

INDIAN LAW INSTITUTE (LL.M.)

NEW DELHI—2019

Part-I

Choose an option which is nearest in meaning to the word given in capital letters in question no. 1-5.

1. **TAXIDERMY**

- (a) The business of renting taxis
- (b) The activity of cleaning, preserving and filling the skins of dead animals
- (c) A separate lane in a highway for taxis
- (d) The activity of poaching wild animals

2. **HOOVER**

- (a) Vacuum cleaner
- (b) A plant with bitter cones
- (c) Siren
- (d) To make loud sound

3. **NOOSE**

- (a) An antelope of arctic region
- (b) A rodent
- (c) A hangman
- (d) A loop with a running knot

4. **A POSTERIORI**

- (a) Relating to knowledge proceeding from deduction
- (b) Relating to inherent knowledge
- (c) Relating to knowledge proceeding from observation
- (d) Relating to divine knowledge

5. **POPLAR**

- (a) A tree with straight trunk
- (b) Famous
- (c) Relating to the Pope
- (d) Relating to pole star

Choose an option which is nearest opposite to the word given in capital letters in question no. 6-10.

6. **AVARICE**

- (a) Kindness
- (b) Anger
- (c) Average
- (d) Generosity

7. **CONCEIT**

- (a) Arrogance
- (b) Mildness
- (c) Humility
- (d) Temperamental

8. **BOUNTIFUL**

- (a) Limitless
- (b) Meagre
- (c) Aplenty
- (d) Average

9. **INCISIVE**

- (a) Rambling
- (b) Analytical
- (c) Intelligent
- (d) Conclusive

10. **SPORADIC**

- (a) Spontaneous
- (b) Isolated
- (c) Scattered
- (d) Regular

Choose an option which is nearest in meaning to the phrase given in bold italics in question no. 11-13.

11. ***A political ideal without state and government with full individual freedom***

- (a) Mobocracy
- (b) Anarchy
- (c) Plutocracy
- (d) Lawlessness

12. ***An event causing grave and sudden distress***

- (a) Aggression
- (b) Disorder
- (c) Misery
- (d) Calamity

13. ***From the beginning***

- (a) Eternal
- (b) Everlasting
- (c) Ab initio
- (d) Divine

Choose an option which is nearest in meaning to the phrase given in bold italics in question no. 14-16.

14. ***Cutting corners***

- (a) Taking shortcuts
- (b) Sewing badly
- (c) Doing something efficiently to save time or money
- (d) Doing something poorly to save time or money

15. ***Pull yourself together***

- (a) Try to become taller
- (b) Calm down
- (c) Try to improve health
- (d) Do not make fun

16. *Miss the boat*

- (a) It is too late
- (b) It is dangerous
- (c) Journey by boat may be dangerous
- (d) You will not achieve your goal

Fill in the blanks out of the given alternatives in the sentences given in bold italics in question no. 17-20.

17. *My brother studies a University*

- (a) in (b) on
- (c) at (d) under

18. *Ram apologised being late*

- (a) of (b) upon
- (c) for (d) at

19. *The cat jumped the table and split the glass of milk*

- (a) at (b) upto
- (c) into (d) onto

20. *The girl insisted on going Ram*

- (a) out to (b) out with
- (c) along (d) to

21. *Pargat Singh was an eminent Indian sport person of yester years. Which game did he represent?*

- (a) Table tennis (b) Football
- (c) Hockey (d) Cricket

22. *Who is the Chief Election Commissioner of India in May 2019?*

- (a) Sushil Chandra (b) Ashok Lavasa
- (c) Sunil Arora (d) James Lingdoh

23. *In which country lake Rakshastal is located?*

- (a) China (b) India
- (c) Afghanistan (d) Nepal

24. *Who was the first woman judge of the Supreme Court of India?*

- (a) R. Bhanumathi (b) Fatima Beevi
- (c) Sujata Manohar (d) Ruma Pal

25. *Which of the following was not a Chief Justice of India?*

- (a) H.J. Kania
- (b) M. Patanjali Sastri
- (c) Mehar Chand Mahajan
- (d) Vivian Bose

26. *Which movement was Annie Besant associated with?*

- (a) Communist Movement
- (b) Civil Disobedience Movement

- (c) Home Rule Movement
- (d) Quit India Movement

27. *Where was Jesus Christ crucified?*

- (a) Bethlehem (b) Nazareth
- (c) Jerusalem (d) Judea

28. *Which of the following did not command the Kaurav forces according to epic 'Mahabharata'?*

- (a) Dronacharya (b) Karna
- (c) Bhishma (d) Duryodhan

29. *How was Abu Talib Ibn Abd al-Muttalib related to Prophet Mohammad?*

- (a) Uncle (b) Grand father
- (c) Father (d) Not related

30. *In which country 'Mazar-e-Sharif' is situated?*

- (a) Turkmenistan (b) Afghanistan
- (c) Tajikistan (d) Pakistan

31. *The smallest union territory by area is*

- (a) Chandigarh
- (b) Daman and Diu
- (c) Lakshadweep
- (d) Andaman and Nicobar

32. *Name the first indigenously built submarine of India*

- (a) I.N.S. Shalki (b) I.N.S. Kalvari
- (c) I.N.S. Khanderi (d) I.N.S. Kursura

33. *Meghnad Saha was an Indian Scientist. Which discipline he belonged to?*

- (a) Chemistry (b) Physics
- (c) Botany (d) Astronomy

34. *Sakshi Malik won Bronze medal in Rio Olympic. In which sport she won the medal?*

- (a) Archery (b) Boxing
- (c) Wrestling (d) Tennis

35. *Vikram Sarabhai is best known for his contribution to*

- (a) Art (b) Industry
- (c) Philanthropy (d) Space science

36. *Which of the following was not a judge of the International Court of Justice?*

- (a) J.S. Pathak (b) Dalbir Bhandari
- (c) R.S. Pathak (d) Nagendra Singh

37. *Who is the Comptroller and Auditor General of India?*

- (a) Surya Kumar Bose
- (b) Shaktikanta Das

- (c) Rajiv Pratap
(d) Rajiv Mehrishi
38. Through which of the Indian States River Ganga does not flow?
(a) Uttar Pradesh (b) Madhya Pradesh
(c) Jharkhand (d) Uttarkhand
39. Which is the capital of Colombia in South America?
(a) Caracas (b) La Paz
(c) Lima (d) Bogota
40. Which of the following countries is not in European Continent?
(a) Estonia (b) Bosnia
(c) Cote d'Ivoire (d) Latvia

