

Test Booklet No.

प्रश्नपत्रिका क्र.

F

## Paper-II LAW

Signature and Name of Invigilator

1. (Signature) .....

(Name) .....

2. (Signature) .....

(Name) .....

Seat No.

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(In figures as in Admit Card)

Seat No. ....

(In words)

OMR Sheet No.

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(To be filled by the Candidate)

AUG- 60215

Time Allowed : 1¼ Hours]

[Maximum Marks : 100

Number of Pages in this Booklet : 20

Number of Questions in this Booklet : 50

### Instructions for the Candidates

- Write your Seat No. and OMR Sheet No. in the space provided on the top of this page.
- This paper consists of 50 objective type questions. Each question will carry two marks. All questions of Paper-II will be compulsory, covering entire syllabus (including all electives, without options).
- At the commencement of examination, the question booklet will be given to the student. In the first 5 minutes, you are requested to open the booklet and compulsorily examine it as follows :
  - To have access to the Question Booklet, tear off the paper seal on the edge of this cover page. Do not accept a booklet without sticker-seal or open booklet.
  - Tally the number of pages and number of questions in the booklet with the information printed on the cover page. Faulty booklets due to missing pages/questions or questions repeated or not in serial order or any other discrepancy should not be accepted and correct booklet should be obtained from the invigilator within the period of 5 minutes. Afterwards, neither the Question Booklet will be replaced nor any extra time will be given. The same may please be noted.**
  - After this verification is over, the OMR Sheet Number should be entered on this Test Booklet.
- Each question has four alternative responses marked (A), (B), (C) and (D). You have to darken the circle as indicated below on the correct response against each item.  
**Example :** where (C) is the correct response.  

(A)	(B)	(C)	(D)
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- Your responses to the items are to be indicated in the **OMR Sheet given inside the Booklet only**. If you mark at any place other than in the circle in the OMR Sheet, it will not be evaluated.
- Read instructions given inside carefully.
- Rough Work is to be done at the end of this booklet.
- If you write your Name, Seat Number, Phone Number or put any mark on any part of the OMR Sheet, except for the space allotted for the relevant entries, which may disclose your identity, or use abusive language or employ any other unfair means, you will render yourself liable to disqualification.
- You have to return original OMR Sheet to the invigilator at the end of the examination compulsorily and must not carry it with you outside the Examination Hall. You are, however, allowed to carry the Test Booklet and duplicate copy of OMR Sheet on conclusion of examination.
- Use only Blue/Black Ball point pen.**
- Use of any calculator or log table, etc., is prohibited.**
- There is no negative marking for incorrect answers.**

