

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO
TEST BOOKLET SERIES

**TEST BOOKLET
PAPER I
CIVIL LAW-I**



Time Allowed : 1 Hour]

[Maximum Marks : 100

All questions carry equal marks.

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(A) (B) ● (D)
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CIVIL LAW-I

Time Allowed : 1 Hour]

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1. The Code of Civil Procedure does *not* contain the provision for passing of preliminary decree in the suits for :
 - (A) accounts between principal and agent
 - (B) possession and mesne profits
 - (C) sale of mortgaged property
 - (D) none of the above

2. Mesne profits of the property shall not include, which the person in wrongful possession of the property :
 - (A) actually received from such property
 - (B) might with ordinary diligence have received from such property
 - (C) made due to improvements made by him on such property
 - (D) received interest on such profit from such property

3. Which of the following decisions is a decree ?
- (A) Dismissal of appeal for default
 - (B) Order of remand
 - (C) Dismissal of appeal as time barred
 - (D) Order granting or refusing interim relief
4. Mark the *incorrect* statement regarding the order and decree :
- (A) There may be preliminary decree and preliminary order
 - (B) Both relate to matters in controversy
 - (C) Both are decisions given by a court
 - (D) Both are formal expressions of a decree
5. Which of the following is *not* a suit of civil nature ?
- (A) Suits relating to rights of worship
 - (B) Suits relating to taking out of religious processions
 - (C) Suits for restitution of conjugal rights
 - (D) None of the above

6. Foreign judgment as defined under Section 2(6) of Code of Civil Procedure means :
- (A) Judgment given by Indian Courts in respect of foreigners
 - (B) Judgment given by foreign court
 - (C) Both (A) and (B)
 - (D) None of the above
7. In which the Supreme Court held the right to make a 'counterclaim' as statutory ?
- (A) A.V. Papayya Sastry V. Govt. of A.P., A.I.R. 2007 SC 1546
 - (B) Laxmidas V. Nanabhai, A.I.R. 1964 SC 11
 - (C) Ittyavira Mathai V. Varkey Varkey, A.I.R. 1964 SC 907
 - (D) Sulochana Amma V. Narayanam Nair, A.I.R. 1994 SC 152
8. In Satyadhyan Ghosal V. Deorjin Debi, A.I.R. 1960 SC 941, the Apex Court explained the doctrine of :
- (A) res judicata
 - (B) abatement
 - (C) restitution
 - (D) cypres

9. Under order 16, rule 2 of the Code of Civil Procedure, the expenses of a witness for whom summons have to be obtained, is to be borne by the :

- (A) plaintiff
- (B) defendant
- (C) party applying for the summons
- (D) court

10. Under order 10, rule 1A of the Code of Civil Procedure, the court can direct the parties to opt for any mode of alternate dispute resolution :

- (A) at any stage of the proceedings
- (B) after recording the admissions and denials
- (C) before recording the admissions and denials
- (D) all of the above

11. Under order 7, rule 9 of the Code of Civil Procedure, when the court orders for summons be served on the defendant(s), the plaintiff is required to present the copy(ies) of the plaint along with the requisite fee within :
- (A) 7 days of the order (B) 10 days of the order
- (C) 12 days of the order (D) 15 days of the order
12. Under order 5, rule 9A of the Code of Civil Procedure, summons for serving on the defendant, can be delivered to :
- (A) Courier service (B) Plaintiff
- (C) Process officer (D) All of these
13. When the court grants ex parte injunction without issuing notice to the opposite party, recording of reasons by the court is :
- (A) not essential (B) mere formality
- (C) mandatory (D) discretionary

14. Under Section 75 of the Code of Civil Procedure, the court cannot issue a commission for the purpose of :

- (A) to make local investigation (B) to make partition
(C) to adjust accounts (D) none of these

15. A right of review is :

- (A) Substantive only
(B) Procedural only
(C) Substantive as well as procedural
(D) None of the above

16. No appeal shall lie from an order :

- (A) refusing leave to institute a suit against public nuisance
(B) refusing leave to institute a suit in case of breach of trust
(C) returning a plaint to be presented to the proper court
(D) none of the above

17. Presumptions of law, under the Indian Evidence Act, are :

- (A) Rebuttable only (B) Irrebuttable only
(C) Rebuttable and irrebuttable (D) None of these

18. Under the Indian Evidence Act, 'relevancy' is :

- (A) Matter of logic (B) Matter of law
(C) Identical to admissibility (D) None of these

19. For 'conduct' to be relevant under Section 8 of the Indian Evidence Act, it :

- (A) Must be previous
(B) Must be subsequent
(C) Either previous or subsequent
(D) None of the above

20. Explanation to Section 5 of the Indian Evidence Act, provides that Section 5 shall not enable any person to give evidence which he is disentitled by :

(A) Code of Civil Procedure

(B) Code of Criminal Procedure

(C) Both (A) and (B)

(D) Registration Act, 1908

21. For the application of Section 6 of the Indian Evidence Act, facts occurred :

(A) at the same time and place only

(B) at different time and place only

(C) at the same time and place or at different time and place

(D) none of the above

22. The subject matter of 'doctrine of res gestae' has been included under the Indian Evidence Act in :

- (A) Section 6 only (B) Sections 6 to 9 only
(C) Sections 6 to 9 and Section 14 (D) None of these

23. Under Section 32(1) of the Indian Evidence Act, statement of a person who is dead, to be admissible :

- (A) may relate to the cause of his own death
(B) must relate to the cause of his own death
(C) may relate to the cause of someone else death
(D) all of the above

24. Admission under Section 31 of the Indian Evidence Act may operate as :

- (A) estoppel (B) conclusive proof
(C) proved (D) shall presume

25. Under Section 30 of the Indian Evidence Act, confession of co-accused is *not* admissible if :
- (A) confession is self-exculpatory
 - (B) there is joint trial of all the accused
 - (C) all the accused tried for the same offence
 - (D) confession must be proved before it is used
26. Under the Indian Evidence Act, for the entries in the books of account to be relevant, what is *not* essential ?
- (A) Books must be regularly kept
 - (B) Books must be kept in the course of business
 - (C) Entries must have reference to matter under enquiry
 - (D) None of the above
27. Section 41 of the Indian Evidence Act deals :
- (A) Judgments in personam
 - (B) Judgments in rem
 - (C) Both (A) and (B)
 - (D) None of these

