

Entrance Test, MODEL PAPER

Ph. D. Law

(Objective Type Questions)

Maximum Marks : 100

Time : 60 Minutes

NOTE :

- (i) This question booklet comprises of 50 questions.
- (ii) Each question has four options (1), (2), (3) and (4) out of which one is correct. The candidate is required to darken completely the correct option in the OMR Answer Sheet supplied separately.
- (iii) Each correct answer carries 2 marks.
- (iv) No negative marking.
- (v) Rough work may be done in this question booklet itself.
- (vi) The question booklet along with the OMR answer sheet is to be handed over by the candidate to the Invigilator at the end of the examination.

Ph. D. Entrance Test, **MODEL PAPER**

LAW

FIRST PAPER

(Objective Type Questions)

Part A

1. Who describes Jurisprudence as the lawyer's extraversion. It is the lawyer's examination of the precepts, ideals and techniques of the law in the light derived from present knowledge in the disciplines other than law ?
 - (1) Austin
 - (2) Roscoe Pound
 - (3) Julious Stone
 - (4) Kelsen

2. Who explains distinction between Expositorial Jurisprudence and Censorial Jurisprudence ?
 - (1) Salmond
 - (2) Bentham
 - (3) Kelsen
 - (4) Hart

3. Whose work was published under the title "The Province of Jurisprudence Determined" ?
 - (1) Bentham
 - (2) Austin
 - (3) Salmond
 - (4) John Rawls

4. The principle of 'Social Solidarity' was propounded by :
 - (1) Roscoe Pound
 - (2) Savigny
 - (3) Duguit
 - (4) Bentham

5. Law grows with the growth, and strengthen with the strength of the people and finally dies away as the nation loses its nationality. Who said these words ?
- (1) Savigny (2) Salmond
(3) Hart (4) Kelsen
6. Who was the champion of codified law ?
- (1) Austin (2) Bentham
(3) Maine (4) Roscoe Pound
7. Who defined a law as "a rule laid down for the guidance of an intelligence being by an intelligence being having power over him" ?
- (1) Bentham (2) Salmond
(3) Austin (4) Ihring
8. "Judges do not make law, but only declare what has always been law." This was the view of :
- (1) Austin (2) Gray
(3) Blackstone (4) Julious Stone
9. Who was the author of influential book "The Concept of Law" ?
- (1) Kelsen (2) Austin
(3) Hart (4) Hegel
10. Who says that "the creative power of the courts is limited by the existing legal material at their command. They find the material and shape it. The legislature may manufacture entirely new material."
- (1) Cardozo (2) Savigny
(3) Allen (4) Gray

11. What is the term used for law reforms ?

- (1) Criminology
- (2) Penology
- (3) Deontology
- (4) Sociology

12. 'Social Engineering' is the formula of :

- (1) Diguit
- (2) Roscoe Pound
- (3) John Rawls
- (4) Hobbes

13. Who defines the main functions of law as being, to provide subsistence, to aim at abundance, to encourage equality and to maintain security ?

- (1) Austin
- (2) Bentham
- (3) Holland
- (4) Gray

14. Which one is the most vague of all vague terms :

- (1) Ownership
- (2) Power
- (3) Possession
- (4) Claim

15. The fact of ownership can give rise to :

- (1) Right
- (2) Duty
- (3) Liability
- (4) Immunity

16. Who gave this idea that "Law, although vaguely based on some principles of natural law, must be influenced by environment and conditions such as climate, soil, religion, custom, commerce, etc." ?

- (1) Rousseau
- (2) Hume
- (3) Grotius
- (4) Montesquieu

17. The Realist approach is highly :
- (1) Theoretical (2) Empirical
(3) Observable (4) Factual
18. Who said that, "The function of laws should be the promotion of the greatest happiness of the greatest number" ?
- (1) Austin (2) Bentham
(3) Ehrlich (4) Ihring
19. Two great American Jurists are considered as the mental fathers of the Realist movement :
- (1) Austin and Salmond (2) Hart and Kelsen
(3) Gray and Holmes (4) Duguit and Pound
20. Who was the author of the Book titled "Introduction to Jurisprudence" ?
- (1) Dias (2) Llyod
(3) Holland (4) Austin
21. Legal theories seldom fail to come down on the side of either Democratic or Autocratic principles of Government..... Who said these words ?
- (1) Salmond (2) Pollock
(3) Friedmann (4) Holland
22. True view, is that the law is, what the judges declare : that statutes, precedents, the opinions of the learned experts, customs and morality are the sources of Law. Who submitted these words ?
- (1) Austin (2) Gray
(3) Roscoe Pound (4) Ehrlich

23. Kelsen Pure Theory of Law is known as :

- (1) Analytical School
- (2) Historical School
- (3) Vienna School
- (4) Sociological School

24. Who says that the prominent motive in the protection of possession is probably a regard for the preservation of peace ?

