

ENTRANCE EXAMINATION FOR ADMISSION, MAY 2011.

Ph.D. (LAW)

COURSE CODE : 144

Register Number :

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*Signature of the Invigilator  
(with date)*

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COURSE CODE : 144

Time : 2 Hours

Max : 400 Marks

*Instructions to Candidates :*

1. Write your Register Number within the box provided on the top of this page and fill in the page 1 of the answer sheet using pen.
2. Do not write your name anywhere in this booklet or answer sheet. Violation of this entails disqualification.
3. Read each question carefully and shade the relevant answer (A) or (B) or (C) or (D) in the relevant box of the ANSWER SHEET using HB pencil.
4. Avoid blind guessing. A wrong answer will fetch you -1 mark and the correct answer will fetch 4 marks.
5. Do not write anything in the question paper. Use the white sheets attached at the end for rough works.
6. Do not open the question paper until the start signal is given.
7. Do not attempt to answer after stop signal is given. Any such attempt will disqualify your candidature.
8. On stop signal, keep the question paper and the answer sheet on your table and wait for the invigilator to collect them.
9. Use of Calculators, Tables, etc. are prohibited.

1. In which one of the following cases is the President of India not bound by the aid and advice of the Union Council of Ministers?
  - (A) In deciding the question of removal of Ministers
  - (B) In deciding the question whether a member of Lok Sabha has become disqualified to continue as a member
  - (C) While exercising power to grant Pardon
  - (D) In dismissing a civil servant on the ground of security of State
  
2. After exhausting all available remedies before the Supreme Court a "Curative Petition" petition is maintainable this was held in
  - (A) Ashok Hurra case
  - (B) A.R. Antulay case
  - (C) Best Bakery case
  - (D) Foddar Scam case
  
3. Writ of certiorari cannot be issued to quash
  - (A) an order based on insufficient evidence
  - (B) an order suffering from failure to exercise jurisdiction
  - (C) a non speaking order passed by a quasi judicial body
  - (D) an order suffering from non compliance with the prescribed procedure
  
4. The Power of the Indian President to amend the constitution of India as a constitutional power was laid down under Art 368 by
  - (A) The Constitution (1st Amend Act) 1951
  - (B) The Constitution (24th Amend Act) 1971
  - (C) The Constitution (26th Amend Act) 1971
  - (D) The Constitution (42nd Amend Act) 1976
  
5. Which one of the following statement is not correct?
  - (A) The Supreme Court can over rule itself
  - (B) Judgements of a High Court do not bind the lower courts of the State
  - (C) 'Obiter dicta' of Supreme Court also binds the lower courts
  - (D) A High Court can over rule itself
  
6. Right to privacy as a fundamental right is implicit in
  - (A) Right to freedom
  - (B) Right to personal liberty
  - (C) Right to equality
  - (D) Right against exploitation

7. Double Jeopardy means
- (A) Trying two person jointly for the same offence
  - (B) Trying the same person for two offences at two different times
  - (C) Putting the same person on trial twice for the same offence
  - (D) Trying a person for two offences committed by him in one incident
8. Writ of Mandamus can be issued
- (A) against the legislature for making law
  - (B) for performance of a public duty
  - (C) for exercise of discretionary powers
  - (D) for deciding legality of an arrest
9. The Supreme Court held that air waves and frequencies were public property and their use must be regulated by a public authority — this ruling was held in
- (A) Air India V Nargesh Mirza
  - (B) People's Union of Civil Liberties V. Union of India
  - (C) Secretary Ministry of Information and Broadcasting V Union of India
  - (D) Union of India V Association of Democratic Reforms
10. Which of the following rights is not expressly covered by the Constitution of India as a Fundamental Right?
- (A) Right to freedom of press
  - (B) Right to form association
  - (C) Right to equality
  - (D) Right to assemble peaceably and without arms
11. Preamble of the constitution declares the resolve of the people of India to secure to all its citizens.
- (A) Freedom of residence anywhere in the country
  - (B) Right to establish and administer educational institutions of choice
  - (C) Right to citizenship
  - (D) Liberty of belief faith and worship
12. The General Assembly of UNO is
- (A) Supplemental organ of UN
  - (B) Main deliberate organ of UN
  - (C) Not an organ of the UN
  - (D) Independent body

