

UGC NET (Law Paper - II)

Volume - I

- Jurisprudence
- Constitutional & Administrative Law
- Public International Law & International Humanitarian Law



Tansukh Paliwal
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Jodhpur, Rajasthan

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Preface

Hello & नमस्कार,

Since 2011, when I entered in Law field, I have felt that current system of studying law as a Law learner is quite traditional (like 1980's competition times). I strongly believed one thing that if you want to fight in present tough competition war like judiciary exams or any other law exam, you must be equipped with smart techniques to learn with tech support. So, in student life as LL.B. student, I used to start linking with one provision other similar provisions at same time, so that I can recall multiple sections/concepts in one MCQs.

Along with that I do believe in one statement, "वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें". This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

All efforts have been to analyzed and compiled the relevant segment from exam point of view, so that reader can get maximum output among it. I hope this smart notes will proved to be a good assistant for you.

UGC NET is good alternate option for Law aspirants, I particularly suggest each judiciary aspirant as well to have a back up option in your life as College Lecturer after being qualified in UGC NET exam.

- Tansukh Paliwal
Founder of Linking Laws

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Note : The above Index contain the various subjects of laws as per latest syllabus for UGC NET Examination

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UNIT-1

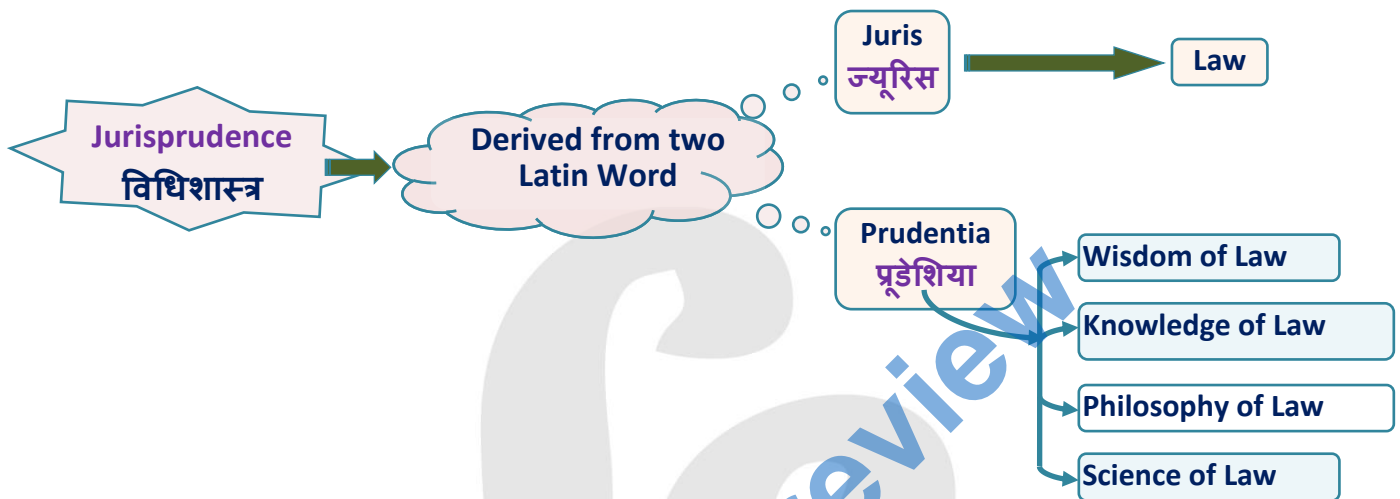
Jurisprudence

UNIT – I: Jurisprudence

- 1. Nature and sources of law**
- 2. Schools of jurisprudence**
- 3. Law and morality**
- 4. Concept of rights and duties**
- 5. Legal personality**
- 6. Concepts of property, ownership, and possession**
- 7. Concept of liability**
- 8. Law, poverty, and development**
- 9. Global justice**
- 10. Modernism and post-modernism**

