

COMMON LAW ADMISSION TEST (LL.M.)-2016

1. Which of the following statement is correct?

- (a) All the provisions of the Constitution came into force on 15.08.1947.
- (b) Some provisions of the Constitution came into force on 26.11.1949 and the remaining provisions came into force on 26.01.1950.
- (c) Some provisions of the Constitution came into force on 15.08.1947 and the remaining provisions came into force on 26.11.1949.
- (d) All the provisions of the Constitution came into force on 26.01.1950.

2. In case of a deadlock over an Ordinary Bill between two Houses in a State Legislature, the Bill is deemed to have been passed:

- (a) after the Bill has been passed for the second time by the Legislative Assembly and more than three months elapse from the date on which the Bill is laid for the second time before the Legislative Council without the Bill being passed by it.
- (b) after the Bill has been passed for the second time by the Legislative Assembly and more than one month elapses from the date on which the Bill is laid for the second time before the Legislative Council without the Bill being passed by it.
- (c) after the Bill has been passed for the second time by the Legislative Assembly and more than six months elapse from the date on which the Bill is laid for the second time before the Legislative Council without the Bill being passed by it.
- (d) only in the form in which it is passed in the joint sitting of both the Houses of the State Legislature.

3. In which case Supreme Court held that "the mental privacy" is a part of Article 21 of the Constitution?

- (a) Selvi v. State of Karnataka (2010) 7 SCC 263

(b) Aruna Shanbaug v. UOI (2011) 4 SCC 454

(c) Bachpan Bachao Andolan v. UOI (2011) 5 SCC 1

(d) Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461

4. By which amendment to the Constitution, Article 13(4) was added?

(a) The Constitution (Twenty-third Amendment) Act, 1969

(b) The Constitution (Twenty-fourth Amendment) Act, 1971

(c) The Constitution (Twenty-fifth Amendment) Act, 1971

(d) The Constitution (Twenty-ninth Amendment) Act, 1972

5. By which amendment to the Constitution, Article 16 (4B) was added?

(a) The Constitution (Eighty-first Amendment) Act, 2000

(b) The Constitution (Eighty-second Amendment) Act, 2000

(c) The Constitution (Eighty-fifth Amendment) Act, 2001

(d) The Constitution (Ninetieth Amendment) Act, 2003

6. Which is the correct language of Article 20(2) of the Constitution?

(a) No person shall be prosecuted for the same offence more than once.

(b) No person shall be punished for the same offence more than once.

(c) No person shall be prosecuted and punished for the same offence more than once.

(d) No person shall be prosecuted or punished for the same offence more than once

7. The conclusive part of Article 31 C, i.e. "and no law containing a declaration that it is for

giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy" was struck down by the Supreme Court in the case of:

- (a) Golak Nath v. State of Punjab, AIR 1967 SC 1643
 - (b) Minerva Mills v. UOI, AIR 1980 SC 1789
 - (c) Bhim Singh v. UOI, AIR 1981 SC 234
 - (d) Kesavananda Bharti v. State of Kerala, AIR 1973 SC 1461
8. Election to fill a vacancy in the office of President occurring by reason of his death, resignation or removal, or otherwise, shall be held as soon as possible after, and in no case later than:
- (a) one month from the date of occurrence of the vacancy
 - (b) two months from the date of occurrence of the vacancy
 - (c) three months from the date of occurrence of the vacancy
 - (d) six months from the date of occurrence of the vacancy
9. The concept of curative petition was applied by the Supreme Court in the case of:
- (a) Om Kumar v. UOI (2002)
 - (b) P.A. Inamdar v. State of Maharashtra (2005)
 - (c) Rupa Ashok Hurra v. Ashok Hurra (2002)
 - (d) Ashok Kumar Thakur v. UOI (2008)
10. Which Article of the Constitution puts obligation on the State to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes?
- (a) Article 21-A
 - (b) Article 46
 - (c) Article 45
 - (d) Article 43
11. For the election of the President, the electoral college shall consist of:
- (a) Members of both the Houses of Parliament, members of Legislative of States and Legislative Assemblies of Delhi and Pondicherry

(b) Elected members of both the Houses of Parliament, members of the Legislative Assemblies of States including National Capital Territory of Delhi and the Union Territory of Pondicherry

(c) Elected members of both the Houses of Parliament, members of the Legislative Assemblies of the States and elected members of the Legislative Assemblies of Delhi and Pondicherry.

(d) Elected members of both the Houses of Parliament and elected members of Legislative Assemblies of the States including National Capital Territory of Delhi and the Union Territory of Pondicherry.

