

Question Booklet Series

A

Question Booklet

S. No. **10061**

Roll No.

1123-O

Ph. D. Entrance Test, 2011

LAW

First Paper

(Objective Type Questions)

Maximum Marks : 100

Time : 60 Minutes

NOTE :

- (i) This question booklet comprises of 50 questions.
- (ii) Write your Roll No. on Question Booklet as well as OMR sheet.
- (iii) Each question has four options (a), (b), (c) and (d) out of which one is correct. The candidate is required to darken completely the correct option in the OMR Answer Sheet supplied separately.
- (iv) Each correct answer carries 2 marks.
- (v) No negative marking.
- (vi) Rough work may be done in this question booklet itself where the space provided.
- (vii) The question booklet along with the OMR answer sheet is to be handed over by the candidate to the Invigilator at the end of the examination.

SEAL

Ph. D. Entrance Test, 2011

LAW

First Paper

(Objective Type Questions)

1. Under which article the State of Assam has been given special status ?
(a) Art. 370 A (b) Art. 371 A
(c) Art. 371 B (d) Art. 371 C
2. Which article of the Constitution says that Parliament can established additional Courts for better administration of any existing law with consent of States ?
(a) Art. 247 (b) Art. 248
(c) Art. 249 (d) Art. 250
3. "There shall be a High Court for each State." This has been stated under :
(a) Art. 102 (b) Art. 202
(c) Art. 214 (d) Art. 114
4. All India services has been stated under :
(a) Art. 309 (b) Art. 310
(c) Art. 311 (d) Art. 312
5. Inter-State water disputes can be resolved by which of the following ?
(a) Supreme Court only
(b) Union Government only
(c) Tribunals established by Parliament by Law
(d) Special Court established by President of India

6. "Reservation of seats and special representation to cease after sixty years." This has been stated under :
- (a) Art. 330 (b) Art. 331
(c) Art. 333 (d) Art. 334
7. The first linguistic state set up on the basis of the Wanchoo report was :
- (a) Andhra Pradesh in 1953 (b) Gujarat in 1960
(c) Andhra Pradesh in 1956 (d) Gujarat in 1956
8. In which case the Supreme Court of India has held that free and fair elections is a basic structure of the Constitution ?
- (a) Raj Narain vs. Smt. Indira Nehru Gandhi
(b) Minerva Mills vs. Union of India
(c) Golak Nath vs. State of Punjab
(d) All of the above
9. In which of the following cases the Supreme Court of India has held that "public interest prevails over private interest."
- (a) S. K. Ray vs. State of Orissa
(b) Union of India vs. International Trading Co.
(c) Punjab Communication Ltd. vs. Union of India
(d) None of the above
10. The only instance when the President of India exercised his power of Veto related to :
- (a) The Hindu Code Bill
(b) The PEPSU Appropriation Bill
(c) The Indian Post Office Amendment Bill
(d) The Dowry Prohibition Bill

11. The first instant of the Advisory opinion given by the Supreme Court was :
- (a) In Re Kerala Educational Bill (b) In Re Berubari
(c) Delhi Laws Act Case (d) In Re Special Courts Bill
12. In which case did Supreme Court say "Preamble is the basic structure of the Constitution" ?
- (a) Maneka Gandhi's case (b) Keshavananda Bharti Case
(c) Golaknath Case (d) Swaran Singh Case
13. Under which of the following the "Untouchability" has been declared abolished in India ?
- (a) Protection of Civil Rights Act
(b) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
(c) Constitution of India
(d) All of these
14. In which list is the subject of Preventive Detention enumerated ?
- (a) Union list (b) Concurrent list
(c) State list (d) None of these
15. Ambedkar described the article as the "heart and soul of the Constitution" :
- (a) Art. 32 (b) Art. 21
(c) Art. 19 (d) None of these
16. Doctrine of 'Basic Structure' is a creation of :
- (a) 24th Amendment Act (b) Parliament
(c) P. N. Bhagwati (d) Judiciary

17. In which of the following cases the Supreme Court of India has observed that if the Supreme Court and High Court both were to be thought as brothers in the administration of justice, the High Court has larger jurisdiction but the Supreme Court still remains the elder brother ?
- Zahira Habibulla Sheikh vs. State of Gujarat
 - Tripati Balaji Developers (P) Ltd. vs. State of Bihar
 - Hon'ble Sh, Ranganath Mishra vs. Union of India
 - Special Reference No. 1 of 2002
18. The judgement of the Supreme Court in Rattan Lal vs. State of Punjab by the application of Clause (1) of Article 20 of the Constitution of India holds that the said clause prevents retrospective operation of :
- Civil laws
 - Civil as well criminal laws
 - Only those civil and criminal laws which provide undue advantage
 - Only those criminal laws which are against the interest of the accused
19. Match List I with List II and select the correct answer from the codes given below the lists :