- | | |
|------------------|-------------|
| (1) Holland | (2) Austin |
| (3) Roscoe Pound | (4) Savigny |

25. Customs not law until so declared by sovereign. It was the view of :

- | | |
|-----------------------|-------------------------|
| (1) Historical School | (2) Analytical School |
| (3) Realistic School | (4) Sociological School |

Part B

26. In which case Supreme Court said that Preamble to the Constitution was a key to open the mind of the makers and show the general purposes for which they made the several provisions in the constitution :

- (1) Kesavananda Bharti *Vs.* State of Kerala
- (2) In re Kerala Education Bill
- (3) In re Berubari Union and Exchange of Enclaves
- (4) A.K. Gopalan *Vs.* State of Madras

27. In which case the Supreme Court observed that a successful democracy posits an "aware citizenry" ?

- (1) Aruna Roy *Vs.* Union of India
- (2) Mohan Lal *Vs.* Distt. Magistrate, Rai Bareilly
- (3) Union of India *Vs.* Association for Democratic Reforms
- (4) Union of India *Vs.* Madan Gopal

28. India that is Bharat, shall be Union of States. How many States are in Bharat ?

- (1) 25 States
- (2) 26 States
- (3) 27 States
- (4) 28 States

29. Which Article of Constitution recognises the principle that no Indian citizen can claim a dual or plural citizenship :

- (1) Article 5
- (2) Article 6
- (3) Article 7
- (4) Article 9

30. State for the purpose of Fundamental Rights is defined in :

- (1) Article 14
- (2) Article 12
- (3) Article 16
- (4) Article 18

31. In which case the Supreme Court observed that our Constitution, as appears from the Preamble, derive its authority from the people of India ?

- (1) Kesavananda Bharti *Vs.* State of Kerala
- (2) A. K. Gopalan *Vs.* State of Madras
- (3) Union of India *Vs.* Madan Gopal
- (4) In re Berubari Union and Exchange of Enclaves

32. In which case a nine Judge Bench of the Apex Court observed that the concept of 'Secularism' was very much embodied in our Constitution Philosophy. What was implicit earlier had been made explicit by the Constitution 42nd Amendment in 1976 ?

- (1) Excel Wear Vs. Union of India
- (2) S. R. Bommai Vs. Union of India
- (3) Samatha Vs. State of Andhra Pradesh
- (4) Secretary, H.S.E.B. Vs. Suresh

33. The Constitution (73rd & 74th Amendment) Acts, making provisions for Reservation of not less than one-third of the total seats for women in the Constitution of the Panchayats and Municipalities would be protected under :

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|-------------------|-------------------|
| (1) Article 15(3) | (2) Article 15(4) |
| (3) Article 16(4) | (4) Article 16(3) |

34. Which Expert Committee was appointed by Government of India to specify the basis of exclusion whether on the basis of Income, extent of holdings or otherwise of 'Creamy Layer' ?

- (1) Justice Bhagwati Committee
- (2) Justice Ram Nandan Committee
- (3) Justice Krishna Iyer Committee
- (4) Justice Rampal Singh Committee

35. Which Article of our Constitution declares Right to Education as an Independent Fundamental Right ?

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|----------------|------------------|
| (1) Article 14 | (2) Article 20 |
| (3) Article 21 | (4) Article 21-A |

36. In which case Hon'able High Court took serious note of "Honour Killing" and said that such practice was blot in society ?

