

Note- Answer is highlighted

The Arbitration & Conciliation Act, 1996

1. In a case relating to arbitration, the arbitral award was remitted under section 16 of the Arbitration Act, 1940. The date of award was 1st June, 1992. The Arbitration and Conciliation Act came into force on 22 August, 1996. The validity of award can be challenged under the
 - A. Limitation Act, 1963
 - B. General Clauses Act, 1897
 - C. Arbitration Act, 1940**
 - D. Arbitration and Conciliation Act, 1996 only.

2. Which of the following model law was used by the Indian Arbitration and conciliation Act 1996?
 - A. Constitution of India
 - B. Guidelines of Supreme Court of India
 - C. European Commercial Arbitration Procedure
 - D. UNCITRAL, 1985.**

3. Which among the following is the main objective of the Arbitration Act, 1996?
 - A. To comprehensively cover international commercial arbitration
 - B. To ensure that arbitral tribunal within the limits of court's jurisdiction
 - C. To minimize the supervisory role of courts in the arbitral process**
 - D. none of the above

4. The power of court to refer parties for arbitration would and must necessarily include, imply and inhere in it
 - A. the power and jurisdiction to advise the parties
 - B. the power and jurisdiction to review the award
 - C. the power and jurisdiction to appoint the arbitrator**
 - D. the power and jurisdiction to call for another arbitrator.

5. Part I of the Arbitration and Conciliation Act, 1996 applies where
 - A. the place of arbitration is in India**
 - B. the place of arbitration is outside India, but is in Asia
 - C. the place of arbitration is outside India, but is in Europe
 - D. the place of arbitration is anywhere in the world.

6. An arbitral award made under Part I of the Arbitration and Conciliation Act, 1996 shall be considered as a
 - A. domestic award**
 - B. foreign award
 - C. general award
 - D. international award.

7. In the matters governed by Part I of the Arbitration and Conciliation Act, 1996
 - A. a judicial authority can intervene generally
 - B. a judicial authority shall not intervene under any circumstances
 - C. a judicial authority cannot intervene except where so provided in this Part**
 - D. either (a) or (c).

8. Arbitral proceedings commence
 - A. on the date on which a request for a dispute to be referred to arbitration is received by the respondent**
 - B. on the date when the respondent gives consent to the appointment of the arbitrator
 - C. on the date when the arbitrator issues notice of the parties

- D. on the date when the statement of claim and written submission of defence is made.
9. The provisions of 1996 Act have to be interpreted being uninfluenced by principles underlying under 1940 Act. This observation was laid down in:
- M.M.T.C. Ltd. v. Sterlite Industries (India) Ltd, AIR 1997 SC 605
 - Sundamm Finace Ltd. v. N.E.P.C. India Ltd., AIR 1999 SC 565.**
 - Olympus Super Structures Pvt. Ltd. v. Meemz Vijay Khetan, AIR 1999 SC 2102.
 - Orma Impex Pvt. Ltd. v. Nissuri Arb. Pte. Ltd., AIR 1999 SC 2871.
10. The validity of an arbitration agree-ment does not depend on the number of arbitrators specified therein, as the Act does not suggest the requirement of the number of arbitrators for an arbitration agreement': this was laid down in:
- Orma Impex Pvt. Ltd. v. Nissuri Arb. Pte Ltd., AIR 1999 SC 2871
 - Olympus Super Structures Pvt. Ltd. v. Meena Vijay Khetan, AIR 1999 SC 2102
 - M.M.T.C. Ltd. v. Sterlite Industris (India) Ltd., AIR 1997 SC 605**
 - none of the above.
11. An arbitrator:
- is chosen and paid by the disputant
 - acts in accordance with privately chosen procedure so far as that is not repugnant to public policy
 - only (a) is correct
 - both (a) and (b) are correct.**
12. An arbitral award:
- must be connected with the subject-matter of the dispute arbitrated
 - must be founded on principle of trust
 - both (a) and (b) are correct
 - only (a) is correct**
13. An arbitral award
- has to be in writing but need not be signed
 - has to be in writing and signed by the members of the arbitral tribunal**
 - may be oral
 - either (a) or (b) or (c).
14. An arbitral award
- must state the reasons upon which it is based**
 - must state the reasons upon which it is based only when the parties have agreed for the same
 - need not state the reason upon which it is based
 - may state or may not state the reasons upon which it is based as per discretion of the members of the arbitral tribunal.
15. After the arbitral award is made, each party shall be delivered
- the original award
 - a signed copy of the award**
 - a photocopy of the award
 - an unsigned copy of the award.
16. A sum directed to be paid by an arbitral award shall carry interest
- @ 6% per annum from the date of the award till the date of payment
 - @ 12% per annum from the date of the award till the date of payment
 - 18% per annum from the date of the award till the date of payment**
 - 24 % per annum from the date of the award till the date of payment.
17. . Finality to arbitral awards within meaning of section 35 of the Arbitration and Conciliation Act, 1996 shall
- not be binding on parties

- B. be binding on government authority
- C. be binding on first party only
- D. be binding on the parties and person claiming under them respectively.**

18. . An arbitral award shall be enforced in the same manner as if it were a decree of
- A. local authority
 - B. the court
 - C. the tribunal**
 - D. both (b) and (c).
19. An arbitral award becomes enforceable when
- A. the time for making an application for setting aside the arbitral award has expired and no such application has been made
 - B. an application for setting aside the arbitral award has been refused
 - C. either (a) or (b)**
 - D. neither (a) nor (b).
20. Which of the following is the correct statement
- A. an arbitral award can be set aside if it is contrary to the substantive provisions of the Act or against the terms of the contract
 - B. an arbitral award can be set aside if the arbitral tribunal has not followed the mandatory procedure prescribed under the Act
 - C. an arbitral award can be set aside if it is contrary to fundamental policy of Indian law, or the interest of India, or justice or morality
 - D. all of the above.**

