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2917

Subject Code : 29

PAPER-II

Signature of Invigilators

1. _____

2. _____

Question Booklet Series

X

Question Booklet No.

(Identical with OMR
Answer Sheet Number)

LAW

Time : 1 Hour 15 Minutes

Maximum Marks: 100

Instructions for the Candidates

1. Write your Roll Number in the space provided on the top of this page as well as on the OMR Sheet provided.
2. At the commencement of the examination, the question booklet will be given to you. In the first 5 minutes, you are requested to open the booklet and verify it:
 - (i) To have access to the Question Booklet, tear off the paper seal on the edge of this cover page.
 - (ii) Faulty booklet, if detected, should be get replaced immediately by a correct booklet from the invigilator within the period of 5 minutes. Afterwards, neither the Question Booklet will be replaced nor any extra time will be given.
 - (iii) Verify whether the Question Booklet No. is identical with OMR Answer Sheet No.; if not, the full set to be replaced.
 - (iv) After this verification is over, the Question Booklet Series and Question Booklet Number should be entered on the OMR Sheet.
3. This paper consists of fifty (50) multiple-choice type questions. All the questions are compulsory. Each question carries *two* marks.
4. Each Question has four alternative responses marked: **(A)** **(B)** **(C)** **(D)**. You have to darken the circle as indicated below on the correct response against each question.

Example: **(A)** **(B)** **●** **(D)**, where **(C)** is the correct response.

5. Your responses to the questions are to be indicated correctly in the OMR Sheet. If you mark your response at any place other than in the circle in the OMR Sheet, it will not be evaluated.
6. Rough work is to be done at the end of this booklet.
7. If you write your Name, Roll Number, Phone Number or put any mark on any part of the OMR Sheet, except the space allotted for the relevant entries, which may disclose your identity, or use abusive language or employ any other unfair means, such as change of response by scratching or using white fluid, you will render yourself liable to disqualification.
8. Do not tamper or fold the OMR Sheet in any way. If you do so, your OMR Sheet will not be evaluated.
9. You have to return the Original OMR Sheet to the invigilator at the end of the examination compulsorily and must not carry it with you outside the Examination Hall. You are, however, allowed to carry question booklet and duplicate copy of OMR Sheet after completion of examination.
10. **Use only Black Ball point pen.**
11. **Use of any calculator or mobile phone etc. is strictly prohibited.**
12. **There are no negative marks for incorrect answers.**

[Please Turn Over]

LAW**PAPER II**

1. Who said: "mans life is solitary, poor, nasty, brutish and short."?

- (A) Grotius
- (B) Rousseau
- (C) Hobbes
- (D) Bentham

2. The theory propounded by Roseo Pound is:

- (A) Functional School
- (B) Realist School
- (C) Analytical School
- (D) Philosophical School

3. Who said: "no one has any other right than always to do his duty."?

- (A) Dugit
- (B) Holland
- (C) Salmond
- (D) None of the above

4. Read *Assertion (A)* and *Reason (R)* and give correct answer by using the codes:

Assertion (A): Capital punishment is given in rarest of rare cases.

Reason (R): Reformative theory can not be applied to habitual offenders.

Codes:

- (A) Both (A) and (R) are true and (R) is correct explanation to (A).
- (B) Both (A) and (R) are true, but (R) is not correct explanation to (A).
- (C) (A) is correct, but (R) is incorrect.
- (D) (A) is incorrect, but (R) is correct.

5. Which code provides correct chronological order of schools of law?

- (i) Analytical School
 - (ii) Maternal Law School
 - (iii) Sociological School
 - (iv) Realist School
- (A) (i), (ii), (iii), (iv)
 - (B) (iv), (iii), (ii), (i)
 - (C) (ii), (i), (iv), (iii)
 - (D) (ii), (i), (iii), (iv)

- 6.** Which of the following statement is not true?
- Supreme Court is the apex court of India.
 - Smallest bench of a Higher Court is division bench.
 - Decision of Supreme Court is binding on all courts in India.
 - Supreme Court can over rule its earlier decision.

