

LL.M. ENTRANCE TEST, 2008

1. At a joint sitting of Parliament, who presides?
 - (a) President of India
 - (b) Chairman of Rajya Sabha
 - (c) Speaker of Lok Sabha
 - (d) Vice-President of India

2. Which provision of the Constitution of India confers exclusive power on the Parliament to make law for prescribing punishments for acts declared to be offences under Part III?
 - (a) Article 13
 - (b) Article 14
 - (c) Article 33
 - (d) Article 35

3. If at the time of election of President, the legislative assemblies of two states were dissolved, the election of President is -
 - (a) valid
 - (b) invalid
 - (c) void *ab initio*
 - (d) void, if challenged in a court

4. The President of India has no power to call for a joint session of Parliament -
 - (a) if the bill passed by one House has been rejected by the other House
 - (b) if a bill regarding salary of judges of the Supreme Court passed by Rajya Sabha has been rejected by Lok Sabha
 - (c) if a bill imposing a tax passed by Lok Sabha has been rejected by Rajya Sabha
 - (d) if both the Houses of Parliament have disagreed as to the amendments to be made in respect of a bill relating to elections

5. The rights given under clauses (1) and (2) of Article 22 of the Constitution of India are not available to -
 - (a) a person arrested for the offence of rape
 - (b) an alien enemy
 - (c) a person detained under preventive detention law
 - (d) both (b) and (c)

6. The fundamental right guaranteed under Article 19(1)(a) does not include -
 - (a) right to information
 - (b) right to keep silence
 - (c) right to freedom of the press
 - (d) right to call and enforce bundh

7. In which case, the Supreme Court upheld the validity of the constitutional amendments providing for reservations in promotions to certain categories of persons -
 - (a) Ashok Kumar Thakur v. Union of India
 - (b) M. Nagraj v. Union of India
 - (c) Indra Sawhney v. Union of India
 - (d) Som Prakash v. Union of India

8. The offence of 'kidnapping' under the IPC requires proof of -
 - (a) dishonest intention
 - (b) force
 - (c) fraud
 - (d) all of the above

9. Crime is a wrong treated essentially against -
 - (a) society
 - (b) private persons
 - (c) family
 - (d) the victim

10. A wrongful act to constitute an offence must be accompanied with -
 - (a) mala fide motive
 - (b) guilty mind
 - (c) actual pecuniary loss
 - (d) intention to injure the reputation of the victim's family

11. To punish a person for the offence of 'murder', the prosecution must establish that -
 - (a) death resulted by the act of the accused
 - (b) act of the accused was the causal factor of death
 - (c) act of the accused which became causal factor of death was accompanied with guilty mind to kill
 - (d) accused caused death negligently

12. The purpose of death penalty as punishment is -
 - (a) to reform the society
 - (b) to take revenge and deter others from committing heinous crimes
 - (c) not to over-crowd prisons
 - (d) to create fear in the minds of criminals

13. Which of the following is the most appropriate substance of Nozick's Wilt Chamberlain argument?
 - (a) Liberty is the highest value
 - (b) Equal distribution of income in course of time becomes unequal
 - (c) There should be equitable distribution of income
 - (d) Equality is the highest value

14. 'For the position of ignorance' propounded by Rawls, he was inspired by -
 - (a) the logic of free market
 - (b) the idea of liberty
 - (c) natural law theories
 - (d) social contract theories

15. Which of the following jurists said that people in the state of nature entered into two contracts?
 - (a) J. Locke
 - (b) J. Rouseau
 - (c) Hobbes
 - (d) Henry Maine

16. Locate Austin's sovereignty in the Indian legal system -
 - (a) Parliament of India
 - (b) Parliament and state legislatures
 - (c) Supreme Court of India
 - (d) Difficult to locate it in the Indian legal system

17. Which of the following is not an attribute of Austin's sovereignty. Sovereignty is -
 - (a) indivisible
 - (b) universal
 - (c) exercised by different authorities
 - (d) unlimited

18. Kelsen's grund norm is -
 - (a) legal as well as illegal
 - (b) legal and extra-legal
 - (c) illegal and extra-legal
 - (d) neither legal nor illegal

19. Thibaut is known -
 - (a) for making suggestion, Germany needed a Code on the lines of Code Napoleon
 - (b) for writing a book on law of possession
 - (c) for writing a commentary on Roman law
 - (d) for contributing to theory of writs

20. Which school of Jurisprudence would you classify Henry Maine in?
 - (a) Sociological
 - (b) Natural Law
 - (c) Legal Anthropology
 - (d) Functional

21. A second marriage of a married Hindu man contracted after his conversion to Muslim faith is -
- (a) valid
 - (b) void
 - (c) voidable
 - (d) irregular
22. In which of the following cases, pleading retrospective talaq in the written statement as a counter to the wife's maintenance petition was not accepted as valid and enforceable -
- (a) Deniel Latifi v. Union of India
 - (b) Mohammad Ahmed Khan v. Shah Bano Begum
 - (c) Shamim Ara v. State of U.P.
 - (d) Fazlunbi v. Khadir Vali
23. The marriage of a 15 year old girl with a 60 year old man solemnized without her consent but with the consent of her parents under the Hindu Marriage Act, 1955 is -
- (a) valid
 - (b) void
 - (c) voidable at the option of the girl
 - (d) voidable at the option of the man
24. Where a Muslim couple married under the Muslim law subsequently get their marriage registered under the Special Marriage Act, 1954 -
- (a) the husband cannot put the marriage to an end by pronouncing talaq on his wife
 - (b) the husband can put the marriage to an end by pronouncing talaq on his wife
 - (c) the husband can pronounce talaq only if there was a written agreement to that effect between the couple subsequent to the registration of their marriage
 - (d) the husband can bring the marriage to an end by approaching the Shariat court only
25. Where only one of the parties to the marriage is a Christian -
- (a) the marriage can be solemnized validly only under the Christian Marriage Act, 1872
 - (b) the marriage can be solemnized validly only under the Special Marriage Act, 1954
 - (c) the marriage can be solemnized validly only where the non-Christian party converts to Christianity
 - (d) the marriage can be solemnized validly both under the Christian Marriage Act, 1872 as well as the Special Marriage Act, 1954

