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Booklet Serial No. 000197

Test Booklet Series

TEST BOOKLET - 2022




ALR/DLO IN LAW DEPARTMENT EXAMINATION - 2022

(10)

Time Allowed: Two Hours

Maximum Marks: 100

### INSTRUCTIONS

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  - (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 for that question.
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SEAL

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(ALR/DLO) (10 - A)/2022

[P.T.O.]



1. Which of the following statements *correctly* conveys Fuller's theory of inner morality of law?
- A) Every piece of law, in order to be valid, must fulfil certain procedural requirements like generality, Prospectivity, promulgation, intelligibility and consistency.
  - B) The question of morality in every law is a matter for the inner conscience of the legislators and judges have nothing to do with it.
  - C) The question of morality of law is not for the courts to determine.
  - D) None of the above.
2. Consider the following four types of legal doctrines:
- I. *Volksgeist*
  - II. *Imperative Theory of Law*
  - III. *Social Engineering*
  - IV. *Social Solidarity*
- Identify the correct order in terms of time of their appearance:
- A) I, II, III and IV
  - B) II, I, IV and III
  - C) III, IV, I and II
  - D) II, I, III and IV
3. A legal custom has to possess a sufficient measure of antiquity, 'Sufficient' under English law means that it must have existed since before 1189. The law in India:
- A) Is similar to English law, that is, the custom must have existed since before 1189.
  - B) Is that 'antiquity' is not an essential condition for the validity of a custom.
  - C) Is that, for a custom to be valid, must have its existence since 'Vedic' period.
  - D) Does not need a fixed period but must proved to be in existence from time immemorial.
4. Which one of the following statements is correct with reference to 'Reversal' and Overruling?
- A) They are interchangeable words having the same meaning.
  - B) Overruling occurs when a decision given by a lower court is not accepted by an appellate court in appeal whereas reversal takes place when a higher court or the same court declares a decision to be wrong in a subsequent case.
  - C) Reversal occurs when a decision given by a lower court is not accepted by an appellate court in appeal, whereas overruling takes place when a higher court or the same court declares a decision to be wrong in subsequent case.
  - D) Reversal takes place when a decision of a foreign court is not accepted by the High Court or Supreme Court whereas overruling occurs when an earlier decision of the High Court or Supreme Court is not accepted subsequently.

5. Which of the following duties have been included by Austin in the category of 'absolute duties'?

- I. *Duties owed to persons indefinitely*
- II. *Self-regarding Duties*
- III. *Duties owed to the Sovereign*
- IV. *Duties owed to the parents.*

Choose the correct response:

- A) I, III and IV
- B) II, III and IV
- C) I, II and IV
- D) I, II and III

6. Salmond enumerates five characteristics of legal rights. Four of them are as below:

- I. *Subject of Right*
- II. *Object of Right*
- III. *Content of Right*
- IV. *Title of Right*

The fifth characteristic is:

- A) Property in respect of which the right is claimed.
- B) Act or Omission required by the right.
- C) The legal reason for the existence of the right.
- D) The subject of the corresponding duty.

7. 'Whenever a person looked like an owner in relation to a thing, he had possession of it, unless possession was denied to him by rules of law based on practical convenience'. This view is expressed by who among the following?

- A) Savigny
- B) Ihering
- C) Puchta
- D) Roscoe Pound

8. Match the List - I with List - II:

| S.No. | List I - Statements                       | Codes | List II- Kind of Possession |
|-------|---|-------|-----------------------------|
| I     | Principal deposits goods with an agent    | a.    | Immediate                   |
| II    | Buyer purchasing a book from a shopkeeper | b.    | Mediate                     |
| III   | Owner losing his watch                    | c.    | Incorporeal                 |
| IV    | Author's copyright to his work            | d.    | Corporeal                   |

Choose the correctly matched response from among the following:

- A) I-b, II-a, III - d, IV - c  
B) I-a, II-b, III- d, IV - c  
C) I-b, II-d, III-c, IV - a  
D) I-b, II- a, III-c, IV - d
9. *'Custom is frequently the embodiment of those principles, which have commanded themselves to the national conscience as principles of justice and public utility.... The national conscience may well be accepted by the courts as an authoritative guide, and of this conscience national custom is the external and visible sign'* - Who among the following has made the above statement?
- A) R W M Dias  
B) John Salmond  
C) G W Paton  
D) G W Keeton

10. Mark the correct statement from among the codes given below:

- I. Codification means the reduction of the whole *corpus juris* so far as practicable in the form of enacted law.  
II. Justinian Code was prevalent in Rome.  
III. Bentham helped in the codification of law in England.  
IV. Savigny opposed the codification of law but Henry Maine supported it.

**Codes:**

- A) I, II and III  
B) II, III and IV  
C) I and II  
D) I, II, III and IV

11. Which is a correct pair, with respect to the statement and as to who share the view:
- Custom is to society what Law is to state: Cordozo
  - Adherence to precedent should be the rule and not the exception: Gray
  - Judges not only discover law but also, they made law: Salmond
  - Precedents are merely interpretation of the existing law they do not create new law: Blackstone
12. Rights are immoral and against the interest of the society, who shared this view?
- Duguit
  - Laski
  - Buckland
  - Amartya Sen
13. Savigny's criticism on the basis that it encouraged juristic pessimism was given by
- Allen
  - Pound
  - Maine
  - Montesquieu
14. Animus Domini is an essential element of possession, as per.
- Pollock
  - Paton
  - Savigny
  - Gaus
15. In relation to Article 13 (1) match the following principles of interpretation with the case law:
- List - I**
- Doctrine of Eclipse
  - No Retrospective Effect
  - Rule of Severability
- List - II**
- Bhikaji Narain Dhakras v. State of M.P.*
  - State of Bombay v. F.N. Balsara*
  - Lachmandas Kewalram Ahuja v. State of Bombay*
- Choose the correct option:
- |    | a | b | c |
|----|---|---|---|
| A) | 1 | 2 | 3 |
| B) | 2 | 1 | 3 |
| C) | 1 | 3 | 2 |
| D) | 3 | 1 | 2 |

16. **Statement -A:** Fundamental Rights may be waived by the person who has it.  
**Statement -B:** Fundamental Rights can be waived in a case where the right or privilege guaranteed by the Constitution inheres in the Individual and is primarily intended for his benefit.

