LL.M. ADMISSION TEST – 2018

Date of Exam. : **6th May, 2018 (Sunday)**	Center's Name : _____
Duration : **90 Minutes**	Roll No. : _____
Max. Marks : **150**	OMR Sheet No. : _____
	Date of Birth : _____

INSTRUCTIONS TO CANDIDATES

1. *No clarification on the Question paper can be sought. Answer the questions as they are.*
2. There are **100** multiple choice objective type questions of one mark each which has to be answered in the OMR sheet.
3. Candidates have to indicate the correct answer by darkening one of the four responses provided, with BLACK/BLUE BALL POINT PEN in the **OMR** Answer sheet

   Example : For the question, "Where is the Taj Mahal located ?"

   (a) Kolkata (b) Agra (c) Bhopal (d) Delhi

   The correct answer is B.

   The candidate has to darken the corresponding circle as indicated below:

   Right Method

   (a) ● (c) (d)

   Wrong Methods

   (a) (⊗) (c) (d) (a) (b✓) (c) (d) (a) (b) (c) (d)

4. There is one essay question of 50 marks which has to be answered in a separate sheet with pen. **Total marks are 150.**
5. There will be **Negative Marking** for multiple choice objective type questions. **0.25 marks** will be deducted for every wrong answer.
6. Answering the question by any method other than the method mentioned above shall be considered wrong answer.
7. More than one response to a question shall be counted as wrong answer.
8. The candidate shall not write anything on the Answer Sheet other than the details required and in the spaces provide for.
9. After the examination is over, the candidate has to return the test booklet along with the Answer Sheet, to the invigilator.
10. The use of any unfair means by any candidate will result in the cancellation of his/her candidature.
11. **Impersonation is an offence and the candidate, apart from disqualification, may have to face criminal prosecution.**
12. **Electronic gadgets like mobile phones, pagers or calculators etc. are strictly not permitted inside the Test Centre/Hall.**
13. **The candidates shall not leave the hall before the Test is over.**

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PART - I

1. For Austin, 'general jurisprudence' means the science concerned with the exposition of the principles, notions and distinctions which are
   (a) relative to the different systems of law
   (b) comparative to the different systems of law
   (c) common to the different systems of law
   (d) linked to different systems of law

2. The Sociological School of Jurisprudence is chiefly concerned with the relationship of law to
   (a) contemporary social ideas
   (b) contemporary legal positions
   (c) contemporary political institutions
   (d) contemporary social institutions

3. The life of law has not been logic, it has been experience. The felt necessity of the time, prevalent moral and political theories, institutions of public policy have had a good deal more to do than syllogism in determining the rules by which men should be governed. This was the message of
   (a) Law of Vedanta (b) Holmesian law
   (c) Justinian Code (d) Greek Law

4. Which one of the following defines right as 'an interest recognized and protected by law' ?
   (a) Salmond (b) Holland (c) Keeton (d) Allen

5. Bentham was the real originator of law as 'Sovereign's Command' as revealed in his work
   (a) The Principles of Legislation
   (b) Fragment on Government
   (c) Introduction to the Principles of Morals and Legislation
   (d) Rationale of Judicial Evidence

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6. Consider the following statements :

I. The outstanding fact of the society is the interdependence of men.

II. The doctrine of sovereignty has become meaningless.

III. Laws should be treated from the angle of purpose.

IV. The only right which any man can possess is the right always to do his duty.

Which of the statements given above can be subscribed to Duguit ?

(a) II and III (b) I and IV

(c) I, II and III (d) I, II and IV

7. Fuller's 'purposive' picture of law takes into account

(a) the 'internal' and 'external' moralities of law

(b) morality and justice

(c) reason and justice

(d) ethics and justice

8. Which one of the following pairs is not correctly matched in relation to defects in the primary rules as enunciated by Hart and remedies thereof ?