PART - II

41. Whose position was it that law emanates from a person in authority?
(a) H.L.A. Hart (b) Hans Kelsen
(c) John Austin (d) Roscoe Pound
42. Who is the author of the book 'Justice as Fairness'?
(a) Robert Nozick (b) John Rawls
(c) Lon Fuller (d) H.L.A. Hart
43. Whose jurisprudence is based on morality of excellence and morality of duty?
(a) Lon Fuller (b) Ronald Dworkin
(c) Karl Llewellyn (d) John Salmond
44. Whose Jurisprudence is a defence against the Critical Legal Studies and skeptics?
(a) Lon Fuller (b) John Salmond
(c) Savigny (d) Ronald Dworkin
45. To which of the following Bentham is associated with?
(a) Right discourse (b) Equity
(c) Hedonism (d) Justice
46. Pound's 'jural postulates' are:
(a) Statement of contemporary social values
(b) Catalogue of social interests
(c) Moral values of the jurist
(d) Right and duty discourse
47. Which of the following was not a legal positivist?
(a) Hans Kelsen (b) Paul Vinogradoff
(c) John Austin (d) Joseph Raz
48. A legal person is
(a) Every living being entitled to respect by a legal system
(b) Any entity which wants to go to a court of law
(c) Any human being
(d) Any entity bearing rights and/or duties
49. Which of the following developed harm principle with reference to the concept of liberty
(a) John Austin (b) J.S. Mill
(c) Dworkin (d) Isaiah Berlin
50. Which of the following is the jural correlative of 'liberty' (privilege) according to Hohfeld?
(a) Duty (b) No-right
(c) No-duty (d) Liability
51. In which of the following cases it was held that Section 377 of the I.P.C. is constitutionally valid because there is presumption of constitutionality of an Act of Parliament?
(a) *Naz Foundation v. Government of NCT*, (2009) 111 DRJ 1
(b) *Suresh Kumar Kaushal v. Naz Foundation*, (2014) 1 SCC 1
(c) *Navtej Singh Johar v. Union of India*, Writ petition (criminal) no. 76 of 2016
(d) *K.S. Puttaswami v. Union of India*, Writ petition (criminal) no. 494 of 2012
52. Who was of the opinion, in *Sabarimala* case, *Indian Young Lawyers Association v. State of Kerala*, Writ (civil) no. 373 of 2006, that essence of religion consists in practices followed by the followers of a religious denomination?
(a) Deepak Mishra, C.J.
(b) A.M. Khanwilkar J.
(c) Indu Malhotra J.
(d) Chandrachud J.
53. The preamble of the Indian Constitution seeks to secure to all its citizens equality of
(a) Justice and of status
(b) Status and of liberty
(c) Opportunity and of justice
(d) Status and of opportunity
54. Right to privacy is the main subject matter of which of the cases?
(a) *K.S. Puttaswamy v. Union of India*, Writ petition (criminal) no. 494 of 2012
(b) *Navtej Singh Johar v. Union of India*, Writ petition (criminal) no. 76 of 2016

- (c) *Naseem Khatun v. State*, AIR 1981 Cal 302
- (d) *Suresh Chandra v. Union of India*, AIR 1975 Del 168
55. Which of the following constitutional amendments enabled state, under Article 15, to make any special provisions, by law, for the advancement of any socially and educationally backward classes of citizens or scheduled castes and scheduled tribes?
- (a) Constitution (twenty Fourth) Amendment Act, 2005
- (b) Constitutional (Forty Fourth) Amendment Act, 1978
- (c) Constitutional (Sixteenth) Amendment Act, 1963
- (d) Constitutional (First) Amendment Act, 1951
56. In which of the following cases Directive Principles were not allowed to be harmoniously construed with Fundamental rights, and Fundamental Rights were clearly declared to be superior to the Directive Principles?
- (a) *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226
- (b) *Minerva Mills v. Union of India*, (1980) 2 SCC 625
- (c) *Maneka Gandhi v. Union of India*, (1978) 3 SCC 301
- (d) *Golak Nath v. State of Punjab*, AIR 1967 SC 1643
57. Which has the residuary legislative powers under the Constitution of India?
- (a) State legislatures
- (b) The President of India
- (c) The Parliament
- (d) The Parliament and the state legislatures
58. In which of the following cases para 7 of the tenth schedule of the Constitution of India was declared unconstitutional in so far as it bars the jurisdiction of the Supreme Court?
- (a) *Minerva Mills v. Union of India*, (1980) 2 SCC 625
- (b) *Maneka Gandhi v. Union of India*, (1978) 3 SCC 301
- (c) *Kihoto Hollahan v. Zachillhu*, 1999 Supp. (2) SCC 651
- (d) *Golaknath v. State of Punjab*, AIR 1967 SC 1643
59. Which of the following is an essential qualification for election as the president of India? He/she must
- (a) Have completed the age of 35
- (b) Not be a naturalized citizen of India
- (c) Be a person of integrity
- (d) Never has been a member of any political party
60. Which of the following is not a Fundamental Duty according to the Indian Constitution?
- (a) To abide by the Constitution
- (b) To develop scientific temper
- (c) To promote the spirit of common brotherhood
- (d) To give liberty to fellow citizens
61. A six year old boy kills a fellow boy with a knife. According to Indian Penal Code, he is not liable to be prosecuted and punished for the killing. Is he a person? He is
- (a) Not a person as he does not have legal duty
- (b) A limited person
- (c) A person at the discretion of the Court
- (d) A person
62. The Supreme Court of India has declared Section 377 of the Indian Penal Code unconstitutional
- (a) In its entirety
- (b) Only to the extent to which the section punishes two consenting persons of the same sex for homosexuality without the consent of their parents
- (c) Only to the extent to which the section punishes two consenting adults of same sex for homosexuality
- (d) Only to the extent to which the section punishes two consenting persons of the same sex for homosexuality
63. *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295, is a case on constitutionality of
- (a) Right to life
- (b) Police surveillance
- (c) Restriction on freedom of speech
- (d) Restriction on freedom of occupation
64. What is the legal status of 'Santhara' (Jain ritual of committing suicide by starvation)?

