



### LL.M. ADMISSION TEST – 2014

Date of Exam. : 4 <sup>th</sup> May, 2014 (Sunday)	Center's Name : _____
Duration : 90 Minutes	Roll No. : _____
Max. Marks : 100	OMR Sheet No. : _____
	Date of Birth : _____

Question Booklet Sl. No.
20372

### INSTRUCTIONS TO CANDIDATES

- No clarification on the question paper can be sought. Answer the questions as they are.
- There are 100 multiple choice objective type questions of one mark each which have to be answered in the OMR sheet. Total marks are 100.
- 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** for answering multiple choice objective questions.

**Example :** For the question, "Where is the Taj Mahal located ?"

- (a) Kolkata                      (b) Agra                      (c) Bhopal                      (d) Delhi

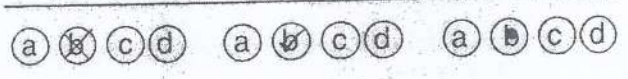
The correct answer is (b).

The candidate has to darken the corresponding circle as indicated below :

**Right Method**



**Wrong Methods**



- There is no negative marking.
- 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.
- More than one response to a question shall be counted as *Wrong*.
- The candidate shall not write anything on the OMR Answer Sheet other than the details required and in the spaces provided for.
- After the Test is over, the candidate has to return the test booklet along with the OMR Answer Sheet, to the invigilator.
- Use of any unfair means by any candidate will result in the cancellation of his / her candidature.
- Impersonation is an offence and the candidate, apart from disqualification, may have to face criminal prosecution.**
- No electronic gadgets like mobile phone or calculator will be permitted inside the test centers.**



1. The "Directive Principles of State Policy" under the Constitution of India aim at creating a
  - (a) Secular Society
  - (b) Casteless Society
  - (c) Welfare State
  - (d) Industrial State
  
2. In India, the Governor of a State retires at the age of
  - (a) 60
  - (b) 65
  - (c) 62
  - (d) There is no retirement age
  
3. Which one of the following schedules of the Constitution of India takes away the judicial review of the courts ?
  - (a) Schedule VII
  - (b) Schedule VIII
  - (c) Schedule IX
  - (d) Schedule X
  
4. Who decides in the Parliament whether a bill is a money bill?
  - (a) Speaker of the Lok Sabha
  - (b) Chairman of the Rajya Sabha
  - (c) President
  - (d) Minister for Parliamentary Affairs
  
5. The Constitution of India describes India as
  - (a) A Federation
  - (b) A Quasi Federation
  - (c) A cooperative federation
  - (d) Union of States



11. Who can seek the advisory opinion of the Supreme Court of India ?
  - (a) The Prime Minister
  - (b) The President
  - (c) The Union Law Minister
  - (d) The Attorney General
  
12. Which of the following statement with respect to Public Interest Litigation is correct?
  - (a) Only an aggrieved party can approach the court of law to seek redressal of grievances
  - (b) One can seek this legal remedy before Supreme Court of India only
  - (c) Remedy can be sought by a person only against Government actions
  - (d) Any public-spirited person can seek this remedy
  
13. The Parliamentary Committee which scrutinizes the appropriation accounts of the Government of India and the Report of the Comptroller and Auditor General is
  - (a) Estimates Committee
  - (b) Public Accounts Committee
  - (c) General Purpose Committee
  - (d) Joint Committee on offices of profit
  
14. Which one of the following Constitutional Amendments led to the constitution of Administrative Tribunals in India ?
  - (a) 42<sup>nd</sup> Amendment
  - (b) 25<sup>th</sup> Amendment
  - (c) 27<sup>th</sup> Amendment
  - (d) 44<sup>th</sup> Amendment
  
15. The President shall constitute the Finance Commission every
  - (a) Five years or earlier
  - (b) Four years or earlier
  - (c) Seven years or earlier
  - (d) Three years or earlier



6. Under the Constitution of India, the entire executive power of the Union is vested in the
  - (a) President of India
  - (b) Prime Minister of India
  - (c) Union Council of Ministers
  - (d) Parliament of India
  