Choose the correct option:

- A) Both A and B are false  
B) Both A and B are true  
C) A is true and B is False  
D) A is false and B is true

17. Match List - I with items in List - II

**List - I**

- a. Participation of workers in management of industries  
b. Prohibition of consumption of drugs which are injurious to health  
c. Obligation of state to protect object of artistic interest declared to be of national importance  
d. Provision for maternity relief

**List-II**

1. Article 42  
2. Article 49  
3. Article 43-A  
4. Article 47

And choose the correct option:

- |    | a | b | c | d |
|----|---|---|---|---|
| A) | 3 | 4 | 2 | 1 |
| B) | 3 | 4 | 1 | 2 |
| C) | 4 | 2 | 3 | 1 |
| D) | 2 | 3 | 4 | 1 |

18. **Assertion (A):** In C B Muthamav Union of India, the Supreme Court of India struck down a provision in Service Rules requiring a female employee to obtain the permission of the government in writing before her marriage is solemnized.

**Reason (R):** Such provision is discriminatory against women and violates Article 16 and is hence unconstitutional under Article 13 (2) of the Indian Constitution.

Which among the following is correct in relation to the assertion and reason as stated above?

- 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.

19. Which of the following statements are true with regard to the fundamental right of the minorities in educational matters?

- I. *The minority has only the right to administer the educational institutions.*
- II. *The minority has the right to establish and administer educational institutions.*
- III. *The right is absolute and not subject to any restrictions.*
- IV. *Reasonable restrictions may be imposed to promote efficiency and prevent maladministration.*

Which among the statements given above is / are *correct*?

- A) I, II and III
- B) II and IV only
- C) II, III and IV
- D) I and III

20. Which one among the following in relation to 'Directive Principles of State Policy' is a *correct* proposition?

- A) Primacy is not given to all the directive principles contained in Part IV of the constitution over the fundamental rights.
- B) Primacy is given to all the fundamental rights conferred by Article 14-32 of the constitution over directive principles.
- C) Primacy is not given to all fundamental rights conferred by Part III of the constitution over the directive principles.
- D) Primacy is given only to directive principles in clauses (b) and (c) of Article 39 over fundamental rights conferred by Article 14 and 19 of the constitution.

21. Which of the following statements in relation to 'Fundamental Duties' in Part – IVA of the Indian Constitution is / are *correct*?

- I. *To owe allegiance to the nation and to uphold and protect the sovereignty and security of India.*
- II. *To uphold and protect the sovereignty, unity and integrity of India.*
- III. *To defend the country and render national service when called upon to do so.*

**Codes:**

- A) I, II and III
- B) II and III
- C) I and II
- D) I and III



22. Which of the following is the correct statement of the decision in *D C Wadhwa v. State of Bihar*?
- President is entitled to promulgate ordinances during the recess of the Parliament.
  - Colourable promulgation of ordinances is unconstitutional.
  - Article 213 empowers the President to issue successive ordinances.
  - Governor's powers of re-issuance of ordinances cannot be questioned in the court of law.

23. Match List - I with List - II and select the correct answer using the codes given below the lists:

**List - I**

- Right to live with human dignity, enshrined in Article 21, derives its life breath from Directive Principles of State Policy, particularly clauses (b) and (c) of Articles 39, 41 and 42.*
- Speedy trial is an essential ingredient of just, fair and reasonable procedure guaranteed by Article 21.*
- Even in the public interest litigation, a total stranger to the trial cannot be permitted to question the correctness of the conviction of the accused.*
- In case of helplessness or disability, any member of the public can maintain an application for an appropriate order, direction or writ if there has been a violation of a constitutional right.*

**List - II**

- Bandhua Mukti Morcha v. Union of India*
- Hussainara Khatoon v. State of Bihar*
- Simranjit Singh Mann v. Union of India*
- S P Gupta v. Union of India*

**Codes:**

- I-b, II-d, III-c, V-a
  - I-b, II-d, III-a, V-c
  - I-a, II-b, III-c, IV-d
  - I-a, II-b, III-d, IV-c
24. When a state fails to implement the administrative directions by the Union made under Article 256 of the Constitution of India, which of the following course of actions could be pursued?
- Parliament may compel the State Government to execute the said direction.
  - The Governor of the State concerned may dissolve the State Legislature.
  - The President of India may presume that constitutional machinery in the state has failed.
  - The President of India may impose emergency under Article 352 of the Constitution of India.

25. Which of the following combinations are correctly matched?

- I *Territorial Nexus - Objects should have territorial connection with the State.*
- II *Pith and Substance - The validity of legislation is determined by the degree of invasions into the field.*
- III *Colourable Legislation - You cannot do indirectly, what you cannot do directly.*
- IV *Repugnancy - Conflicting results are not produced where both the laws are applied to the same set of facts.*

**Codes:**

- A) I, II and IV
- B) II, III and IV
- C) I, III and IV
- D) I, II and III

26. Which one of the following propositions is a correct description of the powers of the President of India under Article 356 of the Constitution of India?

- A) If the Chief Minister, in spite of commanding the confidence of the Legislative Assembly, cannot run his government in accordance with the Constitution of India, the President of India can proclaim emergency.
- B) If the law and order in a State completely breaks down, the President of India can proclaim emergency.
- C) The President of India can refer the matter to the Supreme Court for advice and can act in accordance with such advice when given.
- D) The President of India cannot make a proclamation of emergency if the Governor refuses to make a report.

