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PUNJAB PUBLIC SERVICE COMMISSION

Competitive Examination (January-2018) for Recruitment of Legal Assistant in the Department of Labour, Government of Punjab

READ INSTRUCTIONS BEFORE FILLING ANY DETAILS OR ATTEMPTING TO ANSWER THE QUESTIONS.

Candidate's Name _____

Father's Name _____

Date of Birth ☐☐ ☐☐ ☐☐☐☐ **Category Code*** ☐☐

DD **MM** **YYYY** **(*as given in the admit card)**

OMR Response Sheet No. _____

Roll No. _____

Booklet No.

Candidate's Signature (Please sign in the box)

INSTRUCTIONS

1. The candidate shall NOT open this booklet till the time told to do so by the Invigilation Staff. However, in the meantime, the candidate can read these instructions carefully and subsequently fill the appropriate columns given above in CAPITAL letters. The candidate may also fill the relevant columns (other than the columns related to marking responses to the questions) of the Optical Mark Reader(OMR) response sheet, supplied separately

2. **Use only blue or black ball point pen** to fill the relevant columns on this page. Use of fountain pen may leave smudges which may make the information given by the candidate here illegible.

3. The candidate shall be liable for any adverse effect if the information given above is wrong or illegible.

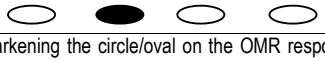
4. The candidate must fill all the columns given above on this page and sign at the appropriate place.

5. **Each candidate is required to attempt 100 questions in 120 minutes**, except for orthopaedically/visually impaired candidates, who would be given 40 minutes extra, by marking correct responses on the OMR sheet which would be supplied separately to the candidates

6. **The candidate must write the following on the OMRs sheet:**
   (a)Serial number of OMR sheet supplied to him/her for marking the responses to the questions.
   (b)Serial number of the question booklet
   Failure to do so may lead to cancellation of candidature or any other action which the Commission may deem fit.

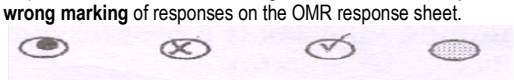
7. **The candidate should darken the appropriate response to the question by completely darkening the appropriate circle/oval** according to his/her choice of response i.e. a, b, c or d in the manner shown in the example below.

   a b c d

8. Partly darkening the circle/oval on the OMR response sheet or using other symbols such as tick mark or cross would not result in evaluation of the response as the OMR scanner can only interpret the answers by reading the darkened responses in the manner explained in preceding paragraph. Darkening more than one circle/oval as response to a question shall also be considered as wrong answer.

9. The candidates shall be responsible to ensure that the responses are marked in correct manner and any adverse impact due to wrong marking of responses would be the responsibility of the respective candidate. The following are some of **the examples of wrong marking** of responses on the OMR response sheet.

10. The candidates, when allowed to open the question paper booklet, are advised to check the booklet to confirm that the booklet has complete number of pages, the pages printed correctly and there are no blank pages. In case there is any such error in the question paper booklet then the candidate should immediately bring this fact to the notice of the invigilation Staff and obtain a booklet of the same series as this one.

11. The serial number of the new booklet should be entered in the relevant column of the OMR. The candidate should request the Invigilation Staff to authenticate the change in serial number of question booklet by obtaining the initials of the Staff on the corrected serial number of the question booklet

12. The question paper booklet has 13 pages.

13. **Each question shall carry three marks.**

14. **There are four options for each question and the candidate has to mark the most appropriate answer on the OMR response sheet using blue or black ball point pen.**

15. **There is no negative marking** for wrong answers or questions not attempted by the candidate.

1. In which Section it is the duty of High Court to exercise continuous superintendence over courts of Judicial Magistrate.
    A) Section 483 Cr. P.C.
    B) Section 481 Cr. P.C.
    C) Section 381 Cr. P.C.
    D) Section 480 Cr. P.C.

