

Test Booklet Code & No.

प्रश्नपत्रिका कोड व क्र.

A

Paper-II LAW

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)

Signature and Name of Invigilator

1. (Signature)

(Name)

2. (Signature)

(Name)

MAY - 60216

Time Allowed : 1¼ Hours]

[Maximum Marks : 100

Number of Pages in this Booklet : 16

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.

<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
A	B	C	D
- 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 पहाव्यात.
 - 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 पहावी. पृष्ठे कमी असलेली/कमी प्रश्न असलेली/प्रश्नांचा चुकीचा क्रम असलेली किंवा इतर त्रुटी असलेली सदोष प्रश्नपत्रिका सुरुवातीच्या 5 मिनिटातच पर्यवेक्षकाला परत देऊन दुसरी प्रश्नपत्रिका मागवून घ्यावी. त्यानंतर प्रश्नपत्रिका बदलून मिळणार नाही तसेच वेळी 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 काळ/निळ्या करावा.
उदा. : जर (C) हे योग्य उत्तर असेल तर.

<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
A	B	C	D
- 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 व्यतिरीक्त इतर कोठेही नाव, आसन क्रमांक, फोन नंबर किंवा ओळख पटेल अशी कोणतीही खूप केलेली आढळून आल्यास अथवा असभ्य भाषेचा वापर किंवा इतर गैरमार्गांचा अवलंब केल्यास विद्यार्थ्यांला परीक्षेस अपात्र ठरविण्यात येईल.
- परीक्षा संपल्यानंतर विद्यार्थ्यांनि 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.**

MAY - 60216/II—A

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.

1. The 42nd Amendment Act, 1976 has inserted the following words in the Preamble
(A) Sovereign Secular Democratic
(B) Secular Sovereign Republic
(C) Socialist Secular Sovereign Democratic
(D) Sovereign Socialist Secular Democratic Republic
2. Article (30) clause (1) of the Indian Constitution states that all minorities, whether based on religion or language, shall have the right :
(A) To establish and administer
(B) To establish and maintain
(C) To acquire property and establish
(D) To establish religious institutions

3. The concept of judicial review in India is inspired by the Constitution of
(A) Britain
(B) France
(C) U.S.A.
(D) Canada
4. The power to form new states or alter the boundaries of existing states vests with
(A) President
(B) Parliament
(C) Supreme Court
(D) State Legislature

5. Right to Education is added as Article 21-A in the Indian Constitution by
- (A) 86th Constitutional Amendment, 2002
- (B) 86th Constitutional Amendment, 2000
- (C) 85th Constitutional Amendment, 2009
- (D) 88th Constitutional Amendment, 2010
6. Right to Freedom of Religion is contained inof the Indian Constitution.
- (A) Article 25 to 28
- (B) Article 19 to 21
- (C) Article 14 to 18
- (D) Article 30 to 32
7. The fundamental duties have been added by the Constitution (42nd Amendment Act), in accordance with recommendations of the
- (A) Parliamentary Committee
- (B) Swarna Singh Committee
- (C) Sarkaria Committee
- (D) Law Commission of India
8. According tolaw has its source in the Volksgeist or common consciousness of people.
- (A) Henry Maine
- (B) Friedrica Carl Von Savigny
- (C) Salmond
- (D) Austin
9. Which Jurist introduced the concept of 'Social Engineering' ?
- (A) J.S. Mill
- (B) Ronald Dworkin
- (C) Roscoe Pound
- (D) H.L.A. Hart

10. The Will theory, notably propagated by Hart, is subscribed to by those who view the purpose of law as being to grant the widest possible means of self-expression to the individual, the maximum degree of individual self-assertion.

Assertion (A) : The theory is closely related to the theory of sovereignty. So that the only way reconciling conflicting grills is by postulating a superior will which can overcome the opposition.

Reason (R) : The theory identifies the right-bearer by virtue of the power that she/he has over the duty in aversion.

