

LL.M. Entrance Test, 2009

[Sunday, 29 March 2009]

1. Which provision of the Constitution of India contains special provisions with respect to Delhi?
 - (1) Article 3
 - (2) Article 239
 - (3) Article 239AA
 - (4) Article 246

2. Which statement is incorrect?
 - (1) Monopoly in any trade or business cannot be created by an administrative order
 - (2) A law creating state monopoly is presumed to be reasonable
 - (3) A monopoly legislation cannot be held to be violative of freedom of trade under Article 301
 - (4) A law creating state monopoly is presumed to be in public interest

3. “Chilling Judicial Independence” is written by _____
 - (1) Irving R. Kaufman
 - (2) Harry T. Edwards
 - (3) V.R. Krishna Iyer
 - (4) Lord Denning

4. In which case, it was observed “that independence of judiciary is doubtless a basic feature of the Constitution but the said concept of independence has to be confined within the four corners of the Constitution and cannot go beyond the Constitution?”
 - (1) S.P. Gupta v. President of India
 - (2) L. Chandra Kumar v. Union of India
 - (3) C. Ravichandran Iyer v. Justice A.M. Bhattacharjee
 - (4) Supreme Court Advocates-on-Record Assn. v. Union of India

5. Which provisions of the Constitution of India are applicable to both the High Courts and the Supreme Court?
 - (1) those relating to appointment of judges
 - (2) those relating to removal of judges
 - (3) those relating to salary of judges
 - (4) those relating to right to practise

6. The Governor of a State has power to constitute a Finance Commission for _____ to review their financial position
- (1) Municipal bodies
 - (2) Panchayats
 - (3) State
 - (4) Both Municipalities and Panchayats
7. A member of state legislature belonging to a political party shall be disqualified to continue as a member -
- (1) if he has voluntarily given up his membership of the concerned political party
 - (2) if he votes contrary to any direction issued by the political party
 - (3) if he abstains from voting contrary to the direction issued by the political party
 - (4) in all the above cases
8. Point out the incorrect pair -
- (1) Article 137 - Supreme Court's power of review
 - (2) Article 323A - Constitutional protection to civil servants
 - (3) Article 217(3) - Requirement of consultation with Chief Justice of India
 - (4) Article 256 - Power of Union to issue directions
9. Point out incorrect statement in the following -
- (1) Repugnancy between a law made by Parliament and a law made by a State Legislature under State List has mentioned in Article 251.
 - (2) Repugnancy between a law made by Parliament a law made by a State Legislature on the same subject in List III is covered under Article 254.
 - (3) A state legislation under Article 304(b) would remain valid even though the bill for purpose was introduced and passed without previous sanction of the President.
 - (4) No constitutional amendment to amend Article 368 shall be valid unless required number of state legislatures have ratified the same.
10. Two Hindus who are Sapindas of each other get married under the Special Marriage Act, 1954. The marriage is -
- (1) void
 - (2) voidable
 - (3) irregular
 - (4) valid

11- 18. Choose the most appropriate answer.

11. **Principle:** Any person who provides service to others is bound to ensure that such service is without any defect.

Factual Situation: X, a resident of a middle class housing colony was habituated to taking morning walks in the RWA Park. One day X accompanied by his wife after taking one round in the Park, decided to go out to walk on the main road, maintained by the Municipal Corporation. They were walking on the beautiful footpath which was paved with interlocking concrete bricks. Suddenly X's wife, who was walking behind her husband fell down into a big hole on the pavement, which was not there when X crossed the point. X pulled out his wife from the pit and observed that the hole occurred due to a bad construction of the pavement. X wants to sue the Corporation for compensation for the injuries suffered by his wife.

- (1) X will not succeed, as the Corporation did not know of the defect on the pavement.
 - (2) X will succeed, as the Corporation is liable for compensating any loss suffered by its residents.
 - (3) X will succeed, as the accident occurred due to the carelessness of the Corporation in not ensuring safety in the construction of the pavement.
 - (4) X will succeed, as the Corporation is duty bound to ensure the security of any one using its facilities
12. **Principle:** Under law, persons in possession of property are entitled to the quiet enjoyment of their property.
- Factual Situation:** Ram and his wife occupied a flat in New Delhi to reside peacefully during his retired life. His neighbour who was staying on rent was a young couple having a two months old baby. The cries of the baby disturbed Ram during his afternoon nap and at night. Irritated by the baby's cries, Ram asked the young couple to shift their residence, to which they turned a deaf ear. Ram wants to file a suit against the young couple for nuisance.
- (1) Ram will not succeed, as the sound of a crying baby is an expected part of quiet enjoyment of property and does not constitute a nuisance.
 - (2) Ram will succeed, as the sound of a crying baby is annoying.
 - (3) Ram will succeed, as the refusal by the young couple to shift the residence is a violation of Ram's right of quiet enjoyment of his property.
 - (4) Ram will not succeed, as he ought to have checked who is staying in the neighbourhood before purchasing a flat.

13. **Principle:** An occupier or owner of land owes a duty to warn a suspected trespasser of deadly conditions on the land which would be hidden to a trespasser, but of which the property owner is aware.

Factual Situation: Shiva, the owner of a Fire Cracker Factory owned a large plot of land, which he used for testing his crackers. One day while he was about to set fire to some special crackers, he noticed some children wandering on his land. Shiva did not pay any attention to the children as according to him they were trespassers. He set fire to the test crackers. One of the crackers which was supposed to ignite a series of crackers up in the sky at a height of 100 metres, did not burst in the sky. Instead, it fell to the ground and exploded, injuring one of the children. In a suit for compensation initiated by the parents of the injured child, how would you decide?

- (1) The child is not entitled to compensation as the child had a duty to take care.
 - (2) Shiva is not liable for payment of any compensation to a trespasser.
 - (3) Shiva is liable as he did not give any warning to the children about any danger.
 - (4) The child is not entitled to any compensation as the child is a trespasser.
14. **Principle:** A defendant is liable for all direct consequences of his act or omission, which he could have reasonably foreseen as naturally flowing from his action..

Factual Situation: A bus driver was driving a bus along the BRT corridor in New Delhi. At a Bus stand he carelessly drove the bus resulting in hitting a railing and crushing a Marshall on duty at the spot. A lady standing at a distance, on hearing about the accident rushed to the spot and saw the injured covered in blood, hanging on a piece of the railing. The sight terrified the lady and as a result she fainted and had to be treated for nervous shock. The lady on recovery filed a suit for compensation against the driver and the owner of the bus.

- (1) She will succeed as the accident sight was really shocking and any body would have collapsed on seeing it.
- (2) She will succeed only against the driver and not against the owner of the bus who did not foresee the accident.
- (3) She will not succeed as the driver could not have foreseen the illness of the lady who came to the site.
- (4) She will not succeed as she voluntarily went to the accident site.

15. **Principle:** A plaintiff who suffers some injury will be entitled to receive compensation even if he suffers no loss.

Factual Situation: Reddy was a strong political worker of Party X. He was proceeding to the polling booth at about 7:30 am, to cast his vote in favour of Mr. Naik, his party candidate. On the way, the State Police officials suspected Reddy to be an anti-social element and took him into custody for questioning. Reddy pleaded with the officials that he was a genuine voter and had no previous criminal records and requested them to allow him to cast his vote. The officials allegedly detained him in custody till about 4:45 pm and thereafter released him, recording that they could not find any thing against him. By the time Reddy reached the polling booth the polling time was over and he could not vote for Mr. Naik. When the results were declared Mr. Naik got a Majority of over 6000 votes and Party X got the majority to form the Government. Reddy files a suit for compensation against the State.

- (1) Reddy will succeed as the police could not prove anything against him.
 - (2) Reddy will succeed as his right to vote was denied by the police.
 - (3) Reddy will not succeed as his candidate won the election and therefore there is no cause of action against the police.
 - (4) Reddy will not succeed as the police can arrest a suspected criminal.
16. **Principle:** Even if a person suffers a loss, he will be entitled to receive compensation only if a legal right is violated.