2. A Judicial Magistrate may record any confession
    A) In the Course of Trial
    B) In the Course of Inquiry
    C) In the course of Investigation
    D) All of the above

3. Under Section 145 Cr.P.C. in disputes of immovable property the executive magistrate can decide offence of
    A) Possession and Title
    B) Actual Possession
    C) Title
    D) All of the above

4. Compounding of an offence by an aggrieved party to a case whether suo moto or by the permission of the court means.
    A) Acquittal of an accused
    B) Conviction of an accused
    C) Discharge of an accused
    D) Dismissal of the case

5. In every trial before a court of session the prosecution shall be conducted by a
    A) Assistant public prosecutor
    B) Public prosecutor
    C) District public prosecutor
    D) Deputy director of prosecution

6. Jurisdiction to grant anticipatory bail vests with
    A) Chief judicial Magistrate
    B) The Court of Sessions only
    C) The High Court only
    D) Both B) and C)

7. R.K Dalmia Vs Delhi Administration the famous case is related to the provision of –
    A) Accomplice
    B) Compellable witness
    C) Communication during marriage
    D) None of these

8. Which of the following is an exception to the general rule contained in the maxim “Res interalios acta alterinocere non debet”?
    A) Judgment in rem
    B) Judgment in personam
    C) Both (A) and (B)
    D) None of the above

9. In which of the following cases did the Supreme Court hold that compelling a person to give his specimen writing will not amount to testimonial compulsion for the purposes of Art 20(3) of the Constitution of India?
    A) Kathikalu V. State of Bombay
    B) Yousufali V. State of Maharashtra
    C) State of U.P V. Ram Sewak
    D) None of the above

10. Who among the following is a competent witness?
    A) Approver
    B) Accomplice
    C) Prosecutrix
    D) All of the above

11. The onus of proving exception lies on the
    A) Prosecution
    B) Accused
    C) Prosecution in certain cases and accused in other cases
    D) None of the above

12. A, a school teacher, with a view to maintain discipline punishes an 11 years old student with simple punishment.
    A) A could take the defence under Sec 89 I P C
    B) A is guilty of simple hurt
    C) A could take the defence under Sec 88 I.P.C.
    D) A is guilty of using criminal force

13. A knowing that B has committed dacoity, hides him to escape from the punishment.
    A) A is guilty of screening the offender
    B) A is not guilty of screening the offender
    C) A is guilty of harbouring the offender
    D) A is guilty of giving false information

14. Which of the following tests is related to medical negligence?
    A) Hicklin test
    B) Bolam test
    C) Mcnaughten test
    D) None of the above

15. Whoever takes or entices any minor male child under the age of …….. without the consent of such guardian, is said to kidnap person from lawful guardianship
    A) 12 years
    B) 15 years
    C) 16 years
    D) 18 years

16. The rule of subjudice applies to –
    A) Trial of suits
    B) Institution of suits
    C) Both (A) and (B)
    D) None of the above

17. Court can order separate trials
    A) Where joinder of plaintiff may embarrass or delay trial
    B) Where Joinder of defendant may embarrass or delay trial
    C) Both A) or B)
    D) None of the above

18. The order returning the plaint is
    A) Appealable
    B) Not appealable
    C) Revisable
    D) None of the above

19. Order 8 of the Rule 6, of the CPC 1908, deals with
    A) Legal set off
    B) Equitable set off
    C) Counter Claim
    D) None of the above

20. Interrogatories shall be answered by
    A) Affidavits
    B) Oral evidence
    C) Written statements
    D) All of the above

21. Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on –
    A) Injunction suits
    B) Interlocutory applications
    C) Partition suits
    D) None of the above

22. On which of the following freedoms can reasonable restrictions be imposed on the ground of the security of the state?
    A) Speech and expression
    B) Peaceful assembly
    C) Association or union
    D) Movement

23. The concept of 'Equality before Law' is derived from the concept of 'Rule of Law' propounded by
    A) Austin
    B) Montesquieu
    C) Dicey
    D) None of the above

