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LL.M. ADMISSION TEST – 2016

Date of Exam. : **01st May, 2016 (Sunday)**	Center's Name : _____
Duration : **90 Minutes**	Admit Card No. : _____
Max. Marks : **150**	Answer Sheet No. : _____

Question Booklet Sl. No.
30206

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 in the OMR Sheet. Use **ONLY HB PENCIL AND DO NOT USE BALL POINT/INK/GEL PEN**

   Example : For the question, "Where is Taj Mahal located ?" The correct answer is (b).

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

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

   Right Method **Wrong Methods**

   (a) ● (c) (d) (a) ✓ (c) (d) (a) ✗ (c) (d) (a) ● (c) (d)
4. There is one essay question of **50** marks which has to be answered in separate sheet with a pen. **Total marks are 150.**
5. There is no negative marking.
6. Answering the questions by any method other than the method mentioned above shall be considered incorrect and no marks will be awarded for the same.
7. More than one response to a question shall be counted as *Zero*.
8. The candidate shall not write anything on the Answer Sheet other than the details required and in the spaces provided for.
9. After the examination is over, the candidate has to return the test booklet along with 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. **No electronic gadgets like mobile phone or calculator will be permitted inside the test center.**

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PART – I

1. In the landmark judgment of National Legal Services Authority (NALSA) V. Union of India, Supreme Court while declaring transgender people to be a 'third gender' observed
   (a) the Constitution of India will be equally applicable to transgender people
   (b) the right to self-identification of their gender as male, female or third-gender
   (c) reservations to be given in admissions to educational institutions and jobs
   (d) all of the above

2. Recently Union of India Vs. Sriharan dealt with
   (a) Compensation
   (b) State power of remission
   (c) Restitution
   (d) Probation

3. Which Article of the Indian Constitution deals with the suability of the Union of India ?
   (a) Article 100
   (b) Article 200
   (c) Article 300
   (d) Article 330

4. Which of the following is not correctly matched ?
   (a) Article 153 – Office of Governor
   (b) Article 156 – Term of the Governor
   (c) Article 154 – Executive Authority of Governor
   (d) Article 155 – Removal of Governor

5. A took his wife B to England for vacations. Due to some business emergency A had to go back to his place of work immediately while leaving B in England owing to her ill health. A promised to pay B 300 Pounds per week as maintenance during her stay in England but failed to pay. If A sued by B then
   (a) A is liable for breach of contract
   (b) A is not liable because he cannot be presumed to have any intention to enter into a contract with his wife B
   (c) A is not liable because of lack of consideration on the part of B
   (d) A is liable because a promise to one's wife result in a binding contract even in the absence of a consideration for the promise

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6. Which of the following cases are related to Doctrine of Eclipse ?
   (a) Deep Chand V. State of UP
   (b) State of Gujrat V. Ambica Mills
   (c) Dulare Lodh V. 3rd Additional District Judge
   (d) All the above

7. Which of the following Constitutional Amendments provide for the formation of a National Judicial Appointments Commission ?
   (a) The Constitution (97th Amendment) Act, 2012
   (b) The Constitution (98th Amendment) Act, 2013
   (c) The Constitution (99th Amendment) Act, 2014
   (d) The Constitution (100th Amendment) Act, 2015

8. According to the Supreme Court a person belonging to non reserved class transplanted by adoption or marriage or conversion or any other voluntary act to a family belonging to reserved class does not become eligible to the benefits of reservation either under Article 15(4) or 16(4) of the Constitution in
   (a) Indra Sawheny V. Union of India
   (b) Kumari Madhuri Patel V. Additional Commissioner Tribal Development
   (c) Valsamma Paul V. Cochin University
   (d) M.D. Kesekar V. Vishwanth Pandu Barde

9. When a writ is issued to an inferior court or tribunal on grounds of exceeding its jurisdiction or acting contrary to the rules of natural justice, it is called a writ of
   (a) Certiorari
   (b) Mandamus
   (c) Quo Warranto
   (d) Habeas Corpus

10. **Assertion (A)** : By amendment, Preamble cannot destroy the basic feature of the Constitution.
    Reason (R) : The power to amend does not include the power to abrogate the Constitution.
    (a) Both A and R are true and R is the correct explanation of A
    (b) Both A and R are true but R is not a correct explanation of A
    (c) A is true but R is false
    (d) A is false but R is true

