State of America
- c) India
- d) Australia
37. 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
38. What kind of property is transferable?
- a) Pension.
- b) Public office.
- c) Right to re-entry
- d) Any kind of property if not
prohibited by law.
39. Which of the following does not come
under the 'immovable property' as
per the T.P. Act?
- a) Sales of a ceiling fan.
- b) Right to claim maintenance.
- c) Right relating to lease
- d) Easementary right.
40. Under which Section of Income tax
Act, 1961 'Income of other persons
included in Assessee's total income'
- a) 56-58
- b) 60-65
- c) 45-54
- d) All of the Above
41. A period of 12th Months
commencing on the 1st day of April of
every year is Known As:
- a) Assessment year
- b) Leap year
- c) Previous year
- d) None
42. Which Section of the information
technology (amendment) Act, 2008
deals with the validity of contracts
formed through electronic means:
- a) Section 12
- b) Section 10A
- c) Section 11
- d) Section 13

43. A person entitled to the possession of specific immovable property may recover in the manner provided by:
- The code of procedure, Act 1908.
 - The Indian registration Act, 1908
 - The Indian Contract Act, 1872.
 - The Transfer of property Act, 1882.
44. Section 39 of Specific Relief Act deals with-
- Registration of Instrument
 - Cancellation of Instruments
 - Correctness of Instruments
 - None of the above
45. Which of the following section of the motor vehicle Act 1988 defines the term 'Owner'?
- Section 2 (30)
 - Section 2 (31)
 - Section 2 (25)
 - Section 2 (32)
46. Under Land Acquisition Act, 1894 an industrial concern, ordinarily, employing not less thanworkmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the Acquisition of such land, be deemed to be a company for the purpose of this part, and the references to company in [sections 4, 5A, 6, 7, and 50] shall be interpreted as references also to such concern. Fill in the blanks:
- One Hundred
 - Two Hundred
 - Three Hundred
 - Four Hundred
47. Under Land Acquisition Act, 1894 the expression "Company" means-
- a company as defined in section 3 of the Companies Act, 1956, other than a Government company referred to in clause(cc);
 - a company as defined in section 2 of the Companies Act, 1956, other than a Government company referred to in clause (c)
 - a company as defined in section 1 of the Companies Act, 1956(1 of 1956) other than a Government referred to in clause (cc);
 - a company as defined in section 6 of the Companies Act, 1956 (1 of 1956), other than a Government company referred to in clause (c);
48. A "dumb witness" given his evidence in writing in the open court, such evidence would be treated as
- Oral evidence
 - Documentary evidence
 - Secondary evidence
 - Primary evidence
49. under the Indian evidence act, which of the following is not a court
- Persons legally authorised to take evidence
 - Judges
 - Magistrates
 - Arbitrators
50. What is the maximum duration within which fast track arbitration must be completed-
- 6 Month
 - 12 Month
 - 18 Month
 - 24 Month
51. Which one of the following section deals with form of summons?
- Section 60
 - Section 61
 - Section 62
 - Section 64

52. Under Cr. P.C provisions relating to prosecution of judge is provided under.
- Section 196
 - Section 197
 - Section 198
 - Section 199
53. Joint sitting of both Houses of parliament may be called by the?
- Speaker
 - Chairman
 - President
 - Prime Minister
54. Specific relief..... Where the agreement is made with minor fill in the blanks.
- Can get
 - Cannot be given
 - Can release
 - Implemented with law
55. State of U.P. Vs Nawab Hussain, 1977 SCR (3) 428 relates to:
- Res subjudice.
 - Res judicate.
 - Constructive resjudicata
 - Deemed rejudicata
56. X is living in Pune and Y, his brother in Mumbai, X wants to file a suit for partition of their joint property situated in Delhi and Bangalore.
- The suit may be instituted in Delhi only.
 - The suit may be instituted in Bangalore only.
 - The suit may be instituted either in Delhi or Bangalore.
 - None of the above.
57. An immovable property held by Y is situated at Bhopal and the wrongdoer personally works for gain at Indore. A Suit to obtain compensation for wrong to the property may be instituted.
- At Bhopal
 - At Indore
 - Either at Bhopal or at Indore
 - None of these
58. Which of the following appears to contribute to global cooling rather than global warming
- Nitrous Oxide
 - Aerosols
 - Methane
 - CFC
59. A and B agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which in the course of fencing, may be caused without foul play and if A, while playing fairly, hurts B. A commits no offence. The provision are given under:
- Section 87
 - Section 85
 - Section 86
 - Section 88
60. The provision of the right of private defence are given:
- Under section 96- 108 of the Indian penal code
 - Under section 94- 106 of the Indian penal code
 - Under section 96- 106 of the Indian penal code
 - Under section 95- 106 of the Indian penal code
61. A question suggesting the answers which the person putting it wishes or expects to receive is called-
- Indecent Questions
 - Leading Questions
 - Improper Questions
 - Proper Questions
62. Option of puberty is a ground of divorce Under Hindu Marriage Act 1955 for-
- Only Husband
 - Only Wife
 - Both Husband and Wife
 - None of the Above