- (a) It is abetment to commit suicide
(b) The Rajasthan High Court declared it to be an offence
(c) The Supreme Court had stayed the High Court order
(d) The Supreme Court had stayed the order of the High Court and admitted the appeal
65. To construe 'dowry death' which of the following condition is wrongly stated?
- (a) Death occurs otherwise than under normal circumstances
(b) Soon before her death she was subjected to cruelty for any demand for dowry by her husband
(c) Soon before her death she was subjected to cruelty for any demand for dowry by her husband's relative
(d) within ten years of marriage
66. Sister of Ram Prakash married a person belonging to another caste. The marriage was not approved by some influential members of the community of Ram Prakash. They influenced the members of the community to excommunicate the family of Ram Prakash. However later on the caste leaders asked Ram Prasad to give Rs. one lac to the community as a penance and only then his family would be admitted in the community. But Ram Prasad instead of delivering money files an F.I.R. The community leaders who demanded money claimed no offence has been committed as Ram Prasad was guilty of violating community rules and in fact no money has actually been delivered. What offence, if any, has been committed by the community leaders?
- (a) No offence
(b) Extortion
(c) Attempt to commit extortion
(d) Attempt to commit criminal misappropriation
67. W, a married woman lived with her husband, along with a six month old baby, but her life was miserable as her husband frequently used to beat her. She wanted to go to her parents but her husband threatened to beat her if she dares to do so. But one day when W was missing the husband perused her and found that she was going to her parents with the baby. When W turned around and found her husband running towards her, panic stricken she along with the baby jumped into a well. The baby died but she survived. She was prosecuted for the death of the baby. What offence if any has been committed by her?
- (a) Murder
(b) No offence
(c) Death by accident
(d) Culpable homicide not amounting to murder
68. A and B are joint owners of a horse, A takes the horse out of B's possession intending to use it. But after riding it he has a change of mind, sells the horse and appropriates the whole proceeds to his own use. What offence, if any has been committed by A?
- (a) Criminal breach of trust
(b) Criminal misappropriation (dishonest misappropriation of property)
(c) Theft
(d) No offence
69. Which of the following is not the correct ingredient of the offence of 'theft'?
- (a) Whosoever intending to take dishonestly any movable property
(b) Out of the ownership of any person
(c) Without that persons consent
(d) Moves the property in order to such taking
70. Preparation of which of the following offences is an offence?
- (a) Dacoity (b) Murder
(c) Rape (d) Theft
71. Which of the following is not an essential element of a contract?
- (a) Agreement
(b) Lawful consideration
(c) Advantage to both the parties
(d) Lawful object
72. A, writes a letter to B offering to sell his car at Rs. 2 lac and states that if he does not receive a reply within 15 days of the receipt of the letter by B, the offer shall be deemed to have been accepted. B does not send a reply even after 15 days of the receipt of the letter by B. Has the offer been validly accepted?
- (a) No
(b) Yes

- (c) It is uncertain
(d) Depends on the circumstances
73. A sells his property worth Rs. one crore to B for Rupees one lac. Is the contract enforceable?
(a) Not enforceable
(b) Not enforceable because the consideration is illusory
(c) Contract is not enforceable because A might be unduly influenced
(d) Contract is enforceable
74. A goes to a private hospital for treatment of certain ailment. After the completion of the treatment the hospital gives him a bill for payment. A refuses to pay, on ground that there was no contract for payment of expenses between him and the hospital. Can a refuse to pay?
(a) Yes he can as there was no contract
(b) Yes he can, the hospital did not inform him that he has to pay
(c) No he cannot as there was implied contract to medical service and to pay the bill
(d) He may or may not pay
75. A and B jointly owe Rs. one lac to C. A alone pays the whole amount to C. B not knowing the fact of payment by A pays Rs. one lac over again to C. Is C bound to repay Rs. one lac to B.
(a) No he is not bound to repay
(b) No he is not as there is neither express nor implied contract to repay
(c) C may repay if he wants to
(d) C is bound to repay
76. A immediately need huge amount of money for the treatment of his son suffering from cancer. He agrees to sell his house worth one crore for Rs. fifty lac to B. Is the contract enforceable?
(a) The contract is enforceable
(b) No it is not as the consent of A is obtained by undue influence
(c) No it is not as the consent of A is obtained by coercion of circumstances
(d) No it is not as the consent of A is obtained fraudulently
77. Where a party to a contract has real or apparent authority over the other the consent given by that other to the contract may be vitiated because it is influenced by
(a) Coercion
(b) Mistake
(c) Undue influence
(d) Consent not vitiated
78. Which of the following is not true of an Indian partnership?
(a) It is result of an agreement
(b) It is for carrying on a business
(c) The partners agree to share profits
(d) The business must be carried on and managed by all
79. Who is a dormant partner?
(a) He is known to outsiders as a partner but does not take part in the management
(b) He is not known to outsiders as a partner, does not take part in the management
(c) He is known to outsiders as a partner and takes part in the management
(d) He is not known to outsiders as a partner but takes part in the management
80. Which of the following is not true about a warranty?
(a) An assurance that the facts specified in the product are true
(b) It is generally written
(c) It is applicable to service only
(d) There is no assurance of money back
81. In which of the following cases the Supreme Court observed to the effect that Government and statutory authorities must anticipate, prevent and attack the causes of environmental degradation. When there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. The onus of proof is on the actor or developer to show that his action is environmentally benign.
(a) *Vellore Citizens Welfare Forum v. Union of India*, AIR 1969 SC 42
(b) *Consumer Education & Research Centre v. Union of India*, (1995) 3 SCC 42
(c) *Kalyaneshwari v. Union of India*, (2011) 3 SCC 287
(d) *Narmada Bachao Andolan v. Union of India*, AIR 2000 SC 3751
82. *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1995 SC 922, is a case on

- (a) Harmful effect of dams on rivers
(b) Environmental degradation caused by chemical industries
(c) Environmental degradation caused by limestone quarrying
(d) Environmental degradation caused by motor vehicles
83. Which of the following Fundamental Rights was most prominently used to evolve environmental law in India? Article
(a) 14 (b) 19
(c) 21 (d) 15
84. Which of the following is the correct explanation of the principle of absolute liability?
(a) Where an enterprise is engaged in inherently dangerous activity, the persons engaged in the activity are liable irrespective of the fact whether they took reasonable care in carrying out such activity or not.
(b) Where an enterprise is engaged in a dangerous activity, the persons engaged in the activity are not liable if they took reasonable care in carrying out such activity
(c) Where an enterprise is engaged in inherently dangerous activity, the persons engaged in the activity are liable only if they were at fault
(d) There is no absolute liability in any case
85. *Tarun Bharat Sangh Alvar v. Union of India*, 1993 (2) SCALE 441, is a case on
(a) Illegal trade of the wild animals
(b) Killing of protected animals
(c) Illegal mining in wildlife sanctuaries
(d) Harvesting of water
86. Precautionary principle in Environmental law refers to
(a) Anticipatory action to be taken to prevent harm to environment
(b) One who pollute shall compensate
(c) Compensatory measures taken to restore the health of environment
(d) Development efforts to fulfil the needs of the people
87. Principle of proportionality in Environmental Law refers to
(a) Prioritising the needs of development over protection of environment
(b) Balancing the needs of development with the health of environment
(c) Prioritising the health of environment
(d) Allowing no developmental activity
88. When a local body did not perform its duty of keeping the environment of the locality clean on grounds of non availability of funds, the Supreme Court asked it to perform its duty on certain grounds and manner. Which of the following was not one of them?
(a) The local body is under a public trust to do so
(b) The local body cannot refuse to perform its statutory duty
(c) Non availability of fund cannot be a valid excuse
(d) It can postpone the cleaning till it gets sufficient funds
89. Under which of the following Acts the office of Chief Wild Life Warden was created?
(a) The Wild Life (Protection) Act, 1972
(b) The Wild Life (Protection) Act, 1991
(c) The Wild Life (Protection) Act, 2003
(d) In none of the above
90. In which of the following cases the doctrine of strict liability was established for the first time?
(a) *Donoghue v. Stevenson*, (1932) UKHL 100
(b) *Ryland v. Fletcher*, (1868) UKHL 1
(c) *Municipal Council Ratlam v. Vardichand*, (1980) 4 SCC 162
(d) *Narmada Bachao Andolan v. Union of India*, AIR 2000 SC 3751
91. In law of torts 'neighbours rule' mean
(a) When a property is being sold neighbour has a first right to purchase
(b) Even in the absence of a contract, the person, whose actions harm another, is liable
(c) The person, whose actions harm another, is liable, only if there is contract between them
(d) The person, whose actions harm another, is liable, only if the person intended to harm another

