

2019-2020
GITAM (Deemed to be) University
Visakhapatnam

RESEARCH PROGRAMME IN LAW

The duration of the test is two hours. The test comprises of a combination of conventional & objective type questions. The maximum marks for the written test is 140 (70 for Research Methodology and 70 for specific subject).

PART –A
RESEARCH METHODOLOGY

Research Aptitude

- Research: Meaning, Characteristics and Types
- Steps of Research
- Methods of Research
- Research Ethics
- Paper, Articles, Workshop, Seminar, Conference and Symposium
- Thesis Writing: Its characteristics and format

PART-B

LAW

Constitutional Law

- Preamble
- Fundamental Rights and Duties.
- Directive Principles of State Policy.
- Judiciary
- Executive
- Union State Legislative Relations.
- Emergency Provisions
- Amendment of the Constitution.
- Writ Jurisdiction

Legal Theory

- Nature and Sources of Law.
- Positivism, Natural. Law Theory, Sociological Jurisprudence.
- Theories of Punishment.
- Rights and Duties.
- Concepts of Possession and Ownership.

Public International Law

- Nature of International Law and its relationship with Municipal Law.
- Sources of International Law.

- Recognition of States and Governments.
- United Nations
- Settlement of International Disputes.
- Human Rights

Family Law

- Concepts in Family Law
- Sources of Family Law in India
- Marriage and Dissolution of Marriage

Law of Contracts: General Principles

- Essentials of a valid contract
- Offer, acceptance and consideration
- Capacity to Contract: Minor's contract
- Elements vitiating contract: Mistake, fraud, misrepresentation, public policy, coercion, undue influence, frustration of contract
- Remedies for breach of contract: Damages

Law of Torts

- Foundation of Tortious Liability
- General Defences to an action of Tort
- Vicarious Liability
- Remoteness of Damages
- Contributory Negligence
- Absolute and Strict Liability

Law of Crimes: General Principles

- Nature and Definition of Offence
- General Exceptions
- Common Intention and Common Object
- Criminal Attempt, Conspiracy and Abetment
- Offences against Women

Labour Law:

- Concepts: Industry, Industrial Dispute and Workman
- Trade Unions: Rights and Immunities of Registered Trade Union; Registration and its advantages
- Methods for Settlement of Industrial Disputes under Industrial Disputes Act, 1947
- Strike and Lockout as Instruments of Collective Bargaining
- Retrenchment, Lay – off and Closures

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RESEARCH PROGRAMME IN LAW

PART-A: RESEARCH APTITUDE

(Total Marks= 70)

Answer any two of the following (10x2= 20 Marks)

1. Explain the importance of contemporary trends in legal research in India.
2. Explain the characteristic, sources and types of hypothesis in legal research.
3. Answer the following:
 - a) Report Writing
 - b) Dissertation

MCQs (50x1=50 Marks)

1. What is the main aim of multi disciplinary research?
 - (A) To bring out holistic approach to research
 - (B) To reduce the emphasis of single subject in research domain.
 - (C) To over simplify the problem of research.
 - (D) To create a new trend in research methodology
2. Identify the best objective of the scientific research method:
 - (A) improve data interpretation
 - (B) eliminate spurious relations
 - (C) confirm triangulation
 - (D) introduce new variables
3. Research can be conducted by a person who:
 - (A) has studied research methodology
 - (B) holds a postgraduate degree
 - (C) possesses thinking and reasoning ability
 - (D) is a hard worker
4. Which of the following is not the Method of Research?
 - (A) Observation
 - (B) Historical
 - (C) Survey
 - (D) Philosophical
5. Research can be classified as
 - (A) Basic, Applied and Action Research
 - (B) Quantitative and Qualitative Research
 - (C) Philosophical, Historical, Survey and Experimental Research
 - (D) All the above
6. The first step of research is
 - (A) Selecting a problem
 - (B) Searching a problem
 - (C) Finding a problem
 - (D) Identifying a problem
7. Which of the following is NOT the characteristic of a research?
 - (A) Research is systematic
 - (B) Research is not a process
 - (C) Research is problem oriented
 - (D) Research is not passive

8. Which of the following statement is correct?

- (A) In research, objectives can be worded in question form
- (B) In research, objectives can be worded in statement form
- (C) Objectives are to be stated in Chapter I of the Thesis
- (D) All the above

