

C.S.E. LAW - 2005 (PRELIMINARY)

Time Allowed: 2 Hours

Maximum Marks: 300

- 1. Section 34 of I.P.C. provides for liability based on common intention. Consider the following situations:**
 1. The weapon used in the offence was found in A's house.
 2. A house procured the weapon of offence voluntarily to aid the criminal gang.
 3. A was compelled under threat to his life to procure the weapon of offence.
 4. The weapon was supplied on receipt of value of the weapon (sale).

Which of the situations given above reflect(s) the correct ingredients with regard to Section 34?

(a) 1 and 2	(b) 2 and 3
(c) 2 only	(d) 4 only
- 2. A is at work with a hatchet; the head flies off and kills a man who is standing by. What offence is committed by A in this situation?**
 - (a) A has committed the offence of culpable homicide
 - (b) A has committed the offence of culpable homicide not amounting to murder
 - (c) A has committed no offence as it was an accident
 - (d) A has committed no offence as use of hatchet was a necessity of his livelihood
- 3. What is the age of child if he is to be exempted from criminal liability'?**

(a) Below 10 years	(b) McNaughten's Rules
(c) Below 6 years	(d) Equivocality test
- 4. Defence of insanity is developed on which of the following?**

(a) Automatism	(b) Below 7 years
(c) Irresistible impulse	(d) Below 12 years
- 5. Which one of the following is an inchoate crime?**

(a) Public nuisance	(b) Criminal attempt
(c) Unlawful assembly	(d) Riot
- 6. The Courts have evolved some tests to determine at what stage an act or a series of acts done towards the commission of the intended offence would become an attempt. Identify which one of the following test is *not* correct.**

(a) Proximity test	(b) Impossibility test
(c) <i>Locus standi</i> test	(d) Social danger test
- 7. X, a woman, who ran to a well stating that she would jump into it, was caught before she could reach it. Which one of the following statements is correct in this regard?**
 - (a) She is not guilty of an attempt to commit suicide although she intended to do so and prepared to carry out that intention yet she might have changed her mind
 - (b) She is guilty of committing offence of attempt to commit suicide as she categorically declared to do so
 - (c) She is guilty of no offence as whatever was done by her did not amount to preparation for committing suicide

- (d) She is guilty of attempt to commit culpable homicide as she attempted to kill herself
8. **When law makes out a contract for parties although no contract might have been made by. the parties, such a contract is termed as**
- (a) Contract of frustration (b) Quasi-contract
(c) Unenforceable agreement (d) Contract by obligation
9. **The defendant has filed a complaint to the Magistrate against the plaintiff. The complaint was dismissed. The defendant moved the Sessions Judge in appeal. He got himself examined in Sessions trial although he knew the charge was false and he was acting without reasonable and probable cause. His complaint was dismissed by the Sessions Judge. Thereupon the plaintiff filed a suit for malicious prosecution against the defendant.**
In the aforesaid case, which one of the following conclusions is correct?
- (a) The defendant is liable for malicious prosecution
(b) The defendant is not liable for malicious prosecution
(c) The defendant is not liable to pay damages to the plaintiff
(d) The plaintiff's suit must be dismissed
10. **The branch of a tree growing on the defendant's land hung on the highway at a height of about 30 feet above the ground. In fine weather, the branch suddenly broke and fell upon the plaintiff's vehicle which was passing along the highway. For the damage to the vehicle, the plaintiff sues the defendant on the ground of nuisance. Which one of the following conclusions is correct in this suit?**
- (a) The defendant was liable for nuisance
(b) The defendant was not liable for nuisance
(c) The defendant was liable under the principle" of strict liability
(d) The plaintiff's suit should be decreed in his favour
11. **A theft had been committed in the defendant's house. He informed the police that he suspected the plaintiff for the same. Therefore the plaintiff was arrested by the police. A complaint was filed by the defendant but the plaintiff was subsequently discharged, by the magistrate as the final report showed that there was no evidence connecting the plaintiff with the theft. The plaintiff filed a suit for damages on the ground of malicious prosecution.**
In the above case, which one of the following decisions is correct?
- (a) The plaintiff is entitled to claim damages from the defendant
(b) The plaintiff is entitled to claim damages from the police
(c) The plaintiff is entitled to claim damages from both
(d) The plaintiff is not entitled to claim damages for malicious prosecution at all
12. **During the scarcity of potatoes, long queues were, made outside the defendant's shop who having a license to sell fruits and vegetables used to sell only 1Kg of potatoes per ration card. The queues extended on to the highway and also caused some obstruction to the neighbouring shops. The neighboring shopkeepers brought an action for nuisance against the defendant. Which one of the following decisions will, be correct in this suit?**
- (a) The defendant is liable for nuisance