28. Seals which are *not* judicially noticeable :

(A) Seals of all courts in India

(B) Seals of all courts out of India established by the authority of the Central Government

(C) Seals of courts of admiralty and maritime jurisdiction

(D) None of the above

29. New section was substituted for Section 119 in the Indian Evidence Act by the Criminal Law (Amendment) Act, 2013, which deals about :

(A) presumption as to absence of consent in certain prosecution for rape

(B) evidence of character not relevant in certain cases

(C) witnesses unable to communicate verbally

(D) questions not to put in cross-examination of the victim of offence of rape

30. By Criminal Law (Amendment) Act, 2005 (Act 2 of 2006) sub-clause (2) was inserted in Section 154 of the Indian Evidence Act; which provides :
- (A) The person permitted is not entitled to rely on any part of the evidence of such witness
 - (B) The person permitted is entitled to rely on any part of the evidence of such witness
 - (C) The evidence of such witness may be rejected
 - (D) The evidence of such witness must be corroborated
31. What is the category of person who is mentioned in Section 33 of the Indian Evidence Act but not in Section 32 of the Indian Evidence Act ?
- (A) Who cannot be found
 - (B) Who has become incapable of giving evidence
 - (C) Who is kept out of the way by the adverse party
 - (D) Whose attendance cannot be procured without unreasonable delay

32. Bhuboni Sahu V. Emperor, A.I.R. 1949 PC 257, this case refers to :
- (A) evidentiary value of confession of co-accused
 - (B) test identification parade
 - (C) dying declaration
 - (D) hostile witness
33. Who appoints the Additional District Judge under Section 6 of the Himachal Pradesh Courts Act, 1976 ?
- (A) State Government
 - (B) High Court
 - (C) District Judge
 - (D) Governor
34. Section 14 of the Himachal Pradesh Courts Act, provides that the High Court may authorise any Civil Judge to take cognizance of proceedings under :
- (A) The Provincial Small Cause Courts Act, 1887
 - (B) Code of Civil Procedure, 1908
 - (C) The Provincial Insolvency Act, 1920
 - (D) Code of Criminal Procedure, 1973

35. Under the Indian Stamp Act, 1899, mortgage is transfer of :
- (A) immovable property only
 - (B) movable property only
 - (C) immovable and movable properties
 - (D) none of the above
36. Under sub-clause (14) of Section 2 of the Indian Stamp Act, whether a copy of a document is an instrument ?
- (A) Yes
 - (B) No
 - (C) Yes, if any right is created by the document
 - (D) Yes, if any right is transferred by the document
37. Section 5 of the Indian Stamp Act, applies when any instrument relates to :
- (A) single matter
 - (B) more than one matter
 - (C) both (A) and (B)
 - (D) none of the above

38. Section 8-B of the Indian Stamp Act, which deals demutualisation schemes, was inserted by :
- (A) Act 22 of 1996 (B) Act 10 of 2000
(C) Act 23 of 2004 (D) Act 18 of 2005
39. Under the Indian Stamp Act, in case of a certificate of sale, in the absence of any agreement to the contrary, the expenses for providing proper stamp shall be borne by :
- (A) purchaser of the property
(B) seller of the property
(C) seller and purchaser of the property
(D) none of the above
40. The word 'chargeable' used in sub-clause (6) of Section 2, as applied to an instrument executed after the commencement of Indian Stamp Act, 1899 means :
- (A) chargeable under the Indian Stamp Act, 1899
(B) chargeable under the Indian Stamp Act, 1899 and under any other law
(C) chargeable under the Indian Stamp Act, 1899 and the Negotiable Instruments Act, 1881
(D) None of the above

41. All duties and penalties under Chapter IV of the Indian Stamp Act, 1899 may be recovered by :
- (A) State Government (B) Collector
(C) Governor (D) High Court
42. Provisions regarding 'allowance for misused stamps' are provided in the Indian Stamp Act, under :
- (A) Section 49 (B) Section 50
(C) Section 51 (D) Section 52
43. The words and expressions used in the Specific Relief Act but not defined in that Act, have the meaning as defined in :
- (A) Code of Civil Procedure, 1908
(B) Transfer of Property Act, 1882
(C) Indian Contract Act, 1872
(D) Indian Registration Act, 1908

44. Under Section 6 of the Specific Relief Act, 1963, a suit for possession of an immovable property can be filed against :
- (A) Private individual (B) Government
(C) Both (A) and (B) (D) None of these
45. Explanation of Section 34 of the Specific Relief Act, explain :
- (A) Contract in writing (B) Unfair advantage
(C) Trustee of property (D) None of the above
46. Under Section 21 of Specific Relief Act, the compensation may be awarded if :
- (A) Plaintiff claimed the compensation
(B) Plaintiff has not claimed the compensation
(C) Both (A) and (B)
(D) None of the above
47. Explanation to Section 10 of the Specific Relief Act, lays down the :
- (A) Presumptions of facts
(B) Rebuttable presumptions of law
(C) Irrebuttable presumptions of law
(D) None of the above

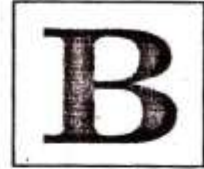
48. Section 18 of the Specific Relief Act, deals specific performance of :
- (A) Written and Oral Contracts (B) Oral Contracts
- (C) Written Contracts (D) None of these
49. The injunction which is in effect a degree :
- (A) temporary injunction
- (B) Perpetual injunction
- (C) temporary or perpetual injunction
- (D) none of the above
50. The provisions of Section 17 of the Specific Relief Act, applies to :
- (A) immovable property only
- (B) movable property only
- (C) immovable property and movable property
- (D) none of the above

BOOKLET NO.

