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LL.M. ADMISSION TEST – 2017

Date of Exam. : **7th May, 2017 (Sunday)**	Center's Name : _____
Duration : **90 Minutes**	Admit Card No. : _____
Max. Marks : **150**	Answer Sheet No. : _____

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

(a) ● (c) (d)

Wrong Methods

(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 both Plato's and Aristotle's philosophy of law and justice
   (a) *will* rather than *reason* occupied the supreme place
   (b) *justice* rather than *religion* occupied the supreme place
   (c) *reason* rather than *will* occupied the supreme place
   (d) *truth* rather than *unjustness* occupied the supreme place

2. Rousseau, a great champion of individual freedoms and rights makes individual subject only to the
   (a) *Will* of the majority
   (b) General *will*
   (c) Sovereign *will*
   (d) Community *will*

3. Which one of the following writers advocated retention of only such laws which promoted four goals of subsistence, abundance, equality and security ?
   (a) Jeremy Bentham
   (b) Locke
   (c) David Hume
   (d) August Comte

4. Holland says, Jurisprudence is not a science of legal relations *a priori* as they might have been or should have been, but is a *posteriori* that is to say from Law which has been
   (a) actually imposed or positive law
   (b) sought to be implemented
   (c) strongly recommended
   (d) yet to be applied

5. The typical nineteenth century Austinian positivistic approach envisaging *Status quo*, *laissez faire*, sanctity of contract inherited both by Indian judges and lawyers have largely contributed in the perpetuation of
   (a) Political and economic degeneration
   (b) Economic development and social unrest
   (c) Social & economic stagnation, exploitation and inequalities
   (d) Political, social and economic chaos

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6. In the nineties and in the early part of the twenty first century, Holmesian thesis of law which Julius Stone perceived as lawyer's extra-version has become an effective practice and integral part of Indian Judicial process leaving behind the old fashioned dictum that
   (a) Judges not only make law but also interpret
   (b) Judges only interpret law and do not make it
   (c) Judges only pronounce judgment based on existing law
   (d) Judges only decide on the basis of whatever is presented before them

7. _____ said that 'The inn that shelters for the night is not the journey's end. The law, the traveller, must be ready for morrow. It must have a principle of growth.'
   (a) Justice V. D. Tulzapurkar
   (b) Justice P.N. Bhagwati
   (c) Justice Krishna Iyer
   (d) Justice Cardozo

8. Which one of the following pairs is not correctly matched ?
   (a) *sic utere tuo ut alienum non laedas* : to use your own property as not to injure your neighbour's right
   (b) *re legitima portis* : a person cannot dispose off his entire property
   (c) *jus tertii* : to set up title of a third person other than himself or the plaintiff
   (d) *nec vi nec clam nec precario* : possessor must show to the competitor

9. Hagerstorm rejected the notion of law as command and insisted on morals or as he puts it
   (a) common sense notion of justice as a necessary aspect of law
   (b) morality as necessary aspect of law
   (c) justice as a necessary aspect of law
   (d) ethics as a necessary aspect of law

10. The three defects in the Simple Social Structure of Primary rules as enunciated by Hart are
   (a) their inadequacy, immobility and efficiency
   (b) their uncertainty, static nature and inefficiency
   (c) their mobility, easiness and simplicity
   (d) their abnormality, violability and unsoundness

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11. The distinction between duty imposing rule and power conferring Rules of Hart is what Alf Ross refers to as the distinction between
    (a) norms of conduct and norms of competence
    (b) rules of society and rules of law
    (c) norms of character and norms of civility
    (d) norms of conduct and norms of society

12. Professor Thibaut's proposals for a code on the pattern of Napoleonic Code for Germany was instantaneously answered in 1814 by Savigny in his famous pamphlet
    (a) Province and Function of Law
    (b) *Volksgeist*
    (c) Province of Law Determined
    (d) On the Vocation of Our Age for Legislation and Jurisprudence

13. 'I have a right to do as I please.' The term 'right' in this statement refers to
    (a) Claim (b) Liberty
    (c) Power (d) Immunity

14. According to Henry Maine, the progressive societies are those which proceed to develop law with the help of three new instrumentalities viz.
    (a) Ancient books, judgments and legislations
    (b) Legal fiction, equity and legislation
    (c) Customs, court decisions and codes
    (d) Usages, customs and judge made law

15. According to Durkheim, Mechanical Solidarity is based on likeness and a sense of common identity. People are bound together by the fact that they have been brought up to act and think alike, follow similar routines and
    (a) share a common thinking (b) share a common interest
    (c) share a common objective (d) share a common conscience

16. Mainly there are four classes of rights in *re-aliena* viz
    (a) Lease, Servitudes, Securities, Trust
    (b) Lease, Trust, Bond, Instrument
    (c) Bond, Hundi, Instrument, Lease
    (d) Lease, Security, Bond, Debenture

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17. Who made an observation that the object of Concession Theory was to keep personality under lock and key ?