13. Why is sustainable development a principle of paramount importance in international law — because
- (A) it promotes world peace
  - (B) it is a principle which did not exist before
  - (C) it is a principle which is recognised by the International Court of Justice as well as by a number of leading International Organization
  - (D) because non governmental organizations support this principle
14. What is necessary before a rule can be considered customary International Law?
- (A) Evidence of general state practice
  - (B) That it is enshrined in a treaty
  - (C) Evidence that states accept such practice as law
  - (D) Both (A) and (C)
15. What does jus ad helium mean?
- (A) Justice and Beauty
  - (B) Justice and Order
  - (C) The principle that states must observe treaties
  - (D) Laws of war governing when it is legal to use force or wage war
16. What are the distinctive characteristics of the modern institution of International Law?
- (A) A peculiar language of reasoning and argument
  - (B) Multilateral form of legislation
  - (C) A strong discourse to institutional autonomy
  - (D) All of the above options
17. What can be said about the New Haven School?
- (A) The school where realist approach to International Law was confirmed
  - (B) It is also known as the policy approach
  - (C) It is also known as the legal internationalism approach
  - (D) It borrows from positivism
18. Section 34 relating to common intention is
- (A) an offence
  - (B) rule of law
  - (C) rule of evidence
  - (D) a crime

19. What is mens rea?
- (A) A procedure of establishing guilty
  - (B) A Latin phrase used to describe the defendant who has been found guilty of an offence
  - (C) An offence which is committed by an adult
  - (D) A state of mind that gives rise to criminal liability
20. Which of the following is not a general defence?
- (A) Insanity
  - (B) Necessity
  - (C) Intimidation
  - (D) Intoxication
21. What does the maxim actus non facit reum nisi mens sit rea mean?
- (A) An act is only criminal if it is prohibited by statute
  - (B) An act alone will not give rise to criminal liability unless it is done with a guilty mind
  - (C) The defendant's mental state is more important to establishing criminal liability than his conduct
  - (D) A prohibited act always gives rise to liability irrespective of the defendant's state of mind
22. In which of the following cases the principles relating to the defence of intoxication were laid down?
- (A) Mc Naughten case
  - (B) R V Dudley and Stephen
  - (C) D P P V Beard
  - (D) R.V. Prince
23. Point out incorrect response. The following are modes of abetment
- (A) Instigation
  - (B) Engaging in conspiracy
  - (C) Aiding
  - (D) None of the above
24. Which section of the Indian Evidence Act is not on shifting of burden of proof?
- (A) Sec. 101
  - (B) Sec. 102
  - (C) Sec. 105
  - (D) Sec. 108
25. Offence of breaking a divine idol is
- (A) Salus populi
  - (B) Perjury
  - (C) Sacrilege
  - (D) Blasphemy
26. What is culpable homicide in English Law known as?
- (A) Human killing
  - (B) Manslaughter
  - (C) Slaughter
  - (D) Murder



34. Who among the following propounded the theory of possession which lays stress not on animus but on de facto control?  
 (A) Salmond (B) Pollock (C) Holmes (D) Thenning
35. What do rights in re-aliena mean?  
 (A) Rights in the things of others (B) Rights in one's own things  
 (C) Rights relating to property (D) Rights to receive damages
36. Who among the following divided the sources of law as formal sources and material sources?  
 (A) Allen (B) Keeton (C) Salmond (D) Gray
37. Intentional and direct application of force to another – What form of trespass to the person is this  
 (A) Harassment (B) False imprisonment  
 (C) Assault (D) Battery
38. Can words alone amount to an assault?  
 (A) Yes. A thing said is a thing done  
 (B) No. Assault requires action so words will not suffice  
 (C) No. Words cannot cause physical harm  
 (D) Yes, Words can cause psychological harm and a little action is suffice for assault
39. On a rainy day a line wire snapped from an electrical pole. Velu stamped the wire and got electrocuted and he died. His wife brought an action for damages against the Electricity Board. The Board is  
 (A) not liable as wire snapped due to Act of God  
 (B) not liable as it has statutory duty to supply electricity  
 (C) liable and basis of liability is the foreseeable risk inherent in the very nature of such activity  
 (D) not liable as there is no negligence on its part
40. What does tort of negligence mean?  
 (A) Doing an act by failing to take a reasonable care which a prudent man would take in similar circumstances  
 (B) Doing an act with less attention  
 (C) Doing an act with all care but some how missing the vital point  
 (D) Doing an act with less alertness