CIVIL PROCEDURE CODE

1. Which of the following deals with the time for inspection when notice given in the Code of Civil Procedure?
 - A. Order 16, Rule 12
 - B. Order 4, Rule 13
 - C. Order 6, Rule 10
 - D. **Order 11, Rule 17**

2. Which of the following deals with the statement and production of evidence in the Code of Civil Procedure?
 - A. Order 12, Rule 5
 - B. Order 14, Rule 20
 - C. **Order 18, Rule 2**
 - D. Order 11, Rule 7

3. Which of the following deals with the right to challenge non-appealable orders in appeal against decrees in the Code of Civil Procedure?
 - A. **Order 43, Rule 1A**
 - B. Order 31, Rule 9
 - C. Order 22, Rule 18
 - D. Order 9, Rule 10

4. In order for that a decision in a former suit may operate as res judicata, the court which may decide that suit must have been?
 - I. A civil court of competent jurisdiction
 - II. A court of exclusive jurisdiction
 - III. A court of concurrent jurisdiction 'competent to try the subsequent suit'
 - IV A court of limited jurisdiction competent to try the issue raised in the subsequent suit
 - A. Either I or III
 - B. Either II or III
 - C. Either III or IV
 - D. **All of these**

5. In transaction for transfer or delivery of the property attached, where the contract is executed and registered before attachment, the mischief of sub-s (1) shall not apply. However in which of the following situation it applies?
 - A. Where the property is transferred and registered after attachment
 - B. Where the property is transferred before attachment but registration takes place after the attachment
 - C. Both (A) and (B)**
 - D. None of these

6. The court to amend a decree is the court that passed it. Where an appeal is preferred from a decree of a court of first instance the Appellate Court may:
 - A. Dismiss the appeal under O. 41, r 11(1), without issuing any notice to the respondents
 - B. Confirm, reverse or vary the decree of the court of first instance (O. 41, r 32)
 - C. Either (A) or (B)**
 - D. None of these

7. Which of the following tests are to be applied in cases where the plea of bar of the suit under O. 2, r 2 is raised?
 - A. Whether the cause of action in the previous suit and that in the subsequent suit are identical

B. Whether the relief claimed in the subsequent suit could have been given in the previous suit on the basis of the pleadings filed in that suit

C. Whether the plaintiff omitted to sue for a particular relief on the cause of action which had been disclosed in the previous suit

D. All of these

8. An order under O. 33, r 11 directing the pauper plaintiff to pay the Court-fees can only be made in which of the following cases?

I. Where the plaintiff fails in the suit

II. Where the plaintiff is dispaupered under r 9

III. Where the suit is withdrawn

IV. Where the suit is dismissed under the circumstances specified in cl. (a) or cl. (b)

A. I, III, IV

B. II, IV

C. III, IV

D. All of these

9. The words 'it appears to the Central Government' which is the consenting authority, makes it clear that:

A. The decision granting the consent is open to question by the court

B. The decision granting the consent is final

C. Either (A) or (B)

D. None of these

10. The word 'resides' used in s. 19 of the Code of Civil Procedure means:

A. Natural persons

B. Companies

C. Tort

D. None of these

11. A sues B for a declaration of title to land and obtains a decree. A then sues C for possession. C contends that B is owner and that he is in possession as B's tenant.

A. The defence is not barred

B. The defence is barred

C. Either (A) or (B)

D. None of these

12. A decree in a suit against certain members of a sect alleged to be wrongdoers in their individual capacity cannot operate as res judicata in a subsequent suit against the other members of the sect. The wrong complained of in the former suit was that the defendants carried an idol in procession through certain streets and that such processions were in violation of plaintiff's rights.

A. The suit was against the defendants in their individual capacity, and not as representing the sect to which they belonged

B. The suit was not as representing the sect to which the defendants belonged

C. Both (A) and (B)

D. None of these

13. A sues B to recover one of two properties left by C, on the ground that he and not B is his heir. Thereafter, he applies to amend his plaint for including the second property left out in the plaint as originally filed. B opposes the application for amendment which is disallowed by the court. A suit by A against B to recover the second property as heir of C would be barred under rule 2:

A. On the ground that A is to be taken to have omitted to sue for it in the first suit

B. He made an attempt to include it in that suit which was foiled by the opposition of B

C. Both (A) and (B)

D. None of these

14. Where certain properties have been ordered to be partitioned by a decree in an earlier suit, but possession has not yet been delivered and is not argued that the earlier decree had become unenforceable:

A. A fresh suit can be brought for partition of those properties on the ground that the earlier decree has not been enforced

B. A fresh suit cannot be brought for partition of those properties on the ground that the earlier decree has not been enforced

C. Either (A) or (B)

D. None of these

15. X sues A and B on a promissory note executed by A, B is A's nephew, and he is joined as a defendant on the ground that A and B are member of a joint Hindu family, and that the note was for a debt binding on the family. None of the defendant appears at the hearing and an ex parte decree is passed against both the defendants.

The decree against A proceeds on the ground that the note was passed by him and against B on the ground that the debt was incurred for a family purpose. B applies for an order to set aside the decree, alleging that the summons was not served upon him and that the debt in respect of which the note was passed by A was not incurred for a family purpose. It is not disputed that the amount was actually advanced to A.