	Defect		**Remedy**
(a)	Uncertainty	:	rules of recognition
(b)	Static quality	:	rules of change
(c)	Inefficiency	:	rules of adjudication
(d)	Duty imposing	:	power conferring

9. Salmond enumerated

(a) Three kinds of subordinate legislation

(b) Four kinds of subordinate legislation

(c) Five kinds of subordinate legislation

(d) Six kinds of subordinate legislation

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10. There are certain inconsistencies in the Savigny's perception of law

1. His insistence on custom as the expression of popular consciousness is not historically and sociologically correct.
2. His concept of law is negative, obscurant and narrow sectarian in outlook and content.
3. *Savigny's Volksgeist* is reappearing as a cancerous divisive force in body politic of several countries.
4. Give and take and imitation has no place in the program in a modern industrial and welfare state which is in abundance in his concept of law.

Which of the above mentioned statement(s) is /are correct ?

(a) 1, 2 and 4 (b) 2, 3 and 4 (c) 1, 3 and 4 (d) 1, 2 and 3

11. *Themistes* are the first earliest forms and instruments of law having originated from the Homeric words *Themis* which means

(a) The Law Giver (b) Law Propounder

(c) Goddess of Justice (d) The King Almighty

12. _____ claimed that he "discovered" the Law of Three Stages as the governing principle of societal progress.

(a) August Comte (b) Herbert Spencer

(c) Ihering (d) Oliver Wendell

13. According to Ehrlich, 'the centre of gravity of legal development lies not in legislation nor in juristic science, nor in judicial decisions but in

(a) individual himself (b) people themselves

(c) society itself (d) world itself

14. Although it is not easy to tag Holmes with a label of a school, yet his life and works have become source of inspiration to

(a) Romans, Greeks and Historical jurists

(b) Greeks, British and positivists

(c) Romans, British and naturalists

(d) Neo-Austinians, Sociological jurists and Realists

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15. The main supporters of Expiatory Theory are

(a) Plato and Locke
(b) Bodin and Hegel
(c) Hegel and Kohler
(d) Starke and Hobbes

16. Salmond originally divided the sources of law into

(a) formal and material
(b) concrete and absolute
(c) formal and informal
(d) custom and legislation

17. According to the *Lalitha Kumari* judgment, while ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed _____ days.

(a) 2 (b) 3 (c) 5 (d) 7

18. The ascertainment of the *ratio decidendi* of a case depends upon a process of abstraction from the totality of facts that occurred in it. The higher the abstraction,

(a) the wider the *ratio decidendi*
(b) the clearer the *ratio decidendi*
(c) the appropriate the *ratio decidendi*
(d) the narrower the *ratio decidendi*

19. There are four features of morality which Hart says are necessary for a clear picture of his concept of law. These four features, he describes under the heads of

(a) Command, Sovereign, Duty and Sanction
(b) Accordance, Duty, Obedience and Moral Pressure
(c) Importance, Immunity from deliberate change, Voluntary character of moral offences and Forms of moral pressure
(d) Primary Rules, Secondary Rules, Rules of Recognition and Moral Pressure

20. The Supreme Court has held that "sexual intercourse or sexual acts by a man with his own wife, the wife not being _____ years, is not rape".

(a) 15 (b) 16 (c) 17 (d) 18

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21. Who deduced his legal theory from the inherent self-consciousness of a reasonable man ?

(a) Fichte (b) J.S. Mill (c) Kant (d) Hegel

22. Right to divorce is a

(a) right *strictosensu* (b) liberty

(c) power (d) privilege

23. In which of the following judgments, a Constitution Bench of the Supreme Court has held that the sale and installation of a lift is a works contract ?

(a) State of A. P. v. Kone Elevators (India) Ltd.

(b) Kone Elevators (India) Ltd. v. State of Tamil Nadu

(c) Schindler Elevators v. State of Delhi

(d) Schindler Elevator v. State of Tamil Nadu

24. If the promisee accepts the anticipatory breach committed by the promisor, then

(a) The promisee need not perform his part of the contract and he cannot claim damages from the promisor.

(b) The promisee must perform his part of the contract before claiming damages from the promisor.

(c) The promisee need not perform his part of the contract and he can also claim damages without waiting till the date of performance.

(d) The promisee need not perform his part of the contract but he can also claim damages from the promisor only after the date of performance.