- (b) The defendant is not liable for nuisance
(c) The plaintiffs' suit should be decreed in their favour
(d) The defendant is liable to pay damages to the plaintiffs
- 13. When does the tort of conspiracy exist?**
(a) Two or more persons agree to commit an unlawful act
(b) Two or more persons agree to commit some recognized tort
(c) Two or more persons caused harm to the plaintiff
(d) Two or more persons committed a concealed action to injure the plaintiff
- 14. In India an action of slander may be maintained without proof of special damage in some cases. Identify in which of the following cases proof of damage is necessary?**
(a) Imputation of crime
(b) Vulgar abusive language
(c) Imputation of contagious disease
(d) Imputation of lack of chastity to a woman
- 15. Which one of the following statements regarding Section 34 and 149 of the Indian Penal Code is correct?**
(a) Common intention and common object are the same
(b) Both are distinct offences in themselves
(c) Section 34 enunciates a mere principle of liability, and creates no offence while Section 149 creates a specific offence
(d) Sections 34 and 149 are mutually helping Sections
- 16. Match List I (Case) with List II (Subject) and select the correct answer using the code given below the Lists:**
- | List I | | | | List II | | | |
|--------|-----------------------------|--|--|---------|--------------------------|--|--|
| A. | Kehar Singh v. | | | 1. | Right of Private Defence | | |
| | Delhi Administration | | | | | | |
| B. | Nawab Ali v. | | | 2. | Criminal Conspiracy | | |
| | State of U.P. | | | | | | |
| C. | Vishwanath v. State of U.P. | | | 3. | Common intention | | |
| D. | Mahbub Shah v. Emperor | | | 4. | Common object | | |
| | | | | 5. | Mistake of fact | | |
-
- | | A | B | C | D | | A | B | C | D |
|-----|---|---|---|---|-----|---|---|---|---|
| (a) | 2 | 4 | 1 | 3 | (b) | 3 | 1 | 5 | 2 |
| (c) | 3 | 4 | 1 | 2 | (d) | 2 | 1 | 5 | 3 |
- 17. X with the intention of causing death of Y instigates a child below 7 of age to mix poison in the food of Y in the absence of X. Y takes the food and dies. What is X guilty of?**
(a) No offence
(b) abetment of murder
(c) Murder
(d) Culpable homicide not amounting to murder

18. Match List I with List II and select the correct answer using the code given below the Lists:

List I					List II				
A.		Instigation to commit an offence			1.		Criminal conspiracy		
B.		Agreement to commit an offence			2.		Necessity		
C.		Grave & sudden provocation			3.		Abetment		
D.		Acts done without criminal intention to prevent other harm			4.		Culpable homicide not amounting to murder		
					5.		Attempt		
	A	B	C	D		A	B	C	D
(a)	2	4	5	3	(b)	3	1	4	2
(c)	2	1	4	3	(d)	3	4	5	2

19. X instigates Y to murder Z. Y in pursuance of the instigation stabs Z who recovers from the wound. Which one of the following statements is correct?

- (a) Y is liable for attempt to murder and X is liable for abetment of attempt to murder
- (b) Y is guilty of attempt to murder and X is guilty of abetment of murder
- (c) Y is guilty of attempt to murder and X is guilty of no offence
- (d) X is guilty of attempt to murder and Y is guilty of no offence

20. To constitute an offence of criminal conspiracy, what is the necessary condition to be proved?

- (a) There must be a prior meeting of two or more persons
- (b) There must be an agreement of two or more persons to do an illegal act or to do a legal act by illegal means
- (c) A person does an illegal act with the help of two or more persons
- (d) Two or more persons commit a crime on a sudden provocation with guilty mind

21. In which one of the following cases did the Supreme Court of India strike down Section 303 of I. P. C. as unconstitutional?

- (a) Machhi Singh v. State of Punjab
- (b) Bachan Singh v. State of Punjab
- (c) Santa Singh v. State of Punjab
- (d) Mithu v. State of Punjab

22. X knows that Y is suffering from enlarged spleen. He gives Y a first blow which ruptures the spleen and causes his death. X being a doctor knows that a moderate blow on that region would rupture the spleen and is likely to cause Y's death. What is X guilty of?

- (a) Culpable homicide not amounting to murder as X knew that his act is likely to cause death
- (b) Murder as X knew that his act is likely to cause death of Y to whom the injury was inflicted
- (c) No offence as the blow would not have caused death of a normal man in ordinary circumstances of the case
- (d) An offence other than murder or culpable homicide not amounting to murder

23. Which of the following is an element of strict liability in tort?
(a) Duty to take care (b) Fault
(c) Breach of duty (d) No-fault
24. X by putting Z in fear of grievous hurt, dishonestly induces Z to sign a blank paper and deliver it to X. Which offence is committed by X?
(a) No offence (b) Criminal misappropriation
(c) Extortion (d) Robbery
25. X cuts down a tree on V's land with the intention of dishonestly taking the tree out of Y's possession without his consent. What is X guilty of?
(a) No offence until the tree is taken away
(b) The offence of criminal misappropriation of property
(c) The offence of criminal breach of trust
(d) The offence of theft as soon as the tree is severed from the ground
26. Match List I with List II and select the correct answer using the code given below the Lists:

- List I
- A. Common intention
B. Common object
C. Instigation
D. Dishonest intention

- List II
- I. Theft
2. Abetment
3. Joint liability
4. Constructive liability
5. Vicarious liability

- | | A | B | C | D |
|-----|---|---|---|---|
| (a) | 3 | 1 | 2 | 4 |
| (c) | 3 | 4 | 2 | 1 |

- | | A | B | C | D |
|-----|---|---|---|---|
| (b) | 2 | 4 | 5 | 1 |
| (d) | 2 | 1 | 5 | 4 |

27. Match List I (Case) with List II (Subject) and select the correct answer using the code given below the Lists:

- List I
- A. K. M. Nanavati v. state of Maharashtra
B. Virsa Singh v. State of Punjab.
C. Barindra Kumar Ghosh v. Emperor.
D. Shyam Behari v. State of U.P.

- List II
1. Criminal conspiracy
2. Dacoity
3. Murder
4. Grave and sudden provocation
5. Unsoundness of mind

- | | A | B | C | D |
|-----|---|---|----|---|
| (a) | 4 | 3 | 1. | 2 |
| (c) | 4 | 2 | 1 | 3 |

- | | A | B | C | D |
|-----|---|---|---|---|
| (b) | 1 | 2 | 5 | 3 |
| (d) | 1 | 3 | 5 | 2 |

28. Which of the following elements constitute criminal misappropriation of property?

1. Movable property belonging to a person other than the accused.
2. Any property belonging to a person other than the accused.
3. The accused must have misappropriated the property to his own use.
4. There must be dishonest intention on the part of the accused.

