Bar Council of India

All India Bar Examination – VI

103538

19th January 2014

[Set Code – A]

LANGUAGE – ENGLISH

Name of the Candidate:	
Roll Number:	
Enrollment Number :	

IMPORTANT INSTRUCTIONS

(Kindly read these instructions carefully before attempting this question paper)

- *This Booklet contains 100 questions and each question carries 1 mark.*
- *There is **no negative** marking.*
- *Duration of this exam is **3 hours** only.*
- *Candidates are required to submit the question paper, answer sheet and their admit card after the examination.*
- *Only books and notes are allowed for this examination.*
- *Mobile phones, laptop, tabs and/or any other electronic devices are strictly prohibited in the examination hall.*
- *On possession of any electronic device inside the examination hall, the candidate will be disqualified from the examination.*
- *Candidate shall not be allowed to leave the Examination Hall before the conclusion of the examination.*
- *Do not forget to submit the question paper and the answer sheet back to the invigilator. Failing to do so would lead to **disqualification**.*
- *Candidate should not remove any page(S) from the booklet and if any page(s) is found missing from his/her booklet would lead to disqualification.*
- *Use only **blue/black ball pen** to fill the OMR answer sheet.*
- *OMR filled with **pencil or ink pen** would be **disqualified**.*
- *Use of **whitener/ eraser /blade or fluid** is strictly **prohibited**. It will lead to **disqualification**.*
- *Do not make any **stray marks or tear the OMR answer sheet**. It will lead to **disqualification**.*
- *Write your roll number carefully and darken the correct corresponding ovals. In case wrong ovals are darkened your answer sheet **will not be evaluated**.*
- *Candidate must follow the instructions strictly as mentioned on the answer sheet.*

Signature of the Candidate

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1. The Criminal Procedure Code ensures that

   A) Principle of separation of powers of each limb of the State is not breached
   B) Principle of combined of powers of each limb of the State is not breached.
   C) (a) and (b)
   D) Principle of separation of powers of each limb of the State is breached.

2. Section 6 of the Cr.P.C. defines?

   A) Classes of Criminal Courts
   B) Classes of District Courts
   C) Classes of Municipal Courts
   D) Classes of Civil Courts

3. When an offence is bailable:

   A) A person has no right to be released on bail upon arrest.
   B) A person has a right to be released on bail upon arrest.
   C) A right to be released is dependent on the exercise of judicial discretion.
   D) A person shall be released within 24 hours

4. As per section 273 of Cr.P.C., how an evidence is to be taken?

   A) In the presence of accused.
   B) When personal attendance of the accused is dispensed with, in the presence of his pleader.
   C) In presence of police
   D) Both (a) and (b)

5. If a woman sentenced to death is found to be pregnant, the High Court shall Order the execution of the sentence

   A) To be postponed.
   B) If thinks fit commute the sentence to imprisonment for life.
   C) Sent for medical assistance
   D) Non- Judicial mandate of powers.

6. Under which section of the Cr.P.C, the procedure when investigation cannot be completed within twenty-four hours has been described?

   A) Sec.165
   B) Sec.167
   C) Sec.166
   D) Sec.164

7. What is provided by the Code of Criminal Procedure 1973?

   A) The Code provides the procedure for the implementation of the criminal justice system
   B) It provides the mechanism for the investigation in to trial of offences
   C) The code provides the procedure for the implementation of the civil justice system.
   D) (a) and (b)

8. As per section 2(c) a cognizable offence is

   A) Where a police officer may arrest without warrant.
   B) Where a police officer may not arrest without warrant
   C) Where a police officer may arrest with permission of a court
   D) Any person in the public can arrest

9. Section 100 of the Cr.P.C. refers to

   A) Seizure
   B) Search
   C) Summons
   D) Search-warrants

10. Is there any maximum period for which an under-trial can be detained under Section 436 A of the Cr.P.C.,

    A) Yes, half of the Maximum period of imprisonment specified for that offence
    B) No period is prescribed
    C) Court can decide
    D) Maximum 90 days

