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Ph.D. ADMISSION TEST – 2022

Date of Exam. :	Center's Name : _____
Duration : **90 Minutes**	Roll No. : _____
Max. Marks : **100**	OMR Sheet No. : _____
	Date of Birth : _____

Question Booklet Sl. No.

INSTRUCTIONS TO CANDIDATES

1. **No clarification on the Question Paper can be sought. Answer the questions as they are.**
2. There are two (2) Sections (A and B) in this Question Booklet. Section A has 50 Multiple Choice Questions (MCQ) of one mark each to be answered in the OMR Response Sheet only. Section B has 3 Descriptive Questions and the candidate has to answer only One (1) question of 50 marks to be answered in the Answer Booklet **only with the BLACK/BLUE BALL POINT PEN**. No Additional Sheet/ Answer Booklet will be provided. **Total marks are 100.**
3. Candidates have to indicate the most appropriate answer by darkening one of the four responses provided, with **only BLACK/BLUE BALL POINT PEN** in the OMR Response Sheet.

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

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

   Right Method **Wrong Methods**

   

4. **There will be Negative Marking for Multiple Choice Questions (MCQ). For every wrong answer 0.25 marks will be deducted.**
5. Answering the question by any method other than the method mentioned above shall be considered wrong answer.
6. More than one response to a question shall be counted as *wrong answer*.
7. The candidate shall not write anything on the OMR Response Sheet and Answer Booklet other than the details required and in the spaces provided for.
8. After the examination is over, the candidate can carry the Question Booklet along with candidate's copy of the OMR Response Sheet. Candidate will hand over the original OMR Response Sheet and Answer Booklet to the Invigilator.
9. The use of any unfair means by any candidate will result in the cancellation of his/her candidature.
10. **Impersonation is an offence and the candidate, apart from disqualification, may have to face criminal prosecution.**
11. **Electronic gadgets like mobile phones, digital watch, pagers and calculators etc. are strictly not permitted inside the Test Centre/Hall.**
12. **The candidates shall not leave the hall before the end of the Test.**



PHD

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Your Personal Exams Guide

SECTION – A

Section A contains 50 Multiple Choice Questions. Attempt all questions.

1. "Catch up" rule established by the Supreme Court of India relates to which of the following Articles of the Constitution ?
   a) Article 14
   b) Article 16(4)
   c) Article 15(4)
   d) Article16(4A)

2. In pretended bidding, sale is
   a) illegal
   b) voidable at the option of the seller
   c) voidable at the option of the buyer
   d) valid

3. An Additional Director in a company can be appointed in the
   a) Statutory Meeting
   b) Annual General Meeting
   c) Board Meeting
   d) None of the above

4. A Muslim wife can relinquish her Mahr (Dower) when she
   a) is a minor
   b) has attained the age of puberty
   c) is not less than 18 years of age
   d) is not less than 21 years of age

5. Which one of the following does not amount to fraud ?
   a) Active concealment of a fact.
   b) A promise made without any intention of performing it.
   c) Suggestion as to a fact, which is not true, by one who does not believe it to be true.
   d) A representation made without knowing it to be false, honestly believing it to be true.

6. The basic condition for transfer of property in unascertained goods is that
   a) Seller must have produced or purchased the goods
   b) Goods must be defined by description
   c) Goods must be ascertained and appropriated
   d) Buyer must receive a sample of the goods

7. As per the provisions of Section 52 of the Companies Act, 2013, the balance in the security premium account cannot be utilised for
   a) Issue of fully paid-up bonus shares
   b) Capital losses
   c) Payment of dividend
   d) Writing-off discount on issue of shares

8. For the purpose of taking cognizance of an offence under Section 138 of the Negotiable Instruments Act, who should make a complaint to the court ?
   a) the payee with the written permission of the drawee
   b) the payer or as the case may be, the holder in due course of the cheque
   c) any person who is affected can make a complaint
   d) none of the above

9. Which of the following is a bailment plus agreement to sell ?
   a) Mortgage
   b) Hire purchase
   c) Pledge
   d) None of the above

10. A Memorandum which contains the salient features that may be specified by the Securities and Exchange Board by making Regulations in this behalf is known as
   a) Deemed prospectus
   b) Abridged prospectus
   c) Red Herring Prospectus
   d) Shelf prospectus