List I

- Article 50
- Article 143
- Article 61
- Article 320

List II

- Impeachment of the President
- Separation between Judiciary and Executive
- Functions of Public Service Commission
- Advisory

Codes :

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

20. After the judgement of the Supreme Court in Mandal case, it has been observed that, "The Poisonous weed of casteism has been replanted where it will trouble us a thousand years : Each age will have to consider it." This was observed by :

- (a) Prof. Upendra Baxi
- (b) N.A. Palkhiwala
- (c) Ram Jethmalani
- (d) Justice P.N. Bhagwati

21. The President rule under article 356 remains valid in a State for maximum period of :

- (a) One year
- (b) Two years
- (c) Three years
- (d) Four years

22. Right to Life emanates from :

- (a) Article 21 and includes the right to die
- (b) Article 19 and does not include the right to die
- (c) Article 19 and 20 and does include the right to die
- (d) Article 21 and does not include the right to die

23. Right to Freedom of Religion cannot be restricted on the ground of :

- (a) public order
- (b) security of state
- (c) health
- (d) morality

24. Autre Foix Acquit principle is related to :

- (a) self-incrimination
- (b) ex post facto-law
- (c) retrospective operation
- (d) double jeopardy

25. Article 141 of the Constitution of India provides law declared by the Supreme Court to be binding on all the courts within the territory of India. 'All Courts', here means :

- (a) Courts including Supreme Court
- (b) Courts and Tribunals
- (c) Judicial Courts
- (d) Courts excluding Supreme Court

26. Opinion of Jurists is :

- (a) General source of law
- (b) Historical material source of law
- (c) Legal material source of law
- (d) Not a source of law

27. According to Salmond, Supreme Legislation refers to :

- (a) Colonial Legislation
- (b) Executive Legislation
- (c) Judicial Legislation
- (d) Law made by the Parliament

28. In the modern state, the best source of law is :

- (a) Convention
- (b) Custom
- (c) Legislation
- (d) Precedent

29. 'Positive Law' is called positive, because it is :

- (a) made as a result of divine providence
- (b) made as a result of collective effort
- (c) made by a person in authority
- (d) followed by everybody

30. If the jural co-relative of 'Right' is 'Duty', then the co-relative of 'Liberty' is :

- (a) Power
- (b) Disability
- (c) Liability
- (d) No claim

31. Delegated legislation means :
- (a) Laws made by the State Legislature
 - (b) Laws declared by the Judges in Judicial Decisions
 - (c) Administrative Adjudication
 - (d) Rules, bye-laws and regulations made by virtue of statutory power
32. Possession acquired through servant or an agent is an example of :
- (a) Corporeal Possession
 - (b) Mediate Possession
 - (c) Incorporeal Possession
 - (d) Immediate Possession
33. Law was defined in terms of balancing various interests in the society and as such law was described as social engineering by :
- (a) Austin
 - (b) Holland
 - (c) Ehrlich
 - (d) Pound
34. According to one of the theories of Punishment, "evil should be returned by evil". This theory is known as :
- (a) Deterrent Theory
 - (b) Retributive Theory
 - (c) Preventive Theory
 - (d) Reformatory Theory
35. The birth and death of legal persons are determined by :
- (a) Nature
 - (b) Custom
 - (c) Law
 - (d) Precedent
36. Right to ownership of a partner in a firm is :
- (a) Sole Ownership
 - (b) Co-ownership
 - (c) Legal Ownership
 - (d) Corporeal Ownership

37. The cancellation of driving licence of a person is an example of :

- (a) Expiatory theory
- (b) Preventive theory
- (c) Reformatory theory
- (d) Deterrent theory

38. Ratio Decidendi of a case is which one of the following ?

- (a) The order of the Court in the case
- (b) The final decree passed by the Court
- (c) The underlying principle or legal reasons on which the result of the case depends
- (d) The part of the judgement which has persuasive effect

39. Which one of the following rights is a right in re propria ?

- (a) Easement
- (b) Licence
- (c) Lessee's Right
- (d) Ownership

40. X allows Y to put his goods in a room of X's house. Y sends his agent Z to put the goods in the room. Z puts the goods in the room, locks it up and keeps the key with him. Who is in possession of the room ?

- (a) X
- (b) Y
- (c) Z
- (d) Both X and Z

41. Ownership without possession can be termed as which one of the following ?

- (a) No ownership
- (b) Quasi-ownership
- (c) Incomplete ownership
- (d) No-corporeal ownership

42. Who among the following propounded the theory of possession which lays stress not on animus but on de-facto control ?