11. Presumption of law is

    A) Discretionary and rebuttable
    B) Mandatory and rebuttable
    C) Mandatory and irrebuttable
    D) All of the above

12. In Selvi's case, the Supreme Court of India examined the constitutionality of tests like Narco Analysis, Polygraph and Brain Mapping on the touchstones of

A) Art,20(3) and Art.21
B) Art.21 and Art.23(2)
C) Art 23 and Art.21
D) Art.20(2) and Art.20(1)

13. According to the Law Commission of India 69 th Report, S.27 of the Indian Evidence Act is based on the

A) Doctrine of introspection
B) Doctrine of testimonial incrimination
C) Doctrine of confirmation
D) None of the above

14. S.99 of the Indian Evidence Act says persons who are not parties to a document or their representatives in interest may give evidence of any facts tending to show a contemporaneous agreement varying the terms of the document. This is based on the principle

A) Pacta tertii nec nocent nec prosunt
B) Pacta sunt servanda
C) Action personalis moriturcum persona
D) None of the above

15. Burden of proving that person is alive who has not been heard of for seven years is on whom

A) One who denies it
B) One who affirms it
C) Any third person /stranger
D) None of the above

16. The Court's discretion to permit leading questions is confined only to matters which are

A) Introductory facts
B) Undisputed facts
C) Facts already sufficiently proved to the satisfaction of the court
D) All the above

17. The question is whether A murdered B. Marks on the ground ,produced by a struggle at or near the place where the murder was committed, are relevant facts under

A) S.7
B) S.6
C) S.8
D) S.11

18. S.93 of the Indian Evidence Act treats the patent ambiguity as

A) Curable
B) Incurable
C) Proper
D) None of the above

19. A promise or set of promises forming consideration to each other – is known as

A) Proposal
B) Consideration
C) Agreement
D) Contract

20. A past consideration under Indian Law

A) Invalid
B) Valid
C) Void
D) Voidable

21. Caveat emptor means

A) Purchaser beware
B) Seller beware
C) Things outside commerce
D) A warning letter

22. Consensus ad idem means

A) Good faith
B) Opinion of third parties
C) Opinion of the offeree
D) Meeting of the minds

23. Agreement in restraint of marriage is

A) Contingent contract
B) Wager
C) Void
D) Valid

24. A tells B, the shopkeeper, "Give Z the Goods, I will see you paid" – this contract is

A) Bailment
B) Agency
C) Guarantee
D) Indemnity

25. A contract to perform the promise or discharge the liability of a third person in case of his default - is a contract of

A) Guarantee
B) Default
C) Indemnity
D) Partnership

26. "He who does an act through another, does it himself" – is a contract of

A) Sale
B) Purchase
C) Agency
D) Partnership

27. When at the desire of the promisor, the promisee or any other person has done or abstained from doing something or does or abstains from doing something or promises to do or abstain from doing something, such act or abstinence or promise is called a

A) Proposal
B) Consideration
C) Acceptance
D) Agreement

28. X owes Y Rs.20, 000 but this debt is barred by Limitation Act. X executes a written promise to pay B Rs.15, 000 on account of debt. This is -

A) Invalid
B) Void
C) Valid
D) Voidable

29. When a negotiable instrument is delivered conditionally or for a special purpose as a collateral security or for safe custody only, and not for the purpose of transferring absolutely property therein, it is called

A) Fictitious Bill
B) Inchoate instrument
C) Escrow
D) Clean Bill

30. Which one of the following is a promissory note when A signs the instrument?

A) I promise to pay B or order Rs. 10,000/- on demand
B) Mr. B! I.Owe.You. Rs. 10,000/-
C) I promise to pay B Rs. 10,000/- and such other sums which shall be due to him
D) I promise to pay B on his request Rs. 10,000/- on the death of X

31. Transfer of Property Act applies to transfers

A) By partition in a joint family
B) Inter vivos
C) Both between animate and inanimate objects
D) Between living and nonliving persons

