

SET 2013
PAPER – II

LAW

Signature of the Invigilator

Question Booklet No.

1.

OMR Sheet No..

Subject Code

ROLL No.

Time Allowed : 75 Minutes

Max. Marks : 100

No. of pages in this Booklet : 11

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 fifty (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.**

22-13

LAW
PAPER-II

Note : This paper contains **fifty (50)** objective type questions; each question carrying **two (2)** marks.
Attempt **all** the questions.

1. Fraternity means a *sense of common brotherhood to all Indians*, and this is the principle which gives solidarity and unity to the social life. It was said by :
(A) Dr. B.R.Ambedakar
(B) Dr. Rajendra Prasad
(C) Jawaharlal Nehru
(D) C. Rajgopalachari
2. The term *law in force* in Art.13(3) means :
(A) Only statutory law
(B) Customary law and usages only
(C) Both (A) and (B)
(D) New formed public order only
3. *There is no reason to compare non-smokers to be the helpless victims of air pollution*, was held in :
(A) Samantha vs State of Andhra Pradesh
(B) Murali.S Deora vs Union of India
(C) M.C. Mehta vs Union of India
(D) None of the above
4. Which of the following statements is not true ?
(A) Conduct of the Supreme Court Judge cannot be discussed in the Parliament
(B) Validity of any proceedings of the Parliament cannot be questioned in the Court
(C) No permission is required for a member of Parliament to address the house in his/her mother tongue
(D) The business in the Parliament shall be transacted in Hindi or English
5. How many types of emergencies have been envisaged under the Indian Constitution ?
(A) Four
(B) Two
(C) Three
(D) Eight
6. “No PIL under article 32 will be entertained concerning inter-State river waters” was said by the Supreme Court in :
(A) State of Bihar v. Kameshwar Singh (1952)
(B) Thakur Amar Singhji v. State of Rajasthan (1955)
(C) Atma Linga Reddy v. Union of India (2008)
(D) None of the above
7. In which case did the Supreme Court take the view that the fundamental rights and directive principles are complementary to each other and there was no need to scarifice one for the other ?
(A) Golak Nath’s case
(B) Minerva Mills case
(C) Keshavananda Bharti case
(D) None of the above
8. Analytical jurisprudence mainly propounds the principle of law making by the :
(A) Legislature
(B) Judiciary
(C) Divine authority
(D) Social agencies

9. "Law is a means of exploitation" is true of :
- (A) Holme's theory of law
 - (B) Gandhian approach to law
 - (C) Marxian theory of law
 - (D) Fuller's concept of law
10. Cardozo was a jurist of :
- (A) Realistic school of jurisprudence
 - (B) Sociological school of jurisprudence
 - (C) Historical school of jurisprudence
 - (D) German school of jurisprudence
11. Who propounded the theory of Pain and Pleasure ?
- (A) Jeremy Bentham
 - (B) Austin
 - (C) Herbert Spencer
 - (D) Abraham Lincoln
12. A legal person cannot be :
- (A) An owner
 - (B) A master
 - (C) A citizen
 - (D) A partner
13. *Obiter dicta* is :
- (A) The final decree of the court in a case
 - (B) Judgement of a case
 - (C) An observation in a judgment having persuasive effect
 - (D) An order of a court
14. Ihering was a :
- (A) Realistic jurist
 - (B) Analytical jurist
 - (C) Sociological jurist
 - (D) Historical jurist
15. The most famous book on International law *De jure belli ac pacis (the law of war and peace)* is written by :
- (A) Jeremy Bentham
 - (B) Hugo Grotius
 - (C) Starke
 - (D) Hall
16. Codification of International law means :
- (A) Harmonisation and coordination of various municipal laws to uniform statutes as far practicable
 - (B) Arranging the existing customary International law in a systematic process
 - (C) Includes all conventions, treaties and charters
 - (D) All of the above
17. Negative theory of Succession means :
- (A) The succeeding State is bound to respect the rights and obligations of the State which has ceased to exist
 - (B) The succeeding State is bound to respect only the rights of the predecessor but not the liabilities
 - (C) The succeeding State is in no way bound to respect the rights and obligations of the State which has ceased to exist
 - (D) None of the above