7. The person who administers the oath of office to the new President in India is
  - (a) The Prime Minister
  - (b) The Speaker of the Lok Sabha
  - (c) The Chief Justice of India
  - (d) The Attorney-General of India
  
8. The three types of Justice referred to in the Preamble of the Constitution are
  - (a) Economic, Political and Social
  - (b) Economic, Social and Religion
  - (c) Economic, Religious and Political
  - (d) Political, Social and Religious
  
9. A member of a State Assembly can be disqualified by the
  - (a) Governor
  - (b) Governor in consultation with the Election Commission
  - (c) Election Commission
  - (d) Governor on the advice of the Chief Minister
  
10. The Supreme Court of India to the exclusion of any other Court has jurisdiction in any dispute between
  - (a) The Government of India and one or more States
  - (b) The Government of India and a citizen
  - (c) The Government of India and any foreign government
  - (d) The Government of India and a non-citizen



16. Amendment to the Constitution of India may be introduced in
  - (a) Lok Sabha and Legislative Assemblies of States only
  - (b) Lok Sabha, Rajya Sabha and Legislative Assemblies of States only
  - (c) Lok Sabha and Rajya Sabha only
  - (d) Lok Sabha only
17. Which one of the following offices was not created by the Constitution ?
  - (a) The Comptroller and Auditor General of India
  - (b) The Election Commission
  - (c) The Planning Commission
  - (d) The Union Public Service Commission
18. The President of India enjoys 'the right to return' with respect to
  - (a) Both money and non-money bills
  - (b) Only money bills
  - (c) Only non-money bills
  - (d) None of the above
19. Universal adult franchise was for the first time introduced in India
  - (a) Under the Government of India Act, 1935
  - (b) Under the Indian Independence Act, 1947
  - (c) Under the Constitution of India
  - (d) Under the Government of India Act, 1919
20. Under the Government of India Act, 1935, the total number of ministers, including the Prime Minister, in the Council of Ministers shall not exceed
  - (a) 15% of the total number of members of the House of the People
  - (b) 10% of the total number of members of the House of the People
  - (c) 20% of the total number of members of the House of the People
  - (d) 12% of the total number of members of the House of the People



21. Which of the following is not 'laws properly so called' according to Austin ?
- (a) Indian Penal Code
  - (b) Constitution of India
  - (c) Copyright Act
  - (d) NDPS Act
22. The Hart-Fuller debate discussed
- (a) Validity of Nazi laws
  - (b) Morality of the Hiroshima/Nagasaki bombings
  - (c) Morality of the Holocaust
  - (d) Law making in a federation
23. The positivist school postulates that
- (a) Law and morality are synonymous
  - (b) Law and morality are necessarily interconnected
  - (c) Law and morality are not necessarily interconnected
  - (d) There is no relation between law and morality
24. According to natural law theory is
- (a) An unjust law is not law
  - (b) An unjust law is not good law
  - (c) An unjust law should not be obeyed
  - (d) An unjust law is law
25. Which of the following schools is most anti-consequentialist ?
- (a) Exclusive positivism
  - (b) Inclusive positivism
  - (c) Critical Legal Theory
  - (d) Natural law



26. *Grundnorm* is a concept related to
- (a) *Karl Savigny*
  - (b) *Roberto Unger*
  - (c) *Hans Kelsen*
  - (d) *Joseph Raz*
27. Exclusive positivism, or Hard positivism asserts that
- (a) the rules of adjudication are indeterminate
  - (b) secondary rules are legislative
  - (c) rule of adjudication has a minimum content of morality
  - (d) rule of recognition has no element of morality
28. Which of these is a positivist critique of natural law theory ?
- (a) Natural law is of divine origin
  - (b) Natural law is unclear
  - (c) Natural law encourages anarchy
  - (d) Natural law is immoral
29. The Delhi High Court in *Naz Foundation* case supported which of the following relationships between law and morality ?
- (a) Enforcement of public morality is subject to fundamental rights
  - (b) Criminal law can enforce public morality
  - (c) Criminal law must enforce public morality
  - (d) Constitutional morality requires the enforcement of public morality
30. Which of the following is a compilation of John Austin's lectures ?
- (a) *Prerogative of State Explained*
  - (b) *Province of Jurisprudence Determined*
  - (c) *Providence of Jurisprudence*
  - (d) *Provinciality of Law*