9. Which of the following options are the main tasks of research in modern society?

- (I) to keep pace with the advancement in knowledge.
 - (II) to discover new things.
 - (III) to write a critique on the earlier writings.
 - (IV) to systematically examine and critically analyze the investigations/sources with objectivity.
- (A) IV, II and I
 - (B) I, II and III
 - (C) I and III
 - (D) II, III and IV

10. A research problem is feasible only when:

- (A) it has utility and relevance
- (B) it is researchable
- (C) it is new and adds something to knowledge
- (D) all the above

Read the following passage and answer the questions 11 to 15:

All political systems need to mediate the relationship between private wealth and public power. Those that fail risk a dysfunctional government captured by wealthy interests. Corruption is one symptom of such failure with private willingness-to-pay trumping public goals. Private individuals and business firms pay to get routine services and to get to the head of the bureaucratic queue. They pay to limit their taxes, avoid costly regulations, obtain contracts at inflated prices and get concessions and privatized firms at low prices. If corruption is endemic, public officials – both bureaucrats and elected officials - may redesign programmes and propose public projects with few public benefits and many opportunities for private profit. Of course, corruption, in the sense of bribes, pay-offs and kickbacks, is only one type of government failure. Efforts to promote ‘good governance’ must be broader than anti-corruption campaigns. Governments may be honest but inefficient because no one has an incentive to work productively, and narrow elites may capture the state and exert excess influence on policy. Bribery may induce the lazy to work hard and permit those not in the inner circle of cronies to obtain benefits. However, even in such cases, corruption cannot be confined to ‘functional’ areas. It will be a temptation whenever private benefits are positive. It may be a reasonable response to a harsh reality but, over time, it can facilitate a spiral into an even worse situation.

11. The governments which fail to focus on the relationship between private wealth and public power are likely to become:

- (A) Functional
- (B) Dysfunctional
- (C) Normal functioning
- (D) Good governance

12. One important symptom of bad governance is:

- (A) Corruption
- (B) High taxes
- (C) Complicated rules and regulations
- (D) High prices

13. When corruption is rampant, public officials always aim at many opportunities for
- (A) Public benefits
 - (B) Public profit
 - (C) Private profit
 - (D) Corporate gains
14. Productivity linked incentives to public/private officials is one of the indicatives for:
- (A) Efficient government
 - (B) Bad governance
 - (C) Inefficient government
 - (D) Corruption
15. The spiralling corruption can only be contained by promoting:
- (A) Private profit
 - (B) Anti-corruption campaign
 - (C) Good governance
 - (D) Pay-offs and kick backs
16. Bibliography given in a research report:
- (A) shows vast knowledge of the researcher
 - (B) helps those interested in further research
 - (C) has no relevance to research
 - (D) all the above
17. Fundamental research reflects the ability to
- (A) Synthesize new ideals
 - (B) Expound new principles
 - (C) Evaluate the existing material concerning research
 - (D) Study the existing literature regarding various topics
18. Authenticity of a research finding is its:
- (A) Originality
 - (B) Validity
 - (C) Objectivity
 - (D) All of the above
19. Which technique is generally followed when the population is finite?
- (A) Area Sampling Technique
 - (B) Purposive Sampling Technique
 - (C) Systematic Sampling Technique
 - (D) None of the above
20. Which technique is generally followed when the population is finite?
- (A) Area Sampling Technique
 - (B) Purposive Sampling Technique
 - (C) Systematic Sampling Technique
 - (D) None of the above

Read the following passage and answer the questions 21 to 25:

Gandhi's overall social and environmental philosophy is based on what human beings need rather than what they want. His early introduction to the teachings of Jains, Theosophists, Christian sermons, Ruskin and Tolstoy, and most significantly the Bhagavad Gita, were to have profound impact on the development of Gandhi's holistic thinking on humanity, nature

and their ecological interrelation. His deep concern for the disadvantaged, the poor and rural population created an ambience for an alternative social thinking that was at once far-sighted, local and immediate. For Gandhi was acutely aware that the demands generated by the need to feed and sustain human life, compounded by the growing industrialization of India, far outstripped the finite resources of nature. This might nowadays appear naïve or commonplace, but such pronouncements were as rare as they were heretical a century ago. Gandhi was also concerned about the destruction, under colonial and modernist designs, of the existing infrastructures which had more potential for keeping a community flourishing within ecologically-sensitive traditional patterns of subsistence, especially in the rural areas, than did the incoming Western alternatives based on nature-blind technology and the enslavement of human spirit and energies. Perhaps the moral principle for which Gandhi is best known is that of active non-violence, derived from the traditional moral restraint of not injuring another being. The most refined expression of this value is in the great epic of the Mahabharata, (c. 100 BCE to 200 CE), where moral development proceeds through placing constraints on the liberties, desires and acquisitiveness endemic to human life. One's action is judged in terms of consequences and the impact it is likely to have on another. Jainas had generalized this principle to include all sentient creatures and bio communities alike. Advanced Jaina monks and nuns will sweep their path to avoid harming insects and even bacteria. Non-injury is a non- negotiable universal prescription.

