

**Civil Service Examination: Law question paper 2009**

1. Which one of the following statements is not correct about the legal philosophy of Bentham?  
(a) He pleaded for codification.  
(b) He condemned judge made law.  
(c) He felt that end of legislation is the greatest happiness of greatest number  
(d) He supported custom as the major source of law.
2. Which one of the following jurists is known as the father of English Jurisprudence?  
(a) Bentham  
(b) Friedmann  
(c) Ihering  
(d) Austin
3. According to Maine, which one of the following is the first social organization?  
(a) Commonwealth  
(b) Pater familias  
(c) State  
(d) None of the above
4. Which one of the following schools of law emphasizes that law is a matter of unconscious and organic growth and therefore law is found and not made?  
(a) Sociological school  
(b) Philosophical school  
(c) Historical school  
(d) Realist school
5. Arrange the following stages of development of law according to Marine:  
1. Customary law  
2. Law made by the ruler under divine inspiration  
3. Codification  
4. Knowledge of law in the hands of priests  
Select the correct order of development using the code given below:  
(a) 4 - 2 - 1 - 3  
(b) 2 - 1 - 4 - 3  
(c) 3 - 1 - 2 - 4  
(d) 4 - 3 - 2 - 1
6. Whose theory is based on the concept that both state and law are the evolutionary product of human reason?  
(a) Hegel  
(b) Savigny  
(c) Maine  
(d) Salmond
7. Who, among the following, has propounded the doctrine of living law?  
(a) Ehrlich  
(b) Savigny  
(c) Bentham  
(d) Karl Mark
8. According to Durguit, which one of the following is the most important fact of social cohesion?  
(a) Entering into contract  
(b) Division of labour  
(c) Division of means of production  
(d) Distribution of legislative powers in three lists
9. Which one of the following theories is proposed by Gierke and supported by Maitland in explaining corporate personality?  
(a) Concession theory  
(b) Fiction theory  
(c) Realist theory  
(d) Symbolist theory
10. Which one of the following is not the characteristic of natural law?  
(a) Natural laws are dependent upon moral laws  
(b) Natural laws change according to the circumstances  
(c) Natural laws are not permanent  
(d) Natural laws are permanent
11. Which of the following statements with regard to custom and prescription is/are correct?  
1. Custom is based on long usage and prescription is based on the fiction of lost modern grant.  
2. Custom is generally observed code of conduct and prescription is acquisition of a right or title and is personal in character.  
Select the correct answer using the code given below:  
(a) 1 only  
(b) 2 only  
(c) Both 1 and 2  
(d) Neither 1 nor 2
12. In which one of the following cases was it observed by the Supreme Court that precedent should not be petrified nor judicial dicta divorced from the socio-economic mores of the age?  
(a) Mamleshwar v. Kanahaiya Lal  
(b) K.C. Dora v. G. Annamanaidu  
(c) State of West Bengal v. Corporation of Calcutta  
(d) Bengal Immunity company Ltd. v. State of Bihar
13. Protection of lakes is an objective expressly stated in which one of the following?  
(a) Fundamental Duties  
(b) Directive Principles of State Policy  
(c) Fundamental Rights  
(d) Eleventh Schedule to the Constitution

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14. Consider the following statements regarding vested and contingent rights:
1. A vested right creates an immediate interest and is transferable and heritable.
  2. A contingent right creates an immediate interest and is defeated when the required facts have not occurred.
- Which of the statements given above is/are correct?
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 and 2
  - (d) Neither 1 nor 2
15. Who among the following has stated that rights spring from right?
- (a) Allen
  - (b) Whiteman
  - (c) Coke
  - (d) Blackstone
16. Who among the following stated that the only right which a man can possess is the right always to do his duty?
- (a) Kelsen
  - (b) Duguit and Comte
  - (c) Holland
  - (d) Salmond
17. Which one of the following is not a theory of corporate personality?
- (a) Fiction theory
  - (b) Realist theory
  - (c) Bracket theory
  - (d) Negative theory
18. A is a tenant in the house of B. Which one of the following is correct in the light of Savigny's theory?
- (a) A lacks possession because of the absence of animus in him.
  - (b) A has complete possession.
  - (c) A has incomplete possession because of the lack of corpus possession.
  - (d) A lacks possession because animus as well as corpus possession is missing.
19. Which among the following is/are the characteristics of ownership?
1. Ownership contains a right of the owner to exclude others.
  2. Ownership provides a power to alienate a thing or property.
- Select the correct answer using the code given below:
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 and 2
  - (d) Neither 1 nor 2
20. Who, among the following, expressed the view that the Indian Constitution is federal in as much as it establishes what may be called a Dual Polity?
- (a) H. M. Seervai
  - (b) K.C. Wheare
  - (c) B. R. Ambedkar
  - (d) Ivor Jennings
21. Which one of the following statements is not correct?
- (a) Indian constitution provides for unified judicial system.
  - (b) Judiciary has power to scrutinize the acts of all branches of government.
  - (c) Independence of judiciary is built through elaborate constitutional scheme.
  - (d) Review of the constitutional amendments on substantive grounds is not permitted.
22. Consider the following statements:
1. The Preamble of the constitution of India can be amended by the Parliament up to any extent barring the basic features.
  2. The preamble can be amended only by special majority and ratification by legislatures of  $\frac{1}{2}$  (half) of the States.
  3. The Preamble has no role to play in the interpretation of any provision of the Constitution.
- Which of the statements given above is/are correct?
- (a) 1, 2 and 3
  - (b) 1 only
  - (c) 2 and 3 only
  - (d) 2 only
23. Fundamental Rights under the constitution of India comprise of which of the following?
1. Individual rights
  2. Group rights
- Select the correct answer using the code given below:
- (a) 1 only
  - (b) 2 only
  - (c) Both 1 and 2
  - (d) Neither 1 nor 2

