

LL.M. ADMISSION TEST – 2011

Date of Exam : 1 May, 2011 (Sunday) Center Name : _____
Duration : 90 Minutes Admit Card No : _____
Max. Marks : 150 Answer Sheet No : _____

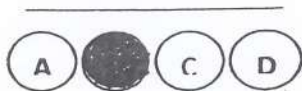
INSTRUCTIONS TO CANDIDATES

1. No clarification on the Question paper can be sought. Answer the questions as they are.
2. There are **100** multiple choice objective type questions of one mark each which has to be answered in the OMR sheet.
3. Candidates have to indicate the correct answer by darkening one of the four responses provided in the OMR Sheet. Use **ONLY HB PENCIL AND DO NOT USE BALL POINT/INK/GEL PEN.**

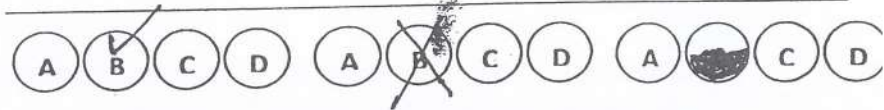
Example: For the question, "Where is the Taj Mahal located?". The correct answer is B. The candidate has to darken the corresponding circle as indicated below:

A) Kolkata B) Agra C) Bhopal D) Delhi

Right Method



Wrong Methods



4. There is one essay question of 50 marks which has to be answered in a separate sheet with a pen. **Total marks are 150.**
5. There is no negative marking.
6. Answering the questions by any method other than the method mentioned above shall be considered incorrect and no marks will be awarded for the same.
7. More than one response to a question shall be counted as *Zero*.
8. The candidate shall not write anything on the Answer Sheet other than the details required and in the spaces provided for.
9. After the examination is over, the candidate has to return the test booklet along with the Answer Sheet, to the invigilator.
10. The use of any unfair means by any candidate will result in the cancellation of his/ her candidature.
11. Impersonation is an offence and the candidate, apart from disqualification, may have to face criminal prosecution.
12. No electronic gadgets like mobile phone or calculator will be permitted inside the test centers.

LLM Entrance Test

1. *Autre fois Acquit* principle is related to :
 - (A) self –incrimination
 - (B) ex-post facto law
 - (C) retrospective operation
 - (D) double jeopardy

2. "Right to Life" under Article 21 does not include:
 - (A) Right to food
 - (B) Right to legal aid
 - (C) Right to vote
 - (D) Right to livelihood

3. Article 33 empowers Parliament to:
 - (A) Enforce Fundamental Rights
 - (B) Impose marital law
 - (C) Declare emergency
 - (D) Modify Fundamental Rights in relation to Armed Forces

4. By which Amendment the word "armed rebellion" has been substituted in place of "internal disturbance" under Article 352? It is
 - (A) 39th
 - (B) 42nd
 - (C) 44th
 - (D) 52nd

5. According to the decision of *B. Emmanuel vs State of Kerala*, what is imperative to show the requisite respect to the National Anthem?
 - (A) To bow
 - (B) To sing the same
 - (C) To stand respectfully.
 - (D) To sing and stand respectfully

6. How many duties are conferred on citizens in Article 51-A:
 - (A) 8
 - (B) 9
 - (C) 11
 - (D) 14

7. Which of the following Articles of the Constitution of India relates/relate to the protection and improvement of environment?
 - (A) Article 48A only
 - (B) Article 51A only
 - (C) Both Article 48A and Article 51A

(D) Neither Article 48A nor Article 51A

8. In which one of the following cases, did the Supreme Court observe that there is a need to confine the exercise of power under Article 356(1) strictly to the situation mentioned therein which is a condition precedent to the said exercise?

- (A) S. R. Bommai vs Union of India
- (B) Minerva Mills Ltd. vs Union of India
- (C) Golak Nath vs State of Punjab
- (D) State of Rajasthan vs Union of India

9. All cases regarding the interpretation of the Constitution can be brought to the Supreme Court under Jurisdiction:

- (A) Appellate
- (B) Advisory
- (C) Original
- (D) All of the above

10. Under which Article of the Indian Constitution, the Parliament is empowered to make provisions with respect to elections to legislatures?