26. Which of the following maritime zones is not covered under the Geneva Conventions of 1958
- (a) Territorial sea
 - (b) Contiguous zone
 - (c) Continental shelf
 - (d) Exclusive economic zone
27. In which of the following cases, the International Court of Justice justified adoption of straight baseline for the purpose of measuring breadth of territorial sea?
- (a) Corfu Channel case
 - (b) Anglo-Norwegian Fisheries case
 - (c) North Sea Continental Shelf cases
 - (d) Delimitation of the Maritime Boundary in the Gulf of Maine Area
28. Blackstonian doctrine means that –
- (a) customary international law is not part of common law
 - (b) customary international law is part of common law
 - (c) customary international law is a part of common law only when the Parliament approves it
 - (d) customary international law is completely different from common law and not a part of it
29. Who did not support the theory of dualism?
- (a) Triepel
 - (b) Anzilotti
 - (c) Kelsen
 - (d) Hegel
30. In which of the following cases, estoppel was applied as a general principle of law recognized by civilized nations?
- (a) Temple of Preah Vihear case (1962)
 - (b) Island of Palmas case (1928)
 - (c) U.N. Administrative Tribunal case (1954)
 - (d) Chorzow Factory case (1927)
31. Who believed that since possession involved both *corpus possessionis* and *animus domini*, the permanent loss of one or the other brought possession to an end -
- (a) J. Salmond
 - (b) J. Austin
 - (c) Ihering
 - (d) von Savigny
32. Who was the first supporter of fiction theory of corporate personality?
- (a) Gierke
 - (b) Sinibald
 - (c) Maitland
 - (d) Ihering

33. If a claim in X implies absence of liberty in Y and vice versa, it is a situation of –
(a) jural opposites
(b) jural correlatives
(c) jural contradictories
(d) none of the above
34. Who said, “Some shared morality is essential to the existence of any society” –
(a) Lord Devlin
(b) Lon Fuller
(c) Professor H.L.A. Hart
(d) John Austin
35. When is a decision said to be given *per incuriam*?
(a) when it is given in ignorance of a statutory provision or a binding authority
(b) when it is given without hearing one of the parties
(c) when it is given without jurisdiction
(d) when it is given by an administrative tribunal
36. ‘Calvo Clause’ means –
(a) disputes arising out of contract shall be referred to municipal courts of the state which grants concession
(b) disputes shall be referred to international tribunal only
(c) disputes can be referred to the state which grants concession or the state to which foreign concessionaire belongs
(d) disputes cannot be referred to courts but shall be sorted out by way of negotiations
37. Who proposed that seabed and the ocean floor beyond national jurisdiction should be declared as common heritage of mankind?
(a) Hugo Grotius
(b) Harry S. Truman
(c) Nagendra Singh
(d) Arvind Pardo
38. “If the precise words used are plain and unambiguous, in our judgement, we are bound to construe them in their ordinary sense, even though it does lead, in our view of the case, to an absurdity or manifest injustice”, Jervis, C.J., in *Abby v. Dale* (1851). Which of the following rule of interpretation is best summed up in this passage?
(a) Golden Rule
(b) Mischief Rule
(c) Literal Rule
(d) Absurdity Rule

39. The publication of Darwin's 'On the Origin of Species' in 1859 was destined to affect human thought profoundly. Name the important jurist who analysed its effect in legal theory?
- (a) von Savigny
 - (b) Stammler
 - (c) Singer
 - (d) H. Spencer
40. After the proletariat has grasped power, the class struggle does not cease. It continues in new forms, and with ever greater frenzy and ferocity, for the reason that the resistance of the exploiters to the fact of socialism is more savage than before. This dictatorship of the proletariat is said to represent the highest form of democracy possible in a class society'. Who made this observation?
- (a) Karl Marx
 - (b) J. Stalin
 - (c) Vyshinsky
 - (d) Karl Renner
41. Who said that if one wishes to know what law is, one should view it through the eyes of a bad man who is only concerned with what will happen to him if he does certain things -
- (a) Justice Holmes
 - (b) Julius Stone
 - (c) Llewellyn
 - (d) Lundstedt
42. With whom would you associate 'transcendental idealism' -
- (a) Hegel
 - (b) Karl Marx
 - (c) E. Kant
 - (d) Stammler
43. According to Professor Fuller, there is 'internal morality' of law. Which one of the following is not a part of this internal morality?
- (a) generality
 - (b) impossibility of obedience
 - (c) prospectivity
 - (d) promulgation
44. Who wrote the book "Taking Right Seriously"?
- (a) Lon Fuller
 - (b) Justice Holmes
 - (c) H.L.A. Hart
 - (d) R. Dworkin

45. With which thought of jurisprudence would you associate 'Death of the Subject'?
- (a) Critical legal studies
 - (b) Feminist jurisprudence
 - (c) Post-modernist jurisprudence
 - (d) Natural law
46. Who are entitled to compensation under the Public Liability Insurance Act, 1991?
- (a) all workmen
 - (b) all passersby
 - (c) all persons suffering injury/loss of property excluding workmen
 - (d) only persons working in the establishment from which accident occurred
47. Which one of the following wrongs are covered both under the criminal law and law of torts
- (a) Murder
 - (b) Defamation
 - (c) Cheating
 - (d) Theft
48. It has not been possible so far to give any scientific definition of 'tort' and various definitions which come to define the subject have invariably adopted an approach which is -
- (a) illustrative
 - (b) positive
 - (c) mostly negative
 - (d) positive as well as negative
49. An act of God is an inevitable and extraordinary occurrence of circumstances. To take advantage of the defence of act of God, the most essential requirement which has to be proved is that the occurrence had taken place -
- (a) by play of natural forces and with the intervention of human agency
 - (b) by play of natural forces without the intervention of human agency
 - (c) by play of natural forces more in degree and the intervention of human agency less in degree
 - (d) by play of natural forces less in degree and the intervention of human agency more in degree
50. The damages given in an action of torts which are intended to redress the loss/injury caused to the victim are called -
- (a) compensatory
 - (b) retaliatory
 - (c) retribitional
 - (d) complimentary