27. In which case, the Supreme Court of India has observed – 'In view of the pluralist democracy and the federal structure that has been accepted under the Constitution of India, the party or parties in power at centre and in the States may not be the same. Therefore, there is a need to confine the exercise of power under Article 356(1) strictly to the situation mentioned therein which is a condition precedent to the said exercise.'

- A) S R Bommai Case
- B) State of Rajasthan v. Union of India
- C) Maneka Gandhi case
- D) Minerva Mills case

28. Amendment of which *one* of the provisions of the Constitution of India listed below, requires ratification by the State Legislatures?
- A) Article 157 relating to the qualifications for appointment as Governor of the State.
  - B) Article 123 relating to the powers of the President of India to promulgate ordinances on a subject mentioned in 'Concurrent List' during the recess of the parliament.
  - C) Article 56 relating to the term of office of the President of India.
  - D) Article 54 relating to the elections to the office of President of India.
29. 'Common consent', Which is the basis of International Law, means that:
- A) All states without exception consent to every part of the body of rules constituting International Law.
  - B) There is express consent by all states to most of the rules that constitute International Law.
  - C) There is consent of only major powers of the world without whom no rule could assume the status of law.
  - D) There is express or tacit consent of states to the body of rules comprising International Law as a whole at any particular time.
30. According to the '*Naturalist School of International Law*':
- I. Rules of International Law denote the ideal law founded on the nature of man as a reasonable being
  - II. Rules of International Law are the body of rules which nature dictates to human reason.
  - III. International Law derived its binding force from the fact that it was a mere application to particular circumstances of the 'Law of Nature'.
  - IV. The concept of international law and natural law is identical as both are based on reason and justice.
- Which of the statements above is / are correct?
- A) II and IV
  - B) I, II and III
  - C) I and III
  - D) I, II, III and IV

31. Article 38 (1) of the statute of International Court of Justice enumerates four sources of international law in the following order:

- I. *Treaties and conventions*
- II. *International custom*
- III. *General Principles of Law*
- IV. *Judicial decisions and writing of publicists*

This is because Article 38 (1):

- A) Follows a hierarchical order, giving greatest importance to treaties and conventions.
- B) Gives equal importance to all the four sources of international law enumerated therein.
- C) Does not make any judgment upon the priority or equality of status of these sources.
- D) Is based on a formal approach to the international law-making processes.

32. Which one of the following propositions would be correct according to the Vienna Convention on the Law of Treaties, 1969?

- A) The reservation and objection cancel each other and all the provisions of the treaty will apply to all parties.
- B) The provisions of the treaty to which the reservation applies, shall not apply between the reserving state and the objecting state, unless the objecting state specifically objects to the entry into force of the treaty as between the two states.
- C) The reservation and the objection prevent the treaty from coming into force in respect of all of its parties.
- D) The objection invalidates the reservation, and the reserving state ceases to be a part of the treaty.

33. In *Gramophone Company of India Ltd*, the Supreme Court observed, 'National Courts being organs to the nation and not organs of international law must per force apply national law if international law conflicts with it. But the courts are under an obligation within legitimate limits, so as to interpret the municipal statute as to avoid confrontation with the community of nations or the well-established principles of international law. But if the conflict is inevitable, the national law must prevail'.

The above mentioned observation by the Supreme Court supports:

- A) Specific Adoption Theory
- B) Transformation Theory
- C) Doctrine of Incorporation
- D) Delegation Theory

34. With a view to give effect to an international agreement, Parliament of India enacts a law on a 'subject' enumerated in State List (List II) without consulting the affected states. The above mentioned law would be:
- A) Invalid as it encroaches upon exclusive powers of State Legislatures.
  - B) Invalid only to the extent of conflict with state law which the state may make in future.
  - C) Fully valid as Parliament is empowered to make such a law in order to give effect to an International Agreement, even though it encroaches upon the States' exclusive power of legislation.
  - D) Null and Void.

35. Following are the effects of recognition of 'belligerency':

- I. Recognising State can declare its attitude of impartiality in the conflict i.e. it may opt for the attitude of neutrality.
- II. Recognising State is bound to accord the rights of belligerency to the warring parties such as right of admission of their ships into its port, the right to visit and search at sea.
- III. The rules of warfare apply to such hostilities.
- IV. The relations between the recognised belligerent authorities' established government and the recognising state are governed by international law and not by municipal law.

Which of the above mentioned statements is / are correct?

- A) II, III and IV
- B) I, III and IV
- C) I, II, III and IV
- D) I, II and III

36. Which of the following are the *limitations* of the Security Council?

- I. *The right to veto possessed by the permanent members.*
- II. *The inherent right of individual and collective self-defence against armed attack provided under Art. 51 of the Charter.*
- III. *Articles 52 to 54 give the members liberty of action to enter into regional arrangements.*
- IV. *Articles 53 and 107 give the members liberty of action against former enemy states.*
- V. *The exclusion from the UN jurisdiction of matters essentially within the domestic jurisdiction of States.*

Codes:

- A) I, II, III and IV
- B) I, II, III, IV and V
- C) I, II, III and V
- D) I, II and IV

37. The 'Optimal Clause' now provides that the parties to the Statute may at any time declare that they recognise as compulsory *ipso facto* and without special agreement "in relation to any other State accepting the same obligation". The above provision is contained in which one of the following articles of the statute of International Court of Justice?

