

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO

T.B.C. : N-DTQ-K-NCY

Test Booklet Series

Serial No.

TEST BOOKLET
LAW

C

Time Allowed : Two Hours

Maximum Marks : 300

INSTRUCTIONS

1. IMMEDIATELY AFTER THE COMMENCEMENT OF THE EXAMINATION, YOU SHOULD CHECK THAT THIS TEST BOOKLET DOES NOT HAVE ANY UNPRINTED OR TORN OR MISSING PAGES OR ITEMS, ETC. IF SO, GET IT REPLACED BY A COMPLETE TEST BOOKLET.
2. ENCODE CLEARLY THE TEST BOOKLET SERIES **A, B, C** OR **D** AS THE CASE MAY BE IN THE APPROPRIATE PLACE IN THE ANSWER SHEET.
3. You have to enter your Roll Number on the Test Booklet in the Box provided alongside. **DO NOT** write anything else on the Test Booklet.
4. This Test Booklet contains **120** items (questions). Each item is printed both in **Hindi** and **English**. Each item comprises four responses (answers). You will select the response which you want to mark on the Answer Sheet. In case you feel that there is more than one correct response, mark the response which you consider the best. In any case, choose **ONLY ONE** response for each item.
5. You have to mark all your responses **ONLY** on the separate Answer Sheet provided. See directions in the Answer Sheet.
6. All items carry equal marks.
7. Before you proceed to mark in the Answer Sheet the response to various items in the Test Booklet, you have to fill in some particulars in the Answer Sheet as per instructions sent to you with your Admission Certificate.
8. After you have completed filling in all your responses on the Answer Sheet and the examination has concluded, you should hand over to the Invigilator **only the Answer Sheet**. You are permitted to take away with you the Test Booklet.
9. Sheets for rough work are appended in the Test Booklet at the end.
10. **Penalty for wrong answers :**
THERE WILL BE PENALTY FOR WRONG ANSWERS MARKED BY A CANDIDATE IN THE OBJECTIVE TYPE QUESTION PAPERS.
 - (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, **one-third (0.33)** of the marks assigned to that question will be deducted as penalty.
 - (ii) If a candidate gives more than one answer, it will be treated as a **wrong answer** even if one of the given answers happens to be correct and there will be same penalty as above to that question.
 - (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be **no penalty** for that question.

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ध्यान दें : अनुदेशों का हिन्दी लघुनाम इस पुस्तिका के पिछले पृष्ठ पर छापा है।

1. According to Sir Henry Maine, through which of the following instrumentalities do progressive societies (unlike static societies) proceed to develop law?

1. Codification and legislation
2. Royal commands, custom and constitution
3. Legal fiction
4. Equity and legislation

Select the correct answer using the code given below :

Code :

(a) 1 and 3

(b) 2 and 4

(c) 4 only

(d) 3 and 4

2. On the issue of legality of the threat or use of nuclear weapons, the International Court of Justice in the year 1996 advised that General Assembly resolutions concerning prohibition of the use of nuclear weapons

(a) establish *opinio juris* necessary for the existence of international custom

(b) fall short of establishing *opinio juris* for the existence of international custom

(c) create political effects only

(d) create ethical effects only

3. In the case of *Indian Council for Enviro-Legal Action vs Union of India*, it was held that the rule laid down in *M. C. Mehta* case was

(a) not a departure from the law applied in Western countries

(b) an *obiter dicta* and was appropriate and suited to conditions prevailing in India

(c) not *obiter dicta* but was not appropriate and suited to conditions prevailing in India

(d) not *obiter dicta* and was appropriate and suited to conditions prevailing in India

4. X instigates Y to murder Z. Y in pursuance of the instigation stabs Z. Z recovers from the wound. Which one of the following is the liability of X?

(a) Since essentials to constitute an offence of abetment are not fulfilled, X is not guilty of instigating to commit murder

(b) Z is alive and hence X is not guilty of instigating to commit murder

(c) X is guilty of instigating Y to commit murder even if Z recovers and does not die

(d) Since death of Z does not ensure, the criminal liability, if any, will be that of only Y

5. Which of the following statements is/are correct?

1. Counter-offer puts an end to the original offer.
2. In counter-offer, the previous offer can be revived.
3. Acceptance must be absolute and unqualified.
4. Acceptance with new terms is valid.

Select the correct answer using the code given below :

Code :

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

6. The original jurisdiction of the Supreme Court is **not** attracted in any dispute between

- (a) the Government of India and one or more States
(b) the Government of India and any State or States on one side and one or more States on the other side
(c) the Government of India and citizens or private bodies
(d) two or more States

7. According to Roscoe Pound, which of the following situations do/does **not** depict conflict between interests in the same plane?

1. Right to abortion of woman vs. Right to life of child in the womb
2. Right to privacy of AIDS patient vs. Right to health of fiancée
3. Right to livelihood of prostitute vs. Right of society to be free from immoral surroundings
4. Right to self-determination vs. Right to conjugal relations of a spouse

Select the correct answer using the code given below :

Code :

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

8. International usage translates into international custom only if

- (a) followed by the States for a long time
(b) consistently and uniformly followed by the States for a long time
(c) uniformly followed by the States with the belief that States are bound to follow it
(d) States have the belief that they are bound to follow the usage

9. Which one of the following is the *ratio decidendi* of the case of Rylands vs. Fletcher?

(a) A person is liable if he brings on his land some dangerous thing

(b) The liability arises not because there was any fault on the person but because he kept some dangerous thing on his land

✓(c) Even if the defendant was not negligent in causing the harm, he could still be made liable under the rule

(d) A person, who for his own purposes brings on his lands and keeps there anything which is likely to do mischief if it escapes, is *prima facie* answerable for the damage which is the natural consequence of its escape

10. Consider the following statements :

1. The Preamble of both International Covenant on Economic, Social and Cultural Rights (ICESCR) and International Covenant on Civil and Political Rights (ICCPR) recognize that all human rights are interrelated, indivisible, interdependent and equally important.
2. ICCPR recognizes the principle of Progressive Realization.
3. ICESCR is monitored by the UN General Assembly.