12. The President of India may be removed from the office by impeachment on the ground of:

- (a) proved misbehavior
- (b) proved misbehavior and misconduct
- (c) violation of the Constitution
- (d) proved misbehavior or incapacity

13. All doubts and disputes arising out of or in connection with the election of the President shall be inquired into and decided by the:

- (a) Supreme Court
- (b) Election Commission of India
- (c) Parliament in consultation with Election Commission of India
- (d) Elected members of Parliament and State Legislative Assemblies

14. 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 Parliament
- (b) 15% of the total number of members of the Council of States
- (c) 15% of the total number of elected members of House of the People and Council of States
- (d) 15% of the total number of members of House of the People

15. Under which Article of the Constitution the Prime Minister is duty bound to furnish information to the President regarding all decisions of Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation as the President may call for?
- (a) Article 76 (b) Article 77
(c) Article 78 (d) Article 79
16. In the Constitution of India, disqualification for appointment on remunerative political post is provided in:
- (a) Article 361
(b) Article 361A
(c) Article 361B
(d) Article 362
17. In which Article of the Constitution the "Contingency Fund" of India is defined?
- (a) Article 266 (b) Article 267
(c) Article 268 (d) Article 269
18. Who in respect of every financial year cause to be laid before both the Houses of Parliament, a statement of the estimated receipts and expenditure of the Government of India for the year, which is known as "annual financial statement"?
- (a) President
(b) Prime Minister
(c) Finance Minister
(d) Speaker of the House
19. In which case the Supreme Court upheld the use of Aadhaar Card for certain government schemes?
- (a) PUDR v. UOI
(b) K.S. Puttaswamy v. UOI
(c) M.C. Mehta v. UOI
(d) Sandeep v. UOI
20. In which case the Supreme Court upheld the Haryana Panchayati Raj Act prescribing minimum educational qualifications for contesting elections of Panchayats?
- (a) Rajbala v. State of Haryana
(b) Ravibala v. State of Haryana
(c) Chaudhry Ravi Singh v. State of Haryana
(d) Chaudhry Ranbir Singh v. State of Haryana
21. The Constitution (One Hundredth Amendment) Act, 2015 gave effect to the exchange of:
- (a) 111 Bangladeshi and 51 Indian Enclaves
(b) 51 Bangladeshi and 51 Indian Enclaves
(c) 111 Indian and 111 Bangladeshi Enclaves
(d) 51 Bangladeshi and 111 Indian Enclaves
22. In which case the administration had approached the High Court seeking order for termination of pregnancy of an orphan woman, suffering from mild mental retardation and found pregnant (allegedly on having been raped)?
- (a) Savita Kumari v. Chandigarh Admn.
(b) Suchita Krishnan v. Delhi Admn.
(c) Orphan Society v. Delhi Admn.
(d) Suchita Srivastava v. Chandigarh Admn.
23. Right to enforce which Articles of the Constitution cannot be suspended during emergency?
- (a) Articles 19 and 20
(b) Articles 21 and 22
(c) Articles 20 and 21
(d) Articles 19 and 21
24. The joint sitting of both the Houses of Parliament in certain cases can be called by the President under Article:
- (a) 107
(b) 108
(c) 109
(d) 110
25. Article 21-A was inserted in the Indian Constitution by:
- (a) the Constitution (Forty-second Amendment) Act, 1976
(b) the Constitution (Ninety-second Amendment) Act, 2003
(c) the Constitution (Eighty-sixth Amendment) Act, 2002
(d) the Constitution (Eighty-fifth Amendment) Act, 2001
26. Which of the following judgment of the Supreme Court is related to rights of third gender?
- (a) National Legal Services Authority v. Union of India (2014)

- (b) Ramprakash v. State of UP (2013)
- (c) Peoples Union for Civil Liberty v. State of Maharashtra (2000)
- (d) Democratic Union v. Govt. of India (2015)

27. Which Schedule of the Constitution of India deals with the provisions as to disqualification on ground of defection?

- (a) VII (b) VIII
- (c) IX (d) X

28. In which case the Supreme Court of India held that "right to life" does not include "right to die"?

- (a) Gian Kaur v. State of Punjab (1996)
- (b) P. Rathinam v. Union of India (1994)
- (c) State of Maharashtra v. Maruti Sripati (1987)
- (d) Mithu v. State of Punjab (1983)

29. In which case the Supreme Court ruled that the defence of "sovereign immunity" is alien to the concept of guarantee of fundamental rights?