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11. Language to be used in the Supreme Court and in the High Courts and for Acts, Bills etc. in the Legislature shall be
    (a) Hindi
    (b) English
    (c) Hindi or English
    (d) None of the above

12. The appointment of only lady principals or lady teachers in a Women's College
    (a) Violative of Article 14
    (b) Is not violative of Article 14
    (c) Violative subject to conditions
    (d) None of the above

13. The concept of judicial review was borrowed from the Constitution of
    (a) Britain
    (b) France
    (c) USA
    (d) None of the above

14. In which of the following States of India is Article 31 of the Indian Constitution applicable even after it was deleted by the 44th Amendment Act ?
    (a) Jammu and Kashmir
    (b) Himachal Pradesh
    (c) Sikkim
    (d) Arunachal Pradesh

15. Common intention under Sec. 34 implies
    (a) Similar intention
    (b) Pre-arranged planning
    (c) Presence of common knowledge
    (d) Common design for common object

16. Admiralty jurisdiction does not extend over
    (a) Offences committed on Indian ships on the High seas
    (b) Offences committed on foreign merchant ships in Indian territorial water
    (c) Offences committed on foreign warships in Indian territorial water
    (d) Piracy

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17. The term 'offence' as defined in IPC means
(a) Any Act made punishable by the Penal Code
(b) Any Act made punishable by the Penal Code or any special or local law, in certain cases.
(c) Both (a) and (b)
(d) None of these

18. In cases of common intention which of the following statements hold true ?
(a) The members of the mob are presumed to have common intention for the offences committed
(b) In cases excluding gang rape cases it is necessary for the common intention to be there from the beginning
(c) For establishing of common intention it is necessary to prove individual acts of the accused by direct evidence
(d) In gang rape cases it is not necessary for the common intention to be there from the beginning, it can be developed at the last minute before committing of the offence

19. Is it binding on the part of a state to make SC/ST reservation in matter of promotion ?
(a) Yes
(b) Sometimes
(c) Occasionally
(d) No

20. Good faith as per the definition of IPC means
(a) An act, in fact done honestly
(b) An act done under bonafide belief
(c) An act done with due care and attention
(d) None of the above

21. X enticed a minor girl G of age 17 years 11 month out of lawful guardianship and kept her with him in a hotel in another city and later on deserted her. While G was loitering on the streets of that city, M took her with him and to his village to look for her parents. G was finally recovered from his house by the police
(a) Only M is guilty of kidnapping
(b) Only X is guilty of kidnapping
(c) Both X and M are guilty of kidnapping
(d) None of the above

22. Identity of the rape victim must be protected. Which of the following statements is not true for the protection of the identity of a rape victim ?

(a) The judgments of the SC, HC and lower courts should avoid using the name of the victim and simply describe her as the victim

(b) The name of the victim should not be disclosed by the court unless it is absolutely unavoidable

(c) Publishing the photograph of the victim in the newspaper is an offence

(d) None of these

23. In which of the following cases did the Supreme Court overrule the judgment of Delhi High Court and declared that Section 377 of IPC is not unconstitutional ?

(a) NAZ Foundation V. Government of NCT of Delhi

(b) Suresh Kumar Kaushal and another V. NAZ Foundation and others

(c) NAZ Foundation V. Union of India

(d) Naz Foundation V. Ram Lal and others

24. The correct understanding of the offence of theft as defined in Sec. 378 IPC is

(a) The offence of theft is committed the moment one takes into possession another's property

(b) Moving of property out of the possession of another without his consent

(c) Dishonest taking of any movable property out of the possession of another

(d) None of the above

25. Which of the following is false about the presumption of innocence ?

(a) This holds good in all kinds of trials including criminal trial

(b) In this case the charge must be reasonably proved

(c) It can be easily rebutted

(d) Graver the crime, greater will be the degree of doubt that is reasonable

26. A struck his wife B on the head a single blow with a roller pin. B fell down bleeding from nose and became senseless. A thinking that B was dead hung her with a piece of rope from the ceiling which actually caused B's death. A is guilty of

