

**Sikkim Public Service Commission**  
**Main Written Examination for the Post of Sub Inspector**  
**PAPER - II LAW**

Time allowed: 3.00 Hrs

Maximum Marks: 250

**INSTRUCTION TO CANDIDATES**

**Read the instructions carefully before answering the questions: -**

- 1. IMMEDIATELY AFTER THE COMMENCEMENT OF THE EXAMINATION, YOU SHOULD CHECK THAT THIS 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. Use only Black Ball Point Pen to fill the OMR Sheet.**
- 3. Do not write anything else on the OMR Answer Sheet except the required information.**
- 4. This Test Booklet contains 50 questions in MCQ Mode in Part I to be marked in OMR Sheet. Part II and Part III are Subjective Questions which have to be written on separate answer sheet provided to you.**
- 5. Before you proceed to mark in the Answer Sheet (OMR), you have to fill in some particulars in the Answer Sheet (OMR) as per given instructions.**
- 6. After you have completed filling in all your responses on the Answer Sheet (OMR) and the examination has concluded, you should hand over the Answer Sheet (OMR) and separate answer sheet to the Invigilator only. You are permitted to take with you the Test Booklet.**
- 7. Marking Scheme**

**THERE WILL BE NEGATIVE MARKING FOR WRONG ANSWERS MARKED BY A CANDIDATE IN THE OBJECTIVE TYPE QUESTIONS**

- 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 of the marks assigned to the 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 the 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.

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

Choose the correct answer for the following questions:

(3x50=150)

1. Reservation for EWS is allowed by:

- A. Article 16(3)
- B. Article 16(4)
- C. Article 16(5)
- D. Article 16(6)

2. Double jeopardy means:

- A. Trying two persons jointly for the same offence.
- B. Trying the same person for two offences at two different times.
- C. Putting the same person on trial twice for the same offence.
- D. Trying a person for different offences committed by him in one incident.

3. Article 20 (3) relates to:

- A. Retracted confession
- B. Tape-recorded confession
- C. Confession made to fellow prisoner
- D. Confession made in police custody.

4. The law stated by the Supreme Court becomes the law of the land under:

- A. Article 164
- B. Article 141
- C. Article 131
- D. None of the above.

5. In which one of the following cases did the Supreme Court rule that the principle of sovereign immunity will not apply to a proceeding for award of compensation for violation of Fundamental Rights?

- A. Bhim Singh v State of Punjab.
- B. Kasturi Lal v State of U.P.
- C. Rudal Shah v State of Bihar.
- D. Nilabati Bahera v State of Orissa.

6. The Supreme Court laid down certain requirements to be followed in all cases of arrest or detention in:

- A. Vishakha's case.
- B. D.K. Basu's case.
- C. Antulay's case.
- D. Keshavanand Bharati's case.

7. Assertion (A): A Habeas corpus writ petition dismissed by the Supreme Court can be admitted by the High Court under Article 226 of the Constitution.

Reason (R): In exercising writ jurisdiction the powers of the Supreme Court and High Courts are concurrent.

- A. Both A and R are true and R is the correct explanation of A.
- B. Both A and R are true and R is not correct explanation of A
- C. A is true but R is false.
- D. A is false but R is true.



8. The satisfaction of President for any provision means:
- A. Satisfaction of President in person.
  - B. Satisfaction of President in constitutional sense i.e. the satisfaction of his council of ministers.
  - C. Both (A) and (B)
  - D. Satisfaction on the basis of recommendation of Governor.
9. The concept of Public Interest Litigation, which has become quite popular in India, in recent years, originated in:
- A. U.S.A.
  - B. Australia.
  - C. Canada.
  - D. U.K.
10. "Hicklin test" under Article 19(2) related to:
- A. Decency and morality.
  - B. Defamation.
  - C. Integrity of India.
  - D. None of the above.
11. In which year was Sikkim associated in the Indian Union?
- A. 1947
  - B. 1975
  - C. 1985
  - D. 1871
12. Consensus ad idem means:
- A. Common intention.
  - B. Meeting of minds.
  - C. Theme of contract.
  - D. None of the above.
13. A standard form of contract is one in which:
- A. The term on which mercantile transactions of common occurrence are to be carried out.
  - B. The terms are fixed by one of the parties in advance and are open to acceptance by the order.
  - C. The term is fixed by Government or the State to which the contracting parties belong.
  - D. The terms are pre-determined by the custom of the trade to which the contracting parties belong.
14. A agrees to sell to B "my white horse for Rs. 100 or Rs. 200". It is
- A. a valid offer.
  - B. not a valid offer.
  - C. an uncertain offer.
  - D. both (B) and (C) are correct.