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24. Match List I with List II and select the correct answer using the code given below the lists:

<b>List I</b>		<b>List II</b>	
Subject matter		Case	
A.	Reservation in unaided private colleges	1.	E.V. Chinnaiah v. State of Andhra Pradesh
B.	27% reservation for OBCs in government services	2.	I.R. Coelho v. State of Tamil Nadu
C.	Constitutional validity of laws included in the Ninth Schedule	3.	p. a. Inamdar v. State of Maharashtra
		4.	Indra Sawhney v. Union of India

**Code:**

	<b>A</b>	<b>B</b>	<b>C</b>
(a)	3	4	2
(b)	3	1	4
(c)	2	3	4
(d)	4	1	3

25. Match List I with List II and select the correct answer using the code given below the lists:

<b>List I</b>		<b>List II</b>	
Power of President		Relevant Constitutional Provision	
A.	Power to grant pardon	1.	Article 76
B.	Executive power of the Union	2.	Article 75
C.	Power to appoint Prime Minister	3.	Article 53
D.	Appointment of Attorney General	4.	Article 72

**Code:**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
(a)	4	2	3	1
(b)	4	3	2	1
(c)	1	2	3	4
(d)	1	3	2	4

26. Which one of the following statements is not correct?

- (a) In a cabinet form of government, neither the President nor the Government exercises the executive functions individually or personally.
- (b) Executive action taken in the name of the Governor is the executive action of the State.

- (c) The governor cannot be held personally answerable for any portion of the address to the joint session.
- (d) The Governor is bound to exercise all his powers and functions on the aid and advice of his Council of Ministers.

27. Which one of the following is correct with regard to the decision in D.C. Wadhwa v. State of Bihar case?

- (a) President is entitled to promulgate ordinance during the recess of the Parliament
- (b) Colourable re-promulgation of ordinance is unconstitutional
- (c) Article 123 empowers the President to issue successive ordinances
- (d) Governor's power of re-issuance of ordinance cannot be questioned in the Court of law.

28. Which one of the following is not correct with regard to transfer of cases from the High Courts?

- (a) Cases involving same or substantially same question of law should be pending before Supreme Court and one or more High Courts
- (b) Application requesting for transfer should be filed
- (c) Transfer is possible when the Supreme Court on its own is satisfied that such question is of general importance
- (d) Transfer of cases from one High Court to another is not permissible in any circumstance

29. Consider the following statements:  
Judicial review under the Constitution of India

1. is a part of the basic structure of the Constitution.
2. can only be ousted or excluded by a Constitutional amendment.

Which of the statements given above is/are correct?

- (a) 1 only                      (b) 2 only
- (c) Both 1 and 2              (d) Neither 1 nor 2

30. Which of the following is not function of the UPSC and State Public Service Commission?

1. Advising the appropriate governments on matters relating to methods of recruitment to civil services and for civil posts.
2. Consultation in creation of All India Services.
3. Consultation on disciplinary matters affecting a person serving the Government of India or of a person serving the Government of a State in a civil capacity.

