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LLM. – COMMON LAW ADMISSION TEST, 2019

PART-A

- The maxim *actio personalis moritur cum persona* means:
 - (A) Personal action dies with the parties to the cause of action
 - (B) An action is not given to him who has received no damages
 - (C) No one is responsible for inevitable accidents
 - (D) An act done by me against my will, is not my act
- Match the incorrect entries.

(A)	Injuria sine damnum	Ashby v. White
(B)	Damnum sine injuria	Gloucester's Case
(C)	Remoteness of Damage	Rylands v. Fletcher
(D)	Negligence	Donoghue v. Stevenson
- In Rylands v. Fletcher, Justice Blackburn used the term(s):
 - (A) Strict liability
 - (B) Absolute liability
 - (C) Strict and absolute liability
 - (D) None of the above
- Contributory negligence is a:
 - (A) Tort
 - (B) Crime
 - (C) Defence
 - (D) Right
- Volenti non fit injuria* is a:
 - (A) General defence
 - (B) Particular defence
 - (C) Not a defence
 - (D) Defence in Tort law
- Test of directness for determining remoteness of damage was laid down in:
 - (A) Wagon Mound 1
 - (B) Wagon Mound 2
 - (C) Re Polemis
 - (D) Rylands v. Fletcher
- Following is not an essential of tort of negligence
 - (A) Duty of care on the part of plaintiff
 - (B) Duty of care on the part of defendant
 - (C) Breach of duty
 - (D) Damage to plaintiff
- Defamation is:
 - (A) Both a tort and crime
 - (B) Tort only
 - (C) Crime only
 - (D) Neither a tort nor a crime

9. Defaming someone by words or by gestures is called in Torts as:
(A) Libel (B) Slander
(C) Nuisance (D) None
10. What defense could be used when an injury is caused to a person due to unforeseen or unexpected events in spite of reasonable care taken by him?
(A) Inevitable accident (B) Act of third party
(C) Act of God (D) None
11. Under Section 57 of Indian Penal Code, in calculating fractions of terms of punishment, 'imprisonment for life' shall be reckoned as equivalent to imprisonment for:
(A) twenty years (B) twelve years
(C) thirty years (D) imprisonment till death
12. 'A' a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. Choose the correct statement:
(A) A has committed the offence of murder
(B) A has committed the offence of culpable homicide
(C) A has committed no offence
(D) A has committed the offence of riot.
13. The principle that "Nothing is an offence which is done by a child under seven years of age" is provided under:
(A) Section 81 of I.P.C. (B) Section 82 of I.P.C.
(C) Section 83 of I.P.C. (D) Section 84 of I.P.C.
14. Every person has a right to defend _____ against any offence:
(A) his own body only
(B) his own body and the body of his relatives only
(C) his own body and the body of any other person
(D) he has no right to defend against any offence affecting the human body
15. X, under the influence of madness, attempts to kill Y.
(A) X has committed the offence of murder
(B) Y has no right of private defense as X is insane
(C) Y has right of private defense which he would have if X were sane
(D) All statements are correct.
16. The right of private defense of property against theft continues till:
(A) the offender has effected his retreat with the property
(B) the assistance of the public authorities is obtained
(C) the property has been recovered
(D) All of the above

17. A person abets the doing of a thing by:
(A) Instigating any person (B) Engages in any conspiracy
(C) Intentionally aiding (D) All of the above
18. When two or more persons agree to do an illegal act, such an act is known as:
(A) Abetment (B) Public Tranquility
(C) Criminal conspiracy (D) All of the above
19. To commit an affray, the minimum number of persons required is:
(A) Two (B) Three
(C) Five (D) Seven
20. Outraging the modesty of a woman is punishable under:
(A) Section 354, IPC (B) Section 363, IPC
(C) Section 509, IPC (D) Section 511, IPC
21. '*Opinio juris*' means:
(A) Opinion of the jurists (B) Opinion of law
(C) State practice (D) Law of opinion
22. '*Jus cogens*' means:
(A) Norms (B) Negotiable norms
(C) Non-derogable norms (D) Legal norms
23. '*Jus gentium*' is a body of:
(A) International Statutes (B) Decisions of ICJ
(C) International Conventions (D) International Customs
24. World Intellectual Property Organization is a specialized agency of:
(A) UN (B) ICJ
(C) WTO (D) ILO
25. The Rome Statute of the International Criminal Court was adopted in the year:
(A) 1998 (B) 1999
(C) 2000 (D) 2001
26. Which one of the following is not formally considered as an amendment to the Constitution under Article 368?
(A) Creation of new states (B) Change in the Preamble
(C) Change in the Part IV A (D) Change in Part XII