UGC NET (Law Paper - II) Notes
Unit - I : Jurisprudence

JURISPRUDENCE / विधिशास्त्र



DEFINITION BY EMINENT JURISTS

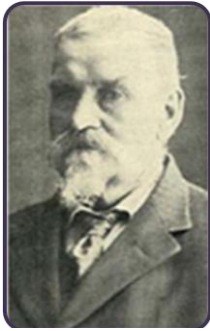


ULPAIN : A Celebrated Roman Jurist (170A & 228AD)

The observation of things Human and divine, the knowledge of Just and unjust

CRITICISM : Being meta – physical in Nature its value cannot be Evaluated

UGC NET (Law Paper - II) Notes
Unit - I : Jurisprudence



John Austin [1790 AD – 1859 AD]

Jurisprudence is the Philosophy of Positive Law



He Separated the meta – Physical controversy from Legal Enterprise



Criticism

The Term Philosophy & positive law are misleading



Thomas Erskine Holland [1835AD – 1926AD]

Jurisprudence is formal science of Positive Law



Formal Means 'Fundamental Legal Principles'



Criticism

The Term Philosophy of Austin definition led Holland to present this definition

UGC NET (Law Paper - II)

Volume - II

- Law of Crimes
- Law of Torts & Consumer Protection



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UGC NET (Law Paper - II) Notes
Unit – IV : Law of Crimes

Introduction to IPC

1. Definition and Purpose:

- The **Indian Penal Code (IPC)** is the principal criminal code of India, enacted in **1860** and effective from **January 1, 1862**.
- It defines various offences, prescribes punishments, and outlines legal procedures for addressing criminal matters in India.
- The IPC was drafted during British colonial rule under the leadership of **Lord Macaulay**, who headed a committee of legal experts.

2. Historical Context:

- Before the IPC, criminal laws in India were based on a mix of **Hindu, Islamic, and customary laws**.
- The IPC aimed to **consolidate and standardize** criminal laws across India, ensuring uniformity and clarity.

3. Key Features of IPC:

- **Uniformity:** Applicable to the entire country, including **Jammu and Kashmir**.
- **Gender-Neutral:** Applies equally to men and women, ensuring protection for all citizens regardless of gender.
- **Accountability:** Ensures that offenders are held accountable for their actions through a structured framework for investigation and prosecution.
- **Prevention of Crimes:** Includes provisions to deter individuals from committing crimes by imposing strict punishments.

Transition from IPC to Bharatiya Nyaya Sanhita (BNS)

1. Introduction of BNS:

- On **July 1, 2024**, India enacted three new laws to replace its colonial-era criminal laws:
 - **Bharatiya Nyaya Sanhita (BNS)** replaces the IPC.
 - **Bharatiya Nagarik Suraksha Sanhita (BNSS)** replaces the Criminal Procedure Code (CrPC).
 - **Bharatiya Sakshya Adhiniyam (BSA)** replaces the Indian Evidence Act (IEA).
- These laws were passed in **December 2023** and aim to modernize India's criminal justice system.

2. Objectives of BNS:

- Address contemporary issues such as **organized crime, economic offences, and technological advancements**.
- Emphasize **social justice (Nyaya)** and shift from a **retributive** (punishment-focused) approach to a **reformative** (justice-focused) approach.
- Introduce **community service** as a form of punishment, focusing on the rights and concerns of victims.

UGC NET (Law Paper - II) Notes
Unit – IV : Law of Crimes

Major Changes in BNS

1. Introduction of New Offences:

- **Mob Lynching:** Specific provisions to address mob violence.
- **Organized Crime:** New offence to tackle organized criminal activities.
- **Petty Organized Crime:** Addresses smaller-scale organized crimes.
- **Terrorist Acts:** Specific provisions for acts of terrorism.
- **Snatching:** Recognized as a distinct offence.

