

COMMON LAW ADMISSION TEST (CLAT)

POST-GRADUATE COURSES

PREVIOUS YEARS QUESTION PAPERS

(2008-2013)

CLAT-2014

ORGANISING UNIVERSITY



GUJARAT NATIONAL LAW UNIVERSITY

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COMMON LAW ADMISSION TEST (CLAT) – 2008

National Law School of India University, Bangalore

POST-GRADUATE COURSES

SUNDAY, THE 11TH MAY, 2008

Admit Card No. : _____

Time : 3 P.M. to 5 P.M. (2 hours)

INSTRUCTIONS TO CANDIDATES

1. The question paper consists of **Four Parts** each carrying 50 marks.
2. The First Part is intended to test the competence of the candidate in the **English** language. *The questions will be of objective type. The correct answer will have to be encircled in the question booklet itself by PEN only.*

If a candidate does not score 50% i.e. 25 out of 50 marks in the first part, other parts will not be evaluated

3. In the Second Part there are three Sections A, B & C. In Section A, the candidates are expected to write short notes **on all the given topics** in the space provided in the **question booklet itself**. In Section B & C, the candidates are required to write a short essay on **any one** of the given topics **from each Section in the space provided in the question booklet itself**.
4. No additional sheet will be provided in the Examination Hall.
5. The possession of any electronic gadget in the examination hall is prohibited and it will disqualify the candidate from being considered for selection.
6. Adoption of any unfair means during the test will disqualify the candidate. The decision of the Superintendent of the Centre shall be final in this regard.

Centre Superintendent

Candidates who would like to be considered for admission to LL.M. Degree Programme in any of the following two Law Universities, in addition to the Six Law Schools, **MUST** indicate their preferences in the appropriate box in the Question booklet itself.

Sl. No.	Law University + Course	Preference
1	Dr. Ram Manohar Lohiya National Law University	
2	Rajiv Gandhi National University of Law	

PART-I
SECTION – A

Read the following passage carefully before attempting the questions.

Paragraph 1

In 1865, the British surgeon Joseph Lister (1827 – 1912) **succeeded** in **devising** for the first time a truly antiseptic principle for treating wounds. Until the middle of the nineteenth century, surgery was not only a very gruesome trade – there was no general anesthesia before that time – but also a dangerous method of treatment which was always followed by a **protracted** and often fatal infection.

Paragraph 2

The patients died even after the slightest operation. All wounds **suppurated**, and in the hospital wards the sweetish smell of pus everywhere prevailed. The ancient doctrine that this was ‘good and laudable pus’ and must therefore be regarded as a sign of the favourable healing of the wound, was not yet dead.

Paragraph 3

In the hospitals of Lister’s time, ‘charpie’ was used as a dressing. ‘Charpie’ was made out of old linen clothes which had become easily **teased** through frequent boiling, and attendants and patients who were not very ill teased out threads of varying lengths and thicknesses; and these threads were then brought together again to make a soft, **absorbent** material. Before it was used to pack a wound or as a dressing, the charpie was washed only with cold water without soap – and often it was not washed at all. The instruments and the sponges used to **staunch** blood were likewise washed only in cold water.

Paragraph 4

Like all surgeons in all countries Lister was troubled by the fact that a compound fracture – that is a fracture in which one or both of the broken ends of bone had pierced the overlying skin and soft tissues – never did well, and that in such cases **amputation** of the limb nearly always had to be performed. Further, in all countries the mortality rate from septic diseases after amputation varied between 30% and 50%. This was a dreadful state of affairs. As a preliminary to an attack on this problem Lister had long been carrying out important work on inflammation and the behavior of the blood during the process. He was led to the conclusion that wound suppuration was ‘decomposition’ (or putrefaction) brought about by the effect of the atmosphere on blood or serum contained in the wound. But Lister was **handicapped** by belief, widely held at that time that putrefaction was due to oxygen in the air. He spent much time trying to exclude the air from wounds, but not unexpectedly these efforts were unsuccessful. Then in 1865 Lister learned for the first time about the important work of the French Chemist Louis Pasteur who had proved conclusively that ‘organized corpuscles’ (i.e. living bacteria) are every where present in the air. This was the clue for which Lister was searching. He deduced that in the case of septic or ‘putrefying wounds’, it was not the air itself but the organisms in the air which caused the sepsis.

Paragraph 5

Lister decided that these organisms must be killed before they obtained access to the wound. He tested the killing effect of a number of substances on bacteria; and after very careful experiments he decided to use carbolic acid, not only as a wound-dressing, but in a systemic manner so as to prevent suppuration entirely in the part concerned. The hands of the surgeon and his assistants, and also all the instruments to be used, were soaked in a solution of carbolic acid. So also was the wound itself, and Lister did a lot of research in order to find suitable materials for dressings which would give off the carbolic acid slowly into the wound. For many years also Lister had the atmosphere in the operating theater sprayed with a fine mist of carbolic acid, and the spray was also used during the change of a dressing. But it was later shown that the spraying of the atmosphere was not necessary.

Direction

Given below is a list of words from the above passage. Choose the alternative closest to the sense in which the word is used above and encircle the correct answer. (10x1=10 Marks)

1. succeeded – (in paragraph 1)
(a) took over (b) managed to achieve
(c) occupied the position (d) happened one after another
2. devising – (in paragraph 1)
(a) scheming (b) inventing (c) constructing (d) planning
3. protracted (in paragraph 1)
(a) protruded (b) plotted and drew with scale and protractor
(c) prolonged (d) outgoing
4. suppurated – (in paragraph 2)
(a) differentiated (b) formed pus (c) matured (d) ripened
5. doctrine – (in paragraph 2)
(a) belief (b) what is taught (c) body of instruction (d) guidelines
6. teased – (in paragraph 3)
(a) rag (b) ridiculed (c) mocked (d) separated
7. absorbent – (in paragraph 3)
(a) Sponge (b) Watchful
(c) deeply involved (d) something that mops up fluid

8. Staunch (in paragraph 3)
- (a) firm in principle
(c) impervious to water
- (b) loyal
(d) stop the flow
9. amputation (in paragraph 4)
- (a) trimming of parts
(c) removal of limbs
- (b) pruning of leaves
(d) calculation of big numbers
10. handicapped (in paragraph 4)
- (a) physically or mentally disabled
(b) people who are collectively disabled
(c) constrained by an obstacle
(d) handcuffed

SECTION – B

Based on the above passage, choose the correct alternative in response to the question that follow and encircle the right answer. (5 x 1 = 5 marks)

11. According to the author, in ancient times, surgery was gruesome because:
- (a) the instruments used were very primitive
(b) it was always followed by long lasting illness
(c) there was no antiseptic available then
(d) there was no anesthesia at that time
12. The author uses the word 'laudable' in paragraph 2 to :
- (a) Indicate the effect of the antiseptic
(b) Speak of the impact of anesthesia
(c) Speak of the enormity of ignorance among people then
(d) Speak of the impact of amputation
13. Which one of the following ideas appears in paragraph 4?
- (a) use of 'charpie' as dressing material
(b) infection was due to the organisms in the air
(c) the doctrine that sweetish smell of pus was considered laudable
(d) his research on the suitable material for dressing up wounds
14. The passage is about
- (a) the role of the organisms in the air
(b) the role of gruesome trade called 'surgery'
(c) the role of the organisms in the air and the antidote for it
(d) all of the above

15. Lister's method was to
- (a) find out the right kind of dressing for the wounds
 - (b) recommend amputation of the limbs
 - (c) kill the organism in the air before they entered the wound
 - (d) study the behavior of the blood

SECTION – C

Choose the appropriate article (a, an or the) to fill the blank in each of the sentences / phrases below. Choose the option (d) if no article is required. Encircle the right answer.

(10 x ½ = 5 marks)

16. _____ European middle-aged lady was actively associated with the framing of the anti-terrorist policies.
- (a) a (b) an (c) the (d) No article
17. The politician being _____ honourable man listened to his opponents with a lot of patience.
- (a) a (b) an (c) the (d) No article
18. Visiting Delhi for the first time and having had no relatives there, I stayed in _____ hotel.
- (a) a (b) an (c) the (d) No article
19. _____ Cauvery is the most sacred river for the people of Karnataka.
- (a) a (b) an (c) the (d) No article
20. The lady wearing _____ yellow sari is a famous scientist.
- (a) a (b) an (c) the (d) No article
21. _____ man, by nature, is a social animal.
- (a) a (b) an (c) the (d) No article
22. _____ lamb is a harmless animal.
- (a) a (b) an (c) the (d) No article
23. _____ British are reserved by nature.
- (a) a (b) an (c) the (d) No article

24. John is in _____ hospital. He is undergoing an operation.
 (a) a (b) an (c) the (d) No article
25. Marry is at _____ school now, having French class.
 (a) a (b) an (c) the (d) No article

SECTION – D

Given below are five different paragraphs where the sentences are not in order. In each case, choose the correct order in which the sentences can be rearranged to form a coherent paragraph. Encircle the appropriate answer. (5 x 2 = 10 marks)

26. i) Chaplin left the United States and went to Switzerland with his family in 1952.
 ii) In 1910, he left Britain for the U.S. and in 1930 he made his first film.
 iii) Chaplin was born 1889 in London and he was very poor and had a hard childhood.
 iv) His great films include *The Gold Rush* and *City Lights*
 a) iv, i, ii, iii b) iii, ii, i, iv c) ii, iii, iv, i d) i, iv, iii, ii
27. i) But the birds are camera shy and any slight noise is enough to disturb them
 ii) Because wild animals pose at least for a few seconds
 iii) Hence a great deal of patience is required on the part of a wildlife photographer
 iv) Taking photographs of birds is more difficult than taking photographs of wild animals
 a) iv, i, ii, iii b) iii, ii, i, iv c) ii, iii, iv, i d) iv, ii, i, iii
28. i) In this century great use has been made of oil and natural gas and in the last twenty five years atomic reactors have provided another source of energy
 ii) Much later the first industrial revolution was based on the production of steam by burning coal
 iii) Civilization dawned when early man learnt how to produce heat energy by burning wood
 iv) Then steam was used to produce electricity
 a) iv, i, ii, iii b) iii, ii, iv, i c) ii, iii, iv, i d) i, iv, iii, ii
29. i) Another point against the motor car is that it has made out roads unsafe
 ii) For example, in busy cities motor cars which ply in hundreds, fill the air with their smoke which contain harmful gases
 iii) If we look at the report of crimes particularly in advanced countries, we find that the car has always been a quick means of escape for the criminal
 iv) Although the motor car is considered to be one of the most useful gifts of modern technology, it has certain disadvantages
 a) iv, i, ii, iii b) iii, ii, i, iv c) ii, iii, iv, i d) iv, ii, i, iii

30. i) Riding a bike is also a good physical exercise which can help the rider to keep fit
 ii) In recent years the bicycle has gained great popularity in the USA
 iii) A second reason is that the cycle does not pollute the air as the car does with its noxious exhaust gases
 iv) One of the reasons for this sudden fancy for the bicycle is that the man riding the bicycle has a better chance of reaching his destination than the man in a car who is delayed by repeated traffic obstructions on the road
- a) iv, i, ii, iii b) iii, ii, i, iv c) ii, iv, iii, i d) iv, ii, i, iii

SECTION – E

Given below are few sentences with four prepositions for each one of them. Choose the most appropriate proposition that goes with the sentence. Encircle the correct answer.

(5 x 2 = 10 marks)

31. The audience looked _____ the hall for the sight of the celebrity criminal.
 a) above b) along c) across d) celebrity
32. The judge was annoyed by the creaky noise made by the fan _____ his head.
 a) on b) over c) above d) on top of
33. The judge was annoyed by the creaky noise made by the fan _____ his head.
 a) on b) against c) over d) at
34. The witness took an oath _____ the name of God Almighty.
 a) on b) over c) above d) in
35. The advocate placed all the documents _____ the judge.
 a) beside b) before c) on d) over
36. An accused escaped, jumping _____ the barbed wire.
 a) on b) above c) over d) at
37. The young couple who applied for a divorce were asked to go _____ a compromise.
 a) for b) to c) in d) over
38. The judge refused to grant adjournment _____ the defense lawyer.
 a) for b) in c) to d) in
39. The mother was allowed by the court to meet the children _____ weekends.
 a) in b) on c) over d) above

40. The police interrogated the young man _____ his illegal activities.
- a) on b) about c) over d) against

SECTION – F

Given below are five sentences with blanks in them. Choose the most appropriate tense forms from the options given and encircle the correct answer. (10 x 1 = 10 marks)

41. Mrs. Srivatsa _____ a *habeas corpus* in the High Court as she was worried about her son's safety in police custody.
- a) is filing b) was filed c) has filed d) filed
42. The judge _____ adjourning the case since he assumed office.
- a) adjourns b) was adjourned
c) was being adjourned d) has been
43. A few years ago the politician _____ the risk of contempt of court because she had ignored the summons issued by the judge.
- a) standing b) stood c) has stood d) has been standing
44. The scientist _____ murdering the artist in the case that came for hearing today.
- a) was accused of b) accusing c) has been accused d) accuses
45. The terrorist _____ a non-bailable warrant by the judge.
- a) had issued b) issues c) issuing d) was issued
46. My sister _____ music since 1995.
- a) has learnt b) has been being learnt c) has been learning d) has to learn
47. My father _____ tennis for pleasure these days.
- a) plays b) was playing c) played d) has been played
48. This child _____ by the time the mother brought milk for it.
- a) has slept b) had slept c) has been sleeping d) was sleeping
49. If only he _____ to his doctor he would have recovered faster
- a) listened b) has listened c) had listened d) would have listened
50. Whenever Raju _____ a child, he would stop to play with the child
- a) sees b) had been c) saw d) has

PART-II

SECTION – A

(10 x 5 = 50 marks)

Critically comment upon the following using the space given there under. Do not exceed the space limit or overwrite

1. The movement of progressive societies has hitherto been a movement from status to contract.

2. Constitution is the mirror in which sovereign looks at himself.

3. Trade-related aspects of Intellectual Property Rights.

4. Ever-greening of Patents

5. Agreements on Free Trade Area

6. Special Economic Zones

7. Plea Bargaining

8. Self-incrimination and Narco Analysis

9. Dual Citizenship under the Indian Constitution

10. Opening up of legal profession to foreign competition

Write an Essay on ANY ONE of the following

(1 x 50 = 50 marks)

1. Reservation of “Other backward classes” under Article 15 and 16 of the Constitution of India.
2. Constitutional Limitations on Power to Pardon.
3. The concept and scope of “Office of Profit” under Indian Constitution.

