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Ph.D. ADMISSION TEST – 2023

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

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 — (a)● (c) (d)

   Wrong Methods — (a)⊗ (c) (d); (a) b✓ (c) (d); (a)● (c) (d)

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.**

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SECTION – A

Multiple Choice Questions: 50 questions of 1 mark each.

1. Which of the following condition must be satisfied for invoking Section 210 of the Code of Criminal Procedure, 1973, in a case?
   a) There must be a complaint pending for inquiry or trial
   b) Investigation by the police must be in progress
   c) Both a) and b) are correct
   d) None of the above

2. **Assertion (A)** : The rule making power of the Supreme Court is not subject to any law made by the Parliament of India.
   Reason (R) : Only an impartial and independent judiciary can protect the right of the individual without fear or favour.
   a) (A) is true but (R) is false.
   b) Both (A) and (R) are true.
   c) Both (A) and (R) are false.
   d) (A) is false but (R) is true.

3. Roscoe Pound's theory identifies the proper goal of a legal system as the satisfaction of demands, desires, and claims. The demands, desires, and claims are called as
   a) Interests
   b) Rights
   c) Duties
   d) None of the above

4. Which of the following is not correct regarding a person arrested with or without warrant by a police officer or under a warrant by a private person?
   a) Search can be made only by the police officer arresting him
   b) Search may be made by the private person arresting him
   c) Private person can neither arrest nor search any person
   d) Private person can arrest and search any person

5. "What cannot be done directly, cannot be done indirectly"– this statement epitomises the doctrine of
   a) Colourable legislation
   b) Pith and substance
   c) Harmonious construction
   d) Doctrine of Eclipse

6. "The High Court may confer on any Magistrate invested with the powers of a Magistrate of the second-class, power to try summarily any offence." Which of the following is not correct regarding the powers of such Magistrate to try summarily an offence ?
   a) Can try offences punishable only with fine
   b) Can try offences punishable with imprisonment for a term not exceeding six months with fine
   c) Can try offences punishable with imprisonment for a term not exceeding six months without fine
   d) Cannot pass a sentence of less than six months

7. When a person is accused of committing more than one offence of the same kind, either against the same person or not, he may be charged with and tried at one trial if the said offences were committed within the space of
   a) Six months
   b) Eight months
   c) Ten months
   d) Twelve months

8. The Supreme Court in which of the following case held that "though the right to pursue higher education has not been spelt out as a Fundamental Right under Part III of the Constitution, it bears emphasis that access to professional education is not a governmental largesse, and that the State has an affirmative obligation to facilitate access to education at all levels."
   a) Seema Kumari v. Union of India, (2014)
   b) Dr. Jaishri Laxmanrao Patil v. The Chief Minister, (2021)
   c) Jayamma v. State of Karnataka, (2021)
   d) Farzana Batool v. Union of India, (2021)

9. In which case, it was held by the Supreme Court that an anticipatory bail cannot be limited or restricted to a fixed period ?
   a) Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011)
   b) Abdulsamad Shaikh v. State of Maharashtra, (1996)
   c) Sushila Agarwal v. State of NCT of Delhi, (2020)
   d) P. Chidambaram v. Directorate of Enforcement, (2019)

10. 'Z' attempts to horsewhip 'A', not in such a manner as to cause grievous hurt to 'A'. 'A' draws out a pistol but 'Z' continues the assault. 'A' believing in good faith that he can not save himself by any other means, shoots 'Z' dead. 'A' is liable for
    a) Murder
    b) Culpable homicide not amounting murder under exception 2 of section 300
    c) Culpable homicide not amounting murder under exception 1 of section 300
    d) Not liable since the act was done in exercise of right of private defence

11. Offence of 'Waging of War' and offence of 'Sedition' require
    a) Both require *mens rea* as an element
    b) Both do not require *mens rea* as an element
    c) Only waging of war requires *mens rea* as an element
    d) Only Sedition requires *mens rea* as an element

12. 'Morals are more dynamic, more revolutionary, more mobile, more directed towards the future ... than is the law. The latter is more attached to traditional practices than to acts of innovation, more dependent on intellectual representations and the balance of forces than is morality. Yet, ..., there have been cases where "an advanced law" has overcome current morality so that law has become a factor in moral change.' This exception happens in which of the following circumstance ?
    a) Modernity
    b) Attainment of age of scientific temper
    c) Revolutions
    d) None of the above