(a) Maitland
(b) Starke
(c) Bodin
(d) Kelson

18. Etymologically *seisin* is associated with *possessio* and *besitz* and in early English law it was used to describe possession of both

(a) servant and things
(b) property and legal right
(c) chattels and real property
(d) house and chattels

19. Consider the following statements

1. The main assumption of Realist theory is that corporate personality is a reality.
2. A corporation is a representation of psychological reality that exists independently of the fiat of the State and are recognised rather than created by it.
3. The Realist theory asserts that group personality has the same feature as a human personality.
4. The Realist theory does not represent any reaction against the omnipotence of State implied in the fiction.

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

20. The Supreme Court has directed the Law Commission of India to examine various issues relating to the working of Tribunals including the desirability of providing statutory appeals directly to Supreme Court from orders of Tribunals on issues not affecting national or public interest and other aspects of statutory framework in respect of Tribunals in

(a) Devika Biswas v. Union of India
(b) M. S. Kazi v. MES
(c) Swaraj Abhiyan v. Union of India
(d) Gujarat Urja Vikas Nigam Ltd. v. Essar Power Ltd.

21. In _____, the Supreme Court directed to upload copies of FIR within _____ hours on police website.

(a) PUCL v. Union of India, 12 hours
(b) Youth Bar Association v. Union of India, 24 hours
(c) Common Causes v. Union of India, 48 hours
(d) Shanti Bhushan v. Registrar, SC, 24 hours

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22. Constitution Bench of the Supreme Court held that the cap of 14 years Rule on aggregate punishment under Section _____ of CrPC is not applicable to Sessions Court.

(a) 30 (1) (b) 33(2) (c) 32 (1) (d) 31 (2)

23. The 21st Law Commission released its first report in October 2016 on

(a) Death Penalty

(b) Surrogacy

(c) International Parental Child Abduction

(d) Mental Health

24. In _____, former Judge of the Supreme Court of India _____ was invited by Supreme Court to present his view.

(a) BCCI case, Justice R.M. Lodha

(b) Saumya Murder case, Justice M. Katju

(c) Nirbhaya case, Justice B.S. Chauhan

(d) NJAC case, Justice H. L. Dattu

25. Which of the following High Courts held that Section 52 (1) (i) of the Copyright Act is broad enough to cover the acts of photocopying and the creation of course packs by University for its students?

(a) Madras (b) Bombay (c) Calcutta (d) Delhi

26. Supreme Court lifted the ban on registration of 2000 CC plus diesel cars with imposition of _____ % cess on ex-showroom price which will be levied as environmental tax which has to be paid either by the manufacturer, dealer or buyer.

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

27. Supreme Court recently quashed criminal proceeding against which Indian player for allegedly hurting religious sentiments by portraying himself as Lord Vishnu on the cover of a business magazine?

(a) M. S. Dhoni (b) Virat Kholi

(c) Milkha Singh (d) Sachin Tendulkar

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28. Which of the following statutes define offences in absolute terms, i.e., without mentioning the necessity of *mens rea*?
    (a) The Narcotics Drugs and Psychotropic Substances Act
    (b) Prevention of Corruption Act
    (c) Negotiable Instruments Act
    (d) All of the above

29. Under the Law of Tort, a minor _____
    (a) is not liable for tortuous act
    (b) is liable for tortuous act in the same manner but not to the same extent as an adult
    (c) is liable in the same manner and to the same extent as an adult
    (d) is liable for simple torts in the same manner and extent as an adult

30. The Narco-Analysis technique involves the intravenous administration of
    (a) Sodium Pentothal
    (b) Potassium Pentothal
    (c) Magnesium Pentothal
    (d) All of the above