92. A person was arrested by the policeman on suspicion of being in possession of stolen property. His property was kept in government Malkhana. The policeman in charge of Malkhana misappropriated the property and fled to Pakistan. Is the state liable to the owner of the property for the wrongful acts of its civil servant?
- Yes the state is liable
 - Yes the state is liable as the policeman was its servant
 - No the state is not liable as keeping property in Malkhana was sovereign function
 - The state is liable even for sovereign functions
93. A labour was taken to a police station for doing some work. When he demanded wages he was severely beaten, as a result of which he died. Is the state liable to pay damages?
- No it is not liable as doing work in the station was a sovereign function
 - No only the person who beat the labour is liable
 - Neither state nor policemen are liable
 - Yes state is liable for the wrongs of its civil servants
94. Which of the following is not an exception to the principle of strict liability?
- Intention of the defendant
 - Act of God
 - Plaintiff's consent
 - Plaintiff's fault
95. What is the meaning of '*ubi jus ibi remedium*'?
- For every wrong there is no remedy
 - Where there is a right there is a remedy
 - Those who seek remedy must come with clean hands
 - Everyone needs remedy
96. Which of the following is not an essential of tort?
- There must be a wrongful act or omission
 - Wrongful act or omission must result in legal damage to another
 - Wrongful act or omission must have nexus with privity of contract
 - The wrongful act or omission must be of such nature as to give rise to legal remedy
97. What is the meaning of '*injuria sine damno*'?
- A loss is suffered but there no violation of a legal right
 - Neither loss is suffered nor violation of a legal right
 - Where the person who suffered the loss does not want to bring an action
 - If a person's legal right is violated he can bring an action even though he has not suffered a loss
98. Plaintiff was the chairperson of the town meeting. The defendant having been very vociferous, a motion was made and carried out by majority that the defendant be turned out. The defendant said he would rather pull out the plaintiff than he turned out. He advanced menacingly towards the plaintiff with clinched fists, but his advance was prevented by a warden. Decide appropriate civil action against the defendant for his action against the plaintiff.
- Mischief
 - Threat
 - Assault
 - Battery
99. Which of the following is not an ingredient to constitute 'negligence'?
- The defendant should have taken reasonable care towards the plaintiff independent of a legal duty
 - The defendant is under a duty to take reasonable care towards the plaintiff
 - The defendant committed breach of that duty
 - Due to the breach of duty, the plaintiff suffered damage
100. '*Res Ipsa Loquitur*' means
- Law speaks for itself
 - Things speaks for itself
 - Negligence needs no proof
 - Thing does not speak for itself
101. Which of the following was not a category of crimes defined by London Charter of the International Military Tribunal of 1995?
- War crimes
 - Crimes against humanity
 - Crimes against women
 - Crimes against peace
102. Which of the following category of crimes does not fall within the jurisdiction of the International Criminal Court?

- (a) International crimes of genocide
 - (b) Crimes against humanity
 - (c) Crimes of aggression
 - (d) Crimes of sedition
103. Who was of the opinion that International Law is vanishing point of Jurisprudence?
- (a) Holland
 - (b) Austin
 - (c) Hart
 - (d) Llewellyn
104. The primary focus of International Commission of Jurists is on
- (a) Administration of justice
 - (b) Human rights and rule of law
 - (c) Terrorism
 - (d) Problems of labour
105. Which of the following is not a mode of acquiring state territory?
- (a) Occupation
 - (b) Conquest
 - (c) Prescription
 - (d) Protest
106. Which of the following is a better explanation of a 'consul'? They are
- (a) Commercial agents maintained by a state in other states
 - (b) Diplomatic agents to promote relations with other states
 - (c) Commercial agents to spy on commercial activities in other states
 - (d) Agents to issue passports only
107. What is the better meaning of '*jus cogens*' in International Law?
- (a) Concept of justice in International Law
 - (b) Customs relating to recognition of a state
 - (c) It designates norms from which no derogation is permitted by way of particular agreement
 - (d) It is customary domestic traditions
108. What is the better meaning of '*Pacta sunt servanda*'
- (a) Inconvenient agreements need not be kept
 - (b) Agreements may be kept
 - (c) Servants must be kept satisfied
 - (d) Treaties shall be complied with
109. G-20 consists of
- (a) 20 individual countries
 - (b) 16 individual countries and 4 observer countries
 - (c) 19 individual countries and European Union
 - (d) 19 individual countries and European Union as observer
110. Define 'continental shelf'
- (a) The area of sea bed around a large land mass where the sea is relatively shallow compared with the open sea
 - (b) The area up to 1 kilometer from shore line
 - (c) The area of sea bed over which state claims exclusive rights
 - (d) None of the above
111. A cyclist negligently dashed against a bus and was killed in the accident. The bus driver was also found negligent in not averting the possible accident. The wife of the deceased cyclist brought a civil action for damages for the death of her husband. To what extent, if at all, will she succeed?
- (a) She will not succeed as the cyclist was negligent
 - (b) The Court will apportion the blame between the bus driver and the cyclist and damages would be awarded to the extent of negligence of the bus driver
 - (c) The court should take a lenient view of the death of the cyclist and would award full damages
 - (d) None of the above answer is correct
112. Which of the following remedy is not available in action of torts?
- (a) Perpetual injunction
 - (b) Exemplary damages
 - (c) Fine
 - (d) Nominal damages
113. Can a family business carried on by an undivided Hindu family be called partnership?
- (a) Yes it is a partnership as all the members of the family are its members
 - (b) Yes it is partnership if the intention is to do cooperative business
 - (c) Yes as they are related to each other
 - (d) No as the business is not an outcome of an agreement
114. Which of the following is an implied authority of partner?
- (a) Submit a dispute relating to firm to arbitration
 - (b) Open a bank account of the firm in his own name

