

# RJS Prelims Examination 2021

## SET - B



Detailed Analysis with Explanations

Powered By



@Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb**  
TRUE LEARNING

Rajasthan J Analysis 2021



# RAJASTHAN

## SANCTUARY & NATIONAL PARK

- Sariska NP
- Desert NP
- Ranthambore NP
- Keoladeo Ghana NP



## HIGHEST PEAK

- Guru Shikhar  
1,722 m

Tropical thorny vegetation

Desert

## RANGES

- Aravalli range
- Mount Abu

## STATE ANIMAL

Camel, Chinkara



## STATE TREE

Khejri (*Prosopis cineraria*)



## STATE FLOWER

Rohida (*Tecomella undulata*)



## STATE BIRD

Great Indian Bustard



## FESTIVALS

- Pushkar Mela



- Kota Festival



- Gangaur



- Teej



- Brij Holi



- Nagaur



# RAJASTHAN



## TRIBES

- Bishnoi Tribe
- Meena tribe
- Meghval
- Rabari Tribe

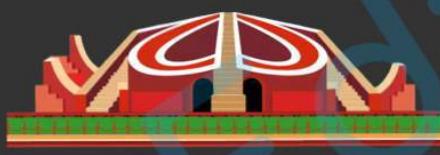
- Thar desert



- Umaid Bhawan Palace



- Jantar Mantar



- Amer Fort



- Jodhpur "Blue city"



- Ghateshwara Mahadeva temple

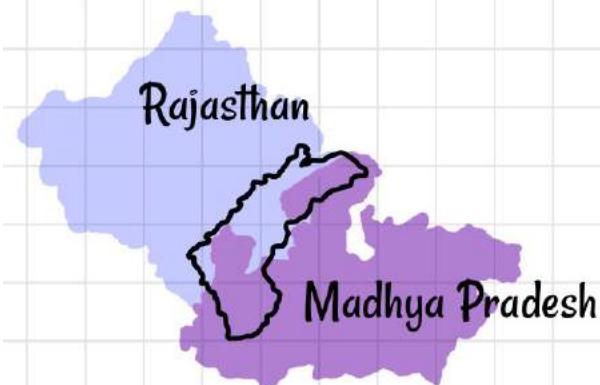


# RIVER OF INDIA



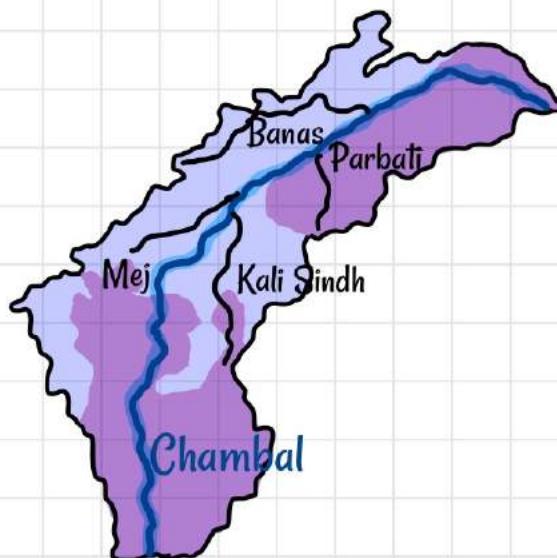
# CHAMBAL RIVER

## FLOW



## LEFT TRIBUTARIES

- Banas
- Mej



## ORIGIN

- Singar Chouri peak in the northern slopes of the Vindhyan mountains, Madhya Pradesh

## DISTANCE



## RIGHT TRIBUTARIES

- Kali Sindh
- Parbati

## OTHER

- Pollution free river



# FESTIVALS OF INDIA

## RAJASTHAN



Edzorb  
TRUE LEARNING



### GANGAUR FESTIVAL

- It falls a fortnight after Holi.
- Celebrated for 18 days in honor of Goddess Parvati.

#### TEEJ



- Celebrated primarily by girls and women, with songs, dancing and prayer rituals.

- Also the consequent celebration of the harvest.

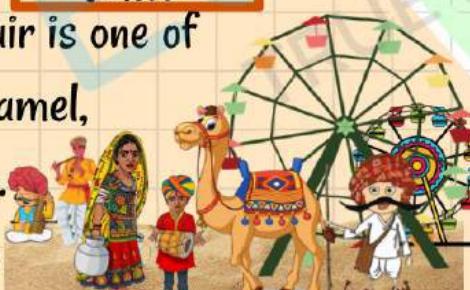
#### URS AT AJMER

- Commemorates the anniversary of the death of Sufi saint Moinuddin Chishti.



#### PUSHKAR FAIR

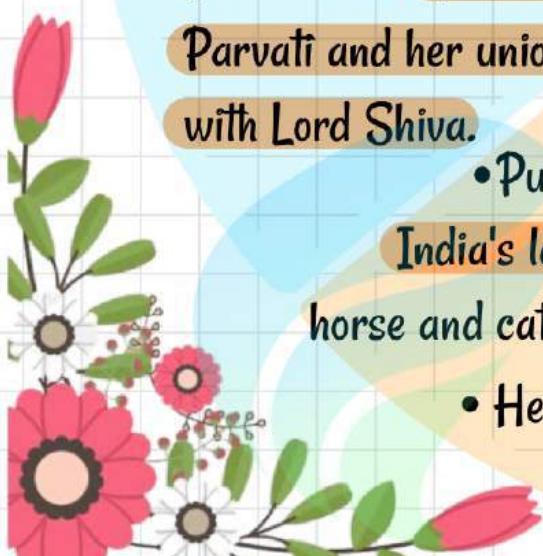
- Pushkar fair is one of India's largest camel, horse and cattle fairs.



- Held in the town of Pushkar.

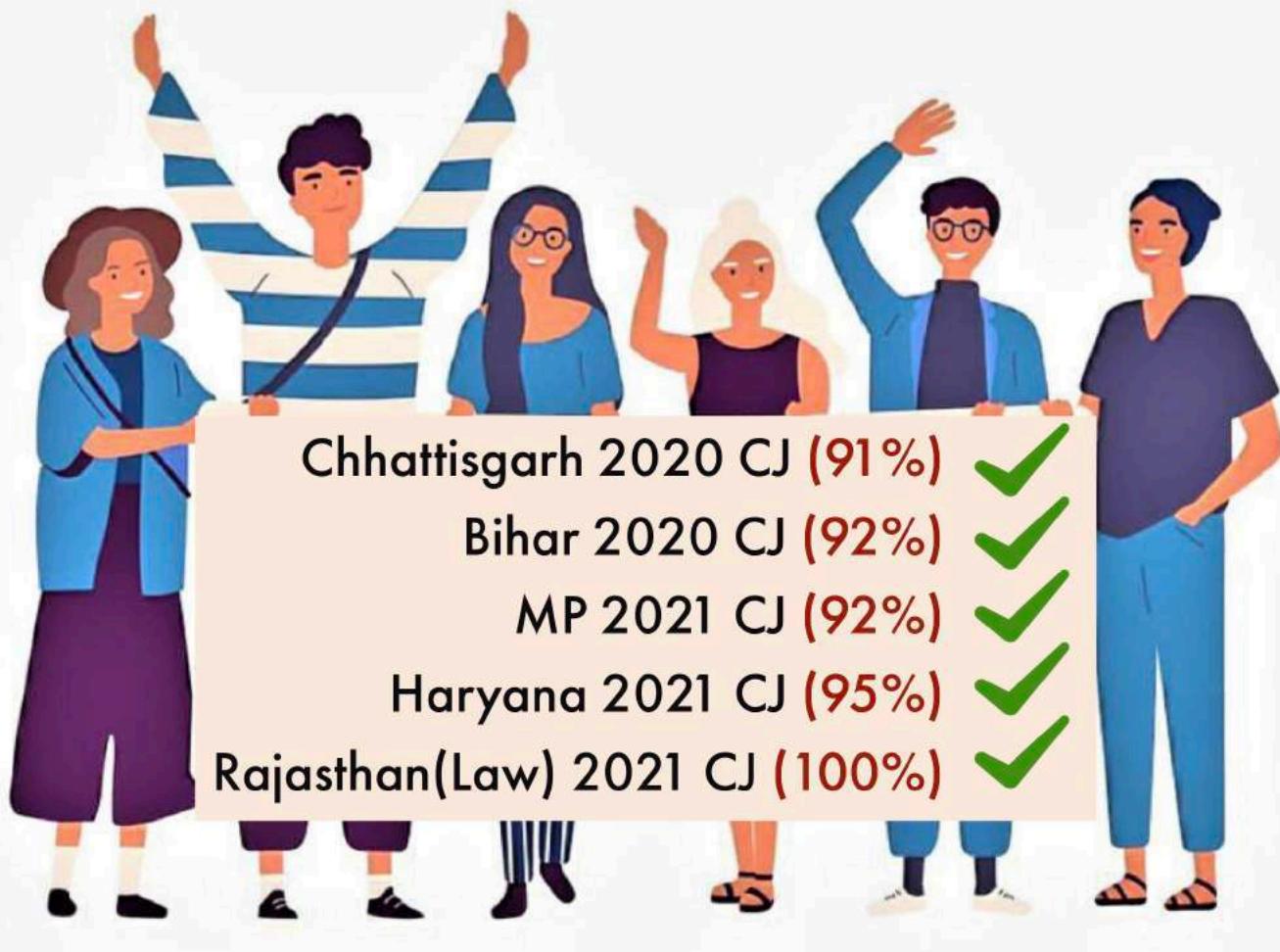
- It is held over six days.

town of Pushkar.



# Edzorbiants At Advantage

High Strike Rate in all PCSJ Exams



Predict the STRIKE RATE for UPJS & DJS or even BETTER..

Score an Exam winning Strike with Edzorb Law



Edzorb Law

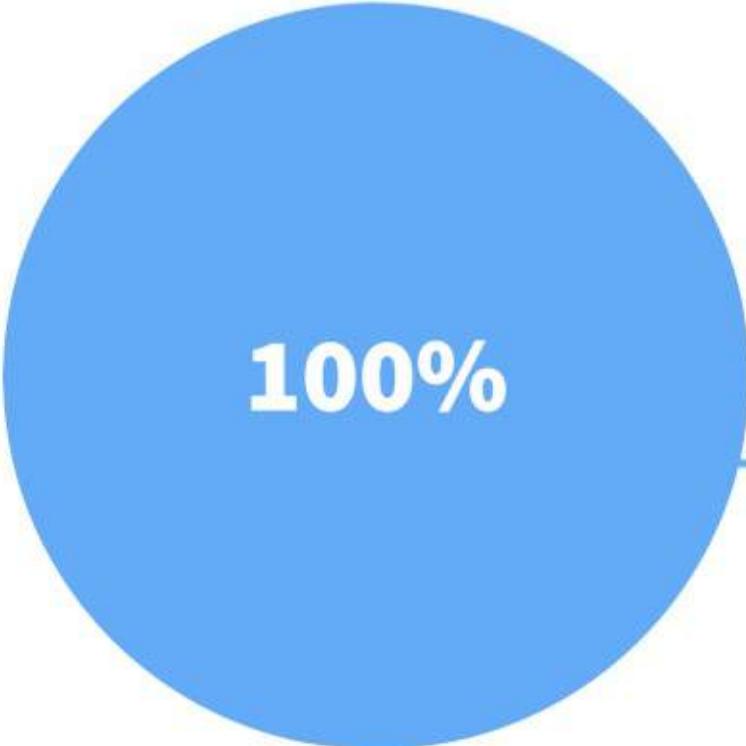
True Learning

Telegram: @edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

# **100% STRIKE RATE**

**In Rajasthan Judicial Services, 2021**  
**Prelims - Nov 28**



**100%**

From  
Edzorb  
QBank,  
Treasures,  
Simplified  
Notes, BAR,  
Case Law &  
PYP  
Flashcards

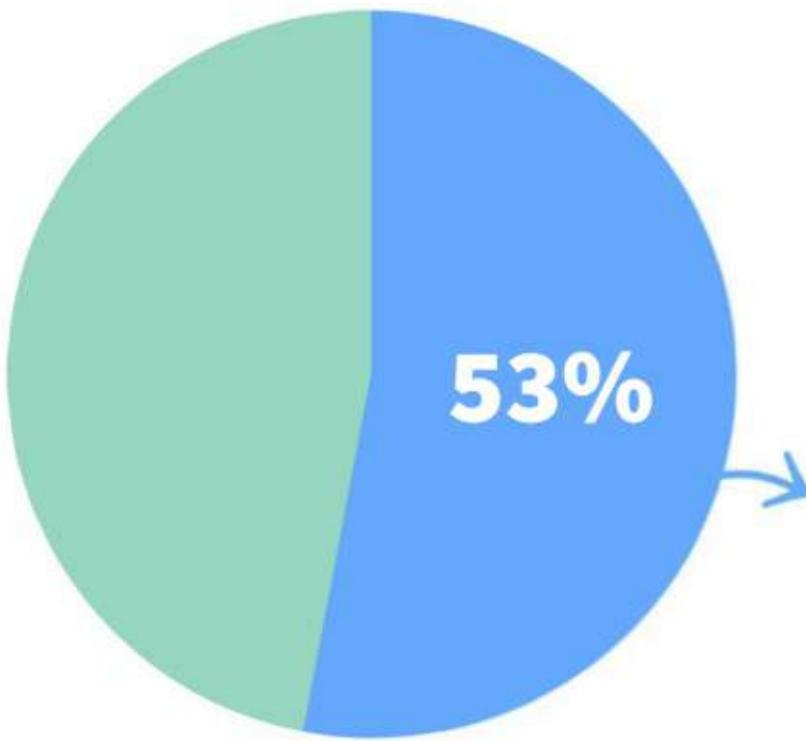
*Padho Utna  
Zaruri Jitna!*



**Edzorb Law**  
True Learning

# **53% STRIKE RATE**

In Rajasthan(Language) Judicial Services, 2021 Prelims - Nov 28



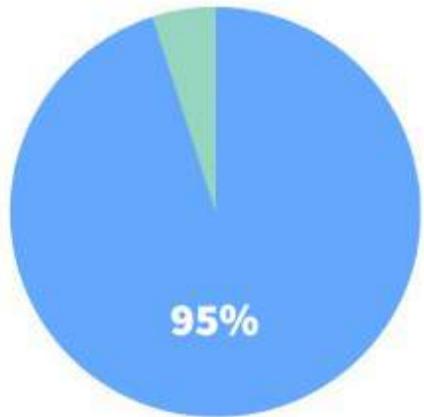
From  
Simulator  
Mock Test,  
Translation  
Notes,  
Simple  
Translations

*Padho Utta  
Zaruri Jitna!*





**95% STRIKE RATE In  
Haryana Judicial Services  
Prelims, 2021**



**Guess How much in  
upcoming UP, Delhi,  
Himachal J Prelims, 2022?**



**90% + Repeats in all State  
Judicial Exams**



# 2021 RJS PRELIMS PAPER PATTTERN

Subjects	No. of questions	Total marks
<b>Civil Law</b>		
Indian Evidence Act	6	6
Constitution of India	5	5
Code of Civil Procedure	5	5
Indian Contract Act	4	4
Specific Relief Act	3	3
Indian Limitation Act	4	4
Transfer of Property Act	3	3
Rajasthan Rent Control Act	4	4



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Interpretation of Statutes	3	3
<b>Criminal Law</b>		
Indian Penal Code	10	10
Code of Criminal Procedure	8	8
Juvenile Justice Act	4	4
Probation of Offenders Act	2	2
Negotiable Instrument Act	2	2
Protection Of Women from Domestic Violence Act, 2005	2	2
Protection of Children from Sexual offences Act, 2012	3	3



Indecent Representation of Women Act	1	1
Sexual Harrasment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013	1	1
<b>Language</b>		
Hindi	15	15
English	15	15

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.1) Under the provisions of the Specific Relief Act, 1963, when a part of a contract which taken by itself, can and ought to be specifically performed, stands on a separate and independent footing from another part of the same contract which cannot or ought not to be specifically performed, then:-**

- a) The court may not direct the specific performance of the former part.**
- b) It will be the discretion of the court to direct or not to direct the specific performance of the former part.**
- c) The court may direct the specific performance of the former part.**
- d) None of the above option.**

**Ans: C**

**Source : Edzorb Law QBank –Specific Relief– Unit VII – Q.15**

15.

**MCQ, Single Correct Question**

Specific performance of a part of the contract, has been dealt with under

- a** section 12 of the Specific Relief Act, 1963
- b** section 10 of the Specific Relief Act, 1963
- c** section 11 of the Specific Relief Act, 1963
- d** section 9 of the Specific Relief Act, 1963.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

www.edzorblaw.com

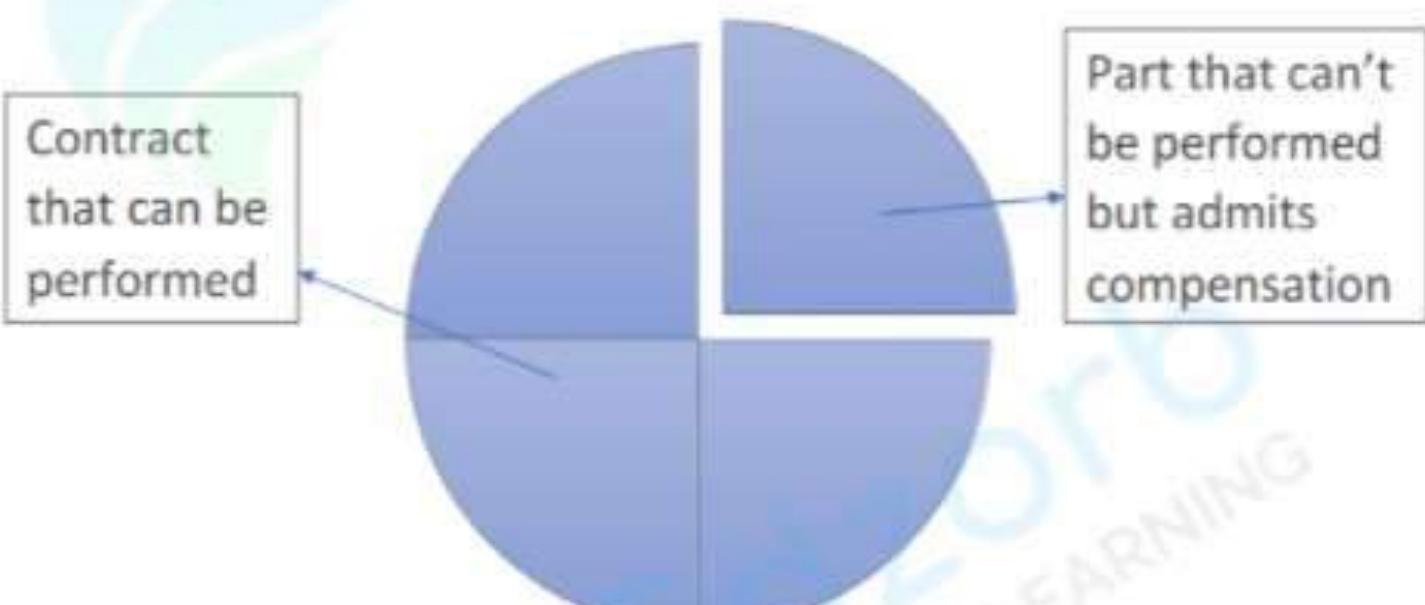
(A)

**General Rule:** Contract to be performed as whole.

**Exception:** Section 12 of Specific Relief Act

**Section 12:** Part of contract to be specifically enforced:

- I. Part of contract cannot be performed but admits compensation



The person may ask for specific performance of part of contract and award compensation for the part not performed

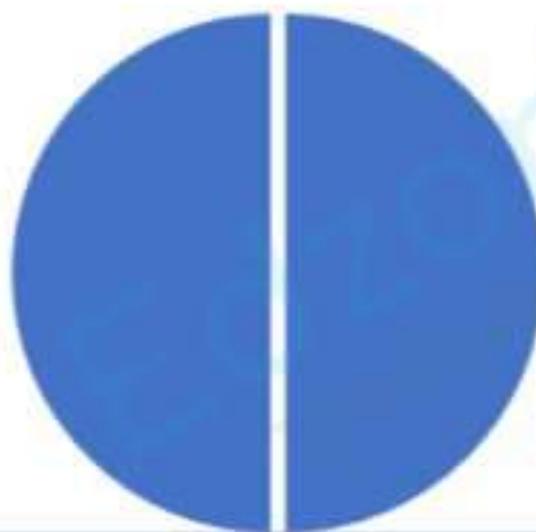


JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- II. Part that cannot be specifically performed is considerable part of contract:

Contract  
that can be  
performed



Specific performance can be granted for part that can be performed if person pays for the part that can be performed

- III. Where part of contract cannot be performed and does not admit compensation

Contract  
that can be  
performed

Part that can't  
be performed  
but does not  
admits  
compensation



Specific performance can be granted for part that can be performed if person pays for whole contract amount



JOIN TELEGRAM FOR FREE MATERIAL: @Eazordlaw

[www.eazordlaw.com](http://www.eazordlaw.com)

IV: The contract that can be performed is on independent footing from the part that cannot be performed, the former will be specifically enforced.

You will sing for us and not for anybody else



You will sing for us won't be specifically enforced.

Here., you will not sing for anybody else will be enforced

### B. Santoshamma Vs D. Sarala

18.09.2020, Supreme Court

Section 12 of the Specific Relief Act has to be construed in a liberal, purposive manner that is fair and promotes justice.

Reference: Contract and Specific Relief by Avtar Singh, 12<sup>th</sup> Ed., 2017, Page no. 364

Copyright © Edzorblaw: Any breach will attract immediate legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.2) Under the Transfer of Property Act, 1882 'Attached to the earth' doesn't mean:**

- a) Trees
- b) Shrubs
- c) Growing crops
- d) Walls or Buildings

**Ans: C**

**Source I: Edzorblaw QBank - TPA – Part I– Q.8**

8.

**MCQ, Single Correct Question**

Under the Transfer of Property Act, 1882 'Attached to the earth' doesn't mean

- a) Trees
- b) Shrubs
- c) Growing Crops
- d) Walls or buildings



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Attached to the earth means

- (a) **rooted** in the earth, as in the case of trees and shrubs;
- (b) **imbedded** in the earth, as in the case of walls or buildings; or
- (c) **attached** to what is so imbedded for the permanent beneficial enjoyment of that to which it is attached;



**Reference:** Property Law by P.P. Saxena; 2<sup>nd</sup> Ed., 2011, Page No. 11-18

**Copyright © Edzorb Law:** Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.3) Under The Indian Contract Act, 1872, a Contract to perform the promise or discharge the liability of a third person in case of his default :-**

- a) Is a contract of guarantee.**
- b) Is a contract of warranty.**
- c) Is a contract of Indemnity.**
- d) None of the above option.**

**Ans: A**

**Source I: Edzorb Law QBank –TPA– Unit XVII – Q.11**

**Source II: Edzorb Law Premium+2.0 - Simplified Notes – Indian Contract Act – Part II– Section 126**

11.



MCQ, Single Correct Question

..... is a contract to perform the promise or discharge the liability of a third person in case of his default

- a Guarantee
- b Bailment
- c Indemnity
- d Pledge



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

www.edzorblaw.com

## A

### Section 126

#### Contract of guarantee:

- Contract to perform the promise or discharge the liability of a third person.
- Must be performed in case of default of the third person.
- **Surety:** who gives the guarantee.
- **Principal debtor:** In respect of whose default the guarantee is given.
- **Creditor:** person to whom the guarantee is given.



If you hire Suresh, I can give you the guarantee of his work for up to Rs. 15,000.



- Now, Reena here has taken up a **contract of guarantee**.
- This implies that she will be liable for defaults on part of Suresh for up to Rs. 15,000/-.

Reference: Law of Contract and Specific Relief Dr. Avtar Singh 12<sup>th</sup> Ed., 2020, Page No. 599  
Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



## Section 126:

“Contract of guarantee”, “surety”, “principal debtor” and “creditor”:

- A contract to perform the promise or
- **Discharge the liability of a third person** in case of his default.
- The **person who gives the guarantee** is called “**surety**”.
- The **person of whose default the guarantee is given** is called the “**Principal debtor**”.
- The **person to whom the guarantee is given** is called the **creditor**.

Shreya, I agree to give a loan amount of Rs.10,000. But I need Rekha as a Surety for guarantee of payment.

Okay Ria! I guarantee on behalf of Shreya for the amount you are going to give her.



- Ria- Creditor
- Shreya-Principal debtor
- Rekha- Surety





- A Guarantee can be oral,

Or



- It can be in written form also.

Reference: The Indian Contract Act, 1872, Central Law Agency, Diglot Edition,

Copyright© Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.4) Which of the following statement with reference to section 3 of Indian Evidence Act 1872, is not correct?**

- a) A map or plan is a document.**
- b) An inscription on a metal plate is a document.**
- c) A caricature is not a document.**
- d) That a man said certain words, is a fact.**

**Ans: C**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Indian Contract Act – Part I– Section 3**

### **DOCUMENT:**

- Any matter expressed or described
- upon any substance
- by means of letters, figures, or marks, or by more than one of those means,
- intended to be used, or which may be used, for the purpose of recording that matter.



Inscription on stone is document.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Caricatures is also a document.

### **Shamsher Singh Vs State of Haryana**

**2015 (12) SCALE 597**



**Held:** CD is a Document and can be admitted in Evidence.

Reference: Indian Evidence Act, Section 3, Universal Bare Act

©Edzorblaw: Any breach will attract immediate legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.5) If for a period of ....., a member of a house of the legislature of a State, Without permission of the house, is absent from all meetings thereof, the house seat vacant.**

- a) 120 days
- b) 90 days
- c) 60 days
- d) 30 days

**Ans: C**

**Source: Edzorblaw Premium+ 2.0- Concept Treasures- Constitution- State Legislature**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## VACATING OF SEATS



Council



### Double Membership

Assembly

Cannot be

a member of both Houses of State legislature at the same time.

### Disqualification



(Specified in the Constitution)

Seat becomes vacant (also include the grounds of defection)



Chairman  
Council

### Resignation

writing to



Speaker  
Assembly



May not accept the resignation if he is satisfied that it is not voluntary or genuine.

### Absence



**ABSENT**

From all meetings for 60 days without permission

60 Days

### Other Cases

#### Election

Declared void



#### Expelled

By House



#### Elected as

President / Vice President



#### Appointed as

Governor



### Oath or Affirmation

#### Without Oath

If sits or votes

- Cannot vote
- Participate
- No privileges
- No immunities



Also applies to

- Disqualifications
- Prohibited by Law (Parliamentary or State legislature)



Before the Governor  
or some person appointed by

### Salaries and Allowances



Entitled to receive such salaries and allowances as may from time to time be determined by the state legislature.



**Q.6) Under the Code of Civil Procedure, 1908, which of the following is not a supplemental proceeding?**

- a) Appointment of a Receiver.**
- b) Granting of a Temporary Injunction.**
- c) Arrest and attachment before judgement.**
- d) Granting of a Permanent Injunction.**

**Ans: D**

**Source: Edzorb Law Qbank - CPC- Module 5 - Q.42**

42.

MCQ, Single Correct Question

Which one of the following does not find a place under the provisions of Section 94, C.P.C., relating to supplemental proceedings?

- a) Arrest before judgment**
- b) Attachment before judgment**
- c) Temporary injunction**
- d) Appointment of executor**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(D)

**Section 94** of CPC provides for **Supplemental proceedings**:

In order to prevent the ends of justice from being defeated the Court may –

Issue a warrant to arrest the defendant and commit him to the civil prison if fails to give security for his appearance;

01

Direct the defendant to furnish security to produce any property belonging to him;

Grant temporary injunction, commit the person guilty to civil prison and order that his property be attached and sold;

03

Appoint a receiver of any property and enforce the performance of his duties by attaching and selling his property;

04

Make interlocutory orders.

05

Reference: Civil Procedure by C. K. Takwani; 8th Ed., 2013, Page No. 320

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

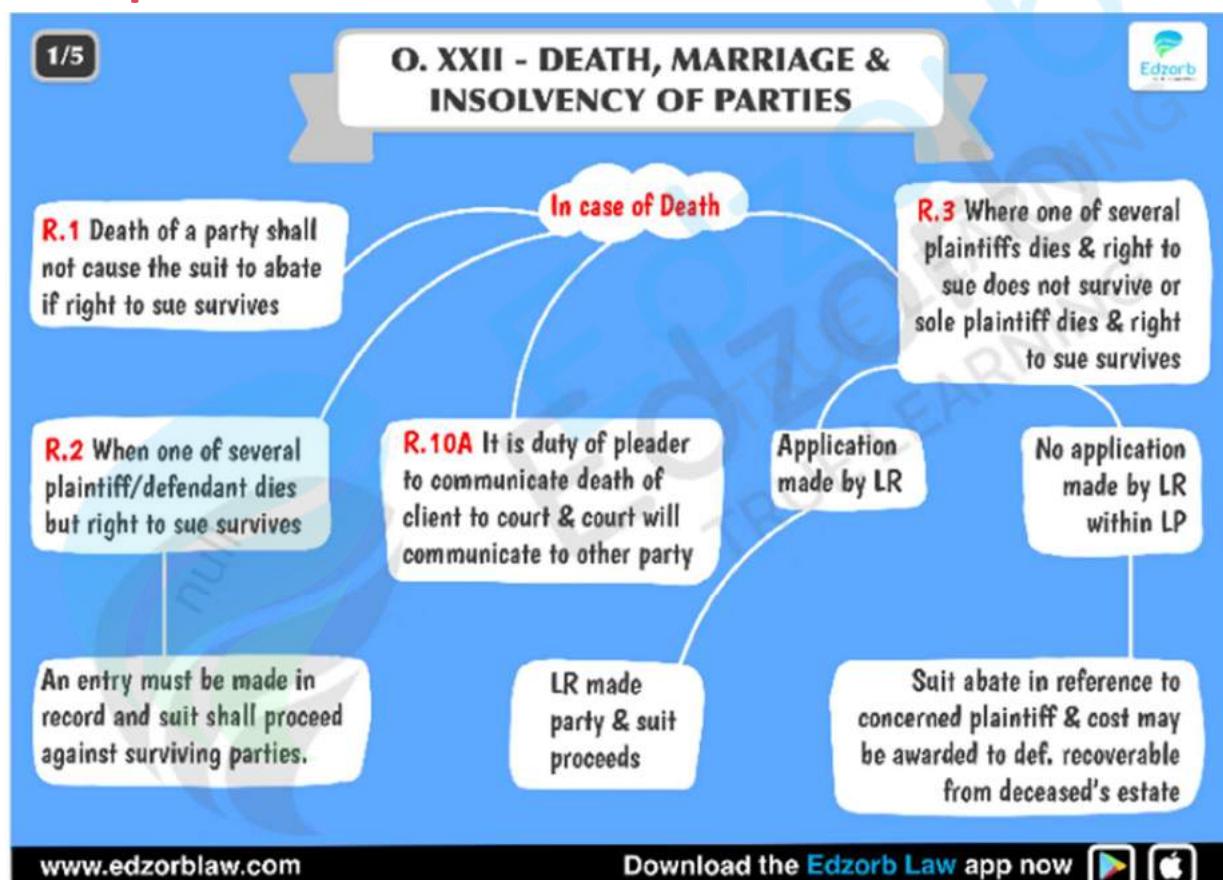
[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.7) Under the Code of Civil Procedure, 1908, in one situation on the death of that a lawyer by the Party to suit will be deemed to continue even after party. Which is that situation?**

- a) Till the pleader inform the court about death of party.
- b) Till the legal heirs engage a new lawyer.
- c) Till an application for impleadment of legal heirs is filed.
- d) Till the legal heirs are brought on record.

**Ans: A**

**Source: Edzorb Law Premium+ 2.0- Simplified Notes- CPC Mind Maps- O.XXII**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

www.edzorblaw.com

**Q.8) For the purpose of hearing any reference under Article 143 of Constitution of India, the minimum number of judges of Supreme Court who are to sit for the purpose, shall be:-**

- a) 3
- b) 5
- c) 7
- d) 11

**Ans: B**

**Source: Edzorblaw Qbank - Constitution- Module XV - Q.20**

20.

**MCQ, Single Correct Question**

The minimum number of judges to hear the matter referred to the Supreme Court under Article 143 is:

- a 2
- b 3
- c 5
- d 9



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(C)

**Article 145(3):**

"The **minimum number of Judges shall be five** for the purpose of deciding:

- any case involving a substantial question of law as to the interpretation of this Constitution or
- for the purpose of hearing any reference under Article 143

**Did you Know?**

As per Article 124, total number of judges in Supreme Court is 34 including CJI



Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012; Page No: 202  
Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.9) In which of the following case, presumption of contract to the contrary under section 230 of The Indian Contract Act, 1872, shall not be presumed?**

- a) Where the contract is made by an agent for the sale or purchase of goods for a merchant resident abroad.
- b) Where the principal does not disclose the name of his agent.
- c) Where the principal, though disclosed, cannot be sued.
- d) In all the above cases.

**Ans: B**

**Source: Edzorb Law Premium+ 2.0- Simplified Notes-Contract Act- Section 230**

#### **Section 230:**

**Agent cannot personally enforce, nor be bound by, contracts on behalf of principal:**

- Absence of any contract to that effect,
- An agent **cannot personally enforce** contracts entered into by him **on behalf of his principal**,



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Sneha! As an agent I can neither sue nor be sued on contracts made by me on my principal's behalf.

Yes Shreya! Only the principal can sue or I can sue principal on the contracts made by you on her behalf.



- **Presumption of Contract to the contrary:**



- Such a contract shall be presumed to exist in the following cases-
- **By default, agent will be liable personally**
- Where the contract is made by agent for sale or purchase for a **foreign principal**,
- The agent **does not disclose or undisclosed** the name of the principal
- **Non-existent or incompetent** principal.

Riya! You are acting as an agent right. Can you tell me who is your boss on whose behalf you're making this deal?