31. A sentence of imprisonment for life may be commuted for imprisonment for a term not exceeding _____ years or for Fine.
    (a) 10 (b) 12 (c) 14 (d) 20

32. Simultaneous civil and criminal proceedings are
    (a) maintainable
    (b) not maintainable
    (c) maintainable but result of one proceeding is binding on another
    (d) maintainable but result of one proceeding is not binding on another

33. Which of the following change/s was/were introduced in the Code of Criminal Procedure in 1973?
    (a) Separation of Executive and Judiciary
    (b) Abolition of third class magistrates courts
    (c) Limitation for taking cognizance of offences
    (d) All of the above

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34. Who among the following laid down the *Hicklin Test* (1869), which is still followed by the courts in various countries as the authoritative test to determine 'obscenity'?

(a) Cockburn
(b) Lord Atkin
(c) Blackburn
(d) Lord Denning

35. The action for criminal contempt may be taken by

(a) by the Supreme Court of India or the High Court on its own motion
(b) on a motion made by the Advocate General
(c) on a motion by any other person with the consent in writing of the Advocate-General
(d) all of the above

36. Central Vigilance Commissioner can be removed from the office only after an enquiry conducted by

(a) President of India
(b) Prime Minister
(c) Supreme Court of India
(d) Speaker of Lok Sabha

37. No court shall take cognisance of an offence punishable with fine only, after the expiry of the period of limitation of

(a) Two months
(b) Three months
(c) Ninety days
(d) Six months

38. At any time before the judgment is pronounced, prosecution of any person may be withdrawn with the consent of the court by

(a) The person on whose instance FIR was recorded
(b) Investigating officer of the case
(c) Public Prosecutor or Assistant Public Prosecutor in-charge of the case
(d) Person aggrieved by the offence

39. Delhi High Court referred to _____ of Constitution of India to hold that Lieutenant Governor is the administrative head of the NCT of Delhi.

(a) Article 239
(b) Article 239AA
(c) Article 239 and 239 AA
(d) Article 239A

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40. Which of the following statement/s regarding 'Surrogacy (Regulation) Bill, 2016 is/ are correct ?

I. The Bill allows for altruistic surrogacy. But does not prohibit commercial surrogacy completely.

II. The Bill will regulate surrogacy in India and provides for establishment of National Surrogacy Board at the Central level and State Surrogacy Boards.

III. The Bill allows altruistic surrogacy for the couples with proven infertility and upon fulfilment of some other conditions.

IV. The surrogate mother has to be a close relative of the intending couple and be an unmarried woman of 20 – 25 years.

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

41. Which countries Court of Appeals upheld open internet rules that prohibit broadband carriers from playing favourites of blocking competing online service ?

(a) England
(b) India
(c) United States
(d) Japan

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

43. Which of the following statements is true about malice-in-law and malice-in-fact ?

(a) The former is a wrongful act done intentionally with evil motive whereas the latter is a wrongful act done intentionally without a just cause

(b) The former is a wrongful act done intentionally without just cause whereas the latter is a wrongful act done intentionally with evil motive

(c) The former is a wrongful act done intentionally whereas the latter is a wrongful act done intentionally

(d) Both have same consequences

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44. 'Although, prima facie and as a general rule, there must be a mind at fault before there can be a crime, it is not an inflexible rule, and a statute may relate to such a subject-matter and may be so framed as to make an act criminal whether there has been any intention to break the law or otherwise to do wrong, or not.' This was held in

(a) *R v. Andrews*
(b) *R v. Prince*
(c) *R v. Tolson*
(d) *R v. Duffy*

45. The case of *Hochster v. De La Tour* deals with

(a) Quasi-Contract
(b) Anticipatory breach of contract
(c) Doctrine of promissory estoppel
(d) Quantummerit

46. Which of the following State provides for 69% of reservations ?

(a) Rajasthan
(b) Tamil Nadu
(c) Karnataka
(d) Uttrakhand

47. A two judge bench of the Supreme Court set aside the Jammu and Kashmir High Court's judgment which had 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 & Kashmir, 1920.