- (c) Admit any liability in a proceeding against the firm
- (d) An act of a partner which is done to carry on in the usual way, business of the kind carried on by the firm
- 115. How a partner cannot retire**
- (a) By tendering resignation to any one of the partners
- (b) With the consent of all the partners
- (c) In case of partnership at will by giving notice of his intention to retire to all the partners
- (d) In accordance with an express agreement of partners
- 116. For the purposes of Sale of Goods Act which of the following is not included within the definition of 'goods'?**
- (a) A table fan
- (b) Growing crops
- (c) Actionable claim
- (d) Shares
- 117. Which of the following is not a right of an unpaid seller?**
- (a) Right of lien on the goods in the possession of the buyer
- (b) In case of part delivery, right of lien on remaining undelivered goods
- (c) Right of stoppage of goods in transit
- (d) Right of stoppage in transit, when the goods are in the possession of the carrier
- 118. Ram lives in Mumbai, orders brass utensils from Suraj's establishment in Moradabad. Suraj sends the utensils through a carrier to Ram's office in Mumbai. Ram refuses to take delivery. The carrier leaves utensils in the office of Ram against the will of Ram. Ram stops payment. Can Suraj exercise right of stoppage in transit?**
- (a) No as the goods are not in transit
- (b) Yes as the goods are still in transit
- (c) No the goods are not in transit as they are in the premises of Ram
- (d) No, as goods are in a state of uncertainty
- 119. In a contract for sale of goods it is provided that property would pass to the buyer only on payment of full price. Would it be a 'sale' or an 'agreement to sell'?**
- (a) Sale
- (b) Uncertain
- (c) Agreement to sell
- (d) If full price is not paid it would be sale
- 120. In a contract for sale (Under the Sale of Goods Act) the subject matter must primarily be related to**
- (a) Price
- (b) Guaranty
- (c) Warranty
- (d) Goods
- 121. What is the period of limitation for the recovery of a debt?**
- (a) No period of limitation
- (b) 5 years
- (c) 3 years
- (d) 2 years
- 122. What is the period of limitation for criminal cases in India?**
- (a) For bailable offences 5 years for non-bailable offences 20 years
- (b) No period of limitation
- (c) Different states have different period of limitation
- (d) Some states have limitation period others do not have
- 123. Under certain circumstances period of limitation may be relaxed. Which of the following is not such a circumstances?**
- (a) If the court remains closed on the expiry date or last date for any suit or appeal
- (b) If the person suffered from a legal disability except in case of enforcing right of per-emption
- (c) If the Court is satisfied that there were sufficient reasons for the delay
- (d) If the delay is caused because the applicant was busy with personal problems
- 124. "Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for, years and where any way or watercourse or the use of any water or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption and for, years the right to such access and use of light of air, way, watercourse, use of water, or other easement shall be absolute and indefeasible."**

Fill in the first and second blank respectively, given in the afore mentioned passage, out of the four options given below:

- (a) 20, 20 (b) 20, 15
(c) 15, 15 (d) 15, 20
125. What is the period of limitation for a case 'for possession of immovable property based on previous possession and not on title, when the plaintiff while in possession of the property has been dispossessed.'?
(a) 15 years (b) 12 years
(c) 10 years (d) 20 years
126. In which of the following cases a contract may be specifically performed?
(a) When the act agreed to be done is in the performance wholly or partly of a trust
(b) Where a party to the contract has obtained substituted performance of the contract
(c) A contract the performance of which involves performance of a continuous duty which cannot be supervised
(d) A contract dependent on personal qualifications of the parties
127. When may an instrument not be rectified?
(a) When by mutual mistake of the parties the instrument does not express their real intention
(b) When by mistake of one of the parties the instrument does not express his real intention
(c) When by fraud of the parties the instrument does not express their real intention
(d) None of the above
128. Which of the following features of a temporary injunction is not true?
(a) It may continue until a specific time
(b) It may continue until the further order of the court
(c) May be granted at any stage of a suit
(d) It is not regulated by Code of Civil Procedure
129. Which of the following kind of remedy cannot be granted under the provisions of Specific Relief Act, 1963?
(a) Declaratory decrees
(b) Rescission of contracts
(c) Writ of prohibition
(d) Recovery of possession of property
130. Common Law system is a system
(a) That has its origin in United Kingdom
(b) Common to the whole world
(c) That has its origin in Continental Europe
(d) Inspired by human rights discourse
131. Who is more prominently associated with the idea of 'Natural law with variable content'?
(a) Gustav Radbruch (b) Rudolf Stammler
(c) Otto Von Gierke (d) Lon Fuller
132. Who famously said, 'We ought to obey God rather than man'?
(a) St. Augustine
(b) Pope the Innocent
(c) Stoic Philosophers
(d) St Thomas Aquinas
133. Under the U.S. Constitution residuary legislative powers are given to states. Who according to Indian Constitution exercise residuary legislative powers?
(a) State legislatures
(b) Parliament
(c) Parliament with the consent of half of state legislatures
(d) The President of India
134. *M.S.M. Sharma v. Shri Krishna Sinha*, AIR 1959 SC 395, is primarily case on
(a) Equality before the law
(b) Right of association
(c) Parliament privileges
(d) Right to occupation
135. Which provision of the Constitution of India makes it mandatory that *ratio decidendi* of a case declared by the Supreme Court shall be binding on all the courts in India? Article
(a) 226 (b) 142
(c) 13 (d) 141
136. On which of the following grounds writ of *certiorari* cannot issue?
(a) Error of law apparent on the face of the record
(b) Violation of rules of natural justice
(c) Merit of the case
(d) Abuse of jurisdiction
137. How the judges of the International Court of Justice are elected? They are elected by
(a) The General Assembly and the Security Council of the U.N. simultaneously
(b) Only the General Assembly

- (c) Only the Security Council
(d) The General Assembly and the Security Council of the U.N. and the Judges of the I.C.J.
138. The first summit meeting of BRIC grouping was held in 2009. Which of the following did not lead his country's delegation?
(a) Luiz Inacio Lula da Silva
(b) Xi Jinping
(c) Manmohan Singh
(d) Dmitry Medvedev
139. There was a plea for damages against the Electricity Board when a cyclist was entrapped and electrocuted by a live wire. The Board tried to oppose the plea on ground that the wire was a diverted line laid by a stranger to siphon energy. Will the Court accept the defence of the Board?

- (a) The defence would be accepted
(b) As the responsibility to supply electricity is statutory the primary liability to compensate is that of the Board
(c) The liability to compensate is that of the stranger alone
(d) No one is liable to compensate as accident is result of act of God

140. If an accused of a crime wants to take advantage of general exceptions given in IPC who has to prove the applicability of these exceptions?

- (a) The accused
(b) The prosecution
(c) Depends on the discretion of the Court
(d) Depends on the discretion of the prosecution

PART - III

1. Briefly discuss interpretative evolution of 'right to life and personal liberty' under the Indian Constitution.

Ans.

Introduction: Article 21 of the Indian Constitution States, "No person shall be deprived of his life and liberty except according to the Procedure established by Law".

This essentially means that every person has the right to life and liberty and to be deprived of the same; the important elements need to be satisfied under Article 21 are:—

- (a) There should be a law; subject to which a person can be deprived of his/her life & liberty.
- (b) Such law should have a prescribed procedure.

The scope of Article 21 in interpretational sense has a vast ambit. It finds its origin in the Human Rights Jurisprudence. In India prior to the landmark case of **Maneka Gandhi v. Union of India**, AIR 1976 SC 597 it was followed that Article 21 was guaranteed only against the arbitrary Action of Executive and not from Legislative action. However this landmark judgment by Supreme Court guaranteed the right to life and personal liberty to be protected from both executive as well as Legislative Actions.

