

BIHAR PUBLIC SERVICE COMMISSION

**30TH BIHAR JUDICIAL SERVICES
(PRELIMINARY) COMPETITIVE EXAMINATION**

NOVEMBER 2018

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This is SET C.

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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Serial No.

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Question Booklet Series

Question Booklet

LAW

C

Time Allowed : 2 Hours

Maximum Marks : 150

Read the following instructions carefully before you begin to answer the questions.

IMPORTANT INSTRUCTIONS

1. This Question Booklet contains **150** questions in all.
2. **All** questions carry equal marks.
3. Attempt **all** questions.
4. **Immediately after commencement of the examination, you should check up your Question Booklet and ensure that the Question Booklet Series is printed on the top right-hand corner of the Booklet. Please check that the Booklet contains 56 printed pages and no page or question is missing or unprinted or torn or repeated. If you find any defect in this Booklet, get it replaced immediately by a complete Booklet of the same series.**
5. If there is any sort of mistake either of printing or of factual nature, then out of English and Hindi versions of the questions, the English version will be treated as standard.
6. You must write your Roll Number in the space provided on the top of this page. Do not write anything else on the Question Booklet.
7. An Answer Sheet will be supplied to you separately by the Invigilator to mark the answers. **You must write your Name, Roll No., Question Booklet Series and other particulars in the space provided on Page-1 of the Answer Sheet provided, failing which your Answer Sheet will not be evaluated.**
8. You should encode your **Roll Number** and the **Question Booklet Series A, B, C or D** as it is printed on the top right-hand corner of the Question Booklet with Black/Blue ink ballpoint pen in the space provided on **Page-2** of your Answer Sheet. **If you do not encode or fail to encode the correct series of your Question Booklet, your Answer Sheet will not be evaluated correctly.**
9. Questions and their responses are printed in English and Hindi versions only in this Booklet. Each question comprises of **four** responses—(A), (B), (C) and (D). You are to select **ONLY ONE** correct response and mark it in your Answer Sheet. In case you feel that there are more than one correct response, mark the response which you consider the best. In any case choose **ONLY ONE** response for each question. Your total marks will depend on the number of correct responses marked by you in the Answer Sheet.
10. In the Answer Sheet, there are **four** brackets—(A), (B), (C) and (D) against each question. To answer the questions you are to mark with Black/Blue ink ballpoint pen **ONLY ONE** bracket of your choice for each question. Select only one response for each question and mark it in your Answer Sheet. If you mark more than one answer for one question, the answer will be treated as wrong. **Use Black/Blue ink ballpoint pen only to mark the answer in the Answer Sheet. Any erasure or change is not allowed.**
11. You should not remove or tear off any sheet from the Question Booklet. You are not allowed to take this Question Booklet and the Answer Sheet out of the Examination Hall during the examination. **After the examination has concluded, you must hand over your Answer Sheet to the Invigilator.** Thereafter, you are permitted to take away the Question Booklet with you.
12. Failure to comply with any of the above instructions will render you liable to such action or penalty as the Commission may decide at their discretion.

ध्यान दें : अनुदेशों का हिन्दी रूपान्तर इस पुस्तिका के अन्तिम पृष्ठ पर छपा है।

SEAL

1. Which of the following is **not** actionable claim?

- (A) Right to claim arrears of rent of a house
- (B) Right to claim arrears of maintenance
- (C) Right to claim decretal sum
- (D) Right to claim money payable under Life Insurance Policy

2. The general principle of law is that "no man can transfer a better title in property than what he himself has got". Exception to this rule is found in Section(s)

- (A) 35 of the Transfer of Property Act
- (B) 41 of the Transfer of Property Act
- (C) 43 of the Transfer of Property Act
- (D) 41 and 43 of the Transfer of Property Act

3. No transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer. This provision is covered under the

- (A) rules against prospective transfer
- (B) rules against restrictive transfer
- (C) rules against perpetuity
- (D) None of the above

4. The principle of 'lis pendens' pertains to

- (A) public utility
- (B) auction sale
- (C) bona fide purchase
- (D) fraudulent transfer

5. Mortgage by conditional sale is

- (A) sale
- (B) mortgage
- (C) contract for sale
- (D) neither sale nor mortgage

6. The vested interest in property depends on the happening of an event which is

- (A) of uncertain nature
- (B) bound to happen
- (C) of certain or uncertain nature
- (D) None of the above

7. A transfers his property to B for life and after his death to C and D equally to be divided between them or to the survivor of them. C dies during lifetime of B. D survives B. At B's death, the property
- shall pass to any person
 - shall pass to the person who is specifically named in the transfer
 - shall pass to D
 - None of the above
8. There are some characteristics of usufructuary mortgage under Section 58 of the Transfer of Property Act :
- There is no personal liability on the mortgager.
 - No time limit is fixed.
 - Mortgagee takes the whole or part of the rent and profits.
- Only 1 and 2 are relevant
 - Only 2 and 3 are relevant
 - Only 1 is relevant
 - All of the above are relevant
9. "Such condition shall be void which is dependent on more than one possibility." This principle was recognized later in
- the principle in *Whitby vs. Mitchell*
 - Cholmeley's case*
 - Prabodh Kumar Das vs. Dantmara Tea Co.*
 - Dyson vs. Farster*
10. A takes a loan of ₹ 5,000 from B and mortgages his house as security. In the mortgage deed, it was also mentioned that if he could not pay the amount within 5 years, then B will have right to sell the house and recover his amount. If the money could not be recovered from sale of house, then A will be personally liable. It is
- mortgage by conditional sale
 - English mortgage
 - usufructuary mortgage
 - simple mortgage
11. Statutory recognition of the principles of equity in the Specific Relief Act is regarding
- specific performance
 - injunction
 - rectification and rescission
 - All of the above
12. "He who seeks equity must do equity" is particularly incorporated in which of the following?
- Section 9 of the Code of Civil Procedure
 - Section 38 of the Specific Relief Act
 - Both (A) and (B)
 - None of the above