- (A) 326
- (B) 327
- (C) 328
- (D) 329

11. In which of the following cases has the Supreme Court ruled that the reasons have to be communicated to the legislature by the Government if the advice of Public Service Commission has not been accepted?

- (A) Jai Shankar Prasad v. State of Bihar
- (B) Asha Kaul v. State of Jammu and Kashmir
- (C) Jagtar Singh v. The Director, Central Bureau of Investigation
- (D) H. Mukherjee v. Union of India

12. Which of the following pairs is correctly matched?

- | | |
|---------------|---------------------------------------|
| (A) Art. 31-A | Acquisition of estates |
| (B) Art. 31-B | Exercise of Police Power |
| (C) Art. 32 | Appointment of Chief Justice of India |
| (D) Art. 148 | Attorney Journal of India |

13. No criminal proceedings shall be instituted or continued against which one of the following in any court during the term of his office?

- (A) President, Vice-President or Governor
- (B) President, Prime Minister and Governor
- (C) President and Governor only
- (D) President, Vice-President and Prime Minister

14. In which of the following cases the Supreme Court held that Narco analysis, brain mapping etc, violate the 'right against self-incrimination'?
- (A) Parliament attack case
 - (B) Selvi Vs State of Karnataka
 - (C) Naz Foundation case
 - (D) None of these
15. In which one of the following cases the new concept of doctrine of equality i.e. 'protection against arbitrariness' was propounded by Justice Bhagwant?
- (A) Air India v. Narges Mirza
 - (B) Pradeep Jain v. Union of India
 - (C) E. P Royappa v. Union of India
 - (D) D. K. Bakshi v. Union of India
16. The concept of continuing mandamus was evolved in
- (A) Maneka Gandhi case One of the writs
 - (B) Vineet Narain case
 - (C) D.K. Basu case
 - (D) Golaknath case
17. Under Art. 316 (2), a member of Public Service Commission shall hold office for a term of:
- (A) 4 years until he attains the age of 65 years for both Union as well as States
 - (B) 6 years until he attains the age of 65 years for Union and 62 years for States
 - (C) 6 years until he attains the age of 65 years for union as well as States
 - (D) None of the above
18. "Hicklin Test" under Article 19 (2) is related to –
- (A) Decency and Morality
 - (B) Defamation
 - (C) Integrity of India
 - (D) None of the above
19. Article 15 prohibits discrimination on grounds only of:
- (A) Religion, Race, Caste, Sex, Place of birth, Residence or any of them
 - (B) Religion, Race, Caste, Sex, Place of birth
 - (C) Religion, Race, Caste, Sex, Place of birth or any of them
 - (D) None of the above
20. Article 24 prohibits child labour in:
- (A) All employments
 - (B) Hazardous industries
 - (C) All employments excluding households

(D) None of the above

21. Following is example of source of Law

- (A) Custom
- (B) Traits
- (C) Taboos
- (D) Dogmas

22. Which of the following regards natural law as only a phrase of the English language, and natural rights as “nonsense on stilts”?

- (A) Kelsen
- (B) Salmond
- (C) Bentham
- (D) Fuller

23. The grundnorm, according to Kelsen could be:

- (A) Constitution
- (B) Will of the dictator
- (C) Principle “*pacta sunt servanda*”
- (D) All of the above

24. Who said: “Law is not a set of rules but is a method or technique for harmonizing conflicting social interest?”

- (A) Ihering
- (B) Bentham
- (C) R. Pound
- (D) Hugo

25. Select the correct option:

- (A) ‘Sources of Law’ : Salmond
- (B) ‘Nature and Sources of Law’ : Gray
- (C) ‘Des rech des hesitzes’ : Savigny
- (D) All of the above

26. Who classified the sources of law as binding and persuasive sources

- (A) Salmond
- (B) Allen
- (C) Keeton
- (D) Duguit

27. Austin’s positive morality is the other name for

- (A) Customs without sanction
- (B) Local custom

- (C) Legal custom
- (D) Conventional custom

28. Who defines right as a “legally protected interest”?

- (A) Ihering
- (B) Salmond
- (C) Austin
- (D) Holland

29. The doctrine of precedent requires

- (A) existence of local custom
- (B) Sanction behind the custom
- (C) Consistency
- (D) Hierarchy of courts

