



## ***BarHacker Report***

### ***Types of Questions in the New All India Bar Exam***

***(updated with new categories and examples for the new format since  
December 2012 and updated syllabus since June 2014)***

# **BarHacker**

*The first step to devising a preparation strategy for the new All India Bar Exam is to **understand the different types of questions that have been asked till date**. We advise you to refer to the model paper released by BCI for the December 2012 Bar Exam, the BarHacker mocks and the two past years' paper available on the online platform. Given below are some of the most common types of questions (the spelling and grammatical mistakes in the questions which you see below are present in the original version released by the BCI and are not attributable to us):*

## **1. Year of enactment based questions**

The Bar Exams held since December 2012 had so many questions based on the year of enactment of statutes that we had to create a separate category for them. Consider the following questions which were asked in the exam:

- In India the Arbitration & Conciliation Act was enacted in
  1. 1992
  2. 1993
  3. 1994
  4. 1996
  
- The Consumer Protection Act was enacted in:
  - a. 1985
  - b. 1886
  - c. 2005
  - d. 2008

There were around 5 questions on year of enactment. How do you answer these questions? While it is important to know whether a particular legislation is currently

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in force, it is not important to know its year of enactment. These questions can simply be answered by looking at the short title of the act.

## **2. Questions which directly ask you about a particular section number of the statute**

These questions are scattered along all subjects – Specific Relief Act, Family Law (Parsi Marriage and Divorce Act, Dissolution of Muslim Marriages Act), Factories Act, Evidence Act, the Constitution of India and so on. The good news is that if you carry the right bare acts, you can answer many (or all of these) correctly without any difficulty. Consider this example from the model test paper:

*For which of the following, special provisions can be made under Article 15 of the Constitution of India?*

- A) *Women and Children.*
- B) *Scheduled and Tribes.*
- C) *Economically Backward Classes.*
- D) *Socially Backward Classes.*

Do you already know the answer of this question? If not quickly open the Constitution bare act and confirm your answer. This is what you would need to do for a large number of questions in the AIBE exam hall.

There are many other questions which requires you to just open the relevant section from the bare act to answer:

*The Plea of Alibi is governed by which section of the Evidence Act?*

- A) *Sec 12.*
- B) *Sec 11.*
- C) *Sec 13.*
- D) *Sec 14.*

To answer this question – simply open these sections in the Evidence Act and identify which one refers to alibi.

Another question (we are not responsible for the atrocious grammar or spellings in the question paper):

*The questions whether A murdered B during the course of a struggle. Marks on the ground produced by the straggle at the place of occurrence are a relevant fact which section of the Evidence Act?*

- A) Sec. 6.
- B) Sec. 7.
- C) Sec.8.
- D) Sec. 10.

*A suit for recovery of possession under Section 6 cannot be filed against:*

- A) A private individual
- B) A company
- C) A government
- D) A firm

In case of the last question, if you see the preceding and following questions, it will be clear to you that the present question refers to the Specific Relief Act.

### **3. Questions which can be answered by referring to specific sections of a statute**

Some questions are related to specific section of a statute which is very easy to locate. It is important to identify these questions and solve them correctly – as they are easy to look up in the bare act and you can answer with high level of certainty.

Consider this example from the 4<sup>th</sup> AIBE in December 2012:

- Power of disciplinary committee under the Advocate Act (*sic*) is provided under:
  1. Section 42
  2. Section 53
  3. Section 40
  4. Section 36

Consider this example from the model test paper:

- *X is living in Pune and Y, his brother in Mumbai. X wants to file a suit for partition of their joint property situated in Delhi and Bangalore.*
  - A) *The suit may be instituted in Delhi only.*
  - B) *The suit may be instituted in Bangalore only.*
  - C) *The suit may be instituted either in Delhi or Bangalore.*
  - D) *None of the above.*

This question is preceded and followed by questions about Civil Procedure Code (CPC) - which should make it evident to you that this is a question related to the CPC. Thereafter it should be easy to identify the section which specifies what should be the correct jurisdiction to file a suit. If you refer to the table of contents of a CPC bare act, you should see that 'Place of suing' is addressed between sections 15 to 25. In the table of contents, you will also see that Section 17 deals with suits relating to immovable property. This section contains the answer.