Codes :

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

11. “Many of the ambiguities of the concept of natural law must be ascribed to the ambiguity of the concept of nature that underlines it.” Name the jurist who made the above statement on the nature of natural law ?

- (A) J. Finns
- (B) Jospe Swraz
- (C) D’ Entrèves
- (D) A.O. Hume

12. If ‘dominium’ is the meaning for absolute right, ‘possessio’ refers to what ?

- (A) Physical control over a thing
- (B) Precedent
- (C) Source of law
- (D) Relationship between a ‘owner’ and ‘tenant’

13. Which Indian Legislation has a direct bearing of the Reformation theory ?

- (A) Dowry Prohibition Act
- (B) Anti-smuggling Act
- (C) Reformatory Schools Act
- (D) Income Tax Act

14. “The law of nations is that collection of usages which civilized states have agreed to observe their dealings with one another” said by :

- (A) J.L. Brierly
- (B) Hans Kelson
- (C) Lord Coleridge
- (D) Oppenheim

15. Which of the following pairs is correctly matched ?

- (A) Conventions — Source of Municipal Law
- (B) Constitution — Source of International Law and Municipal Law
- (C) Custom — Source of International Law and Municipal Law
- (D) Usage and Legislation – Source of International Law and Municipal Law

16. **Assertion (A)** : The effect of conditional recognition is that failure to fulfil the condition or obligation will annul the recognition.

Reason (R) : Recognition may be conditional as sometimes states are recognised subject to a condition, generally and obligation which they undertake to fulfil.

Using the codes below give the correct answer.

Codes :

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

17. Which of the following is not included in the U.N. Charter as an objective of the United Nations ?

- (A) To protect the sovereignty of the member states
- (B) To avoid war as a means for settlement of international disputes
- (C) To ensure respect for international obligations arising from treaties and other forms of International Law
- (D) To the Development of human personality

18. Art of United Nations Charter make recommendations for the peaceful settlement of international disputes by the General Assembly of the United Nations.

- (A) 2
- (B) 3
- (C) 4
- (D) 5

19. The modern conception of Human Rights is developed aftermath of the :

- (A) Bosnia War
- (B) Gulf War
- (C) First World War
- (D) Second World War

20. is one of the approved forms of marriage under the ancient Hindu laws.

- (A) Prajapatya
- (B) Paishacha
- (C) Asura
- (D) Gandharva

21. According to Sunni school of Muslim law, the mother is entitled to the custody (hizanat) of her male child until he has completed the age of years.

- (A) seven
- (B) twelve
- (C) fifteen
- (D) eighteen

22. is a sum of money or other property which the wife is entitled to receive from the husband in consideration of marriage under the Muslim Law.

- (A) Dower
- (B) Hiba
- (C) Mahr or Mehr
- (D) Both (A) and (C)

23. Which is not the modern source of Hindu law from among the following list ?

- (A) Precedent
- (B) Equity, justice and good conscience
- (C) Legislation
- (D) Sruti

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

Assertion (A) : The Parsi marriage is also regarded as a contract though the religious ceremony of *ashirvad* is essential for its validity.

Reason (R) : The ceremony of *ashirvad*, under the Parsi law, should be performed by a Parsi priest either in the presence or absence of two Parsi witnesses.