30. Which if the following jurist has laid down the concept of “causa instrumentalis” and “causa principalis”?

- (A) Puchta
- (B) Savigny
- (C) Maine
- (D) Montesquieu

31. What is justice, equity and good conscience

- (A) Existence of justice
- (B) Common law principle
- (C) Decision that is fair and just to parties to the dispute
- (D) Principle of natural justice

32. According to Hart, which secondary rule is a remedy for uncertainty of regime of primary? Rules?

- (A) Secondary rule of recognition
- (B) Secondary rule of adjudication
- (C) Secondary rule of legislation
- (D) Secondary rule of validation

33. What are primary sources of law?

- (A) Law journals
- (B) Constitution
- (C) Interpretation of law
- (D) Legal treatises

34. Which one of the following jurists emphasized that “we cannot understand what a thing is, unless we study what it does”?
- (A) Austin
 - (B) Pound
 - (C) Kelson
 - (D) Salmond
35. Who said “Jurisprudence is the science of law the statement and systematic arrangement of the rules followed by the courts and the principles involved in these rules”?
- (A) Gray
 - (B) Salmond
 - (C) Allen
 - (D) Bryce
36. Which of the following is a juristic person?
- (A) State
 - (B) Companies
 - (C) Associations
 - (D) All the above
37. Who supported the fiction theory of corporate personality?
- (A) Savigny
 - (B) Salmond
 - (C) Dicey
 - (D) All the above
38. The natural theory of property is supported by
- (A) Gracious
 - (B) Blackstone
 - (C) A and B
 - (D) B and C
39. The jurist who supported the will theory of legal right
- (A) Austin
 - (B) Locke
 - (C) Kelsen
 - (D) All the above
40. ‘*Jura in re alia*’ means
- (A) Encumbrance over material or material things
 - (B) Patents
 - (C) Trade-marks
 - (D) None of the above

41. The definition, "Tort means a civil wrong which is not exclusively a breach of trust" is given by:
- (A) Salmond
 - (B) Pollock
 - (C) Winfield
 - (D) Section 2(m), the Limitation Act, 1963
42. The guiding principle of foreseeability laid down in Wagon Mound's case for determination of liability in tort has been followed in India in which one of the following cases?
- (A) C. B. Singh vs The Cantonment Board, Agra
 - (B) Sushma Mitra vs M.P.S.R.T. Corporation
 - (C) Veeran vs Krishnamurthy
 - (D) Manindra Nath vs Mathuradas
43. A employs B, a surgeon, to attend his infant son C. By reason of B's negligence C is injured. Which one of the following is correct?
- (A) A can sue B for tort only
 - (B) Both A and C can sue B for tort only
 - (C) A can sue B for tort or for breach of contract
 - (D) A can sue B neither for tort nor breach of contract
44. Who defined "Act of God" as "an operation of natural force so unexpected to anticipate it"?
- (A) Salmond
 - (B) Winfield
 - (C) Frazier
 - (D) Pollock
45. In Municipal Corporation of Delhi vs Subhagwanti, the Supreme Court applied which one of the following principles?
- (A) Last opportunity rule
 - (B) Contributory negligence
 - (C) Basic negligence
 - (D) Res ipsa loquitur
46. The window panels of a building belonging to the defendant, which was by the side of a highway, had been broken one Friday in an air-raid. The plaintiff was injured by a glass falling from the window the next Thursday by which time no repairs had been got done by the defendant. In this case, which one of the following is correct?
- (A) The defendant is liable for negligence
 - (B) The defendant is liable for nuisance
 - (C) The defendant is not liable either of nuisance or of negligence

(D) The defendant would get the defense of inevitable accident

47. Last Opportunity Rule is related to:

- (A) Vicarious liability
- (B) Contributory negligence
- (C) Nuisance
- (D) Defamation