COMMON LAW ADMISSION TEST (CLAT) – 2009

Organising University: NALSAR University of Law, Hyderabad

POST-GRADUATE COURSES

SUNDAY, MAY 17, 2009

Time : 3.00 p.m. to 5.00 p.m. (2 Hours)

Admit Card No. : -----

OMR Answer Sheet No. : -----

Total Marks : 200

INSTRUCTIONS TO CANDIDATES

1. No extra Question Booklet, OMR Answer Sheet and other sheets of paper shall be issued unless any of the above is found to be defective by the candidate on account of any defect like misprint, fudging of printing, missing pages / ovals / questions etc.
2. Enter your 10 Digit Admit Card Number and your 5 Digit OMR Answer Sheet Number in the spaces above in the Question Booklet with **Ball Point Pen Only**.
3. Enter your 10 Digit Admit Card Number in the space in the OMR Answer Sheet with **Ball Point Pen Only** and shade the relevant ovals with **HB Pencil Only**.
4. The question paper consists of THREE Sections A, B, and C (Part-I and II).
5. In **Section A** with 50 Objective Questions of one mark each, answers should be shaded on the OMR Answer Sheet by shading the appropriate ovals with **HN Pencil Only**. If more than one oval is shaded, the answer for that question shall be deemed to be wrong.
6. In **Section B** with 10 Short Answer topics of 5 marks each the candidate should write short answers on all the given topics in the spaces marked on the sheets of papers provided along with the OMR Answer Sheet with **Ball Point Pen Only**.
7. Part I and Part II of **Section C** contain THREE topics each and the candidate should write essay on one topic from each Part in the spaces marked on the sheets of paper provided along with OMR Answer Sheet with **Ball Point Pen Only**.
8. Do not mark anything, shade or use **Section B** and **C** of the OMR Answer Sheet. These Sections are meant for **Office Use Only**.
9. **THERE IS NO NEGATIVE MARKING FOR WRONG ANSWERS.**
10. Total number of pages in the Question Booklet is : **12**. For short answers and essays, the blank sheets of paper supplied along with OMR Answer Sheet contain **16** pages and the last page is meant for rough work.
11. The possession of all kinds of electronic gadgets in the Examination Hall is strictly prohibited. Possession and / or use of any unfair means shall disqualify the candidate and decision of the Centre Superintendent in this regard shall be final.

Signature of Centre Superintendent

MARKS DISTRIBUTION

Section - A	Parts	Max. Marks
Objective Type Questions Subjects : Law of Contracts, Law of Torts, Family Law, Criminal Law, Constitutional Law and Legal Theory (50 questions of 1 mark each)		50
Section - B		
Short Answer Questions : (10 questions of 5 marks each)		50
Section - C		
Essay Type Questions (2 questions of 50 marks each)	Part-I Part-II	50 50
Total		200

SECTION - A

Instructions : (Questions 1-50), Attempt all the 50 Objective Type Questions by shading the correct answer with **HB Pencil Only** in **Section A** of the OMR Answer Sheet.

Marks : Each question carries **1 (one)** mark (total 50 marks)

1. Communication of a proposal is complete
 - a) When it is put in the course of transmission
 - b) When it comes to the knowledge of the person to whom it is made
 - c) When the proposal is communicated to the person to whom it is made
 - d) All the above

2. Where one of the parties is under a mistake as to matter of fact, the contract is
 - a) Valid b) Void
 - c) Voidable d) Illegal

3. An agreement in connection with horse-racing under Section 30 of Indian Contract Act is
 - a) Unlawful b) Void
 - c) Voidable d) Valid

4. Novation of a Contract means
 - a) The renewal of original contract
 - b) Substitution of a new contract in place of original contract
 - c) Cancellation of contract
 - d) Alteration of the contract

5. A contract is not frustrated
 - a) By commercial impossibility
 - b) By imposition of government restrictions or orders
 - c) By destruction of subject matter of contract
 - d) All the above

6. For a loan, when there is stringency in money market, a banker asks for an unusually high rate of interest, 'A' accepts the loan on these terms. This is
 - a) A valid transaction in the ordinary course of business
 - b) A transaction vitiated by coercion
 - c) A transaction vitiated by undue influence
 - d) A transaction vitiated by fraud

7. 'X' and 'Y' agree to marry each other on a certain date and before marriage 'X' goes mad. 'Y' cancels the agreement and sues for damages. Decide whether
- No cause of action arises till the date of marriage
 - On account of 'X's going mad, the contract is frustrated and thus void. Y has no right to sue for damages
 - The contract itself is void
 - Y is guilty of breach of contract
8. A guarantee
- Has to be in writing
 - Can be oral or in writing
 - Can be oral
 - Neither (a) nor (b)
9. Tort is a violation of
- A right in *personam*
 - Both right in *personam* and right in *rem*
 - A right in *rem*
 - Neither right in *personam* nor right in *rem*
10. For the defence of *volenti non-fit injuria*, it is necessary that
- The plaintiff knows that risk is there
 - The plaintiff agrees to suffer the harm
 - The plaintiff knowing that risk is there, agrees to suffer the harm
 - All the above
11. Act of State
- Cannot be between a sovereign and the subjects of another State
 - Cannot be between a sovereign and his own subjects
 - Both (a) and (b)
 - Neither (a) nor (b)
12. For defamation, a tort
- Should be in respect of a living person only
 - Can be in respect of deceased person
 - Both (a) and (b)
 - Either (a) and (b)
13. The maxim '*res-ipsa loquitur*' is a
- Rule of law
 - Rule of evidence
 - Rule of procedure
 - Rule of negligence
14. Special damage has got to be proved in an action for
- Trespass
 - Nuisance
 - False imprisonment
 - None of the above

15. In which of the following cases it is not nuisance:
- Playing music through loudspeaker at night
 - Construction of a flour mill on the ground floor, while
 - Creation of foul smell on one's land which reaches neighbours
 - Washing clothes in front of a person's house at a public tap
16. X and his wife went for shopping leaving behind their dog in their car which they had locked after pulling up the glasses of the windows. For reasons unknown, the dog probably got excited and broke the rear glass, probably with its paws and jumped out. A fragment of the broken glass flew at the face of one Y, a passerby, and pierced into his eye resulting in its loss. Y sued X for damages alleging negligence on the part of X, what defence can X take :
- Act of god
 - Inevitable accident
 - Contributory negligence
 - Washing clothes in front of a person's house at a public tap
17. A marriage solemnized between any two Hindus, one of whom is having a spouse living at the time of marriage, under Section 11 and Section 17 of Hindu Marriage Act, shall be
- Valid
 - Void
 - Voidable
 - Invalid
18. A decree of nullity of marriage in case of voidable marriages, annuls the marriage
- From the date of the decree
 - From the date of the petition
 - From the date of marriage
 - From the date as directed by the Court
19. Which of the following is not a ground of divorce ?
- Insanity
 - Epilepsy
 - Leprosy
 - Venereal disease
20. By virtue of Marriage Laws (Amendment) Act, 2003, wife as a petitioner, can present her petition to the District Court of an area where
- She is residing on the date of presentation of the petition
 - She was residing previously
 - She is to reside permanently in future during the course of trial
 - Her husband is residing on the date of petition
21. A married Hindu woman has the capacity to adopt if
- Her husband has ceased to be a Hindu
 - Her husband has finally and completely renounced the world
 - Her husband has been declared to be a person of unsound mind by a Court of competent jurisdiction
 - All the above cases.

22. That “Marriage of all persons who are citizens of India belonging to various religions should be made compulsorily registrable in their respective States where the marriage is solemnized”, was held by the Supreme Court in the case of
- Seema v. Ashwani Kumar
 - Geta Jagdish Mangtani v. Jagdish Mangtani
 - Durga Prasanna Tripathy v. Arundhati Tripathy
 - Rameshchand Daga v. Rameshwari Bai
23. A marriage entered into by a girl before attaining puberty under Muslim law is
- Valid marriage
 - Void marriage
 - Irregular marriage
 - Either (a) or (c)
24. A single pronouncement of divorce made during a *tuhr* followed by abstinence from sexual intercourse for the period of *iddat* is called
- Talaq hasan
 - Talaq ahsan
 - Talaq-ul-biddat
 - Talaq-i-badai
25. ‘X’ and ‘Y’ go to murder ‘Z’, ‘X’ stood on guard with a spear in hand but did not hit ‘Z’ at all. ‘Y’ killed ‘Z’. Who is / are guilty?
- Only ‘Y’ is liable for murder of ‘Z’
 - ‘X’ and ‘Y’ both are liable for murder of ‘Z’
 - ‘X’ is not liable as he did not perform any overt act
 - Both (a) and (c)
26. Section 76 of Indian Penal Code provides that nothing is an offence which is done by a person who by reason of
- Mistake of fact in good faith believes himself to be bound
 - Mistake of law in good faith believes himself to be bound by law to do it
 - Mistake of fact believes himself to be bound by morals to do it
 - All the above
27. To invoke successfully the defence of intoxication in criminal cases, the intoxication
- Can be self administered
 - Should be administered against his will or knowledge
 - Should be self administered
 - May be all the above
28. Where a wrong of mischief by fire in a building used as a human dwelling or a place for custody of property is attempted, the right of private defence extends to the causing of
- Any harm including death
 - Any harm other than death
 - Any harm other than death and grievous hurt
 - All the above

29. Abetment is complete as soon as
- The abettor has incited another to commit an offence
 - The person instigated has done some overt act towards the commission of the offence
 - The offence abetted has been committed
 - Both (b) and (c) above
30. 'B' happened to be a member of unlawful assembly. A factional fight ensued during which 'B' was injured and retired to the side. Later on, a man was killed. Now
- 'B' is guilty of murder being member of unlawful assembly
 - 'B' is not guilty of murder as he ceased to be a member of unlawful assembly at the time when the murder was committed
 - 'B' is not guilty of murder though he continued to be a member of unlawful assembly
 - None of the above
31. 'X' with intention of murdering 'Z', instigates 'Y', a child below 7 years, to do an act which causes 'Z's death. 'Y' in the absence of 'X' in consequence of abetment does the act and thereby causes 'Z's death. Now
- 'Y' is liable for murder and 'X' is liable for abetment
 - 'Y' is not liable for murder being legally incapable, but 'X' is liable for abetment
 - 'X' and 'Y' both are liable for murder
 - 'X' and 'Y' both are liable for criminal conspiracy to murder of 'Z'
32. 'A' puts 'Z' into fear of hurt and dishonestly induces 'Z' to sign a blank cheque and deliver it to him. 'Z' signs the cheque and delivers it to 'A'. 'A' is guilty of
- Theft
 - Extortion
 - Robbery
 - Attempt to commit extortion
33. The words 'socialist' and 'secular' were incorporated in our Constitution by
- 42nd Amendment of the Constitution
 - 44th Amendment of the Constitution
 - 46th Amendment of the Constitution
 - 17th Amendment of the Constitution
34. The concept of Directive Principles of State Policy was borrowed from
- Germany
 - France
 - Ireland
 - USA
35. Article 19(1) (a) guarantees freedom of speech and expression to
- All citizens of India
 - All Indians and foreigners
 - Only persons above 21 years of age
 - Only persons who have attained 18 years of age
36. On which date the Supreme Court upheld the OBC quota in Central Educational Institutions clearing the way for reservation of 27% seats for Backward Classes

- a) 8th April, 2008
c) 1st April, 2008
- b) 10th April, 2008
d) 20th April, 2008
37. In which of the following cases did the Supreme Court rule that the principle of sovereign immunity will not apply to proceedings for award of compensation for violation of fundamental rights?
- a) Bhim Singh v. State of Punjab
c) Rudal Sah v. State of Bihar
- b) Kasturi Lal v. State of UP
d) Nilabeti Bahera v. State of Orissa
38. Which of the following is not included in the right to personal liberty?
- a) Right to go abroad
c) Right undertrial prisoners not to be detailed for unreasonably long period
- b) Right to human dignity
d) Freedom from arrest
39. Which of the following Writs can be issued only against the judicial or quasi-judicial authorities?
- a) Mandamus
c) Certiorari
- b) Habeas Corpus
d) Quo Warranto
40. The right guaranteed under Article 32 can be suspended
- a) By the Parliament
b) By the Supreme Court of India
c) During emergency
d) During war with a foreign country
41. Which one of the following is the objective of Directive Principles of State Policy?
- a) Total prohibition
b) Prevention of cow slaughter
c) Prevention of gambling and lotteries
d) Protection and improvement of environment and safeguarding forests and wild life
42. Who gave the organic theory of society?
- a) H. Spencer
c) Savigny
- b) Duguit
d) Austin
43. Who holds the view that “The only right which any man can possess is the right always to do his duty”?
- a) Duguit
c) Bentham
- b) Austin
d) Blackstone
44. According to Hindu legal theory, origin of law is
- a) Dharma
c) Divinity
- b) Rita
d) Shruti
45. In which country, Courts are not bound by decisions of the superior Courts?

- a) Australia
- b) England
- c) France
- d) India

46. Right in *re propria* means

- a) Right relating to status
- b) Right relating to property
- c) Right in one's own things
- d) Right in the things of others

47. In the eye of law, a person can have

- a) Any number of capacities
- b) Some capacities
- c) Two capacities only
- d) One capacity only

48. Mediate possession is one which a person can

- a) Acquire through an agent or a servant
- b) Acquire unlawfully
- c) Acquire direct by himself
- d) Acquire lawfully

49. Who of the following has defined ownership as a right of 'plenary control over an object'?

- a) Salmond
- b) Holland
- c) Austin
- d) Blackstone

50. The two primary and essential functions of the State are

- a) Military defence and maintenance of law and order
- b) Administration and politics
- c) Administration of justice and welfare
- d) Welfare and safety of people

SECTION - B

Instructions : (Questions 1-10), Write short answers on the following, using the space available on Sheets of paper provided along with OMR Answer Sheet. Use **Ball Point Pen only** in writing the answers and do not exceed the space limit or overwrite.