This question in the model test paper is immediately followed by this question:

- *Where two or more Courts having the jurisdiction, the jurisdiction of a civil courts under Sec. 20, C.P.C.:*
  - A) *Can be excluded by a clear agreement between the parties.*
  - B) *Cannot be excluded under any circumstance.*
  - C) *Can be excluded by a court's order.*

D) *None of the above.*

This should give you an idea as to how important it is to remain alert to cues provided in the preceding and following questions.

More examples of questions relating to a specific section of the statute from the model test paper are given below:

- *A Metropolitan Magistrate is equivalent to?*
  - A) *Judicial magistrate of the First Class.*
  - B) *Judicial magistrate of the Second Class.*
  - C) *Either (a) and (b).*
  - D) *None of the above.*
  
- *Which of the following sentence may be passed by a Magistrate of Second Class?*
  - A) *Imprisonment for a term not exceeding two years.*
  - B) *Imprisonment for a term not exceeding one years.*
  - C) *Imprisonment for a term not exceeding six months.*
  - D) *Only a fine not exceeding five thousand rupees.*
  
- *Any Police Officer may not without an order from Magistrate and without a warrant, arrest any person?*
  - A) *Who has been concerned in any non cognizable offence*
  - B) *Who has been accused of committing a non-cognizable offence refuses to give his name and address.*
  - C) *Who has been a released convict*
  - D) *Who has been in possession of any implement of house-breaking*
  
- *When a court desires that a summons issued by it shall be served at any place outside its local Jurisdiction is shall ordinarily send such summons in duplicate to?*

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- A) *Magistrate of Competent Jurisdiction.*
  - B) *Inspector of such local officer.*
  - C) *Either of the above two.*
  - D) *All of the above.*
- *The communication of a revocation, as against the person who makes it, is complete:*
    - A) *When it is put into a course of transmission so as to be out of the power of the person who makes it.*
    - B) *When it comes to the knowledge of the person to whom it is being made.*
    - C) *When the person to whom it is being made, signifies his assent thereto.*
    - D) *All of the above.*
  - *Which of the following statement is correct:*
    - A) *A lunatic person can never enter into a contract.*
    - B) *A lunatic person is legally capable of entering into a contract at any time.*
    - C) *A lunatic person should not enter into a contract.*
    - D) *A lunatic person, who is at intervals of sound mind, may contract during those intervals.*

#### **4. Case law related questions**

There are quite a few question based on case laws. These are easy to answer if you are carrying a text book – since most textbooks have an index of cases. You need to identify the relevant page number from the index and you can then quickly decipher the answer. Try this question (although you probably can answer this without using a text book):

- *The carlill v. carbolic smoke ball co., case is related to:*
  - A) *Offer and counter offer*
  - B) *Offer to public at large*
  - C) *Invitation to offer to public at large*

D) Offer and revocation of offer

## 5. Statement by famous personalities and jurists

Some questions have been asked about statements made by famous jurists such as Dicey, Prof. K.C. Wheare, Ambedkar and Bentham. If you already know the statement, it is easy to answer these questions. However, if you do not already know the answer, it is futile to try to answer these questions. The best course of action is to make an educated guess quickly and not waste any time on such question. Do not try to find these answers from textbooks as such a wild goose chase is likely to take much more than 1 minute 40 seconds (the average time available to you per question) and will lead to wastage of time even if you manage to find the correct answer.