- A) Article 37
- B) Article 38
- C) Article 36
- D) Article 35

38. Which of the following statements is / are correct?

- A) The decisions of the International Court of Justice have binding force on all of the members of United Nations.
- B) The decisions of the International Court of Justice have binding force on all States of the World.
- C) The decisions of the International Court of Justice shall not have a binding force except upon the parties to a dispute, and only in respect of a particular dispute between them.
- D) The decisions of the International Court of Justice shall not have any binding force on any member as its decisions are only subsidiary means for determining rules of International law.

39. Consider the following pairs about viewpoints and who shared them:

- a) International Law based on theories as to the law of nature: Vattel
- b) International Law is a law only by courtesy: Holland
- c) International Law rules are often morally quite indifferent: Hart
- d) *Pacta Sunt Servanda* as basis of International Law: Anzilotti

Which pairs has been correctly matched?

- A) All of them.
- B) Only a and b.
- C) Only c and d.
- D) Only a and c.

40. Match List - I with List - II and select the correct option:

**List - I**

- a) Composition of General Assembly
- b) Composition of Security Council
- c) Composition of Economic and Social Council
- d) Composition of Trusteeship Council

**List - II**

- 1. Article 23
- 2. Article 86
- 3. Article 9
- 4. Article 61

- |    | a | b | c | d |
|----|---|---|---|---|
| A) | 3 | 1 | 4 | 2 |
| B) | 3 | 2 | 4 | 1 |
| C) | 1 | 3 | 2 | 4 |
| D) | 1 | 3 | 4 | 2 |

41. Consider the following:

- a) Estrada Doctrine
- b) Calvo Doctrine
- c) Hallestein Doctrine
- d) Monroe Doctrine

Which of the above are related to the subject of state recognition?

- A) Both a and b
- B) Both b and c
- C) Both a and c
- D) Both c and d

42. Consider List - I and List - II

**List - I**

- a. A treaty should potentially be of a norm-creating character so as to be capable of maturing into a general rule of law
- b. Application of principle of corporate personality
- c. Principle regarding grant of recognition of insurgency
- d. Custom as a source of International Law

**List - II**

- 1. *Arantzazu Mendi Case*
- 2. *West Rand Central Gold Mining Co. Case*
- 3. *Barcelona Traction Case*
- 4. *North Sea Continental Shelf Case*

Which of the following is the correct match?

- |    | a | b | c | d |
|----|---|---|---|---|
| A) | 4 | 2 | 1 | 3 |
| B) | 3 | 4 | 2 | 1 |
| C) | 3 | 2 | 1 | 4 |
| D) | 4 | 3 | 1 | 2 |

43. Stimson doctrine implies;

- A) Even if a state grants recognition to another state in violation of international treaty, such a recognition would be valid;
- B) If a state grants recognition to another state in violation of municipal laws, such a recognition would not be valid;
- C) If a state grants recognition to another state in violation of international treaty, such a recognition would not be valid;
- D) If a state grants recognition to another state such obligations are political diplomatic functions;

44. Which among the following is an *incorrect* response?

- A) In *Meryweather v. Nixon*, it was laid down that joint tortfeasors have no liability to share the compensation i.e. if one of the joint tortfeasors is made to pay the whole amount of damages, he could not demand contribution from the other joint tortfeasors.
- B) The rule laid down in *Meryweather v. Nixon* has been abrogated by the Law Reform (Married Women & Tortfeasors) Act, 1935.
- C) The rule laid down in *Meryweather v. Nixon* is not applicable in India.
- D) The rule laid down in *Meryweather v. Nixon* is applicable in India.



45. In which of the following cases, tort of negligence has been committed?
- I. 'A' when kept his foot on the footboard of the bus, the conductor rang the bell and driver started the bus. 'A' got injured.
  - II. 'A' parked his car by the roadside and left a dog inside the car. The dog jumped out and smashed a glass panel. A splinter from this glass injured 'B' who was walking past the car.
  - III. A passenger carrying a package was trying to board a moving train. A railway guard, with an idea to help him, pushed him from behind. In this act, the package (which contained fireworks) fell resulting in explosion, as a result of which the plaintiff was injured.
  - IV. The conductor of an overloaded bus invited passengers to travel on the roof. A passenger was injured by an overhanging branch of a tree.
  - V. Due to heavy rain, a factory was flooded with water which got mixed with some oily substance. The floor in the factory became slippery; the factory owners spread all the available sawdust but some oily patches still remained. The plaintiff slipped from one of those patches and got injured.

Codes:

- A) I, II and IV
  - B) II, III and IV
  - C) I and IV
  - D) I, IV and V
46. With regard to 'qualified privilege', state which one of the following statements is *incorrect*:
- A) The circumstances should be such as to cast on the defendant the duty of making the communication to third party.
  - B) Communication must have been made on a privileged occasion i.e. when the defendant has an interest in making the communication to the third person and the latter has the corresponding interest.
  - C) The statement must have been made without malice.
  - D) The statement must have been made for public good.
47. In relation to tort of injurious falsehood by way of advertisements, which of the following statements are **INCORRECT**:
- a) Injurious falsehood is indistinguishable from defamation.
  - b) Injurious falsehood only affects the character or reputation of the injured.
  - c) Injurious falsehood may not lower injured in the estimation of others but affect the business of the injured.
  - d) Both defamation and injurious falsehood involve untrue statement by tortfeasor.

Choose the correct option:

- A) Both a and b
- B) Both b and c
- C) Both c and d
- D) Both a and d

48. Consider the following statements:

**Statement - I:** The definitions of tort as given by WINFIELD and SALMOND were quoted by Supreme Court in *Jay Laxmi Salt Works (P) Ltd. v. State of Gujarat*, (1994) 4 SCC 1.

**Statement - II:** The definitions of tort as given by WINFIELD and JOWITT'S Dictionary of English Law were quoted by Supreme Court in *Common Cause, a Registered Society v. Union of India*, AIR 1999 SC 2979.

Choose the correct option

- A) Both I and II are false.
- B) Both I and II are true.
- C) I is true but II is false.
- D) I is false but II is true.