13. Right of private defence against the act of Public Servant is available if
    a) The act does not cause reasonable apprehension of grievous hurt
    b) The public servant is acting in good faith under colour of his office
    c) The act of public servant is not strictly justifiable by law though done in good faith
    d) The person does not know or has reason to believe that the act is being done by a public servant

14. To fix the liability on the basis of 'Common Object', which condition is not required to be satisfied ?
    a) Prior concert or meeting of minds
    b) Offence was committed in prosecution of the common object of the assembly
    c) Members of the assembly knew that there is a likelihood of its commission
    d) Membership of that assembly at the time of commission of that offence

15. "... From a critical legal studies point of view, there is no 'rule of law' in the singular. Rather, there are versions of the rule of law, each serving different ideological goals – a 'rule of law with liberal characteristics,' a 'rule of law with Chinese characteristics,' and so on through one's preferred list of ideological projects." Such an argument stems from which of core positions of CLS ?
    a) Indeterminacy thesis
    b) Non neutrality of law
    c) Law as an institution of subordination
    d) None of the above

16. Which of the following case is not related to offence of 'Rape'?

a) Independent thought v. Union of India (2018)

b) Navtej Singh Johar v. Union of India (2018)

c) Bharwada Bhogin Bhai Hirji Bhai v. State of Gujarat (1983)

d) Rao Harnarayan v. State (1958)

17. What was the principle laid down by the Supreme Court in A. K. Kriaipak v. Union of India (1969) ?

a) Rule of Law is embedded in Article 14 of the Constitution of India.

b) Judicial Review is a part of basic structure of the Constitution.

c) Principles of Natural Justice are applicable to administrative proceedings.

d) Post decisional hearing would be sufficient for the observance of principles of natural justice.

18. A boy of 17 years marries a girl of 15 years. Under Hindu Marriage Act, 1955 the marriage is

a) Void

b) Voidable at the option of either party

c) Valid but punishable

d) Void-ab-initio

19. In which of the following cases, a child could not be a 'Hindu' under the Hindu Marriage Act, 1955 ?

I. Only one parent is a Hindu and the child was brought up as a Hindu.

II. If after the birth of a child, both the parents convert to Buddhism.

III. Only one parent is a Jain and the child was not brought up as a Jain.

IV. If after the birth of a child both the parents convert to Muslim religion and in the exercise of parental right the child is also converted to Muslim religion.

Codes :

a) I, II and IV

b) III and IV

c) II and I

d) I, II and III

20. Which of the following is not an exception to the principles of natural justice ?

a) Impracticability

b) Legislative action

c) Rule against dictation

d) Statutory necessity

21. Utilitarianism works on the basic premise "the greatest happiness for the greatest number." In this context which of the following statement is incorrect ?

i. An act can increase happiness for the greatest number of people but still fail to maximize the net good in the world if the smaller number of people whose happiness is not increased much more than the greater number gains.

ii. The principle of utility would allow sacrifices of the smaller number to the greater number.

a) Statement i is correct
b) Statement ii is correct
c) Both statements are correct
d) Both statements are wrong

22. Coparcenary property of a Hindu :

a) Devolves by succession
b) Devolves by survivorship
c) Can be partitioned
d) Cannot be partitioned

23. A prompt dower is payable :

a) at the time of marriage itself
b) on a fixed date
c) when demanded by the wife
d) partly at the time of marriage and partly at fixed date

24. Which of the following statement/statements is/are correct ?

A. Fundamental Rights are not absolute. They are subject to reasonable restrictions.
B. Freedom of press is implicit in Article 19 of the Constitution.
C. Socially and Economically backward classes of persons are entitled to get benefit under clause (4) of the Article 15 of the Constitution.
D. 'Equal Protection of Laws' under Article 14 of the Constitution is based upon English Law.

Codes :

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

25. Identify from below given options the most rational choices parties in the original position will choose according to Rawls.

a) Utility for oneself as it may serves ones benefit
b) Utility for the majority as the probability of one to fall in the majority is more
c) Equal basic rights and liberties needed to secure the fundamental interests of free and equal citizens
d) The veil of ignorance to ensure impartiality of judgment

26. The following is true about s. 53A, Transfer of Property Act :

a) It does not confer any title or interest on the transferee in the property in his possession.

b) The transferor or anyone claiming under him will be able to evict the transferee from the property.

c) Section is silent on nature of transferee's rights.

d) Right of the transferee regarding the property in possession are non-existent.