Select the correct answer using the code given below:

- (a) 1, 2, 3 and 4 (b) 1, 3 and 4
(c) 2 and 4 (d) 2 and 3

29. A lady wishing to get a railway ticket, finding a crowd I at the ticket window at the station, asked X, who was I near the window, to get a ticket for her and handed him over the money for the same. X took the money and instead of getting the ticket ran away with the money. What offence has been committed by X? .

- (a) No offence
(b) Offence of criminal breach of trust
(c) Offence of criminal misappropriation
(d) Offence of theft

30. Which of the following types of contracts are generally termed *uberrima fides contracts*?

1. Insurance contracts.
2. Contract for purchase of car.
3. Partnership contracts.
4. Quasi-contract.

Select the correct answer using the code given below:

- (a) 1, 3 and 4 (b) rand 3
(c) 1,2and4 (d) 2,3and4

31. The Supreme Court has interpreted the 'power of judicial review' as a basic feature of the Constitution. However, there is a Schedule to the Constitution, in which if a statute is specified, it cannot be questioned in a court of law on the ground of violation of fundamental rights. Which one of the following is that Schedule?

- (a) Tenth Schedule (b) Eleventh Schedule
(c) Ninth Schedule (d) Twelfth Schedule

The following are enshrined in the Preamble to the Constitution of India:

1. Equality of status and opportunity.
2. Liberty of thought, expression, belief, faith and worship.
3. Justice - Social, economic and political.
4. Fraternity assuring the dignity of the individual. 5. Unity and integrity of the Nation

Which one of the following is the correct order in which they appear in the preamble?

- (a) 5 - 1 - 2 - 4 - 3 (b) 3 - 2 - 1 - 4 - 5
(c) 3 - I - 2 - 5 - 4 (d) 1 - 2 - 4 - 3 - 5

33. Which of the following' sections of citizens should be excluded from the benefits of reservations according to the principle of 'Creamy Layer' as propounded by the Supreme Court in the Mandal Commission judgment?

1. Advanced sections among the Other Backward Classes.
2. Advanced sections among the Scheduled Castes.
3. Advanced sections among the Scheduled Tribes.

4. Advanced sections among the economically backward classes.

Select the correct answer using the code given below:

- (a) 1 only (b) land 2
(c) 1 and 4 (d) 2 and 3

34. Match List I (Case) with List II (Subject Dealt With) and select the correct answer using the code given below the Lists:

List I	List II
A. L. Chandra Kumar v. Union of India	1. Equal pay for equal work
B. TM.A. Pai Foundation v. State of Kerala	2. Prawn culture and Coastal Zone Regulations
C. Randhir Singh v. Union of India	3. Judicial Review
D. S. Jagannath v. Union of India	4. Rights of minority educational institutions
	5. Uniform civil code

	A	B	C	D		A	B	C	D
(a)	1	4	5	2	(b)	3	21	4	
(c)	3	4	1	2	(d)	1	2	5	4

35. Which one of the following Fundamental Rights is available to both the citizens and aliens?

- (a) The right to equality of opportunity in public employment
(b) The right to six freedoms
(c) Cultural and educational rights
(d) The right to equality

36. In which case has the Supreme Court of India held that there is no reason to compel non-smokers to be helpless victims of air pollution?

- (a) Salem Advocate Bar Association, Tamil Nadu v. Union of India
(b) Onkar Lal Bijoy v. Union of India
(c) Murli S. Deora v. Union of India
(d) Ramakrishnan v. State of Kerala

37. Which one of the following is *not* a Directive Principle of State Policy?

- (a) Organization of Village Panchayats
(b) Uniform Civil Code for citizens as well as non-citizens
(c) Right to work, to education and to public assistance in certain cases
(d) Participation of workers in management of industries

38. Which one of the following statements is correct? Right to free and compulsory education to all children of the age of six to fourteen years is

- (a) a fundamental right enforceable in a court of law
(b) a fundamental duty
(c) a directive principle of state policy
(d) a fundamental right which, however, can be enforced only if the State makes an enabling legislation

39. For which of the following, can special provisions be made under Article 15 of the Constitution of India?

1. Women and children.
2. Scheduled Tribes.
3. Economically backward classes.
4. Socially backward classes.

Select the correct answer using the code given below:

- | | |
|----------------|-------------------|
| (a) 1, 2 and 4 | (b) 1 and 3 |
| (c) 2, 3 and 4 | (d) 1, 2, 3 and 4 |

40. Who appoints the judicial officers of the subordinate judiciary other than the district judges?

- (a) Union Public Service Commission
- (b) State Public Service Commission
- (c) Governor in accordance with the rules made by him in consultation with the High Court and State Public Service Commission
- (d) Governor in consultation with the High Court exercising jurisdiction in relation to such state

41. Which one of the following statements is correct?

On receipt of a Constitutional Amendment Bill after its passing by each House of the Parliament, the President

- (a) shall give his assent
- (b) may give his assent
- (c) may withhold his assent
- (d) may return the Bill for reconsideration

42. Through which of the following provisions, does the Constitution of India explicitly prohibit racial discrimination in India?

- | | |
|------------------------|------------------------|
| (a) Articles 14 and 17 | (b) Articles 17 and 23 |
| (c) Articles 15 and 16 | (d) Article 17 only |

43. Consider the following judgements of the Supreme Court which dealt with the appointment and transfer of judges of the Supreme Court and High Courts:

1. S. P. Gupta v. Union of India.
2. Sankal Chand Seth v. Union of India.
3. *In re* Special Reference No.1 of 1998.
4. Supreme Court Advocates on Record Association v. Union of India.

44. Which one of the following is the correct chronological order in which the above judgements were delivered?

- | | |
|-------------------|-------------------|
| (a) 1 - 2 - 3 - 4 | (b) 2 - 1 - 3 - 4 |
| (c) 2 - 1 - 4 - 3 | (d) 1 - 2 - 4 - 3 |

44. Consider the following statements:

The High Court has jurisdiction to

1. punish for its contempt.
2. tender advice on a legal question referred to it by the President of India.