24. Which of the following cases is considered as a blow to Civil Liberties in India?
    A) Asiad worker's case
    B) ADM Jabalpur case
    C) Golaknath case
    D) None of the above

25. Which of the following Chief Justice of India recommended the name of two lawyers (together) for the appointment as Supreme Court Judges for the first time in the History of India?
    A) Justice P. Sathasivam
    B) Justice Lodha
    C) Justice Kapadia
    D) None of the above

26. "It is not open to the citizens to give up the Fundamental Rights guaranteed in the Constitution of India". This doctrine is called
    A) Doctrine of Waiver
    B) Doctrine of severability
    C) Doctrine of eclipse
    D) None of the above

27. Which of the following Article (Right) is available against private individual also?
    A) Article 14
    B) Article 15
    C) Article 17
    D) None of the above

28. Read the following
    1) FIR is only a report about the commission of a crime
    2) FIR in itself is a substantial evidence of the above
    A) 1) is true but 2) is false
    B) 1) is false but 2) is true
    C) Both 1) and 2) are true
    D) Both 1) and 2) are false

29. Cognizance of the offence of defamation under chapter XXI of I.P.C can be taken
    A) On a police report
    B) On complaint made by aggrieved person
    C) Suo motu by Court
    D) All the above

30. A police officer is bound to register an F.I.R on receiving any information relating to commission of cognizable offence under Sec 154 Cr. P.C it was observed by the Supreme Court in the case of
    A) Lalita Kumari Vs. State of U.P
    B) Kalyan Vs. State of U.P
    C) Nand Kumar Vs. State of Chhattisgarh
    D) Narendra Vs. State of Rajasthan

31. Who among the following Magistrate does not have power to tender of pardon to an accomplice?
    A) Executive Magistrate
    B) Judicial Magistrate
    C) Chief Judicial Magistrate
    D) Session Court

32. Which of the following section of Cr. P.C. provides for recording remarks respecting demeanours of witness?
    A) Section 288
    B) Section 280
    C) Section 278
    D) Section 270

33. The provision relating to the set off is given in which Section of Cr. P.C.?
    A) Section 420
    B) Section 425
    C) Section 428
    D) Section 429

34. Whose admission is relevant under Section – 18 of the Indian Evidence Act?
    A) Parties to the suit
    B) Agents of Parties
    C) Statement of third parties
    D) All of the above

35. An expert is competent to testify in matter of
    A) Foreign Law
    B) Matter of Science
    C) Identity of hand writing
    D) All of the above

36. Which of the case is related to 'Estoppel'?
    A) Ayodhya Singh Vs. State of Rajasthan
    B) Pickard Vs. Sears
    C) Kali Ram Vs. State of H.P
    D) Natraj Singh Vs. State of M.P

37. Public documents are defined in section ____ of the Indian Evidence Act.
    A) Section 72
    B) Section 73
    C) Section 74
    D) Section 75

38. Recovery of an object is the discovery of a fact as envisaged in Section 27 of the Indian Evidence Act. The statement is __
    A) True
    B) False
    C) Partly Correct
    D) None of the above

39. The maxim 'Actus non facit reum. Nisi mens sitrea' means
    A) Guilty mind gives birth to crime
    B) There can be no Crime without a guilty mind
    C) Crime is a child of guilty mind
    D) Criminal mind leads to Crime

40. Irresistible impulse
    A) Does not come under insanity
    B) Does come under insanity
    C) In special Circumstances only
    D) None of the above

41. In one of the famous Cases, the Supreme Court has made the following observation "The right of private defence is a right of defence and it is not a right of retribution."
    A) State of U.P V. Ram Swaroop
    B) State of Punjab v. Nanak Chand
    C) Deo Narain V. State of U.P
    D) State of H.P V. Wazir Chand

42. X and Y agree to commit theft in Z's house, but no theft is actually committed. They are guilty of
    A) No offence
    B) Criminal Conspiracy
    C) Abetment by Conspiracy
    D) Abetment by instigation