Which of the statements given above is/are correct?

✓(a) 1, 2 and 3

(b) 1 only

(c) 2 and 3 only

(d) 1 and 3 only

11. A contract by post is concluded at the place

(a) from where the offer had been made

✓(b) from where the acceptance had been posted

(c) where the acceptance had been received

(d) where the goods are to be delivered

12. Which one of the following statements is correct with regard to appointment of the Judges of the Supreme Court of India?

✓(a) The Chief Justice of India (CJI) should consult a collegium of four seniormost judges of the Supreme Court

✓(b) Even if two judges of the collegium give an adverse opinion, the CJI should send the recommendation to the government

(c) The opinion of the collegium may be different from that of the CJI

(d) Every judge of the Supreme Court is appointed by the CJI

13. Consider the following paragraph with regard to weakness of a theory of possession and identify the theory with the help of the code given below :

It looks at possession from the point of view of interdicts and therefore, it is incapable of explaining the cases where law refused 'possessory rights' to the persons who were in effective physical control. The cases in which the persons did not look like an owner (in relation to a thing) but for certain purposes, law recognized them to be in possession cannot be explained by this theory.

Code :

- (a) Savigny's theory
- (b) Ihering's theory
- (c) Rousseau's theory
- (d) Holland's theory
14. Which one of the following principles was applied by the International Court of Justice in the North Sea Continental Shelf cases involving disputes concerning delimitation of continental shelves of Federal Republic of Germany, Denmark and the Netherlands?
- (a) Equidistance principle which is part of Geneva Convention on Continental Shelf, 1958
- (b) Proportionality criterion on the basis of equity which is general principle of law recognized by civilized nations

- (c) International customary law
- (d) Equidistance and equitable principles

15. Generally, tortious liability has an element of fault to support it. In which one of the following Acts, recently a provision has been made in India, which provides for meeting claims arising both on the basis of fault principle and no fault principle?

- (a) Factories Act
- (b) Motor Vehicles Act
- (c) Workmen's Compensation Act
- (d) Public Liability Insurance Act

16. In case of State succession, which of the following treaties do **not** pass on to the new State?

- (a) Boundary treaties
- (b) Territorially grounded treaties
- (c) Multilateral human rights treaties
- (d) Political treaties

17. The plaintiff was traveling in a bus belonging to the State Road Transport Corporation resting her elbow on the windowsill. The bus was moving on the highway outside the town area. A truck coming from the opposite direction hit her elbow as a result of which she received severe injuries. The bus and the truck, however, did not come in contact with each other. The plaintiff claimed damages against the drivers of the bus as well as the truck. On which one of the following grounds were the defendants held liable, if any?

- ✓(a) The drivers of both the bus and the truck owed a duty of care for the safety of the plaintiff while driving
- (b) Presumption of negligence can be raised by applying the maxim *res ipsa loquitur*
- (c) Law of negligence be equally applicable in crowded city as well as in the highways
- (d) No liability, as she was resting her elbow on the windowsill

18. A digs a pit and leaves four deadly and poisonous snakes into it with the intention of causing death to others. B falls in the pit and is bitten by a snake and dies. A is guilty, if any, of

- (a) culpable homicide not amounting to murder under Section 299
- (b) voluntarily causing grievous hurt under Section 326

✓(c) murder under Section 300

- (d) no offence as B fell in the pit by accident. Hence, A will get the benefit of Section 30 of the IPC

19. Which one of the following statements with regard to factors vitiating consent is correct?

(a) A person is deemed to be in a position to dominate the will of another where he stands in a fiduciary relation to the other

✓(b) Where a person who is in a position to dominate the will of another enters into a contract with him the burden of proving that such consent was not induced by undue influence would always be upon the person in a position to dominate the will of the other

(c) Parents shall always be deemed to be in a position to dominate the will of their children.

(d) Presumption of undue influence would always arise when parties are nearly related to each other

20. The ambit of the expression 'law' as defined in Article 13(3)(a) of the Constitution of India ensures that the paramountcy of the Constitution extends to the

1. temporary laws such as ordinances, notification as well as permanent laws such as Acts
2. statutory instruments in the nature of subordinate legislation such as bye law, rule, etc
3. non-legislative sources of law, e.g., custom or usage having in the territory of India the force of law

Select the correct answer using the code given below :

Code :

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

21. Which one of the following pairs is correctly matched in order to form a jural opposite in the analysis of 'Right' given by W. N. Hohfeld?

- (a) Claim : Duty
- (b) Power : Disability
- (c) Immunity : Disability
- (d) Privilege : No right

22. Which of the following are correct according to Constitutive Theory of Recognition?

1. Recognition is a key to membership of the international community.
2. It is constitutive of a new international legal personality.
3. States are under a legal obligation to grant recognition to a newly emerging State.
4. Recognition clothes the government of the recognized State with authority and opportunity to conduct international relations.

