

**COMMON P. G. ENTRANCE TEST – 2020**

Test Booklet No. :

**DEPT. OF HIGHER EDUCATION, GOVT. OF ODISHA  
TEST BOOKLET**

Subject Code **27**

Subject **LAW (LLM)**

Time Allowed : **90 Minutes**

Full Marks : **70**

**: INSTRUCTIONS TO CANDIDATES :**

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4. **This Test Booklet contains 70 items (questions). Each item (question) comprises four responses (answers). You have to select the correct response (answer) which you want to mark (darken) on the Answer Sheet. In case, you feel that there is more than one correct response (answer), you should mark (darken) the response (answer) which you consider the best. In any case, choose ONLY ONE response (answer) for each item (question).**
5. You have to mark (darken) all your responses (answers) **ONLY** on the **separate Answer Sheet** provided by using **BALL POINT PEN (BLUE OR BLACK)**. See instructions in the Answer Sheet.
6. All items (questions) carry equal marks. All items (questions) are compulsory. Your total marks will depend only on the number of correct responses (answers) marked by you in the Answer Sheet. **There is no negative marking.**
7. **After you have completed filling in all your responses (answers) on the Answer Sheet and after conclusion of the examination, you should hand over to the Invigilator the Answer Sheet issued to you. You are allowed to take with you the candidate's copy / second page of the Answer Sheet along with the Test Booklet, after completion of the examination, for your reference.**
8. Sheets for rough work are appended in the Test Booklet at the end.

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1. Jurisprudence is both a philosophy of law and a reflective study rules which form the basis of concrete legal problems. Who said this?  
 (A) W. Friedman (B) P.J. Fitzgerald  
 (C) Roscoe Pound (D) John Austin
2. Which of the following cases made a new breakthrough in innovative jurisprudence declaring airwaves as public property which has to be used in the best interest of the society?  
 (A) Janata Dal vs. H.S. Choudhury  
 (B) Prem Shankar Shukla vs. Delhi Administration  
 (C) Secretary, Ministry of Information and Broadcasting vs. Cricket Association of Bengal  
 (D) Abdul Rehman Antulay vs. R.S. Nayak
3. The clause that “No person shall be prosecuted and punished for the same offence more than once” which is based on the Common Law Maxim “Nemo debts bis Vexari” is dealt by which provision of the Indian Constitution?  
 (A) Article 20 (1) (B) Article 20 (2)  
 (C) Article 20 (3) (D) Article 20(2) and 20 (3)
4. In which case the then Chief Justice of India, Hon’ble Sri Dipak Mishra told on liberty- “The concept of Liberty has to be weighted and tested on the touchstone of constitutional sensitivity, protection and the values it stands for. It is the obligation of the constitutional courts as the sentinel on quivive to zealously guard the right to liberty of an individual as the dignified existence of an individual has an unseparable association with liberty” ?  
 (A) Shakti Vahini vs. Union of India (B) K.S. Puttaswamy vs. Union of India  
 (C) Joseph Shine vs. Union of India (D) Navtej Singh Johar vs. Union of India
5. Which one of the following is true?  
 Indian Penal Code applies to –  
 (i) Offences committed within India by any person, whether he be a citizen of India or a non-citizen  
 (ii) Offences committed outside India by an Indian Citizen  
 (iii) Offences committed on a ship or aircraft registered in India, whether it may be, by any person, citizen of India or non-citizen

Choose the correct answer

- |                     |                       |
|---------------------|-----------------------|
| (A) (i) only        | (B) (ii) only         |
| (C) (i) & (ii) only | (D) (i), (ii) & (iii) |



