

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

COMBINED COMPETITIVE (PRELIMINARY) EXAMINATION, 2012

Serial No.

LAW
Code No. 12

A

Time Allowed : Two Hours
Marks : 300

Maximum

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 RESPONSE SHEET.
3. You have to enter your Roll Number on this Your Roll No.
Test Booklet in the Box provided alongside.
DO NOT write *anything else* on the Test Booklet.
4. This Booklet contains 120 items (questions). Each item comprises *four* responses (answers). You will select *one* response which you want to mark on the Response 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. In case you find any discrepancy in this test booklet in any question(s) or the Responses, a written representation explaining the details of such alleged discrepancy, be submitted within three days, indicating the Question No(s) and the Test Booklet Series, in which the discrepancy is alleged. Representation not received within time shall not be entertained at all.
6. You have to mark all your responses **ONLY** on the separate Response Sheet provided. *See directions in the Response Sheet.*
7. All items carry equal marks. Attempt **ALL** items. Your total marks will depend only on the number of correct responses marked by you in the Response Sheet.
8. Before you proceed to mark in the Response Sheet the response to various items in the Test Booklet, you have to fill in some particulars in the Response Sheet as per instructions sent to you with your Admit Card and Instructions.
9. While writing Centre, Subject and Roll No. on the top of the Response Sheet in appropriate boxes use

“**ONLY BALL POINT PEN**”.



10. After you have completed filling in all your responses on the Response Sheet and the examination has concluded, you should hand over to the Invigilator only the Response Sheet. You are permitted to take away with you the Test Booklet.

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■

ROUGH WORK

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1. Analytical school of law is also known as : ■
(A) Natural school (B) Imperative school
(C) Expository school (D) Modern legal school
2. Law based as custom is known as :
(A) Customary law (B) Custom law
(C) Usagery law (D) Usage law
3. The doctrine of judicial precedent is an unique feature of :
(A) Civil law (B) Roman law
(C) Hindu law (D) Common law
4. Identify the wrong statement :
(A) A legal right is an interest correlated with duties
(B) A legal right is recognised by the state
(C) A legal right is enforceable
(D) A legal right is similar to natural right
5. Gibbins and Procter is a leading case on :
(A) Actus reus (B) Mens rea
(C) Omission (D) S.121 of IPC
6. Barendra Kumar Ghosh V Emperor is a leading case on :
(A) Common intention (B) Common object
(C) Actual participation (D) Abetment
7. Who is regarded as 'Corporation Sole' ?
(A) Prime Minister (B) King of England
(C) Multinational Corporation (D) Public Sector Unit
8. The Supreme Court of India, in its discretion, grant the special leave to appeal under :
(A) Article 132 (B) Article 133
(C) Article 134 (D) Article 136
9. 'Equal pay for equal work for both men and women' is being provided in the Constitution of India under :
(A) Article 39 (b) (B) Article 39 (d)
(C) Article 39 (c) (D) Article 39 (e)

10. Federal Constitution of India works on the principle of :
- (A) Decentralization of power
 - (B) Concentration of power
 - (C) Consolidation of power
 - (D) Division of powers between centre and states
11. The power of Judicial Review is derived from which Article of Constitution of India ?
- (A) Article 12
 - (B) Article 13
 - (C) Article 19
 - (D) Article 20
12. The case of Surjeet Singh Thind *V* Kanwaljit Kaur relates to which of the following ?
- (A) Harassment of women at workplace
 - (B) Medical examination of women to prove virginity
 - (C) Dowry death
 - (D) Prospective over ruling
13. Which Article of the Constitution of India provides for the President's Rule in the event of failure of constitutional machinery in the state ?
- (A) Article 356
 - (B) Article 352
 - (C) Article 360
 - (D) Article 368
14. A previous judgement cited by the court to decide on a similar set of facts is known as :
- (A) Obiter dicta
 - (B) Judicial dicta
 - (C) Precedent
 - (D) Judicial opinion
15. Which among the following has ceased to be a Fundamental Right ?
- (A) Right to equality
 - (B) Right to freedom of speech
 - (C) Right to property
 - (D) Right to profess own religion
16. Which one of the following is an example of inchoate crime ?
- (A) public nuisance
 - (B) murder
 - (C) riot
 - (D) criminal attempt