43. Give the correct response
    A) All murders are culpable homicide but not vice versa.
    B) All culpable homicides are murders
    C) A Murder can never be a culpable homicide
    D) None of the above

44. Section 304 – A of the I.P.C. Covers the Cases of
    A) Causing death by negligent act
    B) Causing death by rash act
    C) Causing death by rash or negligent act
    D) None of the above

45. Constitutional validity of Section 306 of I.P.C is upheld by the Supreme Court in which of the following Case?
    A) P. Rathinam V. Union of India
    B) Gian Kaur V. Union of India
    C) Thomas Master V. Union of India
    D) None of the above

46. Which of the following offence in the I.P.C corresponds to the offence known as 'Malicious injury to property'?
    A) Theft
    B) Criminal breach of trust
    C) Mischief
    D) None of the above

47. A instigates B to murder Z. The offence is not committed. A is liable to imprisonment for a term which may extend to __
    A) 10 years
    B) 14 Years
    C) 7 Years
    D) 12 Years

48. For invoking the provisions under Section 24 of C.P.C, notice to other side is __
    A) Mandatory
    B) Directory
    C) Discretionary
    D) None of the above

49. The decree shall contain the date
    A) On which the decree is signed
    B) On which Judgment is signed
    C) On which the Judgement is pronounced
    D) None of the above

50. Choose the wrong option
    A) Right to religion may include sometimes forced conversion
    B) Right to religion may be restricted on public order
    C) Right to religion does include right to waive religion
    D) Right to religion may include right to worship

51. Which of the following High Courts had directed the chief secretary to ensure that children / wards of Government officials/ Servants, those serving in the local bodies representatives of people and judiciary etc send their wards to Govt. schools
    A) Allahabad
    B) Rajasthan
    C) Madhya Pradesh
    D) None of the above

52. The term “Economic Justice” in the Preamble to the Constitution of India, is a resolution for
    A) Equal distribution of wealth
    B) Economy in the administration of Justice
    C) Socio – Economic Revolution
    D) Cheap Justice to the poor

53. Which of the following Acts used the term Federation of India for the first time?
    A) The Act of 1909
    B) The Act of 1919
    C) The Act of 1935
    D) None of the Above

54. Which of the following is the first case in which the interpretation of different Articles relating to Fundamental Rights came up for the consideration of the Supreme Court?
    A) R.C Cooper V. Union of India
    B) Romesh Thaper V. State of Madras
    C) Champakam Dorairaj an V. State
    D) A.K Gopalan V. State of Kerala

55. A money Bill passed by Lok Sabha is deemed to have been passed by Rajya Sabha also when no action is taken by the Upper House Within
    A) 10 Days
    B) 14 Days
    C) 20 Days
    D) 30 Days

56. Under section 98 of Cr. P.C. 1973 power to compel restoration of abducted females is exercised by –
    A) District Judge
    B) District Magistrate
    C) Police officer
    D) High Court

57. Section 140 of the Evidence Act tells us about the
    A) Order of producing witnesses
    B) Order of examinations
    C) Witnesses to character
    D) Infringement of privacy

58. Evidence of a witness who deposes to what he heard from others or was informed by other is called
    A) Secondary evidence
    B) Hearsay evidence
    C) Corroborative evidence
    D) None of the above

59. As per section 102 of the Indian Evidence Act, the burden of proof in a suit or proceeding lies on the person-
    A) Who files the case
    B) Who would fail if no evidence at all were given on either side
    C) Against whom it is filed
    D) None of the above

60. A leading question, without the permission of the court, may be asked during –
    A) Examination in Chief
    B) At any time
    C) Cross examination
    D) None of the above

61. 'X' While in the state of voluntary intoxication kills 'Z' Prosecution fails to establish that 'X' could from an intention of a sobar man 'X' is guilty of
    A) Murder
    B) Culpable homicide not amounting to murder
    C) Death by rash or negligent Act
    D) No offence