- (a) Rudal Sah v. State of Bihar (1983)
- (b) PUDR v. Union of India (1983)
- (c) Maneka Gandhi v. Union of India (1978)
- (d) Nilabati Behera v. State of Orissa (1993)

30. In which case Article 323A (2) (d) and Article 323B (3) (d) were declared unconstitutional to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution?

- (a) S.P. Sampath Kumar v. Union of India (1987)
- (b) Maneka Gandhi v. Union of India (1978)
- (c) L. Chandra Kumar v. Union of India (1997)
- (d) I.R. Coelho v. State of Tamil Nadu (2007)

31. Financial emergency under Article 360 of the Constitution once imposed, after the approval by both the Houses of Parliament within the period of two months, shall remain valid for the period of:

- (a) six months
- (b) one year
- (c) three years
- (d) till it is revoked by the Parliament

32. Which case is popularly known as "Cash for Question" case?

- (a) Amrinder Singh v. Punjab Vidhan Sabha (2010)
- (b) In re Keshav Singh case (1965)
- (c) Raja Ram Pal v. Hon'ble Speaker Lok Sabha (2007)
- (d) Ranath Singh v. Hon'ble Speaker Lok Sabha (2008)

33. President can appoint distinguished jurist as a Judge:

- (a) of the High Court only
- (b) of the Supreme Court only
- (c) of the High Court as well as Supreme Court
- (d) neither of the High Court nor of the Supreme Court

34. Which Article of the Constitution says that Law declared by the Supreme Court shall be binding on all courts within the territory of India?

- (a) Article 140 (b) Article 141
- (c) Article 142 (d) Article 146

35. The operative part of Article 310(1) of the Constitution is:

- (a) Subject to the provisions of this Constitution
- (b) Except as expressly provided by this Constitution
- (c) Notwithstanding anything provided by this Constitution
- (d) Subject to the provision of Article 311

36. The doctrine of "occupied field" was applied by the Supreme Court in the case of:

- (a) Kesavananda Bharti v. State of Kerala (1973)
- (b) Union of India v. Tulsiram Patel (1985)
- (c) A.B. Krishna v. State of Karnataka (1998)
- (d) I.R. Coelho v. Union of India (2007)

37. Under which Article of the Constitution, a Commission to investigate the conditions of Backward Classes can be appointed by the President of India?

- (a) Article 340 (b) Article 341
- (c) Article 342 (d) Article 16(4)

38. By which amendment the ground of "armed rebellion" for imposing national emergency was substituted for the ground "internal disturbance"?
- The Constitution Amendment Act, 1975 (Thirty-ninth)
 - The Constitution Amendment Act, 1976 (Forty-second)
 - The Constitution Amendment Act, 1978 (Forty-fourth)
 - The Constitution (Fiftieth Amendment) Act, 1984
39. Under Article 355 of the Constitution it shall be the duty of the Union to protect every State against:
- external aggression
 - external aggression and internal disturbance
 - external aggression and armed rebellion
 - war, external aggression and armed rebellion
40. Which of the following statement is correct?
- A law put into the IX Schedule of the Constitution cannot be challenged on the ground of violation of basic structure
 - A law put into the IX Schedule of the Constitution can be challenged on the ground of violation of basic structure, irrespective of the fact when the law was put in the IX Schedule
 - Only those laws which have been put into the IX Schedule after 24th April, 1973 can be challenged on the ground of violation of basic structure
 - Only those laws which have been put into the IX Schedule after 10th May, 1973 can be challenged on the ground of violation of basic structure
41. Article 30 of the Constitution gives the right to establish and administer educational institutions of their choice to all minorities whether based on:
- religion
 - language
 - religion or language
 - religion and language
42. In which case the Supreme Court observed that there is no fundamental right to strike?
- Delhi Police Non-Gazetted Karamchari Union v. Union of India (1987)
 - Manohar Lal v. State of Punjab (1961)
 - T.K. Rangarajan v. State of Tamil Nadu (2003)
 - Sodan Hussain v. NDMC (1989)
43. Which Article of the Constitution puts a duty on every citizen of India to renounce practices derogatory to the dignity of the woman?
- Article 19
 - Article 21
 - Article 51A(e)
 - Article 51A(g)
44. Article 29(2) of the Constitution provides that "No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of:
- religion, race, caste, sex, language or any of them.
 - race, caste, sex, language or any of them
 - religion, race, caste, place of birth, language or any of them
 - religion, race, caste, language or any of them
45. Under which Articles of the Constitution the rights given therein are available only to the citizens of India?
- Article 15, 16, 19 and 21
 - Articles 15, 16, 19 and 25(2)
 - Articles 15, 16, 19 and 17
 - Articles 15, 16, 19 and 29
46. If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in Clause (1) of Article 102 of the Constitution, the question shall be referred for the decision of the and his decision shall be final.
- Prime Minister
 - Speaker/Chairman of the House
 - Vice-President
 - President