Further, Article 21 cannot be suspended during Emergency whether it is

- National Emergency (Article 352)
- State Emergency (Article 356)
- Financial Emergency (Article 360)

As "no person shall be deprived of his life or personal liberty except according to procedure stated by law".

Now, Article 21 encompasses within itself a vast array of fundamental rights. These fundamental rights, though not expressly said, but are considered inclusive in Article 21.

In the landmark case of **A.K. Gopalan v. State of Madras**, 1st time, the word "Personal Liberty was Defined". In this case, A.K. Gopalan was detained under the Preventive Detention Act, 1950. He challenged the validity of his detention. Fazal Ali J. gave his dissenting view and held "A law which deprived a person of his person liberty must satisfy the requirements of both Article 19 & 21. In the landmark case of **Kharak Singh v. State of UP** it was held that personal liberty is not only limited to bodily restraint or confinement to prisons only but also used as a compendious term including within itself all the variety of rights which go or make up the personal liberty of a man other than those dealt within Article 19(1).

Conclusion: Thus, in the right of interpretational scope, we see that Article 21 is not restricted only to its literal meaning. It also encompasses a huge domain and also incorporates Article 19 & Article 14 in its ambit.

(a) **Right to Speedy Trial:** It is the Fundamental Right of every person to have a speedy & expeditious disposal of his/her case. This simply means that the access of speedy justice is a Fundamental Right.

Landmark Case: M.H. Hoskar v. State of Maharashtra, AIR 1978 SC 1548. Hussainaria Khatoon v. State of Bihar, AIR 1980 SC 1819.

(b) Right to live with human dignity (**Francis Coralie v. Union Territory of Delhi**, AIR 1978 SC 597)

(c) Right to Clean Environment (**M.C. Mehta v. Union of India**)

Landmark Judgments in CNG Vehicles Case, Taj Trapezium Case, Ohletum Gas Leak Case, Kanpur Tanneries Case & Spam Motels Case)

(d) Right against Bondage (Badhua Mukti Morcha Case)

(e) Right to Livelihood (Olega Tellis Case)

(f) Right to Privacy (Govind v. State of Madhya Pradesh)

(g) Right to travel abroad (Maneka Gandhi Case)

(h) Right against torture (Sunil Batra Case)

(i) Right to Legal Aid (Sheela Barse Case)

(j) Right to Education 21A (The state shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state may determine.

(k) Right to Education in the light of Mohini Jain & Unni Krishnan Case.

(l) In the light of the landmark case of **Vishakha v. State of Rajasthan** (AIR 1997 SC 3011); the prevention of sexual harassment and the right against sexual harassment in workplaces falls under the ambit of Article 21.

However it should be noted that Article 21 is the "right to life". The "right to death" is not a fundamental right and therefore is unconstitutional and is subject to the provisions of Section 309 of IPC. Thus, Article 21 is to be followed in a positive construction and not a negative construction.

Answer in a Nutshell

Article 21

- Definition
- Ingredients of Article 21
- Law
- Prescribed Procedure
- History with respect to Human Rights Jurisprudence
- Guarantee against both Executive as well Legislative Action
- Article 21 still in force in Emergency Provisions too.
- Right to Speedy Trial
- Right to live with human Dignity
- Right to clean Environment
- Right against Bondage
- Right to Livelihood
- Right to Privacy
- Right to travel abroad
- Right to Legal Aid
- Right to Education
- Right against sexual harassment in workplace.

2. With reference to case law discuss difference between murder and culpable homicide not amounting to murder

Ans.

Introduction: Section 299 to Section 377 comprise of the longest chapter of the Indian Penal Code. These include the offences against the human body. They vary in a huge range, differing only in the degree of their incidence of severity.

For getting into the base of this question, we need to first understand murder, culpable homicide amounting to murder and culpable homicide not amounting to murder.

(1) **Culpable Homicide:** Section 299 amounting to Murder

A person commits culpable homicide if the act by which the death is caused is done:

- (a) with the intention of causing death
- (b) with the intention of causing such bodily injury as is likely to cause death or
- (c) with the knowledge that the act is likely to cause death.

(2) A murder under Section 300 is an act by which death is caused is done:

- (a) with the intention of causing death
- (b) with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused
- (c) With the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death.
- (d) with the knowledge that the act is likely to cause death or such bodily injury.

(3) **Culpable Homicide not amounting to Murder:** Clauses 1-4 of Section 300 contain essential ingredients of Murder. There are five main exceptions in Section 300. If any of these five conditions/exceptions are complied with, then this would amount to "culpable homicide not amounting to murder". These 5 exceptions are:

(I) Grave & Sudden Provocation

Ingredients:

- (1) No voluntary provocation/sought provocation as an excuse for killing/harming someone.
- (2) Such provocation is not in obedience of the law.
- (3) Not given by anything done in the lawful exercise of the right of private defence.

In the leading landmark case of *K.M. Nanavati v. State of Maharashtra*, *Parmeshwara v. Krishna Pillai*, *Ajit Singh v. State of Punjab* and *Riyazat Ali v. State of UP*; we see how grave and sudden provocation is an exception to murder.

(II) Private Defense

Culpable Homicide is not murder if the offender, in the exercise in good faith of the right of private defense of person or property; exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of Defense without pre-mediation and without any intention of doing more than is necessary for the purpose of such Defense.

In the leading case laws of *Nathan v. State of Madras*, *Jassa Singh v. State of Haryana*, we see how private defense came in as an exception of Murder.

(III) Act of Public Servant

Culpable Homicide is not a murder if the offender being a public servant or aiding a public servant acting for the advancement of justice, exceeds the power given to him by law, and causes death by doing an act which he in good faith believes to be true & lawful and necessary for the due discharge of his duty as such public servant and without ill will towards the person whose death is caused.

In the landmark case of *Dakhi Singh v. State*, we see the benefit of such an exception.

(IV) Sudden Fight

Culpable Homicide is not murder if it is committed without Premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner.

In a landmark judgment of *Sunnumuduli* and the case of *Naravan* and also in the case of *Ghapoo Yadav v. State of M.P.*, we can see how sudden fight counts in the exception of Murder.

(V) Culpable Homicide is not murder when it is Death by Consent.

Culpable Homicide is not murder when the person whose death is caused, takes above the age of 18 years, suffers death or takes the risks of death with his own consent.

In landmark cases of Ambalathi assalinar and Ujagar Singh, we see how death by consent counts in the exception of Murder.

Conclusion: Thus, we can see how Murder and Culpable Homicide can be differed, Culpable Homicide not amounting to Murder are the 5 cases of exception where the act is not deemed as Murder.

Answer in a Nutshell

- Culpable Homicide—Section 299
- Definition
- Ingredients
- Murder—Section 300
- Definition
- Ingredients
- Exceptions to Culpable Homicide not amounting to Murder
- Grave and Sudden Provocation
- Private Defense
- Act of Public Servant
- Sudden Fight
- Death by Consent

3. United Nations is increasingly becoming incapable of maintaining peace among nations, discuss agreeing or disagreeing with the assertion.

Ans.