25. A gratuitous bailment is terminated

(a) On the death of bailor and bailee both

(b) On the death of either bailor or bailee

(c) On the death of bailee

(d) On the death of bailor

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26. If the pawnor makes a default in payment of debt, at the stipulated time of promise

(a) Pawnee has no right to sell the goods nor retain the goods as collateral security but has a right to sue the pawnor for the debt.

(b) Pawnee has no right to sell the goods pledged but has a right to retain the goods as collateral security.

(c) Pawnee has a right to sell the goods pledged after giving a reasonable notice of sale to the pawnor.

(d) Pawnee has a right to sell the goods pledged without giving notice to the pawnor.

27. In case of a sub-agent lawfully appointed, which of the following is correct?

(a) As regards third parties, the sub-agent can neither bind the principal nor the original agent

(b) As regards third parties, the sub-agent can bind only the original agent

(c) As regards third parties, the sub-agent binds the principal as an original agent can bind.

(d) As regards third parties, the sub-agent cannot bind the principal as an original agent.

28. Which one of the following statements is not correct in so far as 'jural' relations are concerned ?

(a) Y's duty with regard to X would be expressed by X as 'You must' (X has a right in strict sense or claim)

(b) X's freedom to do something in relation to Y would be expressed by X as 'I may' (X has a liberty or privilege)

(c) X's ability to alter Y's legal position would be expressed by X as 'I can' (X has a power)

(d) Y's inability to alter X's legal position would be expressed by X as 'You cannot' (X has a liberty)

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29. A time barred debt or the Directive Principles of State Policy under the Constitution of India are examples of

(a) perfect rights
(b) perfect duties
(c) imperfect rights
(d) imperfect duties

30. Who won the 2017 Right to Livelihood Award, otherwise known as Alternative Nobel Prize ?

(a) Colin Gonsalves
(b) Fali Nariman
(c) Prashant Bhushan
(d) Harish Salve

31. Which one of the following statements is NOT correct ?

(a) The condition on which ownership depends may be either a condition precedent or a condition subsequent.
(b) The contingent ownership of a thing is nothing but a simple chance.
(c) A condition subsequent is one on the fulfilment of which a title already complete, is extinguished.
(d) A condition precedent is one by the fulfilment of which the title is perfected.

32. Which one of the following pairs is NOT correctly matched ?

(a) *Quia Omne quod Solo inaedificatur solo cedit*	by whatever mean it be, what is affixed to land becomes eroded to it
(b) *Quicquid plantatur solo, solo cedit*	Whatever is planted or affixed to the soil is ceded to the soil
(c) *Nec vi nec calm nec precario*	Possession must be to the extent to show that it is possession adverse to the competition
(d) *Rechstsband sachenbesitz*	Possession in rem

33. Article 358 of the Constitution provides that when the proclamation of emergency is issued by the President under Article 352, the freedoms granted under Article 19 are

(a) not suspended
(b) automatically suspended and would continue to be so for the period of emergency
(c) applicable to some extent
(d) suspended through an executive order by the President

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34. Which one of the following statements is NOT correct ?

(a) Under Article 16 of the Constitution, the guarantee against discrimination is limited to 'employment' and 'appointment' under the State

(b) Article 15 of the Constitution is more general and deals with all cases of discrimination which do not fall under Article 16 of the Constitution.

(c) Article 16 of the Constitution embodies the particular application of general rule of equality laid down in Article 14 of the Constitution with special reference for appointment and employment under the State.

(d) Article 16 of the Constitution does not guarantee equality of opportunity in matters of appointment.

35. A Judge of the Supreme Court of India may be removed from his office under Article 124(4)of the Constitution by an order of the President of India only on grounds of

(a) proved misbehaviour

(b) misconduct

(c) ill health and incapacity

(d) proved misconduct or incapacity

36. In _____, the Supreme Court observed that "what is practiced in our prisons is the theory of retribution and deterrence and the ground situation emphasizes this, while our criminal justice system believes in reformation and rehabilitation and that is why handcuffing and solitary confinement are prohibited. It is this 'rejection' of the philosophy of our criminal justice system that leads to violence in prisons and eventually unnatural deaths." The Supreme Court highlighted the need for an overhaul, in order to ameliorate the conditions of prisoners across the country and thereby reduce the number of unnatural deaths.

