

CCE(P)-2015
LAW

KTM-19-XV

DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO

Subject Code :

1 9

Test Booklet No. : 02205

TEST BOOKLET

LAW

Time Allowed : 2 (Two) Hours

Full Marks : 200

INSTRUCTIONS

1. The name of the Subject, Roll Number as mentioned in the Admission Certificate, Test Booklet No. and Subject Code shall be written legibly and correctly in the space provided on the Answer Sheet with black ball pen.
2. Space provided for Series in the Answer Sheet is not applicable for Optional Subject. So the space shall be left blank.
3. All questions carry equal marks. Your total marks will depend only on the number of correct responses marked by you in the Answer Sheet.
4. No candidate shall be admitted to the Examination Hall/Room 20 minutes after commencement of distribution of the paper. The Supervisor of the Examination Hall/Room will be the time-keeper and his/her decision in this regard is final.
5. No candidate shall leave the Examination Hall/Room without prior permission of the Supervisor/Invigilator. No candidate shall be permitted to hand over his/her Answer Sheet and leave the Examination Hall/Room before expiry of the full time allotted for each paper.
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7. No candidate shall have in his/her possession inside the Examination Hall/Room any book, notebook or loose paper, except his/her Admission Certificate and other connected paper permitted by the Commission.
8. Complete silence must be observed in the Examination Hall/Room. No candidate shall copy from the paper of any other candidate, or permit his/her own paper to be copied, or give, or attempt to give, or obtain, or attempt to obtain irregular assistance of any kind.
9. After you have completed filling in all your responses on the Answer Sheet and the Examination has concluded, you should hand over to the Invigilator *only the Answer Sheet*. You are permitted to take away with you the Test Booklet.
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11. Smoking inside the Examination Hall/Room is strictly prohibited.
12. This Test Booklet contains one page for Rough Work at the end.

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[No. of Questions : 100]

SEAL

1. Who was the President of the Constituent Assembly?
 - (A) Dr. Rajendra Prasad
 - (B) C. Rajagopalachari
 - (C) Jawaharlal Nehru
 - (D) Dr. B. R. Ambedkar
2. Which of the following exercises, the most profound influence, in framing the Indian Constitution?
 - (A) British Constitution
 - (B) American Constitution
 - (C) The Government of India Act, 1935
 - (D) Irish Constitution
3. Sovereignty under the Constitution of India practically belongs to
 - (A) the Parliament
 - (B) the Judiciary
 - (C) the President
 - (D) the people
4. The Supreme Court of India held that the Preamble is not a part of the Constitution in
 - (A) Habeas Corpus case
 - (B) Berubari case
 - (C) Minerva Mills case
 - (D) Bengal Immunity Company's case
5. The word 'socialist' was not in the Preamble as enacted by the Constituent Assembly. It was inserted by
 - (A) 39th Amendment
 - (B) 41st Amendment
 - (C) 42nd Amendment
 - (D) 44th Amendment
6. The concept of Directive Principles of State Policy under the Constitution of India is borrowed from
 - (A) Germany
 - (B) Ireland
 - (C) USA
 - (D) Canada
7. Who explained that the Directive Principles of State Policy under the Constitution of India proceeded on the basis of human rights?
 - (A) Justice K. S. Hegde
 - (B) Justice P. N. Bhagawati
 - (C) Justice Krishna Iyer
 - (D) Justice R. N. Mishra
8. Article 51 of the Constitution of India aims to secure
 - (A) protection of monuments
 - (B) protection and improvement of environment and wildlife
 - (C) promotion of international peace and security
 - (D) separation of judiciary from executive

9. Which of the following rights was described by Dr. B. R. Ambedkar as the 'heart and soul' of the Constitution?

- (A) Right to Equality
- (B) Right to Constitutional Remedies
- (C) Right to Freedom of Religion
- (D) Right to Property

10. The benefit under Article 14 of the Constitution of India is available to

- (A) citizens of India only
- (B) every person
- (C) natural persons only
- (D) only aliens

11. The 'equality before law' under Article 14 of the Constitution is

- (A) Irish in origin
- (B) English in origin
- (C) Canadian in origin
- (D) American in origin

12. Freedom of Press in India is

- (A) available to the people under the law of Parliament
- (B) specifically provided in the Constitution
- (C) implied in the Right to Freedom of Expression
- (D) available to the people of India under executive order

13. Which Article of Indian Constitution ensures that the State cannot discriminate against a citizen on the basis of religion, race, caste, sex or place of birth?