63. Which section of the Hindu Marriage Act 1955 provides that a child from a void marriage would be legitimate?

- a) Section 11
- b) Section 13 (a)
- c) Section 12
- d) Section 16

64. "Industrial establishment" means-

- i. A factory
- ii. A mine
- iii. A plantation
- iv. An industry

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

65. Strike should be called only if at least.....percent of workers are in support of strike. (Fill in the blank).

- a) 10
- b) 15
- c) 20
- d) 25

66. Industrial relations cover the following area(s)

- i) Collective bargaining
- ii) Labour legislation
- iii) Industrial relations training
- iv) Trade unions

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

67. The Latin word 'Res Ipsa Laquitur' means:

- a) Things speaks it's story itself.
- b) Where there is consent there is no injury.
- c) Both (a) and (b)
- d) None of the Above

68. In which of the following cases the 'Principal of common Employment' was evolved for the first time ?

- a) Rylands Vs Fletcher
- b) Priestley Vs Fowler

- c) Ashby Vs White
- d) Wagon Vs Mound

69. When two or more persons agree to do an illegal act or an act which is not illegal by illegal means such an agreement is designated as:

- a) Abetment by conspiracy
- b) Abetment by Aid
- c) Criminal conspiracy
- d) Abetment

70. The provisions regarding sedition are given:

- a) Under section 124 of the I.P.C
- b) Under section 124-A of the I.P.C
- c) Under section 121-A of the I.P.C
- d) Under section 130 of the I.P.C

71. "Mandamus" May be issued by

- a) Supreme court
- b) High court
- c) District court
- d) Both (a) & (b)

72. The provision for administration tribunals added by

- a) 42nd Amendment
- b) 44th Amendment
- c) 24th Amendment
- d) 43rd Amendment

73. When two or more person , by fighting in a public place disturb the public the public peace, they are said to commit:

- a) A riot
- b) An affray
- c) An assault
- d) None of the above

74. Promotion of "class hatred" in given under:

- a) Section 153-A of the I.P.C
- b) Section 153-AA of the I.P.C
- c) Section 153-B of the I.P.C
- d) Section 144-A of the I.P.C