41. Due to negligence of railway authorities there was a major train accident. On hearing and seeing the news on TV the wife of one of the passengers travelling in the train sustained severe shock resulting in heart attack. She claimed damages from the railways for the shock she sustained. Railway authorities are not liable as
- (A) She was not the passenger in the train
  - (B) She was not directly involved in the accident
  - (C) She was already a sick woman
  - (D) There exists no direct relation in term of time and space between the accident and the shock she sustained
42. What does *volenti non fit injuria* mean?
- (A) Do unto others as you would have them do to you
  - (B) Let the buyer beware
  - (C) The facts speak for themselves
  - (D) The injured party consented to the risk
43. What is an offence of strict liability?
- (A) An offence which does not require *mens rea* in relation to all aspects of the *actus reus*
  - (B) An offence which requires only *mens rea* but not *actus reus*
  - (C) An offence than can be tried by a jury
  - (D) An offence created by statute
44. Which of the following does not fall into the category of general damages?
- (A) Pain and suffering
  - (B) Loss of future earnings
  - (C) Cost of ongoing medical case
  - (D) Medical expenses prior to trial
45. Which of the following is not an equitable maxim that might be used when determining whether to grant an injunction?
- (A) He who seeks equity must do equity
  - (B) Equity leans in favour of the innocent
  - (C) Equity does nothing in vain
  - (D) Delay defeats equity



46. In relation to acceptance through instantaneous forms of communication how to decide that the contract have been formed?
- (A) Place where the offeree is based when deciding to accept the offer
  - (B) The place where the acceptance is sent
  - (C) The place where the acceptance is received
  - (D) The place where the parties choose the select
47. Marc contacts with Henry and asks him if he would be interested in purchasing his car for Rs. 6 lakhs. Henry immediately takes Rs. 2 lakhs to Marc and says he wants to buy the car. Marc subsequently does not wish to proceed. What is the consequence of the above scenario?
- (A) A contract was made when Henry accepted Marc's offer
  - (B) Marc has the right to refuse before he takes possession of the cash
  - (C) As the value of the car is only Rs. 6 lakhs the court will not hear the case and no enforcement can be ordered
  - (D) There is no contract as Marc only requested and passed on the information. He did not make an offer to sell.
48. 'T' enters into a contract with 'C' to kill a Mafia boss J. When 'C' decides not to complete his obligation under the contract, T wishes to enforce the contract through the courts. Will the court hold?
- (A) C is breach of contract
  - (B) That C must complete the contract and award the remedy of specific performance
  - (C) The contract is illegal in nature and void
  - (D) The contract is voidable
49. An advertisement is placed in a shop window offering a reward for anyone who will find and return a lost dog. This is an example of
- (A) A bilateral contract
  - (B) A void contract
  - (C) A unilateral contract
  - (D) Not evidence of any type of agreement
50. When a contract has been agreed on the basis of a fraudulent misrepresentation which of the following remedies are available?
- (A) Damages
  - (B) an injunction
  - (C) Rescission
  - (D) Both damages and rescission

51. Which one of the following is not a form of non pecuniary loss?
- (A) Loss of profits (B) Physical injury or inconvenience  
(C) Mental distress (D) Disappointment
52. What are liquidated damages?
- (A) A pre estimate of the amount of damages to be awarded in the event of a breach of contract occurring  
(B) Damages that are quantified by the court following a breach  
(C) A pre estimated amount that a party will need should be breach the contract the amount is set excessively high  
(D) Damages that are negotiated and agreed upon by the parties following a breach
53. Mary has written a story about her childhood and posted it on the internet. What type of law protects Mary's work?
- (A) Copyright (B) Trademark (C) Patent (D) Criminal
54. Mark's new business sells his famous 'Terrific Trifles'. What type of law protect Mark's product name work?
- (A) Copyright (B) Trademark (C) Patent (D) Criminal
55. Which of the following is not true about privacy?
- (A) There is a history of this right in law  
(B) It must be balanced against the needs of society  
(C) It is an absolute right  
(D) Its definition can be broadly interpreted
56. A hacker uses special software to access a server on your network. What type of attack is this?
- (A) Non Technical (B) Technical  
(C) Social Engineering (D) Sneaky
57. Determining who has the right to access a portion of web site is a question of
- (A) Authorization (B) Auditing  
(C) Authentication (D) Non repudiation