27. Who presides over the joint sitting of the two Houses of Parliament?
(A) Speaker (B) President
(C) Vice President (D) Nominee of the Chief Justice of India.
28. Which of the following category of judges is not mentioned in the Constitution?
(A) Acting Judge. (B) Additional Judge
(C) *Adhoc* Judge (D) *Puisne* Judge
29. The right to vote in elections in India is a:
(A) Fundamental right (B) Constitutional right
(C) Statutory right (D) Customary right
30. The fundamental right to form co-operative societies is provided under:
(A) Article 19 (1) (C) (B) Article 21
(C) Article 14 (D) Article 51 A (j)
31. The Ordinance making power of the President under the Indian Constitution is:
(A) An Executive power (B) A legislative power
(C) Quasi-legislative power (D) Quasi executive power
32. The concurrent power to impose tax has been provided under:
(A) Article 246 (B) List III of Schedule VII
(C) Article 307 (D) Article 246 A
33. The Goods and Services Tax Council is set up under :
(A) Article 263 (B) Article 269-A
(C) Article 279-A (D) Article 281
34. Who was the Constitutional Advisor to the Constituent Assembly?
(A) B N Rau (B) B R Ambedkar
(C) Rajendra Prasad (D) K M Munshi
35. Which one of the following is the correct statement in relation to the Collegium?
(A) Appointment and transfer of judges in the higher judiciary
(B) Appointment and transfer of judges in the judiciary
(C) Appointment, transfer and removal of judges in the judiciary
(D) Appointment, transfer, recusal and removal of judges in the judiciary
36. The Vice – President of India can be removed from office by:
(A) Impeachment.
(B) Resolution passed by both Houses of Parliament.
(C) Resolution passed by the Council of States and agreed to by the House of the People.
(D) Resolution by both Houses and Order signed by the President of India.

37. The President decides on disqualification of Members of Parliament under Article 103 only on the advice of:
- (A) Council of Ministers
 - (B) Constitution Bench of the Supreme Court of India
 - (C) Election Commission
 - (D) Chief Justice of India.
38. The recent amendment to the Constitution of India paving way for 10% reservation for Economically Weaker sections was done by amending:
- (A) Article 14
 - (B) Articles 15 and 16
 - (C) Article 15
 - (D) Article 338
39. How many amendments have been made to the Indian Constitution so far?
- (A) 102
 - (B) 121
 - (C) 103
 - (D) 126
40. The National Commission for Backward Classes was created by:
- (A) The Constitution (One Hundred and First Amendment) Act, 2016
 - (B) The Constitution (One Hundred and Second Amendment) Act, 2018
 - (C) The Constitution (One Hundred and Third Amendment) Act, 2019
 - (D) The Constitution (One Hundredth Amendment) Act, 2015
41. Which among the following States has no Legislative Council?
- (A) Andhra Pradesh
 - (B) Telangana
 - (C) Bihar
 - (D) Madhya Pradesh
42. Passive euthanasia under certain circumstance is permissible was upheld in the case of:
- (A) Aruna Ramachandra Shanbaug v. Union of India
 - (B) Gian Kaur v. State of Punjab
 - (C) State of Maharashtra v. Maruty Sripaty Dubal
 - (D) P. Rathinam v. Union of India
43. Compensatory jurisprudence was invoked by the Supreme Court in:
- (A) Keshavanada Bharathi v. State of Kerala
 - (B) Rudal Shah v. State of Bihar
 - (C) Indira Nehru Gandhi v. Rajnarain
 - (D) Kihota Hollohan v. Zachilhu