13. Sections 48, 78 and 79 of the Transfer of Property Act provide the example of which of the following maxims?
- (A) Where equities are equal, the first in time shall prevail
 - (B) Equity delights in equality
 - (C) He who seeks equity must do equity
 - (D) Equity follows the law
14. "Where there is equal equity, the law shall prevail." Which of the doctrines of Indian Law is based on this maxim?
- (A) Doctrine of setoff
 - (B) Doctrine of marshalling
 - (C) Doctrine of election
 - (D) All of the above
15. Choose the correct option.
- (A) Under Indian Law, doctrine of election aims at compensation
 - (B) Under English Law, doctrine of election aims at forfeiture or confiscation
 - (C) Both (A) and (B) are correct
 - (D) Neither (A) nor (B) is correct
16. Which of the following persons is **not** necessary for creation of trust?
- (A) Beneficiary
 - (B) Trustee
 - (C) Author of trust
 - (D) Legal representative
17. Liability of trustee is provided under
- (A) Section 23 to 29 of the Indian Trust Act
 - (B) Section 11 to 18 of the Indian Trust Act
 - (C) Section 55 to 69 of the Indian Trust Act
 - (D) Section 51 to 65 of the Indian Trust Act
18. Liability for breach of trust has been provided in
- (A) Section 23 of the Indian Trust Act
 - (B) Section 22 of the Indian Trust Act
 - (C) Section 24 of the Indian Trust Act
 - (D) Section 25 of the Indian Trust Act
19. In cases of specific performance of a contract, the rights of the parties are governed by the principle of
- (A) law
 - (B) equity
 - (C) equity and law
 - (D) None of the above
20. The relief by the way of mandatory injunction is
- (A) discretionary
 - (B) prohibitory
 - (C) mandatory
 - (D) None of the above

21. "Tortious liability arises from the breach of duty, primarily fixed by law." Who said the statement?

(A) Salmond

(B) Winfield

(C) Fracer

(D) Underhill

22. Whether for a wrong both tortious and criminal liability may arise?

(A) Only tortious liability may arise

(B) Only criminal liability may arise

(C) Both the liabilities may arise

(D) None of the above

23. The pigeonhole theory was propounded by

(A) Salmond

(B) Winfield

(C) R. Pound

(D) Blackstone

24. *Mogul Steamship Co. vs. McGregor, Gow and Co.* (1892) AC 25 belongs to which of the following maxims?

(A) Volenti non fit injuria

(B) Injuria sine damnum

(C) Damnum sine injuria

(D) Ubi jus ibi remedium

25. The maxim 'scienti non fit injuria' means

(A) where there is no fault, there is no remedy

(B) mere knowledge does not imply consent to take risk

(C) mere giving consent does not imply to take risk

(D) scientific knowledge is not enough to cause injury

26. "Right of action is extinguished by the death of one or other parties." The statement is

(A) true

(B) false

(C) true except in certain cases

(D) false except in certain cases

27. In the Law of Torts, nominal damages are awarded
- (A) as a compensation for nominal injury
 - (B) for the recognition of legal right
 - (C) for the recognition of human sufferings
 - (D) as a compensation for damages
28. 'Distress damage feasant' means
- (A) right to detain the things until compensation is paid
 - (B) right to get the compensation when there is infringement of legal right
 - (C) right to get compensation will extinguish when death of the party caused
 - (D) None of the above
29. "An unlawful interference with person's use or enjoyment of land or some right over or in connection with it" is known as tort of
- (A) trespass
 - (B) nuisance
 - (C) negligence
 - (D) conversion
30. In which case, fundamental test for determining duty to take care was laid down?
- (A) *Bourhill vs. Young*
 - (B) *Donoghue vs. Stevenson*
 - (C) *Haynes vs. Harwood*
 - (D) *Heaven vs. Pender*
31. Which of the following is **not** an element in establishing a case in libel?
- (A) Publication
 - (B) A defamatory statement
 - (C) A section of the public who know less of the plaintiff
 - (D) Reference to the plaintiff
32. If a person wants to bring an action under Law of Torts for the tort of public nuisance, he must have to prove that
- (A) the injury was direct and substantial only to him
 - (B) the injury was criminal in nature
 - (C) the injury affects the public at large
 - (D) None of the above

33. 'Prosecution' under tort of 'malicious prosecution' means
- (A) proceeding at a police station charging a person with a crime
 - (B) proceeding in a Court of Law charging a person with a crime
 - (C) proceeding undertaken by Public Prosecutor
 - (D) proceeding undertaken both by Police Officer and Public Prosecutor
34. 'False imprisonment' means
- (A) a false restraint of a person's liberty without lawful justification
 - (B) a partial restraint of a person's liberty without lawful justification
 - (C) a total restraint of a person's liberty without lawful justification
 - (D) a person is imprisoned for a tort in false charges
35. A person who knowingly and without sufficient justification induces another to break a contract with third person, whereby the third person suffers damage, is a tort. For the first time, it was established in which of the following cases?
- (A) *Ford vs. Lindsey*
 - (B) *Lumley vs. Gye*
 - (C) *Derry vs. Peak*
 - (D) *M. C. Manus vs. Bonis*
36. A contract, which ceases to be enforceable by law, ceases to be enforceable. It is known as
- (A) unenforceable contract
 - (B) void contract
 - (C) voidable contract
 - (D) contingent contract
37. The legal principle, which was laid down in the case of *Harvey vs. Facey*, was firstly followed by the Supreme Court of India in which of the following cases?
- (A) *Badri Prasad vs. State of MP*
 - (B) *Byomkesh Banerjee vs. Nani Gopal Banik*
 - (C) *D. I. MacPherson vs. M. N. Appanna*
 - (D) *Carlill vs. Carbolic Smoke Ball Co.*
38. Which one of the following elements is **not** necessary for a contract?
- (A) Competent parties
 - (B) Reasonable terms and conditions
 - (C) Free consent
 - (D) Lawful consideration