62. When two or more persons, by fighting in a public place, disturb the public peace they are said to commit
    A) An affray
    B) An assault
    C) Rioting
    D) Unlawful assembly

63. Accused knocked his wife and put his knee on the chest and stuck two or three times on her face. The skull was not fractured but the blow caused an extra vacations of blood in the brain and she died in consequence. Accused is liable to be punished for
    A) Death by rash and negligent act
    B) Murder
    C) Culpable Homicide not amounting to murder
    D) None of the above

64. In which of the following cases the Supreme Court issued guidelines for prosecuting medical professional?
    A) Jacob Mathew V. State of Punjab
    B) IMA V. V P Santha
    C) Suresh Gupta V. NCT Delhi
    D) None of the above

65. A woman or a girl who is raped
    A) Is an accomplice
    B) Is not an accomplice
    C) Is a party to the crime
    D) None of the above

66. The word 'Crime' owes its genesis to the Greek expression
    A) Krimos
    B) Karma
    C) Reus
    D) None of the above

67. Which order and rule of C.P.C deals with set off of Cross decrees and Cross – Claims
    A) Order 21 Rule 18 – 20
    B) Order 22 Rule 18 – 20
    C) Order 23 Rule 14 – 16
    D) Order 30 Rule 14 – 18

68. Can a letters patent appeal lies from an order made in exercise of revisional jurisdiction
    A) Yes
    B) No
    C) Both (A) & (B)
    D) None of (A) & (B)

69. A decree passed without Jurisdiction is-
    A) Irregular
    B) Improper
    C) Curable
    D) Nonest

70. A Judgment obtained by fraud can be challenged in
    A) The first opportunity only
    B) Appeal or revision or any time
    C) Even in collateral proceedings
    D) Both (B) and (C)

71. A suit filed by or against one or more persons on behalf of themselves and others having the same interest, is called –
    A) Common Suit
    B) Representative suit
    C) Admiralty suit
    D) None of the above

72. Which of the following rule of the C.P.C , deals with 'forms of pleading'?
    A) Order VI, Rule 3
    B) Order VI, Rule 5
    C) Order VI, Rule 7
    D) Order IV, Rule 3

73. Recording of admissions or denial shall be made in the
    A) First hearing
    B) Second hearing
    C) Third hearing
    D) None of the above

74. In every case, the examination in chief of a witness shall be on
    A) Affidavit
    B) Oral evidence
    C) Commission
    D) None of the above

75. Multifariousness in a suit results due to
    A) Misjoinder of parties
    B) Misjoinder of cause of action
    C) Misjoinder of parties and misjoinder of cause of action
    D) None of the above

76. Establishment of a common High Court for two or more States is provided in Article ---- of the Constitution of India
    A) 226
    B) 227
    C) 228
    D) 231

77. The investigating officer during the investigation records the statement of a witness under:
    A) Section 160 of Cr.P.C.
    B) Section 162 of Cr.P.C.
    C) Section 161 of Cr.P.C.
    D) Section 164 of Cr.P.C.

78. The question whether a statement was recorded in the course of investigation is a:
    A) Question of Law
    B) Question of fact
    C) Mixed Question of Law and fact
    D) Question of Law or Question of fact depending on the facts and circumstances

79. To establish section 34 of I.P.C.:
    A) Common intention be proved but not overt act be proved
    B) Common intention and overt act both be proved
    C) Common intention need not be proved but overt act be proved
    D) All of the above

80. Right to private defence is:
    A) Available under all circumstances
    B) Available where there is time to have the recourse to the protection of public authorities
    C) Available where there is no time to have recourse to the protection of public authorities
    D) All of the above

81. For an abetment:
    A) It is necessary that the act abetted should be committed successfully
    B) It is necessary that the act abetted should be committed though unsuccessfully
    C) It is not necessary that the act abetted should be committed
    D) Both A) & B)