11. The juristic concept of contract consists of
   a) Consideration and coercion
   b) Offer and acceptance
   c) Agreement and obligation
   d) Free consent and capacity

12. A supplies the wife and children of B, a lunatic, with necessaries suitable to their condition in life.
    a) A is entitled to be reimbursed from B's property.
    b) A is not entitled to be reimbursed from B's property.
    c) A is entitled to be given a share in B's property.
    d) None of these

13. The rule as to passing of property as laid down under Section 20 of the Sale of Goods Act, shall apply when
    a) the time of delivery of the goods is postponed
    b) the time of payment of price is postponed
    c) even the time of payment of price and the time of delivery of the goods are both postponed
    d) neither the time of payment of price nor the time of delivery of the goods is postponed

14. 'A' took an electric tandoor from B & Co. on rent. In the rent agreement there was a clause to the effect that the company shall not be liable for any personal injury to the hirer or to any other person while using it. However, due to the defect in the tandoor, his wife was injured. She brought an action against B & Co. Which one of the following is correct ?
    a) She cannot succeed but can claim damages from B & Co.
    b) She cannot succeed as there was no contract between her and the B & Co.
    c) She would succeed
    d) She cannot succeed due to exemption clause.

15. Delivery of goods means
    a) Exchange of goods
    b) Compulsory transfer of possession
    c) Voluntary transfer of possession
    d) Voluntary transfer of ownership

16. The effect of insolvency of a partner in the absence of a contract to the contrary, is that
    a) The firm is also deemed insolvent
    b) The firm is reconstituted
    c) The firm is dissolved
    d) The firm is not automatically dissolved

17. The statement "an offer need not be made to an ascertained person, but no contract can arise until it has been accepted by an ascertained person" was made by

a) Austin
b) Anson
c) Salmond
d) Kelson

18. The principle '*de minimus non curat lex*' means

a) Law would not take action on small and trifling matter.
b) Law does not ignore any act which causes the slightest harm.
c) Law would not take action in serious matters.
d) All of the above

19. A, intending to cause theft instigates B, to take property belonging to Z out of the Z's position. A induces B to believe that property belongs to A. B takes the property out of Z's possession in good faith, believing it to be A's property. With reference to the above statement.

Assertion (A) : A is guilty of abetment of theft even if B is innocent.

Reason (R) : Liability of abettor is not dependent on the liability of the principal accused.

Codes:

a) Both A and R are true and R is correct explanation of A
b) Both A and R are true but R is not correct explanation of A
c) A is true but R is false
d) A is false but R is true.

20. In respect of a Limited Liability Partnership firm, which one of the following is not a requisite feature ?

a) internal governance may be decided by mutual agreement among partners
b) it is a corporate body with perpetual succession
c) partners should be less than 20
d) partnership and management need not be separate

21. Which of the following is not an offence ?

a) Suicide
b) Attempt to commit suicide
c) Murder
d) Attempt to murder

22. In which provision of Indian Penal Code the definition of 'valuable security' is explained ?

a) Section 29
b) Section 30
c) Section 31
d) Section 13

23. Under which of the following condition(s) a writ of mandamus can be granted? Give correct answer using the codes :

A. There must be a public duty
B. There must be a specific demand and refusal
C. There must be a clear right to enforce the duty
D. The right must be subsisting on the date of the petition

Codes :

a) All A, B, C and D are correct
b) Only A, B and C are correct
c) Only A and C are correct
d) Only A and B are correct

24. Protection of the lakes is an objective expressly stated in which one of the following ?

a) Fundamental Duties
b) Directive Principles of State Policy
c) Fundamental Rights
d) Eleventh Schedule of the Constitution

25. A continuing guarantee is applicable to

a) A specific transaction
b) A series of transactions
c) Any number of transactions
d) Reasonable number of transactions

26. There is a school of jurisprudence which attempts to identify purpose of law and the measures and manners in which they are fulfilled. What is this approach known as ?

a) Realist School
b) Sociological School
c) Analytical School
d) Philosophical School

27. The disputes arising as to ordinary matters connected with the business can be decided by

a) Decision of Court
b) Consent of all the partners unanimously
c) Consent of majority partners
d) Consent of the working partners

