121752

Bar Council of India
All India Bar Examination – IV
2012

Set-D

IMPORTANT INSTRUCTIONS
• This booklet contains 100 questions. • Each question carries 1 mark. • Please read all the questions carefully. Each question has four options. There are no multiple answers of any question. • There is no negative marking. • The duration of this examination is 3 hours. • Please do not fold answer sheet. • Only books and notes for the reference will be allowed in the examination hall. Mobile phones , Laptop and any other electronic devices shall not be permitted inside the examination hall. • Do not remove the question paper attached with the OMR Answer sheet. Hand over the question paper and OMR Answer sheet to the invigilator before leaving the examination hall. • Use only blue/black ball pen to fill the OMR answer sheet. You are required to carry your own ball pen.

1. Who categorized the subject of jurisprudence as 'Expositorial Jurisprudence' and censorial Jurisprudence?
   A. Holland;
   B. Bentham;
   C. Kelsen;
   D. Paton .

2. Who described Jurisprudence as Lawyer's Extra version?
   A. Savigny;
   B. Salmond;
   C. Julius Stone;
   D. Buckland.

3. 'Fiction Theory' is related to which of the following concepts?
   A. Ownership;
   B. Liability;
   C. Justice;
   D. Legal personality.

4. The Consumer Protection Act was enacted in:
   A. 1985;
   B. 1986;
   C. 2005;
   D. 2008.

5. Appeal against the award of Claims Tribunals under the Motor Vehicles Act 1988 can be made under:
   A. Section 171;
   B. Section 172;
   C. Section 173;
   D. Section 174.

6. The amendment in Motor Vehicles Act in 1994, the compensation in case of death of the person is :
   A. Rs. 25,000;
   B. Rs.50,000;
   C. Rs. 70,000;
   D. Rs. 90,000.

7. Under the vicarious liability, the liability is:
   A. Joint;
   B. Several;
   C. Both (i) and (ii);
   D. Either of the above depending upon facts and circumstances of the case.

8. In Torts, in case of Defamation:
   A. Intention to defame is not necessary;
   B. Intention to defame is necessary;
   C. Both (i) and (ii);
   D. Either (i) or (ii).

9. When was the Advocate Act introduced?
   A. 1962;
   B. 1959;
   C. 1961;
   D. 1966;

10. The Bar Council of India consist of following as ex-officio member:
    A. Attorney General of India;
    B. Solicitor General of India;
    C. Both a & b;
    D. None of the above.

11. Indian Bar Committee was constituted first time under the chairmanship of Sir Adward Chamier in the year:
    A. 1927;
    B. 1961;
    C. 1949;
    D. 1923.

12. Power of Disciplinary Committee under the Advocate Act is provided under:
    A. Section 42;
    B. Section 53;
    C. Section 40;
    D. Section 36.

13. The Indian council of Arbitration was established in:
    A. 1956;
    B. 1976;
    C. 1965;
    D. 1996.

14. Lex Arbitri Means

A. Arbitral tribunal sitting in India can apply the buy the Singapore;
B. Just Law;
C. Arbitrary Law;
D. None of these.

15. In India the Arbitration & Conciliation Act was enacted in
A. 1992;
B. 1993;
C. 1994;
D. 1996.

16. Section 10 sub section (i) of the Arbitration & Conciliation Act talks about
A. Power of Arbitration;
B. Numbers of Arbitrations;
C. Capacity of Arbitrations;
D. None of the above.

17. A Sunni Muslim marries with Kitabya girl. the marriage is:
A. Valid;
B. Void;
C. Irregular;
D. None of these.

18. The Dissolution of Muslim Marriage Act, 1939 is based on which School of Muslim law:
A. Hanafi School;
B. Shafi School;
C. Maliki School;
D. Zaidi School.

19. Under the Hindu Adoption and Maintenance Act, 1956 a female Hindu has the capacity to take a son or daughter in adoption if:
A. She is not married;
B. She is married;
C. She is widow and has no son or daughter but has a widowed daughter-in-law;
D. She cannot adopt at all.

20. A child born of void and voidable marriage under hindu law is :
A. Legitimate;
B. Illegitimate;
C. Illegal;
D. None of these.

21. The father of which of the leader has been the Deputy Prime Minister of India?
A. Kumari Mayawati;
B. Mrs. Meira Kumar;
C. Mrs. Pratibha Devi Singh Patil;
D. Mrs. Vasundhara Raje.