Sorry Rekha! I won't be able to disclose the name of my boss.



**Marine Container Services South (P) Ltd Vs. Go Go  
Garments,**

**AIR 1999 SC 80**

- It has already been seen that the chief function of an agent is to establish contractual relationship between his principal and third parties.
- The agent then drops out. He can neither sue nor be sued on contracts made by him on his principal's behalf.
- In the absence of any contract to that effect, an agent cannot personally enforce contracts entered on behalf of principal, nor is he personally bound by them.

Reference: The Indian Contract Act, 1872, Central Law Agency, Diglot Edition,

Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



# Become a Judicial Officer



Rs 1,000 off



Series of 20 Standardized Tests



Post-Exam Model Pointers



Personalised Evaluation & Feedback

Offer valid for last 150 subscribers only/-

**Book Now**

**It's Now or Never**

Rajasthan  
Mains  
Batch:  
Ongoing  
Admissions



## Answer Writing - 8

Structuring, Packaging, Quality  
Enrichment



## Judgement Writing - 4

Legal Principles, Precision,  
Non-ambiguity



## Essay Writing - 4

Structure, Engagement, Flow,  
Substantiality



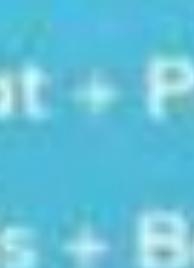
## Translation - 4

Accuracy, Flexibility, Versatility





## **Edzorb Law Subscriptions**



### **QBank**

**10000+ Concepts in Q & A**

**Format + Premium**

**Flashcards + Bonus Grand**

**Test Series (1)**



### **Edzorb Law Premium + 2.0**

**QBank + EPIC Mains Series**

**+ Bonus Grand Tests (2)**

**Simplified Notes + BAR +**

**Premium Flashcards**

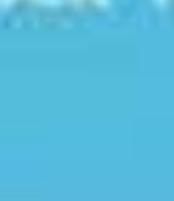


### **EPIC Mains Test Series**

**Answer Writing +**

**Judgement Writing + Essay**

**+ Translation**



### **State Grand Test Series**

**State Standardized Four**

**Mock Tests**

## Case Laws

500+ Smart  
Revision  
Flashcards



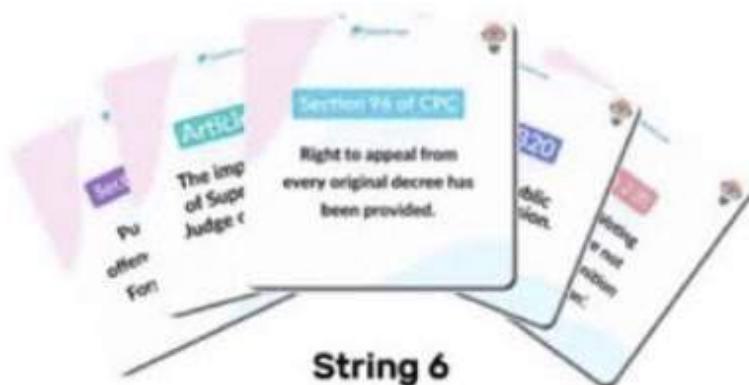
Edzorb Law

AG  
v  
Shiv Kumar Yadav

Supreme Court held that lawyers should be put to mental and physical fitness tests, to prove their eligibility to conduct trials in criminal cases and to ensure that litigants do not suffer on account of their incompetence.

## PYP Pointers

1000+  
High Yield  
Flash Cards



Bookmark this

Edzorb Law

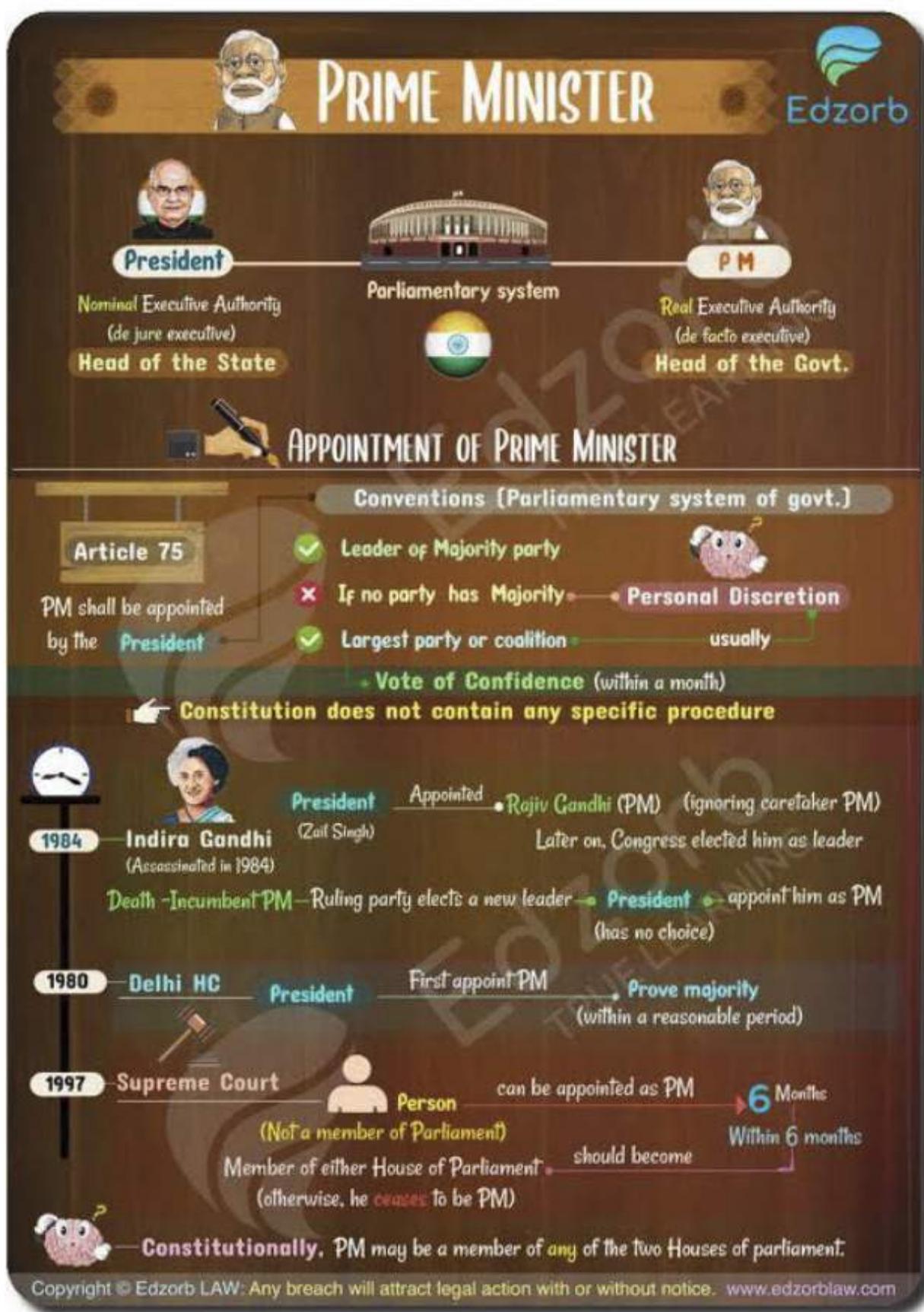


### Section 201 of IPC

**Causing disappearance of evidence of offence or giving false information to screen offender, is an offence.**



# Edzorb QBank Treasures



# Edzorb QBank Treasures

## HIGH COURT



### HISTORY

### Article 214-231

1862	1866	>1950	1956 7th CAA	Present
High court	Allahabad	HC of Province	Establish HC	24 HC
• Bombay • Madras • Calcutta		HC for State	2 or more States Or 2 or more States + UT	3 common HC Delhi (UT)- own HC

### ORGANISATION

Strength Decided by President

Appointment	Eligibility	Oath	Tenure	Salaries	Transfer
President	Citizen	Governor Or Nominated by	62 age	Determined by President	By President
• CJ • Other Judges • Common HC Judges	Held Judicial office Or HC Advocate				
Removal	Acting CJ	Additional Judges	Acting Judge	Retired Judges	
President	Appointed by President	Appointed by President	Appointed by President	Appointed by CJ of HC	
Misbehaviour	President	President	President	(Temporary)	
Recommended by Parliament (Special Majority)	CJ — Absent Unable to perform duty	More work 2 years term	Judge Absent Unable to perform duty		

### JURISDICTION & POWERS

✓ Highest court of appeal (In state)	Original Hear disputes (1st instance)	Writ Under Article 226
✓ Protector of FR	Appellate Appeal against judgements	Supervisory Superintendence
✓ Interpret Constitution	Control Subordinate courts	Judicial review Article 226
Original jurisdiction	Matters • Company laws • Court contempt Election disputes	Enforcement Fundamental Rights
	• Marriage • Divorce Revenue matters	Cases Transferred from Subordinate courts

Copyright © Edzorb LAW: Any breach will attract legal action with or without notice. [www.edzorblaw.com](http://www.edzorblaw.com)



Edzorb Law

Telegram@Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

CALL NOW

+919685513769



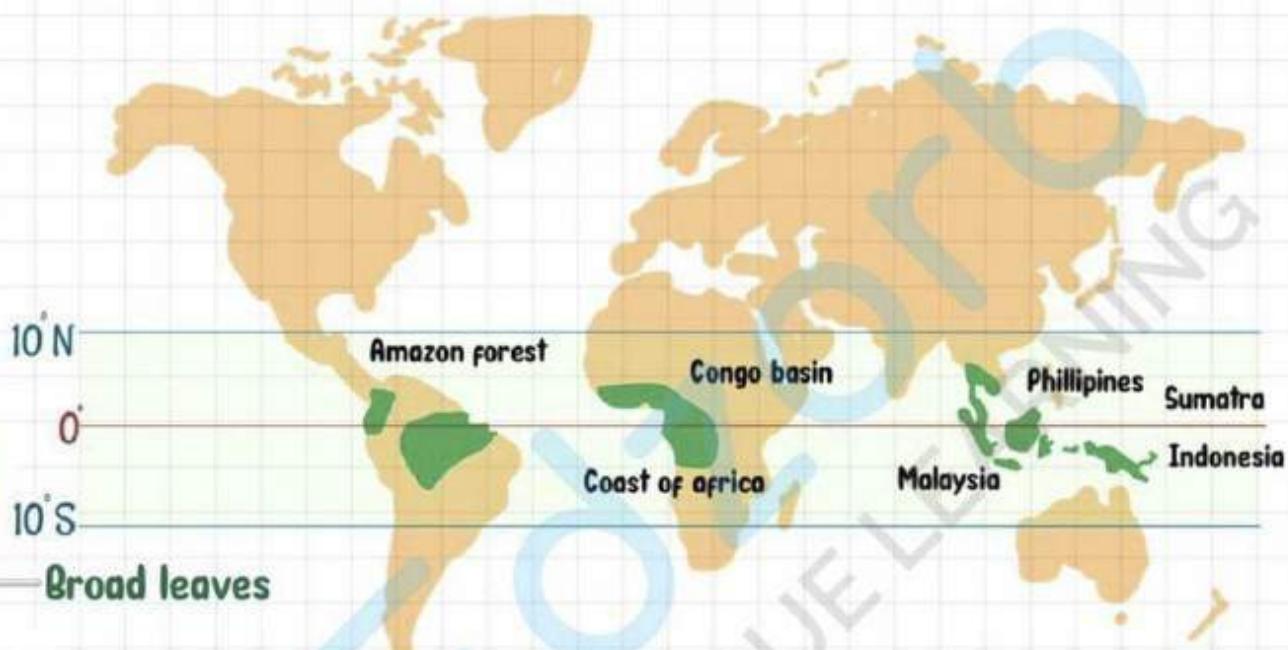
# BIOME



## • EQUATORIAL REGION

### Tropical rainforest

### Evergreen forest



- Hardwood
- Mahogany
- Ebony
- Rosewood
- Rubber
- Cinchona



### ECONOMIC ACTIVITIES

- Hunting, gathering
- Shifting cultivation
- Rubber, Coffee, Tea
- Sugarcane, Oil palm



Semang (Malaysia)



Kubus (Sumatra)



Dayaks (Borneo)



Pygmies (Congo)



Amazon Indians (South America)

# ADVOCATE GENERAL OF THE STATE

Highest Law Officer in the State



**Governor**

Appoints Advocate Gen.

Determines remuneration



Entitled to appear before any court  
of law within the state



## DUTIES AND FUNCTIONS

- Advice to the State Government on legal matters.
- Functions conferred by the Constitution/ Law.
- Other duties (legal) assigned by Governor.

## Qualifications

Qualified to be appointed as a —

**Judge of HC**

Judicial office- 10 years

Advocate of HC- 10 years

✓ Can speak, take part in proceedings

**State Legislature**



- Both Houses
- Committee
- Without right to Vote

✓ Holds office during the pleasure of the Governor.

**CONSTITUTION** donot specify



● Term

● Removal Procedure

## Removal

- By Governor at any time.
- **Resignation** to the Governor.
- Conventionally resigns when Govt. resigns or replaced.

**Q.10) An Advertisement in a newspaper inviting tenders is:-**

- a) *Proposal*
- b) *Invitation for conversation*
- c) *Promise*
- d) *Invitation for proposal*

**Ans: D**

**Source: Edzorblaw Qbank - Contract- Module- IV Q.2**

2.



**MCQ, Single Correct Question**

A 'tender' is

- a) an offer
- b) an invitation to offer**
- c) an invitation for discussion
- d) a promise



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(B)

Tender is an **Invitation to Offer**

- Tender is not an offer; it is in the same category of quotation of prices – **N.O.Shetty Vs K.S.R.T. Corp - AIR 19992 Kant 94**
- A party inviting tender is not bound to accept any tender  
– **Deepak Kumar Sarkar Vs State of WB - AIR 2004 Cal 182**

Reference: Contract & Special Relief by Avtar Singh; 10<sup>th</sup> Ed; 2008; Page No. 20

Copyright © Edzorb Law: Any breach will attract immediate legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.11) What is meant by statutory interpretation?**

- a) The interpretation of a statute by Parliament.
- b) The interpretation of a statute by the House of Commons.
- c) The interpretation of a statute by the courts.
- d) The interpretation of a statute by the House of Lords.

**Ans: C**

**Source: Free Initiatives- Free Epic Mock Exams- RJS Mocks –**

**Q.53**

53.

MCQ, Single Correct Question

Statutory interpretation means interpretation by

- a Courts
- b House of Commons
- c House of Lords
- d Parliament



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- **Statutory interpretation** is the process by which courts interpret and apply legislation.
- Some amount of interpretation is often necessary when a case involves a statute.

## Statutory Interpretation

- This involves judges interpreting legislation
- By doing this, judges are involved in clarifying what is the law.
- Whilst the courts add to and refine existing common law principles (precedent), their main law making activity is to interpret and add meaning to existing legislation

- Sometimes the words of a statute have a plain and straightforward meaning.

I am not getting even an iota of what's written in the provision.

Don't worry, its our job to interpret the statutes accordingly.



Reference: Interpretation of statutes, A.B.Khafalaty

Copyright© Edzorblaw: Any Breach will attract immediate legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.12) Under The Specific Relief Act, 1963, any person having the possession or control of a particular article of movable property, of which he is not the owner, may not be compelled specifically to deliver it to the person entitled to its immediate possession, in which of the following cases?**

- a) When the thing claimed is not held by the defendant as the agent or trustee of the plaintiff.**
- b) When compensation in money would not afford the plaintiff adequate relief for the loss of the thing claimed.**
- c) When it would be extremely difficult to ascertain the actual damage caused by its loss.**
- d) When the possession of the thing claimed has been wrongfully transferred from the plaintiff.**

**Ans: A**

**Source I: Edzorb Law QBank - Specific Relief- Unit IV- Q.19**

19.

MCQ, Single Correct Question

Section 8 of Specific Relief Act can be invoked

- a) Against a person who has possession or control over the article
- b) Against a person who is the owner of the article claimed
- c) By a person not entitled to the possession of the article
- d) In respect of an ordinary article.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Section 8:** Liability of a person in possession not as owner, to deliver to a person entitled to immediate possession:

**Ingredients of Section 8:**

 The defendant has full control or possession and is not owner

 The plaintiff entitled to immediate possession

 The thing is not ordinary article

 Article is a moveable property



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Section 7	Section 8
Suit can be filed against the true owner.	Suit cannot be filed against the true owner.

### Wood Vs Rowcliffe

64 RR 303

A person leaving abroad leaves his furniture under the care of his friend. The friend is the trustee of the articles and is bound to return them in the same condition when demanded.

**Reference:** Contract and Specific Relief by Avtar Singh, 12<sup>th</sup> Ed., 2017, Page no. 853.

**Copyright © Edzorb Law:** Any breach will attract immediate legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.13) Under the provisions of The Rajasthan Rent Control Act, 2001, which of the following is not a requisite regarding inspection of a rented premise?**

- a) A prior intimation of at least 7 days shall be given to the tenant.**
- b) The premises shall be inspected in day time.**
- c) Such inspection shall not be carried out more than once in 3 months.**
- d) Such inspection shall be carried out only in the presence of tenant.**

**Ans: D**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – The Rajasthan Rent Control Act, 2001 – Section 25**

**CHAPTER - VII**  
**Miscellaneous**

**Section 25: Inspection of premises**

- The **landlord shall have a right to inspect** the premises let out by him at day time after giving **prior intimation of at least seven days to the tenant.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Khamma Ghani! I will be coming to see my house and premises.



Khamma Ghani! Okay 7 days are still remaining. Would you like to have kulfi?

- However, such inspection shall not be carried out by the landlord more than once in three months.



Reference: Rajasthan Rent Control Act, S.25

Copyright© Edzorblaw: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.14) Any suit filed under the provisions of The Specific Relief Act, 1963 shall be disposed of by the court within a period of ..... from the date of service of summons to the defendant.**

- a) 6 months
- b) 9 months
- c) 12 months
- d) 24 months

**Ans: C**

**Source: Edzorblaw QBank – Specific Relief Act - Unit IV – Q.8**

8.

**MCQ, Single Correct Question**

The suit filed under SRA shall be disposed of within what period from the date of service of summons on defendant?

- a 6 Months
- b 12 Months**
- c 18 Months
- d None of above.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 20C

### Expedited disposal of suits

Notwithstanding anything contained in CPC

- Suit filed u/SRA



6  
MONTHS

shall be disposed of by  
the court within **12**  
months



from the date of service of  
summons to the defendant



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

# Prioviso

The period may be extended for a maximum of **six months** in aggregate after recording reasons in writing.

## Did you Know?

S. 20 C was added by Amendment **Act 2018** based on the recommendations by an **Expert Committee** to the Government of India



**Reference:** Specific Relief Act, Section 20 C, Universal BareAct

**Copyright©Edzorblaw:** Any Breach will attract immediate action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.15) To enforce a right a right of pre-emption, Period of limitation is:**

- a) Twelve years
- b) Three years
- c) Two years
- d) One year

**Ans: D**

**Source: Edzorblaw QBank - TPA- Module IV – Q.20**

20.

**MCQ, Single Correct Question**

The period of Limitaion to enforce a right a right of pre-emption

- a One year
- b Two year
- c Twelve year
- d Three year



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Explanation



- The **right of pre-emption** is a preferential right to acquire the property by substituting the original vendee.
- The transfer or sale of immovable

property is a condition precedent to the enforceability of the right.



- Covered u/part IX of the schedule **u/A.97** of the Act of the Limitation Act.
- for enforcement of right of pre-emption the prescribed period of limitation is one year from the date of sale

Reference: Transfer of property, R.K. Sinha

Copyright©Edzorblaw: Any Breach will attract immediate action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.16) Ut Res Magis Valeat Quam Pereat** is also known as.....

- a) Rule of harmonious construction
- b) Rule of reasonable construction
- c) Rule of ejusdem generis
- d) All of the above

**Ans: B**

**Source:** Free Initiatives- Free Mock Exams- Free RJS Simulator Mock- Q.67

67.

**MCQ, Single Correct Question**

Ut Res Magis Valeat Quam relates to

- a) Rule of Reasonable Construction
- b) Rule of Harmonious construction
- c) Ejusdem Generis
- d) All of the Above



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Did you know?**

The maxim “Ut Res Magis Valeat Quam Pereat” is a **rule of construction** which literally means the construction of a rule should give effect to the rule rather than destroying it.



- In Tirath Singh v. Bachittar Singh, 1955 AIR 830 :
  - the court stated that if the language of the statute leads to absurdity or injustice then a construction may be put upon it which modifies the meaning of the words used in the statute.

**Reference:** Interpretation of statutes, A.B.Khafaltiya

**Copyright© Edzorblaw:** Any Breach will attract immediate legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.17) Under the Code of Civil Procedure, 1908, in which of the following case 'Signed' does not include 'Stamped'?**

- a) Summon**
- b) Bailable Warrant**
- c) Attachment Warrant**
- d) Judgement**

**Ans: D**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – CPC – Part I– Section 2(20)**

#### **Section 2(20)**

- "**Signed**", save in the case of a judgment or decree, includes **stamped**.



**Reference:** The Code of Civil Procedure, 1908, 2019 Edition

**Copyright© Edzorb Law:** Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.18) Which of the following statement regarding Chapter-VIII of The Transfer of Property Act, 1882 relating 'Of transfer of actionable claims, is incorrect?**

- a) This chapter applies to instruments which are for the time being by law or custom, negotiable.
- b) This chapter doesn't apply to any mercantile document of title of goods.
- c) The transferee of actionable claim shall take it subject to all the liabilities and equities and to which the transferor was subject in respect thereof at the date of the transfer.
- d) Every notice to transfer of an actionable claim shall be in writing.

**Ans: A**

**Source: Edzorblaw - Qbank - TPA- Module III Q.4**

4.

□

**MCQ, Single Correct Question**

"When an actionable claim is transferred then all the rights and remedies of Transferor shall be vested in Transferee". This statement is:

- a True
- b False
- c Partly Correct
- d Partly False



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(A)

**Transfer of Actionable claim:**

**Section 130** describes the mode of transfer of Actionable Claim:

The transfer can be done only by an instrument in writing and signed by the transferor or his duly assigned agent;

- The transfer can be with or without consideration;
- The transfer will be complete and effective when executed;
- The transfer vests all the **rights and remedies** of the transferor in the transferee.

**Dipti Kumar Basu Vs Commissioner of Wealth-Tax**

**80 CWN 153**

- The moment a debt is validly transferred the transferee it carries with it **all legal incidents** thereof and is vested with **all the rights and remedies** of the transferor under **Section 130** of the TPA.
- And the language of this section is positive and the right conferred by it cannot be whittled down.

Reference: Property Law by P.P. Saxena; 2nd Ed., 2011, Page No. 567

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

13.

**MCQ, Single Correct Question**

The notice as to Transfer of actionable claim must be signed by:

- a Transferor
- b Duly agent of Transferor
- c Either (a) or (b)
- d Only (a)

Explanation

(C)

**Section 131** of TPA provides that, merely providing the debtor with the notice is not enough, the notice should be expressed one.

The notice must be:

- In writing and signed by the **transferor or his duly authorized agent** on his behalf; or



Reference: Property Law by P.P. Saxena; 2nd Ed., 2011, Page No. 573

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.

**Q.19) The Writ Jurisdiction of High Court is wider than Writ Jurisdiction of Supreme Court. Examine the Correct answer.**

- a) Yes. Article 226 can be invoked to establish fundamental rights and any other right.**
- b) No. Article 32 is wider.**
- c) Both Jurisdictions are identical.**
- d) None of the above option.**

**Ans: A**

**Source: Edzorb Law QBank – Constitution – Unit IX – Q 21**

21.

**MCQ, Single Correct Question**

Which one of the following correctly describes the provision of Article 32 of the Constitution of India?

- a** The technicalities of the principle of res judicata are irrelevant while dealing with fundamental rights under Article 32
- b** A person aggrieved by the decision of High Court in a writ petition under Article 226 may approach the Supreme Court under Article 32 on the same facts
- c** The right to approach the Supreme Court under Article 32 is a fundamental right
- d** A writ petition under Article 32 is a curative petition

**Explanation**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

www.edzorblaw.com

**Writ petition can be filed before:**

- Supreme Court (**Article 32**)
- High Court (**Article 226**)

However, **Article 32** is the right to constitutional remedies enshrined under **Part III** of the constitution, which deals with Fundamental right.

*Hence, approaching supreme court is a fundamental right whereas approaching High Court is only Constitutional Right.*



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

<b>Category</b>	<b>Article 32</b>	<b>Article 226</b>
<b>Which court</b>	Article 32 gives power to <u>Supreme Court</u>	Article 226 gives power to the <u>High court</u>
<b>Enforcement of rights</b>	Article 32 is invoked for the <u>enforcement of fundamental Rights</u>	Article 226 is invoked for <u>enforcement of fundamental right as well as other legal rights too.</u>
<b>Nature</b>	Power to issue writs under Article 32 is <u>mandatory</u> for the Supreme court	High court has <u>discretionary power</u> to issue writs under Article 226



<b>Suspension</b>	Article 32 <u>is suspended during the period of the emergency</u>	Article 226 <u>cannot be suspended during emergency</u>
<b>Territorial Jurisdiction</b>	Territorial Jurisdiction is <u>wide</u>	Territorial Jurisdiction is <u>narrower</u>
<b>Fundamental Right</b>	Article 32 <u>is itself a fundamental right</u> (Right to constitutional Remedies)	Article 226 <u>is not a fundamental Right.</u>

Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012; Page No: 1428.

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

*Q.20) Under section 15 of The Limitation Act, 1963, exclusion of time is not applicable to:-*

- a) Suits*
- b) Appeals*
- c) Application for the execution of a decree*
- d) All the above*

**Ans: B**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Limitation Act – Part I– Section 15**

**Section 15: Exclusion of time in certain other cases.**

**In computing the period of limitation of:**



- **Institution of suit or execution of decree is stayed by injunction or order:**
  - Following time period shall be excluded:



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **Section 15**

Time of  
continuance  
of injunction  
or order

Day on  
which it was  
issued

**Exclusion of  
time period**

Day of its  
withdrawal



- Suit for which notice has been given or previous sanction or consent of the government or any authority is required:
  - The time required for **obtaining such consent** or sanction shall be excluded.

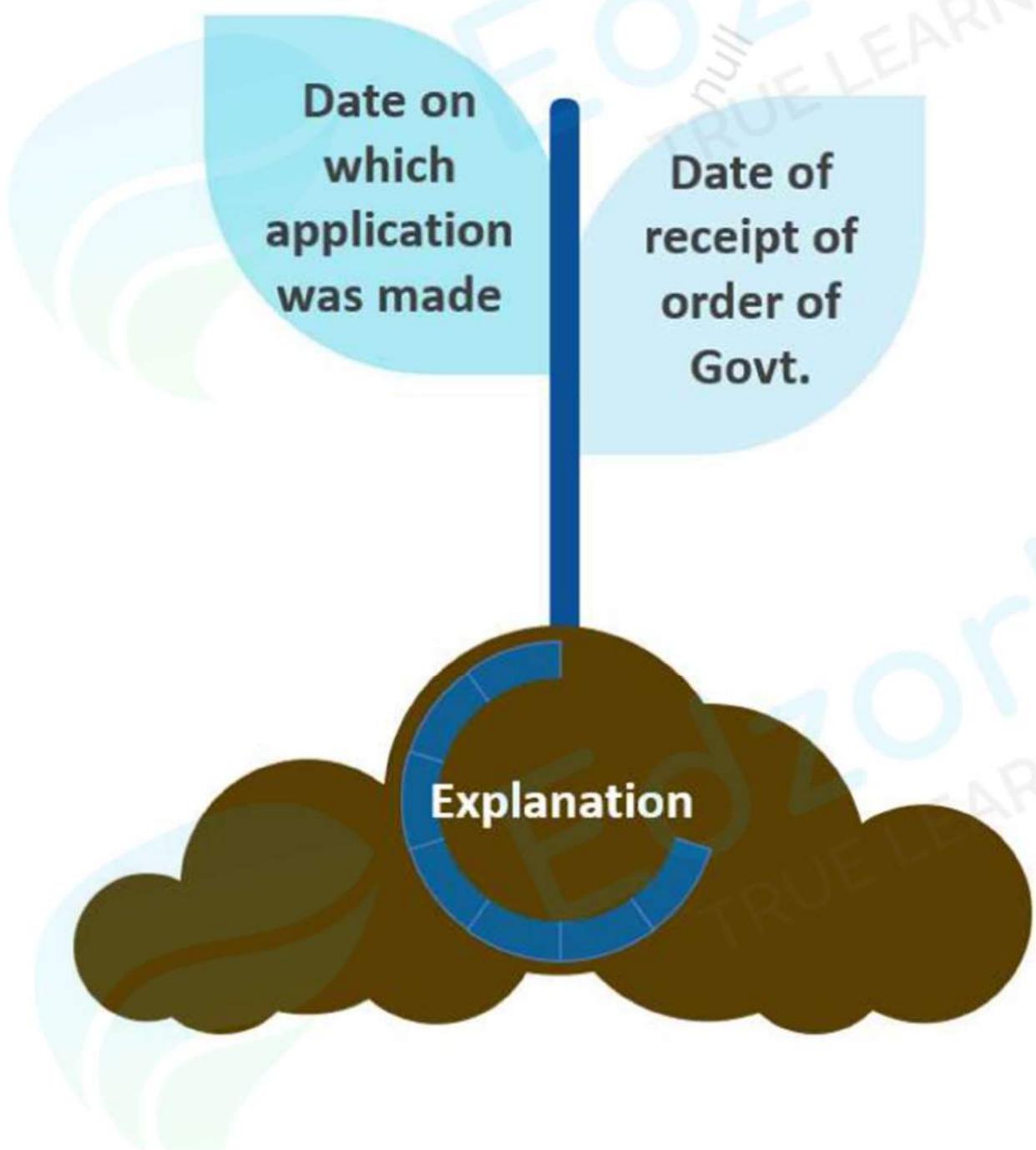
I am coming from last 3 months only to get sanction. In few days, limitation will be over.

Don't worry, time for sanction is excluded. We generally don't give sanction before 3 yrs.