11. In case of patent, **quid pro quo** stands for :
- (A) Public or perish
  - (B) Monopoly granted for the term of patent
  - (C) Granting license to others
  - (D) Transfer of technology
12. Where a patent application is filed with provisional specification, complete specification shall be filed within \_\_\_\_ .
- (A) 12 months
  - (B) 15 months
  - (C) 18 months
  - (D) 24 months
13. A transfers property to B for life and after his death to C and D, equally to be divided between them or to the survivors of them. C dies during life of B. D survives B. At B's death the property shall :
- (A) Pass to D
  - (B) Pass to any person
  - (C) Pass to person who is specifically named in transfer
  - (D) None of these
14. Transfer by ostensible owner is provide under which Section of the Transfer of Property Act :
- (A) Section 38
  - (B) Section 39
  - (C) Section 40
  - (D) Section 41
15. In case of public Company, the minimum number of directors is :
- (A) 1
  - (B) 2
  - (C) 3
  - (D) 4
16. The name of the company can be changed by :
- (A) An ordinary resolution
  - (B) A Special resolution
  - (C) The approval of the Central Government
  - (D) A special resolution and with the approval of the Central Government
17. Which case explains the maxim **injuria sine damno** ?
- (A) Donoghue v. Stevenson
  - (B) Ashby v. White
  - (C) Rylands v. Fletcher
  - (D) Rookes v. Banard

18. In an action for false imprisonment the plain must prove :
- (A) Complete deprivation of liberty                      (B) Knowledge of restraint  
(C) The detention must be unlawful                      (D) All of these
19. The principle held in Carlill v. Carbolic Smoke Ball Co.(1893) is based upon :
- (A) Invitation to offer    (B) Intention to create legal obligation  
(C) General offer    (D) Offer when complete
20. Executed consideration means :
- (A) An act which has been done in response to positive promise  
(B) An act which would be done in response to positive promise  
(C) Both the parties has performed their respective obligation  
(D) None of these
21. In which case for the first time the Supreme Court laid down that the Preamble to the Indian Constitution was an integral part of the Constitution?
- (A) In Re Berubari Union and Exchange of Enclaves  
(B) S.R. Bommai vs. Union of India  
(C) A.K.Gopalan vs. State of Madras  
(D) Keshavananda Bharati vs. State of Kerala
22. The Citizenship Act, 1955 was amended for the last time in the year :
- (A) 2017    (B) 2018  
(C) 2019    (D) 2020
23. Which of the following is true about the Natural Law?
- (i) Natural law is promulgated not by legislation, but by teaching.  
(ii) Natural law is a body of higher law in subordination to which all human laws must be made and not merely a brooding omnipresence in the skies.  
(iii) Natural Law is a concept of merely value helping mankind to control its political destiny, liberties, human rights and fundamental freedoms from all omnipotent police states, legislatures and dictators.

Choose the correct answer.

- (A) (i) only    (B) (i) and (iii) only  
(C) (ii) and (iii) only    (D) (i), (ii) and (iii)

24. After which case, Article 14 and 21 assumed new dimensions especially after the introduction of due process in Indian Constitutional Jurisprudence by making the doctrine of natural justice an effective sword and shield both against executive actions and legislative inroads against life and liberty of a person?
- (A) A.K.Gopalan vs. State of Madras  
 (B) Maneka Gandhi vs. Union of India  
 (C) Keshvananda Bharati vs. State of Kerala  
 (D) A.K. Kraipak vs. Union of India
25. In which case a five-judge bench of the Supreme Court set at rest all the conflicting decisions by holding that “the prolonged delay in execution of death sentence does not automatically entitle the accused to a lesser sentence of life imprisonment?
- (A) T.V. Vatheeswaran vs. State of Tamilnadu  
 (B) Triveniben vs. State of Gujrat  
 (C) Sher Singh vs. State of Punjab  
 (D) Kehar Singh vs. Union of India
26. Which one of the following is the correct answer?  
 According to Section 107 of IPC, a person abets the doing of a thing when he :
- (i) Instigates a person to commit an offence.  
 (ii) Engages with one or more persons in a conspiracy to commit an offence.  
 (iii) Intentionally aids a person by any act or illegal omission to commit an offence or illegally omits the doing of an act which would prevent the commission of the offence.

Choose the correct answer.