22. Who was the Constitutional Advisor to the Constituent Assembly of India?
A. Dr. Rajendra Prasad;
B. Dr. B.R Ambedkar;
C. B.N Rao;
D. Jawaharlal Nehru.

23. The concept of 'Judicial Review' in India is based on:
A. Procedure established by law;
B. Due process of law;
C. Rule of law;
D. International treaties and convention.

24. Protection of environment is a:
A. Constitutional Duty;
B. Directive Principle;
C. Fundamental Duty;
D. Both (B) & (C).

25. The item 'Education' belongs to the:
A. Union List;
B. State List;
C. Concurrent List;
D. Residuary Subjects.

26. While interpreting the phrase "equality before the law" contained in Article 14 of the Constitution, the Supreme Court constantly maintained that equality means:
A. Absolute equality among human beings;
B. Equal treatment to all persons;
C. Among equals, the law should be equal and should be equal and should be equally administered;
D. Both (B) & (C).

27. The number of Fundamental Rights available in Constitution of India are:
A. Six;

B. Seven;
C. Eight;
D. Ten.

28. Which one of the following Fundamental Rights was described by Dr. B.R. Ambedkar as '*the heart and soul of the Constitution*'?
A. Rights to equality;
B. Rights to Freedom of Religion;
C. Rights to Constitutional Remedies;
D. All the above.

29. What is the period of appointment of the Comptroller and Auditor-General of india
A. 6 years;
B. Upto 65 years of age;
C. 6 years or 65 years of age whichever is earlier;
D. Upto 62 years of age.

30. Which of the following Writs is a bulwark of personal freedom?
A. Quo Warranto;
B. Mandamus;
C. Habeas Corpus;
D. Certiorari.

31. Supremacy of law, Equality before law, and predominance of legal Spirit are the basic principles of doctrine of
A. Colorable Legislation;
B. Doctrine of 'Separation of Powers';
C. Doctrine of 'Rule of Law';
D. Doctrine of 'Excessive delegation'.

32. "Rule of Law is the antithesis of arbitrariness in all civilized societies. It has come to be regarded as mark of a free society. It seeks to maintain the balance between the opposite notions of individual liberty and public order" this was opined by whom in famous 'Habeas Corpus' case?
A. Justice H.R Khanna;
B. Cheif Justice Ray;
C. Justice Chandrachud;
D. Justice Bhagwati.

33. Maxim 'delegatus non potest delegare' means
A. A delegate can further delegate;
B. A delegate cannot further delegate;
C. A delegate must protest delegation objectively;
D. None of the above.

34. Consumer Protection Act 1986 is predominantly based on UN General Assembly resolution with due negotiations in the:
A. UNCITRAL;
B. UNCTAD;
C. UN ECOSOC;
D. None of the above.

35. Which of the following is irrelevant fact under Evidence Act, 1872?
A. facts regarding motive;
B. facts regarding statements without related conduct;
C. facts regarding statements clubbed with conduct;
D. facts which make other relevant fact as highly probable.

36. Test of Competency of witness is:
A. Her being intelligent;
B. Must be major;
C. Understanding the nature of question;
D. Capable of understanding the nature of question and giving rational answer.

37. Which one is exception to 'rule of hearsay' evidence?
A. dying declaration;
B. facts forming part of same transaction;
C. facts forming plea of alibi;
D. facts regarding character of accuse.

38. Communication between husband and wife is treated as privileged if communication:
A. Was made during marriage with promise of confidentiality;
B. Was made during marriage, even without promise of confidentiality;
C. Was made before marriage with promise of confidentiality;
D. Is made after marriage.

39. Leading questions can be asked even without permission of court during

A. Examination-in-Chief;
B. Cross Examination;
C. Re-examination;
D. All of the above.

40. What do you mean by word 'evidence'?
A. Every fact connected with case;
B. Facts introduced in court of law;
C. Both;
D. None.

41. What is fact in issue?
A. Facts involved indirectly;
B. Necessary facts to arrive or determine rights, liability or immunity;
C. Both;
D. None.

42. Relevant fact is?
A. Facts logically relevant to any fact in issue;
B. Facts legally relevant to any fact in issue;
C. Both;
D. None.

43. The term "Lock-out" under the Industrial Dispute Act defined in:
A. Section 2(1);
B. Section 2(0);
C. Section 3(1);
D. Section 2(M).