47. Which Article of the Constitution provides that "Subject to the provisions of any law made by Parliament or any rules made under Article 145, the Supreme Court shall have the power to review any judgement pronounced or order made by it"?
- Article 134
 - Article 135
 - Article 137
 - Article 142
48. The total number of members in the Legislative Council of a State having such a Council shall not exceed:
- one-third of the total number of members in the Legislative Assembly of that State
 - one-half of the total number of members in the Legislative Assembly of that State
 - two-third of the total number of members in the Legislative Assembly of that State
 - the total number of members in the Legislative Assembly of that State
49. An Ordinance promulgated by the President under Article 123 of the Constitution shall cease to operate at the expiration of from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both the Houses of Parliament and in such case upon the passing of the second of those resolutions; and may be withdrawn at any time by the President.
- one month
 - six months
 - six weeks
 - two months
50. In which case the Supreme Court declared Clauses (4) and (5) of Article 368 of the Constitution as unconstitutional?
- Indira Nehru Gandhi v. Raj Narain (1976)
 - Minerva Mills Ltd. v. Union of India (1980)
 - L. Chandra Kumar v. Union of India (1997)
 - I.R. Coelho v. Union of India (2007)
- According to Hohfeld what is the "jural opposite" of power?
- Right
 - Duty
 - Disability
 - Liability
52. While differentiating between judicial and legislative creativity, it was stated that "the creative power of the courts is limited by existing legal material at their command. They find the material and shape it. The legislature may manufacture entirely new material." Who made this statement?
- Salmond
 - Allen
 - Savigny
 - Austin
53. Who stated that "I recognize without hesitation that judges must and do legislate, but they do so only interstitially; they are confined from molar to molecular motions"?
- Justice Cardozo
 - Justice Holmes
 - Grey
 - Kant
54. Fill in the blanks by choosing the correct option:
- justice prescribes equality. There has to be equal distribution among equals, justice seeks to restore equality, when this has been shaken, on the assumption that the situation that has been upset was distributively first.
- Distributive, Corrective
 - Universal, Classic
 - Classic, Corrective
 - Particular, Distributive
55. According to Hohfeld if 'X' has a power, 'Y' has a liability. A liability in 'Y' means the absence of immunity in him. Therefore:
- Power and liability are "jural correlatives"
 - Power and liability are "jural opposites"
 - Power and liability are "jural contradicts"
 - There is no relation between power and liability
56. According to the "Purpose theory" of personality:
- corporate entity is a person
 - beneficiary of a foundation is a person
 - person is applicable only to human beings
 - The dignity of being a "juristic person" as having to be conceded by the State.

57. Who is the propounder of "Bracket theory" of personality?
(a) Baker (b) Ihering
(c) Savigny (d) Salmond
58. X was allowed to put her goods in certain rooms in Y's house. X sent them by agent, who locked them in the rooms allotted for that purpose in Y's house by Y, and took away the key.
(a) 'Y' was in possession of the rooms
(b) X was in possession of the rooms
(c) The agent of 'X' was in possession of the rooms
(d) The agent of 'X' and 'Y' were in possession of the rooms
59. Who said that "Certainty of law is a legal myth"?
(a) Holmes
(b) Salmond
(c) Jerome Frank
(d) Kelsen
60. Salmond distinguished between "corporeal possession" and "incorporeal possession". According to him corporeal possession refers to:
(a) Possession of rights
(b) Possession of physical objects
(c) intention to possess rights
(d) intention to possess physical objects
61. Who was the author of "The Province of Jurisprudence Determined"?
(a) Dias (b) Salmond
(c) Kelsen (d) Austin
62. Who summarized Austin's thesis by stating that "this, at first sight, looks like a circular reasoning. Law is law since it is made by the Sovereign. The Sovereign is Sovereign because he makes the law"?
(a) Hart (b) Holland
(c) Buckland (d) Fuller
63. Who is the author of the famous book "The Concept of Law"?
(a) Hart
(b) Upendra Baxi
(c) Austin
(d) Kelsen
64. "The movement of progressive societies has hitherto been a movement from status to contract". This was stated by:
(a) Savigny
(b) Maine
(c) Savigny and Maine
(d) Maitland
65. Who is the author of the famous work "Law in the Making"?
(a) Kelsen
(b) Upendra Baxi
(c) Henry Maine
(d) C.K. Allen
66. Which of the following was the famous work of Jermy Bentham?
(a) Limits of Jurisprudence Defined
(b) Province of Law Determined
(c) The Concept of Law
(d) The Spirit of Law
67. Who used the "social solidarity" as a criterion of the validity of Laws?
(a) Duguit (b) Pound
(c) Ihering (d) Kelsen
68. Find out the odd man out among the following:
(a) Savigny (b) Puchta
(c) Hegel (d) Comte
69. Which school regards the judge made law as "an unauthorized encroachment upon the powers of the legislators to make law"?
(a) Historical school
(b) Realist school
(c) Sociological school
(d) Analytical school
70. Who said that "Jurisprudence was the first of the social sciences to be born"?
(a) Duguit (b) Savigny
(c) Wurzel (d) Hegel
71. "Ignorantia facit excusant" means:
(a) Ignorance of fact is no excuse
(b) Ignorance of fact is excuse
(c) Ignorance of law is no excuse
(d) Ignorance of law is excuse

