

Paper - Law

PART - I : OBJECTIVE / MCQ

Each question carries 2 marks:

(75X2= 150 Marks)

- 1. Article 20(3) of the Constitution states that a person accused of an offence shall not be compelled to be witness against:**
 - (a) Himself
 - (b) Co-accused
 - (c) Any case
 - (d) Police

- 2. There may be a contract without consideration, if:**
 - (a) Agreement is in writing and registered.
 - (b) Parties to the agreement are in near relationship.
 - (c) Agreement is made due to natural love and affection.
 - (d) All the above elements are present.

- 3. When and by which Act, the Central Administrative Tribunal was set up?**
 - (a) 42nd Constitutional Amendment Act, 1976
 - (b) Administrative Tribunal Act, 1985
 - (c) 44th Constitutional Amendment Act, 1978
 - (d) 52nd Constitutional Amendment Act, 1985

- 4. The 'Absolute liability' theory as the basis for liability in court for industrial injuries was propounded by,**
 - (a) Blackburn, J.
 - (b) V. R. Krishna Iyer, J.
 - (c) P. N. Bhagwati, C.J.
 - (d) Lord Atkin

5. **The National Human Rights Commission is a:**

- (a) Constitutional body
- (b) Statutory body
- (c) Executive body
- (d) NGO

6. **The Vienna Declaration and Programme of Action on Human Rights was adopted by the World Conference on:**

- (a) 25th June, 1993
- (b) 10th June, 1994
- (c) 15th June, 1995
- (d) 25th June, 1996

7. **Estrada doctrine relates to:**

- (a) Necessity of recognition
- (b) Form of recognition
- (c) No necessity of recognition
- (d) Recognition is superficial

8. **Assertion (A): International Human Rights Declarations are normative in nature.**

Reason (R): International Human Rights Declarations are not binding.

Codes:

- (a) Both (A) and (R) are correct and (R) is the correct explanation of (A).
- (b) Both (A) and (R) are correct, but (R) is not the correct explanation of (A).
- (c) (A) is correct, but (R) is incorrect.
- (d) (A) is incorrect, but (R) is correct.

9. **The propounder of 'Pigeon-hole Theory' is.**

- (a) Salmond
- (b) Clerk and Lindsell
- (c) Austin
- (d) Winfield

10. The definition of 'tort' is contained in:
- (a) The General Clauses Act, 1897
 - (b) The Limitation Act, 1963
 - (c) The Indian Contract, Act, 1872
 - (d) The Indian Penal Code, 1860
11. The Term Conditional Legislation was used by the Privy Council in:
- (a) *Jamna Das v. Ram Avtar*
 - (b) *Hanuman Prasad Pandey v. Mst Babooi Munraj Kunwari*
 - (c) *King Emperor v. Benoori Lal*
 - (d) *Queen v. Burah*
12. Act of God' is also known by the name,
- (a) Vis major
 - (b) Damnum fatale
 - (c) Vis major or Damnum fatale
 - (d) Force Majeure
13. The Principle of 'Rule of Law' is embodied mainly in the following Article of the Constitution:
- (a) Article 14
 - (b) Article 32
 - (c) Article 226
 - (d) Article 21
14. The concept of 'Droit Administatif' owes its origin to:
- (a) England
 - (b) Germany
 - (c) France
 - (d) India
15. Under which Supreme Court Judgment, action of the President to summon, prorogue and dissolve either of the Houses of the Parliament shall be unconstitutional if acted without advice of Council of Ministers
- (a) *Indira Gandhi vs. Raj Narain* A.I.R. 1975 S.C. 2299
 - (b) *Rao vs. Indira Gandhi* A.I.R. 1971 S.C. 1002
 - (c) *Anandan vs. Chief Secretary*, A.I.R. 1966 S.C 657
 - (d) None of the above

