

SET 2013
PAPER – III

LAW

Signature of the Invigilator

Question Booklet No.

1. OMR Sheet No..

Subject Code

ROLL No.

Time Allowed : 150 Minutes

Max. Marks : 150

No. of pages in this Booklet : 12

No. of Questions : 75

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 (75) 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 OMR response sheet 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.**

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LAW
PAPER-III

Note : This paper contains **seventy five(75)** objective type questions of **two (2)** marks each. **All** questions are compulsory.

1. The term State in connection with the Directive principles :
 - (A) Has the meaning given to it in reference to fundamental rights
 - (B) Means only Union and Legislature
 - (C) Means all the three organs of the government
 - (D) Means the same thing as in connection with the fundamental rights
2. **Assertion (A):** In federalism, there is a division of powers between the Union and the States.
Reason (R): The legislation is not invalid merely because it incidentally encroaches upon matters which have been assigned to other legislatures.
 - (A) Both (A) and (R) are true, and (R) is the correct explanation of (A)
 - (B) Both (A) and (R) are true, but (R) is not the correct explanation of (A)
 - (C) (A) is true but (R) is false
 - (D) (R) is true but (A) is false
3. Art. 16(4-A) which gives power to the State to make laws regarding reservation in favour of Scheduled Castes and Tribes was added by :
 - (A) 75th Constitutional amendment
 - (B) 76th Constitutional amendment
 - (C) 77th Constitutional amendment
 - (D) 79th Constitutional amendment
4. After which of the following decisions was the provision for socially and educationally backward classes introduced by an amendment to the Constitution ?
 - (A) Balaji v State of Mysore
 - (B) State of Madras v Champakam Doirajan
 - (C) Dev Dasan v Union of India
 - (D) Periakarupan v State of Tamil Nadu
5. In which case Justice Bhagwati propounded the new doctrine of equality :
 - (A) Air India v N. Mirza
 - (B) Pradeep Jain v Union of India
 - (C) E. P. Royappa v State of Tamil Nadu
 - (D) D.K. Basu v Union of India
6. Right to work in India is :
 - (A) A fundamental right
 - (B) A Directive Principle
 - (C) Not a fundamental right but it can be claimed after being in the employment
 - (D) A Constitutional duty
7. In which case it was held that taking specimen finger prints and hand writing from accused is not hit by Art.20(3) as being *witness against himself* :
 - (A) State through SPE and CBI, A.P.vs M. Krishna Mohan
 - (B) Jaya Sinha vs State of Karnataka
 - (C) Oriental Insurance Co. Ltd. vs Raj Kumari
 - (D) None of the above

8. Residuary powers are vested in the :
- Executive
 - Judiciary
 - Parliament
 - State Legislatures
9. The President's rule under Article 356 remains valid in the State for maximum period of :
- One year
 - Six months
 - Three years
 - One month
10. A.K. Kraipak v. Union of India, AIR 1970 SC150, is a case related to :
- Post decisional hearing
 - Nemo judex in re causa sua
 - Audi alteram partem
 - All of the above
11. The principle of Natural Justice that no one shall be condemned unheard, requires :
- Person likely to be adversely affected must be given adequate notice
 - Such person must have adequate opportunity to put forward his/her case and defend her
 - Both (A) and (B)
 - None of the above
12. Which of the following is a correct statement ?
"Full faith and Credit" Clause of the Constitution does not apply to :
- Public Records
 - Judicial Proceedings
 - Act of Cooperation
 - Public Acts
13. The Power of Judicial Review is vested in the :
- President
 - Parliament
 - Prime Minister
 - Supreme Court and High Court
14. Following is bulwark of personal freedom :
- Certiorari
 - Quo-warranto
 - Habeas Corpus
 - Mandamus
15. Concept of ombudsman was firstly used in which country :
- Switzerland
 - Netherland
 - England
 - United States
16. Rules made by virtue of statutory power are :
- Delegated legislation
 - Administrative orders
 - Quasi judicial principles
 - Precedent
17. Roscoe Pound was an :
- American jurist
 - French jurist
 - English jurist
 - German jurist
18. Retributive theory of punishment provides that :
- The evil should be returned by evil
 - Threat should be created
 - Soft treatment should be given
 - Prisons should be abolished

