

Legal Knowledge Test 02

- Stare decisis means:**
 - It is necessary to abide by former precedents when the same points arise again in litigation
 - It is not necessary to abide by former precedents when the same points arise again in litigation
 - Both (a) and (b)
 - Neither (a) nor (b)
- In Islam, _____ is the period, a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man.**
 - Nikah
 - Mehr
 - Iddat
 - Talaq
- A contingent Contract is:**
 - void
 - valid
 - voidable
 - illegal
- An insolvent person is:**
 - not able to work
 - bankrupt
 - financially unsound
 - infirm
- Adoption of a hostile act (nevertheless lawful) by one state as a measure of retaliation against the injurious acts of another state is known as:**
 - War
 - Sanction
 - Retortion
 - Reprisal
- A suit for malicious prosecution may be brought by the original defendant:**
 - At the time the complaint is filed against him
 - At the time the prosecution begins
 - Upon conviction
 - Upon acquittal
- The defence of _____ may be used when an injury is caused to a person by an event that could not be unforeseen, unexpected and unavoidable despite reasonable care taken on the part of the defendant.**
 - Inevitable Accident
 - Act of God
 - Volenti Non Fit Injuria
 - Act of Third party
- Part IX of the Constitution deals with:**
 - The Union Judiciary
 - High Courts in the states
 - The Municipalities
 - The Panchayats
- _____ is a civil wrong; it is the unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the enjoyment or use of another individual's property, without an actual trespass or physical invasion to the land.**
 - Negligence
 - Trespass against roperty
 - Nuisance
 - Contributory Negligence
- The right to approach the Supreme Court to grant special leave to appeal from any judgment, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India is known as:**
 - Appeal
 - Public Interest Litigation
 - Original Jurisdiction
 - Special Leave Petition
- If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by _____, he may, by Proclamation, made a declaration to that effect in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation.**
 - war or external aggression or armed rebellion
 - war or battle or alien enemy
 - war or external aggression or internal disturbance
 - war or armed rebellion or internal disturbance
- In a cognizable case, police will have powers to:**
 - investigate without the power to arrest without a warrant
 - investigate with the power to arrest without a warrant
 - investigate and power to arrest without a warrant on the condition that the accused be presented before a judge within 24 hours
 - investigate and arrest without a warrant, only on informing the magistrate of their intentions prior to such arrest
- Which of the following is a valid contract?**
 - contract in restraint of marriage
 - contract in restraint of legal proceedings
 - contract in restraint of trade
 - None of the above.
- Age of minority, in the case of kidnapping has been defined as _____ by the IPC:**
 - 16 years
 - 18 years
 - 18 years for male and 21 for female
 - 16 years for male and 18 years for female
- Which of the following is entrusted with a statutory duty of laying down the standards of the professional conduct and etiquette for advocates in India?**
 - Supreme Court of India
 - Bar Association of India
 - Bar Council of India
 - Delhi Bar Council
- Public holidays are declared under:**
 - Contract Act, 1872
 - Public Employees Act, 1967
 - Negotiable Instruments Act, 1881

- d. None of the above
17. **A contract of life insurance is a:**
a. contingent contract b. wagering contract
c. contract of indemnity d. contract of bailment
18. **Which of the following is not an Intellectual Property?**
a. Patents b. Copyrights
c. Geographical Indications d. Discovery
19. **Article 76 of the Constitution provides that "the President shall appoint a person who is qualified to be appointed a Judge of the _____ to be Attorney-General for India".**
a. High Court b. Supreme Court
c. High Court or Supreme Court
d. District Court
20. **Article 15 of the Constitution provides that "(1) The State shall not discriminate against any citizen on grounds only of _____ or any of them".**
a. religion, race, caste, sex, place of birth
b. religion, race, class, caste, sex, place of birth
c. religion, race, caste, sex, place of residence
d. religion, race, class, caste, sex, place of residence
21. **Which of the following is not a ground for divorce under the Hindu Marriage Act?**
a. Adultery b. Adultery
- c. Irretrievable breakdown of marriage
d. Conversion
22. **In Islam, _____ is a mandatory required amount of money or possessions, paid by the groom to the bride at the time of marriage.**
a. Nikah b. Mehr
c. Iddat d. Talaq
23. **The First Law Commission that recommended codification of Indian Penal Code was established under the chairmanship of**
a. Lord Mountbatten
b. M.C. Setalvad
c. Lord Macauley
d. Justice T.V. Vankatarama Aiyer
24. **Within the Jurisdiction of which High Court does the Islands of Andaman and Nicobar fall?**
a. Bombay High Court
b. Madras High Court
c. Kerala High Court
d. Calcutta High court
25. **Nothing is an offence done by a person who is below:**
a. 7 years old b. 8 years old
c. 12 years old d. 90 years old

SOLUTIONS

1. Correct Option is: "a"

Solution: The principle of stare decisis refers to doctrine of binding precedents and is embodied in Article 141 of the Constitution of India. It provides that the law declared by Supreme Court shall be binding on all courts within the territory of India. 'Stare decisis' means 'to stand by decided cases'.

