

Model Answers, CET-2018

Entrance Test for LL. M. (Business Law)

1. Who defined jurisprudence as, “the formal science of positive law”?
 - A. Bentham
 - B. Blackstone
 - C. Holland X**
 - D. Roscoe Pound
 - E. Austin

2. Salmond divided the law into two classes
 - A. Codified and Uncodified
 - B. Private and Public
 - C. Formal and Material X**
 - D. Formal and Informal
 - E. Material and Immaterial

3. A’s right to enjoy his legally possessed land is a
 - A. Right to land
 - B. Moral right
 - C. Right in personam
 - D. Right in rem X**
 - E. Legal right

4. Who has said that ‘Jurisprudence is the lawyer’s extroversion’?
 - A. Salmond
 - B. Julius Stone
 - C. Blackstone
 - D. Holland X**
 - E. John Miller

5. The principle of ‘Social Solidarity’ was propounded by
 - A. Duguit X**
 - B. Roscoe Pound
 - C. Savigny
 - D. Bentham
 - E. Austin

6. Doctrine of pleasure is incorporated in article
- A. 309
 - B. 310 X**
 - C. 311
 - D. 312
 - E. 313
7. President of India can make Laws during the recess of Parliament through
- A. Bills
 - B. Ordinances X**
 - C. Statutes
 - D. Notifications
 - E. Special Orders
8. What is the minimum age to become a member of Rajya Sabha
- A. 18 years
 - B. 21 years
 - C. 25 years
 - D. 30 years X**
 - E. 35 years
9. S.R. Bommai v. Union of India, JT 1994 (2) SC 215 is related to
- A. National Emergency under Article 352
 - B. President rule in State under Article 356 X**
 - C. Financial Emergency under Article 360
 - D. Free and Fair Election
 - E. No option is correct
10. In Golakh Nath v. State of Punjab, doctrine of Prospective Overruling was evolved by
- A. Justice Bhagwati
 - B. Justice Sikari
 - C. Justice Subbarao X**
 - D. Justice Hidayatullah
 - E. Justice Chandrachud

11. Formation of new State under Article 3 includes
- i. Form a new state by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any state
 - ii. Alter the boundaries of any State
 - iii. Alter the name of any State
- A. Only (i) is correct
 - B. Both (i) & (ii) are correct
 - C. Both (i) & (iii) are correct
 - D. All the three are correct X
 - E. All are incorrect
12. The European Court of Human Rights at Strasbourg has been established under the
- A. Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 X
 - B. Charter of the Fundamental Rights of the European Union, 2000
 - C. Charter of Human Rights in Europe, 1975
 - D. European Human Rights Convention, 1960
 - E. Universal Declaration of Human Rights, 1948
13. Non-Permanent members of the United Nations Security Council are elected for a period of
- A. 7 years
 - B. 3 years
 - C. 2 years X
 - D. 5 years
 - E. No option is correct
14. The United Nations Security Council can move for an armed response to a breach of international peace under
- A. Chapter VII of the Charter of the United Nations X
 - B. Chapter III of the Universal Declaration of Human Rights
 - C. Chapter VIII of the Charter of the United Nations
 - D. Article 8 of the Charter of the United Nations
 - E. Article 10 of the Charter of the United Nations

15. Tender notification on the official website of government department is
- A. An Offer
 - B. Invitation to offer X
 - C. Acceptance
 - D. Notice
 - E. Neither an offer nor an Invitation to offer
16. An agreement restraint of trade is valid under section 27 if relates to
- A. Mutual adjustment
 - B. Sale of Goodwill X
 - C. Business contingency
 - D. To reduce competition
 - E. To promote competition
17. Discharge of contract can happen with
- A. Frustration
 - B. Performance of contract
 - C. Impossibility of performance
 - D. Frustration, Performance of contract and impossibility of performance X
 - E. only frustration and performance of contract
18. Communication of an acceptance is compulsory, except in the case of
- A. General offer X
 - B. Express offer
 - C. Conditional Offer
 - D. Social offer
 - E. Personal Offer
19. The Damages under Section 73 of the Indian Contract Act, 1872 are
- A. Penal
 - B. Compensatory
 - C. Liquidated X
 - D. Corporal
 - E. Compensatory and liquidated