58. If the factory employs more than 1000 workers they should appoint qualified \_\_\_\_\_ to carry the prescribed duties.
- (A) Safety Officer (B) Welfare Officer  
(C) Security Officer (D) Supervisor
59. An employer is liable to pay compensation to his workman under the Workmen's Compensation Act 1923 for
- (A) injury caused  
(B) injury caused by accident  
(C) injury caused in course of employment  
(D) injury caused out of employment
60. The Trade Union can contribute to a political party
- (A) From its common fund  
(B) From its common fund with consent  
(C) By raising a fund for this purpose from voluntary subscriptions by its members  
(D) None of the above
61. An industrial dispute may be brought before the Labour Court
- (A) by an aggrieved party  
(B) by both the parties  
(C) by both parties with prior permission from government  
(D) by reference of the appropriate government
62. Lock out is
- (A) antithesis of strike (B) total strike  
(C) equal to strike (D) something like strike
63. Closure means
- (A) Permanent closing down of place of employment  
(B) Temporary closing down of place of employment  
(C) Proposal to close down of place of employment  
(D) Partial closing down of place of employment

64. Trade Union Act 1926 applies to  
 (A) Unregistered Trade Union (B) Registered Trade Union  
 (C) Both (D) Only to certain Trade Union
65. Which is the secondary source of Muslim Law under the following?  
 (A) Custom (B) Ijmaa  
 (C) Qujas (D) None of the above
66. Which of the following Muslim laws applies in India?  
 (A) Muslim Penal Law  
 (B) Muslim Law of Evidence  
 (C) Muslim Law of Sales  
 (D) Muslim Women (Protection of Rights on Divorce Act 1986)
67. The term Musha under Muslim law means  
 (A) Divided Property (B) Joint Property  
 (C) Separate Property (D) Undivided share in property
68. Dhayabghaha is authorized by  
 (A) Vigneshwara (B) Yegnanalka  
 (C) Jimutha Vahana (D) None of the above
69. A Hindu male of 29 years of age adopts a female child of 13 years. The adoption is  
 (A) Valid (B) Voidable (C) Illegal (D) Void
70. Order of succession under Hindu Succession Act of a male Hindu dying interstate is as follows  
 (A) Agnates, Cognates, Class I, Class II (B) Cognates, Agnates, Class I, Class II  
 (C) Class I, Class II, Agnates, Cognates (D) Class I, Class II, Cognates, Agnates
71. Consent theory of divorce was introduced in the Hindu Marriage Act 1955 in the year  
 (A) 1956 (B) 1976 (C) 1979 (D) 1964
72. If parties to Hindu Marriage are sapinda to each other the marriage is  
 (A) void (B) voidable (C) illegal (D) valid

73. Which one of the following statements is true in respect of A V Dicey's formulation of the Rule of Law?
- (A) The Rule of Law is synonymous with social justice
  - (B) The Rule of Law is based on supremacy of law over arbitrary and wide discretionary power
  - (C) The Rule of Law is purely a political concept
  - (D) The separation of powers is part of the rule of law
74. Which one of the following statement is not a key feature of the separation of powers?
- (A) The same person should not form part of more than one of the three organs of government
  - (B) One organ of the government should not control or interfere with the work of another
  - (C) Every one is equally subject to the law
  - (D) One organ of government should not exercise the functions of another
75. Which one of the following statements is false?
- (A) The Privy Council coordinates policy and appointments through the cabinet
  - (B) The Privy Council makes orders in council which is a type of secondary legislation
  - (C) The Monarch participates in cabinet debates
  - (D) The Privy Council hears judicial appeals from overseas jurisdiction
76. Which one of the following is the constitutional basis of judicial review?
- (A) Common law
  - (B) Statute
  - (C) The rule of law and separation of powers
  - (D) Equity
77. Which one of the following statements is false?
- (A) The courts have jurisdiction to determine whether a measure is an Act of Parliament by reference to the words of enactment
  - (B) The courts have no jurisdiction on a bill which has become an Act to enquire into the way in which a bill is introduced into parliament
  - (C) The court has no jurisdiction to inquire into whether an Act of Parliament has been obtained fraudulently
  - (D) Any statute which is repugnant to constitutional law is void

