

THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA, VADODARA

Ph. D. ENTRANCE TEST (PET) – 27<sup>th</sup> January 2019

Signature of Invigilators

Roll. No.

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(in figures as in Hall Ticket)

Roll No. \_\_\_\_\_

Law  
(19/19)

(in words)

Maximum Marks: 50

No. Of Printed Pages : 8

**Instruction for the Candidate:**

1. Write your Roll Number in the space provided on the top of this page.
2. This paper consists of **FIFTY (50)** multiple choice type questions. Each Question carries **ONE (1)** mark.
3. At the commencement of examination, the question booklet will be given to you. In the first 5 minutes, you are requested to open the booklet and compulsorily examine it as below:
  - a. To have access to the Question Booklet, tear off the paper seal on the edge of this cover page, Do not accept a booklet without sticker seal and do not accept an open booklet.
  - b. Tally the number of pages and number of questions in the booklet with the information printed on the cover page. Faculty booklets due to pages/questions missing or duplicate or not in serial order or any other discrepancy should be got replaced immediately by a correct booklet from the invigilator within the period of 5 minutes. Afterwards, neither the Question Booklet will be replaced nor any extra time will be given.
  - c. After this verification is over, the Test Booklet Number should be entered on the OMR Answer Sheet and the OMR Answer Sheet Number should be entered on this Test Booklet.
4. Each item has four alternative responses marked (A), (B), (C) and (D). You have to darken the circle as indicated below on the correct response against each item.

**Example:** (A) ● (C) (D) where (B) is correct response.
5. Your responses to the items are to be indicated on the OMR Answer Sheet under Paper – II only. If you mark your response at any place other than in the circle in the OMR Answer Sheet, it will not be evaluated.
6. Read instructions given inside carefully.
7. Rough Work is to be done in the end of this booklet.
8. If you write your Name, Roll Number, Phone Number or put any mark on any part of the OMR Answer Sheet, except for the space allotted for the relevant entries, which may disclose your identity, or use abusive language or employ any other unfair means, such as change of response by scratching or using white fluid, you will render yourself liable to disqualification.
9. You have to return the original OMR Answer Sheet to the invigilator at the end of the examination compulsorily and must not carry it with you outside the Examination Hall. You are however, allowed to carry original question booklet and duplicate copy of OMR Answer Sheet on conclusion of examination
10. Use only Blue/ Black Ball point pen.
11. Use of any calculator or log table etc., is prohibited.
12. There shall be no negative marking.



**Law**  
**(19/19)**

**Note:** This paper contains **FIFTY (50)** multiple-choice questions. Each Question carries **ONE (1)** mark.

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- 01) Within how many months, a non-member, if made a Minister, has to become a Member of Parliament?  
A) Five  
B) Four  
C) Three  
D) Six
- 02) The question whether the Courts can interfere with the power of the House to commit for its contempt rose in which of the following cases?  
A) Kehar Singh  
B) Maru Ram  
C) Keshav Singh  
D) S.P.Gupta
- 03) The Preamble of the Constitution declares:  
A) We, the People of India ...India into a (Socialist, Liberal, Secular, Democratic Republic)...  
B) We, the People of India ...India into a (Secular, Sovereign and Equal Democratic Republic)...  
C) We, the People of India ...India into a (Secular, Sovereign, Socialist, Political Republic)...  
D) We, the People of India ...India into a (Sovereign, Socialist, Secular, Democratic Republic)...
- 04) Which of the following cases had held that Preamble is not a part of the Constitution?  
A) Kesavananda Bharati v. State of Kerala  
B) Re Berubari case  
C) Re Kerala Education Bill  
D) Golaknath v. State of Punjab
- 05) Which Amendment Act added the Chapter on Fundamental Duties to the Constitution?  
A) 42<sup>nd</sup> Amendment Act  
B) 44<sup>th</sup> Amendment Act  
C) 82<sup>nd</sup> Amendment Act  
D) 25<sup>th</sup> Amendment Act
- 06) The Indian Constitution establishes a  
A) Parliamentary Form of Government  
B) Presidential Form  
C) Unitary  
D) None of these
- 07) Ordinance making power is conferred on  
A) Executive  
B) Legislature  
C) Judiciary  
D) None of these
- 08) According to whom , 'Jurisprudence is a part of history, a part of economics and sociology, a part of ethics and a philosophy of life.'?  
A) E.W.Patterson  
B) Dr.M.J.Sethna  
C) Julius Stone  
D) Radcliffe
- 09) Who has propounded the pure theory of law on the hypothesis of the grundnorm?  
A) John Rawls  
B) Kelsen  
C) Austin  
D) None of the above
- 10) Who has observed, 'Legislation is that source of law which consists in the declaration of legal rules by competent authority.'  
A) Bodenheimer  
B) Salmond  
C) James Carter  
D) John Gray
- 11) Which of the following jurists is of thinks that legislation is the least creative of the sources of law as it is not possible to make law by legislative action alone...?  
A) John Stuart Mill  
B) Prof. Holland  
C) James Carter  
D) Blackstone

