

CLAT LLM - 2015

1. **'Jurisprudence is the scientific synthesis of the essential principles of law said**
 - A. Holland
 - B. Pound
 - C. C.K. Allen
 - D. Hiring
2. **Which of the following writers has divided jurisprudence into particular jurisprudence and general jurisprudence.**
 - A. Austin
 - B. Bentham
 - C. Holland
 - D. Salmond
3. **A comparative method of study in law was introduced by**
 - (a) Savigny
 - (b) Maine
 - (c) Hart
 - (d) Kelsen
4. **who said jurisprudence is the eye of law?**
 - (a) Maine
 - (b) Savigny
 - (c) Pound
 - (d) Laski
5. **In the dark ages, natural law was given a new interpretation by:**
 - (a) St. Augustine
 - (b) Thomas Aquinas
 - (c) Paul
 - (d) Ulpian
6. **who propounded the concept of Grundnorm**
 - (a) Roscoe Pound
 - (b) Hans Kelsen
 - (c) John Austin
 - (d) Hart
7. **Out of the following jurists, whose theory of law has earned the name of "natural law with a variable content"?**
 - (a) St. T. Aquinas
 - (b) John Locke
 - (c) R. Stammler
 - (d) J. Rawls
8. **That truth is right reason in agreement with nature was propagated by**
 - (a) Salmond
 - (b) Grotius
 - (c) Hart
 - (d) Cicero
9. **"A Theory of Justice" is the work of**
 - (a) Stammler

- (b) Rawls
 - (c) hall
 - (d) morris
- 10. Who says that "all positive law is an attempt at just law and justice is a harmony of wills or purposes within the framework of the social life. The harmony of will or purposes varies according to time and place."**
- (a) Stammler
 - (b) Rousseau
 - (c) Hobbes
 - (d) Aquinas
- 11. The state of nature was a golden age, only the property was insecure. It was for the purpose of protection of property that man entered into the social contract." It is said by**
- (a) Hobbes
 - (b) Locke
 - (c) Rousseau
 - (d) Plato
- 12. "Natural law is based on the nature of man and on his inward need of living in society". Who said it?**
- (a) Hugo Grotius
 - (b) Hobbes
 - (c) Locke
 - (d) Rousseau
- 13. Which one of the following schools gave birth to the concept of Human Rights?**
- (a) Historical School
 - (b) Natural Law School
 - (c) Realist School
 - (d) Sociological School
- 14. Which one of the following schools supports the view that a custom becomes law when it receives the stamp of judicial recognition by courts?**
- (a) Analytical School
 - (b) Natural Law School
 - (c) Historical School
 - (d) Sociological School
- 15. who categorized the subject of jurisprudence as expository jurisprudence and censorial jurisprudence:**
- (a) Holland
 - (b) Bentham
 - (c) Kelsen
 - (d) Paton
- 16. Who amongst the following said that a right with me is a child of law.... a natural right is a son that never had a father.**
- (a) Jeremy Valdon
 - (b) Jeremy Bentham
 - (c) Salmoncl

- (d) Paton
- 17. Kelsen's theory of law is called pure theory because Kelsen**
- (a) purely discussed jurisprudence only
 - (b) defined law in accordance with morality and purity
 - (c) separated law from religion, ethics, sociology and history
 - (d) discussed law purely in terms of justice
- 18. the expression to signify and assumption which conceals or affects to conceal the fact that a rule of law has undergone alteration, its letter being unchanged, its operation being modified is:**
- (a) legal fiction
 - (b) equity
 - (c) custom
 - (d) legislation
- 19. Social contract is not a historical fact Put a hypothetical construction of reason. Before this contract, man was happy and free and there was equality among men. "Who said it?"**
- (a) Plato
 - (b) Grotius
 - (c) Hobbes
 - (d) Rousseau
- 20. Criticizing Savigny's theory, who said that 'Savigny encouraged juristic pessimism'?**
- (a) Montesquieu
 - (b) Maine
 - (c) Allen
 - (d) Pound
- 21. Friedrich Karl Von Savigny has observed that**
- (a) Custom precedes legislation
 - (b) Legislation must conform customary practices
 - (c) Custom is not important than legislation
 - (d) Custom is superior to legislation
- Select the best option**
- (a) (2), (3) and (4)
 - (b) (1), (3) and (4)
 - (c) (1), (2) and (4)
 - (d) (1), (2) and (3)
- 22. Law grows with the growth of people, strengthens with the strength of the people and finally dies away as a nation loses its nationally". This statement was made by**
- (a) Maine
 - (b) Savigny
 - (c) Hobbes
 - (d) Rousseau
- 23. "Custom is frequently the embodiment of those principles which have commanded themselves to the national conscience as principles of justice and public**

utility.....national conscience may well be accepted by the courts as an authoritative guide; and of this conscience national custom is the external and visible sign", said

- (a) Holland
- (b) Salmond
- (c) Gray
- (d) Coke

24. Indicate the correct meaning of the theory of 'social engineering' propounded by Roscoe Pound

- (a) greatest happiness to greatest number of people
- (b) Changes in the concept and function of State
- (c) balancing of competing interest in the society
- (d) law has its source in the general consciousness

25. The idea of social function 'crowds out' the conception of subjective right. Whose view is this?

- (a) Kelsen
- (b) Salmond
- (c) Duguit
- (d) Pound

26. "Law is the sum of conditions of social life as secured by the power of the state through the means of external compulsion". This statement relates to which school of jurisprudence