(a) Causing culpable homicide not amounting to murder

(b) Causing grievous hurt

(c) Murder

(d) None of the above

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27. X instigates Z to murder Y. Z stabbed Y but Y recovers from the wound
    (a) X is not guilty of abetment as desired result not obtained
    (b) X is guilty of abetment to commit grievous hurt
    (c) X is guilty of abetment to commit murder
    (d) None of these

28. 'B' and 'C' were on the railway platform. 'B' has taken a ticket from Allahabad to Delhi. 'B' an illiterate woman handed over the ticket to 'C' in order to ascertain whether she had a right ticket. 'C' under the pretence of returning the ticket to Delhi substituted the ticket for the ticket of a shorter journey and returned that as 'B' 's ticket. In this case, 'C' is liable for
    (a) Cheating 'B'
    (b) Criminal misappropriation
    (c) Theft
    (d) Criminal breach of trust

29. Which of the following statements correctly describe the clause thirdly of Sec. 300 ?
    (a) Intention to cause bodily injury sufficient in ordinary course of nature to cause death
    (b) It must be proved that the accused intended to inflict the very injury that is present
    (c) Knowledge that an act of that kind will be likely to cause death must be proved
    (d) None of the above

30. Criminal Law Amendment Act, 2013 added new clause in the definition of rape under Sec. 375 IPC. The newly added circumstance under which a man is said to commit 'rape' is
    (a) With or without her consent when she is under eighteen years of age
    (b) When she is unable to communicate consent
    (c) Both of the above
    (d) None of the above

31. As per the Criminal Law Amendment Act 2013, enhanced punishment of rigorous imprisonment for a term of not less than 10 years is provided for rape if woman is under
    (a) 16 years of age
    (b) 14 years of age
    (c) 15 years of age
    (d) None of the above

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32. Which is not the essential element of offence of kidnapping ?
(a) Without the consent of the guardian
(b) Minor
(c) Intention of the accused
(d) None of the above

33. A is tried for murder of B by intentionally shooting him dead. The fact that A was in the habit of shooting at people with intent to murder them is
(a) Relevant fact
(b) Irrelevant fact
(c) Collateral fact
(d) Admission

34. Mark the incorrect statement.
(a) In civil cases, character evidence is inadmissible unless the character of a party is a fact in issue
(b) In criminal cases, the fact that the person accused is of a good character is irrelevant
(c) A previous conviction is relevant as evidence of bad character in criminal cases
(d) In criminal proceedings, evidence of bad character is admissible when evidence of good character has been given

35. Hearsay evidence is generally inadmissible. However, in certain cases it is admissible. Which of the following is such a case ?
(a) Res gestae
(b) Admission and confession
(c) Dying declaration
(d) All of the above

36. A borrows Rs. 200 from B and executes a pronote in which the interest rate is given 1%. The pronote is filled and proved in the court. A wants to lead evidence to the effect that the interest settled between the parties was 0.5%.
(a) This evidence cannot be allowed
(b) This evidence can be allowed
(c) This evidence may be allowed
(d) None of the above

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37. A local development authority announced a housing scheme and accepted applications under it, subsequently finding that the scheme was in violation of the Master Plan, it cancelled the project.

(a) It is free to do so without any shackles of promissory estoppel

(b) It is not free to do so due to promissory estoppel

(c) It is free to do so without any shackles of promissory estoppel as there cannot be any estoppel against the government in the exercise of its sovereign, legislative and executive function

(d) None of the above

38. Ghanshyam and Afzal are good friends. They are traders and together keep on doing business transaction very often. In April 2016, they enter in a contract. Afzal has certain confidential information from his private sources about some change in prices that would affect Ghanshyam's willingness to proceed with the contract. As per Indian Contract Act, 1872, identify which of the following is applicable.

(a) Afzal is bound to inform Ghanshyam about the change in price because he is a close friend to him

(b) Afzal is bound to inform Ghanshyam about the change in price because they have been doing many business transactions together

(c) Afzal is bound to inform Ghanshyam about the change in price because otherwise that would amount to fraud since it would clearly show Afzal's intentions to mislead Ghanshyam

(d) Afzal is not bound to inform Ghanshyam about the change in price

39. The contracts where one of the parties has almost nil opportunities to bargain over the special terms of the agreement while the other party, usually the big corporate, is in a position to dictate its terms. The terms are prepared by the big corporate while the other party has no choice but either to accept the terms or leave the deal altogether. Such contracts are known as

(a) Adhesion Contracts

(b) Standard form of Contracts

(c) Voidable Contracts because the giant company may exploit the weakness of the individual

(d) Both (a) and (b)

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40. A and B entered into a contract for sale of a Machine. The Contract provided that the party committing breach will pay Rs. 1,500 to other as damages. B committed breach of the contract. To which of the following A is entitled ?