82. Which one of the following is not a “Public Servant”?
    A) Liquidator
    B) A civil judge
    C) A member of Panchayat assisting a Court of Justice
    D) Secretary of a co-operative society

83. The facts which form part of the same transaction are relevant
    A) Under Section 5 of Evidence Act
    B) Under Section 6 of Evidence Act
    C) Under Section 7 of Evidence Act
    D) Under Section 8 of Evidence Act

84. Fact in issue means
    A) Fact, existence or non-existence of which is admitted by the parties
    B) Fact, existence or non-existence of which is disputed by the parties
    C) Fact, existence or non-existence of which is not disputed by the parties
    D) All of the above

85. The presumption under Section 90 of Evidence Act can be drawn in respect of:
    A) Original document
    B) Certified copies
    C) Uncertified copies
    D) All of the above

86. Documents in respect of which privilege has been provided under Section 123 of Evidence Act
    A) Is a published official record
    B) Is an unpublished official record
    C) Both A) and B)
    D) None of the above

87. Complaint as provided under Section 2 (d) of Cr. P.C.
    A) Can be in writing only
    B) Can be oral
    C) Either in writing or oral
    D) Can be by gestures

88. In proceedings under Section 125 Cr. P.C.
    A) Strict proof of marriage is necessary
    B) Standard of proof is very high as required in a proceeding under the Hindu Marriage Act, 1955
    C) Prima-facie proof showing that the parties are living as husband and wife is sufficient
    D) Prima-facie proof showing that the parties are living as husband and wife is not sufficient and something more is required

89. Admissions:
    A) Must be examined as a whole and not in parts
    B) Can be examined in parts
    C) Can be examined as a whole or in parts
    D) Both B) & C) are correct

90. Confession of one accused is admissible against co-accused
    A) If they are tried jointly for the same offences
    B) If they are tried jointly for different offences
    C) If they are tried for the same offences but not jointly
    D) If they are tried for different offences and not jointly

91. A husband or wife are permitted to disclose any communication between them during marriage:
    A) In civil proceedings between the parties
    B) In criminal proceedings between the parties
    C) In matrimonial proceedings between the parties
    D) All of the above

92. A magistrate has the power to direct the police to investigate into:
    A) A non-cognizable offence
    B) A cognizable offence
    C) Only a non-cognizable offence, as in a cognizable offence the police is under the duty to investigate
    D) Both A) and B)

93. Complaint may relate to:
    A) A cognizable offence
    B) A non-cognizable offence
    C) Both A) and B) are correct
    D) Must be for a non-cognizable offence as the police has no power to investigate such an offence

94. Maintenance under Section 125 of Cr. P.C. can be claim:
    A) By a legally wedded wife during the subsistence of marriage
    B) By a divorced wife who has not remarried
    C) Both A) and B)
    D) None of the above

95. Under Section 439 of Cr. P.C., the jurisdiction to cancel the bail vests with:
    A) The Court of Sessions
    B) The High Court
    C) The Court of Magistrate
    D) Only A) and B)

96. Offences can be compounded under Section 320 of Cr. P.C. by the legal guardian of:
    A) A person under the age of 18 years
    B) A person who is an idiot
    C) A person who is lunatic
    D) All of the above

97. "Self-regarding" Statements:
    A) Can be self-serving statements
    B) Can be self-harming statements
    C) Can be self serving or self harming
    D) None of the above

98. Section 91 of Evidence Act applies to documents which are:
    A) Unilateral
    B) Bilateral
    C) Tripartite
    D) All of the above

99. ‘Any person’ in Section 106 of Evidence Act refers to:
    A) A party of the suit
    B) A stranger to the State
    C) A person who is not a party to a suit but interested in the outcome of the suit
    D) A witness

100. A dying declaration to be admissible:
    A) Must be made before a Magistrate
    B) Must be made before the Police officer
    C) Must be made before a doctor or a private person
    D) May be made either before a Magistrate or a police officer or a doctor or a private person

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