

Test Booklet Code & Serial No.

प्रश्नपत्रिका कोड व क्रमांक

Paper-II LAW

C

Signature and Name of Invigilator

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(In figures as in Admit Card)

1. (Signature)

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OMR Sheet No.

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(To be filled by the Candidate)

APR - 60217**Time Allowed : 1¼ Hours]****[Maximum Marks : 100****Number of Pages in this Booklet : 16****Number of Questions in this Booklet : 50****Instructions for the Candidates**

- Write your Seat No. and OMR Sheet No. in the space provided on the top of this page.
- This paper consists of 50 objective type questions. Each question will carry two marks. All questions of Paper-II will be compulsory, covering entire syllabus (including all electives, without options).
- At the commencement of examination, the question booklet will be given to the student. In the first 5 minutes, you are requested to open the booklet and compulsorily examine it as follows :
 - To have access to the Question Booklet, tear off the paper seal on the edge of this cover page. Do not accept a booklet without sticker-seal or open booklet.
 - Tally the number of pages and number of questions in the booklet with the information printed on the cover page. Faulty booklets due to missing pages/questions or questions repeated or not in serial order or any other discrepancy should not be accepted and correct booklet should be obtained from the invigilator within the period of 5 minutes. Afterwards, neither the Question Booklet will be replaced nor any extra time will be given. The same may please be noted.
 - After this verification is over, the OMR Sheet Number should be entered on this Test Booklet.
- Each question has four alternative responses marked (A), (B), (C) and (D). You have to darken the circle as indicated below on the correct response against each item.
Example : where (C) is the correct response.

(A)	(B)	(C)	(D)
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- Your responses to the items are to be indicated in the **OMR Sheet given inside the Booklet only**. If you mark at any place other than in the circle in the OMR Sheet, it will not be evaluated.
- Read instructions given inside carefully.
- Rough Work is to be done at the end of this booklet.
- If you write your Name, Seat Number, Phone Number or put any mark on any part of the OMR Sheet, except for the space 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.
- You have to return 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 the Test Booklet and duplicate copy of OMR Sheet on conclusion of examination.
- Use only Blue/Black Ball point pen.
- Use of any calculator or log table, etc., is prohibited.
- There is no negative marking for incorrect answers.

विद्यार्थ्यांसाठी महत्वाच्या सूचना

- परिक्षार्थींनी आपला आसन क्रमांक या पृष्ठावरील वरच्या कोपऱ्यात लिहावा. तसेच आपणांस दिलेल्या उत्तरपत्रिकेचा क्रमांक त्याखाली लिहावा.
- सदर प्रश्नपत्रिकेत 50 बहुपर्यायी प्रश्न आहेत. प्रत्येक प्रश्नास दोन गुण आहेत. या प्रश्नपत्रिकेतील सर्व प्रश्न सोडविणे अनिवार्य आहे. सदरचे प्रश्न हे या विषयाच्या संपूर्ण अभ्यासक्रमावर आधारित आहेत.
- परीक्षा सुरू झाल्यावर विद्यार्थ्यांना प्रश्नपत्रिका दिली जाईल. सुरुवातीच्या 5 मिनीटांमध्ये आपण सदर प्रश्नपत्रिका उघडून खालील बाबी अवश्य तपासून घ्याव्यात.
 - प्रश्नपत्रिका उघडण्यासाठी प्रश्नपत्रिकेवर लावलेले सील उघडावे. सील नसलेली किंवा सील उघडलेली प्रश्नपत्रिका स्विकारू नये.
 - पहिल्या पृष्ठावर नमूद केल्याप्रमाणे प्रश्नपत्रिकेची एकूण पृष्ठे तसेच प्रश्नपत्रिकेतील एकूण प्रश्नांची संख्या पडताळून घ्यावी. पृष्ठे कमी असलेली/कमी प्रश्न असलेली/प्रश्नांचा चुकीचा क्रम असलेली किंवा इतर त्रुटी असलेली सदोष प्रश्नपत्रिका सुरुवातीच्या 5 मिनिटातच पर्यवेक्षकाला परत देऊन दुसरी प्रश्नपत्रिका मागवून घ्यावी. त्यानंतर प्रश्नपत्रिका बदलून मिळणार नाही तसेच वेळी वाढवून मिळणार नाही याची कृपया विद्यार्थ्यांनी नोंद घ्यावी.
 - वरीलप्रमाणे सर्व पडताळून पहिल्यानंतरच प्रश्नपत्रिकेवर ओ.एम.आर. उत्तरपत्रिकेचा नंबर लिहावा.
- प्रत्येक प्रश्नासाठी (A), (B), (C) आणि (D) अशी चार विकल्प उत्तरे दिली आहेत. त्यातील योग्य उत्तराचा रकाना खाली दर्शविल्याप्रमाणे ठळकपणे काळ/निळ्या करावा.
उदा. : जर (C) हे योग्य उत्तर असेल तर.

