

## Tenth All India Bar Examination (AIBE) Solutions

(Mapped to Set C. Questions in all the sets were the same, but in a different sequence)

1. The objectives of the EU Directive on mediation is:
  - a. Reducing backlogs of cases at the courts in the member states
  - b. Dividing the cases between all the dispute resolution methods
  - c. Economical reasons in times of crisis, thus ensuring that mediators will have a better a proper income.
  - d. Ensuring better access to alternative dispute resolution in cross-border commercial conflicts.**

**Answer d**

2. Fulfilling the constitutional obligation under Article 300 A, the Land Acquisition Act, is the law providing for
  - a. Acquisition of land and taking over the possession of land
  - b. Assessment of compensation
  - c. Payment of compensation
  - d. All of the above**

**Answer d (From bare act)**

3. Minto- Morley reform is associated to which act?
  - a. Indian Councils Act 1912
  - b. Indian Councils Act 1856
  - c. Indian Councils Act 1908
  - d. Indian councils Act 1909**

**Answer d**

4. Vikramaditya vs. Smt. Jamila Khaton is an important case relating to professional misconduct due to which factor-
  - a. Advocate attending the court with the fire arms
  - b. Not appearing before the court deliberately and intentionally
  - c. Suppression of material facts with the intention to harass poor persons
  - d. Defrauding the client by exploiting the client's illiteracy**

**Answer d**

5. Where the complaint alleges a defect in the goods which cannot be determined without proper analysis or the test of the goods, the sample of the goods forwarded to appropriate laboratory for the laboratory test. Such types of cases finding report within \_\_\_\_\_ days
  - a. 30 days
  - b. 40 days
  - c. 45 days**
  - d. 60 days

**Answer c. (From Bare Act, Consumer Protection Act, 1986)**

6. Which section of the Indian evidence Act is based on English doctrine of Res Gestae
  - a. 5

- b. 6**
- c. 7
- d. 8

**Answer b**

7. The various words used to denote Mens Rea under the IPC and are defined in the code
- a. Voluntary, dishonestly, fraudulently & reason to believe**
  - b. Corruptly and want only
  - c. Malignantly and maliciously
  - d. Rashly and negligently

**Answer a**

8. Under section 25 of the Land Acquisition Act, the amount of compensation awarded by the court
- a. Shall not be less than the amount awarded by the collector under section II**
  - b. Shall not be equal to the amount awarded by the collector under section II
  - c. Shall not be more than the amount awarded by the collector under section II
  - d. All of the above

**Answer a ( From Bare Act)**

9. A Hindu's widow, if there are more than one, shall take
- a. One share
  - b. One share for all the widows
  - c. One share each of the maximum of two shares, if there are more than two widows
  - d. None of the above**

**Answer d**

10. In joint trial, the evidentiary value of confession of a co-accused affecting himself and others, has been discussed by the supreme court in
- a. Kashmira singh vs. State of MP**
  - b. State of up vs Deoman upadhyay
  - c. Ram bharse vs state of up
  - d. Rameshwar vs state of rajasthan

**Answer a**

11. Minimum number of members required n to apply for incorporation certificate in a public Ltd company is :
- a. 7**
  - b. 3
  - c. 2
  - d. 50

**Answer a (From Bare Act)**

12. Complaint means allegation in writing made by a complainant that
- a. An unfair trade practice or restrictive Trade practice has been adapted by any traders or service provider
  - b. The goods bought by him or agreed to be bought by him suffer from one or more defect

- c. A traders or the service provider as the case may be has charged for the goods or for the service mentioned in the complaint a price in excess of the price