3. tender advice on a legal question referred to it by the Governor of the State.
4. issue certain writs for enforcement of Fundamental Rights or for other purposes.

Which of the statements given above are correct?

- (a) 1 and 4 (b) 1 and 2
(c) 1, 2 and 3 (d) 2, 3 and 4

45. Which one of the following statements is correct?

- (a) Union Public Service Commission may serve the needs of a state if requested by the Governor of that state and approved by the President
(b) Union Public Service Commission may serve the needs of a state if requested by the Chief Minister of that state
(c) Union Public Service Commission cannot serve the needs of a state
(d) Union Public Service Commission may serve the needs of a state simply on request of Governor. Approval of the President is not necessary

46. Match List I (Case) with List II (Subject) and select the correct answer using the code given below the Lists:

List I

- A State of Rajasthan v. G. Chawla
B. K. T Moopil Nair v. State of Kerala
C. Gujarat University v. Krishna
D. M. Karunanidhi v. Union of India

List II

1. Harmonious construction
2. Colourable Legislation
3. Repugnancy
4. Pith and Substance
5. Incidental powers

- | | A | B | C | D |
|-----|---|---|---|---|
| (a) | 1 | 3 | 5 | 2 |
| (c) | 1 | 2 | 5 | 3 |

- | | A | B | C | D |
|-----|---|---|---|---|
| (b) | 4 | 2 | 1 | 3 |
| (d) | 4 | 3 | 1 | 2 |

47. Consider the following statements:

The executive power of the Union extends to giving of directions to a State in respect of

1. construction and maintenance of means of communication of national or military importance.
2. maintenance of law and order in the State.
3. protection of railways within the State.
4. protection of secular character of the country. Which of the statements given above are correct?

- (a) 1 and 2 (b) 2 and 3
(c) 1 and 3 (d) 1, 2, 3 and 4

48. In India, the doctrine of impossibility of performance rendering contracts void is based on

- (a) the theory of implied term
(b) the theory of just and reasonable solution
(c) supervening impossibility or illegality as laid down in Section 56 of the Indian Contract Act

- (d) principle of unjust enrichment
49. A borrows Rs. 10,000 from B with interest at 12 percent per annum, with a stipulation that in case of default A shall be liable to pay interest at 75 percent from the date of default. A commits the default. B is entitled to recover from A
- (a) 12% interest
 - (b) 75% interest
 - (c) 87% interest
 - (d) such compensation as the Court considers reasonable
50. Contingent contracts to do or not to do anything if a specified uncertain event does not happen within a ~ fixed time become
- (a) void, if before the time fixed, such event becomes possible
 - (b) valid, if before the time fixed, such event becomes impossible
 - (c) voidable, if before the time fixed, the promisor becomes lunatic
 - (d) illegal, if before the time fixed, the promisor dies
51. Consider the following statements:
- To justify insanity as a defence to a charge of crime,
- 1. irresistible impulse per se is no defence to a charge of crime.
 - 2. diminished responsibility is a defence to a charge of a crime.
- which, of the statements given above is/are correct?
- (a) 1 only
 - (b) 2 only
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2
52. If the performance of contract becomes impossible, because of a supervening event, the promisor is excused from the performance. This is known as
- (a) doctrine of estoppel
 - (b) doctrine of frustration
 - (c) doctrine of eclipse
 - (d) doctrine of *caveat emptor*
53. Damages awarded with a view to punish the party who commits the breach of contract are known as
- (a) liquidated damages
 - (b) punitive damages
 - (c) special damages
 - (d) general damages

Directions: The following 8 (Eight) items consist of two statements, one labeled as the 'Assertion (A)' and the other as 'Reason (R)'. You are to examine these two statements carefully and select the answers to these items using the codes given below:

- (a) Both A and R are individually true and R is the correct explanation of A
 - (b) Both A and R are individually true but R is *not the* correct explanation of A
 - (c) A is true but R is false
 - (d) A is false but R is true
54. **Assertion (A)** : The effect of conditional recognition is that failure to fulfill the condition or obligation will annul the recognition.
- Reason (R)** : Recognition may be conditional as sometimes states are recognized subject to a condition, generally an obligation which they- undertake to fulfill.

55. **Assertion (A)** : Austin does speak of the science of law.
Reason (R) : Science of law and philosophy of positive law are synonymous to him.
56. **Assertion (A)** : Ex-post-facto laws are laws which voided and punished an act that had been lawful when done.
Reason (R) : Imposing or increasing a penalty with retrospective effect for violation of a taxing statute does not infringe Article 20(1).
57. **Assertion (A)** : Plaintiff may sue one or all of the wrong doers jointly in same action and even if sued jointly the judgement obtained against them may be executed in full against anyone of them.
Reason (R) : Joint tort-feasors are jointly & severally liable for the whole damage resulting from the tort.
58. **Assertion (A)** : X, because of unsoundness of mind, not knowing the nature of the act, attacks Y, who in self defence and in order to ward off the attack, hits him thereby causing him hurt. Y does not commit an offence.
Reason (R) : Y had a right of private defence against X under Section 98 of the Indian Penal Code.
59. **Assertion (A)** : X and Y had independently entertained the idea to kill Z. Accordingly each of them separately inflicted wounds on Z who dies in consequence. X and Y are liable for murder with the aid of Section 34 I.P.C.
Reason (R) : When a criminal act is done by several persons in furtherance of common intention of all, each of such persons is liable as if the whole act is done by him alone.
60. **Assertion (A)** : A person claims compensation for his non-gratuitous act.
Reason (R) : A person who enjoys benefit from lawful non-gratuitous act of another must compensate him even though there is no contract.
61. **Assertion (A)** : In the event of breach of contract the aggrieved party is entitled to recover compensation for the loss or damage which is caused to him by the breach of contract.
Reason (R) : The object of awarding damages to the aggrieved party is to put him in the same position in which he would have been if the contract had been performed. Damages are, therefore, assessed on that basis.
62. It is said that the next step forward the long path of man's progress may be from jurisprudence to jurimetrics. In this context, what does jurimetrics signify?
1. Speculation about law.
 2. Scientific investigation of legal problems.
 3. Increasing awareness of the fruits of interdisciplinary cooperation.
 4. Relationship between law, economy and society.
- Select the correct answer using the code given below:
- (a) 1, 2 and 3 (b) 2, 3 and 4
(c) 1, 3 and 4 (d) 1, 2 and 4