Factual Situation: An English teacher in a famous 'English School' after having some rift with the management left the school and started a new 'Language School' very close to the English School. Many students of the English School left it and joined the new Language School. As a result, the English School suffered huge financial loss and hence filed a suit for compensation against the new school.

- (1) The English School management will succeed as there is a substantial loss of their profit which is their legal right.
- (2) The English School management will not succeed as anybody can start a new school which is their legal right.
- (3) The English School will succeed as nobody can start a rival school in the close vicinity of an existing school.
- (4) The English School management will not succeed as there is no violation of any legal right.

17. **Principle:** A defamatory statement is one which has a tendency to injure the reputation of the person to whom it refers to. Defamation is of two kinds - (1) Libel, when the defamatory statement is in some permanent and visible form and (2) Slander, when it is in some transitory form, visible or audible. Libel is actionable *per se*, but slander is actionable only on proof of actual damage.

Factual Situation: A person accused of a crime is arrested by the police. The police give an open statement that the suspect had an extra-marital affair. It is subsequently proved in court that the suspect was innocent of the crime. Will the accused succeed if he files a civil suit for defamation, claiming compensation against the police?

- (1) He will succeed as the statement is defamatory.
 - (2) He will not succeed as the police officer is doing his duty in finding a motive for the crime.
 - (3) He will not succeed as it was a bonafide allegation made by the police in the course of the investigation
 - (4) He will succeed if he can prove actual damage caused to his professional and/or personal life.
18. **Principle:** A manufacturer is liable to pay compensation to a consumer for any harm or damage caused due to a defect in the product.

Factual Situation: X purchased a banian from Y & Co. Before rushing for an interview he wore the new banian. When he was called in for the interview his entire body was itching. Throughout the interview he was embarrassed as he was repeatedly scratching his body. After the interview he rushed to a dermatologist, who diagnosed it as dermatitis due to the presence of some chemical present in the banian. The Doctor brought to his attention a warning strip in the banian "Wash before use". He obviously lost the job due to his clumsy behaviour at the interview. X sues Y & Co. for compensation.

- (1) Y & Co. will be liable because the manufacturer is answerable to a consumer for any defect in the product.
- (2) Y & Co. is not liable as they had given specific instructions to "wash before use" and it was the responsibility of the consumer to comply with the same.
- (3) Y & Co. will not be liable but the retailer should have reminded the customer to wash the banian before use.
- (4) Y & Co. will be liable for using extra sensitive chemicals in such under garments

19. In deciding the questions of negligence by professionals, the classical statement of law which has been widely accepted as decisive of the standard of care required both of professionals generally and medical practitioners in particular is famously called -
- (1) Stephen Test
 - (2) Frien Test
 - (3) Bolan Test
 - (4) Hyde Test
20. 'A' is the owner of a furniture shop and 'B' is employed in that shop as a delivery-man. In which of the following cases, 'A' would be liable in a suit filed by the injured plaintiff 'C' for the action of 'B'?
- Case 1.** One day, 'B' was on his delivery route when he met his friend 'D'. 'D' requested 'B' to drop him at the railway station as he was getting late for the train. 'B' drove very fast and while returning back from the railway station, 'B' negligently ran over 'C'.
- Case 2.** One day, 'B' was on his delivery route when he met 'D'. As both had met after long time, 'B' decided to have lunch with his friend 'D'. 'B' drove out of his way to a nearby restaurant and had lunch there. While driving back from there, 'B' negligently ran over 'C'.
- (1) 'A' is liable in both cases.
 - (2) 'A' is not at all liable.
 - (3) 'A' is liable only in Case 1.
 - (4) 'A' is liable only in Case 2.
21. A quantum merit claim might arise in situations some of which are contractual and others quasi-contractual. The plaintiff entered into an agreement to write for a periodical and, as per the agreement, he was to receive a lump sum amount on the completion of the work. When the plaintiff had written part of the work, the defendant abandoned the project. The plaintiff was held entitled to sue for the work already done because the plaintiff's claim was -
- (1) Tortious
 - (2) Contractual
 - (3) Quasi-contractual
 - (4) Partly contractual and partly quasi-contractual

22. Consider the following statements with regard to “*uberrimae feidei*” -
1. It falls within a class of cases which require utmost good faith
 2. Every contract is a contract *uberrimae feidei*.
 3. A contract of insurance is an example of *uberrimae feidei*
- Which of the statements is correct?
- (1) 1, 2 and 3
 - (2) 1 and 3 only
 - (3) 2 and 3 only
 - (4) 1 and 2 only
23. The plaintiff sees defendant’s son falling in a pond. He saves the child. Later on, the defendant promises to pay the plaintiff Rs. 1000/- as reward. In this context, which one of the following propositions is correct?
- (1) The defendant’s liability arises in quasi-contract.
 - (2) The defendant’s liability is statutory.
 - (3) The defendant is not liable to pay.
 - (4) The defendant is liable to pay because the agreement is not “*nudum pactum*”.
24. The nature of ‘wagering agreement’ was explained in -
- (1) Derry v. Peek
 - (2) mohribibi v. Dhamodas Ghosh
 - (3) Carlill v. Carbolic Smoke Ball Co.
 - (4) Felt House v. Bindley
25. Section 24 of the Indian Contract Act, 1872 applies -
- (1) to the cases where an amount received under the contract is sought to be forfeited.
 - (2) to cases where the aggrieved party is seeking to recover a fixed amount on breach of contract
 - (3) to cases where in consequence of breach no legal injury at all has resulted
 - (4) both in (1) and (2).
26. Hedonism means -
- (a) theory of pleasure and pain
 - (b) a theory of punishment
 - (c) an ancient Greek philosophy
 - (d) an act of inflicting pain on others

27. Can a religious book considered to be supreme law of a state be an Austinian 'Sovereign'?
- (1) Yes
 - (2) No
 - (3) Sometimes may be treated as Sovereign
 - (4) may be treated as Sovereign in a religious state
28. John Rawls' difference principle has two requirements: one is that inequalities may be permitted if they produce greatest possible benefit for the least well off. What is the second one?
- (1) happiness for all
 - (2) equality of opportunity
 - (3) fair equality of opportunity
 - (4) liberty for all
29. Who discussed mechanical solidarity and organic solidarity as means of societal cohesion?
- (1) E. Durkheim
 - (2) Max Weber
 - (3) E. Kant
 - (4) Joseph Stalin
30. "The stone does not fall in order to fall but because it must fall, because its support is taken away; whilst the man who acts does so, not because of any thing, but in order to attain to something. This purpose is as indispensable for the will as cause is for the stone. As there can be no motion of stone without a cause, so can there be no movement of the will without a purpose." To whom would you attribute this statement?
- (1) J. Stone
 - (2) Dean Rascoe Pound
 - (3) Ihering
 - (4) Bentham
31. A claim implies a correlative duty, but a _____ does not. Y's _____ to wear a bowler hat is not correlative to a duty in Y not to interfere, but Y's duty not to interfere is correlative to X's claim against Y that he shall not interfere.

