

MH SET 2011 LAW PAPER 2 AUGUST 07, 2011 QUESTION PAPER

AUG - 60211/II

Law Paper II

Time Allowed : 75 Minutes]**[Maximum Marks : 100**

Note : This Paper contains **Fifty (50)** multiple choice questions. Each question carrying **Two (2)** marks. Attempt *All* questions.

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| <p>1. Which Article of the Constitution provides for living wages for workers ?</p> <p>(A) Article 40</p> <p>(B) Article 41</p> <p>(C) Article 42</p> <p>(D) Article 43</p> <p>2. Right against self incrimination is guaranteed under :</p> <p>(A) Article 21</p> <p>(B) Article 20(1)</p> <p>(C) Article 22(2)</p> <p>(D) Article 20(3)</p> <p>3. The Parliamentary form of government relates to :</p> <p>(A) Centre-State Legislative Relationship</p> <p>(B) Relationship between Executive and Legislature</p> <p>(C) Relationship between Legislature and Judiciary</p> <p>(D) Centre-State Executive Relationship</p> | <p>4. Which Article of the Constitution of India provides for power of President to promulgate ordinances ?</p> <p>(A) Article 132</p> <p>(B) Article 213</p> <p>(C) Article 211</p> <p>(D) Article 123</p> <p>5. Justice Bhagwati delivered a dissenting opinion in favour of abolition of death sentence in :</p> <p>(A) Bacchan Singh Case</p> <p>(B) Habeas Corpus Case</p> <p>(C) Kesavananda Bharati Case</p> <p>(D) Hussainara Khatoon Case</p> |
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6. Which one of the following doctrines relates to the interpretation of the legislative conflicts between the Union and the States ?

- (A) Stare decisis
- (B) Pith and Substance
- (C) Precautionary approach
- (D) Doctrine of eclipse

7. Which one of the following provisions of the Constitution of India can be amended by the Parliament alone without any ratification by majority of State Legislatures ?

- (A) Fundamental Rights
- (B) The provisions of Article 368
- (C) The Union Judiciary
- (D) The High Courts in the State

8. 'Ownership is a bundle of rights indispensable in possession.....' has been defined by :

- (A) Holland
- (B) Savigny
- (C) Austin
- (D) Pollock

9. 'Corpus and animus' are the two necessary ingredients of possession has been observed by :

- (A) Savigny
- (B) Dworkin
- (C) Austin
- (D) Holmes

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10. According to Hohfeld co-relative of immunity is :

- (A) Disability
- (B) Liability
- (C) Duty
- (D) No right

11. Capital punishment is an instance of.....theory of punishment.

- (A) retributive
- (B) reformative
- (C) deterrent
- (D) expiative

12. Doctrine of Per-in-Curium means :

- (A) decision which is not according to morality
- (B) decision which is not accepted by people
- (C) decision which is not according to Constitution
- (D) decision which is not binding

13. According to Duguit positive natural law means :

- (A) Law enacted by Legislature
- (B) Law of God
- (C) Law of Nature
- (D) Decision of people's tribunal

14. The word "International Law" in English was coined by :

- (A) Julius Stone
- (B) Kelsen
- (C) Oppenheim
- (D) Bentham

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15.said that the Law of Nations is the body of legal rules which apply between sovereign States and such entities as have been granted international personality.

- (A) Schwarzenberger
- (B) Ian Brownlie
- (C) Brierly
- (D) Holland

16. Reprisals are admissible against the offending state and not a third state was observed in :

- (A) Cysne Arbitration
- (B) Frontier Dispute
- (C) Carolina Case
- (D) Namibia Case

17. "The rules of International Law are not binding" said by :

- (A) Hobbes
- (B) John Austin
- (C) Starke
- (D) Brierly

18. The first session of the General Assembly was held in London on :

- (A) 10th Jan., 1946
- (B) 20th Jan., 1946
- (C) 10th June, 1946
- (D) 20th June, 1946

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19. Under Article.....of the *Universal Declaration of Human Rights* no one shall be held in slavery or servitude. Slavery and slave trade shall be prohibited in all their forms.

- (A) 3
- (B) 4
- (C) 5
- (D) 6

20. Find out the *correct* answer relating to given statement of assertion and reason :

Assertion (A) : Matrimonial home is the place where parties live.