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- Select the correct answer using the code given below:
- (a) 1 only  
(b) 1 and 2  
(c) 2 only  
(d) 2 and 3
31. Match List I with List II and select the correct answer using the code given below the lists:
- | List I   |                                     | List II          |                                       |
|----------|-------------------------------------|------------------|---------------------------------------|
| Doctrine |                                     | Related judgment |                                       |
| A.       | Doctrine of Repugnancy              | 1.               | State of Bombay v. F.N. Balsara       |
| B.       | Doctrine of colourable Legislation  | 2.               | Prafulla Kumar v. Bank of Commerce    |
| C.       | Doctrine of Pith and substance      | 3.               | K.C.G. Narayan Deo v. State of Orissa |
| D.       | Doctrine of Harmonious construction | 4.               | M. Karunanidhi v. Union of India      |
- Code:**
- |     | A | B | C | D |
|-----|---|---|---|---|
| (a) | 4 | 2 | 3 | 1 |
| (b) | 4 | 3 | 2 | 1 |
| (c) | 1 | 3 | 2 | 4 |
| (d) | 1 | 2 | 3 | 4 |
32. Consider the following statements:
- Emergency is always imposed throughout the nation.
  - Emergency can be imposed not only on the grounds of actual war, external aggression or armed rebellion, but also in anticipation thereof.
  - Every proclamation of Emergency will not remain in force after one month unless it is approved by both the House of Parliament.
- Which of the statements given above is/are correct?
- (a) 2 and 3 only  
(b) 1 and 2 only  
(c) 3 only  
(d) 1, 2 and 3
33. In which one of the following cases has the Supreme Court upheld the constitutional validity of the Constitution (92<sup>nd</sup> Amendment) Act introducing Article 15(5)?
- (a) M. Nagaraj v. Union of India  
(b) Ashok Kumar Thakur v. Union of India  
(c) T.M.A. Pai Foundation v. State of Karnataka  
(d) Indra Sawhney v. Union of India
34. For constitutional amendment of which one of the following provisions, is ratification by not less than half of the State legislatures not required?
- (a) Lists in the Seventh Schedule  
(b) Fundamental Rights (Part III)  
(c) Representation of States in the Parliament  
(d) Jurisdiction of the Supreme Court
35. After which one of the following decisions of the Supreme Court, was the special provision for socially and educationally backward classes introduced by an amendment of the Constitution?
- (a) Balaji v. State of Mysore  
(b) State of Madras v. Champakam Dorairajan  
(c) E.P. Royappa v. State of Tamil Nadu  
(d) Periakaruppan v. State of Tamil Nadu
36. What is the correct chronological order in which the following provisions were incorporated into the Constitution of India through amendments?
- Directive principle on free legal aid
  - Proviso to Article 335
  - Twelfth Schedule
  - Article 51 A (K)
- Select the correct answer using the code given below:
- (a) 1 - 3 - 2 - 4  
(b) 2 - 1 - 4 - 3  
(c) 2 - 3 - 4 - 1  
(d) 4 - 2 - 1 - 3
37. Which one of the following jurists has been of the view that international law is not true law but positive international morality only, analogous to the rules binding a club or society?
- (a) Oscar Schachter  
(b) John Austin  
(c) D. Harris  
(d) Louis Henkin
38. Which one of the following bodies has played a significant role in the codification of international law?
- (a) International Court of Justice  
(b) Security Council of United Nations  
(c) International Law Commission  
(d) Trusteeship Council of United Nations
39. Which of the following is the effect of a unilateral declaration by State to accept the principles of a treaty to which it is not a party?
- The State becomes a party to the treaty.
  - The State becomes bound by these principles.

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3. the State will have an obligation to become a party to the treaty.
4. The declaration may create estoppel against the State.
- Select the correct answer using the code given below:
- (a) 1 and 2  
(b) 2 and 4  
(c) 1 and 3  
(d) 3 and 4
40. In India, treaty making is an  
(a) Executive act only  
(b) Legislative act only  
(c) Judicial act  
(d) Legislative as well as Executive act
41. *Pacta tertiis nee 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
42. Which of the following are examples of instant customary international law?  
(a) Law of outer space  
(b) Law of treaties  
(c) Law relating to continental shelf  
(d) Law relating to territorial sea
43. 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
44. In which one of the following cases has it been laid down that retroactivity of recognition operates to validate acts of *de facto* government which has subsequently become the new *de jure* government and not to invalidate acts of the previous *de jure* government?  
(a) Adams v. Adams  
(b) Carl Zeiss Stiftung case  
(c) Civil Air Transport Inc. v. Central Air Transport Corporation  
(d) Obschestvo A.M. Luther v. James Sagor and Co.
45. Which of the statements given below is/are correct?  
1. De facto recognition is extended to the regime which is in fact in control of the territory.  
2. De jure recognition must always be preceded by de facto recognition  
3. De jure recognition must be conferred on the de facto government.  
4. Recognition de facto implies a doubt on the stability and legitimacy of the government.
- Select the correct answer using the code given below:  
(a) 1 and 4  
(b) 1 and 2  
(c) 2 and 3  
(d) 4 only
46. Which one of the following theory/view supports the fact that the recognition is retrospective, i.e., it dates back to the day on which the state had come into existence?  
(a) Constitutive theory of recognition  
(b) Declaratory theory of recognition  
(c) The view that recognition is compulsory  
(d) The view that illegal regimes need not be recognized
47. Match List I with List II and select the correct answer using the code given below the lists:
- | List I                         |  | List II                             |  |
|--------------------------------|--|-------------------------------------|--|
| Judicial decision              |  | Principle                           |  |
| A. Reparations case            |  | 1. Estoppel                         |  |
| B. Certain Expenses case       |  | 2. Recognition                      |  |
| C. Temple of Preah Vihear case |  | 3. Peace keeping operations         |  |
| D. Arantzazu mendi case        |  | 4. International personality of UNO |  |
- Code:**
- |     | A | B | C | D |
|-----|---|---|---|---|
| (a) | 4 | 3 | 1 | 2 |
| (b) | 4 | 1 | 3 | 2 |
| (c) | 2 | 1 | 3 | 4 |
| (d) | 2 | 3 | 1 | 4 |
48. Which one of the following is prohibited by Article 2(4) of the United Nations Charter?  
(a) Use of force by member states in their internal matters  
(b) Threat to use force by member states against the UNO  
(c) Use of force by non-member states  
(d) Use of force or threat to use force by member states in their international relations