Fill in the blank in the above statement by selecting only one jural relation –

- (1) liability
- (2) power
- (3) liberty
- (4) no-right

32. Which of the following is not a legal person?
(1) an idol in a Hindu temple
(2) a partnership firm
(3) a private limited company
(4) Life Insurance Corporation of India
33. To whom would you attribute the following?
“Whenever a person looked like an owner in relation to a thing, he has possession of it, unless possession was denied to him by special rules based on practical convenience.”
(1) Ihering
(2) von Savigny
(3) John Salmond
(4) John Austin
34. Wilful refusal of the defendant to consummate the marriage is a ground for divorce under which of the following legislations?
(1) Hindu Marriage Act, 1955
(2) Indian Christian Marriage Act, 1872
(3) Parsi Marriage and Divorce Act, 1936
(4) Special Marriage Act, 1954
35. A married male Hindu gets a second marriage during the subsistence of the first marriage and a son is born of the second wedlock. The son is -
(1) legitimate, but can inherit only from his mother
(2) illegitimate and can inherit only from his mother
(3) legitimate and can inherit from all his relations
(4) legitimate and can inherit from his parents only
36. Under the Prohibition of Child Marriages Act, 2006, a child marriage is –
(1) void in all cases
(2) valid but the parents of the children can be punished
(3) voidable at the option of the child party to the marriage till such child attains majority
(4) voidable at the option of the girl child till she attains the age of 18 years

37. The Muslim Women (Protection of Rights on Divorce) Act, 1986 enables a Muslim woman to –
- (1) obtain divorce against the wishes of her husband
 - (2) retain the custody of her children after divorce
 - (3) claim maintenance from her husband
 - (4) retain only her Mahr amount after her marriage
38. Who said that at the most law may be considered as de-psychological command?
- (1) John Austin
 - (2) John Salmond
 - (3) von Savigny
 - (4) Hans Kelsen
39. Who said that “Law grows with the growth and strengthens with the strength of the people, and finally dies away as the nation loses its nationality” –
- (1) J. Stone
 - (2) H.L.A. Hart
 - (3) von Savigny
 - (4) Lon Fuller
40. The movement of progressive societies has hitherto been a movement from _____ to contract.
- (1) liberty
 - (2) equality
 - (3) torts
 - (4) status
41. Who analysed law from the point of view of superiority of church over the state?
- (1) Thomas Aquinas
 - (2) David Hume
 - (3) Blackstone
 - (4) John Locke
42. Who wrote ”The Institutions of Private Law and Their Social Functions”?
- (1) Karl Renner
 - (2) M.R. Cohen
 - (3) A.M. Honore
 - (4) J.W.C. Turner
43. Which school of jurisprudence believes that there are more important obligations, higher ideals, than obedience to the positive law of the State

- (1) Historical School
 - (2) Functional School
 - (3) Positivism
 - (4) Natural Law
44. Who thought that when man lived according to reason, he was living naturally?
- (1) Romans of fourth century
 - (2) Egyptians
 - (3) Karl Rlewellyn
 - (4) Stoics
45. With whom would you associate primary rules of obligation?
- (1) John Austin
 - (2) John Salmond
 - (3) H.L.A. Hart
 - (4) Karl Renner
46. Who said that law is a hierarchy of norms?
- (1) Alf Ross
 - (2) S. Perry
 - (3) Hans Kelsen
 - (4) von Savigny
47. Who propounded an egalitarian theory of justice?
- (1) Ronald Dworkin
 - (2) Milton Friedmann
 - (3) John Rawls
 - (4) Robert Nozick
48. Which of the following maxims means that treaties neither impose obligations nor confer rights on third states?
- (1) *pacta sunt servanda*
 - (2) *pacta terries nec nocent nec prosunt*
 - (3) *jus cogens*
 - (4) *rebus sic stantibus*
49. 'Doli incapax' in criminal law describes the liability of –
- (1) an insane person
 - (2) a child below seven years of age
 - (3) a child below twelve years of age
 - (4) a person under the influence of drugs/intoxicants

50-64. Choose the most appropriate answer:

50. **Principle:** A person has got a right to defend his life or that of any other person.

Factual Situation: Sonia was returning home from work at about 10:00 pm. The cab driver dropped her at the gate of her residence. Suddenly she heard a male voice telling her to hand over her purse and Mobile. She screamed to draw the attention of her driver but the driver did not hear her and drove away. When she looked back she saw a man pointing a dagger at her. She was about to hand over her purse to the man. Hearing her cries, her neighbour, Major Singh, a military officer, looked through his window and saw the scene. He took out his gun and shot the man dead, later identified as X.

- (1) Major Singh is liable for the death of X as there was no threat to his life or property.
- (2) Major Singh is not liable for the death of X as he was trying to protect the life of his neighbour.
- (3) Major Singh is liable for the death of X as he should not have shot X dead, but could have just threatened X.
- (4) Major Singh is not liable for the death of X as a Military official may shoot any one who is a criminal.

51. **Principle:** Nothing is an offence if done by a person who, at the time of doing it, by reason of unsoundness of mind is incapable of knowing the nature of the act or what he is doing is wrong or contrary to law.

Factual Situation: A, an author of macabre stories, was undergoing treatment for somnambulism. One night, he was given a high dose of sedative as he had become violent. There was a 'Do not disturb' board outside his room. Early morning, while A was still asleep, a nurse went to his room to check his condition. She started to note his pulse and thereafter to measure his BP. While she was fixing the equipment to measure the BP, A, saw the nurse, but in a delirium he thought the nurse to be a vampire going to drink his blood. Suddenly in order to exorcise the ghost, A grabbed the BP apparatus and hit the 'ghost' on the head several times. The nurse collapsed and died subsequently.

- (1) A is not liable for the murder of the nurse as her action disturbed A's sleep.
- (2) A is liable for the murder of the nurse as no one is expected to practice exorcism in the modern times.
- (3) A is liable for causing grievous hurt of the nurse as she did not die immediately.

(4) A is not liable for the murder of the nurse as he did not know what he was doing.

52. **Principle:** When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Factual Situation: A, B, C and D who were unemployed, decided to loot the house of a rich businessman one night. When all of them were about to jump the compound wall, D decided to remain at the gate and warn them, in case of any problem. A, B and C entered the house and took cash and gold ornaments. While coming out of the house B tripped on a rubber hose pipe creating a sound. By this the watchman who had otherwise asleep woke up. B suddenly took the rubber hose and strangled the watchman's neck thus killing him. Later all A, B, C and D were arrested and prosecuted.

- (1) A, B, C and D are all liable for the robbery. B in addition, is liable for the murder of the Watchman as murdering any one was not in their plan.
- (2) A, B and C are all liable for the robbery. B in addition, is liable for the murder of the Watchman. D is innocent of both the crimes as he was only guarding at the gate and did not participate in the crimes.
- (3) A, B, C and D are all liable for the robbery and murder of the Watchman as it was done in order to carry out their common plan.
- (4) A, B and C are liable for the robbery and murder of the Watchman as it was in fulfillment of their common plan. D is innocent as he did not participate in any of the crimes.

53. **Principle:** Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law, provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Factual Situation: Ram, Shyam and Vipin were friends. Vipin was in love with Anita and wanted to marry her. One day she told him that her marriage was fixed with a rich NRI and that he should not disturb her again in future. Vipin, who became depressed, told this to his friends. Ram suggested that they should go to a nearby Bar and drink some Beer so that Vipin could relax. As Vipin was not habituated to drinks, initially he declined but later at the bar Ram told Vipin to take a little Whisky, which he did hesitatingly. After a while Vipin became totally intoxicated and started to say that Anita ditched him. Shyam, who was also drunk then said, "If you are so worried, go and kill her". A little while later all three friends parted company. Vipin went straight to Anita's hostel, called her out and shot her.

- (1) Vipin is not liable for murdering Anita as he did not realize the seriousness of the act as he was drunk.
- (2) Vipin is not liable for the murder as he was forced to drink Whisky when the initial suggestion was to take Beer.
- (3) Vipin and his friends are jointly liable for murdering Anita as the suggestion to 'kill her' developed in the group.
- (4) Vipin is liable for murdering Anita as he was under the influence of a drink, which he took voluntarily.

54. **Principle:** Whoever attempts to commit an offence and in such attempt does any act towards the commission of the offence shall be punished.

Factual Situation: A, a trustee makes an attempt to steal some jewels by breaking open a box belonging to the Trust B and finds after opening the box, that there is no jewel in it. A is prosecuted for the offence of attempting to commit theft.

- (1) A is liable for the offence of attempt to commit theft.
- (2) A is not liable for attempting to commit theft as there was no jewel in the box which could have been stolen by A.
- (3) A is not liable as Trust B did not lose anything.
- (4) A is liable as he has done an act which is morally wrong.

55. **Principle:** Consent to do an act is not taken as real consent if the same is given under fear of injury or under a misconception of fact and the person doing the act knows that the consent was given in consequence of such fear or misconception.

Factual Situation: P, a male music teacher told R, one of his girl students that there is an operation for improving the voice and that if she agreed; he would perform it on her. She agreed. On the basis of her consent P raped R. Later the matter was reported to the police by R.

