

ENTRANCE TEST FOR Ph.D. PROGRAMME, 2023

LAW

Time : Three Hours

Maximum : 100 Marks

Part A

*Answer all questions.**Each question carries 1 mark.*

Choose the most appropriate answer from the alternatives given :

1. According to Prof. Holland, 'jurisprudence' is :
 - (A) "Formal science of positive law".
 - (B) "Philosophy of positive law".
 - (C) "Codified common sense of communities".
 - (D) "Science of the first principles of the civil law".
2. *Obiter dictum* of the Supreme Court has :
 - (A) Precedential value.
 - (B) Precedential value in the case of Full Bench decisions only.
 - (C) Persuasive value only.
 - (D) No value.
3. Who among the following, according to Sir Henry Maine, can be regarded as the first jurist of the Historical School of Jurisprudence ?
 - (A) Aristotle.
 - (B) Montesquieu.
 - (C) Emmanuel Kant.
 - (D) David Hume.
4. "Threatening to commit any act forbidden by the Indian Penal Code" with the intention of causing any person to enter into an agreement is :
 - (A) Criminal intimidation.
 - (B) Undue influence.
 - (C) Fraud.
 - (D) Coercion.

Turn over

5. Which international Convention provides for the essential criteria for 'Statehood' under international law ?
- (A) Vienna Convention on the Law of Treaties.
 - (B) Montevideo Convention on the Rights and Duties of States.
 - (C) Vienna Convention on the succession of States.
 - (D) European Convention on Nationality.
6. The Advisory Jurisdiction of the International Court of Justice can be invoked by :
- (A) Any State.
 - (B) Any individual.
 - (C) Secretary-General of the U. N.
 - (D) None of the above.
7. Which one of the following principles can be applied in a situation where it can be said that without the defendant being negligent, the accident would not have happened ?
- (A) Respondeat superior.
 - (B) Volenti non fit injuria.
 - (C) Res ipsa loquitur.
 - (D) De minimis non curat lex.
8. Whose theory of adjudication is based on the methodology of 'constructive interpretation' ?
- (A) Ronald Dworkin.
 - (B) Leon Fuller.
 - (C) Rudolf von Ihering.
 - (D) H.L.A. Hart.
9. Which of the following expressions was added to the Preamble of the Constitution through the 42nd Amendment ?
- (A) Sovereign.
 - (B) Secular.
 - (C) Democratic.
 - (D) None of the above.
10. According to Julius Stone, which one of the following categories of illusory references can be illustrated by the example of "recovery of compensation in quasi-contract cases" ?
- (A) Category of indeterminate reference.
 - (B) Category of competing reference.
 - (C) Category of concealed circular reference.
 - (D) Category of concealed multiple reference.

11. The form of government in which a small group of people hold most or all of the political power is called :
- (A) Aristocracy. (B) Oligarchy
(C) Democracy. (D) Plutocracy
12. 'Constitutionalism' implies :
- (A) Limited government. (B) Accountable Government.
(C) Rule of Law. (D) All of the above.
13. Under the Real Property Law, the term 'seisin' means :
- (A) Possession of land by freehold.
(B) Possession of land as limited owner.
(C) Possession of easementary right.
(D) Subsurface rights.
14. Which of the following is NOT an exception to the principles of natural justice ?
- (A) Emergency.
(B) Legislative action.
(C) Order of superior authority.
(D) Impracticality.
15. Which of the following requirements is essential for establishing the status of a 'refugee' under international law ?
- (A) The person is outside the country of nationality.
(B) The person has a well-founded fear of being persecuted.
(C) The person is unable or unwilling to return to the country of nationality.
(D) All of the above.
16. According to Hohfeldian analysis of 'Rights in a wider sense', the jural opposite of 'Claim Right' is :
- (A) No Right. (B) Obligation.
(C) Duty. (D) Liability.

Turn over

17. Under which of the following circumstances the defence of absolute privilege is NOT available in a defamation action ?
- (A) Judicial proceedings. (B) Parliamentary proceedings.
(C) Official communications. (D) Responsible journalism.
18. Which theory of deviance maintains that "criminal behaviour is learned, and it is learned the same way any other behaviour is learned i.e., in interaction with other persons in a process of communication" ?
- (A) Differential Association Theory.
(B) Rational Choice Theory.
(C) Social Bonding Theory.
(D) Social Disorganization Theory.
19. Which of the following uses the Marxist theory to explain crime and crime control ?
- (A) Classical criminology. (B) Radical criminology.
(C) Biosocial criminology. (D) Postmodern criminology.
20. Which of the following principles of International Law forbids States from repatriating refugees if they are at risk of persecution ?
- (A) Principle of Non-refoulement.
(B) Principle of Non-discrimination.
(C) Principle of Non-derogation.
(D) None of the above.
21. 'A', by instigation, voluntarily causes 'Z', a person under eighteen years of age, to commit suicide. 'A' is guilty of :
- (A) Abetting suicide. (B) Abetting culpable homicide.
(C) Abetting murder. (D) Causing death by negligence.
22. The Writ issued to quash the decision of a lower court when the lower court passed an order without or in excess of jurisdiction is called:
- (A) Writ of Mandamus. (B) Writ of Prohibition.
(C) Writ of Quo-warranto. (D) Writ of Certiorari.