(a) *Re – Inhuman Conditions in 1, 382 Prisons*

(b) *Sunil Batra v. Delhi Administration*

(c) *Prem Shankar Shukla v. Delhi Administration*

(d) *Francies Coralie Mullin v. The Administrator, Union Territory of Delhi & others*

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37. In India, the scheme of distribution of sources of revenue between the Centre and the States is based on the scheme laid down in

(a) Government of India Act, 1861

(b) Government of India Act, 1907

(c) Government of India Act, 1919

(d) Government of India Act, 1935

38. Which one of the following cases is not an instance of *Damnum Sine Injuria* ?

(a) *Moghal Steamship Co. v. Mcgregor Gow and Co.*

(b) *Dickson v. Reuters Telegraph Co.*

(c) *Bradford Corporation v. Pickles*

(d) *Ashby v. White*

39. Which one of the following is the first Indian building to get the trademark under the Trademarks Act 1999, for its architectural design ?

(a) Taj Mahal Palace, Mumbai (b) Lotus Temple

(c) Maysore Palace (d) Taj Mahal

40. In which of the following countries, has the Supreme Court disqualified its President in connection with the Panama Papers Scam ?

(a) Bangladesh (b) Pakistan

(c) Nepal (d) Sri Lanka

41. Non-pecuniary loss includes the following heads of damage :

(a) pain and suffering, loss of amenities and loss of expectation of life

(b) mental shock and agony, loss of limbs and loss of amenities

(c) health decay, loss of comforts and happiness

(d) welfare, well-being of children and health

42. Which of the following is true about the Child – friendly Courts ?

I. Separate waiting rooms for children

II. Judge and Police officers not to be in their uniforms

III. Video-camera trial for accused

IV. Direct contact between child and the accused in few cases only

(a) I and III (b) I and IV (c) I, II, III (d) All of the above

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43. The Law Commission of India in its 262nd Report has recommended that the death penalty may be abolished for all crimes, other than

(a) Terrorism-related offences
(b) Waging war against India
(c) Rape
(d) Both (a) and (b)

44. If the act is a lawful one and not a criminal act and if in the course of such an act any one of the persons jointly doing that act commits an offence, then

(a) All the persons shall be liable under section 34 of I.P.C.
(b) only the doer of the act shall be liable for it and not others and section 34 of I.P.C. shall not apply.
(c) Nobody shall be liable for it and section 34 of I.P.C. shall not apply.
(d) No other person except the real doer of the act shall be liable for it and section 34 of I.P.C. shall apply.

45. The minimum period of imprisonment provided for an offence under the Indian Penal Code is imprisonment for

(a) Twenty-four hours under section 510
(b) Twenty-four hours under section 511
(c) Twenty hours under section 510
(d) Sentence of imprisonment till rising of the court under section 511

46. The offence under section 379 is cognizable, non-bailable and compoundable when the value of the property does not exceed

(a) Rs. 350 (b) Rs. 450 (c) Rs. 500 (d) Rs. 250

47. In 2016, a two-judge bench of the Supreme Court set aside the Jammu and Kashmir High Court's judgment which held that various key provisions of the _____ were outside the legislative competence of Parliament, as they interfered with section 140 of the Transfer of Property Act of Jammu and Kashmir, 1920.

(a) Indian Partnership Act
(b) Specific Relief Act
(c) Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act
(d) Sale of Goods Act

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48. Which one of the following statements is not correct ?

(a) section 34 and 120A of I.P.C. lay down different principles of law and there is substantial difference between the two.

(b) section 34 of I.P.C. lays down a principle in respect of a crime committed by several persons in furtherance of common intention of all.

(c) In section 120A, I.P.C., the liability is based on an agreement between two or more persons to do or cause to be done an illegal act or an act which is not illegal, by illegal means

(d) It is very much material whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

49. The maximum period of solitary confinement provided under section 73 of I.P.C. is

(a) one month (b) two months (c) three months (d) six months

50. An act resulting in death done with the knowledge of its very serious consequences does not by itself become murder under sub-section(4) of section 300, I.P.C., it must further be shown that

(a) the accused had some knowledge about the fact that it will cause death.