**d. All of the above**

**Answer d**

13. In a written statement, the defendant can claim

- a. Set off  
b. Counter plain

**c. Both a & b**

- d. None of the above

**Answer d (From Bare Act- CPC)**

14. An appeal to the high court against the order of ITAT should be filled within

- a. 45 days when the order is communicated

**b. 60 days when the order is communicated**

- c. 90 days when the order is communicated

- d. 120 days when the order is communicated

**Answer b (Bare Act)**

15 When can the supreme court refuse to grant remedy under Article 32

- a. Delay

- b. Malicious petition

- c. Infructuous petition

**d. All of the above**

**Answer d**

16. In respect of the family relations the law applicable in India is

- a. Secular law in india

- b. Statutory law

- c. Religious law

**d. Personal laws of the parties**

**Answer d**

17. The term sabbatical is connected with

- a. Paid leave for study

- b. Paternity leave

**c. Maternity leave**

- d. Quarantine leave

**Answer c**

18. The undertaking contained in a promissory note, to pay a certain sum of money is

- a. Conditional

**b. Unconditional**

- c. Maybe conditional or unconditional depending upon the circumstances

- d. All of the above

**Answer b**

19. Section 112 of the Indian evidence act, provides that a child would be treated as legitimate/ after dissolution of marriage, he / she has been born within

- a. 180 days

- b. 270 days
- c. 280 days**
- d. 300 days

**Answer c**

20. Maintenance application under section 18(2) of HMA is filed in
- a. Matrimonial court
  - b. District court**
  - c. High court
  - d. Any of the above

**Answer b**

21. There is either theft or extortion. It is
- a. Robbery**
  - b. Dacoity
  - c. Criminal breach of trust
  - d. Receiving stolen property

**Answer a (From Bare Act)**

22. In most EU member countries, which of the following is the most visible form of ADR?
- a. Mediation
  - b. Arbitration**
  - c. Litigation
  - d. Conciliation

**Comment:** Unclear and ambiguous question, but as per a question in a training for mediation in EU, the answer is b. See the following link:

<http://www.emtpj.eu/2010/files/EMTPJ-questions-answers.pdf>

23. Which of the following is known as consumer disputes redressal agency?
- a. District forum
  - b. State commission
  - c. National commission
  - d. All of the above**

**Answer d**

24. The rule is that penal statutes must be construed
- a. Liberally
  - b. Strictly**
  - c. Golden rule
  - d. Mischiefous

**Answer b**

25. Indian computer emergency response team to serve as national agency for incident response is constituted under section
- a. 71 of IT act
  - b. 70 of IT act
  - c. 70(a) of IT act
  - d. 70(b) of IT act**

**Answer d**

26. In relation to relevancy of character in the civil cases, which of the following is not correct

- a. It is not at all relevant
- b. It is relevant when it affects award of damage
- c. When character is itself an issue
- d. When it appears from the fact otherwise relevant**

**Answer d**

27. The chief elements necessary to constitute a crime are

- a. A human being
- b. An evil intent
- c. Injury to another human being or society
- d. All of the above**

**Answer d**

28. Income which accrue or arise outside india but are directly received into India are taxable in case of

- a. Residents only
- b. Both ordinarily residents and non residents**
- c. non resident
- d. All the assesses

**Answer b** (From Bare Act)

29. The provisions relating to Abolition of untouchability is given in

- a. Article 23
- b. Article 24
- c. Article 17**
- d. Article 15

**Answer c**

30. Where a magistrate of the first class passes only a sentence of fine not exceeding Rs. 100, against this order where an appeal shall lie

- a. In the court of chief judicial magistrate
- b. In the court of chief metropolitan magistrate
- c. Both a and b**
- d. None of the above

**Answer c**

31. Government employees may refer their unresolved grievances and labor dispute to

- a. Internal labor department**
- b. Bureau of labor relations
- c. Public sector labor- management council
- d. Department of labor

**Answer a**

32. Who is an adolescent as per the factories act, 1948

- a. Who has completed 17 years
- b. Who is less than 18 years of age**

- c. Who is more than 15 years but less than 18 years of age
- d. None of these

**Answer b (From the Brae Act)**

33. 'A' does not fall under the clause of memorandum of association. 'A' here is :

- a. Subscription
- b. Director**
- c. Capital
- d. Situation

**Answer b** (Although the subscribers are deemed to be the first directors of the company, there is no clause in the MOA pertaining to directors. An MOA contains clauses pertaining to all the above)

34. PIL is criticised on the grounds of

- a. Private motive
- b. Political ends
- c. Tremendous increase in the litigation
- d. All of the above**