- (A) Article 13
- (B) Article 14
- (C) Article 15
- (D) Article 16

14. The Constitution of India makes the provision for abolition of title under

- (A) Article 18 clause (1)
- (B) Article 18 clause (2)
- (C) Article 18 clause (3)
- (D) Article 18 clause (4)

15. The prohibition under Article 23 of the Constitution can be enforced

- (A) only against the State
- (B) only against the public organizations
- (C) only against the private individuals
- (D) against the State as well as private individuals

16. The Right to Property was dropped from the list of Fundamental Rights by the

- (A) 42nd Amendment
- (B) 44th Amendment
- (C) 52nd Amendment
- (D) 81st Amendment

17. Laws inconsistent with Fundamental Rights are void as per

- (A) Article 12
- (B) Article 13
- (C) Article 14
- (D) Article 15

18. Right to Information in India is a

- (A) Fundamental Right
- (B) Legal Right
- (C) Both (A) and (B)
- (D) Neither (A) nor (B)

19. Article 20 of the Constitution provides protection against

- (A) double jeopardy
- (B) self-incrimination
- (C) ex post facto law
- (D) All of the above

20. Article 21A is added to the Constitution by

- (A) 86th Amendment
- (B) 84th Amendment
- (C) 89th Amendment
- (D) 92nd Amendment

21. Sarkaria Commission was set up for the review of relation between the

- (A) Prime Minister and the President
- (B) Legislature and the Executive
- (C) Executive and the Judiciary
- (D) Centre and the States

22. The power of the President of India to issue ordinance is

- (A) Executive Power
- (B) Legislative Power
- (C) Quasi Judicial Power
- (D) Judicial Power

23. Who was the President of India at the time of proclamation of emergency in the year 1976?

- (A) V. V. Giri
- (B) Fakhruddin Ali Ahmed
- (C) Giani Zail Singh
- (D) Shankar Dayal Sharma

24. The impeachment of the President of India can be initiated in

- (A) either House of the Parliament
- (B) a joint sitting of both the Houses of Parliament
- (C) the Lok Sabha alone
- (D) the Rajya Sabha alone

25. The President of India is declared to be the head of the Union Executive under

- (A) Article 53 (1)
- (B) Article 55 (1)
- (C) Article 52
- (D) Article 58

26. Who decides the disputes regarding election of the President?

- (A) The Election Commission
- (B) The Parliament
- (C) The Supreme Court
- (D) Both (A) and (B)

27. When the Vice President acts as the President, he gets the emoluments of the

- (A) Vice President
- (B) President
- (C) Chairman of the Rajya Sabha
- (D) President in addition to what he gets as Chairman of the Rajya Sabha

28. The rule of *res judicata* is not applicable to

- (A) writ of certiorari
- (B) writ of quo warranto
- (C) writ of habeas corpus
- (D) writ of prohibition

29. Any question regarding disqualification arising out of defection is to be decided by

- (A) the President of India
- (B) the Supreme Court of India
- (C) the Chairman or the Speaker of the House
- (D) the Prime Minister of India

30. If any question arises whether a bill is a Money Bill or not, whose decision shall be final?

- (A) The Supreme Court of India
- (B) The President of India
- (C) The Speaker of the Lok Sabha
- (D) Joint Parliamentary Committee

31. Question Hour of the Parliament refers to

- (A) the lunch hour after the sitting
- (B) the last hour of the sitting
- (C) the first hour of the sitting
- (D) the second hour of the sitting

32. The Doctrine of Pith and Substance was applied in

- (A) K. C. Gajapati Narayan Deo vs. State of Orissa
- (B) State of Bombay vs. F. N. Balsara
- (C) K. T. Moopil Nair vs. State of Kerala
- (D) State of Bihar vs. Kameswar Singh

33. Who cannot claim safeguards under the Article 311 of the Constitution?

- (A) Employees of government companies
- (B) Employees of statutory corporations
- (C) Members of the defence services
- (D) All of the above

34. Which of the following Amendment Acts of the Constitution provides for the appointment of one person as Governor of two or more States?