(A)	(B)	(C)	(D)
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- या प्रश्नपत्रिकेतील प्रश्नांची उत्तरे ओ.एम.आर. उत्तरपत्रिकेतच दर्शवावीत. इतर ठिकाणी लिहीलेली उत्तरे तपासली जाणार नाहीत.
- आत दिलेल्या सूचना काळजीपूर्वक वाचाव्यात.
- प्रश्नपत्रिकेच्या शेवटी जोडलेल्या कोऱ्या पानावरच कच्चे काम करावे.
- जर आपण ओ.एम.आर. वर नमूद केलेल्या ठिकाणा व्यतिरिक्त इतर कोठेही नाव, आसन क्रमांक, फोन नंबर किंवा ओळख पटेल अशी कोणतीही खुण केलेली आढळून आल्यास अथवा असभ्य भाषेचा वापर किंवा इतर गैरमार्गांचा अवलंब केल्यास विद्यार्थ्यांना परीक्षेस अपात्र ठरविण्यात येईल.
- परीक्षा संपल्यानंतर विद्यार्थ्यांनी मूळ ओ.एम.आर. उत्तरपत्रिका पर्यवेक्षकांकडे परत करणे आवश्यक आहे. तथापी, प्रश्नपत्रिका व ओ.एम.आर. उत्तरपत्रिकेची द्वितीय प्रत आपल्याबरोबर नेण्यास विद्यार्थ्यांना परवानगी आहे.
- फक्त निळ्या किंवा काळ्या बॉल पेनचाच वापर करावा.
- कॅलक्युलेटर किंवा लॉग टेबल वापरण्यास परवानगी नाही.
- चुकीच्या उत्तरासाठी गुण कपात केली जाणार नाही.

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Your Personal Exam Guide

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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. Attempt *All* questions.

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| <p>1. The maxim 'lex non cogit ad impossibilia means :</p> <p>(A) An agreement to do an impossible act in itself is void</p> <p>(B) Law does not compel a man to do what he cannot possibly perform</p> <p>(C) Impossibility to known to promisor alone</p> <p>(D) All of the above</p> <p>2. The rule in Hadley Vs. Baxendalo (1854) :</p> <p>(A) Damages arising in the usual course of things</p> <p>(B) Damages to be in contemplation of the parties</p> <p>(C) Principle of foreseeability</p> <p>(D) Both (A) and (B)</p> | <p>3. Which amongst the following is <i>not</i> an essential element to constitute tort ?</p> <p>(A) A wrongful act by the defendant</p> <p>(B) Legal damage to the plaintiff</p> <p>(C) Breach of express provision of law</p> <p>(D) The wrongful act must be of such nature as to give rise to a legal remedy</p> <p>4. Which amongst the following is <i>not</i> the valid defense for the action of tort ?</p> <p>(A) de minimus non curat lex</p> <p>(B) salus populi suprema lex</p> <p>(C) scienti non fit injuria</p> <p>(D) vis major</p> |
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| <p>5. Which of the following maxims underlines the principle of vicarious liability ?</p> <p>(A) Qui facit per alium facit per se</p> <p>(B) Volenti non fit injuria</p> <p>(C) Salus populi suprema lex</p> <p>(D) Actio personalis moritur cum persona</p> | <p>7. The onus of proving contributory negligence lies on :</p> <p>(A) Plaintiff</p> <p>(B) Defendant</p> <p>(C) It can be inferred from the facts of the case</p> <p>(D) The court can judge the negligence during trial</p> |
| <p>6. Which amongst the following maxims best explains the doctrine of "Remoteness of Damage" ?</p> <p>(A) Actio personalis moritur cum persona</p> <p>(B) Injuria non remota causa sed proxima spectatur</p> <p>(C) Qui facit per alium facit per se</p> <p>(D) Rex est major singulis, minor universis</p> | <p>8. In which of the following cases the court has held that the rule of Ryland Vs. Fletcher which was laid down in the 19th century did not fully meet the need of a modern industrial society and introduce the new concept of "Absolute liability"</p> <p>(A) Indian Airlines Vs. Renu Gupta AIR 2007 (NOC) 116</p> <p>(B) National Insurance Co. Ltd. Vs. Manohar Lal Batra 2004 CPR 78 (NC)</p> <p>(C) State of J&K Vs. Altaf Ahmad Gani AIR 2004 NOC 178</p> <p>(D) M.C. Mehta Vs. Union of India AIR 1987 SC 965</p> |