Do not shade, write or otherwise use Section B on the OMR Answer Sheet which is meant for OFFICE USE only.

Marks : Each question carries **5 (five)** mark

(total 50 marks)

1. Good Governance
2. Judicial Accountability
3. Capital Punishment in India
4. Whistle-Blowers and Corruption in India
5. Sexual Harassment
6. Mobile Courts
7. Right to Information
8. India as a soft State
9. Irretrievable Breakdown of Marriage
10. Fundamental Duties

SECTION - C

Instructions : Parts **I** and **II** of Section **C** contain **THREE** topics each. Select one topic each from Part **I** and Part **II** and write **TWO** Essays on the same with **Ball Point Pen Only** on the sheets of paper provided along with OMR Answer Sheet.

Do not write anything, shade or use Parts I and II of Section C on the OMR Answer Sheet which are meant for OFFICE USE Only.

Each Essay carries **50** marks

Max. Marks: (50X2= 100 marks)

Part I

1. Alternative Disputes Redressal Systems
2. Sustainable Development and Environment Protection
3. Safety and Welfare of Senior Citizens

Part II

4. Education and Welfare as twin towers of a just Policy
5. Jurisprudence as a subject about law rather than a subject of law
6. Public safety laws and Human Rights

**Common Law Admission Test (CLAT) 2010
Post-Graduate Courses**

Series B

No. 205

Admit card number:

Time: 3 P.M. to 5 P.M. (2 Hours)

OMR Answer number

Total Marks: 200

INSTRUCTION TO CANDIDATES

1. Before using the Question Booklet and OMR Answer Sheet check them for any defect like misprint, fudging of printing, missing pages/Questions/Ovals etc. and ask for issue of relevant duplicates.
2. No duplicate Question Booklet or OMR Answer Sheet shall be provided except in a situation under Instruction I above.
3. Enter your 10 Digit Admit Card Number and 5 Digit OMR Answer Sheet Number in the space provided above in the Question Booklet with **Ball Point Pen only**.
4. Enter your **10** Digit Admit Card Number in the space in the OMR Answer Sheet with **Ball Point Pen Only** and shade the relevant ovals with **HB Pencil Only**.
5. There are 50 **objective** questions. Each question carries one mark. Each question consists of four choices of answers. Select the most appropriate answer and shade the corresponding oval in the OMR sheet with **HB Pencil Only**. If more than one oval is shaded, the question shall be deemed to be wrong. There is no negative marking for wrong answers.
6. In addition to objective questions there are **descriptive** questions carrying 150 marks which the candidate should attempt with **Ball Point only** within the space provided in the booklet. No extra sheet or blank paper would be supplied to any candidate for writing descriptive answers.
7. Specific instructions are given at the beginning of each question or sets of questions. Read them carefully before answering.
8. Total number of pages in the Question booklet is 24 including the two blank pages(2-24) for rough work.
9. Possession of all kinds of electronic gadgets in the Exam Hall is strictly prohibited. Possession and/or use of any unfair means shall disqualify the candidate and decision of the centre Superintendent in this regard shall be final.

Do not write anything on this Chart		
Q.No.	Max Marks	Marks obtained
I (a)	5	
(b)	5	
(c)	5	
(d)	5	
(e)	5	
(f)	5	
(g)	5	
(h)	5	
(i)	5	
(j)	5	
II	50	
III	50	
Total	150	

Seal / Signature of Centre Superintendent

ROUGH WORK

This booklet consists of 50 objective questions. Each objective question carries one marks. Each objective question consists of four choices of answers. Select the most appropriate answer and shade the corresponding oval in the OMR sheet with HB Pencil only. There are descriptive questions also which must be answered, within the space provided in the booklet in accordance with the provided instructions with Ball point pen only.

Objective Questions

1. Rule of strict liability implies
 - a) no fault liability
 - b) liability based on fault
 - b) liability of the state
 - d) absolute liability

2. Vis major is an
 - a) accident which can be controlled by human action
 - b) action of an enemy
 - c) inevitable accident beyond human control
 - d) accident with strict liability

3. Y purchases a bottle of cold drink from a retailer. The bottle was contaminated and Y fell ill after drinking it. Y brings a suit for damages against the manufacturer of the cold drink. Y will
 - a) not succeed because Y did not have any contractual relation with the manufacturer
 - b) not succeed, his remedy is only against the retailer with whom he entered into a contract
 - c) succeed against the manufacturer even in the absence of a contact with him
 - d) not succeed because, the manufacturer had no duty to Y

4. Z digs the mud road in front of his house. In the evening after it became dark a passerby hits the debris and is injured. The passerby brings a civil suit as well as files a criminal case of public nuisance. He can
 - a) not file both the cases. He either can file a criminal case or a civil suit
 - b) bring both the actions
 - c) not bring a suit for damages
 - d) not file a criminal case

5. Volenti non fit injuria implies
 - a) no one should suffer injury voluntarily
 - b) mere knowledge of the injury is not enough
 - c) the harm voluntarily suffered does not constitute legal injury
 - d) the harm voluntarily suffered constitutes legal injury

6. A master's liability for the act of his servant is based
 - a) on the maxim of respondeat superior
 - b) on the doctrine of necessity
 - c) on morality
 - d) in the interest of trade and commerce

7. W, a woman got pregnant inspite of sterilization operation. Will the doctor who performed sterilization operation be held liable on grounds of negligence? The doctor would
- be liable as occurrence of pregnancy after sterilization is a sure proof of negligence
 - not be liable as pregnancy may occur due to causes other than negligence
 - be liable only if there is proof that he was negligent in performing sterilization
 - not be liable as the doctor performed the operation to the best of his ability
8. Which of the following observation was not made by the court through J.S. Verma J. (as he then was) in Neelabati Bahera v/s State of Orissa (AIR 1993SC1960)?
- The award of compensation in a proceeding under Article 32 or Article 226, is a remedy available in public law
 - The remedy is based on strict liability for contravention of fundamental right
 - The doctrine of sovereign immunity is not applicable in case of violation of fundamental rights
 - The compensation payable shall be ex-gratia
9. Which of the following is not correct about joint wrong doers? Two persons are joint wrong doers when
- they act in pursuance of unlawful conspiracy
 - they commit tort in concert
 - the combined effect of their wrongful acts is the enhancement of injury
 - one acts under the authority of another
10. The maxim “Actio personalis moritur cum persona” means
- the death of a party wronged or of wrong doer would not put an end to the cause of action
 - the death of a party wronged or of wrong doer would put an end to the cause of action
 - a suit can be filed against a person after his death
 - after the death of a party to a suit personal enmity between the parties comes to an end
11. Aristotle believed in
- idealism
 - empiricism
 - dualism
 - separation of powers
12. Who said that the only purpose for which power can rightfully be exercised over any member of a civilized community against his will is to prevent harm to others?
- Hart
 - Dworkin
 - J.S. Mill
 - Austin
13. Which of the following is not an ingredient of Fuller’s inner morality
- understandability
 - prospectively
 - justice
 - non-contradiction

24. Which of the following statements is not correct?
- Shankari Prasad V. Union of India (AIR 1951SC458) was overruled in Sajjan Singh v/s State of Rajasthan (AIR 1965SC845)
 - In Shankari Prasad v/s Union of India it was held that the word “law” in Article 13(2) does not include a law made by Parliament to amend the constitution under Article 368
 - In Golaknath v/s State of Punjab (AIR 1967SC1643) it was held that the word “law” in Article 13(2) includes Parliamentary law amending the constitution
 - In Keshvananda Bharati v/s State of Kerala (AIR 1973SC1461) Golknath case was overruled
25. On which of the following grounds the government order making caste based reservations in state of Madras v/s Champakam Dorairajan (AIR 51SC226) was struck down. The Supreme Court struck down the order because
- backward caste is not backward class
 - article 15 did not provide for reservations in favor of backward classes
 - the extent of reservations was more than 50%
 - some of the castes in whose favour reservations were made were not socially and educationally backward
26. In which case the validity of certain police regulations, which, without any statutory basis, authorized the police to keep under surveillance persons whose names were recorded in the ‘history sheet’ maintained by police as persons who were or were likely to become habitual criminals, was challenged
- A.K. Gopalan v/s State of Madras AIR 51SC127
 - Govind v/s State of U.P. AIR 75SC1378
 - Unni Krishnan v/s State of A.P. (1993)SCC645
 - Kharak Singh v/s State of U.P. AIR 63SC1295
27. In Nazaria Motors v/s State of A.P. (1969) 2SCC576 the court held that even if a Bill which has received the assent of President under Article 304(b), the court can examine the validity of such law on grounds whether it is
- in public interest
 - reasonable
 - reasonable and in public interest
 - likely to effect public order
28. If a question arises as to whether a member of a House has become subject to disqualifications under the 10th schedule of the constitution, the question shall be decided by
- the president of India
 - the chairman or the speaker of such House
 - the leader of the House and the leader of the opposition
 - a committee of such House
29. Which of the following is not an essential qualification for election as President of India ? He
- must be a citizen of India
 - must have completed the age of thirty five years
 - is qualified for election as a member of the House of People
 - is a member of the House of People

30. The Parliament by law may alter the boundaries of a state, provided that no Bill for this purpose shall be introduced in either Houses of Parliament except
- on the recommendation of the President
 - unless...the bill has been referred by the President to the legislature of that state for expressing its views thereon
 - unless...the bill has been referred by the President to the council of ministers of that state for expressing its views thereon
 - on the recommendation of the President and unless the Bill has been referred by the President to the legislature of that state for expressing its views thereon
31. A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes Z in order to bring Z before the proper authorities. It turns out later that Z was not committing murder but was acting in self defence. What offence, if any, has been committed by A? A is guilty of
- using criminal force
 - wrongful restraint
 - wrongful confinement
 - committing no offence
32. The accused killed his step-father, who was an infirm, old and invalid man, with the old man's consent, his motive being to get three innocent persons (his enemies) implicated. The accused is guilty of
- no offence as he caused death by the consent of the victim
 - murder
 - culpable homicide not amounting to murder
 - causing grievous hurt sufficient to cause death
33. A intending to kill Y fires at him with a revolver. Y ducks and the bullet hits Z, whom A did not intend to kill and did not know that he was standing behind Y. What offence, if any, has been committed by A? A is guilty of
- no offence
 - murder
 - causing death by negligence
 - causing death by accident
34. Between 1834-38, the first draft of Indian Penal Code was settled. The commission which settled the draft consisted of three members. Which of the following was not a member of this commission?
- Lord McCauley
 - Sir Barnes Peacock
 - Millet
 - Sir John McLeod

35. Section 292 I.P.C. makes the selling, hiring, distributing, publically-exhibiting, importing exporting etc. of obscene books an offence. A was prosecuted for selling a book by the name of 'Lady Chatterley's Lover', written by D.H. Lawrence which was found to be an obscene book. The accused pleaded that he did not know the contents of the book. The accused is guilty of
- no offence, as mistake of fact is a valid defence
 - selling an obscene book because he was negligent in not reading the contents of the book
 - selling an obscene book because he knew the contents impliedly
 - selling an obscene book because under section 292 liability is independent of mens rea.
36. Which of the following is not an essential element of extortion ?
- internationally putting a person in fear of injury
 - the purpose of which is to dishonestly induce the person put in fear
 - to deliver property or valuables security
 - from the ownership of this person
37. When a person in justification of killing another in the exercise of his right to private defence, claims the existence of such a right, such existence of the right must be proved by
- the state
 - the person who claims the right to private defence
 - the prosecution
 - the police
38. A person who brought undeclared gold in India, when arrested claimed that he was not aware of the notification of the Reserve Bank of India prohibiting import of gold in India without permission, which claim was not disputed by the prosecution. He claimed he cannot be convicted because he did not have any guilty intention. Decide
- No one can be convicted in the absence of mens rea
 - He cannot be convicted because the prosecution failed to prove mens rea
 - In this case, he can be convicted in the absence of mens rea
 - He can be convicted because he failed to prove that he did not have guilty intention
39. Som marries Rani according to Hindu rites in 1980. In 1985 Som marries Sonal according to Muslim law, after both become converts to Islam. Som is being prosecuted for bigamy. His defence is that he is a Muslim and his personal law permits polygamy. Decide
- Som can marry a second time because he is a Muslim
 - Som will be guilty of bigamy
 - In a secular society Som can become convert to any religion and then would be subject to laws of that religion
 - The marriage with Sonal will become regular after he pronounces divorce by triple talak to Rani
40. X finds a rupee coin on the highway, not knowing to whom the coin belongs, X picks the coin and pockets it. What offence, if any, has been committed by X. He is guilty of
- theft
 - criminal misappropriation
 - criminal breach of trust
 - no offence

- a) fraud
 - b) misrepresentation
 - c) mistake of fact
 - d) undue influence
49. "A contract is a contract between the parties to the contract. A third party is a stranger to the contract even if it is avowedly made for his benefit." This is known as
- a) principle of estoppels
 - b) nullity of contract
 - c) constructive contract
 - d) privity of contract
50. A tells B, "I offer to sell you my horse for an amount between Rs. 10000/- and Rs. 12000/-". Which of the following is correct about the offer? It is
- a) a valid offer because in an offer a price range may be given
 - b) not a valid offer because it is uncertain
 - c) not a proper offer because it is a cross offer
 - d) a valid offer because it is properly made and communicated

Descriptive Questions

Attempt Questions I, II and III

I. Write short answers (approximately 50-60 words) within the space provided for each of the following 10 topics. Each topic carries 5 marks.