Introduction: United Nations is an international organization tasked with maintaining international peace & security, developing friendly relations amongst nations, achieving friendly relations amongst nations, achieving international relations among nations & co-operation between them and being a centre for harmonizing the actions of Nations. It took birth on 24th October 1945 with the League of Nations being its Parent organisation.

Ever since its inception, UN has tried its level best to achieve the objectives with which it was founded. Although the pace at which the work needed to be done is quite slow however; it should also be understood that it is not an easy task trying to bring the developed & developing nations together at the table. It is a time consuming, tedious & exhaustive process consisting of numerous conventions & conferences; various international treaties (both multilateral and bilateral) are entered into and eventually ratified. Even after ratification of such treaties, there is a huge problem of implementation which is solved bit by bit. So this is a long time consuming process and United Nations is taking slow but steady steps to promote peace amongst nations.

Another point to be noted is that in the recent advent of globalization, privatization & liberalization has increased the responsibility on United Nations more to maintain world peace. The world has reduced to a global village making it impossible for a country/nation to survive alone on its own. In these circumstances United Nations is doing a great job in promoting economic peace in the world in the era of LPG.

Another factor to be noted is that in this era, most of the nations/states are armed with nuclear weapons. Any action taken by any nation/state may have a devastating effect on the world. The situation could go worse to the point that the existence of mankind comes into question. United Nations till now has done a commendable job in keeping up with world peace between nations.

Let us take the example of the most recent phenomenon → Environmental change. The United Nations started with Stockholm declaration in 1972. Ever since then, variety of conferences like Rio Conference, Johannesburg Conference, Paris Agreement etc. have been entered into. Although the process has been long & time consuming but we can see slow & steady steps towards a sustainable environment. The reduction of the hole in the ozone layer (a result of Montreal Protocol) is commendable.

Conclusion: Thus, to conclude we can say that United Nations has not reduced to a lifeless body incapable of maintaining world peace. On the contrary it is very much capable of sustaining peace amongst nations and is performing its duties with utmost deliegence.

- United Nations founded on 24th October, 1945.
- Principles for founding United Nations.
- How United Nations is promoting peace & harmony amongst Nations.
- Illustrations on how UN is promoting world peace.

4. Write a critical note on legal positivism.

Ans.

Introduction: The term legal positivism finds its origin to the maxim Jus Positivism meaning "Law, simply and strictly so called" or Law set by political superiors to Political Inferiors.

Policy, Origin: The history of Legal Positivism can be traced to John Austin. John Austin (1790-1859); father of the English Jurisprudence & Australian Concept of Law: applied the Analytical Method that Law should be carefully studied and analysed and the principle underlying should be found out. Austin defined Law as the "Command of the Sovereign". According to Austin, there are two types of Laws: (i) Proper Law and (ii) Improper laws. Proper Laws consists of Laws like Law of God, Human Law & Positive Law. The proper Laws carry with it the Sanction imposed upon it by the State. Improper laws on the other hand do not carry any sanction of the State. According to Austin: there are 3 elements of Legal Positivism:

- (a) Command
- (b) Sanction
- (c) Sovereign

When we say "Law is the command of the sovereign" what we mean is that the subjects should perform/forbear from performing certain acts. In case there is any disobedience in carrying out any such command; there is an implied threat of sanction. Sanction refers to the punishment obtained for the non conformity of the command. There are many reasons for the criticism to this school of thought of Legal Positivism:

- (a) Sanction is not the only means to induce obedience. By showing such deep compliance with sanction; the real character of law in a community is distorted.
- (b) In this theory; law is considered lifeless and artificial. Therefore the dynamism of law is not considered nor in its spontaneous growth.
- (c) Austin's theory does not differentiate between goodness or badness in the area of law.
- (d) Austin's principles are not applicable in the modern Day Scenario.
- (e) Austin's principles are clearly in-applicable in a modern democratic welfare state.
- (f) The principle of Legal Positivism can only be applied to Nations/States where Parliament is supreme and where there is no division of Power between different organs of the State.
- (g) Austin's Principles do not find a place in the International Law because there is no concept of Sovereignty in International Law.
- (h) There is no place for "Precedent based Law" in Legal Positivism.
- (i) In the Indian context, there are certain important laws which are created by judicial precedent. For example: Keshavanand Bharti Case.

Conclusion: We thus have seen how the theory of positivism (as given by Austin) operates. Also we, after having a close look at its principles, can also conclude as to why the principles of positivism are inapplicable in modern scenario.

ANSWERS
Indian Law Entrance (LL.M.)
New Delhi—2019

1. (b) **TAXIDERMY:** (Dictionary meaning) the art of preparing, stuffing and mounting the skins of animals with lifelike effect.
2. (a) **HOOVER:** (Dictionary meaning) A vacuum cleaner; properly the one made by "Hoover" Company.
3. (d) **NOOSE:** (Dictionary meaning) Running knot, tightening as the rope or wire is pulled as used to trap animals.
4. (c) **POSTERIORI:** (Dictionary meaning) Knowledge from observation.
5. (a) **POPLAR:** (Dictionary meaning) A tall fast growing tree of North temperate Regions; widely grown in shelter belts and for timber pulp.
6. (d) **AVARICE:** (Dictionary meaning) Extreme greed for wealth/material gain. Opposite → Generosity.
7. (c) **CONCEIT:** (Dictionary meaning) Extremely proud of oneself. Opposite → Humility.
8. (b) **BOUNTIFUL:** (Dictionary meaning) Large in quantity; abundant. Opposite → Meagre
9. (a) **INCISIVE:** (Dictionary meaning) Intelligently analytical and clear thinking. Opposite → Rambling
10. (d) **SPORADIC:** (Dictionary meaning) Occurring at irregular intervals or only in a few places; Scattered/Isolated. Opposite → Regular
11. (b) Anarchy is a state where there is no government Regulation. It originally meant leaderlessness.
12. (d)
13. (c)
14. (d)
15. (b)
16. (a)
17. (c)
18. (c)
19. (d)
20. (b)
21. (c)
22. (c)
23. (a)
24. (b)
25. (d)
26. (c)
27. (c)
28. (d)
29. (a)
30. (b)
31. (c)
32. (a)
33. (b)
34. (c)
35. (d)
36. (a)