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49. The expenses of the International Court of Justice are borne by the United Nations in such a manner as decided by the
- General Assembly
  - Security Council
  - International Court of Justice itself
  - Secretary General of United Nations
- (a) 1 - 2 - 3 - 4  
(b) 1 - 4 - 2 - 3  
(c) 2 - 4 - 1 - 3  
(d) 4 - 1 - 2 - 3
50. Which one of the following can request International Court of Justice to give an advisory opinion?
- State
  - General Assembly
  - International Law Commission
  - Individual
51. Which of the following ensure continuity in the International Court of Justice?
- Elections to the court are staggered.
  - Elections take place every three years with respect to five judges each time.
  - 1/3<sup>rd</sup> (one-third) of the judges retire every three years.
- Select the correct answer using the code given below:
- 1, 2 and 3
  - 2 and 3 only
  - and 2 only
  - 1 and 3 only
52. Which one of the following is the successor to Human Rights commissions?
- Human Rights Committee
  - Amnesty International
  - International Committee of Red Cross
  - Human Rights Council
53. Which one of the following is the first instrument at the international level which conceptualizes human rights and provides an internationally agreed catalogue of human rights?
- United Nations Charter
  - Universal Declaration of Human Rights
  - International Covenant on Civil and Political Rights
  - International Covenant on Social, Economic and Cultural Rights
54. What is the correct chronological order of the following human rights documents?
- Universal Declaration of Human Rights.
  - Convention on the Elimination of all forms of Discrimination Against Women.
  - Convention on the Rights of the Child.
  - International Covenant on Civil and Political Rights.
- Select the correct answer using the code given below:
55. Match List I with List II and select the correct answer using the code given below the lists:
- | <b>List I</b>  |  | <b>List II</b> |  |
|--|--|----------------|--|
| A. Case concerning the aerial incident of 10 August 1990 (Pakistan v. India) | 1. Jurisdiction under the optional system      |                |  |
| B. Corfu Channel case  | 2. Jurisdiction based on a bilateral treaty    |                |  |
| C. Rights of passage case  | 3. Forum prorogatum                            |                |  |
| D. Territorial Dispute case (Libya v. Chand)                                 | 4. Jurisdiction on the basis of the UN Charter |                |  |
- Code:**
- |     | <b>A</b> | <b>B</b> | <b>C</b> | <b>D</b> |
|-----|----------|----------|----------|----------|
| (a) | 2        | 1        | 3        | 4        |
| (b) | 4        | 3        | 1        | 2        |
| (c) | 2        | 3        | 1        | 4        |
| (d) | 4        | 1        | 3        | 2        |
56. Which one of the following instruments provides for the establishment of Human Rights Committee?
- Universal Declaration of Human rights
  - United Nations Charter
  - International Covenant on Civil and Political Rights
  - International Covenant on Economic, Social and Cultural Rights
57. A is dead drunk and yet decides to go for a joy ride along with his friends. He drives his newly imported car with high speed and is not able to control his vehicle when he passes through a busy shopping market causing instant death of three pedestrians. He is found to be in highly intoxicated state at the time of the accident and the speed of the car is found to be above 70 kms. for which one of the following offences can be prosecuted?
- Homicide caused by rash and negligent act
  - Murder
  - Culpable homicide not amounting to murder
  - Causing grievous hurt by an act endangering life

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58. Even if the harm to the plaintiff has been caused maliciously no action can lie for the same unless the plaintiff can be prove that he has suffered legal injuries. In which one of the following cases was this principle enunciated?
- (a) Bradford Corporation v. Pickles  
(b) Christie v. Davey  
(c) Re Polemis case  
(d) Holderness v. Goslin
59. Match List I with List II and select the correct answer using the code given below the lists:
- | List I                    |    | List II                            |  |
|---------------------------|----|------------------------------------|--|
| Defence                   |    | Decision                           |  |
| A. Inevitable accident    | 1. | Richards v. Lothian                |  |
| B. Act of God             | 2. | Alexander v. North Eastern Railway |  |
| C. Justification by truth | 3. | Nichols v. Marsland                |  |
| D. Act of third party     | 4. | Stanley v. Powell                  |  |
- Code:**
- |     | A | B | C | D |
|-----|---|---|---|---|
| (a) | 4 | 3 | 2 | 1 |
| (b) | 1 | 3 | 2 | 4 |
| (c) | 4 | 2 | 3 | 1 |
| (d) | 1 | 2 | 3 | 4 |
60. X, the owner of a car, asked his friend Y to drive the car to his office. As the car was near his (X's) office, it hit a pedestrian P on account of Y's negligent driving and injured him seriously. P sued X for damages. Which one of the following is correct regarding the above?
- (a) X is not liable as it was the negligence of Y  
(b) The liability was solely of Y as X was not accompanying him  
(c) As Y was driving under X's care and authority, X is liable  
(d) X is not liable under the principle of inevitable accident
61. The standard of care generally used in cases of negligence is the
- (a) skill and care of a professional person  
(b) care taken by an intelligent and prudent man  
(c) foresight of a prudent man  
(d) skill and foresight of an ordinary person of prudence and competence
62. Two persons are said to be joint tort-feasors when
- (a) a person on account of his negligence gives opportunity to another for committing a tort  
(b) two or more persons are simultaneously involved in committing a wrong  
(c) a tort is committed by two or more persons or any one of them when they are engaged in furtherance of a concerted purpose  
(d) two persons together commit a tort
63. In which one of the following cases has the test of directness for determining the remoteness of damage been applied?
- (a) Donoghue v. Stevenson  
(b) Re Polemis  
(c) Wagon Mound No. 1  
(d) Doughty v. Turner Manufacturing Co. Ltd.
64. Match List I with List II and select the correct answer using the code given below the lists:
- | List I                            |    | List II                        |  |
|-----------------------------------|----|--------------------------------|--|
| Judicial Principle                |    | Decision                       |  |
| A. Injuria Sine Damno             | 1. | Jones v. Boyce                 |  |
| B. Damnum Sine Injuria            | 2. | Davies v. Mann                 |  |
| C. Rule of last opportunity       | 3. | Ashby v. White                 |  |
| D. Doctrine of alternative danger | 4. | Gloucester Grammar School case |  |
- Code:**
- |     | A | B | C | D |
|-----|---|---|---|---|
| (a) | 1 | 2 | 3 | 4 |
| (b) | 1 | 3 | 2 | 4 |
| (c) | 3 | 4 | 2 | 1 |
| (d) | 3 | 2 | 4 | 1 |
65. The principle of absolute liability in the Indian tort law is applicable when damage is caused by the activity or escape of
- (a) Hazardous material only  
(b) Poisonous material  
(c) Inherently dangerous material only  
(d) Hazardous or inherently dangerous material
66. Consider the following decided cases on the tort of foreseeability:
1. Wagon Mound No. 1
  2. Wagon Mound No. 2
  3. Hughes v. Lord Advocate
  4. Doughty v. Turner Manufacturing Co. Ltd.
- Select the correct chronological order of the above cases, in which they were decided, using the code given below:
- (a) 1 - 2 - 3 - 4  
(b) 3 - 1 - 4 - 2  
(c) 1 - 3 - 4 - 2  
(d) 3 - 1 - 2 - 4