44. Bhasheshwar Nath v. Commissioner of Income Tax, is often quoted with reference to the:
- (A) Doctrine of Eclipse
 - (B) Doctrine of severability
 - (C) Doctrine of Waiver of Fundamental Rights
 - (D) Doctrine of territorial nexus
45. Gunupati v. Nafizul Hasan deals with:
- (A) Presidents' election
 - (B) Privileges of the legislature
 - (C) Pardoning power
 - (D) Office of profit
46. Reservation in promotions with consequential seniority in favour of Scheduled Castes and Scheduled Tribes is facilitated by:
- (A) Art. 16 (4A)
 - (B) Art. 16(3)
 - (C) Art. 16 (4B)
 - (D) Art. 15 (3)
47. Art. 141 of the Indian Constitution provides:
- (A) Law declared by it is not binding on High Courts
 - (B) Law declared by the Supreme Court shall be binding on all courts within the territory of India
 - (C) Advisory opinion may be given
 - (D) Appeals from the High Court
48. Doctrine of legitimate expectation and wednesbury principles were read by Supreme Court into:
- (A) Art. 12
 - (B) Art.14
 - (C) Art. 23
 - (D) Art.22
49. A seven member bench of the Supreme Court unanimously struck down clauses 2(d) of Art.323 A and Clause 3(d) of Art 323B of the Constitution relating to tribunals which excluded the jurisdiction of High Court and Supreme Court. The court held that power of judicial review over legislative action is vested in the High Court under Art.226 and in the Supreme Court under Art.32. This is an integral part of the basic structure of the constitution. Name the case:
- (A) L. Chandra Kumar v. Union of India
 - (B) KihotaHollohon v. Zachilhu
 - (C) Nagaraj v. State of A.P.
 - (D) Rajendra Singh Rana v. Swami Prasad Maurya
50. The phrase 'complete justice' is used in:
- (A) Article 141
 - (B) Article 142
 - (C) Article 144
 - (D) Article 145

51. The Universal Declaration of Human Rights was adopted on:
(A) December 08, 1948 (B) December 09, 1948
(C) December 10, 1948 (D) December 11, 1949
52. The United Nations Commission on Human Rights meets every year at:
(A) The Hague (B) Geneva
(C) France (D) Spain
53. CEDAW was adopted by the U. N. General Assembly in the year:
(A) 1979 (B) 1989
(C) 1999 (D) 2009
54. Human Rights Treaty Bodies:
(A) Draft human rights treaties (B) Negotiate human rights treaties
(C) Monitor human rights treaties (D) Amend human rights treaties
55. The following Committee cannot hear individual complaints of human rights violations:
(A) Committee that monitors ICCPR
(B) Committee that monitors human rights bodies
(C) Committee on the Elimination of Racial Discrimination
(D) Committee on Torture
56. Section _____ of the Copyright Act grants an author “special rights,” which exist independently of the author’s copyright, and subsists even after the assignment (whole or partial) of the said copyright.
(A) 77 (B) 66
(C) 57 (D) 87
57. The _____ Amendment to the Patents Act stated that “computer programs per se” is not an “invention” - raising a debate whether a computer program (“CP”) with any additional features such as technical features, would be patentable.
(A) 2000 (B) 1999
(C) 2001 (D) 2002
58. If any dispute arises regarding publication of work, _____ will be the final authority to decide the same
(A) Copyright Board (B) Patent Board
(C) Appropriate government (D) None of the above

59. What are the types of inventions which are not patentable in India?
- (A) invention which is frivolous or which claims anything obviously contrary to well established natural laws;
 - (B) an invention the primary or intended use or commercial exploitation of which could be contrary to public order or morality or which causes serious prejudice to human, animal or plant life or health or to the environment;
 - (C) the mere discovery of scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature
 - (D) All the above
60. What is the term of a patent in the Indian system?
- (A) 20 years
 - (B) 40 years
 - (C) 30 years
 - (D) 12 years
61. What are the classes of works for which copyrights protection is available in India?
- (A) Original literary, dramatic, musical and artistic works
 - (B) Cinematograph films
 - (C) Sound recordings
 - (D) All the above
62. In the case of a work made or first published by or under the direction or control of any public undertaking, _____ shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein.
- (A) Government
 - (B) Such public undertaking
 - (C) Both (A) and (B)
 - (D) None of the above
63. If the period of assignment copyright is not stated, it shall be deemed to be ----years from the date of assignment.
- (A) 4
 - (B) 5
 - (C) 6
 - (D) 7
64. Which of the following statement is right?
- (A) An invention must not possess utility for the grant of patent. No valid patent can be granted for an invention devoid of utility.
 - (B) An invention must possess utility for the grant of patent. No valid patent can be granted for an invention devoid of utility.
 - (C) An invention must possess utility for the grant of patent. Valid patent can be granted for an invention devoid of utility.
 - (D) An invention must not necessarily possess utility for the grant of patent. Valid patent can be granted for an invention devoid of utility.