17. What is the name of the writ used for producing body of a person is the court ?
- (A) Mandamus (B) Quo-warranto
(C) Habeas corpus (D) Certiorari
18. Law of contract deals with :
- (A) Law of ownership and transfer
(B) Marriage and Divorce
(C) Enforcement of obligations arising from agreements and promises
(D) Propriety of actions
19. Tort means :
- (A) Breach of contract (B) Breach of trust
(C) Civil wrong (D) Criminal wrong
20. Which of the following organs of the United Nations considers and approves the budget of the United Nations ?
- (A) Security Council (B) General Assembly
(C) Economic and Social Council (D) Trusteeship Council
21. Under which Article of the constitution of India President is empowered to consult the Supreme Court of India ?
- (A) Article 143 (B) Article 61 (1) and 361 (1)
(C) Article 112 (D) Article 55
22. "Jurisprudence is the science of the first principles of Civil Law." Who gave this statement ?
- (A) Ulpian (B) Salmond
(C) Prof. Gray (D) Holland
23. "Every law should be tested on the principle of utility." Who gave this statement ?
- (A) Kelsen (B) Roscoe Pound
(C) Bentham (D) Salmond
24. Which of the following is not an essential attribute of a custom ?
- (A) Antiquity (B) Continuity
(C) Reasonability (D) Deliberation

25. Which of the following is not a theory of corporate personality ?
- (A) Interest Theory (B) Concession Theory
(C) Realist Theory (D) Fiction Theory
26. Which Article of the Constitution of India mentions the Union List, State List and Concurrent List ?
- (A) Article 241 (B) Article 242
(C) Article 244 (D) Article 246
27. The Governor of a state in India can be removed by :
- (A) Impeachment by State Legislature (B) Impeachment by Parliament
(C) President of India (D) Supreme Court of India
28. Number of Fundamental rights available in Constitution of India is :
- (A) Five (B) Six
(C) Seven (D) Nine
29. In an action for the tort of negligence, plaintiff does not have to prove :
- (A) General defences (B) Breach of duty owed to someone
(C) Breach of duty owed to plaintiff (D) Damage caused
30. Which one of the following is not a valid defence in tort ?
- (A) Consent (B) Knowledge
(C) Vis major (D) Volenti non fit injuria
31. All disputes relating to election of President and Vice-President are enquired into and decided by the :
- (A) Election Commission (B) Parliament
(C) Supreme Court (D) Electoral College
32. Advocate General is appointed by :
- (A) Chief Justice of the High Court (B) Chief Minister of the State
(C) Governor (D) Chief Secretary of the State
33. What is the tenure of the judges of International Court of Justice ?
- (A) Nine years (B) Eight years
(C) Seven years (D) Six years

34. The penalty for murder is : ■
- (A) Death (B) Life imprisonment
(C) Death or life imprisonment (D) Death or life imprisonment and fine
35. Due to mental delusion, 'A' believed 'B' to be his enemy and killed 'B'. In these circumstances :
- (A) 'A' will be convicted for murder
(B) 'A' will not be convicted for any offence as he was suffering from insanity
(C) 'A' will be convicted for culpable homicide
(D) 'A' will be convicted for rash and negligent Act
36. A person may be held criminally responsible :
- (A) If he causes harm
(B) Does an act with the guilty mind
(C) If he causes harm by omitting to do something which he is duty bound to do
(D) All of the above
37. For violation of fundamental rights as provided in the Constitution of India, one can file a writ petition :
- (A) Only in the Supreme Court
(B) Only in the High Court
(C) Only in the District Court
(D) Both in the High Court and Supreme Court
38. India became a member of United Nations Organisation in the year :
- (A) 1945 (B) 1947
(C) 1948 (D) 1949
39. Election to the office of President of India is conducted by :
- (A) Rajya Sabha (B) Union Cabinet
(C) Vice President (D) Election Commission of India
40. 'A' an employee with the intention of causing loss to his employer throws away a gold ring given to him for safe custody. 'A' is guilty of :
- (A) Criminal mischief (B) Criminal breach of trust
(C) Criminal negligence (D) Criminal misappropriation of property