(a) Rs.1,500 as damages from B

(b) To reasonable compensation

(c) To reasonable compensation even exceeding Rs.1,500

(d) To reasonable compensation not exceeding Rs.1,500

41. The differentiating factor between a social agreement and a valid contract is

(a) Intention to create legal relation

(b) Consensus ad idem

(c) Consideration

(d) Certainty of performance

42. A clause of one Special Voluntary Retirement Package (SVRP) stated *inter alia* that once option is made, the employee making the offer cannot withdraw it. Section 5 of the Contract Act states that an acceptance may be revoked at any time before the communication of the acceptance is complete as against the acceptor, but not afterwards. Decide which of the following is true ?

(a) The provisions of the Sec. 5 shall have effect always

(b) The provisions of SVRP shall be enforceable since it is statutory in nature

(c) Both may be made applicable at the same time

(d) Since SVRP is a matter of invitation to offer, Sec. 5 is not applicable

43. A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms.

(a) The contract is valid and not induced by undue influence

(b) The contract is voidable because it is induced by undue influence

(c) The contract is void because it is induced by undue influence

(d) None of the above

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44. When a contract is made on telephone it becomes complete at the place where the acceptance is heard. In which of the following cases it has been held so ?

(a) Carlill Vs Carbolic Smoke Ball Co.

(b) Bhagwan Das Vs Girdhari Lal

(c) Mohori Bibee Vs Dharmodas Ghose

(d) Satyabrata Ghose Vs Mugnee Ram

45. Find out the correct response. Past consideration is no consideration, this statement is

(a) Correct under Indian Law of Contract

(b) Correct under English Law of Contract

(c) Correct under both English as well as Indian Law of Contract

(d) Not correct under both English as well as Indian Law of Contract

46. Contingent contracts to do or not to do anything, if an impossible event happens, are void, only if at the time of making of the agreement

(a) The impossibility of the event is known to the parties to the agreement

(b) The impossibility of the event is not known to the parties to the agreement

(c) The impossibility of the event is unascertained

(d) Both (a) and (b)

47. Simrat and Sarthak make a contract grounded on the erroneous belief that a particular debt is barred by the Indian Law of Limitation. The contract is

(a) Void

(b) Voidable

(c) Neither void nor voidable

(d) Both (a) and (b)

48. Find out the correct answer. A makes a promise to pay Rs. 4,500 to X,Y and Z. X dies. In the absence of any contract

(a) Y and Z can jointly claim performance of contract from A

(b) Any of the survivors promise alone can claim performance of contract

(c) Y, Z and legal representatives of X should jointly claim performance of contract

(d) Legal representatives of X alone can claim performance of contract

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49. A contract by which one party promises to save the other from loss caused to him by the conduct of the promisor himself, or by the conduct of any other person, is called

(a) Contract of Guarantee

(b) Contract of Indemnity

(c) Contract of Bailment

(d) Contract of Pledge

50. In which of the following there is no contract ?

(a) A teaches his parrot to speak a proposal and sends it to 'B', The parrot speaks the proposal before B and B tells his acceptance to the parrot

(b) A sits in a public carrier and purchases ticket

(c) A after standing on a weighing machine at a railway station, puts a coin in it

(d) A gives an advertisement that whosoever will bring lost dog he would be awarded

51. Ramesh employs Suresh to beat Mahesh. Ramesh promises to indemnify Suresh against all the consequences of the act. Suresh beats Mahesh and has to pay damages to Mahesh for the beatings committed upon him.