A. The decree against A must be set aside

B. The decree against B must be set aside

C. Both (A) and (B)

D. None of these

16. A sues B for recovery of possession of certain immovable property. The defence is that B is the full owner of the property. Pending the suit, B is adjudged insolvent and his estate vests in the official assignee. Because the order of adjudication operates:

A. As a statutory transfer of the interest of the insolvent in the subject-matter of the suit to the official assignee

B. As a non-statutory transfer of the interest of the insolvent in the subject-matter of the suit to the official assignee

C. Either (A) or (B)

D. None of these

17. Bar to further suit is dealt under which of the following in the Code of Civil Procedure?

A. Section 11

B. Section 16

C. Section 13

D. Section 12

18. Which of the following deals with the transfer of decree in the Code of Civil Procedure?

A. Section 41

B. Section 36

C. Section 39

D. Section 52

19. Which of the following has been repealed by s. 7 of the Code of Civil Procedure (Amendment) Act 66 of 1956 in the Code of Civil Procedure?

I. Section 68

II. Section 69

III. Section 70

IV. Section 71

V. Section 72

A. I, III, IV

B. II, III, V

C. III, IV, V

D. All of them

20. No order under section 47 to be refused or modified unless decision of the case is prejudicially affected under which of the following in the Code of Civil Procedure?

- A. Section 90A
 B. Section 95A
 C. **Section 99A**
 D. Section 101B

Indian Constitution

1. In which of the following cases the Supreme Court had ruled that the Parliament cannot amend the fundamental rights?

- a. Kesavanand Bharati Vs. State of Kerala b. Minerva Mills' Vs. Union of India
 c. **Golaknath Vs State of Punjab** d. Maneka Gandhi Vs. Union of India

2. Which of the following is/are implied fundamental rights as interpreted by the Supreme Court?

1. Right to information 2. Right to education 3. Freedom of Press 4. Right to dignified existence

Choose the correct answer from the codes

- a. 1, 2 and 3 only b. 2, 3 and 4 only c. **1, 3 and 4 only** d. 1, 2, 3 and 4

3. Which one of the following is the meaning of 'to be informed'?

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

4. The Fundamental Rights and Directive Principles of State Policy are complementary to each other. It is not necessary to sacrifice either of them for the sake of the other." This statement can be traced to

- a. Maneka Gandhi case b. **Minerva Mills case** c. Golaknath case d. Kesavananda Bharati case

5. Which one of the following constitutional Amendment Act accorded primacy to some of the Directive Principles of State Policy?

- a. 24th CA Act b. **25th CA Act** c. 42nd CA Act d. 44th CA Act

6. The power of the judiciary to entertain petitions for Public Interest Litigation can be traced to

- a. Rule of Law b. Due process of law c. Procedure established by law d. **Writ jurisdiction**

7. Which one of the following is the proper authority to effect deprivation of some of the fundamental rights of the Armed Forces?

- a. **Parliament of India** b. President of India c. Defence Minister d. Council of Ministers

8. The Fundamental Rights granted by the Indian Constitution are called "Fundamental" because

1. They are superior to ordinary laws
 2. They can be altered only through an amendment to the Constitution
 3. They are available to all person residing in India
 4. They are vital for the development of individual's personality

Choose the correct answer from the codes.

- a. 1 and 2 only b. 1,2 and 3 only c. 2 and 4 only d. **1, 2 and 4 only**

9. Which one of the following constitutes limitation upon the concept of 'Judicial Review' in India?

- a. Rule of Law
 b. Due Process
 c. **Procedure established by law**
 d. Equal protection of law

10. Which one of the following is constitutionally empowered to impose restrictions on the Fundamental rights enjoyed by the citizens?

- a. Supreme Court of India b. President of India c. **Parliament** d. Council of Ministers

11. What is correctly meant by the expression 'State' as defined under the Indian Constitution?

- a. The units of the Indian federation b. The government and Parliament of India
 c. The government and legislature of each of the States
 d. **The government and Parliament and the government and legislature of each of the States and all local and other authorities within the territory of India**

12. The principle of 'Harmonious Construction' propounded by the Supreme Court is concerned with the

- a. Relationship between the Union and States b. President and the Council of Ministers
 c. Interpretation of the provisions of the Constitution
 d. **Relationship between the Fundamental Rights and the Directive Principle**

13. On which of the following grounds of National Emergency there is automatic suspension of Right to Freedom (Article 19)?

1. Armed rebellion 2. War 3. External aggression

Choose the correct answer from the codes:

- a. 1 and 2 only b. 1 and 3 only c. **2 and 3 only** d. 1, 2 and 3

14. The "Doctrine of Eclipse" is relevant in cases of violations of

1. Fundamental Rights by pre-constitutional laws 2. Fundamental Rights by post-constitutional laws
 3. Judicial Review

Choose the correct answer from the codes:

- a. **1 and 2 only** b. 1 and 3 only c. 2 and 3 only d. 1, 2 and 3

15. In which of the following cases the Supreme Court of India had discovered the 'Due Process' found in the American Constitution?