51. Austin's concept of sovereignty was -
(a) pluralist
(b) popular
(c) monist
(d) critical
52. 'Proletariat of the world unit, you have nothing to loose but your chains. In which book of Marx, this famous line appears
(a) The Communist Manifests
(b) Das Capital
(c) The Poverty of Philosophy
(d) Critique of Political Economy
53. With whom would you associate logical dialectics?
(a) Karl Marx
(b) F. Engels
(c) Hegel
(d) E. Kant
54. Who propounded the theory 'Justice as Fairness' -
(a) John Rawls
(b) Robert Nozick
(c) Ronald Dworkin
(d) Stammler
55. Under the Indian Penal Code, 1860, 'theft' is an offence against -
(a) ownership
(b) possession
(c) entrustment
(d) none of the above
56. The offence of 'cheating' under the IPC requires proof of -
(a) entrustment
(b) deceit
(c) actual loss
(d) none of the above
57. Which country does not recognize a part consideration?
(a) India
(b) Germany
(c) United Kingdom
(d) United States of America

58. In case of conflict of jurisdiction of the courts, the incidence of a contract shall be governed the law of the place where the –
- acceptor resides
 - proposer resides
 - contract is entered into
 - contract is performed
59. In which case the Supreme Court had invalidated a constitutional amendment for non-compliance with the procedure contained in the proviso to clause (2) of Article 368?
- Sankari Prasad v. Union of India*
 - L.C. Golak Nath v. State of Punjab*
 - Kesavananda Bharti v. State of Kerala*
 - Kihoto Hollohan v. Zachilhu*
60. A proclamation of emergency declared on the ground of apprehension of armed rebellion ceases to operate-
- after six months from the date of issue of proclamation
 - on the expiration of six months from the date of passing of the resolution by Parliament
 - after expiry of one month from the date of issue of the proclamation
 - on the revocation of the proclamation by the President
61. In which one of following circumstances the President of India is not bound by the aid and advice of the Union Council of Ministers?
- in exercising powers under Article 72
 - in exercising powers under Article 217(3)
 - in exercising powers under Article 311(2)(c)
 - in exercising powers under Article 356
62. Point out the incorrect match -
- | | | |
|--|---|---------------------|
| (a) <i>Sabhajit Tewary</i> | - | Doctrine of eclipse |
| (b) <i>Rajasthan State Electricity Board</i> | - | Concept of state |
| (c) <i>G. Bassi Reddy</i> | - | Article 12 |
| (d) <i>Bashisher Nath</i> | - | Fundamental Rights |
63. Under which provision of the Constitution, the reservation of 3% seats in educational institutions and public employments for physically challenged persons is covered?
- Article 14
 - Article 15(1)
 - Article 15(4)
 - Article 16(4)

64. Point out the incorrect match -
- | | | |
|--|---|------------------|
| (a) <i>Jindal Stainless Steel v. State of Haryana</i> | - | freedom of trade |
| (b) <i>Zaverbhai v. State of Bombay</i> | - | repugnancy |
| (c) <i>State of Karnataka v. M/s. Drive-in-Enterprises</i> | - | residuary powers |
| (d) <i>Rudal Sah v. State of Bihar</i> | - | compensation |
65. The principle of res judicata is not applicable in case of writ of -
- Mandamus
 - Quo warranto
 - Certiorari
 - Habeas Corpus
66. The writ of mandamus can be issued against –
- any person or authority
 - only against courts
 - only against tribunals
 - only against state
67. Which one of the statements is incorrect?
- The Union executive has power to issue directions to a state under Article 256
 - The Union executive has power to issue directions to states under Article 257
 - The consequences of directions issued by the Union executive have been prescribed under Article 365
 - As per the consequences mentioned under Article 365, the President must exercise powers under Article 356.
68. Which of the following language is not mentioned under Eighth Schedule?
- Bhojpuri
 - Dogri
 - Bodo
 - Nepali
69. All civil and judicial authorities in the territory of India shall act in aid of the Supreme Court has been prescribed under _____ .
- Article 132
 - Article 135
 - Article 141
 - Article 144
70. Who wrote Mare Liberum?
- William Welwood
 - Selden
 - James Brown
 - Hugo Grotius

71. The Agreement relating to the Implementation of Part XI of the U.N. Convention on the Law of Sea 1982 was adopted in _____ .
- (a) 1982
 - (b) 1992
 - (c) 1994
 - (d) 1995
72. Which of the following is not a form of reparation for the injury caused by internationally wrongful act according to ILC Draft Code on Responsibility of States for Internationally Wrongful Acts 2001?
- (a) Restitution
 - (b) Satisfaction
 - (c) Compensation
 - (d) Servitude
73. Contiguous Zone is established to exercise control necessary to prevent and punish infringement of coastal state's laws relating to –
- (a) customs, fiscal, immigration or sanitation
 - (b) customs, fiscal, security or immigration
 - (c) customs, fiscal security or environment
 - (d) customs, immigration, environment or sanitation
74. Continental Margin consists of _____ .
- (a) only shelf plus slope
 - (b) only slope plus rise
 - (c) only shelf plus slope plus rise
 - (d) shelf plus slope plus rise plus abyssal
75. The Attorney General of India holds office _____ .
- (a) till the Council of Ministers remains in office
 - (b) for five years
 - (c) during the pleasure of the President
 - (d) as decided by the Prime Minister
76. Iddat under the Muslim law refers to _____ .
- (a) a false accusation of adultery
 - (b) a special kind of maintenance to the wife for beetle leaf expenses
 - (c) waiting period before a woman can remarry
 - (d) prohibited degrees of relationship
77. A husband cannot claim maintenance from his wife under the _____ .
- (a) Hindu Marriage Act, 1955
 - (b) Indian Christian Marriage Act, 1872
 - (c) Parsi Marriage and Divorce Act, 1936
 - (d) Special Marriage Act, 1954