(a) Ramesh is liable to indemnify Suresh for those damages

(b) Ramesh is not liable to indemnify Suresh for those damages

(c) Ramesh is liable to indemnify Mahesh for the loss occurred due to the beatings

(d) Ramesh is liable to indemnify both Suresh and Mahesh

52. The leading case of Harvey V. Facey relates to which one of the following

(a) Conditional acceptance

(b) Cross proposal

(c) Continuing offer

(d) Invitation to offer

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53. X offered a reward of Rs. 65,000 through an advertisement to anyone who would bring back his missing son. Y brings the son of X. In which situation of the following, Y would be entitled to get the award ?

(a) When he read the advertisement and started searching the son and brought him

(b) When he started searching the son, he did not know about the reward but before bringing the son, knew about the advertisement

(c) When he did not know about the advertisement till he brought the son to X

(d) None of the above

54. In case of guarantee, the liability of the surety is

(a) Primary as compare to that of the principal debtor

(b) Secondary as compare to that of the principal debtor

(c) Co-extensive with that of the principal debtor

(d) All of the above

55. A takes a loan from BS with the promise to pay it back within six months. It is also stipulated that on the failure to pay within the six months, A will be liable to pay double the amount borrowed. Which one of the following is the correct statement ?

(a) It is the nature of penalty so only a reasonable rate of interest can be claimed

(b) It is in the nature of liquidated damage so the stipulated amount can be claimed

(c) It is a valid agreement so A is liable to pay double the amount borrowed

(d) None of the above

56. In case of non-fulfilment of the contractual obligations, only the parties to the contract can sue each other. This statement may be called as

(a) Privity of Consideration

(b) Privity of Contract

(c) Both (a) and (b)

(d) None of the above

57. In which case of the following, the doctrine of frustration was recognised in India ?

(a) Bhagwandas V. Girdharilal and Co.

(b) Satyabrati Ghosh V. Mungneeram Bangur and Co.

(c) Khwaja Mohammad Khan V. Hussaini Begum

(d) Raj Rani V. Perm Adib

58. In which case of the following, an agreement without consideration may be a contract ?

(a) If the agreement is in writing

(b) If the agreement is in writing and registered

(c) If the agreement is in writing and made out of the natural love and affection

(d) If the agreement is made out of natural love and affection and is registered

59. In a self-service shop, a customer X selects certain goods and brings them to the counter of the Cashier. In which of the following circumstances, the contract of sale is concluded ?

(a) When X selects the goods

(b) When X selects the goods and brings them to the counter of the Cashier

(c) When Cashier accepts the payment

(d) None of the above

60. X promises Y to drop a prosecution which he has instituted against Y for robbery and Y promises to restore the value of the things taken. Which one of the following is the correct answer ?

(a) The agreement is a contract

(b) The agreement is immoral

(c) The agreement is void as it is in restraint of legal proceedings

(d) The agreement is void as its object is unlawful

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61. X sends a registered insured parcel by post to Y but post office does not deliver the parcel to Y. In the suit instituted by Y against the post office, it is agreed that Y is not a party to a contract between X and the Post Officer, Y cannot bring a suit to enforce the contract. Which one of the following is the correct in this case ?

(a) Y is not entitled to file the suit

(b) Y can only file suit on behalf of X

(c) Y can file the suit as a constructive trust has been created in his favour

(d) Only X is entitled to file the suit

62. Mental condition of the wrong-doer at the time of wrong doing is

(a) relevant in all torts

(b) relevant in torts based on fault

(c) relevant in torts based on strict liability

(d) not relevant in tortious liability

63. A tractor with trolley carrying several persons collides with a train on an unmanned railway crossing in which many people are killed and injured. In a suit for compensation

(a) The railway would be liable because it has no immunity

(b) The tractor driver would be liable as there was a breach of duty to take care on his part

(c) The passengers in the trolley are guilty of contributory negligence

(d) Nobody would be liable in such a situation as it would be taken to be a mere case of accident

64. State which of the following statements is correct about the Consumer Protection Act, 1986 ?

A) The provisions of the Act are in addition to any other law in force

B) The Act is special legislation with respect to consumer disputes

C) The provisions of the Act are in addition to and are not in derogation of any other law in force

D) The provisions of the Act bar jurisdiction of other courts

Codes :

(a) A), B) and D)

(b) B) and D)

(c) A), B) and C)

(d) B) and C)

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65. An overloaded rickshaw with three adults and a child on it, while being driven on the correct side of the road, is hit by a bus driven at high speed and coming on the wrong side. Which one of the following is correct in this context ?