2. Changes in Punishments:

- **Community Service:** Introduced as a form of punishment for certain offences.
- **Hit and Run Cases:** Revised punishment provisions.
- **Sedition:** Section 124A of IPC omitted; replaced with **treason** under Section 150 of BNS.
- **Fake Currency:** Mere possession of fake currency notes is no longer punishable.

3. Expansion of Existing Offences:

- **Theft:** Expanded to include theft of intangible items like **data theft**.

4. Focus on Reformatory Justice:

- The BNS emphasizes **Nyaya (justice)** over punitive measures, prioritizing the rights of victims and stakeholders.
- The shift from **retributive** (punishment) to **reformatory** (reform) approaches reflects a modern, progressive legal framework.

Indian Penal Code (IPC): Chapter-wise Breakdown

The **Indian Penal Code (IPC)** is divided into **23 Chapters** and **511 Sections**, covering a wide range of criminal offences and their corresponding punishments. Below is a structured breakdown of the IPC chapters and their key topics, designed to assist UGC NET aspirants in understanding the framework of the IPC.

Chapter No.	Sections	Topic
Chapter 1	1-5	Introduction
Chapter 2	6-52	General Explanations (Definitions, terms, and basic concepts)
Chapter 3	53-75	Of Punishments (Types of punishments for various offences)
Chapter 4	76-106	General Exceptions and Private Defence (e.g., self-defence, insanity)
Chapter 5	107-120	Of Abetment (Aiding, instigating, or encouraging a crime)
Chapter 5A	120A-120B	Criminal Conspiracy (Planning or agreeing to commit a crime)
Chapter 6	121-130	Offences Against the State (e.g., waging war against the government)

UGC NET (Law Paper - II) Smart Notes

Volume - III

- Commercial Law
- Family Law



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Indian Contract Act 1872

The Indian Contract Act is the key legislation governing contracts in India. It provides a framework for creating, enforcing, and fulfilling agreements, ensuring fairness and predictability in commercial and personal transactions.

The Act initially included laws related to contracts, sales of goods, partnerships, bailments, and agency. Over time, specific areas like **Sales of Goods** and **Partnerships** were separated into independent laws.

Law of Contract: Introduction

Overview

- **Short Title:** The Indian Contract Act, 1872
- **Date of Enactment:** April 25, 1872
- **Date of Enforcement:** September 1, 1872
- **Applicability:** Extends to the entire territory of India

Introduction

Meaning of a Contract

A contract is formed through a stepwise process:

- **Offer + Acceptance** → **Promise**
- **Promise + Consideration (value)** → **Agreement**
- **Agreement + Legal Enforceability** → **Contract**

Key Terms Under the Indian Contract Act, 1872

- **Offer (also known as Proposal)** – Defined under **Section 2(a)**
- **Promise** – Defined under **Section 2(b)**
- **Consideration** – Defined under **Section 2(d)**
- **Agreement** – Defined under **Section 2(e)**
- **Contract** – Defined under **Section 2(h)**

Fundamental Aspects

- A contract requires a **minimum of two parties** for its formation.
- If the necessary legal conditions are not met, the **agreement becomes void**.

Essentials of a Contract

Competency of Parties

For a contract to be valid, the parties involved must be:

UGC NET (Law Paper - II) Smart Notes
UNIT - VI: Commercial Law

1. **Legally Major** – Must have attained the age of **18 years**.
2. **Of Sound Mind** – Both parties should be mentally stable.
3. **Not Disqualified by Law** – A person must not be legally barred from entering a contract.

Failure to meet these conditions renders the agreement void.

Lawful Object

- The **consideration and objective** of the contract must be lawful.
- If the **object or consideration** is illegal, the **agreement is void**.
- If certain conditions are unmet, the **contract may become voidable**.

Free Consent

A contract is only valid if the **consent of the parties is given freely**, without any of the following:

- **Coercion (Section 15)**
- **Undue Influence (Section 16)**
- **Fraud (Section 17)**
- **Misrepresentation (Section 18)**
- **Mistake (Sections 20-22)**

A contract without free consent is voidable at the option of the affected party.