78. The non delegation doctrine stands for the proposition that parliament cannot delegate
- (A) Rule making power (B) Adjudicatory  
(C) Legislative (D) All the above
79. For a valid custom there are certain prerequisites. Which out of the following conditions of valid custom is not correct?
- (A) custom must be continuous  
(B) custom must be reasonable  
(C) custom might be contrary to statutory law  
(D) custom must not be immoral
80. Ownership without possession can be termed as
- (A) No ownership (B) Quasi ownership  
(C) Incomplete ownership (D) No-corporal ownership
81. The US SC decision in Roe V Wade relates to
- (A) Rights of fathers  
(B) Common law relating to abortion  
(C) Abortion law of Texas was unconstitutional because it violated a woman's right to privacy  
(D) Court failed to consider the medical evidence
82. Which statement below represents Durkheim's view of the function of punishment?
- (A) Deterrence (B) Rehabilitation (C) Vengeance (D) Desertion
83. Which one of the following statements is related to Salmond?
- (A) Jurisprudence is lawyer's perspective  
(B) Jurisprudence is formal science of positive law  
(C) Jurisprudence is science of the first principle of civil law  
(D) Jurisprudence is the scientific synthesis of all principles of law

84. Ratio decidendi of a case is which one of the following :
- (A) The order of the court in the case  
 (B) The final decree passed by the court  
 (C) The part of the judgement which has persuasive right  
 (D) The underlying principles or legal reasons on which the result of the case depends
85. What is a caveat?
- (A) Warning (B) An injunction (C) Writ (D) Certorari
86. Is a written statement to be supported by affidavit?
- (A) Not necessary (B) Yes  
 (C) Depends on the case (D) None of the above
87. What is the maximum time granted to court by the code to draw up a decree after pronouncing judgement?
- (A) 15 days (B) 10 days (C) 7 days (D) 30 days
88. A judgement debtor's debtor is called
- (A) sub debtor (B) debtor of the second degree  
 (C) substituted debtor (D) garnishee
89. Can a claim with regard to attached property in execution be made after the property is sold?
- (A) No (B) Yes  
 (C) Depends on the property (D) None of the above
90. What will be a person who institutes a suit for minor called?
- (A) next friend (B) by stander  
 (C) representative (D) guardian
91. Guardian at litem means person defending a suit on behalf of
- (A) Adult (B) Insane (C) Minor (D) Woman
92. Section 6 of the CPC deals with
- (A) Territorial jurisdiction (B) Mandatory jurisdiction  
 (C) Suit jurisdiction (D) Pecuniary jurisdiction

93. Which scientific method follows these steps? (i) observation/data (ii) pattern (iii) theory?  
(A) Inductive (B) Deductive (C) Indusive (D) Imductive
94. Which of the following statement is true of a theory?  
(A) it most simply means explanation  
(B) it answers how and why questions  
(C) it can be a well developed explanatory system  
(D) all the above are correct
95. Which of the following is not one of the seven major parts to the research report?  
(A) Results (B) Abstract (C) Method (D) Footnotes
96. Open ended questions provide primarily \_\_\_\_\_ data.  
(A) Confirmatory data (B) Qualitative data  
(C) Predictive data (D) Preliminary data
97. Research that is done to understand an event from the part is known as  
(A) Experimental Research (B) Replication Research  
(C) Historical Research (D) Archival Research
98. \_\_\_\_\_ research occurs when the researcher manipulates the independent variable.  
(A) Casual Comparative Research (B) Ethnography Research  
(C) Experimental Research (D) Correlational Research
99. Which of these is not a method of data collection?  
(A) Questionnaires (B) Interviews (C) Experiments (D) Observation
100. \_\_\_\_\_ is a set of elements taken from a large population according to certain rules.  
(A) Sample (B) Population (C) Statistics (D) Element