37. (d)
38. (b)
39. (d)
40. (c)
41. (c) Austin defined law as "a rule laid down for the guidance of an intelligent being by an intelligent being having power over him".
42. (b)
43. (a) Lon Fuller's principles of Jurisprudence were based on morality of excellence & duty.
44. (d)
45. (c) Bentham's theory is known as "Hedonism Theory" or "Theory of Pain & Pleasure".
46. (a) Pound's "Jural Postulates" are 5 assumptions that are a statement of contemporary social values.
47. (b) Hans Kelsen, John Austin & Joseph Raz belong to the school of positivists.
48. (d) A legal person may be an entity (Individual, Firm, Company, Person etc.) bearing rights duties.
49. (b) J.S. Mill developed "Harm Principle" with reference to the concept of "Liberty".
50. (b) No right = Jural Correlation with "Liberty" (Privilege).
51. (b) Landmark Judgement of *Suresh Kumar Kaushal v. Naz Foundation*, (2014) (1) (SCC 1) held that 377 Section of IPC is constitutionally valid because of presumption.
52. (c) Statement was cited by Justice Indu Malhotra in the Landmark case of *Sabrimala*.
53. (d) Preamble seeks to secure to all its citizens equality of opportunity and of justice.
54. (a) Subject matter of Landmark case of *K.S. Puttawamy v. Union of India*, Writ Petition (Criminal) no. 494.
55. (d) Amendment under First amendment of Constitution in 1951.
56. (a) In the Landmark case of *State of Madras v. Champakam Dorairajan*, it was held that Fundamental Rights were superior to Directive Principles.
57. (c) The Parliament has the power to frame laws for subjects under Union List, State has the power for subjects in State List & for subjects in concurrent list, both have the power. Residuary power is in the hands of Parliament.
58. (c) Landmark case of *Kihoto Hollahan v. Zachillhu* declared Para 7 of 10th Schedule of Constitution of India as unconstitutional.
59. (a) Rest of the options are not essential for the election as the president of India.
60. (d) Rest of the options are Fundamental Duties under Article 51A.
61. (d) The child is a "person".
62. (c) Section 377 IPC has been declared unconstitutional only to the extent to which the section punishes two consenting adults of same sex for homosexuality.
63. (b) *Kharak Singh v. State of U.P.* is a landmark case in the Constitutionality of Police Surveillance.
64. (d) In this case, Supreme Court stayed the order of High Court and admitted the appeal.
65. (d) There is no time limit for construing "dowry death".
66. (c) This is an attempt for extortion as the influential members of the community are intentionally putting a person (Ram Prakash) in fear and demanding money.
67. (d) This is Culpable Homicide not amounting to Murder as this situation is an exception to Section 300 (Clause 1 to 5).
68. (b) This situation is dishonest appropriation of property as A took out the horse for using it but sold it without the knowledge of B.
69. (b) Rest of the 3 options are the ingredients of theft.

70. (a) Preparation of Dacoity is an offence in itself.
71. (c) It is not essential that the agreement entered into (by the contract) is to the advantage to both the parties.
72. (a) No. Silence does not amount to acceptance.
73. (d) Yes, the contract is enforceable as the amount of consideration does not affect the enforceability of the contract.
74. (c) No, when A went to the hospital for the treatment and got himself treated; an implied contract came into existence.
75. (d) C is bound to repay Rs. 1 lac to B.
76. (a) The contract is enforceable as the amount of consideration does not affect the enforceability of the contract.
77. (c) Whenever there is an existence of an unfair moral pressure; the contract is influenced by undue influence. Section 16 of Indian Contract Act, 1872.
78. (d) It is not essential that the business is carried on and managed by all.
79. (b) Dormant partner does not take any active part in the business but is subject to share in profit and losses. Also known as the sleeping partner.
80. (c) Rest of the options are true about warranty.
81. (a) Landmark case of *Vellore Citizens Welfare Forum v. Union of India*, AIR 1969, SC 42.
82. (b) In the landmark case of *Indian Council for Environmental Legal Action v. UOI*, Environment Degradation caused by limestone quarrying was focused.
83. (c) Article 21 was most prominently used to evolve the environmental law in India. (Read *M.C. Mehta v. UOI* cases)
84. (a) Where an enterprise is engaged in inherently dangerous activity; the persons engaged in the activity are liable, irrespective of the fact that they took reasonable care or not.
85. (c) This is a case on Illegal mining in wildlife sanctuaries.
86. (a) Precautionary principle refers to the anticipatory action to be taken to prevent harm to the environment.
87. (b) Balancing the development needs with the Environmental Needs.
88. (d) The Supreme Court directed the Local Body to carry out rest of the orders.
89. (a) Chief Wildlife Warden was created under the Wildlife Protection Act, 1972.
90. (b) Landmark case of *Ryland v. Fletcher*, (1868) UKHL-1.
91. (b) "Neighbour's Rule" means even in the absence of a contract, the person whose actions harm another, is liable.
92. (d) Yes, the state is liable even for sovereign functions.
93. (d) The state is liable for the wrongs of its civil servants.
94. (a) Rest are exceptions to the principle of strict liability.
95. (b) "*Ubi jus ibi remedium*" means where there is a right; there is a remedy.
96. (c) Rest options are the essential elements of Torts.
97. (d) This maxim means "Injury without Damages".
98. (c) This is a case of Assault.
99. (a) Rest of the options constitute "Negligence".
100. (b) This maxim means—Things speak for itself.
101. (c) "Crimes against women" do not fall in the category of crimes defined by London Charter of International Military Tribunal, 1945.
102. (d) Crimes of sedition do not fall under the jurisdiction of International Criminal Court.
103. (a) Holland was of the opinion that International Law is a vanishing point of Jurisprudence.
104. (b) The primary focus of International Commission of Jurists is on Human Rights and Rule of Law.

105. (d) Prescription is not a mode of acquiring state territory.
106. (a) 'Consul' are commercial agents maintained by a state in other state.
107. (c) "*Jus Cogens*" means designation of norms from which no derogation is permitted by way of Particular Agreement.
108. (d) This maxim says that "Treaties shall be complied with".
109. (c)
110. (a) Continental shelf is the area of the sea bed around a large land mass where the sea is relatively shallow as compared to open sea.
111. (b) None of them.
112. (c) Rest of the actions are available in action of torts.
113. (d) The business carried on by an HUF is not an outcome of any agreement. It is a form of business with karta as its head & decision maker.
114. (d)
115. (a)
116. (c) Actionable claim is not included within the definition of goods.
117. (a) Rest are the rights of an unpaid seller.
118. (b) Yes, Suraj can exercise right of stoppage in transit as the goods are still in transit.
119. (c) It would be an agreement to sell.
120. (d)
121. (c)
122. (b) There is no period for limitation in criminal case in India.
123. (d) The rest of the options are circumstances where limitation period may be relaxed.
124. (a) 20 years, 20 years.
125. (b) 12 years
126. (a) A Contract may be specifically performed when the contract is dependent on personal qualifications of the parties.
127. (b) In the rest of the cases, the Instrument may be rectified.
128. (d) Rest of the options are true.
129. (c)
130. (a) Common law system has its origin in United Kingdom.
131. (b) Rudolf Stammler is associated with the idea of "Natural Law with variable content".
132. (d)
133. (b) According to the Indian Constitution, residuary legislative powers are given to the state.
134. (c) *MSM Sharma v. Shri Krishna Sinha* is primarily a case on Parliamentary Privileges.
135. (d)
136. (c)
137. (a) The Judges of International Court of Justice are elected by the General Assembly and Security Council of the UN Simultaneously.
138. (b)
139. (b) The responsibility of supplying electricity is on the board and thus the liability is on the board.
140. (a) For taking the advantages of exceptions; the accused has to prove the applicability of the exceptions.