### विद्यार्थ्यांसाठी महत्त्वाच्या सूचना

- परिक्षार्थींनी आपला आसन क्रमांक या पृष्ठावरील वरच्या कोपऱ्यात लिहावा. तसेच आपणांस दिलेल्या उत्तरपत्रिकेचा क्रमांक त्याखाली लिहावा.
- सदर प्रश्नपत्रिकेत 50 बहुपर्यायी प्रश्न आहेत. प्रत्येक प्रश्नास दोन गुण आहेत. या प्रश्नपत्रिकेतील सर्व प्रश्न सोडविणे अनिवार्य आहे. सदरचे प्रश्न हे या विषयाच्या संपूर्ण अभ्यासक्रमावर आधारित आहेत.
- परीक्षा सुरु झाल्यावर विद्यार्थ्यांला प्रश्नपत्रिका दिली जाईल. सुरुवातीच्या 5 मिनीटांमध्ये आपण सदर प्रश्नपत्रिका उघडून खालील बाबी अवश्य तपासून घ्याव्यात.
  - प्रश्नपत्रिका उघडण्यासाठी प्रश्नपत्रिकेवर लावलेले सील उघडावे. सील नसलेली किंवा सील उघडलेली प्रश्नपत्रिका स्विकारू नये.
  - पहिल्या पृष्ठावर नमूद केल्याप्रमाणे प्रश्नपत्रिकेची एकूण पृष्ठे तसेच प्रश्नपत्रिकेतील एकूण प्रश्नांची संख्या पडताळून घ्यावी. पृष्ठे कमी असलेली/कमी प्रश्न असलेली/प्रश्नांचा चूकीचा क्रम असलेली किंवा इतर त्रुटी असलेली सदोष प्रश्नपत्रिका सुरुवातीच्या 5 मिनिटातच पर्यवेक्षकाला परत देऊन दुसरी प्रश्नपत्रिका मागवून घ्यावी. त्यानंतर प्रश्नपत्रिका बदलून मिळणार नाही तसेच वेळही वाढवून मिळणार नाही याची कृपया विद्यार्थ्यांनी नोंद घ्यावी.
  - वरीलप्रमाणे सर्व पडताळून पहिल्यानंतरच प्रश्नपत्रिकेवर ओ.एम.आर. उत्तरपत्रिकेचा नंबर लिहावा.
- प्रत्येक प्रश्नासाठी (A), (B), (C) आणि (D) अशी चार विकल्प उत्तरे दिली आहेत. त्यातील योग्य उत्तराचा रकाना खाली दर्शविल्याप्रमाणे ठळकपणे काळ्या/निळ्या करावा.  
**उदा. :** जर (C) हे योग्य उत्तर असेल तर.  

(A)	(B)	(C)	(D)
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- या प्रश्नपत्रिकेतील प्रश्नांची उत्तरे ओ.एम.आर. उत्तरपत्रिकेतच दर्शवावीत. इतर ठिकाणी लिहिलेली उत्तरे तपासली जाणार नाहीत.
- आत दिलेल्या सूचना काळजीपूर्वक वाचाव्यात.
- प्रश्नपत्रिकेच्या शेवटी जोडलेल्या कोऱ्या पानावरच कच्चे काम करावे.
- जर आपण ओ.एम.आर. वर नमूद केलेल्या ठिकाणा व्यतिरिक्त इतर कोठेही नाव, आसन क्रमांक, फोन नंबर किंवा ओळख पटेल अशी कोणतीही खुण केलेली आढळून आल्यास अथवा असभ्य भाषेचा वापर किंवा इतर गैरमागांचा अवलंब केल्यास विद्यार्थ्यांला परीक्षेस अपात्र ठरविण्यात येईल.
- परीक्षा संपल्यानंतर विद्यार्थ्यांने मूळ ओ.एम.आर. उत्तरपत्रिका पर्यवेक्षकांकडे परत करणे आवश्यक आहे. तथापी, प्रश्नपत्रिका व ओ.एम.आर. उत्तरपत्रिकेची द्वितीय प्रत आपल्याबरोबर नेण्यास विद्यार्थ्यांना परवानगी आहे.
- फक्त निळ्या किंवा काळ्या बॉल पेनचाच वापर करावा.**
- कॅलक्युलेटर किंवा लॉग टेबल वापरण्यास परवानगी नाही.**
- चुकीच्या उत्तरासाठी गुण कपात केली जाणार नाही.**

**AUG-60215/II**

**LAW**  
**Paper II**

**Time Allowed : 75 Minutes]**

**[Maximum Marks : 100**

**Note :** This paper contains **Fifty (50)** multiple choice questions, each question carrying **Two (2)** marks. Attempt *All* questions.

