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23-0009-AO

TEST BOOKLET

LAW

PAPER - II

Time Allowed: 3 hours

Maximum Marks: 300

INSTRUCTIONS TO CANDIDATES

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

1. This Test Booklet consists of 16(sixteen) pages and has 75 (seventy-five) items (questions).
2. IMMEDIATELY AFTER THE COMMENCEMENT OF THE EXAMINATION, YOU SHOULD CHECK THAT THIS BOOKLET *DOES NOT* HAVE ANY UNPRINTED OR TORN OR MISSING PAGES OR ITEMS ETC. IF SO, GET IT REPLACED BY A COMPLETE TEST BOOKLET.
3. Please note that it is the candidate's responsibility to fill in the Roll Number and other required details carefully and without any omission or discrepancy at the appropriate places in the OMR Answer Sheet and the Separate Answer Booklet. Any omission/discrepancy will render the OMR Answer Sheet and the Separate Answer Booklet liable for rejection.
4. Do not write anything else on the OMR Answer Sheet except the required information. Before you proceed to mark in the OMR Answer Sheet, please ensure that you have filled in the required particulars as per given instructions.
5. Use only Black Ball Point Pen to fill the OMR Answer Sheet.
6. This Test Booklet is divided into 4 (four) parts - Part - I, Part - II, Part - III and Part - IV.
7. All three parts are Compulsory.
8. Part-I consists of Multiple Choice-based Questions. The answers to these questions have to be marked in the OMR Answer Sheet provided to you.
9. Part-II, Part-III and Part-IV consist of Conventional Essay-type Questions. The answers to these questions have to be written in the separate Answer Booklet provided to you.
10. In Part-I, each item (question) comprises of 04 (four) responses (answers). You are required to select the response which you want to mark on the OMR Answer Sheet. In case you feel that there is more than one correct response, mark the response which you consider the best. In any case, choose *ONLY ONE* response for each item.
11. After you have completed filling in all your responses on the OMR Answer Sheet and the Answer Booklet(s) and the examination has concluded, you should hand over to the Invigilator *only the OMR Answer Sheet and the Answer Booklet(s)*. You are permitted to take the Test Booklet with you.
12. Penalty for wrong answers in Multiple Choice-based Questions:  
THERE WILL BE PENALTY FOR WRONG ANSWERS MARKED BY A CANDIDATE.
  - (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, one-third of the marks assigned to the question will be deducted as penalty.
  - (ii) If a candidate gives more than one answer, it will be treated as a wrong answer even if one of the given answers happens to be correct and there will be same penalty as above to the question.
  - (iii) If a question is left blank. i.e., no answer is given by the candidate, there will be no penalty for that question.

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**PART - I**  
**(Multiple Choice-based Questions)**

**Instructions for Questions 1 to 50:**

- **Choose the correct answers for the following questions.**
- **Each question carries 3 marks.**

**[3x50=150]**

1. The Fundamental principle of criminal liability is embodied in the maxim "*actus non facit reum nisi mens sit rea*". The maxim was developed by:
  - (a) Equity Courts
  - (b) Common Law Courts
  - (c) Sadar Nizamat Court
  - (d) none of the above
  
2. 'Wrongful loss' means -
  - (a) Loss by unlawful means of property which the person losing it, is legally entitled
  - (b) Loss by lawful means of property which the person losing it is not legally entitled
  - (c) Loss by unlawful means of property which the person losing is not legally entitled
  - (d) None of the above
  
3. When force or violence is used by an unlawful assembly or by any member thereof, in prosecution of the common object, every member is guilty of -
  - (a) Rioting
  - (b) Affray
  - (c) Unlawful Assembly
  - (d) Assault
  
4. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. by words, signs or visible representations or otherwise, or doing any act prejudicial to the maintenance of harmony between different groups or castes or communities is made punishable under -
  - (a) Sec, 153-A
  - (b) Sec. 154-A
  - (c) Sec. 153-B
  - (d) Sec. 295-A
  