41. Which of the following are the means of acquiring possession ?
- (A) attornment (B) animus domini
(C) corpus possessionis (D) causa possession
42. The father of International law is :
- (A) Plato (B) Aristotle
(C) Grotius (D) Denning
43. The offence of theft becomes robbery when it is :
- (A) Committed by two persons
(B) Committed by more than two but less than five persons
(C) Committed by more than five persons
(D) Coupled with imminent danger to life
44. Parliamentary form of Government in India has been taken from :
- (A) Canada (B) Great Britain
(C) USA (D) France
45. If there is conflict between the two Houses of Parliament over an ordinary Bill, who can call a joint sitting of both Houses, to resolve the deadlock ?
- (A) Prime Minister (B) President
(C) Speaker of Lok Sabha (D) Vice President
46. Which of the following statement is correct ?
- (A) Abetment of an offence is always an offence
(B) Abetment of an offence is not an offence
(C) May be an offence depending on circumstances
(D) It depends on the nature of crime
47. 'A' cuts down a tree on 'Z's ground without his permission and takes it away without 'Z's knowledge :
- (A) It is a theft (B) It is an extortion
(C) It is a dishonest misappropriation (D) It is a mischief

48. 'X' makes a proposal to 'Y' which 'Y' accepts, but before the acceptance comes to the knowledge of 'X', 'Y' revokes his acceptance by telegram. When is the revocation complete ?
- (A) When the telegram is despatched
(B) When the telegram is received by 'X'
(C) When the contents of telegram came to the knowledge of 'X'
(D) When 'X' accepts revocation
49. Freedom of speech under Article 19 is guaranteed to ?
- (A) citizens only (B) only to persons above the age of 21
(C) to citizens as well as foreigners (D) any person residing in India
50. In India there is a supremacy of :
- (A) Constitution (B) Parliament
(C) Supreme Court (D) Council of Ministers
51. Kelson's analysis of the nature of law is totally dependent on the concept of :
- (A) Grund norm (B) Utility
(C) Basic facts (D) None of the above
52. Article 2 of UNO charter enshrines seven fundamental guiding principles for functioning of UNO. Which of the following is not one among them ?
- (A) Principles of sovereign equality of State parties
(B) Settlement of disputes by peaceful means
(C) Adjournalment of war
(D) Absolute non-intervention of UNO in matters between state parties
53. Article 21A provides free and compulsory education to the children :
- (A) Upto 12 years (B) Upto 16 years
(C) Upto 14 years (D) Upto 18 years
54. Article 24 of Indian Constitution restricts employment of the child below 14 years :
- (A) In a factory (B) In a shop
(C) In an office (D) All the above

62. Acquisition of ownership by prescription or adverse possession is an example of which of the following modes of possession ?
- (A) absolute (B) extinctive
(C) accessory (D) derivative
63. Which society does not fall within the meaning of 'state' as given in Article 12 of the Constitution of India ?
- (A) Co-operative Societies (B) Children Aid Society
(C) Delhi State Electricity Board (D) Rajasthan State Electricity Board
64. "Witnesses are the eyes and ears of justice" who said so ?
- (A) Kant
(B) Bentham
(C) Pollock
(D) Ihering
65. The setting up of Finance Commission is included in the Constitution of India under :
- (A) Article 279 (B) Article 281
(C) Article 280 (D) Article 282
66. Which of the following cases relates to "harmony between Fundamental Rights and Directive Principles of State Policy" ?
- (A) Shankari Prasad *V* Union of India
(B) Golaknath's case
(C) TMA Pai foundation *V* State of Karnataka
(D) Minerva Mills *V* UOI
67. Law of Tort deals with :
- (A) Private legal right
(B) Public legal right
(C) Both private and public legal right
(D) None of the above