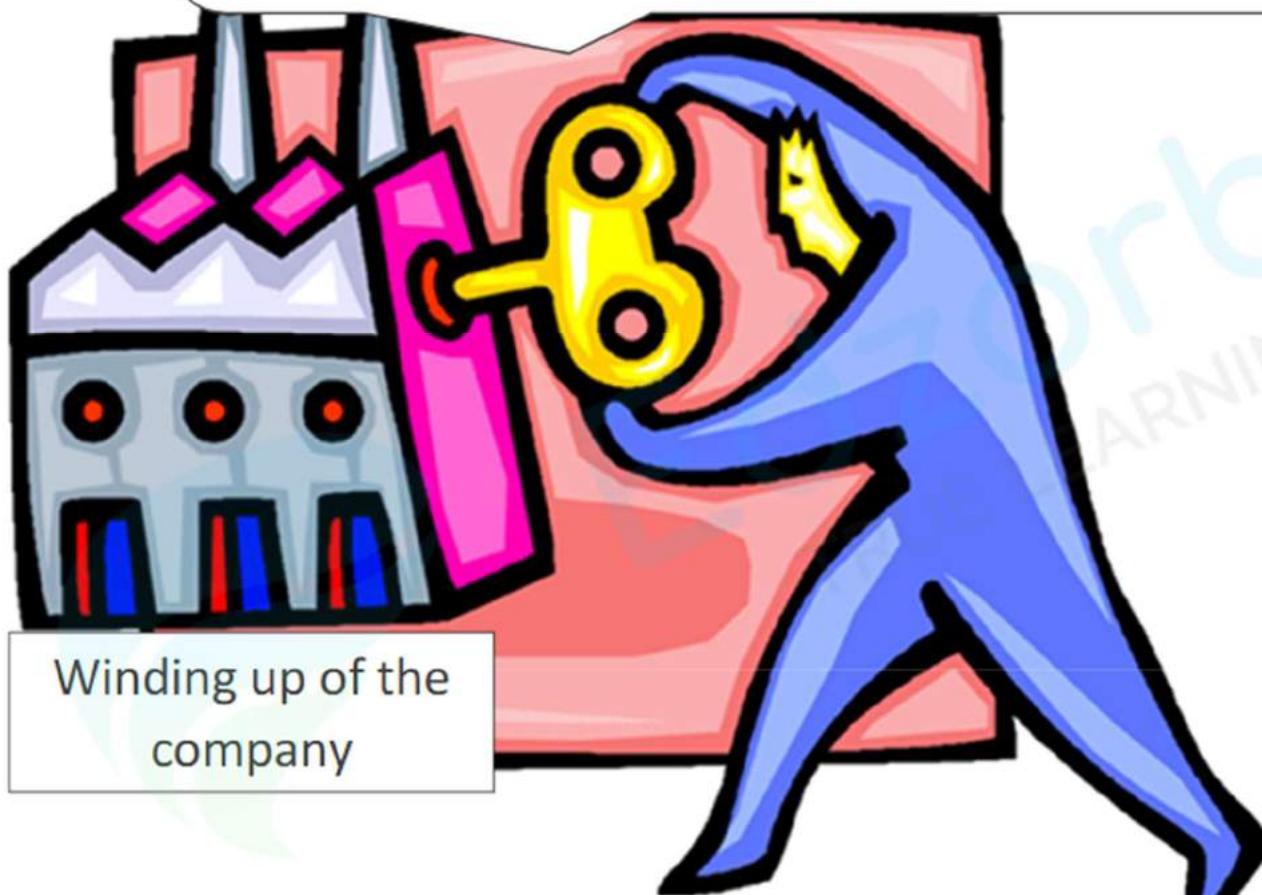
## **Explanation:**

In excluding the time, following shall be counted:



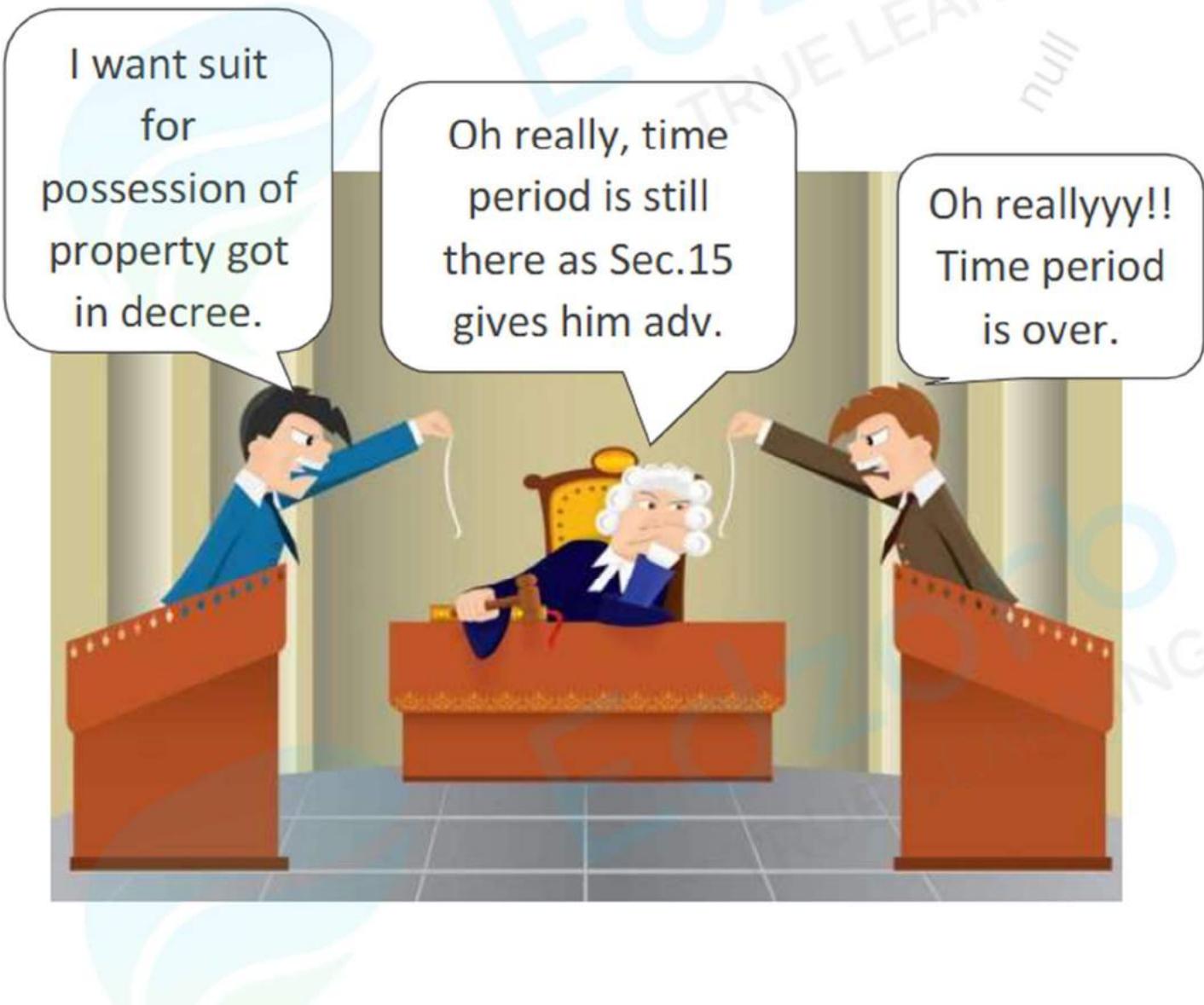
- In any suit or application for execution of a decree by any receiver or interim receiver appointed in proceedings for the adjudication of a person as an insolvent or by any liquidator or provisional liquidator appointed in proceedings for the **winding up of a company**:

The period beginning with the date of institution of such proceeding and ending with the expiry of 3 months from the date of appointment of such receiver or liquidator shall be excluded



- In suit for possession by purchaser at the sale of the execution of decree:

- The time during which **proceeding to set aside** the sale has been prosecuted shall be excluded.



- Any suit:

- The time for which **defendant has been absent from India** or territories outside India under the administration of Central Government is excluded.



Law can't be fooled so easily, girl... time period during which you were not in India is excluded.



## **Turner Morrison & Co. Ltd. Vs Hungerford Investment Trust Ltd. AIR 1972 SC 1311**

### **Facts:**

The plaintiff company filed a suit on 15th November 1965 for recovery of a sum of money from the defendant company on account of the tax liability of the latter discharged by the plaintiff before 15th November 1962.

### **Held:**

Section 15(5) of the Limitation Act, 1963 can be viewed in one of the two ways i.e. that

- That provision does not apply to incorporated companies at all or alternatively that the incorporated companies must be held to reside in places where they carry on their activities and thus being present in all those places.
- Hungerford's Board of Directors used to meet in India now and then. It was (through its representatives) attending the general meeting of the shareholders of Turner Morrison. Under those circumstances, it must be held to have been residing in this country and consequently was not absent from this country.
- Hence Section 15(5) cannot afford any assistance to Turner Morrison to save the bar of limitation.



# Sample

Q. "Equal Pay for Equal Work" is not expressly a constitutional right, it has been read into the Constitution through the interpretation of which other articles?

- A. Article 14, 15
- B. Article 39, 14, 15, 16
- C. Article 21
- D. None of the Above

Telegram:  
@Edzorblaw

(B)

Equal Pay for Equal Work:



- The directive principle of State Policy under Article 39.
- It is the concept of labour rights that individuals in the same workplace be given equal pay.
- Equal pay relates to the full range of payments and benefits, including basic pay, non-salary payments, bonuses and allowances.



History of Equal Pay for Equal Work

As wage-labour became increasingly formalized during the Industrial Revolution, the principle of equal pay for equal work arose at the same part of first-wave feminism, with early efforts for equal pay being associated with nineteenth-century Trade Union activism in industrialized countries.

Principle of Equal Pay for Equal Work – Binding as precedent

**State of Punjab Vs Jagjit Singh**

(2017) 1 SCC 148

- **Decision of Lower court:** Temporary employees were not entitled to the minimum of the pay-scale, as was being paid to similarly placed regular employees was challenged.
- **Decision of Apex Court:** Principle of "equal pay for equal work" expounded through various decisions of Supreme Court constitutes law declared by Supreme Court, which is binding on all courts in India and is applicable to all temporarily engaged employees.

**Did you Know?**

The World Bank, which has tracked legal changes for the past decade, found **Belgium, Denmark, France, Latvia, Luxembourg or Sweden** were the only countries in the world to enshrine gender equality in laws affecting work.



Telegram:

@Edzorblaw

shall not be compelled to witness against

[www.edzorblaw.com](http://www.edzorblaw.com)

→ What does

"compel" mean

be or here?

"Person accused of" means that a formal accusation has been made against such person which might result in his conviction.

The case of Kathi Kalu v. state of Bihar SC

"No person can be compelled or forced to give evidence against himself."

Selvi v. stat UOI , 2010 SC

Facts?

Issue?

Mention

them at  
least in

In this case the petitioner has challenged a line,  
the narco analysis, brain finger mapping  
and polygraph test which are being  
conducted against the consent of the  
person accused of an offence. The Supreme  
Court held the following guidelines-

→ discuss the facts properly.  
→ what is Narco analysis and the other tests etc.

- (1) No person shall be examined or compelled to give evidence against his consent.
- (2) If an accused person consents to give evidence he shall be explained to the consequences of such test and his lawyer shall be present.
- (3) The consent of person shall be recorded by the judicial magistrate.
- (4) On the hearing before the judicial magistrate Lawyer of accused shall be present.

Thus, even if the accused has consented to such tests, he shall be heard properly by the judicial magistrate to ensure that he has not been forced to give evidence.

→ Article 20(6)(b)

• "any S. 300 CPC here." (4)

## → Confession under the Evidence Act

(2) Art 20(2) - The protection against double jeopardy-

It reads as -

"No person shall be ~~convicted~~ or  
prosecuted and  
for the same offence twice." Punished

It is based on the maxim - "Nemo debet vis  
vexari". → What does it mean?

The Code of criminal procedure 1973 4/s 300  
also deals with this principle of double  
jeopardy.

essentials - ① Accused must be convicted  
on the same offence for which he has  
been prosecuted before.

② Proceeding was conducted before the  
judicial magistrate or court in judicial  
proceeding.

→ Pinpoint the difference b/w S. 300 CPC  
& Art. 20(2)

→ S. 300 CrPC is for the convicts & the acquits as ex-post facto laws — well.

(3)

The protection against

Art. 20(1) reads as -

**convicted**

"No person shall be arrested except for the violation of law in force at the time of commission of act or omission nor shall be subjected to greater punishment than at the time of commission of act of omission."

The Indian constitution protects only from two types of ex post facto laws -

① The law which was not in force at the time of commission of offence.

② The punishment which was enhanced after the punishment of offence.

→ What if the punishment is reduced?

**Q.21) According to ..... Of interpretation, the meaning of a word is to be judged by the company it keeps.**

- a) Mischief rule**
- b) Golden rule**
- c) Noscitur a sociis**
- d) Primary rule**

**Ans: C**

**Source: Edzorb Premium+2.0 – Legal Maxims – Part I**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



## **Noscitur A Sociis**



**THE MEANING OF A WORD IS TO BE  
JUDGED BY THE COMPANY IT KEEPS**



**S. 7 of Indian Penal Code**

**State of Bombay v. Hospital Mazdoor  
Sabha**

**AIR 1960 SC 610**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.22) Under Rajasthan Rent Control Act, 2001, an application made under section 23 shall be disposed of by Rent Authority within ..... from the date of presentation of the application.**

- a) 120 days
- b) 90 days
- c) 60 days
- d) 30 days

**Ans: C**

**Source: Edzorb Law Premium+2.0 - Simplified Notes –  
Rajasthan Rent Control Act – Part I- Section 23**

## **CHAPTER - VI Amenities**

**Section 23: Landlord not to discontinue or withhold amenities enjoyed by the tenant.**

- No landlord either himself or acting through any person or any person purporting to act on his behalf, shall **discontinue or withhold** the amenities enjoyed by the tenant in respect of the premises let out to him.



Hey! you  
are not  
allowed  
to use  
those  
things

LANDLORD



I am  
paying  
the  
rent so  
why  
can't I?



TENANT

Amenities



Or



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



- The landlord may, discontinue or withhold any amenity with the **permission of the Rent Authority** shall grant such permission

- If it is satisfied that the **tenant has not paid the charges in respect of the amenity**, which he was **liable to pay**.



I have filed a petition to discontinue the amenities



- The **petition of the landlord** for permission to discontinue or withhold the amenities or on the **petition of the tenant for restoration of the amenities**,



For



Or

**RESTORATION**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- The Rent Authority shall issue notices to the other party and after hearing the parties it shall pass such orders as it may deem fit.



After hearing the parties pass such orders



- During the *pendency of the inquiry*, the Rent Authority may pass such **interim orders** as it may deem fit.

## Interim Orders

- The Rent Authority shall conduct the **proceedings in a summary manner** and dispose of any application made by the **landlord or tenant within sixty days** from the date of presentation of petition.



Reference: Rajasthan Rent Control Act, 5.23

Copyright © Edzorblaw. Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



- The landlord may, discontinue or withhold any amenity with the **permission of the Rent Authority** shall grant such permission

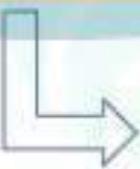
- If it is satisfied that the **tenant has not paid the charges in respect of the amenity**, which he was **liable to pay**.



I have filed a petition to discontinue the amenities



- The **petition of the landlord** for permission to **discontinue or withhold** the amenities or on the **petition of the tenant for restoration of the amenities**,



For



Or

**RESTORATION**



- The Rent Authority shall issue notices to the other party and after hearing the parties it shall pass such orders as it may deem fit.



After hearing the parties  
pass such orders



- During the *pendency of the inquiry*, the Rent Authority may pass such **interim orders** as it may deem fit.

## Interim Orders

- The Rent Authority shall conduct the proceedings in a summary manner and dispose of any application made by the landlord or tenant within sixty days from the date of presentation of petition.



Reference: Rajasthan Rent Control Act, 5.23

Copyright © Edzorblaw: Any breach will attract legal action with or without notice





## LIMITATION PERIOD FOR DISPOSAL OF VARIOUS APPLICATIONS

Section	Application	Time
14	For revision of rent	150 days
9 & 15	For Eviction for tenant	240 days
10 & 16	For immediate possession by landlord	150 days
19	For disposal of appeal	180 days
11 & 12	For restoration of possession of illegally dispossessed tenant	90 days
23	On discontinuation of amenities	60 days
20	For execution of order	45 days





**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.23) Under the Code of Civil Procedure, 1908, which of the following statement is not correct?**

- a) Decree includes the rejection of plaint.**
- b) Decree includes the determination of any question under section 144.**
- c) Decree does not include any order of dismissal for default.**
- d) Decree includes any adjudication from which an appeal lies as an appeal from an order.**

**Ans: D**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Civil Procedure Code – Part I– Section 2(2)**

### **Section 2(2)**

- Decree means
- **Formal expression** of an adjudication
- As regard the court expressing,





- Which **Conclusively determines** the rights of the parties
- With regard to **all or any of the matters** in **controversy** in the suit,

- May be either **Preliminary or Final.**

**PRELIMINARY**

Or

**FINAL**

- It shall include
  - The rejection of plaint under **O.VII R.11** and
  - The determination of any question regarding **order of restitution** under **Section 144**
  - They are also called as **Deemed Decree.**





- But it shall not include –

Any adjudication from which an appeal lies as an appeal from an order

Any order of dismissal for default

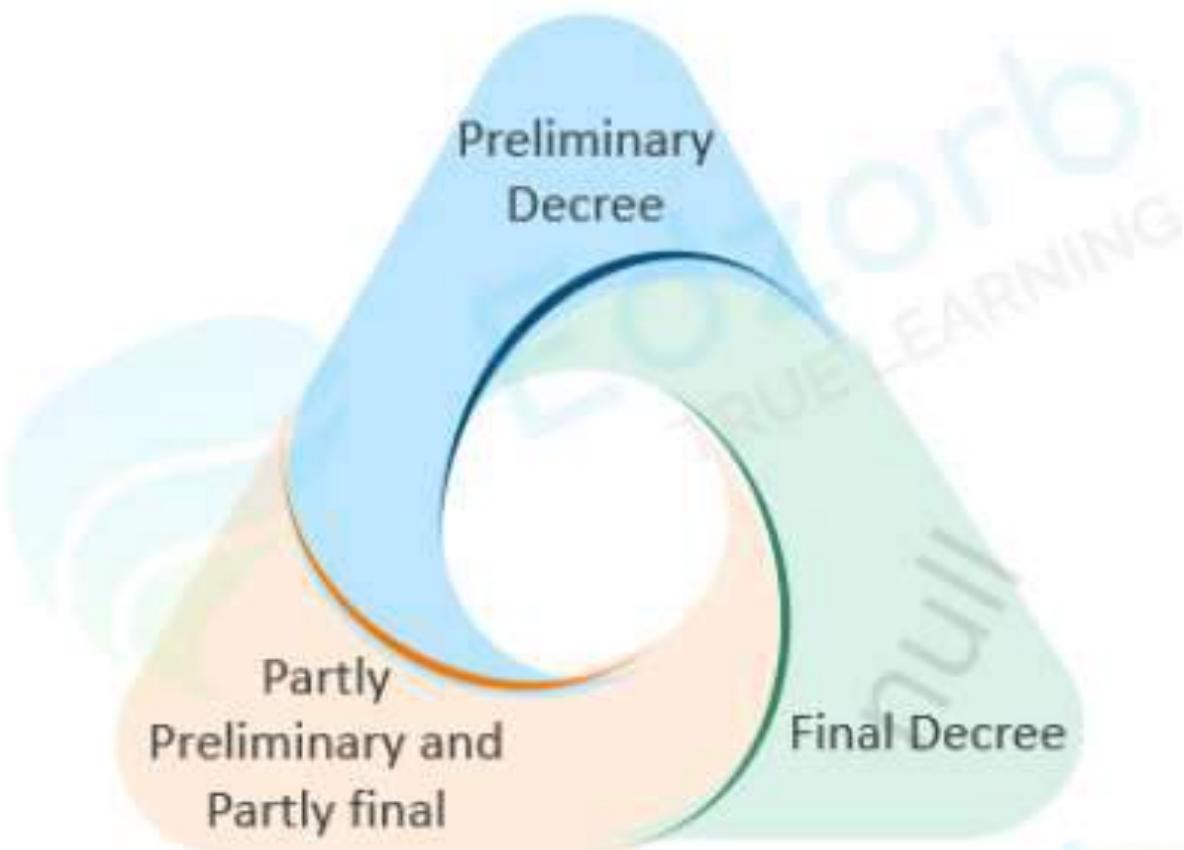
1



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Three types of Decree



**01** An Adjudication decides the right of parties with matter in dispute

**02** Completely disposes of the suit and finally settles all question in dispute

**03** Court decrees possession of property (Final) and directs an enquiry into mesne profit (Preliminary)



Provisions in the code for passing of the preliminary Decrees

Order and Rules	Provisions
O.20 R.12	Suits for <b>possession</b> and <b>mesne profit</b>
O.20 R.13	Administration suits
O.20 R.14	Suits for <b>pre-emption</b>
O.20 R.15	Suits for <b>dissolution of partnership</b>
O.20 R.16	Suits for accounts between <b>principal and agent</b>
O.20 R.18	Suits for <b>partition</b> and <b>separate possession</b>
O.34 R.2-3	Suits for <b>foreclosure of a mortgage</b>
O.34 R. 4-5	Suit for <b>sale of mortgaged property</b>



Basic of Distinction	Decree	Order	Judgment
• Origin	Can only be passed in a suit which <u>commenced</u> by <u>presentation</u> of <u>plaint</u> .	May originate from a suit, by presentation of a plaint or may arise from a proceeding commenced by a petition or an application.	Is based upon facts
• Determination of Rights	Adjudication <u>conclusively</u> determining the rights of the parties	May be <u>Preliminary</u> or <u>Partly Preliminary</u> or <u>Partly Final</u>	Leads to the <u>final disposal</u> of suits after decree is drawn up



<b>• Type of Decree</b>	May be <u>Preliminary or Partly Preliminary</u> or Party Final	Cannot be a Preliminary Order.	<u>No Types</u>
<b>• No. of Order/ Decree</b>	Every suit, there can be only one decree, except in certain suits, where two decrees, one Preliminary and one Final are passed	Suit or proceeding number of orders may be passed.	-
<b>• Appeal From</b>	Appealable unless otherwise <u>expressly</u> provided.	Every order is <u>not appealable</u> except <b>Section 104</b> and <b>Order 43 R.1</b>	Is made <u>prior to decree</u>



**Hansraj Vs Dehradun-Mussoorie Electric Tramways Co. Ltd.**  
**AIR 1933 PC 63**

It defined the following term as:

- The word suit means a **civil proceeding** instituted by the presentation of a plaint.
- The word right of the parties in controversy implies adjudication to determine the right of the parties all or any matter in dispute.
- **Conclusive determination** means determination which must be final and conclusive which the court has passed it.

**Phoolchand v. Gopal Lai**  
**AIR 1967 SC 1470**

- There is nothing in the Code which prohibits the passing of more than one preliminary decree if circumstances justify the same and where it is necessary to do so.
- The observations in the given case are **attached to partition suits only**



## Shankar Vs Chandrakant

AIR 1995 SC 1211

- A preliminary decree is one which **declares the rights and liabilities** of the parties leaving the actual result to be worked out in further proceedings.
- As a Result of the further inquiries, conducted pursuant to the preliminary decree,
- The rights of the parties are fully determined and a decree is passed in accordance with such determination which is final.
- Both the decrees are in the same suit.

Reference: The Code of Civil Procedure, 1908, 2019 Edition

Copyright@ Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.24) The repealment of Rajasthan Premises (Control of Rent and Eviction) Act, 1950 ("Act of 1950") by Section 32(1) of The Rajasthan Rent Control Act, 2001, affected which of the following?**

- a) To anything duly done or suffered under the Act of 1950.**
- b) To any right acquired under the Act of 1950.**
- c) To any fine incurred under the provisions of the Act of 1950.**
- d) None of the above option.**

**Ans: D**

**Source I: Edzorb Premium+2.0 - Simplified Notes – The Rajasthan Rent Control Act, 2001 – Section 32**

#### **Section 32: Repeal and savings.**



**Rajasthan Premises  
(Control of Rent and  
Eviction) Act, 1950**

- The Rajasthan Premises (Control of Rent and Eviction) Act, 1950 shall stand repealed with effect from the date notified under Sub-sec. (3) of Sec. 1 of this Act.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- The **repeal** under Sub-section (1) **shall not affect**, -



Anything done or suffered under the enactment so repealed; or  
Any right, title, privilege, obligation or liability acquired or incurred  
Any fine, penalty or punishment incurred or suffered

- Notwithstanding the repeal under Sub-section (1)



04

03

02

01

As per provision of  
repealed act.

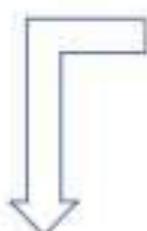
Shall be continued and  
disposed of,

Under Repealed act  
pending before any court

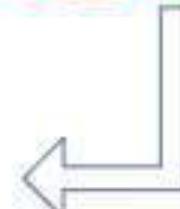
All applications, suits or  
other proceedings



- From **coming into force** of this act,  
plaintiff shall be  
**entitled to**



Any suit or appeal or any  
other proceeding pending  
under the repealed Act



170



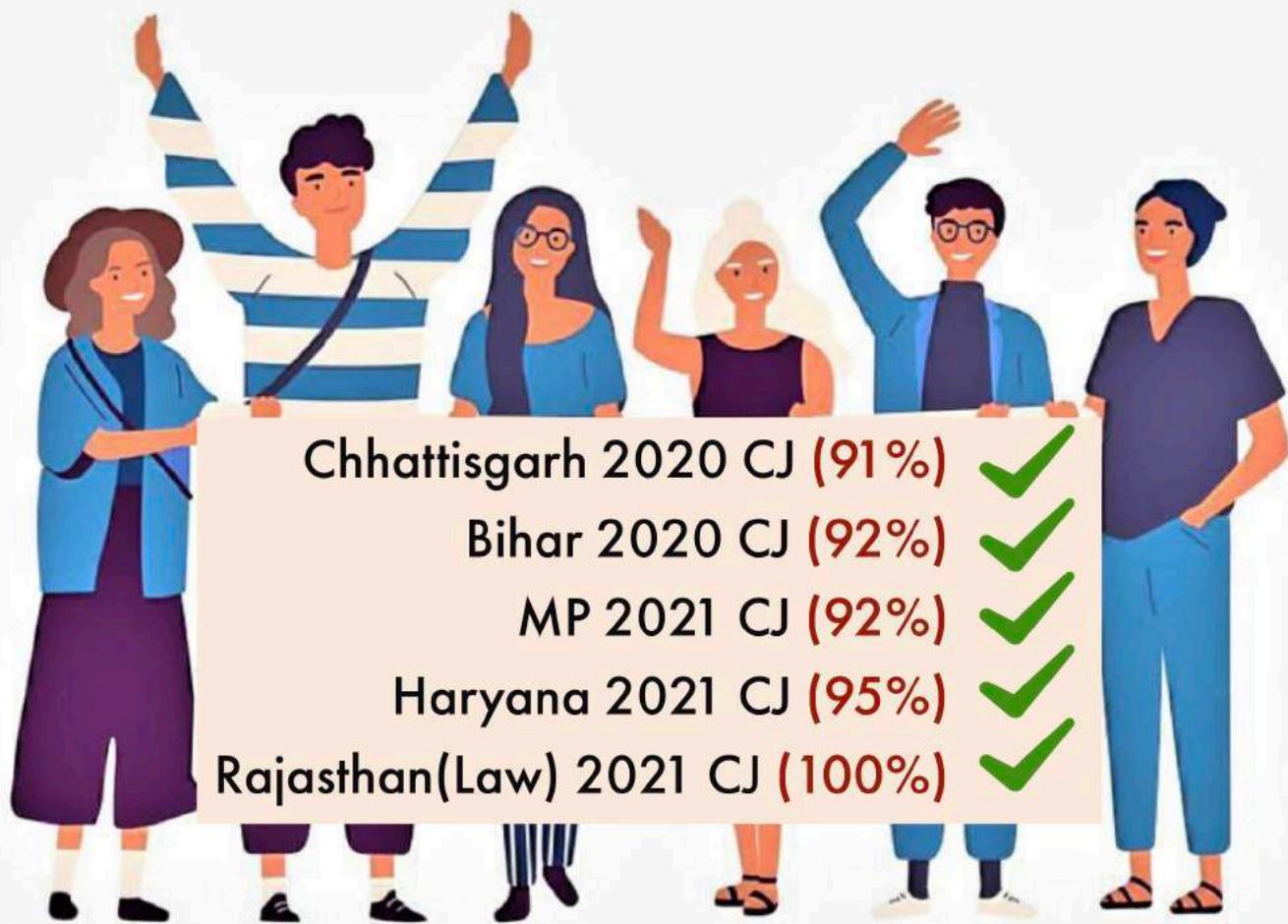
Reference: Rajasthan Rent Control Act, Section 32, BareAct

Copyright©Edzorblaw: Any Breach will attract immediate action with or without notice

--.n

# Edzorbians At Advantage

High Strike Rate in all PCSJ Exams



Predict the STRIKE RATE for UPJS & DJS or even BETTER..

Score an Exam winning Strike with Edzorb Law



Edzorb Law

True Learning

Telegram: @edzorblaw  
www.edzorblaw.com

**Q.25) On application under section 22-E of The Rajasthan Rent Control Act, 2001, Court fee shall be payable:-**

- a) Rs. 50/-
- b) Rs. 100/-
- c) Rs. 250/-
- d) *Ad valorem*

**Ans: B**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – The Rajasthan Rent Control Act, 2001, – Section 28**

### **Section 28:**

- Except as provided in Sub-sections (2), (3) and (4), the Court fee payable on petitions, applications and appeals filed before the Tribunal would be the same as would be payable if suits, applications or appeals were filed for the similar relief before Civil Courts.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Filed before Tribunal  
would be same as



On petitions,  
applications  
and appeals

Similar relief before  
Civil Courts



Joint petition for  
limited period  
tenancy

Appeal against a petition ad  
valorem Court fee under the  
Rajasthan Courts Fees and  
Suits Valuation Act, 1961

161



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Payable on the amount  
of rent payable for the  
year next



Before the date of presentation of  
the petition, irrespective of the  
period for which the limited period  
tenancy is sought to be entered.

- On an application under **Section 22E** or a petition under **Section 23** or under **Section 24** and on an appeal against any order on such application or petition, a **fixed court fee of Rs. 100/-** shall be payable.



**Sec.22E**

Or

**Sec.23**

Or

**Sec.24**





- On petition for revision of rent under Sec. 6 or under Sec. 7 and on appeal against any order on such a petition, a fixed Court fee of Rs. 250/- shall be payable.

Sec.6

Or

Sec.7



Reference: Rajasthan Rent Control Act, S.28

Copyright® Edzorb Law: Any breach will attract legal action with or without notice

163



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

www.edzorblaw.com

**Q.26) Which of the following statement with reference to Indian Evidence Act, 1872, is not correct?**

- a) The contents of documents may be proved either by primary or by-secondary evidence.**
- b) Primary evidence means the document itself produced for the inspection of the court.**
- c) Counterparts of documents as against the parties who execute them, comes under secondary evidence.**
- d) Oral evidence must be direct.**

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Act – Part I– Section 60**

**Source II: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Act – Part I– Section 61**

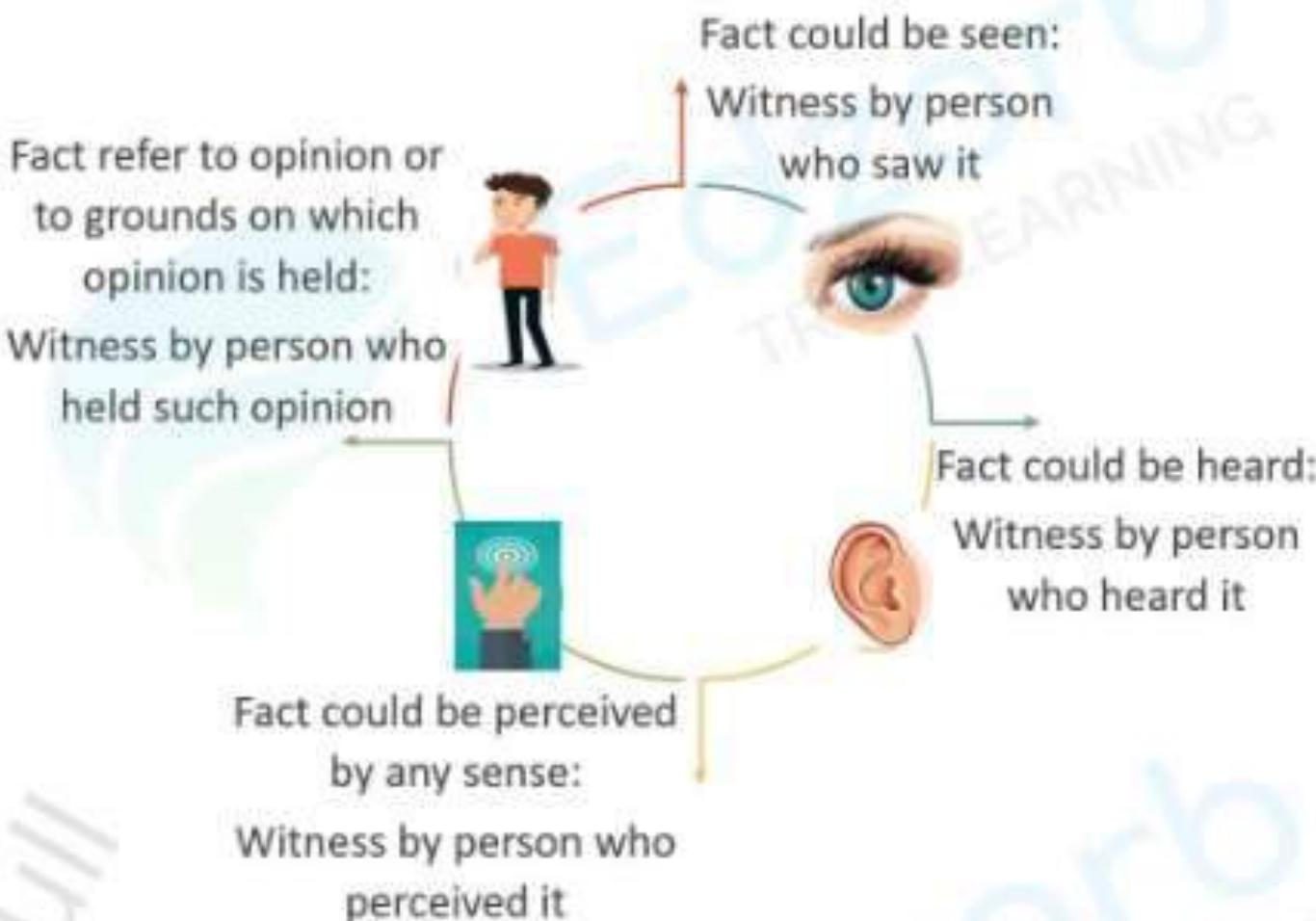
**Source III: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Act – Part I– Section 62**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 60: Oral evidence must be direct:



Even if I will die, my books will always be there helping upcoming generation.



Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved:



Provided also that:

If oral evidence refers to existence or condition of any material thing (not doc.)

Court may require production of such thing for inspection.

Such thing really exists, I would like to inspect it myself.



### Sanjay Khanderao Wadane Vs State of Maharashtra AIR 2017 SC 3595

- A medical witness who performs a post-mortem examination is a witness of fact though he also gives an opinion on certain aspects of the case.
- The value of a medical witness is not merely a check upon the testimony of eyewitnesses; it is also independent testimony because it may establish certain facts quite apart from the other oral evidence.





**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

## CHAPTER V: OF DOCUMENTARY EVIDENCE

### **Section 61. Proof of contents of documents:**

The contents of documents may be proved either by:

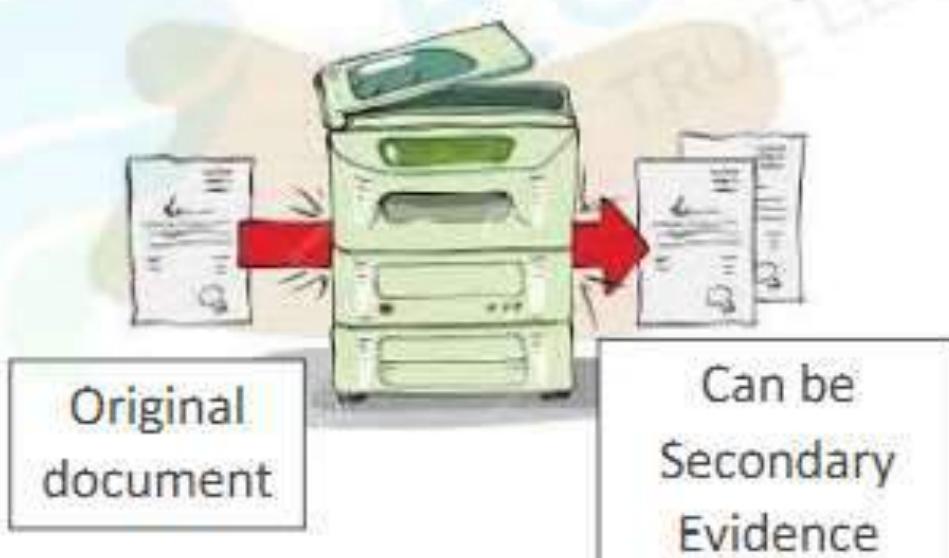


#### • **PRIMARY EVIDENCE**

**Primary evidence** means the **document itself produced** for the inspection of the Court.

#### • **SECONDARY EVIDENCE**

**Secondary Evidence** is the document which is **not original document** but those documents can be produced before court under the law.