## 6. 'Accuracy-of-statement' type questions

In some questions, you'll be asked to identify the option which is correct or incorrect. Some of these questions can be easily linked to specific sections – which are easy to look up. Others are difficult to look up unless you already have a good sense of the subject matter. Let us take a look at some of these questions from the model test paper:

- *For the Law of Limitation which is the incorrect statement:*
  - A) Bars the judicial remedy.*
  - B) Does not extinguish substantive right.*
  - C) Is an adjective or procedural law.*
  - D) Creates a right in favour of a person.*

Can you answer this question without referring to the books? This question tests your conceptual knowledge about the basics of law of limitation. Note that these questions can simultaneously test multiple concepts. If you do not already know the answer then looking up each concept from a book or bare act can be time consuming.



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While answering the question, please remember to check whether the question is asking you to identify the correct statement or the incorrect statement – confusing this is a very common mistake.

We shall be uploading instructional videos discussing concepts on the critical subjects on the BarHacker platform – which should be helpful for you in answering ‘accuracy-of-statement’ type questions.

Some of these questions are very easy to answer when you have a bare act – you must not miss these ones. Consider this example from the model test paper:

- *Which one of the following statement correctly describes the Fourth Schedule of the Constitution of India?*
  - A) *It lists the distribution of powers between the union and the states.*
  - B) *It contains the language listed in the Constitution.*
  - C) *It contains the provisions regarding the administration of tribal areas.*
  - D) *It allocates seats in the Council of States.*

If you do not already know the correct answer, or if you have the slightest doubt about the correct answer – you merely need to check the heading of the 4<sup>th</sup> schedule by opening your Constitution bare act to give the correct answer.

## **7. Important political and social milestones in Indian history and contemporary events**

These are very easy questions provided you have some general awareness about developments in Indian legal history. Consider this example from the model test paper:

- *In whose time period, the Panchayats were given the Constitutional status?*
  - A) *Rajiv Ghandhi.*



- B) Chandrashekhar.
- C) V.P. Singh.
- D) P.V. Narsimha Rao

Note that inclusion of Panchayats and Municipalities as a form of local government was a very important step and notable amendment to Indian constitution. You can even check the date and year of amendment from the bare act to help you to guess or confirm the name of the Prime Minister involved. However, this is not a legal question, but a question of general knowledge.

### **How should you prepare for these questions?**

Going through a discussion on the Indian political system post-independence in a yearbook such as the one published by Manorama or Competition Success Review should give you a basic idea of important events. *Extensively looking up different resources to prepare for such questions is not advisable – you may end up wasting time which can be utilized in preparing for more important subjects.*

### **How should you answer these questions in the examination hall?**

If you do not know the answer to these questions when you read them, make an educated guess quickly and move on to the other questions. You must not waste time thinking on such questions. The time you save will increase your chances to correctly answer other questions which can be looked up from study material or the bare acts you are carrying. *It is also not advisable to take volumes of carry-in material to the examination hall with the objective of answering these types of questions.*

## **8. Questions which are not at all connected with legal skills but merely test your knowledge of trivia**

Although questions based on important political or social milestones may not strictly test legal skills, but there is a way to prepare for them. The questions in the December 2012 Bar Exam however went a step further. It asked questions which merely test

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your knowledge of trivia. The number of such questions has increased in successive editions. They have absolutely no relevance to legal skills and do not test knowledge of ‘landmark events’. Consider, for example, the following questions from the December 2012 Bar Exam:

- Indian Bar Committee was constituted first time (*sic*) under the chairmanship of Sir Adward Chamier in the year:
  1. 1927
  2. 1961
  3. 1949
  4. 1923
  
- The father of which of the leader (*sic*) has been the Deputy Prime Minister of India?
  - a. Kumari Mayawati
  - b. Mrs. Meira Kumar
  - c. Mrs. Pratibha Singh Devi Patil
  - d. Mrs. Vasundhara Raje

## 9. Definition based questions

This is another class of questions which are very easy to solve. The model test paper contains questions with respect to definition of “judgment”, “facts” etc. For these questions, you can go to the relevant bare act and look up the section containing definitions (usually section 2 or section 3 of a statute). Definitions are always listed out alphabetically, which makes it very easy to look up a specific definition.