- 12) According to whom, 'Men are born free and equal. Freedom of will is the essence of man. Possession is the embodiment of the will of a man. By taking possession of a thing, a man incorporates his will and hence his personality in that thing.'
- Emmanuel Kant
  - Ihering
  - Holland
  - Pollock
- 13) What was the mass of Roman Laws known as ?
- Napoleon Code
  - Magna Carta
  - Code of Legislation
  - Justinian Code
- 14) Who among the following opines that codified law cannot be as useful to developing society as the uncodified law is.
- Austin
  - Keeton
  - Lord Mansfield
  - None of the above
- 15) In which of the following cases did the Court say: the purpose of divorce law was not to punish the guilty spouse but to protect the innocent spouse.
- Gollins v. Gollins
  - Chaman lalv.Mohinder Devi
  - Dharmendra v. Usha
  - Atma v. Banku
- 16) Desertion is not the withdrawal from a place but from a state of things. 'This doctrine of Constructive Desertion was explained in which of the following cases:
- Chandra v. Meera
  - Hope v. Hope
  - William v. William
  - Lang v. Lang
- 17) 'Marriage with a woman undergoing iddat' , is a
- Regular marriage
  - Irregular Marriage
  - Voidable Marriage
  - None of the above
- 18) In which of the following case while giving a child in adoption, prior permission of the Court is essential?
- When father is giving a child in adoption
  - When mother is giving a child in adoption
  - When guardian is giving a child in adoption
  - When either parents is giving in adoption
- 19) Insanity is a ground for Divorce under which of the following laws ?
- Hindu Marriage Act
  - Parsi Marriage and Divorce Act
  - Dissolution of Muslim Marriage Act
  - All of the Above
- 20) What is the first article of UDHR
- All human beings are born free and equal in dignity and rights.
  - Everyone has the right to life, liberty and security of person.
  - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
  - Everyone has the right to recognition everywhere as a person before the law.
- 21) The Declaration of the Rights of Man and of the Citizen was passed by
- France's National Constituent Assembly
  - American Congress
  - British Parliament
  - Indian Parliament
- 22) Part I of the Covenant on Economic, Social and Cultural Rights deals with
- rights of peoples to self determination
  - right to development
  - right to life and liberty
  - freedom against all forms of discrimination

- 23) In which of the following cases has the Supreme Court held that PIL is maintainable for ensuring enjoyment of pollution free water and air which is included in the 'right to live' under Article 21 of the Constitution.
- Subhas Kumar v. State of Bihar
  - Rural Litigation v. State of U.P
  - Shriram Food and Fertilizer case
  - None of the above
- 24) In which of the following cases, mining in Aravalli Hills has been banned?
- Vellore Citizen's Welfare Forum v. UOI (1996)
  - S. Jagannath v. UOI (1997)
  - Council for Enviro-Legal Action v. UOI (1996)
  - M.C.Mehta v. UOI (2004)
- 25) According to S. 2 (a) of the Environment protection Act, 1986, 'Environment' includes:
- all, or any of the following medium, namely, air, water and land and the medium of air includes the air within buildings and the air within other natural or manmade structures above or below ground.
  - entire range of external influence acting on an organism, both the physical and biological and other organism, i.e, forces of nature surrounding an individual.
  - water, air, and land and human beings, other living creatures, plants, micro-organisms and property.
  - natural environment and manmade environment
- 26) Mere knowledge does not imply consent to take risk. It may, however make it strong or weak according to the circumstances of the case. This principle is association with....
- Injuria sine demnum
  - Demnum sine injuria
  - Volent non fit injuria
  - Rescue cases
- 27) In which of the following it was said by Alderson J. that "negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would be doing something which a prudent and reasonable man would not do".....
- National coal board v. Evans
  - Oliver v. Ashman
  - Poter v. Jones
  - Blythe v. Bradford Corpon v. PicklesBurmington
- 28) An act done by a person for another without any authority, may become the act of the principal if....
- It is legal act which principal supposed to do
  - It is subsequently ratified by principal
  - It is done in the presence of principal
  - It is done in the business premises
- 29) A wrongful act does not become unlawful even if it was done with evil motive- This was held in....
- Christie v. Devey
  - Hollywood Silver FoxFarm Ltd v. Emmett
  - Ashby v. White
  - Mayor of Bradford Corpon v. Pikles
- 30) Punishment for voluntarily causing hurt is contained in section.....
- 323
  - 324
  - 325
  - 319
- 31) Which of the following is essential condition for Dacoity....
- 3 or more persons are there
  - 2 or more persons are there
  - 5 or more persons are there
  - 7 or more persons are there
- 32) Criminal Law (Amendment) Act, 2013 is based on recommendation of.....
- Justice J.S. Verma Committee
  - Justice Malimath Committee
  - Justice UshasMehra Committee
  - Justice M.B. Shah Committee
- 33) The maxim 'Actus non facitrem nisi mens sit rea' means....
- Crime is result of guilty mind
  - Motive is relevant in crime while intention is irrelevant
  - There can be no crime without guilty mind
  - Crime has to be coupled with guilty mind