<p>1. The observation by the Supreme Court that “The Law in Article 13(2) of the Constitution includes every branch of law, statutory, constitutional etc. and hence, if an amendment to the Constitution took away or abridged the fundamental rights of the citizens, the amendment would be void was held in :</p> <p>(A) Keshavananda Bharati Case</p> <p>(B) Minerva Mills Case</p> <p>(C) Golaknath’s Case</p> <p>(D) Som Prakash Vs. Union of India</p>	<p>2. “X” was dismissed from the service as a result of the findings of a departmental enquiry by the Competent Authority. He was prosecuted under Provisions of the Prevention of Corruption Act, 1988. Whether this tantamount to “Double jeopardy” as envisaged under Article 20(2) ?</p> <p>(A) It is a double jeopardy</p> <p>(B) It is not double jeopardy as the departmental proceedings operate on a different plane and not prosecution</p> <p>(C) “X” has been harassed twice by holding departmental proceedings as well as prosecution under Prevention of Corruption Act, 1988</p> <p>(D) “X” cannot be prosecuted under the Prevention of Corruption Act due to the departmental enquiry</p>
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3. The text of the Preamble of the Constitution of India aims to secure :
- (A) Fundamental Rights to all individuals
  - (B) Fundamental Rights to citizens of India
  - (C) Dignity of individual and unity and integrity of the nation
  - (D) Security of service to government servant
4. India is a sovereign, because :
- (A) of its supremacy in deciding matters internal as well as external interest of the country
  - (B) it contains more than 300 Articles
  - (C) it has promises for justice
  - (D) it has government for the people, by the people and of the people
5. The Constitution of India embodies the Parliamentary form of Government, because :
- (A) the President, the Head of the Executive is answerable to Parliament
  - (B) the Prime Minister, the Head of the Cabinet is accountable to Parliament
  - (C) the Council of Ministers is responsible to Lok Sabha and Rajya Sabha
  - (D) the Council of Ministers is collectively responsible to the Lok Sabha

6. Which of the following is *correctly* matched ?
- (A) Republic : Head of the state is hereditary monarch
- (B) Sovereign : Constitution rests on the people's will
- (C) Democratic : Constitution does not recognize legal supremacy of another country
- (D) Secular : State is without religion of its own
7. Which one of the following is a Directive Principle of State Policy under the Constitution of India ?
- (A) Protection and improvement of environment and safeguarding of forest and wildlife
- (B) To value and preserve the rich heritage of Indian composite culture
- (C) To strive for development of scientific temper, humanism and spirit of equity and reform
- (D) To protect life and personal liberty of the people of India
8. Which Jurist observed that "Jurisprudence is as big as law—and bigger" ?
- (A) T Hermon W. Arnold
- (B) Lord Radcliffe
- (C) Karl Lle Wellyn
- (D) Professor Platt
9. Ratio decidendi and Obiter dicta constitute as sources of :
- (A) Custom
- (B) Precedent
- (C) Legislation
- (D) Treaties

10. Describing relationship between Legal Rights and Duties, Salmond observed that “A wrong is simply a wrong act—an act contrary to the role of right and justice.

**Assertion (A) :** A wrong may be described in the largest sense, as anything done or omitted contrary to legal duty.

**Reason (R) :** Duty, right and wrong are not separate or divisible heads of legal rules and events.

**Codes :**

- (A) Both (A) and (R) are correct, (R) is the correct explanation of (A)
- (B) Both (A) and (R) are correct, (R) is not the correct explanation of (A)
- (C) (A) is correct and (R) is wrong
- (D) (A) is not correct and (R) is correct

11. How many theories of punishment are there in Legal Theory ?

- (A) Five
- (B) Six
- (C) Four
- (D) Three

12. Who was the author of the work ‘Justice in Robes’ ?

- (A) Salmond
- (B) Dworkin
- (C) Austin
- (D) Hanskelsen

13. In which case, Justice Hidayatullah observed : “No doubt, the law declared by this Court (Supreme Court of India) binds courts in India, but it should always be remembered that this court does not enact” ?

- (A) Rajeswar Prasad *Vs.* State of West Bengal
- (B) Balkrishna Rao *Vs.* Haji Abdulla Sait
- (C) Maneka Gandhi *Vs.* Union of India
- (D) Graham Bell *Vs.* State of West Bengal

14. **Assertion (A)** : International law is not a law.

**Reason (R)** : It lacks determinate superior political authority to enforce its rules. Using the codes below give the *correct* answer.