75. The distinction between section 299 and 300 was made clear by Melvill,J.in:

- a) Reg Vs Gorachand Gopee

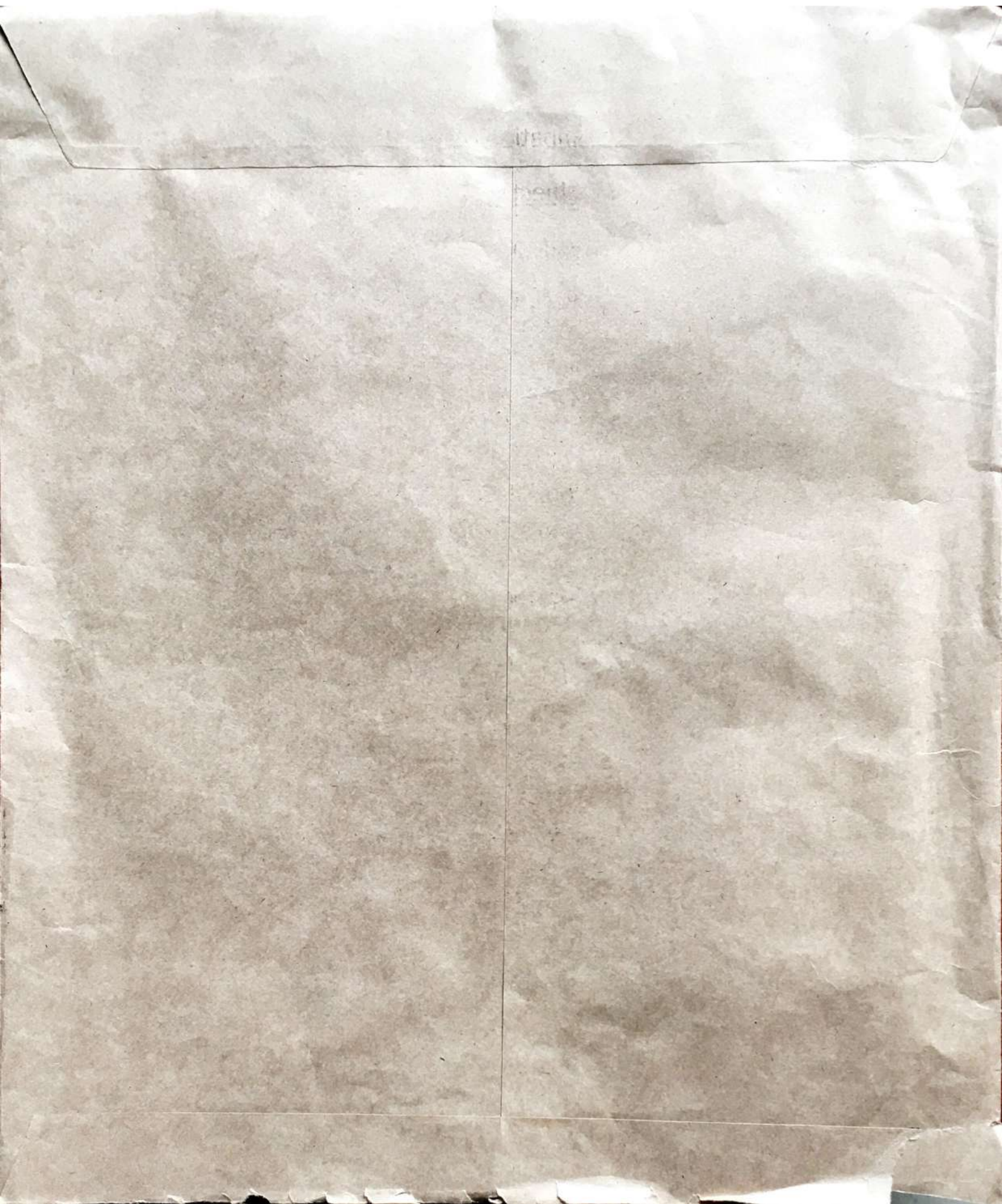
- b) Reg Vs Govinda
 c) Govinda Vs Reg
 d) Reg Vs Hayward
76. A resides at Hyderabad, B at Calcutta and C at Delhi. A, B and C being together at Allahabad, B and C make a joint promissory note payable on demand, and deliver to A. A may sue B and C:
- a) At Allahabad where the cause of action arises.
 b) At Calcutta, where B resides.
 c) At Delhi, where C resides.
 d) All of the above.
77. Section 25 empowers the supreme court to transfer any suit, appeal or other proceeding:
- a) From one High Court to another High Court.
 b) From one civil court in court in one state to another civil court in any other state.
 c) Both (A) and (B)
 d) Only (A)
78. In which of the following cases, can C set – off the claim?
- a) A sues C on a bill of exchange for Rs. 500/-, C alleges that A has wrongfully neglected to insure C's goods and he is liable to pay compensation.
 b) A sues C on a bill of exchange for Rs. 500/-, C holds a decree against A for recovery of debt of Rs. 1000/-.
 c) A sues B and C for Rs. 1000/-, the debt is due to C alone by A.
 d) A and B sues C for Rs. 1000/-, the debt is due to C by alone.
79. Which one of the following sections of Cr.P.C deals with examination of person accused of rape by medical practitioner.
- a) Section 54-A
 b) Section 55-A
 c) Section 53-A
 d) Section 60-A
80. According to section 167 of the Cr.P.C an accused person can be remanded to police custody for not more than.
- a) 7 days at one time
 b) 30 days at one time
 c) 15 days at one time
 d) 60 days at one time
81. Which of the following is essential for a valid adoption under the Hindu Marriage Act, 1955?
- a) Datta homam
 b) Actual giving and taking of child
 c) Both (a) and (b)
 d) None of the Above
82. Hindu male can adopt a female child, if the difference of age between the two is of more than
- a) 15 years
 b) 18 years
 c) 20 years
 d) 21 years
83. Which of the following relations is not dependent under Section 21 of the Hindu Adoption and maintenance Act 1956?
- a) Grand Mother
 b) Mother
 c) Widow
 d) Daughter
84. Which among the following is not an ADR method under Section 89 of CPC 1908-
- a) Mini Trial
 b) Judicial settlement Through lok adalat
 c) Conciliation
 d) None of the above
85. What is the maximum number of Conciliators allowed in a concelations proceeding:
- a) 1
 b) 2
 c) 5