32. A transfer's property of which he is the owner to B in trust for A and his intended wife successively for their lives, and, after the death of the survivor, for the eldest son of the intended marriage for life, and after his death for A's second son. The interest so created for the benefit of the eldest son

A) Does not take effect
B) Takes effect
C) Partially takes effect
D) None of the above

33. A transfer of an interest in specific immoveable property for the purpose of securing the payment of money advanced or to be advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability – is called

A) Sale
B) Gift
C) Mortgage

D) Lease

34. A lease of immovable property from year to year, or for any term exceeding one year or reserving a yearly rent, can be made only by a

A) Oral agreement
B) Written agreement
C) Partition
D) Registered instrument

35. Specific performance of contract can be ordered, at discretion of Court

A) When the act agreed to be done is such that compensation in money for nonperformance will not give sufficient relief
B) When the act agreed to be done is such that compensation in money for nonperformance will give sufficient relief
C) Contract, performance of which involves a continuous duty, which Court cannot supervise
D) Specific performance of contract of personal nature cannot be ordered.

36. Under Section 9 of Specific Relief Act, the person against whom the relief is claimed may plead by way of defense any ground which is available to him

A) Under law of trots
B) Under any law relating to contracts
C) Under IPC
D) Under Cr.P.C.

37. The following contract cannot be specifically enforced

A) A contract the performance of which involves the performance of a continuous duty which the court cannot supervise.
B) A contract the performance of which involves the performance of a continuous duty which the court can supervise.
C) A Tort the discharge of which involves the performance of a continuous obligation
D) A contract for the non-performance of which compensation is not adequate relief

38. A sells a TV to a minor, who pays for it by means of a cheque. A indorses that cheque to X. X takes it in good faith and for value. This Cheque was dishonoured on presentation. X can enforce payment of the cheque

A) Against Minor
B) Against Minor and A
C) Against A only
D) Cannot enforce against any body

39. Who has the authority to prescribed qualifications and disqualifications for membership of a Bar Council?

A) State Bar Councils
B) Bar Council of India
C) Supreme Court of India
D) Supreme Court Bar Association

40. Indian Council of Legal Aid and Advise v. BCI case deals with the issue of

A) Prescribing pre-enrolment training for advocates
B) Prescribing minimum qualification for an advocate
C) Prescribing uniform attire for the advocates appearing in the court of law
D) Prescribing age bar on enrollment of advocates

41. For transfer of roll from one state to another, an application is made to the

A) Bar Council of India
B) State Bar council where one is enrolled
C) State bar council where one seeks transfer
D) High court of the state where one is enrolled

42. Which of the following committees cannot be constituted by State Bar Council

A) Special Committee
B) Disciplinary Committee
C) Legal Aid Committee
D) Legal Education Committee

43. In which year by an amendment of the Code of Civil Procedure Sec.89 has been included in

the code, which gives importance to mediation, conciliation and arbitration.

A) 2002
B) 2004
C) 2013
D) 2012

44. Under THE ARBITRATION AND CONCILIATION ACT an arbitration agreement may be in the form of

A) an arbitration clause in a contract only
B) in the form of a separate agreement only
C) an arbitration clause in a contract or in the form of a separate agreement
D) commercial custom

45. A decision by the arbitral tribunal that the contract is null and void shall

A) Entail ipso jure the invalidity of the arbitration clause.
B) Not entail ipso jure the invalidity of the arbitration clause.
C) Entail defacto invalidity of the arbitration clause.
D) None of the above

46. The arbitral tribunal shall not be bound by the

A) Code of Civil Procedure, 1908 or the Indian Evidence Act, 1872
B) The Indian Evidence Act, 1872.
C) Code of Civil Procedure, 1908.
D) None of the above