**Answer d**

35. To close down a factory the occupier has to give how many days notice to the authorities

- a. 30 days
- b. 60 days**
- c. 90 days
- d. 14 days

**Answer b**

36. The environment (protection) act, 1986 came into force on

- a. 18th November 1986
- b. 19th November 1986**
- c. 20th November 1986
- d. 21st November 1986

**Answer b**

37. What should be the difference of age under the Hindu Adoption and Maintenance act, 1956, if a female adopts male

- a. 21 years**
- b. 25 years
- c. 18 years
- d. 16 years

**Answer a**

38. "Dealer" includes a person who is engaged

- a. In building bodies for attachment to chassis; or
- b. In repair of motor vehicles; or
- c. In the business of hypothecation, leasing, or hire- purchase of motor vehicle
- d. All of the above**

**Answer d (From Bare Act)**

39. 'A' a surgeon, knowing that a particular operation is likely to cause death of 'Z', who suffers under painful complaint, but not intending to cause Z's death & intending in good faith performs that operation on Z with Z's consent. A has committed no offense, it is contained in

- a. **Section 88 of the IPC**
- b. Section 89 of the IPC
- c. Section 90 of the IPC
- d. Section 87 of the IPC

**Answer a (From Bare Act)**

40 Under section 115, in the exercise of its revisional jurisdiction, a high court can do which of the following things

- a. **To call for the record of any case which has been decided by any court, subordinate to the high court**
- b. To vary/ reverse any decree or order against which an appeal lies to the High court
- c. Both a & b
- d. None of the above

Answer a (From bare act)

41. A warrant of arrest may be extended

- a. To that place where the offender has committed the offence
- b. **At any place within India**
- c. To the place specified under the criminal procedure code
- d. None of the above

**Answer b (From Bare Act)**

42. Which is not included within the meaning of artistic work under Copyright Act

- a. Drawing
- b. Work of architecture
- c. Work of craftsmanship
- d. **Work of carpenter**

**Answer d (From the bare act )**

43. Which of the following statement is correct

- a. A confession made by an accused to the police officer is relevant
- b. A confession made by an accused in police custody to a magistrate is not relevant
- c. **A confession made by an accused in the police custody and discovery made from the information received from confession and discovery are relevant**
- d. None of the above is correct

**Answer c (From bare act)**

44. In which of the following cases a set off can be claimed?

- a. **'A' owes the partnership firm of 'B' &'C' Rs. 1000/-. B dies leaving C surviving. A sues C for a debt of Rs. 1500/- due in his separate character. C wants to set off the debt of Rs. 1000/-.**
- b. A sues B for Rs. 20,000/- B wants to set off the claim for damages for breach of contract for specific performance
- c. Both a & b

d. None of the above

**Answer a**

45. It refers to an authority derived from official character merely not expressly conferred upon the individual character, but rather annexed to official position

a. Designation

**b. Ex-officio**

c. Appointment

d. Ad interim

**Answer b**

46. Part III of Arbitration and Conciliation Act, 1996 formalizes:

**a. Process of conciliation**

b. Process of Arbitration

c. Enforcement of foreign awards under New York and Geneva Convention

d. All of the above

**Answer a (From Bare Act)**

47. The parties which cannot be compelled to perform specific performances of contract are provided in which section of Specific Relief Act -

a. 27

b. 28

c. 29

**d. 30**

**Answer d** (Refers to restoration, and not specific performance, on the basis of equity, where a contract is rescinded) (From Bare Act)

48. Which of the following sections deal with the provisions relating to maximum period for which an under trial prisoner can be detained

a. 436

**b. 436 a**

c. 437 a

d. 437

**Answer b (From the Bare Act)**

49. The right to equality before the law under Article 14, is subject to restrictions of

a. Public order and morality

**b. Reasonable classification**

c. Reasonable restriction

d. Reasonable situations

**Answer b**

50. Under section 114, a person can apply for review of judgment when :

a. he is aggrieved by a decree / order from which an appeal is allowed, but no appeal is allowed.

b. He is aggrieved by a decree / order from which no appeal is allowed

c. He is aggrieved by a decision on a reference from a court of small causes.