Legal Enforceability

An agreement transforms into a **legally enforceable contract** only if:

- (a) The parties are **competent** to contract.
- (b) The **object of the contract is lawful**.
- (c) The **consideration is lawful**.
- (d) The **consent is free from undue influences**.

- If **(a), (b), or (c)** are missing, the **contract does not exist** and the agreement is void.
- If only **free consent (d)** is missing, the **contract is voidable**.

Important Concepts

- A **voidable contract**, if **accepted**, turns into a **valid contract**.
- A **voidable contract**, if **rejected**, becomes **void**.
- **Void ab initio** means **invalid from the beginning**.
- **Void Agreements** under the Indian Contract Act (Sections **23-30**).
- **Voidable Contracts** under the Indian Contract Act (Sections **15-19**).

UGC NET (Law Paper - II) Smart Notes Volume - IV

- Environment & Human Rights Law
- Intellectual Property Rights & Information Technology Law
- Comparative Public Law & Systems of Governance



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Environment Law

Meaning and Concept of 'Environment' and 'Environmental Pollution'

1. Introduction to Environment

The environment can be defined as the surroundings in which organisms live, interact, and adapt. It encompasses both living (biotic) and non-living (abiotic) elements. The word *environment* comes from the French word "**environner**", which means "to encircle" or "surround."

In everyday life, the environment includes everything around us — the air we breathe, the water we drink, the soil that grows our food, the plants and animals, and even human-made structures like buildings, roads, and electricity networks.

From a scientific perspective, the environment is **a complex system of interconnected components** that influence life on Earth. This complex system consists of:

- Physical surroundings (air, water, land, climate).
- Living beings (humans, animals, plants, microorganisms).
- The interactions among these components.

Example: A forest ecosystem is a part of the environment that includes trees (biotic), soil and rivers (abiotic), animals, and human activity like tourism, all linked in balance.

2. Definitions of Environment

There is no single universal definition of *environment*, but scholars and organizations use descriptions that capture its complexity:

1. "The sum total of water, air, and land interrelationships among themselves and also with human beings, other living organisms, and materials."
2. "The aggregate of all external conditions and influences affecting the life, nature, behaviour, growth, and development of an organism."
3. "The sum of all conditions and factors that surround and influence living beings at any given time and place."

Common Elements in Definitions:

- **Dynamic system** — environment changes over time.
- **Interdependence** — living and non-living things influence each other.
- **Holistic concept** — includes physical, biological, and cultural aspects.

3. Major Components of Environment

The environment has **three key components**:

UGC NET (Law Paper - II) Smart Notes
UNIT – VIII : Environment & Human Rights Law

Component	Nature	Examples
Abiotic	Non-living, physical-chemical elements	Air, water, soil, sunlight, minerals
Biotic	Living organisms	Plants, animals, microorganisms
Cultural	Human-created elements	Cities, infrastructure, economic and social systems

3.1 Abiotic Components

- These are **non-living** parts of the environment.
- Examples: Sunlight, temperature, wind, rainfall, soil and minerals.
- They influence climate, geography, and availability of resources.
- **Case Example:** The Sahara Desert's climate (low rainfall, high temperature) restricts vegetation to drought-resistant plants.

3.2 Biotic Components

- **Living elements** such as flora (plants), fauna (animals), and microorganisms.
- These interact with abiotic components (plants need sunlight, nutrients, and water to grow).

3.3 Cultural Components

- Man-made surroundings created to improve human living conditions.
- Includes political institutions, economic systems, technology, and traditions.

4. Types of Environment

4.1 Natural Environment

- Occurs without human interference.
- Includes forests, rivers, oceans, mountains, deserts.
- Subdivisions:
 - **Terrestrial:** Land ecosystems like grasslands, forests.
 - **Aquatic:** Freshwater and marine ecosystems.
 - **Atmospheric:** Layer of gases protecting life.
 - **Biological:** All plant and animal life.