- (1) R will not succeed as P raped her with her consent.
- (2) P is not responsible as R thought that the act was for improving her voice.
- (3) P is not guilty as R should have known that the consent given to P might injure her.
- (4) P will be liable for the offence of rape as R agreed to P's deeds as she thought that it was to improve her voice.

56. **Principle:** Whoever tenders to any other person counterfeit coins or currency which he knows to be counterfeit, commits an offence.

Factual Situation: A was an employee in a private company. One day while depositing some money at the bank, handed over to him by the company's cashier, the bank's cashier identified a 100 rupee note as counterfeit and returned it to A. Then A went to a hotel, ordered lunch and handed over the counterfeit 100 rupee note at the hotel so as to get rid of it. The hotel manager identified the note as counterfeit and informed the police.

- (1) A is not liable as he did not do anything to procure the counterfeit note.
 - (2) A is not liable as he was only trying to get rid of a fake currency note.
 - (3) A is not liable as there was no criminal intention to cheat any one.
 - (4) A is guilty as he tried to pass on a counterfeit note knowing it to be fake.
57. **Principle:** Nothing is an offence committed by a child above the age of 7 years and below the age of 12 years, provided that the child is not mature enough to understand the nature and consequence of his conduct.

Factual Situation: X, a boy of 11 years of age found a gold ornament at the vicinity of a temple. The ornament was accidentally dropped by the Pundit while putting it on the idol. X took it and gave it to Y, his 7 year old sister to keep it and instructed her not to tell any one about it. On a complaint by the Temple authorities the gold ornament was recovered from the school bag of Y.

- (1) X and Y are guilty of theft.
 - (2) X is guilty of theft any Y is innocent.
 - (3) X and Y are both innocent.
 - (4) X is innocent and Y is guilty of theft.
58. **Principle:** Whoever intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, commits theft.

Factual Situation: Balu and Ramu are close friends. One day Ramu went to Balu's house and saw a mobile belonging to Balu's sister, who came for a holiday. Ramu took the phone and put his SIM card in it and started using it.

- (1) Ramu is guilty of theft.
- (2) Ramu is not guilty of theft as he was free to take any thing from Balu's custody.
- (3) Ramu is guilty of the offence of criminal misappropriation.
- (4) Ramu is not guilty of any offence as he and Balu are good friends.

59. **Principle:** Whoever causes death by doing an act with the intention of causing death, commits the offence of culpable homicide. However, a person is guilty of culpable homicide amounting to murder if the act by which the death is caused is done with the intention of causing death.

Factual Situation: Saurab, had a serious argument with his wife. The woman uttered some filthy words at Saurab, which further irritated him. He moved towards the woman with a wooden piece to beat her. Suddenly, their daughter who was sleeping in the room woke up and ran towards her mother. Saurab's blow fell on the child's head and she fell down unconscious. The couple believed that their daughter died due to the blow. Saurab immediately took out a rope and hung her by the neck on to the ceiling fan to give the impression that the girl committed suicide as she failed in the Class X examination. When the rope got tightened the child cried, but died immediately due to asphyxiation.

- (1) Saurab is guilty of murder of his daughter as he hung her by the neck which resulted in her death.
 - (2) Saurab and his wife are both guilty of the murder of their daughter.
 - (3) Saurab is guilty of culpable homicide as he thought that his daughter had already died and he believed that he was only hanging a dead body.
 - (4) Saurab is guilty of grievous hurt as the lathi blow was the basic reason of the child's death.
60. **Principle:** A person who is under a legal obligation to save the life of a human being will be liable for an omission to do so.

Factual Situation: A man who knew swimming was watching a child drowning. He said to himself: "It is not my child, why do I bother?"

- (1) The man will be responsible for the death of the child as he knew swimming and hence was obliged to save the child.
- (2) The man will not be liable as he was not duty bound to save the child.
- (3) The man will be liable as he knew that the child would drown if he did not save it still did not save the child.
- (4) The man will not be responsible as others could have helped the child.

61. **Principle:** Ignorance of the law is not an excuse in the country.

Factual Situation: Z, a foreign national came to New Delhi as a transit passenger at the Indira Gandhi International Air Port. His flight landed in the morning on June 9, 2008 at 10:15 am and he was supposed to catch the next flight at 1:00 pm the same day to another country. He was carrying 1 Kilogram of Hashish. The Government of India notified on June 9, 2008 that "any person having more than 500 Millie Grams of any Narcotic and Psychotropic substances, including Hashish in his possession

would be punishable ...” The notification was published in the Official Gazette that was published on the morning of June 9, 2008. The Customs authorities arrested Z.

- (1) Z is not liable as he was only a transit passenger who had no opportunity to mingle with any Indian.
- (2) Z is liable as mere possession of a narcotic substance beyond a certain limit is an offence in the country.
- (3) Z is not liable as he was not bound by a new regulation which was notified when he was on the flight.
- (4) Can be arrested only when the Customs Officials get a clearance from the Embassy of his own country.

62. **Principle:** Euthanasia or mercy killing is not accepted as a defence in Indian law.

Factual Situation: X was suffering from HIV AIDS and was in a pathetic condition. The Doctors treating him told him that there was no hope. X decided to end his life and requested Z, his Doctor to kill him by injecting some poison into his body. Dr. Z agreed to his request and made preparations for executing the request of X. A nurse who happened to work in the same hospital was also a member of an NGO in the field of Human Rights. The nurse informed the matter to the NGO, which in turn informed the police. The Police arrested Dr. Z while he was near X to give an injection to end the life of X.

- (1) Dr. Z is not guilty of any offence as he was only trying to help a human being from suffering, and hence it does not amount to a violation of X’s human rights.
- (2) X himself took a decision to end his life, for which he sought the professional help of Dr. Z. Hence, the Doctor is not guilty of any offence.
- (3) Dr. Z is liable as he told the patient that there was no hope.
- (4) Dr. Z is liable for attempting to kill X.

63. **Principle:** The Indian Penal Code makes preparation to wage war against the Government punishable.

Factual Situation: X, the chairman of a political party during an election campaign alleged that the ruling party was responsible for inflation, increase in crimes and all other evils that prevailed in the country and hence, exalted his party members to overthrow the present government.

- (1) X is guilty as he was provoking his party men to overthrow the Government.

- (2) X is not liable as his act does not amount to preparation for waging war against the Government.
- (3) X is not liable as what he was saying was true.
- (4) X is liable as he was making an irresponsible statement.
64. **Principle:** Breach of trust which implies 'entrustment' is punishable under the Indian Penal Code.
- Factual Situation:** Y was working as a cashier in a private bank urgently required some money for the weekend. On Saturday evening he took one lakh from the total collection and decided to replace on Monday morning. He did not for a moment intent to steal the money.
- (1) Y has not committed any offence as he did not intent to steal the money.
- (2) Y is not liable because he intended to replace the money on Monday
- (3) Y is liable for committing breach of trust.
- (4) Y is liable as it was a huge amount.
65. Defamation is the publication of a statement resulting in -
- (1) Injury to one's dignity of self respect
- (2) Injury to the esteem or regard in which one is held by others
- (3) Injury to the property
- (4) Injury to the body
66. The wall of an old building situated on the main road collapsed and three persons A, B and C then passing by the road were seriously injured. They sue the owner of the building for damages.
- (1) They cannot succeed because they should have been careful while walking on the street.
- (2) They cannot succeed because they cannot prove the fault of the owner.
- (3) They can succeed because they suffered injuries.
- (4) They can succeed because law will presume fault of the owner who had control over the factors that caused the accident.
67. D left his horse and van unattended in a crowded street and went to see his friend in the adjoining street. While D was away, a dog barked and pounced on the horse. The horse got frightened and started running furiously along the road with the van. P, a pedestrian, saw X in danger of being run over and in order to save him pushed him away, but in doing so, he himself was injured. P sues D for damages:
- (1) D is liable to pay damages to P.
- (2) D can plead *volenti non fit injuria*.
- (3) D can take the defence of inevitable accident.
- (4) D can plead *novus actus interveniens*.