49. Match List -I with List- II and select the correct option using the codes given below the lists.

**List - I**

- I. Tort of deceit
- II. Tort of intimidation
- III. Tort of inducement of a breach of contract
- IV. Tort of Defamation

**List - II**

- a. *Dixon v. Holden*
- b. *Pasley v. Freeman*
- c. *Rookes v. Barnard*
- d. *Lumley v. Gye*

- A) I-b II-d III-a IV-d
- B) I-d II-a III-c IV-b
- C) I-a II-c III-b IV-d
- D) I-b II-c III-d IV-a

50. **Assertion (A):** If the object of a strike by workmen belonging to a Union is to bring the employer to terms with the employees, there cannot be an actionable combination in tort although the strike is illegal under the Industrial law.

**Reason (R):** What is required is that the combiners should have acted in order that (not with the result that, even the foreseeable result) the plaintiff should suffer damage however selfish their attitude may have been.

Select your answers using the codes given below:

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

51. **Assertion (A):** When a landlord brought another suit for eviction of his tenant on the same grounds on which the earlier suit was dismissed, it could not be said that the second suit constituted abuse of legal process, even though there was no foundation for the second suit.

**Reason (R):** The suit was not for any collateral purpose not within the scope of the suit, thus not an abuse of legal process.

Select your answers using the codes given below:

- A) Both A and R are false
- B) Both A and R are true and R is the correct explanation of A
- C) Both A and R are true and R is not the correct explanation of A
- D) None of the above.

52. The following cases relate to:

| Case                                  | Subject-matter                 |
|---------------------------------------|--------------------------------|
| a. <i>OBG Ltd. v. Allan</i>           | 1. Strict Liability.           |
| b. <i>Rylands v. Fletcher</i>         | 2. Nervous shock.              |
| c. <i>Glasgow Corporation v. Muir</i> | 3. Rejection of unified theory |
| d. <i>Bournhill v. Young</i>          | 4. Negligence.                 |

Choose the correct option:

- |    | a | b | c | d |
|----|---|---|---|---|
| A) | 4 | 3 | 2 | 1 |
| B) | 1 | 2 | 4 | 3 |
| C) | 2 | 1 | 3 | 4 |
| D) | 3 | 1 | 4 | 2 |

53. In relation to the Rule in *Rylands v. Fletcher*, which of these amount to its exceptions:

- a) *Vis major*, also merely a causa sine qua non of the damage complained of.
  - b) Wrongful act of a third party.
  - c) When it is the consequence of an act done under the authority of a statute, even if it be done negligently.
  - d) Plaintiffs own default.
- A) a and b only.
  - B) b and c only.
  - C) b and d only.
  - D) All a, b, c and d

54. A' knows that 'B' is suffering from a disease in his head and also knows that if a fist blow is given to 'B' on the head, it is likely to cause his death. Knowing it 'A' gives a fist blow to B on his head and caused death of 'B'. 'A' is
- A) Guilty of culpable homicide not amounting to murder since he does not think that his act is likely to cause death
  - B) Guilty of murder since he had knowledge that in all probability it is likely to cause death of 'B'
  - C) Guilty of no offence since the blow is not sufficient to cause the death of a person of normal health
  - D) Guilty of causing hurt only.
55. 'X' finds Y' alone late in night at a lonely place. He shows him a revolver and demands his purse, watch and a gold ring. 'X' warns 'Y' that if he does not hand over these things, he would kill him. Fearing injury or death, 'Y' hands over the valuables demanded by 'X'
- A) Guilty of theft because he has caused wrongful loss to 'Y'
  - B) Guilty of robbery because he has caused wrongful loss to 'Y' by threatening to cause injury or death
  - C) Guilty of dacoity because he has caused wrongful loss to 'Y' with the help of a firearm
  - D) Not guilty since 'Y' has given the property voluntarily.
56. An employer deducting the employees' contribution under Employees Provident Fund & Maintenance Provision Act, from the wages payable for credit to the fund, but does not deposit the same with the Fund. He is guilty of committing
- A) Criminal misappropriation of property
  - B) Criminal breach of trust
  - C) Theft
  - D) Cheating
57. An 11-year-old boy picked up a knife and threatened to cut the deceased to pieces and actually killed him
- A) The boy is not guilty, as he lacked sufficient maturity of understanding
  - B) The boy is guilty, as he did what he intended to do, and that he know, all along, that one inflicted with knife would effectuate his intention; thus he possessed sufficient maturity of understanding
  - C) The boy is not guilty, as he was below 12 years of age
  - D) None of the above

58. 'X' a surgeon, amputates the right-hand index finger of 'Y', a 14-year-old beggar, with Y's consent, and in good faith that this would enable 'Y' to get more alms
- A) 'X' commits no offence as the act was done with consent of 'Y'
  - B) 'X' commits an offence as the consent of a child of 14 years is of no avail
  - C) 'X' commits no offence as the act was done in good faith for the benefit and with the consent of 'Y'
  - D) 'X' is not exempted from criminal liability as the act was not in good faith within the meaning of IPC.
59. **Assertion (A):** Section 511 IPC is a residuary clause for punishing attempt to commit any offence;
- Reason (R):** If facts are not sufficient to bring a case into Section 307, the same may be prosecuted under Section 511 IPC.
- 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 correct explanation of (A);
  - C) (A) is true and (R) is false;
  - D) Both (A) and (R) are false;
60. The maxim 'de minimis non curat lex' is the foundation of which general exception of the Indian Penal Code?
- A) Act causing slight harm;
  - B) Act of child under seven years of age;
  - C) Act of child above seven and twelve of immature understanding;
  - D) Accident in doing a lawful act;
61. Consider the following statements in relation to 'Uberrima Fides'
1. It falls within a class of cases, which require utmost good faith
  2. Every contract is a contract 'Uberrima Fides'.
  3. Contract of insurance is an example of 'Uberrima Fides'.
- Which of the statements given above is / are correct?
- A) 1, 2 and 3
  - B) 1 and 3 only
  - C) 2 and 3 only
  - D) 1 and 2 only