68. The term 'tort' is derived from :

- (A) French (B) Latin
(C) Hindu (D) Sanskrit

69. Match the following :

- (a) Pre-Constitution laws (i) *Atma Ram V State of Bihar*
(b) Amendment of the Constitution (ii) *Bhikaji V State of MP*
(c) Right against exploitation (iii) *Prafulla Kumar V Bank of Commerce*
(d) Rule of pith and substance (iv) *Shankari Prasad V Union of India*

(a) (b) (c) (d)

(A)(i) (ii) (iii) (iv)

(B)(ii) (iv) (i) (iii)

(C)(ii) (iv) (iii) (i)

(D)(iv) (ii) (iii) (i)

70. "A judge is sworn to determine not according to his own private judgment, but according to the known laws and custom of the land; not delegated to produce a new law but to maintain and explain the old ones." Whose opinion it is ?

- (A) Salmond (B) Blackstone
(C) Affray (D) Dicey

71. "Rights are those conditions of social life without which no man can seek in general to be his best self." Who said so ?

- (A) Laski (B) Bentham
(C) Gray (D) Kautilya

72. Which of the following doctrine of recognition is also known as doctrine of non-recognition ?

- (A) Estrada doctrine (B) Stimson doctrine
(C) Tohar doctrine (D) Morrison doctrine

73. The Rule as laid down in *Haynes V Harwood* applies to ?

- (A) rescue of human beings only
(B) rescue of human beings and property if the property belongs to the rescuer
(C) rescue of human beings and property irrespective of whether it belongs to rescuer or others
(D) the given case is not based on 'Rescue cases'

74. Which of the following is incorrectly matched ? ■
- (A) Madhub Shah *V* Emperor : Section 149 IPC
 (B) Queen Empress *V* Bal Gangadhar Tilak : Section 124 A IPC
 (C) Basudev *V* State of Pepsu : Section 86 IPC
 (D) Virsa Singh *V* State of Punjab : Section 300 IPC
75. Nash *V* Inman is a case based on which of the following ?
- (A) privity of contract (B) liability of necessities supplied
 (C) remoteness of damage (D) undue influence
76. In which of the following situations, remedy by way of 'quantum meruit' is available ?
- (A) where there is a valid contract
 (B) where the agreement was void ab initio
 (C) where the contract is voidable at the option of one party
 (D) in case of valid contracts and void agreements
77. The minimum number of judges required for setting up a Constitution Bench in the Apex Court is :
- (A) Two (B) Five
 (C) Seven (D) Nine
78. Which Court is not a court in India ?
- (A) Supreme Court (B) Family Court
 (C) Green Court (D) Fast Track Court
79. Which of the following is incorrectly matched ?
- (A) Felthouse *V* Bindley : Communication of offer
 (B) Samuel *V* Ananthanath : Privity of consideration
 (C) Lowe *V* Peers : Agreement in restraint of marriage
 (D) Taylor *V* Caldwell : Destruction of subject matter
80. The General Assembly of the UN adopted the declaration on the Rights of Disabled persons in the year :
- (A) 1972 (B) 1973
 (C) 1974 (D) 1975