**d. all of the above**

**Answer d (From Bare Act)**



51. The Chairperson of Cyber Appellate Tribunal is appointed by the
- Central Government in consultation with the Chief Justice of India
  - State Government in consultation with the Chief Justice of the High Court
  - Central Government**
  - Central Government in consultation with Controller of Certifying Authority

**Answer c (From Bare Act)**

52. A case of a co - operative society the maximum amount on which income tax is not chargeable is
- 50,000
  - 30,000
  - 20,000
  - Nil**

**Answer d** (Income tax is chargeable at any level of income, i.e. there is no exemption.)

53. Pre - emption on the ground of Shafie - E-jar was declared unconstitutional in
- Bhau Ram Vs Baij Nath
  - Govind Dayal Vs Inayatullah**
  - Bhagawan Das Vs Chetram
  - Ram Saran Lall Vs Mst . Domini Kuer

**Answer b**

54. which case is leading case on arrest
- Joginder Kumar Vs State of UP
  - State of WB ys DK , Basu
  - Both a and b**
  - None of the above

**Answer c**

55. Filing with the court , to object owns or another 's imprisonment is called ?
- writ of Quo warranto
  - Habeas Corpus**
  - Writ of Prohibition
  - None of the above

**Answer b**

56. Under which Supreme Court judgment, action of the president to summon, prorogue and dissolve either of the houses of the parliament, shall be unconstitutional if acted without advice of Council of Ministers-
- Indira Gandhi Vs. Raj Narain AIR . 1975 s.c. 2299
  - Anandan vs. Chief Secretary , A.I. R. 1966 s.c 657**
  - Rao vs. Indira Gandhi A.I.R. 1971 S.C 1002
  - None of the above

**Answer b**

57. What is the Special Constitutional Position of - Jammu and Kashmir ?
- It is above Indian constitution
  - Indian laws are not applicable
  - It has its own constitution**
  - It is not of the integral parts of Indian Union

**Answer c**

58. To make the criminal harmless by supplying him those things which he lacks and to cure him of those drawbacks which made him to commit crime is known as

- a. Expiatory or penance theory of punishment
- b. Deterrent theory or preventive theory of punishment
- c. Reformatory or rehabilitative or corrective theory of punishment**
- d. Retributive theory of punishment

**Answer c**

59. The distinction between Sections 299 and 300 was made clear by Melville J. , in

- a. Reg Vs Guruchand Gope
- b. Reg Vs Govinda**
- c. Reg Vs Hayward
- d. Govind Vs Reg

Answer b

60. Which of the following cases the Supreme Court of India opined that " bail is the surety and jail is an exception :

- a. Joginder Kumar Vs State of U.P.
- b. Moti Ram Vs State of MP
- c. Maneka Gandhi Vs Union of India
- d. State of w.B. Vs D.K. Basu**

**Answer d**

61. Which of the following heirs is not class 1 heir under the Hindu Succession Act , 1956

- a. Son
- b. widow
- c. Father**
- d. Mother

**Answer c**

62. According to Republic Act No. 6770 these powers is not provided to office of Ombudsman

- a. Prosecutory power
- b. function to adopt , institute and implement preventive measures**
- c. Public assistant functions
- d. None of the above

**Answer:** Unclear

63. Who is responsible for payment to a person employed by him in a factory under the Payment of Wages Act , 1936

- a. Accounts manager
- b. HR manager
- c. Floor manager**
- d. Owner

**Answer c** (The Payment of Wages Act refers to the 'manager', of the factory, so we are identifying the floor manager as the most appropriate answer.)

64. Natural guardian of an adopted son under Hindu Minority & Guardianship Act , 1956 is

- a. Original father
- b. In the absence of ( a ) , original mother
- c. Adoptive father**
- d. None of the above

Answer c

65.The concept of " plea bargaining " is not applicable to the offence committed against

- a. A women
- b. A child
- c. Both a and b**
- d. None of the above

Answer c

66. Under which Section of CrPC the Assistant Public Prosecutor is appointed

- a. 13
- b. 20
- c. 24**
- d. 25

Answer c

67. In which section of the Hindu Succession 1956 the Law of Mitakshara has been incorporated

- a. section 8
- b. Section 7
- c. Section 9
- d. Section 6**

Answer d

68.Who are the partners in a bill of exchange

- a. Drawer & Drawee**
- b. Payee
- c. Both a and b
- d. None of the above

Answer a

69. A perpetual injunction can only be granted by the decree at the hearing and upon the -

- a. Demand of the party
- b. Discretion of the court
- c. Merit of the suit**
- d. None of the above