15. An auctioneer announces to sell by the auction of certain specified goods on 'as is where is basis', in a newspaper. This is
- A. An offer to hold the auction sale.
  - B. Merely an information and if auction is not held, the auctioneer will not be liable for the expenses incurred to visit the place of auction.
  - C. a cross-offer.
  - D. none of the above.
16. Which one of the following statements is not correct?
- A. Oral acceptance is a valid acceptance.
  - B. Acceptance must be in writing
  - C. Acceptance must be communicated.
  - D. Acceptance must be in the prescribed manner.
17. Past consideration means
- A. Money received in the past without making even a proposal.
  - B. The price which is more than the promisor's expectation
  - C. The price paid or service rendered at the desire or request of the promisor followed by a subsequent promise.
  - D. None of the above.
18. A social reformer, promised B a reward of Rs. 1,000 if he refrained from smoking for two years. B does so.
- A. B is entitled to reward from A
  - B. B is not entitled to reward from A.
  - C. It is a valid consideration in the form of an act of abstinence.
  - D. Both (A) and (C) are correct.
19. Illegality renders a contract
- A. Illegal.
  - B. Punishable.
  - C. Void.
  - D. Voidable.
20. Quantum meruit means
- A. "as much as is earned"
  - B. "In proportion to the work done"
  - C. both (A) and (B)
  - D. none of the above.
21. Law of Torts developed mainly through
- A. Judicial decisions
  - B. Enactments
  - C. Customs
  - D. None of these.

**22. Ubi jus ibi remedium means**

- A. every law provides for remedies
- B. there is no wrong without a remedy
- C. if a law is made corresponding remedy also must be made.
- D. every remedy presupposes some injury to somebody.

**23. Which one of the following is not a valid defense in tort?**

- A. Volenti non fit injuria
- B. Vis major
- C. Scientinot fit injuria.
- D. Consent.

**24. The rule in Rylands v Fletcher does not apply when the escape is due to**

- A. Inevitable accident.
- B. Vis Major
- C. Negligence of the defendant
- D. Mistake.

**25. The maxim '*Qui facit per alium facit per se*' means**

- A. He who does an act through another is deemed in law to do it himself.
- B. He who does an act through another is not deemed in law to do it himself.
- C. The vicarious liability
- D. Both (A) and (C) are correct.

**26. Which of the following is an extra-judicial remedy:**

- A. Expulsion of a trespasser.
- B. Re-entry on land.
- C. Distress damage feasant.
- D. All of the above.

**27. The term 'illegal' means everything which**

- A. is an offence.
- B. is prohibited by law.
- C. furnishes ground for a civil action.
- D. all are correct.

**28. The vicarious liability arising from relation is:**

- A. Of the principal and agent
- B. Of the master and servant
- C. Of the guardian and ward
- D. All are the correct.

**29. When the acts of two or more persons acting independently concur to produce a single damage-they are known as:**

- A. Independent tortfeasors
- B. Joint tortfeasors.
- C. Nuisance.
- D. None of the above.



**30. The essential ingredients of a crime are:**

- A. Motive, means rea and actus reus.
- B. Motive, intention and knowledge.
- C. Mens rea and actus reus.
- D. Knowledge, intention and action.

**31. Section 511 does not apply in case of**

- A. Attempt of riot.
- B. Attempt of theft.
- C. Attempt of murder.
- D. Attempt of affray.

**32. 'Z' with intention to steal ornaments opened Y's box and found it empty. Which one of the following statements is correct? Z is**

- A. Not liable for attempt to commit theft as the box being empty, commission of theft was impossible.
- B. Not liable for attempt to commit theft as he did not the penultimate act towards commission of theft.
- C. Not guilty of attempt to commit theft as he made only preparation to commit theft.
- D. Guilty of attempt to commit theft as he had an intention to commit theft and did an act towards its commission.

**33. Where the husband continuously held out threats of taking away the son and harassing the wife to meet his (dowry) demands, to the extent of compelling the wife's parents to sell away their property, it was held that such threats and harassments are punishable under:**

- A. Sec. 498-A
- B. Sec. 304-B
- C. Both (a) and (b)
- D. Sec. 497

**34. Under Section 149, an 'unlawful assembly' consists of five or more persons whose common object is:**

- A. To resist the execution of any legal process
- B. To commit any mischief with criminal force
- C. To mellow down all orders
- D. None of the above.

**35. Abetment is caused by:**

- A. Instigating a person to do an offence
- B. Engaging in a conspiracy to commit it
- C. Intentionally aiding a person to commit it
- D. all of these.

**36. A person abets some crime by aiding :**

- A. Either prior to or at the time of commission of an act
- B. At the time of commission of an act
- C. Prior to the act is done
- D. Either prior to or posterior or at the time of commission of an act.