UGC NET/JRF/SET

Law Paper - II

Covered Years 2018 - 2025



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Preface

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Along with that I do believe in one statement, "वर्तमान को समझने के लिए, अतीत को देखें और फिर भविष्य के बारे में सोचना शुरू करें". This statement is directly linked with every student life. So, I found previous papers helpful to understand previous exam level, source of question asked in those exam etc. But frankly saying, I was not satisfied with traditional way of just solving previous exam papers MCQs, instead I decided that to get better output in preparation, we need to analysis the previous paper subject wise rather year wise.

Finally, my above said thoughts and vision concluded in one word i.e. "Paperathon" which means a unique type of marathon where you will find LINKING ANALYSIS of each question asked in previous exam paper along with subject wise weightage analysis. Further, I have also tried to give video solution of such Paperathon on YouTube. You will be able to find out video solution by scanning the QR code, which will direct you to the official website of we all Law Linkers i.e. www.LinkingLaws.com. I have strong faith that you will find the initiative of 'Paperathon' useful & productive for your exam preparation.

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UGC NET (Law Paper - II) PAPERATHON

UNIT - I: Jurisprudence / न्यायशास्त्र												
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UGC NET (Law Paper - II) PAPERATHON

UNIT - I: Jurisprudence / न्यायशास्त्र

UNIT - I: Jurisprudence / न्यायशास्त्र

Nature and sources of law / विधि की प्रकृति और स्रोत

July - 2018

22. Read Assertion (A) and Reason (R) and give the correct answer by using the code given below :
Assertion (A) : Laws are valid only if they are just.
Reason (R) : The aim of law is to secure justice.
Code :
- (1) Both (A) and (R) are true, and (R) is the correct explanation of (A).
 - (2) Both (A) and (R) are true, but (R) is not the correct explanation of (A).
 - (3) (A) is true, but (R) is false.
 - (4) (A) is false, but (R) is true.

Ans. [4]

June - 2019

11. Who among the following has defined jurisprudence as 'the knowledge of things divine and human, the science of right and wrong'?
- (1) Blackstone
 - (2) Hobbes
 - (3) Salmond
 - (4) Ulpian.

Ans. [4]

99. I think adherence to precedent should be the rule and not the exception. This statement is of:
- (1) Keeton
 - (2) Blackstone
 - (3) Cardozo
 - (4) Paton.

Ans. [2]

Sep. - 2019

13. Which of the following could be considered to be advantages of Legislation over Precedent?
- (a) Abrogative capability
 - (b) Fore knowledge
 - (c) Prospective application
 - (d) Systematic arrangement
- Choose the correction option:
- (1) (a), (b), (d) only
 - (2) (a), (b), (c) only
 - (3) (a), (b), (c) and (d)
 - (4) (a) and (c) only.

Ans [3]

June - 2020

58. The real relation of Jurisprudence to Law depends not upon what law is treated, but how Law is treated, ' is said by
- (1) Gierke
 - (2) Gray
 - (3) Rawls
 - (4) Duguit.

Ans [2]

Nov. - 2021

76. Arrange in chronological order the publication of the books on Jurisprudence:
- (A) A Practical Treatise of Architectural Jurisprudence by James Elmes
 - (B) The Spirit of Common Law by Roscoe Pound
 - (C) World Poverty and Human Rights by Thomas Pogge
 - (D) Taking Rights Seriously by Ronald Dworkin
 - (E) The Growth of the Law by Benjamin N. Cardozo

Choose the correct answer from the options given below:

- (1) (B), (A), (C), (E), (D)
- (2) (E), (B), (A), (C), (D)
- (3) (A), (B), (E), (D), (C)
- (4) (B), (A), (E), (C), (D)

Ans [3]