27. A transfers some money to B on the condition that he shall marry with the consent of C, D and E. E dies and B marries with the consent of C and D. Has B fulfilled the condition ?

a) There was no condition

b) Condition ended by the death of E

c) No, B has not fulfilled the condition

d) Yes, B has fulfilled the condition as the condition precedent was substantially complied with

28. Mortgage by deposit of title deeds requires the following :

a) A debt

b) Deposit of title deeds

c) Debt to be secured by deposit of title deeds

d) All the above

29. Identify from the following statements, the correct scope of an unjust law according to Finnis in the context of the following adapted argument of Finnis. 'The focal meaning is of an authoritative common ordering of a community, aimed at facilitating the realisation of the common good.'

i. Much of the unjust law will not be law in its focal sense

ii. Unjust law will at best be an imperfect or fringe instance of law in its focal meaning

iii. At worst unjust law will be a mere corruption of law in that focal sense

a) Only i and ii

b) Only ii

c) Only i and iii

d) All the statements are correct

30. Which of the followings are considered to be elements for the identity and existence of a legal system ?

i. Efficacy

ii. Institutional character

iii. Sources

a) All the three
b) None of the three
c) Only i
d) Only i and ii

31. Following is not the difference between the lease and the agreement to lease :

a) A lease creates a right in rem, agreement does not

b) A lease operates as a transfer, agreement does not

c) A lease establishes the relationship of landlord and tenant, agreement does not

d) None of the above

32. Which types of cases cannot be dealt with by the Lok Adalat ?

a) Matrimonial matters
b) Compoundable offences
c) Non-compoundable offences
d) Motor Accident claims

33. UN Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention) shall apply when :

i. there exists a mediated written agreement between parties;

ii. at least two parties to the settlement agreement have their places of business in different States;

iii. settlement agreements concluded to resolve a dispute arising from transactions engaged in by one of the parties (a consumer) for personal, family or household purposes;

iv. the State in which the parties to the settlement agreement have their places of business is different from either the State in which a substantial part of the obligations under the settlement agreement is performed; or the State with which the subject matter of the settlement agreement is most closely connected;

Select the correct combination

a) i, ii, iv
b) i, iii, iv
c) ii, iii, iv
d) i, ii, iii

34. The principle of *pacta sunt servanda* in international law declares

a) The successor state replaces the predecessor state in the latter's international obligations

b) Obligatory norms of international law must faithfully be adhered to

c) Prompt and adequate compensation must be paid for states for harm caused by its acts or omission

d) Agreements must be carried out in good faith

35. Identify to which of the legal theories the following statements can be most appropriately alluded to.

"One of the main functions of law is obscure power relationships. Thus, the legal form will refer to the right to freely enter into contracts but in the absence of equality of bargaining power, this freedom is illusory."

a) Critical legal studies

b) Critical race theory

c) Marxian legal thought

d) Social contract theory

36. State responsibility under international law requires the following to be fulfilled :

i. There exists an international legal obligation in force as between two particular States

ii. There has occurred an act or omission which violates that obligation and which is imputable to the State responsible

iii. Loss or damage has resulted from the unlawful act or omission

Choose the correct option

a) All three

b) Only i and ii

c) Only ii and iii

d) None of them

37. The following is not true about the Board of directors of a company :

a) Board may contribute to bona fide charitable and other funds

b) Board may contribute any amount for the political contributions

c) Board may contribute any amount for the national defence fund

d) None of the above

38. Eugen Ehrlich identified the real source of law not as statute or reported cases but the activities of society. If so, which of the following statements would be correct.

i. There is a living law underlying the formal rules of legal system and the task of the judge is to integrate both

ii. In heterogenous and pluralistic societies there will invariably be more than one living law

a) Only i is correct
b) Both i and ii are correct
c) Only ii is correct
d) Neither is correct

39. The following statements are related to s. 56 of the Contract Act, 1872 :

a) contracting parties must not be in default
b) impossibility may be in law or in fact
c) s. 56 does not leave the matter to the discretion of the court
d) all the above

40. Period of fifteen days of police custody should be counted from

a) Day of arrest
b) First day of production before Magistrate
c) From any day requested by the police during 60/90 days of custody limit under section 167
d) None of the above

41. While referring to natural rights, one of the jurist referred to them as “simple nonsense,” with “natural and imprescriptible rights, rhetorical nonsense – nonsense upon stilts”. Who among the following is that jurist ?

a) Bentham
b) Austin
c) Hart
d) None of the above

42. Which one of the following is true ?

a) Any person guilty of fraud of an amount of at least 10 lakhs or one percent of the turnover of a company, whichever is lower, will be liable under s. 447 of Companies Act, 2013.

b) Serious fraud investigation office investigates frauds relating to partnerships.

c) Chief financial officer does not fall under the category of whole time key managerial personnel.

d) All the above are true.