39. In standard form contracts
- (A) the individual has no choice but to accept
 - (B) the individual has many choices to accept or refuse
 - (C) the agreement is without consideration
 - (D) None of the above
40. What would be the effect of mistake as to law enforce in India on a contract?
The contract will be
- (A) void
 - (B) voidable
 - (C) not void
 - (D) not voidable
41. A Guru (spiritual advisor) induced the Chela (his devotee) to gift him whole of his property to secure benefit of his soul in the heaven. This gift shall be
- (A) void
 - (B) voidable
 - (C) valid
 - (D) immoral
42. Section 128 of the Indian Contract Act, 1872 is related with
- (A) surety's liability
 - (B) continuing guarantee
 - (C) revocation of continuing guarantee
 - (D) consideration for guarantee
43. A continuing guarantee may be revoked for further transaction
- (A) after a year
 - (B) after six months
 - (C) after three months
 - (D) at any time
44. If the bailee, without the consent of the bailor, mixes the goods of the bailor with his own goods in such a manner that it is impossible to separate the goods and deliver them back, the bailor is entitled to be
- (A) compensated by the bailee for the loss of goods
 - (B) compensated by the bailee for 1/2 of the loss of goods
 - (C) compensated by the bailee for 1/4 of the loss of goods
 - (D) civil imprisonment of maximum six months

45. The bailment of goods as security for payment of a debt or performance of a promise is called

- (A) mortgage
- (B) pledge
- (C) guarantee
- (D) indemnity

46. Who may employ an agent?

- (A) Any major person
- (B) Any person who is of sound mind
- (C) Any major and person of sound mind
- (D) A citizen of India

47. In which of the following conditions can an agent sub-delegate his authority to another person?

- (A) When it benefits the principal
- (B) When it suits the agent
- (C) When the agent becomes ill
- (D) When commercial practice involves such delegation

48. Indemnity-holder, acting within the scope of his authority, is entitled to recover from the promisor

- (A) all damages which he may be compelled to pay in any suit
- (B) all costs which he may be compelled to pay in any suit
- (C) all sums which he may have paid under the terms of any compromise of any suit
- (D) All of the above

49. The case of *Moses vs. MacFarlan* deals with which of the following?

- (A) Quasi-contract
- (B) Contingent contract
- (C) Doctrine of frustration
- (D) Contract of indemnity

50. When the parties to a contract agree to substitute the existing contract with a new contract, it is known as

- (A) substitution
- (B) novation
- (C) frustration
- (D) breach

51. An unpaid seller can exercise the right of lien
- (A) when he has delivered goods to the buyer
 - (B) when the buyer has lawfully obtained possession of goods
 - (C) when the seller has waived the right of lien
 - (D) when the buyer has become insolvent

52. Which of the following is **not** included in the definition of goods?

- (A) Actionable claims
- (B) All movable properties
- (C) Growing crops
- (D) Grass

53. Which of the following statements is **not** correct?

- (A) Conditions and warranties are stipulations in the contract of sale.
- (B) A stipulation as a warranty may not be treated as condition.
- (C) Condition is a stipulation essential to main purpose of contract.
- ((D) Warranty is a stipulation collateral to main purpose of contract.

54. A seller sells undergarments which cause skin disease to buyer. What is the liability of the seller?

- (A) He is liable for breach of warranty
- (B) He is liable for breach of a condition
- (C) He is not liable
- (D) The buyer should be careful

55. Which of the following is **not** an exception to the doctrine of 'nemo dat quod non habet'?

- (A) Sale by person in possession under voidable contract
- (B) Sale by seller in possession after sell
- (C) Sale by buyer in possession before sell
- (D) Sale by buyer in possession after sell

56. Who among the following is a partner?

- (A) A moneylender sharing the profits
- (B) A person sharing the profits of business carried on by all or any of them
- (C) A person sharing the return arising from joint property
- (D) A seller of goodwill sharing the profits of business

57. A partnership is partnership at will

- (A) when no provision is made for duration of partnership
- (B) when no provision is made for determination of partnership
- (C) Both (A) and (B) are true
- (D) Either (A) or (B) is true

58. Which of the following is **not** essential ingredient of holding out u/s 28 of the Partnership Act?

- (A) Representation as a partner
- (B) Knowledge of representation
- (C) Giving credit to the firm
- (D) Representation without knowledge

59. Which of the following is **not** correct about a minor?

- (A) He cannot become a partner.
- (B) He can be admitted to the benefits of partnership.
- (C) He is personally liable for the acts of the firm.
- (D) He can elect to become or not to become a partner on attaining the majority.

60. Which of the following is **not** a condition precedent for filing a suit u/s 69 of the Partnership Act?

- (A) The firm should be registered
- (B) Person suing should be shown as a partner in the register of firms
- (C) The enforcement of a right arising from contract or conferred by the Act
- (D) The enforcement of any statutory right

61. When a Negotiable Instrument is dishonoured, the liable party pays compensation to

(A) holder

(B) bank

(C) endorser

(D) court

62. Which of the following is **not** an example of Negotiable Instrument?

(A) Promissory Note

(B) Bill of Exchange

(C) Share Certificate

(D) Cheque

63. A draws a cheque in favour of B, a minor. B endorses it in favour of C and C endorses in favour of D. The cheque is dishonoured. Which of the following is **not** correct about liabilities of the parties?

(A) C and D can claim from B

(B) C can claim payment from A

(C) D can claim against C and A

(D) C and D cannot claim from B

64. Which of the following is **not** correct with regard to presentment for acceptance?

(A) Only holder of the bill or his agent can present the bill

(B) Drawer himself can present the bill

(C) If the bill has been negotiated before acceptance, endorsee can present the bill

(D) The bill cannot be presented to legal presentations in case of death of drawee

65. Which of the following statements is correct in relation to bouncing of a cheque?

(A) Offence of cheque bouncing is a compoundable offence.