(a) There is no contributory negligence on the part of the rickshaw driver as the fact of overloading did not contribute to the occurrence of the accident

(b) There is contributory negligence on the part of the rickshaw driver as he had overloaded the rickshaw

(c) The bus driver is not liable as the rickshaw driver had the last opportunity to avert the accident

(d) The bus driver and the rickshaw driver both are liable for the accident

66. In which case it was held that the State Government was in a position of a bailee in relation of goods seized by its officers and was, therefore, bound to take reasonable care of the seized goods ?

(a) Kasturi Lal Ralia Ram Jain V. State of U. P.

(b) State of Rajasthan V. Mst. Vidhyawati

(c) State of Bombay V. Memon Mahomed Haji Hasam

(d) N. Nagendra Rao & Co V. State of A. P

67. The defendant had filed a complaint to the Magistrate against the plaintiff. The complaint was dismissed. The defendant moved the Sessions Judge in appeal. He got himself examined in Sessions Trial although he knew the charge was false and he was acting without reasonable and probable cause. His complaint was dismissed by the Session Judge. Thereupon the plaintiff filed a suit for malicious prosecution against the defendant. Which one of the following conclusion is correct ?

(a) The defendant is liable for malicious prosecution

(b) The defendant is not liable for malicious prosecution

(c) The defendant is not liable to pay damages to the plaintiff

(d) The plaintiff's suit must be dismissed

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68. A threw a light squib into a crowd, it fell upon X. "X", in order to prevent injury to himself, threw it further. It fell upon "Y" and "Y" in his turn, did the same thing and it then fell on "B", as a result of which, B lost one of his eyes. Who would be liable for this ?

(a) A

(b) X

(c) Y

(d) Himself

69. A rickshaw carrying three passengers was going on correct side of the road when it was hit by a bus coming from the opposite direction on the wrong side of the road. The speed of the bus was very high, so much so that after hitting the rickshaw, it also hit a motorbike coming from the same side from where the rickshaw was coming. In relation to this case which of the statement is correct ?

(a) the suit filed by passengers deserves to be dismissed since the rickshaw was overloaded

(b) the motor biker did not have valid licence at the time of accident which is an offence under law therefore motor biker is not entitle to any compensation

(c) the owner of bus is liable to pay compensation to both passengers of rickshaw and biker after deducting a sum proportionate to their contributory negligence

(d) the owner of bus is liable to pay compensation to both passengers of rickshaw and biker without reducing the amount of compensation

70. Which of the following is not a principle of factual causation ?

(a) Multiplier theory

(b) *'But for'* test

(c) 'Material contribution' rule

(d) Necessary Element in a Sufficient Set

71. A car mechanic was employed by his master, the defendant to repair cars. He repaired a car and then drove the car for a short distance to check whether he had repaired the car properly or not. In the process he caused an accident injuring the plaintiff. The master is

(a) Liable because it was his servant who had negligently caused the accident for which he was vicariously liable

(b) Not liable because the mechanic was supposed to repair only and as such driving by him was outside his course of employment

(c) Liable because driving was necessarily incidental to the duties of the mechanic since he was duty bound to check by driving whether the repair he had done were correctly done or not

(d) Not liable because repairing and driving were two distinct acts, and the mechanic was not authorised to drive but was duty bound to repair only

72. The owner of a van put notice on the van to the effect that no unauthorised person is allowed on the van, the driver cannot give lift to any person and that the owner would not be liable for the damages to any unauthorised person on the van. The driver nevertheless, gave lift to A, an unauthorised person, who was killed owing to the driver's negligence. The owner

(a) Can take the defence of Volenti non fit injuria and will not be liable as A himself took the risk of injury

(b) Will not be liable because though the driver was doing his duty in driving the van, his giving lift to A was outside the course of employment

(c) Will be liable because the act of merely putting a notice on the van does not exempt the owner of his vicarious liability for the tortious acts done by his driver

(d) Will be liable because his driver acted well within the course of his employment when he gave lift to A

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73. A film critic in his review of a film comments adversely on the cinematic values and quality of the film. The director of the film sues the film critic for defamation. Which of the following is correct, use the code given below ?