Consider this example from the model test paper:

- *Under the Indian Evidence Act, the term “fact” includes?*
  - A) *Facts in issue and relevant facts.*
  - B) *Principal facts and evidentiary facts.*
  - C) *Factum probandum and factum probans.*
  - D) *All of the above.*

## 10. Incomplete questions

Some of the questions in the model test paper are just incomplete. Of course, this points at the terrible academic ability of those who framed the questions, or perhaps the extreme haste in which the questions were prepared. Consider this example from the model test paper:

- *Stop where repayment begins “, can be applied with respect to :*
  - A) *Minors only*
  - B) *An alien enemy only*
  - C) *Lunatics and idiots only*
  - D) *Any incapable person*

More questions:

- *When an Enactment is of such a nature that no separation is possible between inconsistent and consistent part?*
  - A) *Whole Act will be operative.*
  - B) *Whole Act will be inoperative.*
  - C) *The Act will neither be operative nor inoperative.*
  - D) *None of these.*
- *Judgment under Sec.2 (9) means*
  - A) *A decree formally expressed.*
  - B) *A decree informally expressed.*
  - C) *Statements of grounds of an order or decree.*
  - D) *The relief granted.*

- *In which of the following cases, Sec 10 will apply?*
  - A) *Where the earlier suits was for recovery of rent for a certain period and the subsequent suits is for recovery of rent for subsequent years and for ejectment.*
  - B) *'B' is a merchant residing in Delhi, and he has an agent, 'A' at Mumbai, to sell his goods in Mumbai. 'A' sues 'B' in Mumbai, claiming a balance due upon an account in respect of dealings between 'A' and 'B'. While this suits is pending in Mumbai, 'B' files a suits against 'A' in Delhi for an account and for damages caused by A's alleged negligence.*
  - C) *The previous suits is for mens profits and the subsequent suits is for title.*
  - D) *All of the above.*
- *Which Explanation to Sec 11 refers to cases in which a decision in a suit may operate as res judicata against persons not expressly named as parties to the suits.*
  - A) *Explanation II to Sec. 11.*
  - B) *Explanation III to Sec. 11.*
  - C) *Explanation IV to Sec. 11.*
  - D) *Explanation VI to Sec. 11.*
- *Which is not the main principle that underlines the law of Evidence?*
  - A) *Evidence must be confined to the matters In issue.*
  - B) *Hearsay Evidence must not be admitted.*
  - C) *Hearsay Evidence must not be admitted. (Please note that option b and c are exactly same)*
  - D) *The best Evidence must be given in all cases.*

There may be such questions even in the actual AIBE paper. There may be questions you can clearly see are wrong or incomplete. If a question is incomplete, try to understand which statute or which subject it refers to buy studying the questions

before or after it. In the mock test, questions from the same subject are clearly bunched together. This should give you some indication as to which statute it may refer to.

Mistakes in questions are definitely a possibility, given that even in past years, certain questions were wrong in AIBE. Again, just make educated guesses and move on. Even if you have no clue about the correct answer, you have an  $\frac{1}{4}$  chance of getting the right answer in terms of probability. If you mark a lot of questions randomly, you are most likely to get a certain percentage of them right. However, wasting time over a wrong question is just stupid.

## 11. Illustration based questions

A number of questions are based on illustrations provided along with various sections of a statute, such as Indian Contract Act or Indian Penal Code. Here is an instance from the model test paper:

- *When goods are displayed in a show-window bearing price-tags, it indicates:*
  - A) *An invitation to visit the show-room and see the new products launched*
  - B) *An offer to see goods at prices mentioned on the price tags*
  - C) *An advertisement to lure more customers*
  - D) *An invitation to make an offer*
- *'A', for natural love and affection, promises to give his son, 'B' Rs.1000/-. This is:*
  - A) *A valid contract and is enforceable*
  - B) *A void agreement for the want of seriousness of the parties*
  - C) *Not a contract due to non-fulfillment of the technical requirement of the relevant provision of Contract Act*
  - D) *A voidable contract at A's option*