5. Under section 80, the exception of accident is available when an offence is committed while
  - (a) Doing a lawful act in a lawful manner by lawful means
  - (b) Doing a lawful act in any manner by any means
  - (c) Doing a lawful act in a lawful manner by any means
  - (d) All the above
  
6. Section 82 of IPC provides that nothing is an offence which is done by a child under \_\_\_\_.
  - (a) 6 years of age
  - (b) 7 years of age
  - (c) 9 years of age
  - (d) 10 years of age

7. 'A', who was with a dog, started to loosen the chain of dog knowing that 'B' will be put in fear on such act by 'A'. 'A' commits:
- Criminal assault
  - Criminal intimidation
  - No offence
  - Extortion
8. Identify the incorrect statement from the following -
- A parent may be guilty of kidnapping his child if that child had attained majority or has lawfully married under that age.
  - In the case of minor girls Sec. 361 is attracted irrespective of the question whether she is married or unmarried.
  - Consent given by the guardian after the commission of the offence would excuse the offence.
  - If the kidnapped girl turns out to be under 18 years of age, the kidnapper must take the consequences, even though he bonafidely believed and had reasonable ground for believing that she was over eighteen.
9. Who has power to exempt enterprise, practice or agreement from application of Competition Act, 2002?
- Competition Commission
  - Appellate Tribunal
  - Central Government
  - State Government
10. What is not correct about 'Rape'?
- Consent is immaterial if she is under 16 years of age
  - Penetration is sufficient
  - Intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape
  - Only death penalty may be awarded
11. A projected himself as a Scheduled Caste candidate and drew out some additional advantages from U.P.S.C. and Government of India to which he was not legally entitled as a general candidate. By taking advantage of his being a SC candidate he appeared in the AIS exams and also got appointed in the IAS cadre on the aforesaid false representation and drew out his salaries from Government of India year to year. What is A guilty of?
- Cheating
  - Cheating and forgery
  - Forgery
  - None of the above
12. Preparation for the commission of a crime is -
- Punishable under the IPC
  - Not punishable under the IPC
  - Punishable when the propagation is with the intention of waging war against the Government of India or committing dacoity
  - Not punishable when the preparation is with the intention of waging war

13. The decision in *Ashby v. White* furthers -  
(a) Salmond Theory  
(b) Winfield Theory  
(c) Both (a) & (b)  
(d) Neither (a) nor (b)
14. The Paris Convention for the Protection of Industrial Property adopted in 1883 applies to -  
(a) Trademarks, unfair competition, and patents  
(b) Appellation of the origin  
(c) Indication of source  
(d) All of the above
15. *Gloucester Grammar School case* explains -  
(a) injuria sine damno  
(b) damnum sine injuria  
(c) respondents superior  
(d) remoteness of damages
16. Which of the following is the main reason for producing the atmospheric greenhouse effect?  
  
(a) Absorption and re-emission of ultraviolet radiations by the atmosphere  
(b) Absorption and re-emission of infrared radiations by the atmosphere  
(c) Absorption and re-emission of visible light by the atmosphere  
(d) None of the above
17. For *volenti non-fit injuria* to be available, it is necessary that -  
(a) the plaintiff knows that risk is there  
(b) the plaintiff agrees to suffer the harm  
(c) the plaintiff knowing that risk is there, agrees to suffer the harm  
(d) all the above
18. In tort, mistake \_\_\_\_\_.  
(a) of law is a defense  
(b) of fact is a defense  
(c) is no defense  
(d) of law & of fact both are defense
19. When two or more persons commit same tort against the same plaintiff, they may be -  
(a) composite tortfeasors  
(b) contributory negligence tort committers  
(c) tort partners  
(d) none of the above