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67. Match List I with List II and select the correct answer using the code given below the lists:

<b>List I</b>		<b>List II</b>	
	Special Defence		Decision
A.	Reasonable restriction	1.	Cook v. Alexander
B.	Contributory negligence	2.	Rajinder Kishore v. Durga Sahi
C.	Absolute privilege	3.	Herd v. Weardale Steel, Coal and Code Co. Ltd.
D.	Qualified privilege	4.	Rural Transport Service v. Bezlum Bibi

**Code:**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
(a)	2	4	1	3
(b)	2	1	4	3
(c)	3	1	4	2
(d)	3	4	1	2

68. Which one of the following is the gist of the cause of action for tort of conspiracy?

- An agreement between defendants to do an unlawful act
- An agreement and overt act by the defendants
- An agreement and overt act causing damage to the plaintiff
- Unlawful combination causing or not causing damage to the plaintiff

69. Which among the following are relevant for liability in the tort of conspiracy?

- Number of combiners
- Purpose of the combiners
- Intention of the combiners
- Actions taken by the combiners

Select the correct answer using the code given below:

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

70. Match List I with List II and select the correct answer using the code given below the lists:

<b>List I</b>		<b>List II</b>	
	Nature of tort		Ingredient
A.	Private nuisance	1.	Interest in land
B.	Public nuisance	2.	Addressed to the eye
C.	Libel	3.	No interest in land
D.	Slander	4.	Addressed to the ear

**Code:**

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
(a)	1	2	3	4
(b)	1	3	2	4
(c)	4	3	2	1
(d)	4	2	3	1

71. For an action of nuisance, the following have been put up as defences:

- The place is suitable for the purpose.
- It is for the benefit of the locality.
- 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 only | (d) | 3 only |

72. Which one of the following is not necessary to have a private right of action in respect of a public nuisance?

- The plaintiff must show a particular injury to himself beyond that which is suffered by the rest of the public
- The injury must be of a substantial character
- The nuisance must be caused by negligence
- The injury must be direct and not consequential injury

73. Which of the following remedies are available in an action in the tort of nuisance?

- Abatement
- Injunction
- Specific restitution
- Action for damages

Select the correct answer using the code given below?

- |     |                 |     |               |
|-----|-----------------|-----|---------------|
| (a) | 1, 2 and 4 only | (b) | 1 and 3 only  |
| (c) | 2 and 4 only    | (d) | 1, 2, 3 and 4 |

74. Consider the following statements:

The Actus reus is made up of

- human action which is usually termed 'conduct'.
- the result of such act in the specified circumstances which is designated as 'injury'.

Which of the statements given above is/are correct?

- |     |              |     |                 |
|-----|--------------|-----|-----------------|
| (a) | 1 only       | (b) | 2 only          |
| (c) | Both 1 and 2 | (d) | Neither 1 nor 2 |

75. Which of the following is the correct theoretical sequence in the commission of an offence?

- Physical element
- Mental element
- Forbidden consequence

Select the correct answer using the code given below:

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



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76. Locus poenitentiae test is applied to trace which one of the following?
- Criminal misappropriation
  - Attempt
  - Sedition
  - Conspiracy
77. To whom, among the following is the right of private defence, under Chapter IV of IPC, available?
- Only to the defender being a preventive right.
  - An aggressor, while facing action on the part of the defender which is excessive.
- Select the correct answer using the code given below:
- 1 only
  - 2 only
  - Both 1 and 2
  - Neither 1 nor 2
78. P, with the intention of committing theft entered the house of Q. Q. on seeing him entering, struck him with a lathi and P fell down unconscious. Thereafter, Q gave him another blow of the lathi at his head which caused his death. On being prosecuted for murder, Q took the plea of private defence. Which of the following arguments is valid?
- Since Q was acting in the exercise of his right of private defence of his property, he had taken a valid defence
  - Since in the defence of one's property one cannot cause death of the intruder, Q has no defence
  - Q has used excessive force as once P fell unconscious; there was no need for the second blow. Hence, Q's plea of right of private defence will not succeed
  - If P collided house breaking in the night, Q has the right to cause death in the defence of his property, and thus Q's plea should prevail
79. Which one of the following is the correct group of offences against which right of private defence relating to property can be exercised?
- Theft, Extortion, Robbery, Mischief
  - Theft, Extortion, Mischief, Criminal Trespass
  - Robbery, Mischief, Criminal Trespass, Extortion
  - Theft, Robbery, Mischief, Criminal Trespass,
80. Which one of the following statements is correct?
- For the purpose of Section 103 of IPC (causing death in the exercise of right of private defence for protection of property), there is
- no distinction between public property and private property.
  - clear distinction between public property and private property.
  - no right of private defence.
  - no right of private defence at the attempt stage of causing of death.
81. Consider the following statements with respect to the analytical school of jurisprudence:
- Law is posterior to State.
  - Law is what the ruler desires it to be.
  - Custom has no place in law.
  - Law should always conform to the popular consciousness.
- Which of the statements given above are correct?
- 1 and 2 only
  - 3 and 4 only
  - 1, 2 and 3
  - 2 and 4 only
82. A instigates b to kill C by means of a letter sent through post. The abetment by instigation is complete
- as soon as the letter reaches the addressee
  - as soon as the abettor posts the letter to the addressee
  - as soon as the contents of the letter are known to the addressee
  - even if the letter was sent at a wrong address
83. b, a man of unsound mind, sets fire to a dwelling house on A's instigation. Here, B is exempted from criminal liability (Section 84 IPC), but A is guilty of abetting mischief by fire with intent to destroy the house. The principle of this criminal liability may be explained by which one of the following explanations?
- The abetment of an offence being an offence, the abetment of such an abetment is also an offence
  - The person who has been instigated to commit an offence may not be liable under criminal law for his act because of his being of unsound mind at the time of committing the offence but the abettor shall be liable for abetment to commit mischief by fire
  - To constitute offence of abetment it is not necessary that the act abetted should be committed
  - it is not necessary to the commission of the offence by conspiracy that the abettor should work in concert with the person who commits it

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84. X and Y conspire to poison Z. X in pursuance of the conspiracy procures the poison and delivers it to Y in order that he may administer it to Z. Y in pursuance of the conspiracy administers the poison in the presence of X and thereby causes Z's death. What offence, if any, has been committed by X and Y, respectively.
- (a) Y has committed the offence of murder and X was an abettor  
 (b) Both X and Y have committed the offence of criminal conspiracy  
 (c) X has committed the offence of murder and Y was an abettor  
 (d) Both X and Y have committed the offence of Murder
85. Which of the following is/are correct? For an offence of extortion
- it is necessary that the threat made and the property received be by one and the same person.
  - it is not necessary that the person who received threat and the person who delivered the property be one and the same person.
- Select the correct, answer using the code given below:
- (a) 1 only  
 (b) 2 only  
 (c) Both 1 and 2  
 (d) Neither 1 nor 2
86. Stealing one's own property is
- (a) not at all an offence  
 (b) an offence under Section 403 of IPC  
 (c) an offence under Section 405 of IPC  
 (d) None of the above
87. In which one of the following cases did the Supreme Court explain the concept of grave and sudden provocation as a mitigating circumstance reducing the gravity of the offence from murder to culpable homicide not amounting to murder?
- (a) State v. Dasrath  
 (b) Jagroop Singh v. State of Haryana  
 (c) K.M. Nanavati v. State of Maharashtra  
 (d) Ujagar Singh v. Emperor
88. Match List I with List II and select the correct answer using the code given below the lists:
- | List I   | List II         |
|--|-----------------|
| Elements of offence  | Type of offence |
| A. Movable property obtained without consent                     | 1. Robbery      |
| B. Movable property obtained without consent by instant violence | 2. Extortion    |
- C. Movable property obtained with consent induced by fear  
 D. Movable property obtained using instant violence by a gang of six persons
- Code:**
- |     | A | B | C | D |
|-----|---|---|---|---|
| (a) | 3 | 4 | 1 | 2 |
| (b) | 3 | 1 | 4 | 2 |
| (c) | 4 | 1 | 2 | 3 |
| (d) | 4 | 2 | 1 | 3 |
89. Consider the following:
- Entrustment
  - Misappropriation of conversion to one's own use
  - Misappropriation, conversion of disposal with dishonest intention
- In which one of the following offences are the above essential ingredients?
- (a) Cheating  
 (b) Criminal breach of trust  
 (c) Criminal misappropriation  
 (d) Extortion
90. 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 IPC?
- (a) Theft, Section 387 IPC  
 (b) Criminal breach of trust, Section 405 IPC  
 (c) Misappropriation of property, Section 403 IPC  
 (d) Robbery, Section 390 IPC
91. In cases of criminal misappropriation, the initial possession of the property is
- (a) dishonest  
 (b) fraudulent  
 (c) innocent  
 (d) illegal
92. Taking property dishonestly from the dead body
- (a) does not amount to any offence under IPC  
 (b) amounts to the offence of theft  
 (c) amounts to the offence of criminal misappropriation  
 (d) amounts to the offence of criminal breach of trust

