

AIBE 20 Question Paper with Answer Key Set B Question Paper with Solutions

Time Allowed :3 Hour	Maximum Marks :100	Total Questions :100
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General Instructions

Read the following instructions very carefully and strictly follow them:

1. The test is of 3 hour duration.
2. The question paper consists of 100 questions. The maximum marks are 100.

1. What are the essentials of a valid Hindu marriage?

- (1) Age, Soundness of mind, Monogamy, Ceremonies
- (2) Only age requirement
- (3) Only consent of parents
- (4) Only registration of marriage

Correct Answer: (1) Age, Soundness of mind, Monogamy, Ceremonies

Solution:

Step 1: Source of law.

Section 5 of the Hindu Marriage Act, 1955 lays down the essential conditions of a valid marriage between two Hindus.

Step 2: Essentials.

A valid Hindu marriage requires:

- The groom must be at least 21 years and the bride 18 years old.
- Both parties must be of sound mind and capable of giving valid consent.
- Neither party should have a spouse living at the time (monogamy).
- The marriage must include essential ceremonies such as saptapadi (if customary).

Step 3: Conclusion.

Thus, these four elements are mandatory for a valid Hindu marriage under Section 5.

Quick Tip

Section 5 HMA = Conditions for marriage; Section 7 HMA = Ceremonies for marriage.

2. What is a cognizable offence?

- (1) Offence where police can arrest without warrant
- (2) Offence where police need court order to arrest
- (3) Only compoundable offences
- (4) Only bailable offences

Correct Answer: (1) Offence where police can arrest without warrant

Solution:

Step 1: Legal definition.

Section 2(c) CrPC defines a cognizable offence as one where police may arrest without warrant.

Step 2: Examples.

Serious crimes such as murder, robbery, rape, and kidnapping are cognizable offences.

Step 3: Practical significance.

In cognizable offences, police can also start investigation without permission of the Magistrate.

Quick Tip

Cognizable = Arrest without warrant; Non-cognizable = Warrant needed.

3. Who can proclaim a national emergency?

- (1) President
- (2) Prime Minister
- (3) Parliament
- (4) Supreme Court

Correct Answer: (1) President

Solution:

Step 1: Constitutional provision.

Article 352 of the Constitution empowers the President to proclaim a national emergency.

Step 2: Preconditions.

The President may issue the proclamation if he is satisfied that the security of India or part of it is threatened by:

- War,
- External aggression, or

- Armed rebellion.

Step 3: Council of Ministers' role.

The President acts on the written advice of the Union Cabinet headed by the Prime Minister.

Step 4: Conclusion.

Therefore, the formal proclamation can only be issued by the President.

Quick Tip

National Emergency = Article 352; President issues it on Cabinet's written advice.

4. What is a dying declaration?

- (1) Statement made by a person about cause of death before dying
- (2) Statement recorded only by a Magistrate
- (3) Statement recorded only by police
- (4) Confession made in court

Correct Answer: (1) Statement made by a person about cause of death before dying

Solution:

Step 1: Concept.

Section 32(1) of the Evidence Act deals with dying declaration. It is a statement by a person as to the cause of their death or circumstances leading to death.

Step 2: Rationale.

Law presumes that a person on the verge of death will not lie. Hence, such statements are relevant and admissible even without cross-examination.

Step 3: Who can record?

It can be recorded by anyone — Magistrate, doctor, police officer, or even a private person, though courts prefer Magistrate-recorded statements for reliability.

Step 4: Conclusion.

Thus, a dying declaration is an exception to the rule against hearsay.

Quick Tip

Section 32(1) = Dying Declaration. No need for oath or cross-examination.

5. Which provision deals with appeals from original decrees?

- (1) Section 96 CPC
- (2) Section 100 CPC
- (3) Order XLI CPC
- (4) Section 104 CPC

Correct Answer: (1) Section 96 CPC

Solution:

Step 1: Understanding appeals.

The CPC provides for different types of appeals based on the nature of the decree or order.

Step 2: Relevant provision.

Section 96 CPC specifically provides for appeals from original decrees passed by trial courts. It is the first appeal provision.

Step 3: Distinguishing related provisions.

- Section 100 = second appeal, only on substantial questions of law.
- Order XLI = procedure for appeals.

Step 4: Conclusion.

Therefore, appeals from original decrees fall under Section 96 CPC.