Answer c (Section 39, Specific Relief Act)

70. Under which section of CPC, option for settlement of dispute is provided outside the court?

- a. 80 ( 1 )
- b. 89 ( 2 )
- c. 89 ( 1 )**

d. 80 ( 2 )

**Answer c**

71. 'A' , resides at Shimla , 'B' at Kolkata and 'C' at Delhi. A , B & C being together at Banaras. B & make a joint promissory note, payable on demand and delivered to A. A may sue B & C

- a. At Banaras , where the cause of action arose
- b. At Kolkata where B resides .
- c. At Delhi where C resides .
- d. All of the above**

**Answer d**

72. In which case did the Supreme Court held that misconduct envisages breach of discipline

- a. P.D. Gupta vs. Ram Murti
- b. Noretanmal Chaurasia Vs. M.R Murli**
- c. PJ Ratnam vs. D. Kanikaram
- d. none of the above

Answer b

73. which is the leading case on environment

- a. M.C. Mehta Vs Union of India Union of India**
- b. Union of India Vs H.S. Dhillon
- c. Maneka Gandhi Vs Union of India
- d. None of the above

**Answer a**

74. In the Government of India Act 1935 , which subjects are included in the concurrent list ?

- a. Marriage
- b. Divorce & Arbitration
- c. Criminal Law & Procedure
- d. All of the above**

**Answer d**

75. A contract of 'indemnity' under the Indian Contract Act , 1872 , has been defined in Section:

- a. 124**
- b. 123
- c. 125
- d. 126 ( a )

**Answer a**

76. Liability of drawer to compensate the drawee in case of dishonor is primarily provided under-

- a. Section 29 ( a )
- b. Section 29
- c. Section 30**
- d. Section 31

**Answer c**

77. Which of the following case is leading case in term of 'deliberate delay in filing of the suit resulting in huge losses to the complainant-

- a. Prof. Krishanraj Goswami Vs Vishwanath D. Mukashikar
- b. Pratap Narayan vs. Y , P. Raheja**
- c. Babulal Jain Vs. Subhash Jain
- d. John D' souza Vs Edward Ani

**Answer b**

78. The which of the following cases , it was said that "unless a right of appeal is clearly given by statute it does not exist"

- a. M / s . Ram Narayan Pvt . Ltd. Vs Trading corporation Ltd. A.I.R 1983 S.C. 786**
- b. Raja Himanshu Dhar Singh Vs Addl . Registrar AIR 1962 ALL , 439
- c. Zair Hussain Khan Vs Khurshed Iain ( 1906 ) LL.R 28 ALL 545
- d. Smt . Gangabai Vs Vijaya Kumar , A.I.R 1974 , 5.C statue it does not exist " : corporation Ltd. A.LR 1983 S.C. 786 A.I.R 1962 ALL , 1126

**Answer a**

79. A reference can be made during the pendency :

- a. The subordinate court refers the case to the high court for the latter 's opinion on question of law**
- b. The subordinate court refers the case to the high court for the latter 's opinion on question of evidence
- c. The subordinate court refers the case to the high court for the latter 's opinion on question of fact
- d. The subordinate court refers the case to the high court for the latter 's opinion on question of court procedure

**Answer a**

80. The theoretical powers to amend the constitution.has been given to the Members of Parliament and State Legislatures by

- a. Article 358
- b. Article 368**
- c. Article 378
- d. No such powers

**Answer b**

81.Under Section 18 of the Indian Evidence Act, the admission of which of the following person is not admissible against the other

- a. One of the plaintiffs
- b. One of the defendants
- c. Agents of the parties**
- d. Statement of the third party

**Answer c.**

82. A sells a field to B. There is a right of way over the field of which A has direct personal knowledge but which he conceals from B.

