

MH SET 2011 LAW PAPER 2 NOVEMBER 27, 2011 QUESTION PAPER

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**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. *All* questions are compulsory.

1. Notion of Justice envisaged by the Preamble of the Indian Constitution connotes in order..... . (A) Economic, Social, Political (B) Social, Political, Economic (C) Political, Social, Economic (D) Social, Economic, Political	3. Art.....of the Indian Constitution envisages separation of judiciary from executive. (A) Art. 51 (B) Art. 49 (C) Art. 50 (D) Art. 48
2. Section 4 of the 42nd Constitutional Amendment Act, 1976 was declared invalid by the Indian Supreme Court in : (A) Bhimsingh v. Union of India (B) Union Territory of Goa v. Laxmibai (C) Indira Gandhi v. Rajnarayan (D) Minerva Mills Ltd. v. UOI	4. Clause (4-B) in Art. 16 was added in the Indian Constitution by..... . (A) 77th Amendment (B) 80th Amendment (C) 85th Amendment (D) 81st Amendment

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5. Proclamation issued by the President of India under Art. 352 to impose an emergency is to be laid before each House of the Parliament within a period of..... .

- (A) One month
- (B) Six months
- (C) Three months
- (D) One year

6. Power of the Parliament under Art. 368 is a constituent power and is not subject to the Constitutional scheme as to distribution of legislative power according to entries in the VII schedule. It was held so by the Indian Supreme Court in..... .

- (A) Indira Gandhi *v.* Raj Narain
- (B) Keshvananda Bharati *v.* Kerala
- (C) Kihota Hollohan *v.* Zachillu
- (D) Sasanka *v.* UOI

7. Doctrine of Res-Judicata is an exception to the writ of..... .

- (A) Mandamus
- (B) Quo-Warranto
- (C) Certiorari
- (D) Habeas Corpus

8. Art. 245(2) of the Indian Constitution provides for..... .

- (A) extra territorial operation of law
- (B) territorial limitation of law
- (C) limitation on law making power
- (D) scope of law making power

9. Member of either House of Parliament shall not be disqualified on the ground of..... .

- (A) if he holds office of profit
- (B) he is of unsound mind
- (C) he is undischarged insolvent
- (D) he is indulged in bigamy

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10. Recommendation made by the Chief Justice of India without complying with the norms and requirements of the consultation process were not binding on the Government. It was held so by the Indian Supreme Court in..... .

- (A) S.P. Gupta v. UOI
- (B) UOI v. Sankalchand
- (C) In re Presidential Reference
- (D) Supreme Court Advocates' on Record Association v. UOI

11. Wambaugh's test is the test to be applied to determine the nature of..... .

- (A) Ratio
- (B) Obiter
- (C) Law
- (D) Delegated Legislation

12. Principle of Lex-divina was enunciated by ST. Aquinas, meant as..... .

- (A) Law of Jungle
- (B) Law of God
- (C) Positive law of God
- (D) Law of nature

13. Positive natural law, according to Duguit is nothing but..... .

- (A) Law of State Legislature
- (B) Law of King
- (C) Law of People
- (D) Decision delivered by the tribunal

14. Social interest is a device to balance competing and conflicting interests. It was stated by..... .

- (A) Prof. Pound
- (B) Prof. Selznick
- (C) Prof. David Hume
- (D) Prof. Patterson

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15. A. K. Gopalan's v. State of Madras was considered as..... .

- (A) instance of social engineering
- (B) Victory of natural law
- (C) high watermark of positivism
- (D) instance of grund norm

16. Rights in a wider sense connote..... .

- (A) rights co-related to duties
- (B) rights which are not co-related to duties
- (C) rights which are to be enforced against state
- (D) rights enforceable against individual

17. Ownership is an unlimited right to use, possess or transfer. This statement was propounded by..... .

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

18. Will theory of right is advocated by..... .

- (A) Bentham
- (B) Prof. Hart
- (C) Joseph Raz
- (D) Prof. Pound

19. Rule of Recognition is a rule meant for/to..... .

- (A) creation of rules
- (B) determine validity of rules
- (C) revocation of rules
- (D) legal system's aspect

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20.is *not* the source of law.