## Section 62: Primary Evidence

Primary evidence means the **documents itself produced** for inspection of the Court.

Document for inspection.



### EXPLANATIONS:

#### I. Documents in Parts:

- **Document executed in several parts:** Each part is primary evidence of the document.

I became owner after fulfilling all these formalities, how will I produce all this in court.



- **Document executed in counterpart:** Each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.



Document	Primary Evidence	Secondary Evidence
A	For girl	For boy





For girl

II. Where a number of documents are **all made by one uniform process**, i.e., printing, lithography or photography, each is

primary evidence of the contents of the rest, but

Where they are all copies of a common original, they are not primary evidence of the contents of the original.



Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.



**Chumman Singh And Ors. Vs  
State of Bihar  
(2006)**

MEDICAL CERTIFICATE



I am carbon  
copy of  
original but  
can be given  
in evidence.

The carbon copies of the medical certificates are admissible in evidence inasmuch as they have to be treated as primary evidence on the strength of **explanation 2 to Section 62.**

Reference: Indian Evidence Act, 1872, Section 62

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

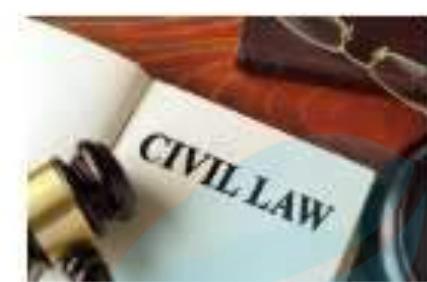
[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.27) Under which section Is provided that in all civil proceeding the any party to the Suit shall be a competent witness?**

- a) Section 120 of Indian Evidence Act, 1872**
- b) Section 121 of Indian Evidence Act, 1872**
- c) Section 122 of Indian Evidence Act, 1872**
- d) Section 126 of Indian Evidence Act, 1872**

**Ans: A**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Act – Part II– Section 120**

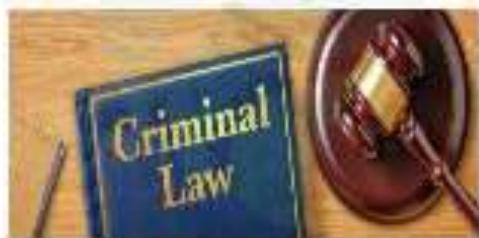


In all **civil proceedings** the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



In **criminal proceedings** against any person, the husband or wife of such person, respectively, shall be a competent witness.

Reference: Indian Evidence Act, 1872, Section 120

Copyright © Edzorblaw: Any breach will attract legal action with or without notice.



*Q.28) Pending Proceedings in a representative suit, the dispute is settled plaintiff and defendants. They jointly filed an application to record between was allowed. Suit was decreed in terms of the settlement. Is there any procedural irregularity?*

*a) No*

*b) Yes. Court ought to have conducted an enquiry about the genuineness of Settlement.*

*c) No. Court could have granted leave to settle, being a representative suit.*

*d) Yes. Court cannot grant permission without following due procedure, being a representative suit.*

**Ans: D**

**Source: Edzorblaw Qbank - CPC- Module 25 Q.18**

18.

MCQ, Single Correct Question

Mark the incorrect statement in relation to a compromise under Order 23:

- a The agreement or compromise should be lawful and not against public policy.
- b The agreement or compromise should be in writing and signed by the parties.
- c No agreement or compromise in a representative suit can be entered into without the leave of the court.
- d The subject matter of the agreement or compromise should be the same as the subject matter of the suit.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(D)

**Order XXIII Rule 3:**

- Where court is satisfied that there has been compromise between the parties, the court shall order such agreement to be recorded and shall pass decree thereon.
- The decree must be as it relates to the parties to the suit, whether or not the **subject matter of agreement is same as subject matter of suit.**

**Byram Pestonji Gariwala vs Union Bank of India And Ors**

**20 September, 1991, SC**

The terms of compromise are permitted to include all matters relating to the parties to the suit even if such matters fall outside the subject matter of the suit.

**Did you Know?**

It has been added by **C.P.C. (Amendment) Act, 1976.**



Reference: Civil Procedure Code, Order 23 Rule 3

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.29) Which of the following Statement regarding 'Gift' under The Transfer of Property Act 1882, is correct?**

- a) Gift is the Transfer of Certain future movable or immovable property made voluntarily and without consideration.
- b) Transferor is known as donee and transferee is known as donor in gift.
- c) If the donee dies before acceptance, the gift is void.
- d) None of the above option.

**Ans: C**

**Source: Edzorblaw Premium+ 2.0- Qbank Concept- TPA- Module 4 Q.8**

8.



MCQ, Single Correct Question

In case of a gift if the donee dies before acceptance, the gift is:

- a) Valid
- b) Void**
- c) Revocable
- d) Irrevocable



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(B)

Acceptance of the gift must be made

- During the **lifetime of the donor** and
- While he is still **capable of giving**.



Reference: Property Law by P.P. Saxena; 2nd Ed., 2011, Page No. 543

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.30) Under the Constitution of India, Provision to disqualification on ground of defection is made:-**

- a) In Ninth Schedule**
- b) In Tenth Schedule**
- c) In Eleventh Schedule**
- d) In Twelfth Schedule**

**Ans: B**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Constitution – Anti defection**

(Tenth Schedule)

## **ANTI-DEFLECTION LAW**

**52nd Amendment Act of 1985**



**DISQUALIFICATION**

**Members**



**State Legislatures**

**Parliament**

**DEFLECTION FROM ONE**

**POLITICAL PARTY TO ANOTHER.**

**Changes in 4 Articles**

**Added New Schedule**

**101, 102, 190 & 191**

**(10TH SCHEDULE)**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

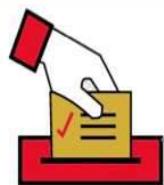
## PROVISIONS OF THE ACT

### 1. Disqualification

#### Members of Political Parties



Voluntarily **gives up**  
his membership



**Votes/abstains**  
from voting

• Contrary to party's direction

• Such act has **not been condoned**  
by the party within **15 DAYS**.

#### Independent Members

Political  
party  
after election.

**Joins**



#### Nominated Members

Political  
party  
after election.

**Joins**

After expiry (6 months)  
from date he takes his  
seat in the House.

### 2. Exceptions



Members

Goes out of his party as a result of a  
merger of the party with another party.

**2/3 members**

AGREED to such merger

Elected as the  
**PRESIDING OFFICER**

- Voluntarily **gives up** membership
- **Rejoin** - ceases to hold office

**EXEMPTION** from disqualification  
(in case of split-1/3 members)

Deleted by the 91st Amendment Act of 2003.

Copyright © Edzorb LAW: Any breach will attract legal action with or without notice. [www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- Q.31) Section 87 of Indian Evidence Act, 1872, provides:-**
- a) Presumption as to certified copies of foreign judicial records**
  - b) Presumption as to books, maps and charts**
  - c) Presumption as to telegraphic messages**
  - d) Presumption as to due execution, etc., of documents not produced**

**Ans: B**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Act – Part I – Section 87**

**Section 87. Presumption as to books, maps and charts:**

The Court **may presume**



Any book referred for information on matters of public or general interest



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Any published map or chart,  
the statements of which are  
relevant facts and which is  
produced for its inspection



The same **was written and published by the person and at the time and place**, by whom it purports to have been written or published.

Reference: Indian Evidence Act, 1872, Section 87

Copyright © Edzorblaw: Any breach will attract legal action with or without notice.

300



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

TELEGRAM	NUMBER
For Name	
By Letter	
Right Telegram	
Right Letter	
Please note we do not accept the use of serial codes. Corresponding telegrams will be forwarded as a follow-up telegram.	

TO	CODE OR NAME
TIME RECEIVED	
TIME PAYER	
DRAFT	

**TELEGRAPH**  
**Section 88: Presumption as to  
 telegraphic messages:**

Send the following message, or part of it, to the court or magistrate, or to the police station:

To,

The Court may presume that a message, forwarded from a telegraph office to the person to whom such message was addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

Reference: Indian Evidence Act, 1872, Section 88

Copyright © Edizorb Law: Any breach will attract legal action with or without notice.



**Q.32) Which of the following is not defined under section 2 of The Limitation Act, 1963?**

- a) Bill of exchange
- b) Bond
- c) Cheque
- d) Promissory note

**Ans: C**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Limitation Act – Section 2**

### **2(c): Bill of Exchange:**

**“Bill of exchange includes Hundi and Cheque”**

**Hundi:** Hundi/Hundee is a financial instrument that developed in Medieval India for use in trade and credit transactions.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Cheque:** A **cheque** refers to an instrument in writing which contains an unconditional order, addressed to a banker and is signed by a person who has deposited his money with the banker.

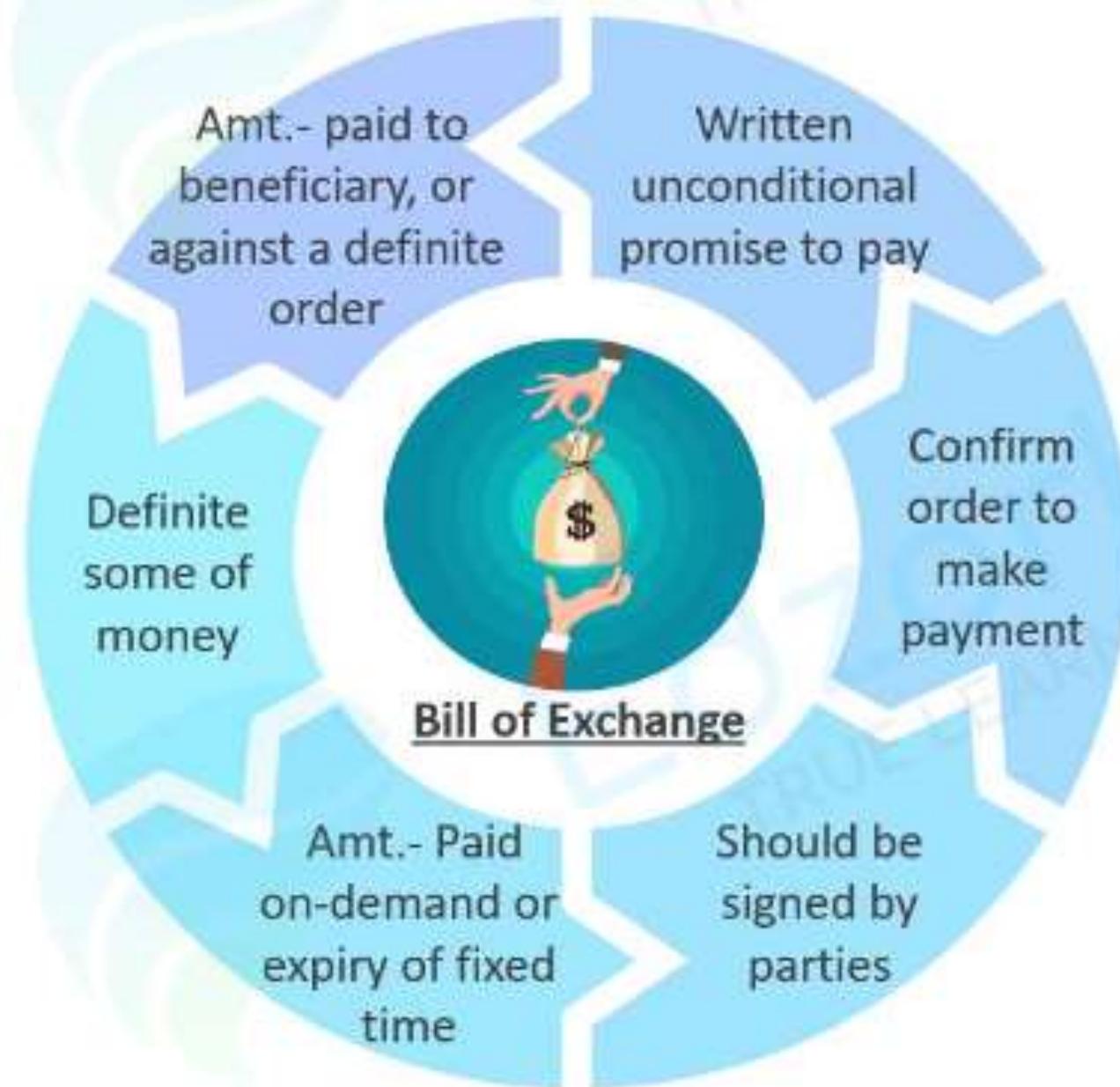


JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 5 of NI Act: Bill of exchange

"A **bill of exchange** is defined as an instrument in writing containing an **unconditional order**, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of a certain person or to the bearer of the instrument."



# Bill of Exchange

Bangalore  
1st June, 2018

₹4,00,000

Two months after date, pay to me or my order, the sum of  
Rupees Four lakh only, for value received

STAMP

Accepted  
(Signed)  
Raj Kiran  
14, Bangalore

(Signed)  
Kunal Singh  
Lal Bagh, Bangalore



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **2(k): Promissory Note:**

"Promissory note" means any instrument whereby:



The maker engages absolutely  
to pay a specified sum of  
money to another



At a time specified therein  
limited, or on demand, or at  
sight.

### **Promissory Note**

Dear Rakesh,

I will pay you all the money I owe you till the end of  
the year 2020 by 30.03.2021.

Regards,

Rajesh

**This promissory note is invalid as the sum of  
money is not specified.**



## 2(d): BOND

"Any instrument whereby a person **obliges himself to pay money to another**, on condition that the obligation shall be void if a specified act is performed, or is not performed."



Here, the girl has signed the bond that she will work for the organisation for 2 years.

If she performs the obligation, the bond is void. If she does not, she is liable to pay.





# Become a Judicial Officer



Rs 1,000 off



Series of 20 Standardized Tests



Post-Exam Model Pointers



Personalised Evaluation & Feedback

Offer valid for last 150 subscribers only/-

**Book Now**

**It's Now or Never**

Rajasthan  
Mains  
Batch:  
Ongoing  
Admissions





**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.33) Under the Indian Contract Act, 1872, requisite for a valid ratification is:-**

- a) Knowledge of the correct facts of the case.**
- b) Interest of the person ratifying, in the case.**
- c) Right of the person ratifying, in the case.**
- d) Liability of the person ratifying, in the case.**

**Ans: A**

**Source: Edzorb Law Premium+2.0 - Simplified Notes – Indian Contract Act –Part II - Section 198**

#### **Section 198:**

#### **Knowledge requisite for valid ratification:**

- No valid ratification can be made by a person whose knowledge of the fact is materially defective.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

We approve the tender of goods which you are going to supply.

Yes! The time for commencement of performance is September.



- Before this date the tender was withdrawn.
- The board ratified its approval of tender on October 6.
- It was held this was too late as it was done after the date fixed for performance.

Reference: The Indian Contract Act, 1872, Central Law Agency, Digitot Edition,  
Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.34) Under the Limitation Act, 1963, which of the following is not a correct definition?**

- a) 'Tort' means a civil wrong which is exclusively the breach of a contract or the breach of trust.
- b) 'Suit' doesn't include an appeal or an application
- c) 'Foreign country' means any country other than India.
- d) None of the above option.

**Ans: A**

**Source: Edzorb Premium+2.0 - Simplified Notes – Limitation Act – Section 2**

**2(g): Foreign Country:**

- Any **country other than India.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **2(l): Suit:**

- It does **not include an appeal or application.**

### **Suit under Law:**

- Suit is the institution of litigation for the enforcement of legal right.
- Every suit is instituted by the presentation of plaint.

**(Section 26 of the Code of civil procedure)**



## 2(m): Tort:

- It is **civil wrong**.
- It does not include:



Breach of  
contract



Breach of  
trust

### Distinguish between tort and contract:

Category	Law of Tort	Law of Contract
Definition	<ul style="list-style-type: none"><li>• In tort, liability arises due to infringement of another</li></ul>	<ul style="list-style-type: none"><li>• Liability arises due to non-fulfillment of duty arises from the</li></ul>



	<b>individual's right or non-fulfillment of duty.</b>	<b>agreement between two people.</b>
<b>Violation</b>	<ul style="list-style-type: none"> <li>It is <b>violation in rem</b> (right vested in some person and available against the world at large).</li> </ul>	<ul style="list-style-type: none"> <li>It is <b>violation in personem</b> (right available against some determinate person or body).</li> </ul>
<b>Governed by</b>	<ul style="list-style-type: none"> <li>It is <b>not governed by any specific law</b> but, derived from <b>precedents</b>.</li> </ul>	<ul style="list-style-type: none"> <li>It is governed by specific laws i.e. <b><i>Indian Contract Act</i></b>.</li> </ul>
<b>Damages</b>	<ul style="list-style-type: none"> <li>The measure of damages is not <b>strictly limited</b> nor is it capable of being indicated with precision.</li> </ul>	<ul style="list-style-type: none"> <li>The measure of damages is <b>generally more or less nearly determined</b> by</li> </ul>



the stipulations of  
the parties.



**Creating nuisance is also a tort**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.35) The concept of free legal aid takes its root from which article of the Constitution India?**

- a) Article 30
- b) Article 39
- c) Article 38
- d) Article 39-A

**Ans: D**

**Source I: Edzorb QBank – Unit III – Constitution – Q.15**

**Source II: Edzorb QBank – Unit III – Constitution – Q.20**

**Source III: Edzorb QBank – Unit III – Constitution – Q.15**

15.



**MCQ, Single Correct Question**

The concept of Welfare State is included in the Constitution of India in the:

- a Preamble.
- b Fundamental Rights.
- c Fourth Schedule.
- d The Directive Principles of State Policy.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

# DIRECTIVE PRINCIPLES OF STATE POLICY

Part IV of the Constitution from Articles 36 to 51



Non justiciable

resemble the Instrument of Instructions



## SOCIALISTIC PRINCIPLES

- aim at providing social and economic justice
- set the path towards welfare state.

**ARTICLE 38** State to secure the promotion of welfare of people



**ARTICLE 39** Certain principles of policy to be followed by the state



**ARTICLE 39 A** Equal justice and free legal aid



**ARTICLE 41** Right to work, to education and Public assistance- Unemployment



**ARTICLE 42** Just and Human condition for work and Maternity relief



**ARTICLE 43** To secure living wage, decent standard of living and Cultural opportunities fo all workers



**ARTICLE 43 A** To take steps to secure participation of workers in Management

**ARTICLE 47** To raise level of nutrition and standard of living of people



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

20.

MCQ, Single Correct Question

Match List-I with List-II and select the correct answer using the code given below the lists.

List-I (Articles)	List-II (Provisions)
A. Article 39A	1. Living wages for workers.
B. Article 43	2. Uniform Civil Code.
C. Article 44.	3. Separation of judiciary from executive.
D. Article 50	4. Free Legal Aid.

Codes:

A B C D

a 1 4 2 3  
b 4 1 3 2  
**c 4 1 2 3**  
d 1 4 3 2



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(C)

### **Article 39A - Equal justice and free legal aid.**

State shall:

- secure the operation of the legal system.
- promote justice, on a basis of equal opportunity.
- provide free legal AID
- ensure opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

<b>Article 43</b>	Living wages for workers
<b>Article 44</b>	Uniform Civil Code
<b>Article 50</b>	Separation of judiciary from executive

Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012; Page No: 1497.

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



# DIRECTIVE PRINCIPLES OF STATE POLICY

Non justiciable

Part IV

Articles 36 to 51

Resemble the Instrument of Instructions

## Socialistic Principles



- Aim at providing social & economic justice
- Set the path towards welfare state.



### Article 38

State to secure the promotion of welfare of people



### Article 39

Certain principles of policy to be followed by the state



### Article 39 A

Equal justice and free **legal aid**



### Article 41

Right to work, to education and Public assistance- **Unemployment**



### Article 42

Just and Human condition for work and Maternity relief



### Article 43

Secure living wage, decent standard of living & Cultural opportunities fo all workers



### Article 43 A

To take steps to secure participation of workers in Management



### Article 47

To raise level of nutrition and standard of living of people

Copyright © Edzorb LAW: Any breach will attract legal action with or without notice. [www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.36) Order made under section 144 of the Code of Criminal Procedure 1973, shall not remain in force for more than.....from the making thereof.**

- a) two months
- b) three months
- c) six months
- d) one month

**Ans: A**

**Source: Edzorb Premium+2.0 - Simplified Notes – Code of Criminal Procedure 1973 – Part II – Section 144**

#### **C.—Urgent cases of nuisance or apprehended danger**

**Section 144: Power to issue order in urgent cases of nuisance or apprehended danger:**

**(1) Order in urgent cases of nuisance or danger:**

- In cases where, in the opinion of a **DM, SDM or any EM** specially empowered by the State Government in this behalf,



- There is sufficient ground for proceeding under this section and **immediate prevention or speedy remedy is desirable.**



Riots



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Such Magistrate may, by a written order:

- **Stating:** Material facts of the case
- **Served:** As provided by **section 134**
- **Order:** Direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management.
- **Purpose of the order:** If such Magistrate considers that such direction is likely to prevent, or tends to prevent:





JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **(2) Ex-parte order:**

An order under this section may be passed ex-parte in cases of:

**Emergency**



**Where the circumstances don't admit serving of notice in due time**



**(3) Order can be directed to:**

**A particular individual**



**Public generally  
when  
frequenting or  
visiting a  
particular place  
or area**



**Persons residing in  
a particular place  
or area**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**(4) Order can remain in force:**

No order under this section shall remain in force **for more than two months.**

2  
MONTHS

**Provided that: Extension of period:**

If the State Government considers it necessary so to do for preventing:



It may, by notification, direct that an order made by a Magistrate under this section shall remain in force for further period.



### **Further Period:**

**Not exceeding 6 months** from the date on which the order made by the Magistrate would have expired, but for such order as it may specify in the said notification.



Order not required



### **(5) Rescinding or Alteration of order:**

Any Magistrate may rescind or alter any order made under this section either on:

His own motion

Application of any person aggrieved



**The magistrate may pass the order by:**



**(6) Rescinding or Alteration of order made u/Ss. (4):**

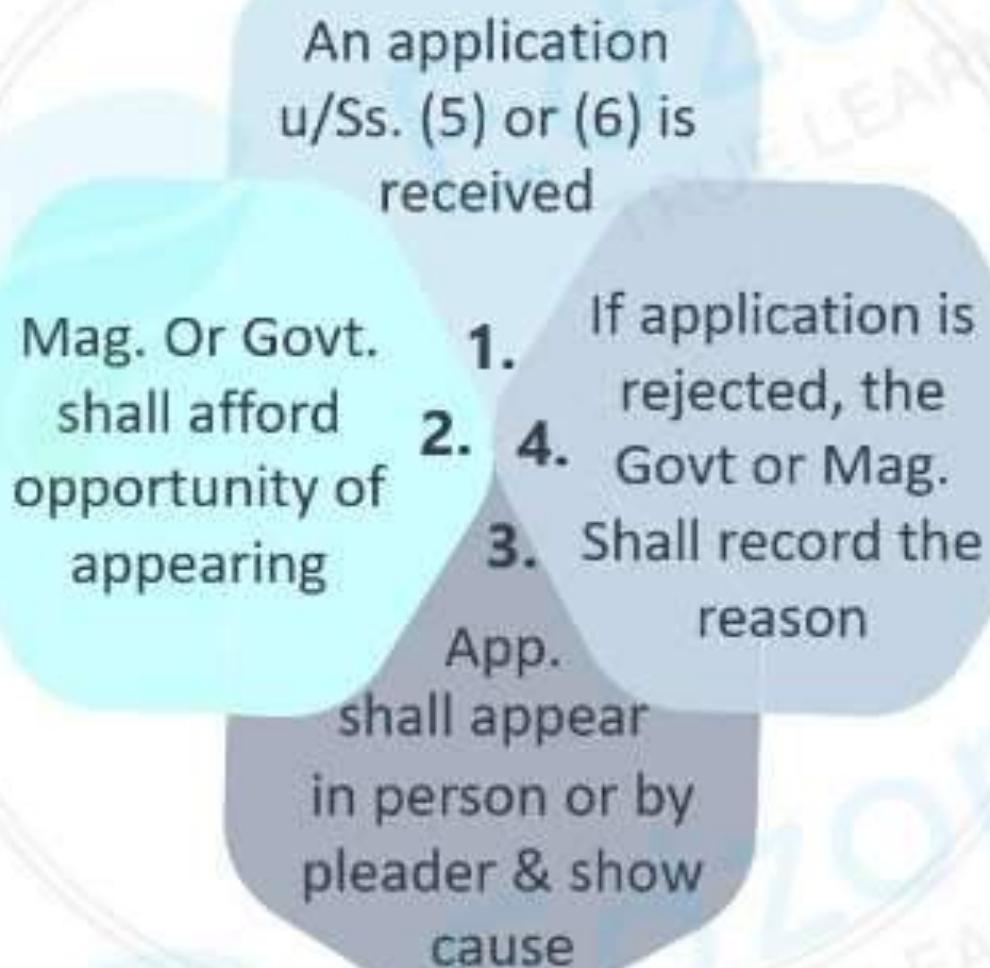
The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under proviso to ss. (4).



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## (7) Procedure for application u/Ss. (5) or (6):



**Constitutional Validity of Section 144:**

**Madhu Limaye Vs Sub Divisional Magistrate  
1971 AIR 2486**

**Held:**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

The restrictions provided u/**S.144** are reasonable and does not exceed the limits as provided by the constitution for restricting the freedoms guaranteed u/**Art. 19(1) (a)-(d)**.

#### **Guidelines to use power under Section 144:**

**1**

**Ex parte order**  
must be passed in emergency

**2**

Any person against whom order has been passed has **right to challenge** that the order is arbitrary

**3**

Affected party can challenge the order but it should ensure that its **action was reasonable & of persuading nature**

**4**

**Opportunity of being heard is given** to a person and also he can show the cause of the order

**5**

**High Court can**  
**quash order passed**  
by Mag.



**Justice K.S. Puttaswamy Vs Union of India**  
**AIR 2017 SC 4161**

Guidelines or the **four-fold test** to check the proportionality:



A measure which is restricting a right should be legal.



It should be a satisfactory means of making progress in a legitimate goal.



There must not be any less restrictive but equally effective alternative.



Right holder should not get affected by the measure.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

So, the orders which are passed under **Section 144**, should be tested on these principles to check their legality.

### Internet shutdown and **Section 144 CrPC:**

**Gaurav Sureshbhai Vyas  
Vs State of Gujarat  
15.09.2015**



#### Facts of the case:

- On Aug. 2015, the State of Gujarat blocked Internet access on mobile phones for one week after widespread public protests via order under **S.144 CrPC**.
- Petition challenging the order as violative of **A.14, 19 & 21**.



### Decision of the case:



- The internet was not blocked as a whole, as people still had access to Broadband and WiFi services.
- The court clearly differentiated between **sections 69A** of the IT Act and **Section 144** of CrPC:

#### Section 69A

- It is used to block specific sites.
- It is used to give directions to a person who is responsible for extending the internet access.
- The contention of the petitioner was rejected and order was upheld.

#### Section 144

### Food for Thought!

The judgment received criticism from many. Do you stand by the judgment of the Hon'ble Court?





## Answer Writing - 8

Structuring, Packaging, Quality  
Enrichment



## Judgement Writing - 4

Legal Principles, Precision,  
Non-ambiguity



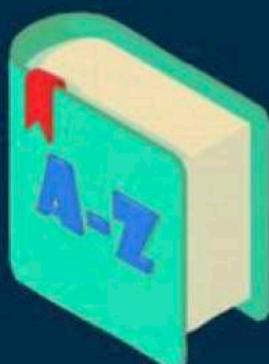
## Essay Writing - 4

Structure, Engagement, Flow,  
Substantiality



## Translation - 4

Accuracy, Flexibility, Versatility



**Q.37) Under section 32 of The Protection of Children from Sexual Offences Act, 2012, a person shall be eligible to be appointed as a Special Public Prosecutor only if he had been:-**

- a) In practice for not less than 3 years as an advocate.**
- b) In practice for not less than 5 years as an advocate.**
- c) In practice for not less than 7 years as an advocate.**
- d) In practice for not less than 2 years as an advocate.**

**Ans: C**

**Source: Edzorb Premium+2.0 - Simplified Notes – Protection of Children from Sexual Offences Act, 2012 – Section 32**

### **Section 32**

#### **Special Public Prosecutors:**

**Appointed by  
(ss.1)**

- State Government, by notification in Official Gazette



<b>Purpose (ss.1)</b>	<ul style="list-style-type: none"> <li>For conducting cases under Special Court.</li> </ul>
<b>Eligibility (ss.2)</b>	<ul style="list-style-type: none"> <li>Practice as an advocate for not less than 7 years.</li> </ul>
<b>Deemed to be (ss.3)</b>	<ul style="list-style-type: none"> <li>Public Prosecutor within S.2(u) of CrPC.</li> </ul>

Reference: The Protection of Children from Sexual Offences 2012, S.32

Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.38) Under the Protection of Women from Domestic Violence Act, 2005, which of the following statement regarding Protection Officer, is correct?**

- a) Protection Officer is not a public servant**
- b) Penalty is prescribed for not discharging duty by protection Officer.**
- c) A first information report can be lodged for the offence committed by protection officer.**
- d) None of the above option.**

**Ans: B**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – The Protection of Women from Domestic Violence- Section 30**

**Source II: Edzorb Law Premium+2.0 - Simplified Notes – The Protection of Women from Domestic Violence- Section 33**

**Source III: Edzorb Law Premium+2.0 - Simplified Notes – The Protection of Women from Domestic Violence- Section 35**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## CHAPTER V

### MISCELLANEOUS

#### Section 30:

**Protection officers and members of service providers to be public servant**

- Protection officer and members of service providers
- Acting in pursuance of any provision of DV Act
- Shall be deemed to public servant  
u/S 21 IPC 1860



Reference: The Protection of Women from Domestic Violence Act 5.30

Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 33

### Penalty for not discharging duty by protection officer

- Protection officer fails or refuses to discharge the duties as directed by magistrate w/o sufficient cause shall be punished with



- Imprisonment of Either description for term may extend to 1 year

- Or with fine which may extend to twenty thousand rupees

- Or with both

Reference: The Protection of Women from Domestic Violence Act S.33

Copyright © Edzorblaw: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 35

### Protection of action taken in good faith

- Protection Officer shall not be liable for any damage caused or likely to be caused by anything done in good faith or intended to be done under this Act or any rules made thereunder.
- No suit, prosecution or other legal proceeding shall lie against him



Reference: The Protection of Women from Domestic Violence Act S.35

Copyright © Edzorblaw: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.39) Under the provision of section 105-A of the code of Criminal Procedure, 1973, 'Identifying' includes:-**

- a) Establishment of a proof that the accused is related to commission of an offence.**
- b) Establishment of a proof that the property was derived from the commission of an offence.**
- c) Test Identification parade of accused and property**
- d) None of the above option**

**Ans: B**

**Source: Edzorb Premium+2.0 - Simplified Notes – Code of Criminal Procedure 1973 – Part II – Section 105 A**

## **CHAPTER VIIA**

### **RECIPROCAL ARRANGEMENTS FOR ASSISTANCE IN CERTAIN MATTERS AND PROCEDURE FOR ATTACHMENT AND FORFEITURE OF PROPERTY**

#### **Section 105 – A**

##### **Definitions**

###### **a) Contracting State:**

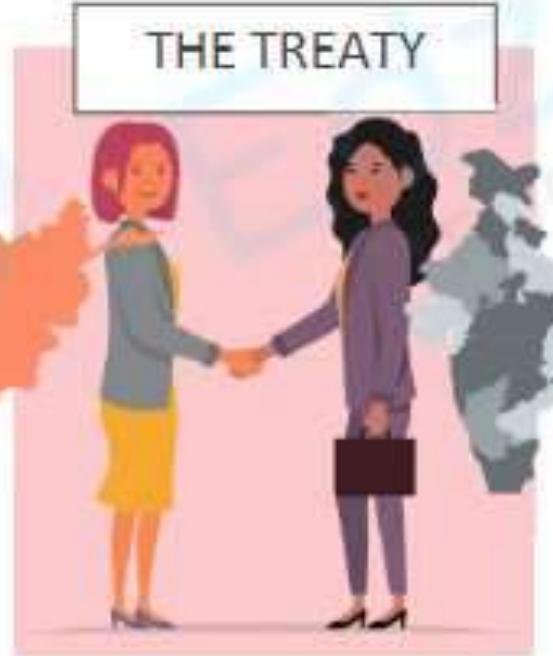
- Any country or place **outside India.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- In respect of which arrangements have been made by the Central Government with the Government of such country
- Arrangements have been made through a treaty or otherwise.



**b) Identifying:**

- Includes **establishment of a proof**
- That the property was derived from, or used in, the commission of an offence.



A cartoon illustration of a detective with a mustache and a fedora hat. He is leaning over, looking at a sack of gold coins and some scattered gold bars with a magnifying glass. A speech bubble above him contains the text: "Yes, this has the same hallmark as the rest of the jewels stolen."

Yes, this has the  
same hallmark as the  
rest of the jewels  
stolen.



**c) Proceeds of crime:**

- Any property derived or obtained
- Directly or indirectly by any person
- As a result of criminal activity (including crime involving currency transfers)
- or the value of any such property.



