



**EAGLE INSTITUTE OF LAW**

**MCQ – BNS**

**Q. 1. 'A' for the sake of 'B', his insane son gives consent for an open heart surgery (which the surgeon informs is essential to save B's life), knowing that the operation will likely cause the death of 93' but not intending so. 'A' falls within the general exception provided in:**

- (a) Section 25
- (b) Section 26
- (c) Section 27
- (d) Section 28

**Ans. (c)**

'A' falls within the general exception provided in section 27. - Section 27 of the Bharatiya Nyaya Sanhita, 2023, deals with "Act done in good faith for benefit of child or person of unsound mind, by, or by consent of guardian." - Nothing which is done in good faith for the benefit of a person under twelve years of age, or person of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person: Provided that this exception shall not extend to—

- (a) the intentional causing of death, or to the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

- (c) the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;
- (d) the abetment of any offence, to the committing of which offence it would not extend.

**Q. 2. Which section of the Bharatiya Nyaya Sanhita, 2023 deals with those conditions, when consent is said to be, not free consent?**

- (a) Section 26
- (b) Section 27
- (c) Section 28
- (d) Section 29

**Ans. (c)**

Section 28 of the Bharatiya Nyaya Sanhita, 2023 deals with those conditions, when consent is said to be, not free consent. - A consent is not such a consent as is intended by any section of this Sanhita,

- (a) 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; or
- (b) 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; or
- (c) unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age. [Section 28 of the Bharatiya Nyaya Sanhita, 2023]

**Q. 3. Consent is not such a consent as is intended by any section of this Sanhita, unless the contrary appears from the context, if the consent is given by a person who is under years of age.**

- (a) Eighteen years
- (b) Sixteen years
- (c) Twelve years
- (d) Twenty years

**Ans. (c)**

Twelve years. Consent is not such a consent as is intended by any section of this Sanhita, unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age. [Section 28(c) of the Bharatiya Nyaya Sanhita, 2023]

**Q. 4. 'A', a. surgeon, sees a. child suffer an accident, which is likely to prove fatal unless an operation is immediately performed. There is no time to apply to the child's guardian. 'A' performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit:**

- (a) A is liable as he performed the operation without taking due consent
- (b) A. is not liable because the act was done in good faith for benefit of a person, even without consent
- (c) A should not have performed the operation, even if it was in good faith and since the operation was performed A is liable
- (d) None of the above

**Ans. (b)**

A is not liable because the act was done in good faith for the benefit of a person, even without consent. - Act done in good faith for benefit of a person without consent: Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is

possible to obtain consent in time for the thing to be done with benefit:  
Provided that this exception shall not extend to

- (a) the intentional causing of death, or the attempting to cause death;
- (b) the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;
- (c) the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;.
- (d) the abetment of any offence, to the committing of which offence it would not extend. [Section 30 of the Bharatiya Nyaya Sanhita, 2023]

**Similar illustration:** A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation is immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

**Q. 5. The principle "de minimis non curat lex" is contained in section of Bharatiya Nyaya Sanhita, 2023.**

- (a) 30
- (b) 31
- (c) 33
- (d) 34

**Ans. (c)**

The principle "de minimis non curat lex" is contained in section 33 of the Bharatiya Nyaya Sanhita, 2023. - The maxim de minimis non curat lex, which means that the law does not take account of trifles, is the foundation of section 33 of the Bharatiya Nyaya Sanhita, 2023. - Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

**Q. 6. The maxim or principle "de minimis non curat lex" is contained in section of the Bharatiya Nyaya Sanhita, 2023**

- (a) 10
- (b) 21
- (c) 33
- (d) 16

**Ans. (c)**

The maxim or principle "de minimis non curat lex" is contained in section 33 of the Bharatiya Nyaya Sanhita, 2023. - Section 33 of BNS, 2023, deals with "Act causing slight harm" - Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

**Q 7. In which of the following instances is an accused most likely to be guilty of an offence under BNS, 2023:**

- (a) Where a lawful act resulted in an unforeseen injury due to an accident.
- (b) Where the injury is caused while acting pursuant to an order of the court.
- (c) Where the injury is caused by a judge while acting judicially.
- (d) Where the injury caused is very slight and trifle according to the accused.