16. Definition of criminal conspiracy is given in the IPC under section,
- (a) Section 120
 - (b) Section 120-A
 - (c) Section 120-B
 - (d) Section 135-A
17. Nothing is an offence which is done by a child of:
- (a) Eight years
 - (b) Ten years
 - (c) Seven years
 - (d) Twelve years
18. Under which Constitutional Amendment Privy Purses were abolished:
- (a) 36th Amendment Act 1975
 - (b) 26th Amendment Act 1971
 - (c) 16th Amendment Act 1963
 - (d) 17th Amendment Act 1964
19. All-India Services can be created by:
- (a) President
 - (b) Prime Minister
 - (c) UPSC
 - (d) Parliament
20. Which one of the following is in correct order in the Preamble of the Indian Constitution?
- (a) Sovereign, Socialist, Secular, Democratic, Republic
 - (b) Sovereign, Secular, Socialist, Democratic, Republic
 - (c) Sovereign, Socialist, Democratic, Secular, Republic
 - (d) Sovereign, Secular, Democratic, Socialist, Republic
21. Which Constitutional article defines the work of Administrative Tribunal?
- (a) Article 323A
 - (b) Article 233B
 - (c) Article 223B
 - (d) None of the above

22. What are the subjects for adjudication or trial by Administrative Tribunal?

- (a) Private sector employee recruitment disputes
- (b) Decide on recruitment in Public sector
- (c) Dispute and complaints with respect to recruitment and condition of service of persons appointed in the public services in connection with the officers of the Union or of any State or of any local or other Authority within the territory of India
- (d) None of the above

23. Third Generation of Human Rights is also known as:

- (a) Citizen's Rights
- (b) Developmental Rights
- (c) Group Rights
- (d) Women's Rights

24. United Nations decade for Human Rights Education was,

- (a) 1965-1974
- (b) 1985-1994
- (c) 1995-2004
- (d) 2000-2009

25. Who has remarked that International Law is "*the vanishing point of Jurisprudence*" because in his view, rules of International Law are followed by courtesy and hence they should not be kept in the category of law?

- (a) Prof. H.L.A. Hart
- (b) J.G. Starke
- (c) Louis Henkin
- (d) Holland

26. Which one of the following is the Fourth Generation of Human Right?

- (a) Right to Life
- (b) Right to Health
- (c) Right to Environment
- (d) Right to Communication

- 27. A voidable contract is defined under Section:**
- (a) 2(i)
 - (b) 2(f)
 - (c) 2(h)
 - (d) 2(a)
- 28. Under the Indian Contract Act, acceptance of proposal should be:**
- (a) Conditional or Unconditional
 - (b) Conditional but not absolute
 - (c) Unconditional and absolute
 - (d) Unconditional but not absolute
- 29. Which section of the IPC provides for an 'attempt to dacoity'?**
- (a) Section 393
 - (b) Section 394
 - (c) Section 395
 - (d) Section 396
- 30. Which of the following offence(s) cannot be committed in a private place?**
- (a) Murder
 - (b) Riot
 - (c) Assault
 - (d) Affray
- 31. The Supreme Court has laid down guidelines for imposing emergency under Article 356 in one of the following cases:**
- (a) A.K. Roy v. Union of India
 - (b) S.R. Bommai v. Union of India
 - (c) State of Rajasthan v. Union of India
 - (d) Rameswar Prasad v. Union of India
- 32. 'Which cannot be done directly, cannot be done indirectly.' This statement epitomises the doctrine of:**
- (a) Colourable Legislation
 - (b) Pith and Substance
 - (c) Harmonious Construction
 - (d) Eclipse

- 33. Administrative law is the branch of:**
- (a) Public Law
 - (b) Statutory Law
 - (c) Natural Law
 - (d) Customary Law
- 34. In which case the Supreme Court firmly established the validity of delegated legislation?**
- (a) *In re Delhi Laws Act*
 - (b) *Queen v. Burrah*
 - (c) *Jamna Das v. Ram Avtar*
 - (d) *King Emperor v. Benoori Lal*
- 35. The Law which requires publication of delegated legislation is:**
- (a) Constitutional Law
 - (b) Case Law
 - (c) Natural Law
 - (d) Statutory Law
- 36. Liability in tort depends upon ,**
- (a) quantum of damages suffered
 - (b) involvement of intention
 - (c) infringement of legal right
 - (d) effect on public interest
- 37. Which of the following is the exclusive contribution of the French Revolution in the discourse of human rights?**
- (a) Liberty
 - (b) Equality
 - (c) Fraternity
 - (d) Property
- 38. Which of the following was the first international treaty having significant portents for International Human Rights Law?**
- (a) Congress of Vienna
 - (b) Geneva Convention
 - (c) League of Nations
 - (d) Treaty of Westphalia