21. Which one of the following have a profound impact on the development of Gandhi's holistic thinking on humanity, nature and their ecological interrelations?

- (A) Jain teachings
- (B) Christian sermons
- (C) Bhagavad Gita
- (D) Ruskin and Tolstoy

22. Gandhi's overall social and environmental philosophy is based on human beings' :

- (A) need
- (B) desire
- (C) wealth
- (D) welfare

23. Gandhiji's deep concern for the disadvantaged, the poor and rural population created an ambience for an alternative:

- (A) rural policy
- (B) social thinking
- (C) urban policy
- (D) economic thinking

24. Colonial policy and modernization led to the destruction of:

- (A) major industrial infrastructure
- (B) irrigation infrastructure
- (C) urban infrastructure
- (D) rural infrastructure

25. Gandhi's active non-violence is derived from:

- (A) Moral restraint of not injuring another being
- (B) Having liberties, desires and acquisitiveness
- (C) Freedom of action
- (D) Nature-blind technology and enslavement of human spirit and energies

26. Action research means:

- (A) A longitudinal research
- (B) An applied research
- (C) A research initiated to solve an immediate problem
- (D) A research with socioeconomic objective

27. Which of the following is the first step in starting the research process?
- (A) Searching sources of information to locate problem.
 - (B) Survey of related literature
 - (C) Identification of problem
 - (D) Searching for solutions to the problem
28. If a researcher conducts a research on finding out which administrative style contributes more to institutional effectiveness? This will be an example of
- (A) Basic Research
 - (B) Action Research
 - (C) Applied Research
 - (D) None of the above
29. In qualitative research paradigm, which of the following features may be considered critical?
- (A) Data collection with standardized research tools.
 - (B) Sampling design with probability sample techniques.
 - (C) Data collection with bottom-up empirical evidences.
 - (D) Data gathering to take with top-down systematic evidences.
30. A research intends to explore the effect of possible factors for the organization of effective mid-day meal interventions. Which research method will be most appropriate for this study?
- (A) Historical method
 - (B) Descriptive survey method
 - (C) Experimental method
 - (D) Ex-post factor method
31. The four major operations in scientific research are:
- (a) Demonstration of co-variance
 - (b) Elimination of spurious relations
 - (c) Sequencing in terms of time-order
 - (d) Self-education
 - (e) Operationalization of personal choice
 - (f) Theorisation
- Code:
- (A) (a), (b), (c) and (f)
 - (B) (b), (c), (d) and (e)
 - (C) (a), (b), (c) and (d)
 - (D) (c), (d), (e) and (f)
32. The problem of 'research ethics' is concerned with which aspect of research activities?
- (A) Following the prescribed format of a thesis
 - (B) Data analysis through qualitative or quantitative techniques
 - (C) Defining the population of research
 - (D) Evidence based research reporting
33. Which of the sets of activities best indicate the cyclic nature of action research strategy?
- (A) Reflect, Observe, Plan, Act
 - (B) Observe, Act, Reflect, Plan
 - (C) Act, Plan, Observe, Reflect
 - (D) Plan, Act, Observe, Reflect
34. Which of the following research types focuses on ameliorating the prevailing situations?
- (A) Fundamental Research
 - (B) Applied Research

- (C) Action Research
- (D) Experimental Research

35. A researcher attempts to evaluate the effect of method of feeding on anxiety – proneness of children. Which method of research would be appropriate for this?

- (A) Case study method
- (B) Experimental method
- (C) Ex-post-facto method
- (D) Survey method

36. Which of the following is susceptible to the issue of research ethics?

- (A) Inaccurate application of statistical techniques
- (B) Faulty research design
- (C) Choice of sampling techniques
- (D) Reporting of research findings

37. The issue of ‘research ethics’ may be considered pertinent at which stage of research?

- (A) At the stage of problem formulation and its definition
- (B) At the stage of defining the population of research
- (C) At the stage of data collection and interpretation
- (D) At the stage of reporting the findings.