**Ans. (d)**

Where the injury caused is very slight and trifle according to the accused. - Section 33 of BNS, 2023:—Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

**Q. 8. Right of private defence is provided under following provision of the Bharatiya Nyaya Sanhita, 2023:**

- (a) Section 34
- (b) Section 35
- (c) Section 36
- (d) Section 37

**Ans. (a)**

Right of private defence is provided under section 34 of the Bharatiya Nyaya Sanhita, 2023. - Nothing is an offence which is done in the exercise of the right of private defence.

**Q. 9 The right to private defence is based on the natural instinct of:**

- (a) Self-preservation
- (b) Self-respect
- (c) Self-sufficiency
- (d) Self-reliance

**Ans. (a)**

The right to private defence is based on the natural instinct of Self-Preservation. - The right of private defence is absolutely necessary for the protection of one's life, liberty and property. - Section 34 of the Bharatiya Nyaya. Sanhita, 2023: Nothing is an offence which is done in the exercise of the right of private defence. - Section 35 of the Bharatiya Nyaya Sanhita, 2023: Every person has a right, subject to the restrictions contained in section 37, to defend

- (a) his own body, and the body of any other person, against any offence affecting the human body;
- (b) the property, whether movable or immovable, of himself or of any other person, against

any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

Q. 10. Which one of the following set of Sections of Bharatiya Nyaya Sanhita, 2023, provides for the right of private defence?

- (a) Sections 45 to 62
- (b) Sections 147 to 161
- (c) Sections 14 to 44
- (d) Sections 34 to 44

**Ans. (d)**

Sections 34 to 44 of the Bharatiya Nyaya Sanhita, 2023, provides for the provisions related to the right of private defence.

**Q 11. Right of private defence extends to:**

- (a) defence of body only
- (b) defence of property
- (c) defence of both body and property
- (d) cannot say

**Ans. (c)**

Right of private defence extends to defence of both body and property. - Every person has a right, subject to the restrictions contained in section 37, to defend

- (a) his own body, and the body of any other person, against any offence affecting the human body;
- (b) the property; whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft,

robbery, mischief or criminal trespass. [Section 35 of the Bharatiya Nyaya Sanhita, 2023]

**Q. 12. Right to private defence is available against:**

- (a) an offence
- (b) an offender
- (c) both offence and offender
- (d) an accused

**Ans. (a)**

Right to private defence is available against an offence. - Right to private defence is available to all irrespective of gender and age of person. - Every person has the right to private defence of his own body and property and the body and property of any other person.

**Q. 13. Section 35 of the Bharatiya Nyaya Sanhita, 2023 expressly states that the right of private defence is subject to the restrictions contained in:-**

- (a) Section 35 of Bharatiya Nyaya Sanhita, 2023
- (b) Section 36 of Bharatiya Nyaya Sanhita, 2023
- (c) Section 37 of Bharatiya Nyaya Sanhita, 2023
- (d) Section 38 of Bharatiya Nyaya Sanhita, 2023

**Ans. (a)**

Section 35 of the Bharatiya Nyaya Sanhita, 2023 expressly states that the right of private defence is subject to the restrictions contained in Section 35 of Bharatiya Nyaya Sanhita, 2023. - Section 35 of Bharatiya Nyaya Sanhita, 2023: Right of private defence of body and of property: Every person has a right, subject to the restrictions contained in section 37, to defend—his own body, and the body of any other person, against any offence affecting the human body; (b) the property; whether movable or immovable, of himself or of any



other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

**Q. 14. "A" under the influence of unsoundness attempt to kill B. B in attempting to defend himself caused grievous hurt to A. Here:**

