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SET 2016
PAPER – II
LAW

Signature of the Invigilator

Question Booklet No. ..... 220085 .....

1.

OMR Sheet No.. .....

Subject Code 22 **Roll No.**

Time Allowed : 75 Minutes **Max. Marks : 100**

No. of pages in this Booklet : 8 No. of Questions : **50**

INSTRUCTIONS FOR CANDIDATES

1. Write your Roll No. and the OMR Sheet No. in the spaces provided on top of this page.
2. Fill in the necessary information in the spaces provided on the OMR response sheet.
3. This booklet consists of seventy five (50) compulsory questions each carrying 2 marks.
4. Examine the question booklet carefully and tally the number of pages/questions in the booklet with the information printed above. **Do not accept a damaged or open booklet.** Damaged or faulty booklet may be got replaced within the first 5 minutes. Afterwards, neither the Question Booklet will be replaced nor any extra time given.
5. Each Question has four alternative responses marked (A), (B), (C) and (D) in the OMR sheet. You have to completely darken the circle indicating the most appropriate response against each item as in the illustration.



6. All entries in the common OMR response sheet for Papers I and II are to be recorded in the original copy only.
7. Use only Blue/Black Ball point pen.
8. Rough Work is to be done on the blank pages provided at the end of this booklet.
9. If you write your Name, Roll Number, Phone Number or put any mark on any part of the OMR Sheet, except in the spaces allotted for the relevant entries, which may disclose your identity, or use abusive language or employ any other unfair means, you will render yourself liable to disqualification.
10. You have to return the Original OMR Sheet to the invigilators at the end of the examination compulsorily and must not carry it with you outside the Examination Hall. **You are, however, allowed to carry the test booklet and the duplicate copy of OMR Sheet** on conclusion of examination.
11. Use of any calculator, mobile phone or log table etc. is strictly prohibited.
12. **There is no negative marking.**

22-16

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PAPER-II
LAW

1. Which two out of the following decisions were overruled by the Supreme Court of India in the famous case of Golak Nath in 1967 ?
   1. Bengal Immunity Co. v. State of Bihar
   2. Shankari Prasad v. Union of India
   3. State of Bombay v. United Motors (India) Ltd.
   4. Sajjan Singh v. State of Rajasthan

   Select the correct answer using the following code :
   (A) 1 and 2 (B) 1 and 3
   (C) 2 and 4 (D) 2 and 3

2. The power of judicial review means :
   (A) The power of the courts to define and interpret constitution
   (B) The power of the courts to declare null and void any legislative or executive act, which is against the provisions of the Constitution
   (C) The power of the judiciary to define and interpret laws
   (D) The power of the courts to legislate when there is no statutory provisions

3. Match List–I with List–II and select the correct answer from the code given below the lists :

List–I	List–II
a. Freedom of Press	1. Kedarnath Bojaria v. State of W.Bengal
b. Minority Rights	2. Bennet Coleman v. Union of India
c. Just, Fair and Reasonable	3. Ajij Basha v. Union of India
d. Special Courts	4. Maneka Gandhi v. Union of India

Code :

	a	b	c	d
(A)	1	3	4	2
(B)	2	4	3	1
(C)	1	4	3	2
(D)	2	3	4	1

4. In which one of the following cases, did the Supreme Court rule that the principle of sovereign immunity will not apply to a proceeding for award of compensation for violation of Fundamental Rights ?
   (A) State of Rajasthan v. Vidyawati
   (B) Kasturi Lal v. State of Uttar Pradesh
   (C) Murli S. Deora v. Union of India
   (D) Nilavati Behera v. State of Orissa

5. Preamble of Indian Constitution speaks about :
   (A) Social, Economic and Political Justice
   (B) Moral, Economic and Political Justice
   (C) Internal, External, Universal Justice
   (D) Logical, Reasonable, Equitable Justice

6. Indian Constitution is framed to work as :
   (A) A federal system
   (B) A unitary system
   (C) A federal system in normal times, and unitary system in emergency
   (D) A federal system in emergency, and unitary system in normal time

7. Which of the following statements is true ?
   1. Constitution of India does not follow strict separation of power
   2. Constitution of India follows strict separation of power
   3. Constitution of India provides for independent judiciary
   4. Preamble to the Indian Constitution is enforceable in the Court of Law

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

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8. In which one of the following case has the Supreme Court upheld the Constitutional validity of the Constitution (93rd Amendment) introducing Article 15(5) ?
(A) TMA Pai Foundation v. State of Karnataka
(B) Indra Sawhney v. Union of India
(C) M. Nagaraj v. Union of India
(D) Ashok Kumar Thakur v. Union of India