78. The relief of restitution of conjugal rights is not available under the _____ .
(a) Hindu Marriage Act, 1955
(b) Indian Christian Marriage Act, 1872
(c) Parsi Marriage and Divorce Act, 1939
(d) Special Marriage Act, 1939
79. A marriage between a Christian woman and a Hindu man solemnized under the Hindu Marriage Act, 1955 is _____ .
(a) void, since marriage between two Hindus only is permissible under the above legislation
(b) valid, as in a secular country like India all kinds of marriages are permissible
(c) valid, as the caste of a woman changes after marriage
(d) void, as the marriage must be solemnized as per the rites of the bride's community
80. The dissolution of marriage initiated at the instance of a Muslim woman under the classical Muslim law is called _____ .
(a) Khula
(b) Maher
(c) Iddat
(d) Mubaarat
81. "V" places an order with "S" for supply of 20 sewing machines. "S" could not supply them in time. "V" loses a profitable contract due to non-receipt of the machines in time and claimed his loss of profits from "S". "V" will fail in claim because the nature of loss is _____ .
(a) remote
(b) ordinary
(c) foreseeable
(d) special
82. If both the parties to a contract believe in the existence of a subject which in fact does not exist, the agreement would be _____ .
(a) unenforceable
(b) void
(c) voidable
(d) illegal
83. A contract of employment provided that the employer shall have power to terminate the services of his employees by giving three months' notice. The contract is _____.
(a) valid, as both parties had voluntarily accepted it
(b) void, as the same is against public policy
(c) void, as the same is arbitrary and against the employee
(d) valid, as the employee gets adequate notice before termination of service

84. Which one of the following is a correct statement?
- (a) The government is not bound by the promises made by its servants
 - (b) The government is bound by all promises made by its servants
 - (c) The government is bound by promises made by its servants which are beneficial to it
 - (d) The government is bound by the promises made by its servants which have been relied and acted upon by the other party
85. A suit lies against the Government for death or injury caused to a person by police atrocities as held in _____.
- (a) *D.K. Basu v. State of West Bengal*
 - (b) *Saheli v. Commissioner of Police*
 - (c) *Bhim Singh v. State of J. & K.*
 - (d) *A.K. Gopalan v. State of Madras*
86. The inadequacy of consideration will be taken into account by the court _____.
- (a) when the proposer expresses his desire to get maximum return for the promise
 - (b) when fraud, coercion or undue influence is pleaded in the formation of the contract
 - (c) when the promisor performs his promise
 - (d) at the discretion of the court
87. The principle behind the doctrine of '*pari delicto*' is that where each party to a contract is equally at fault, the law favours the party which is actually _____.
- (a) not in possession
 - (b) in possession
 - (c) injured and helpless
 - (d) owner of the thing concerned
88. Which one of the following constitutes an offer in a self-service store?
- (a) display of goods at the shop window
 - (b) when the customer asks for some goods
 - (c) there is no offer in such a case
 - (d) picking up an article and approaching the cashier to make payment
89. Which one of the following conditions must be satisfied for making claim under "necessaries" supplied to a person who is incapable of contracting?
- (a) the articles supplied must be necessaries
 - (b) the articles supplied should be necessaries at the time of sale and delivery
 - (c) necessaries must have been supplied gratuitously out of mere kindness
 - (d) necessaries should be supplied only to a person who is ill
90. 'Dowry death' under section 304-B, IPC refers to –
- (a) genocide
 - (b) culpable homicide
 - (c) constructive homicide
 - (d) constructive liability

91. The doctrine of 'transfer of malice' is contained in _____ of I.P.C.
 (a) Section 34
 (b) Section 144
 (c) Section 301
 (d) Section 420
92. What constitutes the gist of an offence under section 34, IPC?
 (a) same intention
 (b) similar intention
 (c) common object
 (d) common intention
93. 'A' saw a ring belonging to 'Z' on a table in the house of 'Z'. 'A' removes the ring. What offence has been committed?
 (a) theft
 (b) cheating
 (c) mischief
 (d) misappropriation
94. "Euthansia" has been legalized under _____ of IPC
 (a) Section 306
 (b) Section 307
 (c) Section 309
 (d) no provision

95-101. **Choose the most appropriate answer:**

95. **Principle:** A master is liable for the wrongful acts of his servants committed in the course of employment.
- Factual Situation:** An employer asked his servant to deliver a letter at a friend's residence. After delivering the letter, while the servant was going back to his work place, found another friend standing at a shop by the side of the road. To meet the friend, he stopped the cycle. After meeting the friend, he proceeded towards his work place. Suddenly, his bicycle hit a boy who jumped on to the road. The boy sustained injuries
- (a) The employer is not liable as his employee stopped the cycle for an unofficial purpose and the delay was the cause of the accident.
 (b) The employer is not liable as the servant was returning after delivering the letter as directed by the employer and hence not in the course of his employment.
 (c) The employer is not liable as the servant might not have been careful in using his cycle.
 (d) The employer is liable as the accident took place in the course of the employment of the servant.

96. **Principle:** Every manufacturer of consumable articles is liable to take care to manufacture such articles with due care and without negligence so that the ultimate consumer is not adversely affected by the products.

Factual Situation: A, with the intention of buying a pair of shoes, went to a retail shop and asked for a pair of shoes. The retailer gave A, a pair of shoes manufactured by Z & Co., to try out. While trying to put on the shoes A's leg was cut by a nail that was inside the shoes, left by workers of the manufacturing company. A sustained injuries and had to be treated in a hospital. A wants to file a case against Z & Co.

- (a) Z & Co. is not liable as A has not bought the pair of shoes.
 - (b) Z & Co. is liable as A was given the pair of shoes to try out by the retailer without checking the same.
 - (c) Z & Co. is liable as A was a prospective buyer and hence the company is liable.
 - (d) Z & Co. is not liable as shoes is not an article for consumption.
97. **Principle:** No person has a remedy if he has himself consented or volunteered to incur the risk.

Factual Situation: A and B are workers in the Metro Rail construction working in two different sections. One day both of them decided to go for a movie at 6:00 pm, after their work. A completed the task assigned to him by the management by about 5:00 pm while B could not complete his work even at 5:30. B requested A to help him to complete the work so as to enable them to go for the movie as planned. A agreed and started work. Suddenly an electrical transformer at the work site exploded and both A and B got injured. Both A and B claim compensation for the injury from the employer.

- (a) Neither A nor B will get any compensation because the injury was due to the explosion of an electrical transformer.
 - (b) A will not get any compensation as he took a risk to assist B.
 - (c) A will get compensation because B asked A to assist him and hence A did not take any risk voluntarily.
 - (d) Both A and B will get compensation as both of them were working for their employer.
98. **Principle:** Everybody is under a legal obligation to take reasonable care to avoid acts or omissions which one can foresee would injure his neighbour.

