

QUESTION PAPER

Written examination for selection to the post of
Chief Law Asstt. in PB-2 with GP Rs.4600/-

Time : 03 hours

Date : 20.8.2011

Venue : CPO/E.Rly.'s office

Full Marks : 100

Instruction :

- Answer may be given either in English or Hindi (not mix-up).
- Do not write your Name/Roll No., Designation, Deptt. and do not put your signature anywhere in the Answer Script except in the space provided for this purpose on the top sheet of the Answer Script.
- Do not write answer on the reverse of the top sheet of the Answer Script.
- Use of unfair norms in any way will liable to bear cancellation of the exam. And be booked under D&A Rules.
- Do not use mobile phone.
- Marks allotted to each question are given on the right side of question.

A. Answer any five from the following questions :

- What are the recruitment and service condition of persons serving the Union and what are the safeguard for dismissal, removal and reduction in rank of persons employed in Civil capacities ? - 10 marks
- When shall an application under Article 226 of the Constitution of India be dealt with in the Appellate side of the Calcutta High court ?
- When a Police Officer may arrest a person without warrant ? State briefly; Power of Court to convert summons – cases into warrant cases ? - 10 marks
- What are the consequences – - 10 marks
 - When a voidable contract is rescinded and
 - When a contract becomes void ?

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4. How the Commissioner of Railway Safety is appointed ? What are the various duties of commissioner of Railway Safety ? - 10 marks

What is the extent of liability of Railway Administration for death and injury to Passengers due to train accident ?
(Reply mentioning the relevant section of the Act)

5. What are the various major penalties under rule-6 of DAR ? What is the difference between compulsory retirement, removal and dismissal from service ? What are the compulsory deductions can be made from employee's bill while under suspension and getting subsistence allowances. - 10 marks

6. a) Explain the phrase "accident arising out and in course of employment" with illustrations under the Workmen's Compensation Act ? - 10 marks
b) What improvements do you notice in the Employees State Insurance Act in interpreting this phrase by statutory presumptions and deeming provisions ?

7. How the communications are made between Central Govt. Offices in different region under the official languages Rules, 1976. - 10 marks

B. Objective type of Question (compulsory) :

- i) On the basis of which Article new State can be created in India? - 02 marks
(a) Article-1 (b) Article-3 (c) Article-5 (d) None of these
- ii) How many types of Fundamental Rights were included in the original Constitution of India ? - 02 marks
(a) Eight (b) Seven (c) Six (d) None of these
- iii) A Judge of the Supreme Court may be removed by the : - 02 marks
(a) President (b) Union Cabinet (c) Parliament (d) None
- iv) Advocate General of a state is appointed by the : - 02 marks
(a) Law Minister of the State (b) Chief Minister of the State
(c) Governor of the State (d) President of India

Contd3/-

- v) Decision regarding the number of Judges for a High Court is finally taken by : - 02 marks
- (a) The Chief Justice of India
 - (b) The President of India
 - (c) The Chief Justice of the High Court
 - (d) The Governor of the State
- vi) "X accepts Y's proposal by a letter sent by post." The communication of acceptance is complete, as against Y when- - 02 marks
- (a) the letter is posted
 - (b) the letter is received by Y
 - (c) the letter is reached in Y's address
 - (d) the letter is delivered by the Postman
- vii) A contract without any consideration is - - 02 marks
- (a) valid contract
 - (b) void contract
 - (c) illegal contract
 - (d) enforceable contract
- viii) A person whose mental powers are completely absent is called- - 02 marks
- (a) idiot
 - (b) lunatic
 - (c) sound mind
 - (d) drunkard
- ix) Burden of proof is defined in which section of Law of Contract. - 02 marks
- (a) 16(2)
 - (b) 16(3)
 - (c) 16(1)
 - (d) none of the above
- x) The Criminal Wrong is a - - 02 marks
- (a) Private Wrong
 - (b) Civil Wrong
 - (c) Nuisance
 - (d) Public Wrong
- xi) According to law 'Malice' means - - 02 marks
- (a) Unlawful act
 - (b) Breach of contract
 - (c) Negligence in duty
 - (d) Wrongful intention
- xii) A breach of the rule is called - - 02 marks
- (a) Prevention
 - (b) Wrong
 - (c) Duty
 - (d) Right

- xiii) Prosecution means – - 02 marks
- (a) A civil action
 - (b) Criminal proceedings
 - (c) Criminal proceedings made before a judicial officer
 - (d) A criminal charge made before a judicial officer
- xiv) A fact when neither proved nor disproved is called – - 02 marks
- (a) Not proved
 - (b) Disproved
 - (c) False
 - (d) None of the above.
- xv) 'Pleading' means – - 02 marks
- (a) a plaint only
 - (b) a written statement
 - (c) a plaint or a written statement
 - (d) none of the above
- xvi) 'Preamble' means – - 02 marks
- (a) Stanting
 - (b) Finishing
 - (c) Writing
 - (d) Introduction
- xvii) Which Court cannot attach immovable Property ? - 02 marks
- (a) Small causes Court
 - (b) High Court
 - (c) Supreme Court
 - (d) Labour Court
- xviii) Non-joinder means – - 02 marks
- (a) joining as unnecessary party,
 - (b) joining as necessary party,
 - (c) joining as Extra party
 - (d) joining as outside party
- xix) Joining in a unlawful assembly with deadly weapons is punishable – - 02 marks
- (a) u/s 140 of IPC
 - (b) u/s 141 of IPC
 - (c) u/s 144 of IPC
 - (d) u/s 146 of IPC

- xx) The person who absconds to avoid the summons, notice or order being served by any public servant shall be punished by imprisonment for – - 02 marks
- (a) only one month
(b) one month or fine upto Rs.500 or both
(c) only 3 months
(d) two months or fine upto Rs.500 or both
- xxi) Giving false evidence is a criminal offence as per – - 02 marks
- (a) Sec. 191 of IPC (b) Sec. 101 of IPC
(c) Sec. 125 of IPC (d) Sec. 126 of IPC
- xxii) The punishment for attempt to murder u/s 307 is the imprisonment of – - 02 marks
- (a) 10 years and fine also (b) 10 years only
(c) 5 years only (d) Economic fine only
- xxiii) Removing ornaments from a dead body is – - 02 marks
- (a) Theft (b) Extortion (c) Robbery (d) None of these
- xxiv) "A man is presumed to be innocent until he is proved guilty" It is a maxim of – - 02 marks
- (a) Common Law (b) Universal Law
(c) Natural Law (d) Criminal Law
- xxv) Law of Limitation is a – - 02 marks
- (a) Civil Law (b) International Law
(c) Procedural Law (d) Partnership Law