(b) even though the accused knew about the consequences, he did the act and had no excuse for incurring such a risk.

(c) the accused had no valid excuse for the act done by him.

(d) his intention was to kill the victim as the victim had certain qualities which were against the norms of the society.

51. There are two explanations attached to section 403 I.P.C. According to the first, a dishonest misappropriation for a time only is also misappropriation within the meaning of this section. The second explanation lays emphasis on

(a) finder's identity and his status (b) finder's liability and on his title

(c) finder's duty and on his title (d) finder's choice and his liability

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52. The decision in *Additional District Magistrate, Jabalpur v. Shivakant Shukla* has been specifically overruled in

(a) *Victim Families Association and anr. v. UoI*

(b) *Justice K.S. Puttuswamy v. UoI*

(c) *Mahipal Singh Rana v. State of Uttar Pradesh*

(d) *UoI v. Bhanudas Krishna Gawde*

53. In *Baldev Singh v. State of Punjab*, the Supreme Court emphasized the need to scrutinize, re-look and re-visit the sentencing policy under section _____ of the IPC.

(a) 304B (b) 304A (c) 304 (d) 363

54. If a minor's guardian makes a contract with an insurance company insuring minor's property against fire, in the event of fire

(a) the minor is entitled to enforce his claim for compensation for loss of property against the insurance company.

(b) the minor is not entitled to enforce his claim for compensation for loss of property against the insurance company.

(c) the guardian of the minor is entitled to enforce his claim for compensation for loss of property against the insurance company.

(d) no one is not entitled to enforce his claim for compensation for loss of property against the insurance company as the contract is void.

55. Which of the following statements is not correct ?

(a) When the acceptance is required by post, but the same is made by telephone or telegram i.e., by a quicker mode, will result in a valid contract.

(b) But if the deviation from the prescribed manner is to the disadvantage of the offeror, he is entitled to treat the acceptance as invalid.

(c) If the offeror wants the acceptance to be sent by wagon, but the same is sent by post, and the letter reaches after the arrival of the wagon, the offeror is entitled to treat the acceptance as invalid.

(d) The communication of the acceptance is complete as against the proposer, when it comes to the knowledge of the acceptor.

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56. In contracts of sale and purchase of goods, the measure of damages will be

(a) the difference between the price contracted and the price actually paid.

(b) the difference between the market price and the price actually paid.

(c) the difference between the price agreed upon and the market price.

(d) the difference between the market price and the speculated paid.

57. A law which disqualifies a person with more than two children from holding the post of Panch/Sarpanch is valid and not violative of Article 14 of Constitution. In which of the following cases, the Supreme Court held this

(a) *P.U.C.L. v. Union of India*

(b) *Javed v. State of Haryana*

(c) *Indira Jaysingh v. Registrar General*

(d) *Mohd. Aslam v. Union of India*

58. Choose the correct answer :
After the House is dissolved, the Speaker is

(a) Removed from the office immediately

(b) He remains as Speaker until the first meeting of the House of the People after the dissolution

(c) He has to submit his resignation to the President of India within twenty-four hours

(d) None of the above

59. 'Doctrine of unjust enrichment' was laid down by the Supreme Court in which one of the following cases ?

(a) *Sarla Mudgal v. Union of India*

(b) *Mafatlal Industries Ltd. v. Union of India*

(c) *Chander Mohan v. Union of India*

(d) *Unni Krishnan v. State of A.P.*

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60. In which of the following cases, the Supreme Court introduced the 'theory of alternative institutional mechanism' ?

(a) *S. P. Sampath Kumar v. UoI*

(b) *Standard Chartered Bank v. City Bank*

(c) *Sarbananda Sonowal v. UoI*

(d) *Standard Chartered Bank v. Bank of India*

61. The rule of Absolute Liability was first laid down by

(a) Lord Atkin in 1635

(b) Justice Blackburn in 1868

(c) Winfield in 1765

(d) Chief Justice Holt in 1868

62. Which of the following statements is NOT correct ?

(a) Contingent contracts to do or not to do anything if an uncertain future event happens or not, cannot be enforced by law unless and until the event happens.