Factual Situation: A, while rushing to catch a moving bus pushed B, a stranger, who was walking ahead of A with a heavy packet. As a result B fell down and a precious glass chandelier in the packet completely got shattered into pieces. B files a suit for compensation from A.

- (a) A is not liable because he did not foresee that the packet contained any breakable item.
- (b) A is not liable because B was not his neighbour.
- (c) A is liable as he should not have rushed towards a moving vehicle.
- (d) A is liable as he was under an obligation not to push B.

99. **Principle:** There is a legal principle that he who does an act through another is deemed to do it himself. However, the State is not liable for the acts of its servants when the act is done in the exercise of sovereign functions or acts of state.

Factual Situation: The opposition parties in a State in India organized a Raj Bhavan march against the policies of the ruling party. The Police stopped the rally at a point, one kilo metre from the Raj Bhavan gate. The opposition members were shouting slogans against the Government and were in a mood to break the barricade raised by the police. At this point a police driver drove a police van towards the mob, in a rash manner to frighten the party members. Some of the men of the rally got severely injured in this process.

- (a) The State is liable as the police driver's act cannot be deemed to be an act of state.
 - (b) The State is not liable as the police driver's act can be deemed to be an act of state.
 - (c) The State is liable as the police was preventing the opposition members from reaching the Raj Bhavan.
 - (d) The State is not liable as the police driver's act is a sovereign act.
100. **Principle:** Whoever brings some dangerous thing into his premises and keeps it in his custody will be liable for any loss occurring to others due to the escape of the said dangerous thing.

Factual Situation: P, a manufacturer of carbonated drinks, brings five cylinders of carbon dioxide into his factory. In the night when the factory was closed, the rack on which the cylinders were stored collapsed due to some manufacturing defects. The cylinders fell down and exploded. As a result of the explosion, P's factory wall collapsed and a neighbouring paint factory caught fire due to the presence of some chemicals in that factory. R, the paint factory owner wants to sue P for compensation for the loss he incurred.

- (a) R will not succeed as P did not do anything to injure R.
 - (b) R will succeed as P is responsible for all the deeds in his premises
 - (c) R will not succeed because carbon dioxide is not such a dangerous thing to cause damage to others.
 - (d) R will succeed only if he files a suit against the manufacturers of the defective rack which was the root cause of his loss.
101. **Principle:** An occupier of a premises owes a duty of care to all his invitees and visitors.

Factual Situation: P was the owner of a big plot with a bungalow surrounded with a compound wall. He was constructing a lotous pond by the side of the drive way. Since the work was in progress, the contractor used to cover the pond with bamboos and gunny bags. One day the local postman who came to the bungalow to deliver a letter fell into the pond. The postman filed a suit for compensation against P.

- (a) P is not liable as he did not do anything to injure the postman.
- (b) P is not liable as he did not invite the postman into his premises.

- (c) P is liable as the postman came to his premises in the course of his duty.
 (d) P is liable as the contractors men negligently covered an area under construction with gunny bags.
102. In law of torts, when an act is done under the authority of a statute -
 (a) it is a complete defence
 (b) it is a complete defence for obvious harms resulting from the act
 (c) it is a complete defence for obvious harms as well as the incidental harms resulting from the act
 (d) It is complete defence for obvious harms as well as incidental harms resulting from the act when it is not done negligently
103. Treaty, in principle, binds the State Parties to the treaty. A State becomes party to the treaty by -
 (a) signing the treaty
 (b) by ratifying or acceding to the treaty
 (c) by enacting domestic legislation implementing the treaty
 (d) by enforcing the treaty by conduct
104. In India, treaty-making is –
 (a) a legislative act
 (b) an executive act
 (c) judicial act
 (d) none of the above
105. A bilateral agreement with another country to cede Indian territory in favour of a foreign country can be enforced –
 (a) by a Parliamentary legislation
 (b) by amending the Constitution under Article 368 of the Constitution
 (c) by an executive order
 (d) on the basis of advice of the Supreme Court received under Article 143 of the Constitution
106. Under which of the following situations an individual can petition before the Human Rights Committee?
 (a) Universal Declaration of Human Rights
 (b) International Covenant on Civil and Political Rights
 (c) International Covenant on Economic, Social and Cultural Rights
 (d) Optional Protocol to Covenant on Civil and Political Rights
107. Which of the following maxims means that treaty obligations must be performed by the parties in good faith?
 (a) pacta sunt servanda
 (b) rebus sic stantibus
 (c) pacta terries nec nocent nec prosunt
 (d) jus cogens

108. Who amongst the following is not a positivist?
- (a) Vattel
 - (b) Bynkershoek
 - (c) Hegel
 - (d) Zorn
109. Which of the following sources does not find a place in Article 38(1) of the Statute of International Court of Justice?
- (a) General principles of law recognized by civilized nations
 - (b) Equity
 - (c) Judicial decisions
 - (d) Teachings of the most highly qualified publicists
110. Who was of the opinion that there was no real distinction between state law and international law. Both systems bound individuals, although international law as a matter of technique did so only mediately and through the concept of state -
- (a) Kelsen
 - (b) Triepel
 - (c) Anzilotti
 - (d) Suarez
111. Who was described as the “father of the law of nations”?
- (a) Ayala
 - (b) Suarez
 - (c) Gentilis
 - (d) Grotious
112. To constitute criminal conspiracy –
- (a) there must not be at less than five persons
 - (b) there must not be less than two persons
 - (c) one person alone can hatch conspiracy
 - (d) all conspirators must actually commit an offence
113. Unsoundness of mind of a person at the time of commission of an offence under IPC is –
- (a) a complete defence to a criminal charge
 - (b) a partial defence to a criminal charge
 - (c) does not make any difference regarding the criminal charge
 - (d) none of the above
114. Ram is attacked by a mob which tries to kill him. He grabs a gun from a member of the mob and fires. One of the gun shots hits the head of a child in the mob killing him instantaneously. What offence, if any, has been committed by Ram?
- (a) Murder
 - (b) Culpable homicide
 - (c) Criminal negligence
 - (d) No offence has been committed