- (a) A is liable for attempt to murder and B is liable for causing hurt
- (b) A commits no offence and B is liable for grievous hurt
- (c) B commits no offence and A is liable for attempt to murder
- (d) Both A and B are excused from liability

**Ans. (d)**

Both A and B are excused from liability. - When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence. [Section 36 of the Bharatiya Nyaya Sanhita, 2023]

**Q. 15. Under the Bharatiya Nyaya Sanhita, 2023, the Right to private defence is:**

- (a) available under all circumstances
- (b) available where there is time to have the resource to the protection of public authorities
- (c) available where there is no time to have resource to the protection of public authorities
- (d) all of the above

**Ans. (c)**

Right to private defence is available where there is no time to have recourse to the protection of public authorities. - There is no right of private defence,

(a) against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act, may not be strictly justifiable by law; (b) against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law;

(c) in cases in which there is time to have recourse to the protection of the public authorities. [Section 37(1) of Bharatiya Nyaya Sanhita, 2023] - Right to private defence is not available under all circumstance.

**Q. 16. Under the Bharatiya Nyaya Sanhita, 2023, the right of private defence of the body can extend to causing death:**

(a) in case of apprehension of grievous hurt and death

(b) in case of apprehension of being raped

(c) in case of assault with the intention of kidnapping or abducting (d) All these

**Ans. (d)**

The right of private defence of the body can extend to causing death—Clause Secondly.—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault; Clause Thirdly.—An assault with the intention of committing rape; Clause Fifthly.—An assault with the intention of kidnapping or abducting. - Under section 38 of the Bharatiya Nyaya Sanhita, 2023, the right of private defence of the body extends, under the restrictions specified in section 37, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:

- (a) such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
- (b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault; (c) an assault with the intention of committing rape;
- (d) an assault with the intention of gratifying unnatural lust;
- (e) an assault with the intention of kidnapping or abducting;
- (f) an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;
- (g) an act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

**Q. 17. Under which of the following sections of the Bharatiya. Nyaya Sanhita, 2023, death of assailant may be caused in right of private defence of body and property?**

- (a) 38 and 41
- (b) 39 and 40
- (c) 43 and 41
- (d) 36 and 41

**Ans. (a)**

Section 38 of the Bharatiya Nyaya Sanhita, 2023: When the right of private defence of the body extends to causing death. - Section 41 of the Bharatiya Nyaya. Sanhita, 2023: When the right of private defence of property extends to causing death.

**Q. 18. In which of the following the right to private defence of the body does not extend to causing of death?**

- (a) An assault with the intention of committing rape
- (b) An assault with the intention of kidnapping
- (c) An assault with the intention of abducting
- (d) An assault with the intention of committing wrongful restraint

**Ans. (d)**

Under section 38 of the Bharatiya Nyaya Sanhita, 2023, the right of private defence of the body extends, under the restrictions specified in section 37, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:

- (a) such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
- (b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;
- (c) an assault with the intention of committing rape;
- (d) an assault with the intention of gratifying unnatural lust;
- (e) an assault with the intention of kidnapping or abducting;
- (f) an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;
- (g) an act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

**Q 19. The right of private defence of the body extends to causing death of the assailant if the offence which occasions the exercise of the right is of:**

- (a) Wrongful restraint
- (b) Assault with the intention of committing rape
- (c) Hurt

(d) Assault

**Ans. (b)**

The right of private defence of the body extends to causing death of the assailant if the offence which occasions the exercise of the right is of assault with the intention of committing rape.

**Q. 20. Under the Bharatiya Nyaya Sanhita, 2023, the right of private defence of the body:**

(a) commences as soon as reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence and it continues even after that apprehension ceases

(b) commences only when the assault is actually done and continues during the period of assault

(c) commences only when the assault is actually done and continues even after the offender left

(d) commences as soon as reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence and it continues as long as such apprehension of the danger to the body continues.

**Ans. (d)**

It commences as soon as reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence and it continues as long as such apprehension of the danger to the body continues. - Under section 40 of the Bharatiya Nyaya Sanhita, 2023, the right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.