- (A) (i) only  
 (B) (iii) only  
 (C) (i), (ii) and (iii)  
 (D) (ii) and (iii) only

27. Contents of documents may be proved :

- (i) By secondary evidence  
 (ii) By primary evidence

Choose the correct answer

- (A) (i) only  
 (B) (ii) only  
 (C) Both (i) and (ii)  
 (D) None of these

28. Admissions :

- (A) Must be in writing  
 (B) Must be oral  
 (C) Can be either oral or in writing  
 (D) Must be oral and in writing both

29. After which case, the Indian Parliament enacted the Muslim Women (Protection of Rights on Divorce) Act in the year 1986 ?
- (A) Shaban Bano vs. Imran Khan  
 (B) Md.Ahmed Khan vs. Shahbano Begum  
 (C) Bai Tahira vs. Hussain Fissalli  
 (D) MoideenKutty vs. Kunshikola
30. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, which was enacted to check the determination of sex of unborn child came to force in the year :
- (A) 1<sup>st</sup> January 1994 (B) 31<sup>st</sup> January 1995  
 (C) 1<sup>st</sup> January 1996 (D) 31<sup>st</sup> January 1996
31. Rights granted to a patentee are conditional. They are subject to conditions imposed under which Section of the Patent Act, 1970 :
- (A) Section 36 (B) Section 45  
 (C) Section 47 (D) Section 48
32. Absolute grounds for refusal of registration of trade mark has been provided under :
- (A) Section 9 of the Trade Mark Act, 1999  
 (B) Section 10 of the Trade Mark Act, 1999  
 (C) Section 11 of the Trade Mark Act, 1999  
 (D) Section 12 of the Trade Mark Act, 1999
33. According to rule of Lis Pendens , 'whosoever purchases a property during the pendency of a suit is bound by the judgment that may be made against the person from whom he derived title, even though such a purchaser was not a party to the action or had no notice of the pending litigation.' This has been held in :
- (A) Shiv Shankarappa vs. Shivappa, (1943) Bom. 27  
 (B) Hari Bachhan Singh vs. Har Bhajan Singh, AIR (1975) P & H 205  
 (C) Lov Raj Kumar vs. Daya Shankar AIR 1986 Del 364  
 (D) Sanjay Verma vs. Manik Roy , A.I.R. 2007 S.C. 1332 at 1334
34. Spes-Succession under Transfer of Property Act includes which of the following ?
- (A) Chance of an heir—apparent succeeding to an estate  
 (B) Chance of relation obtaining a legacy on the death of a kinsman or any other mere possibility of a like nature  
 (C) Both (A) and (B)  
 (D) Neither (A) nor (B)



35. Which document defines the company's relation with the outside world ?  
 (A) Prospectus (B) Memorandum of Association  
 (C) Article of Association (D) Statement in lieu of Prospectus
36. The Shares of a company may be issued at discounted price only among its Directors/ employees for consideration, other than cash. This is called :  
 (A) Sweet Equity Shares (B) Ordinary shares  
 (C) Preference shares (D) Stocks
37. Which is not a condition of liability for defamation ?  
 (A) The statement must be defamatory  
 (B) The statement must refer to the plaintiff  
 (C) The statement must be published  
 (D) The statement does not intend to defame
38. The doctrine of unintentional tort is commonly referred to as :  
 (A) Negligence (B) Negligence per se  
 (C) Strict liability (D) Absolute liability
39. Unilateral mistake has been provided under :  
 (A) Section 20 of the Indian Contract Act (B) Section 21 of the Indian Contract Act  
 (C) Section 22 of the Indian Contract Act (D) None of these
40. Section 73 of the Indian Contract Act is declaratory of common law as to damages. This has been observed in :  
 (A) Pannalal Jankidas vs. Mohanlal AIR, 1951 SC  
 (B) Jamal vs. Moola Dawood Sons & Co. (1916) 1 AC  
 (C) Hadley vs. Baxendale (1854)  
 (D) Muralidhar Chiranjilal vs. Harishchandra Dwarkadas, (1962) 1 SCC
41. If I was asked to name any particular Article in the Constitution as the most important - an Article without which this Constitution would be a nullity. I could not refer to any other Article except this one. It is the very soul of the Constitution and the very heart of it". Referring to Article 32 who said this ?  
 (A) Dr.Rajendra Prasad (B) Dr.B.R. Ambedkar  
 (C) Jawaharlal Nehru (D) Alladi Krishnamurthy