- a. Minerva Mills Vs. Union of India b. Keshavananda Bharati Vs. State of Kerala
 c. **Maneka Gandhi Vs. Union of India** d. Golak Nath Vs. State of Punjab

16. Article 14 of the Indian Constitution speaks about 'Equal Protection of the law' which means

- a. all are equal in the eyes of law b. law shall treat all equally
 c. **equality of treatment within a class** d. equal application of rule of law for all

17. The concept of 'Judicial Review' in the Indian Constitution can be traced to

- a. Rule of Law b. Procedure established by law
 c. Precedents and conventions d. **Writ jurisdiction of courts**

18. Which of the following statements are correct regarding Article 22 of the Indian Constitution?

1. The fundamental right conferred by Article 22 protects persons against arrest and detention in certain cases
 2. This fundamental right is guaranteed both to citizens and non-citizens
 3. The rights guaranteed under this provision are applicable to those arrested or detained under laws providing for preventive detention
 4. The rights guaranteed under this provision are not applicable to enemy aliens

Choose the correct response from the codes:

- a. 1, 2 and 3 only b. 2 and 4 only c. **1, 2 and 4 only** d. 1 and 2 only

19. In which of the following the principle of "locus standi" applies?

- a. Writ of Habeas Corpus b. Public Interest Litigation
c. Writ of Quo Warranto d. **Writ of Certiorari**

20. Which Fundamental Right makes the Supreme Court the guardian of the fundamental Rights?

- a. Right to freedom b. Right to life and liberty
c. **Right to constitutional remedies** d. Right to equality

Indian Evidence Act

1. Generally dying declarations are admissible as evidence under-

- A. Section 20 of the Indian Evidence Act, 1872
B. Section 25 of the Indian Evidence Act, 1872
C. **Section 32 of the Indian Evidence Act, 1872**
D. Section 35 of the Indian Evidence Act, 1872

2. Which of the following statements hold true for dying declarations?

- A. Dying declarations cannot be used as a sole basis of conviction
B. Dying declarations unless corroborated cannot be used as sole basis of conviction
C. Dying declaration which is brief must be discarded
D. **When eyewitness affirms that the deceased was not in a fit state to make the declaration, medical opinion cannot prevail**

3. In which of the following cases the evidence given by the witness will NOT be relevant under section 33 of the Indian Evidence Act, 1872?

- A. **When the witness is staying abroad**
B. When the witness is dead
C. When witness cannot be found
D. When the witness is in coma

4. **Accused wants to submit a document for consideration under section 35 of the Indian Evidence Act, 1872. In which of the following cases will the document become irrelevant?**

- A. It does not deal with a fact in issue
B. It does not deal with a relevant fact
C. **It is not an entry made in public or other official book, register or record**
D. It is not an entry made by public servant

5. **A party wants to set aside a judgement under section 44 of the Indian Evidence Act, 1872. In which of the following circumstances can he do so?**

- A. **In case the judgement was passed by a superior Court**
B. In case the person challenging is a stranger to the proceedings
C. In case the judgement was a result of gross negligence
D. All of these

6. **According to section 61 of the Indian Evidence Act, 1872 –**

- A. The contents of documents must be proved by primary evidence
B. The contents of documents must be proved by secondary evidence
C. The contents of documents must be proved by both primary and secondary evidence
D. **The contents of documents must be proved either by primary or secondary evidence**

7. Definition of secondary evidence has been given under _____ of the Indian Evidence Act, 1872?

- A. Section 61
- B. Section 62
- C. Section 63**
- D. Section 64

8. B, an accused wants to submit carbon copy of the suicide note as secondary evidence. The original is with the opposite party and he has failed to produce the same. The suicide was not within the knowledge of the accused prior to the receipt of carbon copy. Which of the following statements will hold true for the case?

- A. The evidence cannot be admitted due to applicability of section 30 of the Indian Evidence Act
- B. The evidence cannot be admitted because it fails to satisfy the requirements of section 64 of the Indian Evidence Act, 1872
- C. The evidence cannot be admitted because it fails to satisfy the requirements of section 65 of the Indian Evidence Act, 1872
- D. The evidence can be admitted as it satisfies the requirements of both section 64 and section 65 of the Indian Evidence Act, 1872**

9. According to section 65 of the Indian Evidence Act, 1872 the secondary evidence can be admitted in _____ exceptional cases.

- A. Three
- B. Five
- C. Seven**
- D. Nine

10. Which of the following sections of the Indian Evidence Act, 1872 gives provisions regarding proof as to electronic signatures?

- A. Section 67
- B. Section 67A**
- C. Section 67B
- D. Section 67C

11. Which of the following section of the Indian Evidence Act deals with proof of other official documents?

- A. Section 78**
- B. Section 82
- C. Section 71
- D. Section 74

12. Which of the following section of the Indian Evidence Act, 1872 has been amended by the Criminal Law (Amendment) Act, 2013?

- A. Section 32
- B. Section 55
- C. Section 119**
- D. Section 124

13. Which of the following statements hold true for section 154 of the Indian Evidence Act, 1872?

- A. The Court is bound to give leave if the requirements are met
- B. The witness must be declared hostile before making a plea under this section
- C. The Court can give the leave under this section suo motu**
- D. All of these

14. Which of the following questions is proper under section 148 of the Indian Evidence Act, 1872?

- A. If the imputation refers to matters remote in time

B. If the imputation refers to such matters that its truth does not affect the credibility of the witness

C. If they are of such nature that the truth of the imputations touches the credibility of the witness

D. If there is great disproportion between the importance of the imputation and the importance of the evidence

15. During the cross examination of the witness as to previous statements made before the police almost all contradictions or omissions were brought on record, which were portions from the statements made before the police that were not deposed before the court. Which of the following statements will apply to the case?