0274

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CIVIL LAW-II**



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CIVIL LAW-II

Time Allowed : 1 Hour]

[Maximum Marks : 100

1. 'A' gives sheesham wood to 'B' a carpenter for making Almirah. The carpenter's charges are settled at Rs. 6,000. After the Almirah is ready 'A' tenders Rs. 6,000 for the charges, but carpenter refuses to deliver the Almirah till 'A' pays an old due. In such case :
 - (A) 'B' can refuse to deliver the Almirah
 - (B) 'B' cannot refuse to deliver the Almirah
 - (C) 'B' can refuse in certain circumstances
 - (D) 'B' can sell the Almirah

2. Which one of the following is *not* provided in Sections 4 and 5 of the Contract Act ?
 - (A) Communication of offer
 - (B) Communication of acceptance
 - (C) Revocation of proposal and acceptance
 - (D) Revocation of contract

3. Promissory estoppel is sometimes spoken of as a substitute for :
 - (A) Novation
 - (B) Quasi-contract
 - (C) Consideration
 - (D) Coercion

4. Consideration is :

- (1) A motive for any promise
- (2) A price for any promise
- (3) Only a moral obligation
- (4) Something of value in the eye of law.

Of these statements :

- (A) 1, 2 and 3 are correct
- (B) 1 and 4 are correct
- (C) 2 and 4 are correct
- (D) only 3 is correct

5. Consider the following statements with regards to "uberrima fides" :

- (1) It fails within a class of cases, which requires utmost good faith
- (2) Every contract is a contract "uberrima fides"
- (3) Contract of insurance is an example of "uberrima fides"

Codes :

- (A) 1, 2 and 3 are correct
- (B) 1 and 3 are correct
- (C) 2 and 3 are correct
- (D) 1 and 2 are correct

6. In which of the following cases, it was held that a contract through telephone is considered concluded at the place where acceptance is heard ?
- (A) Bhagwan Das Vs. Girdhari Lal
 - (B) Carlill Vs. Carbolic Smoke Ball Co.
 - (C) Satyabrat Ghosh Vs. Mugnee Ram
 - (D) State Bank of India Vs. Quality Bread Factory
7. Consideration has been described as a “modification of the Roman principle of ‘causa’ adopted by equity and transferred thence into the common law” :
- (A) Harriman
 - (B) Salmond
 - (C) Prof. James Barr Ames
 - (D) Justice Holmes
8. Which contract is specifically enforceable ?
- (A) Contract of marriage
 - (B) Contract by ‘B’ to deliver a lecture of law at Punjab, Chandigarh University
 - (C) A contract by ‘B’ with ‘A’ to supply goods as and when ‘A’ requires
 - (D) None of the above

9. 'A' enters into a contract with 'B' for which 'B' is guilty of fraud. A can :
- (A) set aside the contract but cannot recover damages
 - (B) only recover damages
 - (C) set aside the contract and can recover damages also
 - (D) none of the above
10. Novation of a contract means :
- (A) Renewal of original contract
 - (B) Substitution of a new contract in place of original contract
 - (C) Alteration of contract
 - (D) Rescission of contract
11. Under Hindu Adoptions and Maintenance Act, 1956 a person who was adopted, when he was above the age of 15 years under custom. Whether adoption was :
- (A) Valid
 - (B) Invalid
 - (C) Void
 - (D) Irregular

12. In which of the following cases, the Supreme Court has held that “illegitimate child, born out of live-in-relationship cannot claim inheritance in coparcenary property” ?
- (A) Gayatri Bajaj Vs. Jitin Bhalla, AIR 2013 SC 102
 - (B) Anil Kumar Jain Vs. Maya Jain, AIR 2010 SC 229
 - (C) Bharata Matha Vs. Vijay Ranganathan, AIR 2010 SC 2685
 - (D) None of the above
13. In which of the following cases, the Supreme Court has held that “No court except the Supreme Court is competent to pass a decree for mutual divorce, if one of the consenting parties withdraws his/her consent before the decree is passed” ?
- (A) Ashok Hurra Vs. Rupa Bipin Zaveri, AIR 1997 SC 1266
 - (B) Sureshta Devi Vs. Om Prakash AIR 1992 SC 1904
 - (C) Veena Vs. State Govt. of NCT Delhi AIR 2011 SC 3469
 - (D) Anil Kumar Jain Vs. Maya Jain AIR 2010 SC 229

14. Rule 2 of Section 10 of the Hindu Succession Act, 1956 is a :
- (A) Per capita rule
 - (B) Per stirpes
 - (C) Both (A) and (B)
 - (D) Rule of exclusion
15. 'A' has a son 'B', a mother 'M' and two wives W_1 and W_2 . 'B' sues 'A' for partition. 'M' will get any share under Mitakshara Law :
- (A) $\frac{1}{4}$
 - (B) $\frac{1}{5}$
 - (C) $\frac{1}{6}$
 - (D) No share
16. 'A' Hindu dies intestate leaving behind two sons, one daughter and widow. His property shall devolve to :
- (A) Sons only
 - (B) Sons and daughters
 - (C) Widow only
 - (D) Sons, daughters and widow all

17. In a suit for maintenance arrears can be claimed for the last :
- (A) 7 years (B) 5 years
(C) 3 years (D) 1 year
18. "Hindu Law is law of smritis", said by :
- (A) J. D. M. Darret (B) Salmond
(C) Maine (D) K. P. Rangaswami
19. Marriage with "Eunuch" is :
- (A) illegal (B) legal
(C) void (D) voidable
20. The Hindu Succession (Amendment) Act, 2005 has abolished the doctrine of the pious obligation under provision :
- (A) Section 6(2)
(B) Section 6(3)
(C) Section 6(2) and Section 6(3), both
(D) Section 6(4)

21. Which one of the following Sections of the Transfer of Property Act defines

“Marshalling by subsequent purchaser” ?