(B) Every trial of cheque bouncing shall be concluded within 3 months.

(C) In trial of such cases, provisions of u/s 262 to 265 of CrPC will not apply.

(D) In case of conviction in summary trial of such cases, Magistrate shall pass a sentence of imprisonment for a term of 2 years.

66. An application for prevention of oppression and mismanagement in a company should be made to the

- (A) High Court
- (B) Central Government
- (C) National Company Law Tribunal
- (D) Registrar of Companies

67. For dissolution of a company, the Tribunal shall pass order

- (A) immediately after winding-up order
- (B) when affairs of the company are completely wound up
- (C) at the instance of the Central Government
- (D) at the instance of the Company Law Board

68. Which of the following statements is **not** correct?

- (A) A company cannot have more than one Manager at the same time.
- (B) A company can have more than one Manager at the same time.
- (C) A firm cannot be appointed as Manager of a company.
- (D) A Manager can be appointed for a period of 5 years at a time.

69. A Director appointed to fill up casual vacancy will hold office

- (A) for a term of 5 years
- (B) for a term of 3 years
- (C) up to next meeting of the Board
- (D) up to date of expiry of term of office of outgoing Director

70. Match List-I with List-II and select the correct answer using the codes given below the Lists :

List—I

List—II

- | | |
|----------------------------------------------------------------|----------------------------|
| a. <i>Royal British Bank vs. Turquand</i> | 1. Corporate personality |
| b. <i>Salomon vs. Salomon & Co. Ltd.</i> | 2. Rule of majority |
| c. <i>Foss vs. Harbottle</i> | 3. Doctrine of ultra vires |
| d. <i>Ashbury Railway Carriage and Iron Co. Ltd. vs. Riche</i> | 4. Indoor management |

Codes :

- | | | | | |
|-----|---|---|---|---|
| (A) | a | b | c | d |
| | 4 | 1 | 2 | 3 |
| (B) | a | b | c | d |
| | 4 | 3 | 2 | 1 |
| (C) | a | b | c | d |
| | 3 | 2 | 1 | 4 |
| (D) | a | b | c | d |
| | 1 | 2 | 3 | 4 |

- 71.** The Indian Evidence Act, 1872 has been divided into _____ Parts and _____ Chapters.
- (A) 2, 10
(B) 3, 11
(C) 4, 12
(D) 3, 12
- 72.** A prosecutes *B* for adultery with *C*, *A*'s wife. *B* denies that *C* is *A*'s wife, but the Court convicts *B* of adultery. Afterwards, *C* is prosecuted for bigamy in marrying *B* during *A*'s lifetime. *C* says that she never was *A*'s wife. The judgement against *B* is
- (A) relevant as against *C*
(B) irrelevant as against *C*
(C) relevant and admissible against *C*
(D) None of the above
- 73.** Law of evidence is
- (A) a substantive law
(B) an adjective law
(C) Both (A) and (B)
(D) Neither (A) nor (B)
- 74.** Electronic record in proper custody gives rise to a presumption as to the digital signature, to be affixed by that particular person under Section 90A of the Indian Evidence Act, if the electronic record produced is
- (A) 20 years old
(B) 15 years old
(C) 10 years old
(D) 5 years old
- 75.** 'Necessity rule' as to the admissibility of evidence is contained in
- (A) Section 31 of the Indian Evidence Act
(B) Section 32 of the Indian Evidence Act
(C) Section 60 of the Indian Evidence Act
(D) Section 61 of the Indian Evidence Act
- 76.** Section 105 of the Indian Evidence Act applies to
- (A) criminal trials
(B) civil trials
(C) Both (A) and (B)
(D) Neither (A) nor (B)

77. Which one of the following is **not** correctly matched?
- (A) Hostile witness—
Section 154
- (B) Burden of proof as to ownership—Section 110
- (C) Refreshing memory—
Section 159
- (D) Profession communication—
Section 124
78. Classification of offences is given in CrPC under
- (A) Section 320
- (B) the First Schedule
- (C) the Second Schedule
- (D) Section 482
79. It is mandatory to produce the person arrested before the Magistrate within 24 hours of his arrest under
- (A) Section 56 of CrPC
- (B) Section 57 of CrPC
- (C) Section 58 of CrPC
- (D) Section 59 of CrPC
80. Under Section 167 of CrPC, the Magistrate can authorize detention for a total period of 90 days during investigation in case of offences punishable
- (A) with death
- (B) with imprisonment for life
- (C) with imprisonment for a term not less than 10 years
- (D) All of the above
81. The term 'victim' is defined under
- (A) Section 2(w)
- (B) Section 2(wa)
- (C) Section 2(u)
- (D) None of the above
82. Every person aware of the commission of an offence punishable under following Section is bound to give information thereof to the nearest Magistrate or Police Officer
- (A) Section 498A of the Indian Penal Code
- (B) Section 302 of the Indian Penal Code
- (C) Section 324 of the Indian Penal Code
- (D) Section 448 of the Indian Penal Code
83. A decision in a suit may operate as 'res judicata' against persons not expressly named as parties to the suit by virtue of Explanation
- (A) II to Section 11 of CPC
- (B) IV to Section 11 of CPC
- (C) VI to Section 11 of CPC
- (D) VIII to Section 11 of CPC

84. The Court may impose a fine for default upon a person required to give evidence or to produce documents directed under Section 30(b) of CPC, and such fine as per Section 32(c) is not to exceed

- (A) ₹ 500 (B) ₹ 1,000
(C) ₹ 5,000 (D) ₹ 10,000

85. Appointment of receiver has been dealt with

- (A) under Order XLIV
(B) under Order XLII
(C) under Order XL
(D) under Order XLV

86. The provision for substituted service of summons on the defendant(s) has been made under

- (A) Order V, Rule 19 of CPC
(B) Order V, Rule 19A of CPC
(C) Order V, Rule 20 of CPC
(D) Order V, Rule 21 of CPC