68. X, an industry engaged in manufacturing of chemicals, stored toxic gas in tanks. Due to heavy and extraordinary rains, the tank collapsed and the gas leaked. A, who was within the industry and B, who was away from the industry sustained injuries. They sued X for damages.
- (1) X is not liable as gas leaked due to act of God.
 - (2) X is not liable as he was not negligent
 - (3) X is liable to pay damages to B only
 - (4) X is liable to pay damages to A and B.
69. Where the words alleged to be defamatory do not appear to be such on their face, the plaintiff must prove the latent or secondary meaning which makes the statement defamatory. Such explanatory statements are called
- (1) *Innuendo*
 - (2) Slander
 - (3) Libel
 - (4) *Ubi jus ibi remedium*
70. Motive or state of the mind of tortfeasor is irrelevant in the torts of
- (1) defamation and deceit
 - (2) trespass and negligence
 - (3) deceit and malicious prosecution
 - (4) defamation and conspiracy
71. *Injuria sine damno* means -
- (1) for every act there is remedy
 - (2) for every damage there is remedy
 - (3) no remedy for damage
 - (4) violation of legal rights are actionable without proof of actual damage
72. While dealing with the liability of an enterprise engaged in inherently dangerous activity, the Supreme Court laid down the rule of 'absolute liability' in –
- (1) *Jailakshmi Salt Works Pvt. Ltd. v. State of Gujarat*
 - (2) *N. Nagendra Rao v. State of Andhra Pradesh*
 - (3) *M.C. Mehta v. Union of India*
 - (4) *Jacob Mathew v. State of Punjab*
73. The enactment changing the law on sovereign immunity in England is -
- (1) Crown Proceedings Act 1947
 - (2) Law Reform Act 1947
 - (3) Crown Sovereign Immunity Act 1947
 - (4) Crown Sovereign Immunity Removal Act 1947

74. A took an electric tandoor from B & Co. on rent. In the rent agreement there was a clause to the effect that the Co. shall not be liable for any personal injury to the hirer or to any other person while using it . However , due to defect in tandoor , a cook was injured .The cook brought an action against B & Co.
- (1) Cook cannot succeed as he was not a party to contract
 - (2) Cook cannot succeed as there was an exemption clause in the contract
 - (3) Cook will succeed
 - (4) Cook cannot succeed but A can claim damages
75. A minimum of two years separation is necessary for obtaining divorce by mutual consent under the provisions of -
- (1) Divorce Act, 1869
 - (2) Dissolution of Muslim Marriages Act, 1939
 - (3) Parsi Marriage and Divorce Act, 1936
 - (4) Special Marriage Act, 1964
76. The rule of unlawful conjunction under Muslim law relates to -
- (1) same sex marriage
 - (2) marriage of a man with his foster sister
 - (3) marriage of a man with his wife's sister
 - (4) second marriage of a married man
77. The statement that “There is no distinction between public and private law” is attributed to -
- (1) Comte
 - (2) Duguit
 - (3) Spencer
 - (4) Ehrlich
78. Which one of the following jurists emphasized that “We cannot understand what a thing is unless we study what it does?”
- (1) Austin
 - (2) Pound
 - (3) Kelsen
 - (4) Salmond
79. Which one of the following Schools of jurisprudence laid emphasis on the question “How did law come to be?”
- (1) Analytical
 - (2) Sociological
 - (3) Historical
 - (4) Philosophical

80. "Mediate" possession means -
- (1) title of the right and not the right itself
 - (2) possession acquired through an agent
 - (3) voluntary requirement of possession
 - (4) continuous claim to a thing
81. "A" put his goods in rooms in the house of "B" with her consent. The rooms were locked by "A's" agent who gave the keys to "A's" husband "H" . The possession of the rooms with goods is with _____.
- (1) "A"
 - (2) "B"
 - (3) "A's" agent
 - (4) "H"
82. According to one of the theories of punishment, "evil" should be returned by "evil". This theory is known as -
- (1) deterrent theory
 - (2) retributory theory
 - (3) reformatory theory
 - (4) preventive theory
83. Which of the following duties have been included by Austin in the category of "absolute duties"?
- (1) Duties owed to persons indefinitely
 - (2) Self regarding duties
 - (3) Duties owed to sovereign
 - (4) Duties owed to parents
- Select the correct answer using the codes given below -
- (1) 1, 3 and 4
 - (2) 2, 3 and 4
 - (3) 1, 2 and 4
 - (4) 1, 2 and 3
84. According to the theory of 'social utilitarianism' as propounded by Ihering -
- (1) greatest number of people should get greatest pleasure
 - (2) the essential body of legal rules is always based upon social "facts" of law
 - (3) a balance is to be struck between the competing interests in the society
 - (4) law is a means to social ends

85. “Law as such is found and not made. It is to be found in popular faith, common convictions, customs, traits, habits, traditions which in course of time grow into legal rules.” This concept of law was propounded by
-
- (1) Thibaut
(2) Henry Maine
(3) Savigny
(4) Salmond
86. The fault of Historical School of Jurisprudence lies in -
- (1) recognizing the empirical basis of law
(2) not recognizing the empirical basis of law
(3) holding that law is the product of social evolution
(4) identifying custom with law itself
87. In which of the following cases the theory of ‘*opinio-juris*’ was first propounded?
- (1) Right of Passage case (1960)
(2) Anglo-Norwegian Fisheries case (1951)
(3) Lotus case (1927)
(4) None of the above
88. One of the bases of conferring jurisdiction on the International Court of Justice is called *forum prorogatum* which means -
- (1) unilateral implied acceptance of jurisdiction of the forum during the continuance of a particular case
(2) unilateral implied acceptance of jurisdiction of the forum after the end of a particular case
(3) unilateral express acceptance of jurisdiction of the forum during the continuance of a particular case
(4) unilateral express acceptance of jurisdiction of the forum after the end of a particular case
89. A treaty comes into force on -
- (1) signature
(2) ratification
(3) signature or ratification as provided in the treaty
(4) both (a) and (b)

90. The Security Council Resolution 1769 passed in July, 2007 deals with _____
- (1) conflict in Myanmar
 - (2) humanitarian crisis in Darfur
 - (3) conflict in Kenya
 - (4) humanitarian crisis in Congo
91. How many Asian States are represented in the newly established Human Rights Council?
- (1) 10
 - (2) 11
 - (3) 12
 - (4) 13
92. The International Tribunal for the Law of the Sea is located at _____
- (1) Geneva
 - (2) The Hague
 - (3) Vienna
 - (4) Hamburg
93. A State responsible for the injury caused by the internationally wrongful act is -
- (1) under an obligation to conduct enquiries and report to the United Nations
 - (2) under no obligation to make restitution to the injured State but it may do so voluntarily
 - (3) under an obligation to compensate for the damage caused by the act insofar as such damage is not made good by restitution
 - (4) under an obligation to prosecute the person whose act caused injury to the other State and then report it to the United Nations
94. Finder of a lost thing, which is commonly the subject of sale, may sell it when the lawful charges of the finder in respect of the thing found amount to -
- (1) one-fourth of the value
 - (2) half of the value
 - (3) one-third of the value
 - (4) two-third of the value

95. A right to sue on “quantum merruit” arises -
- (1) when a party has fully performed the contract
 - (2) when a party has partly performed the contract and is discharged by the other party
 - (3) when a contract is discharged by impossibility of performance
 - (4) when a contract becomes illegal
96. The term “*consensus ad idem*” means -
- (1) no agreement can have more than one meaning
 - (2) to agree the same way
 - (3) to agree on the same thing with same sense
 - (4) to agree for different objects in the same sense
97. Which one of the following is not a quasi-contract?
- (1) obligation of a person enjoying benefit of non-gratuitous act
 - (2) *quantum merruit*
 - (3) responsibility of a finder of goods
 - (4) novalism
98. In which of the following cases it was held that a contract through telephone is concluded at the place where acceptance is heard?
- (1) *Lalman Shukla v. Gouri Dutt*
 - (2) *Carlill v. Carbolic Smoke Ball Co.*
 - (3) *Bhagwandas v, Girdhari Lal*
 - (4) *Satyabratta Ghosh v. Mugneeram*
99. In case of alternative promise, one branch of which is legal and the other illegal -
- (1) the promise can be enforced
 - (2) breach of anyone of them cannot be enforced
 - (3) legal branch alone can be enforced
 - (4) with the permission of the court, both branches can be enforced
100. A saves B’s property from fire. The circumstances indicated that he had done so gratuitously. Is A entitled to compensation from B?
- (1) Yes
 - (2) No
 - (3) Not from B but from government
 - (4) Not from B but from his heirs