(A) Section 81

(B) Section 57

(C) Section 92

(D) Section 56

22. ‘A’ sells his agriculture land to ‘B’ with a condition that ‘B’ can cultivate only wheat, but cannot grow the crops of paddy. Point out the correct answer :

(A) Transfer is void

(B) Transfer is valid

(C) The condition is void

(D) Both (B) and (C)

23. When does “unborn person” acquire vested interest on transfer under Transfer of Property Act ?

(A) on attaining majority

(B) on attaining 21 years of age

(C) before attaining the age of puberty

(D) as soon as he is born

24. "Attested" in relation to an instrument" means and shall be deemed always to have mean attested by at least :
- (A) One witness (B) Two witnesses
(C) Three witnesses (D) Four witnesses
25. 'A' gift comprising both existing and future property is :
- (A) Valid
(B) Void
(C) Void as to the existing property
(D) Void as to the future property
26. The provisions of Section 53 A of the Transfer of Property Act were amended by the Transfer of Property (Amendment) Act, 2001 and this came into force with effect from :
- (A) 24th September, 2001
(B) July 2nd, 2002
(C) 25th Oct., 2001
(D) 26th September, 2001

27. In which of the following cases, the Supreme Court has held that "it is open to the donor to transfer by gift, title and ownership in the property and the same time reserve life time possession and enjoyment to himself" ?

- (A) Lal Chand Vs. Distt. Judge, Agra (1999) 8 SCC 351
- (B) Nandilal Vs. Moti Lal (1977) 3 SCC 500
- (C) K. Balakrishnan Vs. K. Kamalam (2004) 1 SCC 581
- (D) Mansoor Khan Vs. Motiram H. Kharat (2002) SCC 462

28. Section 37 of T. P. Act on right of proceeds of revenue compensation on acquisition is based on :

- (A) Doctrine of Election
- (B) Doctrine of Substituted Security
- (C) Doctrine of Marshalling
- (D) Doctrine of Contributions

29. V. Dhanpal Chittar Vs. Yesodai Ammal, is related to :

- (A) Section 105 TPA (B) Section 106 TPA
(C) Section 107 TPA (D) Section 104 TPA

30. Match List I with List II and select the *correct* answer by using the codes given below it :

List I (Name of Case)	List II (Section)
(a) Abdul Shakoor Vs. Arjit P. Rao	(i) Section 53
(b) SVR Mudaliar Vs. Rajababu Buhari	(ii) Section 60
(c) Parmeswaran Govindan Vs. Krishnan Bhaskaran & others	(iii) Section 92
(d) Variavan Saraswathi Vs. Eachampi Thevi	(iv) Section 54

Codes :

(a)	(b)	(c)	(d)
(A) (ii)	(iv)	(iii)	(i)
(B) (i)	(iii)	(iv)	(ii)
(C) (i)	(iv)	(ii)	(iii)
(D) (iii)	(ii)	(i)	(iv)

31. The Hon'ble High Court Himachal Pradesh at the request of the State Government gave time to the State for re-enacting the provisions under challenge upto :

(A) 17th August, 1987

(B) 18th August, 1987

(C) 14th September, 1987

(D) 18th September, 1987

32. V. Dhanpal Chettiar Vs. Yasodai Ammal related to rent control legislation falls under :

(A) Entry 18 of List II (State List) of the Constitution

(B) Entry 6 of List III (Concurrent List)

(C) Entry 6 and 18 of List II and III (Both)

(D) None of the above

33. In which case, the H.P. Urban Rent Control Act, 1971 has been challenged on the ground that it has not been assented by the President of India ?

(A) Bishamber Lal Sood Vs. State

(B) Malik Chand Vs. Ram Sarup

(C) M. M. Chawla Vs. J. S. Sethi

(D) Mangat Ram Vs. Kedar Nath

34. Notice to terminate non-agriculture tenancy shall be :
- (A) of 15 days
 - (B) in writing
 - (C) signed by the person giving notice or agent
 - (D) all of the above
35. In which of the following cases, the court held that "Improvement made before the determination of fair rent cannot be taken into consideration in allowing increase under Section 6 of H.P.U.R.C. Act, 1987 ?
- (A) Mangat Ram Vs. Kedar Nath
 - (B) Ramji Dass Vs. Roshan Lal
 - (C) Ishari Devi Vs. Mahabir Prasad
 - (D) Bhagat Ram Vs. Brij Nath
36. Once the controller comes to the conclusion that the building is unsafe and unfit for human habitation, petition becomes meaningless under :
- (A) Section 12
 - (B) Section 11
 - (C) Section 10
 - (D) Section 13

37. Conversion of a residential building into a non-residential building by under Section 12 HPURC Act, 1987 :
- (A) Tehsildar (B) Commissioner
(C) Collector (D) All of these
38. The contravention of the statutory injunction as contained in Section 11 has been made punishable under :
- (A) Section 30(1) (B) Section 30(ii)
(C) Section 30(4) (D) Section 30(5)
39. In case the arrears pertains prior to 18th August 1987, the rate of interest shall be charged :
- (A) 10% per annum (B) 9% per annum
(C) 6% per annum (D) All of these

40. In which of the following cases, the High Court has held that "The period of 30 days under third proviso to Section 14(2) cannot be extended by Collector or Appellate Authority and eviction of the tenant must follow :
- (A) Swami Bhandari Vs. Sheela Sharma
 - (B) Krishna Kumar Vs. Gurbex Singh
 - (C) K. N. Trading Vs. Massonic Fraternity Shimla
 - (D) All of the above
41. In which of the following cases, the Supreme Court held that the expression "other cause of like nature must be so interpreted as to convey something analogous to the proceeding work" from defect of Jurisdiction.
- (A) Zafar Khan Vs. Board of Revenue AIR 1985 SC 39
 - (B) Mangat Rai Vs. Kedar Nath AIR 1980 SC 1709
 - (C) Vijay Raje Scindia Vs. State of UP AIR 1986 SC 756
 - (D) UCO Bank Vs. H.C. Sarkar AIR 1990 SC 1329