(b) If the event become impossible, such a contract becomes void.

(c) If the agreement is contingent on an impossible event, it is void.

(d) Such contracts are not enforceable if the contingency contemplated takes place or becomes impossible of taking place.

63. There is no definition of the word 'defraud' but courts in India have followed the well-known analysis of the word by

(a) Sir James Stephen

(b) John Austin

(c) Justice Holmes

(d) Lord MacNaughten

64. The judgment of the Supreme Court in *Rattan Lal v. State of Punjab* by the application of Clause(1) of Article 20 of the Constitution of India, held that the said Clause prevents retrospective operation of

(a) criminal laws

(b) civil as well as criminal laws

(c) only those civil and criminal laws which provide undue advantage

(d) only those criminal law which are against the interest of the accused

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65. Which of the following provisions is based on the rule of *volenti non fit injuria*

(a) section 87 of the I.P.C. (b) section 92 of the I.P.C.

(c) section 94 of the I.P.C. (d) section 81 of the I.P.C.

66. Which Article of the Constitution of India makes pre-constitutional laws applicable in India ?

(a) Article 368 (b) Article 372A (c) Article 372 (d) Article 360

67. The principle of 'post-decisional hearing' was not followed in

(a) *Swadeshi Cotton Mills v. Union of India*

(b) *Tata Oil Mills v. Union of India*

(c) *H.L. Treahan v. Union of India*

(d) *K. I. Shephard v. Union of India*

68. Which one of the following is not correct ?

(a) Tax may be imposed by way of ordinance

(b) Preventive detention may be authorized by way of ordinance

(c) An ordinance promulgated by the President has its operation for a period of 6 months

(d) Ordinance may be promulgated by the President on any matter for which Parliament has power to make laws

69. Match the following

(a) Right to live with human dignity enshrined in Article 21 derives life breath from Directive Principles of State Policy under clauses (e) and (f) of Article 39, 41 and 42

(b) Speedy trial is an essential ingredient of just, fair and reasonable procedure guaranteed by Article 21

(c) In a P.I.L., a total stranger to a trial cannot be permitted to question the correctness of conviction of the accused

(d) In case of helplessness or disability, any member of the public can maintain an appeal for an appropriate order, direction or writ, if there is a violation of a constitutional right.

1. *Bhagwati J. in Bandhua Mukti Morcha v. Uol*
2. *P. N. Bhagwati J. in Hussainara Khatoon v. State of Bihar*
3. *Ahmadi J. in Simranjit Singh v. Uol*
4. *Bhagwati J. in S. P. Gupta v. Uol*

Codes :

(a) a-2, b-4, c-3, d-1 (b) a-2, b-4, c-1, d-3

(c) a-1, b-2, c-3, d-4 (d) a-1, b-2, c-4, d-3

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70. Which one of the following statements regarding 'Public Trust' doctrine is not true ?

(a) It is based on legal theory of the ancient Roman Empire.

(b) The underlying idea of this doctrine is to develop trust among the public.

(c) 'Environment' bears a very close relationship to this doctrine.

(d) The doctrine enjoins upon the resources for the enjoyment by the general public.

71. Which of the following corporations, for the purpose of auditing, are kept completely out of the purview of CAG of India ?

I. Industrial Finance Corporation

II. Food Corporation of India

III. Central Warehousing Corporation

IV. Life Insurance Corporation of India

V. Reserve Bank of India

(a) II, IV and V

(b) I, II and V

(c) I, II, IV and V

(d) II, III and IV

72. The Legislative Council of a State can be abolished or created by

(a) President of India on the recommendation of the Parliament

(b) Governor on the recommendation of the Legislative Assembly

(c) Parliament, through a simple legislation

(d) Parliament on the recommendation of the Legislative Assembly of the State concerned

73. The Supreme Court in *Rakesh Kumar Paul v. State of Assam* held that an accused is entitled to statutory bail (default bail) under section 167(2)(a)(2) of Code of Criminal procedure, if the police failed to file the charge-sheet within _____ days of his arrest for the offence punishable with 'imprisonment up to _____ years'.