31. Which of these is not a source of law ?
- (a) Custom
  - (b) Legislation
  - (c) *Obiter dicta*
  - (d) Foreign Statute
32. Which of these statements is true of Utilitarianism ?
- (a) The principle of utility is the criterion of morality
  - (b) There is a divide between public and private domains
  - (c) State can regulate only egregious wrongs
  - (d) Only minimal State is moral
33. *Oliver Wendell Holmes'* famous "Bad man theory of law" is accepted as valid by
- (a) Critical Legal Theory
  - (b) Critical Race Theory
  - (c) American Legal Realism
  - (d) Scandinavian Realism
34. Which of the following is not one of *Fuller's* desiderata ?
- (a) Minimal Retrospectivity
  - (b) Generality
  - (c) Specificity
  - (d) Understandability
35. Which of the following is asserted by positivists ?
- (a) Law should be obeyed because it is enacted by the sovereign
  - (b) Law enacted by a sovereign is always moral
  - (c) Law enacted by a sovereign is always immoral
  - (d) Obligation to obey law is a separate moral inquiry unrelated to validity of law



36. According to the historical source, what is the source of law ?
- (a) *Volksgeist*
  - (b) *Language*
  - (c) *Custom*
  - (d) *Volks glauben*
37. Which of the following theorists was not a supporter of codification of laws ?
- (a) *John Austin*
  - (b) *Jermy Bentham*
  - (c) *Ronald Dworkin*
  - (d) *Karl Savigny*
38. Which of these schools does not justify fundamental rights in the Constitution ?
- (a) Natural law
  - (b) Utilitarianism
  - (c) Positivism
  - (d) Sociological School
39. The social contract theory explains
- (a) Sources of law
  - (b) Consequences of unorganized society
  - (c) Origin of State
  - (d) Customary law
40. Which of the following statements is not true of legal personality ?
- (a) A legal person is capable of holding rights and duties
  - (b) A Corporation is a legal person
  - (c) A temple deity can be a legal person
  - (d) A foetus cannot be a legal person



41. Tort is a word of
- (a) French Language
  - (b) English Language
  - (c) Chinese Language
  - (d) Japanese Language
42. Tort is a
- (a) Civil Wrong
  - (b) Criminal Wrong
  - (c) Civil as well as Criminal Wrong
  - (d) None of the above
43. Damages Suffered due to tortious act is redressed by claim for
- (a) Liquidated Damages
  - (b) Unliquidated Damages
  - (c) Liquidated Damages as well as Unliquidated Damages
  - (d) Restorable Damages
44. Which of the following is not a valid defence in Torts ?
- (a) *Volenti Non Fit Injuria*
  - (b) *Vis Major*
  - (c) *Scienti Non Fit Injuria*
  - (d) *Consent*
45. The principle *ubi jus ibi remedium* was recognized in
- (a) *Winterbotton V. Wright*
  - (b) *Champman V. Pickersgill*
  - (c) *Ashby V. White*
  - (d) *Rylands V. Fletcher*



46. The maxim *res ipsa loquitur* is a
- (a) Rule of law
  - (b) Rule of procedure
  - (c) Rule of evidence
  - (d) Rule of negligence
47. For an action in torts
- (a) There should be violation of legal rights
  - (b) Damages should have accrued to plaintiff whether there is a violation of legal right or not
  - (c) Violation of right is essential
  - (d) None of the above
48. Mental condition of the wrong doer at the time of wrong doing is
- (a) Relevant in all torts
  - (b) Relevant to torts based on fault
  - (c) Relevant in torts based on strict liability
  - (d) Not relevant in tortious liability
49. The rule of "No fault liability" signifies
- (a) Rule of strict liability
  - (b) Rule of vicarious liability
  - (c) Rule of singular liability
  - (d) Rule of legal liability
50. Indian Supreme Court formulated the rule of absolute liability in
- (a) *M.C. Mehta vs. Union of India*
  - (b) *Town Area Committee vs. Prabhudayal*
  - (c) *Vishnu Datt case*
  - (d) *Pagadala vs. The Commissioner, Nellore Municipality*