42. In which case, the Supreme Court held that no limitation is prescribed for the purpose of filing a writ petition against any executive action ?
- (A) Mangat Rai Vs. Kedar Nath AIR 1980 SC 1709
- (B) Vijay Raje Scindia Vs. State of UP AIR 1986 SC 756
- (C) N.R. Joshi Vs. L.I.C. AIR 1970 SC 209
- (D) Vijay Kumar Vs. Diwan Devi AIR 1985 SC 1669
43. A suit for recovery of dower is made by the Muslim wife against her husband is attracted by the provisions of Limitation Act, 1963 :
- (A) Section 29(1) (B) Section 29(2)
- (C) Section 29(3) (D) None of these
44. Section 10 of the Limitation Act, 1963 applies in case of :
- (A) Ordinary bailment
- (B) Void ab-initio trust
- (C) Suit for account
- (D) None of the above

45. Section 14 is *not* applicable to :
- (A) Contempt proceedings
 - (B) Maintenance proceedings S. 125(3) Cr.P.C.
 - (C) Criminal proceedings
 - (D) None of the above
46. In which of the following cases, the Supreme Court held that an application under Or 21, & 95 C.P.C. cannot be construed as an application for execution and not attracted by Section 15(1) of Limitation Act, 1963 ?
- (A) Ganpat Singh Vs. Kailash Shankar AIR 1987 SC 1443
 - (B) Lata Vs. Vilas AIR 1989 SC 1477
 - (C) Om Prakash Jaiswal Vs. D. K. Mittal AIR 2000 SC 1136
 - (D) Pallav Seth Vs. Custodian (2001) 7 SCC 549
47. Acknowledgement after the period of limitation :
- (A) is of no effect
 - (B) gives rise to an independent and enforceable contract
 - (C) is of great value
 - (D) none of the above

48. In computing the period of limitation for an appeal the time required for taking the copy of decree or judgment is excluded :
- (A) if an application has been made
 - (B) even if an application has not been made
 - (C) either (A) or (B)
 - (D) none of the above
49. 'A' suit by a ward, who has attained majority to set aside a transfer of property by his guardian must be brought from the date when the ward attain majority under L. Act, 1963 :
- (A) After two years
 - (B) After three years
 - (C) Within two years
 - (D) Within three years
50. 'A' mortgage deed was executed on 8th March 1947, and the suit for redemption was filed in the year 1976. Hence the suit was held to be :
- (A) barred by the limitation period
 - (B) within limitation period
 - (C) either (A) or (B)
 - (D) none of the above

BOOKLET NO.

0275

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO
TEST BOOKLET SERIES

**TEST BOOKLET
PAPER III
CRIMINAL LAW**

C

Time Allowed : 1 Hour]

[Maximum Marks : 100

All questions carry equal marks.

INSTRUCTIONS

1. Write your Roll Number only in the box provided alongside.
Do not write anything else on the Test Booklet.
2. This Test Booklet contains 50 items (questions). Each item comprises four responses (answers). Choose only one response for each item, which you consider the best.
3. After the candidate has read each item in the Test Booklet and decided which of the given responses is correct or the best, he has to mark the circle containing the letter of the selected response by blackening it completely with ball point pen as shown below. In the following example, response "C" is so marked :

(A) (B) ● (D)
4. Do the encoding carefully as given in the illustrations. While encoding your particulars or marking the answers on answer sheet, you should blacken the circle corresponding to the choice in full and no part of the circle should be left unfilled. In the test ball point pen of black or blue ink is to be used as such you should be very careful while marking the responses to avoid erasing at a later stage. Double marking in the answer sheet will fetch zero mark. You may clearly note that since the answer sheets are to be scored/evaluated on O.M.R., any violation of the instructions may result in reduction of your marks for which you would yourself be responsible.
5. You have to mark all your responses ONLY on the ANSWER SHEET separately given to you.
6. All items carry equal marks. Attempt all items. Your total marks will depend only on the number of correct responses marked by you in the Answer Sheet. There will be no negative marking.
7. Before you proceed to mark responses in the Answer Sheet, fill in the particulars in the front portion of the Answer Sheet as per the instructions sent to you.
8. After you have completed the test, hand over the Answer Sheet only to the Invigilator.

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO

CRIMINAL LAW

Time Allowed : 1 Hour]

[Maximum Marks : 100

Note : Attempt *All* questions. Each question carries 2 marks.

1. The maximum imprisonment for committing an offence under Section 138 of the Negotiable Instruments Act, 1881 is :

(A) Six months	(B) One year
(C) Two years	(D) Three years

2. No offence is made out under Section 138 of the Negotiable Instruments Act, 1881 unless the cheque is presented to the bank within a period of :

(A) One month	(B) Two months
(C) Three months	(D) Six months

3. Which one of the following has the power to try any offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ?

(A) Court of Judicial Magistrate 2nd Class
(B) Executive Magistrate
(C) District Magistrate
(D) A Metropolitan Magistrate

4. Which of the following statements is/are correct ?

- (1) Chapter XVII of the Negotiable Instruments Act, 1881 was inserted by Act of 66 of 1988.
- (2) For the purpose of Section 138 of the Negotiable Instruments Act, 1881 "debt or liability" means any debt or other liability.
- (3) The period for issue of notice by the payee to the drawer from 15 days to 30 days was substituted by the Act 66 of 1988.
- (4) Every trial of offences under Chapter XVII shall, as possible as, be concluded within six months from the date of filing the complaint.

Codes :

- (A) (1) and (2) are correct
- (B) Only (1) and (4) are correct
- (C) (1), (2) and (3) are correct
- (D) (1), (2), (3) and (4) all are correct

5. Which Section of the Chapter XVII of the Negotiable Instruments deals with, if the offence under Section 138 is committed by the companies ?