- (a) Historical
- (b) Analytical
- (c) Realist
- (d) Sociological

27. Who said that there is no substantial difference between formal legal norms and the norms of customs or usages because the sanction behind both of them is the same

- (a) Ehrlich
- (b) Ihering
- (c) Duguit
- (d) Pound

28. Main pioneer of the sociological jurisprudence is

- (a) Montesquieu
- (b) Hegel
- (c) Sir Henry Maine
- (d) none of the above

29. Which one of the following is correctly matched?

- (a) social contract is not a historical fact but a hypothetical construction of reason- Locke
- (b) Law is the result of constant struggle- Duguit
- (c) The Law of a community is to be found in social facts and not in formal sources of law- Ehrlich
- (d) Law has its source in the general consciousness of the people (volksgeist)- Maine

30. Match List-I with List-II and select the correct answer by using the codes given below the lists in the order of A, B, C, D

List-I

List-II

(A) A. Sir Henry Maine	Ethical school
(B) B. Grotius	Analytical school
(C) C. Bentham	Historical school
(D) D. O.W. Homes	Realist School

- (a) 4 2 1 3
- (b) 2 3 1 4
- (c) 3 1 2 4
- (d) 1 2 3 4

31. Assertion (A) - It is easy to identify sociological school with pound.

Reason (R) - Sociological school neither begins nor ends with pound

- (a) Both (A and (R) are true and (R) is the correct explanation of (A)
- (b) Both (A) and (R) are true but (R) is not the correct explanation of (A)
- (c) (A) is true, but (R) is false
- (d) (A) is false, but (R) is true

32. Custom precedes legislation and hence is superior to it and the legislation must conform to the principles of custom." This principle is a basic feature of which school

- (a) Sociological school
- (b) Historical school
- (c) Analytical school
- (d) Natural law school

33. Who has remarked about Austin's theory of law that 'no conception of law and society has every removed such a mass of undoubted delusions and further that his works are indispensable, if for no other object, for the purpose of clearing the head'?

- (a) Gray
- (b) Holland
- (c) Allen
- (d) Sir Henry Maine

34. How did Aristotle describe justice in restoring equality when this has been disturbed?

- (a) Distributive justice
- (b) Corrective justice
- (c) Universal justice
- (d) Natural justice

35. According to Salmond, legal sources of law

1. Are recognised as such by the law itself
2. Lack formal recognition by the law
3. operate mediately
4. are only gates through which new principles can find entrance into law

Of the statements –

- (a) 1 and 3 are correct
- (b) 1 and 4 are correct
- (c) 1,3 and 4 are correct
- (d) only 1 is correct

36. Opinion of jurist is

- (a) General source of law
- (b) Historical material source of law
- (c) Legal material source of law
- (d) Not a source of law

37. A custom whose authority is conditional on its acceptance and incorporation in agreements between the parties to be bound, is a:

- (a) General custom
- (b) Legal custom
- (c) Local custom
- (d) Conventional custom

38. Public Interest Litigation does not insist on

- (a) Violation of right by the petitioner
- (b) Violation of the right of respondent
- (c) Violation of constitutional right
- (d) Locus Standi of petitioner

39. "In Hindu Law the clear proof of usage will outweigh the written text of law". This statement was made in this case

- (a) Knshnayya v. Narayana, (1909) ILR 32 Mad 185
- (b) Collector of Madurai v. Mootoo Ramlingam, (1868) 12 MIA 397
- (c) Narayan v. Laving (1878) ILR 2 Bom 140
- (d) SitaP Rai v. Duval, 6 CLR 2IS

40. Consider the following statements:

1. Precedents help in the progressive development of law
2. Copyright is a corporeal right
3. In the process of interpretation judges do make the law

Of the statements -

- (a) all are correct
- (b) 1 and 2 are correct
- (c) 1 and 3 are correct
- (d) only 1 is correct

41. Which one of the following statements is true:

- (a) The Supreme Court is bound by the decision of the Privy Council
- (b) The Supreme Court is bound by the decision of Federal Court
- (c) The Supreme Court is bound by the decisions of both Privy Council and Federal Court
- (d) The Supreme Court is not bound by the decisions of Privy Council and Federal Court

42. Which of the following statement is not correct

- (a) Judgment of civil judge is binding on another civil judge of the same court
- (b) Law declared by the Supreme Court is binding on all the courts in India
- (c) Doctrine of stare decisis means that judicial decisions have binding force
- (d) House of Lords is not bound by its own decisions

43. Who amongst the following wrote the celebrated essay 'determining Ratio decidendi of a case'

- (a) Win field
- (b) Oppenheim

- (c) Goodhart
- (d) Julius Stone

44. Assertion (A) Ration Decidendi has binding force

Reason (R) obiter dicta have no binding force. Mark the best option:

- (a) Both (A) and (R) are true and (R) is the correct explanation of (A).
- (b) Both (A) and (R) are true but (R) is not the correct explanation of (A)
- (c) (A) is true but (R) is false.
- (d) (A) is false but (R) is true

45. Which of the statement is incorrect

- (a) the decisions of the supreme court are of the highest authority
- (b) the decisions of one High court are authoritative with regard to another High court
- (c) unreported judgments have as much binding authority as reported ones
- (d) The decision of a single judge is binding on another single judge of the same High Court.