- (A) Custom
- (B) Precedent
- (C) Legislation
- (D) Scriptures

21. Who is the father of International Law ?

- (A) Kelson
- (B) Jeremy Bentham
- (C) Hugo Grotius
- (D) Aristotle

22. According to 'Monoism'.....

- (A) Law is a single unity of composed legal rules binding upon States and Individuals
- (B) International Law is supreme
- (C) Municipal Law is superior to International Law
- (D) International Law is not a law at all

23. When a state possesses all the essentials of statehood and is capable of being a member of the International Community, then the recognition given is :

- (A) de facto
- (B) de novo
- (C) de minimis
- (D) de jure

24. The following is the direct source of International Law :

- (A) Bilateral Treaty
- (B) Non-treaty Contracts
- (C) Municipal Law
- (D) Law Making Treaty

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25. Which of the following is the *correct* statement relating to “subjects of International Law” ?

- (A) Only states are subjects
- (B) Individuals alone are subjects
- (C) There is no place for individuals
- (D) States are main subjects but individuals, International Organizations and certain non-entities are also subjects

26. A second marriage of a married Hindu man contracted after his conversion to Muslim faith is :

- (A) Valid
- (B) Void
- (C) Voidable
- (D) Irregular

27. Pleading retrospective Talaq in the written statement as a counter to the wife’s maintenance petition was not accepted as valid and enforceable in which of the following cases :

- (A) Daniel Latif *v.* Union of India
(2001) 7 Sec. 740
- (B) Mohammad Ahmed Khan *v.* Shah Bano Begum, AIR 1985
Sec. 945
- (C) Shamim Ara *v.* State of Uttar Pradesh, 2002 Cr. L.J. (Sec.)
- (D) Fazlanbi *v.* Khadir Vali, (1980)
4 Sec. 125

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| <p>28. Marriage of a fifteen year old girl with a sixty year old man solemnized without her consent but with the consent of her parents under Hindu Marriage Act, 1955, is :</p> <p>(A) Perfectly valid</p> <p>(B) Totally void</p> <p>(C) Voidable at the option of the girl</p> <p>(D) Voidable at the option of the man</p> <p>29. What is the minimum age difference that must be adhered to if a person adopts a child of opposite sex under the Hindu Adoptions and Maintenance Act, 1956 :</p> <p>(A) 10 years</p> <p>(B) 15 years</p> <p>(C) 18 years</p> <p>(D) 21 years</p> | <p>30. A husband cannot claim maintenance from his wife under :</p> <p>(A) Hindu Marriage Act, 1955</p> <p>(B) Indian Christian Marriage Act, 1872</p> <p>(C) Parsi Marriage and Divorce Act, 1936</p> <p>(D) The Special Marriage Act, 1954</p> <p>31. The term consensus ad idem means :</p> <p>(A) Formation of the contract</p> <p>(B) Reaching of agreement</p> <p>(C) Meeting of minds</p> <p>(D) General consensus</p> <p>32. When a person signifies his assent to a proposal made to him to refrain from doing something, the resultant transaction is known as :</p> <p>(A) Promise</p> <p>(B) Agreement</p> <p>(C) Contract</p> <p>(D) Understanding</p> |
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33. A consideration is :

- (A) a reason behind making a proposal
- (B) a condition of the fulfilment of the other's promise
- (C) doing or abstaining from doing something at the desire of promiser
- (D) rewards for something which one has done for another

34. Which one of the following is *not* the legal requirement of a valid offer ?

- (A) It must be communicated to the offeree
- (B) It must express offeror's final willingness
- (C) It must be made to a specific person and not to public at large
- (D) It must be made with a view to obtain offeree's assent

35. The big corporations like LIC supply ready forms of contract with all conditions printed; the offeree has either to take all or let go. Such contracts are known as.....

- (A) Company contracts
- (B) Corporation contracts
- (C) Government contracts
- (D) Standard form contracts

36. An association undertakes to supply competent servants and exercises ordinary care and skill in such servant's selection. If these servants fail to exercise due care and skill.