48. Special damage has got to be proved in an action for:

- (A) Trespass
- (B) False Imprisonment
- (C) Public Nuisance
- (D) None

49. Kasturilal case deals with principle of

- (A) Negligence
- (B) Nuisance
- (C) Sovereign immunity
- (D) Joint Tortfeasors

50. Where does vicarious liability generally arise from?

- (A) A contract of service
- (B) A contract for service
- (C) A contract of service as well as a contract for service
- (D) A wrongful act of the master

51. A man's reputation is his property, and if possible, more valuable, than other property. It was observed in:

- (A) Dixon v. Holden
- (B) Monson v. Tunsands Ltd.
- (C) Youssouppoff v. M. G. M. Pictures Ltd.
- (D) Austic v. Dowling

52. The absolute liability principle was propounded in

- (A) IMA case
- (B) Bhopal Case
- (C) Gas leak case
- (D) Common case

53. "Shock must be such as arises from reasonable fear of immediate personal injury to oneself". It was held in:

- (A) Mrs. Hambrook v. Stokers Bros
- (B) Mrs. Dulieu v. White and sons
- (C) Bourhill v. young

(D) Wilkinson v. Downton

54. 'De minimis non curat lex' means:

- (A) Law taken account of every trifling matter
- (B) Law cares every comfort of the party
- (C) Law does not take account of every trifling matter
- (D) Discomfort is the test of nuisance

55. 'The infliction of body restraint which is not expressly is impliedly authorized by law is the false imprisonment' who said it?

- (A) Winfield
- (B) Pollock
- (C) Blackburn
- (D) Salmond

56. Constitutional tort was developed in

- (A) Bhopal Case
- (B) Rudal Shah Case
- (C) Kasturilal Case
- (D) CEPC Case

57. Obstructing a Public way by digging a trench is:

- (A) Private Nuisance
- (B) Public Nuisance
- (C) Trespass
- (D) Negligence

58. Malicious Prosecution is a tort intending to protect:

- (A) Against abuse of legal proceedings
- (B) Right of the police to prosecute the criminal
- (C) The accused against police excesses
- (D) The police against civil proceedings against it

59. Which one of the following sets correctly identifies the specific defences available in an action for defamation?

- (A) Privilege, truth, fair comment
- (B) Privilege, mistake, fair comment
- (C) Truth, mistake, fair comment
- (D) Truth, privilege, mistake

60. In contributory negligence –

- (A) Both parties have contributed to negligence equally.
- (B) Only one party is negligent and other has not taken due care.
- (C) One party is negligent resulting in injury while the other has taken due care.

(D) When lack of care is equal is equal on both sides.

61. The communication of an offer or proposal is complete when-

- (A) It comes to the knowledge of the person to whom it is made.
- (B) The letter containing the proposal is put in the court of transmission.
- (C) The person to whom the proposal is made, reads the letter.
- (D) When the proposal is communicated to the person to whom it is made.

62. Which one of the following will constitute a valid acceptance?

- (A) An inquiry as to fitness of the subject matter of contract
- (B) Addition of superfluous term, while accepting the offer
- (C) A provisional acceptance
- (D) A conditional acceptance

63. When a contract is caused by fraud, the contract is

- (A) Void or initio
- (B) Voidable from inception
- (C) Voidable by subsequent events
- (D) Valid

64. The case of Mohori Bibi v. Dharmodas Ghose

- I. Is the decision of the Supreme Court of India regarding minor's contract.
- II. Has laid down that in India, a minor's contract is void.
- III. Has laid down that minor's contract becomes valid when he attains majority.

Which of the following statement(s) is/ are correct?

- (A) I and III
- (B) III above
- (C) I and II
- (D) II alone

65. In which of the following cases, Subba Rao J. cautioned against the evolution of new heads of public policy:

- (A) Gherulal v. Mahadeo
- (B) Gangamma v. Kupammal
- (C) Khubchand v. Beram
- (D) Bhagwan Datt Shastri v. Raja Ram

66. A contract may be discharged by mutual agreement between the parties. It is called-

- (A) Rescission or cancellation of contract
- (B) Alteration of contract
- (C) Novation of contract
- (D) None of the above