(a) 60 days, 10 years

(b) 90 days, 10 years

(c) 60 days, 7 years

(d) 90 days, 7 years

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74. The Chief Election Commissioner of India can be removed from office during his tenure by

(a) The Chief Justice of India if some charges are proved against him

(b) By the President on the basis of a resolution of the Union Cabinet

(c) By a committee consisting of Chief Justice of India

(d) By the President on the basis of resolution passed by the Parliament by two-third majority

75. Who among the following introduced local self-government in India ?

(a) Lord Macaulay (b) Lord Canning

(c) Lord Ripon (d) Lord Dennings

76. Which of the following statements is correct concerning the Overseas Citizens of India (OCI) Scheme as per Citizenship Amendment Act, 2015 ?

I. It seeks to merge the Person of Indian Origin (PIO) and Overseas Citizens of India (OCI) schemes.

II. It seeks to give equal rights to the OCI card holder as an NRI.

(a) Both I and II (b) Only I

(c) Only II (d) Neither I nor II

77. Inspite of being a non-member, who among the following can participate in the proceedings of either House of Parliament, without having the right to vote ?

(a) The Attorney General of India

(b) The Vice- President

(c) The Chief Justice of India

(d) The Comptroller and Auditor General of India

78. The principle of law laid down in *Hadley v. Baxendale* relates to

(a) Special Damages (b) Quasi – Contract

(c) Fraud (d) Unjust Enrichment

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79. 'Compensation can be awarded to a person who suffered personal injuries at the hand of government officers which amounted to tortious act.' This was held in

(a) *P. Rathinam v. UoI*
(b) *D. K. Basu v. State of West Bengal*
(c) *Rudal Shah v. State of Bihar*
(d) *Arvinder S.Bagga v. State of U.P.*

80. After matching list I and II, point out the correct code.

List I	**List II**
1. *Mersey Dock's v. Proctor*	a. Statutory Authority
2. *Metropolitan Asylum District v. Hill*	b. Vicarious Liability
3. *Nichols v. Marsland*	c. Inevitable Accident
4. *Holmes v. Mather*	d. Act of God

(a) 1-b, 2-a, 3-d, 4-c
(b) 1-c, 2-b, 3-a, 4-d
(c) 1-a, 2-b, 3-c, 4-d
(d) 1-d, 2-a, 3-b, 4-c

81. Which of the following tort is an exception to the rule of irrelevance of motive in the law of Torts ?

(a) Malicious prosecution
(b) Nuisance
(c) Conspiracy
(d) All of the above

82. _____ propounded the theory that the primary purpose of the law of Tort is social engineering.

(a) Prof. Hart
(b) Prof. William L. Prosser
(c) Prof. Fraser
(d) Prof. Kenny

83. The famous '*Six carpenters*' case is related to

(a) Trespasser *ab initio*
(b) Malicious prosecution
(c) False imprisonment
(d) Nuisance

84. Which of the following enactment/s provide for compensation to the victim without going into the question of fault ?

(a) Fatal Accident Act
(b) Workman's Compensation Act
(c) Motor Vehicles Act
(d) All of the above

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85. In which one of the following cases did the Court of Exchequer explain the principle of res *ipsa loquitur*?

(a) *Scott v. London & St. Katharine Docks Co.*

(b) *Hedley Byrne Co. Ltd. v. Heller & Partners*

(c) *Derry v. Peak*

(d) *Cann v. Willson*

86. Which one of the following is a good defence for the tort of private nuisance ?

(a) The plaintiff has come to the place of nuisance.

(b) The activity is for the benefit of all.

(c) The activity has been carried on for the last 20 years.

(d) The plaintiff is a very sensitive person.

87. As per Schedule 1 of the Code of Criminal Procedure, 1973, if it is not specifically mentioned whether an offence under a special enactment is cognizable or not, an offence punishable with imprisonment for less than _____ years is non-cognizable.

(a) two (b) three (c) five (d) one

88. In *PUCL v. State of Maharashtra*, the Supreme Court has issued 16 Guidelines regarding investigation of _____

(a) Custodial Deaths (b) Encounter Deaths

(c) Rape cases (d) Juvenile offenders

89. In which one of the following cases, the Supreme Court has held that the Government Employees can also file Public Interest Litigation since the Right to Judicial Remedies is a Constitutional Right available to all citizens of India ?