**d) Property:**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- Property and assets of every description.



- Such property or assets derived or used in the commission of an offence.
- **Note: It includes** property obtained through **proceeds of crime**.



e) Tracing:

Determination of:

- 



Reference: Code of Criminal Procedure, 5.105 A

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

*Q.40) while releasing the offenders after admonition under The Probation of Offenders Act, 1958, which of the following fact need not be taken into consideration by the court?*

- a) Number of previously registered cases against the accused*
- b) Nature of offence*
- c) Character of offender*
- d) Punishment provided for the offence*

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Probation of Offenders Act – Section 3**

### **Section 3:**

**Power of court to release certain offenders after admonition**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Person guilty  
u/S.380 381 404 or  
420 IPC

Offence punishable  
with imprisonment  
not exceeding 2 years  
or fine, or both

First time  
offender

Nature of the  
offence & character  
of the offender



- If above condition is fulfilled court may release the offender on probation of good conduct u/s 4 and release him after due admonition.

#### Explanation:

- Previous convictions include previous Order passed u/s 3 or 4 of this Act

#### **Admonition:**

Admonition means censure which, if not obeyed, may be followed by a severe penalty. The power of granting probation may be exercised by the Court in spite of anything contained in any other law for the time being in force.



Section	Offences under IPC
<b>S.379</b>	Punishment for theft
<b>S. 380</b>	Theft in dwelling house, etc.
<b>S .381</b>	Theft by clerk or servant of property in possession of master
<b>s.404</b>	Dishonest misappropriation of property possessed by deceased at the time of his death
<b>S.420</b>	Cheating and dishonestly inducing delivery of property



## **Keshav Sitarami Vs State of Maharashtra,**

**AIR 1983 SC 291**

### **Facts :**

- The appellant was an employee of the Railways.
- He abetted the execution of a charcoal theft
- The learned Magistrate acquitted the appellant of that crime, and the State Government filed an appeal before the Bombay High Court against the acquittal
- He was charged with a fine of Rs. 500 and in default of payment, rigorous imprisonment for two months.
- The subject matter of theft was a quantity of coal valued at Rs. 8.

### **Held:**

- In case of ***minor thefts***, the High Court should extend the benefit of Section 3 or Section 4 of the Probation of Offenders Act, 1958 or Section 360 of the Code of Criminal Procedure, 1973 rather than imposing fines.



## Dalbir Singh Vs State of Haryana

2000 (3) SCR 1000

### Held

- The expression "**expedient**" under Section 3 and 4 of P.O. Act stands for "**desirable**".
- The "Court must construe the said word in keeping with the context and object of the provisions in its widest amplitude, eventually stimulating the act positively."
- Since, the aftermath of completion of prison sentence makes it strenuous for the person to integrate in the society again;
- Thus, the court can release the offender, in case it feels that sentencing would do no good.



## **Commandant 20 BN, ITB Police Vs Sanjay Binjola**

**2001 (5) SCC 317**

### **Held:**

- Nobody can claim the benefit of Sections 3 and 4 of Probation of Offenders Act, as a matter of right
- The Court has to pass such appropriate orders in the facts and circumstances of each case
- Having regard to the nature of the offence, its general effects on the society and character of the offenders etc.

Reference: Probation of Offenders Act, S.3

Copyright © Edzorblaw: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.41) With reference to Section 90 of Indian Penal Code, 1860, 'Consent of child' means:-**

- a) The consent given by a person who is under 15 years of age.**
- b) The consent given by a person who is under 14 years of age.**
- c) The consent given by a person who is under 13 years of age.**
- d) The consent given by a person who is under 12 years of age.**

**Ans: D**

**Source I: Edzorb Law Bare Act Revolution – Indian Penal Code – Section 90**

**Source II: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part I – Section 90**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 90:

Consent must be given

- Without **fear of injury**
- or Without **a misconception of fact.**



**Siddharth Ramakrishna Chitte Vs State of Maharashtra,  
2020 SCC OnLine Bom 864**

- In case of rape **S. 376**, intention of **accused to marry** the prosecutrix right from the inception must be taken case.
- Investigation revealed that **prosecutrix did not have the knowledge of marriage of accused**.
- Moreover, accused had knowledge that he would not be able to marry the prosecutrix as long as his marriage is subsisting.
- Therefore, **the consent given by the prosecutrix is vitiated because of the concealment of material fact by the accused from her.**





**Without fear of injury or without a misconception of fact**



**No consent → when person knows consent is given under fear etc.**



**No consent → of person of unsound mind**



**Intoxicated person/person unable to understand consequence.**



**No consent → child under 12 years.**





### **State of H.P. Vs Mango Ram**

**(2000) 7 SCC 224**

- Submission of the body under the fear or terror cannot be construed as a consented sexual act.
- Consent for the purpose of **Section 375** requires **voluntary participation** based on the knowledge and choice between resistance and assent.



**According to Indian Contract Act,**

**Section 13:**

**Consent:**



- Two or more person agree upon the same thing in same sense (**Consensus-ad-idem**).



Reference: Indian Penal Code, 1862 s 90

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



# Section 90

IPC



## Consent known to be given under fear or misconception

1/4

- A consent is not such a consent as it intended by any section of this Code, if the consent is given by a person under **fear of injury** or under a **misconception of fact**, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception.

Give me ₹10,000 or  
otherwise I will beat you up.



Defence of consent  
not available

# Section 90

IPC



## Consent of Insane Person

2/4

- A consent is not such a consent as it intended by any section of this Code, if the consent is given by a person who, from **unsoundness of mind or intoxication**, is unable to understand the nature and consequence of that to which he gives his consent

Hey! do you want to go to Disney Land?

Yes I want to go.

om nom nom..



Next page...



# Section 90

IPC

## Consent of Insane Person

2/4



Ok, we can go to Disney Land once you sign these documents.

Ok

**Defence of consent  
not available**



# Section 90

IPC

## Consent of Intoxicated Person

3/4



- A consent is not such a consent as it intended by any section of this Code, if the consent is given by a person who, from **unsoundness of mind or intoxication**, is unable to understand the nature and consequence of that to which he gives his consent.

Hey man! I love  
your car. Can I  
keep it forever?

Yeah man! The  
car is yours.

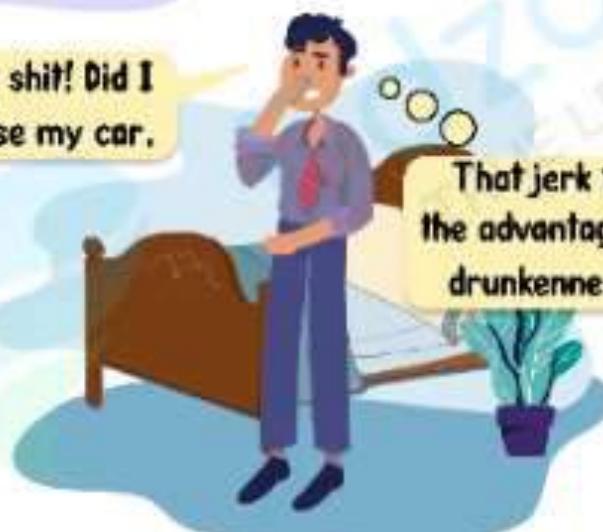


Oh shit! Did I  
lose my car.

That jerk took  
the advantage of  
drunkenness.

Defence of  
consent not  
available

Liable for theft



# Section 90

IPC

Consent of child

4/4

- A consent is not such a consent as it intended by any section of this Code, unless the contrary appears from the context, if the **consent** is given by a person who is **under twelve years** of age.

Will you give this dog  
in exchange of  
chocolates? ?

Papa Papa, I  
want that dog.



Next page...



# Section 90

IPC

Consent of child

4/4



You took my son's dog.  
You're a thief. His consent  
does not mean anything in  
the eyes of law.

**Defence of consent  
not available**

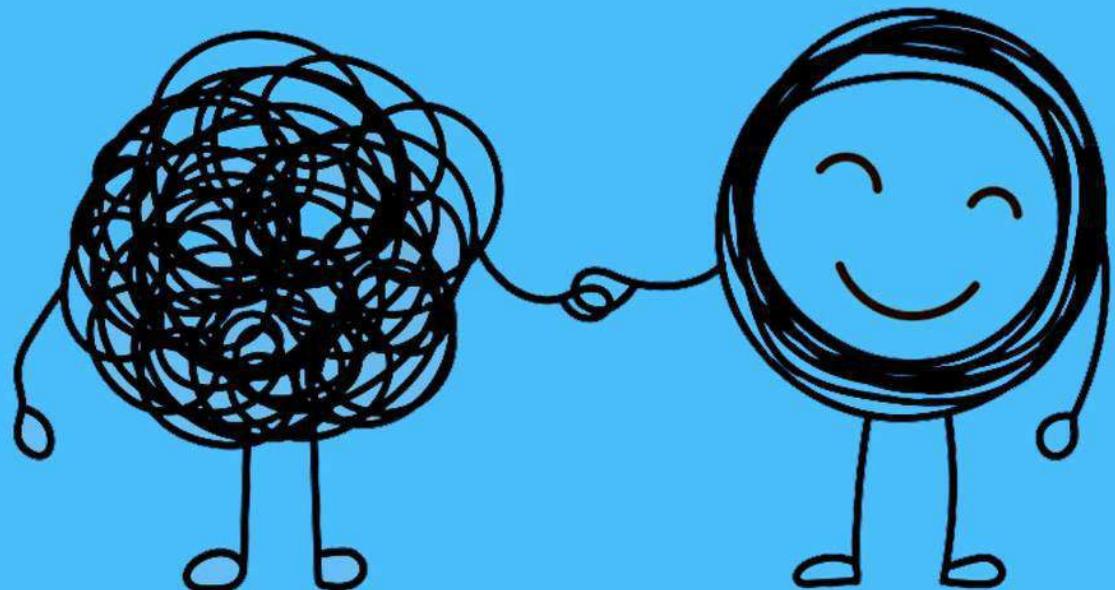




**Edzorb Law**  
True Learning

# Untangle

Your Judiciary Preparation  
With Edzorb Law



Others

Edzorbiants

+918884499902

[www.edzorblaw.com](http://www.edzorblaw.com)

Try Free Demo

**Q.42) Under Indian Penal Code, 1860 which of the following is not a punishable offence?**

- a) Making preparation to commit murder.**
- b) Making preparation to commit dacoity.**
- c) Making preparation of waging war against the Government of India.**
- d) Making preparation to commit depredation on territories of power at peace with the Government of India.**

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part III – Section 399**

**Source II: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part II – Section 122**

**Source III: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part II – Section 126**

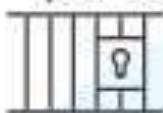


JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

### Section 399:

- Whoever **makes any preparation** for committing dacoity.
- Such a person **preparing to commit dacoity** shall be punished.



▪ Rigorous imprisonment up to **10 Years** + Fine.

So, the train reaches  
the station at 1 am.

Suresh will  
meet us  
with other  
there only.

There is 100 kg of  
Gold in there!





Only Section In IPC  
Where Preparation Is  
Also Punishable.

Reference: Indian Penal Code, 1862 s 399

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



## Section 122

### Collecting arms –intention to wage war– GOI – Up to life

- Preparation of war
- Collection of men, arms and ammunition.
- There must be an intention to wage war or make preparations to wage war for such collection.
- The accused must participate in such collection.

In Dubai



## Section 126

- Committing **depredation**, or **makes preparations** to commit depredation (attacking).
- On the territories of any **Power in alliance** or at peace with **Government of India**.
- Shall be punished.



- Imprisonment – **7 Years + Fine**
- **Forfeiture of any property** used or intended to be used in committing such depredation, or acquired by such depredation.



Attacking country in  
alliance or peace  
with India.

Reference: Indian Penal Code, 1860 s 126

Copyright © Edzorb Law. Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.43) 'A' prosecutes 'B' for adultery with 'C', A's wife. 'B' denies that 'C' is A's wife, but the court convicts 'B' of adultery. Afterward, 'C' is prosecuted for bigamy in marrying 'B' during A's lifetime. 'C' Says that she never was A's wife. The judgment against 'B':-**

- a) Is irrelevant against 'C'**
- b) Is relevant against 'C'**
- c) Is a conclusive proof against 'C'**
- d) Is a proved fact against 'C'.**

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Code – Part I – Section 43**

#### **Section 43:**

- Judgments, orders or decrees, other than those mentioned in **Sections 40, 41 and 42**, are irrelevant,
- Unless the existence of such judgment, order or decree is a fact in issue, or is relevant under some other provision of this Act.



**This section is based on maxim:**

Res inter alias judicata  
nullum inter, Alias  
prejudicium facit

Matter adjudicated  
upon between one set  
of persons does not  
prejudice another.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**General Rule**



Judgments, orders or decrees are irrelevant

### Exceptions to General Rule:

- I. Judgment relevant under **Section 40, 41 and 42.**
- II. When **existence of judgment is fact in issue:**

I was previously convicted for theft and was imprisoned for 2 yrs, this time also it is theft only.



This time you will be convicted for longer period.



The previous judgment will be a fact in issue and is relevant.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**III. When judgment is relevant under some of the other provisions of this act.**



**Here, judgment of kidnapping becomes relevant under section 8 to show motive.**



## Relevancy of Judgment/Order/Decree

S.40	Relevant	Prevent Court
S.41	Relevant	Conclusive
S.42 (JOD other than S.41)	Relevant	Matters of public nature
S.43 (JOD other than S.40,41,42)	Rule: Irrelevant	<b>Exception</b> – JOD is fact in issue, or relevant in other provision.

Reference: Indian Evidence Act, 1872, Section 43

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.44) Under the Juvenile Justice (Care and Protection of Children) Act, 2015, who may not be designated as a Child Welfare Officer?**

- a) Head Constable**
- b) Assistant Sub-Inspector**
- c) Sub-Inspector**
- d) All of the above**

**Ans: Deleted**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Juvenile Justice Act, 2015 –Part II - Section 107**

**Section 107: Child Welfare Police Officer and Special Juvenile Police Unit.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



## Child welfare police officer

**Eligibility-**Officer not below rank of Assistant sub inspector

**Having appropriate training,** orientation, Aptitude in dealing with children

**Function-** To coordinate with the Police, NGO.





**Special Juvenile Police Units-** Constituted by State government

**Where-** each district and city.

**Function-** To co-ordinate all functions of **police related to children**

**It shall consist of all police officer mentioned in subsection (1)**

**Two social workers having experience in the field of child welfare of whom one shall be woman.**

- **Special Juvenile Police Units officer**- provided with special training at **induction as child welfare police officer** to enable them to perform more effectively.
- **Special Juvenile Police Unit** also includes Railway police dealing with children.



Reference: The Juvenile Justice Act, 2015

Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.45) Under the provisions of The Protection of Women From Domestic Violence Act, 2005, which of the following statement regarding protection order, is wrong?**

- a) A breach of protection order is an offence under the said act of 2005.**
- b) Upon the sole testimony of the aggrieved person, the court may conclude that an offence under sub section (1) of section 31 has been committed by the accused.**
- c) Breach of protection order is a non-cognizable offence.**
- d) Breach of protection order is a non-bailable offence.**

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - The Protection of Women from Domestic Violence Act, 2005 – Section 31**

**Source II: Edzorb Law Premium+2.0 - Simplified Notes – The Protection of Women from Domestic Violence Act, 2005 – Section 32**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 31

### Penalty for breach of protection order by respondent

#### 31.1

##### Consequences for breach of protection order

**Respondent** shall be punishable with:



- Imprisonment of either description which may extend to 1 year or



- Fine which may extend to Rs.20,000/-, or
- Both



### 31.2

Offence **U/Ss (1)** shall be tried by **same magistrate whose order is breached**

### 31.3

While framing charge **U/Ss (1)** if facts so suggest  
Magistrate may frame charges under

- Section **498A** of IPC, or
- **Dowry Prohibition Act 1961**



It looks like he committed more crime than shown, he must be charged u/S.498A IPC



## Kanchan Vs Vikramjeet Setiya

(2014) 2 RCR 267

- Offence created u/s 31 is specifically with regard to breach of protection order "monetary relief" is not included in the section, therefore, taking out of the operation of S. 31 any breach of a monetary relief.
- An applicant in whose favour, a monetary relief has been passed, has to apply to the Magistrate for seeking execution of order as per S. 20.



## Section 32

### Cognizance and proof:



- Notwithstanding anything contained in CrPC
- Offence **U/S 31(1)**: Cognizable and Non-Bailable

#### 32.2

- Sole testimony of aggrieved person would be enough
- To hold accused liable u/S.31(1)

Her testimony is enough  
don't need any other evidence



Reference: The Protection of Women from Domestic Violence Act S.32

Copyright © Edzorblaw: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.46) Under section 17 of The Probation of Offenders Act 1958, rules can be framed by:-**

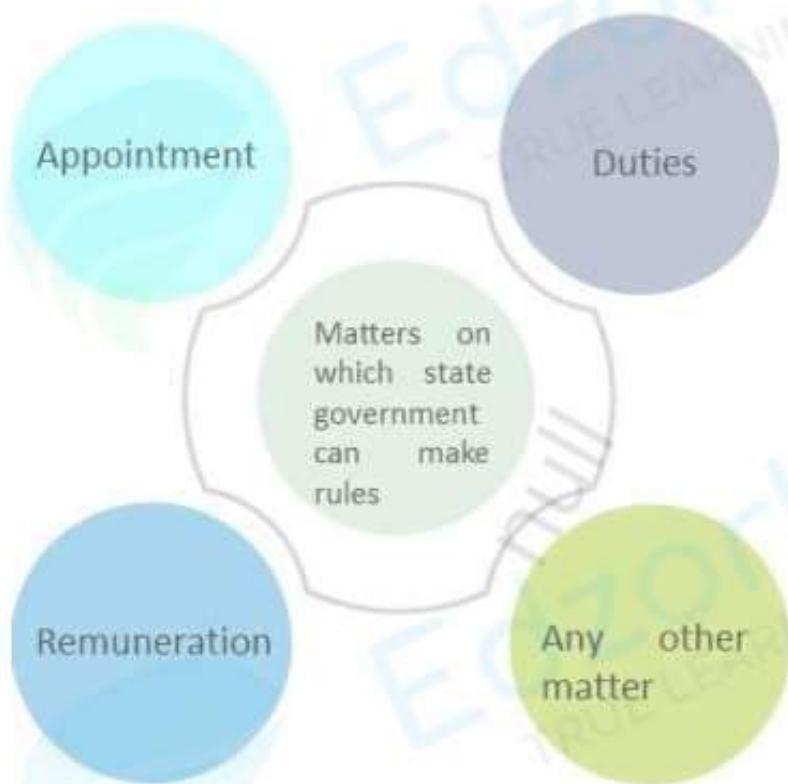
- a) Central Government**
- b) State Government**
- c) Central Government, with the approval of State Government**
- d) State Government, with the approval of Central Government**

**Ans: D**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Probation of Offenders Act – Section 17**

**Section 17:**

**Power to make rules:**



**State** government upon **approval** of central government on any of the following matters

- **Appointment** of probation officers,
  - **Conditions** of their service
  - **Area** of jurisdiction
- **Duties of probation** officers and the submission of reports
- **The conditions** on which societies may be recognized for the purpose of **section 13(1) (b)**
- The payment of **remuneration** and **expenses** to probation officers or of a **subsidy** to any society which provides probation officers; and
- Any other matter as **prescribed**



**Q.47) Z's will contains these words: "I direct that all my remaining property be equally divided between 'A', 'B' & 'C'." 'A' dishonestly scratches out B's name, intending that it may be believed that whole was left to himself and 'C'. What offence 'A' has committed under Indian Penal Code, 1860?**

- a) Cheating**
- b) Forgery**
- c) Counterfeit**
- d) None of the above option**

**Ans: B**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part IV – Section 464**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 464

### Making a false document:

#### First:

- Who dishonestly or fraudulently
  - Makes, signs, seals or executes a document or part of a document.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



- Makes or transmits any electronic record or part of any electronic record.

- Affixes any electronic signature on any electronic record.



- Makes any mark denoting the execution of a document or the authenticity of the electronic signature.



- With the intention of causing it to be believed that such document or part of document, electronic record or electronic signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed.



## Md. Ibrahim Vs State of Bihar

(2009) 8 SCC 751

A person is said to have **made** a 'false document', if:

- He **made** or **executed** a document **claiming** to be someone else or authorized by someone else; or
- He **altered** or **tampered** a document; or
- He obtained a document by **practicing deception**, or from a person not in control of his senses.

Preparation for forgery is not an offence

### Secondly

- Who without lawful authority.
- **Dishonestly** or **fraudulently**.
- By cancellation or otherwise.
- **Alters** a document or an electronic record in any **material part** thereof, **after it has been made, executed** or **affixed** with electronic signature either by himself or

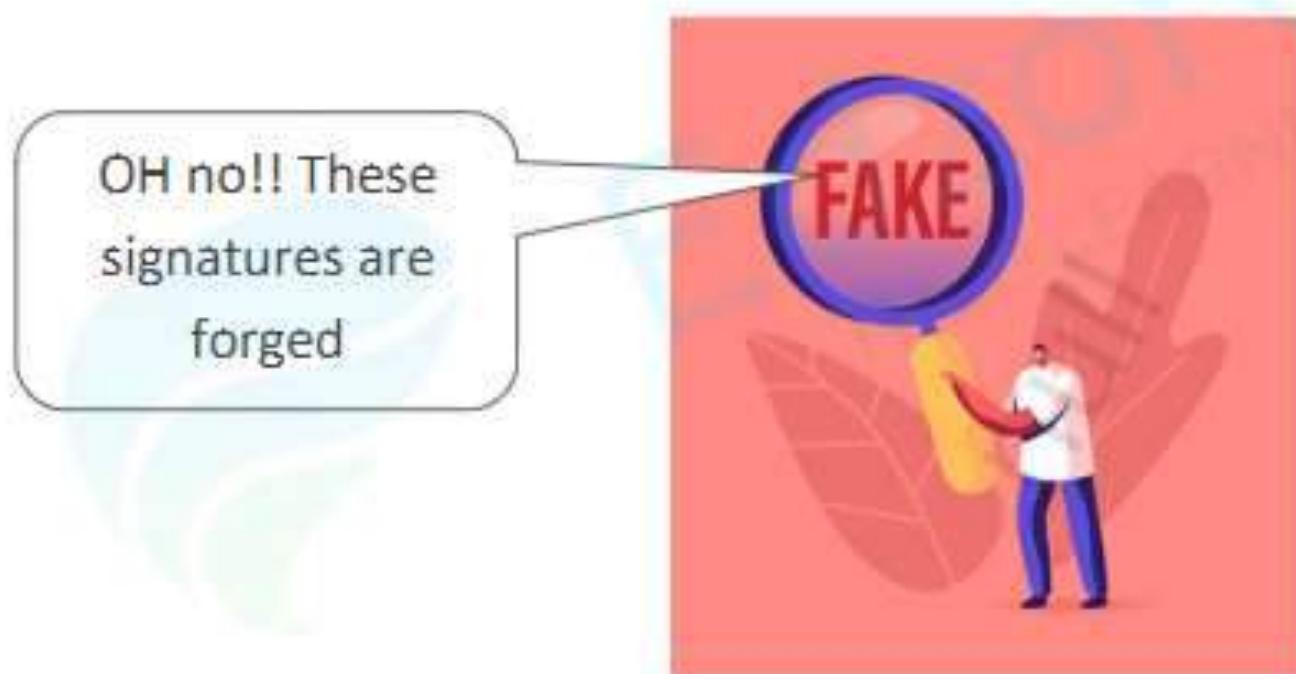


by any other person, whether such person be living or dead at the time of such alteration.

### Thirdly

- Who dishonestly or fraudulently
- Causes any person to **sign, seal, execute or alter** a document or an electronic record or
- **Causes any person to affix** his electronic signature on any electronic record
- **Knowing** that such person by reason of **unsoundness of mind or intoxication cannot**, or that by reason of deception practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.





JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

A cartoon illustration of a woman with short brown hair and red devil horns. She is wearing a purple cardigan over a white shirt. She is standing behind a wooden desk, holding a pen and a clipboard. A speech bubble above her head contains the text: "All these fake signatures. It's not easy to be rich."

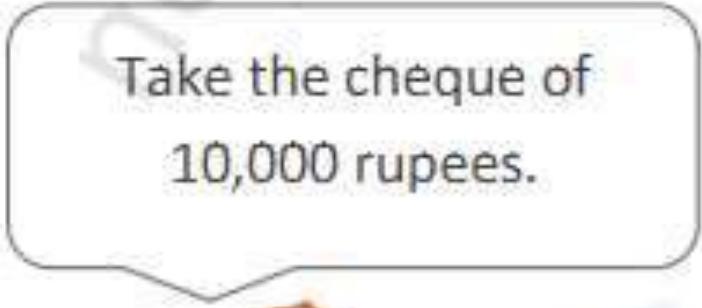
All these fake  
signatures. It's not  
easy to be rich.

The making of document does not  
mean writing or printing it but **signing**  
**and executing it.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Take the cheque of  
10,000 rupees.



Great!!



Yes, please  
cash this  
cheque of 1  
lakh rupees!!



Will just add one  
more Zero!!!



## Explanation 1:

A man's signature of his own name may amount to forgery.



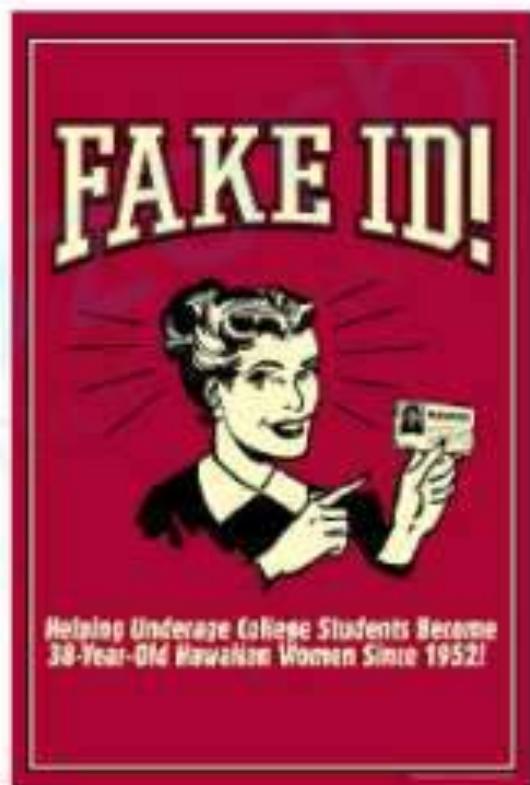
Take the cheque of  
10,000 rupees.



## Explanation 2

Following situations may also amount to forgery:

- The making of a false document **in the name of a fictitious person.**
  - With the intention that it will be believed that the **document was made by a real person.**
- Or making false document **in the name of a deceased person.**
  - With the intention that it will be believed that the document was made by the person in their lifetime.



I hope they believe that my father gave me all the money before he died!



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Pssst...eBay: **BUY** Real  
Obama signed book.



### Explanation 3

Affixing electronic signature – **Section 2(1)(d)** of the Information Technology Act, 2000

- With its grammatical variations and cognate expressions means adoption of **any methodology** or procedure by a person **for the purpose** of **authenticating an electronic record** by means of electronic signature.

Reference: Indian Penal Code, 1860 s 464

Copyright © Edzorb Law. Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



### Edzorb Pro

Test Series : Assessments for Prelims + Mains

- ✗ QBank Concepts
- ✓ Mains Test Series
- ✓ Prelims Grand Test Series
- ✗ Edzorb Treasures
- ✗ Case Law Cards
- ✗ PYP Cards
- ✗ Legal SoulSpeak Podcast
- ✗ MCQ Factory
- ✗ Doubt Discussions
- ✗ Personalised Mentorship

[Learn more](#)


### Edzorb Premium

Integrated Concepts + Test Series :  
Prelims + Mains

- ✓ QBank Concepts
- ✓ Mains Test Series
- ✓ Prelims Grand Test Series
- ✓ Edzorb Treasures
- ✓ Case Law Cards
- ✓ PYP Cards
- ✗ Legal SoulSpeak Podcast
- ✗ MCQ Factory
- ✗ Doubt Discussions
- ✗ Personalised Mentorship

[Learn more](#)

# Edzorb Law Junior

Judicial Services Preparation  
For L.L.B. Students



10000+ QBank Concepts, Past Year Papers  
Mains Answer Writing Training, Moot Training,  
Drafting, Legal Lexicon, Extended Validity

Dream Big, Start Small

Pre-Book Now

+918884499903

### Edzorb Premium Plus (+) Prelaunch Offer



#### Edzorb Premium +

Complete Personalised Judicial  
Preparation : Prelims to Interview

- ✓ QBank Concepts
- ✓ Mains Test Series
- ✓ Prelims Grand Test Series
- ✓ Edzorb Treasures
- ✓ Case Law Cards
- ✓ PYP Cards
- ✓ Legal SoulSpeak Podcast
- ✓ MCQ Factory
- ✓ Doubt Discussions
- ✓ Personalised Mentorship

[Learn more](#)



**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.48) Evidence in the proceedings of 125 of the Code of Criminal Procedure, 1973 shall be recorded in the manner:-**

- a) Prescribed for summons-cases.**
- b) Prescribed for warrant-cases.**
- c) As prescribed by the court in its discretion.**
- d) Prescribed for summary trials.**

**Ans: A**

**Source I: Edzorb Premium+2.0 - Simplified Notes – Criminal Procedure Code – Part II – Section 126**

### **Section 126:**

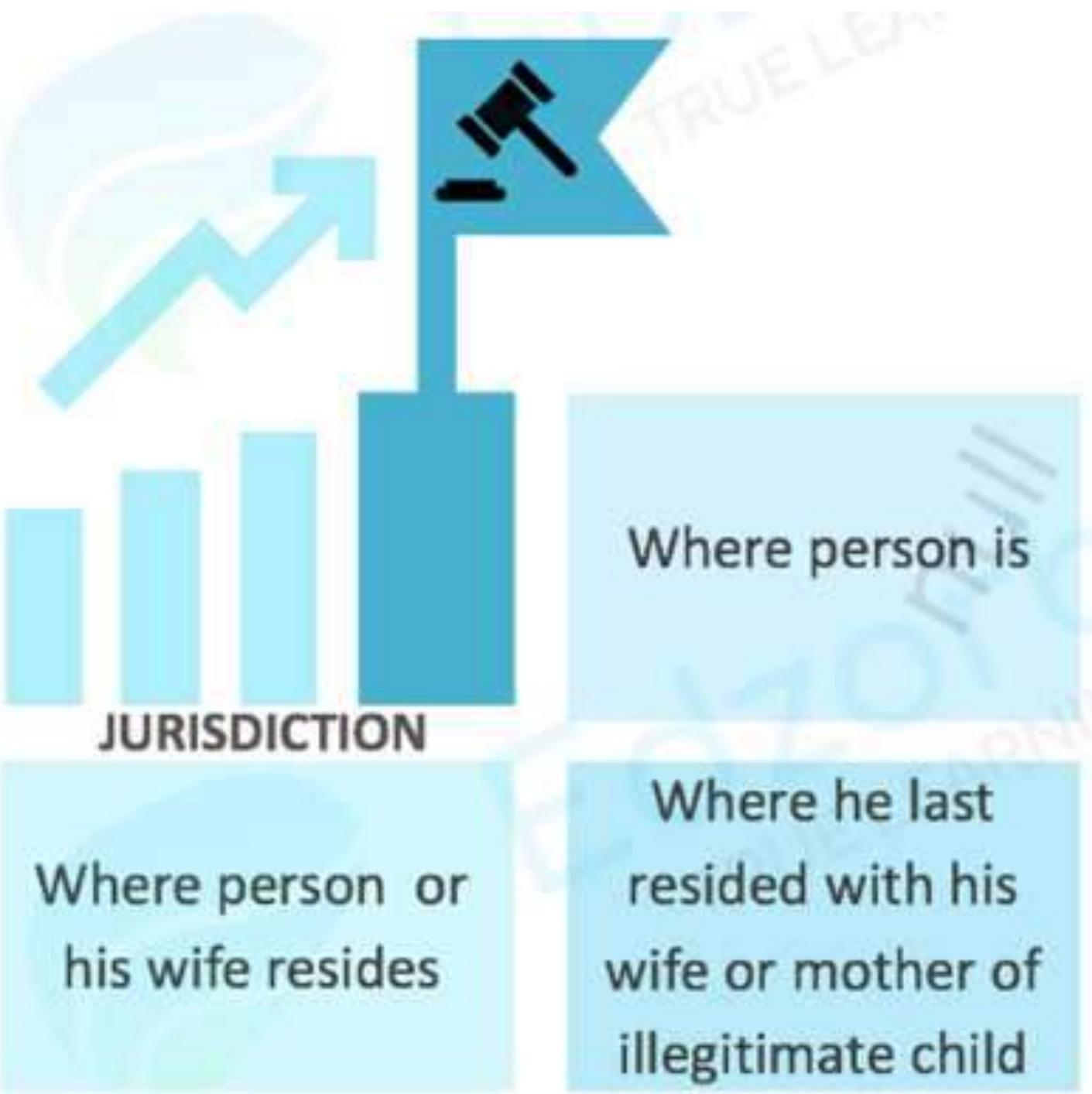
#### **Procedure**

- **Proceedings under S. 125 may be taken against any person in any district.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 126(2):

- **In presence of person or pleader:**

- All evidence in such proceedings shall be taken in the presence of the person against whom an order for payment of maintenance is proposed to be made
- When his **personal attendance is dispensed with**, in the **presence of his pleader**, and shall be recorded in the manner prescribed for summons-cases.

### Evidence Taking

In presence of  
person  
/respondent

Or their Pleader



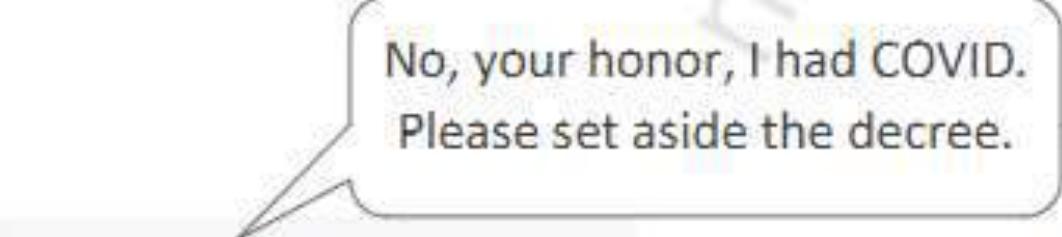
## Proviso in case of wilful avoidance/neglect:

- If the **Magistrate is satisfied** that the person against whom an order for payment of maintenance is proposed to be **made is wilfully avoiding service, or wilfully neglecting to attend the Court**
- **EX-PARTE HEARING:** Magistrate may **proceed to hear and determine the case ex parte.**



This person is avoiding the court. We don't need him to pass the order.





