

MH SET 2013 LAW PAPER 2 FEBRUARY 17, 2013 QUESTION PAPER

FEB – 60213/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. All questions are compulsory.

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| <p>1. The primacy to all laws implementing the directive principles over the fundamental rights is given by :</p> <p>(A) Art. 31A</p> <p>(B) Art. 31B</p> <p>(C) Art. 31C</p> <p>(D) Art. 31D</p> <p>2. In the case it was held that Art. 21 was the sole repository of the right to life and personal liberty.</p> <p>(A) Habeas Corpus</p> <p>(B) A.R. Antulay</p> <p>(C) Kesavanand Bharati</p> <p>(D) Maneka Gandhi</p> | <p>3. Which Article of the Constitution of India does <i>not</i> provide for legislative power of parliament ?</p> <p>(A) Art. 2</p> <p>(B) Art. 262</p> <p>(C) Art. 13</p> <p>(D) Art. 348</p> <p>4. The High Court Judges are appointed by :</p> <p>(A) the Governor of a state</p> <p>(B) the Chief Minister of a state</p> <p>(C) the President of India</p> <p>(D) the Chief Justice of India</p> |
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5. Which one of the following fundamental duties relates to safeguard of public property ?

- (A) Art. 51A(b)
- (B) Art. 51A(c)
- (C) Art. 51A(i)
- (D) Art. 51A(j)

6. Which one of the following doctrine relates to the interpretation of conflicts between law and fundamental right ?

- (A) Doctrine of stare decisis
- (B) Doctrine of pith and substance
- (C) Doctrine of severability
- (D) Doctrine of clear and present danger

7. In which of the following cases the Supreme Court laid the basic structure doctrine ?

- (A) Maneka Gandhi
- (B) Golak Nath
- (C) Kesavananda Bharati
- (D) ADM Jabalpur

8. To determine the nature, whether it is a ratio-decidenti or obiter dicta; a test is prescribed for, is a :

- (A) material fact
- (B) classical
- (C) right thesis
- (D) wambaugh

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9. Prof. Kelsen has prescribed a condition for a grund norm in the form of :

- (A) Acceptance by the Judiciary
- (B) Acceptance by the Government (Executive)
- (C) Acceptance by the Legislature
- (D) Acceptance by minimum number of people

10. According to Prof. Lon Fuller's notion of internal morality doctrine — is *not* a part of it :

- (A) Access to Justice
- (B) Public promulgation
- (C) Prospectivity of law
- (D) General application

11. According to Prof. Joseph Raz is not a nature of sovereignty in view to Austin.

- (A) Illimitability
- (B) Unique
- (C) Applicability to sovereign
- (D) United

12. Prof. Roscoe Pound has prescribed the solution to balance competing interest, is :

- (A) Democratic
- (B) Moral
- (C) Judicial
- (D) Referrundum

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13. 'Right is an indispensably valuable possession' — is defined by :

- (A) Holland
- (B) Savigny
- (C) Dworkin
- (D) Feinberg

14. One of the following earned the title of the "Second Father of the Law of Nations" :

- (A) Prof. Zouche
- (B) Prof. Oppenheim
- (C) Prof. Friedman
- (D) Prof. Kelsen

15. The first effort was made to transform the status of individual from the object to the subject of International Law after :

- (A) The First World War
- (B) The Second World War
- (C) Vienna Conference
- (D) Indo-China War

16. Doctrine states recognition should *not* be given to any government which has come in power by revolutionary means.

- (A) Estrada
- (B) Tobar
- (C) Stimson
- (D) Monroe

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17. The “United Nations Day” is celebrated on :

- (A) 24th Oct. 1945
- (B) 25th Oct. 1945
- (C) 26th Oct. 1945
- (D) 23rd Oct. 1945

18. The primary responsibility of Security Council is :

- (A) to maintain the security of the veto power states
- (B) to maintain the peace and security of all UNO member states
- (C) to maintain and promote universal brotherhood amongst all member states
- (D) to maintain and improve the standard of living of underdeveloped states