101. The matrimonial relief of annulment of marriage is not available under the -
- (1) Hindu Marriage Act, 1955
 - (2) Dissolution of Muslim Marriages Act, 1939
 - (3) Parsi marriage and Divorce Act, 1936
 - (4) Special Marriage Act, 1954
102. A marriage between a Hindu woman and a Christian man can be validly solemnized under the -
- (1) Indian Christian Marriage Act, 1872
 - (2) Special Marriage Act, 1954
 - (3) Indian Christian Marriage Act, 1872 as well as the Special Marriage Act, 1954
 - (4) Hindu Marriage Act, 1955
103. 'Mubarat' under the classical Muslim law refers to -
- (1) bettle expenses fixed for a married woman
 - (2) maintenance obligations of the husband
 - (3) divorce initiated by wife
 - (4) divorce by mutual consent
104. 'Lian' refer to -
- (1) false accusation of adultery
 - (2) second marriage of a married man
 - (3) waiting period before Muslim woman can re-marry
 - (4) a form of divorce under the classical law initiated by wife
105. "Whereabouts of the husband not known for a period of four years" is a ground for divorce under the -
- (1) Hindu Marriage Act, 1955
 - (2) Divorce Act, 1869
 - (3) Parsi Marriage and Divorce Act, 1936
 - (4) Dissolution of Muslim Marriages Act, 1939
106. A woman whose marriage has been annulled by a decree of nullity under the Hindu Marriage Act, 1955 seeks maintenance under section 125 of Cr.P.C. as against her husband. Which one of the following statements is correct?
- (1) The woman would succeed as the provision is applicable to all women
 - (2) The woman would succeed as even an ex-wife can claim maintenance
 - (3) The woman would succeed as her marriage was brought to an end through judicial process
 - (4) The woman will not succeed as an ex-wife.

107. Where an inter-religious marriage is solemnised under the Special Marriage Act, 1954, succession to the property of the parties will be governed by -
- (1) their respective religion-based personal laws as the succession laws are un-affected by the form of marriage
 - (2) the religion-based succession law of the husband
 - (3) Indian Succession Act, 1925
 - (4) Code of Civil Procedure, 1908
108. Sodomy is a ground for divorce under the -
- (1) Hindu Marriage Act, 1955
 - (2) Indian Christian Marriage Act, 1872
 - (3) Dissolution of Muslim Marriages Act, 1939
 - (4) Divorce Act, 1869
109. The marriage of a Sunni Muslim man with the sister of his wife is -
- (1) valid
 - (2) void
 - (3) irregular
 - (4) voidable
110. The age of majority for matrimonial purposes under the classical Muslim law is -
- (1) 18 years for boys and 15 years for girls
 - (2) 15 years both for boys and girls
 - (3) 21 years for boys and 18 years for girls
 - (4) 18 years both for boys and girls
111. Under Hindu law, renunciation from Hinduism and conversion of the husband to any other faith -
- (1) would have the effect of instantaneous dissolution of his marriage
 - (2) would have no effect at all on his marriage
 - (3) would give rise to a cause in favour of his wife for filing a petition for divorce
 - (4) would give rise to a cause of action in favour of husband to claim divorce
112. A Hindu married woman is involved into same sex relationship with another woman and her husband wants a matrimonial remedy -
- (1) He will succeed in getting a decree of divorce as it is a ground for divorce under the Hindu Marriage Act, 1955
 - (2) He will not succeed in getting a decree of divorce as it is not a ground for divorce under the Hindu Marriage Act, 1955

- (3) He will succeed in getting a decree of nullity as it is a ground for annulment of marriage under the Hindu Marriage Act, 1955
- (4) He will succeed in getting a decree of judicial separation as it is a ground for judicial separation under the Hindu Marriage Act, 1955

113. Point out the correct pair -

- | | |
|-------------------------------------|---|
| (1) Doctrine of Pith and Substance- | State of Bombay v. F.N. Balsara |
| (2) Doctrine of Eclipse | - K. Madhava Menon v. State of Bombay |
| (3) Concept of State | - Bennett Coleman & Co. v. Union of India |
| (4) Doctrine of ex-post facto law | - Article 21 |

114. The theory of separation of power does not prevent the state executive from exercising power with respect to which the legislature of the state has power to make law as provided under -

- (1) Article 72
- (2) Article 74
- (3) Article 162
- (4) Article 256

115. Which one of the following is a purpose of the U.N. Charter?

- (1) To promote international trade
- (2) To develop friendly relations among nations
- (3) To establish permanent sovereignty over natural resources of states
- (4) To protect and promote intellectual property rights.

116. What is Estrada doctrine?

- (1) Recognition of Government is unnecessary
- (2) States are liable for their acts
- (3) Recognition may be withdrawn if the state loses statehood
- (4) Acts of recognition confers international personality on an entity.

117. What was the purpose of adopting Uniting for Peace Resolution?

- (1) To widen the role of General Assembly in the field of maintenance of international peace and security
- (2) To confer additional powers on the Security Council to maintain international peace and security
- (3) To confer additional powers on NATO when the General Assembly and Security Council fail to maintain international peace and security
- (4) To authorize General Assembly, Security Council and NATO to take collective action.

118. In which of the following years, four Geneva Conventions relating to humanitarian law were adopted?
- (1) 1948
 - (2) 1949
 - (3) 1959
 - (4) 1977
119. What is the meaning of *pacta terries nec nocent nec prosunt*?
- (1) States must fulfil their obligations under a treaty in good faith
 - (2) Treaties neither impose obligations nor confer rights on third parties
 - (3) Treaties may confer rights on third states
 - (4) Non-parties may accede to a treaty.
120. Which organ of the United Nations Organisation is responsible for the drafting of Universal Declaration of Human Rights?
- (1) General Assembly
 - (2) Security Council
 - (3) Trusteeship Council
 - (4) Economic and Social Council
121. Which of the following treaties provides for the rights of individuals to petition the Human Rights Committee?
- (1) Covenant on Civil and Political Rights
 - (2) Covenant on Economic, Social and Cultural Rights
 - (3) Universal Declaration of Human Rights
 - (4) Optional Protocol to the Covenant on Civil and Political Rights
122. Which of the following statements is correct?
- (1) Only States may be parties in cases before the ICJ
 - (2) Only States and international organizations may be parties in cases before the ICJ
 - (3) Only States and individuals may be parties in cases before the ICJ
 - (4) All States, international organizations and individuals may be parties in cases before the ICJ as all of them are subjects of international law.
123. In the event of a dispute as to whether the court has jurisdiction, who settles the matter?
- (1) International Court of Justice
 - (2) Party which invokes the jurisdiction of ICJ
 - (3) Security Council
 - (4) General Assembly

124. When did the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights come into force?
- (1) 1966
 - (2) 1976
 - (3) 1948
 - (4) 1980
125. The Chief Minister of National Capital Territory of Delhi is appointed by -
- (1) Lieutenant Governor of Delhi
 - (2) President of India
 - (3) Chief Justice of India
 - (4) Chief Justice of Delhi High Court
126. On which one of the following subjects, the Legislative Assembly of National Capital Territory of Delhi cannot make law?
- (1) Prisons
 - (2) Public health
 - (3) Public order
 - (4) Agriculture
127. Which one of the following statements is incorrect?
- (1) Supreme Court's original exclusive jurisdiction extends to disputes between Government of India and a state government
 - (2) An additional judge of a High Court cannot be confirmed as a permanent judge of the High Court without consultation with the Chief Justice of India and a collegium of four senior-most judges of the Supreme Court.
 - (3) The question regarding age of a judge of the High Court is decided as per the provisions contained in Article 217(3) of the Constitution of India.
 - (4) Both Supreme Court and High Courts are courts of record.
128. In which case, the Supreme Court of India held that the precautionary and polluter pays principles were parts of the customary international law and there was no difficulty in accepting them as part of domestic law?
- (1) Vellore Citizens's Welfare Forum v. Union of India
 - (2) Jolly George Varghese v. Bank of Cochin
 - (3) Vishaka v. State of Rajasthan
 - (4) Union of India v. Sukumar Sengupta