**Codes :**

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

15. How will international custom be applied in International law was laid down in :
- (A) West Rand Central Gold Mining Company Ltd. *Vs.* R.
  - (B) Yugoslavia *Vs.* United States of America
  - (C) Anglo-Iranian Oil Co. Ltd. *Vs.* S.U. POR
  - (D) Appleby *Vs.* U.K.
16. Which of the following statements is *correct* ?
- (A) De facto recognition of a foreign government is as conclusively binding, while it lasts, as de jure recognition
  - (B) De facto recognition of a foreign government is conclusive
  - (C) De facto recognition of a foreign government is always equal to de jure recognition
  - (D) De facto recognition of a foreign government has no legal effects
17. The United Nations was established on :
- (A) 10th October, 1945
  - (B) 16th October, 1945
  - (C) 20th October, 1945
  - (D) 24th October, 1945
18. The International Centre for Settlement of Investment Disputes (ICSID) was established in the year :
- (A) 1965
  - (B) 1966
  - (C) 1967
  - (D) 1968
19. What was the theme of the 50th anniversary of the adoption of the Universal Declaration of Human Rights ?
- (A) Human Rights for Progress
  - (B) All Human Rights for all
  - (C) Universal brotherhood
  - (D) Unite together for Human Rights

20. Read Assertion (A) and Reason (R) and with the help of codes given below, point out the *correct* explanation :

**Assertion (A) :** The Dayabhaga School of Hindu Law prevails in Bengal, Assam, Tripura, Manipur, Mizoram, Arunachal Pradesh and Meghalaya but in rest of India, it is the Mitakshara School which has its sway.

**Reason (R) :** The Mitakshara School never prevails in the Dayabhaga School jurisdiction on all those matters on which the Dayabhaga is silent.

**Codes :**

- (A) Both (A) and (R) are true but (R) is not a correct explanatory of (A)
- (B) Both (A) and (R) are true and (R) is a correct explanatory of (A)
- (C) (A) is true but (R) is false
- (D) (A) is false but (R) is true

21. When divorce is initiated by the wife and husband consents to it, such divorce is known as..... under the Muslim Law.

- (A) Khul or Khula
- (B) Mubaraa or Mubarrat
- (C) Talak-i-tafweez
- (D) Talak-ul-bidda

22. Which of the following is a void marriage under Muslim Law ?

- (A) Mut'ah
- (B) Batil
- (C) Nikah
- (D) Fasid

23. Under the Parsi Marriage and Divorce Act, non-resumption of cohabitation after an order of separate maintenance for a period of.....entitles the innocent party to sue for divorce.
- (A) Three months
  - (B) Six months
  - (C) Nine months
  - (D) One year
24. Which one of the following is *not* an approved form of marriage as per the ancient Hindu Law ?
- (A) Prajapatya
  - (B) Gandharva
  - (C) Brahma
  - (D) Arsha
25. In Islamic Law “Faskh” means :
- (A) Judicial separation
  - (B) Restitution of conjugal rights
  - (C) Annulment which differs from talaq and other forms of dissolution of marriage in legal structure and its effects
  - (D) Dissolution of marriage at the instance of the wife
26. In which case it was held that the parties to an agreement must intend to create legal obligations in order to make it a valid contract ?
- (A) Taylor *Vs.* Portington (1855) All. E.R. 128
  - (B) Balfour *Vs.* Balfour (1919)2 K.B. 571
  - (C) Shuppu Ammal *Vs.* Subramaniam (1909) ILR 33 Mad 238
  - (D) Both (A) and (B)

27. Which of the following is/are *true* about a valid consideration ?

- (A) Must be from the Promisee only
- (B) May be past, present or future consideration
- (C) Must be adequate to the promise
- (D) Both (A) and (B)

28. The Indian Contract Act defines 'Consideration' under which Section ?

- (A) Section 12
- (B) Section 2(d)
- (C) Section 15
- (D) Section 2(J)