Reason (R) : Cohabitation is the sum total of conjugal relationship.

- (A) (A) is correct but (R) is not explanation of (A)
- (B) (A) is correct and (R) is correct explanation of (A)
- (C) (R) is correct but not explanation of (A)
- (D) (R) is neither correct nor explanation of (A)

21. Match the pairs :

- | | | | |
|-----|---------------|-------|---|
| (1) | Madan Lal V. | (i) | Threat to commit suicide is cruelty |
| (2) | Dastane V. | (ii) | Birth to illegitimate child is cruelty |
| (3) | Shakuntala V. | (iii) | False accusation of adultery is cruelty |
| (4) | Saptami V. | (iv) | Persistent refusal to have marital intercourse is cruelty |

- | | (1) | (2) | (3) | (4) |
|-----|------|------|-------|-------|
| (A) | (iv) | (ii) | (iii) | (i) |
| (B) | (i) | (iv) | (ii) | (iii) |
| (C) | (ii) | (i) | (iv) | (iii) |
| (D) | (ii) | (iv) | (iii) | (i) |

22. When a virgin, bachelor, widow or widower adopts a child and marries subsequently, the spouse is related to the adopted child :

- (A) as a natural parent
- (B) as a step parent
- (C) as a foster parent
- (D) as a de facto parent

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23. Choose the *correct* statement from the following :

(A) Under Divorce Act, 1869 judicial separation decree may be obtained on the ground of desertion for one year or upwards.

(B) Judicial separation and separate residence of Hindu wife is one and the same.

(C) Under Muslim Law there is no provision for a decree of judicial separation

(D) Both under Parsi Law and Muslim Law there is provision for a dcree of judicial separation.
24. Under Section.....of the Parsi Marriage and Divorce Act, 1936 grounds for divorce are provided.

(A) 32

(B) 22

(C) 12

(D) 42

25. Match the following with the help of codes given below :

(1) Isti Salah	(i) Juristic preference
(2) Taqlid	(ii) Public Interest
(3) Isti Hasan	(iii) Decisions of Muslim Judges
(4) Fatwas	(iv) Law of Precedents

Codes

	(1)	(2)	(3)	(4)
(A)	(ii)	(iv)	(i)	(iii)
(B)	(i)	(iii)	(iv)	(ii)
(C)	(iii)	(ii)	(i)	(iv)
(D)	(iv)	(iii)	(ii)	(i)

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26. Which of the following is *not* an exception to the rule—
“No consideration, no contract” ?

- (A) Compensation for involuntary services
- (B) Contract of agency
- (C) Love and affection
- (D) Gift

27. Standing offer means :

- (A) Offer made to the public in general
- (B) Offer made to a definite person
- (C) When the offeree offers to qualified acceptance of the offer
- (D) Offer allowed to remain open for acceptance over a period of time

28. The threat to commit suicide amounts to :

- (A) Undue influence
- (B) Coercion
- (C) Misrepresentation
- (D) Fraud

29. Which of the following are covered under the head “Agreement opposed to Public Policy” ?

- (1) Trading with enemy country
- (2) Trafficking in Public Offices
- (3) Marriage Brokerage Contracts
- (4) Contract to do impossible acts

- (A) (1), (2), (4)
- (B) (2), (3), (4)
- (C) (1), (2), (3)
- (D) (1), (2), (3), (4)

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30. When the damages cannot be assessed, the party may be awarded by the Court.....damages.

- (A) Exemplary
- (B) Actual
- (C) Liquidated
- (D) Nominal

31. Consider the following statements with regard to “uberrimae fide” :

- (1) It falls within a class of cases which require utmost good faith.
- (2) Every contract is a contract “uberrimae fide”.
- (3) Contract of insurance is an example of “uberrimae fide”.

Of the above statements :

- (A) (1), (2) and (3) are correct
- (B) (1) and (3) are correct
- (C) (2) and (3) are correct
- (D) (1) and (2) are correct

32. The decision of Mohri Bibi Vs. Dharmadas Ghose related to :

- (A) Undue influence
- (B) Acceptance and its communication
- (C) Minor’s contract
- (D) Offer and its communication

33. Due to earthquake a tenant died. The landlord can take defence of :

- (A) Inevitable accident
- (B) Act of God
- (C) Volenti non fit injuria
- (D) Statutory authority

34. *Res ipsa loquitur* means :

- (A) as you sow, so you reap
- (B) guilty shall be punished
- (C) the thing speaks for itself
- (D) the guilty speaks lies

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35. Which one of the following statements are *not* true under the law of torts ?