- (1) Sujit Kumar *Vs.* State of U.P.
- (2) Sarjit Singh *Vs.* State of Punjab
- (3) Swathi *Vs.* State of Andhra Pradesh
- (4) Mohinder Singh *Vs.* State of Haryana

37. Right to Write a Book and get it published was held in :

- (1) D.B.M. Patnaik *Vs.* State of A.P.
- (2) State of Maharashtra *Vs.* Prabhakar Pandurang
- (3) Sunil Batra *Vs.* Delhi Administration
- (4) Prem Shankar *Vs.* Delhi Administration

38. Which Article of our Constitution prohibits a citizen of India from accepting any Title from a Foreign State ?

- | | |
|----------------|----------------|
| (1) Article 15 | (2) Article 16 |
| (3) Article 17 | (4) Article 18 |

39. Which Article of our Constitution confers Right to conserve language, script or culture of its own ?

- | | |
|----------------|----------------|
| (1) Article 27 | (2) Article 28 |
| (3) Article 29 | (4) Article 30 |

40. In which case the Hon'able Supreme Court of India said that the legislature cannot grant fictional immunities and exclude the Judicial Review of the Ninth Schedule law after the enunciation of the basic structure doctrine ?

- (1) Keshvananda Bharti *Vs.* State of Kerala
- (2) M. Nagaraj *Vs.* Union of India
- (3) I. R. Coelho *Vs.* State of Tamil Nadu
- (4) Kuldeep Nayar *Vs.* Union of India

41. Which is Independent Constitutional Authority ?
- (1) Public Corporation
 - (2) Autonomous Body
 - (3) Public Service Commission
 - (4) Life Insurance Corporation
42. If Money Bill is not returned by the Rajya Sabha to the Lok Sabha within a period of 14 days of its receipt, it shall be deemed to be :
- (1) Lapse
 - (2) Rejected
 - (3) Passed
 - (4) Re-endorsed
43. Title of Article 395 of our Constitution provides as :
- (1) Omitted
 - (2) Repealed
 - (3) Repeals
 - (4) Definitions
44. In which Article short title "*The Constitution of India*" was provided ?
- (1) Preamble
 - (2) Article 393
 - (3) Article 394
 - (4) Article 394-A
45. Article 368 of our Constitution which relates to the *Amendment of the Constitution* authorise Parliament with :
- (1) Power of Amendment
 - (2) Procedure Amendment
 - (3) Power and Procedure of Amendment
 - (4) Supreme Power of Amendment

46. Right to Property was reduced to the status of :
- (1) Fundamental Right
 - (2) Private Right
 - (3) Legal and Constitutional Right
 - (4) Simple Right
47. Which Article of our Constitution provides procedure to resolve the deadlock in the two Houses of Parliament on a Bill ?
- (1) Article 108
 - (2) Article 109
 - (3) Article 110
 - (4) Article 111
48. Which Article of our Constitution direct the State to secure for the citizens Uniform Civil Code throughout the territory of India ?
- (1) Article 40
 - (2) Article 42
 - (3) Article 44
 - (4) Article 48
49. Which Schedule of our Constitution provided the *Forms of Oaths or Affirmations* ?
- (1) Third Schedule
 - (2) Fourth Schedule
 - (3) Fifth Schedule
 - (4) Sixth Schedule
50. Which Article of our Constitution provides for the establishment of *Inter-State Council* for co-ordination between states ?
- (1) Article 260
 - (2) Article 261
 - (3) Article 262
 - (4) Article 263

Ph. D. Entrance Test **MODEL PAPER**

LAW

SECOND PAPER

(Descriptive Type Questions)

Time : 2 Hours

Maximum Marks : 100

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

1. Explain any *four* of the following : **40**

- (i) Law as an instrument of social change.
- (ii) Precedent as a source of law.
- (iii) Hart's concept of law.
- (iv) Is Constitution of India federal ?
- (v) Doctrine of pleasure.
- (vi) Public Interest Litigation.

2. "Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits. Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment."

Critically examine the scope of Article 14 of the Constitution of India in the light of the above statement. 30

3. "Jurisprudence is lawyer's extraversion. It is lawyer's examination of precepts, ideals and techniques of law in the light derived from present knowledge in disciplines other than the law."

Comment critically on the above statement so as to explain the scope and purpose of jurisprudence. 30

4. What do you understand by the theory of 'Basic Structure' ? Explain it in the context of power of Parliament to amend the Constitution. 30

5. Critically examine the contribution of Roscoe Pound in the realm of Sociological Jurisprudence. In what manner his contribution is an improvement over that of Rudolf Von Ihering ?