18. "Recognition is both Constitutive and Declaratory. Recognition is declaratory of an existing fact, constitutive in nature." Who compromised both the theories of recognition ?
- (A) Prof. Oppenheim
 (B) Hall
 (C) Brierly
 (D) Anzilotti
19. The father of modern law of nations is :
- (A) Starke
 (B) John Austin
 (C) Jeremy Bentham
 (D) Hugo Grotius
20. The propounder and supporters of constitutive Theory of Recognition are :
- (A) Hegal, Anzilotti
 (B) Holland
 (C) Oppenheim
 (D) All the above
21. A wife can file a petition for divorce in the event of non-resumption of cohabitation, under section 13(2)(iii) of Hindu Marriage Act, 1955 after the passing of an order or decree :
- (A) Under section 125 Cr. P.C , 1973
 (B) Under section 18 of Hindu Adoption and Maintenance Act, 1956
 (C) Either (A) or (B)
 (D) Both (A) and (B)
22. If a Hindu husband converts himself into a Muslim, on conversion :
- (A) All his obligations as a husband towards his Hindu wife come to an end
 (B) None of his obligations as husband towards the Hindu wife come to an end
 (C) Some of his obligations towards the Hindu wife come to an end
 (D) Either (A) or (B)
23. Adoption is not recognised under :
- (A) Muslim Law
 (B) Parsee Law
 (C) Hindu Law
 (D) Both (A) and (B)
24. Supreme Court in *Chandrashekhara v. Kulandaivelu* laid down that the validity of an adoption is to be determined :
- (A) By the temporal and devolution of property consideration
 (B) By temporal consideration
 (C) By the devolution of property consideration
 (D) By the spiritual rather than temporal consideration
25. Hindu Marriage Act, 1956 is guided by which of the procedural law ?
- (A) Code of Criminal Procedure
 (B) Code of Civil Procedure
 (C) Both (A) and (B)
 (D) Neither (A) nor (B)

26. Ordinarily judicial separation leads to :
- (A) Reconciliation
(B) Divorce
(C) Either (A) or (B)
(D) Neither (A) nor (B)
27. Tender is :
- (A) An offer
(B) Invitation to offer
(C) Counter offer
(D) None of the above
28. Novation of a contract means :
- (A) The renewal of original contract
(B) Substitution of a new contract in place of original contract
(C) Cancellation of contract
(D) Alteration of contract
29. For the purpose of pledge delivery of possession of goods :
- (A) Has to be actual
(B) May be constructive
(C) Either actual or constructive
(D) May be symbolic
30. In which of the following cases it was held that the liability of guarantor is co-extensive with that of principal debtors ?
- (A) Infrastructure Leasing and Financial Services Ltd v. Vijaya V Prabhu AIR 2010 Bom 72
(B) Manita Khurana v. Indira Khurana AIR 2010 Del 69
(C) Bar Council of Delhi v. Surandar air 2010 Del 75
(D) Puravi Das Gupta v. Arun Kumar AIR 2010 Gau 66
31. Mere silence is not a fraud unless :
- (A) There is a duty to speak
(B) The silence is deceptive
(C) There is a change in the circumstances to be brought to the notice of other party
(D) All of the above
32. In which of the following cases it was held that the contract cannot be declared to have been frustrated because its performance had become more onerous on account of unforeseen circumstances ?
- (A) Premier Explosives Ltd v. Chairman and Managing Director Singareni Collieries Com Ltd AIR 2010 AP 107
(B) M.V. Raman v. T.N. Reddy AIR 2010 AP 114
(C) T.Mohan Reddy v. Potu AIR 2010 AP 117
(D) P.T. Reddy v. Jyoti Reddy AIR 2010 AP 119
33. Match the following :
- | | |
|-----------------------------|---|
| (a) Volenti non fit injuria | 1. The damage is not to an interest protected by the law of tort |
| (b) Res ipsa loquitur | 2. Right of third party |
| (c) Damnum sine injuria | 3. Facts speak for themselves |
| (d) Jus Tertii | 4. No man can enforce a right which he has voluntarily waived |
| | 5. Some interest is so important that its violation is an actionable tort without proof or damage |
- Codes :**
- | | | | | |
|-----|-----|-----|-----|-----|
| | (a) | (b) | (c) | (d) |
| (A) | 2 | 4 | 3 | 1 |
| (B) | 4 | 3 | 1 | 2 |
| (C) | 2 | 1 | 3 | 4 |
| (D) | 4 | 3 | 2 | 1 |