87. In cases of urgent or immediate relief, where leave to investigate the suit without service of notice under Section 86 of CPC has been granted

- (A) no interim or otherwise, ex parte relief can be granted
(B) interim or otherwise, ex parte relief can be granted generally

(C) interim or otherwise, ex parte relief may be granted under certain circumstances

(D) Either (A) or (C)

88. The arbitrator in case of international commercial arbitration is appointed by

- (A) the parties themselves
(B) the Attorney-General of India
(C) the Chief Justice of India
(D) Both (A) and (C)

89. The Arbitration and Conciliation (Amendment) Act, 2015 came into force on

- (A) 23rd October, 2015
(B) 31st December, 2015
(C) 23rd September, 2015
(D) None of the above

90. The decree or orders made by small cause Courts are revisable by the

- (A) District Court
(B) High Court
(C) Both (A) and (B)
(D) None of the above

91. Clause (k) to Article 51A was added by
- (A) the Constitution (73rd Amendment) Act, 1992
 - (B) the Constitution (85th Amendment) Act, 2001
 - (C) the Constitution (86th Amendment) Act, 2002
 - (D) the Constitution (93rd Amendment) Act, 2005
92. In which of the following cases, free and fair election is recognized as basic structure of the Indian Constitution?
- (A) *Indira Gandhi vs. Raj Narain*
 - (B) *Golaknath vs. State of Punjab*
 - (C) *K. Prabhakaran vs. P. Jayarajan*
 - (D) *Minerva Mills vs. Union of India*
93. Which one of the following cases is **not** related to the doctrine of severability?
- (A) *Kihoto Hollohan vs. Zachillhu*
 - (B) *RMDC vs. Union of India*
 - (C) *Minerva Mills vs. Union of India*
 - (D) *A. K. Gopalan vs. State of Madras*
94. The Parliament has power to legislate with respect to a matter in the State List, provided it is in the
- (A) public interest
 - (B) national interest
 - (C) central interest
 - (D) regional interest
95. "Courts are flooded with large number of PILs, so it is desirable for Courts to filter out frivolous petitions and dismiss them with costs." In which of the following judgements, it was held?
- (A) *M. C. Mehta vs. Union of India*
 - (B) *Dharampal vs. State of UP*
 - (C) *Holicow Pictures Pvt. Ltd. vs. Premchandra Mishra*
 - (D) *PUCL vs. Union of India*
96. Who among the following expressed the view that the Indian Constitution is federal as much as it establishes what may be called a dual polity?
- (A) Dr. B. R. Ambedkar
 - (B) Sir William Ivor Jennings
 - (C) Sir B. N. Rau
 - (D) Prof. K. C. Wheare

97. The law declared by the Supreme Court becomes law of the land under
 (A) Article 131
 (B) Article 136
 (C) Article 141
 (D) Article 151
98. The power of the President of India to issue an ordinance is a/an
 (A) legislative power
 (B) executive power
 (C) quasi-judicial power
 (D) judicial power
99. In first instance, the President can issue a proclamation of financial emergency for a period of
 (A) fifteen days
 (B) two months
 (C) one month
 (D) six months
100. In which of the following landmark judgements, right to privacy has been declared as a fundamental right?
 (A) *Shreya Ghoshal vs. State of UP*
 (B) *Justice K. S. Puttaswamy (Retd.) vs. Union of India*
 (C) *Narendra vs. K. Meena*
 (D) *Kharak Singh vs. State of UP*
101. In which of the following judgements of the Supreme Court, Triple Talaq was declared unconstitutional?
 (A) *Shayara Bano vs. Union of India*
 (B) *Gulshan Parveen vs. Union of India*
 (C) Both (A) and (B)
 (D) None of the above
102. Which of the following does **not** find place in the Preamble of the Constitution of India?
 (A) Liberty of thought and expression
 (B) Economic justice for all
 (C) Education for everyone
 (D) Dignity of the individual
103. Prof. K. C. Wheare said that the Constitution of India is
 (A) weak federation
 (B) non-federal
 (C) strong federation
 (D) quasi-federal
104. In which case, the dissolution of Bihar Legislative Assembly by the Governor before formation of government was declared unconstitutional?
 (A) *Banarsi Das vs. Teeku Dutta and Others*
 (B) *Rameshwar Prasad vs. Union of India*
 (C) *K. K. Misra vs. State of Bihar*
 (D) *B. P. Singhal vs. Union of India*

105. A member of the State Public Service Commission can be removed on the ground of misbehaviour only after an inquiry has been held by
- the Supreme Court of India, on reference being made to it by the President
 - the Governor through High Court
 - the Chairman of Board
 - a Joint Parliamentary Committee
106. "Carry forward rule is ultra vires" was held in the case
- Devadasan vs. Union of India*
 - B. N. Tiwari vs. Union of India*
 - State of Kerala vs. N. M. Thomas*
 - Balaji vs. State of Mysore*
107. Which one of the following is **not** correct?
- Natural justice implicit in Article 21
 - Right to privacy is a fundamental right
 - Right to go abroad is not a fundamental right
 - Right to life includes right to health
108. Right to freedom of religion **cannot** be restricted on the ground of
- morality
 - health
 - security of the State
 - public order
109. Legal maxim 'autrefois' is related to
- double jeopardy
 - retrospective operation
 - self-incrimination
 - ex post facto law
110. "The principle of sovereign immunity will not apply to a proceeding for award of compensation for violation of fundamental rights."
- In which case, the Supreme Court of India held the above view?
- Nilabati Behera vs. State of Orissa*
 - Rudal Shah vs. State of Bihar*
 - Kasturi Lal vs. State of UP*
 - Ram Singh vs. State of Punjab*
111. According to A. V. Dicey, in India the 'rule of law' is embodied in
- Article 12 of the Constitution of India
 - Article 13 of the Constitution of India
 - Article 14 of the Constitution of India
 - Article 21 of the Constitution of India

112. "Administrative law is a study of pathology of power in a developing society. Accountability of the holders of public power for the ruled is the focal point of this formulation."