(a) Duguit on sovereignty.

b) Fuller's inner morality

ROUGH WORK

Test Booklet Series A

Test Booklet Number

POST GRADUATE COURSES
Common Law Admission Test (CLAT) 2011

Time: 3:00 PM to 5:00 PM (2 Hours)

Roll Number:

Total Marks: 200

INSTRUCTION TO CANDIDATES (PG)

10. Before using the Question Booklet and OMR Answer Sheet check them for any defect like misprint, fudging of printing, missing pages/Questions/Ovals etc., and ask for issue of relevant duplicates.
11. No duplicate Question Booklet or OMR Answer Sheet shall be provided except in a situation under Instruction 1 above.
12. Enter your 10 Digit Admit Card Number and 5 Digit OMR Answer Sheet Number in the space provided above in the Question Booklet with **Ball Point Pen only**.
13. Enter your 9 Digit Roll Number, Test Booklet No., Test Booklet series in the space provided on the OMR Answer Sheet with **Ball Point Pen Only** and shade the relevant ovals with **HB Pencil Only**.
14. There are 100 objective questions there are 2 descriptive questions of 50 marks each. The candidate should attempt them with **Ball Point only** within the space provided in the booklet. No extra sheet or blank paper would be supplied to any candidate for writing descriptive answers.
15. Specific instructions are given at the beginning of each question or sets of questions. Read them carefully before answering.
16. Total number of pages in the Question Booklet is 28 including the one blank page for rough work.
17. Possession of all kinds of electronic gadgets in the Exam Hall is strictly prohibited. Possession and/or use of any unfair means shall disqualify the candidate and decision of the centre Superintendent in this regard shall be final.

DO NOT WRITE ANYTHING ON THIS CHART		
Q.No.	Max Marks	Marks Obtained
I	50	
II	50	
Total	100	

Seal / Signature of Centre Superintendent

ROUGH WORK

Part A contains 100 objective questions. Each question carries one mark. Every question contains four choices of answers. Select the most appropriate answer and shade the corresponding oval in the OMR sheet with HB Pencil only.

Part B contains two-essay type questions, which must be answered, within the space provided in the Booklet, with Ball point pen only.

PART-A

CONSTITUTIONAL LAW

1. In which case has the Supreme Court of India decided that the reservation should be less than 50%?
a) Champakam Dorairajan v. State of Madras b) M.R. Balaji v. State of Mysore
c) R. Chitralakha v. State of Mysore d) None of the above
2. Which of the following is accepted as the official language of the Union of India
a) Hindi in both Devanagiri and Urdu Scripts with Roman Numerals
b) English with Roman Numerals
c) Hindi in Devanagiri Script with the International form of Indian Numerals
d) None of the above
3. According to Dr. Subrahmaniamswami v. State of Kerala, WP(C)No. 35180 of 2009(S), use of Islamic principles in financial services where State has a share:
a) Will be violative of the principles of secularism
b) Will not be violative of the principles of secularism
c) Left Undecided
d) Will be violative of the Basic Structure
4. What do you understand by 'horizontal application of rights'?
a) Equal fundamental rights to all
b) Equality before law and equal protection of laws
c) Fundamental rights enforceable against private persons
d) None of the above
5. Interpretative value of Preamble was discussed in:
a) In re Berubari Union b) Union of India v. Azadi Bachao Andolan
c) State of Gujarat v. Shanti Lal Mangaldas d) None of the above
6. Figure out the correctness of the following statement and identify which of the following four options are correct:
'The President can at any time withdraw an ordinance.'
a) Yes, the President can
b) No, the President cannot
c) It is the respective ministry for whom the ordinance is brought who have the power to withdraw
d) An ordinance always will have to lapse

7. The power of pardon is vested in the:
- a) President
 - b) Prime Minister
 - c) Governors
 - d) President and the Governors
8. The golden triangle in Indian Constitution consists of:
- a) Articles 14, 15 and 16
 - b) Articles 14, 19 and 21
 - c) Articles 14, 21 and 32
 - d) Articles 20, 21 and 32
9. In *Hoechst Pharmaceuticals Ltd. V. State of Bihar*, the state made a law under entry 54, List II and Center made a law under entry 33 of List III. The laws overlap. Will repugnancy arise in such a case?
- a) The question of repugnancy under Art. 254(1) between a law made by Parliament and a law made by the State legislature arises only in case both the legislations occupy the same field with respect to one of the matters enumerated in the Concurrent List
 - b) There has to be a direct conflict between the two laws
 - c) Both a and b have to be satisfied
 - d) If the laws overlap repugnancy will invariably arise
10. In *Automobile Case*, Section 4 of the Rajasthan Motor Vehicles Taxation Act, 1951 was challenged as violative of Article 301 of the Constitution. The Supreme Court held that:
- a) Compensatory taxes and regulatory laws are outside the purview of Article 301
 - b) Law imposing tax will always have to satisfy the stipulation of prior Presidential sanction in Article 304(b)
 - c) Courts have very limited role to play in taxation laws
 - d) None of the above
11. The opinion of the Amicus Curiae in *Aruna Ramachandra Shanbaug's* case was:
- a) in favour of passive euthanasia provided the decision to discontinue life support was taken by responsible medical practitioners
 - b) in favour of passive euthanasia provide the decision to discontinue life support was taken under the supervision of the higher judiciary
 - c) in favour of both passive and active euthanasia provided the decision to discontinue life support was taken by responsible medical practitioners approved by the judiciary
 - d) None of the above

Please go through the following provisions of Constitution of India and the Subordinate Services Rules 1958 and answer questions 12 and 13:

Art. 16.(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Rule: 13 of the Subordinate Services Rules 1958 – Notwithstanding anything contained in these rules, the Government may, by order, exempt for a specified period, any member or members, belonging to a Scheduled Caste or a Scheduled Tribe, and already in service, from passing the tests for promotion from Lower Division Clerk to Upper Division Clerk

12. In the light of the above and decided cases, will equality of opportunity permit reservations to be made in promotions?
- a) Yes, it is possible
 - b) Yes, but not in selection grade posts
 - c) No, reservation is possible only at the stage of appointment
 - d) Yes, but only for backward classes not for SC/ST
13. Will the Rule be struck down on the test of classification?
- a) Yes, there is an unreasonable classification within the cadre of Lower Division Clerks
 - b) SC/ST within the cadre could be treated as a class
 - c) There is no nexus to the object sought to be achieved
 - d) 'Equality of opportunity' in Art. 16(1) will not allow any classification to be made

Please go through the following passage and answer Questions 14, 15 and 16

“Now, the question immediately arises as to what is the requirement of Article 14: what is the content and reach of the great equalizing principle enunciated in this article? There can be no doubt that it is a founding faith of the Constitution. It is indeed the pillar on which rests securely the foundation of our democratic republic We must reiterate here what was pointed out by the majority in *E.P. Royappa v. State of Tamil Nadu* and *An.* namely, that “from a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic, while the other, to the whim and caprice of an absolute monarch. Where an act constitutional law and is therefore violative of Article 14”. Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness, pervades Article 14 like a brooding omnipresence and the procedure contemplated by Article 21 must answer the test of reasonableness in order to procedure contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14. It must be “right and just and fair” and not arbitrary fanciful or oppressive; otherwise, it would be no procedure at all and the requirement of Article 21 would not be satisfied.”

(from the judgment of Bhagwati, J in *Maneka Gandhi v. Union of India*)

14. What according to you is the interrelationship between Arts. 21 and 14 as borne out from the above paragraph
- Procedure under Art. 21 should satisfy the claims of reasonableness under Art. 14
 - Procedure under Art. 21 have to be judged independently of any other Article as Art. 21 has a special standing
 - Art. 21 is a self contained code
 - None of the above
15. Figure out the correctness of the following statement and identify which of the following options is correct
 “A procedure which is arbitrary will definitely run counter to equality”
- The statement is correct
 - The statement is incorrect
 - It is impossible to come to such a conclusion with the given paragraph
 - Equality and arbitrariness need not considered together
16. Which approach of equality is highlighted in the above paragraph?
- Traditional doctrinaire approach
 - Dynamic approach
 - Textual approach
 - None of the above

Please answer Questions No. 17, 18 and 19 on the basis of the following passage and facts situation

“The true test is whether the effect of the impugned action is to take away or abridge fundamental rights. If it be assumed that the direct object of the law or action has to be direct abridgment of the right of free speech by the impugned law or action it is to be related to the directness of effect and not to the directness of the subject matter of the impeached law or action.”

Facts: A legislature passes an Act to regulate the number of pages according to the price charged, prescribe the number of supplements, the sizes and area of advertising matter in relation to the other matters contained in a newspaper. Penalties are also prescribed for contravention of the provision of the Act or Order. The state seeks to justify this Act ‘in the interest of general public’.

17. Applying the aforesaid test, will such an Act violate the fundamental right to freedom of speech and expression?
- It will violate Art. 19 (1) (a)
 - It will not violate because the subject matter of the law is regulation of circulation not freedom of speech and expression
 - It will not because it affects only circulation which is a commercial aspect
 - None of the above
18. Is commercial speech part of freedom of speech and expression?
- No, it is not.
 - In every case one has to see what is the nature of the advertisement and what activity falling under Art. 19(1) it seeks to further. This determines whether it will get protection
 - Commercial speech is a part of the freedom of speech and expression guaranteed under Article 19(1) (a) of the constitution
 - None of the above

19. Will the State be successful in its defence that the action is taken under the interest of the general public
- Yes, because newspaper price and page control is in the interest of the general public
 - No it will not as it will only affect the commercial interest of the newspapers
 - No it will not as interest of general public cannot be a ground under Art. 19(2)
 - None of the above
20. **Art. 74(2)** The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

In the light of Article 74 (2) and decided cases, test the correctness of the following statements:

Statement 1. The Courts are justified in probing as to whether there was any material on the basis of which the advice was given, and whether it was relevant for such advice and the President could have acted on it.

Statement 2. When the Courts undertake an enquiry into the existence of such material, the prohibition contained in Article 74(2) does not negate their right to know about the factual existence of any such material.

- | | |
|----------------------------------|--------------------------------|
| a) Only Statement 1 is correct | b) Only statement 2 is correct |
| c) Both statements are incorrect | d) Both statements are correct |

LAW OF CONTRACTS

21. The two main competing definitions of contract in the common law are:
- “Contract is a promise or set of promises which the law will enforce” and “Contract is an agreement giving rise to obligations which are enforced or recognized by law”
 - “Contract is a civil obligation” and “Contract is a transaction supported by legal intention”
 - “Contract is a negotiation enforceable by law” and “Contract is a bundle of voluntary rights”
 - None of the above
22. One of the basic principles of the common law of contract is:
- “that the parties to a contract are free to determine for themselves what primary obligations they will accept”
 - “that the parties can claim damages for breach of contract”
 - “that the parties can decide for themselves what restitutionary relief they can give to the other”
 - None of the above
23. *Contracts d’ adhesion* are:
- Contrary to the idea of freedom of Contract
 - Upholds the idea of freedom of Contract
 - Is just a clause of a Contract
 - None of the above

24. When one states that *“the law leaves a contractor free from interference until the time for fulfillment has gone by, and therefore to break his contract if he chooses”* what one really means is:
- “Law does not actually compel the performance of a contract, it merely gives a remedy, normally damages, for breach”*
 - “Law emphasizes on effective enforcement of contract”*
 - “Law recognizes the binding force of the contract and believes that every one will perform their obligation”*
 - None of the above
25. The Indian Contract Act of 1872 does not recognize a general principle of:
- Bad faith
 - Error
 - Causa
 - Good faith
26. Unlike in Civil Law, in Common Law an offeror is generally allowed to withdraw the offer, before it is accepted. This approach of Common Law is dictated by the:
- Absence of acceptance of the offer
 - Absence of intimation of the offer
 - Absence of consideration
 - None of the above
27. A calls up B and asks “Will you sell me your house? SMS me the lowest cash price.” B’s reply by SMS was “Lowest cash price for my house is rupees 1 crore.” A, immediately sent another SMS to B stating “I agree to buy your house for rupees 1 crore, as asked by you.” B did not respond and subsequently sold the house to C. B’s SMS to A was”
- An offer
 - An acceptance
 - An invitation to receive offer
 - None of the above
28. The difference between an offer and invitation to receive offer is that:
- An offer is definite and without ambiguity and an invitation to receive offer is a mere statement, with scope of further negotiations.
 - An offer is a statement and an invitation to receive offer is a printed offer to invite acceptance.
 - An offer when accepted becomes a contract whereas an invitation to receive offer can only lead to making of an offer.
 - Both a) and c)
29. As per the objective test of offer:
- Once the parties have by all outward appearances agreed in the same terms on the same subject matter, then neither can, generally, rely on some unexpressed qualification or reservation to show that he had not in fact agreed to the terms to which he had appeared to agree.
 - Once the parties have mentally decided to agree in the same terms on the same subject matter, then neither can generally rely on any unexpressed reservation to show that she had not in fact agreed on the same terms in the same sense.
 - Once the parties have been forced to agree, then notwithstanding the fact that outwardly they may not have appeared to agree, they can in fact be bound by the terms and subject matter of the agreement
 - None of the above

30. As per Section 4 of the Indian Contract Act, 1872, an offer is said to be accepted:
- when the acceptance comes to the knowledge of offeror
 - when the acceptance is put in the course of transmission and is beyond the control of the acceptor
 - when the proposer calls up and is told by the acceptor of the acceptance
 - None of the above
31. As per the Last shot doctrine:
- Where conflicting communications are exchanged, each is a counter-offer, so that if a contract results at all, it must be on the terms of the final document in the series leading to the conclusion of the contract
 - Where conflicting communications are exchanged, each is an offer, so that if there has to be an acceptance of the offer, it will be of the last offer in the series of offers
 - Where conflicting communication are exchanged, each is an acceptance, so that if there is an acceptance leading to the formation of the contract, it will be the last acceptance in the series
 - None of the above
32. As per the Mirror Image rule:
- The offer and the counter offer must match each other
 - The acceptance should be unconditional and thus should correspond to the offer
 - The acceptance of the offer should be conditional
 - None of the above
33. A domestic arrangement lacks contractual force because:
- There is lack of legal intention to be bound by such arrangement
 - There is lack of sincerity to perform such obligations
 - There is lack of understanding
 - None of the above
34. As per the Indian Contract Act, 1872:
- there is no privity of contract and no privity of consideration
 - there is privity of consideration but no privity of contract
 - there is privity of contract but there is no privity of consideration
 - None of the above
35. As per the Indian Contract Act, 1872:
- Consideration can be past, present and future
 - Consideration can be past and present and future
 - Consideration can be present and future
 - None of the above
36. The doctrine of Promissory Estoppel was used by Denning J. to uphold the promise of a creditor “*to accept a smaller sum in discharge of a larger sum*” if such a promise is acted upon by the promisee,