44. The term "Lay-off" has been defined under the Industrial Dispute Act:
A. Sec 2(KKK);
B. Sec 2(0);
C. Sec 2(1);
D. Sec 3(1).

45. The Trade Union Act was enacted:
A. 1926;
B. 1946;
C. 1947;
D. 1988.

46. The term "Minimum Wage" has been described in:
A. The Trade Union Act;
B. The Industrial Dispute Act;
C. The Minimum Wage Act;
D. None of the above.

47. The Minimum Wages Act was enacted:
A. 1921;
B. 1923;
C. 1947;
D. 2007.

48. The trade Union Act provide for:
A. registration of trade union;
B. registration of trade union for workers;
C. recognition of registration of trade union as Juristic Persons;
D. All of the above.

49. Foreign court under section 2(5) of CPC means:
A. A court situation outside India;
B. A court situated outside India the authority of Government of India;
C. A court situated in India applying foreign law;
D. All of these.

50. Judgment under section 2(9) means:
A. A decree;
B. Dismissal of an appeal;
C. Statement of grounds of an order or decree;
D. All the above.

51. Principle of Res-sub Judice is provided in:
A. Section 10 of CPC;
B. Section 11 of CPC;
C. Section 13 of CPC;
D. Section 14 of CPC.

52. Doctrine of Res-judicata as contained in section 11 of CPC is based on the maxim:
A. Nemo debet his vexari pro uno eteadem causa;
B. Interest republicae at sit finis litium;
C. Both (a) & (b);
D. Either (a) or (b).

53. Principle of Res-judicata applies:
   A. Between Co-defendants;
   B. Between Co-plaintiffs;
   C. Both (a) & (b);
   D. Neither (a) nor (b).

54. Validity of a foreign judgment can be challenged under Section 13 of CPC:
   A. In a civil court only;
   B. In a criminal court only;
   C. In both civil and criminal court;
   D. Neither in civil nor in criminal court.

55. Under section 15 of CPC, every suit shall be instituted in:
   A. The district court;
   B. The court of the lowest grade;
   C. The court of higher grade;
   D. All of the above.

56. "X" residing in Delhi, publishes statements defamatory to "Y" in Calcutta. "Y" can sue "X" at:
   A. Delhi;
   B. Calcutta;
   C. Anywhere in India;
   D. Either in Delhi or in Calcutta.

57. A suit for damages for breach of contract can be filed, at a place:
   A. Where the contract was made;
   B. Where the contract was to be performed or breach occurred;
   C. Anywhere in India;
   D. Both (a) and (b).

58. In every plaint, under section 26 of CPC ,facts should be proved by:
   A. Oral evidence;
   B. Affidavit;
   C. Document;
   D. Oral evidence as well as document.

59. Which of the following is correct of a standard form contract?
   A. It is a valid contract;
   B. One party has no choice but to accept and sign the contract;
   C. Both (i) and (ii);
   D. The consent is not a free consent.

60. As a general rule, an agreement made without consideration is_____.
   A. Void;
   B. Voidable;
   C. Valid;
   D. Unlawful.

61. A contingent agreement based on an impossible event under Section 36 is ____
   A. Void;
   B. Void till impossible is known;
   C. Void when even becomes impossible;
   D. Voidable.

62. The *consensus ad-idem* means:
   A. General consensus;
   B. Reaching an agreement;
   C. Meeting of minds upon the same thing in the same sense;
   D. All the above.

63. In famous Carlill v. Carbolic Smoke Ball Co., (1893) 1 QBD 256, the Hob`ble Court held that the Contract was accepted on being_____.
   A. Communicated;
   B. Acted upon;
   C. Refused;
   D. Advertised.

64. Inadequacy of consideration does not make the contract____
   A. Void;
   B. Voidable;
   C. Unenforceable;
   D. Neither void or voidable.

65. A *jus in personam* means a right against_____.
   A. A specific person;
   B. The public at large;
   C. A specific thing;
   D. None of these.

66. Exposure of goods by a shopkeeper is_ _____.

A. Offer for Sale;
B. Invitation to Offer;
C. Offer;
D. Acceptance.

67. An agreement to remain unmarried is_____.
A. Valid;
B. Void;
C. Voidable.
D. Unenforceable.

68. An agreement enforceable at law is_____
A. Enforceable acceptance;
B. Accepted offer;
C. Approved promise;
D. Contract.

69. An agreement shall be void for:
A. Mistake of fact by one party;
B. Mistake of fact by both the parties;
C. Mistake of foreign law;
D. All the above.