Who among the following jurists has given this definition?

- (A) A. V. Dicey
- (B) Davis
- (C) Sir William Ivor Jennings
- (D) Prof. Upendra Baxi

113. In which case, Chief Justice Ray said that "the Constitution is the rule of law and that no one can rise above the rule of law in the Constitution"?

- (A) *Kesavananda Bharati vs. State of Kerala*
- (B) *ADM Jabalpur vs. S. K. Shukla*
- (C) *S. P. Gupta vs. Union of India*
- (D) *Bhagat Raja vs. Union of India*

114. Which of the following cases is **not** related with rule of law?

- (A) *Indira Gandhi vs. Raj Narain*
- (B) *ADM Jabalpur vs. S. K. Shukla*
- (C) *S. P. Gupta vs. Union of India*
- (D) *Jaisinghani vs. Union of India*

115. Which doctrine of administrative law is a 'dilutory' doctrine because of many exceptions?

- (A) Doctrine of separation of powers
- (B) Rule of law
- (C) Doctrine of pleasure
- (D) Doctrine of proportionality

116. There are bulk of laws which govern people and which come **not** from the legislature but from the chambers of administrators. This is called delegated legislation and it is different from

- (A) quasi-legislative action
- (B) administrative rule-making power
- (C) subordinate legislation
- (D) executive legislation

117. Delegated legislation must be controlled so that it can be properly exercised. What is the control of delegated legislation?

- (A) Parliamentary control
- (B) Procedural control
- (C) Judicial control
- (D) All of the above

118. The test for determining bias is known as

- (A) civil liability test
- (B) criminal liability test
- (C) reasonable likelihood test
- (D) collective responsibility test

119. 'Rule of law' means

- (A) rule of nature
- (B) rule of procedure
- (C) rule of man
- (D) pervasiveness of the spirit of law and to avoid arbitrariness

120. "Natural justice is universal fact of secular life which has given a new life to legislature administration and judicial adjudication and provided way to objective life. These rules are part of social justice." This statement was given by

- (A) Justice Prafullachandra Natwarlal Bhagwati
- (B) Justice Vaidyanathapuram Rama Iyer Krishna Iyer
- (C) Justice Hans Raj Khanna
- (D) Justice A. N. Ray

121. Which of the following doctrines was/were developed by the Court to control the administrative actions in India?

- (A) Doctrine of Promissory Estoppel and Doctrine of Legitimate Expectations
- (B) Doctrine of Separation of Powers, Judicial Activism and Rule of Law
- (C) Both (A) and (B)
- (D) None of the above

122. A writ of mandamus will not lie against the

- (A) President of India
- (B) Parliament
- (C) Local Authorities
- (D) Courts and Tribunals

123. Article 310 of the Indian Constitution embodies the

- (A) doctrine of pleasure
- (B) doctrine of separation
- (C) doctrine of proportionality
- (D) doctrine of res judicata

124. What is the effect of violation of the rule 'audi alteram partem' on an administrative action?
- (A) Mere irregularity
 - (B) Null and void
 - (C) An illegality
 - (D) Voidable
125. In which of the following cases, the Supreme Court held that the principles of natural justice are applicable to administrative proceedings also?
- (A) *M. C. Mehta vs. Union of India*
 - (B) *Maneka Gandhi vs. Union of India*
 - (C) *A. K. Kraipak vs. Union of India*
 - (D) *Smt. Indira Nehru Gandhi vs. Raj Narain*
126. When reviewing administrative action, the Court's duty is to confine itself to the question of legality. What is/are the ground(s) for judicial review?
- (A) Committed an error of law or exceeded its powers
 - (B) Breach of natural justice or decision without reason
 - (C) Both (A) and (B)
 - (D) None of the above
127. Writ of prohibition **cannot** be issued against
- (A) executive body
 - (B) judicial body
 - (C) quasi-judicial body
 - (D) None of the above
128. Writ of quo warranto can be filed by
- (A) any person aggrieved by public office
 - (B) an executive in his official capacity
 - (C) any private person whether aggrieved or not
 - (D) Only (A) and (B)
129. The idea of Ombudsman was first suggested by who among the following?
- (A) Dr. B. R. Ambedkar
 - (B) Dr. Rajendra Prasad
 - (C) Justice P. N. Bhagwati
 - (D) Motilal Chimanlal Setalvad
130. The action of Administrative Tribunal is considered as
- (A) purely judicial
 - (B) purely administrative
 - (C) quasi-judicial
 - (D) All of the above

131. *Mitakshara* is a commentary on

- (A) *Manu Smriti*
- (B) *Yajnavalkya Smriti*
- (C) *Narada Smriti*
- (D) *Parashara Smriti*

132. By the Hindu Succession (Amendment) Act, 2005

- (A) all Hindu women have become coparceners in a family
- (B) wife of a coparcener has become a coparcener
- (C) daughter-in-law has become a coparcener
- (D) daughter of a coparcener has become a coparcener

133. Marriage of a Hindu coparcener with a Hindu girl or with any other under the Special Marriage Act, 1954

- (A) does not have any effect on joint family status of the coparcener
- (B) automatically severs his membership of the coparcenary and of the joint family
- (C) A Hindu coparcener is not allowed to marry under the Special Marriage Act, 1954
- (D) His status as joint family member and a coparcener is suspended for some time

134. Pregnancy of a girl at the time of her marriage under the Hindu Marriage Act, 1955

- (A) will not affect the marriage
- (B) will make the marriage ipso facto invalid
- (C) will be a ground for making the marriage as void
- (D) will be a ground for making the marriage as voidable

135. Sapinda relationship under the Hindu Law towards the father's and mother's side extends up to

- (A) six degrees towards the father's side and three degrees towards the mother's side
- (B) five degrees towards the father's side and four degrees towards the mother's side
- (C) five degrees towards the father's side and three degrees towards the mother's side
- (D) seven degrees towards the father's side and five degrees towards the mother's side