115. It is the underlying motive that prompts a person to form an intention. What is the relevance of motive in affixing criminal liability?
- (a) Relevant
 - (b) Irrelevant
 - (c) Establishment of motive is a sine qua non for proving liability
 - (d) Depends on the judge
116. If an accused takes the plea of his case being covered under any of the ‘General Exceptions’ provided under Chapter IV, IPC, the burden of proof in that case lies–
- (a) entirely on the prosecution
 - (b) entirely on the accused
 - (c) on the accused and he has to discharge that burden beyond all reasonable doubt
 - (d) on the accused and he has to discharge the burden on a preponderance of probabilities
117. With a view to causing loss to his employer, an employee throws away a ring given to him by the employer for safe custody. The employee is guilty of –
- (a) Criminal negligence
 - (b) Criminal mischief
 - (c) Criminal breach of trust
 - (d) Criminal misappropriation of property
118. A swimmer, standing alongside of a swimming pool, watches a child of five years drowning in the pool. He shouts for help but does not do anything to rescue the child. The swimmer is –
- (a) guilty of criminal neglect
 - (b) liable for non-performance of fundamental duty
 - (c) liable under civil law for payment of compensation
 - (d) not guilty at all.
119. The right of ‘private defence’ is -
- (a) a punitive right
 - (b) a protective right
 - (c) an obligation towards the state
 - (d) none of the above
120. ‘Legal insanity’ under the Indian law means –
- (a) impairment of will faculty
 - (b) impairment of emotional faculty
 - (c) impairment of cognitive faculty
 - (d) none of the above

121. A divorced Muslim woman in order to remarry her former husband has to observe the procedure of –
- (a) Lian
 - (b) Halala
 - (c) Iddat
 - (d) Mubaarat
122. Where one of the spouse is guilty of cruelty, the other spouse cannot obtain divorce on this ground if –
- (a) the spouse has committed the act in a fit of anger
 - (b) the spouse has committed the act in a fit of insanity
 - (c) the guilty spouse genuinely repents his/her behaviour
 - (d) the aggrieved spouse forgives the guilty party and condones the cruel act
123. The Supreme Court's directive calling for compulsory registration of marriages was laid down in –
- (a) Lily Thomas v. Union of India
 - (b) Navin Kohli v. Neelu Kohli
 - (c) Seema v. Ashwini Kumar
 - (d) Savitri Pandey v. Prem Chand Pandey
124. The children of a void marriage under the Hindu Marriage Act, 1955 are –
- (a) legitimate and entitled to inherit property of all relatives
 - (b) legitimate but entitled to inherit the property of their parents only
 - (c) illegitimate and entitled to inherit the property of their mother only
 - (d) illegitimate and entitled to inherit the property of their father only
125. The matrimonial remedy of divorce by mutual consent after one year of separation is not available under the –
- (a) Hindu Marriage Act, 1955
 - (b) Divorce Act, 1869
 - (c) Parsi Marriage and Divorce Act, 1936
 - (d) Special Marriage Act, 1954
126. Under the Muslim law, renunciation from Islam and conversion of the husband to any other religion would –
- (a) have the effect of instantaneous dissolution of his marriage
 - (b) have no effect on his marriage
 - (c) give rise to a cause of action to his wife to seek divorce
 - (d) give rise to a cause to his wife to claim prompt dower
127. The pre-marital pregnancy of wife is not a ground for annulment of marriage under the –
- (a) Hindu Marriage Act, 1955
 - (b) Divorce Act, 1869
 - (c) Parsi Marriage and Divorce Act, 1936
 - (d) Special Marriage Act, 1954

128. Impotency is a ground for divorce under the –
- (a) Hindu Marriage Act, 1955
 - (b) Indian Christian Marriage Act, 1872
 - (c) Dissolution of Muslim Marriages Act, 1939
 - (d) Special Marriage Act, 1954
129. Can a minor husband be a guardian of his wife and children under the Guardians and Wards Act, 1890?
- (a) no, as the guardian must be a major
 - (b) no, as a minor, he cannot properly safeguard the interest of his wife and children
 - (c) yes, if he is above the age of fifteen years
 - (d) yes, in all cases
130. Which one of the following is not a ground for divorce under the Special Marriage Act, 1954?
- (a) Adultery
 - (b) Cruelty
 - (c) Apostasy
 - (d) Desertion
131. The minimum number of Ministers including the Chief Minister in a state shall be –
- (a) fifteen per cent of total number of members of the legislative assembly
 - (b) fifteen per cent of total number of members of the state legislature
 - (c) twelve
 - (d) twenty
132. There is no fundamental right to –
- (a) approach the High Court under Article 226 of the Constitution of India
 - (b) approach the Supreme Court to claim right to practise carry on business
 - (c) education
 - (d) freedom of press
133. The Parliament has power in which one of the following cases -
- (a) to quash a decision of a court
 - (b) to oust judicial review
 - (c) to delegate legislative power
 - (d) recommend appointment of judges
134. Which one of the following is not established under the constitutional provisions -
- (a) Finance Commission
 - (b) Inter-state Council
 - (c) Planning Commission
 - (d) Scheduled Caste Commission

135. The judge of Supreme Court is appointed -
- (a) by President after consulting Chief Justice of India and two judges of the Supreme Court
 - (b) by President after consulting the collegium of four judges and the Chief Justice of India
 - (c) by President after consulting the Union Council of Ministers
 - (d) by President after consulting the collegium of judges, Council of Ministers and judges of the High Courts
136. The judges of International Court of Justice are appointed by -
- (a) General Assembly
 - (b) Security Council
 - (c) Permanent members of Security Council
 - (d) General Assembly and Security Council
137. Which one of the following statements is incorrect -
- (a) The dispute of disqualification of a member of Parliament is to be decided under article 74
 - (b) The question of collective responsibility of Council of Ministers is to be decided as required by article 75.
 - (c) The question of age of a High Court judge is decided as prescribed by Article 217(3)
 - (d) In case of conviction of a civil servant by a criminal court, no opportunity of hearing is required to be given to him while dismissing him from service on the basis of same conduct
138. In a parliamentary democracy -
- (a) legislature controls judiciary
 - (b) legislature controls executive
 - (c) judiciary controls executive
 - (d) executive controls judiciary
139. An Ordinance lapses -
- (a) after six months of its promulgation
 - (b) after six weeks after its publication in the official gazette
 - (c) after six weeks from the date of assembly of House(s) of the legislature
 - (d) whenever the Council of Ministers takes a decision
140. The President of India is elected by -
- (a) Members of Parliament
 - (b) Members of Parliament and state legislatures
 - (c) Members of Parliament and state legislative assemblies
 - (d) Those members of both Houses of Parliament and legislative Assemblies who are elected