46. Supreme Court can exercise power to do complete justice under.....

- (a) Article 141
- (b) Article 142
- (c) Article 143
- (d) Article 124 and Article 138

47. "I think adherence to precedent should be the rule and not the exception." This has been stated by

- (a) Cordoso
- (b) Blackstone
- (c) Keeton
- (d) Thibaut

48. Assertion (A) - Precedent is like a gold in mine.

Reason (R) - It has to be searched in Law Reports

- (a) Both (A and (R) are true and (R) is the correct explanation of (A)
- (b) Both (A) and (R) are true but (R) is not the correct explanation of (A)
- (c) (A) is true, but (R) is false
- (d) (A) is false, but (R) is true

49. "Justice is never given. It is always a task to be achieved, " observed by

- (a) Aristotle
- (b) Freidrich
- (c) Austin
- (d) Paton

50. Who wrote that "The only right which a man can possess is the right always to do his duty"

- (a) Daguit
- (b) Gray
- (c) Comte
- (d) Lundstedt

51. The appropriate writ issued by the Court to quash the appointment of a person to a public office is that of -

- (a) Certiorari
- (b) Prohibition

- (c) Quo Warranto
 - (d) Mandamus
- 52. When a writ is issued to an Inferior court or tribunal on ground of exceeding the jurisdiction or acting contrary to the rules of natural justice, it is called a writ of -**
- (a) Quo Warranto
 - (b) Certiorari
 - (c) Mandamus
 - (d) Habeas Corpus
- 53. Article 25 of Constitution guarantees freedom of religion, but it is subject to**
- (a) Public order, morality, health and other fundamental rights
 - (b) Public order, morality and health
 - (c) Public order, morality, health and sovereignty and integrity of India
 - (d) Public order, morality and secularism
- 54. 'Equality of opportunity in matters of public employment' is mentioned in which of the following Articles**
- (a) Article 14
 - (b) Article 15
 - (c) Article 16
 - (d) Article 17
- 55. Article 51A provides for the fundamental duties of -**
- (a) Citizens of India
 - (b) Foreigners
 - (c) Public Servants
 - (d) None of the above
- 56. Fundamental Duties of citizens -**
- (a) are contained in Schedule IX of the Constitution
 - (b) lie scattered throughout the Constitution
 - (c) are contained in Part IV A of the Constitution
 - (d) none of the above
- 57. The executive power of the Union is vested in the -**
- (a) Prime Minister
 - (b) Union of India
 - (c) President of India
 - (d) None of the above
- 58. Rajya Sabha can withhold Money Bills for a period of _____ days.**
- (a) 10
 - (b) 12
 - (c) 14
 - (d) none of the above.
- 59. Both Union and State Legislature can legislate on -**
- (a) Economic and social planning
 - (b) Criminal law and procedure
 - (c) Marriage, contracts and torts
 - (d) All of the above
- 60. The Concurrent List contains _____ subjects.**

- (a) 47
- (b) 57
- (c) 67
- (d) 77

61. In which case the Supreme Court held that the preamble is not a part of the constitution?

- (a) A.K.Gopalan case
- (b) In re, Berubari case
- (c) Minerva Mills case
- (d) A.K.Antony case.

62. Which one of the following statements is correct-

- (a) Preamble of the Constitution is the part of the Constitution and can be amended under Article 368.
- (b) Preamble of the Constitution is not a part of the Constitution and cannot be amended
- (c) Preamble is the part of the Constitution and can be amended only if no change in the basic structure is made
- (d) Preamble can be amended by Parliament simply by an objective resolution.

63. Consider the following statements

- (a) 2 and 1 are correct
- (b) 2 and 3 are correct
- (c) 1 and 2 are correct
- (d) 1 and 3 are correct

64. Democracy and federalism are essential features of our Constitution and basic feature of its structure. This observation was made in S.R. Bornmai case by -

- (a) Justice A.M. Ahmadi
- (b) Justice J.S.Verma
- (c) Justice P.B.Sawant
- (d) Justice S.R.Pandian

65. Article 12 of the constitution defines 'state' for the purpose of enforcement of fundamental rights. against which of the following institutions writs cannot be issued for the enforcement of fundamental rights-

- (a) High Court
- (b) TRAI
- (c) Delhi Municipal Corporation
- (d) Port Trust

66. In which of the following cases did the Supreme Court held that an amendment of the constitution under Article 368 was 'Law' within the meaning of article 13 of constitution of India-

- (a) Golaknath v. State of Punjab
- (b) Sajjan Singh v. State of Rajasthan
- (c) Shankari Prasad v. Union of India
- (d) Keshvananda Bharti v. State of Kerala

67. 'Any person' under Article 14 of Constitution denotes -

- (a) Any company or association or body of individuals, both, citizens, non-citizens, natural persons and legal persons.