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93. The juristic concept of contract consists of  
 (a) free consent and capacity  
 (b) offer and acceptance  
 (c) consideration and undue influence  
 (d) agreement and obligation
94. Consider the following statements:  
 1. An agreement made without consideration is void.  
 2. Consideration should have some value in the eyes of the law.  
 3. Consideration has to be adequate.  
 Which of the statements given above is/are correct?  
 (a) 1, 2 and 3  
 (b) 1 and 3 only  
 (c) 3 only  
 (d) 1 and 2 only
95. Consider the following statements:  
 1. An agreement in writing based on natural love and affection between near relatives is enforceable without consideration.  
 2. An agreement to which consent of the promisor is freely given is not void merely because the consideration is inadequate.  
 Which of the statements given above is/are correct?  
 (a) 1 only  
 (b) 2 only  
 (c) Both 1 and 2  
 (d) Neither 1 nor 2
96. Consider the following statements in respect of acceptance:  
 1. In case of telephonic conversation, the contract is complete when the acceptor speaks the words of acceptance.  
 2. Conditional or qualified acceptance is also an acceptance.  
 3. Acceptance should be in the usual prescribed manner.  
 Which of the statements given above is/are correct?  
 (a) 1 and 2  
 (b) 2 and 3  
 (c) 3 only  
 (d) 1 and 3
97. X purchases a deep-freezer. As an 'offer', a free iron box was given as a gift along with the purchase. The iron box did not work properly and burnt X's expensive coat. Can X claim damages and ask for replacement of the iron box?  
 (a) Yes, he can ask for replacement of the box but cannot ask for damages  
 (b) No, he cannot ask for anything as the iron box was given to him free. Hence there is no consideration  
 (c) Yes, he can ask for both damages and replacement  
 (d) None of the above
98. Consider the following statements:  
 1. An auctioneer's announcement to sell an artifact through auction on a certain day is not an offer but only an invitation to offer.  
 2. The highest bid in an auction is merely an offer which an auctioneer may or may not accept.  
 Which of the statements given above is/are correct?  
 (a) 1 only  
 (b) 2 only  
 (c) Both 1 and 2  
 (d) Neither 1 nor 2
99. 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
100. 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
101. The acceptance given by A on B's invitation for lunch over phone is not a contract because of which one of the following?  
 (a) The acceptance was given orally  
 (b) The parties did not take face-to-face  
 (c) There is no intention to create a legal obligation  
 (d) Invitation cannot be proved in the court of law

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102. Consider the following statements:
- All the provisions of contract law are equally applicable to the State if it is entering into contract with an individual.
  - While entering into any contract, the State shall not discriminate between the individuals and provide equal opportunities as much as possible.
- Which of the statements given above is/are correct?
- (a) 1 only (b) 2 only  
(c) Both 1 and 2 (d) Neither 1 nor 2
103. Consider the following statements:
- Contract formed by coercion and undue influence is vitiated and voidable at the option of the party whose consent is so obtained.
  - A contract formed, where both the parties are under mistaken notion about the existence of the subject matter, is void.
- Which of the statements given above is/are correct?
- (a) 1 only (b) 2 only  
(c) Both 1 and 2 (d) Neither 1 nor 2
104. Which among the following elements is not required in case of under influence?
- The parties stand in near relation to each other
  - One party shall have the position of dominance over the other
  - The party standing in a domination position actually dominates the will of the other
  - parties are not necessarily related at all, they can be strangers meeting for the first time
105. X, the owner of a transport company, had an apprehension that his vehicles will be taken over by the government for election purposes. Despite that apprehension, he agrees to hire one of his buses to a marriage party. As the bus was taken over for election duty, he could not oblige the marriage party. Which one of the following propositions is correct in this regards?
- X is not liable as the performance of contract has become impossible
  - As the performance has become impossible the aggrieved party cannot seek compensation for the loss
  - X need not even return the security deposit, if received
  - X is liable as he was aware that the government might take over his buses but he did not bother to caution the other party
106. The new concept of equality as an antithesis of arbitrariness was propounded first by the Supreme Court in which one of the following cases?
- Ramakrishna Dalmia v. Justice Tendolkar
  - Maneka Gandhi v. Union of India
  - E.P. Royappa v. State of Tamil Nadu
  - State of West Bengal v. Anwar Ali Sarkar
107. Which of the following is/are involved in wagering agreement?
- An uncertain event
  - Parties have no control over the event
  - Except the stake parties have no other interest in the event
- Select the correct answer using the code given below:
- 1 only
  - 1 and 2 only
  - 2 and 3 only
  - 1, 2 and 3
108. A, a married woman, agreed to live in adultery with B and also agreed to serve him as his house keeper. In return, B agreed to pay A Rs. 500 per month for living in adultery and Rs. 500 per month for house keeping. The agreement is
- valid
  - void
  - void as to the first object but valid with respect to the second object
  - unlawful being opposed to public policy
109. Which of the following agreements may be enforced?
- A promises to paint a picture for B by a certain day and at a certain price. A dies before the day.
  - A agrees to pay B a sum of money if a certain ship does not return. The ship is sunk.
- Select the correct answer using the code given below:
- 1 only
  - 2 only
  - Both 1 and 2
  - Neither 1 nor 2
110. Match List I with List II and select the correct answer using the code given below the lists:
- | List I   | List II                            |
|--|------------------------------------|
| A. Satyabrata Ghosh v. Mugneeram                     | 1. Anticipatory breach of contract |
| B. West Bengal Financial corporation v. Gluco Series | 2. Frustration of contract         |