67. Which doctrine was prevailing before the doctrine of frustration?
- (A) Doctrine of unjust enrichment
 - (B) Doctrine of implied term
 - (C) Doctrine of non-performance
 - (D) None of the above
68. The loss or damage arising from a breach of contract has to be ascertained:
- (A) At the time of breach of contract
 - (B) At the time of making of contract
 - (C) At the time of frustration of contract
 - (D) None of the above
69. What is an agreement to discover a treasure by magic?
- (A) Valid contract as it is voluntarily concluded
 - (B) Void contract as it is impossible of performance
 - (C) Voidable contract as it amounts to misrepresentation
 - (D) Unenforceable contract as it is against notions of public policy
70. If a contract is caused by mistake as to a law not in force in India i.e. a foreign law, such contract is:
- (A) Valid and enforceable
 - (B) Voidable
 - (C) Void ab initio and unenforceable
 - (D) Valid but unenforceable
71. Liability of the surety under the Indian Contract Act is
- (A) Conditional on default
 - (B) Independent of default
 - (C) Can be conditional and can be independent
 - (D) Either (a) or (b)
72. A contracts to pay B Rs. 10,000/- if B's house is burnt.
What type of contract is this?
- (A) Wagering contract
 - (B) Unlawful contract
 - (C) Contingent contract
 - (D) Voidable contract
73. Which one of the following statements is correct?
Promissory estoppel is
- (A) A variant of deception
 - (B) Not a form of contract
 - (C) An equitable doctrine
 - (D) A type of offer

74. Under Section 73 of the Indian Contract Act –
- (A) Special damages can not be claimed
 - (B) Special damages can be claimed if the party breaking the contract is made known of the special circumstances at any time before the breach
 - (C) Special damages can be claimed if the party breaking the contract is made known of the special circumstances at the time of the contract
 - (D) None of the above
75. By threat of suicide. A induced his wife and son to execute a contract. What is it according to the Indian Contract Act?
- (A) An unlawful contract
 - (B) voidable contract
 - (C) A void contract
 - (D) It is not a contract at all
76. What is the period of limitation for a suit against pawnee to recover the thing pledged, under the Indian Contract Act?
- (A) 1 year from the date of pawn
 - (B) 3 years from the date of pawn
 - (C) 12 years from the date of pawn
 - (D) 30 years from the date of pawn
77. Which of the following principle is the determining factor in quasi-contractual obligations?
- (A) Principle of natural justice and equity
 - (B) Principle of equity, trusts and relief
 - (C) Principle of just and reasonable solution
 - (D) None of the above
78. A material alteration made in a written document/ contract by a party without the consent of the other party, makes the contract-
- (A) Voidable
 - (B) Void
 - (C) Illegal
 - (D) Unenforceable
79. In case of breach of contract, where the penalty clause is stipulated, it means-
- (A) The party complaining the breach of the contract need not ti prove the actual loss.
 - (B) The discretion lies with the defaulter
 - (C) The discretion lies with the court
 - (D) The party complaining the breach of the contract must prove actual loss
80. 'A' breaks his promise to sell and deliver certain goods to 'B'. In respect of general damages, 'B' is entitled to receive from 'A' –

- (A) The difference between the contract and the market price of goods.
- (B) The difference between the contract and fair price of goods.
- (C) The difference between the contract and reasonable price of goods.
- (D) None of the above

81. Indian Penal Code is divided into-

- (A) XXI Chapters and 503 Sections
- (B) XXIII Chapters and 511 Sections
- (C) XXII Chapters and 511 Sections
- (D) XXIII Schedules and 511 Sections

82. A, a public servant is authorized by warrant from court of justice to apprehend Z.B. knowing that fact and also that C is not Z, willfully represents to A that C is Z and thereby cause A to apprehend C. How does B abet?

- (A) By way of instigation
- (B) By way of conspiracy
- (C) By way of aiding
- (D) By way of supporting

83. P instigates Q to cause the death of R. P gives a gun to Q to shoot at R. Q shoots at R in the presence of P causing R's death.

Which one of the following statement is correct?