- (b) Any person is preferred as individual only
 - (c) Any person includes only the foreign tourists
 - (d) All of the above.
- 68. Which one of the following doctrines relates to the interpretation of the legislative conflicts between the Union and the States?**
- (a) Doctrine of clear and present danger
 - (b) Precautionary approach
 - (c) Stare decisis
 - (d) Pith and substance
- 69. Joint Session of the Parliament was summoned by the President of India to pass**
- (a) Dowry Prohibition Act
 - (b) Banking Service Commission Act
 - (c) Prevention of Terrorism Act
 - (d) All the above Acts
- 70. The supreme court of India has adopted new approach for the interpretation of the concept 'Equality' in**
- (a) State of West Bengal v. Anwarli Sarkar
 - (b) EP Royappa v. State of Tamil Nadu
 - (c) Keshavanand Bharati v. State of Kerala
 - (d) State of Karnataka v. Appa Balulngale
- 71. The supreme court of India formulated the doctrine of eclipse in-**
- (a) Eshikaji Narain Dhakras v. State of M.P.
 - (b) Bashesharnath v. Income Tax Commissioner
 - (c) State of W.B. v. Anwar Ali Sarkar
 - (d) Maneka Gandhi v. Union of India
- 72. The satisfaction of the president means the satisfaction of the council of ministers and not his personal satisfaction, held in-**
- (a) Samsher Singh v. State of Punjab
 - (b) U.N. Rao v. Indira Gandhi
 - (c) Ram Jawaya Kapoor v. State of Punjab
 - (d) SardarLal v. Union Government
- 73. 'No religious instruction shall be provided in any educational institution wholly maintained out of state funds'. it is the constitutional provision provided under-**
- (a) Article 27 of Constitution
 - (b) Article 28(1) of Constitution
 - (c) Article 23 of Constitution
 - (d) Article 24 of Constitution
- 74. Article 30(2) of Constitution lays down that there cannot be any discrimination in giving aid to educational institution on the ground of -**
- (a) institution being managed by the minority
 - (b) institution being managed by the religious or linguistic minority
 - (c) institution being manged by religious, cultural and linguistic minority
 - (d) institution being managed by cultural, religious, linguistic minority of majority.
- 75. Arrange the decisions of the Supreme Court on Fundamental Right relating to personal liberty in correct chronological sequence of 1, 2, 3**

1. Maneka Gandhi v. UOI
2. A.D.M. Jabalpur v. Shiv Kant Shukla
3. A.K.Gopalan v. State of Madras

- (a) 3,2, 1
- (b) 2, 1, 3
- (c) 2, 3, 1
- (d) 1, 2, 3

76. Assertion (A) - The President of India has the power to grant pardon, reprieve, respite or remission of punishment or to suspend, remit or commute sentence.

Reason (R) - The President exercises not only executive functions but also judicial and legislative functions.

- (a) both A and R are true and R is correct explanation of A
- (b) both A and R are true but R is not correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

77. Assertion (A) – The president of India can issue a proclamation of emergency under article 352(1) of constitution on the advice of the prime minister.

Reason (R) – when a proclamation of emergency is in operation, the president may suspend the operation of all fundamental rights except articles 20 & 21 of constitution.

- (a) both A and R are true and R is correct explanation of A
- (b) both A and R are true but R is not correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

78. Assertion (A) - The President is a part of Parliament.

Reason (R) - A Bill passed by two Houses of Parliament cannot become law without the assent of the President.

- (a) both A and R are true and R is correct explanation of A
- (b) both A and R are true but R is not correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

79. Assertion (A) - An accused person cannot be compelled to be witness against himself.

Reason (R) - An accused person cannot be compelled to give his thumb impression.

- (a) Both A and R are true and R is correct explanation of A
- (b) Both A and R are true but R is not correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

80. Assertion (A) – A habeas corpus writ petition dismissed by the supreme court can be admitted by the High Court under Article 226 of the constitution

Reason (R) - in exercising writ jurisdiction the powers of the supreme court and high court are concurrent.

- (a) Both A & R are true and R is correct explanation
- (b) Both A & are true but R is not the correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

81. Assertion (A) - It is the legal and constitutional duty of the State to provide legal aid to the poor.

Reason (R) - No one shall be denied justice by reason of his poverty.

- (a) Both A & R are true and R is correct explanation
- (b) Both A & are true but R is not the correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

82. Assertion (A) - The Constitution vests executive powers of the Union in the President of India.

Reason (R) - President of India is the Constitutional head of the State.

- (a) Both A & R are true and R is correct explanation
- (b) Both A & are true but R is not the correct explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

83. Match the following

List -1

- A. A.D.M. Jabalpur v. Shukla
- B. M.S.M. Sharma v. S.K. Sinha
- C. R.C. Cooper v. Union of India
- D. R.K. Garg v. Union of India

List-II

- Bearer Bonds Case
- Habeas Corpus Case
- Bank Nationalization Case
- Searchlight Case

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

84. Match the following

List-I		List-II
A.	Right to live with human dignity enshrined in Article 21 derives life breath from directive principles of State policy clauses (e) and (f) of Articles 39, 41 and 42 of Constitution.	Bhagwati J. in Bandhua Mukti Morcha v. UOI
B.	Speedy trial is an essential ingredient of just, fair and reasonable procedure guaranteed by article 21 of Constitution.	Bhagwati J. in Hussainara Khatoon v. State of Bihar
C.	In P.I.L., a total stranger to a trial cannot be permitted to question the correctness of conviction of the accused.	Ahmadi J. in Simranjit Singh v. UOI
D.	In case of helplessness or disability, any member of the public can maintain an allocation for an appropriate order, direction or writ, if there is violation of constitutional right.	Bhagwati, J. in S.P.Gupta v.UOI

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

85. Match the following

List -I

- A. Right to go abroad
- B. Prisoner's right
- C. Death Penalty
- D. Government's liability

List-II

- Bhim Singh's case
- Maneka Gandhi's case
- Bacchan Singh's case
- Sunil Batra's case

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

86. Which among the following is not a fundamental right?

- (a) right to strike
- (b) right against exploitation
- (c) right to equality
- (d) right to freedom of religion

87. Which one of the following fundamental rights was described by Dr. B.R. Ambedkar as the 'heart and soul of the constitution'?

- (a) right to property
- (b) right to religion
- (c) right to constitutional remedies
- (d) All of the above

88. In which one of the following cases the Supreme Court decided that a constitutional amendment which takes away or abridges' a fundamental right would be void, and therefore, forced the parliament to enact the twenty-fourth amendment act?