39. Principles *Jes Soli* means:

- (a) Grant of nationality on the basis of place birth
- (b) Grant of nationality on the basis of blood relationship
- (c) Grant of nationality through naturalization
- (d) None of the above

40. The statement that "All human rights are universal, indivisible and interdependent and interrelated" is associated with,

- (a) Universal Declaration of Human Rights, 1948
- (b) Tehran Conference, 1969
- (c) Vienna Conference, 1993
- (d) Beijing Conference, 1995

41. Which body has replaced the former UN Sub-commission on the Promotion and Protection of Human Rights?

- (a) Human Rights Committee
- (b) UN Expert Group on Human Rights
- (c) Human Rights Council Advisory Committee
- (d) Working Group on Human Rights

42. Tort is a violation of:

- (a) a right in personam
- (b) a right in rem
- (c) both right in personam & right in rem
- (d) neither a right in personam nor a right in rem

43. The 'tort of deceit' owes its origin to,

- (a) Pasley v. Freeman, (1789) 3 TR 51
- (b) Lumley v. Gye, (1853) 22 E & B 216
- (c) Rylands v. Fletcher, (1868) LR 3 HL 330
- (d) Winsmore v. Greenbank, (1745) Willes 577

44. For how many times, a person can become President of India?

- (a) Once
- (b) Twice
- (c) Thrice
- (d) No limit

45. In which of the following cases, the Supreme Court held that 'the preamble is the part of the Constitution'?
- (a) Berubari Union and Exchange of Enclave
 - (b) Golaknath v. State of Punjab
 - (c) Kesavananda Bharati v. State of Kerala
 - (d) None of the above
46. Which of the following Part of the Indian Constitution is associated with Citizenship?
- (a) Part I
 - (b) Part II
 - (c) Part III
 - (d) Part IV
47. Which of the following Articles of the Indian Constitution describes India as a 'Union of States':
- (a) Article 4
 - (b) Article 1
 - (c) Article 3
 - (d) Article 2
48. In which of the following offence "mens rea" is not essential:
- (a) Murder
 - (b) Theft
 - (c) Robbery
 - (d) Bigamy
49. A intentionally causes Z's death partly by illegal omitting to give food to Z and partly by beating. A has committed:
- (a) Murder
 - (b) Culpable homicide
 - (c) Attempt to murder
 - (d) Grievous hurt by beating
50. The basis of action under the remedy of *quantum meruit* is,
- (a) restitution
 - (b) rescission
 - (c) novation
 - (d) all of the above

- 51. Match the List I with List II and select the correct answer using the codes given below the list:**

List I

- A. Carlill v Carbolic Smoke Ball Co.
- B. Fisher v Bell Tinn
- C. Tinn v Hoffman & Co.
- D. Harvey v Facey

Codes

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

List II

- 1. Offers at large
- 2. Invitation to treat
- 3. Quotation of price
- 4. Cross offers

- 52. The judicial basis of quasi-contractual obligation can be explained through the theory of:**

- (a) Indebitatus assumpsit
- (b) Caveat emptor
- (c) Consensus ad idem
- (d) Uberrima fides

- 53. An agreement in restraint of trade under section 27 of Indian Contract Act, 1872 is:**

- (a) valid
- (b) voidable
- (c) void
- (d) unenforceable

- 54. The distinction between Sec. 299 and Sec. 300 was first elaborately discussed in the case:**