20. A promissory note or bill of exchange which is not expressed to be payable on demand, at sight or on presentment is at maturity
- (a) on the 30th day after the day on which it is expressed to be payable
  - (b) on the 3rd day after the day on which it is expressed to be payable
  - (c) on the 5th day after the day on which it is expressed to be payable
  - (d) on the 4th day after the day on which it is expressed to be payable
21. Right of lien, of an agent –
- (a) is extinguished by his parting with the possession of the goods
  - (b) is extinguished by destruction of goods accidentally
  - (c) both (a) & (b) are correct
  - (d) neither (a) nor (b) is correct
22. Two or more persons can be made joint tortfeasors if they have -
- (a) a common design
  - (b) a common victim
  - (c) same intention
  - (d) different design
23. When two persons coming from opposite directions in their cars collide with each other and in that process, they injury seriously a person who was standing on the roadside, the two motorists are:
- (a) participants in contributory negligence
  - (b) independent tortfeasors
  - (c) two negligent persons
  - (d) joint tortfeasor
24. In which of the following cases, it was observed by Lord Atkin - "the rule that you are to love your neighbour becomes in law 'you must not injure your neighbour.'"
- (a) *Heaven v Pender*
  - (b) *Grant v Australian Knitting Mills*
  - (c) *Donoghue v Stevenson*
  - (d) *Glasgow Corpn. v Muir*
25. A proposal when accepted becomes:
- (a) Promise under section 2(b)
  - (b) Agreement under section 2(e)
  - (c) Contract under section 2(h)
  - (d) None of the above
26. Consideration should be something in return of promise which -
- (a) Both the law and parties regard, as having some value
  - (b) Only law regards having some value
  - (c) Only the parties regard some value
  - (d) Only adequate value necessary.

27. Parties are not competent to contract if any of them is -
- (a) A minor
  - (b) Insane
  - (c) Declared unqualified
  - (d) All the above
28. If the interests of a third party are involved in the information sought, the maximum time limit to get the information under RTI Act 2005 will be?
- (a) 30 Days
  - (b) 40 Days
  - (c) 45 Days
  - (d) 60 Days
29. An agreement to refer the dispute to the arbitrator is valid -
- (a) in respect of disputes already arisen
  - (b) in respect of disputes which may arise in future
  - (c) both (a) & (b)
  - (d) neither (a) nor (b)
30. A master asks his servant sell his cycle to him at a price less than the market price. This contract can be avoided by the servant on the ground of -
- (a) coercion
  - (b) fraud
  - (c) mistake
  - (d) undue influence
31. With the termination of authority of an agent -
- (a) the authority of sub-agent or substituted agent does not come to an end
  - (b) the authority of sub-agent comes to an end but not of substituted agent
  - (c) the authority of sub-agent does not come to an end but that of a substituted agent
  - (d) the authority of sub-agent and substituted agent both comes to an end
32. Surety is entitled to be indemnified by the debtor -
- (a) in respect of a sum rightfully paid
  - (b) in respect of a sum wrongfully paid
  - (c) in respect of a sum paid rightfully or wrongfully
  - (d) all the above
33. Surety on payment or performance of his liability, against the principal debtor
- (a) has right of subrogation
  - (b) has right like creditor had against principal debtor
  - (c) both (a) & (b)
  - (d) either (a) or (b)

34. The rule in the Latin maxim '*nemo datquod non habet*' under the Sale of Goods Act, 1930 is contained in -
- (a) section 27
  - (b) section 29
  - (c) section 26
  - (d) section 28
35. Buyer's right to examine the goods on delivery is contained in -
- (a) section 40 of the Sale of Goods Act, 1930
  - (b) section 41 of the Sale of Goods Act, 1930
  - (c) section 42 of the Sale of Goods Act, 1930
  - (d) section 43 of the Sale of Goods Act, 1930
36. Which of the following is not an essential requisite for creating a partnership as per section 4 of the Partnership Act?
- (a) an agreement to carry on a business
  - (b) sharing of profits
  - (c) sharing of losses
  - (d) business to be carried by all or any them acting for all.
37. A partnership for which no period or duration is fixed, under the Indian Partnership Act, 1932 is known as -
- (a) general partnership
  - (b) partnership at will
  - (c) particular partnership
  - (d) co-ownership
38. A person who has lent money to a person or firm engaged in a business and has agreed to take a proportion of the profits of the business in addition to or in lieu of his interest, does not by that reason alone becomes a partner, in the business, has been laid down in
- (a) *Badeley v. Consolidated Bank*
  - (b) *Janes v. Whitbread*
  - (c) *Marconis Wireless Telegraph Co. v. Newman*
  - (d) *Price v. Groom.*
39. The party applying for the enforcement of a foreign award shall, at any time of the application, produce before the court-
- (a) the original award or a copy thereof, duly authenticated in the manner required by law of the country in which it was made
  - (b) the original agreement for arbitration or a duly certified copy thereof
  - (c) such evidence as may be necessary to prove that the award is a foreign award
  - (d) all the above