“*notwithstanding the absence of consideration*”. Identify the relevant case in which the doctrine was so developed by Denning J:

- a) Central London Property Trust Ltd. V High Trees House Ltd
 - b) Central Property of India v Hugh Metropolitan Limited
 - c) Central Inland Transport Corporation v Mumbai Port
 - d) None of the above
37. The two situations where the defence of *non est factum* is most obviously important is:
- a) First, where a party has signed the supposed contract as the result of fraud of a third party and the other party to it has no actual knowledge or reason to know of, the fraud **AND** second, where the fraud has been committed by the other party to the alleged contract or deed and a third party has then relied on the document
 - b) First, where a party has signed the supposed contract negligently **AND** second, where the third party relief on the negligence
 - c) First, where a party has deliberately allowed himself to be induced by fraud, with there being an actual knowledge of fraud **AND** second, where the fraud has been committed to the contract or deed and no third party has relied on it
 - d) None of the above
38. An insane person enters into a contract with another during the period of sanity. The contract so entered is a:
- a) Valid contract
 - b) Void contract
 - c) Voidable at the option of the insane person
 - d) None of the above
39. The doctrine of Unconscionable bargains, as applicable to the contracts, under the Indian law, was established by the Supreme Court of India in the case of:
- a) Central Inland Water Transport Corpn Ltd v Brojo Nath Ganguly
 - b) Afsar Shaikh v Soleman Bibi
 - c) Karamchand THapar & Bros Pvt Ltd v AB Gujaral
 - d) None of the above
40. A person rightfully rescinding a contract is:
- a) Entitled to claim damages
 - b) Not entitled to claim damages
 - c) Entitled to sue for wrongful repudiation of the contrat
 - d) Both (a) and (c)

LAW OF CRIMES

41. What must have been the main inspiration of Lord Macaulay to go in for the codification of the Indian Criminal Law, while the Criminal Law of United Kingdom remained uncoded Common Law:
- a) Need to have certainty in the laws
 - b) Need to bring about Uniformity in laws
 - c) Need to have diversity in the laws
 - d) None of the above

42. Unlike Civil Liability, the criminal liability insists on blameworthy conduct, because:
- It is concerned with the redressal of harms to the victims
 - It is concerned with moral degradation in the society
 - It is concerned with legal fault that is accused-centric
 - None of the above
43. Mere presence of actus reus and mens rea is not enough, they must be present in:
- Direct relationship
 - Indirect relationship
 - Concurring relationship
 - Independently of each other
44. Which of the following is a 'continuing offence':
- Frequently taking a minor girl out of the custody of a lawful guardian
 - By force or deceit compelling a minor girl to be moved from one city to another for illicit sex
 - Removing a moveable property from the possession of a thief
 - Repeatedly raping a girl
45. A child offender below the age of seven years cannot be subjected to juvenile justice proceedings, because:
- Child criminals are treated differently
 - The juvenile Justice Act treats a child below 7 years as innocent
 - Juvenile Justice proceedings are applicable to children below the age of 18 years
 - A child below 7 years is exempt from criminal liability under Section 82 that by virtue of Section 6 of the Penal Code makes every definition of an offence subject to General Exceptions
46. Strict criminal liability means:
- Liability irrespective of actus reus
 - Liability irrespective of mens rea
 - Liability without exclusion of mens rea
 - Liability without concurrence between actus reus and mens rea
47. A person who removes a purse from a dead accident victims' pocket commits the offence of:
- Theft u/s 379
 - Extortion u/s 383
 - Robbery u/s 392
 - Dishonest misappropriation u/s 404
48. How do you distinguish the mental element of Murder from that of Culpable Homicide not Amounting to Murder:
- Murder involves graver actus reus
 - Dangerous nature of weapon is used for killing in murder
 - Higher degree of wickedness
 - Murder requires the presence of higher degrees of guilty mind provided in S.300 firstly to fourthly
49. Which of the following offence is punishable only in the attempt stage:
- Section 307 of the IPC
 - Section 309 of the IPC
 - Section 511 of the IPC
 - None of the above

59. A falsely promises an orphan village girl aged 15 years good education and job prospects in the city. The girl accompanies A but in the city she neither gets education nor a good job. Can A be prosecuted for the offence of kidnapping from lawful guardianship under section 361
- Yes
 - No, because she came along voluntarily
 - No, because the girl being orphan was not under the custody of lawful guardian
 - Yes, because the girl was a minor and was misled by A
60. For a prosecution under section 149 of the Indian Penal Code you require a minimum number of
- Two or more persons
 - Many persons
 - Five or more persons
 - Any number of persons

TORTS LAW

61. Damnum sine injuria in Tort Law means:
- Without damage law does not recognize a legal injury
 - Law recognizes injury even though there is no damage
 - Every damage may not be recognizes as a legal injury
 - None of the above
62. The maxim Volenti non fit injuria implies that:
- Voluntarily assumed risk of injury is not actionable
 - Knowledge of risk of injury would be treated as assumption of the risk
 - Risk assumed due to economic constrains exempts actionability
 - Minors are not fit to consent to injuries
63. What is the basis of a 'Duty' for Tort of Negligence:
- Contractual relationship between parties
 - Forseeability of a reasonable man
 - Principle of equity
 - Morality of the enterprise
64. Rule laid down in Rylands v Fletcher is known as:
- Absolute liability rule
 - Scienter action rule
 - Strict liability rule
 - Fault liability rule
65. A master's liability for the wrongs committed by the servant is known as:
- Joint liability
 - Vicarious liability
 - Concurrent liability
 - Direct and personal liability
66. The Government liability for torts is considerably hedged by:
- Act of State defence
 - Sovereign Immunity defence
 - Statutory Authority defence
 - Common employment defence

67. Kasturi Lal Ralia Ram Jain case relates to:
- The State cannot plead sovereign immunity for wrongs against its own citizens
 - State can successfully plead sovereign immunity in respect of safe custody of gold confiscated during arrest of a bullion trader
 - The act of security of confiscated gold is a non-sovereign function
 - None of the above
68. Why most of the cases of Tort actions against doctors and medical clinics' negligence tend to ultimately fail in the Courts in India, because:
- The Supreme Court is not inclined to subject doctors to a higher duty of care to the patients
 - The patients are themselves guilty of contributory negligence
 - The patient by submitting to the treatment by doctors voluntary assumes the risk of injury
 - Doctors are poor and resourceless as compared to the patients
69. What is the reason for larger number of cases relating to Tort of Malicious Prosecution and Defamation:
- People in India care more for reputation and fair name
 - Because such litigations are easy to pursue
 - Because negligent invasion of property and bodily interest relates to lower interests
 - None of the above
70. The most effective outcome of Tort action is:
- The theoretical rationalizations of respective Torts
 - The elaborate list of justifications for injuries
 - The detailed working of quantum of compensation for the harms suffered
 - None of the above
71. The manufacturer's liability principle was laid down in:
- Donoghue v Stevenson (1932)
 - Grant v Australian Knitting Wool Co (1936)
 - Dorset Yacht case (1968) H.L.
 - In re Polemis case (1921) AC
72. The Supreme Court ruling in Sri Ram Chemical Case (1978) is famous for laying down the:
- Strict liability rule
 - Absolute liability rule
 - Vicarious liability rule
 - No fault liability rule
73. The careless operations of railways that led to fire in the bogie standing in the platform had attracted a few public spirited rescuers standing in the platform to rush in to extinguish the fire. In the course of rescue operation a rescuer was gravely injured. Can he bring tort action against the railways:
- No, because his injuries were voluntarily assumed by him
 - Yes, because the dangerous situation by railways' carelessness had invited the rescuers
 - No, the railway had a team of expert rescuers who would have acted in any case
 - None of the above

74. "A" had constructed a temporary structure on a land belonging to the Municipal Corporation in which he ran a flourishing restaurant that was frequented by elites of the town. The Municipal Corporation constructed a huge Public Toilet in the plot adjoining A's famous restaurant. Does A have any remedy under Tort Law:
- He has no remedy because he did not own the plot
 - He has remedy to get the Municipal Corporation's action stopped as it constituted a nuisance
 - He had the freedom to hedge the restaurant by putting up screens and boards
 - None of the above
75. The House of Lords ruling in Bolam Case (1956) has laid down law relating to:
- Occupiers liability
 - Medical Negligence liability
 - Strict Liability
 - None of the above
76. A plaintiff in a tort action seeks
- Liquidated damages
 - Unliquidated damages
 - Damages by way of 'Fine'
 - Punishment for the wrongdoer
77. The House of Lords ruling in Boulton v. Stone (1951) is known for:
- Liability of experts
 - Liability for dangerous instrumentality
 - Remoteness of consequences
 - Punishment for the wrongdoer
78. Actio Personalia moritur cum persona maxim means:
- Extinction of liability by death
 - Death as an injury subject to compensatory remedy
 - Death creates liability in favour of near and dear ones
 - None of the above
79. The very fact that Tort law provides remedy for intentional 'faulty-full' and 'fault less' invasions of bodily and property interest means:
- According protection to victim against all kinds of invasion of interest
 - Subjecting all categories of violators to liability
 - Ensuring uniform accountability for sub standard behavior
 - Creating liability only for blameworthy wrongdoers
80. Rule of res ipsa loquitur relates to Tort of:
- Negligence
 - Liability for hazardous activities
 - Action for Defamation
 - Contributory Negligence

LEGAL THEORY

81. According to Hart, law is the union of primary and secondary rules. Which one of the following is not one of the secondary rules?
- Rules of recognition
 - Rules of change
 - Rules of adjudication
 - Rules of interpretation

94. "The idea of obligation lies is at the heart of a rule and people obey law due to a sense of obligation and not because of a habit of obedience". Who among the following is well-known for this statement?
- a) Salmond b) Chipman Gray c) Hart d) Hans Kelsen
95. Who wrote Taking Rights Seriously?
- a) Fuller b) Ronald Dworkin c) Joseph Raz d) Dennis Lloyd
96. Who has defined jurisprudence as lawyer's extroversion?
- a) Friedman b) RWM Dias c) Julius Stone d) Ronald Dworkin
97. Who held the view that custom is not a source of law unless it has received judicial recognition or it has been embodied in a statute?
- a) Austin b) Savigny c) Kohler d) Puchta
98. In which country the courts are not bound by the decisions of superior courts?
- a) France b) United States c) Canada d) Australia
99. The ownership of copyright is called:
- a) corporeal ownership b) incorporeal ownership
c) beneficial ownership d) absolute ownership
100. Which of the following is not an essential element of a State?
- a) Territory b) Population c) Sovereignty d) Democracy

Common Law Admission Test - 2012

POST-GRADUATE ADMISSIONS

Time: 3 p.m. to 5 p.m. (2 hours)

Maximum Marks: 200

Roll Number:

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INSTRUCTIONS TO CANDIDATES (PG)

1. Before using the test booklet and OMR answer sheet check them for any defect like misprint, fudging of print, missing pages/questions/circles etc. and ask for a replacement.
2. No second copy of test booklet or OMR answer sheet shall be provided except in a situation mentioned under instruction as given above.
3. Enter you Roll Number and Test Booklet Number in the space provided on OMR answer sheet with **Ball Point Pen** and shade the relevant circles with **HB Pencil** only.
4. Part-A contains 100 multiple-choice type questions. Each question carries **one mark**. Each question has four choices of answer. Select the most appropriate answer and shade the corresponding circle in the OMR sheet with **HB Pencil** only. If more than one oval is shaded, the answer shall be deemed as wrong. There is **no negative marking** for wrong answers.
5. There are ten short-answer questions of 10 marks each in **Part-B**. The candidates are required to write answers to these with **ball point pen** only within the space provided in the booklet. No extra sheet or blank paper will be provided to any candidate for writing the short answers.
6. Specific instructions are given at the beginning of each question or a set of questions. Read them carefully before answering.
7. Possession of any kind of electronic gadget in the examination hall is strictly prohibited. Possession and/or use of any such gadget shall disqualify the candidate.
8. In case of any malpractice or attempt to resort to any malpractice, which includes talking to neighbours, copying or using unfair means etc., the Centre Superintendent shall seize the material, if any and expel the candidate.
9. The total number of pages in the test Booklet is 32 including blank pages for rough work.
10. First bell will be rung 20 minutes before the commencement of the test. As soon as the first bell rings the candidate shall write his/her roll no. at places prescribed, which shall be checked and signed by the invigilator on duty. 2nd bell at 3 pm will indicate the commencement of the test. A one hour bell will go off at 4 pm. The 4th bell will be rung 10 minutes before the end of the test. A 5th long bell will indicate the end of test at 5 pm.
11. No candidate shall be permitted to leave the Examination Hall before 5 pm.