- a. B has the right to rescind the contract**
- b. B cannot rescind the contract

- c. A has the right to rescind the contract
- d. A is not legally liable

**Answer b**

83. This section was enacted to meet the cases of dowry deaths. It is

- a. Section 366A of IPC
- b. Section 477A of IPC
- c. Section 498A of IPC**
- d. Section 489A of IPC

**Answer c.**

84. What is the maximum number of witness which can be produced in a case

- a. 5
- b. 10
- c. 15
- d. No limit**

**Answer d**

85. Under O. 33, an indigent is allowed to prosecute any suit, provided he satisfied certain conditions, which of the following is not such a condition?

- a. He is not possessed of sufficient means to enable him to pay the fees prescribed for plaint in such suit
- b. He is not entitled to property worth Rs.1000,**
- c. He has no sufficient means for his livelihood
- d. He may present the application for permission to sue as an indigent either himself or the an authorized agent

**Answer b**

86. A decree can be transferred for execution to another court :

- a. if the judgment debtor actually and voluntarily resides or carries on business or personal works for gain, within the local limits of jurisdiction of such court
- b. if the judgment debtor has property sufficient to satisfy the decree within the limits of that court .**
- c. If the decree directs the sale or delivery of immovable property situated outside the local limits of jurisdiction of the court which passed it .
- d. All of the above .

**Answer b**

87. Motor Vehicles Act 1939, came into force in ?

- a. 1939
- b. 1940**
- c. 1941
- d. 1942

**Answer b**

88. Recently, in which case the Kerala High Court held that a University Grant Commission criterion which allowed certain relaxation, marks to reserved categories as violation Article 16 (1) of the Constitution

- a. Nair Service Society Vs UGC ; WP ( C ) No.529 of 2016 ( W )
- b. CBSE Vs UGC ; WP ( C ) No. 5190 of 2016 ( W )**

- c. UGC Vs State Of Kerala; W.P( C ) No. 5190 2016 ( W ) 2016 ( W )
- d. UGC Vs Secretary of State; W.P( C ) No.5195 2016(W)**

**Answer d**

89. Which of the following sections enables the court to cancel the bond and bail bond

- a. 446(a)**
- b. 446
- c. 448
- d. 450

**Answer a**

90. which of the following belong to the category of direct tax

- a. Goods and Services Tax
- b. Excise duty and customs duty
- c. Income tax and gift tax**
- d. All of the above

**Answer c**

91. When a bill is passed by the Parliament and the President, what is the status of the same?

- a. Bill approved
- b. Law**
- c. Bill exercised for administration
- d. Government procedures

**Answer b**

92.The maxim . ' audi alterm partem ' denotes

- a. No one shall be judge of his own cause
- b. no one shall be condemned unheard**
- c. Rights are better than duties
- d. None of the above

**Answer b**

93.Which of the following Section deals with search warrant

- a. 93**
- b. 94
- c. 95
- d. 96

Answer a

94. A contract can be specifically enforced

- a. Where compensation is adequate relief for the non performance of the contract
- b. where the contract by its nature is determinable**
- c. where it involves the performance of continuous duty which the court cannot supervise
- d. None of the above

**Answer b**

95. Which condition is not required to be satisfied by an invention to be patentable subject matter under Patent Act

- a. Novelty
- b. Inventive steps**
- c. Distinctiveness
- d. Usefulness

**Answer b**

96. Which writ is issued by the court to quash the wrongful order of a lower court

- a. Mandamus
- b. Quo warranto
- c. Prohibition
- d. Certiorari**

**Answer d**

97. A person cannot be a next friend, a guardian of person if :

- a. He is a minor**
- b. He is an opposite party in the suit
- c. He has not given consent in writing
- d. All of the above

**Answer a**

98. Pakala Narayan Swami Vs Emperor is a leading case on

- a. Dying Declaration
- b. Confession**
- c. accomplice
- d. Expert witness

**Answer b**

99. Any person aggrieved by an order made by the Disciplinary Committee of the Bar Council of India U / s 36 or 37 of the Advocates Act , may prefer an appeal to the

- a. High Court
- b. Supreme Court**
- c. State Government
- d. Central Government

**Answer b (From Bare Act)**

100. The provisions relating to compoundable Offence is provided under Section

- a. 319
- b. 320**
- c. 265(d)
- d. 321

**Answer b (From Bare Act)**