- (a) Vasudev v. State of U.P.
- (b) Om Prakash v. State of Punjab
- (c) Deo Narain v. State of U.P.
- (d) R v. Govinda

- 55. Promissory estoppel is sometimes spoken of as a substitute for:**

- (a) innovation
- (b) quasi contract
- (c) consideration
- (d) coercion

56. Common Intention under Section 34 implies:

- (a) Similar intention
- (b) Pre-arranged planning
- (c) Presence of common knowledge
- (d) Common design for common objects

57. Which Constitutional Article lays down the provision for a National Commission for SC and ST?

- (a) Article 337
- (b) Article 334
- (c) Article 338
- (d) Article 339

58. Which one of the following Articles was not inserted by seventh Amendment Act.

- (a) Article 250 A
- (b) Article 258 A
- (c) Article 350 B
- (d) Article 358 B

59. The Subject of delegated legislation was thoroughly enquired by the:

- (a) Donoughmore Committee
- (b) Law Commission of India
- (c) Select Committee of the Rajya Sabha
- (d) Administrative Reforms Commission

60. The representation of Anglo-Indian Community in the Lok Sabha is dealt with which of the following Articles?

- (a) Article 332
- (b) Article 333
- (c) Article 331
- (d) Article 330

61. Who appoints Chairman of UPSC?

- (a) President
- (b) Parliament
- (c) Union Home Minister
- (d) Cabinet Committee on Appointments

62. The general remedy in law of tort is:
- (a) action for damages
 - (b) action of injunction
 - (c) specific restitution of property
 - (d) action for unliquidated damages
63. To succeed in an action for the tort of negligence, what is required to be proved is
- (a) damages sustained
 - (b) duty-situation arises
 - (c) breach of duty owed to someone
 - (d) breach of duty owed to the plaintiff
64. General exceptions are laid down in the IPC in:
- (a) Chapter VI
 - (b) Chapter IV
 - (c) Chapter V
 - (d) Chapter VIII
65. Which one of the following is not essential for an offence?
- (a) Intention
 - (b) Motive
 - (c) Prohibited act
 - (d) Punishment for act
66. For abduction abducted person should be:
- (a) Below 16 years of age
 - (b) Below 18 years of age
 - (c) insane person
 - (d) Of any age
67. Consider the following decided cases on the tort of foreseeability:
1. Wagon Mound No. 1
 2. Wagon Mound No.2
 3. Hughes v. Lord Advocate
 4. Doughty v Turner Manufacturing Co. Ltd.

Select the correct chronological order of the above cases, in which they were decided, using the code given below:

- (a) 1-2-3-4
 - (b) 3-1-4-2
 - (c) 1-3-4-2
 - (d) 3-1-2-4
68. A puts his hand in pocket of B for stealing money but pocket was empty. A is guilty of:
- (a) Theft
 - (b) Not guilty of theft
 - (c) Guilty of attempt to commit theft
 - (d) Not guilty of any offence
69. Which of the following property is not considered to be stolen property:
- (a) Property obtained by theft
 - (b) Property obtained by robbery
 - (c) Property obtained by cheating
 - (d) Property obtained by criminal force
70. Under IPC the voluntary drunkenness for the commission of crime is:
- (a) Excused always
 - (b) Not excused
 - (c) Sometimes excused
 - (d) Depends on the discretion of the court
71. The correct sequence in the formation of a contract is:
- (a) offer, acceptance, agreement, consideration
 - (b) agreement, consideration, offer, acceptance
 - (c) offer, consideration, acceptance, agreement
 - (d) offer, acceptance, consideration, agreement
72. 'A' promised to marry 'B'. Later on 'B' died. This contract of marriage:
- (a) becomes void.
 - (b) is void from very beginning.
 - (c) is valid.
 - (d) is illegal now.