Signature of Centre Superintendent

For Office Use only

(For evaluation of Part-B)

Q.No.	Marks secured (out of 10)
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
Total (out of 100)	

PART-A

1. The first session of the Lok Sabha was held in the year-
(A) 1952
(B) 1962
(C) 1950
(D) 1956
2. Which one out of the following combinations is correct
(A) B.R. Ambedkar : President of Constituent Assembly
(B) Rajendra Prasad : Nominated president of the Constituent Assembly
(C) G.V. Mavalankar : First speaker of the Lok Sabha
(D) Jawaharlal Nehru : First leader of the opposition in Lok Sabha
3. Indian Constitution was framed by -
(A) British Parliament
(B) National Congress
(C) Constituent Assembly
(D) Lok Sabha and Rajya Sabha
4. When a contract provides for a specified sum in case of breach
(A) it prescribes the maximum liability
(B) it prescribes the maximum limit of liability
(C) it prescribes neither the maximum nor the maximum extent liability
(D) none of the above
5. As per Article 19 (1) (a) of the Constitution of India, all citizens shall have the right-
(A) To Freedom of speech and expression
(B) To Equality before law
(C) To protection with respect to conviction under ex-post-facto laws
(D) To Protection of life and liberty
6. As per which provision of the Constitution of India, shall it be the duty of every citizen of India to abide by, the Constitution and respect its ideals and institutions, the National Flag and the National Anthem?
(A) Art 35
(B) Art 50
(C) Art 51A
(D) Art 52
7. Right to Constitutional Remedies is given under -
(A) Art 20
(B) Art 28
(C) Art 30
(D) Art 32
8. Swaran Singh committee recommendations resulted in formulation of-
(A) Directive Principles of State policy
(B) Minorities
(C) Fundamental Rights
(D) Fundamental Duties
9. Which is the largest committee in the Indian Parliament?
(A) Public Accounts Committee
(B) The Estimates Committee
(C) The Committee on public Undertakings
(D) The Rule Committee

10. In matters related to amendment of the Constitution, the Rajya Sabha -
 - (A) Enjoys equal power with Lok Sabha
 - (B) Enjoys exclusive power to initiate certain types of amendments
 - (C) Does not enjoy any powers
 - (D) Is associated with only certain types of amendment
11. If a Member of Parliament remains absent without notice for 60 days then -
 - (A) Nothing happens
 - (B) His seat may be declared vacant
 - (C) He has to re-apply for membership
 - (D) The speaker seeks an explanation from him
12. The provision of no-confidence motion is also called -
 - (A) Question hour
 - (B) Adjournment motion
 - (C) Censure motion
 - (D) None of the above
13. Which of the following motions cannot be moved in Rajya Sabha
 - (A) Censure motion
 - (B) Adjournment motion
 - (C) No-day yet named motion
 - (D) No-confidence motion
14. As per Art.75 (3) of the Constitution of India, the Council of Ministers shall be Collectively responsible to
 - (A) the House of the People
 - (B) the Council of States
 - (C) the President
 - (D) the Vice-President
15. Who is authorized to decide a dispute regarding the disqualification of members of Parliament ?
 - (A) The President
 - (B) Supreme Court
 - (C) Election Commission
 - (D) President in consultation with the Election Commission
16. Freedom of speech for members of Parliament has been specifically provided for under which Article of the Constitution of India?
 - (A) Art 105
 - (B) Art 19
 - (C) Art 19 (7)
 - (D) Art 104
17. Under the Constitution of India. The President -
 - (A) is eligible for re-election
 - (B) is not eligible for re-election
 - (C) there is no such provision
 - (D) none of the above
18. A candidate for the office of the President of India must be proposed by -
 - (A) At least 50 electors
 - (B) At least 200 electors
 - (C) At least 100 electors
 - (D) At least 150 electors

19. The President of India is elected by -
(A) All the members of Parliament
(B) All elected members of Parliament
(C) All the elected members of Parliament and the elected members of Legislative Assemblies of the States
(D) All members of Rajya Sabha
20. The Vice-President can be removed from his office before expiry of his term by the -
(A) President
(B) Members of the Council of States and agreed by the House of the People
(C) Member of the Rajya Sabha
(D) The Supreme Court
21. What is the meaning of 'lex loci'?
(A) the law of the land
(B) Sovereignty is essential for enacting laws
(C) Law of land is supreme
(D) Crown has supreme authority
22. Lord Cornwallis introduced the 'Cornwallis Code' in 1773. What is the true effect of this code?
(A) The Collector was to collect the Revenue
(B) The magisterial powers for the collection of revenue were taken away
(C) The court fees was abolished
(D) All the above
23. The system of 'double government' was declared by the
(A) Charter Act of 1813
(B) Charter Act of 1833
(C) Act of 1858
(D) Act of 1909
24. The Indian Constitution has borrowed the idea of the Preamble to the Constitution from the-
(A) Italian Constitution
(B) Canadian Constitution
(C) French Constitution
(D) Constitution of the USA
25. Which one of the following aimed at providing a federal structure for India?
(A) Indian Council Act, 1909
(B) Montague-Chelmsford Reforms Act. 1919
(C) Charter Act, 1831
(D) Government of India Act, 1935
26. 'Lex iniusta non est lex' has which of the following meanings?
(A) The law is not valid unless it is formally enacted
(B) Law has lexical priority over morality
(C) An unjust law is not a law
(D) No-one is above the law
27. Cicero's conception of natural law is based on the idea that 'true law is right reason in agreement with Nature.' Reason is a key element because:
(A) It is a sin for humans not to apply reason
(B) The principles of natural law are discoverable by reason
(C) Natural law does not apply without good reason
(D) The law of nature is the basis of all positive law

28. According to Hobbes, peace is the first law of nature because of which of the following situation?
(A) Without peace everyone has a right to everything including another's life
(B) Peace is possible only after war
(C) Law cannot achieve peace
(D) Social contract cannot be entered into unless there is peace
29. Which statement is close to characterizing the principal difference between the positions adopted by Hobbes and Locke?
(A) They adopt different attitudes towards the role of the courts in maintaining order
(B) They disagree about the role of law in society
(C) They have opposing views about the nature of contractual obligations
(D) They differ in respect of their account of life before the social contract
30. Hume's attack on natural law is founded on his argument that:
(A) We cannot objectively know what is morally right or wrong
(B) Natural law is backward looking
(C) There is no such thing as a social contract
(D) Natural law fails to protect the state against attacks
31. Which of the factors below contributed significantly to the revival of natural law in 20th century?
(A) The Depression of the 1930s
(B) The rise of Fascism
(C) The international recognition of Human Rights after World War II
(D) The Bolshevik revolution
32. On what grounds does John Finnis reject Hume's conception of practical reason?
(A) That natural law corresponds to positive law
(B) That Hume is a legal positivist
(C) That syllogistic logic is false
(D) That human reason can help us to determine what constitutes a worthwhile life
33. Which of the following most accurately describes Hart's response to Fuller's argument concerning the invalidity of Nazi law?
(A) The Nazi law in question was validly enacted
(B) The court misunderstood the legislation
(C) Fuller misconstrued the purpose of the law
(D) The Nazi rule of recognition was unclear
34. Which of the following statements best captures the nature of Fuller's 'inner morality of law'?
(A) A positivist view of law
(B) A morality of aspiration
(C) An Aquinian concept of natural law
(D) A rejection of the 'harm principle'
35. Which proposition below may be characterized as the most powerful refutation of Lord Devlin's argument by Hart?
(A) Society has no right to preserve its moral and social cohesion through the criminal law
(B) Homosexual acts cause public outrage
(C) The courts are the best place to resolve moral questions such as those concerning homosexuality and prostitution
(D) The law is anachronistic

36. The United States Supreme Court's decision in *Roe v. Wade* is highly controversial because:
- (A) It failed to consider the rights of fathers
 - (B) It overlooked the common law relating to abortion
 - (C) The majority held that the abortion law of Texas was unconstitutional because it violated a woman's right to privacy,
 - (D) The courts failed to consider the medical evidence
37. Which statement best describes the relationship between law and morality among non-positivist legal theorists?
- (A) There is no relationship between law and morality
 - (B) Law is always in advance of moral ideas
 - (C) The law is inextricably bound up with morals
 - (D) Morality is generally in advance of the law
38. Which statement below is the least consistent with the argument that judges in an unjust legal system ought to resign?
- (A) Judges are under a duty to act justly
 - (B) Since they also prop up the unjust system, lawyers should also resign
 - (C) If a moral judge resigns; he or she may be replaced by a less moral judge
 - (D) Judges do not make the law hence they cannot be held responsible for applying unjust legislation
39. As per Hohfeld's scheme of 'jural relations' which of the following are not Jural Correlatives -
- (A) Right and duty
 - (B) Privilege and no-right
 - (C) Power and liability,
 - (D) Immunity and disability
40. The Will Theory of Rights maintains that the enforcement of Y's duty requires the exercise of will by X. It assumes the correlativity of rights and duties. Which of the following succeeds in formulating the interest theory without this correlativity?
- (A) Regarding X's interest as directly related to Y's duty
 - (B) Accepting that conferring right means that the interest represented by that right ought to be recognized
 - (C) Treating an interest as the exercise of choice
 - (D) Asserting that X has a right whenever the protection of his interest is recognized as a reason for imposing duties - only when they are actually imposed
41. Which of the following is the strongest argument against ethical relativism's hostility to human rights?
- (A) Utilitarianism
 - (B) Communitarianism
 - (C) Cognitivism
 - (D) Positivism
42. Who defined jurisprudence as "the knowledge of things divine and human, the science of just and unjust"?
- (A) Salmond
 - (B) Ulpian
 - (C) John Austin
 - (D) Holland
43. Which proposition below is the most inconsistent with Mill's statement that *any suppression of speech is an assumption of infallibility and that only by the unrestricted circulation of ideas can the truth be discovered?*

- (A) Freedom of speech is a social good
 (B) Truth is an objectively ascertainable value
 (C) Reason generally prevails
 (D) Speech may be suppressed only when it is immoral
44. Which proposition below is the most powerful refutation of Bentham's felicific calculus?
 (A) Happiness is less important than economic prosperity
 (B) It is impossible to calculate all the consequences of one's acts
 (C) Pain and pleasure are inevitable features of life
 (D) Utilitarianism fails to take account of differences in social background
45. Posner's economic analysis of law is roundly attacked by Dworkin who says that the theory 'has not achieved the beginning of a beginning.' What is the basis of this criticism?
 (A) Posner's approach fails to offer a means by which to calculate individual prosperity
 (B) It neglects the importance of individual choice
 (C) It regards wealth as a value, which it is not
 (D) The theory is economically unsound
46. Consider the following statements:
 I Truth is not a justification for seditious utterances.
 II Truth which does not have some effect of promoting disaffection towards the government is a justification.
 Which of the statements given above is/are correct?
 (A) I only
 (B) II only
 (C) Both I and II
 (D) Neither I nor II
47. A person can be arrested without warrant
 (A) for securing attendance of accused at trial
 (B) as a preventive or precautionary measure
 (C) for obtaining the correct name and address
 (D) all the above
48. Anything is said to have been done dishonestly if it has been done with intention to
 I cause wrongful loss to any person or wrongful gain to any person.
 II cause injury to any Person.
 Which of the choices given above is/are correct?
 (A) I only,
 (B) II only
 (C) Both I and II
 (D) Neither I nor II
49. Which one of the following statements is correct?
 The general defenses provided under General Exceptions in the Indian Penal Code (IPC) can be pleaded
 (A) for IPC offences only
 (B) for IPC offences and offences under local law only
 (C) for IPC offences and offences under special law only
 (D) for IPC offences and offences under local or special law
50. Which of the following is/are the essential elements to be proved for prosecuting a public servant for criminal misappropriation?
 I Custody
 II Entrustment

Select the correct answer from the options given below:

- (A) I only
- (B) II only
- (C) Both I and II
- (D) Neither I nor II

51. Whether articles supplied to the 'necessaries' as required under Sec.68 of the Indian Contract Act, 1872 is-
- (A) a question of law?
 - (B) a question of fact?
 - (C) mixed question of law?
 - (D) decided solely at the discretion of the guardian?
52. 'Y' enters into a bet with 'Z', 'Y' promises that he will pay Rs. 50,000/- to, 'Z' if Australia defeats India in a one day international being played at Delhi. 'Z' in turn promises to pay Rs. 50,000/- to 'Y' if India defeats Australia. India defeats Australia and 'Z' instead of paying the amount to 'Y' executes a promissory note in favour of 'Y', promising that he will pay money on or before a specified date. No witness attests the promissory note. The promissory note is not registered, 'Z' fails to pay within the stipulated time. On the basis of the above mentioned facts, which one of the following is the correct answer as per the Indian law?
- (A) The promissory note has no validity in the eye of law because it is not attested
 - (B) The promissory note has no validity in the eye of law because it is not registered
 - (C) The promissory note has no validity in the eye of law because it is for debt due on wagering contract
 - (D) The promissory note has no validity in the eye of law because betting should involve only cash transactions
53. Which one of the following statements is correct with regard to a contract for sale of immovable property?
- (A) Time is always the essence of the contract
 - (B) Time is never the essence of the contract
 - (C) Time would not be regarded as the essence of the contract unless it is shown that the parties intended so
 - (D) Since it is a sale of immovable property, even parties cannot intend to make time the essence of the contract
54. Choose the most appropriate answer to complete the statement-
Doctrine of frustration comes into play
- (A) when both the parties are frustrated
 - (B) when either of the parties is frustrated
 - (C) when the object has failed
 - (D) when there is commercial hardship
55. Consider the following statements:
I In case of a concluded contract and completed transfer, the Doctrine of frustration is not applicable when the rights and obligations of the parties arise under the Transfer of Property Act, 1882.
II If and when there is frustration of a contract, the contract automatically comes to an end.
Which of the statements given above is/are correct?
- (A) I only
 - (B) II only
 - (C) Both I and II
 - (D) Neither I nor II