29. The maxim "In Pari Delicto potior est conditio defendentis" refers to :

- (A) No action arises out of a base cause
- (B) Where there is equal guilt, the defendant is in a better position
- (C) Personal cause of action dies with the person itself
- (D) What a person does for another, he does himself

30. Which of the following relationship usually raise a presumption of undue influence ?

- (A) Guardian and ward
- (B) Doctor and Patient
- (C) Trustee and beneficiary
- (D) All (A), (B) and (C)

31. In case of breach of contract :

- (A) Damages are payable to punish a person for breach of contract
- (B) Damages are payable to compensate the person for special losses
- (C) Damages are payable to put the parties in a situation as if the contract is not broken
- (D) Damages are to be nominal

32. A general offer or offer to the world at large does not make it necessary on the part of the acceptor to communicate his acceptance. This is well explained in :

- (A) Carlil *Vs.* Carbolic Smoke Ball Company
- (B) Dunlop Newmatic Tyre Co *Vs.* Selfridge Co.
- (C) Balfour *Vs.* Balfour
- (D) Donogue *Vs.* Stevenson

33. "A tort is a civil wrong for which the remedy is a common law action for unliquidated damages and which is not exclusively the breach of a contract or breach of trust or others merely equitable obligation." The above definition is given by :

- (A) Salmond
- (B) Paton
- (C) Winfield
- (D) H.L.A. Hart

34. Which of the following is *not* a libel ?

- (A) Defamatory matter in writing or printing
- (B) Defamatory matter in the form of video film
- (C) Defamatory matter in the form of picture
- (D) Defamatory matter in the form of public speech

35. Tort of conspiracy occur, when :

- (A) Two or more persons combine to injure a third party by any means
- (B) Two or more persons combine to injure a third party by unlawful means
- (C) Two or more persons knowing each other injure a third party independently by unlawful means
- (D) Two or more persons combine to injure a third party by lawful means

36. In contributory negligence :

- (A) Both parties have contributed to the negligence equally
- (B) Only one party is negligent but the other has not taken the due care
- (C) One party is negligent resulting in injury while the other has taken due care
- (D) Lack of care is equal on both sides

37. In which of the following cases is the occupier liable for negligence ?

- (A) Keeping watchdog which has the habit of biting
- (B) Fixing broken glass pieces on the top of the wall
- (C) Setting spring guns in the premises to prevent trespass
- (D) Constructing a compound wall to prevent trespass

38. Malicious prosecution is a tort intending to protect :

- (A) Against the abuse of legal proceedings
- (B) Right of the police to prosecute the criminal
- (C) The accused against police excess
- (D) The police from civil proceedings

39. Which of the following statements is *correct* with respect to the definition of 'Offence' as prescribed u/s 40 of IPC ?

- (A) "Offence" denotes a thing made punishable and prohibited by Indian Penal Code only
- (B) "Offence" denotes a thing made punishable and prohibited by IPC but does not cover the offences punishable under any special or local law
- (C) "Offence" denotes a thing made punishable under the IPC or under any special or local law
- (D) "Offence" denotes anything which has been done against public policy, public safety or harmful to society

40. "The criminal trial of an incompetent defendant violates due process. Therefore a defendant may not be put to trial unless he has sufficient present ability to consult his lawyer with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceeding against him."

The above principle has been incorporated under which of the Sections of Indian Penal Code ?

- (A) Section 80
- (B) Section 82
- (C) Section 84
- (D) Section 86

41. Necessity knows no law. Thus the person who feels himself in eminent danger may use his right to private defence. However under any case, the right to private defence can't be used under IPC :

- (A) If it is against the person who is under intoxication
- (B) If it is against the child below the age of 7 years
- (C) If there is a time to recourse the public authority
- (D) If it is against the insane person

42. In which of the following judgements has the Supreme Court given the accused the benefit of private defence vide S. 100(1) of IPC after scrutinizing the various cases set out principles emerged through different cases ?