20. Mc Naughton's Rule is applicable to defence of
- A. Intoxication
 - B. Insanity X
 - C. Accident
 - D. Mistake of fact
 - E. Mistake of law
21. In the cases of harm from inherently dangerous or extra-hazardous enterprises the liability of the owner would be
- A. Strict
 - B. Absolute X
 - C. Vicarious
 - D. Based on the negligence of the defendant
 - E. Based on the intention of the defendant
22. The Meaning of the maxim '*quifacit per alium facit per se*' means
- A. He who acts through others is deemed in law as doing it himself X
 - B. Responsibility must be that of the superior
 - C. One can not be held liable for his own wrong
 - D. Law would not take action on small & trifling matters
 - E. No option is correct
23. Ashby v. White is an example of –
- A. *Ubi jus ibi remedium*
 - B. *Damnum sine injuria*
 - C. *Injuria sine demno* X
 - D. *Volenti not fit injuria*
 - E. *De minimis non curat lex*
24. The pecuniary jurisdiction limit of the District Consumer Forum is:
- A. Up to 5 Lakhs
 - B. Up to 10 Lakhs
 - C. Up to 20 Lakhs X
 - D. Up to 50 Lakhs
 - E. Above 1 Crore

25. Constitutionality of Section 70 of the Information Technology Act was challenged in which of the following case
- A. **Firos v. State of Kerala** X
 - B. SPS computers v. Govt of India
 - C. Gahlot solutions v. State of Haryana
 - D. Ramhana v. State of Punjab
 - E. Satyam Computer v. Venture Global Engineering
26. Which Section of the Right to Information Act 2005 provides for exemption from disclosure of information-
- A. Section 7
 - B. **Section 8** X
 - C. Section 9
 - D. Section 10
 - E. Section 11
27. Who can be appointed as the chairperson of the National Human Right Commission under Section 3 of The Protection of Human Rights Act 1993
- A. **Who has been the Chief Justice of Supreme Court** X
 - B. Who has been the Judge of the Supreme Court
 - C. Who has been the Chief Justice of any High Court
 - D. Any judge of the Supreme Court on the recommendation of the President
 - E. Any judge of High Court on the recommendation of the President
28. Which of the following is not adultery
- A. **Intercourse with the wives of pre Act polygamous marriage** X
 - B. Intercourse with the second wife when the second marriage is void
 - C. Intercourse with a married woman personating to be her husband
 - D. Intercourse with the wives of pre Act polygamous marriage as well as Intercourse with the second wife when the second marriage is void
 - E. All options are correct
29. In case of adoption of a son, the adoptive father or mother must not have a living
- A. Son
 - B. Son's son
 - C. Son's son's son
 - D. Daughter
 - E. **Either Son, or Son's son, or Son's son's son** X

30. Section 8 of Hindu Succession Act, 1956 lays down the order of priority of succession, the correct order of priority is reflected as
- A. Class I – class II – cognates – agnates
 - B. Class I – class II – agnates – cognates X**
 - C. Class II – class I – cognates – agnates
 - D. Class II – class I – agnates – cognates
 - E. Agnates – cognates – Class I – Class II
31. Jurisdiction of the court to enforce specific performance of a contract is
- A. Absolute
 - B. Discretionary X**
 - C. General and not exceptional
 - D. Extensive
 - E. Mandatory
32. Specific Relief can be granted for
- A. Enforcing individual civil rights X**
 - B. Enforcing penal laws
 - C. Enforcing individual criminal rights
 - D. Both civil and penal laws
 - E. Neither civil rights nor penal laws
33. A suit under Section 6 of the Specific Relief Act, 1963 can be brought by
- A. Trespasser
 - B. Tenant holding over X**
 - C. Servant
 - D. Manager
 - E. Landlord
34. If an acceptance on phone is drowned by noise and is not heard by the proposer
- A. No contract is concluded X**
 - B. A valid contract is concluded
 - C. There is a voidable contract
 - D. The contract is void
 - E. No option is correct
35. While determining damages which of the following are taken in to account
- A. Motive of breach
 - B. Manner of breach
 - C. Inconvenience caused by non-performance X**
 - D. both Motive of breach and Manner of breach
 - E. All options are correct

36. Doctrine of Separation of Powers was systematically formulated by

- A. Plato
- B. Montesquieu X**
- C. Dicey
- D. Aristotle
- E. Bentham

37. 'Rule of Law' means

- (i) Supremacy of Judiciary
- (ii) Supremacy of Law
- (iii) Equality before Law
- (iv) Supremacy of Parliament

Codes:

- A. (i) and (iii)
- B. (iii) and (iv)
- C. (ii) and (iv)
- D. (ii) and (iii) X**
- E. (i) and (iv)

38. Writ of Mandamus may be issued to

- A. Compel the judicial or quasi-judicial authorities only to act
- B. Compel the authority to act X**
- C. Compel the authorities and private persons to act
- D. Compel a private person
- E. No option is correct

39. Which of the following duties have been included by Austin in the category of "Absolute duties"?

- I. Duties owed to indeterminate persons.
- II. Self regarding duties.
- III. Duties owed to the sovereign.
- IV. Duties owed to the parents.