- Any order so made may be **set aside**
- **For good cause** shown on an application
- **Application** made **within three months** from the date thereof
- Subject to such terms including terms as to payment

of costs to the opposite party as the Magistrate may **think just and proper.**

### Section 126(3):

- Order regarding cost under **S. 125 = Just.**



Reference: Code of Criminal Procedure, 5.126

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.

136



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.49) The Indecent Representation of Women (Prohibition) Act, 1986 is published in the gazette of India on:-**

- a) 23 December 1986
- b) 1 April 1987
- c) 25 September 1987
- d) 2 October 1987

**Ans: A**

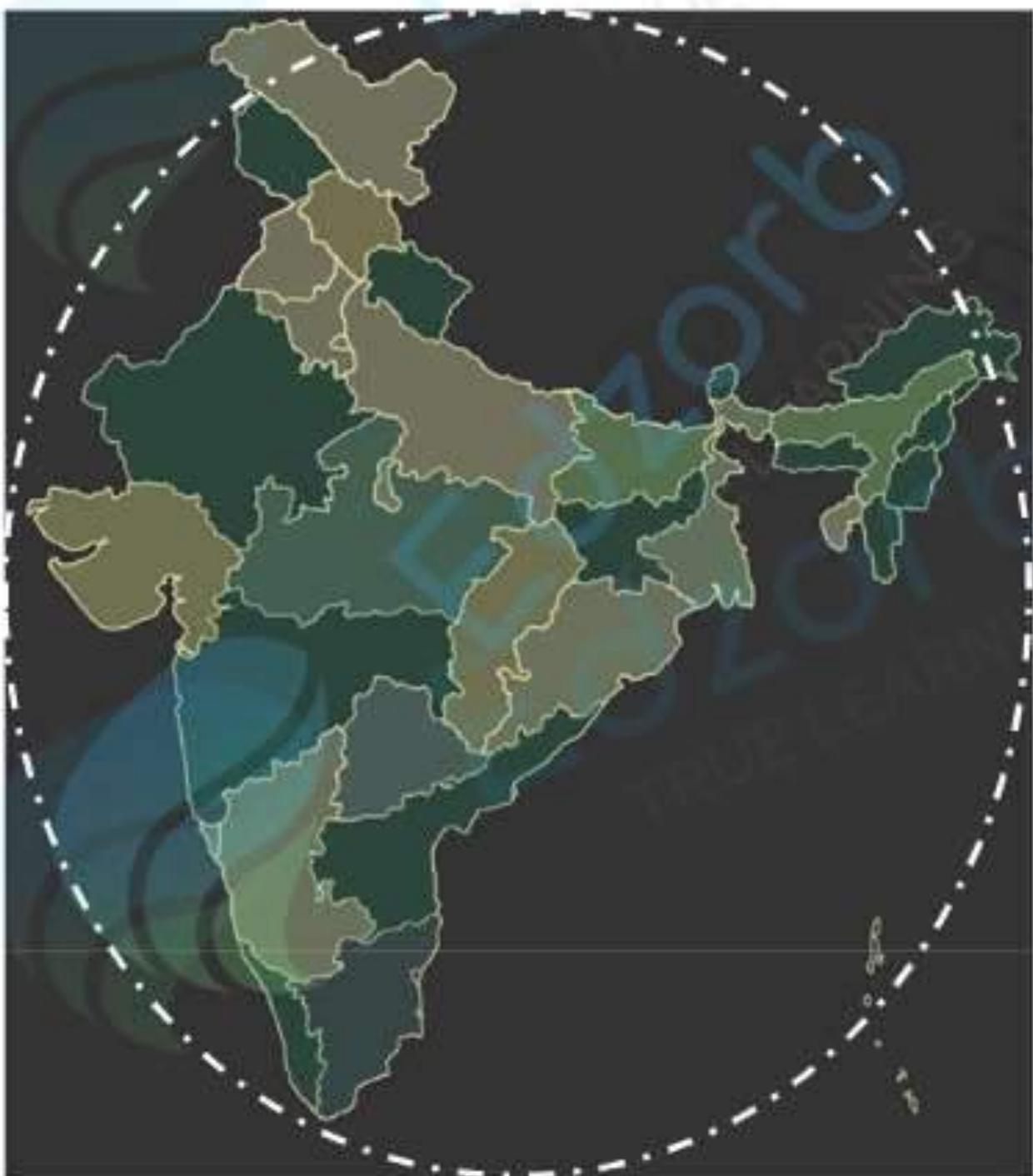
**Source I: Edzorb Law Premium+2.0 - Simplified Notes –  
Indecent Representation of Women (Prohibition) Act –  
Section 1**

**Section 1:**

**1.1 Title: The Indecent Representation of Women (Prohibition) Act, 1986.**



**1.2 Extends to:** The **whole of India.**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**1.3** It shall **come into force** on a date notified by the Central Govt. in the Official Gazette.



भारत का राजपत्र  
The Gazette of India

**Actual date of enforcement:** 2nd October, 1987

**To learn date:**

**TOP TIPS**

- It was enforced on Gandhi Jayanti.

Reference: The Indecent Representation of Women (Prohibition) Act 5.1  
Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

*Q.50) For the purposes of Section 141 of Negotiable Instruments Act, 1881), 'Company' doesn't mean:-*

- a) Body Corporate*
- b) Firm*
- c) Group of individuals*
- d) Association of individuals*

**Ans: C**

**Source: Edzorb Law Qbank - Negotiable Instrument-Module XIV**

5.  
□

**MCQ, Single Correct Question**

For maintaining the prosecution under section 141 of the Negotiable Instruments Act, 1881, arraigning of a company as an accused is imperative?

- a) N K Wahi v Shekhar Singh
- b) R Rajgopal v S S Venkat
- c) Aneeta Hada v M/s Godfather Travels
- d) None of the above



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(C)



Mr. John

(Supervisor of Mr. Michael)

Provide wrong  
information  
about taxation.



Mr. Michael

(Employed in M/s L&T Ltd)

**Vicarious liability** is a situation in which one party is held partly responsible for the unlawful actions of a third party. The third party also carries his or her own share of the **liability**.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

### **Section 141:**

In case of offence by Company, provides for vicarious liability on every person who, at the time the offence was committed, was in charge of, and was responsible to the Company for the conduct of the business of the Company.

**Aneeta Hada Vs M/S Godfather Travels & Tours**

**27 April, 2012, SC**

**Question:** Whether the directors could have been prosecuted for offences punishable under the aforesaid provisions without the company being arrayed as an accused.

**Held:**

While dealing with the liability of a company, in his inimitable style, has expressed that a company may in many ways be likened to a human body.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



I am Company.

My legal liabilities are my own. People who work here are my agents or servants

- In criminal law, in cases where the law requires a guilty mind as a condition of a criminal offence, the guilty mind of the directors or the managers will render the company itself guilty.
- **Section 141** makes the other persons vicariously liable for commission of an offence on the part of the company. The vicarious liability gets attracted when the condition precedent laid down in **Section 141** stands satisfied.
- For maintaining the prosecution under **Section 141** of the Act, **arraigning of a company as an accused is imperative.**

#### Explanation-



## What is a Company?

- “Company” means any **body corporate and includes a firm or other association of individuals;** and
- “Director”, in relation to a firm, means a **partner in the firm.**

**Q.51) Where an offence under The Juvenile Justice (Care and Protection of Children) Act, 2015 is punishable with imprisonment for less than three years, then such offence shall be:-**

- a) Cognizable, bailable and triable by Magistrate of the First Class.**
- b) Cognizable, non-bailable and triable by Magistrate of the First Class.**
- c) Non cognizable, bailable and triable by any Magistrate.**
- d) Non cognizable, non bailable and triable by any Magistrate.**

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Juvenile Justice Act – Part II –Section 86**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 86: Classification of offences and designated court.-



Reference: The Juvenile Justice Act, 2015

Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.52) Offence under section 232 of Indian Penal Code, 1860 is:-**

- a) Cognizable, Non Bailable and triable by the court of Sessions.**
- b) Cognizable, Non Bailable and triable by the Magistrate of first class.**
- c) Non Cognizable, Bailable and triable by the Magistrate of first class,**
- d) Non Cognizable, Bailable and triable by any Magistrate.**

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Section 232**

### **Section 232:**

#### **Counterfeiting Indian coin:**

- Whoever **counterfeits**, or **knowingly** performs any part of the process of counterfeiting Indian coin
- Punished



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**



- Imprisonment **for life** or
- Imprisonment up to **10 years**
- Fine.



### Did you Know?

#### News:

- Upkar and Sweekar Luthra – **Fake Currency Makers – Ran a syndicate.**
- Converted a house in JJ clusters **into makeshift factory.**
- Procure raw material like metallic sheets from Mayapuri and Tilak Nagar.
- Minting and circulating fake coins with the **face value of around Rs 50 crore**



Reference: Indian Penal Code, 1862 s 231 232

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.53) Provisions of sections 3 to 13 of The Protection of Children from Sexual Offences Act, 2012, shall not apply in case of medical examination or medical treatment of a child when:-**

- a) Such medical examination or medical treatment is undertaken with the consent of child himself.**
- b) Such medical examination or medical treatment is undertaken with the consent of the court.**
- c) Such medical examination or medical treatment is undertaken with the consent of his parents.**
- d) Such medical examination or medical treatment is undertaken under direction and presence of police.**

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Protection of Children from Sexual Offences Act, 2012 – Section 41**

### **Section 41**

#### **Provisions of Sections 3 to 13 not to apply in certain cases**

- The provisions of **S.3 -13** shall not apply in case of:
  - Medical examination or



- Medical treatment of a child
  - **Condition:** When it is undertaken with the **consent of his parents or guardian.**

I need your consent to  
examine your child fill the  
form or follow the procedure



Reference: The Protection of Children from Sexual Offences 2012 S.41  
Copyright © Edzorb Law. Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.54) Under the Code of Criminal Procedure, 1973, security for good behaviour from the persons disseminating seditious matters can be demanded by:-**

- a) Magistrate of the First Class**
- b) Chief Judicial Magistrate**
- c) Sessions Judge**
- d) Executive Magistrate**

**Ans: D**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Criminal Procedure Code – Part II – Section 108**

### **Section 108 (1)**

**Security for good behaviour from persons disseminating seditious matters:**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**S. 124A –  
Sedition**

**S. 292 –  
Sale, etc., of  
obscene books**

**S. 503  
Criminal  
intimidation  
S.499  
Defamation**

**GET SHOW  
CAUSE!!**

**S. 153A -  
Promoting  
enmity b/w  
different  
groups**

**S. 153B -  
Imputation etc.  
prejudicial to  
national-  
integration**

**S. 295A-  
Malicious acts  
to outrage  
religious  
feelings**



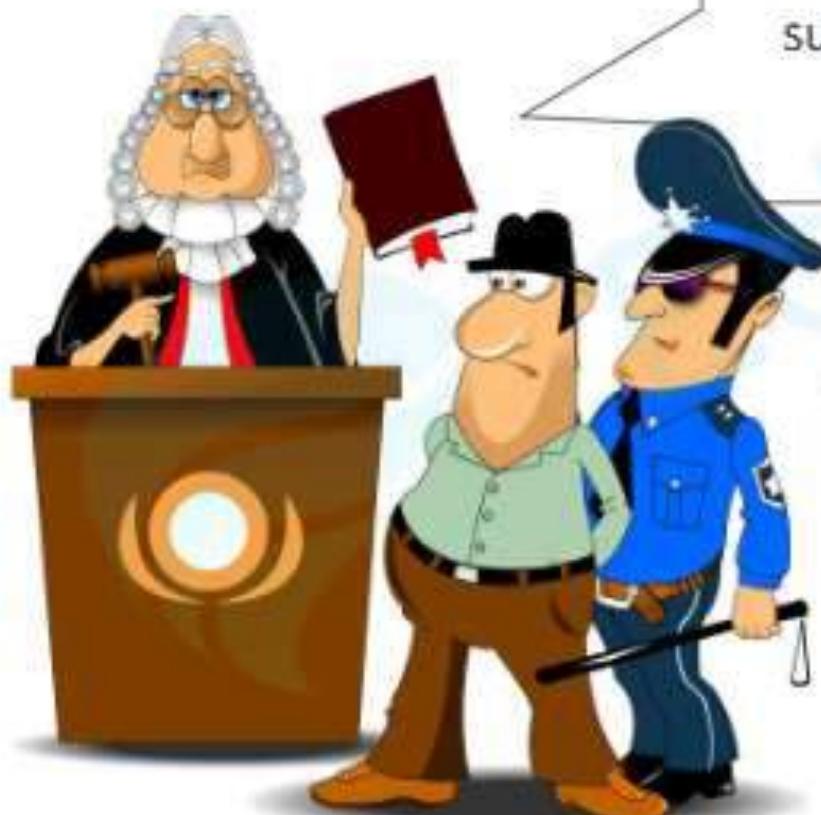
- When an Executive Magistrate receives information that
- There is **within their local jurisdiction any person** who, within or without such jurisdiction:
  - Either orally or in writing or in any other manner, intentionally disseminates or attempts to disseminate or abets the dissemination of:
    - Any matter the publication of which is punishable under **Section 124A** or **Section 153A** or **Section 153B** or **Section 295A** of the Indian Penal Code 1860 or
    - Any matter concerning a Judge acting or purporting to act in the discharge of his official duties which amounts to **criminal intimidation** or **defamation** under the Indian Penal Code 1860.
  - **Makes, produces, publishes or keeps for sale, imports, exports, conveys, sells, lets to hire, distributes, publicly exhibits** or in any other manner puts into circulation **any obscene matter**



such as is referred to in **Section 292** of the Indian Penal Code 1860.

- And the Magistrate is of opinion that there is **sufficient ground for proceeding**
- The Magistrate may, in the manner hereinafter provided, **require such person to show cause** why such person should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit.

This is your journal, get  
me a better show cause.  
Otherwise, you have to  
submit a bond of Rs. 3  
Lac



## Section 108 (2)

- No proceedings shall be taken under this section against the **editor, proprietor, printer or publisher** of any **publication registered** under, and edited, printed and published in conformity with, the rules laid down in the **Press and Registration of Books Act, 1867**, with reference to any matter contained in such publication.

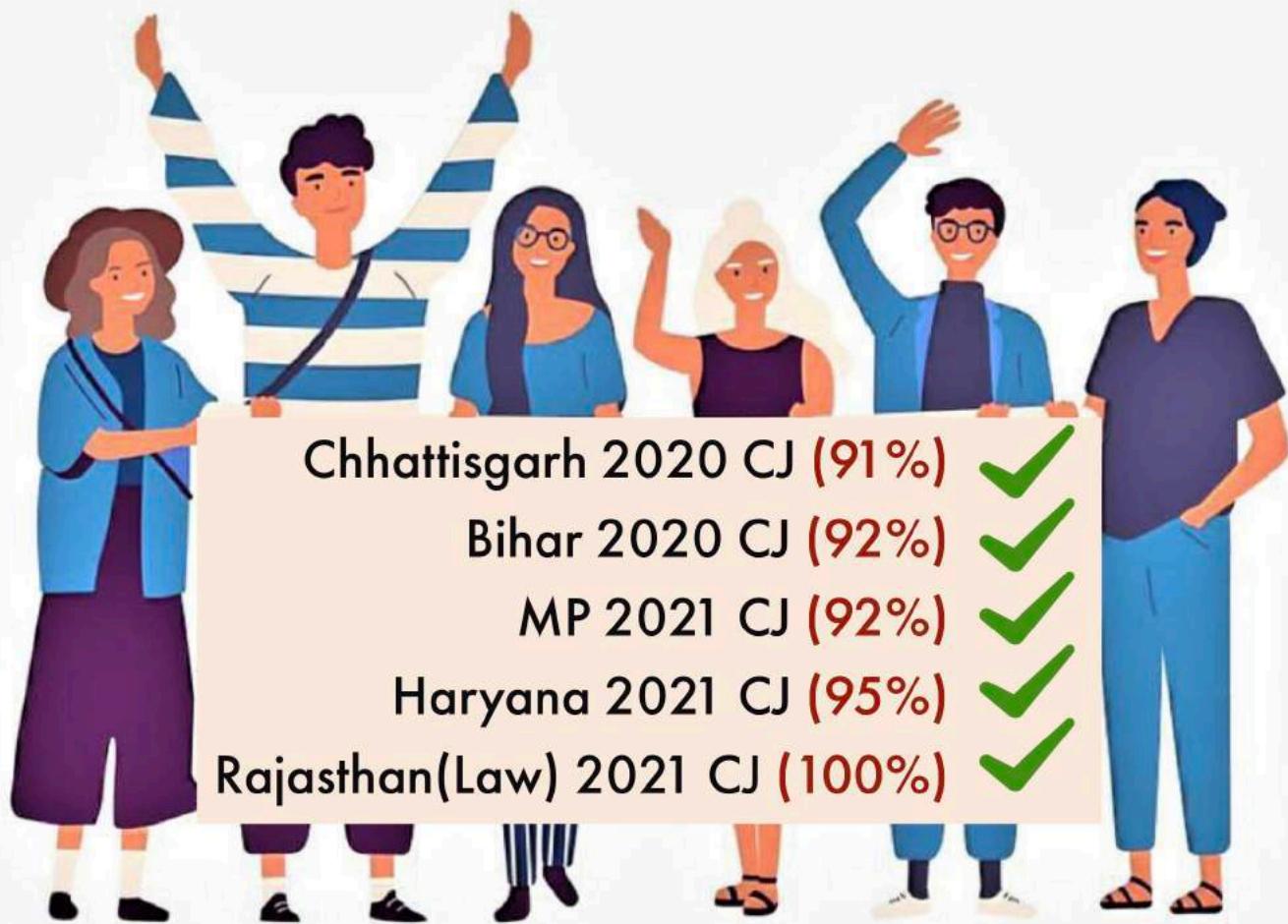
- Except

- By the order or under the authority of the State Government or some officer empowered by the State Government in this behalf.



# Edzorbians At Advantage

High Strike Rate in all PCSJ Exams



Predict the STRIKE RATE for UPJS & DJS or even BETTER..

Score an Exam winning Strike with Edzorb Law



Edzorb Law

True Learning

Telegram: @edzorblaw  
www.edzorblaw.com

**Q.55) Which of the following statement in respect of section 320 of the code of Criminal Procedure, 1973, is not correct?**

- a) The composition of an offence before charge shall have the effect of the accused.**
- b) No offence shall be compounded if the accused is, by reason of a previous conviction, liable to enhanced punishment.**
- c) When an appeal is pending, no composition for the offence shall be all without the leave of the appellate court.**
- d) The person competent to compound an offence is dead, the legal representative of such person may, with the consent of the court, compound such offence.**

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes –  
Criminal Procedure Code – Part VI – Section 320**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



## Section 320: Compounding of offences:

### Compoundable and Non-Compoundable Offences:

**Compoundable offences:** These are those offences where, the complainant enters into a compromise, and agrees to have the charges dropped against the accused.





Here, the offence is compounded between the parties.

**Non-Compoundable offences:** Other than compoundable offences.



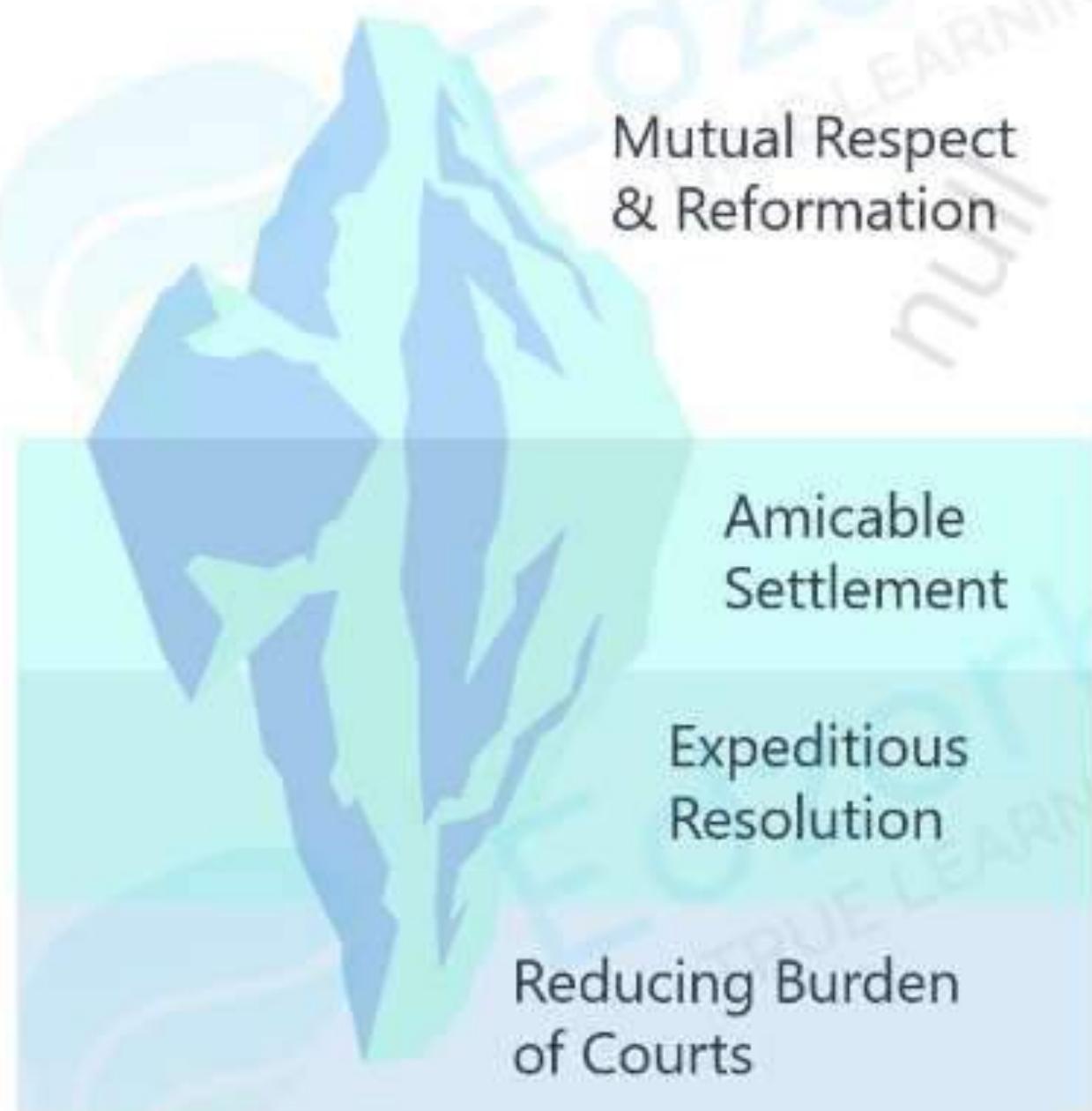
- Offences which are of serious nature like rape, murder etc. are non-compoundable.
- These offences cannot be compounded.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

The **main objectives** as laid down in the 41st law commission report which suggested the present CrPC are as follows:



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**320 (1):** Offences compoundable without the permission of the court:

Offence	Sections of IPC	Person by whom offence may be compounded
Uttering words, etc., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.
Voluntarily causing hurt.	323	The person to whom the hurt is caused.
Voluntarily causing hurt on provocation.	334	Ditto.



Voluntarily causing grievous hurt on grave and sudden provocation.	335	The person to whom the hurt is caused.
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Wrongfully confining a person for three days or more	343	The person confined.
Wrongfully confining a person for ten days or more.	344	Ditto.
Wrongfully confining a person in secret.	346	The person confined.
Assault or use of criminal force.	352, 355,	The person



force	358	assaulted or to whom criminal force is used.
Theft.	379	The owner of the property stolen.
Dishonest misappropriation of property	403	The owner of the property misappropriated.
Criminal breach of trust by a carrier, wharfinger, etc	407	The owner of the property in respect of which the breach of trust has been committed.
Dishonestly receiving stolen property knowing	411	The owner of the property stolen.



it to be stolen

Assisting in the concealment or disposal of stolen property, knowing it to be stolen.

Cheating. 417 The person cheated.

Cheating by personation. 419 Ditto.

Fraudulent removal or concealment of property, etc., to prevent distribution among creditors. 421 The creditors who are affected thereby.

Fraudulently preventing from being made available for his creditors 422 Ditto.



a debt or demand due to  
the offender.

Fraudulent execution of  
deed of transfer  
containing false  
statement of  
consideration.

423

The person  
affected  
thereby.

Fraudulent removal or  
concealment of  
property.

424

Ditto.

Mischief, when the only  
loss or damage caused is  
loss or damage to a  
private person.

426, 427

The person to  
whom the loss or  
damage is  
caused.

Mischief by killing or  
maiming animal.

428

The owner of the  
animal.

Mischief by killing or maiming cattle, etc.	429	The owner of the cattle or animal.
Mischief by injury to works of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to private person.	430	The person to whom the loss or damage is caused.
Criminal trespass	447	The person in possession of the property trespassed upon.
House-trespass.	448	Ditto.
House-trespass to commit an offence	451	The person in possession of



(other than theft) the house  
punishable with trespassed upon.  
imprisonment.

Using a false trade or 482 The person to  
property mark. whom loss or  
  
injury is caused  
by such use.

Counterfeiting a trade or 483 Ditto.  
property mark used by  
another.

Knowingly selling, or 486 Ditto.  
exposing or possessing  
for sale or for  
manufacturing purpose,  
goods marked with a  
counterfeit property



mark.

Criminal breach of contract of service.

491

The person with whom the offender has contracted

Enticing or taking away or detaining with criminal intent a married woman.

498

The husband of the woman and the woman

Defamation, except such cases as are specified against section 500 of the Indian Penal Code (45 of 1860) in column 1 of the Table under subsection (2).

500

The person defamed.



Printing or engraving matter knowing it to be defamatory.	501	Ditto.
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	502	Ditto.
Insult intended to provoke a breach of the peace.	504	The person insulted.
Criminal intimidation.	506	The person intimidated.
Inducing person to believe himself an object of divine displeasure.	508	The person induced.



(2) The following are compoundable with the **permission of the court**:

Offence	Section of the Indian Penal code applicable	Person by whom offence may be compounded
Causing miscarriage.	312	The woman to whom miscarriage is caused.
Voluntarily causing grievous hurt.	325	The person to whom hurt is caused.
Causing hurt by doing an act so rashly and	337	Ditto.



negligently as to endanger human life or the personal safety of others

Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.

Assault or criminal force in attempt-ing wrongfully to confine a person.

Theft, by clerk or servant of property in possession

338

Ditto.

357

The person assaulted or to whom the force was used.

381

The owner of the property



of master.		stolen.
Criminal breach of trust	406	The owner of property in respect of which breach of trust has been committed.
Criminal breach of trust by a clerk or servant.	408	The owner of the property in respect of which the breach of trust has been committed.
Cheating a person whose interest the offender was bound, either by law or	418	The person cheated.



by legal contract, to protect.

Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.

Marrying again during the life-time of a husband or wife.

Defamation against the President or the Vice-President or the Governor of a State or the Administrator of a

420

The person cheated.

494

The husband or wife of the person so marrying.

500

The person defamed.



Union territory or a Minister in respect of his public functions when instituted upon a complaint made by the Public Prosecutor.

Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.

509

The woman whom it was intended to insult or whose privacy was intruded upon.]



**(3) If offence is compoundable,**



All these may be compounded in like manner.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(4) When the person who would **otherwise be competent to compound** under this section is:

Person **competent to contract** on his behalf can compound



Lunatic

Person **competent to contract** on his behalf can compound

Under  
18 yrs



Idiot



Person **competent to contract** on his behalf can compound

Dead



LRs as per CPC may compound with the consent of court



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**(5)** In following cases, no composition shall be allowed without the leave of the court:

Accused committed for trial

Accused convicted and appeal pending

Leave by court to which trial committed

Leave by court before which appeal is pending

**(6)** Compounding during Revision:



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



### (7) Previous Conviction:

No offence shall be compounded if the accused:

- has been **previously convicted**
- By reason of it, he is liable either to:

Enhanced punishment

Punishment of a different kind for such offence

I am acquitted.



### (8) Effect of composition = **Acquittal of offence.**



**(9) No offence shall be compounded except as provided by this section.**

**Mahesh Chand Vs State of Rajasthan,**

**1990 SCC (Cri) 159**

- Permitted compounding of non-compoundable offences invoking its power under Article 142 of Constitution to render complete justice to the parties concerned.

**B S Joshi Vs State of Haryana**

**AIR 2003**

**Held:**

- The parties were not asking for compounding the offence but for quashing the FIR.
- It observed that since because of the **amicable settlement**, there is **no chance of conviction** and in such a case the court has the **power to quash the proceeding**.





## State of MP Vs Lakshmi Narayan and others

Cr.A. No. 349-350/2019

Court laid down the **following guidelines** for quashing criminal proceeding in case of non-compoundable offences while invoking powers u/S. 482:

- **Predominantly civil nature of offence:** It can be exercised where the offence involved is merely a predominantly civil and commercial matter.
- **Heinous and serious offences:** No quashing of offences which has a serious impact on society.
- **Offences under section 307 IPC:** The High court may examine that whether the offence under S.307 has actually occurred or is it for name sake only.
- **Special Statutes:** HC must refrain in cases under Prevention of Corruption Act etc.



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.56) How many fundamental principles are provided in section 3 of The Juvenile Justice (Care and Protection of Children) Act, 2015?**

- a) 12
- b) 14
- c) 16
- d) 18

**Ans: C**

**Source I: Edzorb Premium+2.0 - Simplified Notes – Juvenile Justice Act, 2015 – Part I – Section 3**

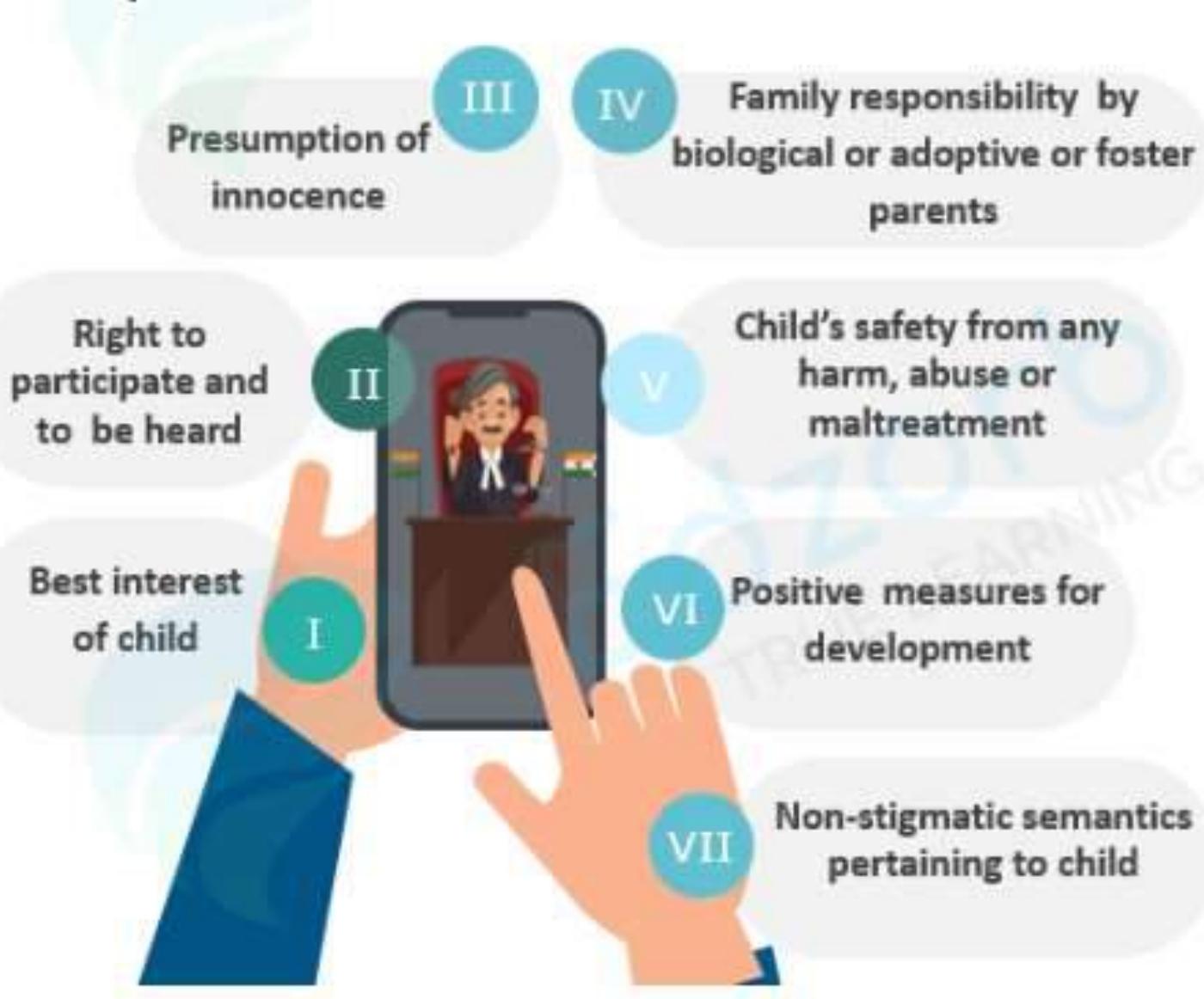
## Chapter-II

### General Principles of care and protection of children

**Section 3: General principles to be followed in administration of act**

- **16 principles** followed by the central government, state government, board and other agencies for **implementing the provision of this act.**





JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)





**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Q.57) Under Indian Penal Code, 1860, when the imprisonment awarded for solitary confinement shall exceed three months, the solitary confinement shall not exceed ..... in any one month of the whole imprisonment awarded.