47. Claim made by the defendant in a suit against the plaintiff

A) Cross claim
B) Cross suit
C) Counter claim
D) Cross decree

48. Interpleader suit is dealt with in which of the following sections of C.P.C.?

A) Section 87
B) Section 88
C) Section 89
D) Section 90

49. As required by S.80 C.P.C, the suit can be instituted after the expiry of----- of notice

A) 1 month
B) 2 months
C) 60 days
D) 30 days

50. Under S.2 (2) of C.PC. Rejection of a plaint is
A) Decree
B) Deemed decree
C) Cross decree
D) Cross appeal

51. Ratilal v. State of Bombay is a popular case on the point of

A) Res judicata
B) Res sub-judice
C) Restitution
D) Doctrine of Cy-pres

52. Pick out the case u/S. 58 (1-A), in which arrest or detention in civil prison is not maintainable.

A) A judgment debtor, where decretal amount does not exceed Rs. 5,000/-
B) A judgment debtor where decretal amount is does not exceed Rs.2,500-
C) A judgment debtor where decretal amount is does not exceed Rs.2000/-
D) A judgment debtor where decretal amount is does not exceed Rs.1,000/-

53. A precept seeks to ---------- of the judgement debtor.

A) Attach the property
B) Prevent alienation of property
C) Prevent attachment and alienation
D) None of the above.

54. R.90 of Order 21 deals with

A) Pre- sale illegalities committed 9in the execution
B) Post –sale irregularities causing substantial injury to judgment debtor

C) Both a and b
D) ~~All~~ None of the above.

55. The place of suing in a suit for partition will be

A) Court within whose jurisdiction the person is residing
B) Court within whose jurisdiction the elder person of the family resides
C) Court within whose jurisdiction the entire property of the family is situated.
D) Court within whose jurisdiction the immovable property is situated

56. Appeal against a decree or order can be filed in a High Court within

A) 60 days
B) 30 days
C) 90 days
D) 91 days

57. Where, before the expiration of the prescribed period for a suit or application in respect of any property or right, an acknowledgement of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by any person through whom he derives his title or liability,

A) a fresh period of limitation shall be computed from the time when the acknowledgement was so signed.
B) limitation shall be computed from the time when originally the signature has been given
C) a fresh period of limitation shall not be computed from the time when the acknowledgement was so signed.
D) None of the above

58. The period of limitation for an action by a principal against his agent for movable property received by the latter and not accounted for is

A) 12 years
B) 3 years
C) 5 years
D) No limitation

59. Which of following is a ground recognized under the Companies Act for automatic adjournment of the General Meeting.

A) Absence of Chairman of the meeting
B) Quorum of the meeting is not present
C) Meeting is held at a place different from what was prescribed in the notice
D) Death of any of the directors prior to the meeting

60. Which of the following meetings can be called by members

A) Extra-ordinary General Meeting
B) Annual General Meeting
C) Statutory meeting
D) Special meeting

61. Which of the following powers can be exercised by the Board of Directors without holding a meeting

A) Power to issue debentures
B) Power to invest funds of the company
C) Power to make loans
D) Power to appoint of additional director

62. Which of following is not a ground for compulsory winding up of a company

A) Oppression of minority
B) Loss of substratum
C) Non-holding of annual general meeting
D) Losses to the company

63. Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion is dealt under

A) Section 385 IPC
B) 386 IPC
C) Section 387 IPC
D) Section 388 IPC

64. F invited C to have a fix of his heroin. Each filled his own syringe and injected each other several times one night. Next morning F died on the question of causation:

A) C must be convicted of manslaughter
B) must not be convicted of manslaughter
C) C can be convicted for the possession of heroin only
D) C is neither guilty of possessing heroin nor the death of F

65. Literally, mens rea means

A) Guilty mind
B) Guilty or a wrongful purpose
C) Criminal intent, a guilty knowledge and willfulness
D) All of the above

66. In which of the following cases mens rea is not an essential ingredient for offences under:

A) Revenue Acts
B) Public Nuisance
C) Criminal case which are in summary mode
D) All of these

67. Actus non facit reum, nisi mens sit rea means?

A) A deed, a material result of human conduct
B) The intent and act must both concur to constitute the crime.
C) Putting to death
D) Un commended manner