**How should you tackle illustration-based questions?**

While these are easy to look up if you know the relevant section, we advise that you should thoroughly study the illustrations of certain bare acts such as:

- Indian Contract Act
- Indian Penal Code
- Indian Evidence Act
- Code of Criminal Procedure
- Civil Procedure Code

## **12. Questions which test general knowledge, or what is written in a particular act, or particular historical facts**

There are many such questions. Some of them can be answered by referring to a particular legislation. However, there is no way to predict or prepare for such questions in the short time left before the exam.

Consider this example from the model test paper:

- *Constitution is generally defined as?*
  - A) *Law of the land.*
  - B) *Fundamental law of the land.*
  - C) *Administrative law of the land.*
  - D) *Constitutional law of the land.*
  
- *Which of the following is not a pleader?*
  - A) *An Advocate.*
  - B) *A Vakil.*
  - C) *An Attorney of high court.*
  - D) *Recognized agent.*

Most of these questions are quite easy – and you may already know the answer. If you don't know the answer to such a question in the exam – do not waste your time. Try

to guess the answer as soon as possible and move on. There would be many other questions you can answer with certainty which will enable you to pass the exam.

## 13. Conceptual questions

There are no questions which provide a legal principle. However, there are some questions which test knowledge of concepts. If you already have a good knowledge of law, these should be quite easy for you. Consider this example from the model test paper:

- *Which of the following suits is not of a civil nature:*
  - A) *Suits relating to right to property.*
  - B) *Suits relating to right to worship/ to share in offerings.*
  - C) *Suits relating to taking out of religious procession.*
  - D) *Suits for recovery of voluntary payments or offerings.*
  
- *In which of the following cases, res judicata is not applicable?*
  - I. *A judgment against which an appeal has been filed.*
  - II. *Consent/ compromise decree.*
  - III. *Ex parte decree.*
  - IV. *An obiter dictum.*
  - V. *When the earlier decision is opposed to the provision of a statute.*
  - VI. *Public interest cases.*
  - VII. *A judgment obtained by fraud or collusion.*

*Codes:*

  - A) *I, II and III.*
  - B) *II, IV and VI.*
  - C) *I, II, IV, V, VI and VII.*
  - D) *II, III, IV, V, VI and VII.*
  
- *A is accused of a child's murder. The following facts are constructed in the case?*



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1. An hour before the murder, A went to the place of murder with the child.
2. Alone returned home.
3. A's cloth were found to be blood-stained.

*The Evidence which takes into account the above-mentioned facts is called?*

- A) *Direct Evidence.*
  - B) *Circumstantial Evidence.*
  - C) *Real Evidence.*
  - D) *Secondary Evidence.*
- *The nature of the Specific Relief Act is:*
    - A) *Remedial in nature.*
    - B) *Protective in nature.*
    - C) *A procedural law.*
    - D) *All of these.*
  - *The basis of Specific Relief Act is:*
    - A) *Law of equity*
    - B) *Common law*
    - C) *Roman law*
    - D) *All of the above.*

To tackle these questions confidently, brushing up your concepts will help – you can go through the old BCI - Rainmaker study material (available [here](#) and [here](#)). Revising from old class notes (if you still have them, and if they are conceptual) or visiting the [Punjab University law syllabus](#) or the [Lucknow University syllabus](#) to see faculty or law syllabus may also be helpful.

You could consider quickly reading through the textbooks written by authors such as Jhabvala ([see this Flipkart link for the titles](#)) (we suggest you purchase these from a

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local law bookstore). These books are very concise and discuss only the most important concepts.

Further, note that two out of the three conceptual questions above ask you about the ‘nature of the legislation’ – to find this out, you will only be required to go through the introductory chapter of the book, which discusses the background of the legislation.

To begin with, you need not study the concepts relevant for all the subjects that will be tested at once, but only for the 5-6 important subjects.