51. Act of God is a valid defence to the rule of strict liability, that signifies
- (a) An act of supernatural powers
  - (b) An act of religious person
  - (c) An act of religious institutions
  - (d) An act of the State
52. When one person is held liable for the wrongful act of others, it is called
- (a) Vicarious Liability
  - (b) Group Liability
  - (c) Tough Liability
  - (d) General Liability
53. *Respondeat Superior* means
- (a) Let the principal be liable
  - (b) Let the servant be liable
  - (c) Let both be liable
  - (d) Let none of them be liable
54. *The maxim qui facit per alium facit per se* means
- (a) He who does an act through another is deemed in law to do it himself
  - (b) He who acts negligently is deemed as wrong doer in law
  - (c) He who violates the legal rights of others must pay for that
  - (d) He who injures other either directly or indirectly must pay
55. Which of the following statements is true ?
- (a) Doctrine of common employment is applicable in India as well as England
  - (b) Doctrine of common employment is applicable in India but not in England
  - (c) Doctrine of common employment is applicable in England but not in India
  - (d) It is applicable neither in England nor in India, but is of historical importance only



56. In the Indian Legal System
- (a) There is a separate Act to deal with the state liability for tortious act of its servants
  - (b) There is no separate statutory provision on state liability. It is enshrined in Art. 300 of the Constitution of India
  - (c) Art. 244 deals with state liability and Art. 300 with liability of the Centre
  - (d) There is no provision regarding state liability for tortious act
57. The nature of joint tortfeasors liability is
- (a) Joint
  - (b) Several
  - (c) Joint and Several
  - (d) Joint but not several
58. Under the Indian Law
- (a) Libel is actionable per se
  - (b) Slander is actionable per se
  - (c) Libel and Slander are actionable per se
  - (d) None of the above
59. Fair comment is a recognised defence against a suit for defamation. It is essential that
- (a) The comment must be fair
  - (b) The matter commented upon must be of public interest
  - (c) It must be an expression of opinion rather than an assertion of fact
  - (d) All of the above
60. Defamation is
- (a) A civil wrong
  - (b) A crime
  - (c) A civil wrong as well as a crime
  - (d) None of the above



61. An agreement to keep the offer open for a certain period of time cannot be cancelled before the expiry of that time period if
- (a) it is made with lawful objective
  - (b) it has sufficient consideration
  - (c) it is provisionally accepted
  - (d) it has been accepted with a condition subsequent
62. Insurance covers and railway carriage receipts are examples of
- (a) Standard form contracts
  - (b) Provisional contracts
  - (c) Counter proposals
  - (d) Letter of Intent
63. A clause in a loan agreement permitting the financier to seize the financed vehicle in the event of default in payment would amount to
- (a) void agreement due to unequal bargaining power
  - (b) unlawful agreement due to coercion
  - (c) voidable agreement due to fraud
  - (d) void agreement due to mistake
64. Accord and satisfaction are terms related to
- (a) Performance of contract
  - (b) Impossibility of performance of contract
  - (c) Breach of Contract
  - (d) Contingent Contracts
65. "There is no reason why compensation for non-pecuniary damage should not be allowed". This was held by the House of Lords in the case of
- (a) *Bliss v SE Thames Regional Health Authority*
  - (b) *Hayes v Dodd*
  - (c) *Farley v Skinner*
  - (d) *McMohan v Fields*