68. Cheating and thereby dishonesty inducing delivery of property, or the making alteration or destruction of a valuable security is dealt under

A) Section 417 IPC
B) Section 418 IPC
C) Section 419 IPC
D) Section 420 IPC

69. Etymologically what is meant by Jurisprudence?

A) Knowledge of law
B) Science of law
C) Science of origin
D) Knowledge of origin

70. What is meant by the term 'General Law'?

A) It consists of general ordinary law of the land.
B) It consists of those legal rules which are taken judicial notice of by the court
C) It consists of those bodies and legal rules which are exceptional in nature.
D) (a) and (b)

71. According to the theory of 'social utilitarianism' as propounded by Ihering:

A) greatest number of people should get greatest pleasure
B) the essential body of legal rules is always based upon the social "facts" of law
C) a balance is to be struck between the competing interests in society
D) law is a means to social ends

72. A is the mother of B. She becomes a widow and re- marries. B dies. Can A succeed to him as mother? (both are Hindus)

A) No
B) Yes
C) Depends on their School
D) Only when B has no sons

73. Referring to Section 6 of Hindu Minority and Guardianship Act the Supreme Court observed that the words "after him"does not mean 'after the life time of the father'. Indeed it means 'in the absence of'. If the father is non functional as guardian for various reasons like indifference, physical or mental incapacity, away from the place where the child lives with the mother, by mutual understanding, it may be treated as the 'absence' of the father. In which case?

A) Lily Thomas case
B) Sarla Mudgal case
C) Githa Hariharan case
D) Goverdhan Lal case

74. By a recent amendment the daughter of a coparcener by birth becomes a coparcener in her own right in the same manner as the son – Which Amendment?

A) The Hindu Succession (Amendment) Act, 2004
B) The Hindu Succession (Amendment) Act, 2005
C) The Hindu Succession (Amendment) Act, 2006
D) The Hindu Succession (Amendment) Act, 2012

75. Shamim Ara v State of U.P. relates to

A) The condition precedent for a Muslim husband for rendering divorce is the pronouncement of divorce which has to be proved on evidence
B) Option of puberty
C) Guardianship in Marriage
D) Dower

76. The provision under the Industrial Disputes Act, 1947 which guarantees the right of workmen laid –off to claim for compensation

A) S.25-C
B) S. 26
C) S.25-O
D) S.25-A

77. The number of persons required to form trade union

A) 6
B) 7
C) 8
D) 9

78. The temporary closing of the work place or suspension of the work at work place by the employer is known as

A) Lay off
B) Lock out
C) Retrenchment
D) None of the above

79. Which of the following acts has a direct relevance for grievance handling practices?

A) The Industrial Disputes Act
B) Factories Act
C) The Industrial Employment (Standing Order) Act
D) all the above

80. Section 10A of the Industrial disputes Act refers to

A) Voluntary reference of disputes to arbitration
B) Definition of Workman
C) Definition of industry
D) Appeals

81. 'Wages' under Workmen's Compensation Act

A) Includes any privilege or benefit which is capable of being estimated in money
B) Does not include any privilege or benefit which is capable of being estimated in money
C) Includes any privilege or benefit which is not capable of being estimated in money
D) None of the above

82. Writ of Certiorari is issued against

A) Lower courts or quasi-judicial bodies
B) Public Officials
C) Wrongful confinement
D) Usurpation of public office

83. Audi Alteram Partem – means

A) Bias
B) Hear the other side
C) No one can be a judge in his own case
D) None of the above

84. The Second Administrative Reforms Commission is constituted

A) 31st August 2004
B) 31st August 2006
C) 31st A ,st 2005
D) 31st August 2007

85. The type of damages awarded in the law of torts

A) Liquidated Damages
B) Unliquidated damages

C) Penal damages
D) Exemplary damages

86. Ashby v White is an example of

A) Damnum sine injuria
B) Uberremifide
C) Injuria sine damnum
D) Usufruct

87. The Supreme Court of India invoked the principle of absolute liability on an enterprise carrying on business with hazardous and inherently dangerous toxic chemicals in