Codes :

- (A) Both (A) and (R) are true but (R) is the incorrect explanatory of (A)
- (B) Both (A) and (R) are true and (R) is the correct explanatory of (A)
- (C) (A) is true but (R) is false
- (D) (A) is false but (R) is true

25. The deal(s) elaborately with the rites and ceremonies of Hindu marriage.
- (A) Dharma Sutra
 - (B) Grahiya Sutra
 - (C) Dharma Shastra
 - (D) Both (A) and (C)
26. Which of the following is *not* essential of a valid contract ?
- (A) Free consent
 - (B) Consensus ad idem
 - (C) Consideration
 - (D) Coercion
27. Which of the following is *not* true about acceptance ?
- (A) Must be made by offerer and none else
 - (B) Must be absolute but can be conditional
 - (C) Must be communicated in the mode prescribed
 - (D) Both (A) and B
28. Minor is incompetent to enter into contract. His contract is void ab initio. It is null and void—was said in which case :
- (A) Balfour Vs. Balfour
 - (B) Chinnayya Vs. Ramaiah
 - (C) Mohiribibi Vs. Dharmo Das Ghosh
 - (D) Dunlop Newmatic Tyre Co. Vs. Selfridge Co.
29. Legality of the object and consideration is covered under :
- (A) Sec. 21 of the Indian Contract Act
 - (B) Sec. 23 of the Indian Contract Act
 - (C) Sec. 25 of the Indian Contract Act
 - (D) Sec. 65 of the Indian Contract Act
30. Which of the following is dealt with in Sec. 18 of the Indian Contract Act ?
- (A) Fraud
 - (B) Coercion
 - (C) Misrepresentation
 - (D) Mistake

31. Which of the following is *not* agreement opposed to public policy ?
- (A) Agreements in restraint of legal proceedings
 - (B) Agreements in restraint of marriage
 - (C) Agreements in restraint of parental rights
 - (D) Agreements in restraint of wager
32. Which of the following is not one of the modes of discharge of contract ?
- (A) Discharge by performance
 - (B) Discharge by frustration
 - (C) Discharge by subrogation
 - (D) Discharge by lapse of time
33. The peculiarity of tortious liability is that :
- (A) It is the result of a contract
 - (B) It is the result of a statutory obligation
 - (C) It is independent of contract
 - (D) It is the part of both contract and statutory obligation
34. The duty of the manufacturer to take care of his consumer is well explained in the case :
- (A) Danoghue Vs. Stevenson
 - (B) Ashby Vs. White
 - (C) Dey Vs. Mann
 - (D) Ryland Vs. Fletcher
35. The following relationships are treated as joint tort-feasors :
- (1) Teacher and Student
 - (2) Wife and Husband
 - (3) Principal and Agent
 - (4) Master and Servant
 - (5) Partners of partnership firm
- Codes :**
- (A) (1), (3) and (5) only
 - (B) (1), (2) and (5) only
 - (C) (3), (2) and (4) only
 - (D) (3), (4) and (5) only

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

Assertion (A) : Any person who makes a statement having adverse effect on the reputation of another person shall be liable for defamation.

Reason (R) : Right to reputation of a person is legally recognized.

Codes :

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

37. “A man is injured by another’s act gives in itself no cause of action” is well explained in :

- (A) Ashby Vs. White
- (B) Gloucester Grammar School Case
- (C) Stanby Vs. Powell
- (D) Bourhill Vs. Young

38. The defence of “volenti non fit injuria” is not applicable to :

- (A) The rescue cases
- (B) The accident cases
- (C) The negligence cases
- (D) The defamation cases

39. Person who wants to avail the benefit of S. 84 under I.P.C., it is required to prove that :

- (A) he was insane during his childhood
- (B) he was under the attack of insanity during the Act
- (C) he has developed the impulse of insanity prior to and after the commission of an act
- (D) he does not have judgement capacity

40. In which of the following case , the Supreme Court confirmed the death sentence to accuse declaring that merely because one after another five lives were taken and that too of four young children, the Supreme Court declared that the accuse does not entitled to avail the benefit of intoxication against will under Sec. 85 of IPC.

