

LAW – PRELIMINARY – 2009
TEST BOOKLET SERIES ‘B’
ANSWERS

1. Locus poenitentiae test is (b) Attempt
2. To whom, among the following, is the (a) 1 only
3. P, with the intention of committing ... (c) 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.
4. Which one of the following is the correct (d) Theft, Robbery, Mischief, Criminal Trespass
5. Which one of the following statements is correct ? (a) no distinction between public property and private property.
6. Consider the following statements with respect ... (c) 1, 2 and 3
7. A instigates B to kill C by means of a (a) as soon as the letter reaches the addressee
8. B, a man of unsound mind, sets fire..... (b) 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.
9. X and Y conspire to poison Z. X in pursuance ... (d) Both X and Y have committed the offence of murder
10. Which of the following is / are correct ? (b) 2 only
11. Stealing one's own property is ... (a) not at all an offence
12. In which one of the following cases did (c) K.M. Nanavati v. State of Maharashtra

13. In which one of the following cases has ... (c) Civil Air Transport Inc. v. Central Air Transport Corporation
14. Which of the statements given below is / are ... (d) 4 only
1. De facto recognition...
15. Which one of the following theory / view (b) Declaratory theory of recognition
16. 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) A-4, B-3, C-1, D-2
17. Which one of the following is prohibited ... (d) Use of force or threat to use force by members states in their international relations
18. The expenses of the International Court ... (a) General Assembly
19. Which one of the following can request ... (b) General Assembly
20. Which of the following ensure continuity (b) 2 and 3 only
21. Which one of the following is the successor (d) Human Rights Council
22. Which one of the following is the first (b) Universal Declaration of Human Rights
23. What is the correct chronological order (b) 1-4-2-3
24. Match List-I with List II and select the correct answer using the code given below the lists :
List – I List – II (d) A-4 , B-1 , C-3 , D-2
25. Which one of the following instruments (c) International Covenant on Civil and Political Rights
26. Which one of the following statements is not.... (d) He supported custom as the major source of law.
27. Which one of the following jurists is known ... (d) Austin
28. According to Maine, which one of the (b) Pater familias
29. Which one of the following schools of law (a) Sociological school

30. Arrange the following stages of development (b) 2-1-4-3
31. Whose theory is based on the concept that (a) Hegel
32. Who, among the following, has propounded (a) Ehrlich
33. According to Duguit, which one of the following ... (b) Division of labour
34. Which one of the following theories is proposed ... (c) Realist theory
35. Which one of the following is not the (d) Natural laws are permanent
36. Which of the following statements with regard ... (c) Both 1 and 2
37. In which one of the following cases was it (d) Bengal Immunity Company Ltd. V. State of Bihar
38. Protection of lakes is an objective expressly (a) Fundamental Duties
39. Consider the following statements regarding ... (a) 1 only
40. X hands over her expensive saree for cleaning (c) The court will award reasonable damages, ignoring the clause as unreasonable
41. Which one of the following is prescribed by the ... (b) Doctrine of consideration
42. The acceptance given by A on B's invitation for (c) There is no intention to create a legal obligation
43. Consider the following statements : (c) Both 1 and 2
1. All the provisions of contract law
44. Consider the following statements : (c) Both 1 and 2
1. A contract formed by coercion and ...
45. Which among the following elements is not (d) Parties are not necessarily related at all, they can be strangers meeting for the first time
46. X, the owner of a transport company, had an (a) 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
47. The new concept of equality as an antithesis (b) Maneka Gandhi v. Union of India

48. Which of the following is / are involved in wagering agreement ? (d) 1, 2 and 3
49. A, a married woman, agreed to live in adultery (c) void as to the first object but valid with respect to the second object
50. Which of the following agreements may be ... (b) 2 only
51. Match List-I with List II and select the correct answer using the code given below the lists :
List – I List – II (a) A- 2, B-1 , C-4 , D-3
52. In which of the following situations is there (c) Both 1 and 2
53. Consider the following statements with regard (b) 2 only
54. X applied for the post of Director in an (a) X cannot claim damages as there was no formal communication
55. Consider the following objectives of the law (c) 3 only
56. Consider the following statements :
1. Void contract means an (c) Both 1 and 2
57. Assertion (A) : Austin’s concept of law...
Reason (R) : Austin emphasizes on the (a) Both A and R are individually true and R is the correct explanation of A
58. Assertion (A) : Refusal to issue a writ of ...
Reason (R) : The Rule of res judicata is (a) Both A and R are individually true and R is the correct explanation of A
59. Assertion (A) : A State law on any matter ...
Reason (R) : On any matter in the (d) A is false but R is true
60. Assertion (A) : Contributory negligence in
Reason (R) : The fact that the (c) A is true but R is false
61. Assertion (A) : The essence of joint
Reason (R) : Any sudden and (b) Both A and R are individually true but R is not the correct explanation of A
62. Match List-I with List II and select the correct answer using the code given below the lists :
List – I List – II (c) A-4, B-1, C-2, D-3