86. What is the status of a settlement agreement in cancellation proceeding:
- Non – binding
 - Same as a settlement award
 - Unlike a settlement award
 - None of the above
87. "Hadees" is one of the sources of Muslim law, It Comprises
- Very words of god
 - Words and actions of the prophet
 - Unanimous decision of jurists
 - Analogical decisions
88. Intellectual Property appellate Board is established under which Act
- The copyright Act, 1957
 - The patent Act, 1970
 - The Trademark Act, 1999
 - The designs Act, 2000
89. A communication made to the spouse during marriage, under section 122 of the Indian evidence act-
- Remains privileged even after dissolution of marriage
 - Does not remain privileged after dissolution of marriage only by divorce
 - Does not remain privileged after dissolution of marriage only by death
 - Does not remain privileged in both the case (b) and (c)
90. which section of the Indian Evidence act provides that an accomplice is a competent witness
- Section 114 illustration (B)
 - Section 118
 - Section 133
 - Section 134
91. Which is the subject matter of neighbouring rights pretention-
- Performance
 - Dramatic work
 - Geographical indication
 - New varieties and plant
92. Adam Smith has enumerated cannons of taxation which are accepted universally they are:
- Equality and Certainty
 - Equality, convenience and Economy
 - Equality and Economy
 - Equality, Certainty, Convenience and Economy.
93. For the first time in India Income tax law was introduced by Sir James Wilson in the year:
- 1886
 - 1868
 - 1860
 - None of the Above
94. A suit may be dismissed under order IX
- Where the summons is not served upon the defendant in consequence of the plaintiffs failure to pay costs for service of summons (Rule 2)
 - Where neither the plaintiff nor the defendant appears (Rule 3)
 - Where plaintiff, after summons returned unserved, fail for 7 days to apply for fresh summons (Rule 5)
 - Where on the date fixed for hearing in a suit only defendant appears and he does not admit the plaintiff's claim. (Rule 8)
- Codes:
- I, II and III.
 - I, III and IV.
 - II, III and IV.
 - All of the above.
95. The Ex-officio chairman of the council of state is?
- The President
 - Speaker, Lok Sabha
 - Vice President
 - None of the above
96. Right to property in India is

96. Which of the following is not a Fundamental Right?
- Fundamental Right
 - Constitutional Right
 - Statutory Right
 - Legal Right
97. Which of the following writs means to produce the body of a person?
- Certiorari
 - Quo warranto
 - Prohibition
 - Habeas Corpus
98. Restrictions may not be imposed on freedoms provided under Article 19(1)(a) on this ground
- Defamation
 - Public Order
 - Sedition
 - Security of the state
99. Right guaranteed to citizen only is
- Article 21
 - Article 20
 - Article 19 (1) (a)
 - Article 25
100. President can be removed on the ground of?
- Proved Misbehaviour
 - Incapacity
 - Violation of Constitution
 - All the above

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