- 7.** 'Do judges make law or only declare the law?'

Which option is true?

- Judges only declare law
- Judges also make law
- Both (A) and (B)
- None of the above

- 8.** Which of the following is not essential of a legal custom?

- Reasonableness
- Continuity
- Uncertainty
- Consistency

- 9.** Read Assertion (A) and Reason (R) and give correct answer by using codes below:

Assertion (A): "Law is the command of sovereign backed by sanction."

Reason (R): Positive Law is man-made law.

Codes:

- Both (A) and (R) are true and (R) is correct explanation of (A).
- Both (A) and (R) are true, but (R) is not correct explanation of (A).
- (A) is correct, but (R) is not correct.
- (R) is correct, but (A) is not correct.

- 10.** Match List-I with List-II and find correct answer by using codes:

| <i>List-I</i> | <i>List-II</i> |
|---------------|------------------|
| (a) Right | (i) Disabilities |
| (b) Liberty | (ii) Duties |
| (c) Power | (iii) No rights |
| (d) Immunity | (iv) Liability |

Codes:

- | | | | | |
|-----|------|-------|-------|-------|
| (a) | (b) | (c) | (d) | |
| (A) | (ii) | (i) | (iv) | (iii) |
| (B) | (ii) | (iii) | (iv) | (i) |
| (C) | (i) | (iv) | (iii) | (ii) |
| (D) | (i) | (ii) | (iii) | (iv) |

11. “The Preamble is not the part of the Indian Constitution” — held in

- (A) Keshavananda Bharati v. State of Kerala (AIR 1973 SC)
- (B) Golaknath v. State of Punjab (AIR 1967 SC)
- (C) In Re Berubari Union Case (AIR 1960 SC)
- (D) None of the above

12. The Words “Sovereign, Socialist, Secular, Democratic Republic” have been substituted for “Sovereign Democratic Republic” by the Constitution in

- (A) 42nd Amendment Act, 1976
- (B) 44th Amendment Act, 1978
- (C) 1st Amendment Act, 1951
- (D) 80th Amendment Act, 1999

13. The concept “existing law” is part of Article

- (A) 5 of the Constitution of India
- (B) 13 of the Constitution of India
- (C) 9 of the Constitution of India
- (D) 11 of the Constitution of India

14. The word “law” as used under Article 13(2) of the Constitution did not include constitutional amendments, held in

- (A) Dolare Lodh v. ADJ
- (B) Ram Prasad v. State of Bihar
- (C) Nedur Nath v. State of W.B.
- (D) Keshavananda Bharati v. Union of India

15. Lady Chatterloy’s Lover book was the subject matter of discussion in

- (A) Ramesh Thapar v. State
- (B) Virendra v. State
- (C) Ranjit U. Udeshi v. State
- (D) State of Madras v. V.G. Row

16. The Right to life under Article 21 includes Right to live with human dignity free from exploitation, held by the Supreme Court in —

- (A) Narayan Lal v. Ministry
- (B) State of MP v. Veereshwar
- (C) Bandhu Mukh Morsch v. Union of India
- (D) Nandini Satpathi v. P.L. Dani

17. Which of the following are included in the list of Fundamental Duties in the Constitution?

- (i) To abide by the Constitution and respect its ideals and institutions.
- (ii) To safeguard public property and to abjure violence.
- (iii) To uphold and protect the sovereignty unity and integrity of India.
- (iv) To uphold and protect Secularism.

Select the correct answer using the codes:

- (A) (i), (ii), (iii)
- (B) (i), (ii), (iv)
- (C) (i), (iii), (iv)
- (D) (ii), (iii), (iv)

18. The Article of Directive Principle is support of right to free legal aid is

- (A) Article 38(B)
- (B) Article 39(A)
- (C) Article 42
- (D) Article 43

19. In which case it was held that the harmony and balance between Fundamental Rights and Directive Principles is an essential feature of the basic structure of Indian Constitution?