66. A loan given to the son at the instance of his father who executed all the essential documents is enforceable against the father because
- (i) it has sufficient consideration
  - (ii) consideration was provided by the father
  - (iii) it was done at the desire of the promisor
  - (iv) it was done at the request of the promisor
- (a) i and ii
  - (b) i, ii and iii
  - (c) ii, iii and iv
  - (d) all of the above
67. Surety has following rights against the creditor
- (i) Rights to Securities
  - (ii) Right to share reduction
  - (iii) Right of set off
  - (iv) Right of subrogation
- (a) i, ii and iii
  - (b) all of the above
  - (c) i, iii and iv
  - (d) none of the above
68. A tells B that he will pay him Rs. 1,000 when he turns 30. Is this a contingent contract?
- (a) Yes. The payment is contingent upon the occurrence of an event.
  - (b) Yes. When B turns 30, A will pay him Rs. 1,000.
  - (c) No. There is no consideration.
  - (d) No. B definitely will turn 30. There is no possibility of the event not happening.  
This is not a contingent contract.



69. A orders a pizza from Dominos. The Dominos delivery person accidentally delivers it to C. C eats it. Is C obliged to pay Dominos for pizza?
- (a) No. The mistake was made by the pizza delivery man.
  - (b) No. C didn't make any mistake.
  - (c) Yes. C ate the pizza knowing that he hadn't ordered it. Having derived the benefit of the contract, he must now pay for it.
  - (d) Yes. C stole the pizza.
70. A contracts with B to pay him a large sum of money when he marries C. B married D instead. He now asks for the money. Is the contract now void?
- (a) The contract is void as B has married someone else.
  - (b) The contract is void as it restrains B's choice in marriage
  - (c) The contract is still valid as B may still marry C at some point in future, and would then become eligible for money.
  - (d) The contract is valid and enforceable now as it depends on B marrying and not who he marries.
71. A contract with or by a minor is a
- (a) Valid contract
  - (b) Void contract
  - (c) Voidable contract
  - (d) Voidable at the option of either party
72. An acceptance can be revoked
- (a) At any time before the communication of acceptance is complete as against the promisee.
  - (b) After its acceptance comes to the knowledge of the promisee
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
73. An agreement not to raise the plea of limitation is
- (a) Valid and binding
  - (b) Void
  - (c) Voidable
  - (d) Illegal



74. If the time is not the essence of the contract, the failure to perform the contract by specified time makes the contract
- (a) Void
  - (b) Voidable at the instance of the promisee
  - (c) Remains valid but the promisee can claim compensation for the loss suffered by him by such failure
  - (d) Remains valid and can be performed at any subsequent time without the promisor being liable for the loss suffered by the promisee
75. The damages under Section 73 of Indian Contract Act are
- (a) Liquidated
  - (b) Compensatory
  - (c) Penal
  - (d) None of the above
76. Which of the following statement is correct in the Indian context ?
- (a) Past consideration is no consideration
  - (b) Consideration can be past, present or future
  - (c) Consideration can only be present
  - (d) Consideration can only be present and future
77. In the Indian context an agreement in restraint of trade is valid if it relates to
- (a) Sale of goodwill
  - (b) Mutual adjustment
  - (c) Business contingency
  - (d) None of the above
78. Where the proposal and acceptance is through letters, the contract is made
- (a) At the place where the letter of acceptance is posted
  - (b) At the place where the acceptance is received
  - (c) At the place at which the acceptance is addressed
  - (d) All of the above



79. Section 73 of the Indian Contract Act incorporates rules from which of the following cases ?

- (a) *East Ham B.C v. Bernard Sunley & Sons Ltd.*
- (b) *Shearson Lehman Hutton Inc v. Maclaine Watson & Co Ltd.*
- (c) *Hadley v. Baxendale*
- (d) *Fish v. Kempton*

80. The term *consensus ad-idem* means

- (a) General consensus
- (b) Reaching an agreement
- (c) Meeting of minds upon the same thing in the same sense
- (d) All of the above

81. A (a 25 year old man) was B's (a 23 year old woman) neighbour. He fell in love with her and wanted to ask her to enter into a relationship with him. He sent her a number of text messages proclaiming his love for her. She did not respond to his overtures. On November 18, 2013, A went to B's house and told her that he was in love with her, and wanted to marry her. She told him that she was not interested and asked him to leave. A believed that B was only playing hard to get, and if he persisted, she would change her mind. On November 25, 2013, when B was returning home from her workplace, A met her again and proclaimed his love for her again. She again told him that she was not interested, and threatened to complain to the police. In spite of this, a week later, when B was leaving for work, she noticed that A was waiting outside her house, with a bouquet of flowers, and he tried to give her the flowers. B ignored him once again, and went to the police station to complain about A's acts. Under what Section of the Indian Penal Code should the police register the FIR