- (A) 2nd Amendment
- (B) 3rd Amendment
- (C) 5th Amendment
- (D) 7th Amendment

35. The Sixth Schedule of the Constitution of India is related to

- (A) monopolies and restrictive trade practices
- (B) land reforms
- (C) administration of tribal areas in North-Eastern States
- (D) State of Jammu and Kashmir

36. The Tenth Schedule to the Constitution of India has been inserted by the

- (A) 24th Amendment
- (B) 42nd Amendment
- (C) 25th Amendment
- (D) 52nd Amendment

37. The question as to the scope of the amending power of the Parliament came before the Supreme Court for the first time in

- (A) Sajjan Singh vs. State of Rajasthan
- (B) Golak Nath vs. State of Punjab
- (C) Shankari Prasad vs. Union of India
- (D) Keshabananda Bharati vs. State of Kerala

38. Which one of the following is commonly known as 'Election Case'?

- (A) Maneka Gandhi vs. Union of India
- (B) Indira Nehru Gandhi vs. Raj Narayan
- (C) Mangoo Singh vs. Election Tribunal
- (D) None of the above

39. Which of the following Articles hints 'Doctrine of Pleasure' in context with services under the Union or States?

- (A) Article 309
- (B) Article 310
- (C) Article 311
- (D) Article 313

40. 'Special majority and ratification of States' will not be required in case of a bill seeking to amend the provision relating to
- election of the President
 - distribution of the legislative powers
 - representatives of States in Parliament
 - formation of new States
41. Administrative Law is a branch of
- International Law
 - Social Law
 - Private Law
 - Public Law
42. "Administrative Law is the law relating to the administration. It determines the organization, powers and duties of administrative authorities." This definition of administrative law was given by
- Austin
 - Jennings
 - Holland
 - Wade and Philips
43. Which one of the following is not a source of Administrative law?
- Reports of the committees and commissions
 - Personal laws
 - Delegated legislation
 - Ordinance promulgated by the President
44. The Committee on Minister's power has pointed that the expression 'delegated legislation' is used in
- two senses
 - three senses
 - four senses
 - five senses
45. In India, the parliamentary control of delegated legislation follows the same pattern as in
- Australia
 - USA
 - Canada
 - England
46. Which one of the following is not a delegated legislation?
- Departmental or Executive regulations
 - Rules of the Supreme Court
 - Byelaws of autonomous bodies, e.g., corporations
 - order of the superior authority to its subordinate
47. In India, the invalidity of delegated legislation may arise from
- the enabling act being unconstitutional
 - the subordinate legislation violating the Constitution
 - the subordinate legislation being ultra vires the delegating Act
 - All of the above

48. In Indian Administrative Law, the rules of natural justice are regarded as

- (A) foundational concept
- (B) fundamental concept
- (C) part of legal and judicial procedures
- (D) All of the above

49. Bias means

- (A) an operative prejudice conscious in relation to a party or issue
- (B) an operative prejudice whether conscious or unconscious in relation to a party or issue
- (C) an operative prejudice unconscious in relation to a party or issue
- (D) None of the above

50. The maxim *audi alteram partem* means

- (A) no man shall be a judge in his own cause
- (B) make an adjudication fair and impartial
- (C) judge should be impartial and free
- (D) hear the other side

51. Administrative body is not answerable to any ordinary court in

- (A) England
- (B) France
- (C) India
- (D) None of the above

52. Which one of the following is not a ground for exclusion of natural justice?

- (A) National Integration
- (B) Emergency
- (C) Public Interest
- (D) Statutory Exclusion

53. Find out the correct statement.

- (A) Writ of mandamus is a writ of cause
- (B) Writ of mandamus is a writ of right
- (C) Writ of mandamus is a discretionary remedy
- (D) All of the above

54. Certiorari is a command or order by

- (A) a tribunal which deals with the civil rights of persons
- (B) a superior court to an inferior court, tribunal which deals with civil rights
- (C) Public authority to control a public demonstration
- (D) an inferior court to a superior court

55. Which one of the following writs is issued by a court to prevent a person who has wrongfully usurped a public office?