Select the correct answer using the code given below

Code :

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

23. Which one of the following statements illustrates the principle of Contributory Negligence?

- (a) The plaintiff by his own want of care contributes to the damage caused by the negligence or wrongful conduct of the defendant.
- (b) To be guilty of contributory negligence, the plaintiff should have acted like a prudent man
- (c) A person who comes to court must come with clean hands
- (d) The plaintiff's negligence means breach of duty towards defendant

24. Which one of the following is **not** an element of theft?

- (a) Dishonest intention to take movable property
- (b) Moving of movable property with dishonest intention to take it out of the possession of another person
- ✓(c) Dishonest inducement to deliver movable property
- (d) Moving of movable property in order to accomplish the taking of it without the consent of the possessor

25. Which one of the following agreements is induced by undue influence?

- (a) A applies to a banker for loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms
- ✓(b) A, enfeebled by disease or age, is induced by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services
- (c) A, at the age of sixty five years, executes a deed of gift in favour of his only grandson gifting him all his properties to the exclusion of his wife, sons and daughters
- (d) B, a rich man, donates all his properties to a charitable trust leaving nothing for himself and his family members

26. In which one of the following cases was it observed that the objectives specified in the Preamble contain the basic structure of our Constitution, which **cannot** be amended in exercise of the power under Article 368 of the Constitution?

- ✓(a) Kesavananda Bharati vs. State of Kerala
- (b) Lingappa vs. State of Maharashtra
- (c) D. S. Nakara vs. Union of India
- (d) Amar Singh vs. State of Rajasthan

27. If the sum fixed represents a genuine pre-estimate of the probable damages that are likely to result from a breach of contract, it is considered as

- ✓(a) liquidated damages
- (b) penal damages
- (c) special damages
- (d) general damages

28. The Charter of the United Nations

- (a) enumerates human rights
- (b) imposes obligation on States to promote human rights
- (c) contains mechanisms to implement human rights
- (d) imposes obligation on States to protect human rights enumerated therein

29. Identify the situations where slander is actionable *per se* under the English law of tort :

1. Imputation of criminal offence to the plaintiff
2. Imputation of belonging to the lower caste
3. Imputation of a contagious or infectious disease
4. Imputation of unchastity or adultery to any woman

Select the correct answer using the code given below :

Code :

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

30. W, who had her small baby tied on her back, was proceeding towards her parental place who lived nearby. Since her husband H, did not like her visits to her parental place prevented her from proceeding further and directed her to return her home and threatened her with dire consequences if she ventured to do so again. She felt very depressed and decided to jump into a well nearby. Unmindful of the presence of her child on her back, she jumped into the well. She survived but the child died. W is guilty of

- (a) murder
- (b) culpable homicide not amounting to murder as she cannot be attributed with intention to cause death or intention to cause bodily injury
- (c) causing death by rash or negligent act
- (d) no offence as it is a case of accident or misfortune

31. In which one of the following cases was it laid down that presidential proclamation dissolving a State Legislative Assembly is subject to judicial review?

- (a) Arun vs. Union of India
- (b) S. R. Bommai vs. Union of India
- (c) A. K. Roy vs. Union of India
- (d) State of Rajasthan vs. Union of India

32. Universal Declaration of Human Rights, 1948 contains provisions relating to

- (a) conceptualization of Human Rights
- (b) operationalization of Human Rights
- (c) establishment of Human Rights Institutions
- (d) establishment of Human Rights Committee

33. Which of the following statements relating to the tort of conspiracy is/are correct?

1. It consists of an agreement.
2. It consists of forming a combination with the purpose of causing damage.
3. Damage suffered by the plaintiff must be proved.
4. The gist of conspiracy in tort is an agreement alone.

Select the correct answer using the code given below :

Code :

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

34. X inflicted as many as 19 injuries on the arms and legs of Y with a gandasa, resulting in multiple fractures on arms and legs and also profuse bleedings. The injuries cumulatively caused the death of Y. X is tried for the offence of murder u/s 302 of the IPC. Determine the criminal liability of X from the alternatives given below

(a) Since X inflicted injuries only on non-vital parts of the body, hence he could not be attributed with intention to kill and therefore, cannot be held guilty of the offence of murder but only of culpable homicide not amounting to murder

(b) Even though the accused did not have the intention to cause death but, nonetheless, he had intention to cause the injuries on the body of Y and the injuries so caused were thereby cumulatively sufficient to cause death in the ordinary course of nature and so his case falls under Section 300

(c) Since injuries were only on non-vital parts of the body, and there was no intention to cause death, the accused is liable only to be punished for the offence of voluntarily causing grievous hurt by dangerous weapon

(d) The liability of X can at best be causing death by rash act not amounting to culpable homicide

35. In which one of the following cases, a contract becomes void on the ground of subsequent impossibility?

(a) A agreed to supply certain quantity of Basmati rice to B in the month of December, 2009. However, due to deficient monsoon rains in 2009, the prices of Basmati rice skyrocketed making it difficult for A to supply rice at the agreed price except at heavy losses

(b) A agreed to supply B certain quantity of fabric at specified rate manufactured by AB Mills. However, due to indefinite workers' strike in the mill, A failed to supply the fabric to B

(c) A contracts to act at a theatre for six months in consideration of a sum paid in advance by B. On several occasions A is too ill to act

(d) A agreed to supply ten tons of sugar to B at a rate of Rs 20 per kg. However, due to non-availability of adequate stock of sugar in the local market, A failed to supply sugar

36. Consider the following statements about the residuary powers of the legislations :

1. The Parliament has exclusive power to make any law with respect to any matter not enumerated in List II or List III.
2. State Legislatures have exclusive power to make any law with respect to any matter enumerated in List II.
3. The Parliament as well as State Legislatures have exclusive power to make any law with respect to any matter not enumerated in List II or List III.