(a) *Vijay Shankar Pandey v. UoI* (b) *T. S. R. Subramanian v. UoI*

(c) *Manohar Lal Sharma v. UoI* (d) *Abhay Singh v. UoI*

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90. The Chief Minister of a State in India is not eligible to vote in the Presidential election if

(a) He is an acting Chief Minister.

(b) He himself is a candidate.

(c) He is member of the Upper House of the State Legislature.

(d) He is yet to prove his majority on the floor of the Lower House of the State Legislature.

91. A two-Judge Bench of the Supreme Court in *Sher Singh @ Partapa v. State of Haryana*, held that the prosecution can discharge the initial burden to prove the ingredients of section _____ of IPC, even by preponderance of probabilities.

(a) 500 (b) 498A (c) 489A (d) 304B

92. In which of the following cases, the Supreme Court has held in strong words that "imposing the mother tongue as the medium of instruction violates the fundamental rights." ?

(a) *English Medium Students' Parents' Association v. State of Karnataka*

(b) *NEET case*

(c) *Pramati Educational & Cultural Trust v. UoI*

(d) *Associated Management of (Govt. Recognised – unaided – English Medium) Primary and Secondary Schools v. UoI*

93. The Law Commission of India in its 259th Report suggested for inclusion of a new Fundamental Right in the Constitution. Identify it from the following

(a) Right to childhood care (b) Right to reject a candidate in elections

(c) Right to Privacy (d) Right to be Forgotten

94. Which of the following lawyers argued the *Kulbhushan Singh Jadav* case in the International Court of Justice ?

(a) K. K. Venugopal (b) Ram Jethmalani

(c) Harish Salve (d) Fali Nariman

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95. The Constitution Bench of the Supreme Court which decided the 'Triple Talaq' case consisted of how many women Judge/s ?

(a) 0 (b) 1 (c) 2 (d) 3

96. Which of the following High Courts declared the river Ganga and Yamuna as legal persons ?

(a) Kolkata (b) Allahabad (c) Patna (d) Uttarakhand

97. The Supreme Court appointed _____ as *amicus curiae* in the petition seeking re-investigation in the Mahatma Gandhi assassination case.

(a) Colin Gonsalves (b) Zal Adhyarujina

(c) Amrendra Sharan (d) Raju Ramachandran

98. A sessions court can take cognizance of new offences and add new accused under section _____ of Cr.P.C., even when the magistrate had rejected the prayer earlier.

(a) 193 (b) 195 (c) 216 (d) 319

99. The Supreme Court clarified that in case there is connectivity problems due to geographical location or there is some other unavoidable difficulty, the time for uploading FIRs can be extended upto _____ hours.

(a) 12 (b) 72 (c) 48 (d) 24

100. In _____, a Constitutional Bench of the Supreme Court held that the Supreme Court by invoking Article 32, 136 and 142 of the Constitution is empowered to transfer a case from a court in the State of Jammu and Kashmir to a court outside the State or vice versa.

(a) *Common Causes and Another v. UoI*

(b) *Khurshid Ahmad Khan v. State of Uttar Pradesh*

(c) *Anita Kushwaha v. Pushap Sudan*

(d) *Shayara Bano v. UoI*

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51368

LL.M. ADMISSION TEST – 2018

PART II

Date of examination : 6th May, 2018 (Sunday) Centre Name .....

Maximum Marks : 50 Roll No.....

ANSWER ANY ONE QUESTION FROM THE FOLLOWING IN THE ATTACHED ANSWER SHEET.

1. Critically analyse the 'right to privacy' being held to be part of fundamental rights in the jurisprudential context. Illustrate your answer with suitable examples.

2. Critically examine the role of constitutional values and morality under the Indian Constitution with suitable illustrations.

3. Critically analyse the need for judicial self-restraint in the Supreme Court of India in the context of specific decisions of the court.

4. Do you feel that the Supreme Court of India, while deciding the cases, has led to 'judicial legislation'? Critically analyse the same in the context of judicial decisions.

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EC-336

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