- a) seven days
- b) fourteen days
- c) fifteen days
- d) ten days

Ans: A

Source I: Edzorblaw Premium+2.0 - Simplified Notes –Indian Penal Code – Part I – Section 74

#### Section 74

##### Limit of Solitary confinement at a time:

- I. Maximum limit = 14 days at a time.



- II.** When entire period of imprisonment **exceeds three months**,

**Then, in any one month, the solitary confinement shall not exceed 7 day.**



Reference: Indian Penal Code, 1862 s 74

Copyright © Edzorb Law. Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.58) For the purpose of Section 23 of The Protection of Children from Sexual Offences Act, 2012, which among the following is not correct?**

- a) *No report in any media shall disclose the identity of a child.*
- b) *The publisher or the owner of the media shall be jointly and severally liable for the acts and omissions of his employee.*
- c) *On contravention of the provisions of subsection (1) or (2) of section 23, the accused shall be liable to be punished with imprisonment of either description for a period which shall not be less than 1 year but which may extend to 2 years or with fine or with both.*
- d) *None of the above options.*

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Protection of Children from Sexual Offences Act, 2012 – Section 23**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 23:

### Procedure for media

#### 23.1:

- Person shall **not make any report or present comments** on any child
- From any form of media or studio or photographic facilities
- Without having complete and authentic information,
- Which may have the **effect of lowering his reputation or infringing** upon his privacy.



106

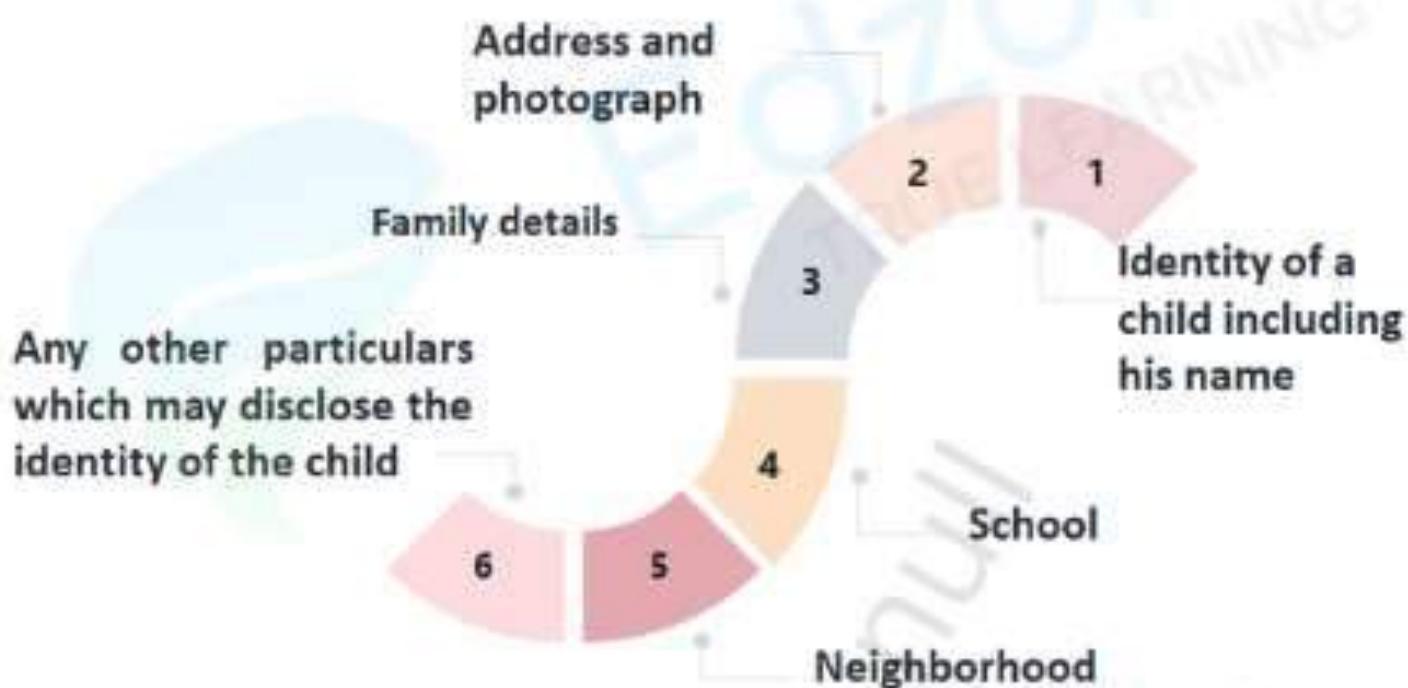


JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## 23.2:

No media report shall disclose:



### Proviso:

- The Special Court, competent to try the case under the Act, may permit such disclosure
- In Interest of the child
- for reasons to be recorded in writing.

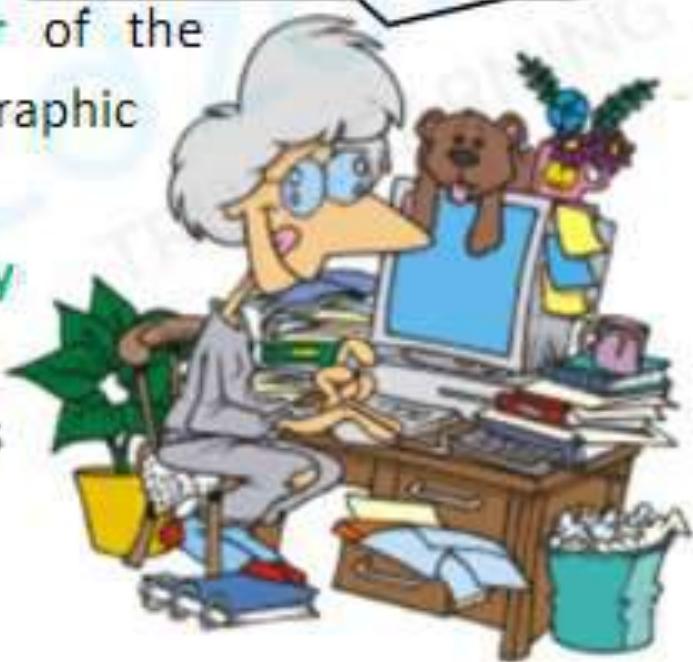


### 23.3

#### Liability:

I know I will be liable for the acts of my employees as well

- The **publisher or owner** of the media or studio or photographic facilities
- **Jointly and severally liable:** for the acts and omissions of his employee.



### 23.4:

#### Punishment for contravening Ss. (1) and (2):

- **Imprisonment:** 6 months to 1 year, or
- Fine, or
- Both



## **Sampurna Behura Vs Union of India**

**(2018) 9 SCC 555.**

### **Held:**

- **Repeated** interrogation, questioning, visiting/interviewing of victims regarding incident by officials and journalist is hardly conducive for the welfare and well-being of minor victims of sexual abuse and rape in Shelter Homes/Child Homes.
- **Media** must be **restrained** from **publishing images** of victims even in **morphed** or **blurred** form.
- Media directed to **keep interests** of victims in mind while **dissemination of news**.
- **Process to** be followed by investigating agencies dealing with case, set out. Various Authorities/Institutions directed to submit reports, for further directions.



## Nipun Saxena Vs Union of India

(2019) 2 SCC 703.

### Held:

- Considering **relevant provisions** of POCSO Act and intention of legislature to **protect the privacy** and **reputation** of a child victim, **media** cannot disclose any material/information which may lead to disclosure of identity of a child victim.
- Any **violation** in this regard will amount to an offence U/S. 23(4) of POCSO Act.

Reference: The Protection of Children from Sexual Offences 2012, S.23

Copyright © Edzorblaw: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.59) Which statement with reference to section 101 of The Juvenile Justice (Care and Protection of Children) Act, 2015, is wrong?**

- a) *An Appeal shall lie against an order of the Board before the Children's Court.*
- b) *A Second Appeal shall lie from any order of the Court of Sessions, passed in appeal under section 101 (2) before the High Court.*
- c) *Any person aggrieved by an order of the Children's Court may file an appeal a before the High Court.*
- d) *No appeal shall lie from any order made by a committee in respect of finding that a person is not a child in need of care and protection.*

**Ans: B**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Juvenile Justice Act, 2015 – Part II – Section 101**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **Section 101: Appeals. -**

**Appeal against order made by Committee/  
Board- To- Children's Court**

**Time period-Within 30 days**

**Appeal aganist decisions by Committee  
related to Foster Care/Sponsorship After  
Care To - District Magistrate**

**Proviso-**

**After expiry of 30 days- Appeal can be made to-  
Court of Sessions, District Magistrate on being  
satisfied that the appellant was prevented from  
filing**



Appeal against an order of the Board passed after preliminary assessment into a heinous offence u/s 15

### To- Court of Sessions

Court can take the assistance of experienced psychologists and medical specialists for deciding appeal.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

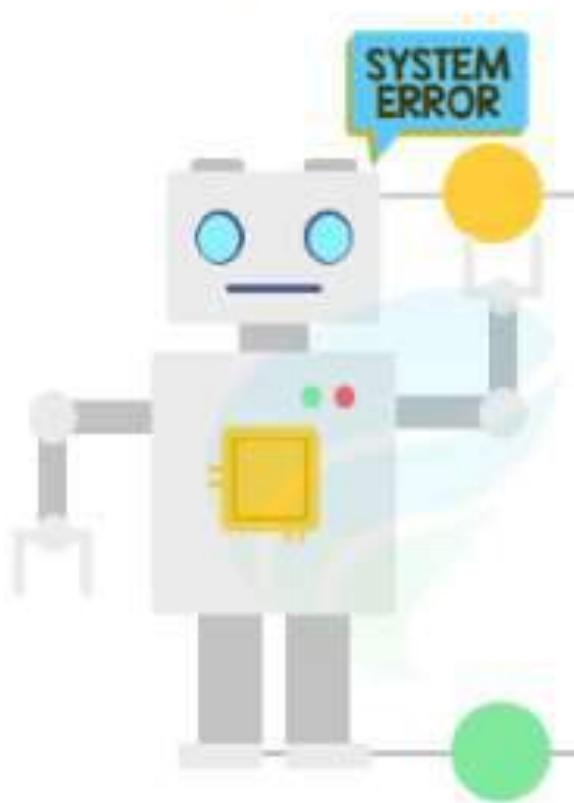
[www.edzorblaw.com](http://www.edzorblaw.com)



No appeal shall lie from,-

Order of acquittal by Board (child of 16 years or above has committed an offence other than the heinous offence)

Order made by a Committee  
(that person is not a child in need of care and protection.)



No second appeal shall lie from order made in appeal by Court of Session.



Appeal against order of the Children's Court-To-High Court.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Any person aggrieved by an adoption order passed by the District Magistrate may, **within 30 days** from the date of such order **passed by the District Magistrate**, file an appeal before the Divisional Commissioner



Every appeal filed under sub-section (6), shall be decided as expeditiously as possible and an endeavour shall be made to dispose it **within 4 weeks** from the **date of filing of the appeal**

**Provided...**

Where there is no Divisional Commissioner, **State Government or Union territory Administration by notification**, empower an officer equivalent to the rank of the Divisional Commissioner to decide the appeal



**Niraj V State Of U.P. And Another**  
**C.r.No. 185/2020**

**Held:**

- An appeal under section 101 where the **criminal revision has been filed before the court mainly** on following grounds:
- That the bail application of the revisionist was rejected by the court below in a very cursory and arbitrary manner.
- That the revisionist, who is juvenile, is wholly innocent and has been falsely implicated by the first informant in the present case.

Reference: The Juvenile Justice Act, 2015

Copyright© Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



# Become a Judicial Officer



Rs 1,000 off



Series of 20 Standardized Tests



Post-Exam Model Pointers



Personalised Evaluation & Feedback

Offer valid for last 150 subscribers only/-

**Book Now**

**It's Now or Never**

Rajasthan  
Mains  
Batch:  
Ongoing  
Admissions



**Q.60) For the purpose of section 363-A of Indian Penal Code, 1860, 'Minor' means:-**

- a) A person under 18 years of age**
- b) A person under 21 years of age**
- c) A female under 18 years of age**
- d) A male under 18 years of age**

**Ans: C**

**Source I: Edzorb Premium+2.0 - Simplified Notes – Indian Penal Code – Part II – Section 363A (4) (b)**

### **Section 363A (4) (b):**

**Minor:**

- Any **minor**
  - Male → Under **16 Years** of age.
  - Female → Under **18 Years** of age.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Soliciting or receiving alms

Public place



Private premises

Pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



Obtaining or  
extorting to  
get alms

Exposing or  
exhibiting

Any sore,  
wound, injury,  
deformity or  
disease

Of oneself,  
another's or  
animal's

#### Did you Know?

As per the data of 2011 Census,  
**India had 10.13 million child labourers**, between the age of 5-14 with higher prevalence in Uttar Pradesh, Bihar, Rajasthan, Maharashtra, and Madhya Pradesh.



35



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

### Food for Thought!

“Justice will not be served until those who are unaffected are as outraged as those who are.”

– Benjamin Franklin



Go read Child Labour  
Amendment  
(Prohibition and  
Regulation) Act, 2016

It is illegal for any person to employ or allow children under the age of 14 in any form of occupation except as a child artist, or in a family business.

**Reference:** Indian Penal Code, 1862 s 363

**Copyright © Edzorb Law:** Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.61) Under section 13 of Indian Penal Code, 1860, definition of 'Queen' was repealed by:-**

- a) Adaptation Order 1937**
- b) Adaptation Order 1950**
- c) Adaptation Order 1938**
- d) Adaptation Order 1951**

**Ans: B**



**Reference:** Indian Penal Code 1862, Section 13

**Copyright©Edzorblaw:** Any Breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.62) Under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, in the constitution of 'Internal Complaints Committee, at least ..... Of the total members so nominated shall be women.**

- a) One-fourth
- b) One-third
- c) One-half
- d) Two-third

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 – Section 4**

## **CHAPTER II**

### **CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE**

#### **Section 4: Constitution of Internal Complaints Committee.**

- Every employer is obliged to constitute an ICC through a written order. The ICC will be composed of the following members:



No.	Member	Eligibility
1.	Chairperson	Women working at senior level as employee; if not available then nominated from another office/units/ department/ workplace of the same employer
2.	2 Members (minimum)	From amongst employees committed to the cause of women/ having legal knowledge/experience in social work
3.	Member	From amongst NGO/associations committed to the cause of women or a person familiar with the issue of Sexual Harassment.

Provided...

Reference: Juvenile Justice (Care and Protection of Children) Act, 2015

Copyright © Edzorb Law: Any breach will attract legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

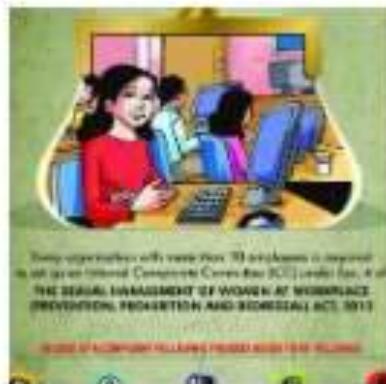
- At least **one-half** of the total **Members** so nominated shall be women.



**ONE HALF**



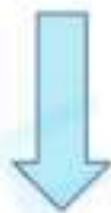
- The Presiding Officer and every **Member** of the Internal Committee shall hold office for **three years**, from the date of their nomination.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

- Fees or allowances to be paid to member appointed from non-governmental organisation or association.



**NGO**  
NON  
GOVERNMENTAL  
ORGANIZATION

- Where the Presiding Officer or any Member of the Internal Committee:-

Contravenes the provision  
of sec.16 or

Convicted for an offence or  
an inquiry into an offence  
pending against him

Found guilty in any  
disciplinary proceedings

Abused his position as  
continuance in office  
prejudicial to the public  
interest



- Such Presiding Officer or Member, as the case may be, shall be **removed from the Committee.**



### THE DISCONNECT

**54%**

Segment of women polled who reported unwanted sexual advances.

**56%**

Portion of men who believe workplace harassment goes unpunished.

**30%**

Segment who said they were subject to unwanted advances at work.

**95%**

Portion of men who go unpunished, according to women who have reported harassment.

**23%**

Segment who said the harasser had influence over their work.

Source: ABC News/The Washington Post

Reference: Juvenile Justice (Care and Protection of Children) Act, 2015

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.

**Q.63) 'A', a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. Work done by 'A' comes under which General Exception of Indian Penal Code, 1860?**

- a) Act done by a person believing himself bound by law.
- b) Act done by a person believing himself justified by law.
- c) Accident in doing a lawful act.
- d) Act likely to cause harm, but done without criminal intent.

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part I – Section 76**

## **CHAPTER IV**

### **GENERAL EXCEPTIONS**

#### **Section 76**

##### **A mistake of fact = No offence**

- Act which is done by **mistake of fact**
- Not by reason of **a mistake of law**
- Act must be done in **Good Faith**
- Done by a **person bound by law** to do it.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



I command FIRE!

Ji  
Janab!



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **State Of West Bengal Vs Shew Mangal Singh**

**1981 AIR 1917**

### **Facts:**

- While on Patrol Duty, officers were given orders by Deputy Commissioner of Police to open fire.
- The order was lawful.
- This attracts the illustration to **Section 76**.

### **Court Held:**

- Situation prevailing at the scene of the offence was such as to justify the order given by the officer to open fire.
- Defence under **Section 76** that they acted in obedience to that order
- and therefore they could not be held guilty of the offence of which they were charged.

Reference: Indian Penal Code, 1862 s 76

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.64) Which provision of the code of Criminal Procedure, 1973 deals with identification of person arrested?**

**a) Section 53-A**

**b) Section 54**

**c) Section 54-A**

**d) Section 55-A**

**Ans: C**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes –  
Criminal Procedure Code – Part I – Section 54 A**

**Section 54A: Identification of person arrested:**

- Where a person is arrested on a charge of committing an offence and
- His identification by any other person is necessary for investigation,



- The Court, having jurisdiction may, **on the request of the officer in charge of a police station**, direct the person to subject **himself to identification** by any person as Court may deem fit.





**Provided that: Person identifying the person arrested is mentally or physically disabled:**



Identification to take place under supervision of Judicial Magistrate

Identification process to be videographed

- JM shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with.

Reference: Code of Criminal Procedure, 5.54A

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.65) Under section 65 of Indian Penal Code, 1860, the term for which the court directs the offender to be imprisoned in default of payment of a fine shall:-**

- a) Not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence.**
- b) Not exceed one-third of the term of imprisonment which is the maximum fixed for the offence.**
- c) Not exceed half of the term of imprisonment which is the maximum fixed for the offence.**
- d) None of the above option.**

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part I – Section 65**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Section 65

Limit of imprisonment for non-payment of fine, when imprisonment and fine awardable:



**Shantilal Vs State of M.P.**

**(2008) 1 SCC (CRI) 1**

**Difference between Section 53 and 64:**

- Term of imprisonment in **default** of payment of fine is **not a sentence**. It stands in a **different** footing.
- **It is a penalty** (**Section 64**) which a person incurs on account of non-payment of fine.
- It **can always be avoided by payment** of such fine.

Reference: Indian Penal Code, 1862 s 65

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.66) Under section 41 of the Code of Criminal Procedure, 1973, whom among the followings. Police arrest without warrant?**

- a) Who Commits in presence of a police officer, a non cognizable offence.
- b) Who commits in presence, of a police officer, a cognizable offence.
- c) Who, Commits in presence of a Magistrate, a non cognizable offence
- d) None of the above option.

**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes –  
Criminal Procedure Code – Part I – Section 41**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

You are under arrest.



### Section 41: When police may arrest without warrant:

(1) Any police officer may without an order from a Magistrate and **without a warrant**, arrest any person:

(a) **Cognizable offence in presence of Police Officer:** who commits, in the presence of a police officer, a cognizable offence;



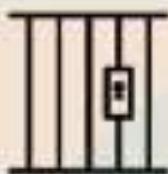
- Ankush commits theft in the presence of lady police officer.
- The police officer can arrest him without warrant.



**(b) Cognizable offence punishable less than or up to 7 yrs:** A person against whom:



That he has committed a cognizable offence punishable with:



Imprisonment which may be less than or upto 7 years, with or without fine.



**If the following conditions are satisfied, namely:**

- (i) Police officer has reason to believe on the basis of such complaint, information, or suspicion that such person has committed the said offence;
- (ii) Police officer is satisfied that such arrest is necessary for:



Prevention of commission of further offence

Proper investigation of the offence

Preventing from causing tampering or disappearance of evidence

Prevention of inducement, threat or promise to any person acquainted with the facts of the case

Unless person is arrested, his presence needs to be ensured and PO shall record reason in writing



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**PROVISO**

PO shall, where the arrest of a person is not required record the reasons in writing for not making the arrest.



**(ba) Cognizable offence punishable more than 7 yrs. or LI or Death Sentence:**



A person against whom a Credible information has been received that he has committed a cognizable offence punishable with:

Imprisonment  
more than 7 years,  
with or w/o fine

Death Sentence



The police officer has reason to believe on the basis of that information that such person has committed the said offence.



I know you have committed an offence; I am coming for you. Save yourself, if possible.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **Proclaimed Offender**

(c) **Proclaimed offender:** who has been proclaimed as an offender:

Under this Code



By order of the State Government



## **(d) Stolen Property in possession:**

In whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

You can't arrest  
my brother.



**(e) Obstructs a PO in execution of duties:** Who obstructs PO in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

**(f) Deserter from army:** Who is reasonably suspected of being a deserter from any of the Armed Forces of the Union;



(g) **Offence committed outside India:** Who has been concerned in, or



Of his having been concerned in, any act committed outside India which,

- If committed in India, would have been punishable as an offence, and
- For which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India.



• Ramesh killed a USA citizen in USA.

- He is liable for murder and as per Extradition laws, he is liable to be detained in custody.



### **Meaning of Extradition:**



**Extradition**, in international law, the process by which one state, upon the request of another, effects the return of a person for trial for a crime punishable **by the laws** of the requesting state.



**(h) Breach of rule:** Who, being a released convict, commits a breach of any rule made under **S. 356(5)**; or



### **(i) Request to arrest from another police station:**

For whose arrest any requisition, whether written or oral, has been received from another police officer,



Provided that the **requisition specifies**:



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## (2) Non-cognizable offence:

Subject to **S.42**, no person concerned in a non-cognizable offence or against whom



Shall be arrested except under a warrant or order of a Magistrate.

We Have A



Out For Your Arrest!

### Test time!

State the provision under which cognizable and non-cognizable offence has been defined?



**Reference:** Criminal Procedure Code, Section 41, Universal BareAct

**Copyright©Edzorblaw:** Any Breach will attract immediate legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.67) Sections 143 to 147 of Negotiable Instruments Act, 1881 came into force on:-**

- a) 6 February 2002
- b) 6 February 2003
- c) 1 April 2002
- d) 1 April 2003

**Ans: B**

**Source: Edzorb Law Qbank - Negotiable Instrument-Module II Q.17**

17.



MCQ, Single Correct Question

Chapter XVII was instead into the Negotiable Instruments Act, 1881 by amendment of the Act in the year

- a 1988
- b 1888
- c 1998
- d None of the above



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

(A)

Sections	Introduced by	Significance of the Amendment
<b>Section 138 - 142</b>	<ul style="list-style-type: none"><li>Banking Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988. (Effective – 01.04.1989)</li></ul>	<ul style="list-style-type: none"><li>To encourage use and credibility of cheques and to discourage issuance of cheques without providing for its encashment its encashment.</li></ul>
<b>Sections 143 - 147</b>	<ul style="list-style-type: none"><li>Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002 (Effective – 06.02.2003)</li></ul>	<ul style="list-style-type: none"><li>Empowering Magistrate to adopt summary trial.</li></ul>
<b>Sections 142A</b>	<ul style="list-style-type: none"><li>Negotiable Instruments (Amendment) Act, 2015 (Effective – 15.06.2015)</li></ul>	<ul style="list-style-type: none"><li>Clear concept related to jurisdiction and introduced cheque in e-form.</li></ul>



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Section  
143 and  
148A**

- Negotiable Instruments (Amendment) Act, 2018 (Effective – 02.08.2018)
- Interim compensation/ fine to trial and appellate court.

**Reference:** The Negotiable Instruments Act, 1882, Section 138-148A

**Copyright © Edzorb Law:** Any breach will attract immediate legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.68) "Being in possession of false weight or measure" is a punishable offence:-**

- a) Under section 264 of Indian Penal Code, 1860**
- b) Under section 265 of Indian Penal Code, 1860**
- c) Under section 266 of Indian Penal Code, 1860**
- d) Under section 267 of Indian Penal Code, 1860**

**Ans: C**

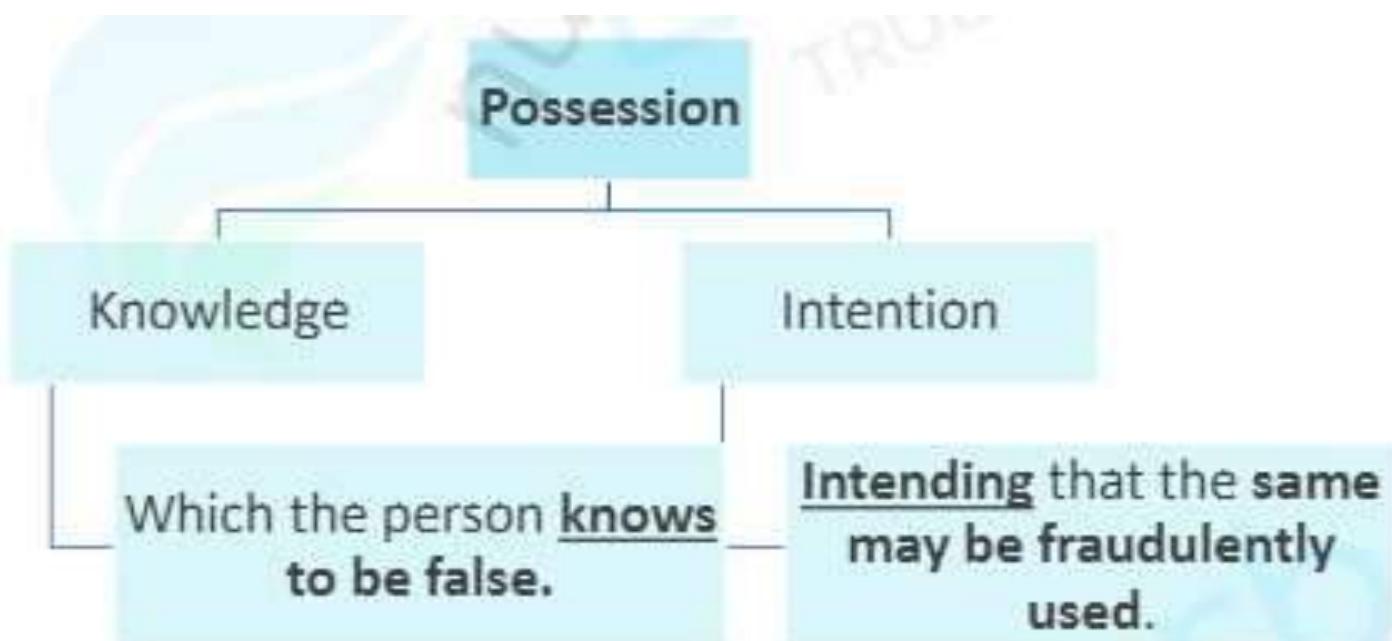
**Source : Edzorb Law Premium+2.0 - Simplified Notes – Indian Penal Code – Part I – Section 266**

### **Section 266**

#### **Being in possession of false weight or measure:**

- When a person is in possession of
  - Any instrument for weighing,
  - Any weight
  - Any measure of length or capacity.





- Such a person shall be **punished**.



- Imprisonment up to **1 Years**, or with fine, or with both.

I hope these fake weights fetch me more money today!



Reference: Indian Penal Code, 1862 s 266

Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.69) 'A' is tried for the murder of 'B' by 'Intentionally "shooting him dead. In trial, the irrelevant fact is :-**

- a) 'A' was in the habit of Shooting al People With intent to murder them.**
- b) 'A' on other occasions shot at 'B'**
- c) Both (1) & (2) are relevant.**
- d) Both (1) & (2) are not irrelevant.**

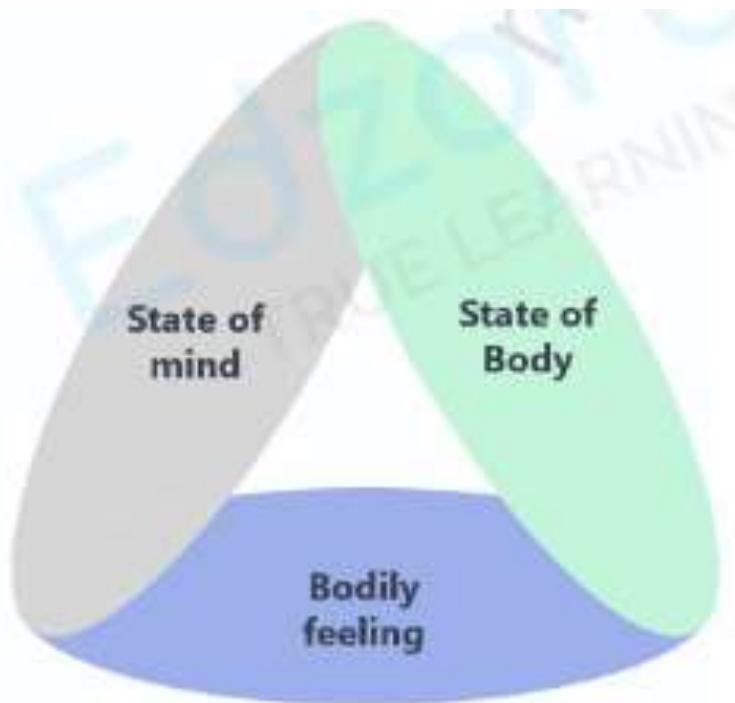
**Ans: A**

**Source I: Edzorb Law Premium+2.0 - Simplified Notes – Indian Evidence Act – Part I – Section 14**

**Section 14: Facts showing existence of state of mind, or of body or bodily feeling:**

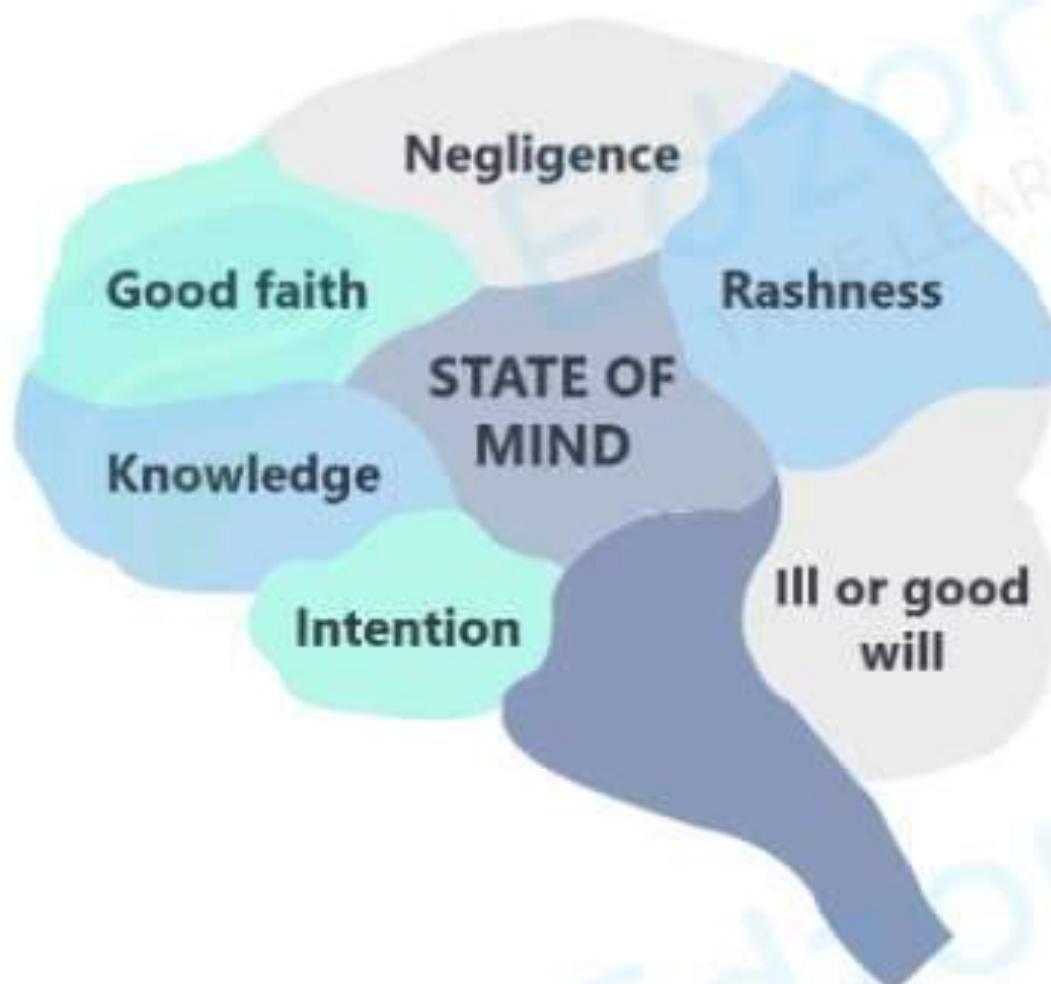
Facts showing the existence of following are relevant:

These are relevant when such state of mind, body or bodily feeling is issue or is relevant.



## STATE OF MIND:

State of mind can be as follows:



In criminal law, offence consists of **actus rea** and **mens rea**, hence, the state of mind is always in question.