56. Choose the most appropriate answer to complete the statement-
When consent to an agreement is caused by fraud, then in accordance with the Indian Contract Act, 1872
(A) the agreement is *void ab initio*
(B) the agreement is a contract voidable from inception
(C) the agreement is a contract voidable by subsequent events
(D) the agreement is a contract and is valid
57. Where the tender of 'performance is rejected by the other party
I the promisor has to still perform the contract but can claim damages.
II the promisor is excused from further performance and is entitled to sue the promisee for breach of contract.
Which of the choices given above is/are correct?
(A) I only
(B) II only
(C) Both I and II
(D) Neither I nor II
58. As per Lord Mansfield quasi contractual obligations are based on which of the following theories as explained by him in *Moses v. Macferlan*
(A) implied term
(B) just and reasonable solution
(C) implied-in-fact contract
(D) unjust enrichment
59. Assertion (A): If X does work for Y without his request or knowledge, he can sue for the value of his work.
Reason (R): Acquiescence can be presumed from silence
You are to examine the two statements above carefully and select the correct answer.
(A) Both A and R are individually true and R is the correct explanation of A
(B) Both A and R are individually 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
60. Choose the most appropriate answer to complete the statement-
An agreement to which the consent of the promisee is freely given, is not void merely because the
(A) consideration is not there
(B) consideration is not adequate
(C) consideration is past
(D) consideration is not spelt out clearly
61. Consider the following statements:
I Two manifestations of willingness to make the same bargain do not constitute a contract.
II Contractual obligations arise if services are rendered which in fact. Fulfill the terms of an offer but are performed in ignorance that the offer exists.
Which of the statements given above is/are correct?
(A) I only
(B) II only
(C) Both I and II
(D) Neither I nor II
62. Match List-I with List-II and select the correct answer by using the codes given below the lists:
- | List I | List II |
|-------------------------------------|--|
| W. Lalman Shukla v. Gauri Dutt | i. Privity of contract |
| X. McPherson v. Appana | ii. General offer |
| Y. Banwari Lal v. Sukhdarshan Dayal | iii. Invitation to treat |
| Z. M.C.Chacko v. Bank of Travancore | iv. Intention to create legal relationship |

Codes:

- | | W | X | Y | Z |
|-----|----|-----|-----|----|
| (A) | i | iv | iii | ii |
| (B) | ii | iii | iv | i |
| (C) | i | iii | iv | ii |
| (D) | ii | iv | iii | i |

63. Consider the following statements:
In *Bhagwandas Goverdhandas Kedia v. Girdharilal Parshottamdas and Co.*, it was laid down that-
- I. Section 4 of the Indian Contract Act, 1872 does not imply that the contract is made qua the proposer at one place and qua the acceptor at another place.
II. the communication of acceptance should be from a person who has the authority to accept. Information received from an unauthorized person is ineffective.
Which of the statements given above is/are correct?
(A) I only
(B) II only
(C) Both I and II
(D) Neither I nor II
64. Promissory estoppel is
(A) a variant of deception
(B) not a form of contract
(C) an equitable doctrine
(D) a type of offer
65. Consider the following statements:
I Misrepresentation is also a subtle species of fraud,
II Section 56 of the Indian Contract Act, 1872 does not leave the matter to be determined according to the intention of the parties.
Which of the statements given above is/are correct?
(A) I only
(B) II only
(C) Both I and II
(D) Neither I nor II
66. X, a public servant is authorized by warrant from court of justice to apprehend Z. W knowing that fact and also that Y is not Z. willfully represents to X that Y is Z and thereby intentionally causes X to apprehend Y. As per the Indian Penal Code, 1860 how does W abet the apprehension of Y?
(A) By instigation
(B) By conspiracy
(C) By aiding
(D) By supporting
67. Consider the following statements:
To constitute abetment it is
I. necessary that the act abetted must be committed.
II. not necessary that the act abetted must be committed.
III. necessary that the person abetted must have the same intention or knowledge as that of the abettor.
Which of the statement given above represent(s) the correct position of law?
(A) II only
(B) II and III
(C) I only
(D) III only

68. P instigates Q to cause the death of R, P gives a gun to Q to shoot R, Q shoots at R in the presence of P causing R's death.
Which one of the following statement is correct as per the provisions of the IPC?
(A) Both P and Q are liable for criminal conspiracy
(B) Both P and Q are liable for the murder of R
(C) Only Q is liable for murder, P is only an abettor
(D) Only P is liable for criminal conspiracy, Q is not liable for any offence
69. What is the basic difference between an offence of abetment by conspiracy and the offence of criminal conspiracy?
(A) In case of criminal conspiracy, mere agreement is enough whereas in case of abetment by conspiracy an act should have taken place in pursuance of conspiracy
(B) There is no difference at all
(C) In case of criminal conspiracy, an act should also have taken place, but in case of abetment by conspiracy, no act needs to have taken place
(D) In case of abetment by conspiracy, there need not be an agreement whereas in case of criminal conspiracy, agreement is essential
70. 'X' & 'Y' go to murder 'Z'. 'X' stood on guard with a spear in hand but did not hit 'Z' at all. 'Y' killed 'Z'. As per the IPC-
(A) only 'Y' is liable for murder of 'Z'
(B) 'X' and 'Y' are both liable for murder of 'Z'
(C) 'X' is not liable as he did not perform any overt act
(D) both (A) and (C).
71. Five persons attempted to take away the wife of one of them from her brother's home. In scuffle with his brother-in-law, the husband shot him dead.
Which one of the following is correct, as per the provisions of IPC?
(A) All are liable for murder because they had common intention to commit murder
(B) All are not liable for murder because they had no common intention
(C) All are liable for murder because they had common object
(D) All are not liable for murder as they had no common object
72. What is the basic difference between Section 34 and Section 149 of IPC?
(A) Section 34 creates a principle of joint liability and does not create a specific offence. Section 149 creates a specific offence
(B) Section 149 does not create a specific offence but Section 34 creates a specific offence
(C) Both create specific offences but the principle of joint liability is created only by Section 34
(D) Both create specific offences but the principle of joint liability is created only by Section 149
73. As per the IPC, *illegal* signifies
(A) everything which is an offence
(B) everything which is prohibited by law
(C) everything which furnishes ground for civil action
(D) all the above
74. As per the IPC, in case of an offence punishable with fine only, imprisonment for non-payment of fine
(A) has to be rigorous
(B) has to be simple
(C) can be rigorous or simple
(D) can be partly rigorous or partly simple

75. Section 73 of IPC provides for the maximum limit of solitary confinement to be
(A) one year
(B) two years
(C) three months
(D) six months
76. General exceptions are contained in
(A) chapter III of IPC
(B) chapter IV of IPC
(C) chapter V of IPC
(D) chapter VI of IPC
77. The maxim '*ignorantia juris non excusat*' means
(A) ignorance of law is no excuse
(B) ignorance of fact is no excuse
(C) ignorance of law is an excuse
(D) ignorance of fact is an excuse
78. The maxim '*actus non facit reum nisi mens sit rea*' means
(A) crime has to be coupled with guilty mind
(B) there can be no crime without a guilty mind
(C) crime is the result of guilty mind
(D) criminal mind leads to crime
79. Irresistible impulse is a defense
(A) in India
(B) in England
(C) in India and England both
(D) neither in India nor in England
80. A hangman who hangs the prisoners pursuant to the order of the court is exempt from criminal liability by virtue of
(A) section 77 of IPC
(B) section 78 of IPC
(C) section 79 of IPC
(D) section 76 of IPC
81. Tort is basically a species of
(A) criminal injury or wrong
(B) substantial injury or wrong
(C) civil injury or civil wrong
(D) none of the above
82. The definition of tort is contained in
(A) The General Clauses Act, 1897
(B) The Limitation Act, 1963
(C) The Indian Courts Act, 1872
(D) The Indian Penal Code, 1860
83. Tort is redressible by an action
(A) for restoration of original position
(B) for unliquidated damages
(C) for liquidated damages
(D) all the above

84. The principle of privity of contract was held as not applicable in an action for tort in
 (A) Winterbottom v. Wright, (1842)10 M&W 109
 (B) Donoghue v. Stevenson, (1932) AC 562
 (C) Grant v. Australian Knitting Mills Ltd. (1936) AC 85
 (D) Ashby v. White, (1703) 2 Ld Raym 938
85. The principle of '*ubi jus ibi remedium*' was recognized in
 (A) Winterbottom v. Wright
 (B) Champman v. Pickersgill
 (C) Ashby v. White
 (D) Rylands v. Fletcher
86. The maxim *injuria sine damno* means
 (A) violation of a legal right without any damage
 (B) violation of a legal right with damage
 (C) damage without violation of legal right
 (D) no damage & no violation of legal right
87. Under the Law of torts, malice means
 (A) a willful act done without just cause or excuse, known as malice in law
 (B) a willful act done with evil motive, known as malice in fact
 (C) both (A) & (B)
 (D) neither (A) nor (B)
88. 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
89. An act done as Act of State has to be justified on the ground of
 (A) positive law of the land
 (B) political expediency both
 (C) positive law & political expediency both
 (D) none of the above
90. Public nuisance is
 (A) an offence
 (B) is a civil wrong
 (C) both (A) & (B)
 (D) either (A) or (B)
91. Goods displayed in a shop with a price tag is an
 (A) an offer
 (B) an invitation to offer
 (C) a counter offer
 (D) a promise
92. A promisor can perform
 (A) the promise himself
 (B) the promise through his representative competent to perform
 (C) the promise through his representative irrespective of the competency of that representative
 (D) both (A) & (B)

93. As per the Indian Contract Act, 1872 if the time of performance of the contract is the essence of the contract and the promisor fails to perform the contract by the specified time then
(A) the contract becomes void
(B) the contract remains valid
(C) the contract becomes voidable at the option of the promisee
(D) the contract becomes unenforceable
94. The reasonable time for performance of a contract -
(A) is a question of fact
(B) is a question of law
(C) is a mixed question of fact & law
(D) is a question of prudence
95. An acceptance on telephone should be
(A) audible to the offeror
(B) heard by the offerer
(C) understood by the offerer
(D) all the above
96. A contract is not frustrated
(A) by commercial impossibility
(B) by imposition of government restrictions or orders
(C) by destruction of subject matter contract
(D) all the above
97. The Constituent Assembly which framed the Constitution of independent India was set up under-
(A) Cripps Mission Plan
(B) Cabinet Mission Plan
(C) Wavell Plan
(D) None of above
98. The doctrine of impossibility of performance rendering contracts void is based on
(A) implied term
(B) just & reasonable solution
(C) supervening impossibility
(D) unjust enrichment
99. Surety is a person
(A) in respect of whose default the guarantee is given
(B) who gives the guarantee
(C) to whom the guarantee is given
(D) none of the above
100. A Contract cannot be said to be void on ground of
(A) over consideration
(B) inadequacy of consideration
(C) over consideration or inadequacy of consideration
(D) neither (A) nor (B)

PART-B

Note:- This part contains ten short-answer questions which must be answered within the space provided here, with Ball point pen only.

No extra sheet or blank paper would be supplied to any candidate for writing the short answers.

Critically comment upon the following using the space given there under. Do not exceed the space limit or overwrite

1. The Constitution is a compromise document.

2. Application of Common law in India.

3. The concept of property and IPR

4. Territorial Sea

5. The concept of 'Domicile'

6. Role of Government in legal education.

7. Judicial Independence.

8. Dowry deaths.

9. Sovereign Immunity.

10. Protection against double jeopardy in India.

ROUGH WORK

Common Law Admission Test(CLAT) -2013

POST-GRADUATE COURSES

PG - 4

Question Booklet No. **50001**

OMR Answer Sheet Number

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(To be filled by the Candidate)

Signature of the Invigilator

Name of the Invigilator.

Roll Number

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(To be filled by the Candidate)

Question Booklet Series: **A**

Time: Two Hours

Maximum Marks: 150

Number of pages in this Booklet: 11

Number of Questions in this Booklet: 50 + 4 = 54

INSTRUCTIONS TO THE CANDIDATES

- The Question Booklets will be distributed ten minutes before the commencement of the test.
- After commencement of the test, during the first five minutes, you are required to open the question booklet and compulsorily examine it for defects, if any, as stated below:
 - To have access inside the Question Booklet, tear off the paper seal on the edge of this cover page. Do not accept a booklet if it is opened or without sticker-seal.
 - Tally the number of pages and number of questions in the question booklet with the information printed on the cover page. **Faulty booklets with missing pages/ questions, misprint, fudging of print or duplication of pages or any other discrepancy should immediately be brought to the notice of the invigilator(s) and replaced by the same series correct question booklet within first five minutes of the commencement of the test. Afterwards, the question booklet will not be replaced.**
 - Only after the verification of question booklet, enter your Roll Number, Question Booklet Number and Question Booklet Series in the space provided on OMR Answer Sheet with **Ball Point Pen** and shade the relevant circles with **HB Pencil** only.
- The Question Booklet comprises of *two* parts, i.e. **Part - A** and **Part - B**.
 - Part - A** contains 50 objective type multiple-choice questions carrying one mark each. Each question has four choices of answers. Select the most appropriate answer and shade the corresponding circle in the OMR Answer Sheet with **HB Pencil** only. If more than one circle is shaded, then the answer to that question shall be deemed as wrong. **There is negative marking for wrong answers to the objective type multiple choice questions wherein 0.25 mark will be deducted for each of the wrong answers.**
 - Part-B** contains four long essay type descriptive questions of 25 marks each. The answers to these questions are to be written with Blue or Black ball point pen only within the space provided in the booklet. No extra sheet or blank paper will be provided to any candidate for writing the long essay type descriptive answers.
- Specific instructions are given at the beginning of each question or a set of questions. Read them carefully before answering.
- Possession of any kind of electronic gadget inside the examination hall is strictly prohibited. Possession and/or use of any such gadget shall disqualify the candidate from appearing in the test.
- In case of any malpractice or attempt to resort to any malpractice, which includes talking to neighbours, copying or using unfair means etc., the Invigilator/Centre Superintendent shall seize the material, if any, and expel the candidate from the examination hall.
- The first bell will ring 10 minutes before the commencement of the test. As soon as the first bell rings the invigilator(s) will distribute the OMR Answer Sheet and Question Booklet to the candidates. The second bell will ring at 3:00 p.m. which indicates the commencement of the test. The third bell will ring at 4:00 pm. to indicate the completion of one hour of test. The fourth bell will be rung 10 minutes before the completion of the test. The fifth and final long bell will ring at 5:00 p.m. to indicate the completion of the test.
- No candidate shall be permitted to leave the Examination Hall before 5:00 pm.**

9. You have to return the Question Booklet and OMR Answer Sheet to the invigilator(s) at the end of the test compulsorily and must not carry it with you outside the Examination Hall.
10. Rough Work is to be done in the end of this booklet.