- (a) Sajjan Singh v. State of Rajasthan
- (b) Shankari Prasad Singh Deo v. Union of India
- (c) Golak Nath v. State of Punjab
- (d) Kesavananda Bharti V. State of Kerala

89. When the Court declares certain provisions of any Act invalid, it does not affect the validity of the Act it remains as it is. It is.....

- (a) Doctrine of Severability
- (b) Doctrine of eclipse
- (c) Doctrine of prospective overruling
- (d) None of the above

90. A law, which abridges Fundamental Rights, is not a nullity but remains inoperative till the shadow of Fundamental Rights falls over such rights. This is known as doctrine of.....

- (a) Pleasure
- (b) pith and substance
- (c) Eclipse

(d) Severability

91. Match List -I with List-II and select the correct answer using the codes given below die lists in die order of A, E, C,D

List -1

- A. Habeas Corpus
- B. Mandamus
- C. Quo Warranto
- D. Certiorari

List-II

- Violation of natural justice
- Unlawful arrest and detention
- Exercise of power without jurisdiction
- Non-performance of public duty

- (a) 2 4 3 1
- (b) 1 3 4 2
- (c) 2 3 4 1
- (d) 1 4 3 2

92. According to Article 30 of Constitution 'minorities' have the right for the administration of educational institutions

- (a) Which have been established by them only
- (b) Which not necessarily have not been established by them but belong to their religion or language
- (c) Article 30 does not speak about minority but deals with Scheduled Tribes only
- (d) None of the above

93. Which one of the following has been dropped from the list of personal freedoms enshrined in Article 19 of the Constitution

- (a) Freedom to assemble peacefully without arms
- (b) Freedom to acquire, hold and dispose of property
- (c) Freedom to reside and settle in any part of the country
- (d) Freedom to carry on any profession, occupation, trade or business.

94. Article 23 of the Constitution does not prohibit

- (a) traffic in human beings
- (b) beggar
- (c) forced labour
- (d) compulsory service for public purposes

95. "There is no reason to compel non-smokers to be helpless victims of air pollution', was held in

- (a) Murli S. Deora v. Union of India
- (b) Samatha v. State of A.P.
- (c) M.C.Mehta v. Union of India
- (d) None of the above

96. Which one is correct statement?

- (a) Fundamental Right are superior to the directive principles
- (b) directive principles are superior to the Fundamental Right
- (c) There is no relationship between Fundamental Right and directive principles.
- (d) none of the above

97. Match the following in order of A, B, C, D Articles Provisions

List -1		List-II	
A	39A	(i)	Uniform Civil Code
B.	40	(ii)	Equal justice and free legal aid

C.	41	(iii)	Organisation of village Panchayat
D.	44	(iv)	Right to work

- (a) (i) (ii) (iii) (iv)
- (b) (iv) (ii) (in) (i)
- (c) (ii) (in) (iv) (i)
- (d) (iii) (iv) (ii) (i)

98. choose the best option

- (a) the President of India is eligible for re-election as many times as he desires
- (b) the President of India is ineligible for re-election
- (c) the President of India cannot be re-elected for more than three terms
- (d) the President of India can seek re-election as many times under the letter of Constitution, but there is well established convention that he should not seek re-election for more than two terms

99. Article 359A was inserted inter alia amending Article 352 in its application to the state of Punjab and for the purposes of invoking Article 352, the concept of internal disturbance was again introduced by

- (a) 46th Constitutional Amendment Act
- (b) 52nd Constitutional Amendment Act
- (c) 59th Constitutional Amendment Act
- (d) 61st Constitutional Amendment Act.

100. The protection of the Article 21 extends to which of the following

- (a) citizens
- (b) all persons
- (c) foreigners
- (d) persons under imprisonment

101. The remedy in tort law is

- (a) Unliquidated damages
- (b) Restoration of original petition
- (c) Liquidated damages
- (d) Either (A) or (C)

102. Following are good defences to an action in tort

- I. Volenti non fit injuria
- II. Scienti non fit injuria
- III. Vis major

Choose the Pest option

- (a) I, II, III
- (b) II, III
- (c) I, III
- (d) III only

103. Which of the following is not a defense to strict liability?

- (a) plaintiff's own fault
- (b) act of God
- (c) Novus actus interveniens
- (d) None of the above

104. Which of the following is an essential ingredient to establish strict liability of the defendant?

- (a) None natural use of land
- (b) escape of dangerous thing
- (c) negligence of the defendant
- (d) only (A) and (B)

105. Negligence is failure in duty of taking due care. The expression 'duty' means

- (a) A legal duty
- (b) A specific legal duty
- (c) A legal as well as moral duty
- (d) A legal as well as social duty

106. The 'neighbor' principle was laid down in the landmark case of

- (i) Ashby v white
- (ii) Donohue v Stevenson
- (iii) Ryland's v Fletcher
- (iv) none of the above

107. Continental Shelf is the natural prolongation of the land territory of the coastal State into the sea waters and includes

- (a) Shelf + Slope
- (b) Shelf + Slope + Rise
- (c) Slope + Rise
- (d) Shelf + Rise

108. X having sufficient food does not provide some of it to a beggar who dies of hunger. X is guilty of

- (a) No offence
- (b) Attempt to murder
- (c) Murder
- (d) Causing death by rash or negligent act

109. Defamation is crime

- (a) Both a tort and a crime
- (b) only a tort
- (c) only a crime
- (d) none of the above

110. Announcement of reward to the general public through newspaper to find the stolen goods is

- (a) an offer
- (b) a promise
- (c) a consideration
- (d) an agreement

111. *Nudum pactum* means

- (a) Gratuitous promise without any consideration
- (b) An invalid contract.
- (c) A void contract.
- (d) A voidable contract.