28. Marriage of the Muslim woman with a non-muslim man shall be

a) Valid
b) Irregular
c) Void
d) None of the above

29. The first case on the 'doctrine of frustration' as decided by the Supreme Court of India is:

a) Satyabrata Ghose v. Mugneeram Bangur
b) Raja Dhuruv Dev Chand v. Raja Harmohinder Singh
c) Basanti Bastralaya v. River Steam Navigation Co. Ltd.
d) Sushila Devi v. Hari Singh

30. Lower Courts of India are bound by the decisions of higher courts. This means that the lower courts are bound by:

a) All the points which were touched upon by the higher court in its decision.
b) Both *ratio decidendi* and *obiter dicta* of the judgement of the higher court.
c) Only the *ratio decidendi* of the judgement of the higher court
d) Only the *obiter dicta* of the judgement of the higher court.

31. Which one of the following would fall outside the scope of implied authority ?
    a) Taking loan by pledging goods of the firm
    b) Submit disputes for arbitration
    c) Accepting Bills of Exchange on behalf of the firm
    d) Settle accounts with customers

32. An agreement is designated as 'criminal conspiracy', if
    a) Two or more person agree to do an illegal act.
    b) Some illegal act is done by all parties to such agreement in pursuance thereof.
    c) Any illegal act is done by at least one party to such agreement.
    d) None of the above

33. 'Jurisprudence is as big as law and bigger'. This statement is given by
    a) Austin b) Lloyds c) Llewellyn d) Holland

34. A buyer has a right to claim interest on the amount of price, when under a contract of sale, the buyer has paid the price, however, the seller neglects to deliver goods. The interest can be claimed by the buyer
    a) only when he is entitled to claim damages
    b) only when he can recover the price
    c) neither a) nor b)
    d) both a) and b)

35. Which one of the following statements is correct ?
    a) The General defences provided under general exceptions in the Indian Penal Code (IPC) can be pleaded.
    b) For IPC offences only.
    c) For IPC offences and offences under special law only.
    d) For IPC offences and offences under local or special law.

36. Which of the following motions cannot be moved in Rajya Sabha ?
    a) Censure motion
    b) Adjournment motion
    c) No-day Yet unnamed motion
    d) No-Confidence motion

37. M sells certain goods to N of Punjab. The goods are handed over to the railways for transmission to N. In the meantime, N sells the goods to a third party R for consideration without the consent of M. N becomes insolvent. In this case
    a) M has lost his right of stoppage in transit
    b) M has the right of stoppage in transit
    c) Station Master has the right of stoppage in transit
    d) None of the above

38. Identify the incorrect statement.
    a) Application for registration of firm must be signed by all the partners.
    b) A third party cannot file a suit against un-registered firm.
    c) The registration of a firm is a condition precedent to the right to institute a suit.
    d) If a partner refuses to sign the application for registration, then the registration can be done only by dropping the name of such a partner from the firm.

39. Mark the correct statement.
    a) Stranger to consideration has no right
    b) Stranger to contract can enforce a promise
    c) Stranger to consideration can enforce a promise
    d) Stranger to consideration will be a stranger to contract

40. Which of the following is not a valid partnership ?
    a) Partnership between Indian national and a foreign friend
    b) Partnership between two HUFs
    c) Company admitted as a partner
    d) Minor admitted to the benefits of the partnership

41. 'A' without the request of anybody, extinguishes the fire of B's Godown. 'A' suffers injury thereby. If 'B' promises to compensate 'A' for the full amount he has spent for his treatment then, the contract is
    a) Unenforceable because it is immoral
    b) Void for want of consideration
    c) Voidable
    d) Enforceable

42. A firm would be bound by the implied authority of the partner if he
    a) Opens a banking account on behalf of the firm in his own name
    b) Withdraws a suit or proceeding filed on behalf of the firm
    c) Acquires immovable property on behalf of the firm
    d) None of the above

43. On a foggy night 'A' puts his scooter in the garage of 'B'. On finding it, if 'B' removes the scooter from the garage and puts it alongside the road, then
    a) 'B' has committed the tort of trespass of goods because he interfered with the property of another.
    b) 'B' has committed no tort because he acted in protection of his property.
    c) 'B' has committed no tort because he is not at fault.
    d) 'B' is liable as joint tort feasor.