37. Definition of criminal conspiracy is given in the IPC in:

- A. Section 120
- B. Section 120-A
- C. Section 120-B
- D. Section 135-A

38. The basis of the binding force of treaties is:

- A. *Pacta sunt servanda.*
- B. *Rebus sic stantibus*
- C. *Ex aquo et bono*
- D. *Opinio juris et necessitates*

39. The basic or fundamental rules of international law, which cannot be altered by concluding treaties are

- A. Jus cogens
- B. Peremptory norms
- C. Jus dispositivum
- D. Both (a) and (b)

40. According to which theory of recognition, recognition is a political or discretionary act?

- A. Constitutive theory.
- B. Declaratory theory
- C. Facultative theory
- D. None of the above.

41. The EEZ is available to:

- A. Coastal States
- B. Landlocked States
- C. Geographically disadvantaged States
- D. All of the above.

42. High seas are:

- A. That part of the sea which is beyond national jurisdictions.
- B. All parts of the sea that is not included in the EEZ, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.
- C. Both (A) and (B)
- D. Seas of great economic value.

43. Mark the incorrect statement:

- A. The ICC will exercise jurisdiction only when the national judiciary concerned is genuinely unwilling or unable to prosecute crimes mentioned in the Statute of ICC.
- B. The Court shall have no jurisdiction over a person under the age of 18 at the time of the commission of a crime.
- C. No provision in this Statute relating to individual responsibility shall affect the responsibility of States under international law.
- D. None of the above.



44. **International Bill of Rights consists of:**
- A. Universal Declaration of Human Rights.
  - B. International Covenant on Civil and Political Rights and the Option Protocol to it.
  - C. International Covenant on Economic, Social and Cultural Rights.
  - D. All of the above.
45. **The term "a cheque in the electronic form" is defined in the Negotiable Instruments Act, 1881 under:**
- A. Section 6(a)
  - B. Section 6(1) a
  - C. Explanation 1 (a) of section 6
  - D. Section 6A
46. **A bill is drawn payable to 'A' or order. 'A' Endorses it to 'B' the endorsement not containing the words "or order" or any equivalent words. Can 'B' negotiate the instrument?**
- A. Yes
  - B. No
  - C. Not always
  - D. None of the above.
47. **As per section 147 of the Negotiable Instruments Act, 1881, every offence punishable under the Act is:**
- A. Compoundable
  - B. non-compoundable
  - C. Cognizable
  - D. Both (B) and (C) above
48. **Cognizance of an offence under section 138 can be taken by a court only on a/an**
- A. Police report (section 142)
  - B. Complaint (section 142)
  - C. Application to the District Judge (section 142)
  - D. None of the above.
49. **Which of the following is not an example of a computer as weapon cyber-crime?**
- A. Credit card fraudulent
  - B. Spying someone using keylogger
  - C. IPR Violation
  - D. Pornography
50. **Which of the following is not done by cyber criminals?**
- A. Unauthorized account access
  - B. Mass attack using Trojans as botnets
  - C. Email spoofing and spamming
  - D. Report vulnerability in any system



## **PART - II**

**Attempt ANY TWO questions:**

**(25x2=50)**

1. Describe the procedure for amendment of the Constitution of India and explain the Doctrine of "Basic Structure" as propounded by the Supreme Court of India with the help of case law.
2. In the scheme of the IPC, Culpable homicide (section 299) is Genus and murder is specie. All murders are culpable homicide but vice versa. Discuss. Accused administered to her husband deadly poison Believing it to be a love potion in order to win his affections for her, and the husband died. Is the wife liable under section 299, 300 or 304 'A' of the IPC?
3. Discuss the Freedom of speech as provided under the Constitution of India. What are the new challenges regarding it, in the era of social media and virtual world? Whether provisions of Information Technology Act, 2000 are sufficient to deal the challenges before it? Discuss with reference of Shreya Shinghal Case.
4. Discuss the powers and functions of United Nations and its role in peaceful settlement of International Disputes.
5. Write short note on any two of following-
  - a. Discuss about cyber offences.
  - b. Discuss criminal liability under infancy, insanity and intoxication
  - c. Trial by Media
  - d. Right to Information

## **PART - III**

**Attempt ANY FIVE questions:**

**(10x5=50)**

1. Rakesh Kumar, an employee of the Central Government was dismissed from service as he was proved guilty of committing a criminal offence. He was not given any prior notice of the impending removal. Decide the validity of the dismissal.
2. What are the essential requisitions of Bailment? What are the rights and duties of Bailee?
3. Write a note on Ordinance Making Power of the President of India.
4. Discuss the role and functions of WTO and WIPO in establishing the Intellectual Property Rights protection mechanism by world countries.
5. Define Intellectual Property and its various kinds in brief.
6. Discuss about the role of *Public Interest Litigation* in reforming the legal system for achieving effective and speedy resolution of matters.
7. What is Alternative Dispute Resolution? Discuss the objective and benefit of ADR system.
8. Describe the scope of intention, preparation and attempt to commit a crime.