- (a) Section 354A for the offence of sexual harassment.
- (b) Section 354C for the offence of voyeurism.
- (c) Section 354D for the offence of stalking.
- (d) Section 509



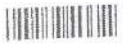
82. A, a woman approached B, a doctor who runs a private clinic saying that she has been raped, and wanted first aid. The doctor asked her whether she had lodged a FIR. A told him that she had not, and did not want to do so, since the person who had raped her was a cousin. Which of the following will be the appropriate course of action for B to take to avoid legal liability ?
- (a) Provide first aid, and immediately inform the police, even though A does not want to.
  - (b) Provide first aid, advise A that she should inform the police, but not do so himself.
  - (c) Tell A that he cannot provide first aid unless she informs the police, and a FIR is registered.
  - (d) None of the Above
83. A approached the police station in Dwarka seeking to file a FIR against B for committing the offence of voluntarily causing grievous hurt, which is a cognizable offence. The SHO refused to register the FIR saying that on the facts of the case, a cognizable offence does not seem to have been made out. A approached a local criminal lawyer who was convinced that the offence had been made out. Which of the following steps would be the most appropriate one to take ?
- (a) Approach the jurisdictional Superintendent of Police, seeking registration of the FIR
  - (b) Approach the jurisdictional magistrate, requesting her to ask the police to conduct an investigation.
  - (c) File a FIR against the SHO for refusing to register a FIR for a cognizable offence.
  - (d) (a) and (b) are appropriate, (c) is not.
84. A, an American citizen was employed as an Air marshal by Air India. On January 4, 2014, he was deputed on Air India Flight 102 from New York to New Delhi. The aircraft was registered in India. As the aircraft entered Pakistani airspace, A took out his loaded gun and fired at the chief air purser, another American citizen, instantly killing him. A few passengers managed to disarm A, and restrained him. The flight landed in New Delhi half an hour later, and A was handed over to the police. He was produced before the Chief Metropolitan Magistrate, Dwarka, under whose jurisdiction the Indira Gandhi International Airport lies. The issue is one of jurisdiction.
- (a) An Indian court has jurisdiction to try A for the offence of murder.
  - (b) An Indian court does not have the jurisdiction to try A. He should be extradited to the United States for trial.
  - (c) An Indian court does not have the jurisdiction to try A. It is the Pakistani court which has the jurisdiction
  - (d) The case is triable only by the International Criminal Court.



85. A, a 19 year old woman, had consensual sexual intercourse with B, a 17 year old boy. When B's parents found out, they approached the police for registration of a FIR for statutory rape. The police officer insisted that no offence had been made out.
- (a) The police officer is right. Rape law is gender-specific. Only a woman can be a victim of rape, and not a man. So, no offence is made out.
  - (b) The police officer is partly right, and partly wrong. This is not an offence of statutory rape, punishable under the IPC, but the offence of penetrative sexual assault, punishable under the Protection of Children from Sexual Offences Act, 2012.
  - (c) The police officer is wrong. This crime is punishable under the Juvenile Justice Act, 2000.
  - (d) None of the Above.
86. A was convicted by a Sessions Court for the offence of murdering B. On an appeal against the conviction, the High Court discharged B, using its powers under the Cr.P.C. A few months later, the police while conducting further investigation found more incriminatory evidence against A. They approached the prosecutor, seeking her advice as to whether they could prosecute A again for B's murder
- (a) A cannot be prosecuted for B's murder because of the doctrine of double jeopardy.
  - (b) A cannot be prosecuted for B's murder, because there was an inordinate delay in the investigation.
  - (c) A can be prosecuted for B's murder. The doctrine of double jeopardy is not attracted in this case.
  - (d) None of the Above.
87. A, was arrested for illegal possession of a weapon, which is punishable under Arms Act. When he was lodged in prison, he was informed that plea bargaining is an option available to him. At what stage of the process can he file an application for plea bargaining ?
- (a) He can file the application as soon as the FIR is filed.
  - (b) He can file the application only at the time of framing of charges, when he is asked to plead.
  - (c) He can file the application as soon as the chargesheet is forwarded to the Magistrate.
  - (d) He cannot file any application. The victim/state has to file such an application.