1. The film critic is not liable as he can raise the defence of justification.
2. The critic is not liable because it was a fair and bonafide comment in public interest.
3. It was an expression of opinion and not assertion of facts.
4. It was a fair criticism of a film meant for public entertainment.

Codes :

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

74. Who is a consumer under the Consumer Protection Act, 1986 ?

(a) A person who gives his pants for stitching to a tailor
(b) A person who purchases goods for sale in his shop
(c) A person who purchases a car for being used as a taxi in his taxi service
(d) A person who avails of medical services *free of cost*

75. The Rule of 'Absolute Liability' was laid down in the case

(a) M.C. Mehta V. Union of India
(b) Union Carbide Corporation V. Union of India [Bhopal Gas Tragedy case]
(c) Minu B. Mehta V. Balakrishna
(d) Indian Council For Enviro-Legal V. Union of India

76. Which one of the following is not an example of vicarious liability ?

(a) Liability of the principal for the tort of his agent
(b) Liability of partners for each others' tort
(c) Liability of the master for the tort of his servant
(d) Liability of the parents for the tort of the children

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77. The Supreme Court observed that noise pollution cannot be tolerated, even if such noise was a direct result of and was connected with religious activities in the case of

(a) A. P. Pollution Control Board V. Prof. M.V. Naidu

(b) Church of God (Full Gospel) in India V. KKR Majestic Colony Welfare Association

(c) K. M. Chinappa V. Union of India

(d) Narmada Bachao Andolan V. Union of India

78. The judgment striking down the NJAC Act had a ratio of

(a) 3:1

(b) 4:1

(c) 2:1

(d) None of the above

79. Shreya Singhal V. Union of India dealt with

(a) 66 A IT Act

(b) 501 IPC

(c) 64 IT Act

(d) Section 8 RTI Act

80. Which case cited mediation in rape case sans legal permissibility ?

(a) Niketan Dussa V. State of Orissa

(b) Shashi Kumar V. Union of India

(c) M.P. V. Madan Lal 2015

(d) Manjit V. State

81. The method of enquiry adopted by the critical legal thinkers includes which of the following ?

(a) Trashing

(b) Delegitimation

(c) Deriefication

(d) All the above

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82. The interpretation given to Article 21 by the Supreme Court in Maneka Gandhi V. Union of India A.I.R. 1978 SC 597 can be best classified as

(a) Naturalist

(b) Positivist

(c) Sociological

(d) Historical

83. P's son had been missing for some time. P sent his servant Q in search of his son. Thereafter, through handbill P offered a reward of Rs. 501 to whoever was able to trace the where abouts of his son. Q was successful in tracing the son and brought him to P. Then he came to know of the reward and claimed it. P refused to pay. In this case

(a) Q is entitled to the reward because P had made general offer and whoever fulfilled the condition of offer was entitled to the reward. Q had, infact, fulfilled that condition of offer

(b) Since Q was not aware of the offer at the time when he acted upon it, no valid acceptance could come into existence. Thus Q is not entitled to the reward

(c) Since Q was P's servant and was sent by him to trace the son, he cannot claim the reward

(d) Q is not entitled to the reward. It would be P's grace if he gives him Rs. 501 or any amount by way of reward

84. August Comte's view that society is like an organism and it can progress when it is guided by scientific principle, is also known as

(a) Scientific approach

(b) Scientific positives

(c) Law of metaphor

(d) Scientific outlook

85. Who says, " the only right which man can possess is always to do his duty" ?

(a) Compte

(b) Duguit

(c) Salmond

(d) Austin

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86. Which of the following is the most appropriate statement ?

(a) Possession is a matter of law and ownership is a matter of fact

(b) Possession is a matter of fact and ownership a matter of law

(c) Both possession and ownership are a matter of fact only

(d) Both possession and ownership are a matter of law only

87. Consider the following statements.

i) Judicial precedent is evidence of law in civilian culture.

ii) Judicial precedent is source of law in common law culture.

iii) Doctrinal writings are a source of law in civilian culture.

iv) Common law culture views law as a set of rules of conduct and civilian culture views it as a means of resolving disputes in courts.