June - 2023

23. Who made the following statement?
"Large part, and as many would add the best part of law of England is judge made law, that is to say, consists of rules to be col the judgements of the courts."
- (1) Dicey
 - (2) Lord Denning
 - (3) Bacon
 - (4) Bentham

Ans [1]

34. Who wrote the book 'Concept of Law?
- (1) Paton
 - (2) Korkunor
 - (3) Salmond
 - (4) H.L.A Hart

Ans [4]

58. The theory of 'Separation of powers is credited to:
- (1) Aristotle
 - (2) Locke
 - (3) Montesquieu
 - (4) Kelsen

Ans [3]

62. 'The Grand function of the Law of Nature was discharged in giving birth to modern International Law', who said it?
- (1) Oppenheim
 - (2) Henry Maine
 - (3) Holland
 - (4) H.L.A. Hart

Ans [2]

64. Who made the following statement "Life of law is not logic, it is experience"
- (1) Roscoe Pound

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- (2) H. Kelsen
(3) O.W Holmes (Jr)
(4) John Austin

Ans [3]

65. Which Jurist gave the classification of the sources of law as (a) binding and (b) persuasive:

- (1) Keeton
(2) Salmond
(3) Allen
(4) Rosco Pound

Ans [1]

72. Who made the statement that "Jurisprudence is the study and systematic arrangement of the general principles of law"?

- (1) R.W.M Dias
(2) Julius stone
(3) Keeton C.G
(4) E.W Patterson

Ans [3]

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125 The term preferred by Bentham to explain his imperative concept of a law is :

- (1) Firman
(2) Mandate
(3) Dictate
(4) Fiat

Ans. [2]

129 Arrange the names of the following jurists in terms of chronological order of their birth :

- (A) Jeremy Bentham (B) John Austin
(C) Sir Henry Maine (D) Hans Kelson
(E) Immanuel Kant

Choose the correct answer from the options given below :

- (1) A, B, C, D, E
(2) E, A, B, C, D
(3) A, B, E, C, D
(4) D, E, B, A, C

Ans. [2]

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85. Match the List-I with List-II

List I - Jurist		List II - Theory	
A.	Roscoe Pound	I.	Life of the Law has not been logic, it has been experience
B.	Oliver Wendell Holmes	II.	Law is uncertain and certainty of law is a legal myth
C.	Thering	III.	End of Law should be to satisfy a maximum of wants with minimum of friction
D.	Jerome Frank	IV.	Law is part of human conduct and in the idea of purpose.

Choose the correct answer from the options given below:

- (1) A-III, B-II, C-IV, D-I
(2) A-I, B-II, C-III, D-IV
(3) A-III, B-I, C-II, D-IV
(4) A-I, B-IV, C-II, D-III

Ans. [1]

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106. The word 'jurisprudence' owes its origin from the term 'jurisprudentia', which is given by:

- (1) Greeks
(2) Romans
(3) British Jurists
(4) American Jurists

Ans. [2]

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13. Which one of the following Jurists distinguished between 'expositorial' jurisprudence (What the law is) and 'Censorial' jurisprudence (What the law ought to be) ?

- (1) John Austin
(2) Hans Kelsen
(3) Jeremy Benthem
(4) H.L.A. Hart

Ans. [3]

14. 'Now, natural law is not considered as absolute but as relative. It is natural law with variable contents.' This observation specifically relates to :

- (1) Dabin
(2) Stammler
(3) Finnis
(4) Aquinas

Ans. [2]

14. 'Now, natural law is not considered as absolute but as relative. It is natural law with variable contents.' This observation specifically relates to :

- (1) Dabin
(2) Stammler
(3) Finnis
(4) Aquinas

Ans. [2]

16. Match List-I with List-II and give the correct answer by using the code given below :

List - I (Theory)

- (a) Theory of social solidarity
(b) Theory of categorical Imperative
(c) Imperative Theory of Law
(d) Theory of Living Law

List-II (Jurist)

- (i) Ehrlich