63. There is a clear cut division between the spheres of the legislature and the judiciary. The former makes the laws and the latter applies them. Which one of the following propounds this doctrine?

- (a) Analytical jurisprudence
- (b) Historical jurisprudence
- (c) Sociological jurisprudence
- (d) Philosophical jurisprudence

64. Match List I (*Jurists*) with List II (*View About Law Jurisprudence*) and select the correct answer using the code given below the Lists:

List I

- A. Bentham
- B. Austin
- C. Kelsen
- D. Hart

List II

- 1. Concept of law
- 2. Pure theory of law
- 3. Limits of jurisprudence defined
- 4. Province of jurisprudence determined
- 5. Concept of living law

- | | A | B | C | D |
|-----|---|---|---|---|
| (a) | 1 | 2 | 5 | 3 |
| (c) | I | 4 | 2 | 2 |

- | | A | B | C | D |
|-----|---|---|---|---|
| (b) | 3 | 4 | 2 | I |
| (d) | 3 | 2 | 5 | I |

65. Which of the following factors are responsible for the resurgence in favour of natural law thinking in the twentieth century?

- 1. The decline in social and economic stability in the twentieth century.
- 2. The expansion in governmental activity.
- 3. Growth of weapons of destruction and policies of genocide.
- 4. Growing inclination of people towards religion.

Select the correct answer using the code given below:

- (a) 2, 3 and 4
- (b) 3 and 4
- (c) 1, 2 and 3
- (d) 1 and 4

66. Balancing of social interests and the doctrines of social engineering is the greatest contribution to sociological school. This is attributed to whom?

- (a) Duguit
- (b) Roscoe Pound
- (c) Savigny
- (d) Jhering

67. In India, which one of the following is the real guiding factor for the State to meet social needs and for the establishment of new social order?

- (a) Fundamental Rights
- (b) Preamble of the Constitution
- (c) Directive Principles of State Policy
- (d) Distribution of Powers

68. Eugen Ehrlich is a well-known jurist of sociological school of jurisprudence. Which one of the following statements may not be attributed to the theory propounded by him?

- (a) Law is derived from social facts
- (b) Law depends on social compulsion
- (c) There is a "living law" underlying the formal rules of the legal system

- (d) State law has significant influence on shaping and development of living law
- 69. Why is the expiatory theory of punishment obsolete now?**
- (a) It does not empower the State to impose punishment
(b) It is incapable to reform the wrong doer
(c) It is based on moral doctrines
(d) It enlarges the limits of jurisprudence
- 70. Who among the following divided the Sources of law into formal Sources and material sources?**
- (a) Allen (b) Keetom
(c) Salmond (d) Gray
- 71. Match List I with List II and select the correct answer using the code given below the Lists:**
- | List I | | | | List II | | | |
|--------|-------------------------|----|---|---------|--|--|--|
| A. | Supreme legislation | I. | Law based on discretion of the authority | | | | |
| B. | Executive legislation | 2. | Law enacted by authority other than legislature | | | | |
| C. | Delegated legislation | 3. | Law enacted by the legislature | | | | |
| D. | Conditional legislation | 4. | Ordinance issued by the President/ Governor. | | | | |
| | | 5. | Law made by Judges while deciding the case | | | | |
- | | A | B | C | D | | A | B | C | D |
|-----|---|---|---|---|-----|---|---|---|---|
| (a) | 3 | 4 | 2 | I | (b) | 2 | I | 5 | 4 |
| (c) | 3 | I | 2 | 4 | (d) | 2 | 4 | 5 | 1 |
- 72. What do Rights in *re aliena* mean?**
- (a) Rights in the things of others
(b) Rights in one's Own things
(c) Rights relating to property
(d) Rights to receive damages
- 73. A borrowed a sum of Rs. 5,000/- from B, which he did not repay for a period of three years. Now, which one of the following rights does B have against A?**
- (a) Perfect right (b) Imperfect right
(c) Proprietary right (d) None of the above
- 74. Who among the following propounded the theory of possession which lays stress not on animus, but on *de facto* control?**
- (a) Salmond (b) Pollock
(c) Holmes (d) Jhering
- 75. Which one out of the following statements is *not* correct with reference to Savigny's the ray of Volksgeist?**
- (a) Law cannot be universal or general in character
(b) Law is found and not made
(c) Law grows with the growth and strengthens with the strength of people
(d) Law is an instrument of social change and social reform