43. 'Doctrine of Cyprus' is related with

a) Marriage b) Mehar c) Waqf d) Hiba

44. Revocation of a proposal may not be made by the following :

a) by communication of notice of revocation

b) by lapse of time

c) by death or insanity of the proposer

d) by failure of proposer to fulfil a condition precedent

45. The provisions of the IBC, 2016 are applicable to:

a) any company incorporated under the Companies Act, 2013 or under any previous company law and any other company governed by any special Act for the time being in force, except in so far as the said provisions are inconsistent with the provisions of such special Act

b) any Limited Liability Partnership incorporated under the Limited Liability Partnership Act, 2008

c) partnership firms and individuals

d) all the above

46. The remedies for the defamation include the following :

a) suit for damages
b) injunction restraining publication
c) consent
d) a) and b) are correct

47. The Consumer Protection Act, 2019 provides for the following :

a) product and product liability
b) deficiency in service
c) e-commerce
d) all the above

48. Following is true about relationship of partnership :

a) it arises from contract and not by status
b) members of HUF carrying on business are partners
c) it arises from status and not by contract
d) none of the above

49. Acknowledgement of a debt by a principal debtor binds the guarantor in all respects if he had given an express consent :

a) The above statement is true
b) The above statement is not true
c) A debt cannot be acknowledged by a principal debtor
d) None of the above

50. *"It cannot be concluded from the mere fact of the control exercised by a State over its territory and waters that state necessarily knew, or ought to have known, of any unlawful act perpetrated therein, nor yet that it necessarily knew, or should have known, the authors. The fact, by itself and apart from other circumstances, neither involves prima facie responsibility nor shift the burden of proof."* The above endorsement of fault theory of state responsibility was delivered by the ICJ in which of the following cases ?

a) LFH Neer and Pauline Neer v. United Mexican States (1926)
b) Nicaragua v. United States, (1984)
c) United Kingdom v. Albania, (1949)
d) Hungary v. Slovakia, (1997)

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SECTION – B

Attempt ANY ONE question. The question carries 50 marks.

1. Drones are Unmanned Aerial Vehicles (UAVs) that are controlled either by a pilot on the ground or with the help of technology. The drones, which were earlier used only for applications such as surveillance, emergency response, geo-spatial mapping etc., are fast emerging as serious participants in the commercial delivery market.

   In India, Ministry of Civil Aviation has notified The Drone Rules in August 2021. Later, in October 2021, ICMR-led pilot project used drones for delivering COVID vaccines to remote locations in the northeast. However, commercial use of drones for e-commerce deliveries has not really picked up in the past one year. It points to hesitancy of stakeholders in deployment of drones.

   You have been assigned the task of conducting an exploratory study to understand and address the issues and concerns of e-commerce vendors, regulatory authorities, and consumers. Suggest a suitable research design, data collection and analysis plan for your study.

2. Unified Payments Interface (UPI) is a system that powers multiple bank accounts into a single mobile application merging several banking features, seamless fund transfers and merchant payments under one umbrella. It also supports Peer-to-Peer collect requests which can be easily scheduled and paid as required. After a slow start in April 2016, UPI has gained wide acceptance over the years, and in India we clocked more than 7.3 billion UPI transactions with a value of over Rs. 12.11 lakh crores for the month of October 2022.

   You are required to present a comprehensive research plan to identify the factors that have contributed to the spectacular success of UPI in India. Your plan must include a detailed examination of the role of financial regulations and demographics of our country.

3. An apparel factory caught fire during the evening in which 12 people perished. An enquiry was set under the chairmanship of a retired judge to find reasons of the fire and identification of the people who would be directly or indirectly responsible for the mishap. Propose a research design to find the causes of the fire and the guilty people for punishment according to law.

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