- (a) Salmond (b) Pollock
(c) Holmes (d) Inhering

43. Which one of the following schools of jurisprudence laid emphasis on the question- 'How did law come to be' ?

- (a) Analytical (b) Sociological
(c) Historical (d) Philosophical

44. Which one of the following was the first jurist who defined jurisprudence as a Science of Law in 1874 ?

- (a) Kocurek (b) Amos
(c) Bentham (d) Roscoe Pound

45. Which one of the following pairs is *not* correctly matched ?

- (a) A.H. Campbell : A Note on Jurisprudence
(b) Theodore M Benditt : Law as Rule and Principle
(c) Finch, John D. : Introduction to Legal Theory
(d) Roscoe Pound : American Case Book Series

46. Kelson's theory of law is free from ethics, politics, sociology, history, religion etc.

It must in other words be :

- (a) confined (b) defined
(c) specified (d) pure

47. 'A' entered into an agreement with 'B' to obtain undue favour from a member of the Government on the promise that 'A' will pay Rupees one lakh to 'B' who will deliver the same to that member. A paid the amount to 'B' who in turn paid it to 'C', a member of Government for the said purpose as reward, 'C' subsequently refused to do any favour. On the basis of the above facts :

- (a) 'B' alone is responsible for his actions
- (b) Both 'B' and 'C' are liable as there was an abetment by conspiracy
- (c) 'C' alone is responsible as he misappropriated the money for his own use
- (d) 'A' has no ground to bring prosecution against 'C' because at the time of agreement C's name was not known to 'B'

48. There is a clear cut division between the spheres of the legislature and the judiciary. The former makes the laws and the latter applies them. Which one of the following propounds this doctrine ?

- (a) Analytical jurisprudence
- (b) Historical jurisprudence
- (c) Sociological jurisprudence
- (d) Philosophical jurisprudence

49. An idol of Lord Krishna in a temple is :

- (a) a natural person
- (b) a legal person
- (c) not a person in the eye of law because only the priest of the temple will be a person
- (d) not a person because no personality can be conferred on God

50. In Indo-European societies family was the pivot of the whole social system and all members of the family were held together by common bonds, common obedience to the pater familia :

- (a) The teacher
- (b) The Priest
- (c) The highest living ascendant
- (d) The Judge

ANSWER KEYS

- | | |
|-------|-------|
| 1. c | 26. b |
| 2. a | 27. d |
| 3. c | 28. c |
| 4. d | 29. c |
| 5. c | 30. d |
| 6. d | 31. d |
| 7. a | 32. b |
| 8. a | 33. d |
| 9. c | 34. b |
| 10. c | 35. c |
| 11. c | 36. b |
| 12. b | 37. b |
| 13. c | 38. c |
| 14. b | 39. d |
| 15. a | 40. b |
| 16. d | 41. d |
| 17. d | 42. b |
| 18. d | 43. c |
| 19. a | 44. b |
| 20. a | 45. d |
| 21. a | 46. d |
| 22. d | 47. b |
| 23. b | 48. a |
| 24. d | 49. b |
| 25. d | 50. c |

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1123-D

Ph. D. Entrance Test, 2011

LAW

Second Paper

(Descriptive Type Questions)

Time : 2 Hours

Maximum Marks : 100

Note : Attempt *three* questions in all. Q. No. 1 is compulsory.

1. Explain any *four* of the following :

- (i) Law as a command of the sovereign
- (ii) Custom as a source of law
- (iii) Hart-Fuller controversy
- (iv) Freedom of conscience under the Indian Constitution
- (v) Doctrine of pith and substance
- (vi) Judicial Review.

4×10=40

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P.T.O.

2. "They [laws] should be in relation to the climate of each country, to the quality of its soil, to its situation and extent, to the principal occupation of the natives..... They should be in relation to the degree of liberty which constitution will bear, to the religion of the inhabitants, riches, numbers, commerce, manners and customs.....All laws whether physical or positive do not spring from caprice but are the assertion of the cause and effect....." Explain with reference to Savigny's concept of *volks' geist*. 30

3. "Law is ultimately what the judge says, but there may be innumerable sources of error, which may enter into a determination of the facts by a trial court. 'There may be perjured witnesses, coached witnesses, biased witnesses.....missing destroyed documents, crooked lawyers, stupid lawyers.....judges who are stupid.....or biased'." On the basis of this statement develop a critique of the realistic school of jurisprudence and explain its basic tenets. 30

4. "The sad truth is that some people in our country are still subjected to the most inhuman forms of exploitation, including bonded labour, trade in human beings and child labour. These forms of exploitation are prevalent even after their prohibition by the Constitution." Discuss critically the relevant constitutional provisions with legislative action taken under them. 30
5. "The Indian Constitution is founded on the bedrock of balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony.....is an essential feature of the basic structure of the Constitution.....means to an end.....specified in Part IV." Discuss in the light of decided cases. 30