For theft, a person must prove **dishonest intention**.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## **Explanation 1: NOT GENERALLY BUT TO PARTICULAR MATTER:**

A fact relevant as showing the existence of state of mind must show that the state of mind exists not generally, but in reference to the particular matter in question.



**Question arose  
whether Gabbar  
killed Samba?**

It cannot be shown that Gabbar is in habit of killing people, however, it may be shown that Gabbar had previously shot Samba.



### **R Vs Prabhudas**

**(1874) 11 Bom 90**

- **Facts:** The accused was found in possession of documents apparently forged or prepared for the purpose.
- **Held:** Not relevant as it shows the tendency to commit crime and not an intention to commit particular crime.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

## Explanation II: PREVIOUS CONVICTION:

When the **previous commission** by the accused of an offence is relevant, the **previous conviction** of such person is also a relevant fact.



**General Rule:** A previous conviction is not admissible in evidence against the accused.

Don't forget  
the exceptions



- Where he is liable to enhanced punishment under **S. 75** of the Indian Penal Code on account of a previous conviction, or
- Evidence of good character be given, the fact that the accused has been previously convicted of an offence is admissible evidence of bad character.



## **Emperor Vs Haji Sher Mohd.**

**1923 (25) Bom LR 214**

### **Facts:**

- The accused were charged under Sec. 400, IPC for belonging to gang of habitual dacoits.
- The prosecution sought to prove that some of the accused had been previously convicted of theft.

### **Held:**

- The evidence was **not admissible under Sec. 14** because the offence of which the accused were being tried was particular one of belonging to a gang of dacoits and
- Simple theft or bad **livelihood** would not show an intention to belong to a gang of dacoits.

### **STATE OF BODY OR BODILY FEELING:**

- Evidence can also be given of fact from which state of person's body or bodily feeling can be inferred.
- In this regard, statement of the affected person is a crucial element, as he alone knows best of his body.



what was the state of A's health at the time when an assurance on his life was effected?



Few days before only, he told me that he was not feeling well and might not live longer.

Statements made by A as to the state of his health at or near the time in question are relevant facts.

Reference: Indian Evidence Act, 1872, Section 14

Copyright © Edzorblaw. Any breach will attract legal action with or without notice.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.70) The judgment passed by Hon'ble Supreme Court in Hardeep Singh Vs. State of Punjab (2014) 3 SCC 92, deals With:-**

- a) Section 311 of the Code of Criminal Procedure, 1973**
- b) Section 41 of the Code of Criminal Procedure, 1973**
- c) Section 313 of the Code of Criminal Procedure, 1973**
- d) Section 319 of the Code of Criminal Procedure, 1973**

**Ans: D**

**Source : Edzorb Law Premium+2.0 - Simplified Notes – Code of Criminal Procedure – Part IV – Section 319**

**Hardeep Singh Vs State of Punjab,  
AIR 2014SC 1400**

**Issues:**

- What is the stage at which power u/S.319 can be exercised? Whether the word "evidence" used has been used in a comprehensive sense and includes the evidence collected during investigation or the word "evidence" is limited to the evidence recorded during trial?



- Whether the word "evidence" could only mean evidence tested by cross-examination or the court can exercise the power under the said provision even on the basis of the statement made in the examination-in-chief of the witness concerned?
- What is the nature of the satisfaction required to invoke the power under Section 319 of CrPC? to arraign an accused? Whether the power under Section 319 (1) of CrPC. can be exercised only if the court is satisfied that the accused summoned will in all likelihood be convicted?
- Does the power under Section 319 of CrPC? extend to persons not named in the FIR or named in the FIR but not charge sheeted or who have been discharged?



**Held:**

**For issue no. 1:**

- Section 319 of Cr.P.C significantly, uses two expressions that have to be taken note of i.e. (1) Inquiry (2) Trial.
- As a trial commences after framing of charge, an inquiry can only be understood to be a pre-trial inquiry. Inquiries under Sections 200, 201, 202 of Cr.P.C.; and under Section 398 of Cr.P.C. are species of the inquiry contemplated by Section 319 of Cr.P.C.
- Materials coming before the Court in course of such enquiries can be used for corroboration of the evidence recorded in the court after the trial commences, for the exercise of power under Section 319 of Cr.P.C., and also to add an accused whose name has been shown in Column 2 of the charge sheet.
- In view of the above position the word 'evidence' in Section 319 of Cr.P.C. has to be broadly understood and not literally i.e. as evidence brought during a trial.



### For issue no. 2:

- Considering the fact that under Section 319 of Cr.P.C. a person against whom material is disclosed is only summoned to face the trial and in such an event under Section 319(4) of Cr.P.C.
- The proceeding against such person is to commence from the stage of taking of cognizance, the Court need not wait for the evidence against the accused proposed to be summoned to be tested by cross-examination.



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

### **For issue 3:**

- Though under Section 319(4)(b) of Cr.P.C. the accused subsequently impleaded is to be treated as if he had been an accused when the Court initially took cognizance of the offence, the degree of satisfaction that will be required for summoning a person under Section 319 of Cr.P.C. would be the same as for framing a charge.
- The difference in the degree of satisfaction for summoning the original accused and a subsequent accused is on account of the fact that the trial may have already commenced against the original accused and it is in the course of such trial that materials are disclosed against the newly summoned accused.
- Fresh summoning of an accused will result in delay of the trial - therefore the degree of satisfaction for summoning the accused (original and subsequent) has to be different.



## For issue 4:

- A person not named in the FIR or a person though named in the FIR but has not been charge sheeted or a person who has been discharged can be summoned under Section 319 of CrPC. provided from the evidence it appears that such person can be tried along with the accused already facing trial. However, in so far as an accused that has been discharged is concerned the requirement of Sections 300 and 398 of Cr.P.C. has to be complied with before he can be summoned afresh."
- It is clear that Section 319 of Cr.P.C can be invoked for arraigning any person as accused not named in the fir or named in the fir but not charge sheeted even before the stage of framing of charge by the Court.

**Reference:** Criminal Procedure Code, Section 319, Universal BareAct

**Copyright©Edzorblaw:** Any Breach will attract immediate legal action with or without notice



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Best App for  
Judicial Services

# JUDICIAL SERVICES PREPARATION



[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Q.71) निम्न वाक्य की पूर्ति स्थानवाचक क्रियाविशेषण से कीजिएः-

मै..... चला गया था।

a) कल

b) दस बजे

c) दिल्ली

d) अकेले

**Ans: Deleted**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.72) “अपना - अपना सामान उठाओ और चलते बनो”  
वाक्य में सर्वनाम है:-**

- a) अपना-अपना
- b) सामान
- c) उठाओ
- d) चलते बनो

**Ans: A**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS  
Simulator Mock Exam 1 Q.95**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series-  
Transaltion Notes**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

95.



**MCQ, Single Correct Question**

"अपना - अपना सामान उठाओ और चलते बनो" वाक्य में सर्वनाम है:-

- a अपना-अपना
- b सामान
- c उठाओ
- d चलते बनो

**Explanation**

सर्वनाम उन शब्दों को कहा जाता है, जिन शब्दों का प्रयोग संज्ञा अर्थात् किसी व्यक्ति, वस्तु, स्थान आदि के नाम के स्थान पर करते हैं। इसके अंतर्गत मैं, तुम, तुम्हारा, आप, आपका, इस, उस, यह, वह, हम, हमारा, आदि शब्द आते हैं।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.73) 'अध्यादेश' शब्द में उपराग है**

- a) अध्य
- b) अधि
- c) अ
- d) देश

**Ans:B**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS Simulator Mock Exam 1 Q.79**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion Notes**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

79.

MCQ, Single Correct Question

'अध्यादेश' शब्द में उपराग है

- a अध्य
- b अधि
- c अ
- d देश

**Explanation**

अधि + आदेशः

**Explanation:**

अधि = उपसर्ग

आदेशः = मूल शब्द

वह शब्दांश जो किसी शब्द के पहले लगकर उसके अर्थ में परिवर्तन या किसी प्रकार की विशेषता उत्पन्न करता है, जैसे-प्रहार में 'प्र' और अन्याय में 'अ' उपसर्ग हैं।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

**Updates:**

Mains QBank | QBank 2.0 (Illustrations, Blueprints) | Simplified Visual Notes of all Subjects | Mains Factory | Active Voice Mains Guidance | Video Seminars

*On*  
**PREMIUM PLUS 2.0**

**Gateway to your Success in Judiciary Exams**

**Success**

**Q.74) "निषेध" शब्द का संधि विक्षेप है:-**

a) निः + षेध

b) निः + सेध

c) नि+ षेध

d) निष+ ऐध

**Ans: Deleted**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS Simulator Mock Exam 1 Q.79**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion Notes**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

92.  
□

**MCQ, Single Correct Question**

"निषेध" शब्द का संधि विच्छेद है:-

- a निः + पेध
- b** निः + सेध
- c नि + पेध
- d निष + ऐध

**Explanation**

निषेध का संधि विच्छेद = नि + सेध

**संधि की परिभाषा:-**

संधि का अर्थ होता है मेल या फिर मिलना। जब हम डो शब्दों को मिलाते हैं तो पहले शब्द की अंतिम ध्वनी एवं दुसरे शब्द की पहली ध्वनी मिलकर जो परिवर्तन लाती है, उसे ही संधि कहते हैं।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.75) शुद्ध वाक्य बताइए:-**

- a) यह बुद्धिमान स्त्री है।
- b) आदरणीय माताजी से निवेदन कीजिए
- c) गुणवान स्त्री सर्वत्र पूजी जाती है।
- d) सीता की आँखों से आँसू बह रहे हैं।

**Ans: D**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.76) "कान में फूंक मारना" मुहावरे का अर्थ है:-**

a) प्रभावित करना

b) चुगली करना

c) ध्यान से सुनना

d) ध्यान न देना

**Ans: A**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.77) "अकारण" शब्द का विलोमार्थी शब्द है:-**

- a) विकारण
- b) सकारण
- c) नकारण
- d) कारण

**Ans: B**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS Simulator Mock Exam 2 Q.87**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

87.

MCQ, Multiple Correct Question

"अकारण" शब्द का विलोमार्थी शब्द है:-

- a विकारण
- b सकारण**
- c नकारण
- d कारण

**Explanation**

**शब्द**

अकारण

**विलोम**

सकारण

विपरीत अर्थ में प्रयुक्त होने वाले शब्दों को विलोम शब्द अथवा विपरीतार्थक शब्द कहा जाता है।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.78) निम्न में से अशुद्ध वाक्य है:- ,**

- a) मुझे आपका काम पसंद है।
- b) मोहन और उसके पिता घर पर ही हैं।
- c) वह अनेकों भाषाएँ जानता है।
- d) यह कहानी प्रेमचंद की लिखी हुई है।

**Ans: C**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.79) निम्न में से कर्मवाच्य का उदाहरण है**

- a) रोगी को दवा दे दी गई है।
- b) पत्र भेज दिया गया था।
- c) रोगियों को छोड़ दिया जाएगा।
- d) गौरव पुस्तक पढ़ता है।

**Ans: A**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS Simulator Mock Exam 2 Q.87**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

86.  
□

**MCQ, Single Correct Question**

निम्न में से कर्मवाच्य का उदाहरण है

- a रोगी को दवा दे दी गई है।
- b पत्र भेज दिया गया था।
- c रोगियों को छोड़ दिया जाएगा।
- d गौरव पुस्तक पढ़ता है।

**Explanation**

क्रिया के उस रूपान्तर को कर्मवाच्य कहते हैं, जिससे वाक्य में कर्म की प्रधानता का बोध हो। सरल शब्दों में- क्रिया के जिस रूप में कर्म प्रधान हो, जिसमें केवल सकर्मक क्रिया के वाक्य होते हैं। उसे कर्मवाच्य कहते हैं।

**उदाहरण**

कवियों द्वारा कविताएँ लिखी गई।  
पतंग उड़ रही है।  
गाड़ी चल रही है।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.80) निम्न में से सही एकवचन व बहुवचन का मैल बताइए**

/

	एकवचन	बहुवचन
(1)	देवी	देवियों
(2)	गुड़िया	गुड़ियाँ
(3)	बात	बातों
(4)	याचना	याचनाएं

**Ans: B**

**Source I: Edzorb Law Free Initiative- Free Mock- RJS Simulator Mock Exam 1 Q.92**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

92.



## MCQ, Multiple Correct Question

निम्न में से सही एकवचन व बहुवचन का मेल बताइए।  
**एकवचन      बहुवचन**

- a देवी      देवियों
- b गुड़िया      गुड़ियों
- c बात      बातों
- d याचना      याचनाएं

## Explanation

**वचन (नम्बर)** एक संज्ञा, सर्वनाम, विशेषण और क्रिया आदि की व्याकरण सम्बन्धी श्रेणी है जो इनकी संख्या की सूचना देती है (एक, दो, आदि)।

शब्द के जिस रूप से एक ही वस्तु का बोध हो, उसे **एकवचन** कहते हैं। जैसे-लड़का, गाय, सिपाही, बच्चा, कपड़ा, माता, माला, पुस्तक, स्त्री, टोपी बंदर, मोर आदि।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

www.edzorblaw.com

**Q.81) अनुप्रास अलंकार का कौन सा उदाहरण है।**

- a) निधियाँ न्यारी
- b) मोल करेगा
- c) लहरकर यदि चूमे
- d) सब गजरे

**Ans: Deleted**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.82) निम्न में से बहुवचन शब्द है:-**

- a) चाँदी
- b) क्रोध
- c) अहंकार
- d) आसू

**Ans: D**

**Source I: Edzorb Law Free Initiative- Free Mock- RJS Simulator Mock Exam 1 Q.91**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion Notes**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

91.



**MCQ, Single Correct Question**

निम्न में से बहुवचन शब्द है:-

- a चाँदी
- b क्रोध
- c अहंकार
- d औंसू

Explanation

वचन (नम्बर) एक संज्ञा, सर्वनाम, विशेषण और क्रिया आदि की व्याकरण सम्बन्धी श्रेणी है जो इनकी संख्या की सूचना देती है (एक, दो, आदि)।

शब्द के जिस रूप से अनेकता का बोध हो उसे बहुवचन कहते हैं। जैसे-लड़के, गायें, कपड़े, टोपियाँ, मालाएँ, माताएँ, पुस्तकें, वधुएँ, गुरुजन, रोटियाँ, स्त्रियाँ, लताएँ, बेटे आदि।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.83) 'ठक्कन' शब्द में प्रत्यय है:-**

a) अन

b) कन

c) न

d) अ

**Ans: A**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.84) "अक्ल का पुतला" मुहावरे का अर्थ है:-**

- a) मूर्ख
- b) बुद्धिमान
- c) बुद्धिहीन
- d) निठला

**Ans: B**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.85) निम्न में से शब्द व उसके संधि-विच्छेद का सही मेल बताइए:-**

- |             |                     |
|-------------|---------------------|
| <b>शब्द</b> | <b>संधि-विच्छेद</b> |
| a) जलोमि    | जल + ओमि            |
| b) महोदधि   | महो + दधि           |
| c) लंकंश    | लंका + इशा          |
| d) गंगोदक   | गंगा + उदक          |

**Ans: D**

**Source I: Edzorb Law Free Initiative- Free Mock- RJS Simulator Mock Exam 1 Q.100**

**Source II: Edzorb Law Premium+ 2.0- Epic Mains Test Series- Transaltion Notes**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

100.

**MCQ, Single Correct Question**

निम्न में से शब्द व उसके संधि-विच्छेद का सही मेल बताइए:-

शब्द                    संधि-विच्छेद

- a जलोर्मि      जल + ओर्मि
- b महोदधि      महो + दधि
- c लंकंश          लंका + इश
- d गंगोदक        गंगा + उदक

**Explanation**

**वचन (नम्बर)** एक संज्ञा, सर्वनाम, विशेषण और क्रिया आदि की व्याकरण सम्बन्धी श्रेणी है जो इनकी संख्या की सूचना देती है (एक, दो, आदि)।

शब्द के जिस रूप से अनेकता का बोध हो उसे **बहुवचन** कहते हैं। जैसे-लड़के, गायें, कपड़े, टोपियाँ, मालाएँ, माताएँ, पुस्तकें, वधुएँ, गुरुजन, रोटियाँ, स्त्रियाँ, लताएँ, बेटे आदि।



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

# Sample

Q. "Equal Pay for Equal Work" is not expressly a constitutional right, it has been read into the Constitution through the interpretation of which other articles?

- A. Article 14, 15
- B. Article 39, 14, 15, 16
- C. Article 21
- D. None of the Above

Telegram:  
@Edzorblaw

(B)

Equal Pay for Equal Work:



- The **directive principle of State Policy** under **Article 39**.
- It is the concept of labour rights that individuals in the same workplace be given equal pay.
- Equal pay relates to the full range of payments and benefits, including basic pay, non-salary payments, bonuses and allowances.



History of Equal Pay for Equal Work

As wage-labour became increasingly formalized during the Industrial Revolution, the principle of equal pay for equal work arose at the same part of first-wave feminism, with early efforts for equal pay being associated with nineteenth-century Trade Union activism in industrialized countries.

Principle of Equal Pay for Equal Work – Binding as precedent

**State of Punjab Vs Jagjit Singh**

(2017) 1 SCC 148

- **Decision of Lower court:** Temporary employees were not entitled to the minimum of the pay-scale, as was being paid to similarly placed regular employees was challenged.
- **Decision of Apex Court:** Principle of "*equal pay for equal work*" expounded through various decisions of Supreme Court constitutes law declared by Supreme Court, which is binding on all courts in India and is applicable to all temporarily engaged employees.

**Did you Know?**

The World Bank, which has tracked legal changes for the past decade, found **Belgium, Denmark, France, Latvia, Luxembourg or Sweden** were the only countries in the world to enshrine gender equality in laws affecting work.



Telegram:

@Edzorblaw

shall not be compelled to witness against

[www.edzorblaw.com](http://www.edzorblaw.com)

→ What does

"compel" mean

be or here?

"Person accused of" means that a formal accusation has been made against such person which might result in his conviction.

The case of Kathi Kalu v. state of Bihar SC

"No person can be compelled or forced to give evidence against himself."

Selvi v. stat UOI , 2010 SC

Facts?

Issue?

Mention

them at  
least in

In this case the petitioner has challenged a line, the narco analysis, brain finger mapping and polygraph test which are being conducted against the consent of the person accused of an offence. The Supreme Court held the following guidelines-

→ discuss the facts properly.  
→ what is Narco analysis and the other tests etc.

- (1) No person shall be examined or compelled to give evidence against his consent.
- (2) If an accused person consents to give evidence he shall be explained to the consequences of such test and his lawyer shall be present.
- (3) The consent of person shall be recorded by the judicial magistrate.
- (4) On the hearing before the judicial magistrate Lawyer of accused shall be present.

Thus, even if the accused has consented to such tests, he shall be heard properly by the judicial magistrate to ensure that he has not been forced to give evidence.

→ Article 20(3)(c)

• "any S. 300 CPC here." (1)

## → Confession under the Evidence Act

(2) Art 20(2) - The protection against double jeopardy-

It reads as -

"No person shall be ~~convicted~~ or  
prosecuted and  
for the same offence twice." Punished

It is based on the maxim - "Nemo debet vis  
vexari". → What does it mean?

The Code of criminal procedure 1973 s 300  
also deals with this principle of double  
jeopardy.

essentials - ① Accused must be convicted  
on the same offence for which he has  
been prosecuted before.

② Proceeding was conducted before the  
judicial magistrate or court in judicial  
proceeding.

→ Pinpoint the difference b/w S. 300 CPC  
& Art. 20(2)

→ S. 300 CrPC is for the convicts & the acquits as ex-post facto laws — well.

(3)

The protection against

Art. 20(1) reads as -

**convicted**

"No person shall be arrested except for the violation of law in force at the time of commission of act or omission nor shall be subjected to greater punishment than at the time of commission of act of omission."

The Indian constitution protects only from two types of ex post facto laws -

- ① The law which was not in force at the time of commission of offence.
- ② The punishment which was enhanced after the punishment of offence.

→ What if the punishment is reduced?

**Q.86) Fill in the blank with appropriate article.**

*India will become ..... super power shortly.*

- a) a
- b) an
- c) no article
- d) the

**Ans: A**

**Source I: Edzorb Law Free Initiative- Free Mock- JPL Fifth Innings (Language, GK, Case law based, Computer Knowledge), Q.12**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

# INDIA WILL BECOME SUPERPOWER SHORTLY

1) A

2) AN

3)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.87) Choose the word which is opposite in meaning to the word — *Extraneous***

- a) *Unusual*
- b) *Dispirited*
- c) *Relevant*
- d) *Intrusive*

**Ans: C**

**Source I: Edzorb Law Free Initiative- Free Mock- JPL Semi-Final (Amalgamated) Exam, Q.98**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

98.

MCQ, Single Correct Question

What is the opposite of Extraneous?

- a Unusual
- b Dispirited
- c Relevant
- d Intrusive

Explanation



relevant, pertinent, necessary,  
essential, material, needed,  
appropriate, basic, important,  
integral



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.88) Choose the Correct synonym of the word - Lethargy**

- a) *Laxity*
- b) *Impassivity*
- c) *Listlessness*
- d) *Serenity*

**Ans: C**

**Source I: Edzorb Law Free Initiative- Free Mock- JPL Semi-Final (Amalgamated) Exam, Q.100**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

100.

**MCQ, Single Correct Question**

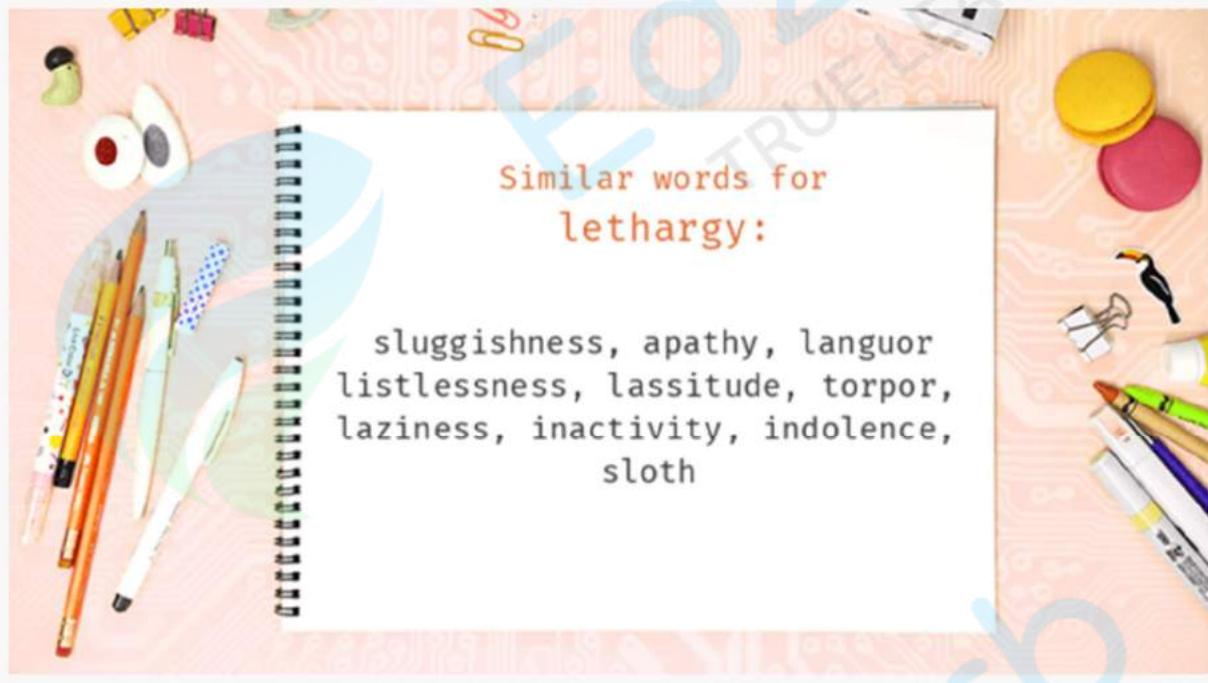
Pick out the word that comes closest in meaning to the word 'Lethargy':

- a Laxity
- b Impassivity
- c Listlessness
- d Serenity

Explanation

**Similar words for lethargy:**

sluggishness, apathy, languor  
listlessness, lassitude, torpor,  
laziness, inactivity, indolence,  
sloth



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.89) Choose correctly spelt word:-**

- a) Monotonuous
- b) Monotonous
- c) Monotonauos
- d) Monatonous

**Ans: B**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS Simulator Mock Exam 4 Q.88**

88.

MCQ, Multiple Correct Question

Choose the Correctly spelt word

- a) Monotonuous
- b) Monotonous
- c) Monotonauos
- d) Monatonous



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

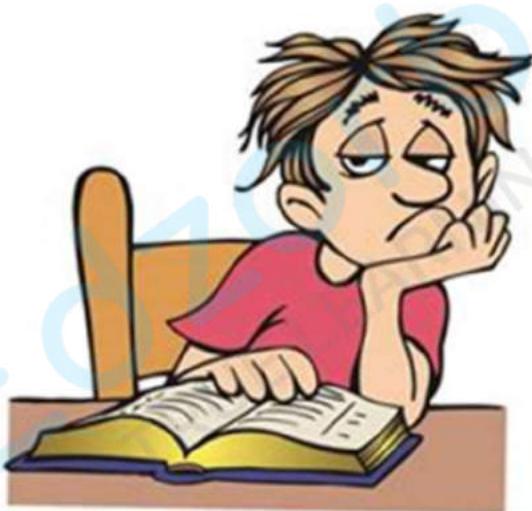
# Monotonous

**adjective**

1. Sounded or spoken in an unvarying tone.
2. Tidiously repetitious or lacking in variety.

No, really.  
That's very  
interesting.

Please go on.



School can seem very monotonous because it's a daily requirement until you graduate.



Edzorb  
TRUE LEARNING



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.90) Fill in the blank with appropriate phrasal verb.**

*Before finally launching of the missile many experiments  
were .....*

a) carried off

b) carried out

c) carried over following sentence:

d) carried through

**Ans: B**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.91) Choose the correct active/passive voice, which best expresses the following sentence:-**

**Help the needy.**

**a) The needy will help**

**b) Let the needy be helped.**

**c) The needy are to be helped.**

**d) The needy shall be helped.**

**Ans: D**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.92) Fill in the blank with appropriate phrasal verb.**

**He will go to Mumbai and .....in a hotel.**

**a) put off**

**b) put out**

**c) put up**

**d) put in**

**Ans: C**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

Best App for  
Judicial Services

# JUDICIAL SERVICES PREPARATION



[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.93) Choose the correct active/passive Voice, which best expresses the following sentence:-**

**Scientists successfully conducted a water detection test on Mars.**

- a) A water detection test on Mars conducted successfully.**
- b) A water detection test on Mars is conducted successfully.**
- c) A water detection test on Mars has been conducted successfully.**
- d) A water detection test on Mars was conducted successfully by scientists.**

**Ans: D**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.94) Fill in the blank with appropriate article.**

*I couldn't believe my eyes when I saw ..... elephant crossing the road in front of my school yesterday.*

a) a

b) an

c) the

d) No article

**Ans: B**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.95) Choose the correct synonym of the word- Verbose**

- a) **Talkative**
- b) **Natural**
- c) **Effortless**
- d) **Random**

**Ans: A**

**Source I: Edzorb Law Free Intiative- Free Mock- RJS Simulator Mock Exam 1 Q.94**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**MCQ, Multiple Correct Question**

The synonym for the word verbose is

- a Talkative
- b Natural
- c Effortless
- d Random

**Explanation**

JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.96) Fill in the blank with appropriate option**

**The Chief Guest, with his Wife, .....**

**a) has left**

**b) are leaving**

**c) have left**

**d) left**

**Ans: A**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**

True Learning



## Premium+

- QBank Concepts
- EPIC Mains Test Series
- Concept Treasures for GK, GS
- Case Law Cards
- PYP Cards
- Prelims Grand Test Series
- MCQ Factory
- Local Law PDF
- Study Materials (English, IT, Translation, Summary)
- Legal Updates Flashcards
- Personalised Mentorship & Strategic Guidance

## Premium+ 2.0 (Added Features)

- Mains QBank
- QBanks Concepts 2.0 (Illustrations, Blueprint)
- Simplified Visual Notes of All Subjects
- Mains Factory
- Active Voice Guidance
- Video Seminars
- Bareact Revolution

9685513769 | 8884499902 |

Telegram: @edzorblaw |

[www.edzorblaw.com](http://www.edzorblaw.com)



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.97) Choose the correct indirect/direct speech which best expresses the following sentence:-**

**He said, "I was writing an application to the mayor about pathetic condition of road."**

**a) He said that he was writing an application to the mayor about the pathetic condition of road.**

**b) He said that he has been writing an application to the mayor about the pathetic condition of road.**

**c) He said that he had been writing an application to the mayor about the pathetic condition of road.**

**d) He said that he had written an application to the mayor about the pathetic condition of road.**

**Ans: C**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.98) Choose the correct indirect/direct speech which best expresses the following sentence:-**

**Mother told her son, "Why are you leaving the house early today?"**

**a) Mother asked her son why was he leaving the house early that day.**

**b) Mother asked her son why he was leaving the house early today.**

**c) Mother said her son why he was leaving the-house early that day.**

**d) Mother asked her son why he was leaving the house early that day.**

**Ans: D**



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.99) Choose the word which is opposite in meaning to the word—Congenial**

- a) Accord
- b) Snug
- c) Engaging
- d) Unpleasant

**Ans: D**

**Source I: Edzorb Law Free Initiative- Free Mock- RJS Simulator Mock Exam 2 Q.82**

82.  
□

MCQ, Single Correct Question

Choose the word which is opposite in meaning to the word—Congenial

- a Accord
- b Snug
- c Engaging
- d Unpleasant



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

what's the  
opposite of  
congenial?



disagreeable, incompatible,  
uncongenial, unpleasant,  
unfriendly, discordant, hateful,  
unhappy, unsympathetic



Edzorb  
TRUE LEARNING



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

[www.edzorblaw.com](http://www.edzorblaw.com)

**Q.100) Choose the correct sentence.**

- a) When I woke up, he has already eaten breakfast.
- b) When I woke up, he had already eaten breakfast.
- c) When I had woken-up, he had already ate breakfast.
- d) When I had woken up, be has already ate breakfast.

**Ans: B**

**Source I: Edzorb Law Free Initiative- Free Mock- RJS Simulator Mock Exam 2 Q.85**

85.

**MCQ, Single Correct Question**

Choose the correct sentence.

- a) When I woke up, he has already eaten breakfast.
- b) When I woke up, he had already eaten breakfast.
- c) When I had woken-up, he had already ate breakfast.
- d) When I had woken up, be has already ate breakfast.

**Explanation**

On the basis of the action's time, following would work:-

1. "He already had his breakfast." - Simple Past Tense
2. "He has already had his breakfast." - Present Perfect Tense
3. "He already had had his breakfast." - Past reference of time



JOIN TELEGRAM FOR FREE MATERIAL: @Edzorblaw

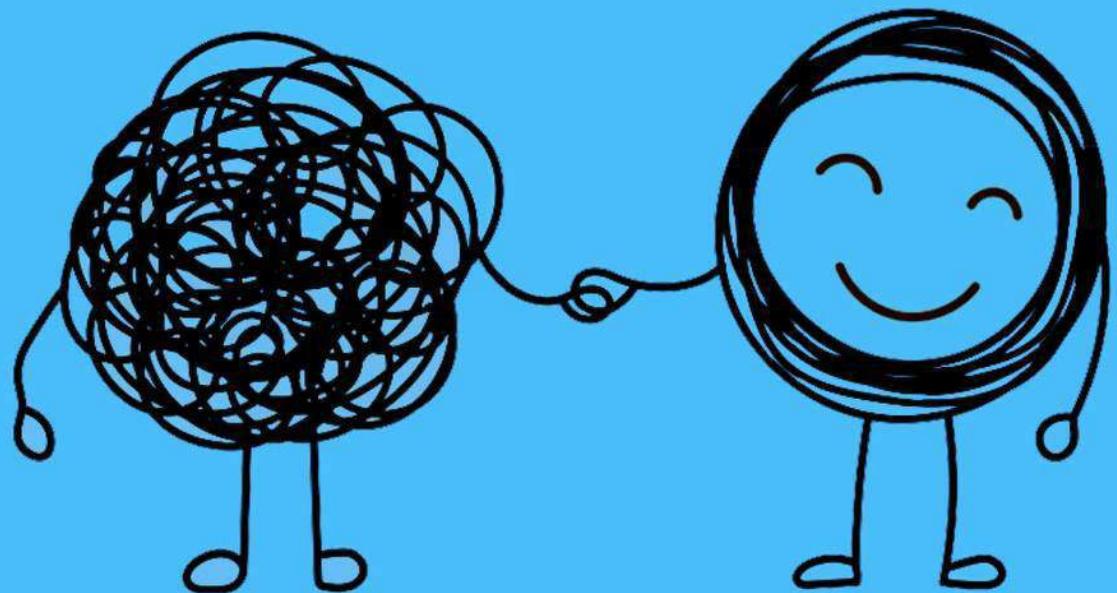
[www.edzorblaw.com](http://www.edzorblaw.com)



**Edzorb Law**  
True Learning

# Untangle

Your Judiciary Preparation  
With Edzorb Law



Others

Edzorbiants

+918884499902

[www.edzorblaw.com](http://www.edzorblaw.com)

Try Free Demo



**Edzorb**  
TRUE LEARNING

Rajasthan J Analysis 2021



If you enjoyed the experience of quality content with Edzorb Law, please do spread the word about us.

We are dependent on your recommendations



We value your association. Thank you for being with Edzorb Law.

With ❤  
Team Edzorb



For More Free Material  
👉 Join [Edzorb Law](#)  
Official Telegram Channel



For Premium Plus  
course-related queries,  
mail us at  
[support@edzorblaw.com](mailto:support@edzorblaw.com)