141. Which statement is incorrect -
- (a) Directive principles of state policy are not enforceable in a court
 - (b) Directive principles can override the fundamental rights
 - (c) Law to implement Directive principles can override articles 14 and 19 only
 - (d) All fundamental rights are enforceable
142. The High Court can issue a writ of mandamus in which one of the following cases -
- (a) to make rules
 - (b) to enforce a discretionary provision
 - (c) to decide legality of an order
 - (d) to enforce a statutory duty
143. The liquidated damages are essentially -
- (a) payment of money stipulated as a warning to the offending party
 - (b) payment of compensation determined by the court
 - (c) compensation arbitrarily determined by the aggrieved party
 - (d) genuine covenanted pre-estimated damages
144. The defence of '*non est factum*' is available to the contracting party which has committed mistake as to the -
- (a) nature of contract
 - (b) identity of the other contracting party
 - (c) quality of promise made by the other contracting party
 - (d) quality of the subject-matter of contract
145. Which of the following is a contingent contract?
- (a) A guard is appointed at a swimming pool for the sole purpose of rescuing drowning persons
 - (b) "A" insures his factory against damage or destruction by fire
 - (c) A borrower solemnly promises to pay off the loan when he has funds
 - (d) "A" sells his property subject to the condition that the property would be reconveyed to him on repayment of price with interest
146. A property worth Rs. 25,000/- was agreed to be sold for Rs. 8,000/-. The mother of "X" moves the court for setting aside the agreement on the ground that "X" is a congenial "Idiot". In this context, which one of the following is the correct answer?
- (a) mother will not succeed
 - (b) mother is bound to execute the agreement
 - (c) mother will succeed
 - (d) "Idiot" can avoid the agreement

147. A standard form of contract is one in which –
- (a) the terms and conditions are fixed by the state to which the contracting party belongs
 - (b) the terms are pre-determined by the custom of trade to which the contracting party belongs
 - (c) the terms on which mercantile transactions of common occurrence are to be carried out
 - (d) the terms are fixed by one of the parties in advance and are open to acceptance by any one
148. The communication of acceptance through telephone is regarded as complete when-
- (a) acceptance is spoken on telephone
 - (b) acceptance comes to the knowledge of the party proposing
 - (c) acceptance is put in the course of transmission
 - (d) acceptor has done whatever is required to be done by him
149. When damages cannot be assessed, the aggrieved party may be awarded by the court –
- (a) actual damages
 - (b) liquidated damages
 - (c) exemplary damages
 - (d) nominal damages
150. “B” accepts the proposal of “A” by posting a letter of acceptance to “A”. This acceptance –
- (a) cannot be revoked by “B” as he has already accepted the offer and posted the letter
 - (b) can be revoked by “B” before the letter reaches “A”
 - (c) can be revoked by “B” as soon as the letter reaches “A”
 - (d) can be revoked by “B” at any time after the letter reaches “A”
151. “Group liability” means –
- (a) where all members of the group are liable for the offences committed by them individually in a group
 - (b) offence committed by members of a family
 - (c) offence committed by common friends
 - (d) where other members of the group are vicariously held liable for the resultant offence committed by them or one of the members of the group on fulfillment of essential conditions of the given group liability
152. In a pre-meditated offence, _____ are involved in the commission of the offence
- (a) two stages
 - (b) three stages
 - (c) four stages
 - (d) five stages

153. Right against self-incrimination includes –
- (a) right not to give specimen signature
 - (b) right to maintain absolute silence
 - (c) right not to answer question exposing oneself to confession
 - (d) right to answer questions of one's own choice
154. An act done under 'mistake of fact' –
- (a) is a complete defence in a criminal charge
 - (b) is a complete defence in a criminal charge if done in good faith
 - (c) is no defence at all
 - (d) is a partial defence in a criminal charge
155. Which one of the following does not amount to 'fraud'?
- (a) active concealment of fact
 - (b) a promise made without intention to perform it
 - (c) suggestion as to a fact which is not true by one who believes it to be true
 - (d) a representation made without knowing it to be false, honestly believing it to be true
156. The rule enunciated under section 65 of the Indian Contract Act, 1872 is applicable when a contract is void by –
- (a) mistake
 - (b) failure of consideration
 - (c) impossibility of performing the contract
 - (d) under all the above circumstances
157. Which provision of the Indian Contract Act, 1872 embodies the rule enunciated in Clayton's case relating to appropriation of payment?
- (a) Section 58
 - (b) Section 59
 - (c) Section 60
 - (d) Section 61
158. A marriage solemnized in the Aashirvad form by a priest in the presence of two witnesses is an essential feature of a -
- (a) Hindu marriage
 - (b) Marriage among Indian Jews
 - (c) Marriage among Indian Parsis
 - (d) Marriage among Goan Hindus
159. Who is the author of Anarchy State and Utopia?
- (a) Rawls
 - (b) Dworkin
 - (c) S.M. Okin
 - (d) Nozick