19. A legal person cannot be :
- An owner
 - A master
 - A citizen
 - A partner
20. Obiter dicta is :
- The final decree of the court in a case
 - Judgement of a case
 - An observation in a judgment having persuasive effect
 - An order of a court
21. Volkes geist is the basic postulate of :
- Historical school propounded by Henry Main
 - Historical school propounded by Savigny
 - Economic School of law propounded by Adam Smith
 - Cultural jurisprudence propounded by Napolean
22. Amos was the first to define jurisprudence as :
- Essence of law
 - Philosophy of law
 - Science of law
 - Sociology of law
23. Pollock's theory of possession lays stress on :
- Animus
 - Defacto control
 - Ownership
 - Knowledge of title
24. Cardozo was a jurist of :
- Realistic school of jurisprudence
 - Sociological school of jurisprudence
 - Historical school of jurisprudence
 - German school of jurisprudence
25. Irresistible impulse is a defence :
- In India
 - In England
 - In India and England both
 - Neither in India nor in England
26. In which of the following cases the Supreme court held that doctors can not be held guilty, only because something has gone wrong :
- Maniben v State of Gujarat, AIR 2010 SC1261
 - Southern Railway Officer v Union of India, AIR 2010 SC 1241
 - Tameswar v Ramvishal , AIR 2010 SC 1209
 - Malaya Kumar Ganguly v Sukumar, AIR 2010 SC 116
27. Fraudulently has been defined, as doing any thing with intent to defraud :
- Section 23
 - Section 25
 - Section 24
 - Section 26
28. A cuts down a tree on B's land with the intention of dishonestly taking the tree out of B's possession without B's consent. A commits :
- No offence until the tree is taken away
 - Offence of criminal misappropriation of property
 - Offence of criminal breach of trust
 - The offence of theft as soon as the severance of the tree from the ground is complete
29. X gave poisoned bread to Y with an intention to kill him. Y ate half of it and kept remaining part on the side. Z who was sitting there picked that part of bread and ate it. Z died :
- X is guilty of murder of Z
 - X is guilty of culpable homicide not amounting to murder
 - X is not guilty of murder
 - X is neither guilty of murder nor of culpable homicide as he never intended to kill Z

30. Chapter XX of Indian Penal Code deals with :
 (A) Offences relating to marriage
 (B) Defamation
 (C) Offences against property
 (D) None of the above
31. Plea Bargaining inserted by Criminal Law Amendment Act 2005 does not apply in case of :
 (A) Offences affecting socio-economic conditions of the country
 (B) Offences committed against women
 (C) Offences against children below the age of 14 years
 (D) All of the above
32. The Biological Diversity Act was passed in the year :
 (A) 1999
 (B) 2000
 (C) 2001
 (D) 2002
33. Kanpur Tanneries case is related with :
 (A) Kindri Devi vs State
 (B) T. Damodar Rao, vs Municipal Corp. Hyderabad
 (C) Meneka Gandhi vs UOI
 (D) M.C. Meheta vs UOI
34. In which of the following cases the Supreme Court noted the poor enforcement of Environmental laws and recognised the administrative burden on the Pollution Control Board which prevented them from effectively implementing the regulation ?
 (A) Bayer(India) Ltd v State of Maharashtra
 (B) CRZ Notification Case
 (C) F.B. Tarapora Case
 (D) Bangalore Water Supply Case
35. Green House conference is also known as :
 (A) Kyoto Conference
 (B) Stockholm Conference
 (C) The Montreal Protocol
 (D) All of the above
36. Public forest include :
 (A) Reserved forest
 (B) Village forest
 (C) Protected forest
 (D) All of the above
37. Section 31- A of Air (Prevention and Control of Pollution) Act 1981 is related to the Power of the Board :
 (A) To issue directions for the closure, prohibition or regulation of any industry
 (B) To Stop or regulate of supply of Electricity, water or any other services
 (C) To prepare annual budget
 (D) Both (A) and (B)
38. The Multilateral Ozone Fund is administered by the Global Environment Facility depends on the support of:
 (A) Developed countries
 (B) Developing countries
 (C) Under developed countries
 (D) None of the above
39. Due to floods , eruption of volcanos , raising of corals in the shape of island , etc. create certain new lands and the territory of the State . It is called :
 (A) Prescription
 (B) Accretion
 (C) Cession
 (D) Annexation