40. "When the plaintiff himself is a wrongdoer, he is not disentitled from recovering in tort unless some unlawful act or conduct on his own part is connected with the harm suffered by him as part of the same transaction" is stated by -
- (a) Sir Garfield Pollock
  - (b) Sir Frederick Pollock
  - (c) Salmond
  - (d) Winfield
41. A teacher committing sexual intercourse with a minor girl having obtained her consent for the same on the pretext that the same is required to improve her voice, was held guilty of rape in:
- (a) *R. v. Catherine*
  - (b) *R. v. Clarence*
  - (c) *Ashby v. White*
  - (d) *R. v. William*
42. Which of the following is not a justified ground of dishonoring of cheque by banker?
- (a) the cheque is post-dated and presented before the ostensible date
  - (b) the banker had sufficient funds, but the funds are not properly applicable towards the payment of the cheque
  - (c) if the cheque is altered in parts
  - (d) if the cheque is duly presented
43. Which section of The Environment (Protection) Act, 1986 deals with the Persons handling hazardous substances to comply with procedural safeguards?
- (a) Section 12 of The Environment (Protection) Act, 1986
  - (b) Section 9 of The Environment (Protection) Act, 1986
  - (c) Section 14 of The Environment (Protection) Act, 1986
  - (d) Section 20 of The Environment (Protection) Act, 1986
44. A contract which is valid initially however, ceases to be enforceable subsequently, the contract -
- (a) remains valid
  - (b) becomes voidable
  - (c) becomes void when it ceases to be enforceable
  - (d) becomes void since inception
45. The first Indian state that introduced a law on RTI was?
- (a) Bihar
  - (b) Andhra Pradesh
  - (c) Tamil Nadu
  - (d) Karnataka
46. Patent application can be filed in India by -
- (a) True and First Inventor
  - (b) Assignee of the inventor
  - (c) Legal representative of the inventor
  - (d) All the above



47. In tort, the private defense is -
- (a) not available
  - (b) is available to protect one's person as under criminal law
  - (c) is available to protect one's property as under criminal law
  - (d) both (b) & (c).
48. Which of the following is not essential for the offence of kidnapping?
- (a) Minor child
  - (b) Intention of the accused
  - (c) Without the permission of lawful guardian
  - (d) None of the above
49. Malice in fact means a wrongful act done intentionally -
- (a) without evil motive
  - (b) with evil motive
  - (c) without any just cause or excuse
  - (d) with good motive
50. Under section 37 of the Sale of Goods Act, 1930, in case of delivery of wrong quantity of goods, the buyer has a right to
- (a) reject the whole
  - (b) accept the whole
  - (c) accept the quantity included in the contract and reject the rest
  - (d) none of the above

**PART - II**  
**(Short Answer-type Questions)**

**Instructions for Questions 51 to 63:**

- *Write the answers in short for any 10 (TEN) out of the thirteen questions.*
- *Each question carries 5 marks.*

**[5x10=50]**

51. Differentiate between preparation and attempt.
52. Distinguish between Robbery and Dacoity.
53. Person 'X' of unsound mind kills 'Y'. Discuss 'X's liability.
54. Distinguish between kidnapping and abduction.
55. 'Every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind is to that extent void. Appraise.
  