A. The credibility of the witness has been impeached under section 148 of the Indian Evidence Act, 1872

B. The credibility of the witness has been impeached under section 145 of the Indian Evidence Act, 1872

C. The credibility of the witness has not been impeached because the contradictions were not as contemplated under section 145 of the Indian Evidence Act, 1872

D. The credibility of the witness has not been impeached because the protection under section 154 of the Indian Evidence Act, 1872 will apply

16. A person summoned to produce a document-

A. Does not become a witness in the case unless he is called as a witness

B. Automatically becomes a witness in the case

C. Automatically becomes an hostile witness in the case

D. Can be cross examined without being called as a witness

17. Which of the following statements hold true for examination in chief of a witness?

A. The leading questions can be used

B. It must only relate to relevant facts

C. It must only relate to the fact in question

D. All of these

18. _____ section of the Indian Evidence Act, 1872 was inserted by the Criminal law (Amendment) Act, 2013.

A. Section 53

B. Section 53 A

C. Section 119

D. Section 119A

19. An admission is NOT relevant in a civil case if it is-

A. Relevant otherwise than as an admission

B. Proceeding from a person in authority

C. Made under circumstances from which the court can infer that the parties agreed together that evidence of it should not be given

D. Made by a pleader, attorney or a vakil

20. Opinions of an expert expressed in a book commonly offered for sale CANNOT be proved by the production of such book-

A. If the author is dead

B. If the author cannot be found

C. If the author has become incapable of giving evidence

D. If the author has gone abroad on vacation

Indian Railway Act

01. In an application before claims tribunal for compensation for loss, destruction, damage, deterioration or non-delivery of goods, the burden of proving the monetary loss actually sustained shall lie on:

- [a] Consigner
- [b] Consignee
- [c] Endorsee
- [d] Person claiming compensation.**

02. Which of the following is not dependent as defined under Sec. 123 of the Act:

- [a] Unmarried sister
- [b] Widowed sister
- [c] Widowed daughter-in-law
- [d] Widowed mother-in-law.**

03. Who are dependents as per Sec. 123 of Act:

- [a] Son's son
- [b] Daughter's daughter
- [c] Daughter's son
- [d] Description not sufficient .**

04. Central Govt. have the power to make rules with respect to compensation payable for death as well as injuries under the Sec.

- [a] 129**
- [b] 128
- [c] 127
- [d] 126

05. A railway servant where employment is essentially intermittent shall not be employed for more than _____ hours in a week.

- [a] 72
- [b] 75**
- [c] 76
- [d] 78

06. A railway servant whose employment is continuous shall not be employed for more than _____ has in a week on a two-weeks period of fourteen days.

- [a] 64
- [b] 54**
- [c] 74
- [d] None

07. A railway servant whose employment is intensive shall not be employed for more than ____ hours in a week on an average in a two-weekly period of fourteen days.

- a) 45**
- [b] 54
- [c] 64
- [d] 72

08. Penalty for making a false statement in an application for compensation is prescribed under Sec:

- [a] 148**
- [b] 149
- [c] 150
- [d] 151

09. Which of the following is an attempt to wreck a train if a person:

- [a] Takes up, removes, looses or displaces any rail or sleeper belonging to any railway.
- [b] Makes or shows or hides or removes any signal or light upon or near to any railway
- [c] Puts or throws upon or across any railway any wood, stone or other matter or thing
- [d] All the above.**

10. Endangering safety of persons traveling by willful act or omission is an offence according to:

- [a] Sec. 152
- [b] Sec. 153**
- [c] Sec. 154
- [d] Sec. 155

11. Penalty for intoxication under Sec. 172 of Railways Act is prescribed for:

- [a] Railway servant**
- [b] Any person
- [c] Traveling public
- [d] None

12. Which section of Rlys Act restricts execution of railway property such as rolling stock, machinery, plant, tools etc., in a decree or order of any court:

- [a] 185
- [b] 186
- [c] 187**
- [d] 188

13. As per Sec. 192 of Rlys Act, any notice or other document required by Railways Act to be served on a Railway Administration may be served in the case of a Zonal Railway, or the General Manager:

- [a] By delivering to him
- [b] By leaving it at his office
- c) By regd. Post to his office address
- [d] Either a, b or c**

14. As per Sec. 126 of Railways Act, interim relief to the persons who are injured in a train accident can be paid by:

[a] RCT

[b] Railway Administration

[c] DRM under whose jurisdiction accident occurred

[d] None of the above.

Law of Torts

1. The Railway authorities allowed a train to be over-crowded. In consequence, a legitimate passenger, Mr. X got his pocket picked. Choose appropriate answer-

- (a) Mr. X can sue the railway authorities for the loss suffered.
- (b) Mr. X cannot sue because he had given his consent to travel in over-crowded train.
- (c) **Mr. X cannot sue the railway authorities because there was no infringement of legal right and mere fact that the loss was caused does not give to a cause of action.**
- (d) None of the above.

2. PRINCIPLE: A master is liable for the acts committed by his servant in the course of employment.

FACTS: Sanjay is a driver working in Brooke bond and co. one day, the Manager asked him to drop a customer at the airport and get back at the earliest. On his way back from the airport, he happened to see his fiancé Ruhina waiting for a bus to go home. He offered to drop her at home, which happened to be close to his office. She got into the car and soon thereafter; the car somersaulted due to the negligence to Sanjay. Ruhina was thrown out of the car suffered multiple injuries. She seeks compensation from Brooke bond and Co.

- (a) **Brooke bond and Co. shall be liable, because Sanjay was in the course of employment at the time of accident.**
- (b) Brooke bond and Co. Shall not be liable, Sanjay was not in the course of employment when he took Ruhina inside the car.
- (c) Ruhina got into the car at her own risk, and therefore, she cannot sue anybody.
- (d) None of the above

3. PRINCIPLE: Nuisance as a tort (Civil wrong) means an unlawful interference with a person's use of enjoyment of land, or some right over, or in connection with it.