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

48. The President of India is not bound by the advice of the Union Council of Ministers

(a) in dismissing a civil servant on the ground of security of State
(b) in exercising power to grant pardon
(c) on the question of removal of a Governor
(d) in deciding the question whether a member of Lok Sabha has become disqualified to continue as a member

49. The Constitution of India has no provision for the removal of

(a) The Vice-President
(b) The Chief-Justice of India
(c) The Chief-Justice of High Courts
(d) The Governor

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50. In which of the following cases, the Supreme Court introduced the present collegiums system of appointment and transfer of Judges ?

(a) *S. P. Gupta's* case

(b) *SC Advocates on Record Association v. Union of India*

(c) Re-Presidential reference 1999

(d) *S. R. Bommai's* case

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

(a) Where a court is not competent to frame charge in an offence it shall not be competent to permit, withdrawing from prosecution.

(b) The Public Prosecutor is bound to receive instructions from the government and such instructions would not amount to an extraneous influence.

(c) An order granting permission to withdraw the prosecution solely on the ground that where about of the accused was not available, is permissible.

(d) The Magistrate has discretion to grant or refuse permission to withdraw the prosecution.

52. The term '*Contra proferentem*' means that

(a) an ambiguous term will be construed against the party responsible for its inclusion in the contract.

(b) any ambiguity in the definition clause excluding the liability must be interpreted in favour of the party which is in a weak position.

(c) any ambiguity in the terms and conditions including the liability must not be interpreted in favour of the party which is not in a strong position.

(d) any ambiguity in the terms of contract excluding the liability must be interpreted in favour of the party which is financially weak.

53. In some cases, it has been pleaded on behalf of the Government that the law of estoppel is not applicable in view of

(a) doctrine of laches

(b) doctrine of *lex rei sitae*

(c) doctrine of executive necessity

(d) doctrine of *Lex Regia*

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54. According to Salmond and Winfield, "A promise without consideration is a gift; one made for a consideration is a bargain." However, in the following circumstances a contract without consideration will be perfectly valid

I. An agreement in writing made on account of natural love and affection

II. Contract of Agency

III. Promise to pay a time-barred debt

IV. Oral promise made on account of natural love and affection

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

55. Following are some of the exceptions under which third parties, which are strangers to the contract, can bring law suit to enforce their rights arising out of a contract

I. In cases of agency and gifts

II. In case of provisions in marriage settlement of minors

III. Beneficiaries in case of trust

IV. In case provision is made for the marriage or maintenance of a female member of the family on the partition of a Hindu Undivided Family.

(a) I, II, III, IV (b) II, III, IV (c) I, II, III (d) I, III, IV

56. If any person has been supplied with necessaries and he is not competent to contract due to lunacy, the reasonable price of those things can be recovered from him under the

(a) Sale of Goods Act (b) Specific Relief Act

(c) Contract Act (d) Equity

57. A who is a minor takes loan from B. On attaining majority, A executes a bond in favour of B for the loan taken during the minority. Is A liable?

(a) A is liable as he executed the bond on attaining majority

(b) A is liable on the basis of doctrine of estoppels

(c) A is liable as he has ratified the agreement

(d) A is not liable as he cannot ratify the agreement on attaining majority

58. The doctrine of undue influence was evolved by the

(a) Privy Council

(b) Court of Equity in England

(c) Supreme Court of India

(d) Supreme Court of U. S. A.

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59. Which of the following statements is false ?

(a) The defence of *non est factum* was evolved by the judiciary to save the position of a person who signed a document but could not read it due to his blindness or illiteracy.

(b) In course of time, the defence of *non est factum* came to be applied to other areas also besides blindness and illiteracy.

(c) The doctrine of *non est factum* applies in case of a misrepresentation inducing a mistaken belief regarding the class and character of a supposed document.

(d) The doctrine originally applied to the negotiable instruments but it came under criticism and after being overhauled by the House of Lords, it applies only to contracts.

60. An agreement curtailing the period of limitation has been distinguished from an agreement resulting in the release or forfeiture of the rights if an action is not brought within a certain period. Such clauses are generally there in

(a) insurance agreements
(b) sale agreements
(c) tender agreements
(d) shipment agreement

61. Which of the following are not types of agents?

I. *Del Credere*
II. *pacca adatia*
III. Broker
IV. Factor

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

62. There are two important theories of doctrine of frustration, viz., theory of implied term and

(a) theory of commercial dealings
(b) theory of just and reasonable solution
(c) theory of supersession
(d) theory of relativity

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63. The doctrine of supervening impossibility will not apply in the following cases