- (A) Rudul Sah Vs. State of Bihar  
AIR 1983 S.C.1086
- (B) Sharadbhai Jivanlal Vaniya Vs.  
State of Gujrat AIR 2012 S.C.  
925
- (C) Darshan Singh Vs. State of  
Punjab AIR 2010 S.C. 1212
- (D) Suchita Srivastava Vs.  
Chandigarh Administration  
AIR 2010 S.C. 499

43. 'M' sends a mobile message to 'S' that he is going to murder 'G'. 'S' messages back to 'M' that 'You may do whatever you wish.' Subsequently 'M' killed 'G'.

In the present case, which of the following statements will sustain ?

- (A) 'S' can't be held guilty of instigating 'M'
- (B) 'S' can be held guilty of inciting/ instigating 'M' to kill 'G'
- (C) 'S' can be held guilty of inciting/ instigating 'M' if he had been aware about the fighting between 'M' and 'G'
- (D) 'S' can't be held guilty because mobile messages are not considered as mode of incitement or instigating someone.

44. Which one of the following statements is *not correct* with respect to Section 497 of IPC.

- (A) It confers upon the husband the right to prosecute the adulterer but does not confer any right upon the wife to prosecute the women, with whom her husband has committed adultery
- (B) It does not confer any right on the wife to prosecute the husband who has committed adultery with another woman
- (C) It does not apply in case where husband has sexual relations with an unmarried woman
- (D) It does not apply in the cases where adultery has been committed with married woman who is not Indian citizen

45. The Industrial Disputes

(Amendment) Bill, 2009 seeks to provide *inter alia* for .....

(A) Direct access for the workman to the labour court or tribunal in case of disputes arising out of Section 2A of the Industrial Disputes Act, 1947

(B) Expanding the scope of qualifications of presiding officers of labour court or tribunals under Sections 7 and 7A of the Industrial Disputes Act, 1947

(C) Both (A) and (B)

(D) Neither (A) nor (B)

46. Identify the odd man from the following :

(A) Dispute between workmen and workmen

(B) Dispute between employers and employers

(C) Dispute between employers and non-workmen

(D) Dispute between employers and workmen

47. Read Assertion (A) and Reason (R) and with the help of codes given below, point out the *correct* explanation :

**Assertion (A)** : Section 17 of the Trade Unions Act, 1926 provides for immunity from criminal conspiracy.

**Reason (R)** : Such immunity is extended not only to the registered trade union but also to its office bearers and members as all are capable of conspiring.

**Codes** :

(A) Both (A) and (R) are correct

(B) Both (A) and (R) are incorrect

(C) (A) is false but (R) is true

(D) (A) is true but (R) is false

48. The Industrial Disputes (Central) Rules, 1957 under Rule 39 contemplates that the number of representatives of the workmen on works committee shall not be less than the number of representatives of the employer and further that the total number of members shall *not* exceed :
- (A) 10
- (B) 30
- (C) 20
- (D) 14
49. In....., the Supreme Court observed that a 'gherao' is not an offence as such mentioned in the Indian Penal Code. But it is an act indulged by labour against the management and where it is accompanied by confinement, restraint or other offences under the criminal law of the land, the fact that it is done by members of a trade union, and used as an instrument of collective bargaining, gives rise to no special treatment or exemption from liability under the law.
- (A) *Bharat Kumar Vs. State of Kerala*
- (B) *Jay Engineering Works Vs. State of West Bengal*
- (C) *Coir Board Ernakulam, Kerala Vs. Indira Devi P.S.*
- (D) *Bharat Petroleum Corporation Ltd Vs. Maharashtra General Kamgar Union*
50. "Last come first go" rule is applicable in the case of :
- (A) Lockout
- (B) Retrenchment
- (C) Transfer of Undertaking
- (D) Closure

**AUG-60215/II**

**ROUGH WORK**

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