- (A) the association would be responsible generally
- (B) the association would be responsible only when the servant is accused of a grave negligence
- (C) the association would be responsible only if the hirer suffers loss due to such servant's negligence
- (D) the association would not be responsible

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37. The maxim “In jure non remota causa sed proxima spectator” means :

- (A) law will permit no damages to be recovered except such as are the direct consequences of the tort
- (B) an action for malicious prosecution
- (C) liability of the head of a department for the neglect or torts of officials in the department
- (D) a public officer's guilt of misfeasance in the exercise of the powers entrusted to him by law and in discharge of his duty

38. A journalist gets published a defamatory statement against a person 'X' in a newspaper. X sues him for damages.

- (A) the journalist is not liable as he merely gave the piece to the editor of the newspaper for publishing it, and the editor had the discretion on whether to publish it or not.
- (B) the newspapers are entitled to special rights and privileges
- (C) the journalist is not liable as he genuinely believed the statement to be true
- (D) the journalist is liable as he has a greater liability to guard against untruths

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39. When is the master responsible for the wrongful acts of his servants ?

- (A) Where the act is done by the servant in his personal capacity but during the course of his employment
- (B) Where the act is done by the servant in his personal capacity, but is within the knowledge of the master
- (C) Where the act is in the scope of servant's employment and in executing the matter for which he was engaged at that time
- (D) Where the act is done by the servant in his personal capacity and is brought to the knowledge of the master, after it is executed

40. Contributory Negligence means..... .

- (A) negligence is not avoiding the consequences arising from the negligence of some other person when means and opportunity are afforded to do so
- (B) a breach of duty as between the plaintiff and the negligent defendant
- (C) an intentional wrong by the defendant and the plaintiff
- (D) a husband suing for damages caused to him by reason of injuries negligently inflicted on his wife

41. Nothing an offence which is done by accident or misfortune provided :

- (A) it is will of God
- (B) without any criminal intention
- (C) done with common consensus
- (D) with valid justification

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42. Ignorance of fact is....., whereas ignorance of law is..... .

- (A) punishable, not punishable
- (B) not excusable, excusable
- (C) excusable, not excusable
- (D) offence, not an offence

43. Common intention is defined under :

- (A) Section 34 of Cr. P.C.
- (B) Section 43 of IPC
- (C) Section 34 of IPC
- (D) Section 54 of IPC

44. Consent under misconception is :

- (A) not an offence
- (B) a good defence
- (C) not a defence
- (D) an offence

45. 'De minimis non curat lex' is covered under :

- (A) Section 85 IPC, Triffles
- (B) Section 90 IPC, Triffles
- (C) Section 95 IPC, Triffles
- (D) Section 59 IPC, Triffles

46. The definition of Industry under Sec. 2(J) of the ID Act does not include activities that are in the nature of..... .

- (A) Agricultural and domestic work
- (B) Trade, business and undertaking
- (C) Scientific research and training institution
- (D) Khadi or village industries

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47. Every Individual dispute can become an Industrial dispute provided that :

- (A) the individual involved in the dispute should be the member of the trade union
- (B) the individual concern should be a permanent employee with 5 years service
- (C) the individual victim should be dismissed
- (D) the victim individual should have been refused bonus

48. A dispute is an 'industrial dispute' only when it arises in any activity which is an 'industry' as defined in Sec. 2(J) of the Industrial Dispute Act. This was held in the case :

- (A) D.N. Banerji *v.* P.R. Mukherjee
- (B) Shridharan *v.* Delhi Cloth Mills
- (C) Sunder Money *v.* State Bank of India
- (D) Ramakant Mishra *v.* State of U.P.

49. Workman is a person hired to do skilled or unskilled work but does not include :

- (A) Clerk
- (B) Apprentice
- (C) Managerial work
- (D) Supervisory work

50. The machinery for settlement of industrial dispute, that can not only promote settlement but inquire into them and can also give award is :

- (A) Tribunals
- (B) Board of Conciliation after arriving at settlement
- (C) Works Committee on arriving at agreement
- (D) Conciliation officer authorised to give award

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