- (A) Prohibition
- (B) Quo warranto
- (C) Certiorari
- (D) Mandamus

56. Which one of the following writs is available against the decisions of administrative tribunal?

- (A) Habeas corpus
- (B) Mandamus
- (C) Quo warranto
- (D) Prohibition

57. In case of the 'writ jurisdiction' of the Supreme Court under Article 32 and of the High Courts under Article 226 of the Constitution

- (A) both are entirely same and equivalent
- (B) the scope of Article 226 is wider
- (C) the scope of Article 32 is wider
- (D) None of the above

58. The Ombudsman is closely concerned with the correct functioning of the

- (A) parliamentary affairs
- (B) judicial decisions
- (C) administrative machinery
- (D) law and order in the society

59. Recommendation for the institution of Lokpal in India is made by

- (A) Administrative Reforms Commission
- (B) Swaminathan Committee
- (C) Kothari Commission
- (D) Santhanam Committee

60. Jus gentium means

- (A) Law of God
- (B) Natural Law
- (C) Law of Nations
- (D) Customary Law

61. Administrative Tribunal is also known as

- (A) Domestic Tribunal
- (B) Election Tribunal
- (C) Statutory Tribunal
- (D) Executive Tribunal

62. Administrative Tribunal generally exercises

- (A) purely administrative functions
- (B) administrative functions
- (C) judicial functions
- (D) quasi-judicial functions

63. Which one of the following is not a public sector undertaking?

- (A) Air India
- (B) Assam Ashok Hotel Corporation
- (C) Bharat Heavy Electricals Limited
- (D) Tata Engineering and Locomotive Company

64. A public corporation is

- (A) a citizen of India
- (B) a department of the government
- (C) a State within the meaning of Article 12 of the Constitution
- (D) None of the above

65. The constitutional amendment which introduced the subject 'tribunal' in the Indian Constitution is

- (A) 42nd Amendment
- (B) 69th Amendment
- (C) 17th Amendment
- (D) 71st Amendment

66. Under which Article of the Constitution, jurisdiction of the Supreme Court has been retained over the administrative tribunals?

- (A) Article 357
- (B) Article 136
- (C) Article 132
- (D) Article 133

67. The power of 'judicial review' in India is

- (A) explicit
- (B) implicit
- (C) given by the Parliament
- (D) given by the President

68. In India, direct but general parliamentary control over delegated legislation is exercised through

- (A) debate on the Act which contains delegation
- (B) questions and notices
- (C) moving resolutions and notices in the house
- (D) All of the above

69. 'Doctrine of Repugnancy' means inconsistency between the

- (A) constitutional law and administrative law
- (B) State-made law and Union-made law
- (C) public law and private law
- (D) international law and State law

70. The object of Central Vigilance Commission is to check corruption in

- (A) Public
- (B) Government Servants
- (C) Members of the Legislative Assembly
- (D) Ministers

71. Tort is

- (A) sometimes civil and sometimes a criminal wrong
- (B) only a criminal wrong
- (C) only a civil wrong
- (D) Both a civil wrong and a criminal wrong

72. The main characteristic of tort is that

- (A) the defendant must pay damages to the plaintiff whose legal right has been violated
- (B) the plaintiff must pay damages to the defendant
- (C) it is redressible by an action for liquidated damages
- (D) the quantum of damages awarded to the plaintiff is predetermined

73. Which one of the following interests is not protected by the law of tort?

- (A) Loss of commercial profit due to competition
- (B) Reputation
- (C) Physical safety
- (D) Peaceful enjoyment of one's land

74. Damages is the main remedy

- (A) in an action for the breach of contract
- (B) in an action for tort
- (C) both in an action for the breach of contract as well as in an action for tort
- (D) None of the above

75. *Injuria sine damno* means

- (A) violation of a legal right without causing any harm to the plaintiff
- (B) violation of a legal right without causing any loss to the plaintiff
- (C) violation of a legal right without causing any damage to the plaintiff
- (D) All of the above

76. The maxim *ubi jus ibi remedium* means

- (A) where there is a remedy, there is a right
- (B) where there is a right, there is a remedy
- (C) some wrongs do not have remedies
- (D) None of the above

77. Rule of 'strict liability' was laid down in

- (A) *Wooldrige vs. Sumner*
- (B) *Rylands vs. Fletcher*
- (C) *Illiot vs. Wikes*
- (D) *Bradford vs. Pickles*

78. Rescue cases form an exception to the application of the doctrine of

- (A) necessity
- (B) *volenti non fit injuria*
- (C) inevitable accident
- (D) None of the above