23. Among the following jurists, whose theory of justice is based on 'social contract' ?
- (A) Jeremy Bentham. (B) John Rawls.
(C) Amartya Sen. (D) Roscoe Pound.
24. What is the meaning of the maxim "*Qui Facit Per Alium Facit Per Se*" ?
- (A) Law does not compel the performance of what is impossible.
(B) He who does an act by or through another, does it himself.
(C) A personal right of action dies with the person.
(D) He is not be heard who alleges things contradictory to each other.
25. What is the remedy, if any, available in the case of rejection of a plaint ?
- (A) Special Leave to Appeal. (B) Appeal.
(C) Revision. (D) No remedy.
26. Which of the following principles was applied by the Supreme Court in the case of *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388 ?
- (A) Precautionary Principle.
(B) Polluter Pays Principle.
(C) Public Trust Doctrine.
(D) Doctrine of Sustainable Development.
27. Who is a "garnishee" ?
- (A) An insolvent debtor. (B) A judgment-debtor's debtor.
(C) An indigent civil suitor. (D) None of the above.
28. A right of way annexed to A's house over B's land is :
- (A) A continuous easement. (B) A discontinuous easement.
(C) A profit a prendre. (D) None of the above.
29. In the case of a manifestly unconscionable contract, if one contracting party is found to be in a position to dominate the will of the other party, the contract is :
- (A) Illegal. (B) Void.
(C) Voidable. (D) Valid.

Turn over

30. The Supreme Court judgement in *Janhit Abhiyan v Union of India* delivered on 7th of November, 2022 is related to :
- (A) 103rd Constitutional Amendment for EWS reservation.
 - (B) 101st Constitutional Amendment for implementation of GST.
 - (C) Validity of circumstantial evidence to convict public officials of bribery.
 - (D) Collegium System and NJAC for appointment of judges.
31. What was the contention of H.L.A. Hart regarding the interrelation between law and morality in the course of Hart-Fuller Debate ?
- (A) Moral validity is a condition precedent for legal validity.
 - (B) Morals can be accepted into Law only after a validation process.
 - (C) Legal systems contain an 'internal morality' that imposes an obligation of obedience.
 - (D) There is no necessary connection between law and morality.
32. What is 'Carbon Market' ?
- (A) Trading systems in which energy trade is carried out.
 - (B) Trading systems in which carbon credits are sold and bought.
 - (C) Trading systems in which fossil fuels are marketed.
 - (D) Trading systems in which carbon footprints are compensated.
33. Which of the following statutes generally receive liberal construction ?
- (A) Fiscal statutes.
 - (B) Remedial statutes.
 - (C) Penal statutes.
 - (D) All of the above.
34. Which among the following was the issue before the Supreme Court in *Kesavananda Bharati v. State of Kerala* (AIR 1973 SC 1461) ?
- (A) To which extent the Parliament can exercise its power to amend the Constitution ?
 - (B) Whether constitutional amendment is 'law' under Art. 13 (2) of the Constitution ?
 - (C) What is the scope of "Procedure established by Law" under Art. 21 ?
 - (D) All of the above.

35. The Fundamental 'Right to freedom of religion*' guaranteed under-provisions of the Constitution of India is available to :
- (A) All persons. (B) All citizens of India.
(C) All persons resident in India. (D) All citizens resident in India.
36. Which authority among the following may permit disclosure by publication in media of the identity of children in conflict with law ?
- (A) The District Court. (B) The probation officer.
(C) The Juvenile Justice Board. (D) None of the above.
37. Who propounded the theory of "social solidarity" ?
- (A) Leon Duguit. (B) Ronald Dworkin.
(C) H. L. A. Hart. (D) Roscoe Pound.
38. Which theory of criminology states that the occurrence of a crime is likely if there is a motivated offender and a suitable target ?
- (A) Mechanical solidarity theory. (B) Self-derogation theory.
(C) Routine activity theory. (D) Anomie theory.
39. Generally, quasi-contractual obligations are based on the theory of :
- (A) Implied term. (B) Just and equitable.
(C) Unjust enrichment. (D) Legitimate expectation.
40. When consent to an agreement is caused by mutual mistake of fact on the part of the parties, the agreement is :
- (A) Void. (B) Voidable.
(C) Illegal. (D) Valid.
41. An agreement in restraint of trade is valid, if :
- (A) There is mutual consent. (B) There is business expediency.
(C) It relates to a minor. (D) It relates to sale of goodwill.
42. Rule in *Clayton's case* is related to :
- (A) Anticipatory breach of contract. (B) Adequacy of consideration.
(C) Maintenance and champerty. (D) Appropriation of payment.