81. In which of the following situations, an agreement will be void ?
- (A) if the mistake relates to law
 - (B) if the mistake relates to fact
 - (C) if the mistake relates to fact as well as law
 - (D) neither of facts nor of law
82. The power of the President of India to issue an ordinance is a/an :
- (A) Executive power
 - (B) Constituent power
 - (C) Quasi-judicial power
 - (D) Legislative power
83. The upholding and protecting the sovereignty, unity and integrity of India is :
- (A) A part of the preamble of the Constitution
 - (B) A fundamental duty
 - (C) Basic structure of our Constitution
 - (D) A part of the preamble, a fundamental duty as well as basic structure of our Constitution
84. State which of the following statements is correct ?
- (A) The President is the executive head of the Union and he exercises no legislative or judicial powers
 - (B) The President is a part of the Parliament
 - (C) Since the President has the power to grant pardon, he is also the judicial head of the Union
 - (D) The President has the discretion to appoint any person as Prime Minister
85. The law relating to diplomatic relations is codified in :
- (A) Vienna Conventions
 - (B) Hague Conventions
 - (C) Geneva Conventions
 - (D) None of the above
86. Match the following :
- | | |
|--|--------------------------------------|
| (a) Nordenfelt <i>V</i> Maxim Nordenfelt | (i) Contract of apprenticeship |
| (b) Lalman Shukla <i>V</i> Gauri Dutt | (ii) Communication of acceptance |
| (c) Raj Rani <i>V</i> Prem Adib | (iii) Communication of offer |
| (d) Powell <i>V</i> Lee | (iv) Agreement in restraint of trade |
- (a) (b) (c) (d)
- (A) (i) (ii) (iii) (iv)
 - (B) (iv) (iii) (i) (ii)
 - (C) (ii) (iii) (iv) (i)
 - (D) (iii) (iv) (ii) (i)

87. Match the following :

- | | |
|--|---------------------------|
| (a) Mugal Steamship <i>V</i> McGregor & Co | (i) Act of God |
| (b) Nicholas <i>V</i> Marsland | (ii) Negligence |
| (c) Brook <i>V</i> Bool | (iii) Damnum sine injuria |
| (d) Cates <i>V</i> Mangini Bros | (iv) Joint tortfeasor |
- (a) (b) (c) (d)
(A)(i) (ii) (iii) (iv)
(B)(ii) (iii) (iv) (i)
(C)(iii) (i) (iv) (ii)
(D) (iv) (i) (ii) (iii)

88. Which of the following jurists regard *will* as the basis of right ?

- (A) Ihering (B) Duguit
(C) Kant (D) Savigny

89. The President of India is elected :

- (A) Directly
(B) Indirectly
(C) Indirectly by secret ballot
(D) Indirectly by secret ballot and by proportionate representative system by means of single transferable vote

90. Which of the following torts are actionable *per se* ?

- (A) libel (B) negligence
(C) conspiracy (D) nuisance

91. Which of the following is not a primary source of International law ?

- (A) Treaty
(B) Custom
(C) Judicial decisions
(D) General principles of law recognised by civilized nations

92. Incorporation doctrine propounded by William Blackstone in the Eighteenth century refers to :

- (A) International Custom
(B) International Treaty
(C) U.N. General Assembly Resolutions
(D) General Principles of Law

93. Which of the following is an essential component for existence of international custom ?
- (A) Long duration
 (B) Opino juris sive necessitatis
 (C) Opinions of highly qualified publicists
 (D) None of the above
94. Which of the following is an invalid defence in an action for nuisance ?
- (A) use of reasonable care (B) prescriptive right to commit nuisance
 (C) statutory authority (D) both (B) and (C)
95. Which of the following does not have procedural capacity to request ICJ to give advisory opinion ?
- (A) U.N. General Assembly (B) U.N. Security Council
 (C) States (D) WHO
96. The Constitution of India makes express mention of the term 'environment' in :
- (A) Article 48 A only (B) Article 48 A and 51 A (g)
 (C) Article 21 (D) Article 51 A (g) only
97. Who among the following is considered as founder of 'positivism' ?
- (A) Bentham (B) Savigny
 (C) Hegel (D) Grotius
98. Who said that 'Movement of progressive societies has been from status to contract' ?
- (A) Kohler (B) Puchta
 (C) Henry Maine (D) Stammler
99. "Certainty of law is a legal myth." Who propounded this theory ?
- (A) Jerome Frank (B) LLewellyn
 (C) Hegerstorm (D) Olivecroue
100. Who propounded the theory of 'general will' ?
- (A) Rousseau (B) Locke
 (C) Thomas-Aquinas (D) Stoics