62. In which of the following cases, the 'exceptions' to the doctrine of privity of contract will *not* apply?
- A) In a sale deed between A and B, the stipulation to pay a certain sum of money to C sought to be enforced by C. C does not succeed.
  - B) An agreement between the lady's father in law and her father that in consideration of her marriage with his son, he would pay to her Rs. 500 in perpetuity and an immovable property was charged for it. The lady filed a suit for recovery of the arrears of annuity. She succeeds.
  - C) A was indebted to both B and C. A assigned all his property to B in satisfaction of his debt and B promised to pay A's debt to C. B was held liable to pay C in terms of his promise with A.
  - D) An agreement between two brothers to maintain their mother, upheld by the court.
63. Which of the statements given below is *incorrect*?
- A) Under English law, a contract under seal (formal or real i.e. which is in writing and is signed, sealed and delivered) is enforceable without consideration.
  - B) Under Indian law, a written and registered agreement based on natural love and affection between near relatives is enforceable without consideration.
  - C) Under Indian law, in the case of negotiable instruments (where the consideration is presumed), it is not necessary to prove consideration.
  - D) None of the above.
64. In which of the following cases, mere silence will amount to fraud?
- I. *A sells, by auction, to B, a horse, which A knows to be unsound, but he says nothing to B about the unsoundness.*
  - II. *B says to A, 'If you do not deny it, I shall assume that the horse is sound'. A says nothing.*
  - III. *A sells horse to B, his daughter, and horse proves to be unsound.*
  - IV. *A and B are two traders, both involved in similar trade. A has the information of change in price, but he did not inform about it to B.*
- Codes:**
- A) I, II and III
  - B) II, III and IV
  - C) I and IV
  - D) II and III

65. Which of the following transactions are contracts?

1. *An agreement to serve a person exclusively for a definite term.*
2. *A manufacturer agrees to sell all the goods produced by him to a merchant with a stipulation that he will not sell the same to any third person.*
3. *A purchaser agrees not to sell goods bought, in a particular market, with a stipulation to pay higher price if he sells in that market.*
4. *In an agreement a person agrees to restrain himself from competing with his former employer after the term of his engagement is over.*

**Codes:**

- A) 1 and 4
- B) 1, 2 and 3
- C) 1 and 2
- D) 2,3 and 4

66. If the promisee accepts the anticipatory breach committed by the promisor, then:

- A) The promisee need not perform his part of the contract, but he cannot claim damages from the promisor.
- B) The promisee must perform his part of the contract before claiming damages from the promisor.
- C) The promisee need not perform his part of the contract, and he can claim damages from the promisor only after the date of performance.
- D) The promisee need not perform his part of the contract, and he can also claim damages without waiting till the date of performance.

67. In which of the following cases, doctrine of 'Frustration of Contract' does not apply?

- I. *A municipal committee leased out certain tonga stands to A for Rs. 5000, but no tonga driver used the stands throughout the year.*
- II. *A had a license to import chicory for manufacturing coffee powder. A agreed to sell the whole shipload. Before the arrival of the ship, the sale of such imported goods was banned.*
- III. *The defendant company started a scheme for the development of the land tract into a housing colony. The plaintiff was granted a plot on payment of earnest money. The company undertook to do the development work but considerable portion of the land was requisitioned by the Government for military purposes. The defendant attempted to cancel the contract on the ground of frustration.*
- IV. *A ship was forced to take a longer route because of the closure of the normal route (due to war), causing the inconvenience and loss to the shipper.*

**Codes:**

- A) I, II and IV
- B) II, III and IV
- C) III and IV
- D) I and II

68. Which one of the following conditions must be satisfied for making claim under 'Necessaries supplied to a person incapable of contracting'?
- A) The articles supplied should be necessaries.
  - B) The articles supplied should be necessaries at the time of sale and not delivery.
  - C) Necessaries must have been supplied gratuitously out of mere kindness.
  - D) Necessaries should be supplied only to person incompetent to contract.
69. *In Dunlop Pneumatic Tyre Co. case*, the House of Lords suggested various tests to decide whether the sum stipulated in the contract was liquidated damages or penalty. Which of the following were these tests?
- A) It will be penalty if the stipulated sum is aggravated and unconscionable in amount in comparison with the greatest loss that could follow from the breach.
  - B) It will be penalty if the breach consists only in not paying a sum of money and the sum stipulated is a sum greater than the sum which ought to have been paid.
  - C) The penalty may be presumed when a single lump sum is made payable by way of compensation.
  - D) All of the above.
70. A dismissed his servant, B, from service wrongfully. B can claim from A which of the following:
- I. *Wages for the period of notice.*
  - II. *Tips he would have earned during that period.*
  - III. *Damages in respect of time which might reasonably elapse before he could obtain another employment.*
  - IV. *Compensation for his injured feelings.*
  - V. *Compensation for the loss he might sustain from the fact of his dismissal making it more difficult for him to obtain afresh employment.*
- Codes:
- A) I, IV and V
  - B) I, II and IV
  - C) I, II and V
  - D) I, II and III



71. Which of the following statement/s is/are correct as to 'Suit of civil nature';
- i. If the principal or the only question in the suit is a question relating to a caste or one relating to religious rites or ceremonies, the suit is of civil nature;
  - ii. If the question relating to a caste or religious rites or ceremonies is the principal question in the suit and not a subsidiary or an incidental one suit is of civil nature;
  - iii. If the principal question is one relating to a right to property or office suit is of civil nature;
  - iv. If principal question cannot be decided without determining the question relating to the caste or religious rites or ceremonies, suit is of civil nature;