FACTS: During the scarcity of onions, long queues were made outside the defendant's shop, who, having a license to sell fruits and vegetables, used to sell only 1 kg of onion per ration card. The queues extended on the highway and also caused some obstruction to the neighbouring shops. The neighbouring shopkeepers brought an action for nuisance against the defendant.

- (a) **The defendant is liable for nuisance**
- (b) The defendant was not liable for nuisance
- (c) The defendant was liable under the principle of strict liability
- (d) The plaintiff's should be decreed in his favour

4. PRINCIPLE: Everybody is under a legal obligation to take reasonable care to avoid an act or omission which he can take reasonable care to avoid and act or omission which he can foresee would injure his neighbour. The neighbour, for this purpose, is any person whom he should have in his mind as likely to be affected by his act.

FACTS: Krishnan, while driving a car at high speed in a crowded road, knocked down a cyclist. The cyclist died on the spot with a lot of blood spilling around, Lakshmi, a pregnant woman passing by, suffered from a nervous shock, leading to abortion. Lakshmi filed a suit against Krishnan claiming damages.

- (a) Krishnan will be liable, because he owed a duty of reasonable care to everybody on the road including Lakshmi.
- (b) **Krishnan will not be liable, because he could not have foreseen Lakshmi suffering from nervous shock as a result of his act.**
- (c) Krishnan will be liable to Lakshmi because he failed to drive carefully.
- (d) None of the above.

5. PRINCIPLE: “Nobody shall unlawfully interfere with a person’s use or enjoyment of land, or some right over, or in connection with it. The use or enjoyment, envisaged herein, should be normal and reasonable taking into account surrounding situation.”

FACTS: Jeevan and Pavan were neighbours in residential locality. Pavan started a typing class in a part of his house and his typing sound disturbed Jeevan, who could not put up with and kind of continuous noise. He filed a suit against Pavan.

- (a) Pavan is liable, because he should not have started typing class in his house
- (b) Pavan is liable, because as his neighbour, he should have realized Jeevan’s delicate nature.
- (c) **Pavan is not liable, because typing sound did not disturb anyone else other than Jeevan.**
- (d) **Pavan is not liable, because typing sound did not disturb anyone else other than Jeevan.**

6. PRINCIPLE: Any direct physical interference with the goods in somebody’s possession without lawful justification is called trespass to goods.

FACTS: A purchased a car from a person who had no little to it and had send it to a garage for repair. X, believing, wrongly, that the car was his, removed it from the garage.

- (a) **X can be held responsible for trespass to goods.**
- (b) X cannot be held responsible for trespass to good as he was under a wrong belief.
- (c) X has not committed any wrong.
- (d) None of the above.

7. PRINCIPLE: Vicarious liability is the liability of the Master or Principal for the tort committed by his servant or agent, provided the tort is committed in the course of employment. The Master or Principal is not liable for private wrongs of the servant /agent.

FACTS: X hands over some cash money at his house to Y, who is X’s neighbour and is also cashier in a bank, to be deposited in A’s account in the bank. Instead of depositing the money, Y misappropriates it.

Which of the following statements depict correct legal position in this given legal situation?

- (a) **The bank would not be liable because Y did not do any wrong in the course of his employment.**
- (b) The bank would be vicariously liable because Y was the employee of the bank.
- (c) The bank would not be liable because Y did not do any wrong.
- (d) The bank would be liable because Y acted as bank’s agent.

8. PRINCIPLE: A person has no legal remedy for an injury caused by an act to which he has consented.

FACTS: R, a cricket enthusiast, purchases a ticket to watch a T20 match organised by the Indian Premier League (IPL). During the match, a ball struck for six hits R on his body and injures him. He sues IPL for compensation for the medical expenses.

Which of the following derivations is CORRECT?

- (a) R should be compensated as he purchased the ticket to get entertainment and not get injured.
- (b) **R would fail in his action, as he voluntarily exposed himself to the risk.**
- (c) IPL would be liable as it did not ensure that the spectators were protected from the risk of such injuries.
- (d) None of the above.

9. PRINCIPLE: Damage without the violation of a legal right is not actionable in a court of law. If the interference with the rights of another person is not unlawful or unauthorised, but a necessary consequence of the exercise of defendant’s own lawful rights, no action should lie.

FACTS: There was an established school (ES) in a particular locality. Subsequently, a new school (NS) was set up in the same locality which charged lower fees, on account of which people started patronising the new school. Because of the competition, ES had to reduce its fees. ES filed a case against NS saying that NS had caused it financial loss and, thus, claimed compensation.

Which of the following derivations is CORRECT?

- (a) **Since no legal right of ES has been violated, therefore, as such, no compensation could be granted.**
- (b) Since damage is caused to ES, therefore, it should be awarded compensation.
- (c) ES should be awarded compensation as opening of school in competition is not good.
- (d) No compensation could be granted, as reduction in fees is good for the public.

10. PRINCIPLE: Whenever there is an invasion of a legal right, the person in whom the right is vested, is entitled to bring an action though he has suffered no actual loss or harm, and may recover damages (compensation).

FACTS: 'A' was a qualified voter for the Lok Sabha election. However, a returning officer wrongfully refused to take A's vote. In spite of such wrongful refusal, the candidate, for whom 'A' wanted to vote, won the election. But, 'A' brought an action for damages.

Which of the following derivations is CORRECT?