2. Correct Option is: "c"

Solution: Iddatis the period a woman must observe after the death of her spouse or after a divorce, during which she may not marry another man. It is a period of 3 months.

3. Correct Option is: "b"

Solution: Section 31 of the Contract Act defines contingent contracts as "A contract to do or not to do something, if some event, collateral to such contract does or does not happen." Such contracts are valid under Indian Contract Act 1872.

4. Correct Option is: "b"

Solution: Insolvent is a person who is unable to meet debts or discharge liabilities i.e. bankrupt.

5. Correct Option is: "c"

Solution: The use of force by states can either be lawful or unlawful. Employment of hostile act nevertheless lawful is called Retortion. On the other hand if the force employed was illegal it is called Reprisal.

6. Correct Option is: "d"

Solution: Malicious prosecution refers to the abuse of process. Its elements include intentionally (and maliciously) instituting and pursuing (or causing to be instituted or pursued) a legal action (civil or criminal) that is brought without probable cause and dismissed in favor of the victim of the malicious prosecution.

7. Correct Option is: "a"

Solution: Inevitable-accident doctrine is a principle of Tort law that says that a person cannot be liable for an accident that was not foreseeable and that could not have been prevented by the exercise of reasonable care.

8. Correct Option is: "d"

Solution: Part IX of the Constitution refers to the panchayats. It was inserted in the Constitution by the 73rd Constitutional Amendment.

9. Correct Option is: "c"

Solution: Nuisance is the unreasonable interference with another's use and enjoyment of his space and property.

10. Correct Option is: "d"

Solution: Article 136 of Constitution enshrines the power of Special Leave Petition on Supreme Courts. Special Leave Petition means that you take special permission to be heard in appeal against any High Court/tribunal verdict. Usually any issue decided by the State High Court is considered as final, but if there exist any constitutional issue or legal issue which can only be clarified by the Supreme Court of India then, this leave is granted by the Supreme Court & this is heard as a

Civil or Criminal appeal as the case may be. Going to the Supreme Court in appeal should not be considered a matter of right by any one but it is matter of privilege which only the Supreme Court will grant to any individual if there exists an important constitutional or legal issue involved.

11. Correct Option is: "a"

Solution: Article 352 of Constitution of India provides that if the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or armed rebellion, he may, by Proclamation, make a declaration of National Emergency.

12. Correct Option is: "b"

Solution: Sec 2(C) of Code of Criminal Procedure, 1973 defines a cognizable offence as an offence for which a police officer may, arrest without warrant.

13. Correct Option is: "d"

Solution: All mentioned contracts are expressly declared void by the Indian Contract Act 1872.

14. Correct Option is: "d"

Solution: S.361 IPC provides the definition of Kidnapping. The age of minority defined for the offence is 16 years for male and 18 years for female.

15. Correct Option is: "c"

Solution: Bar Council of India established under the Advocates Act 1961 is entrusted with a statutory duty of laying down the standards of the professional conduct and etiquette for advocates in India.

16. Correct Option is: "c"

Solution: The expression Public Holiday is described under Explanation for Section 25 of Negotiable Instrument Act, 1881.

17. Correct Option is: "a"

Solution: Contract of Insurance is a contingent contract, the performance of which is dependent on the death of the insured.

18. Correct Option is: "d"

Solution: Intellectual Property rights include Patents, Copyrights, Trademarks, Industrial Designs, Traditional Knowledge, Geographical indications.

19. Correct Option is: "b"

Solution: Attorney General is the first Law officer of the country. Current Attorney General of India is Mukul Rohtagi.

20. Correct Option is: "a"

Solution: Article 15 provides for right to equality and prohibits discrimination on the basis of religion, race, caste, sex, place of birth or any of them.

21. Correct Option is: "c"

Solution: Grounds of divorce of Hindu marriage are defined under Section 13 of Hindu Marriage Act 1955.

22. Correct Option is: "b"

Solution: Mehr is the consideration of a muslim marriage which flows from the muslim husband to the muslim wife.

23. Correct Option is: "c"

Solution: In 1835, Lord Macaulay was appointed as Chairman of the First Law Commission.

24. Correct Option is: "d"

Solution: There are 24 High Courts in India. The union territory of Andaman and Nicobar falls under the jurisdiction of Calcutta High Court.

25. Correct Option is: "a"

Solution: Sec 82 of IPC provides absolute immunity to children below the age of 7 years from criminal liability.