

Name of the Candidate: \_\_\_\_\_

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



# INDIAN LAW INSTITUTE

(Deemed University)

Bhagwan Das Road, New Delhi - 110 001

## Ph.D. Entrance Test – 2024

(for Non-Exempted Category Candidates)

On

**Sunday, the 5<sup>th</sup> May, 2024**

Time: 10.00 a.m. to 01.00 p.m.

Indian Law

*Note.*

- i. There are eight questions in each Part (Part-I & Part-II) and all questions shall carry 10 marks each.
- ii. Answer **any five** questions from **Part-I**.
- iii. Answer **any five** questions in all choosing at least one question from each group from **Part-II**.
- iv. Each question is to be answered in not more than 150 words.

# **INDIAN LAW INSTITUTE**

## **Ph.D. Entrance Examination 2024**

Maximum Marks-100 : Time : Three Hours

(Part-I : 50 Marks : Part-II : 50 Marks)

Part-I (Maximum Marks – 50)

### **LEGAL RESEARCH METHODOLOGY**

**Note : Answer any five of the following questions. All questions carry equal marks**

1. What do you mean by Legal Research? Define and distinguish between doctrinal and non-doctrinal research in Law.
2. Deductive and inductive methods of doing research, are not opposed or exclusive to each other, rather they are complementary and supplementary to each other in any serious legal research. Explain deductive and inductive method of legal research in the light of the above statement.
3. What are the important steps of data preparation and data processing? Explain with reference to standard research protocols.
4. What do you understand by a structured questionnaire for collecting data on a relevant legal problem? Distinguish between structured and un-structured questionnaire and explain their pros and cons in conducting legal research.
5. What are the major legal referencing and footnoting systems used in legal research in India? Explain major features of such referencing and footnoting system.
6. The outcome and validity of a research work depends largely on the kind of sampling, one does for collecting data on the subject. Explain and elucidate the factors that help in designing a reliable sampling method.
7. Select a topic for research on a contemporary legal issue of significant importance and explain as to how you will use secondary and primary legal sources for collecting relevant data in conducting legal research.
8. What do you understand by the expression 'cluster analysis'? Explain the difference between hierarchical clustering and non-hierarchical clustering and their pros and cons in legal research.

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## **Part-II**

**(Maximum Marks : 50)**

**Note : ANSWER ANY FIVE QUESTIONS IN ALL, SELECTING AT LEAST ONE QUESTION FROM EACH GROUP. All questions carry equal marks.**

### **Group-A : Jurisprudence**

1. 'Law is the command of the sovereign, who is a human superior', this is how Austin defines law. Hart, being dissatisfied with this definition of law, converted the emphasis from human superior to rules of recognition and obligation in defining law. Explain and analyse.
2. "Law is not necessarily the product of designed thinking, but is an expression of the common consciousness of the people" Explain with reference to historical school of jurisprudence.

### **Group-B : Constitutional Law**

3. Article 19 in the Constitution of India, which ensures certain freedoms of an individual citizen, gives certain rights with the one hand and snatches the same by another. Explain.
4. There is no conflict between part-III and part-IV of Indian constitution, in fact the balance between the two constitute the foundation stone of Indian Constitution. Critically examine.

### **Group-C : Indian Penal Code**

5. What is common intention? Explain the situations where common intention can be inferred from the circumstances, citing relevant case law on the subject.
6. Distinguish between 'extortion' and 'robbery' with suitable illustrations and judicial decisions.

### **Group-D : Commercial Law, (Contract, Partnership and Sale of Goods)**

7. 'All contracts are agreements, but all agreements are not contract.' Explain the essential conditions of a valid contract in the light of the above statement.
8. 'Limited liability partnership is an alternative corporate business form that gives the benefits of limited liability of a company and the flexibility of a partnership.' Critically explain with your agreement or disagreement with statement.

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