Which of the statements given above is/are correct?

(a) 1 and 2

(b) 1 only

(c) 2 only

(d) 1 and 3

37. The statement "King is dead, long live the king" denotes that the king is

(a) a natural person

(b) a corporation sole

(c) a corporation aggregate

(d) not a legal person, but a position only

38. What is the effect of a State Party making a declaration under the Optional Clause of the Statute of the International Court of Justice (ICJ) [Article 36(2)]?

- (a) Individuals can file cases in the ICJ against that State
- (b) States which have accepted the jurisdiction of the ICJ can file cases against that State on the basis of reciprocity
- (c) The State would have an option to continue as a party to the Statute of the ICJ
- ✓(d) The State allows all the other States to file any case in the ICJ against itself

39. Which of the following defences in an action for tort of nuisance are ineffectual defences?

1. Public good
2. Statutory authority
3. Nuisance due to acts of others
4. Reasonable care

Select the correct answer using the code given below :

Code :

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

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

List-I	List-II
A. A and B go to murder X under a common understanding. A stood as a guard near the gate and B stabs X	1. Mistake of fact in good faith
B. A Police Officer received a warrant to arrest X believing Y to be X, he arrests Y	2. Criminal misappropriation
C. X, a Hindu, divorced his wife and refused to return her money, clothes and ornaments despite her repeated demands	3. Joint liability
D. A finds a gold ring on a railway platform. He picked it. Instead of returning to the Railway Authorities, he sold it immediately	4. Criminal breach of trust

Code :

(a) A B C D
3 4 1 2

✓(b) A B C D
3 1 4 2

(c) A B C D
2 1 4 3

(d) A B C D
2 4 1 3

41. Hazardous activities that attract absolute liability are those activities, which are

- (a) prohibited by law being dangerous to the society
- (b) permitted by law for the sake of social utility
- (c) tolerated on condition that they pay regardless of any fault
- (d) permitted with statutory safety measures

42. When any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by the Parliament, which the Parliament is competent to enact, the law made by the

- (a) State Legislature shall prevail
- (b) Parliament shall prevail if it is made after the law made by the State Legislature
- (c) Parliament shall prevail whether passed before or after the law made by the State Legislature
- (d) Parliament shall prevail if it is made prior to the law made by the State Legislature

43. Which one of the following Statutes has **no** Preamble?

- (a) The Government of India Act, 1919
- (b) The Government of India Act, 1935
- (c) The Constitution of Pakistan
- (d) The Constitution of Switzerland

44. Match List-I with List-II and select the correct answer using the code given below the lists :

<i>List-I</i> (Theory)	<i>List-II</i> (Key to the theory)
A. Theory of Enterprise Entity	1. Some groups are treated as if they are persons
B. Fiction Theory	2. Utilitarian
C. Concession Theory	3. Juristic persons are creation of arbitrary rules of procedure
D. Hohfeld's Theory	4. Identification of law with State

Code :

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

45. Which one of the following human rights instruments does **not** contain mechanisms to implement human rights enumerated therein?
- (a) International Covenant on Civil and Political Rights, 1966
- (b) International Covenant on Economic, Social and Cultural Rights, 1966
- ✓(c) Universal Declaration of Human Rights, 1948
- (d) UN Convention on the Rights of the Child, 1989

Directions :

The following **six (6)** items consist of two statements, Statement I and Statement II. You are to examine these two statements carefully and select the answers to these items using the code given below :

Code :

- (a) Both the statements are individually true and Statement II is the correct explanation of Statement I
- (b) Both the statements are individually true but Statement II is **not** the correct explanation of Statement I
- (c) Statement I is true but Statement II is false
- (d) Statement I is false but Statement II is true

46. Statement I :

In Kelsen's view, there is no difference between natural and juristic persons.

Statement II :

The totality of claims and duties is the person in law.

47. Statement I :

Person of inheritance is the owner of the right.

Statement II :

Inheritance is a means to ownership.

48. Statement I :

Possession is Nine Points in law.

Statement II :

Possession **cannot** be interfered with by anyone except by the one with a better title.

49. Statement I :

Subject to rules of *jus cogens*, local customary law can supplement or derogate from general custom.

Statement II :

International law **does not** recognize the concept of local custom.

50. Statement I :

A person, who moves to a place nearer the place of nuisance, can complain of nuisance.

Statement II :

Coming to the place of nuisance is a good defence.

51. Statement I :

In an action for malicious prosecution, it must be proved that the defendant had initiated criminal proceeding maliciously and without reasonable and probable cause.

Statement II :

Action for malicious prosecution is instituted in a criminal court.

52. The Supreme Court of India, in the case of A. K. Gopalan vs. State of Madras, decided that the expression 'procedure established by law' in Article 21 of the Constitution means "any procedure prescribed by law, irrespective of its reasonableness or otherwise". Which one of the following approaches did the Supreme Court follow in the above case?

- (a) Positive law school approach
- (b) Historical approach
- (c) Sociological approach
- (d) Philosophical approach

53. Consider the following statement made by Sir Frederick Pollock :

If international law were only a kind of morality, the framers of the State Papers concerning foreign policy would throw all their 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.

In which one of the following cases is the above statement of Pollock true?