- 76. Ownership without possession can be termed as which one of the following?**
 (a) No ownership (b) Quasi ownership
 (c) Incomplete ownership (d) Non-corporeal ownership
- 77. Which of the following is an element of Jhering theory of possession?**
 (a) Overemphasis on the element of animus
 (b) Equal emphasis on the element of animus and corpus
 (c) Owner like appearance in relation to a thing
 (d) Immediate physical Power to exclude any foreign agency
- 78. Which one of the following statements is correct?**
The communication of acceptance is complete as against the acceptor,
 (a) when it comes to the knowledge of the acceptor
 (b) when it comes to the knowledge of the proposer
 (c) when it comes to the knowledge of both the proposer and acceptor
 (d) even when it does not necessarily come to knowledge of anybody
- 79. A manufacturer of ginger beer had sold to a retailer bottles of ginger beer in opaque bottles. The retailer sold one such bottle to A who gave it to his girl friend which contained the decomposed remains of a dead snail. The lady alleged that she became seriously ill on consuming a portion of the contents from the said bottle. Which one of the following conclusions is correct as to the liability in law of torts?.**
 (a) The manufacturer of the ginger beer shall be liable for negligence
 (b) The manufacturer is not liable at all
 (c) The retailer will be liable to the lady as he sold the bottle
 (d) The lady is not entitled to damages due to her contributory negligence
- 80. Match List I (Rules/maxjms) with List II (Cases) and select the correct answer using the code given below the Lists:**
- | | |
|-------------------------------|--|
| List I | List II |
| A. Neighbour Principle | 1. Davies v. Mann |
| B. Last Opportunity Rule | 2. Byrne v. Boadle |
| C. Res ipsa loquitur | 3. Mathews v. London Street Tramways Co. |
| D. Doctrine of Identification | 4. Donoghue v. Stevenson |
| | 5. Ashby v. White |
- | | |
|-----------------------|----------------------|
| A B C D | A B C D |
| (a) 3 2 .5 4 | (b) 4 I 2 3 |
| (c) 4 2 .5 3 | (d) 3 I 2 4 |
- 81. In which one of the following cases did the Supreme Court of India give a ruling that sovereign immunity of the State is subject to the fundamental rights?**
 (a) State of Rajasthan v. Vidyawati
 (b) Shyam Sunder v. State of Rajasthan
 (c) Kasturi Lal Ralia Ram Jain v. State of U.P.

(d) People's Union for Democratic Rights v. State of Bihar

82. Which one of the following statements is *not* correct?

- (a) The principle of master's liability for the acts of a servant is based on the doctrine of respondent superior
- (b) The rule of master's liability for the acts of the servant is based on the maxim *qui facit per alium facit per se*
- (c) Master's liability for the torts of his servant is absolute and it is immaterial whether the tort was committed in the course of his employment or not
- (d) The rule of master's liability for the act of the servant is based on the capacity to pay; in most of the cases, servant is not financially in good position to pay the damages.

83. Where does vicarious liability generally arise from? (a) A contract of service

- (b) A contract for service
- (c) A contract of service as well as a contract for service
- (d) A wrongful act of the master

84. An army truck driven by a army driver while going to leave army jawans on the station for enabling them to catch their train for proceeding to their home town, hit a pedestrian and killed him due to rash and negligent driving.

Which one of the following is correct?

- (a) In this case vicarious liability is to be imposed on the Government of India
- (b) In this case immunity from liability would be claimed under the defence of sovereign functions of the State
- (c) In this case no liability will be imposed under the defence of inevitable accident
- (d) In this case both Government of India and the driver; personally would be liable

85. C, a stranger, blocked the water pipes of a wash-basin and opened the tap. The wash-basin was otherwise in the control of the defendant B. The overflowing water damaged the plaintiff's goods. Thereupon the plaintiff filed a suit for damages against the defendant B. C was not made a party.

In the aforesaid suit which one of the following conclusions is correct? I

- (a) The defendant was liable for damages to the plaintiff; on the basis of rule of strict liability
- (b) The defendant was not liable for damages
- (c) The stranger C will have to pay damages
- (d) The plaintiff's suit will be decreed in his favour

86. Due to the collapse of the clock-tower situated opposite the town hall in main bazaar of a city, a number of persons died. The clock-tower belonged to the Municipal Corporation of the city and was exclusively under its control. It was 60 years old but the normal life of the structure of the building which had fallen could be 40 to 45 years having regard to the kind of material used. Mrs. X whose husband died due to the collapse of the clock-tower filed the suit for damages against the Municipal Corporation.

Which one of the following maxims is applicable in the aforesaid case?

- (a) Damnum sine injuria
- (b) Injuria sine damno
- (c) Res ipsa loquitur
- (d) Volenti non fit injuria

87. Section 300 of the IPC speaks of situations in which if a murder is committed, then it is treated as 'culpable homicide not amounting to murder'. Which one of the following situations is *not* covered under S. 300, IPC?

- (a) Exercise of the right of private defence
- (b) Exercise of legal powers
- (c) Exercise of legal rights
- (d) Sudden fight

88. The defendants by digging a coalpit in the land intercepted the water which affected the plaintiff's well at a distance of about one mile. The plaintiff brought a suit for damages against the defendants.

Which one of the following maxims is applicable in the aforesaid case?

- (a) Damnum sine injuria
- (b) Injuria sine damno
- (c) Res ipsa loquitur
- (d) Volenti non fit injuria

89. Who gave the 'Pigeon-hole' theory in defining tort?

- (a) Austin
- (b) Heuston
- (c) Salmond
- (d) Winfield

90. Which two of the following rights do *not* find place in the International Covenant on Economic, Social and Cultural Rights?

1. Right to work.
2. Right to adequate food.
3. Right to self determination.
4. Right to privacy.

Select the correct answer using the code given below:

- (a) 1 and 2
- (b) 2 and 3
- (c) 3 and 4
- (d) 1 and 4

91. Which two of the following rights do not take place in the International Covenant on Civil & Political Rights?

1. Right to leave any country including his own and to return to his country.
2. Protection against torture and other forms of cruel and inhuman or degrading treatment or punishment.
3. Right to move the International Court of Justice.
4. Right to be a member of the U.N.