56. 'S', a minor fraudulently representing himself to be full age induces 'P' to advance Rs. 10,000 on a simple mortgage of S's property of the value of Rs.15,000. State giving reasons whether:  
A suit by S to set aside the mortgage will succeed.  
P can in any way recover from S the whole or any part of the sum advanced by him.
57. "Concealment by mere silence is not fraud." Define Fraud and elaborate the circumstances when silence amounts to fraud.
58. What is the liability of a master for damages suffered by the servant in the course of the employment? In what respect has legislation increased the liability of the master?
59. Explain in detail the offence of defamation and its exceptions under Law of Torts.
60. Explain in detail the concept of strict liability under Law of Torts.
61. Define "Intellectual Property" and various kinds of IP in brief.
62. Explain the salient features of TRIPs Agreement.
63. Discuss the salient features of the Coemption Act, 2002.

**PART - III**  
**(Long Answer-type Questions)**

**Instructions for Questions 64 to 71:**

- *Answer any 5 (FIVE) out of the eight questions.*
- *Each question carries 10 marks.*

**[10x5=50]**

64. (a) To create a contract there must be a common intention of the parties to enter into legal obligation.' Discuss.  
(b) A offered to buy flour from B requesting that an acceptance should be sent by the wagon which brought the offer. B sent his acceptance by post, thinking that it would reach the other speedily. But the letter arrived after the time of the wagon. Is A bound by the acceptance.
65. (a) A quasi contract is not a contract at all. It is an obligation which law creates. Amplify and indicate the quasi-contracts recognized by the Indian Contract Act.  
(b) A a singer, contracts with B, the manager of the theatre, to sing at his theatre for two nights in every week during the rest two months and B engages to pay for a hundred rupees for each night's performance. On the sixth night A willfully absents herself from the theatre and B in consequence rescinds the contract. A sues B for the breach. Discuss the liability of B.
66. Explain the law relating to contributory negligence. The plaintiff saw the defendant's car coming at excessive speed from one direction on the road and a motorcycle coming from the opposite direction. Feeling sure of reaching the other side of the road safely, as there was ample time to do so, the plaintiff started running across the road. After crossing more than half the road, he became nervous as he found the motorcycle very close to him. He then began to retrace his steps. The driver of the defendant's car saw plaintiff retracing his steps and tried to stop but could not do so in time. The car ran over the plaintiff causing him severe injuries. He sues to recover damages from the defendant. Give your opinion as to his chance of success.
67. Write a critical note on 'remoteness of damages with reference to the Law of Torts. Refer to at least two leading cases.
68. The intent and the act must both concur to constitute crime". Explain this statement with reference to case laws.

69. State and explain the various theories of punishments.
70. What is the different type of Offences under Indian Information Technology Act 2000?  
Discuss Cyber offence control mechanism under this Act.
71. Discuss the issues related to Reporting of Legal Proceedings: Trial by Media

**PART - IV**  
**(Essay-type Questions)**

*Instructions for Questions 72 to 75:*

- *Answer any 2 (TWO) out of the four questions.*
- *Each question carries 25 marks.*

**[25x2= 50]**

72. (a) "Culpable homicide amounts to murder of the act by which death is caused is done with the intention to cause bodily injury to any person and bodily injury to be inflicted is sufficient in the ordinary course of nature to cause death." What is required to be proved by the prosecution to bring case under this clause of Section 300(3) ?  
(b) A is arrested by a Police officer under an arrest warrant. A is excited to sudden and violent passion by the arrest and kills the Police Officer. Which is the offence committed by A?
73. Define 'Consideration' according to the Indian Contract Act, and bring, out the difference if any, between the concept of 'consideration' under Indian Law and the concept of consideration in English Law. Examine also, the proposition "Past consideration is no consideration at all" with particular reference to Indian Law.
74. What remedies are open to person who has been prosecuted on a false criminal charge and has been acquitted? What must be established in such cases?  
X was prosecuted by the police on a false charge of murder and rioting on information supplied maliciously by a private person with a view to implicate him. X was tried and acquitted. Has X remedy? If so, against whom.
75. (a) Define an arbitration agreement. Distinguish between arbitration agreement and agreement for expert determination.  
(b) X and Y agreed in writing to resolve the disputes arising out of their contract by way of arbitration to be done by a tribunal consisting of two arbitrators, one to be selected by each party. An award was passed by the tribunal on a dispute submitted by the parties. X challenged the award. Decide.
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