- | | |
|-----------------|-----------------|
| (A) Section 139 | (B) Section 141 |
| (C) Section 142 | (D) Section 143 |

6. Match List I with List II and give the *correct* answer by using the codes given below the lists :

List I		List II	
(a)	Weapon	(i)	Creeks
(b)	Vehicle	(ii)	Yaks
(c)	Livestock	(iii)	Mule
(d)	Land	(iv)	Poison

Codes :

	(a)	(b)	(c)	(d)
(A)	(i)	(ii)	(iii)	(iv)
(B)	(iii)	(iv)	(i)	(ii)
(C)	(iv)	(iii)	(ii)	(i)
(D)	(ii)	(i)	(iv)	(iii)

7. Which one of the following is *not* the member of National Board for Wildlife ?
- (A) The Prime Minister of India
 - (B) The Chief of the Army Staff
 - (C) The Director-General of Tourism, Govt. of India
 - (D) The Law Minister of India

8. Which of the following statements is/are correct in reference to hunting of wild animals ?

- (1) Wild animal which has become dangerous to human life can be allowed to be hunted by Chief Wildlife Warden
- (2) Wild animal diseased to such an extent that huge expenditures will be incurred to cure the animal, may be allowed to be killed
- (3) Any wild animal if killed in defence of oneself, shall be a punishable offence
- (4) No wild animals can be tranquilised for the purpose of capturing such animal

Codes :

- (A) (1) and (2) are correct
- (B) Only (1) is correct
- (C) (1), (2) and (3) are correct
- (D) (2), (3) and (4) are correct

9. From the date of notification of declaration of sanctuary under Section 18 of the Wildlife (Protection) Act, 1972, the collector shall, as far as possible, complete the acquisition proceedings within a period of :

- (A) One year
- (B) Two years
- (C) Three years
- (D) Four years

10. The chairperson and every member (other than the member secretary) of the Central Zoo Authority shall hold office for such period, not exceeding :
- (A) One year (B) Two years
(C) Three years (D) Five years
11. The Forest Settlement Officer is appointed by the State Government, under which of the following provisions of the Indian Forest Act, 1927 ?
- (A) Section 4 sub-section 1 clause (a)
(B) Section 4 sub-section 1 clause (b)
(C) Section 4 sub-section 1 clause (c)
(D) Section 4 sub-section (2)
12. Match List I with List II and give the *correct* answer by using the codes given below the lists :

List I

- (a) 'Cattle'
(b) 'Forest Produce'
(c) 'River'
(d) 'Tree'

List II

- (i) Creek
(ii) Rams
(iii) Stumps
(iv) Catechu

Codes :

- | | | | | |
|-----|-------|-------|-------|-------|
| | (a) | (b) | (c) | (d) |
| (A) | (i) | (ii) | (iii) | (iv) |
| (B) | (ii) | (iv) | (i) | (iii) |
| (C) | (iv) | (iii) | (ii) | (i) |
| (D) | (iii) | (i) | (iv) | (ii) |

13. Which Chapter of the Indian Forest Act, 1927 provides for the power of State Government to constitute "Protected Forests" ?
- (A) Chapter III (B) Chapter II
(C) Chapter IV (D) Chapter VI
14. Match List I with List II and give the *correct* answer by using the codes given below the lists :

List I
(Provisions)

List II
(Sections of the Indian
Forest Act, 1927)

- | | |
|---|------------------|
| (a) Power to impose duty on timber and other forest produce | (i) Section 28 |
| (b) Formation of village-forests | (ii) Section 67 |
| (c) Power to try forest-offences summarily | (iii) Section 64 |
| (d) Power to arrest without warrant | (iv) Section 39 |

Codes :

- | | | | | |
|-----|-------|-------|-------|-------|
| | (a) | (b) | (c) | (d) |
| (A) | (iv) | (i) | (ii) | (iii) |
| (B) | (i) | (ii) | (iii) | (iv) |
| (C) | (iii) | (iv) | (i) | (ii) |
| (D) | (ii) | (iii) | (iv) | (i) |

15. Under which of the following Sections of the Indian Forest Act, 1927, the state government can invest forest officers the powers of civil court to compel attendance of witnesses and production of documents and power to issue a search-warrant under the Code of Criminal Procedure Code ?
- (A) Section 79 (B) Section 75
(C) Section 72 (D) Section 68
16. Read both Assertion (A) and Reason (R) and give the *correct* answer by using the codes given below it :

Assertion (A) : "Excise Revenue" means any revenue derived from any payment, duty, license fee, fine or penalty imposed or confiscation ordered under the Himachal Pradesh Excise Act, 2011.

Reason (R) : "Excise Revenue" also includes a fine imposed by a Court of Law.

Codes :

- (A) Both (A) and (R) are correct and (R) is the correct explanation of (A)
(B) Both (A) and (R) are correct but (R) is not the correct explanation of (A)
(C) (A) is correct (R) is wrong
(D) (A) is wrong (R) is correct

17. Match List I with List II and give the *correct* answer by using the codes given below the lists :

List I

List II

- | | |
|---|-----------------|
| (a) Power to investigate | (i) Section 14 |
| (b) Power to close liquor vends | (ii) Section 55 |
| (c) Prohibition of import, export
or transport of liquor | (iii) Section 9 |
| (d) Cognizance of offences | (iv) Section 21 |

Codes :

- | | | | | |
|-----|-------|-------|-------|------|
| | (a) | (b) | (c) | (d) |
| (A) | (iii) | (i) | (iv) | (ii) |
| (B) | (i) | (ii) | (iii) | (iv) |
| (C) | (ii) | (iii) | (i) | (iv) |
| (D) | (iv) | (ii) | (iii) | (i) |

18. No court shall take cognizance of an offence under sub-section (1) of section 55 of the Himachal Pradesh Excise Act, 2011, provided the offence is punishable with imprisonment for a term exceeding one year, unless the case is filed within :

- | | |
|-----------------|---------------|
| (A) Six months | (B) One year |
| (C) Three years | (D) Two years |

19. Which pairs of the following are *correctly* matched ?

Provisions	Sections of H.P. Excise Act, 1927
(1) Confiscation of Articles in respect of which offence committed	— Section 60
(2) Power to cancel or suspend licenses etc	— Section 32
(3) Payment of compensation	— Section 42
(4) Composition of offences by the collector	— Section 66

Codes :

- (A) (1), (2) and (3)
- (B) (2), (3) and (4)
- (C) (1), (3) and (4)
- (D) (1), (2), (3) and (4)

20. Which of the following statements is/are correct ?

- (1) All police officers shall aid the Excise officers in carrying out the purposes of the H.P. Excise Act.
- (2) The District Magistrate shall prescribe the day(s) on which liquor vend shall remain closed.
- (3) All offences punishable under the H.P. Excise Act shall be bailable.
- (4) The Collector has the power of composition of offences committed under the H.P. Excise Act.