34. The expression Constitutional tort means :
- (A) A tort that injures many persons
 - (B) An act constituting a tort
 - (C) A tort permitted by the constitution for the benefit of large number of people although it violates rights of a few
 - (D) A violation of one's constitutional rights by government officers
35. Nuisance can be :
- (A) Public
 - (B) Private
 - (C) Both private and public
 - (D) Either private or public
36. The liability of independent tort feasons :
- (A) Joint only
 - (B) Several only
 - (C) Joint and several
 - (D) Neither joint nor several
37. Vicarious liability commensurate with that of :
- (A) Independent tort feason
 - (B) Joint tort feason
 - (C) Composite tort feason
 - (D) Both (A) and (B)
38. Defamation is divided into libel and slander under :
- (A) English law only
 - (B) Indian law only
 - (C) Both under English and Indian law
 - (D) None of the above
39. Abetment is complete as soon as :
- (A) The abetter has incited another to commit an offence
 - (B) The person instigated has done some overt act towards the commission
 - (C) The offence awaited has been committed
 - (D) Both (B) and (C)
40. Every person has a Right of private defence of his body and the body of any other person against any offence affecting the human body, has been provided :
- (A) Under sec.96(2) of IPC
 - (B) Under sec.97(1) of IPC
 - (C) Under sec.98(1) of IPC
 - (D) Under sec.99(2) of IPC
41. An executioner is exempted from criminal liability for hanging prisoners by virtue of :
- (A) Sec.76 of IPC
 - (B) Sec.77 of IPC
 - (C) Sec.78 of IPC
 - (D) Sec.79 of IPC
42. The word *disaffection* within sec.124A of IPC includes :
- (A) Disloyalty and all feelings of enmity
 - (B) Disapprobation of the measures of the government not exceeding any contempt
 - (C) Disapprobation of the administrative measures
 - (D) All of the above

43. Z, a self-styled expert in family planning, gave Y, some chemical. After the consumption of the chemical the child in the womb of Y died in the womb. What offence has Z committed ?
- (A) Z has committed the offence of murder
 - (B) Z has committed the offence of culpable homicide not amounting to murder
 - (C) Z has committed the offence of causing miscarriage
 - (D) Z has committed no offence
44. Section 83 of IPC lays down :
- (A) A presumption of facts
 - (B) An inconclusive or rebuttable presumption of law
 - (C) Conclusive or irrebuttable presumption of law
 - (D) Irrebuttable presumption of facts
45. The expression *Industrial dispute* as provided under sec.2 (k) of the Industrial Disputes Act 1947 covers the disputes or difference between :
- (A) Employees and employers
 - (B) Employers and workmen
 - (C) Workmen and workmen
 - (D) All of the above
46. In *Bangalore Water Supply vs A Rajappa*, AIR 1978 SC 548, a seven judge bench of the Supreme Court laid down :
- (A) Triple test
 - (B) Dominant nature test
 - (C) Only (A)
 - (D) Both (A) and (B)
47. No person employed in Public Utility service shall go on strike in breach of contract :
- (A) Without giving to the employer a notice of strike within 2 weeks before striking
 - (B) Without giving to the employer a notice of strike within 6 weeks before striking
 - (C) Without giving to the employer a notice of strike within 4 weeks before striking
 - (D) Without giving to the employer a notice of strike within 3 weeks before striking
48. Adolescent under sec. 2(B) of the Factories Act 1948 means :
- (A) A person who has completed the age of 18 years but not completed 21 years
 - (B) A person who has completed the age of 15 years but not completed 18 years
 - (C) A person who has completed the age of 14 years but not completed 16 years
 - (D) Completed the age of 18 years

49. Under sec.2 (j) of the Industrial Disputes Act,1947 “manufacturing process” means any process for :
- (A) Making, altering, repairing any article or substance
 - (B) Pumping oil, water, sewage
 - (C) Composing types for printing or printing by letter press
 - (D) All of the above
50. The trade unions are immune from civil proceedings is provided under which section of The Trade Unions Act, 1926 ?
- (A) Section 18
 - (B) Section 17
 - (C) Section 19
 - (D) Section 20

ROUGH WORK

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