38. In which of the following, reporting format is formally prescribed?

- (A) Doctoral level thesis
- (B) Conference of researchers
- (C) Workshops and seminars
- (D) Symposia

39. The format of thesis writing is the same as in

- (A) preparation of a research paper/article
- (B) writing of seminar presentation
- (C) a research dissertation
- (D) presenting a workshop / conference paper

40. Which of the following statements is not true in the context of participatory research?

- (A) It recognizes knowledge as power.
- (B) It emphasises on people as experts.
- (C) It is a collective process of enquiry.
- (D) Its sole purpose is production of knowledge.

41. Which of the following statements is true in the context of the testing of a hypothesis?

- (A) It is only the alternative hypothesis, that can be tested.
- (B) It is only the null hypothesis, that can be tested.
- (C) Both, the alternative and the null hypotheses can be tested.
- (D) Both, the alternative and the null hypotheses cannot be tested.

42. A researcher is interested in studying the prospects of a particular political party in an urban area. What tool should he prefer for the study?

- (A) Rating scale
- (B) Interview
- (C) Questionnaire
- (D) Schedule

43. Ethical norms in research do not involve guidelines for:

- (A) Thesis format
- (B) Copyright
- (C) Patenting policy
- (D) Data sharing policies

44. Which of the following is classified in the category of the developmental research?

- (A) Philosophical research
- (B) Action research
- (C) Descriptive research
- (D) All the above

45. A null hypothesis is

- (A) when there is no difference between the variables
- (B) the same as research hypothesis
- (C) subjective in nature
- (D) when there is difference between the variables

46. How can the objectivity of the research be enhanced?

- (A) Through its impartiality
- (B) Through its reliability
- (C) Through its validity
- (D) All of these

47. Which of the following statements regarding the meaning of research are correct?

1. Research refers to a series of systematic activity or activities undertaken to find out the solution of a problem.
2. It is systematic, logical and an unbiased process wherein verification of hypothesis, data analysis, interpretation and formation of principles can be done.
3. It is an intellectual enquiry or quest towards truth.
4. It leads to enhancement of knowledge.

Select the correct answer from the codes given below:

- (A) 1, 2 and 3
- (B) 2, 3 and 4
- (C) 1, 3 and 4
- (D) 1, 2, 3 and 4

48. A good thesis writing should involve:

1. reduction of punctuation and grammatical errors to a minimum.
2. careful checking of references.
3. consistency in the way the thesis is written.
4. a clear and well written abstract.

Select the correct answer from the codes given below:

- (A) 1, 2, 3 and 4
- (B) 1, 2 and 3
- (C) 1, 2 and 4
- (D) 2, 3 and 4

49. Which of the following steps are required to design a questionnaire?

1. Writing primary and secondary aims of the study.
2. Review of the current literature.
3. Prepare a draft of questionnaire.
4. Revision of the draft.

Select the correct answer from the codes given below:

- (A) 1, 2 and 3
- (B) 1, 3 and 4
- (C) 2, 3 and 4
- (D) 1, 2, 3 and 4

50. Which one of the following is a nonprobability sampling method?

- (A) Simple Random Sampling
- (B) Stratified Sampling
- (C) Cluster Sampling
- (D) Quota Sampling

RESEARCH PROGRAMME IN LAW

MODEL QUESTION PAPER

PART-B - LAW

(Total Marks= 70)

Answer any two of the following (15x2= 30 Marks)

- 1) Austin conceptualizes a sovereign as being illimitable, indivisible and continuous. Critically evaluate his theory of sovereignty
- 2) Discuss the rule of strict liability laid down in the case of Rylands vs. Fletcher. Explain how this rule is different from the principle of Absolute Liability.
- 3) Equality is a dynamic concept with many aspects and dimensions & it cannot be imprisoned in traditional and doctrinaire limits. Article 14 strikes at arbitrariness in state action & ensures fairness & equality of treatment. Critically examine the scope of Article 14 in the light of the above statement.