Codes :

- (A) (1), (2) and (3) are correct
- (B) (1), (3) and (4) are correct
- (C) (3), (4) and (2) are correct
- (D) (1), (2), (3) and (4) all are correct

21. Warrant case means a case :

- (A) in which a police officer can arrest without a warrant
- (B) in which the court in the first instance, shall issue a warrant of arrest against the accused
- (C) relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years
- (D) relating to an offence punishable with death, imprisonment for a term not exceeding two years

22. When did the Criminal Procedure (Amendment) Act, 2008 (5 of 2009) come into effect ?
- (A) 30-12-2009 (B) 1-1-2008
(C) 31-12-2009 (D) 31-12-2008
23. A Metropolitan Magistrate is equivalent to :
- (A) Judicial Magistrate of 1st class
(B) Judicial Magistrate of second class
(C) Chief Judicial Magistrate
(D) Executive Magistrate
24. In which of the following cases the Supreme Court has laid down certain requirements to be followed in all cases of arrest or detention ?
- (A) Nandini Satpathy Vs. State of Orissa
(B) D. K. Basu Vs. State of West Bengal
(C) Keshvananda Bharti Vs. State of Kerala
(D) A. K. Roy Vs. Union of India

25. In which of the following cases it was held that the accused cannot use the case-diary ? Neither the accused nor his counsel can requisite the case diary and they cannot claim to go through it ?
- (A) State of U.P. Vs. Harish Chander Singh
(B) Madhu Limaye Vs. Union of India
(C) Mukund Lal Vs. Union of India
(D) J. M. Desia Vs. State of Bombay
26. Which Chapter of the Cr. P. C. deals with the provisions relating to security for keeping the peace and for good behaviour ?
- (A) Chapter VIII (B) Chapter VII
(C) Chapter X (D) Chapter IX
27. Under Section 199 (2) of the Cr. P. C. a complaint to the Court of Sessions in original jurisdiction must be filed within :
- (A) 3 months of the commission of the offence
(B) 6 months from the date of commission of the offence
(C) 1 year from the date of commission of the offence
(D) 2 years from the date of commission of the offence

28. In which of the following cases it was held that under Section 307 of Cr. P. C. once a case is committed for trial by a Sessions Court then only court that can tender pardon to an accused is the court to which the commitment has been made ?

(A) Piara Singh Vs. State of Punjab

(B) A. Devendran Vs. State of Tamil Nadu

(C) State of Kerala Vs. Monu D.

(D) Rameshwar Vs. State of Rajasthan

29. Under which Section of the Code of Criminal Procedure can joint trial of several persons be possible ?

(A) Section 221 of Cr. P. C.

(B) Section 222 of Cr. P. C.

(C) Section 223 of Cr. P. C.

(D) Section 224 of Cr. P. C.

30. Match List I with List II and select the *correct* answer by using the codes given below the lists :

List I

List II

- | | |
|---|-----------------------------|
| (a) High Court's power of Revision | (i) Section 200 Cr. P. C. |
| (b) Examination of complaint | (ii) Section 401 Cr. P. C. |
| (c) Cognizance of offences by
magistrate | (iii) Section 125 Cr. P. C. |
| (d) Order for maintenance | (iv) Section 190 Cr. P. C. |

Codes :

- | | (a) | (b) | (c) | (d) |
|-----|------|------|-------|-------|
| (A) | (i) | (ii) | (iii) | (iv) |
| (B) | (ii) | (i) | (iv) | (iii) |
| (C) | (i) | (iv) | (iii) | (ii) |
| (D) | (ii) | (i) | (iii) | (iv) |

31. Which of the following statements is/are correct ?

- (1) Indian Penal Code is divided into XXIII Chapters.
- (2) The draft of the Indian Penal Code was prepared by Dr. Hari Singh Gaur.
- (3) The Prime Minister of India is exempted from the application of Indian Penal Code.
- (4) "Imprisonment for Life" was substituted for the words "Transportation for Life" by the Act XXVI of 1955.

Codes :

- (A) Only (1) is correct
- (B) (1) and (2) are correct
- (C) (2), (3) and (4) are correct
- (D) (1) and (4) are correct

32. Which of the following statements is/are correct with reference to Section 34 of the Indian Penal Code ?

- (1) Section 34 of the Penal Code creates no specific offence.
- (2) The words "in furtherance of the common intention of all" were added to Section 34 by the IPC (Amendment) Act of 1870.
- (3) Section 34 incorporates the principle of absolute liability.
- (4) Afsan Guru case which is also commonly known as "Parliament Attack Case" is related to Section 34.