**Code:**

- A) i and ii are correct;
  - B) iii and iv are correct;
  - C) Only iv is correct;
  - D) All are correct;
72. 'A' succeeds as heir to two properties, first in district X and the second in district Y, 'A' may sue
- A) In the court of district X for the recovery of first property only;
  - B) In the court of district Y for the recovery of second property only;
  - C) In the court of district X for the recovery of both properties;
  - D) Either A or B
73. Choose the correct option. Every person detained in the civil prison in execution of a decree shall be so detained;
- a. Where the decree is for the payment of a sum of money exceeding five thousand rupees, for a period not exceeding six months, and,
  - b. Where the decree is for the payment of a sum of money exceeding two thousand rupees, but not exceeding five thousand rupees, for a period not exceeding 3 months

**Code:**

- A) a is correct and b is incorrect;
- B) a is incorrect and b is correct;
- C) Both are correct;
- D) Both are incorrect;

74. Several creditors, to each of whom separate debts were owing by the same debtor, jointly sued the debtor to avoid a deed of gift executed by the debtor in favour of his daughter, on the ground that it was made fraudulently with the intent to defeat their claims. Consider the following statements;

- a. All the creditors could join as plaintiffs in one suit;
- b. Only one or more creditors on behalf of themselves and others can sue;

**Code:**

- A) Only a is true;
- B) Only b is true;
- C) Both are true;
- D) Both are not true

75. Under Section 104 of the Code of Civil Procedure, an appeal can be preferred against

- A) An order under Section 91;
- B) An order under Section 95;
- C) An order under Section 92;
- D) All of the above;

76. Consider the following statements;

- a. The mere dismissal of the first application on the ground of default may result in the decree holder being precluded from filing a fresh execution petition provided it is within time;
- b. Execution court should attach the debt under Order XXI Rule 46 CPC before proceeding against garnishee Under Order XXI Rule 46A CPC;

**Code:**

- A) Only a is correct;
- B) Only b is correct;
- C) Both a and b are correct;
- D) Both a and b are incorrect;

77. Application to sue as Indigent can be rejected, If it is found that the suit is barred by Res Judicata. The above statement is;
- A) True;
  - B) False;
  - C) Partly true;
  - D) Partly false;
78. Which of the following statement is false?
- A) Section 340 Code of Criminal Procedure will not be attracted with reference to any statement made under Order X Rule 2 , Code of Civil Procedure, 1908.
  - B) Order X Rule 2 is a pre-trial procedure.
  - C) Order X does not decide the rights and obligations of the parties.
  - D) Under Order X Rule 2, the Court can only examine the party concerned, not the pleader.
79. Order I Rule X of Code of Civil Procedure, 1908 is related to
- A) Impleadment of parties.
  - B) Substitution of parties.
  - C) Representative Suit.
  - D) Necessary parties.
80. Which of the following is a landmark judgment of the Supreme Court on the exclusion of jurisdiction of the civil court?
- A) Saurav Jam vs. M/s A.B.P. Design.
  - B) Daryao vs. State of Madhya Pradesh.
  - C) Hakam Singh vs. M/s Gammon (India) Ltd.
  - D) Dhulabhai and others vs. State of Madhya Pradesh.
81. The Court may order the sale of any movable property , being the subject matter of suit, or attached before judgment , which is subject to speedy or natural decay or which it is desirable to sell for any other sufficient and just cause.
- A) Order XXI , Rule 41 CPC.
  - B) Order XXI Rule 43 CPC.
  - C) Order XXI , Rule 48A CPC.
  - D) Order XXI , Rule 52 CPC.
82. Which provision states that no suit shall lie to set aside on the ground that the compromise on which the decree is based was not lawful?
- A) Order XXIII Rule 3A, CPC.
  - B) Order XXIII Rule 3B , CPC.
  - C) Order XXIII, Rule 4 , CPC.
  - D) Order XXIII Rule 2, CPC.

83. Which of the following statements is NOT true under the provisions of section 167 of the Code of Criminal Procedure, 1973?
- A) The provision for release is mandatory in the sense that the accused shall have to be released on bail
  - B) Magistrate has the power to remand accused (terrorists) to army custody for investigation
  - C) The order under this section is a judicial order
  - D) On the expiry of sixty days from the date of the arrest of the accused, the further detention does not ipso facto become illegal
84. Which of the following statements is NOT true regarding the charge sheet made under the provisions of the Code of Criminal Procedure, 1973?
- A) In case of offence of a rape of a child the charge sheet must be submitted within three months of the FIR
  - B) After submission of the charge sheet there cannot be any further investigation into the case by police
  - C) The right to be released on bail is lost once the charge-sheet is filed
  - D) Charge sheet against absconding accused can be filed even if the accused is not arrested
85. The order for compensation under section 250 of the Code of Criminal Procedure, 1973 can be made
- A) In cases where the offences are compounded
  - B) Where discharge or acquittal is not made
  - C) By the Magistrate only where the offence charged is triable by him
  - D) By the successor in office
86. Where the FIR discloses, prima facie, commission of a cognizable offence, and there is a delay in sending the FIR to the Magistrate, under section 157 of Cr PC:
- A) The investigation must go on
  - B) The Magistrate can order for stopping of investigation on account of delay in sending the FIR
  - C) The Magistrate can order for stopping of investigation irrespective of the delay in sending the FIR
  - D) The Magistrate can order for stopping of investigation generally.