19. The Inter-American Commission of Human Rights became an organ of the to promote and protect Human Rights.

- (A) Organization of American States
- (B) Organization of American Unity
- (C) Organization of African States
- (D) Organization of African Unity

20. Match the pairs :

- | | | | | |
|------------------------------------|---------------------|------|-------|-------|
| (1) Option of Puberty | (i) Tuhr | | | |
| (2) Period of Purity | (ii) Khyal-ul-bulug | | | |
| (3) Right to have custody of child | (iii) Batil Nikah | | | |
| (4) Void marriage | (iv) Hizanatb | | | |
| (1) | (2) | (3) | (4) | |
| (A) | (ii) | (i) | (iv) | (iii) |
| (B) | (iii) | (ii) | (iv) | (i) |
| (C) | (ii) | (iv) | (iii) | (i) |
| (D) | (i) | (ii) | (iii) | (iv) |

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21. Marriage may be void on the ground that either party to the marriage was impotent under :

- (A) Hindu Law and Parsi Law
- (B) Muslim Law and Christian Law
- (C) Parsi Law and Christian Law
- (D) Hindu Law and Special Marriage Act

22. “The purpose of divorce law is *not* to punish the guilty spouse but to protect innocent spouse.” This was held in :

- (A) Gollins Vs. Gollins (1963)
- (B) Nachimson Vs. Nachimson (1930)
- (C) Hyde Vs. Hyde (1860)
- (D) Ammini Vs. Union of India (1995)

23. Registration of adoption is *not* obligatory though parties are free to enter into a registered deed under Section of the Hindu Adoption and Maintenance Act, 1956.

- (A) 14(2)
- (B) 16
- (C) 12
- (D) 14(3)

24. “Alimony Pendente Lite” can be claimed by under Hindu and Parsi Laws.

- (A) husband only
- (B) wife only
- (C) husband or wife
- (D) children and parent only

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25. Which of the following statements is *incorrect* ?

- (A) Dowry offences are cognizable for the purpose of investigation only
- (B) Dowry offences are bailable
- (C) Dowry offences are non-compoundable
- (D) Agreement for giving and taking dowry is void

26. What can a catalogue of books, listing price of each book and specifying the place where the listed books are available be termed as ?

- (A) An offer
- (B) An obligation to sell book
- (C) An invitation to offer
- (D) A promise to make available the books at the listed price

27. Which of the following Acts does *not* fall under the categories of fraud ?

- (A) International false statements of facts
- (B) Innocent false statement
- (C) Active concealment of facts
- (D) Promise made without intention to perform

28. Read Assertion (A) and Reason (R) and with the help of codes given below, point out the *correct* explanation :

Assertion (A) : A minor on attaining majority cannot ratify an agreement entered into while he was a minor.

Reason (R) : Ratification 'relates back' to the date of the making of the contract and, therefore, a contract which was void at the time when it was entered into cannot be made valid by subsequent ratification.

Codes :

- (A) Both A and R are true and R is good explanation of A
- (B) Both A and R are true but R is not a correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

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29. Moral pressure is involved in the case of :

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

30. Consider the following propositions :

- (1) If the frustration is self-induced it can be a defence for breach of contract.
- (2) Self-induced frustration can never be a defence for breach of contract.
- (3) The burden of proving that frustration was self-induced is on the party who is alleging that it was so induced.

Of the above propositions :

- (A) 1 and 3 are valid
- (B) 2 alone is valid
- (C) 3 alone is valid
- (D) 2 and 3 are valid

31. Special damages, that is, the damages which arise due to some special or unusual circumstances :

- (A) are partially recoverable
- (B) are illegal being punitive in nature
- (C) cannot be claimed as a matter of right
- (D) can be claimed as a matter of right

32. In which case the Supreme Court of India held that a Tort is generally viewed as the breach of a duty owed to the public in general ?

- (A) Nilabati Behera Vs. State of Orissa
- (B) Union Carbide Corporation Vs. U.O.I.
- (C) Jaylaxmi Salt Works P. Ltd. Vs. Gujrat
- (D) Indian Council for Enviro-Legal Action Vs. U.O.I.

