

THE INDIAN LAW INSTITUTE

Ph.D. Entrance Test, 2016

Max Marks: 100 Time: 3 hours

[Part I: 50 Marks; Part II: 50 Marks]

Part I: (Maximum Marks:50)

LEGAL RESEARCH METHODOLOGY

Note: Answer any five questions: All questions carry equal marks

1. What do you mean by legal research? Define and distinguish between doctoral and non-doctoral research in Law.
2. What is the role of "Public Opinion" in legal research? How it can be collected, compiled and codified?
3. Write a critical note on the use of deductive and inductive methods in legal research?
4. Briefly discuss the Doctrine of *Stare Decisis* in India and its relevance in legal writing and research.
5. Describe the importance of correct referencing with particular emphasis on the use of 'Bibliography' and 'footnotes' in legal research.
6. Prepare a draft of Questionnaire addressed to Advocates to study causes of delay in justice delivery system in India. Would you like to fix any eligibility criteria for such Advocates? Give reasons.
7. Write a brief note on the problems faced by a law researcher who wishes to write Thesis in vernacular. Give suggestions
8. Write short Notes on any two of the following:
 - i. Research for Reforms in legal education.
 - ii. Significance of foreign decisions in Legal Research.
 - iii. Subordinate legislation and its use in Legal Research.

Part II

(Max 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 related to justice, reason, human nature and ethics", Explain.
2. While explaining the Austinian conception of law, distinguish it from Hartian conception of law.

Group B: Constitutional Law

3. "Rajya Sabha (Council of States) is a luxury which a country like India should not afford", Explain. Do you agree that Rajya Sabha should be abolished in India? Give reasons.
4. The Supreme Court in Maneka Gandhi's case has revolutionized the law relating to personal liberty under Article 21 of the Constitution? Explain its new dimensions.

Group C: Indian Penal Code

5. When 'Hurt' may convert into Culpable Homicide and Murder? Explain those situations.
6. Why necessity is a defense of criminal liability? Explain and illustrate.

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

7. What is the role of Public Policy in the Law of Contract? Explain and Illustrate.
8. Write Short Notes on any two of the following:
 - i. Right of Finder of Goods.
 - ii. Distinction between the Contract of Indemnity and Contract of Guarantee.
 - iii. Right of Stoppage in Transit by an Unpaid Seller.