88. Which of the following persons may be charged and tried together?
- (a) Persons accused of an offence and persons accused of abetment of, or attempt to commit such offence
  - (b) Persons accused of different offences committed in the course of the same transaction
  - (c) Both (a) and (b) are correct.
  - (d) None of the Above.
89. A, a journalist was writing an article on the rape and murder of a young woman in Bangalore. To humanize and put a face to the story, she wanted to publish the name of the young woman. She sought the permission of the parents of the woman, who orally informed her that they had no objection to their daughter's name being published. A published the article in a national newspaper.
- (a) A has committed an offence, since disclosing the identity of a rape victim is an offence under the Indian Penal Code
  - (b) A has not committed an offence, since she took the permission of the parents
  - (c) A has committed an offence, since she did not have the permission of the Court.
  - (d) A has not committed an offence, since once a woman who has been raped is deceased, her name can be published.
90. In an appeal against inadequacy of sentence, what of the following things can the appellate court not do ?
- (a) Acquit the accused
  - (b) Reduce the sentence of the accused
  - (c) Alter the conviction to an aggravated category of offence for which the accused was not convicted
  - (d) None of the Above



91. Which of the following appeals abate on the death of the accused ?
- (a) Appeals for enhancement of sentence
  - (b) Appeals against acquittals
  - (c) Appeals against convictions, except an appeal from a sentence of fine.
  - (d) All of the Above
92. Under which of the following circumstances does the right to private defence of the body extend to causing death of the assailant ?
- (a) An assault with intention of committing rape
  - (b) An act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act
  - (c) An assault with the intention of kidnapping or abducting
  - (d) All of the above.
93. Under which of the following circumstances can a police officer arrest a person without an order from a Magistrate ?
- (a) If the person commits an offence in the presence of a police officer.
  - (b) If the officer knows of a design by the person to commit a cognizable offence, and believes that the commission of the offence cannot be otherwise prevented.
  - (c) He can arrest without an order from a Magistrate in case of (a), but not (b)
  - (d) He can arrest without an order from a Magistrate both for (a) and (b)



94. A and B were a married couple. At the time of the wedding, the bride's parents had given their daughter (A), three gold necklaces, four sets of gold bangles, and a diamond ring as *stridhan*. The jewellery was kept in a bank locker, which was in B's name. Owing to an extra-marital relationship, B left the matrimonial home and moved to a different city to live with the woman he was having a relationship with. A filed for divorce, and also asked B to return the gold jewellery. A refused to return the jewellery. He instead sold the necklaces, bangles, and the ring, and deposited the money in his account. A filed a criminal complaint alleging that B had committed the offence of criminal breach of trust.
- (a) The offence is not made out, since there was no entrustment.
  - (b) The offence is not made out, since the jewellery is the joint property of both the spouses.
  - (c) This is an offence of theft, not criminal breach of trust.
  - (d) None of the above.
95. A (a 28 year old man) and B (a 27 year old woman) were in a romantic relationship and were living together. After being in a relationship for nearly three years, A asked B whether they could have sexual intercourse. B said that she would consent to sexual intercourse only if A agreed to marry her. A promised to marry B, and thereafter they had sexual intercourse multiple times over the next three years. Subsequently, B discovered that A was not being faithful to her and was in a relationship with another woman. She broke off the relationship, and sought to initiate criminal proceedings against A. Which of the following offences can A be prosecuted for ?
- (a) Criminal breach of trust
  - (b) Adultery
  - (c) Cheating, if B is able to prove that A never had the intention of marrying her.
  - (d) Custodial Rape