- (a) Developed countries
- (b) Developing countries which constitute Group of 77
- (c) Socialist countries
- (d) Developed countries, Socialist countries and Group of 77

54. Under which of the following conditions, the right to claim damages in tort would arise?

1. Infringement of a legal right
2. Legal damage
3. Any damage
4. Existence of a legal right

Select the correct answer using the code given below :

Code :

(a) 1 and 2 only

(b) 1, 2 and 4

(c) 1, 3 and 4

(d) 2 and 4 only

55. Which of the following is/are inchoate crime(s)?

1. Attempt to commit a crime
2. Criminal conspiracy
3. Theft
4. Murder

Select the correct answer using the code given below :

Code :

(a) 1 and 4

(b) 1, 2 and 3

(c) 1 and 2 only

(d) 2 only

56. Which of the following statements with regard to contract is **not** correct?

(a) The acceptance should be made in the manner prescribed in the proposal. But a departure from that manner does not itself invalidate the acceptance. A duty is cast on the offeror to reject such acceptance within reasonable time and if he fails to do so, the contract is clinched on him and he becomes bound by the acceptance

(b) An acceptance containing additions, limitations or other modifications shall amount to rejection of the offer and shall constitute a counter-offer

(c) It is not open to an offeror to stipulate against an unwilling offeree that latter's silence will be regarded as equivalent to acceptance. He cannot force him to take a positive course of action under penalty of being contractually bound if he does not

(d) An offeror would not be bound by a contract, if the letter of acceptance posted by the offeree is lost in transit and thus is not received by the offeror

57. Which of the following statements with regard to financial emergency in India is/are correct?

1. It is required to be approved by both the Houses of the Parliament within one month.
2. Once approved by both the Houses of the Parliament, it remains valid for six months.
3. Salary of any government official including the Supreme Court Judges can be reduced during financial emergency.
4. During financial emergency, the executive authority of the Union shall extend to the giving of directions to any State to observe such canons of financial propriety as may be specified in the directions.

Select the correct answer using the code given below :

Code :

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

58. Which one of the following is **not** correct with reference to John Austin's Command Theory?

- (a) Divine Law is law properly so-called
(b) The law of honour is law improperly so-called
(c) Laws of gravity are laws properly so-called
(d) The laws set by fashion are laws improperly so-called

59. Treaty, generally speaking, binds States, which are parties to the treaty. A State becomes party to the treaty by

- (a) signing the treaty
- ✓ (b) ratifying the treaty
- (c) enacting domestic legislation to implement the treaty
- (d) enforcing the treaty by way of conduct

60. Which of the following statements are correct?

1. In tort, the duties are imposed by law whereas in contract, duties are undertaken by the parties themselves.
2. In tort, the duty is towards the world at large but in contract, the duty is towards specific individual or individuals.
3. In tort, damages are liquidated but in contract, the damages are unliquidated.
4. In tort, a person may be liable for the wrongs committed by others also but in contract, the liability governs the parties to the contract only.

Select the correct answer using the code given below :

Code :

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

61. The pardoning power of the President under Article 72 of the Constitution of India can be exercised

- ✓ (a) only after the trial and on conviction
- (b) either before or after the trial but never during the trial of the case
- (c) during or after the trial but never before the trial
- (d) at any time before, during or after the trial

62. Consider the following statements :

1. To bring an action for damages in respect of a public nuisance by a private individual, the injury must be direct and not merely consequential.
2. Private nuisance may be with respect to property or personal physical discomfort.

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

63. A, a resident of Chennai, is an agent for B, a resident of Delhi. There is an express contract between them that all sums remitted by B to A will be invested by A in accordance with B's direction. B remits Rs 5 lacs to A with the direction that it be invested in buying shares of X company. A instead invests the same in buying shares of Y company believing in good faith that this will fetch more profit to B than investing the money in X company as directed by B. B suffers loss, because the value of shares of Y company declines. A is liable

- (a) for criminal misappropriation of property as B suffers loss, because A has disobeyed B's directions
- (b) for criminal breach of trust as B had entrusted the money to A and A had invested it in violation of B's directions
- (c) for theft as wrongful loss has been caused by A to B
- ✓(d) to face a civil action by B on account of the loss suffered by B

64. A, a trader, leaves goods at B's house by mistake, B treats the goods as his own and consumes them. Which one of the following propositions would govern their relationship?

- (a) B is not liable to pay as he had not placed any order for the goods. There was thus no contractual relationship between A and B
- (b) B is liable to pay for the goods, as there was an implied contract between A and B

(c) A cannot take advantage of his own wrong and therefore, cannot recover the price of the goods

✓(d) B would be liable to compensate A as A had not delivered the goods intending to do so gratuitously and B had enjoyed the benefit thereof

65. Consider the following statements with regard to protection in respect of conviction for offences :

1. In the case of Sampath Kumar vs. Enforcement Directorate, Madras, it was held that it is unconstitutional to give a caution to speak the truth.
2. No person shall be prosecuted and punished for the same offence more than once.
3. No person accused of any offence shall be compelled to be a witness against himself.
4. Criminal law in India can be enacted retrospectively.

Which of the statements given above is/are correct?

(a) 1, 2 and 4

(b) 2, 3 and 4

✓(c) 2 and 3 only

(d) 3 only

66. Which of the following statements is/are correct with reference to the concept of ownership?

1. When the subject matter of the ownership is a physical object, it is incorporeal ownership.
2. Corporeal ownership refers to owning of rights as opposed to physical objects.
3. When the owner's title is perfect, it is called vested ownership.

Select the correct answer using the code given below :

Code :

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

67. Which one of the following human rights instruments empowers individuals aggrieved of violation of rights to file petition in the Human Rights Committee?