(a) Only iv) is incorrect

(b) Only i) and iii) are incorrect

(c) Only i) and iv) are incorrect

(d) Only i), iii) and iv) are incorrect

88. In which case the SC held that unwed mother can be the sole guardian of a child ?

(a) Keshav Kumar V. State

(b) ABC V. State of (NCT of Delhi)

(c) Raman Bhai V. State of Maharashtra

(d) David V. Pinto Kumar

89. Who has been appointed as Chairman of 21st Law Commission ?

(a) Justice B. S. Chauhan

(b) Justice K. G. Balakrishnan

(c) Justice Dattu

(d) Justice Sodhi

90. Which case dealt with compensation issue to the victims of crime ?

(a) Ankush Shivaji V. State of Maharashtra

(b) Harjit Singh V. Union of India

(c) Satyapal V. State of Union of India

(d) Manohar Singh V. State of Rajasthan

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91. Which of the following is associated with the theory of possession ?

(a) Corpus possessionis

(b) Animus possidendi

(c) Animus domini

(d) All the above

92. "In civilised society men must be able to assume that others will commit no intentional aggression upon them". It has been stated by Pound as

(a) Jural Postulate I

(b) Jural Postulate II

(c) Jural Postulate III

(d) Jural Postulate IV

93. Which of the following pair is incorrect ?

(a) Liberal feminism – strives for equal treatment for men and women under law

(b) Radical feminism – exposes male dominant perspective of law

(c) Cultural feminism – views equality as sameness

(d) Postmodern feminism – suspects grand theory

94. Rule regarding reasonableness is not that a custom will be admitted if reasonable, but that it will be admitted unless it is unreasonable

(a) Holland

(b) Allen

(c) Hobbes

(d) Austin

95. Under the umbrella of analytical view of Austin which of the following statements is not true ?

(a) Custom becomes a law when it is so declared by the sovereign

(b) The custom not so declared are positive morality

(c) Sovereign can abrogate custom

(d) Customs even without such declaration of sovereign are positive law

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96. "Law . . . is a part of a complex social totality in which it constitutes as well as is constituted, shapes as well as is shaped." Whose words are these ?

(a) M. G. Kelman

(b) Karl Marx

(c) Duncan Kennedy

(d) D Kairy's

97. Analytical jurist contended that

(a) Legislation is always superior to precedent

(b) Precedent is always superior to legislation

(c) Legislation and precedent both give way to each other

(d) There is no difference in the authority of legislation and precedent

98. Who observed the following very recently ? "Ultimately, it is the fundamental right of a woman and the government's fundamental duty to protect their (women) right".

(a) M.P. High Court

(b) Rajasthan High Court

(c) Bombay High Court

(d) U.P. High Court

99. Which of the following courts recently held that engaging musclemen to recover loans by banks and financial institutions to be unlawful ?

(a) Rajasthan High Court

(b) Kerala High court

(c) U. P. High Court

(d) Karnataka High Court

100. The case of Save Life Foundation and Anr. V. Union of India and Anr. was recently in news for the reasons

(a) Sentencing

(b) Protection of bystander

(c) Victim compensation

(d) Witness protection

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PART – II

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

1. "The right of privacy is not a guaranteed right under our Constitution and therefore the attempt to ascertain the movements of an individual which is merely a manner in which privacy is invaded is not an infringement of a fundamental right guaranteed by Part III. " Track the relevant case law jurisprudence to address the Constitutional questions involved in the determination of right to privacy in various situations.

OR

2. H. L. A. Hart as positivist views that application of laws raises several complications in the real world. He said every word of law has "fuzzy edges". He was of the view the courts must exercise discretion deciding on the basis of extra legal considerations. Ronald D workin through his work "The Model of Rules" (1977) responded to this issue and took a different stand. Comment and critically sift these two competing and differing stands of the two eminent jurists and develop your own arguments as well.

OR

3. Explain the doctrine of frustration of contract with reference to Krell V. Henry (1903). Also analyse, in detail, the various theories of frustration with the help of leading cases.

OR

4. How do you approach the two seemingly conflicting propositions :

   (i) It is undesirable that a young person who commits an offence and who genuinely does not know that he is doing something seriously wrong should suffer the operation of the criminal law. But is a blanket presumption such as it presently exists in England and Wales, the best way to achieve protection for such a person.

   (ii) It seems in today's context and social conditions, the operation of the presumption that children between the age of 10 and 14 are *doliincapax* may rise to anomalies and absurdities.

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