70. Void agreement signifies:
A. Agreement illegal in nature;
B. Agreement not enforceable by law;
C. Agreement violating legal procedure;
D. Agreement against public policy.

71. A proposal when accepted becomes _____
A. Promise under Section 2(b);
B. Agreement under Section 2(e);
C. Contract under Section 2 (H);
D. None of the above.

72. Offer under Section 2(a) is _____
A. Communication from one person to another;
B. Suggestion by one person to another;
C. Willingness to do or abstain from doing an act in order to obtain the assent of other thereto;
D. None of the above.

73. Which of the following statement is incorrect
A. Specific relief act, 1963, extends to the whole of India except state of Jammu and Kashmir;
B. Specific performance is granted where there exists no standard for ascertaining damage;
C. Where the aggrieved party can be adequately compensated in money, he will get only a decree for damages and not the recourse to;
D. None of the above.

74. Which the following is the correct statement:
A. Under Sec.7 the suit may be for recovery of special movable property or, in the alternative, for compensation;
B. Under Sec.8, pecuniary compensation is not an adequate relief to the plaintiff for the loss of the article and the relief prayed is for injunction restraining the defendant from disposing of the article or otherwise injuring or concealing it, or for return of the same;
C. Both (a) and (b) are correct;
D. All are incorrect.

75. Transfer of property Act, 1882 Unborn person acquires vested interest on transfer for his benefit under transfer of property act :
A. Upon his birth;
B. 7 days after his birth;
C. 12 days after his birth;
D. None of all.

76. Which Selig transfer of property Act deals with onerous gift
A. Section 127;
B. Section 126;
C. Section 125;
D. Section 124.

77. The Negotiable Instruments Act, 1881 came into force on
A. 9th December, 1881;
B. 19th December, 1881;
C. 1st March, 1882;
D. None of the above.

78. The term 'Negotiable instrument' is defined in the Negotiable Instrument Act, 1881, under section:
A. Section 12;
B. Section 13;

C. Section 13A;
D. Section 13B.

79. The existence of statutes of limitation are due to:
A. Long dormant claims have more of cruelty than justice in them;
B. The defendant may have lost the evidence to dispute the stale claim;
C. Persons with good causes of action should pursue them with reasonable diligence;
D. All the above.

80. Limitation Act is applicable to
A. Civil suits;
B. Criminal cases;
C. Both of the following is correct;
D. Civil, all the above.

81. Upon failure to hold Statutory Meeting, the penalty for the defaulting Company shall be
A. Rs. 500 per day of default;
B. Wound up;
C. Rs. 1000 per day of default;
D. None of these.

82. Free transferability of shares is mandatory in a
A. Listed Company;
B. Company Ltd by shares;
C. Public Ltd. Company;
D. Foreign Company.

83. The Memorandum of Association of a listed company shall be as per
A. Table A;
B. Table B;
C. Table C;
D. Table D.

84. Which of the following clause from Memorandum of Association cannot be amended?
B. Objects Clause;
C. Liability Clause;
D. Association Clause;
E. Registered office Clause.

85. In the IPC, nothing is an offence which is done by a Child under :
A. Eight years;
B. Ten years;
C. Seven years;
D. Twelve years.

86. Right of private defence of the body extends to voluntarily causing death if the offence, which occasions the exercise of right:
A. Reasonably causes apprehension that death will be caused;
B. Reasonably causes apprehension that simple injury will be caused;
C. is of escaping with stolen property immediately after the theft;
D. is of arresting a person who is running away after having committed an offence of voluntarily causing hurt.

87. Under Sec. 498 A, the 'Cruelty' means and includes:
A. Only demand of dowry;
B. Only physical torture;
C. Both mental & physical torture;
D. None of the above.

88. What is the offence where preparation itself of a offence is punishable :
A. Theft;
B. Dacoity;
C. Murder;
D. Rape.

89. In Rex v. Govinda the points of distinction between the two provisions of the of the IPC were explained:
A. Section 34 and Section 149;
B. Section 302 and Section 304;
C. Section 299 and Section 300;
D. Section 403 and Section 405.

90. A has sexual intercourse with his own wife aged about 14 years with her consent. A committed:
A. No offence;
B. Offence of Rape;
C. Intercourse with own wife is not Rape;
D. As there was consent hence A cannot be held guilty for the offence rape.

AIBE_4 Set Code D

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

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

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