87. The propositions are:

- I. Delay in despatch of the FIR is not a circumstance which can throw out the prosecution case in its entirety.
- II. Delay in despatch of the FIR is a circumstance which can throw out the prosecution case in its entirety.
- III. The extra-ordinary delay in sending the FIR is a circumstance which provides a legitimate basis for suspecting that the FIR was recorded much later than the stated date and hour, affording sufficient time to the prosecution to introduce improvements. Which of the following is correct in respect of the aforesaid proposition?
  - A) I is true, II & III are false
  - B) I & III are true, II is false
  - C) II & III are true, I is false
  - D) III is true, I & II are false.

88. Sec 173 (8) of the Code of Criminal Procedure deals with:

- A) Further investigation.
- B) Fresh Investigation.
- C) Reinvestigation.
- D) Closure of investigation.

89. Warrant of arrest shall be in such form as prescribed in.

- A) Form No.1 of the Second Schedule of the Code
- B) Form No.2 of the Second Schedule of the Code
- C) Form No.3 of the Second Schedule of the Code
- D) Form No.4 of the Second Schedule of the Code

90. Who among the following is authorized to issue a warrant to search for a document, parcel or other things in the custody of the postal or telegraph authority?

- i. Chief judicial magistrate;
- ii. Any Executive magistrate;
- iii. Judicial magistrate of 1 class;
- iv. District magistrate;

Select the correct answer using the code given below;

- A) i and iii;
- B) ii and iii;
- C) iii and iv;
- D) i and iv;

91. Which of the following is not true?
- A) Imprisonment in default of payment of fine is a sentence;
  - B) Imprisonment in default of payment of fine is awarded only as a measure to enforce payment of the fine;
  - C) Period of imprisonment in default cannot be added to the substantive sentence of imprisonment;
  - D) All of the above;
92. Under which one of the following, offences has not been enumerated under Section 110 of the Cr.P.C., 1973 which empowers an Executive Magistrate to require such person to show cause why he should not be ordered to execute a bond for his good behaviour?
- A) Information Technology Act, 2000;
  - B) The Prevention of Food Adulteration Act, 1954 (37 of 1954);
  - C) The Essential Commodities Act, 1955 (10 of 1955);
  - D) The Untouchability (Offences) Act, 1955 (22 of 1955);
93. Which of the following is not correct regarding provisions of bail in case of non-bailable offences?
- A) Bail may be granted, if the court concerned comes to the conclusion that prosecution has failed to establish a prima-facie case;
  - B) Bail may be granted, if the court is satisfied that in spite of existence of a prima-facie case there is need to release such person on bail in view of facts and circumstances of case;
  - C) Bail cannot be granted to an accused who may be required for being identified by witness during investigation;
  - D) If the offence is punishable with death, imprisonment for life or imprisonment for 7 years or more, no person can be released on bail without giving an opportunity of hearing to the public prosecutor;
94. In which judgment, the Hon'ble Supreme Court has laid down that it was not within the jurisdiction of the investigating agency to refrain itself from holding a proper and complete investigation merely upon arriving at a conclusion that the offences had been committed beyond its territorial jurisdiction.
- A) *D.K. Basu v. State of West Bengal*
  - B) *Lalita Kumari v. Government of UP.*
  - C) *Rasiklal Dalpatram Thakkar v. State of Gujarat & Ors.,*
  - D) *Y. Abraham Ajith & Ors. v. Inspector of Police, Chennai & Ors.,*
95. Which of the following provision provides for the minimum number of judges of the High Court that is required to sign the confirmation of a death sentence?
- A) Section 366 of Code of Criminal Procedure.
  - B) Section 367 of Code of Criminal Procedure.
  - C) Section 368 of Code of Criminal Procedure.
  - D) Section 369 of Code of Criminal Procedure.

96. The Supreme Court of India, while dealing with the suspension of the internet in the State of Jammu and Kashmir, recently held that jurisdiction of Section 144 of CrPC shall not be used to suppress the legitimate expression of opinion or grievance or exercise of any democratic rights. The court further held that Section 144 CrPC is not only remedial but also preventive, and shall be exercised only in cases where there is danger or apprehension of danger. Which judgment is this?
- Anuradha Bhasin v/s Union of India
  - Shreya Singhal v/s Union of India
  - Navtej Singh Johar v/s Union of India
  - Shakti Vahini vs Union of India
97. Recently, the Criminal Procedure (Identification) Act, 2022 has come into force after being passed by the Parliament in April 2022. The Amendment seeks to replace which of the colonial era law:
- The Dramatic Performance Act, 1876
  - The Foreigners Act, 1946
  - Identification of Prisoners Act, 1920
  - The Indian Police Act, 1861
98. The Petitioners in this landmark case have challenged the provisions of Prevention of Money Laundering Act, 2002 (PMLA) contending that the ED has wide powers of arrest and to seize property, without being bound by the rules of the Criminal Procedure Code, 1973 (CrPC). The Union government has contended that the CrPC must not apply in instances of money laundering which have a greater risk of accused persons destroying evidence. Which landmark case is being discussed?
- Janhit Abhiyan v/s Union of India
  - Neeraj Dutta v/s State (Govt of NCT Delhi)
  - Vijay Madanlal Choudhary v/s Union of India.
  - Aishat Shifa v/s State of Karnataka
99. The introduction of Criminal Law Amendment (2018) Act had led to amendments in Sections 374 and 377 of CrPC. As per amended Section 374(3) and 377 (3), an appeal filed against a sentence passed under Section 376 of the IPC the appeal shall be disposed within period of \_\_\_\_\_ months from the date of filing of such appeal.
- 3 Months
  - 9 Months
  - 6 Months
  - 12 Months
100. On September 23, 2022, Which Indian State has passed the Code of Criminal Procedure (Amendment) Bill, 2022 to curb crimes against women, under which, the accused in cases of rape and Protection of Children from Sexual Offences Act (POCSO) will not get anticipatory bail?
- Haryana
  - Uttar Pradesh
  - Maharashtra
  - Bihar

# ROUGH WORK

SEAL