112. *Consensus of ad idem* means

- A. agreeing to the same thing in the same sense
- B. meeting of minds
- C. basis of contract
- D. exchange of agreements

113. The Supreme Court of India recognised sexual harassment at work place as human rights violation in the case of

- (a) Vishakha v. State of Rajasthan
- (b) Tukaram v. State of Maharashtra
- (c) Mr. Ahmed Khan v. Shah Bano Begum
- (d) Birdhichand Sharat v. State of Maharashtra

114. Calcutta High Court has its circuit bench at

- (a) Port Blair
- (b) Darjeeling
- (c) Cuttack
- (d) Bhubaneswar

115. Convention on Elimination of all forms of Discrimination Against Women was adopted in the year

- (a) 1980
- (b) 1979
- (c) 1977
- (d) 1975

116. Headquarters of International Criminal Court is located in

- (a) Hague
- (b) Geneva
- (c) Washington
- (d) Tokyo

117. Which of the following is the principal organ of the United Nations?

- (a) WHO
- (b) UNESCO
- (c) ILO
- (d) ICJ

118. Principle: The occupier of a premise owes a duty of care to all his invitees and visitors.

Fact: Radhika's brother, Akash had come to visit her at her place. After seeing her wealth, Akash decided to commit theft that night. While he was trying to escape that night he got electrocuted by the wires which were fixed on the boundary walls. Akash plans to sue Radhika. Will his claim succeed?

- (a) Yes, because in Indian tradition, guests are like Gods.
- (b) No, because one has to be himself cautious about his safety.
- (c) Yes, because it is the occupier's duty to take care of its visitors.
- (d) No, because he himself is guilty of theft. He is no longer an invitee or visitor.

119. Principle: A person is responsible for that which he could have reasonably foreseen or prevented.

Fact: A chemist sold a hair conditioner to Jyoti. The conditioner was locally manufactured and the contents, harmful chemicals, were not listed on the bottle. The

chemist however represented to Jyoti that the chemicals used were harmless and benefited the hair. On using it, Jyoti's hair was badly damaged and she had to get hair treatment done for the same. Jyoti filed a complaint against the chemist. Will the chemist be liable?

- (a) Yes, as he should have informed Jyoti that the ingredients are not known
- (b) Liable because he was aware of the side effects of the ingredients
- (c) Not liable because it was the buyer's duty to be aware about the product he is buying.
- (d) Not liable as it is a natural tendency of shopkeepers to extol the product he is selling

120. Principles

- (a) **The principle of absolute liability says that a person is absolutely liable for all the consequences of any dangerous substance that he brings onto his land.**
- (b) **No one can be penalized for an Act of God which is unforeseeable and unpredictable.**

Fact: Anderson is the managing director of a company that makes fertilisers. One of the plants on the company's campus at Kochi utilizes a lot of toxic gases to make the end product. Anderson ensures that every possible precaution and preventive measure known to man has been taken to prevent any disaster. However, one night the plant is struck by lightning and a lethal dose of poisonous gases escape and kill 600 people, injuring at least 2000 others. Is Anderson's company liable for the accident?

- (a) No, since lightning was an act of God not foreseeable
- (b) Yes, because they developed a dangerous process on their land and hence are absolute liable for all consequences.
- (c) No, because all precautions has been taken
- (d) None of the above

121. A driver of a tourist bus, while negotiating an unmanned railway crossing at a speed of 30 kmph clashed against a passenger train. Consequently, one of the tourists was killed. On investigation, it was found that the driver could not stop the bus because of a defect in the brakes not known to him. Is he guilty of negligence?

- (a) No
- (b) Yes
- (c) No, this is act of God
- (d) None of the above

122. Principle: A man must not make such use of his property as unreasonably and unnecessarily to cause inconvenience to his neighbors.

Fact: Mr. Z is the owner of a plot measuring 50 feet by 80 feet. He constructed a small house at one corner and was using the rest of the land as a cow shed. He had 20 cows and is involved in selling milk to the public. The cow dung and other wastes were openly stored in a small 10 feet by 8 feet tank. This constantly paved the way for bad smell and breeding of mosquitoes. Mrs. Y, his neighbor, constantly complained to X, but in vain.

- (a) Y cannot take any other action against Z.
- (b) Z can do something to prevent the foul smell.
- (c) Y can complain to the police

(d) Y can sue Z for damages based on the inconvenience caused by Z.

- 123. Principle: The standard of care to determine whether a person has been guilty of negligence is the standard of care which in the given circumstances, a reasonable man could have foreseen.**

Fact: The Agricultural University constructed 200 houses for its employees in its premises. Two huge bore wells were sunk and motors were installed. They did not cover the pump rooms properly. A child, 6 years old, from one of the quarters was playing nearby. On hearing the noise of the pump, she was curious to see the motor. She touched the motor which was not covered properly and three of her fingers were cut.

- (a) The parents of the child cannot sue the University on any grounds.
- (b) In spite of the child's act, the parents can successfully sue the University for damages.
- (c) The University can be made liable only to the extent of the cost of treatment as the child also contributed to the accident.
- (d) Only the child can sue and not her parents.