136. A decree of judicial separation passed by a competent Court between the parties to a marriage

- (A) brings the marriage relationship between the spouses to an end
- (B) makes the parties free to marry any other person
- (C) does affect the marital relationship between the spouses and they are no more husband and wife
- (D) does not affect the marital relationship but suspends the conjugal relationship till the period of decree

137. Under the Hindu Succession Act, 1956, daughter's son and father of a male Hindu are legal heirs and they are placed as the following

- (A) Both are placed as class I heir of the Schedule
- (B) Father is placed in class I and daughter's son is placed in class II of the Schedule
- (C) Daughter's son is placed as class I and father as class II heir of the Schedule
- (D) Both are class II heirs of the Schedule

138. Marriage of a Hindu male or female under the Hindu Marriage Act, 1955 with a person of unsound mind or one suffering from mental disorder is

- (A) not valid
- (B) void
- (C) voidable
- (D) perfectly valid

139. A child to be adopted under the Hindu Adoptions and Maintenance Act, 1956

- (A) should be a child belonging to any religion
- (B) should be a child belonging to Hindu religion and below the age of 15 years
- (C) may or may not be a Hindu but below the age of 18 years
- (D) may or may not be a Hindu but below the age of 21 years

140. Under the Hindu Marriage Act, 1955, a marriage is treated as void, if it

- (A) contravenes the condition given under Sections 5(i) and (ii) of the Hindu Marriage Act
- (B) contravenes the condition given under Sections 5(ii) and (iii) of the Hindu Marriage Act
- (C) contravenes the condition given under Sections 5(i), (iii) and (v) of the Hindu Marriage Act
- (D) contravenes the condition given under Sections 5(i), (iv) and (v) of the Hindu Marriage Act

141. A marriage prohibited under the Mohammedan Law by reason of difference of religion, if done, is

- (A) valid
- (B) voidable
- (C) irregular
- (D) void

142. According to Section 4 of the Dissolution of Muslim Marriage Act, 1939, apostasy from Islam of a Muslim wife

- (A) will dissolve her marriage ipso facto
- (B) will not dissolve her marriage ipso facto
- (C) dissolves her marriage and she loses her claim of dower
- (D) dissolves her marriage but she does not lose her claim of dower

143. Which one of the following is **not** essential for a valid gift or Hiba under the Mohammedan Law?

- (A) Declaration of gift
- (B) Acceptance of gift
- (C) Delivery of possession of the property by the donor to the donee
- (D) Written documentary proof of the gift

144. Which one of the following is the leading case under the Mohammedan Law on widow's right to retain possession of her husband's property?

- (A) *Mohd. Sadiq vs. Fakhr Jahan*
- (B) *Mohd. Ahmed Khan vs. Shah Bano Begum*
- (C) *Mohd. Mumtaz vs. Zubaida Jan*
- (D) *Mst. Maina Bibi vs. Chaudhri Vakil Ahmed*

145. Who under the Mohammedan Law can claim right of preemption?

- (A) Shafi-i-Sharik (a co-sharer in the property)
- (B) Shafi-i-Khalit (a participator in immunities and appendages)
- (C) Shafi-i-Jar (an owner of contiguous immovable property)
- (D) All of them

146. In favour of who among the following a bequest by a Muslim is valid?

- (A) A son
- (B) A widow
- (C) A grandson in case of a predeceased son
- (D) All of them

147. In case of a Wakf, the Wakf property vests in the

(A) Wakif

(B) Mutawalli

(C) Almighty

(D) Beneficiaries

148. By the third pronouncement (utterance) of 'Talaq', which kind of 'Talaq' becomes effective?

(A) Talaq-e-Hassan

(B) Talaq-e-Ahsan

(C) Talaq-e-Tafweez

(D) None of the above

149. In Sunni Law of Inheritance, the total number of sharers is

(A) 10

(B) 15

(C) 13

(D) 12

150. Who is a primary heir under Sunni Law?

(A) True grandfather

(B) True grandmother

(C) Full sister

(D) None of them

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30th Bihar Judicial Services (Preliminary) Competitive Examination (Advt. No. 06/2018)

(Examination Date : 28.11.2018)

FINAL ANSWER KEY : Law

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| 1 | 51 | 71 | 131 | B |
| 2 | 52 | 72 | 132 | B |
| 3 | 53 | 73 | 133 | B |
| 4 | 54 | 74 | 134 | D |
| 5 | 55 | 75 | 135 | B |
| 6 | 56 | 76 | 136 | A |
| 7 | 57 | 77 | 137 | D |
| 8 | 58 | 78 | 138 | B |
| 9 | 59 | 79 | 139 | B |
| 10 | 60 | 80 | 140 | D |
| 11 | 61 | 81 | 141 | B |
| 12 | 62 | 82 | 142 | B |
| 13 | 63 | 83 | 143 | C |
| 14 | 64 | 84 | 144 | C |
| 15 | 65 | 85 | 145 | C |
| 16 | 66 | 86 | 146 | C |
| 17 | 67 | 87 | 147 | A |
| 18 | 68 | 88 | 148 | D |
| 19 | 69 | 89 | 149 | A |
| 20 | 70 | 90 | 150 | B |
| 21 | 71 | 91 | 1 | C |
| 22 | 72 | 92 | 2 | A |
| 23 | 73 | 93 | 3 | C |
| 24 | 74 | 94 | 4 | B |
| 25 | 75 | 95 | 5 | C |
| 26 | 76 | 96 | 6 | A |
| 27 | 77 | 97 | 7 | C |
| 28 | 78 | 98 | 8 | A |
| 29 | 79 | 99 | 9 | B |
| 30 | 80 | 100 | 10 | B |
| 31 | 81 | 101 | 11 | C |
| 32 | 82 | 102 | 12 | C |
| 33 | 83 | 103 | 13 | D |
| 34 | 84 | 104 | 14 | B |
| 35 | 85 | 105 | 15 | A |
| 36 | 86 | 106 | 16 | A |
| 37 | 87 | 107 | 17 | C |