129. In which case, the International Court of Justice justified the adoption of straight base line for measuring territorial waters?
- (1) North Sea Continental Shelf Cases, 1969
 - (2) Libya Arab Jamahiriya v. Malta, 1985
 - (3) Corfu Channel Case, 1949
 - (4) Anglo-Norwegian Fisheries Case, 1951
130. In which case, it was held that “it was precisely a rule of law that called for the application of equitable principles and in such cases as the present one the equidistance method could unquestionably lead to inequity?”
- (1) Anglo-Norwegian Fisheries Case, 1951
 - (2) Lotus Case (France v. Turkey), 1927
 - (3) North Sea Continental Shelf Cases, 1969
 - (4) Corfu Channel Case, 1949
131. Which one of the following statements is incorrect?
- (1) The sovereignty of a coastal state extends, beyond its land territory, to an adjacent belt of sea, described as the territorial sea.
 - (2) The sovereignty extends to the airspace and outer space over the territorial waters.
 - (3) The sovereignty extends to the bed and subsoil of territorial waters.
 - (4) The sovereignty over the territorial sea is exercised subject to U.N. Convention on Law of the sea, 1982 and to other rules of international law
132. In which one of the following cases, general principles of law recognized by civilized nations was not applied?
- (1) Temple of Peach Case, 1962
 - (2) Advisory Opinion of ICJ on the Effect of Awards of Compensation made by the UN Administrative Tribunal, 1954
 - (3) Asylum Case, 1950
 - (4) Island of Palmas Case, 1928
133. Which one of the following statements is correct?
- (1) An amendment of First Schedule of the Constitution of India requires a simple majority in Parliament.
 - (2) An amendment of Seventh Schedule of the Constitution of India requires 2/3rd majority in each House of Parliament and ratification by not less than one-half of the state legislatures
 - (3) An amendment of Article 54 of the Constitution of India requires 2/3rd majority in each House of Parliament

- (4) An amendment of Article 368 of the Constitution of India requires $2/3^{\text{rd}}$ majority in each House of Parliament and ratification by not less than one-half of the state legislatures
134. Which one of the following provisions of the Constitution of India was the last provision held to be unconstitutional?
- (1) Article 368(4)
 - (2) Article 371D(5)
 - (3) Proviso to Article 31C
 - (4) Article 323B(3)(d)
135. What is the maximum number of members of the House of the People representing the Union Territories?
- (1) 10
 - (2) 15
 - (3) 20
 - (4) 25
136. Which one of the following is not the duty of the Prime Minister?
- (1) to communicate to the President all decisions of the Council of Ministers relating to administration of the affairs of the Union
 - (2) to communicate to the President proposals for legislation
 - (3) to submit for consideration of the Council of Ministers all matters decided by a minister without consideration by the Council of Ministers
 - (4) to furnish information as the President may call for regarding administration of the affairs of the Union
137. The doctrine of pleasure has been not been mentioned in which article of the Constitution of India?
- (1) Article 75(2)
 - (2) Article 76(4)
 - (3) Article 310(1)
 - (4) Article 316(2)
138. The Parliament has no power to make law on -
- (1) Duties of excise on opium
 - (2) Taxes on capital value of agricultural land
 - (3) Taxes on advertisements published in newspapers
 - (4) Trusts and trustees

139. The question relating to disqualification of Speaker of the House of the People on the ground of defection is decided by -
- (1) Union Council of Ministers
 - (2) House of the People
 - (3) any member of the House elected by the House of the People
 - (4) Supreme Court of India
140. Eleventh Schedule to the Constitution of India does not deal with -
- (1) Fisheries
 - (2) Drinking water
 - (3) Urban planning
 - (4) Minor forest produce
141. Which one of the provisions of the Constitution of India does not apply to the State of Jammu and Kashmir?
- (1) Article 16(3)
 - (2) Article 20
 - (3) Article 31B
 - (4) Article 32(1)
142. Which Article of the Constitution of India provides that the President shall not be answerable to any court for the exercise of the powers of his office?
- (1) Article 53
 - (2) Article 74
 - (3) Article 361
 - (4) Article 363
143. Which law prescribed that all proceedings in the Supreme Court shall be in the English language -
- (1) Article 145 of the Constitution of India
 - (2) A legislation made by Parliament
 - (3) Supreme Court Rules, 1966
 - (4) Article 348 of the Constitution of India
144. The present term of Lok Sabha is -
- (1) 14th
 - (2) 15th
 - (3) 16th
 - (4) 17th

145. The procedure for dismissal of an Election Commission has been prescribed under -
- (1) Article 324 (3) of the Constitution of India
 - (2) Article 324(4) of the Constitution of India
 - (3) Article 324(5) of the Constitution of India
 - (4) law made by Parliament
146. 'Homicide' means -
- (1) manslaughter
 - (2) hanging
 - (3) suicide
 - (4) mob killing
147. An agreement would be ----- if both the contracting parties believe in the existence of the subject matter which did not exist -
- (1) Void
 - (2) Voidable
 - (3) Illegal
 - (4) impracticable
148. ----- is referred to as 'dowry death' under ----- of IPC
- (1) Genocide/section 304
 - (2) Culpable homicide/section 304-B
 - (3) Homicide/section 304
 - (4) Constructive homicide/section 304-B
149. The anti-defection law was included in the Constitution of India in the year ----- and amended in the year -----
- (1) 1986/2006
 - (2) 1985/2003
 - (3) 1992/2005
 - (4) 1998/2007
150. The decision of the Supreme Court in R.C. Poudyal v. Union of India deals with -
- (1) State of Nagaland
 - (2) State of Uttarakhand
 - (3) State of Mizoram
 - (4) State of Sikkim

151. Which of the following statements, regarding the nature and character of protection provided by Article 31B of the Constitution of India, to the laws added to the IX Schedule, is incorrect?
- (1) Even though an Act is put in the IX Schedule by a constitutional amendment, its provisions would be open to attack on the ground that they destroy or damage the basic structure of the Constitution.
 - (2) Amendments to the Constitution and additions made to the IX Schedule before April 24, 1973 are valid and constitutional.
 - (3) Article 31-B validates a law on the basis of fictional immunity.
 - (4) Article 31-B confers a blanket protection on the laws included in the IX Schedule by constitutional amendments.
152. Which of the following is **not** a characteristic which may bring a body within the ambit of 'State' within the meaning of Article 12 of the Constitution of India -
- (1) Deep and pervasive State control.
 - (2) Functions of public importance.
 - (3) Profit earning motive.
 - (4) Monopoly
153. The power of the Union to legislate is derived from -
- (1) Article 246 of the Constitution of India
 - (2) List I of the Seventh Schedule to the Constitution of India
 - (3) List III of the Seventh Schedule to the Constitution of India
 - (4) Article 244 of the Constitution of India
154. Which of the following correctly describes the nature of a writ petition under Article 32 of the Constitution of India?
- (1) The technicalities of res judicata are irrelevant while dealing with fundamental rights under Article 32 of the Constitution
 - (2) A person aggrieved by the decision of a High Court in a writ petition Article 226 may approach the Supreme Court on the same facts, under Article 32 of the Constitution in every case.
 - (3) An original petition for writ under Article 32 cannot take the place of an appeal against the order passed by a High Court in a petition under Article 226.
 - (4) All of the above are correct.