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9. The maxim 'actus non facit reum nisi mens sit rea' means :
- (A) There can be no crime without a guilty mind
 - (B) Crime has to be coupled with guilty mind
 - (C) Crime is result of guilty mind
 - (D) In crime intention is relevant, motive is irrelevant
10. Nothing is an offence which done by a child under years of age.
- (A) Six
 - (B) Seven
 - (C) Eight
 - (D) Nine
11. The Right of Private Defence is :
- (A) unrestricted
 - (B) subject to other provisions of IPC
 - (C) subject to the restrictions contained in Section 99 of IPC
 - (D) Subject to the restrictions contained in the Section 100 of IPC
12. Whenever force or violence is used by unlawful assembly, or by any members thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of
- (A) Affray
 - (B) Rioting
 - (C) Rioting and Affray both
 - (D) None of the above
13. 'A' makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He is guilty of an offence under :
- (A) Section 508
 - (B) Section 509
 - (C) Section 510
 - (D) Section 511

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14. Forceful sexual intercourse by husband with his wife during separation is punishable under Section
- (A) 376-A IPC
(B) 376-B IPC
(C) 376-C IPC
(D) 376-D IPC
15. Which one of the following was *not* overruled by the Constitution Bench of the Supreme Court in Bangalore Water Supply and Sewerage Board Vs. Rajappa while interpreting the definition of 'Industry' defined under the Industrial Disputes Act, 1947 ?
- (A) State of Bombay Vs. Hospital Mazdoor Sabha
(B) Madras Gymkhana Club Employees' Union Vs. Madras Gymkhana Club
(C) University of Delhi Vs. Ram Nath
(D) Management of Safdarjung Hospital Vs. Kuldip Singh Sethi
16. **Assertion (A)** : The Industrial Disputes Act, 1947 provides for collective bargaining for resolving industrial disputes.
- Reason (R)** : This can be established with the support, *inter alia*, of the definition of 'settlement' provided under Section 2(p) therein :
- (A) Both (A) and (R) are correct
(B) Both (A) and (R) are incorrect
(C) (A) is correct but (R) is incorrect
(D) (A) is incorrect but (R) is correct
17. To be a member of a registered Trade Union under the Trade Unions Act, 1926, a workman must attain the age of years.
- (A) 18
(B) 16
(C) 15
(D) 14

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18. Under Section 18 of the Trade Unions Act, 1926, a trade union leader or an office bearer of a registered trade union has immunity from
- (A) being transferred
- (B) being proceeded against his misconduct
- (C) civil proceedings in certain cases
- (D) being proceeded against his deliberate trespass
19. Lack of supply of raw materials for the time being can be the cause for as per the Industrial Disputes Act, 1947.
- (A) Closure
- (B) Lockout
- (C) Both (A) and (B)
- (D) Lay off
20. In which of the following cases, the Supreme Court ruled that “mere illegality of strike does not per se spell unjustifiability” ?
- (A) Statesman Ltd. Vs. Their Workmen
- (B) Gujarat Steel Tubes Vs. Gujarat Steel Tubes Mazdoor Sabha
- (C) L. Chandra Kumar Vs. Union of India
- (D) T.K. Rangrajan Vs. Government of Tamil Nadu and others
21. Read Assertion (A) and Reason (R) and with the help of codes given below, point out the *correct* explanation :
- Assertion (A) :** The word ‘Socialist’ was added in the Preamble by the Forty-second Amendment to the Constitution.
- Reason (R) :** The addition ‘Socialist’ indicates the incorporation of the Philosophy of Socialism in the Constitution which aims at elimination of inequality of income and status and standard of life.
- Codes :*
- (A) (A) is correct, (R) is false
- (B) (A) is false, (R) is true
- (C) Both (A) and (R) are true but (R) is not the correct explanation of (A)
- (D) Both (A) and (R) are true and (R) is the correct explanation of (A)