42. Which Article of the Constitution confers discretion on the Supreme Court to grant special leave to appeal before itself, from any judgement, determination, sentence, order passed or made by any court or tribunal in any cause or matter ?
- (A) Article 131 (B) Article 133  
(C) Article 136 (D) Article 141
43. Concept of Law of which Jurist belonging to Sociological School is of practical importance which inspires Judges, legislators and jurists to mould and adjust law to the needs and interests of the community?
- (A) Roscoe Pound (B) Eugen Ehrlich  
(C) Leon Duguit (D) Rudolf Von Ihering
44. "The rule of recognition exists as a complex but normally concordant, practice of the courts, officials and private persons in identifying the law by reference to certain criteria. Its existence is a matter of fact." -to whom we can attribute the statement ?
- (A) John Austin (B) H.L.A. Hart  
(C) Ronald Dworkin (D) Lon L Fuller
45. In *Ramji Lal Modi vs. State of Uttar Pradesh*, the constitutional validity of Section 295A IPC which deals with deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs, was challenged on the ground that it infringes the fundamental right to freedom of speech and expression guaranteed under Article 19 (1) (a). In that case :
- (A) The Supreme Court upheld the constitutional validity  
(B) The Supreme Court declared Section 295A to be unconstitutional  
(C) The Supreme Court refused to entertain the matter  
(D) None of these
46. In *Reg vs. Govinda* where the distinction between culpable homicide and murder was discussed, there was a difference of opinion between the Judges of the High Court and the matter was referred to a third Judge, who was the third Judge ?
- (A) Justice Melvill (B) Justice Knox  
(C) Justice Shuarfuddin (D) Guddard C.J.
47. Facts which need not be proved by the Parties, include :
- (A) Facts which have been admitted by the parties at or before the hearing  
(B) Statements made on oath  
(C) Any registered document  
(D) Statements made in plaint or in written statement supported by affidavit.

48. Under Indian Evidence Act, a document required by law to be attested, can be proved by calling :
- (A) Both the attesting witnesses
  - (B) At least one of the attesting witness
  - (C) Any other person
  - (D) A legal heir of the attesting witness
49. Reliance symbol on products is :
- (A) Service mark
  - (B) Similar mark
  - (C) Product mark
  - (D) Collective mark
50. Neighbouring rights has been defined under :
- (A) Paris Convention, 1883
  - (B) Rome Convention, 1961
  - (C) Berne Convention, 1886
  - (D) WIPO Copyright Treaty, 1996
51. The concept of Global Depository Receipt has been incorporated under the Companies Act, 2013 under which provision ?
- (A) Section 39
  - (B) Section 40
  - (C) Section 41
  - (D) Section 42
52. 'Increase of share capital of a company for the sole purpose of gaining control of the company, where the majority share-holder is reduced to minority would amount to oppression.' In which case this has been held :
- (A) Cable Net Ltd. & Others vs A.P. Aksh Broadband Ltd. & Others, 2010 SCC 719
  - (B) Shanti Prasad vs Kalinga Tubes Ltd. AIR 1965 SC
  - (C) P. Punniah vs Jeypore Sugar Ltd. AIR 1994 SC 2258
  - (D) Dale and Carrington Investment (P) Ltd. I. P.K. Prathapan (2004) 4 Comp. L.J.I SC
53. What is vicarious liability?
- (A) Vicarious liability imposes liability on an employer for the acts of his employees, providing that the employer is also in some way to blame
  - (B) Vicarious liability refers to a situation where liability is imposed on one person for the acts of another person
  - (C) Vicarious liability is an independent tort that creates a cause of action against the employer of an employee who has committed a tortious act
  - (D) Where an employee commits a tort, vicarious liability provides that the employee will not be sued, but his employer will be sued instead

54. Which of the following is not a tort described as 'trespass to the person' ?
- (A) Battery (B) False imprisonment  
(C) Public nuisance (D) Assault
55. The finder of lost goods is :
- (A) True owner of the goods against the whole world  
(B) Best owner of the goods against the whole world except true owner  
(C) Apparent owner of the goods  
(D) None of these
56. Any agent, who on the payment of extra commission, guarantees the performance of the contract by the third persons is known as :
- (A) Auctioneer (B) Factor  
(C) Broker (D) Del Credere Agent
57. For the application of the Doctrine of Territorial Nexus, there must be :
- (i) A sufficient nexus between the state making the law and the object of law.  
The nexus must be real and not illusory.
- (ii) The liability sought to be imposed must be pertinent to that connection

Choose the correct answer.