- (a) International Covenant on Civil and Political Rights, 1966
- (b) International Covenant on Economic, Social and Cultural Rights, 1966
- (c) Optional Protocol I of the International Covenant on Civil and Political Rights, 1966
- (d) Universal Declaration of Human Rights, 1948

68. The assertion "What **cannot** be done directly **cannot** be done indirectly" refers to the doctrine of

- (a) Colourable Legislation
- (b) Pith and Substance
- (c) Severability
- (d) Waiver

69. Which one of the following is **not** an essential element in a suit for damages for malicious prosecution?

- (a) The plaintiff was prosecuted by the defendant
- (b) The proceedings terminated in favour of the defendant
- (c) The defendant acted maliciously and not with a mere intention of carrying the law into effect
- (d) The plaintiff suffered damage as a result of the prosecution

70. As a general principle of Law of Contract, which one of the following is **not** an essential of a valid contract?

- (a) Writing
- (b) Competency to contract
- (c) Lawful consideration and lawful object
- (d) Free consent

71. To constitute false imprisonment

1. the detention must be unlawful

2. the period for which detention continues is material

3. the period for which detention continues is immaterial

4. the knowledge of the plaintiff about his detention is material

Select the correct answer using the code given below :

Code :

(a) 1 and 2

(b) 2 and 4

(c) 1 and 3

(d) 3 only

72. Law of preventive detention can

provide for detention of any person

(a) at any time during peace or war irrespective of the fact whether proclamation of emergency has or has not been made

(b) only when a proclamation of internal emergency is made

(c) only when a proclamation of

internal emergency is made

(c) only when a proclamation of national emergency is made

(d) only when India is at war with any country

73. Which of the following statements are correct?

1. The State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years.

2. It is a fundamental duty of every citizen who is the parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of 6 to 14 years.

3. State shall provide free and compulsory education to all children up to the age of 14 years.

Select the correct answer using the code given below :

Code :

(a) 1 and 2 only

(b) 2 and 3 only

(c) 1 only

(d) 1, 2 and 3

74. Which of the following statements with respect to Right to Know is/are correct?

1. Right to Know in India can be traced to Article 19 of the Constitution of India.
2. In *Dinesh Trivedi vs. Union of India* case, it was held that the citizens have absolute right to know about affairs of the government.

Select the correct answer using the code given below :

Code :

(a) 1 only

(b) 2 only

(c) Both 1 and 2

(d) Neither 1 nor 2

75. Which of the following statements is/are correct in connection with malicious prosecution?

1. Malice is to be inferred from the acquittal of the plaintiff.
2. Malice is not to be inferred from the acquittal of the plaintiff.

3. The plaintiff must prove independently of the acquittal that his prosecution was without reasonable and probable cause.

4. The plaintiff is not required to prove that his prosecution was without reasonable and probable cause.

Select the correct answer using the code given below :

Code :

(a) 3 only

(b) 2 and 3

(c) 2 and 4

(d) 1 and 4

76. Under Section 100 of the Indian Penal Code, the right of private defence of body extending to causing death is **not** available against an assault

(a) causing apprehension of grievous hurt

(b) with intention of gratifying unnatural lust

(c) with intention of kidnapping or abducting

(d) with intention of robbery

77. Which of the following statements is/are **not** correct?

1. Stranger to the contract cannot sue in both English and Indian laws.
2. Stranger to the contract can sue in both English and Indian Laws.
3. Consideration can move from promisee alone in English and Indian Laws.
4. Consideration can move from promisee or any other person in Indian Law.

Select the correct answer using the code given below :

Code :

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

78. Consider the following statements with regard to human rights bodies :

Charter-based bodies

1. hold broad human rights mandates
2. address an unlimited audience
3. base their decision-making on consensus

Which of the statements given above is/are **not** correct?

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

79. Which of the following statements regarding the Command Theory of John Austin are correct?

1. Expression of a wish or a desire by the commander is essential but style of desire is irrelevant.
2. Magnitude of the eventual evil is irrelevant but slightest chance of incurring slightest of an evil is relevant.
3. Command and duty are independent but not correlative to each other.
4. Power and purpose of inflicting evil are relevant.

Select the correct answer using the code given below :

Code :

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

80. According to Article 38(1) of the Statute of the International Court of Justice, which one of the following is **not** a primary source of International Law?

- (a) International conventions
 (b) Decisions of the International Court of Justice
(c) International custom
(d) General principles of law recognized by the civilized nations

81. The liability for tort arises on
1. violation of a right *in rem*
 2. violation of a right *in personam*
 3. breach of a legal duty
 4. breach of an equitable obligation

Select the correct answer using the code given below :

Code :

- (a) 1 only
 (b) 1 and 3
(c) 2 and 3
(d) 3 and 4
82. Which one of the following statements about the UN Expert Mechanism on the Rights of Indigenous Peoples is **not** correct?
- (a) The Mechanism has been created by the United Nations Development Group
- (b) It is a subsidiary expert mechanism of the Human Rights Council
- (c) It provides thematic expertise on the rights of indigenous peoples to the Human Rights Council
- (d) The thematic expertise focuses mainly on studies and research-based advice

83. A proposal is **not** revoked by
- (a) lapse of time prescribed in the offer for its acceptance
- (b) lapse of reasonable time, without communication of acceptance, if no time is prescribed in the offer for its acceptance

death of the offeror even if the offeree in ignorance of this fact sends communication of acceptance

(d) counter-offer

84. Which one of the following statements with regard to the pardoning power of the Governor is correct?

- (a) The Governor can pardon the death sentence
- (b) The Governor has no power in relation to death sentence
- (c) The Governor can only suspend or remit the death sentence
- (d) The Governor can only suspend, remit or commute the death sentence

85. Which of the following are essential tenets of Pure Theory of Law?

1. Legal system consists of hierarchy of norms.
2. Legal system consists of ought propositions.
3. All norms receive their validity ultimately from a *grundnorm*.
4. Morality is vital for purity of law.