9. Sociological school is referred to as functional school by :
(A) Leon Duguit
(B) Eugen Elirlich
(C) Paton
(D) Roscoe Pound

10. In a transfer of property, an interest is created for the benefit of the unborn person, the Interest in the property acquired by such unborn person is called :
(A) Vested interest
(B) Contingent interest
(C) Absolute interest
(D) Limited interest

11. In Henna V Peel, the finder of the goods was allowed to keep the goods on the ground that :
(A) The owner of the goods was not traceable
(B) The owner of the house has neither de facto control nor animus to possess the goods
(C) The owner has de facto control over the house but lacks animus to possession of the goods
(D) If given to the owner, it amounts to unjust enrichment

12. 'Custom is to society what Law is to the State', is said by :
(A) Blackstone
(B) Salmond
(C) Savigny
(D) Moulton

13. The essence of Declaratory theory is that :
(A) Judges are law makers rather than law-finders
(B) Judges make law
(C) Judges make law through precedents
(D) Judges are law-finders, rather than law-makers

14. The person in possession of an object has better title over it, against the whole world, except the real owner. This principle has been illustrated in :
(A) Bridges v. Hawkesworth
(B) Henna v. Peel
(C) Mary v. Green
(D) South Stafford Shire Water Co. v. Sharman

15. Reformative theory is being growingly adopted in the case of :
(A) Habitual offenders
(B) First time offenders
(C) Juvenile offenders
(D) Women offenders

16. Which of the following scholars consider International Law as true Law ?
(A) Hobbes
(B) Austin
(C) Holland
(D) Oppenheim

17. Read Assertion (A) and Reason (R) and find correct answer using code given below
Assertion (A): According to Monism, International Law and Municipal Law are the two branches of unified knowledge of Law, which are applicable to human community in some or the other way
Reason (R): In the ultimate analysis of Law man is at the root to all Laws
Code :
(A) Both (A) and (R) are true and (R) is good explanatory of (A)
(B) Both (A) and (R) are true but (R) is not a correct explanatory of (A)
(C) (A) is true but (R) is false
(D) (A) is false but (R) is true

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18. Which of the following statements is not true about custom as Source of Law ?
(A) Custom is the oldest Source of Law
(B) A provision of a treaty may also generate a rule of customary International Law
(C) In order to be recognized as Source of Law the custom should always be preceded by usage
(D) International custom should be the evidence of general practice 'accepted as Law'

19. Which of the following statements is true about the constitutive theory of recognition ?
(A) A State becomes international person through recognition only and exclusively
(B) Statehood exists as such prior to and independently of recognition
(C) Recognition of State is not compulsory and only optional
(D) Recognition of a State is subject to the legal system and subject to conditions

20. Which of the following statements is true about the legal character of the United Nations ?
(A) It does not possess any legal personality
(B) It is only an association of States
(C) It has a distinct legal personality of its own
(D) It is only a quasi-legal personality

21. 'Reprisal connotes measures adopted by one State against another for the purpose of settling some disputes brought about by the latter's illegal or unjustified act' is said by :
(A) Oppenheim
(B) Charles G. Fenwick
(C) Hackworth
(D) J.G. Starke

22. A marriage solemnized between two Hindus in violation of Section 5(iv) of Hindu Marriage Act, who are in prohibited relationship shall be :
(A) Void
(B) Voidable
(C) Valid
(D) Invalid

23. Answer which of the following [illegible] using the code ?
i. A Mohammadan Man can marry a [illegible] Woman
ii. Mohammadan Law recognizes adoption of a boy
iii. Differed dower is payable on the dissolution of the marriage by divorce or by death
iv. Dissolution of Muslim Marriage Act, 1939 provides grounds for divorce for both husband and wife

Code :
(A) All are correct
(B) All are wrong
(C) Only i and iii are correct
(D) Only ii and iv are correct

24. On the ground of barrenness or sterility, marriage can be :
(A) Voidable (B) Void
(C) Both (A) and (B) (D) Neither (A) nor (B)

25. In which of the following case, the Supreme Court held that "Dower is a sale price of woman" ?
(A) Maina Bibi case
(B) Humara Bibi case
(C) Subrunnisan case
(D) Abdul Kadir case

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26. Which of the following forms of talaq is revocable during the period of 'iddat' ?

