

GU-RET 2016

GAUHATI UNIVERSITY RESEARCH ELIGIBILITY TEST

LAW

Booklet Series : **A**

Invigilator's Name and Signature

BOOKLET NO.

OMR SHEET NO.

ROLL NO.

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TIME : 2 HOURS 20 MINUTES

TOTAL MARKS : 80

Number of Pages in this Booklet : 22

Instructions for Candidates

1. Write your Roll No. and OMR Sheet No. in the boxes provided above.
2. This paper consists of two sections : **Section B** with 30 (thirty) multiple choice questions (MCQ) and **Section C** with 6 (six) descriptive questions. Each MCQ has 4 (four) answers, out of which **ONLY** one is correct. You have to darken the circle (on the OMR Sheet) for the correct answer corresponding to the question given in this booklet.

Example : (A) (B) (C) (D)

where (C) is the correct answer. No marks will be given for markings made in this booklet. The descriptive questions in **Section C**, **MUST** be answered in the space provided in this booklet. **No extra pages will be provided in any case.**

3. Use a **BLACK** ball point pen in your OMR Sheet.
4. Read the instructions given inside this booklet before attempting to answer any questions.
5. **DO NOT** write your name, roll no, phone no, or anything, or put any marks anywhere in this booklet, otherwise your candidature will be disqualified.
6. If you are found to resort to any kind of unfair means such as carrying extra material other than pen, pencil, watch, eraser, and scale, or copying from somebody or from external material, your candidature will be disqualified.
7. Use of mobile phones, calculators, log tables or any other tables, wearable smart devices such as smart Android watches or objects of similar nature **CAN NOT** be used inside the examination hall.
8. At the end of the examination, you have to return this booklet and the OMR Sheet back to the invigilator.
9. There is no negative marks for incorrect answer.

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GU-REF 2016

Section B (30 Marks)

1. "Democracy and federalism are essential features of our Constitution and are part of its basic structure". This observation was made in S R Bommai's case by
 - (A) Justice A M Ahmadi
 - (B) Justice J S Verma
 - (C) Justice P B Sawant
 - (D) Justice S R Pandian

2. The text of the Preamble of the Constitution of India aims to secure
 - (A) Fundamental rights to all individuals
 - (B) Fundamental duties to citizens of India
 - (C) Dignity of the individual and unity and integrity of the nation
 - (D) Security of service to Government servant

3. "Directive principles of State Policy are the conscience of the Constitution which embody the social philosophy of the Constitution" was described by
 - (A) Granville Austin
 - (B) A V Dicey
 - (C) Dr B R Ambedkar
 - (D) K C Wheare

4. Which of the following combinations are not correctly matched?
 1. Writ of Habeas Corpus - available against private individuals as well
 2. Writ of Quo Warranto - available against subordinate courts only
 3. Writ of Certiorari - available against state only
 4. Writ of prohibition - available against autonomous bodies only
 - (A) 2, 3, and 4
 - (B) 1, 2, and 3
 - (C) 1, 2, and 4
 - (D) 1, 3 and 4

5. If 'Actus non facit reum nisi mens sit res' is a cardinal principle of criminal law, which one of the following statements correctly reflects the above principle?
 - (A) 'Mens rea' is an essential element of a crime and there cannot be a crime without 'mens rea'
 - (B) Criminal liability under Indian Law always implies 'mens rea'
 - (C) To constitute a Crime there must be 'actus reus and mens rea'
 - (D) 'Actus reus' is not always necessary to constitute a crime

6. 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

7. Decisions of the General assembly on important questions shall be made by
 - (A) Simple majority
 - (B) Simple majority present and voting
 - (C) Two-third majority
 - (D) Two third majority present and voting

8. The Constitution of India originally consisted of
 - (A) 395 Articles, 22 Parts, 8 Schedules
 - (B) 394 articles, 24 parts, 12 schedules
 - (C) 395 Articles, 24 Parts, 9 Schedules
 - (D) 395 Articles, 22 Parts, 12 Schedules

9. The Constitution of India provides for
 - (A) Dual policy
 - (B) Single citizenship
 - (C) Authority of Courts
 - (D) All of the above