Select the correct answer using the code given below :

Code :

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

86. On which one of the following grounds, the International Court of Justice declined to accept Columbia's contention in the Asylum case regarding the existence of a local custom relating to grant of diplomatic asylum?

- (a) Short duration of State practice
- ✓(b) Lack of uniform and constant usage
- (c) Lack of universality of State practice
- (d) Opposition of powerful States

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

List-I (Case)	List-II (Tort)
A. Donoghue vs. Stevenson	1. Defamation
B. Cassidy vs. Daily Mirror Newspaper	2. Joint tortfeasors
C. Merryweather vs. Nixon	3. Negligence
D. Bird vs. Jones	4. False imprisonment

Code :

(a) A B C D
4 1 2 3

(b) A B C D
4 2 1 3

(c) A B C D
3 2 1 4

✓(d) A B C D
3 1 2 4

88. X, an officer of a court of justice, being ordered by that court to arrest A, and after making due enquiry, believing B to be A, arrests B. What is the criminal liability of X under the law?

(a) Liable for the offence of wrongful confinement of B

✓(b) Not liable for any offence as he acted in good faith under mistake of fact, which is, a defence under Section 76 of the IPC

(c) Not entitled to the benefit of mistake of fact as he has not acted in good faith

(d) Liable, because his act is a mistake of law and not mistake of fact

89. When a man advertises that he has stock of books to sell, he is making

(a) an offer

✓(b) an invitation to offer

(c) a special offer

(d) a standing offer

90. Lack of *locus standi* is generally **not** a bar for issuance of the writ of

✓(a) Mandamus

(b) Quo warranto

(c) Certiorari

(d) Prohibition

91. Consider the following statements :

1. In the case of *Mithu vs. State of Punjab*, the constitutional validity of Section 303 of the IPC was examined by the Supreme Court of India and held that this Section violates Article 14 and Article 21 of the Constitution.
2. Counsel for appellants/petitioners in the above case contended that Section 303 of the IPC is arbitrary, because it authorizes deprivation of life by an unjust and unfair procedure.
3. Section 303 of the IPC provides punishment for culpable homicide by causing death of person other than the person whose death was intended.

Which of the statements given above is/are correct?

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

92. Which one of the following constitutes an offer?

- (a) Display of goods with price tags in a self-service shop
- (b) Advertisement announcing a reward of Rs 5,000 to any person who would find the missing dog of the advertiser

- (c) When a man advertises that he has a stock of books to sell at a flat rate of Rs 100 per book
- (d) An auctioneer's announcement that specified goods will be sold by auction on a certain day

93. Whenever the Constitution requires the 'satisfaction' of the President for the exercise of any power or function by him, it means

- (a) the personal satisfaction of the President
- (b) the satisfaction of the Council of Ministers
- (c) the satisfaction of the Members of the Parliament
- (d) None of the above

94. Which of the following are theories of punishment?

1. Pure theory
2. Deterrent theory
3. Declaratory theory
4. Expiatory theory
5. Retributive theory

Select the correct answer using the code given below :

Code :

- (a) 2 and 5 only
- (b) 1, 2 and 3
- (c) 2 and 4 only
- (d) 2, 4 and 5

95. An executive action taken during national emergency in violation of Article 19 of the Constitution of India

- (a) can only be challenged during the emergency
- ✓(b) can only be challenged after the emergency is over
- (c) cannot be challenged at all
- (d) can be challenged during or after the emergency

96. Under the Law Reform (Married Women and Tort Feasors) Act, 1935, the judgment against one tortfeasor shall

- (a) be a bar to an action against any other person
- (b) not be a bar to an action against any other person
- ✓(c) create proportionate liability
- (d) not create proportionate liability

97. Which one of the following statements is correct?

- ✓(a) An agreement is void unless it is duly supported by adequate consideration
- ✓(b) In a valid contract, there can be an oral promise to compensate a person who has already voluntarily done something for the promisor
- (c) Under Indian Law, consideration need not move at the desire of the promisor
- (d) Indian Law does not recognize past consideration

98. Consider the following statements :

1. The President of India may be removed from his office before expiry of his term for violation of the Constitution.
2. The impeachment charge against the President may be preferred by either House of the Parliament.
3. For the resolution of impeachment, votes of two-third of the Members of the House present and voting are required.

Which of the statements given above is/are correct?

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

99. Which one of the following theories is based on the principle that punishment should be of such a nature so as to prove deterrent not only for the wrongdoer but also for the society?

- (a) Preventive theory
- (b) Reformatory theory
- (c) Retributive theory
- ✓(d) None of the above

100. Which one of the following pairs is correctly matched?

- (a) *De facto* : Irrevocable recognition
- (b) *De jure* : Revocable recognition
- (c) Constitutive : Recognition is a theory formal acknowledgement of an existing fact
- ✓(d) Declaratory : A new State theory exists independent of recognition

101. Which one of the following defences did the defendants in the case of *Donoghue vs. Stevenson* **not** plead?

- (a) The manufacturer did not owe any duty of care towards the consumer of the ginger beer which was gifted to her by her friend
- (b) The plaintiff was a stranger to the contract and therefore, her action was not maintainable
- ✓(c) The incident cannot be prevented by the standard of foresight of the reasonable man
- (d) The 'privity of contract policy' be applicable and there would be no liability of the manufacturer

102. X intended to kill A but instead killed B whom he had no intention to kill. Under which doctrine is X liable for the murder of B?