96. A (a 42 year old man), and B (a 37 year old woman) had been married for 15 years. They had two children, C and D. Their marriage was not a happy one. A constantly physically abused B. He used to slap and kick her, as well as insult her. The violence in fact led to B attempting to commit suicide. However, at no point did A demand dowry from B or her relatives. If B were to consider initiating criminal proceedings against A, would Section 498A of the Indian Penal Code apply?
- (a) It would not, since a demand for dowry is one of the prerequisites for attracting Section 498A
  - (b) It would, since any conduct which is likely to drive the woman to commit suicide attracts Section 498A
  - (c) This is a case of domestic violence, so a FIR should actually be filed under the Protection of Women from the Domestic Violence Act.
  - (d) It would not, since the couple had been married for more than 7 years.
97. A magazine published a semi-nude photograph of a woman, in a campaign against breast cancer. The tag-line of the photograph was to encourage women to get regular medical tests done to ensure early detection of the disease. A respected lawyer in Delhi felt that the photograph was obscene and would result in young minds being corrupted. Hence, he filed a complaint against the editor of the magazine invoking Section 292 of the Indian Penal Code. In light of recent Supreme Court jurisprudence on Section 292, which of the following is not a standard that should be used to judge whether the photograph is obscene ?
- (a) If the picture has the effect of depraving or debauching the minds of the persons who may see the picture, it would be obscene.
  - (b) In judging whether a picture is obscene, contemporary mores and national standards should be considered, and not the standards of a group of susceptible and sensitive people.
  - (c) The picture has to be viewed in the background in which it is shown and the message that it seeks to convey to the public and the world at large.
  - (d) None of the above.



98. Where a criminal proceeding has been initiated on the basis of a police report, copies of which of the following documents does the Magistrate have to supply to the accused free of cost ?
- (a) The police report (Chargesheet)
  - (b) The First Information Report
  - (c) Confessions and statements recorded under Section 164, Cr.P.C.
  - (d) All of the above
99. Which of the following statements with respect to victim compensation is incorrect ?
- (a) Under Section 357(1), Cr.P.C., the Court can direct the accused to pay compensation only if the accused is punished with a sentence of fine or with some other sentence of which fine is a part. Amount of compensation cannot exceed the amount of fine that can be imposed under the section for which the person has been convicted, and the amount of fine that particular court may impose by law.
  - (b) Under Section 357(3), Cr.P.C., a court can award compensation even if fine is not part of the sentence. There is no limit on the amount of compensation that the court may ask the accused to pay the victim.
  - (c) If a person is acquitted of a crime, the trial court cannot make a recommendation of compensation under Section 357A, Cr.P.C.
  - (d) If a crime has been committed, the victim is identified, but the accused cannot be traced, the victim can make an application for compensation to the State or District Legal Services Authority.
100. A, a man, was legally married to B. They had two children from the marriage. During the subsistence of the marriage A entered into a relationship with another woman, C. He then proposed marriage to her, and they got married at a local temple. C was not aware that A was already married. Which of the following offences have been committed?
- (a) A has committed the offence of bigamy
  - (b) A has committed the offence of adultery
  - (c) A has committed the offence of bigamy, and also the offence of concealing his previous marriage from C
  - (d) A has not committed any offence.

**LL.M. ADMISSION TEST -2014**

**PART II**

Date of Exam: 04<sup>th</sup> May, 2014 (Sunday) . Centre Name: \_\_\_\_\_

Maximum Marks : 50

Roll No: \_\_\_\_\_

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**ANSWER ANY ONE QUESTION FROM THE FOLLOWING IN THE ATTACHED ANSWER SHEET WITH PEN**

1. The Supreme Court of India has held that its application of the “rarest of rare case” doctrine in imposing the death penalty has been arbitrary”. Do you agree with this observation? Critically analyse.

**Or**

2. Critically analyse the Supreme Court’s recent attempts to counter criminalization of politics.

**Or**

3. Critically analyse Indian jurisprudence on “no fault liability” in tort law.

**Or**

4. Should pre-nuptial agreements be enforceable under the Indian Contract Act? Analyse in light of Section 23 of the Indian Contract Act.