- | | (Elements of offence) | (Type of offence) | |
|-----|---|-------------------|--|
| 63. | Consider the following :
1. Entrustment ... | | (b) Criminal breach of trust |
| 64. | A, a revenue officer, having dominion ... | | (b) Criminal breach of trust ,
Section 405 IPC |
| 65. | In cases of criminal misappropriation, the.... | | (c) innocent |
| 66. | Taking property dishonestly from the dead body | | (c) amounts to the offence of
criminal misappropriation |
| 67. | The juristsic concept of contract | | (b) offer and acceptance |
| 68. | Consider the following statements :
1. An agreement made without | | (d) 1 and 2 only |
| 69. | Consider the following statements :
1. An agreement in writing based on ... | | (c) Both 1 and 2 |
| 70. | Consider the following statements
1. In case of telephonic conversation | | (d) 1 and 3 |
| 71. | X purchases a deep-freezer. As an 'offer', a | | (c) Yes, he can ask for both
damages and replacement. |
| 72. | Consider the following statements :
1. An auctioneer's announcement ... | | (c) Both 1 and 2 |
| 73. | In which one of the following cases has | | (b) Ashok Kumar Thakur v.
Union of India |
| 74. | For constitutional amendment of which one | | (d) Jurisdiction of the Supreme
Court |
| 75. | After which one of the following decisions of ... | | (b) State of Madras v.
Champakam Dorairajan |
| 76. | What is the correct chronological order ... | | (a) 1-3-2-4 |
| 77. | Which one of the following jurists has been ... | | (b) John Austin |
| 78. | Which one of the following bodies has | | (c) International Law
Commission |
| 79. | Which of the following is the effect of a ... | | (b) 2 and 4 |

80. In India, treaty making is an (d) Legislative as well as Executive act
81. Pacta tertiis nec nocent nec prosunt means (d) Treaties neither impose obligations nor confer rights on third states
82. Which of the following are examples of (b) 3 and 4
83. Judicial decisions constitute (b) subsidiary means for the determination of rules of law
84. A is dead drunk and yet decides to go (a) Homicide caused by rash and negligent act
85. Even if the hard to the plaintiff has..... (a) Bradford Corporation v. Pickles
86. Match List-I with List II and select the correct answer using the code given below the lists :
List – I List – II
(Defence) (Decision)
87. X, the owner of a car, asked his friend Y to (c) As Y was driving under X's care and authority, X is liable
88. The standard of care generally used (d) skill and foresight of an ordinary person of prudence and competence
89. Two persons are said to be joint tort-feasors when (c) a tort is committed by two or more persons or any one of them when they are engaged in furtherance of a connected purpose
90. In which one of the following cases has ... (b) Re Polemis
91. 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)
92. The principle of absolute liability in the (d) Hazardous or inherently dangerous material
93. Consider the following decided cases on the tort (c) 1-3-4-2
94. Match List-I with List II and select the correct answer using the code given below the lists : (a) A-2, B-4, C-1, D-3

- | | List – I
(Special Defence) | List – II
(Decision) | |
|------|--|---------------------------|--|
| 95. | Which one of the following is the gist of | | (b) An agreement and overt act by the defendants |
| 96. | Which among the following are relevant for liability in the tort of conspiracy ? | | (b) 2 and 3 |
| 97. | Match List-I with List II and select the correct answer using the code given below the lists :
List – I
(Nature of tort) | List – II
(Ingredient) | (b) A-1, B-3, C-2, D-4 |
| 98. | For an action of nuisance, the following ... | | (d) 3 only |
| 99. | Which one of the following elements | | (c) The nuisance must be caused by negligence |
| 100. | Which of the following remedies are | | (a) 1, 2 and 4 only |
| 101. | Consider the following statements :
The Actus reus is made up of ... | | (a) 1 only |
| 102. | Which of the following is the correct.... | | (b) 2-1-3 |
| 103. | Who among the following has stated that.... | | (d) Blackstone |
| 104. | Who among the following stated that the | | (b) Duguit and Comte |
| 105. | Which one of the following is not a theory | | (d) Negative theory |
| 106. | A is a tenant in the house of B. | | (a) A lacks possession because of the absence of animus in him. |
| 107. | Which among the following is / are the....
1. Ownership contains a right | | (c) Both 1 and 2 |
| 108. | Who, among the following, expressed | | (a) H.M. Seervai |
| 109. | Which one of the following statements is not correct ? | | (d) Review of the constitutional amendments on substantive grounds is not permitted. |
| 110. | Consider the following statements :
1. The Preamble of the Constitution | | (b) 1 only |
| 111. | Fundamental Rights under the Constitution | | (a) 1 only |
| 112. | Match List-I with List II and select the correct | | (a) A-3, B-4, C-2 |

answer using the code given below the lists :

List – I (Subject matter)

List – II (Case)

113. Match List-I with List II and select the correct answer using the code given below the lists :
List – I (Power of President) List – II (Relevant Constitutional Provision) (b) A-4, B-3, C-2, D-1
114. Which one of the following statements is not correct ? (d) The Governor is bound to exercise all his powers and functions on the aid and advice of his Council of Ministers
115. Which one of the following is correct with regard to the decision in D.C. Wadhwa v. State of Bihar case . (b) Colourable re-promulgation of ordinance is unconstitutional
116. Which one of the following is not correct with regard to transfer of cases from the High Courts ? (b) Application requesting for transfer should be filed by Attorney General or any party to the case
117. Consider the following statements :
1. Judicial review under (a) 1 only
118. Which of the following is not a function of (c) 2 only
119. Match List-I with List II and select the correct answer using the code given below the lists :
List – I (Doctrine) List – II (Related judgement) (c) A-1, B-3, C-2, D-4
120. Consider the following statements :
1. Emergence is always imposed ... (a) 2 and 3 only