Select the correct answer by using the codes below:

- A. I and II
- B. I, III and IV
- C. II, III and IV
- D. I, II, and IV
- E. I, II and III X**

40. The application of doctrine of vicarious liability in crimes seems to have been actuated by a necessity rather than desirability. The justification is based on

- A. Public policy X
- B. Failure to supervise
- C. Treated as unauthorised
- D. Strict liability
- E. Absolute Liability

41. In order to attract application of Sec.304-B of Indian Penal Code it is essential that the death has occurred within _____.

- A. Seven years but as engagement is part of marriage the period of limitation should be counted from that date
- B. Actual death should have occurred within seven years of her marriage X
- C. Actual cruelty should have been for demand of dowry whether or not death resulted after seven years of marriage
- D. Depends upon possibility to ruling out an accidental death within the period of seven years
- E. Death should have been due to suicide within five years of marriage

42. A police officer arrested a person without warrant who was drunk and creating disturbance in a public street. The action of police amounts to _____.

- A. Detention
- B. Wrongful confinement X
- C. Wrongful restrain
- D. An authorised act
- E. No option is correct

43. The increased noise level can cause loss of hearing and irreversible changes in nervous system. Mention the Safe Noise Level fixed by the World Health Organisation.

- A. 80 decibels
- B. 90 decibels
- C. 50 decibels
- D. 60 decibels
- E. 45 decibels X

44. The right to contract a minor in marriage under Muslim Law, belongs, successively to

- I. Father
- II. Mother
- III. Paternal grand father
- IV. Brother

Codes:

- A. I, II, III, IV
- B. I, III, IV, II X
- C. I, IV, III, II
- D. III, IV, I, II
- E. II, I, IV, III

45. "Single Act of adultery" is a ground for

- A. Judicial Separation
- B. Divorce
- C. Divorce and Judicial Separation both X
- D. Cruelty
- E. No option is correct

46. Dower in Muslim Law is

- I. Dowry
- II. An obligation imposed upon husband as a mark of respect for wife.
- III. Sale price of woman.
- IV. Consideration for marriage.

Select the correct answer by using the codes given below:

- A. I, III and IV are correct
- B. I and II are correct
- C. II and III are correct
- D. II and IV are correct X
- E. I and III are correct

47. In which of the following cases the jurisprudential basis of the principle to award compensation for violating Human-rights has been laid down by the Supreme Court?

- A. Visakha Vs. State of Rajasthan
- B. Maneka Gandhi Vs Union of India
- C. Ratlam Municipality Vs Vardhichand
- D. Aruna Ramchandra Shanbaug . Union of India and others
- E. Nilabhati Behra Vs. State of Orissa X

48. For an action of nuisance defendant can put up the following defences.

1. The place is suitable for the purpose.
2. It is for the benefit of the residents of colony.
3. It is done under statutory authority.
4. Plaintiff has consented to the act.

Select the right code.

Codes:

- A. 1, 2 and 3 are correct
- B. 2, 3 and 4 are correct
- C. 1, 3 and 4 are correct
- D. 1 and 2 are correct
- E. 3 and 4 are correct X

49. Which of the following Articles providing for fundamental rights cannot be suspended during the Proclamation of Emergency?

- A. Articles 14 and 15
- B. Articles 14 and 21
- C. Articles 19 and 20
- D. Articles 20 and 21 X
- E. Articles 21 and 22

50. Rescission of the contract means

- A. The renewal of original contract
- B. Cancellation of contract X
- C. Alteration of contract
- D. Discharge of contract
- E. Substitution of new contract in place of earlier one

51. The prosecution of judges and public servants are provided in

- a. Section 197 of CrPC X
- b. Section 179 of CrPC
- c. Section 297 of CrPC
- d. Section 279 of CrPC
- e. Section 300 of CrPC

52. Irregularities which do not vitiate trial have been stated in

- a. Section 459 of CrPC
- b. Section 460 of CrPC X
- c. Section 461 of CrPC
- d. Section 462 of CrPC
- e. Section 466 of CrPC

53. For an offence punishable with fine only, the period of limitation prescribed under Section 468 of CrPC is

- a. Three months
- b. Six months X
- c. One year
- d. Three months
- e. One month

54. Compounding of offence under Section 320 of CrPC results in

- a. Acquittal of the accused under all circumstances X
- b. Acquittal of the accused only where the charge has already been framed
- c. Discharge of the accused where the charge has not yet been framed
- d. Either Acquittal of the accused only where the charge has already been framed or Discharge of the accused where the charge has not yet been framed
- e. No option is correct