40. Plebiscite means :
- A decree of the State
 - A decree of the People
 - A decree of the Court
 - A decree of UNO
41. The Chicago International Air Transport Agreement, 1944 is also called as :
- Five freedoms Agreement
 - Four freedoms Agreement
 - Three freedoms Agreement
 - Two freedoms Agreement
42. Man-made satellites, used for telecommunication , T.Vs are in :
- Air space
 - Outer space
 - Below outer space
 - Below the air space
43. Which country used the VETO for the first time ?
- USA
 - USSR
 - UK
 - CHINA
44. What is a consequence if an agreement of two States A and B is not registered with the secretariat of UNO ?
- Either party A and B can withdraw from the agreement
 - The registration is not compulsory, hence nothing will happen
 - The rights and liabilities of the party will be unchanged
 - All of the above
45. A State can exercise its sovereign power on :
- Territorial waters
 - Contiguous zone
 - Continental shelf and exclusive economic zone
 - All of the above
46. The propounders and supporters of Declaratory Theory / Evidentiary Theory of Recognition are :
- Hall, Wanger
 - Brierly, Pitt
 - Cobbet, Fisher
 - All of the above
47. Which of the following is not a legal effect of a valid Muslim marriage ?
- Status of woman changes and she is subjected to the husbands school of law
 - Status of woman does not change and she is subjected to her own pre marital school of law
 - Neither the husband nor the wife acquires any interest in the property of the other by reason of marriage
 - Mutual rights of inheritance are established.
48. In Islamic Law *Faskh* means :
- Restitution of conjugal rights
 - Judicial separation
 - Dissolution or rescission of the contract of marriage by judicial decree at the instance of the husband
 - Dissolution or rescission of the contract of marriage by judicial decree at the instance of the wife

49. The obligation of the husband to maintain his wife is :
- Co-extensive with the property
 - A personal obligation
 - Both (A) and (B)
 - Either (A) or (B)
50. The section -12 of the Hindu Adoption and Maintenance Act 1956, deals with :
- Rights of adoptive parents to dispose of their properties
 - Effects of Adoption
 - Presumption as to the document relating to adoption
 - Cancellation of adoption
51. The Breakdown Theory of Divorce is reflected in :
- Section – 13 (1) of the Hindu Marriage Act 1955
 - Section – 13 (2) of the Hindu Marriage Act 1955
 - Section – 13 (1A) of the Hindu Marriage Act 1955
 - Section – 13 (B) of the Hindu Marriage Act 1955
52. Registration of Hindu Marriage under Section 8 of the Hindu Marriage Act 1955 is :
- Compulsory
 - Optional
 - May be made compulsory by the state government
 - Both (B) and (C)
53. An order for the grant of permanent alimony under section 25 of the Hindu Marriage Act 1955 :
- By itself operates as a charge on the property of the respondent
 - Operates on a charge on the property of the respondent when the court creates a charge on the property
 - Can not operate as a charge on the property of the respondent under any circumstances
 - Either (A) or (C)
54. Power to give divorce can be delegated by a Muslim husband , to :
- Wife
 - A third person
 - Either the wife or third person
 - None of the above
55. Article 7 of the Universal Declaration of Human Rights deals with the :
- Right of equality before law
 - Right against arbitrary arrest, detention or exile
 - Right against slavery or servitude
 - None of the above
56. The Universal Declaration of Human Rights enshrines the right to freedom of thought, conscience and religion under article :
- 17
 - 18
 - 21
 - 25