- 73. A contract in which, under the terms of a contract, one or both the parties have still to perform their obligations in future is known as:**
- (a) executed contract.**
 - (b) executory contract.**
 - (c) unilateral contract.**
 - (d) none of the above.**
- 74. A party to a contract can be discharged from performing it, if it has become:**
- (a) expensive**
 - (b) onerous**
 - (c) commercially unviable**
 - (d) impossible**
- 75. Judges of the Supreme Court can be removed from their office by:**
- (a) Impeachment**
 - (b) President**
 - (c) Council of minsters**
 - (d) House of the people**

PART – II

Subjective / conventional : Marks: 150

This paper consists of : A - 10 question of 5 marks each.....50 Marks

B - 5 question of 10 marks each.....50 Marks

C - 2 question of 25 marks each.....50 Marks

A. Attempt only 10 questions, each question carries 5 marks.

1. How far the concept of rule of law has been recognised by the Constitution of India?
2. 'A' signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name.' Discuss the criminal liability of 'A'.
3. "The Preamble of Indian Constitution sets out aims and aspiration of the people of India." Explain.
4. Examine the concept of 'duty of care' as laid down by *Lord Atkin in Donoghue v Stevenson*.
5. Discuss Custom as a source of International Law.
6. Discuss the role of U.N. in International Peace and Security.
7. Distinguish the rule of strict liability with absolute liability.
8. Administrative discretion is anti thesis of rule of law. Explain.
9. Discuss the importance of office of the speaker in India.
10. Differentiate between delegated legislation and conditional legislation.
11. With the help of illustrations differentiate between *Damnum Sine Injuria* and *Injuria sine Damnum*
12. What are inchoate crimes?
13. Briefly discuss some of the governmental measures to address the issue of Human rights.
14. "All contracts are agreements but all agreements are not contracts." Explain and illustrate.

B. Attempt only 5 questions, each question carries 10 marks.

1. What is the meaning and importance of Recognition of States? State the difference between *De-Jure* and *De-Facto* recognition.
2. "The doctrine of basic structure has established judicial supremacy in the area of Constitutional amendments." Explain this statement with the help of Supreme Court judgments.
3. 'Common object' is different from 'common intention' as it does not require a prior concert and a common meeting of minds. It is enough if each has the same object in view and their number is five or more and that they act as an assembly to achieve that object. Elucidate.
4. Discuss the provisions relating to the independence and impartiality of the judiciary. Is really judiciary independent in India?
5. What is meant by *innuendo*? What are the facts which the plaintiff must prove or establish in order to sustain a plea of *innuendo*? Discuss with the help of decided cases.
6. Write short notes on any two of the following:
 - a) Theory of Extra-territoriality;
 - b) State Responsibility; and
 - c) Universal and partial Succession.
7. Explain the necessity of Administrative Tribunals in modern time. What is the constitutional position of Tribunals in India? Discuss.
8. Discuss the provisions of the Indian Contract Act relating to the definition and enforceability of contingent contracts. Refer to decided cases.

C. Attempt only 2 questions, each question carries 25 marks.

1. The protection and promotion of human rights and fundamental freedoms is necessary as they are considered indispensable for the maintenance of International peace and security. Discuss as to what extent the International Human Rights law have addressed this matter .
2.
 - i) Discuss the fundamental rights against self incrimination in the light of *Selvi vs. State of Karnataka*, A.I.R. 2010 SC 974.
 - ii) What is the meaning of Right to Life and personal liberty under Article 21 of the Constitution? Does right to life include right to die? Discuss in the light of *Aruna Ramchandra Shanbaug vs Union of India* (2011) Supreme court judgement.
3. "When wrong information about a responsible person is aired by a T.V. Channel to the entire nation and beyond, it is believed by the public, and injures that person's reputation. The damage is done. Mere apologies do not restore his damaged reputation and adequately compensate him. Further slap-say sorry- and forget principle has been discarded from our jurisprudence long back."Comment in the light of decided cases and criminal law relating of defamation.
4.
 - i) What is the basis of Quasi-Contracts? Explain kinds of Quasi-Contracts enshrined under Indian Contract Act.
 - ii) Explain the facts and the principles laid down in the case of *Hadley v. Baxendale* (1854) 9 Ex 341 with special reference to remoteness of damages' enumerated in the Indian Contract Act.