- (A) Both P and Q are liable for criminal conspiracy
- (B) Both P and Q are jointly liable for the murder of R
- (C) Q is liable for murder, P is only an abettor
- (D) Only P is liable for criminal conspiracy

84. 'Good Faith' as defined under Indian Penal Code (Sec.52) means-

- (A) An act done with due care and attention
- (B) An actual belief that the act done is not contrary to law
- (C) An act, in fact, done honestly
- (D) An act done under bona fide belief

85. A cuts down a tree on B's land with the intention of dishonestly taking the tree out of B's possession, without B's consent. A has committed. which offence?

- (A) Criminal misappropriation
- (B) Criminal breach of trust
- (C) Extortion
- (D) Theft

86. What is the basic difference between an offence of abetment by conspiracy and the offence of criminal conspiracy?

- (A) In case of conspiracy, mere agreement is enough whereas in case of abetment by conspiracy an act should have taken place in pursuance of conspiracy
- (B) There is no difference at all

- (C) In case of conspiracy, an act should also have taken place, but in case of abetment by conspiracy, no act needs to have taken place
- (D) In case of abetment by conspiracy, there need not be an agreement whereas in case of criminal conspiracy, agreement is essential
87. The accused is a warehouse-keeper. The complainant, going on a journey, entrusts his furniture to the accused under a contract that the furniture would be returned on payment of stipulated sum of money. The accused sells the furniture. The accused is guilty of which one of the following?
- (A) Criminal misappropriation
 (B) Theft
 (C) Robbery
 (D) Criminal breach of trust
88. Which section of I.P.C. describes 'dacoity with murder'?
- (A) Sec. 378
 (B) Sec. 399
 (C) Sec. 396
 (D) None of these
89. Supreme Court of India struck down Section 303 of I.P.C. as unconstitutional in which one of the following cases
- (A) Machhi Singh vs State of Punjab
 (A) Bachan Singh vs State of Punjab
 (B) Santa Singh vs State of Punjab
 (C) Mithu vs State of Punjab
90. Section 97 of I.P.C provides the right of private defence of property, for the offence of –
- (A) Cheating
 (B) Misappropriation
 (C) Theft and robbery
 (D) None of the above
91. The general defenses provided in General. Exceptions in the Indian Penal Code (IPC) can be pleaded
- (A) for IPC offences only
 (B) for IPC offences and offences under local law only
 (C) for IPC offences and offences under special law only
 (D) for IPC offences and offences under local or special laws
92. K. M. Nanavati Case refers to
- (A) Culpable Homicide
 (B) Murder
 (C) Grave and sudden provocation
 (D) Rash and Negligent death

93. Illegal means

- (A) Everything which is prohibited by law
- (B) Everything which is an offence
- (C) Everything which furnishes ground for civil action
- (D) All of the above

94. Consider the following statements:

For the offence of adultery, under Section 497 I.P.C.

1. Both the partners can be punished.
 2. The wife shall not be punishable as an abettor.
 3. The imprisonment for adultery may extend for a term of five years.
- Which of the statements given above is/are correct?

- (A) 2 only
- (B) 1 and 2
- (C) 2 and 3
- (D) 1 and 3

95. Punishment for Dowry Death under IPC is:

- (A) Not less than 3 yrs
- (B) Not less than 5 yrs
- (C) Not less than 7 yrs. And in rare circumstances may extend to death sentence
- (D) Not less than 7yrs. which may extend to imprisonment of life

96. Section 511 of IPC does not apply in case of-

- (A) Attempt of riot
- (B) Attempt of murder
- (C) Attempt of theft
- (D) None

97. 'Wrongful Gain' as defined under IPC is:

- (A) Gain by lawful means of property to which the person gaining is not legally entitled.
- (B) Gain by unlawful means of property to which the gaining is legally entitled.
- (C) Gain by unlawful means of movable property to which the person gaining is not legally entitled.
- (D) Gain by unlawful means of property to which the person gaining is not legally entitled.

98. What is the basic difference between Section 34 and Section 149 of I.P.C.?

- (A) Section 34 creates a principle of joint liability and does not create a specific offence. Section 149 creates a specific offence
- (B) Section 149 does not create a specific offence but Section 34 creates a specific offence
- (C) Both create specific offences but the principle of joint liability is created only by Section 34
- (D) Both create specific offences but the principle of joint liability is created only by Section 149