(A) Talaq-i-Ahsan (B) Talaq-i-Hasan

(C) Triple Talaq (D) Double Talaq

27. Match an item in List - I with correct answer in List - II using the code given below :

List - I	List - II
a. Gujarat Women's Workers Association v. Union of India	i. Dower
b. Humara Bibi v. Zubeida Bibi	ii. Triple Divorce
c. Anwari Begum v. Zauddin	iii. Uniform Civil Code
d. Bai Tahira v. Ali Hussain Fissal	iv. Maintenance

Code :

a	b	c	d
(A)			
(B)			
(C)			
(D)			

28. [illegible]

(A) [illegible] (B) [illegible]

(C) [illegible] (D) [illegible]

29. The case [illegible] to :

(A) Fraud (B) [illegible]

(C) Acceptance (D) [illegible]

30. The case Derry v. Peak is related to :

(A) Fraud (B) Mistake

(C) Undue Influence (D) Registration

31. Under Section 74 of the Indian Contract Act, 1872 the court cannot award damages :

(A) More than the amount stated in the contract

(B) Less than the amount stated in the contract

(C) Equal to the amount stated in the contract

(D) Either (A) or (B)

32. By threat of suicide, 'A' induced his wife to execute a contract. What type of contract is this ?

(A) An unlawful contract (B) A void contract

(C) A voidable contract (D) A valid contract

33. 'A' made an offer by telephone from Ahmedabad to 'B' at Khamgeon and the same was accepted by 'B' through telephone at Khamgeon. The contract was concluded at :

(A) Ahmedabad

(B) Khamgeon

(C) No contract was made

(D) Contract though concluded, but was void

34. Who of the following has propounded the theory of social engineering as the primary purpose of law of Tort ?

(A) Professor Salmon

(B) Professor Winfield

(C) Professor William L. Prosser

(D) Frederick Pollock

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35. Which of the following Latin Maxim refers to remoteness of damage ?

(A) Injure non remota causa sed proxima spectatur

(B) Ubi jus ibi Remedium

(C) Sicutere tuo ut alienium nonlardas

(D) Res ipsa loquitur

36. Which of the animals fall outside the definition of the word 'Cattle' ?

(A) Horses (B) Sheep

(C) Goats (D) Dogs and Cats

37. The trot involved in Hurst v. Picture Theatre Ltd. Case is :

(A) Defamation (B) Nuisance

(C) Negligence (D) Trespass

38. Mark the correct answer in the following statements :

(A) Dangerous goods arise on proof of negligence

(B) Strict liability arises only when the thing causing harm escapes

(C) Liability for dangerous goods in India is absolute

(D) Liability for dangerous goods in India is strict

39. The Last opportunity rule relates to :

(A) Contributory Negligence

(B) Composite Negligence

(C) Common Negligence

(D) Group Negligence

40. A child of the following age is presumed to be doli capax :

(A) A child of 7 years age

(B) A child above 7 years of age and under 12 years

(C) A child above 8 years of age and under 14 years

(D) A child above 7 years of age and under 10 years

41. Act done by the Judge under a mistake as to his power is :

(A) Justified by Law (B) Bonafide mistake

(C) Unjustified by Law (D) Culpable

42. In which of the following cases the Supreme Court of India has laid down that death sentence may be awarded in the **'rarest of rarest'** cases must state ?

(A) Machhi Singh case (B) Lokpal Singh case

(C) Jarnail Singh case (D) Bachan Singh case

43. To complete the act of commission of crime, which of the following is/are essential ?

(A) Intention (B) Preparation

(C) Attempt (D) All the above

44. The general principles as to protection of an accused is based on :

i. Autrefois acquit and Autrefois convict

ii. Reasonable doubt as to presumption of innocence

iii. Natural Justice

iv. Conviction cannot be based without proving the guilt even if it was admitted

Which of the above statements is/are correct ?

(A) i is correct

(B) i and ii are correct

(C) i, ii and iii are correct

(D) i, ii, iii and iv are correct

45. The offence of ____ homicide presupposes knowledge of likelihood of causing death.

(A) Unlawful (B) Abnormal

(C) Culpable (D) All types of

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46. Which one of the following regarding Trade Union Act, 1926 is not correctly matched ?

Subject		Section
(A) Mode of Registration	–	Section-4
(B) Application for Registration	–	Section-5
(C) Registration	–	Section-7
(D) Certificate of Registration	–	Section-8

49. The case of State Bank vs. S. Morely is related to :

(A) Lay off compensation

(B) Retrenchment compensation

(C) Reference of dispute

(D) Illegal strike

50. According to the view taken by the Supreme Court regarding Right to Strike :

(A) Government Employees have fundamental right to strike

(B) Government Employees have moral right to strike

(C) Government Employees have equitable right to strike

(D) Government Employees have no right to strike

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