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72. American Realist movement is a combination of the:
- analytical positivist and sociological approaches
 - historical positivist and sociological approaches
 - natural law positivist and historical approaches
 - natural law positivist and sociological approaches
73. The Indian Penal Code is a:
- creative code
 - consolidating code
 - customary code
 - refined code
74. Who stated, "Common law is essentially judge made law"?
- Holmes
 - Blackstone
 - Salmond
 - Pollock
75. The absolutist theories of sovereignty were given by:
- Bodin, Hobbes and Austin
 - Austin; Almond and Maine
 - Austin; Bentham and Savigny
 - Austin, Kelsen and Maine
76. Who defined law as 'a social institution to satisfy social wants'?
- Pound
 - Ihering
 - Duguit
 - Kelsen
77. Which theory of law is known as "Vienna School" of legal thought?
- Natural
 - Philosophical
 - Historical
 - Pure
78. Who is called the "father of English Jurisprudence"?
- Justice Holmes
 - John Austin
 - Kelsen
 - Ihering
79. Four elements of State are:
- Population, Territory, Sovereignty and Divinity
 - Sovereignty, Government and Territory and Morality
 - Population, Sovereignty and Territory and Equality
 - Population, Territory, Government and Sovereignty
80. The physical control of an object is:
- possessio naturales
 - possessio civilis
 - possessio interdicts
 - practor's interdicts
81. Who defined 'administration of justice' as the 'maintenance of right within a political community by means of the physical force of the State'?
- Duguit
 - Ihering
 - Keeton
 - Salmond
82. The reaction against which law theories provided a rich bed in which the seeds of historical scholarship took root and spread?
- Realist law theories
 - Pure law theories
 - Analytical law theories
 - Natural law theories
83. Rights in 're propria' mean:
- Rights in the things of others
 - Rights in one's own things
 - Tangible rights
 - Intangible rights
84. According to Analytical School, pre-existence of which of the following is necessary for the growth of Positive Law?
- Family
 - State
 - Clan
 - Tribe
85. That "Life of Law has not been logic, it has been experience" was observed by:
- Holmes
 - Hohfield
 - Holland
 - Henry Maine

86. According to Historical School, the most important source of law is:

- (a) Legislation
- (b) Custom
- (c) Judicial Precedent
- (d) Morality

87. In India, which of the following cannot logically be said to be the manifestation of "VOLKSGEIST"?

- (a) Untouchability
- (b) Panchayat system
- (c) Community Labour (SHRAMDAN)
- (d) GURUKUL Education

88. In Pure Theory of Law, a legal norm derives its validity from:

- (a) Sovereign
- (b) Higher Legal Norm
- (c) Higher Moral Norm
- (d) Higher Social Norm

89. One of the important aspects of Sociological School is to study:

- (a) Effect of law on morality
- (b) Effect of law on religion
- (c) Effect of law on society
- (d) Effect of law on international order

90. Which of the following is said to be "Nine Points in Law"?

- (a) Ownership (b) Possession
- (c) Right (d) Might

91. A Right is:

- (a) A just claim
- (b) A righteous claim
- (c) A legal claim
- (d) A moral claim

92. Right to one's Reputation is a:

- (a) right in rem
- (b) right in personam
- (c) an easement right
- (d) property right

93. Savigny, Salmond and Dicey were the main supporters of which theory of personality?

- (a) Fiction theory
- (b) Bracket theory

(c) Organic theory

(d) Concession theory

94. According to Kelsen

- (a) Law is a normative science
- (b) Law is the command of the sovereign
- (c) Law is a means not an end
- (d) Law is to serve social purpose

95. Who said that the task of law is 'social engineering'?

- (a) Ehrlich
- (b) Durkheim
- (c) Henry Maine
- (d) Roscoe Pound

96. Cicero defined law as:

- (a) The aggregate of rules set by men or politically superior, or sovereign, to men or politically subject
- (b) A social institution to satisfy social wants
- (c) The forms of the guarantee of the conditions of life of society assured by state's power of constraint
- (d) The highest reason implanted in nature.