- (A) Minerva Mills v. Union of India
- (B) Keshavananda v. Union of India
- (C) Bijoy Cotton v. State of Ajmer
- (D) M. M. Pathak v. Union of India

20. Directive Principles of State Policy have to conform to and run as subsidiary to the Chapter of Fundamental Rights, because the letter are enforceable in the court while the former are not. — held in

- (A) State of Madras v. Champakam
- (B) Mohd. Hanif Qureshi v. State of Bihar
- (C) Minerva Mills v. Union of India
- (D) C. B. Boarding v. State of Mysore

21. Which of the following is not a requirement of implying a team through custom and practice?

- (A) General notoriety of the practice
- (B) Certainty of the content of practice
- (C) Reasonableness of the practice
- (D) Knowledge by the employee of the practice

22. Which of the following is not an acceptable theory for the implication of terms not expressed in the Contract?

- (A) The duty of good faith
- (B) The officious bystander test
- (C) Business efficacy
- (D) Inference of reasonable terms

23. Which of the following is not a source of express term?

- (A) A written contract
- (B) Words of agreement spoken between the parties
- (C) The statutory statement of particulars
- (D) Documents incorporated by reference

24. Which of the following is not an influential contemporary test for “employee” status?

- (A) The integration test
- (B) The economic reality test
- (C) Mutuality of obligation
- (D) Personal service

25. Which of the following is not a recognised legal category of employment status?

- (A) Employee
- (B) Worker
- (C) A typical worker
- (D) Independent contractor

26. Definition of the term, threat to the peace, breach of peace, act of aggression is provided under

- (A) Article 1(7) of the Charter
- (B) Article 2(7) of the Charter
- (C) Article 3(2) of the Charter
- (D) No such definition is provided

27. “De facto recognition is in a sense, provisional and liable to withdraw if the absent requirement of recognition fails to materialise.” — observed by

- (A) Hall
- (B) Anzilotti
- (C) Oppenheim
- (D) Starke

- 28.** The decision of International Court of Justice
- (A) does not create a binding general rule of international law.
 - (B) earlier decisions of the court are not binding on the court itself.
 - (C) advisory opinion of the International Court of Justice is not binding at all.
 - (D) All are correct
- 29.** Which of the following is mentioned as the first source of international law?
- (A) International Custom
 - (B) International Convention
 - (C) Both (A) and (B)
 - (D) None of the above
- 30.** Which of the following is not the source of international law?
- (A) Proposal
 - (B) Juristic Writing
 - (C) International Custom
 - (D) International Treaty
- 31.** Oppenheim's definition of international law considers only
- (A) international institute as a subject of international law.
 - (B) state as subject of international law.
 - (C) individuals as subject of international law.
 - (D) European and American Countries are subject of international law.
- 32.** A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. Both A and B are liable to be punished
- (A) for culpable homicide
 - (B) for murder
 - (C) for abetting murder
 - (D) for common criminal intention
- 33.** A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under —
- (A) Section 113, I.P.C.
 - (B) Section 115, I.P.C.
 - (C) Section 116, I.P.C.
 - (D) Section 119, I.P.C.

34. A and Z agree to fence with each other for amusement. A, while playing fairly, hurts Z. A commits—

- (A) the offence of hurt
- (B) the offence of causing hurt by dangerous means
- (C) no offence
- (D) the offence of causing hurt by act endangering safety of others

35. In which of the following cases, the Supreme Court held that ‘in order to convict a person vicariously liable under Section 34 or Section 149 it is not necessary to prove that each and every one of them had indulged in overt acts’?

- (A) Narottam Singh v. State of Punjab
- (B) Ram Bilas Singh v. State of Bihar
- (C) Chandra Kant v. State of Madhya Pradesh
- (D) Vijayan v. State of Kerala

36. Several persons attack Z simultaneously with the same intention of killing Z. Their act results in death of Z.

Point out the correct response:

- (A) All are jointly liable for causing death of Z.
- (B) None of them is liable for causing death.
- (C) All are having common intention, all are jointly liable.
- (D) Each will be individually liable for whatever injury be caused.