79. Minority

- (A) is no defence under law of torts
- (B) is a valid defence under law of torts
- (C) saves from liability
- (D) All of the above

80. Assault is a

- (A) crime
- (B) tort or civil wrong
- (C) crime as well as tort
- (D) None of the above

81. Normally assault

- (A) precedes battery
- (B) succeeds battery
- (C) neither precedes nor succeeds battery
- (D) None of the above

82. Which one of the following is not an objective of the law of torts?

- (A) Deterrence
- (B) Imposition of moral blame
- (C) Compensation
- (D) Corrective justice

83. To constitute the wrong of 'false imprisonment'

- (A) there should be total or partial restraint on the liberty of a person
- (B) there should be partial restraint on the liberty of a person without lawful justification
- (C) there should be a total restraint on the liberty of a person with lawful justification
- (D) there should be a total restraint on the liberty of a person without lawful justification

84. Find out the correct statement.

- (A) Trespass to land means interference with the possession of land without lawful justification
- (B) In trespass, the interference with the possession of land is direct
- (C) Trespass is actionable per se
- (D) All of the above

85. *Respondent superior* means

- (A) let the principal be liable
- (B) let the servant be liable
- (C) let the State be liable
- (D) let none of the above be liable

86. Which of the following cases established the civil law tort of negligence and obliged manufacturers to have a duty of care towards their customers?

- (A) Ashby vs. White
- (B) Donoghue vs. Stevenson
- (C) Rylands vs. Fletcher
- (D) Pasley vs. Freeman

87. *Res ipsa loquitur* is

- (A) a rule of law which benefits the plaintiff
- (B) a rule of evidence which benefits the defendant
- (C) a rule of evidence which benefits the plaintiff
- (D) a rule of law which benefits the defendant

88. To constitute the tort of nuisance, which one of the following items is not required to be proved?

- (A) Unreasonable interference
- (B) Interference is with the use or enjoyment of land
- (C) Interference is only with the use of land
- (D) Damage

89. In case of vicarious liability, the liability is

- (A) joint only
- (B) several only
- (C) joint and several
- (D) None of the above

90. Composite negligence refers to

- (A) the negligence on the part of two or more persons
- (B) a defence to a claim based on negligence
- (C) that if a person was injured in part due to his own negligence
- (D) that if a person's own negligence contribute to causing an accident

91. Find out the correct statement.

- (A) Nuisance is of two kinds
- (B) Public nuisance is also known as common nuisance
- (C) Nuisance generally is a continuing wrong
- (D) All of the above

92. 'Malice in fact' means

- (A) a wrongful act done intentionally without evil motive
- (B) a wrongful act done without just cause
- (C) a wrongful act done with good motive
- (D) a wrongful act done intentionally with evil motive

93. The rule of 'last opportunity' is introduced by the courts to modify the law relating to
- (A) trespass to land
 - (B) contributory negligence
 - (C) trespass to man
 - (D) negligence
94. *Vis major* means
- (A) act of God
 - (B) act of negligence
 - (C) act of friend
 - (D) act of stranger
95. Which one of the following is the appropriate remedy for the trespass of land?
- (A) Forecful evacuation
 - (B) Collection of mesne profit
 - (C) Legal action for ejectment
 - (D) None of the above
96. Use of reasonable care to prevent nuisance is generally
- (A) a valid defence in an action under tort
 - (B) no defence in an action under tort
 - (C) an absolute defence in an action under tort
 - (D) None of the above
97. To constitute the tort of nuisance, which of the following items is not required to be proved?
- (A) Unreasonable interference
 - (B) Interference is with the use or enjoyment of land
 - (C) Interference is with the possession of land
 - (D) Damage
98. Under the law of torts, the damages are
- (A) unliquidated
 - (B) liquidated
 - (C) limited
 - (D) unliquidated but limited
99. The doctrine of alternative danger was explained in
- (A) Jones vs. Boyce
 - (B) Ryland vs. Fletcher
 - (C) Motias Cost vs. Roque A. Jacinto
 - (D) None of the above
100. The maxim *ex turpi causa non oritur actio* means
- (A) from an immoral cause action arises
 - (B) from an immoral cause no action arises
 - (C) from an immoral cause action may or may not arise
 - (D) None of the above