- ✓(a) Doctrine of transfer of malice
- (b) Doctrine of extended malice
- (c) Doctrine of *mens rea*
- (d) Doctrine of diminished responsibility

103. Which one of the following statements with regard to contract is **not** correct?

- (a) Performance of the conditions of a proposal, or the acceptance of any consideration for a reciprocal promise which may be offered with a proposal, is an acceptance of the proposal
- ✓(b) An agreement made without consideration can be enforced by law as contract if it is in writing between parties standing in near relationship and is made on account of natural love and affection
- (c) Every agreement in restraint of the marriage of any person, other than a minor, is void
- (d) An acceptance may be revoked at any time before the communication of the acceptance is complete as against the acceptor, but not afterwards

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

- (a) Right to livelihood is an integral facet of the Right to life
- (b) Natural justice is implicit in Article 21
- (c) The Right to life includes the Right to health
- ✓(d) Right to go abroad is not a Fundamental Right

105. Which of the following is/are the criticist(s) of analytical view of custom?

1. A bulk of the customs is non-litigious, and hence it does not come before the courts but the society regulates its conduct in accordance with them.
2. In most cases, customs are recognized not with the assumption that this recognition gives them the sanctity of law but with this assumption that they are law and they have been treated so.
3. Though there are some rules of law which are, undoubtedly, based on the common conviction of the people, the majority of the rules are so complicated and technical that the common conviction might never have thought of them.

Select the correct answer using the code given below :

Code :

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

106. A's wallet falls out of his pocket unknown to him. B, who sees this, picks up the same. On finding that the wallet contained Rs 2,000, B uses the money for his own purposes. After twelve hours, B puts Rs 2,000 back in the wallet and returns the same to A. B is

- (a) not guilty of any offence
- ✓(b) guilty of criminal misappropriation of property
- (c) not guilty of criminal misappropriation as B returns the money and the wallet to A after twelve hours
- (d) guilty of theft as B has caused wrongful loss to A for twelve hours

107. Which one of the following agreements is **not** void?

- (a) A agrees with B to discover treasure by magic
- (b) A agrees to sell B 'hundred tons of oil' without specifying in any manner what kind of oil was intended
- (c) The plaintiff and the defendant were rival shopkeepers in a locality in Kolkata. The defendant agrees to pay a sum of money to the plaintiff if he would close his business in that locality. The plaintiff accordingly did so, but defendant refused to pay
- ✓(d) A at his own volition agrees to sell his horse worth Rs 10,000 to B for Rs 10 only

108. Which one of the following statements regarding secularism is **not** correct?

- (a) 'Secular republic' implies a republic in which there is equal respect for all religions.
- (b) It was decided in the S. R. Bommai vs. Union of India case that secularism is a basic feature of the Constitution of India.
- (c) In the case of Bai Patil vs. Union of India, it was held that the concept of secularism is that the 'State' will have no religion.
- ✓(d) The word 'secular' was introduced under the Constitution 44th Amendment.

109. Consider the following statements with regard to the UN Committee on the Rights of the Child :

- 1. The Committee is a body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties.
- 2. All State parties are obliged to submit regular reports to the Committee on how the Rights are being implemented.
- 3. The Committee considers individual complaints of violation of Child Rights.

Which of the statements given above is/are correct?

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

110. What is the exception to *ubi jus, ibi remedium*?

- ✓(a) Imperfect right
- (b) Equitable right
- (c) Proprietary right
- (d) Corporeal right

111. Consider the following statements :

- 1. The Judges of the International Court of Justice are elected by the General Assembly and Security Council for a period of nine years.
- 2. India is not a party to the Optional Protocol I of International Covenant on Civil and Political Rights, 1966.

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

112. Which one of the following has **no** *locus standi* to seek advisory opinion of the International Court of Justice on the issue of use of nuclear weapons by a State?

- ✓(a) The General Assembly of the United Nations
- (b) The United Nations Security Council
- ✓(c) State which is a member of the United Nations
- (d) The Human Rights Council after obtaining authorization of the General Assembly

113. Which of the following are essential elements of the defence of fair comment in the tort of defamation?

The matter commented on must be

1. of public interest
2. an assertion of fact
3. an expression of opinion
4. fair

Select the correct answer using the code given below :

Code :

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

114. Five named accused persons A, B, C, D and E are prosecuted for committing dacoity. The prosecution proves beyond reasonable doubt the participation of A, B and C in the crime but fails to do the same about D and E. A, B and C are convicted while D and E are acquitted. Which one of the following is correct?

- (a) Conviction of A, B and C is good in law as there were five participants in all in the crime.
✓(b) Conviction of A, B and C is bad in law as for dacoity a minimum of five persons are required

(c) Conviction of A, B and C is good in law, because conviction of at least five persons for dacoity is not the legal requirement

(d) Conviction of A, B and C is bad in law as in case of named accused less than five persons cannot be convicted for dacoity

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

(a) All illegal agreements are void but all void agreements are not necessarily illegal

(b) A wagering agreement is void but not illegal

(c) An agreement with a minor is void but not illegal

✓(d) A void agreement affects the performance of collateral transactions

116. In which one of the following cases was it held that a law made under Article 368 would be subject to Article 13(2) like any other law?

(a) Shankari Prasad vs. Union of India

(b) Sajjan Singh vs. State of Rajasthan

✓(c) Golak Nath vs. State of Punjab

(d) Minerva Mills Ltd. vs. Union of India

I.A.S 2010 Law Answers (C)

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

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