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| 39 | 89 | 109 | 19 | A |
| 40 | 90 | 110 | 20 | B |
| 41 | 91 | 111 | 21 | C |
| 42 | 92 | 112 | 22 | D |
| 43 | 93 | 113 | 23 | B |
| 44 | 94 | 114 | 24 | C |
| 45 | 95 | 115 | 25 | A |
| 46 | 96 | 116 | 26 | D |
| 47 | 97 | 117 | 27 | D |
| 48 | 98 | 118 | 28 | C |
| 49 | 99 | 119 | 29 | D |
| 50 | 100 | 120 | 30 | B |
| 51 | 101 | 121 | 31 | C |
| 52 | 102 | 122 | 32 | A |
| 53 | 103 | 123 | 33 | A |
| 54 | 104 | 124 | 34 | B |
| 55 | 105 | 125 | 35 | C |
| 56 | 106 | 126 | 36 | C |
| 57 | 107 | 127 | 37 | A |
| 58 | 108 | 128 | 38 | C |
| 59 | 109 | 129 | 39 | D |
| 60 | 110 | 130 | 40 | C |
| 61 | 111 | 131 | 41 | B |
| 62 | 112 | 132 | 42 | D |
| 63 | 113 | 133 | 43 | B |
| 64 | 114 | 134 | 44 | D |
| 65 | 115 | 135 | 45 | C |
| 66 | 116 | 136 | 46 | D |
| 67 | 117 | 137 | 47 | C |
| 68 | 118 | 138 | 48 | C |
| 69 | 119 | 139 | 49 | B |
| 70 | 120 | 140 | 50 | D |
| 71 | 121 | 141 | 51 | C |
| 72 | 122 | 142 | 52 | B |
| 73 | 123 | 143 | 53 | D |
| 74 | 124 | 144 | 54 | D |
| 75 | 125 | 145 | 55 | D |
| 76 | 126 | 146 | 56 | C |
| 77 | 127 | 147 | 57 | C |
| 78 | 128 | 148 | 58 | A |
| 79 | 129 | 149 | 59 | D |

| Question No. of Series-A | Question No. of Series-B | Question No. of Series-C | Question No. of Series-D | Answer |
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| 80 | 130 | 150 | 60 | D |
| 81 | 131 | 1 | 61 | C |
| 82 | 132 | 2 | 62 | D |
| 83 | 133 | 3 | 63 | C |
| 84 | 134 | 4 | 64 | A |
| 85 | 135 | 5 | 65 | B |
| 86 | 136 | 6 | 66 | B |
| 87 | 137 | 7 | 67 | C |
| 88 | 138 | 8 | 68 | D |
| 89 | 139 | 9 | 69 | A |
| 90 | 140 | 10 | 70 | D |
| 91 | 141 | 11 | 71 | D |
| 92 | 142 | 12 | 72 | D |
| 93 | 143 | 13 | 73 | A |
| 94 | 144 | 14 | 74 | D |
| 95 | 145 | 15 | 75 | D |
| 96 | 146 | 16 | 76 | D |
| 97 | 147 | 17 | 77 | A |
| 98 | 148 | 18 | 78 | A |
| 99 | 149 | 19 | 79 | C |
| 100 | 150 | 20 | 80 | A |
| 101 | 1 | 21 | 81 | B |
| 102 | 2 | 22 | 82 | C |
| 103 | 3 | 23 | 83 | A |
| 104 | 4 | 24 | 84 | C |
| 105 | 5 | 25 | 85 | B |
| 106 | 6 | 26 | 86 | C |
| 107 | 7 | 27 | 87 | B |
| 108 | 8 | 28 | 88 | A |
| 109 | 9 | 29 | 89 | B |
| 110 | 10 | 30 | 90 | B |
| 111 | 11 | 31 | 91 | C |
| 112 | 12 | 32 | 92 | A |
| 113 | 13 | 33 | 93 | B |
| 114 | 14 | 34 | 94 | C |
| 115 | 15 | 35 | 95 | B |
| 116 | 16 | 36 | 96 | B |
| 117 | 17 | 37 | 97 | C |
| 118 | 18 | 38 | 98 | B |
| 119 | 19 | 39 | 99 | A |
| 120 | 20 | 40 | 100 | D |
| 121 | 21 | 41 | 101 | B |

| Question No. of Series-A | Question No. of Series-B | Question No. of Series-C | Question No. of Series-D | Answer |
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| 122 | 22 | 42 | 102 | A |
| 123 | 23 | 43 | 103 | D |
| 124 | 24 | 44 | 104 | A |
| 125 | 25 | 45 | 105 | B |
| 126 | 26 | 46 | 106 | C |
| 127 | 27 | 47 | 107 | D |
| 128 | 28 | 48 | 108 | D |
| 129 | 29 | 49 | 109 | A |
| 130 | 30 | 50 | 110 | B |
| 131 | 31 | 51 | 111 | D |
| 132 | 32 | 52 | 112 | A |
| 133 | 33 | 53 | 113 | B |
| 134 | 34 | 54 | 114 | B |
| 135 | 35 | 55 | 115 | C |
| 136 | 36 | 56 | 116 | B |
| 137 | 37 | 57 | 117 | D |
| 138 | 38 | 58 | 118 | D |
| 139 | 39 | 59 | 119 | C |
| 140 | 40 | 60 | 120 | D |
| 141 | 41 | 61 | 121 | A |
| 142 | 42 | 62 | 122 | C |
| 143 | 43 | 63 | 123 | A |
| 144 | 44 | 64 | 124 | D |
| 145 | 45 | 65 | 125 | A |
| 146 | 46 | 66 | 126 | C |
| 147 | 47 | 67 | 127 | B |
| 148 | 48 | 68 | 128 | B |
| 149 | 49 | 69 | 129 | D |
| 150 | 50 | 70 | 130 | A |

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