97. Who said that "the essence of legal right seems to me to be not legally guaranteed power to realize an interest"?

- (a) Salmond (b) Allen
- (c) Paton (d) Hegel

98. What is the correlative of "immunity", according to Hohfeld?

- (a) Duty (b) Power
- (c) Liability (d) Disability

99. Which of the following is not a characteristic of sovereignty as per Austin's analysis?

- (a) Illimitability
- (b) Essentiality
- (c) Indivisibility
- (d) Divinity

100. That "Jurisprudence then, in the present hypothesis, is the Lawyers extra version" was observed by:

- (a) John Locke (b) Kelsen
- (c) Julius Stone (d) Ihering

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101. Under the Indian Contract Act, 1872 a finder of goods is subject to the same duties as a:
- bailee
 - trustee
 - owner
 - custodian
102. 'A' and 'B' agree that 'A' shall pay Rs. 20000 for which 'B' shall deliver either rice or heroin. The contract is:
- void
 - valid
 - void as to delivery of heroin and valid as to delivery of rice
 - voidable
103. 'A' supplies to the dependent wife and children of lunatic 'B', necessities suitable to their needs and conditions of life. 'A' is:
- not entitled to any reimbursement
 - entitled to reimbursement from B's property
 - entitled to partial reimbursement only
 - entitled to reimbursement at the discretion of 'B'
104. 'A' proposes, by letter, to sell a house to 'B' at a certain price. 'B' accepts the proposal of 'A' by posting a letter to 'A'. Select the correct option:
- There cannot be an agreement between 'A' and 'B' by post.
 - The communication of the proposal is complete when letter of proposal was posted by 'A'
 - The communication of the acceptance is complete against 'B' when the letter is posted by 'B'
 - The communication of the acceptance is complete against 'B' when the letter is received by 'A'
105. Basic principles of award of compensation for breach of contract were laid down in:
- Harvey v. Face
 - Carlill v. Carbolic Smoke Ball Co.
 - Hadley v. Baxendale
 - Solomon v. Solomon
106. 'A' agrees to buy from 'B' a certain horse. It turns out that horse was dead at the time of the bargain, though neither party was aware of the fact. The agreement is:
- valid
 - void
 - voidable
 - valid for claim of compensation
107. 'A' agrees to sell his house worth Rs. 5 lac for Rs. 1000/- 'A' denies that his consent to the agreement was freely given.
- 'A' cannot take this plea after the agreement
 - The contract is void because of inadequacy of consideration
 - The court should take into account the inadequacy of the consideration in considering whether or not 'A's consent was freely given.
 - The court cannot take into account the inadequacy of the consideration in considering whether or not 'A's consent was freely given
108. 'A' and 'B' jointly owe Rs. 100/- to 'C'. 'A' alone pays the whole amount to 'C' and 'B' not knowing this fact also pays Rs. 100/- to 'C':
- 'C' is bound to repay Rs. 100/- to 'B'.
 - 'C' is bound to pay Rs. 100/- each to 'A' and 'B'.
 - 'C' is not bound to repay Rs. 100/- to either 'A' or 'B' because 'B' paid on his own
 - 'C' is bound to pay Rs. 50/- to 'B'
109. 'A' lets to 'B', for hire, a horse for his riding. 'B' uses the horse to drive the carriage:
- The bailment is automatically terminated
 - The termination of bailment is at the option of 'A'
 - The bailment cannot be terminated.
 - The bailment can be terminated at the option of 'B'
110. 'A' gives authority to 'B' to sell A's land and to pay himself, out of the proceeds, the debts due to him from 'A':
- A can revoke this authority subsequently
 - The authority can be terminated on the ground of insanity of 'A'

(c) The authority can be terminated after the death of 'A'

(d) A cannot revoke this authority

11. The liability to pay compensation, of an enterprise carrying on an inherently dangerous and hazardous activity, on death of a worker due to leakage of lethal gas is based on the principle of:

- (a) fault Liability
- (b) wrongful intention
- (c) negligence
- (d) absolute liability

12. Which one of the following is not an element of the tort of malicious prosecution?

- (a) Prosecution of the plaintiff by the defendant
- (b) Termination of the criminal case in favour of the defendant
- (c) Absence of reasonable and probable cause for prosecution
- (d) Damage to the plaintiff due to malicious prosecution

113. In his definition of 'Law of Tort', Winfield supports the principle given in the maxim:

- (a) Ubi remedium ibi jus
- (b) Ubi jus ibi remedium
- (c) Respondeat superior
- (d) Damnum sine injuria

114. Which element is not required in the tort of defamation?

- (a) Wrongful intention
- (b) Defamatory statement
- (c) Publication
- (d) Referring to the Plaintiff

115. The maxim 'qui facit per alium facit per se' means:

- (a) he who acts through others is deemed in law as doing it himself
- (b) responsibility must not be that of the superior
- (c) a person is responsible for his wrongful acts
- (d) an agent is not liable to principal

116. For fixing vicarious liability of master in tort for the wrongs committed by servant, master servant relationship is determined on the basis of:

- (a) employment
- (b) payment of wages
- (c) control of master over servant's acts
- (d) conditions of service

117. Which one of the following is not an essential element of the defence of fair comment in tort of defamation?

- (a) The matter commented on must be of public interest
- (b) The comment must be an assertion of fact
- (c) The comment must be fair
- (d) The comment must not be malicious

118. Which one of the following is not a defence to the strict liability rule in tort?

- (a) Plaintiff's own default
- (b) Escape of dangerous things through the unforeseeable act of a stranger
- (c) Act of God
- (d) Inevitable accident

119. A nine year old boy bought petrol in a Can from the defendant, a petrol dealer by falsely stating that his mother needed it for her car. In fact, he used it to play with it, and, in doing so, sustained burn injuries. The defendant is:

- (a) liable in negligence for supplying petrol to so young a boy who was not expected to know the properties of petrol.
- (b) not liable in negligence as the boy had made a false statement and the defendant believed it to be true.
- (c) there was contributory negligence of the boy, therefore defendant is not liable.
- (d) not liable in negligence because possession of the Can and money proved that boy acted as a reasonable person.

120. An accused head master of a school threatens a lady teacher to sign certain blank papers and if she does not do so, he would defame her. The head master is guilty of:

- (a) extortion
- (b) robbery

- (c) criminal intimidation
(d) attempt to commit defamation
121. A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the assets according to the will, and appropriates the assets to his own use. A commits:
- (a) criminal breach of trust
(b) cheating
(c) theft
(d) forgery
122. A, B, C, D and E while carrying away property obtained by theft committed in a house fired shots in the air with a view to scare away the inmates, from pursuing them. They are guilty of:
- (a) theft (b) extortion
(c) riot (d) dacoity
123. Which one of the following is accepted as mens rea for constituting the offence of theft?
- (a) Knowingly (b) Dishonestly
(c) Voluntarily (d) Fraudulently
124. 'A' inserts his finger into the anus of a woman against her will. Under which one of the following Sections of the Indian Penal Code, 1860 'A' is punishable?
- (a) Section 376
(b) Section 354
(c) Section 509
(d) Section 377
125. For the offence of cheating, which one of the following state(s) of guilty mind/s is/are to be proved?
- (a) Fraudulently
(b) Dishonestly
(c) Fraudulently or dishonestly
(d) Fraudulently and dishonestly
126. 'A' voluntarily throws into a river a ring belonging to 'Z', with the intention of thereby causing wrongful loss to 'Z'. 'A' has committed:
- (a) theft (b) mischief
(c) extortion (d) cheating
127. 'A' signs his own name to a bill of exchange, intending that it may be believed that the

bill was drawn by another person of the same name. 'A' commits:

- (a) cheating
(b) attempt of cheating
(c) attempt of forgery
(d) forgery
128. The essential tests for the existence of international custom are:
- (a) ancient nature
(b) ancient nature, uniform states practice
(c) ancient nature, uniform states practice and opinio juris sive necessitatis
(d) uniform states practice and opinio juris sive necessitatis
129. Which body of the United Nations requested International Court of Justice to give an advisory opinion on the issue of legality of use or threat to use nuclear weapons on 15 December 1994?
- (a) W.H.O.
(b) U.N. General Assembly
(c) Security Council
(d) Economic and Social Council
130. India acceded to the International Covenant on Civil and Political Rights in:
- (a) 1966 (b) 1976
(c) 1979 (d) 1972
131. When, U.N. Human Rights Council, which is successor to the U.N. Commission on Human Rights, was established?
- (a) 2006 (b) 2010
(c) 2012 (d) 2013
132. Where the principle of "Common but differentiated responsibilities" finds a place?
- (a) U.N. Convention on Biodiversity, 1992
(b) Montreal Protocol, 1987
(c) Warsaw Amendment, 2013
(d) Paris Agreement, 2015
133. If International Law were only a kind of morality, the framers of State Papers Concerning Foreign Policy would throw all their strength on moral argument. Who made this observation?
- (a) Fitzmaurice
(b) John Austin