55. Under Section 439 of CrPC, the jurisdiction to cancel the bail vests with

- a. Court of Session
- b. High Court
- c. Court of Judicial Magistrate First Class
- d. Chief Judicial Magistrate
- e. Both Court of Session & High Court X

56. Which of the following is correct

- a. Magistrate can arrest a person
- b. A private person can arrest a person
- c. A police officer can arrest a person X
- d. Magistrate as well as a private person can arrest a person
- e. No option is correct

57. Which of the following is not a Public Servant

- a. Liquidator
- b. A Civil Judge
- c. Member of a Panchayat assisting a Court of Justice
- d. Secretary of a Co-operative Society X
- e. Receiver

58. The essential ingredients of a crime are

- a. Motive, *mens rea* and *actus reus*
- b. Motive, intention and knowledge
- c. *Actus reus* and *mens rea* X
- d. Knowledge, intention and action
- e. Knowledge, intention, preparation and commission

59. Dishonest intention must precede the act of taking in

- a. Criminal Misappropriation
- b. Criminal Breach of Trust
- c. Theft X
- d. Robbery
- e. Cheating

60. X breaks the front tooth of B by a blow with a fist. 'X' has committed an offence of:

- a. Assault
- b. Intimidation
- c. Grievous hurt X
- d. Hurt
- e. Criminal intimidation

61. When A intentionally puts B in fear of injury to him and dishonestly induces B to deliver his belongings, A commits the offence of

- a. Theft
- b. Dacoity
- c. Extortion X
- d. Intimidation
- e. Cheating

62. When a person with intent to cause damage to person causes destruction of property is said to have committed

- a. Mischief X
- b. Nuisance
- c. Rioting
- d. Robbery
- e. Criminal intimidation

63. Section 511 is not applicable to
- Attempt to commit suicide X**
 - Attempt to commit rape
 - Attempt to commit theft
 - Attempt to Grievous Hurt
 - Attempt to commit robbery
64. Who is liable to pay compensation in case of death or permanent disablement under Motor Vehicles Act 1988
- Owner of vehicle X**
 - State government
 - Driver
 - Insurance Company
 - Claims Tribunal
65. Which Article of the Constitution provides for “equal justice and free legal aid?”
- Article 39
 - Article 39 A X**
 - Article 42
 - Article 42 A
 - Article 45
66. Every award of Lok Adalat shall be deemed to be
- Decree of both civil and criminal court
 - Decree of civil court X**
 - Decree of criminal court
 - Decree if District Legal Services Authority approves at the behest of report of Lok Adalat
 - Decree if High Court approves at the behest of report of Lok Adalat
67. For the purpose of attracting the provisions of Section 138 of the Negotiable Instruments Act, 1881 a cheque has to be presented to the bank
- Within a period of six months
 - Within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier X**
 - Within a period of 15 days from the date on which it is drawn
 - Within a period of one year
 - No option is correct
68. If a gift is made to a minor or a lunatic, the possession of the property can be handed over to
- Mother
 - Father
 - The person in whose custody the minor or lunatic is
 - The legal guardian X**
 - Both mother & father

69. A marriage contracted as muta specifying the dower, but not prescribing the period of cohabitation
- Shall be void
 - May operate as a permanent marriage X
 - Shall be presumed to be for one year
 - Shall be presumed to be for three years
 - No option is correct
70. If the husband puts to an end the muta marriage by way of hiba-e-muddat
- Wife is entitled to full dower X
 - Wife is entitled to double the dower
 - Wife is entitled to half a dower
 - Husband has a right to deduct the proportionate part of the dower for the unexpired period
 - Husband has a discretion to fix and give the dower according to the circumstances
71. Dower/Mahr belongs
- Absolutely to the wife X
 - Absolutely to the wife's father
 - Absolutely to wife's mother
 - Partly to wife and partly to wife's parents
 - Both wife & her father
72. When a Hindu inherits the property from his father under Section 8 of the Hindu Succession Act, he takes it as
- Joint family property
 - His separate property X
 - Either joint family property or his separate property as decided by father
 - Either joint family property or his separate property as decided amongst the heirs
 - No option is correct
73. Under Section 25 of The Limitation Act 1963 the easement rights are acquired by continuous & uninterrupted use for
- 12 years
 - 20 years X
 - 30 years
 - 3 years
 - 25 years
74. Period of limitation for application for substitution of the legal representatives of a party to the suit is
- 10 days
 - 30 days
 - 60 days
 - 90 days X
 - 120 days

75. Things said or done by a conspirator in reference to the common design is relevant under

- a. Section 12 of Evidence Act
- b. Section 6 of Evidence Act
- c. Section 8 of Evidence Act
- d. Section 10 of Evidence Act X
- e. Section 30 of Evidence Act