A) Ganga Pollution case
B) Fletcher case
C) Sri Ram Fertilizers case
D) Prabhu dayal case

88. Res ipsa loquitor – means

A) Things speak for themselves
B) Tithes imperiled
C) Vicarious liability
D) Dangerous animals

89. A motor cycle with engine capacity not exceeding 50cc may be driven in a public place by a person

A) after attaining the age of sixteen years
B) after attaining the age of eighteen years
C) after attaining the age of fifteen years
D) after attaining the age of twenty one years

90. According to Consumer protection Act, the National Commission shall have jurisdiction over complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees

A) 2 lakhs
B) 10 lakshs
C) 20 lakhs
D) 50 lakhs

91. New states are created under

A) Art. 3 of the Indian Constitution
B) Art. 4 of the Indian Constitution
C) Art.5 of the Indian Constitution
D) Art. 370 of the Indian Constitution

92. Doctrine of pleasure with reference to civil servants is mentioned under

A) Art. 311 of the Indian Constitution
B) Art. 308 of the Indian Constitution
C) Art. 301 of the Indian Constitution
D) Art. 310 of the Indian Constitution

93. Right to know flows from one of these Articles of the Constitution

A) Art. 15
B) Art. 19
C) Art. 20
D) Art.23

94. Freedom of trade, commerce and intercourse throughout the territory of India - is mentioned under

A) Art. 19(1) (g)
B) Art. 300A
C) Art. 301
D) Art. 299

95. Passive euthanasia under certain circumstance is permissible - held in the case of

A) Aruna Ramachandra Shanbaug Vs. Union of India
B) Gian Kaur Vs State of Punjab
C) State of Maharashtra Vs. Maruty Sripaty Dubal
D) P. Rathinam Vs Union of India

96. It was held by the Supreme Court that the balance between Fundamental Rights and Directive Principles of State Policy is the bedrock and the basic structure of the constitution – in which case?

A) Keshavanada Bharathi v State of Kerala
B) Minerva Mills Vs.UOI
C) Indira Nehru Gandhi v Rajnarain
D) Kihota Hollohon v. Zachilhu

97. K. C. Gajapati Narayan Deo v. State of Orissa, is often quoted with reference to

A) Doctrine of Eclipse
B) Doctrine of severability
C) Doctrine of colorable legislation
D) Doctrine of territorial nexus

98. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha deals with

A) Presidents' election
B) Privileges of the legislature
C) Pardoning power
D) Office of profit

99. Under Art. 1 of the Constitution, India that is Bharat shall be

A) Federation of states
B) Union of states
C) Democratic republic
D) Quasi federal

100. A Minister ceases to hold office if he does not become a member of the Legislature within six months - is mentioned under

A) Art. 164 (4)
B) Art. 164(1)
C) Art. 164(2)
D) Art. 164 (3)

AIBE_6 Set Code A

Q.No	Answer
1	A
2	A
3	B
4	D
5	B
6	B
7	D
8	A
9	B
10	A
11	C
12	A
13	C
14	A
15	B
16	D
17	A
18	B
19	C
20	B
21	A
22	D
23	C
24	D
25	A
26	C
27	B
28	C
29	C
30	A
31	B
32	A
33	C
34	D
35	A
36	B
37	A
38	C
39	B
40	D

Q.No	Answer
41	A
42	D
43	A
44	C
45	B
46	A
47	C
48	B
49	B
50	B
51	D
52	C
53	B
54	B
55	D
56	C
57	A
58	B
59	B
60	A
61	D
62	C
63	C
64	A
65	D
66	D
67	B
68	D
69	A
70	D
71	D
72	B
73	C
74	B
75	A
76	A
77	B
78	B
79	D
80	A

Q.No	Answer
81	A
82	A
83	B
84	C
85	B
86	C
87	C
88	A
89	A
90	C
91	A
92	D
93	B
94	C
95	A
96	B
97	C
98	B
99	B
100	A