65. How many GI Tags have been issued in India so far?
(A) About 287 (B) About 321
(C) About 344 (D) About 406
66. 'The Courts are the capitals of law's empire, and judges are its princes' wrote:
(A) H.L.A. Hart (B) Ronald Dworkin
(C) Robert Nozick (D) John Rawls
67. For H.L.A. Hart, the 'open texture of law' means that the regulation of areas of conduct must be left to be developed by:
(A) law teachers (B) courts
(C) legislature (D) people at large
68. According to Immanuel Kant rational formal knowledge is:
(A) material knowledge
(B) concerned with some object
(C) concerned with the form of understanding and reasons themselves
(D) a misnomer
69. Austinian notion of 'positive morality' is:
(A) a priori (B) socially constructed
(C) religiously constructed (D) law strictly so called
70. For Roscoe Pound 'jural postulates' are to be discovered:
(A) in the law itself (B) outside the law
(C) in the juristic thought (D) in all of the above
71. According to John Austin, the relationship between the sovereign and political independent society is:
(A) Symmetrical (B) Asymmetrical
(C) Elliptical (D) Relative
72. John Rawls's concept of justice is a:
(A) Legal Concept (B) Political Concept
(C) Sociological Concept (D) Philosophical Concept
73. According to Realists:
(A) Custom is real law (B) Precedent is real law
(C) Statute is real law (D) Rule is real law

74. 'What are States without justice, but robber bands enlarged?' asked:
(A) St. Aquinas (B) St. Augustine
(C) St. Joseph (D) St. Patrick
75. The following thinker is normally associated with the secularization of natural law:
(A) Hugo Grotius (B) Antonio Gramsci
(C) Martin Heidegger (D) Auguste Comte
76. The minimum number of judges of the Supreme Court who are to sit to decide any case involving a substantial question of law as to the interpretation of the Constitution shall be:
(A) Three (B) Five
(C) Seven (D) Nine
77. Which of the following duties was inserted by way of an amendment in 2002?
(A) To uphold and protect the sovereignty, unity and integrity of India.
(B) To value and preserve the rich heritage of our composite culture
(C) To safeguard public property and abjure violence
(D) Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.
78. The Parliament of India consists of:
(A) Two Houses of Parliament
(B) President and Two Houses of Parliament
(C) President, Prime Minister and two Houses of Parliament
(D) President, Vice President and two Houses of Parliament.
79. The Goods and Services Tax Council shall make recommendations to the Union and the States on a number of issues. Special provisions to how many States the Council can make recommendations?
(A) Six (B) Eight
(C) Eleven (D) Thirteen
80. How many High Courts are there in India?
(A) 21 (B) 22
(C) 23 (D) 24
81. What is the total strength of the Supreme Court including the Chief Justice of India?
(A) 27 (B) 29
(C) 31 (D) 32

82. In which case the doctrine of severability was extended by the Supreme Court to constitutional amendments?
- (A) A.K. Gopalan v. State of Madras
(B) Golaknath v. State of Punjab
(C) Keshavananda Bharati v. State of Kerala
(D) Kihota Hollahan v. Zachilhu
83. Among the following judges, against whom the motion for removal were initiated in either House of Parliament?
- (A) Justice Ramaswamy and Justice Dinakaran
(B) Justice Ramaswamy and Justice Soumitro Sen
(C) Justice Dinakaran and Justice Soumitro Sen
(D) Justice Ramaswamy and Justice Karnan
84. Recently, the Supreme Court in Ram-Janmabhumi case:
- (A) Has ordered mediation by a panel
(B) Has declined to decide on the case
(C) Has upheld the Allahabad High Court's decision
(D) None of the above
85. The Constitution Day is celebrated on:
- (A) 26th January
(B) 15th August
(C) 26th November
(D) 10th December
86. If the Anglo-Indian Community is adequately represented, the President may nominate not more than _____ members to the Lok Sabha:
- (A) Three
(B) Two
(C) One
(D) Four
87. In which case the Supreme Court applied the doctrine of Prospective Over-ruling for the first time to resolve a constitutional question?
- (A) A. K. Gopalan v. State of Madras
(B) Sajjan Singh v. State of Rajasthan
(C) Shakari Prasad v. Union of India
(D) Golaknath v. State of Punjab
88. How many judges of the Supreme Court were superseded in the appointment of Justice A.N. Ray as the Chief Justice of India?
- (A) One
(B) Three
(C) Two
(D) None