- 124. Principle:** A person is liable for all the injurious consequences of his careless act.

Fact: Ram, a snake charmer, was exhibiting his talents to the group of people. One of the snakes escaped and bit a child who had to be hospitalised for two days for treatment.

- (a) Ram is liable to compensate the child's family for his careless act.
- (b) Ram is not liable as such things keep happening
- (c) Ram is not in a position to compensate as he is poor
- (d) The child should have taken adequate care from protecting herself from the snakebite

- 125. Principle:** A person, who commits an unlawful act towards another which can be imputed to him, must repair the damages which the other person suffers as a consequence thereof.

Fact: Mr. Rajendra singh was riding his scooter on the right side of the road which is illegal as per the traffic rules. Mr. Rajesh Chawla was driving his car in the opposite direction. The two vehicles collided and resulted in the loss of Rs. 50, 000/- to Mr. Rajendra singh. This includes his medical expenses and damage to the scooter.

- (a) Mr. Rajendra Singh will not get any amount as damages.
- (b) Mr. Rajendra Singh will get full compensation
- (c) Mr. Rajendra Singh will get part of compensation
- (d) Both will have to share the damages.

- 126. Principle:** Not only mens rea, but actus reus must also exist for a crime to be committed.

Fact: A and B, being husband and wife, are engaged in a bitter quarrel. B threatened to commit suicide and goes to a nearby well and jumps. Consequently, she dies. Is A guilty?

- (a) No, there is no mens rea or actus reus.
- (b) yes, there is actus reus as A should have tried to stop B from committing suicide
- (c) there is only actus reus but no mens rea
- (d) none of the above

- 127. Principles**

I. Nothing is an offence which is done in the exercise of the right of private defense.

- II. When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of that person or by reason of misconception on the part of that person, every person has the same right of private defense against that act, which he would have if that act were an offence.
- III. Everyone has the right to defend their life and property against criminal harm provided it is not possible to approach public authorities and more harm than that is necessary has not been caused to avert the danger.
- IV. If in the exercise of right of private defense against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defense extends to the running of that risk.
- V. The right of private defense continues as long as apprehension of danger continues. Fact A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a housebreaker, attacks A.
 - (a) A has no right of private defense because it is available against an offender only.
 - (b) A has the same right of private defense against Z, which he would have had if Z was not acting under a misconception.
 - (c) A has exceeded his right of private defense.
 - (d) None of the above.

128. Principle

- (i) A person is liable for death penalty when he does an act which is likely to cause death, and that person knows that his act in all probability will only result in death.
- (ii) Death penalty is given only in rarest of rare cases.

Fact: Sunita, a married woman was flogged out of her husband's house by her father in law. When she was living with her parents, she got involved with a widower who also had an affair with Anita. In a fit of jealousy, Sunita killed her rival, Anita, as well as her little baby. Sunita also disfigured the faces of Anita and her baby and buried the bodies. Later, Sunita was tried for murder.

- (a) She is liable for life imprisonment but not death penalty
- (b) She is liable for death as her act suffers from the highest level of depravity and hence is rarest of rare
- (c) She is not liable for any offence as it was done under grave and sudden provocation
- (d) None of the above

129. Principle: Nothing is an offence which is done at the time when the accused is unsound and he is not aware of the nature and consequences of his act or that his act is wrong or contrary to law.

Fact: Surendra received divine orders in his sleep at night to sacrifice his one year old child and then he will go to heaven after dying. He carries out the order and kills his son.

- (a) Guilty of murder
- (b) Not guilty of any offence since it was the order of God
- (c) Can plead unsoundness of mind as a defense and he should not be charged for murder.
- (d) Cannot be held liable for murdering his own child.

130. Principle: Any person who has received any unjust benefit, he/she return it to the rightful owner.

Fact A and B were staying in the same hostel room. B's father had sent a parcel to him on his birthday containing expensive gifts. This parcel was delivered to A and B had gone out for a movie.

- (a) A can retain the parcel without informing B
- (b) A can keep some gift from the parcel and return the rest B
- (c) A has to give the entire parcel to B
- (d) A can inform B about the parcel but need not

131. Principle: If any person enters into wagering or betting agreements, such agreements would be illegal and cannot be given effect for enforcing obligations.

Fact Akbar enters into an agreement with Birbal that if he pays Akbar a premium of Rs.500 per annum and Birbal's house is devastated by fire within one year of entering into the agreement, Akbar shall make good the loss suffered by Birbal.

- (a) Agreement is a wager and even if Birbal's house is destroyed, he cannot claim price from Akbar.
- (b) Valid contract and can be enforced if Birbal's house is destroyed.
- (c) Akbar and Birbal are betting and thus it is not a contract.
- (d) None of the above.

132. Principle: A contract is an agreement enforceable by law. All agreements are contracts if they are made with free consent by parties competent to contract for a lawful consideration and with a lawful object.

Fact: A, a 40 year old businessman of sound mind, agrees to sell his bungalow worth 40 lakhs for 1 lakh. the agreement is

- (i) invalid due to inadequate consideration
 - (ii) valid as there is lawful consideration
 - (iii) valid as A entered into it with free consent
 - (iv) valid because A has capacity to contract.
- (a) I only
 - (b) II and III only
 - (c) III only
 - (d) II, III and IV

133. Principle An agreement is void if the court regards it as opposed to public policy.

Fact Sunita, while her husband Shankar is alive, promised to marry Neel in the event of Shankar's death. Subsequently, Shankar died, but Sunita refused to marry Neel. Neel sues Sunita for damages for breach of promise.