101. Who gave the theory of 'Social Engineering' ? ■
- (A) Roscoe Pound (B) Henry Maine
(C) Hegel (D) Puchta
102. Which of the following is not legal person ?
- (A) Firm (B) Company
(C) Coparcenary (D) Idol
103. Panama Canal should be open and free to the vessels of all nations is held in the treaty/case of ?
- (A) Hey Pauncefat (B) Arantazazu Mendi
(C) Scotia case (D) The Lotus case
104. "Function of law is to reconcile the conflicting interests of individual in community and harmonise their inter-relations" who made this observation ?
- (A) Kohler (B) Roscoe Pound
(C) Cardozo (D) Maine
105. Who among the following believed that 'law is product of the General consciousness of the people and manifestation of their spirit' ?
- (A) Hart (B) Savigny
(C) Montesquieu (D) Thiburt
106. Who has defined law as body of principles recognised and applied by the state in the administration of justice ?
- (A) Kelsen (B) Austin
(C) Salmond (D) Bentham
107. Which of the following statements is in conformity with realist school of jurisprudence ?
- (A) Law is what the judges say
(B) Law is command of sovereign
(C) Essence of law is to serve and secure social solidarity
(D) Law is spirit of people
108. The President shall revoke a proclamation of emergency if :
- (A) the Lok Sabha passes a resolution to that effect by simple majority
(B) the Rajya Sabha passes a resolution to that effect by a simple majority
(C) both the Lok Sabha and Rajya Sabha pass resolutions to that effect by simple majority
(D) the Lok Sabha passes a resolution to that effect by special majority

109. Possession acquired through an agent or servant is an example of :
- (A) Incorporeal possession (B) Immediate possession
(C) Corporeal possession (D) Mediate possession
110. The Grund norm theory was propounded by :
- (A) Kelsen (B) Prof. Gray
(C) Salmond (D) Hale
111. Which among the following is not the permanent member of the Security Council ?
- (A) Germany (B) France
(C) China (D) Britain
112. Which of the following is a Neutral country ?
- (A) Belgium (B) Ceylone
(C) Pakistan (D) Switzerland
113. The term 'Abettor' has been defined in Indian Penal Code under :
- (A) Section 107 IPC (B) Section 108 IPC
(C) Section 108 A IPC (D) Section 109 IPC
114. "Nothing is an offence which is done by a person who is bound by law to do it."
The above principle comes under which provision of Indian Penal Code ?
- (A) Section 76 IPC (B) Section 77 IPC
(C) Section 78 IPC (D) Section 79 IPC
115. Which section of Indian Penal Code provides the rule for punishment of offences committed within India ?
- (A) Section 1 of IPC (B) Section 2 of IPC
(C) Section 3 of IPC (D) Section 4 of IPC
116. West Rand Central Gold Mining Co Ltd V King is a leading case related to :
- (A) succession to non fiscal contractual rights and obligations
(B) succession to treaty rights and obligations
(C) succession of concessionary contract
(D) succession of public debts

117. An agreement to do an act impossible in itself is ■
- (A) Void (B) Voidable
(C) Illegal (D) Fraud
118. Valid consideration under Indian Contract Act means a consideration which is :
- (A) Real (B) Illusory
(C) Adequate (D) None of the above
119. Tort is not different from :
- (A) Breach of Trust (B) Bailment
(C) Contract (D) Civil wrong
120. What does not constitute as ingredient for the tort of negligence ?
- (A) Careless conduct (B) Intention
(C) Unreasonable conduct (D) Conduct causing damage

ROUGH WORK



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