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- C. Union of India v. Steel Authority of India 3. Novation
- D. Salima Jabeen v. National Insurance co. 4. Unjust benefit under mistake
- Code:**
- |     | A | B | C | D |
|-----|---|---|---|---|
| (a) | 2 | 1 | 4 | 3 |
| (b) | 2 | 4 | 1 | 3 |
| (c) | 3 | 4 | 1 | 2 |
| (d) | 3 | 1 | 4 | 2 |
111. In which of the following situations is there a stipulation by way of penalty?
1. A undertakes to repay B a loan of rs. 1,000/- by five equal monthly installments with a stipulation that, in default of payment of any installment, the whole shall become due.
  2. A borrows Rs. 100/- from B and gives him a bond for Rs. 200/- payable by five yearly installments of Rs. 40/-, with a stipulation that, in default of payment of any installment, the whole shall become due.
- Select the correct answer using the code given below:
- |     |              |     |                 |
|-----|--------------|-----|-----------------|
| (a) | 1 only       | (b) | 2 only          |
| (c) | Both 1 and 2 | (d) | Neither 1 nor 2 |
112. Consider the following statements with regard to law of contract:
1. Presence of consideration is essential but the same should be adequate.
  2. Inadequacy of consideration may be considered as evidence for the presence of undue influence.
- Which of the statements given above is/are correct?
- |     |              |     |                 |
|-----|--------------|-----|-----------------|
| (a) | 1 only       | (b) | 2 only          |
| (c) | Both 1 and 2 | (d) | Neither 1 nor 2 |
113. X applied for the post of Director in an organization. The governing body of the organization passed a resolution appointing him. After the meeting, one of the members of the governing body informed him privately of the resolution. Subsequently, the resolution was rescinded. X claims damages. Which one of the following is the correct legal proposition in the case?
- (a) X cannot claim damages as there was no formal communication
  - (b) X cannot claim damages as he had not resigned from his existing post in anticipation of getting the appointment letter
  - (c) X can claim damages as governing body cannot rescind the resolution once passed
  - (d) X can claim damages as there was private communication
114. Consider the following objectives of the law relating to damages:
1. Enrich the party who has sustained loss by breach of contract.
  2. Punish the party who has committed the breach of contract.
  3. Put the party, who sustained the loss, in the same position as if the contract has been performed.
- Which of the statements given above is/are correct?
- |     |            |     |              |
|-----|------------|-----|--------------|
| (a) | 1, 2 and 3 | (b) | 2 and 3 only |
| (c) | 3 only     | (d) | 1 and 2 only |
115. Consider the following statements:
1. Void contract means an agreement which is perfectly valid at the inception but rendered void due to subsequent developments.
  2. Void agreement is an agreement which is void from the inception.
- Which of the statements given above is/are correct?
- |     |              |     |                 |
|-----|--------------|-----|-----------------|
| (a) | 1 only       | (b) | 2 only          |
| (c) | Both 1 and 2 | (d) | Neither 1 nor 2 |
- Direction:** The following five (5) items consists of two statements, one labeled as the 'Assertion (A)' and the other as 'Reason (R)'. You are to examine these two statements carefully and select the answers to these items using the code given below:
- Codes:**
- |     |  |
|-----|--|
| (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   |
116. **Assertion (A):** Austin's concept of law is known as imperative theory.  
**Reason (R):** Austin emphasizes on the commanding character of law.
117. **Assertion (A):** Refusal to issue a writ of habeas corpus under Article 226 does not bar the remedy for a similar writ under Article 32.  
**Reason (R):** The rule of res judicata is not applicable to the writ of habeas corpus.

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118. **Assertion (A):** A state law on any matter of concurrent List prevails notwithstanding any repugnancy with an earlier law made by the Parliament.
- Reason (R):** On any matter in the Concurrent List, the Parliament can make a law that prevails over any repugnant State law.
119. **Assertion (A):** Contributory negligence in an accident is a defence to a charge in criminal law.
- Reason (R):** The fact that the deceased was also negligent and contributed to the accident does not afford a defence to the driver.
120. **Assertion (A):** The essence of joint liability under Section 149 of the IPC is that the criminal act must have been done with a view to fulfilling the common object of an unlawful assembly.
- Reason (R):** Any sudden and provocative act done by a member of an unlawful assembly would render the other member of the assembly liable.

**End of Question Paper**

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