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33. Silence amounts to fraud :

- (A) Always
- (B) Never
- (C) When duty to speak is not fulfilled
- (D) When duty to speak is fulfilled

34. Who delivered a judgment of P and O, Steam Navigation Company Vs. Secretary of State for India :

- (A) Chief Justice Peacock
- (B) Chief Justice Richard Garth
- (C) Chief Justice Sir Charles Turner
- (D) Lord Kingsdown

35. The maxim “qui facit per alium facit per se” is the basis of :

- (A) Strict liability
- (B) Absolute liability
- (C) Vicarious liability
- (D) Liability of State

36. The maxim “damnum sine injuria” means :

- (A) damage or loss without infringement of legal right
- (B) infringement of private legal right without damage or loss
- (C) liability without fault
- (D) person, whose right has been infringed is entitled to bring an action

37. The rule of contributory negligence is based on the maxim :

- (A) res ipsa loquitur
- (B) in pari delicto potior est conditio defendantis
- (C) damnum fatale
- (D) causa causans

38. Actus reus means :

- (A) act accompanied by bad intention
- (B) act done in furtherance of common intention
- (C) act prohibited by law
- (D) act committed by the offender

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| <p>39. Impossibility of commission of an offence is a valid defence if an attempt has been made by the accused in furtherance of the commission in respect of an offence of :</p> <p>(A) Rape</p> <p>(B) Murder</p> <p>(C) Theft</p> <p>(D) None of the above</p> <p>40. To establish the defence on the ground of insanity, it must be clearly proved that at the time of committing the act the accused does <i>not</i> know the nature and quality of act he is doing and that the act is contrary to law was held in :</p> <p>(A) Gibbins and Proctar</p> <p>(B) R.V. John McIver</p> <p>(C) M'Nighten</p> <p>(D) R.V. Stephen and Brown</p> | <p>41. With reference to the offence of Abetment, which of the following is the <i>correct</i> statement ?</p> <p>(A) the act abetted must have been committed.</p> <p>(B) the act abetted need not be actually committed.</p> <p>(C) the act abetted is at least partially commissioned.</p> <p>(D) abettor must do some positive act or omission to be liable.</p> <p>42. The offence of custodial rape was dealt in :</p> <p>(A) Nanawati's Case</p> <p>(B) Manura's Case</p> <p>(C) Bacchansingh's Case</p> <p>(D) Radheshyam's Case</p> |
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43. Making a sound or gesture to insult the modesty of woman is covered under :

- (A) Section 509 of IPC
- (B) Section 354 of IPC
- (C) Section 361 of IPC
- (D) Section 357 of IPC

44. Under the Indian Penal Code sexual intercourse by a man with his own wife :

- (A) can not amount to rape as marital rape is not recognised in India.
- (B) can amount to rape if wife is below the age of 15 years.
- (C) will amount to rape if her consent is not duly taken.
- (D) will amount to rape if wife is below the age of 18 years.

45. Dowry related offences are covered under provision of the IPC.

- (A) Section 498
- (B) Section 497
- (C) Section 498A
- (D) Section 498 and 497 read together

46. Definition of industry includes any calling of employers and service, employment, handicraft or :

- (A) any industrial job or engagement.
- (B) industrial occupation or avocation of workmen.
- (C) avocation of workmen in all plants and services units.
- (D) all activities admissible at the instance of the works committee.

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47. The matter relating to employment and non-employment are included in the definition of :

- (A) Industry
- (B) Industrial Disputes
- (C) Lay off
- (D) Strikes and Lockouts

48. Under the Industrial Disputes Act, a dispute is *not* an industrial dispute if it is between :

- (A) employer and employer
- (B) employees and employees
- (C) employers and workmen
- (D) workmen and workmen

49. Every workman can be laid off provided :

- (A) Tsunami occurs
- (B) Govt. declares holiday
- (C) The workman reaches the workplace late by 2 hours
- (D) Lockout is declared in response to illegal strike

50. Rights and immunities under the Trade Unions Act, 1926 are conferred upon Trade Unions.

- (A) Registered
- (B) Registered and Recognised
- (C) Neither Registered nor Recognised
- (D) Recognised

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