- (A) In India damages for tort still remain a common law remedy
- (B) In India the damages are a matter of right
- (C) In India the damages are not a matter of right
- (D) In India the injunctions are discretionary

36. The rule of strict liability was first laid down by :

- (A) Justice Blackburn in 1868
- (B) Lord Atkin in 1635
- (C) Winfield in 1765
- (D) Chief Justice Holt in 1868

37. In English law the rule of Contributory negligence was demonstrated for the first time in 1809 in the case of :

- (A) Butterfield Vs. Forrester
- (B) Ashby Vs. White
- (C) Cassidy Vs. Daily Mirror Newspaper Ltd.
- (D) Rylands Vs. Fletcher

38. In which of the following cases the rule of vicarious liability will *not* be applicable ?

- (A) Master and Servant
- (B) Principal and Agent
- (C) Employer and Employee
- (D) Banker and Customer

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39. Judges are immuned from criminal liability under the Indian Penal Code provided that :

- (A) they wrongfully confine a person but under a law in force
- (B) they do an act having no connection with judicial function
- (C) they act without jurisdiction but under mistake of law
- (D) they act in judicial capacity in exercise of power given to them by law

40. 'A' is at work with a hatchet, the head flies off and kills a man who is standing by :

'A' will be liable, if :

- (A) it is proved that he had not taken proper caution
- (B) he had taken caution but accident occurred
- (C) he was doing a lawful act in a lawful manner
- (D) he had no knowledge that the head of the hatchet would fly

41. The term offence denotes :

- (A) an act punishable only under IPC
- (B) an act punishable under IPC and Special and Local laws
- (C) an act that may be illegal per se
- (D) every act that may cause legal and moral harm as determined by the Court

42. General defences under the Indian Penal Code can be pleaded under the following circumstances :

- (A) mistake of fact and law
- (B) mistake of identity
- (C) reasonable mistake of fact
- (D) all of the above

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43. Law and morals are not same. Many things may be immoral which are not necessarily illegal therefore to say that necessity is an unconditional and absolute defense is incorrect. This was held in :

- (A) R. V. Dudley and Stephens
- (B) R. V. Tunda
- (C) R. V. John and Write
- (D) R. V. Sussex

44. A child between the age seven to twelve can be liable for criminal act, if :

- (A) he is involved in preparation and attempt of the crime
- (B) he is not liable under any circumstances whatsoever
- (C) he understands the consequences of his conduct
- (D) he makes a free confession

45. Industrial Disputes Act, 1947, promotes Collective Bargaining under Section :

- (A) 2(a)
- (B) 2(aa)
- (C) 2(p)
- (D) 2(b)

46. The Registrar of Trade Unions can withdraw or cancel a certificate of registration of a Trade Union, if :

- (A) The Trade Union applies for its cancellations
- (B) The Registrar is satisfied that the certificate has been obtained by fraud or mistake
- (C) The Trade Union has ceased to exist
- (D) All of the above

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47. A teacher is *not* a workman was ruled in :

- (A) T.K. Rangarajan Vs. State of T.N.
- (B) A. Sundarmabal Vs. Govt. of Goa, Daman and Diu
- (C) Workmen of Dimakuchi Tea Estate Vs. Mgt. D.T.E.
- (D) All India RBI Employees Association Vs. RBI

48. Strike in a public utility concern without the following procedure is :

- (A) Illegal
- (B) Legal
- (C) Legal under certain conditions
- (D) Justified in emergency situation

49. Workman under Section 2(5) of the IDA, 1947 *does not* include :

- (A) an apprentice
- (B) a clerk
- (C) supervisor drawing one thousand three hundred rupees
- (D) a Manager

50. An undertaking running a construction Industry if intends to close down, needs to give..... notice to the appropriate Govt.

- (A) 90 days
- (B) 30 days
- (C) 60 days
- (D) 00 (zero) days

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