- 34) Which of the following is true in relation to offence of 'kidnapping'
- It is of a minor under fourteen years of age if a male and under eighteen years if female
  - It is of a minor under sixteen years of age if a male and under eighteen years if female or a person of unsound mind
  - It is of a minor under seven years of age if a male and under fourteen years if female or a person of unsound mind
  - It is of a minor under eighteen years of age if a male and under twenty one if female or a person of unsound mind.
- 35) A draft of International bill of rights of man and suggesting that the United Nations make it a part of the fundamental Constitution of World Community was prepared by....
- Dr. H. Lautapacht
  - Hugo Grotius
  - Eleanor Roosevelt
  - Franklin Roosevelt
- 36) The third generation of Human Rights are known as....
- Political rights
  - Civil rights
  - Cultural rights
  - Solidarity rights
- 37) Who of the following International Jurist is of the view that "once the state has come into possession of all the legal attributes of statehood, there is a duty on all other states to recognise the new state?"
- Lauterpacht
  - Oppenheim
  - Franklin Roosevelt
  - Strake
- 38) According to \_\_\_\_\_ theory "Individuals only are the subjects of International Law like Municipal Law"
- Realist theory
  - Fictional theory
  - Functional theory
  - Naturalist theory
- 39) The Chairperson of the National Human Rights Commission shall be...
- Sitting Chief justice of the Supreme Court
  - Retired Chief Justice of the Supreme Court
  - Retired judge of the Supreme Court
  - Retired Chief Justice of the High Court
- 40) Which of the following section of Indian Contract Act deals with Subsequent impossibility or frustration
- 72
  - 68
  - 70
  - 56
- 41) "A valuable consideration in the sense of the law may consist either in some right, interest, profit or benefit accruing to one party, or some forbearance, detriment, loss or responsibility given, suffered or undertaken by the other" it was defined in....
- Thomas v. Thomas
  - Kedar Nath v. Gorie Mahomed
  - Currie v. Misa
  - Chinnaya v. Ramayya
- 42) The true test of partnership between a group of persons is
- Sharing of profits
  - Contribution of capital
  - Mutual agency
  - Joint ownership of property
- 43) A partner within the scope of his apparent authority receives money or property from a third party and misapplies it
- The firm is liable to make good the loss
  - The concern partner is liable to make good the loss
  - The firm is not liable to make good the loss
  - The firm is liable to make good the loss only if it is registered
- 44) The transfer of property in goods in contract of sale means
- The right of possession
  - The right of ownership
  - Special property in goods
  - The right of special interest
- 45) The Industrial Dispute Act, 1947 provide for the modes of settlement of dispute....
- Arbitration
  - Adjudication
  - Voluntary settlement and conciliation
  - All of these

- 46) Appropriate Government under The Industrial Dispute Act, 1947 in relation to Oil and Natural Gas commission established under Section 3 of the Oil and Natural Gas Commission Act, 1959 is
- A) Concern State Government
  - B) Central Government
  - C) Both Central and State Government
  - D) Either Central or State Government
- 47) “Lock-out can be described as the antithesis of a strike” the Supreme Court observed in
- A) Kairbetta Estate v. Rajamanickam
  - B) J.K. Hosiery Factory v. Labour Appellate Tribunal
  - C) Express Newspapers (Pvt) Ltd. V. Their Workmen
  - D) General Labour Union (Red Flag) Bombay v. B.V. Charan
- 48) The Supreme Court brought services rendered by medical professional within the ambit of the Consumer Protection Act, 1986 in the case of...
- A) Jacob Mathew v. State of Punjab
  - B) Suresh Gupta v. Delhi Administration
  - C) Spring Meadows Hospital v. Harjot Ahluwalia
  - D) Indian Medical Association v. V.P. Shantha
- 49) A Company has no eyes and ears. Who works as eyes and ears of the Company are?
- A) Shareholders
  - B) Promoters
  - C) Directors
  - D) Employees
- 50) Who of the following is liable on a contract made behalf of company not yet in existence?
- A) Director
  - B) Promoters
  - C) Subscribers to the memorandum
  - D) Members of company

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**Rough Work:**