- (c) Frederick Pollock
(d) J.G. Starke
134. Emission Trading mechanism is a market based mechanism provided in:
(a) U.N. Convention on Climate Change, 1992
(b) Kyoto Protocol, 1997
(c) Warsaw Amendment, 2013
(d) Lima Agreement, 2014
135. Who said that the Public International Law is "a Vanishing Point of Jurisprudence"?
(a) Grotius (b) Holland
(c) Brierly (d) Fawcett
136. The Judges of International Court of Justice are elected for nine years and the court shall elect its President or Vice-President for a term of:
(a) Three years
(b) Five years
(c) Seven years
(d) Nine years
137. Who is called father of Public International Law?
(a) Holland (b) Grotius
(c) Starke (d) Oppenheim
138. The International Criminal Court was established by:
(a) Hague Conference, 1907
(b) League of Nations, 1919
(c) UN Charter, 1945
(d) Rome Statute, 1998
139. Article 51 of the UN Charter saves which of the following rights as being inherent?
(a) Right of self-defence
(b) Right of self-determination
(c) Right to free trade with member-States
(d) Right to enter into relations with other States
140. Which one of the following essentials for seeking claim of patent is wrong?
(a) Compulsory Licensing
(b) Novelty
(c) Non-obviousness
(d) Industrial Utility
141. Indian Copyright Act, 1957 protects the literary work for following term:
(a) Life of author plus 25 years after his/her death
(b) Life of author plus 50 years after his/her death
(c) Life of author plus 60 years after his/her death
(d) Full life only
142. The Supreme Court in the case of Novartis, AG v. Union of India, rejected the patent of which drug?
(a) Gleevec
(b) Macsarin
(c) Aspirin
(d) Zimmerman
143. An invention under the Patent in India can be protected for a term of:
(a) 10 years
(b) 20 years
(c) 25 years
(d) 50 years
144. In which of the following case, the Supreme Court of India held that 'if a Hindu husband converts into Islam and marries again, he will be guilty of bigamy'?
(a) Bhaurao Shanker Lokhande v. State of Maharashtra AIR 1965 SC 1564
(b) Bharatha Matha v. Vijaya Renganathan AIR 2010 SC 2685
(c) Revanasiddappa v. Mallikarjun AIR 2011 SC (Supp) 155
(d) Sarla Mudgal v. Union of India AIR 1995 SC 1531
145. A married couple has adopted a son under the provisions of the Hindu Adoptions and Maintenance Act, 1956. While the adopted son is alive, the couple is willing to adopt another son as the said adopted son was not medically fit to produce a child. The couple—
(a) can adopt another son
(b) cannot adopt another son
(c) can adopt another son with the consent of the adopted son
(d) can adopt another son with the permission of the Court

146. In execution of a decree for the maintenance, salary of a person can be attached to the extent of:

- (a) one fourth
- (b) one third
- (c) two third
- (d) one half

147. 'A' dies leaving behind a son X and a married daughter Y, a suit filed by 'A', can be continued by:

- (a) 'X' alone as legal representative
- (b) 'Y' alone as legal representative
- (c) 'X', 'Y' and the husband of Y as legal representatives
- (d) 'X' and 'Y' both, as legal representatives

148. As Per The Copyright Act 1957, who is not included in the definition of Performer?

- (a) Share channel
- (b) Cobbler
- (c) Singer
- (d) Acrobat

149. Under the Patents Act, 1970 a patent is granted for:

- (a) discovery
- (b) finding
- (c) observation
- (d) invention

150. Under the Copyright Act, 1957 copyright can be granted to?

- (a) invention
- (b) literary, dramatic, musical and artistic work
- (c) design of a bottle
- (d) handicrafts

ANSWERS*

COMMON LAW ADMISSION TEST, CLAT (LL.M.)—2016

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

ANSWERS*

COMMON LAW ADMISSION TEST, CLAT (LL.M.)—2016

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