89. The Directive Principles of State Policy were framed based on the provisions of:
- (A) Swiss Constitution (B) Australian Constitution
(C) Irish Constitution (D) None
90. The Chief Justice of India who passed away while in office was:
- (A) Justice A.N. Ray (B) Justice Sabayasachi Mukharji
(C) Justice J.S. Verma (D) Justice E.S. Venkataramiah
91. Every promise and every set of promises, forming the consideration for each other is known as
- (A) Consideration
(B) Agreement
(C) Contract
(D) Reciprocal Promises
92. The correct sequence in the formation of a contract is
- (A) Offer, acceptance, agreement, consideration
(B) Agreement, consideration, offer, acceptance
(C) Offer, consideration, acceptance, agreement,
(D) Offer, acceptance, consideration, agreement
93. Match List-I with List-II and select the correct answer using the codes given below the lists:
- | List-I | List-II |
|---------------------------|----------------------------|
| (a) Mohiri Bibi Case | 1. Remoteness of damage |
| (b) Satyabrata Ghose Case | 2. Frustration of Contract |
| (c) Hadley v. Baxendale | 3. Invitation to treat |
| (d) Carlill v. Carbolic | 4. Minor's contract |

Codes :

- | | (a) | (b) | (c) | (d) |
|-----|-----|-----|-----|-----|
| (A) | 4 | 2 | 1 | 3 |
| (B) | 2 | 3 | 1 | 4 |
| (C) | 4 | 1 | 2 | 3 |
| (D) | 1 | 2 | 3 | 4 |

94. Acceptance sent through post:
(A) can be revoked at any time
(B) cannot be revoked at all
(C) can be revoked before it comes to the knowledge of the offeror
(D) can be revoked only if it does not reach the offeror
95. 'A' applied for allotment of 100 shares in 'B' company. A letter of allotment addressed to 'A' was posted in due time, but it never reached 'A'. The posting of letter of allotment:
(A) completes the contract
(B) does not complete the contract
(C) makes the contract voidable
(D) makes the contract void
96. A takes a life insurance policy making a false statement about his health and does not disclose the fact that he has been treated for a serious illness. In this case which one of the following statements is correct:
(A) The Contract is void
(B) The Contract is valid
(C) Contract is voidable on the ground of fraud
(D) Contract is voidable on the ground of misrepresentation
97. In which case it has been laid down that a promise to pay subscription is binding on the promisor if promisee has undertaken some liability on the faith of the promisee:
(A) Lalman Shukla v. Gauri Dutt
(B) Kedar Nath v. Gorie Mohd
(C) Bhagwandas v. Girdhari Lal
(D) Banwari Lal v. Sukhdarshan Dayal
98. Is past consideration for a promise valid to create a contract?
(A) It is valid only in Indian Law and not in English Law
(B) It is valid only in English Law and not in Indian Law
(C) It is valid both in Indian Law and English Law
(D) It is neither valid in English Law nor in Indian Law
99. An agreement not enforceable by law is:
(A) Void
(B) Contract
(C) Voidable Contract
(D) Valid Contract
100. Where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other is known as
(A) Coercion
(B) Misrepresentation
(C) Fraud
(D) Undue Influence
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LLM. – COMMON LAW ADMISSION TEST, 2019

PART-B

Maximum marks: 50

Instructions :

- 1. Answer any TWO of the following questions**
- 2. All questions carry equal marks**
- 3. Answer to each question shall not exceed 800 words**

1. Briefly explain and critically evaluate the VVPAT and EVM in the light of contemporary developments.
2. The Supreme Court observed that the Ordinance making power has been used to such an extent that its use has become 'fraud on the Constitution'. Critically examine this statement in the light of constitutional provisions, practices / conventions and judicial decisions.
3. Briefly explain and critically evaluate the concept of "victims' compensation" in India in the light of statutory provisions and judicial decisions.
4. What is meant by generic drugs? Explain its importance in the light of judicial decisions in India.
5. Terrorism has become an international issue for long without finding any solution. Briefly explain and critically evaluate the same in the light of contemporary developments.

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