Select the correct answer using the codes given below:

- (a) 1 and 3
- (b) 3 and 4
- (c) 1 and 4
- (d) 2 and 4

92. Which one of the following statements does occur in Article 1 of the Universal Declaration of Human Rights?

- (a) All human beings are born free and equal in dignity and rights
- (b) They are endowed with reason and conscience
- (c) They should always live together peacefully

(d) They should act towards one another in a spirit of brotherhood

93. Consider the following statements:

1. Jurisdiction of the International Court of Justice is voluntary and obligatory.
2. Jurisdiction of the International Court of Justice can be imposed on Member-Nation of the U.N.
3. General Assembly and Security Council may refer a matter to International Court of Justice for advice.
4. International Court of Justice is a court of appeal from Supreme Courts of Member-Nations.

Which of the two from the above statements are correct?

- | | |
|-------------|-------------|
| (a) 1 and 3 | (b) 2 and 4 |
| (c) 3 and 4 | (d) 1 and 4 |

94. A, B and C jointly promise to pay Rs. 300 to P. who files a suit to recover the amount.

Which one of the following is correct?

- (a) P can sue each individually for their respective shares
- (b) P can sue A for the recovery of Rs. 100 only
- (c) Since A, B and C are joint promisors, P can recover the amount from anyone of them
- (d) P must make all the three parties to the suit

95. A makes a contract with B to buy his house for Rs. 50,000 if he is able to secure a bank loan for that amount. The contract is

- | | |
|-------------------------|-----------------------|
| (a) Void for vagueness | (b) wagering contract |
| (c) Contingent contract | (d) Voidable contract |

96. A wagering agreement in India is declared by the Contract Act as

- (a) Illegal and void
- (b) Void but not illegal
- (c) Voidable at the option of the aggrieved party
- (d) Immoral

97. Agreements which are in the nature of bets and gambling are called

- | | |
|--------------------------|-------------------------|
| (a) Invalid agreements | (b) Voidable contracts |
| (c) Contingent contracts | (d) Wagering agreements |

98. A Magistrate in making a report to the superior casts an imputation on the character of a person Z in good faith and for public good.

Which of the following defences is most appropriate?

- | | |
|------------------------|-------------------------|
| (a) Justification | (b) Fair comment |
| (c) Absolute privilege | (d) Qualified privilege |

99. 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 place

100. Unlawful detaining or threatening *to* detain any property with the intention of causing any person *to* enter into an agreement *would* amount *to* which one of the following?

- (a) Unlawful detention
- (b) Duress
- (c) Undue influence
- (d) Coercion

101. A contract which is vitiated by undue influence is declared as which one of the following by the Indian 1 Contract Act?

- (a) Invalid
- (b) Void
- (c) Illegal
- (d) Voidable

102. Consider the following :

1. Active concealment *of* fact.
2. Promise made without any intention *of* performing it.
3. Breach of duty which gains an advantage to the person committing it.
4. Inducing mistake as *to* subject matter.

Which *of* the above amount *to* fraud?

- (a) 1 and 2
- (b) 2 and 3
- (c) 3 and 4
- (d) 1 and 4

103. A minor enters into agreement representing himself to be a major.

Consider the following statements:

1. Minor commits fraud if the other party does *not* have personal knowledge of his age.
2. Such agreement is enforceable.
3. The doctrine *of* estoppel does *not* apply in minor's case.
4. Other party is entitled *to* get back the benefit passed to minor, if innocent about his age.

Which of the statements given above are correct?

- (a) 1, 3 and 4
- (b) 2 and 3
- (c) 1, 2 and 4
- (d) 2 and 4

104. Which one of the following statements about general offer is correct?

- (a) The general offer should be made to the specified persons
- (b) The general offer does not require any consideration
- (c) The general offer does not work without the support *of* public at large
- (d) The general offer prescribes some condition *to* be fulfilled.

105. Match List I with List II and select the correct answer using the code given below the Lists:

- List I
- A. Promises forming consideration of each other
 - B. Relations resembling those created by contract
 - C. Non-performance of contract due *to* strike of employees

- D. Agreement in restraint of legal proceedings

List II

1. Commercial Impossibility
2. Void agreement
3. Reciprocal promises
4. Quasi-contract

5. Void contract

	A	B	C	D
(a)	3	4	I	2
(c)	3	2	I	5

	A	B	C	D
(h)	I	2	3	5
(d)	1	4	3	2

106 Match List I (Content) with List II (Concept) and select the correct answer using the code given below the Lists:

List I

- A. Free consent making agreement *void*
- B. Voidable contract requiring some relationship between the parties
- C. At the desire of promisor
- D. Making payment on behalf of other to protect the payer's own interest.

	A	B	C	D
(a)	3	1	2	5
(c)	3	1	4	5

List II

- 1. Undue influence
- 2. Consideration
- 3. Quasi-contract
- 4. Fraud
- 5. Mistake

	A	B	C	D
(b)	5	2	4	3
(d)	5	1	2	3

107. Consider the following statements:

- 1. General offer requires the communication of acceptance.
- 2. All contracts are agreements.
- 3. All agreements are contracts.
- 4. All illegal agreements are void agreements.

Which of the statements given above are correct?

- (a) 2 and 4
- (b) 1, 3 and 4
- (b) 1 and 2
- (d) 2, 3 and 4

108. Which one of the following is *not* included in the UN Charter as an objective of the United Nations?

- (a) To protect the sovereignty of the member states
- (b) To avoid war as a means for settlement of international disputes
- (c) Development of human personality
- (d) To ensure respect for international obligations arising from treaties and other forms of international law

109. Consider the following statements:

The Economic and Social Council of the U.N.

- I. may prepare draft conventions for submission to the General Assembly on subjects falling within its competence.
- 2. may call international conferences on matters falling within its competence.
- 3. may appoint the members of Human Rights Committee.
- 4. may make recommendations for promoting respect for and observance of human rights and fundamental freedoms.