I. Difficulty in performance

II. Outbreak of war

III. Commercial impossibility

IV. Strikes, Lock-outs and civil disturbances

(a) I, II, III, IV
(b) II, III, IV
(c) I, III, IV
(d) I, II, III

64. Where an Amendment seeks to make any change in any of the provisions mentioned in the proviso to Article 368 of the Constitution of India

(a) it must be passed by simple majority

(b) it must be passed by special majority

(c) it must be ratified by legislatures of majority of the States

(d) it must be ratified by legislatures of not less than one half of the States

65. No specific time limit for ratification of an Amending Bill by the State Legislatures is laid down, however, the resolution ratifying the proposed Amendment should be

(a) passed before the Amending Bill is presented to the President for his assent

(b) sent to the Union Council of Ministers

(c) considered first by majority of both the Houses of Parliament

(d) initiated at the instance of the Governor

66. For the further continuance of the emergency beyond the period of six months, approval by Parliament would be required

(a) every month
(b) every six months
(c) every year
(d) every three months

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67. Which one of the following is not the duty of the Finance Commission of India ?

(a) The distribution of between the Union and the States of the net proceeds of taxes

(b) The principle which should govern the grant-in-aid of the revenue of the State out of the Consolidated Fund of India

(c) The measures needed to augment the Contingency Fund of India

(d) The measures needed to augment the Consolidated Fund of India of a State to supplement the resources of the Municipalities in a State

68. The power to prorogue the House is vested in

(a) The Prime Minister (b) The Speaker

(c) The Vice President (d) The President

69. According to D. D. Basu, if the Prime Minister, who is defeated in the House or who loses the confidence of the House, refuses to resign, the President may dismiss him, and this power is confided in the Constitution of India in

(a) Article 75 (1) (b) Article 75 (2)

(c) Article 76 (d) Article 77

70. The objectives laid down in Article 40 have been fulfilled by enacting the Constitution 73rd and 74th Amendments Act 1992 known as the

(a) Nationalisation of Banks Act 1992

(b) Nationalization of Insurance Companies Act 1992

(c) Withdrawal of Privy Purses Act 1992

(d) Panchayati and Nagarpalika Act 1992

71. Whereas the 25th Amendment gave primacy to Directive Principles of State Policy contained in Article 39 (b) and (c) over the Fundamental Rights in Articles 14, 19 or 31 of the Constitution of India, the 42nd Amendment gave precedence to all Directive Principles over the Fundamental Rights guaranteed in

(a) Articles 13, 14 or 15 (b) Articles 15, 16 or 19

(c) Articles 14, 19 or 31 (d) Article 14, 16 or 19

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72. The places of worship like Temples, Mosques, Gurudwaras cannot be used for hiding criminals or carrying on anti-national activities. They cannot be used for political purposes. The State has power to prohibit such activities under

(a) Article 25 (2)
(b) Article 26 (a)
(c) Article 27
(d) Article 28

73. The rule of *res judicata* is not applicable to the writ of

(a) *Mandamus*
(b) *Habeas corpus*
(c) *Certiorari*
(d) *Quo warranto*

74. Article 19 (4) empowers the State to impose reasonable restrictions on the right of freedom of association and union in the interest of

(a) "public order" or "morality" or sovereignty or integrity of India
(b) security of State, friendly relations with foreign countries and untouchability
(c) "public order" or security of State
(d) "public order" or "morality" or security of State

75. Article 14 of the Constitution permits classification but prohibits

(a) group law
(b) class legislation
(c) religious classification
(d) single person law

76. Dicey wrote, "every official from the Prime Minister down to the Constable or a Collector of taxes is under the same responsibility for every act done without legal justification as any other citizen." Dicey gave three meanings of the Rule of Law

I. Absence of arbitrary power or supremacy of law
II. Equality before law
III. The Constitution is the result of the ordinary law of the land
IV. There is no exception from the operation of law

(a) I, II, III, IV
(b) II, III, IV
(c) I, II, III
(d) I, II, IV

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77. Any law, executive order made by the State during the period of emergency cannot be challenged on the ground that they are inconsistent with the rights guaranteed under