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| <p>22. In India which one of the following is the real guiding factor for the state to meet social needs and for establishment of new social order ?</p> <p>(A) Preamble</p> <p>(B) Directive Principles of State Policy</p> <p>(C) Fundamental Rights</p> <p>(D) Distribution of Power</p> | <p>24. Appellate Jurisdiction of the Supreme Court in appeals from High Courts in regard to civil matters pertains only to :</p> <p>(A) Substantial question of law</p> <p>(B) Question of law</p> <p>(C) Question of fact</p> <p>(D) Mixed question of law and fact</p> |
| <p>23. Duty of the parent or guardian to provide opportunities for education of the child or ward between the age of six and fourteen years was incorporated :</p> <p>(A) in the original constitution enacted in 1949</p> <p>(B) by the Forty-second Amendment to the Constitution in 1976</p> <p>(C) by the Eighty-sixth Amendment to the Constitution in 2002</p> <p>(D) by the Ninety-fourth Amendment to the Constitution in 2006</p> | <p>25. Which of the following pairs is <i>correctly</i> matched ?</p> <p>(A) Writ of Habeas Corpus : Available against private individuals as well</p> <p>(B) Writ of Quo Warranto: Against subordinate courts only</p> <p>(C) Writ of Certiorari : Against autonomous bodies only</p> <p>(D) Writ of Prohibition : Against public servants only</p> |

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26. "What cannot be done directly cannot be indirectly." This doctrine epitomises the doctrine of :

- (A) Pith and substance
- (B) Implied powers
- (C) Ancillary powers
- (D) Colourable legislation

27. Where the proclamation of emergency is in operation, the President of India may by order declare that the right to move any court for the enforcement of such of the rights conferred by :

- (A) Part III shall remain suspended
- (B) Part III (except Article 21) shall remain suspended
- (C) Part III (except Articles 20 and 21) remain suspended
- (D) Part III (except Articles 21 and 22) remain suspended

28. Austin's definition of law *cannot* be applied to

- (A) International law
- (B) Constitutional law
- (C) Hindu law
- (D) All of the above

29. For Finnis, 'natural law' is the set of in ordering human life and human community.

- (A) Principles of morality
- (B) Principles of humanity
- (C) Principles of practical reasonableness
- (D) Principles of religion

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30. defines law as ‘an ordinance of reason for the common good made by him who has the care of the community and promulgated’.

(A) St. Thomas Aquinas

(B) Hobbes

(C) Locke

(D) Rousseau

31. Duguit is known for his

(A) Principle of legality

(B) Principle of morality

(C) Principle of social solidarity

(D) Principle of sociability

32. claimed that criminal law stands to the passion of revenge in much the same relation as marriage to sexual appetite.

(A) Sir James Stephen

(B) Kenny

(C) Bentham

(D) Jerome Hall

33. According to Pound, right is a/an

(A) Interest

(B) Claim

(C) Capacity

(D) All of the above

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34. "If international laws were only a kind of morality, the framers of state papers concerning foreign policy would throw all strength on moral argument. But as a matter of fact, this is not what they do. They appeal not to the general feeling of moral rightness, but to precedents, to treaties, and to opinions of specialists. They assume the existence among statesmen and publicists of a series of legal as distinguished from moral obligations in the affairs of nations."

Who among the following made the aforesaid observation ?

- (A) John Austin
- (B) Sir Frederick Pollock
- (C) Bentham
- (D) Kelsen

35. Find out *incorrect* match from the cases listed below :

Name of the case	Source of International Applied
(A) United Nations Administrative Tribunal Case, 1954	Res judicata as a general principle of law recognized by civilized nations
(B) Asylum Case, 1950	Customary law
(C) Temple of Preah Vihear Case, 1962	Estoppel (preclusion) as a general principle of law recognized by civilized nations
(D) North Sea Continental Shelf Cases, 1969	Conventional law