- (a) Since no legal right of 'A' had been violated, therefore, as such, no compensation could be granted
- (b) Since legal right of 'A' had been violated, therefore, compensation should be granted
- (c) No compensation could be granted, as 'A' had suffered no loss as his candidate won the election
- (d) Since no fundamental right of 'A' had been violated, therefore, as such, no compensation could be granted

11. PRINCIPLE: In a civil action for defamation, truth of the defamatory matter is an absolute defence. However, the burden of proving truth is on the defendant; and he is liable if he does not successfully discharge this burden.

FACTS: D, who was the editor of a local weekly, published a series of articles mentioning that P, who was a government servant, issued false certificates, accepted bribe, adopted corrupt and illegal means to mint money and was a "mischief monger". P brought a civil action against D, who could not prove the facts published by him.

Under the circumstances, which of the following derivations is CORRECT?

- (a) **D would be liable, since he could not prove the facts published by him.**
- (b) D would not be liable as such an action could curtail the right of expression and speech of press.
- (c) D would not be liable as media could publish anything.
- (d) None of the above.

12. PRINCIPLE: A gift comprising both existing and future property is void as to the latter.

FACTS: X has a house which is owned by him. He contracted to purchase a plot of land adjacent to the said house but the sale (of the plot of land) in his favour is yet to be completed. He makes a gift of both the properties (house and land) to Y.

Under the afore-mentioned circumstances, which of the following derivations is CORRECT?

- (a) Gift of both the properties is valid.
- (b) Gift of both the properties is void.
- (c) Gift of house is void, but the gift of the plot of land is valid.
- (d) **Gift of house is valid, but the gift of the plot of land is void.**

13. PRINCIPLE: Caveat emptor, “let the buyer beware”, stands for the practical skill and judgment of the buyer in his choice of goods for purchase. It is the business of the buyer to judge for himself that what he buys has its use and worth for him. Once bought and if the buy is not up to his expectations then he alone is to blame and no one else.

FACTS: For the purpose of making uniform for the employees, “A” bought dark blue coloured cloth from B but did not disclose to the seller the specific purpose of the said purchase. When uniforms were prepared and used by the employees the cloth was found unfit. However, the cloth was fit for a variety of other purposes (such as, making caps. boots and carriage lining. etc). Applying the afore-stated principle which of the following derivations is CORRECT as regards remedy available to A in the given situation?

- (a) A (the buyer) would succeed in getting some remedy from B (the seller)
- (b) **A (the buyer) would not succeed in getting any remedy from B (the seller).**
- (c) A (the buyer) would succeed in getting refund from B (the seller)
- (d) A (the buyer) would succeed in getting a different variety of cloth from B (the seller) but not the refund.

14. PRINCIPLE: The transferor of goods cannot pass a better title than what he himself possesses.

FACTS: X sells a stolen bike to Y. Y buys it in good faith.

As regards the title to bike which of the following derivations is CORRECT?

- (a) The real owner cannot get back the bike from Y.
- (b) **Y will get no title. as transferor’s (X’s) title was defective.**
- (c) Y will get good title as he is a bona fide buyer.
- (d) Y will get good title, as has not committed any wrong (stolen the bike)

15. PRINCIPLE: Negligence is a breach of duty or a failure of one party to exercise the standard of care required by law, resulting in damage to the party to whom the duty was owed. A plaintiff can take civil action against the respondent, if the respondent’s negligence causes the plaintiff injury or loss of property.

FACTS: D went to a café and ordered and paid for a tin/can of soft drink. The tin was opaque, and, therefore, the contents could not be seen from outside. She consumed some of the contents and then lifted the tin to pour the remainder of the content into a tumbler. The remains of a snail in decomposed state dropped out of the tin into the tumbler. D later complained of a stomach pain and her doctor diagnosed her as having gastroenteritis and being in a state of severe shock. She sued the manufacturer of the drink for negligence. Applying the afore-stated principle which of the following derivations is CORRECT as regards liability of the manufacturer in the given situation?

- (a) **The manufacturer is liable for negligence, as it owed at duty (to consumers) to take reasonable care to ensure that its products are safe for consumption**
- (b) The manufacturer is not liable for negligence as there is no direct contract between D and the manufacturer. No duty is owed by the manufacturer towards a particular consumer.
- (c) The manufacturer is not liable for negligence because it would otherwise become very difficult for the manufacturers to do business.
- (d) The manufacturer could be made liable under criminal law, but not for tort of negligence.

16. PRINCIPLE: Master is liable for the wrongful acts committed by his servant; provided the acts are committed during the course of employment. However, the master is not liable if the wrongful act committed by his servant has no connection whatsoever with the servants contract of employment.

FACTS: D is a driver employed by M, who is the owner of a company. During the lunch time, D goes to a close by tea shop to have a cup of tea. There he picks up fight with the tea shop owner (T), which resulted in some damage to his shop. T wants to sue M for claiming

compensation for the damage caused by the fight. Which of the following derivations is CORRECT?

- (a) M will be liable because D is his servant
- (b) Both M and D will be liable.
- (c) **M will not be liable because the wrongful act (picking up fight) was not committed in the course of D's employment.**
- (d) M will be liable albeit the wrongful act (picking up fight) was not committed in the course of his employment.

17. PRINCIPLE: Trespass to land means direct interference with the possession of land without lawful justification. Trespass could be committed either by a person himself entering the land of another person or doing the same through some tangible object(s).

FACTS: A throws some stones upon his neighbour's (B's) premises.
Which of the following derivations is CORRECT?