10. Clause (3) of Article 368 declares that nothing in Article 13 shall apply to any amendment made under this Article 368. This clause was added by
- (A) 24th amendment
 - (B) 25th amendment
 - (C) 42nd amendment
 - (D) 44th amendment
11. When a criminal act is done by several persons in furtherance of common intention of all,
- (A) each of such people is liable for that act
 - (B) each of such people is liable for that action the same manner as if it were done by him alone
 - (C) each of such people is liable according to their guilt
 - (D) None of the above is correct
12. Who defined 'state' as 'people organised for law within a definite territory'?
- (A) Holland
 - (B) Salmond
 - (C) Wilson
 - (D) Austin
13. Immanuel Kant is the exponent of
- (A) Retributive Theory of Punishment
 - (B) Reformatory Theory of Punishment
 - (C) Deterrent Theory of Punishment
 - (D) Preventive Theory of Punishment
14. When the title of the owner is already perfect, the ownership is known as
- (A) Vested
 - (B) Contingent
 - (C) Beneficial
 - (D) None of the above
15. The Constituent Assembly formally commenced its task of Constitution-making from
- (A) December 9, 1946
 - (B) December 13, 1946
 - (C) December 19, 1946
 - (D) December 22, 1946
16. A wife is not entitled to maintenance under section 125 of the Code of Criminal Procedure Code, if
- (A) she is living in adultery
 - (B) without sufficient reason, she refuses to live with her husband
 - (C) if parties are living separately by mutual consent
 - (D) All the above
17. Section 320 of the Indian Penal Code deals with
- (A) Grievous Hurt
 - (B) Hurt
 - (C) Kidnap
 - (D) Abduction
18. 'Frontiers of Legal Theory' was written by
- (A) Richard A Posner
 - (B) C K Allen
 - (C) Roscoe Pound
 - (D) Karl Marx
19. Roscoe Pound classified interests as
- (A) Private Interests
 - (B) Public Interests
 - (C) Social Interests
 - (D) (A), (B), and (C)
20. Austin considers to be the source of law
- (A) Sovereign
 - (B) Custom
 - (C) Tradition
 - (D) Precedents
21. Rights of citizenship of certain persons who have migrated to India are dealt in the Article
- (A) 4
 - (B) 5
 - (C) 6
 - (D) 7

22. is a person who brings about the incorporation and organisation of a Company
- (A) Subscriber
 - (B) Director
 - (C) Shareholder
 - (D) Promoter
 - (E) Debenture Holder
23. The first meeting of the Share-holders of a public company is known as
- (A) Statutory Meeting
 - (B) General Body Meeting
 - (C) Special Meeting
 - (D) First Meeting
24. Literal interpretation is also known as
- (A) Literal egis
 - (B) Grammatical Interpretation
 - (C) Liberal Interpretation
 - (D) (A) and (B) only
25. Generally, the delegated legislation means the law made by the
- (A) Legislative
 - (B) Executive
 - (C) Judiciary
 - (D) All of the above
26. United Nations was established on
- (A) October 22, 1945
 - (B) October 23, 1945
 - (C) October 24, 1945
 - (D) October 25, 1945
27. In which of the following cases, the Supreme Court has considered the concept of social justice?
- (A) Randhir Singh vs. Union of India
 - (B) Minerva Mills Ltd vs. Union of India
 - (C) Sarojini Ramaswami vs. Union of India
 - (D) A R Antulay vs. R S Nayak
28. In which of the following case, the Doctrine of Severability has been discussed?
- (A) A K Gopalan vs. State of Madras
 - (B) Deepchand vs. State of U.P.
 - (C) Ramesh Thapper vs. State of Madras
 - (D) Brij Bhushan vs. State of Delhi
29. 'Arbitration thus became the hand-maiden of international legislation' was said by
- (A) L Cross
 - (B) Judge Huber
 - (C) Monroe
 - (D) Judge Manly o Hudson
30. *Mens rea* is not an essential ingredient in which of the following?
- (A) Murder
 - (B) Theft
 - (C) Robbery
 - (D) Food adulteration

Section C (50 Marks)

Answer any 1 (one) from the following

1. Define 'White Collar Crime'. What are the causes of White Collar Crime? In certain professions, there are certain expertise and skill to provide sufficient opportunities for White Collar Criminality. Discuss a few professions involving white collar crime. (Marks : 20)

2. "At least in a democratic country, it is not a process solely of command and obedience, but of the action and reaction between constitutionally authorised initiative on the one hand and social forces on the other, which creates the other. Where does one begin and the other end, it is difficult to say" — C K Allen.

In context of the above, write a critical note on the intrinsic nexus between public opinion and legislation in the UK and India. (Marks : 10 + 10 = 20)

3. Service jurisprudence has developed in recent times in India. Attempt an overview of the constitutional provisions facilitating development of service jurisprudence. (Marks : 20)

Answer any 1 (one) from the following

4. "The important agencies of administering penal justice are the police, the law courts, the prisons, and similar penal institutions."

Under the above concept, discuss the concept of punishment and theories of punishment under the Criminal jurisprudence. What are the essentials of an ideal Penal system? (Marks : 30)

5. What do you mean by the Right of 'Private Defence'? Discuss the circumstances, as provided in the Indian Penal Code, under which Right of Private Defence extends to causing of death of another person. Explain the reason of such exceptions. (Marks : 8 + 14 + 8 = 30)

6. What is social justice? Provide, with the help of case laws, the transformation witnessed in the arena of social justice in India. (Marks : 30)

Space for Answers (Section C) : for Questions 1 to 3 (6 pages)

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Space for Answers (Section C) : for Questions 1 to 3 (6 pages)

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Space for Answers (Section C) : for Questions 1 to 3 (6 pages)

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Space for Answers (Section C) : for Questions 1 to 3 (6 pages)

GU-RFET 2019

Space for Answers (Section C) : for Questions 1 to 3 (6 pages)

GU-RFET 2019

Space for Answers (Section C) : for Questions 1 to 3 (6 pages)

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Space for Answers (Section C) : for Questions 4 to 6 (10 pages)

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GU-RRET 2019

Space for Answers (Section C) : for Questions 4 to 6 (10 pages)

GU-RREF 2018

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GU-RFET 2019

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GU-RRET 2018

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