160. Who is the author of “An Introduction to Legal Reasoning”?
- Stanley V. Kinyon
 - Edward H. Levi
 - Lord Denning
 - Justice R.C. Lahoti
161. Which of the following case does not relate to civil servants?
- Union of India v. Tulsiram Patel
 - J.P. Bansal v. State of Rajasthan
 - T.N. Rangarajan v. Govt. of Tamil Nadu
 - Samsher Singh v. State of Punjab
162. Point out incorrect pair –
- | | | |
|--|---|---------------------|
| (a) L. Chandra Kumar v. Union of India | - | Judicial review |
| (b) State of Rajasthan v. G. Chawla | - | Pith and substance |
| © Asif Hameed v. State of J. & K | - | Separation of power |
| (d) Prafulla Kumar v. Bank of Commerce | - | Residuary powers |
163. Which of the following statements is incorrect?
- Parliament can enact a legislation under Article 252 of the Constitution of India
 - State legislatures cannot enact a legislation to punish a person for an offence under Article 17 of the Constitution of India
 - Parliament can enact a legislation on ‘electricity’
 - State legislatures can enact a legislation on ‘weights and measures’
164. In case of tortuous liability, an act done under the authority of a statute –
- is a complete defence
 - is a complete defence for obvious harms resulting from the act
 - © is a complete defence for obvious harms as well as incidental harms resulting from the act
 - is a complete defence for obvious harms as well as incidental harms resulting from the act when it is not done negligently
165. Who is the author of “A Constitutional History of India”?
- Glanville Williams
 - C. Fawcett
 - A.B. Keith
 - M.P. Jain
166. “Anatomy of Law” is authored by –
- Lon L. Fuller
 - Salmond
 - Oppenheim
 - H.M. Seervai

167. Under _____ of the Constitution of India, the President has right to address Lok Sabha
- (a) Article 85
 - (b) Article 86
 - (c) Article 87
 - (d) Article 108
168. The 'minority' status is to be decided by –
- (a) total population of the country
 - (b) total population of the state
 - (c) legislation
 - (d) population of a region
169. The right to entertainment has been –
- (a) denied under the Constitution of India
 - (b) guaranteed under Article 21 of the Constitution of India
 - (c) guaranteed under Article 19(1)(a) of the Constitution of India
 - (d) a part of right to information
170. In 1943, Pound added three new jural postulates for the United States society. Which one of the following is not one of them?
- (a) Assurance of security of employment to employees
 - (b) Others will not commit intentional aggression upon them
 - (c) Responsibility of industrial concerns to pay compensation for human wear and tear
 - (d) Shouldering responsibility for compensating for misfortune to individuals by society as a whole
171. While driving to office one day, A suddenly faints and crashes her car into B causing him to suffer a broken arm. A was under a prescribed medication to control fainting but on the day of crash she had forgot to take the prescribed medicine. In an action for negligence by B against A, A would be –
- (a) liable as her fainting was expected
 - (b) not liable as her fainting was not expected
 - (c) not liable as, though fainting was expected, people do forget to take medicine
 - (d) liable as her fainting was expected and she should not have forgotten to take the medicine
172. The decisions of the International Court of Justice constitute –
- (a) primary source of international law
 - (b) subsidiary means for the determination of rules of law
 - (c) equitable principles
 - (d) merely moral principles

173. The Charter of the United Nations requires that the Organisation and its members shall act in accordance with the principles enumerated in the Charter. Which of the following is one of such principles?
- (a) Sovereign equality
 - (b) Protection of human rights
 - (c) protection of environment
 - (d) self-determination of people
174. In which the Supreme Court has held that Parliament has power to make law in respect of any matter excluded from the Union List if the same is not included in the State List?
- (a) Union of India v. H.S. Dhillon
 - (b) State of Bombay v. R.M.D.C.
 - (c) Hoechst Pharmaceuticals Ltd. v. State of Bihar
 - (d) Zaverbhai v. State of Bombay
175. Who is the present Chairman of Law Commission of India?
- (a) R.C. lahoti
 - (b) B.P. Jeevan Reddy
 - (c) A.R. Lakshmanan
 - (d) A.M. Ahmadi

LL.M. ENTRANCE TEST, 2008
ANSWERS

Q	A	Q	A	Q	A	Q	A	Q	A	Q	A	Q	A
1	3	26	4	51	3	76	2	101	3	126	1	151	4
2	4	27	2	52	1	77	2	102	4	127	2	152	3
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4	2	29	3	54	1	79	1	104	2	129	4	154	2
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25	4	50	1	75	3	100	2	125	2	150	2	175	3

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Series 79

Q	A	Q	A	Q	A	Q	A	Q	A	Q	A	Q	A
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22	3	47	4	72	4	97	3	122	4	147	2	172	3
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25	3	50	4	75	4	100	3	125	2	150	2	175	3

LL.M. ENTRANCE TEST 2008
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23	2	48	4	73	1	98	2	123	2	148	2	173	3
24	3	49	1	74	4	99	3	124	4	149	4	174	4
25	4	50	3	75	2	100	4	125	3	150	1	175	3

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Series 83

Q	A	Q	A	Q	A	Q	A	Q	A	Q	A	Q	A
1	B	26	B	51	D	76	D	101		126	C	151	A
2	A	27	B	52	B	77	A	102	D	127	B	152	D
3	B	28	D	53	A	78	B	103	B	128	B	153	C
4	C	29	A	54	D	79	C	104	D	129	D	154	D
5	D	30	C	55	B	80	D	105	C	130	A	155	C
6	A	31	C	56	D	81	B	106	A	131	D	156	A
7	D	32	D	57	C	82	D	107	B	132	C	157	C
8	A	33	A	58	D	83	D	108	B	133	D	158	B
9	D	34	D	59	B	84	A	109	C	134	A	159	D
10	D	35	D	60	C	85	B	110	B	135	C	160	C
11	C	36	C	61	B	86	C	111	D	136	B	161	C
12	D	37	B	62	D	87	D	112	B	137	C	162	B
13	A	38	D	63	C	88	B	113	A	138	C	163	C
14	C	39	A	64	B	89	C	114	A	139	A	164	B
15	C	40	B	65	B	90	B	115	C	140	D	165	A
16	B	41	C	66	A	91	D	116	C	141	D	166	C
17	B	42	D	67	B	92	C	117	D	142	B	167	A
18	B	43	B	68	C	93	C	118	A	143	B	168	C
19	A	44	B	69	D	94	B	119	B	144	C	169	A
20	A	45	B	70	C	95	D	120	D	145	A	170	B
21	D	46	D	71	C	96	C	121	D	146	D	171	B
22	B	47	A	72	A	97	B	122	B	147	B	172	C
23	B	48	A	73	C	98	C	123	D	148	C	173	D
24	D	49	B	74	C	99	D	124	A	149	C	174	D
25	B	50	A	75	B	100	B	125	B	150	A	175	B