- (a) **A has committed trespass.**
- (b) A has not committed trespass, as he has not entered B's premises.
- (c) A has committed nuisance.
- (d) None of the above.

18. PRINCIPLE: Nuisance is an unlawful interference with a person's use or enjoyment of land or some right over or in connection with it. If the interference is direct, the wrong is trespass; whereas, if the interference is consequential, it amounts to nuisance.

FACTS: A plants a tree on his land. However, he allows its branches to project over the land of B.

Which of the following derivations is CORRECT?

- (a) A has committed trespass.
- (b) **A has committed nuisance.**
- (c) A has not committed nuisance.
- (d) None of the above A.

19. PRINCIPLE: Interference with another's goods in such a way as to deny the latter's title to the goods amounts to conversion, and thus it is a civil wrong. It is an act intentionally done inconsistent with the owner's right, though the doer may not know of, or intend to challenge the property or possession of the true owner.

FACTS: R went to a cycle-stand to park his bicycle. Seeing the stand fully occupied, he removed a few bicycles in order to rearrange a portion of the stand and make some space for his bicycle. He parked his bicycle properly, and put back all the bicycles except the one belonging to S. In fact, R was in a hurry, and therefore, he could not put back S's bicycle. Somebody came on the way and took away S's bicycle. The watchman of the stand did not take care of it assuming that the bicycle was not parked inside the stand. S filed a suit against R for conversion.

Which of the following derivations is CORRECT?

- (a) R could not be held liable for the negligence of the watchman.
- (b) S would succeed because R's act led to the stealing of his bicycle.
- (c) S would not succeed because R did not take away the bicycle himself.
- (d) **S would not succeed because R's intention was not bad.**

20. PRINCIPLE: Whosoever by his act or omission causes environmental pollution shall be held liable for any loss caused by such pollution. It shall be no defence in such cases that all due diligence or reasonable care was taken while carrying out the act or omission in question.

FACTS: Hari is carrying on a chemical and fertilizer industry near a bank of a river. In order to prevent and control any kind of harm to the environment, suitable waste treatment and

disposal plants were installed in the factory. Due to some sudden mechanical/ technical problem, these plants ceased to work properly and therefore, caused environmental pollution, which ultimately caused substantial harm to the environment and to the people living around the factory. Victims of such pollution file a suit for suitable remedy.

- (a) Victims cannot succeed as necessary precautions to prevent any harm were taken by Hari
 (b) Victims cannot succeed as the mechanical/technical problem was sudden and therefore, beyond the control of Hari
 (c) **Victims can succeed as it is the duty of Hari to see that no harm is caused to the environment/people due to his activity under any circumstances**
 (d) Victims could succeed, if treatment/disposal plant were not installed in the factory

SALE OF GOODS ACT 1930

- Condition is a stipulation which is
 - Essential to the main purpose of contract**
 - Collateral to the main purpose of contract
 - Not essential to the main purpose of contract
 - Collateral to the main purpose of contract
- The sale of goods Act deals only with goods which are _____ in nature
 - Immovable
 - Movable**
 - Specific
 - All of the above
- Goods that are identified at the time of contract of sale is called _____ goods
 - Specific Goods
 - ascertained goods
 - clear Goods
 - both a & b**
- _____ is a Stipulation which is Collateral to purpose of contract
 - Condition
 - Warranty**
 - Guaranty
 - Collateral Contract
- _____ is the concept of "LET THE BUYER BEWARE".
 - Information Center
 - Unfair Trade Practices
 - Caveat Emptor**
 - Buyer Kingdom
- _____ and _____ are the two parties involved in Contract of sale
 - Seller & Buyer**
 - Agent & Principle
 - Customer & Sales man
 - Customer and supplier
- It is a standard rule that risk follows _____
 - Seller
 - buyer
 - property**
 - Possession
- The sale of Goods Act enforces in the year
 - 1935
 - 1930**
 - 1945
 - 1955
- The subject matter of the contract under Sale of goods Act must be
 - Money
 - Goods**
 - Immovable Goods
 - All of the above
- Sale under Sale of goods Act is a/an _____ contract
 - Executory
 - Executable
 - Executed**
 - None of the above
- In sale the transfer of property in goods from the seller to the buyer takes place
 - At the end of contract
 - Immediately
 - In a future Date
 - Both a&b**
- In Agreement to sell the transfer of property in goods from the seller to the buyer takes

place

- a. At the end of contract b. Immediately c. In a future Date d. **Both b&c**

13. Which of the following is not a subject matter in a Sale of goods Act

- a. Trade mark b. Good will c. **Money** d. Water

14. As per Sale of goods Act Movable goods does not include

- a. Gas b. Growing crop c. Electricity d. **Money**

15. The goods must be _____ goods for transferring the property in the goods

- a. **Ascertained** b. Unascertained c. Future d. All of the above

16. The subject matter of the contract must necessarily be _____

- a. **Sale** b. Product c. Service d. Goods

17. A consideration in contract of sale must be _____ only

- a. Goods b. movable only c. **price** d. Purchase

18. Transfer or agree to transfer the _____ of the goods is the purpose of sale of goods Act

- a. Property b. **Possession** c. Value d. Usage

19. A sale is a _____ contract

- a. Implied b. **Executed** c. Agreed d. Executory

20. An agreement to sell is a _____ contract

- a. Implied b. Executed c. Agreed d. **Executory**

21. In correct statement in respect of sales of goods-

- A. Title transfer for ever
B. Goods may be returned
 C. Purchaser obtain all the rights in goods and may used it as in the manner he wants
 D. Transferee pay the price of goods