44. An act to discourage or dissuade an intending bidder from bidding at an auction sale is known as
    a) Puffer
    b) Knockout
    c) Dumping
    d) Damping

45. Which of the following is not an example of unconscionable bargain ?
    a) The father mortgaged the family's only residential house to help his son who had borrowed a sum from a bank and the bank sought to enforce the mortgage.
    b) A grandfather made a gift of a portion of his property to his only grandson, a few years before his death.
    c) A person made a very negligible provision for his third wife and daughters borne by her and donated the whole of his property only to one of his grandsons.
    d) A songwriter's copyright was purchased on terms that he was not to publish his songs through any other company but the company had the right to reject his songs.

46. Under the Copyright law, 'author' in case of a cinematograph film means

a) The composer b) The producer c) The writer d) The director

47. Under the Transfer of Property Act, 1882, the doctrine of *lis pendens*

a) is applicable on both specified and unspecified properties

b) is applicable on both movable and immovable property

c) is applicable on both partial and absolute transfers

d) all of these

48. The maxim '*ut res magis valeat quam pereat*' is used in

a) Rule of reasonable construction b) Rule of strict interpretation

c) Rule of harmonious construction d) Rule of grammatical interpretation

49. As per definitions given under the Transfer of Property Act, 1882, which of the following statements is true ?

a) The term 'actionable claims' include debt secured by mortgage on the residential house

b) The term 'attested' means attested by two or more witness

c) The term 'instrument' means both testamentary and non- testamentary instrument

d) The term 'attached to earth' will not means trees and shrubs

50. In case of repugnancy between the schedule and a specific provision within an enactment, which of the following would prevail ?

a) Schedule b) Provision

c) Either, depending upon facts of the case d) Neither a) nor b)

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SECTION – B

Section B contains descriptive questions. Develop a research design in response to any ONE of the following factual scenarios.

1. The proposed amendment to Cigarettes and Other Tobacco Products Act (COTPA) intends to make it mandatory for retailers to obtain licences for selling tobacco products and ban the sale of single sticks of cigarettes/bidis. It also proposes to increase the legal age for sale of tobacco products to 21 years and ban all kinds of advertising and promotion. While these measures may be in the interest of citizens' health, many stakeholders feel that there is a need to firmly enforce the existing regulations and further debate on the far-reaching implications of the proposed amendments, before rushing through their enactment and implementation.

   Industry association of tobacco product manufacturers, distributors, and retailers wants to conduct a survey to understand the opinions of its members, consumers, and the law enforcement agencies. You are assigned the task of undertaking research to gather views of various stakeholders about the proposed amendments, analyse the data and present your findings. Your research proposal must include questionnaire development and describe a sampling plan to capture an unbiased picture.

OR

2. The New Motor Vehicle (Amendment) Act, 2019 provided new rules pertaining to licences, permits, and vehicle fitness standards along with stiffer penalties for traffic violations. Union Ministry of Road, Transport and Highways (MoRTH) justified the heavy penalties as a measure to reduce the number of accidents and fatalities related to traffic violations.

   Many states, however, have not implemented the new fines or have reverted to lower penalties after protests from citizens. Some argue that society's need for mobility and income levels have significantly gone up over the years. These developments have led to dramatic increase in vehicle traffic, but the road infrastructure and policing have not kept pace. Therefore, fatalities cannot be reduced by merely increasing the fines.

   MoRTH wants you to conduct a study based on secondary data and explain the factors influencing intra-state and inter-state traffic, year-wise growth of road network, vehicle registrations in states and status of implementation of 2019 amendments. Using such data, they want you to build a model to explain the relationship between penalties, number of road accidents and fatalities. Suggest suitable data sources, data collection techniques, and analysis plan for your research.

OR

3. "A government that robs Peter to pay Paul can always depend on the support of Paul" – George Bernard Shaw. Clearly, Peter and Paul were intended to be personifications of classes and he perhaps meant taxing the rich for extending benefits to the economically weaker sections.

In this context, 2019 scheme of free bus rides for women in Delhi, facilitates mobility of workforce and has the potential to stimulate economic activity. However, it may have merely lessened the financial burden of women already using city bus service and not increased the labour participation. It also goes against the principle of gender equality. Ideally, any transport subsidy must focus on the poorest sections of the society in a gender-neutral way and it must bring about a behavioural change in the targeted population.

Design a comprehensive research plan to evaluate how the scheme has fared over the last two years by spending nearly Rs. 500 crores of taxpayers' money.

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