(a) Article 22
(b) Article 21
(c) Article 20
(d) Article 19

78. Which of the following statements is not correct ?

(a) The power of the legislature under Article 245 of the Constitution to enact laws is a plenary power subject only to its legislative competence and other constitutional limitations.
(b) The power to validate a law retrospectively is unfettered.
(c) The legislature has power to alter the existing laws retrospectively.
(d) The power to make laws include the power to give effect to it prospectively

79. What is 'fellow servant' Rule ?

(a) gratuitously and temporarily assists the servant in his work
(b) a common law doctrine that barred or reduced the amount of money an injured employee could recover against an employer if an injury was caused solely by the negligence of a fellow worker.
(c) a common law doctrine that allowed the amount of money an injured employee could recover against an employer if an injury was caused solely by the negligence of a fellow worker.
(d) a common law doctrine that enhances the amount of money an injured employee could recover against an employer if an injury was caused solely by the negligence of a fellow worker.

80. According to Justice Holmes, law is

(a) A social institution to satisfy social wants
(b) Aggregate of rules set up by men as politically superior or sovereign, to men as politically inferior
(c) The statement of circumstances in which the public force will be brought to bear upon men through courts
(d) A crystallised common sense of the communities

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81. _____ says that the Realist Movement is a 'gloss' on the Sociological School of law.

(a) Savigny
(b) Julius Stone
(c) Olivecrona
(d) Hagerstrom

82. The influence of the individuals upon the legal development is _____ by the *Volkgeist* Theory.

(a) minimized
(b) maximised
(c) neutralized
(d) nullified

83. The Tort litigation is increasing in India particularly under the Motor Vehicles Act 1988 as there is a provision under this Act for compulsory compensation to be given

(a) in normal circumstances of death by hit and run
(b) in hit and run cases and in certain cases the principle of no fault liability has been recognised
(c) immediately and within one year in case of death of the victim
(d) to the dependents of the deceased in hit and run cases

84. According to Winfield

(a) Tortious liability arises from breach of duty primarily fixed by the law. This duty is towards persons generally and its breach is redressible by action for unliquidated damages.
(b) A tort is an infringement of right of a private individual giving a right of compensation at the suit of the injured party.
(c) A tort is a civil wrong for which the remedy in common law is action for unliquidated damages and which is not exclusively breach of contract or of trust or breach of other merely equitable obligation.
(d) A tort consists of those wrongs or unlawful acts which violates legal rights of a person for which law provides the remedy of unliquidated damages.

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

(a) *Ashby v. White*

(b) *Marzetti v. Williams*

(c) *Moghal steamship v. Mcgregor Gow*

(d) *Bhim Singh v. State of J&K*

86. There shall be no appeal by a convicted person in any of the following cases

(a) Where a High Court passes only a sentence of imprisonment for a term not exceeding six months

(b) Where a Sessions Court passes a sentence of the fine not exceeding Rs.500

(c) Where a Magistrate of first class passes a sentence of imprisonment for a term not exceeding one month

(d) All of the above

87. Regarding bail applications, a Bench comprising of Justice A. K. Goel and Justice U. U. Lalit of the Supreme Court of India has asked all High Courts to issue directions to their Subordinate Courts that

I. All bail applications normally be disposed of by judicial officers within one week.

II. Magisterial trial where accused is in custody be concluded within six months.

III. Session trial where accused is in custody normally be concluded within two years.

IV. Efforts to be made to dispose of all cases, which are ten years old, by the end of the year.

V. The above timelines may, however, will not be the touchstone for assessment of judicial performance in annual confidential reports.

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

(c) IV and V (d) All of the above

88. What is the significance of *Pravasi Bhalai Sangathan v. Union of India* (AIR 2014 SC 1591) case as a result of which the Law Commission of India has submitted its Report No.267 in March 2017 ?

(a) Overseas Citizenship (b) State Entry Tax Laws

(c) NEET Entrance test (d) Hate Speech

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89. Which of the following is correct in respect of 'Right to be Forgotten' ?

I. The Karnataka High Court in a landmark judgment recently has accepted, applied and approved the 'Right to be Forgotten' in Indian context.

II. It allows offenders who had served their sentence to object to the publication of information regarding their crime and conviction in order to ease their process of social integration.

III. The origin of this right can be traced back to the French jurisprudence on the 'right to oblivion'.

IV. The Right to be Forgotten can be inferred from the provisions of the Information Technology (IT) Act 2000 (amended in 2008) as well as from the IT Rules, 2011.