155. In which case did the Supreme Court hold Section 309 of the Indian Penal Code as unconstitutional?
- (1) P. Rathinam v. Union of India
 - (2) Gian Kaur v. State of Punjab
 - (3) State of Maharashtra v. Maruti Sharipati Dubal
 - (4) State of West Bengal v. Anwar Ali
156. What is common to the criteria of the existence of a legal system propounded by Austin and Kelsen?
- (1) Existence of a sovereign
 - (2) Personal obedience to the sovereign
 - (3) Obedience to the laws
 - (4) Efficacy of a legal system
157. Which of the following objections have been raised against Savigny's idea of Volkgeist?
- (1) It attempted to transplant nearly thousand years old Roman law in the alien climate of Europe
 - (2) All laws would be directed only to officials and would be too complex to identify or handle
 - (3) Classification of rights and duties do not indicate the existence of any internal structure
 - (4) All of the above
158. Dias describes power, coupled with a duty to exercise it, as -
- (1) Discretionary power
 - (2) Administrative power
 - (3) Ministerial power
 - (4) Rightful power
159. Who defined law as a 'species of will, other-regarding, self-authoritative, and inviolable'?
- (1) Stammler
 - (2) Rawls
 - (3) Hall
 - (4) Bentham
160. According to the anthropological approach to law, the XII Tables in Rome may be considered as an example of:
- (1) Published law
 - (2) Divine inspiration
 - (3) Personal Command
 - (4) Oligarchic monopoly

161. The principle of absolute liability has been laid down in which one of the following legislations?
- (1) Public Liability Insurance Act, 1991
 - (2) Water (Prevention and Control of Pollution) Act, 1974
 - (3) Environment Protection Act, 1986
 - (4) National Environment Appellate Authority Act, 1997
162. In-camera trial refers to -
- (1) Trial before open Court
 - (2) Trial broadcast via television networks
 - (3) Trial to which the public and press are not admitted
 - (4) Summary trial
163. Which of the following does not constitute grievous hurt?
- (1) Permanent disfiguration face
 - (2) Dislocation of a tooth
 - (3) Permanent privation of the sight in eye
 - (4) Bodily pain
164. Which of the following statements regarding Section 311 of the Code of Criminal Procedure, 1973 is/are correct?
- (1) It confers the Court with a power to summon material witness or examine persons present.
 - (2) It gives a discretion to the Court to examine the witness at any stage.
 - (3) It compels the Court to examine a witness if his evidence appears to be essential.
 - (4) All of the above are correct.
165. Which of the following may be applied as a test of 'grave and sudden provocation' as envisaged by the exception to Section 300 of the Indian Penal Code?
- (1) Whether a reasonable man belonging to the same class of society as the accused, placed in the situation in which the accused was placed would be so provoked as to lose his self control.
 - (2) Whether the accused was placed in a situation where he lost his cognitive faculties which rendered him incapable of understanding consequences of his actions.
 - (3) Whether the victim provoked the accused despite having a prior knowledge that the accused was a short tempered person.
 - (4) All of the above.

166. 'A' entered into a written contract with 'B' for purchase of goods. 'B' failed to supply the goods despite having received the consideration for the same. 'A' filed a suit for specific performance against 'B' before the District Judge, Delhi. 'B', however, challenged the jurisdiction of the Court, drawing attention to a term of the contract which stated that any disputes arising out of the contract shall be subject to the jurisdiction of Haryana courts only. Which of the following is correct?
- (1) The said term is generally valid and binding on both the parties, if they have explicitly agreed to ouster the jurisdiction of other Courts.
 - (2) The said term is invalid being a term in restraint of legal proceedings and therefore contrary to Section 28 of the Indian Contract Act, 1872.
 - (3) The said term is invalid since the parties cannot narrow the jurisdiction of a competent court by a mutual agreement.
 - (4) The said term may be valid and binding on both the parties only if the contract has been entered into at Haryana.
167. The printing of scurrilous matter is an offence. For this purpose, scurrilous matter does not include -
- (1) any matter injurious to morality
 - (2) calculated to injure any person
 - (3) to express in good faith anything respecting the conduct of a public servant in discharge of his public functions
 - (4) to express anything respecting the conduct of a public servant in discharge of his public functions
168. The sale of obscene objects to young persons below ----- is an offence under IPC -
- (1) 10 years
 - (2) 15 years
 - (3) 18 years
 - (4) 20 years
169. A, B and C are under a joint promise to pay D a sum of Rs. 3000/-. A and B being only sureties for C who fails to pay. A and B are compelled to pay the whole amount. Which is the correct answer?
- (1) A and B are entitled to recover from C
 - (2) A and B are not entitled to recover from C
 - (3) D must recover the amount from C and pay to A and B
 - (4) None of the above answers is correct.

170. The effect of novation, rescission and alteration of contract is provided under-
- (1) Section 59 of the Indian Contract Act, 1872
 - (2) Section 24 of the Specific Relief Act, 1963
 - (3) Section 62 of the Indian Contract Act, 1872
 - (4) Section 73 of the Indian Contract Act, 1872
171. Whoever causes death of a person by rash or negligent act not amounting to murder is liable to be punished with -
- (1) imprisonment extending up to three years
 - (2) with fine
 - (3) with imprisonment extending to two years and fine
 - (4) with imprisonment extending to two years or fine or both
172. Which one of the statements is incorrect?
- (1) The Union executive can issue directions to a state for protection of railways within the state
 - (2) The non-compliance with the directions issued by the Union executive to a state shall amount to failure of constitutional machinery in a state
 - (3) The doctrine of pleasure is not subject to Article 311(2).
 - (4) The Union executive can issue directions to a state for ensuring compliance with laws made by Parliament
173. Which one of the following statements is incorrect?
- (1) The liability of the surety is co-extensive with that of the principal debtor unless otherwise provided in the contract
 - (2) A contract is not voidable because it was caused by a mistake as to any law in force in India
 - (3) A contract is not voidable because it was caused by a mistake as to any law not in force in India
 - (4) A mistake as to fact, which is essential to the agreement, is void.
174. Intercourse by a man with his wife during separation is an offence under section ----- of IPC -
- (1) 376
 - (2) 376A
 - (3) 376D
 - (4) 377
175. The function of inter-State Council does not include -
- (1) inquiry into disputes arising between States
 - (2) investigating subjects common to States
 - (3) adjudicate disputes pertaining to inter-state rivers.
 - (4) making recommendations for better co-ordination of policy and action.

LL.M. ENTRANCE TEST 2009
ANSWERS

Q	A	Q	A	Q	A	Q	A	Q	A	Q	A	Q	A
1	3	26	1	51	4	76	3	101	2	126	3	151	4
2	4	27	2	52	3	77	2	102	3	127	2	152	3
3	1	28	3	53	4	78	2	103	1	128	1	153	1
4	1	29	1	54	1	79	3	104	1	129	4	154	3
5	2	30	3	55	4	80	2	105	4	130	3	155	1
6	2	31	3	56	4	81	4	106	2	131	2	156	4
7	4	32	2	57	1	82	2	107	3	132	3	157	1
8	2	33	1	58	1	83	4	108	1	133	1	158	3
9	3	34	3	59	3	84	4	109	3	134	4	159	1
10	4	35	4	60	2	85	3	110	2	135	3	160	1
11	3	36	3	61	2	86	1	111	3	136	3	161	1
12	1	37	3	62	4	87	3	112	2	137	4	162	3
13	3	38	4	63	2	88	1	113	3	138	1	163	4
14	3	39	3	64	3	89	3	114	3	139	3	164	4
15	2	40	4	65	2	90	2	115	2	140	3	165	1
16	4	41	1	66	4	91	4	116	1	141	1	166	1
17	4	42	1	67	1	92	4	117	1	142	3	167	3
18	2	43	4	68	4	93	3	118	2	143	4	168	4
19	3	44	4	69	1	94	4	119	2	144	1	169	1
20	4	45	3	70	2	95	2	120	4	145	3	170	3
21	3	46	3	71	4	96	3	121	4	146	1	171	4
22	2	47	3	72	3	97	4	122	1	147	1	172	3
23	4	48	2	73	1	98	3	123	1	148	4	173	3
24	1	49	2	74	3	99	3	124	2	149	2	174	2
25	2	50	2	75	1	100	2	125	2	150	4	175	3