36. When was the Human Rights Council established ?

- (A) 2006
- (B) 2008
- (C) 2000
- (D) 1998

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37. The Minister of Foreign Affairs of Mexico stated in 1930 that his government would no longer issue declarations in the sense of grants of recognition in as much as such a course is an insulting practice. The aforesaid statement is popularly known as
- (A) Estrada doctrine
- (B) Principle of collective recognition
- (C) Stimson doctrine of non-recognition
- (D) Calvo clause
38. Which of the following Articles of the United Nations Charter requires all members of the UN to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered ?
- (A) Article 2(4)
- (B) Article 2(3)
- (C) Article 42
- (D) Article 51
39. Under which chapter of the UN Charter, the peacekeeping operations are ordinarily taken ?
- (A) Chapter VI
- (B) Chapter IX
- (C) Chapter VII
- (D) Chapter XI

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| <p>40. 'Any child legitimate or illegitimate, one of whose parents is a Hindu, by religion and who has been brought up as a Hindu is a Hindu'. This was held by the Supreme Court in</p> <p>(A) V.V. Giri Vs. Shri Dora</p> <p>(B) Jaya Lakshmi Vs. T. Prakash Rao</p> <p>(C) CWT Vs. R. Shridharan</p> <p>(D) Both (A) and (B)</p> | <p>42. Science of Islamic Jurisprudence is called :</p> <p>(A) Ijmaa</p> <p>(B) Waqf</p> <p>(C) Fiqh</p> <p>(D) Hadith</p> |
| <p>41. Holy Quran was revealed to</p> <p>(A) Prophet Adam</p> <p>(B) Prophet Mohammed</p> <p>(C) Prophet Ibrahim</p> <p>(D) All prophets in parts</p> | <p>43. The following commentary is considered to be an authoritative work under Hindu Law in Western India :</p> <p>(A) Vivad Chintamani</p> <p>(B) Vyavahara Mayukha</p> <p>(C) Vira Mitrodaya</p> <p>(D) Vivad Ratnakar</p> |

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44. **Assertion (A)** : Under Special Marriage Act, a petitioner can file a petition for divorce on the ground that the respondent had not been heard of as being alive for a period of seven years or more by those persons who would have naturally heard of it, had the party been alive.

Reason (R) : Under the Indian Evidence Act, a person is presumed to be dead if he is not heard as alive for seven years or more by those persons who would naturally have heard of him, had he been alive.

Codes :

- (A) Both (A) and (R) are true but (R) is incorrect explanation of (A)
- (B) Both (A) and (R) are true and (R) is the correct explanation of (A)
- (C) (A) is true but (R) is false
- (D) (A) is false but (R) is true

45. **I** : Under the Divorce Act, where a petition for divorce or judicial separation is based on adultery, the alleged adulterer or adulteress should be made co-respondent unless the alleged adulterer or adulteress is dead, or his or her name is not known to the petitioner or for any reason the court considers that he or she need not be made co-respondent.

II : If the adulterer or adulteress is not made a party, it is fatal to the suit and if the trial court has passed a decree, it will be nullity.

Code :

- (A) Both I and II are true and II is the result of I
- (B) I is true but II is false
- (C) I is false and II is true
- (D) Both I and II are false

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| <p>46. Who defines a contract as “an agreement creating and defining obligations between the parties” ?</p> <p>(A) Sir William Ansow</p> <p>(B) John Salmond</p> <p>(C) Blackstone</p> <p>(D) Pollock</p> <p>47. A letter of acceptance sent by post is lost in transit, then :</p> <p>(A) There is no concluded contract as the acceptance has not been communicated to the proposer</p> <p>(B) There is a concluded contract as the letter of acceptance is put in the course of transmission</p> <p>(C) There is no concluded contract as the letter of acceptance has not come to the knowledge of the proposer</p> <p>(D) All of the above</p> | <p>48. A contract with a person is valid at the inception but cease to be enforceable subsequently because of Alien enemy nature of a party, the contract then :</p> <p>(A) becomes void when it ceases to be enforceable</p> <p>(B) becomes void ab initio</p> <p>(C) becomes voidable when it ceases to be enforceable</p> <p>(D) remains valid</p> <p>49. Boulton Vs. Jones case relates to :</p> <p>(A) Mistake as to the identity of the party</p> <p>(B) Mistake as to the nature of transaction</p> <p>(C) Mistake as to the subject-matter</p> <p>(D) Non est factum</p> <p>50. A's son forged B's name to a promissory note. B under threat of prosecuting A's son obtains a bond from 'A' for the amount of the forged note. If 'B' sues on this bond, the court :</p> <p>(A) may set aside the bond</p> <p>(B) must not set aside the bond</p> <p>(C) has no jurisdiction in this case</p> <p>(D) none of the above</p> |
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