- (A) (i) only (B) (ii) only  
(C) Both (i) & (ii) (D) None of these
58. In 2018, the Supreme Court in which landmark decision decriminalized all consensual sex among adults, including homosexual sex.
- (A) Navtej Singh Johar vs Union of India  
(B) Shakti Vahini vs. Union of India  
(C) Suresh Kumar Koushal vs Naz Foundation  
(D) Naz Foundation vs. Govt. of NCT of Delhi
59. In K.M.Nanavati vs. State of Maharashtra, the Supreme Court has extensively discussed about :
- (A) The law relating to provocation in India  
(B) The law relating to disturbing religious assembly  
(C) The provision relating to public nuisance  
(D) The law relating to rash driving

60. Due execution of a document more than thirty years old, coming from proper custody is a:

- (A) Presumption of facts (B) Rebuttable presumption of law  
(C) irrefutable presumption of law (D) Presumption of facts and law both

61. Choose the right answer from the key given below :

Whether a particular kind of property is *stridhana* or not, depends on

- (i) the source from which the property was acquired  
(ii) her status at the time of the acquisition, i.e. whether she acquired it during maidenhood, coverture, or widowhood  
(iii) the school to which she belongs

Key

- (A) (i) only (B) (i) and (ii) only  
(C) (ii) and (iii) only (D) (i), (ii) and (iii)

62. In which judicial decision, it has been held that there can be no copyright in an idea, subject matter, theme, plot or historical or legendary facts ?

- (A) Jagdish Prasad vs Parmeshwar Prasad, AIR, 1966, Pat 33  
(B) Sahitya Prakashan vs Anand Kumar, AIR 1981, All, 2000  
(C) R.G. Anand vs Delux Film, AIR, 1978, SC 1613  
(D) Tulsidas vs Vasantha Kumari, 1991, Mad, 220

63. Section 38 of the Transfer of Property Act, 1882, has no application :

- (A) To previous transfer where the transaction is still incomplete  
(B) To succeeding transfer where the transaction is to be completed in future  
(C) To perpetuity transfer  
(D) None of these

64. In case a lease is made for a certain period mentioning that it is terminable before its expiration, without mentioning at whose option \_\_\_\_\_.

- (A) Only lessee will have the option of termination  
(B) Only lessor will have the option of termination  
(C) The lease will be terminable only in case of mutual agreement  
(D) Both lessor and lessee will have option of terminating the lease

65. Any transfer or assignment by a company to all of its properties or assets to trustee for the benefit of all its creditors shall be :
- (A) Void (B) Voidable  
(C) Valid (D) Enforceable
66. Which of the following can be transferred under the provisions of the Transfer of Property Act, 1882 ?
- (A) The right to mesne profits  
(B) A decree for mesne profits  
(C) A transfer of property to a prostitute for future cohabitation  
(D) A sub-lease of a farm for the retail sale of opium
67. Which one of the following is not an exception to the rule of **volenti non fir injuria** ?
- (A) A doctor amputates a limb of a patient to save his life  
(B) Injury is caused while doing lawful act under a contract  
(C) Injury is caused to a player in a football match  
(D) Injury is caused while play-fighting with naked sword at a religious function.
68. The maxim **Nemo dat quod non habet** is provided under which Section of the Sale of Goods Act, 1930 ?
- (A) Section 27 (B) Section 28  
(C) Section 29 (D) Section 30
69. 'As a legal reformer interested in the reforms of law' who among the following led stress on the evaluative aspect of law based on the doctrine of utility to which law ought to conform and he also called this as the science of legislation or the censorial jurisprudence?
- (A) Jeremy Bentham (B) John Austin  
(C) Dennis Lloyd (D) Henry Maine
70. A few years back in which case the Supreme Court came across a question whether referring to sex or calling for social acceptance of premarital sex amounts to obscenity?
- (A) RupanDeol Bajaj vs. K.P.S. Gill (B) S.P.Mallick vs. State  
(C) State of Punjab vs. Major Singh (D) S.Khushboo vs. Kanniammal



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