Turn over

43. The rule that "an ambiguous contract term should be construed against the drafter of the contract" is known as :
- (A) Rule of 'strict compliance'
 - (B) Rule of 'Contra Proferentem'
 - (C) Rule of 'Ejusdem generis'
 - (D) Rule of 'Reasonable Construction'
44. In which of the following decisions, the Supreme Court struck down provisions of the Aadhar Act and Notifications issued under it providing for mandatory linking of Aadhaar with mobile, bank accounts and school admissions ?
- (A) Joseph Shine vs. Union of India.
 - (B) Justice K.S. Puttaswamy v. Union of India.
 - (C) Navtej Singh Johar v Union of India.
 - (D) Satendra Kumar v. CBI.
45. Which of the following is NOT a ground for Proclamation of Emergency under Article 352 of the Constitution of India ?
- (A) Internal disturbance.
 - (B) External aggression.
 - (C) Armed Rebellion.
 - (D) War.
46. A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be :
- (A) Charge Sheet.
 - (B) First Information Report.
 - (C) Complaint.
 - (D) Refer Report.
47. 'A', a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. What is the offence, if any, committed by 'A', if he knew it to be likely that the communication might cause the patient's death ?
- (A) Culpable homicide not amounting to murder punishable u/s 304 of IPC.
 - (B) Causing death by negligence punishable u/s 304A of IPC.
 - (C) Act endangering life or personal safety of others punishable u/s 336 of IPC.
 - (D) 'A' has committed no offence.

48. A writes his name on the back of a bill of exchange so as to transfer the right to the bill to any person who may become the lawful holder of it. The writing is :
- (A) An endorsement. (B) A valuable security.
(C) Both (A) and (B). (D) Neither (A) nor (B).
49. Restriction in the interests of 'sovereignty and integrity' of India can be imposed on the fundamental right to :
- (A) Freedom of speech and expression.
(B) Move freely throughout the territory of India.
(C) Reside and settle in any part of the territory of India.
(D) Carry on any occupation, trade or business.
50. Right of peoples to 'self-determination' is :
- (A) First-generation human right.
(B) Second-generation human right.
(C) Third-generation human right.
(D) Fourth-generation human right.

(50 × 1 = 50 marks)

Part B

Answer any ten questions.

Each question carries 5 marks.

51. What do you understand by 'research'? How does 'legal research' differ from other types of research and what unique challenges does it present ?
52. What are the different types of legal research methods ? How can researchers determine which method is appropriate for a particular research question ?
53. What is '*jurimetrics*' in legal research ? Explain briefly.
54. What is meant by non-doctrinal legal research ? Do you agree with the view that it is 'research about law' ?
55. What is a 'research problem' ? Discuss the important considerations in selecting a research problem.

Turn over

56. What is the difference between primary and secondary sources in legal research? Provide examples of each and explain their importance in legal research.
57. Define 'Hypothesis'. What is the relevance of hypothesis in research? What considerations are generally required to be taken into account while formulating a hypothesis?
58. What is Data Analysis? Distinguish between 'Qualitative Data Analysis' and 'Quantitative Data Analysis'.
59. Discuss the importance of interdisciplinary research in the field of law. How can legal research benefit from collaboration with scholars from other disciplines, and what are some of the challenges involved in such collaborations?
60. Critically evaluate the use of online legal databases for legal research. What are the advantages and limitations of using online databases, and how can researchers ensure the quality and reliability of the information they obtain?
61. What is 'Scaling'? Discuss the different types of scales and the use of scaling techniques in legal research.
62. In conducting legal research, what ethical considerations must be taken into account? How can researchers ensure that they conduct their research ethically?
63. How can researchers effectively communicate the results of their legal research to various stakeholders, including policymakers, lawyers, and the general public? Also, describe the types and steps involved in writing Research Report.
64. What role does legal research play in shaping public policy, and how can legal researchers contribute to the policy-making process?

(10 × 5 = 50 marks)