- (A) Ashok Kumar Vs. State of Haryana, AIR 2010 S.C. 2839
- (B) Mohd. Ajmal Amir Kasab Vs. State of Maharashtra, AIR 2012 S.C. 3565
- (C) Bavisetti Kameshwara Rao Vs. State of A.P. AIR 2008 S.C. 1854
- (D) Bablu alias Mubarak Hussain Vs. State of Rajasthan, AIR 2007 S.C. 697

41. 'A' entered in 'B' house with an intention to commit theft. However 'B' awake. On seeing that 'B' has awoken, 'A' ran back. However chased him and caught hold him. Both 'A' and 'B' started fighting and 'B' cause serious injury to 'A' who died afterward.

In the above case, which of the following statements is *correct* ?

- (A) 'B' was not held guilty as he was acting under his right to private defence of property
- (B) 'B' was not held liable because he had not intended to kill 'A'
- (C) 'B' was guilty because there was no cause available for private defence
- (D) 'B' was not guilty as he was not having 'mens rea' and the incidence occur because of 'A's attempt to commit theft. Thus 'B' can't be held liable for the mistake of 'A'

42. Which one of the following thing can't be treated as 'abetment, u/s 107 of IPC ?
- (A) Instigate the person to do anything
 - (B) Engage with one or more persons in any conspiracy
 - (C) Intentionally aid, by any act or illegal omission, in doing any thing
 - (D) Taking a lead role to commit a crime with guilty mind
43. The basic ingredient (gist) of criminal conspiracy u/s 120B of IPC is :
- (A) Common agreement
 - (B) Meeting of mind
 - (C) Clear understanding of the consequences of act
 - (D) Similar/same intention
44. Which one of the statements is correct in the light of S. 497 of IPC ?
- (A) The wife of adulter husband has no remedy under this section
 - (B) The husband of adulteress wife has no remedy under this section
 - (C) The husband having sexual intercourse with unmarried woman can't be held guilty u/s 497 of IPC
 - (D) The sexual intercourse of unmarried man with wife of another can't be held guilty u/s 497 of IPC.
45. The Industrial Disputes (Amendment) Bill, 2009 seeks to provide for the enhancement of wage ceiling of a workman from Rs. 1,600 per month to Rs.
- (A) 15,000
 - (B) 20,000
 - (C) 10,000
 - (D) 6,000

46. According to section 2(k) of the Industrial Disputes Act, 1947 the subject matter of the industrial dispute must be connected with
- (A) employment or non-employment
 (B) terms of employment or conditions of labour
 (C) both (A) and (B)
 (D) Neither (A) nor (B)
47. Section 18 of the Trade Unions Act, 1926, grants immunity from civil actions to
- (A) registered trade unions
 (B) members and office bearers of the registered trade unions
 (C) registered as well as recognised trade unions
 (D) both (A) and (B)
48. In, the Supreme Court declared *bandh* to be illegal and unconstitutional while approving the distinction between a *bandh* and strike made by the High Court.
- (A) Communist Party of India (M) Vs. Bharat Kumar and others
 (B) Jay Engineering Works Vs. State of West Bengal
 (C) State Bank of India Vs. Workmen of State Bank of India
 (D) State of Bombay Vs. Hospital Mazdoor Sabha
49. In, on the question whether the arbitrator under Section 10 A of the *Industrial Disputes Act*, 1947 has the power to interfere with the punishment awarded by the management the Supreme Court while giving an affirmative answer stated that “Section 11 did clothe the arbitrator with similar powers as tribunals, despite the doubt created by the abstruse absence of specific mention of ‘arbitrator in Section 11A.”
- (A) Gujarat Steel Tubes Ltd. Vs. Gujarat Steel Tubes Mazdoor Sabha
 (B) Communist Party of India (M) Vs. Bharat Kumar and others
 (C) Jay Engineering Works Vs. State of West Bengal
 (D) Coir Board Ernakulam, Kerala State Vs. Indira Devi P.S.
50. Under section provisions for lay off have been provided under the Industrial Disputes Act, 1947.
- (A) 2 (kk)
 (B) 2 (kkk)
 (C) 2 (k)
 (D) 2 (ka)

ROUGH WORK