For Office Use Only:

(For Evaluation of Part-B)

Question No.	Marks Secured
1	
2	
3	
4	
Total (Out of 100)	

Note: Each question carries 25 marks

Name and Signature of Evaluator(s)

PART-A

Note: This part contains fifty (50) multiple choice questions of one mark each. All questions are compulsory.

1. The Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 consists of total seventeen members. How many of them are official members?
 - A. Maximum five
 - B. Maximum three
 - C. Maximum two
 - D. Maximum seven
2. A letter of acceptance sent by post is lost in transit
 - A. There is a concluded contract as the letter of acceptance is put in the course of transmission
 - B. There is no concluded contract as the acceptance has not come to the knowledge of the proposer
 - C. There is no concluded contract as the acceptance has not been communicated to the proposer
 - D. All the above.
3. Which one of the following agreements is induced by undue influence?
 - A. A applies to banker for loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms
 - B. A, enfeebled by disease or age, is induced by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services
 - C. A, at the age of sixty-five years, executes a deed of gift in favour of his only grandson gifting him all his properties to the exclusion of his wife, sons and daughters
 - D. B, a rich man, donates all his properties to a charitable trust leaving nothing for himself and his family members
4. X hands over her expensive saree for cleaning to a dry cleaner who loses the same. X claims the total value of the saree. The dry cleaner refers to a clause printed in the contract receipt which states that the dry cleaner can be held liable for Rs.50 or 10% of the original value of the cloth only, whichever is less. Which one of the following propositions holds good to explain the correct position of law on the point?
 - A. The court generally does not entertain such frivolous cases.
 - B. The court will rely upon the clause in contract receipt and award only 10% of the cost of the saree (or Rs. 50 if it is less)
 - C. The court will award reasonable damages, ignoring the clause as unreasonable
 - D. None of the above
5. Which one of the following is prescribed by the maxim *ex nudo pacto non oritur actio*?
 - A. Doctrine of privity of contract

- B. Doctrine of consideration
 - C. Doctrine of implied term
 - D. None of the above
6. Under which of the following conditions, the right to claim damages in tort would arise?
- 1. Infringement of a legal right
 - 2. Legal damage
 - 3. Any damage
 - 4. Existence of a legal right

Select the correct answer using the code given below:

Code:

- A. 1 and 2
 - B. 1,2 and 4
 - C. 1, 3 and 4
 - D. 2 and 4
7. Match List-I with List-II and select the correct answer using the code given below the said Lists:

List I (case)	List II (Tort)
I. Donoghue vs Stevenson	1. Defamation
II. Cassidy vs Daily Mirror Newspaper	2. Joint tort feasons
III. Merryweather vs Nixon	3. Negligence
IV. Bird vs Jones	4.False imprisonment

Code:

	a	b	c	d
A.	4	1	2	3
B.	4	2	1	3
C.	3	2	1	4
D.	3	1	2	4

8. Which of the following statements are correct?
- 1. In tort, the duties are imposed by law whereas in contract, duties are undertaken by the parties themselves.
 - 2. In tort, the duty is towards the world at large but in contract, the duty is towards specific individual or individuals.
 - 3. In tort, damages are liquidated but in contract, the damages are unliquidated.
 - 4. In tort, a person may be liable for the wrongs committed by others also but in contract, the liability governs the parties to the contract only.

Select the correct answer using the code given below:

Code:

- A. 1, 2 and 4
 - B. 1, 2 and 3
 - C. 2 and 4
 - D. 1 and 4
9. For an action of nuisance, the following have been put up as defences:
1. The place is suitable for the purpose.
 2. It is for the benefit of the locality.
 3. It is done under statutory authority.
- Which of the defences given above is/are correct?
- A. 1, 2 and 3
 - B. 1 only
 - C. 2 and 3
 - D. 3 only
10. Which one of the following statements illustrates the principle of contributory negligence?
- A. The plaintiff by his own want of care contributes to the damage caused by the negligence or wrongful conduct of the defendant
 - B. To be guilty of contributory negligence, the plaintiff should have acted like a prudent man
 - C. A person who comes to court must come with clean hands
 - D. The plaintiff's negligence means breach of duty towards defendant
11. Which one of the following is not an essential element in a suit for damages for malicious prosecution?
- A. The plaintiff was prosecuted by the defendant
 - B. The proceedings terminated in favour of the defendant
 - C. The defendant acted maliciously and not with a mere intention of carrying the law into effect
 - D. The plaintiff suffered damage as a result of the prosecution
12. Under section 100 of the Indian Penal Code, 1860, the right of private defence of body extending to causing death is not available against an assault
- A. Causing apprehension of grievous hurt
 - B. With an intention of gratifying unnatural lust
 - C. With an intension of kidnapping or abducting
 - D. With an intention of robbery
13. 'A', a revenue officer, having dominion over public money by virtue of his office and is either directed by law, or bound by a contract, express or implied, with the government, to pay into a certain treasury all the public money which he holds. 'A' dishonestly appropriates the money. Which one of the following offences has 'A' committed under Indian Penal Code?
- A. Theft
 - B. Criminal breach of trust
 - C. Misappropriation of property
 - D. Robbery
14. Which of the following are theories of punishment?
1. Pure theory

2. Deterrent theory
3. Declaratory theory
4. Expiatory theory
5. Retributive theory

Select the correct answer using the code given below:

Code:

- A. 2 and 5
- B. 1, 2 and 3
- C. 2 and 4
- D. 2, 4 and 5

15. Locus poenitentiae test is applied to trace which one of the following?
 - A. Criminal misappropriation
 - B. Attempt
 - C. Sedition
 - D. Conspiracy
16. "When a state wants to delay the de jure recognition of any state, it may, in the first stage grant de facto recognition". Who said this?
 - A. Prof. L. Oppenheim
 - B. Prof. G. Schwarzenberger
 - C. Prof. Kelson
 - D. J. G. Starke
17. The Charter of the United Nations
 - A. enumerates human rights
 - B. imposes obligation of States to promote human rights
 - C. contains mechanisms to implement human rights
 - D. imposes obligation on States to protect human rights enumerated therein
18. Which one of the following has no *locus standi* to seek advisory opinion of the International Court of Justice on the issue of use of nuclear weapons by a state?
 - A. The General Assembly of the United Nations
 - B. The United Nations Security Council
 - C. State which is a member of the United Nations
 - D. The Human Rights Council after obtaining authorization of the General Assembly
19. *Pacta tertiis nec nocent nec prosunt* means
 - A. treaties do not impose obligations but confer rights on third state (not parties to the treaty)
 - B. treaties impose obligations and confer rights on third states
 - C. treaties impose obligations but do not confer rights on third states
 - D. treaties neither impose obligations nor confer rights on third states
20. Judicial decisions constitute
 - A. primary source of International law
 - B. subsidiary means for the determination of rules of law
 - C. Equitable principles
 - D. Merely moral principles
21. Under the Environment Protection Act, the term 'environment includes
 - A. Water, air and gas
 - B. Water, gas and land

- C. Water, air and land
 - D. None of the above
22. The absolute liability principle mainly focuses on which of the following?
- A. Doctrine of trust
 - B. Polluter pays principle
 - C. Intergenerational equality
 - D. None of the above.
23. The Brundtland report is mainly concerned with
- A. Population explosion
 - B. Forest conservation
 - C. Global warming
 - D. Sustainable development
24. In which of the following cases, the Supreme court applied the doctrine of public trust that the state as a trustee of all natural resources is under a legal duty to protect the natural resources. These natural resources are meant for public use and cannot be converted into private ownership?
- A. M.C. Mehta Vs. Kamal Nath and others.
 - B. M.C. Mehta Vs. Union of India (Ganga Water Pollution case)
 - C. M.C. Mehta Vs. Union of India (Replacing diesel vehicles by CNG vehicles)
 - D. Church of God (Full Gospel) in India Vs. KKR Majestic Colony Welfare Association.
25. Soil erosion is caused by
- A. acid rain
 - B. ozone depletion
 - C. deforestation
 - D. pollution
26. Rules relating to Sapinda relationship are based on the principle of
- A. Polygamy
 - B. Monogamy
 - C. Endogamy
 - D. Exogamy
27. A Muslim marriage takes place without fixation of dower. The marriage will be
- A. Sahih
 - B. Batil
 - C. Fasid
 - D. None of the above
28. Sources of Muslim law are :
- A. The Koran
 - B. The Ijmaa
 - C. The Hadis
 - D. The Kiyas

Indicate there correct sequence

- A. (a) (b) (d) and (c)
- B. (a) (c) (b) and (d)
- C. (a) (d) (c) and (b)

- D. None of the above
29. When two persons are descendents of a common ancestor but by different wives, they are said to be related to each other by:
- A. Full blood
 - B. Uterine blood
 - C. Half blood
 - D. None of the above
30. Marriage of a Sunni boy with Hindu girl in the Muslim form is
- A. A void marriage
 - B. A valid marriage
 - C. An irregular marriage
 - D. Void ab initio
31. Read the two statements. One is Assertion (A) and the other is Reason (R)
Assertion (A): A having a wife alive marries another wife. The marriage is void.
Reason (R): Monogamy is the rule
- Give correct answer from the following codes
- A. Both (A) and (R) are true
 - B. Both (A) and (R) are false
 - C. (A) is true but (R) is false
 - D. (A) is false but (R) is true
32. Industrial dispute does not mean and include
- A. dispute between employer and employees
 - B. dispute between employer and employees
 - C. dispute between a workman and his employer
 - D. dispute between employees and employees
33. Lay off means
- (A) dismissing a workman
 - (B) removing a workman
 - (C) retirement of a workman
 - (D) inability of employer to provide work to workman
34. The Supreme Court of India has awarded twenty lacs rupees as compensation in the case of “Bandh” calls given by political party/parties. Select the correct one from among the following:
- (A) Congress party
 - (B) Shiv Sena
 - (C) B.J.P., Shiv Sena
 - (D) Communist party of India
35. Which of the following evidence is generally not admissible in court of law?
- (A) Direct evidence
 - (B) Hearsay evidence
 - (C) Circumstantial evidence
 - (D) Oral evidence

36. A man was found in possession of stolen goods soon after the theft. In this case
- (A) Court may presume that he is a thief
 - (B) Court shall presume that he is a thief
 - (C) Court must regard that his guilt is conclusively proved
 - (D) Court shall presume that he is innocent
37. Doctrine of "Res Gestae" speaks of
- (A) Relevancy of Documentary Evidence
 - (B) Relevancy of Primary Evidence
 - (C) Relevancy of facts forming part of same transaction
 - (D) Relevancy of Judgments of Courts of Justice
38. "Nulla poena sine lege" means
- (A) A person convicted by the court may be punished, only in accordance with the law
 - (B) Agreements entered into should be fulfilled in good faith
 - (C) Original liability
 - (D) Individual criminal responsibility
39. In which of the following cases the Code of Civil Procedure (Amendment) Acts of 1999 and 2002 were held constitutionally valid
- A. T.K. Rangrajan vs. Govt. of Tamil Nadu
 - B. State of Punjab vs. Shiva Ram
 - C. Peoples Union for Civil Liberties vs. Union of India
 - D. Salem Bar Association vs. Union of India
40. Which one of the following is not a recognised mode of transfer of property under the Transfer of Property Act, 1882?
- A. Actionable claims
 - B. Exchanges
 - C. Will
 - D. Gifts
41. A fact is said to be _____, when it is neither proved nor disproved
- A. Proved
 - B. Disproved
 - C. Not proved
 - D. Quasi-Proved
42. According to Sec. 2 (45) of the Companies Act (as amended in 1974), a Company Secretary must possess the qualifications prescribed from time to time by the
- A. Company Law Board
 - B. Central Government
 - C. Registrar of Companies
 - D. Parliament
43. According to the Companies Act, 1956 the first annual general meeting of company must be held within
- A. One month from the date of its incorporation
 - B. Six months from the date of its incorporation
 - C. 12 months from the date of its incorporation
 - D. 18 months from the date of its incorporation

44. Pleadings under Civil Procedure Code, 1908 essentially means
- Written statement only
 - Plaint only
 - Plaint and Written statement
 - Plaint, Written Statement and replication
45. Judgment under Civil Procedure Code, 1908 essentially means
- a decree by a court
 - an order of a court
 - the statement given by the judge of the grounds of a decree or order
 - All of the above
46. Under Section 5 of the Transfer of Property Act, 1882 property may be transferred to a living person which includes
- A company
 - An association
 - Body of individuals
 - All the above
47. Sale is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised, this definition refers to
- Section 54 of the Transfer of Property Act, 1882
 - Section 54 of the Sale of Goods Act, 1930
 - Section 54 of the Indian Registration Act, 1908
 - None of the above
48. The relief provided under the Specific relief Act, 1963 is
- Mandatory
 - Discretionary
 - Specific
 - Pro rata
49. Which one of the following magistrate is authorized to decide maintenance under section 125 of the Code of Criminal Procedure, 1973
- Any Judicial Magistrate
 - Executive Magistrate
 - 1st class Magistrate
 - 2nd class Magistrate
50. Plea Bargaining has been included in the Code of Criminal Procedure through
- Criminal Procedure Code (Amendment) Act, 2005 (Act No. 25 of 2005)
 - Criminal Procedure Code (Amendment) Act, 2005 (Act No. 2 of 2006)
 - Criminal Procedure (Amendment) Act, 2006
 - Criminal Law (Amendment) Act, 2003

PART-B

Note: This section contains four long essay type descriptive questions of twenty five marks each, which must be answered with ball point pen (blue/black) only within the space provided therefor. No extra sheet will be provided to any candidate for writing the answers of these questions

Q1. Critically examine “the theory of balancing of Interest.”

Q2. Critically explain ‘Hart and Fuller debate’ on the relationship between Law and Morality.

Q3. Critically examine the role of the Indian Judiciary in recognising the right to clean environment as a fundamental right.

Q4. Critically examine the role of reservation policy adopted in India in achieving the goal of social justice.