Codes :

- (A) (1) is only correct
- (B) Both (1) and (2) are correct
- (C) (1), (2) and (3) are correct
- (D) (2), (3) and (4) are correct

33. The term 'counterfeit' has been defined under which of the Sections of the Penal Code ?
- (A) Section 28 (B) Section 29
(C) Section 30 (D) Section 25
34. The corporal punishment of whipping, added to the Penal Code by the Whipping Act of 1864 as punishment for certain crimes, was abolished in the year :
- (A) 1955 (B) 1978
(C) 1949 (D) 1957
35. Which of the following sections of the Indian Penal Code incorporates the common law principle of "ignorantia facit doth excusat, ignorantia juris non excusat" ?
- (A) Only Section 76
(B) Sections 76 and 79 both
(C) Sections 77 and 78
(D) Sections 84 and 85
36. Which one of the following Sections of Penal Code is based upon the maxim "de mimis non curat lex" ?
- (A) Section 86 (B) Section 93
(C) Section 96 (D) Section 95

37. Match List I with List II and give the *correct* answer by using the codes given below it :

List I		List II	
(a) Queen Vs. Dudley and Stephens	(i)	Section 86	
(b) Basudev Vs. State of Pepsu	(ii)	Section 84	
(c) R Vs. Wilson	(iii)	Section 81	
(d) Jai Lal Vs. Delhi Administration	(iv)	Section 87	

Codes :

	(a)	(b)	(c)	(d)
(A)	(iii)	(i)	(iv)	(ii)
(B)	(i)	(ii)	(iii)	(iv)
(C)	(iv)	(iii)	(ii)	(i)
(D)	(ii)	(iv)	(i)	(iii)

38. The Acts against which there is no right of Private Defence are mentioned under Penal Code under :

- | | |
|-----------------|-----------------|
| (A) Section 98 | (B) Section 99 |
| (C) Section 100 | (D) Section 101 |

39. Which one of the following cases is *not* related to the offence of conspiracy ?
- (A) R. Venkata Krishnan Vs. Central Bureau of Investigation
 (B) Ram Narain Poply Vs. C.B.I.
 (C) State (CBI/SIT) Vs. Nalini
 (D) Mathurala Adi Reddy Vs. State of Hyderabad
40. Match List I with List II and give the *correct* answer by using the codes given below the lists :

List I

(Provisions)

- (a) When the right of private defence of the body extends to causing death ?
- (b) Dowry death
- (c) Voluntary causing grievous hurt by use of acid, etc.
- (d) Punishment for extortion

List II

(Sections of I.P.C.)

- (i) Section 304 B
- (ii) Section 326 A
- (iii) Section 384
- (iv) Section 101

Codes :

- | | | | | |
|-----|-------|-------|-------|-------|
| | (a) | (b) | (c) | (d) |
| (A) | (iv) | (i) | (ii) | (iii) |
| (B) | (i) | (ii) | (iii) | (iv) |
| (C) | (ii) | (iii) | (iv) | (i) |
| (D) | (iii) | (iv) | (i) | (ii) |

41. Read both Assertion (A) and Reason (R) and give the *correct* answer by using the codes given below :

Assertion (A) : Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act.

Reason (R) : Mistake of fact is a good defence and mistake of law is no defence.

Codes :

- (A) Both (A) and (R) are correct and (R) is the correct explanation of (A)
(B) Both (A) and (R) are correct but (R) is not the correct explanation of (A)
(C) (A) is correct (R) is wrong
(D) (A) is wrong (R) is correct
42. Which of the following combinations is *correctly* matched ?
- (A) Involuntary intoxication — Section 86
(B) Basudeo Vs. State of Pepsu — Section 87
(C) Attempt to Commit Suicide — Section 306
(D) Bigamy — Section 497
43. There is no offence of Adultery if it is committed with the consent of :
- (A) Woman
(B) Husband of the woman
(C) Family member of the woman
(D) Wife of the adulterer

44. 'A' finds a valuable diamond. Not knowing to whom it belongs 'A' sells it immediately without attempting to discover the owner. 'A' is guilty of the offence of :

- (A) Theft as it is causing wrongful gain to him
- (B) Breach of trust
- (C) Extortion
- (D) Criminal misappropriation of property

45. Which of the following combinations is *correctly* matched ?

- | | | |
|---|---|------------------------------|
| (1) K. M. Nanavati Vs. State of Maharashtra | — | Grave and Sudden Provocation |
| (2) State of H.P. Vs. Asha Ram | — | Rape |
| (3) Karan Singh Vs. State of U.P. | — | Right to Private Defence |
| (4) Harjit Singh Vs. State of Punjab | — | Dowry death |

Select the *correct* answer by using the codes given below :

Codes :

- (A) (1), (2) and (3)
- (B) (2), (3) and (4)
- (C) (1), (3) and (4)
- (D) (1), (2) and (4)

46. Under which of the following pairs of Sections of Penal Code, there is provision of death sentence ? Answer with the help of the codes given below it.

- (1) Sections 194 and 449
- (2) Sections 132 and 194
- (3) Sections 364-A and 396
- (4) Sections 124-A and 132

Codes :

- (A) (1) and (2) only
- (B) (2) and (3) only
- (C) (3) and (4) only
- (D) Only (3) is correct

47. Match List I with List II and give the correct answer by using the codes given below the lists :

List I	List II
(Offences)	(Sections I.P.C.)
(a) Criminal Breach of Trust	(i) Section 396
(b) Public Nuisance	(ii) Section 354
(c) Dacoity with Murder	(iii) Section 405
(d) Assault with intention to outrage modesty of woman	(iv) Section 268

Codes :

	(a)	(b)	(c)	(d)
(A)	(i)	(ii)	(iii)	(iv)
(B)	(ii)	(i)	(iv)	(iii)
(C)	(iv)	(iii)	(ii)	(i)
(D)	(iii)	(iv)	(i)	(ii)

48. Section 303 of I.P.C. has been held by the Supreme Court to be Ultra-Vires of the Constitution in which one of the following cases ?

- (A) Reg Vs. Govinda
- (B) Mithu Vs. State of Punjab
- (C) Madhi Singh Vs. State of Punjab
- (D) Bachan Singh Vs. State of Punjab

49. Section 124-A which defines 'Sedition' was inserted in the Indian Penal Code by :

- (A) Act XIX of 1898
- (B) Act XXVII of 1870
- (C) Act XXI of 1875
- (D) Act IX of 1855

50. The offence of giving the false evidence is also known as :

- (A) Prejudice
- (B) Perjury
- (C) Pericardiam
- (D) Forgery