Which of the statements given above are correct?

- (a) 1 and 2
- (b) 1, 2 and 3
- (c) 3 and 4
- (d) I, 2 and 4

110. Which one of the following statements is correct?

***De facto* recognition of a foreign government**

- (a) is as conclusively binding, while it lasts, as *de jure* recognition
- (b) is conclusive
- (c) is always equal to *de jure* recognition
- (d) has no legal effects

111. What is an act of withholding of recognition to new territorial titles or territorial changes brought out by use of force or any other act of doubtful character depriving the rightful claimant thereto, commonly called?

- (a) Estrada Doctrine
- (b) Stimpsons Doctrine
- (c) Calvo Doctrine
- (d) Drago Doctrine

112. Arrange the following sources of international law in the preferential sequence in which they are applied by International Court of Justice while deciding such disputes as are submitted to it:

- I. General international convention.
- 2. General principles of law recognised by civilized nations.
- 3. International customs.
- 4. Judicial decisions of international tribunals.

Select the correct answer using the code given below:

- (a) I - 2 - 3 - 4
- (b) 4 - 3 - 2 - 1
- (c) 1 - 3 - 2 - 4
- (d) 4 - 2 - 3 - 1

113. Universal respect for, and observance of Human Rights and Fundamental Freedoms for all without distinction as to race, sex, language or religion.

Which one of the following documents contains the above?

- (a) Universal Declaration of Human Rights
- (b) UN Charter
- (c) European Covenant on Human Rights & Fundamental Freedoms
- (d) International Covenant on Civil and Political Rights

114. Which one of the following is *not* a source of international law?

- (a) Constitutions of sovereign States
- (b) Treaties
- (c) International conventions
- (d) International customs and practices

115. The Amendment in Article 31 (c) which gave precedence to all Directive Principles of State Policy over Fundamental Rights was declared *ultra vires* and void, in which one of the following cases?

- (a) Minerva Mills v. Union of India
- (b) N. K. Rai v. Union of India
- (c) Waman Rao v. Union of India
- (d) Sanjeev Coke Manufacturing Co. v. Bharat Coking Coal Ltd.

116. 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) Nilabati Behera v. State of Orissa

117. The First Amendment to the Constitution made in 1951, made changes in relation to which of the following provisions?

- 1. Special provisions for advancement of socially and educationally backward classes.
- 2. Validation of certain Acts and Regulations specified in the Ninth Schedule.
- 3. Saving of certain laws giving effect to certain Directive Principles.
- 4. Saving of laws providing for acquisition of estates. Select the correct answer using the code given below:

- (a) I, 2 and 3
- (b) 1, 2 and 4
- (c) 2, 3 and 4
- (d) 1, 3 and 4

118. Which one of the following statements is correct?

When the President issues a Proclamation of Emergency

- (a) all the Fundamental Rights are automatically suspended
- (b) only Article 19 is automatically suspended. The enforcement of all other Fundamental Rights can be suspended by an order of the President
- (c) only Article 19 is automatically suspended. The enforcement of all other Fundamental Rights except Articles 20 and 21 can be suspended by an order of the President
- (d) Article 19 can be suspended. Other Fundamental Rights cannot be suspended

119. In which List is the subject of Preventive Detention enumerated?

- (a) The Union List
- (b) The Concurrent List
- (c) The State List
- (d) None of the above

120. Which of the following are the matters covered under List I of Seventh Schedule of the Constitution of India?

- 1. Foreign loans.
- 2. Atomic energy.
- 3. Insurance.
- 4. Public health.

Select the correct answer using the code given below:

- (a) 1, 2, 3 and 4
- (b) 1, 2 and 3
- (c) I and 4
- (d) 2, 3 and 4

1.	(a)	2.	(c)	3.	(b)	4.	(b)	5.	(b)
6.	(c)	7.	(a)	8.	(b)	9.	(a)	10.	(b)
11.	(d)	12.	(b)	13.	(d)	14.	(b)	15.	(c)
16.	(a)	17.	(b)	18.	(b)	19.	(b)	20.	(b)
21.	(d)	22.	(b)	23.	(d)	24.	(d)	25.	(d)
26.	(c)	27.	(a)	28.	(b)	29.	(c)	30.	(b)
31.	(c)	32.	(b)	33.	(a)	34.	(c)	35.	(d)
36.	(c)	37.	(b)	38.	(d)	39.	(a)	40.	(c)
41.	(a)	42.	(c)	43.	(c)	44.	(a)	45.	(a)
46.	(b)	47.	(c)	48.	(c)	49.	(d)	50.	(b)
51.	(a)	52.	(b)	53.	(b)	54.	(b)	55.	(b)
56.	(b)	57.	(a)	58.	(a)	59.	(d)	60.	(a)
61.	(a)	62.	(a)	63.	(a)	64.	(b)	65.	(a)
66.	(b)	67.	(c)	68.	(d)	69.	(c)	70.	(c)
71.	(a)	72.	(a)	73.	(b)	74.	(d)	75.	(d)
76.	(d)	77.	(c)	78.	(b)	79.	(a)	80.	(b)
81.	(d)	82.	(c)	83.	(a)	84.	(a)	85.	(b)
86.	(c)	87.	(c)	88.	(a)	89.	(c)	90.	(c)
91.	(c)	92.	(c)	93.	(a)	94.	(c)	95.	(c)
96.	(b)	97.	(d)	98.	(c)	99.	(c)	100.	(d)
101.	(d)	102.	(a)	103.	(b)	104.	(d)	105.	(a)
106.	(d)	107.	(a)	108.	(d)	109.	(d)	110.	(a)
111.	(b)	112.	(c)	113.	(d)	114.	(a)	115.	(a)
116.	(d)	117.	(b)	118.	(c)	119.	(b)	120.	(b)