Quick Tip

Section 96 = first appeal; Section 100 = second appeal; Order XLI = appeal procedure.

6. Which authority can grant bail?

- (1) Police and Court
- (2) Only Supreme Court
- (3) Only High Court
- (4) Only Magistrate

Correct Answer: (1) Police and Court

Solution:

Step 1: Understanding bail.

Bail is the release of an accused person from custody pending trial, subject to conditions ensuring appearance in court.

Step 2: Authorities empowered to grant bail.

Both the police and courts can grant bail:

- Police grant bail in bailable offences (Section 436 CrPC).
- Courts (Magistrate, Sessions Court, High Court) can grant bail in both bailable and non-bailable offences (Sections 437 and 439 CrPC).

Step 3: Conclusion.

Thus, bail may be granted by the police as well as by the courts depending on the offence.

Quick Tip

Bailable = police must grant bail. Non-bailable = only court's discretion.

7. Who can claim maintenance under Section 125 CrPC?

- (1) Wife, children, and parents
- (2) Only wife
- (3) Only minor children
- (4) Only dependent parents

Correct Answer: (1) Wife, children, and parents

Solution:

Step 1: Nature of Section 125.

Section 125 CrPC is a social justice provision designed to prevent destitution and vagrancy.

Step 2: Eligible persons.

The following persons can claim maintenance:

- Wife (even divorced wife, if not remarried),
- Minor children (legitimate or illegitimate),
- Major disabled children,
- Father or mother unable to maintain themselves.

Step 3: Conclusion.

Thus, Section 125 covers wife, children, and parents.

Quick Tip

Section 125 = quick, summary remedy for maintenance irrespective of religion.

8. Section 65B deals with what type of evidence?

- (1) Electronic evidence
- (2) Secondary documentary evidence
- (3) Expert evidence
- (4) Oral evidence

Correct Answer: (1) Electronic evidence

Solution:

Step 1: Scope of Section 65B.

Section 65B of the Indian Evidence Act deals with the admissibility of electronic records.

Step 2: Requirements.

For electronic evidence to be admissible, a certificate under Section 65B(4) is usually required, confirming the manner of production and authenticity.

Step 3: Examples.

CCTV footage, emails, CDs, pen drives, screenshots, WhatsApp chats — all fall under electronic evidence.

Step 4: Conclusion.

Thus, Section 65B governs the admissibility of electronic records.

Quick Tip

Remember: No 65B certificate = electronic evidence may be rejected unless exceptions apply.

9. What is talaq under Muslim Law?

- (1) Unilateral divorce by husband
- (2) Mutual divorce by spouses
- (3) Court-granted divorce
- (4) Customary separation

Correct Answer: (1) Unilateral divorce by husband

Solution:

Step 1: Definition.

Talaq refers to the unilateral repudiation of marriage by a Muslim husband.

Step 2: Types of talaq.

Forms include:

- Talaq-e-Ahsan,
- Talaq-e-Hasan,
- Talaq-e-Biddat (triple talaq, now invalid as per 2019 Act).

Step 3: Legal stance.

The Muslim Women (Protection of Rights on Marriage) Act, 2019 criminalizes instant triple talaq. However, husband still has right to talaq through valid forms like Ahsan and Hasan.

Step 4: Conclusion.

Thus, talaq is a unilateral divorce by the husband under Muslim personal law.

Quick Tip

Talaq = husband-initiated divorce; Khula = wife-initiated; Mubarat = mutual.

10. What is an ex-parte decree?

- (1) A decree passed in absence of defendant
- (2) A decree passed after full trial
- (3) A decree passed by consent of parties
- (4) A decree passed by appellate court

Correct Answer: (1) A decree passed in absence of defendant

Solution:

Step 1: Meaning.

An ex-parte decree is a decree passed when the defendant, despite proper service of summons, does not appear in court.

Step 2: Provision.

Order IX Rule 6 CPC allows the court to proceed ex-parte if the defendant does not appear.

Step 3: Remedy.

Defendant may apply to set aside ex-parte decree under Order IX Rule 13 CPC if he shows sufficient cause for non-appearance.

Step 4: Conclusion.

Thus, an ex-parte decree is one passed in absence of the defendant.

Quick Tip

Order IX Rule 6 = passing ex-parte decree; Rule 13 = setting it aside.