37. Using the codes given below give the correct answer:

A decree of judicial separation

- (i) dissolve the matrimonial bond.
- (ii) does not dissolve the matrimonial bond, but merely suspends marital rights and obligations during the subsistence of the decree.
- (iii) mandates that the parties still continue to be husband and wife but not obliged to live together.
- (iv) provides that if the parties have not resumed cohabitation for a period of one year either party may seek divorce.

Codes:

- (A) (i), (ii) and (iv)
- (B) (i), (ii), (iii) and (iv)
- (C) (i) and (iv)
- (D) (ii), (iii), and (iv)

38. *Khula* is a form of divorce recognised under the Muslim law by means of

- (A) Sale
- (B) Purchase
- (C) Agreement
- (D) Coercion

39. By which of the following way a Muslim marriage can be dissolved by a Muslim husband?

- (A) Talaq
- (B) Zihar
- (C) Illa
- (D) All of the above

40. Muslim law applies to—

- (A) all persons who are Muslims by birth.
- (B) all persons who are Muslims by conversion.
- (C) all persons who are Muslims by birth or by conversion.
- (D) all persons who are Muslims by birth and only in some exceptional circumstances by conversion.

41. Which of the following statements is true?

- (A) All contracts are agreements.
- (B) All agreements are contracts.
- (C) All agreements on stamp paper in written form are contracts.
- (D) All of the above.

42. Match the following:

List-I *List-II*

- | | |
|----------------------------|---|
| (a) McGregor v. McGregor | (i) General offer |
| (b) Weeks v. Ty-bald | (ii) Intention to create legal relationship |
| (c) Henderson v. Stevenson | (iii) Consideration |
| (d) Currie v. Misa | (iv) Reasonable Notice |

Codes:

- | | (a) | (b) | (c) | (d) |
|-----|------|-------|-------|-------|
| (A) | (ii) | (iii) | (i) | (iv) |
| (B) | (ii) | (i) | (iv) | (iii) |
| (C) | (iv) | (iii) | (ii) | (i) |
| (D) | (iv) | (ii) | (iii) | (i) |

43. Which of the following is not an example of fiduciary relation?

- (A) Spiritual advisor and devotee
- (B) Advocate and client
- (C) Shopkeeper and customer
- (D) Principal and agent

44. If the consent of a party is caused by mistake, the contract is

- (A) voidable
- (B) illegal
- (C) immoral in nature
- (D) void

45. Which of the following statements are true?

- (i) Law of estoppel is not applicable against a minor.
- (ii) Minor's agreement cannot be ratified on attaining majority.
- (iii) Minor can ratify a contract on attaining majority.
- (iv) Minor's agreement is voidable at the option of the minor.

Codes:

- (A) (i) and (ii)
- (B) (iii) and (iv)
- (C) (ii) and (iii)
- (D) (i) and (iii)

46. A qualified and conditional acceptance is

- (A) a consideration
- (B) an acceptance
- (C) a cross-offer
- (D) a counter-offer

47. A man was watching cricket organised by a club. He was injured by the ball hit from batsman. From whom can he claim damages?

- (A) The batsman
- (B) Cricket club
- (C) Both (A) and (B)
- (D) None of the above

48. Which of the following is correct set of defences available against defamation?

- (A) Privilege, mistake, fair comment
- (B) Truth, mistake, fair comment
- (C) Privilege, truth, fair comment
- (D) Privilege, mistake, fair comment

49. Injuria sine damnum means—

- (A) damage without violation of legal right
- (B) violation of legal right without damage
- (C) Both (A) and (B)
- (D) None of the above

50. Ubi jus ibi remedium means

- (A) Where there is remedy there is right
- (B) Where there is right there is remedy
- (C) Everywhere there is remedy
- (D) Nowhere is remedy

2917-II

X-12

ROUGH WORK