- (a) Sunita is liable to marry Neel
- (b) She is liable to compensate Neel for breach of promise
- (c) Neel can marry someone else
- (d) She is not liable as the contract is opposed to public policy and so void.

134. Dower / Mahr belongs to

- (a) absolutely to the wife
- (b) absolutely to the wife's father
- (c) absolutely to the wife's mother
- (d) partly to the wife and partly to the wife's parents

135. A Muslim man can marry any number of wives not exceeding four. If he marries a fifth wife, such a marriage shall be
- (a) valid
 - (b) irregular
 - (c) void
 - (d) either (A) or (C)
136. Who amongst the following is disqualified from inheriting the estate of a Hindu male
- (a) unchaste daughter
 - (b) unchaste widow
 - (c) rich daughter
 - (d) none of the above
137. A person who has an adopted son living
- (a) can adopt another son
 - (b) cannot adopt another son
 - (c) can adopt another son with the consent of the adopted son
 - (d) can adopt another son with the prior permission of the court
138. Which of the following cases relate to mental cruelty and decided by the Supreme Court
- (a) Sayal v. Sarla
 - (b) Dastane v. Dastane
 - (c) Rita Nijhawan v. Bal Kishan Nijhawan
 - (d) Roop Lai v. Kartaro
139. The Latin Maxim '*nemo dat quid non ha bet*' as contained in section 27 of the Sale of Goods Act, 1930 means
- (a) an innocent and bona fide purchaser gets a proper title as of a true owner
 - (b) no man can pass a better title than he has
 - (c) an innocent occupier of goods can pass a proper title
 - (d) a finder of goods can pass a proper title
140. The rule of 'caveat emptor' as enunciated in section 16 of the Sale of Goods Act, 1930, means that
- (a) the buyer must take a chance
 - (b) the buyer must take care
 - (c) the seller must take care
 - (d) both (A) and (B)
141. The foundation of doctrine of election under the Transfer of Property Act, 1930 is that a person taking the benefit of an instrument
- (a) must bear the burden
 - (b) must not bear the burden
 - (c) burden is not the subject of election
 - (d) none of the above
142. What is true to Code of Criminal Procedure
- (a) it is mainly, though not purely a procedural law
 - (b) there are also certain provisions which are partly in the nature of substantive law
 - (c) both (A) & (B)

(d) neither (A) nor (B)

143. In a bailable offence, the bail is granted as a matter of right

- (a) by the police officer
- (b) by the court
- (c) both by the police officer & the court
- (d) either by police officer or court

144. Section 125 of CrPC is applicable to

- (a) Hindus
- (b) Muslims
- (c) Christians
- (d) all persons belonging to all religious.

145. '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'.

- (a) only 'Y' is liable for murder of Z
- (b) X & Y both are liable for murder of Z
- (c) X is not liable as he did not perform any overt act
- (d) both (A) and (C)

146. Under section 45 of IPC, life denotes

- (a) life of a human being
- (b) life of an animal
- (c) life of human being and of an animal both
- (d) life of either human being or animal

147. Under section 80, the exception of accident is available when an offence is committed while

- (a) doing a lawful act in a lawful manner by lawful means
- (b) doing a lawful act in any manner by any means
- (c) doing a lawful act in a lawful manner by any means
- (d) all of the above

148. Relevancy and admissibility under the Indian Evidence Act are

- (a) synonymous
- (b) co-extensive
- (c) neither synonymous nor co-extensive
- (d) synonymous & co-extensive both

149. A dying declaration

- (a) can form the sole basis of conviction without any corroboration by independent evidence
- (b) can form the basis of conviction only on corroboration by independent witness
- (c) cannot form the sole basis of conviction unless corroborated by independent witness
- (d) only (B) & (C) are correct

150. Re-examination of a witness

- (a) shall be by the party calling the witness
- (b) shall be by the adverse party
- (c) both (A) & (B)
- (d) either (A) or (B)

Question no.	Correct answer
1	c
2	a
3	b
4	d
5	a
6	b
7	c
8	d
9	b
10	a
11	a
12	b
13	b
14	a
15	b
16	b
17	c
18	a
19	d
20	d
21	c
22	b
23	b
24	c
25	c
26	d
27	a
28	a
29	c
30	c
31	a
32	b
33	d
34	b
35	b
36	b
37	d
38	d
39	b
40	c
41	d
42	a
43	c
44	b
45	b
46	b
47	a

48	a
49	b
50	a
51	c
52	b
53	a
54	c
55	a
56	c
57	c
58	c
59	a
60	a
61	b
62	c
63	b
64	a
65	a
66	a
67	a
68	d
69	c
70	b
71	a
72	a
73	b
74	b
75	a
76	a
77	b
78	a
79	a
80	a
81	a
82	b
83	d
84	c
85	c
86	a
87	c
88	c
89	a
90	c
91	a
92	a
93	b
94	d
95	a

96	d
97	c
98	a
99	c
100	b
101	a
102	c
103	c
104	d
105	a
106	b
107	b
108	a
109	a
110	a
111	a
112	b
113	a
114	a
115	b
116	a
117	d
118	d
119	d
120	b
121	b
122	a
123	b
124	a
125	a
126	a
127	b
128	b
129	c
130	c
131	c
132	d
133	d
134	a
135	b
136	d
137	b
138	b
139	b
140	b
141	a
142	c
143	c

144	d
145	b
146	a
147	a
148	c
149	a
150	a

MANIKAVIT LAW ACADEMY