57. Right to equal pay for equal work is guaranteed by :
- International Covenant on Economic, Social and Cultural Rights
 - International Covenant on Civil and Political Rights
 - Universal Declaration of Human Rights
 - Both (A) and (C)
58. The International Covenant of Economic, Social and Culture Rights(ICESCR) was adopted by the U.N. General Assembly in :
- 1956
 - 1966
 - 1970
 - 1975
59. Article 3 of ICESCR reaffirms the principle of equality of :
- Men
 - Women
 - Men and women
 - Neither men nor women
60. Under which Article of ICESCR, the State Parties to the covenant recognize the right to an adequate standard of living for himself and his family of people :
- Article 11
 - Article 12
 - Article 13
 - None of the above
61. The Covenant on Civil and Political Rights provides for an inter-State complaint machinery which enables one State Party to charge another State Party with a violation of the treaty. This complain Machinery is :
- Compulsory
 - Optional
 - Depends upon the nature of complaint
 - None of the above
62. Law of torts developed mainly :
- Through enactments
 - Through customs
 - Through judicial decisions
 - Through none of these
63. Unliquidated damages means :
- Damages to something sold
 - Damages caused by a firm which has gone in liquidation
 - Damages to a firm in the hands of receivers
 - Damages to be assessed by a Court as these are not pre-determined
64. *Injuria sine damno* means :
- Damning the other party
 - Injury without damaging
 - Damaging without causing legal injury
 - None of these
65. To constitute a defence of *volenti non fit injuria*, it is to be shown that the injured :
- Knew beforehand that there was risk: nothing more
 - Knew the existence of danger as such
 - Fully knew and understood both the elements of risk and danger
 - Voluntarily accepted the risk

66. A public wrong means :
- A wrong done publicly
 - A wrong done by public
 - A wrong done to the whole community
 - None of the above
67. If a person enters voluntarily into a sports event and receives grave injury. He :
- Has a claim in torts for loss of earning capacity
 - Has no claim in torts because the injury was not intentionally caused
 - Has a claim in torts for medical expenses though not for loss of income
 - Has no claim in torts because of principle *volenti non fit injuria*
68. While appointing the governor of State, the President of India consults with :
- Chief Justice of Supreme Court
 - Chief Justice of State
 - Chief Minister of State
 - All the above
69. 'A' hires a cab to drive him to a cinema hall. On the way the taxi knocks down 'B'. 'B' would have a remedy against 'A' :
- If no malice was proved against the taxi driver
 - If 'A' had urged the taxi driver to go at a dangerous speed because 'A' wished to particularly keep a date
 - Under no circumstances
 - Under any circumstances
70. 'A' fails to go to assistance of a drowning child. Is he :
- Liabile in torts
 - Not liable in torts
 - Liabile if the child is his servant
 - Liabile if the child is lunatic
71. The term 'partnership' has been defined under _____ of the Partnership Act.
- Section 3
 - Section 4
 - Section 5
 - Section 6
72. The relation of partnership arises from contract and not from status has been prescribed under :
- Section 4
 - Section 5
 - Section 6
 - Section 7
73. The historic case laying down the test for determining the existence of a partnership is :
- Grace v Smith
 - Waugh v Carver
 - Bloream v Pell
 - Cox v Hickman
74. An agreement in restraint of trade in a partnership under section 11 of the Act is :
- Valid
 - Voidable
 - Void
 - Invalid
75. Whether a partnership exists or not is a :
- Question of fact
 - Question of law
 - Mixed question of fact and law
 - Neither (A) nor (C)

ROUGH WORK

ROUGH WORK

ROUGH WORK