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

90. There is difference between the torts of libel and slander. Which of the following is not correct ?

(a) Libel is a defamatory statement in permanent form and Slander is a defamatory statement in a transient form.

(b) Libel is actionable per se whereas damage must be proved for slander.

(c) Libel may be prosecuted as a crime as well as a tort, whereas slander is only a tort.

(d) Difference between libel and slander is clearer in cases of publication through radio, audio and video.

91. Which of the following is not a bar to the right to rescind the contract in cases of misrepresentation ?

(a) lapse of time

(b) restitution in Integrum impossible

(c) indemnity

(d) third party acquires rights

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92. Under Section 105 of IPC, the right of private defence of property in cases of theft commences when a reasonable apprehension of danger to the property commences and

(a) continues till the offender has affected his retreat with the property

(b) continues till the assistance of public authorities is obtained

(c) continues till the property has been recovered

(d) all of the above

93. Preparation for the commission of a crime is

(a) punishable under the IPC

(b) not punishable under the IPC

(c) punishable when the preparation is with the intention of waging war against the Government of India or preparation to commit dacoity

(d) punishable only when the preparation is with the intention of waging

94. In _____, Supreme Court bench of Justices Dipak Misra and Prafulla C. Pant observed "any kind of liberal approach or thought of mediation in this regard (between rape victim and the accused) is thoroughly and completely sans legal permissibility."

(a) *State of MP v. Madanlal*
(b) *ABC v. NCT of Delhi*
(c) *State v. Manohar Singh*
(d) *State v. Hariharan*

95. In which of the following cases, Supreme Court held that an offence under the criminal law does not depend upon the gender of the accused ?

(a) *Nalini Singh v. State*
(b) *Jamuna Pal v. State*
(c) *Nandini Sukumar v. State*
(d) *Vasanthi Stanley v. State*

96. Which of the following provisions of IPC prescribes death sentence as the only punishment for murder ?

(a) Section 302
(b) Section 303
(c) Section 305
(d) Section 307

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97. Which one of the following correctly identifies the remedies available to the victim in case of false imprisonment ?

(a) Injunction, abatement, action for damages

(b) Habeas corpus, action for damages, injunction

(c) Self-help, habeas corpus, action for damages

(d) Injunction, self help, action for damages

98. In _____, the Supreme Court held that women can be arrested by police at any time and even in absence of lady constable if the arresting officer records the proper reason for such arrest.

(a) *State of Maharastra v. Christian Community Welfare Council of India*

(b) *Jaya Sinha v. State of Karnataka*

(c) *Aruna Roy v. State of UP*

(d) *State of Gujarat v. Priya Pillai*

99. Which of the following was never held or observed by the Privy Council in *Mohori Bibee v. Dharamodas Ghose*

(a) An agreement made by a minor is void.

(b) The minor's agreement being void, he could not be asked to repay.

(c) Section 64 and 65 of the Indian Contract Act 1872 allow compensation to be made by a person who gets undue benefit in a case, but those Sections do not cover the case where the agreement is void ab initio as in the case of a minor.

(d) Since the loan had been given to the minor with the full knowledge about his infancy, the money lender can still be asked to be compensated under the Specific Relief Act 1963.

100. Which of the following sections of Indian Penal Code aims at achieving the age-old principle of peaceful co-existence of different countries of the world, especially neighbouring countries?

(a) Section 124 & 127

(b) Section 127 & 126

(c) Section 125 & 126

(d) Section 124 & 125

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LL.M. ADMISSION TEST – 2017

PART II

Question Booklet Sl. No.
51288

Date of examination : 7th May, 2017 (Sunday) Centre Name .....

Maximum Marks : 50 Roll No.....

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

1. The life of law is not logic, but it is experience – Critically examine this statement.

OR

2. Whether or not the traditional doctrine of Privity of Contract has become outdated and in dire need of reform? Give reasons for your answer in view of the complex business relations and transnational nature of the business of the modern world.

OR

3. Briefly explain and critically evaluate the procedure for removing the judges of the Supreme Court and High Courts by referring to constitutional provisions, statute, rules and judicial decisions. What, in your opinion, are the reasons for the failure of such removal procedures taken against judges?

OR

4. "..... there must remain a realm of private morality and immorality" that is "not the law's business." - Analyse this statement against the backdrop of Hart – Devlin Debate and its relevance in present times.

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