MCQs (40x1=40 Marks)

1. What is Jurisprudence
 - (A) The study of legal decisions
 - (B) All intellectual enquiries about law
 - (C) The study of what law is
 - (D) All of the above

2. The principal of Social Solidarity was propounded by
 - (A) Roscoe Pound
 - (B) Savigny
 - (C) H.L.A.Hart
 - (D) Duguit

3. Who is the author of the book “The Province of Jurisprudence Determined”?
 - (A) Bentham
 - (B) Austin

(C) Salmond

(D) John Rawls

4. Who described jurisprudence as the lawyer's extraversion?

(A) Austin

(B) Roscoe Pound

(C) Julius Stone

(D) Kelsen

5. The fact of ownership can give rise to

(A) Right

(B) Duty

(C) Liability

(D) Immunity

6. Who said "The function of laws should be the promotion of the greatest happiness of the greatest number"

(A) Bentham

(B) Ehrlich

(C) Austin

(D) Ihering

7. A tort is an infringement of:

(A) a private civil right

(B) a public right

(C) both private and public rights

(D) None of these

8. In order to establish tort, the victim must show the presence of:

(A) Legal damage

- (B) Actual damage
- (C) Pecuniary damage
- (D) Any of these

9. Strict liability is liability without

- (A) remorse
- (B) discipline
- (C) fault
- (D) remedy

10. Which of the following is not required element in establishing a negligent action?

- (A) Breach of duty
- (B) Malicious intent on the part of the defendant
- (C) Duty of care
- (D) Causation of damage of a legally recognized type

11. Which one of the following is not a machinery for settlement of Industrial Disputes under the Industrial Disputes Act, 1947?

- (A) Conciliation Officer
- (B) Board of Conciliation
- (C) Collective Bargaining
- (D) Labour Court

12). The basic principle underlying the enactment of the Trade Unions Act is:

- (A) To protect interests of workers against disregard of human elements in industries.
- (B) To regulate the relationship of workers and their organization by regulating the balance of power.
- (C) To provide strength to workers to settle the industrial disputes.
- (D) To provide security to workers against the occupational hazards.

13. What will be the minimum number of workers required for organizing a trade union for registration according to the latest amendment under the Trade Unions' Act, 1926?

- (A) 7 workers
- (B) 10 %
- (C) 100
- (D) 10% or 100 or 7

14. Lay-Off is defined under.....of Industrial Dispute Act, 1947

- (A) Sec 2(oo)
- (B) Sec 2(d)
- (C) Section 2(kkk)
- (D) Sec 2(J)

15. The industrial peace is secured through voluntary _____ and compulsory _____

- (A) Compromise and Arbitration
- (B) Adjudication and Arbitration
- (C) Work Committee and Industrial Tribunal
- (D) Negotiation and Adjudication

16. Before the industrial disputes act was implemented in the year 1947, which act took care of the industrial disputes?

- (A) Trade Disputes Act, 1929
- (B) Royal Commission on Labour, 1934
- (C) Labour Management Relations Act, 1947
- (D) None of the above

17. Award' under Industrial Disputes Act, 1947 is

- (a) Not interim determination of labour court
- (b) Not arbitration award under Section 10A
- (c) Not final determination of labour court
- (d) Not final determination of arbitration award under section 10A

(A) All statements are true.

(B) (a) and (d) are true.

(C) (b) is true.

(D) All statements are wrong.

18. The Trade Unions Act came into operation from _____.

- (A) 1st June, 1927
- (B) 1st May, 1926
- (C) 1st June, 1926
- (D) None of the above

19. The registered trade union can collect political fund from its members as a

- (A) General fund
- (B) Cannot collect political fund
- (C) Separate fund from the interested members
- (D) Only from political parties

20. Under the Industrial Disputes Act, which of the following cannot be considered as an industrial dispute?

- (A) When employer fails to keep his verbal promises
- (B) When closure is a pretence
- (C) When demand made for alteration of conditions of service of employees in a cooperative society
- (D) When the lock-out is in disguise of closure

21. There are_____ essential ingredients of a contract

(A) 2

(B) 3

(C) 4

(D) None of above

22. As per section 6 of the Indian Contract Act, 1872 there are_____ ways for revocation of proposal.

(A) 2

(B) 3

(C) 4

(D) None of above

23. A proposal may be revoked by ways as are provided in section_____ of the Indian Contract Act 1872.

(A) 5

(B) 6

(C) 7

(D) None of above

24. A proposes by letter to sell a house to B the Communication of the proposal is complete

(A) When A make such proposal

(B) When B accepts the proposal

(C) Both (a) and (b)

(D) None of above

25. Free consent is defined in section_____ of the Indian Contract Act 1872.

(A) 10

(B) 14

(C) 18

(D) None of above

26. Undue influence makes a contract

(A) Void

(B) Voidable

(C) Valid

(D) None of above

27. Fraud is defined in Section_____ of the Indian Contract Act, 1872

(A) 15

(B) 16

(C) 17

(D) None of above

28. The suggestion as a fact of that which is not true by one who does not believe it to be true and the active concealment of a fact by one having knowledge or believe of the fact is called

(A) Cheating

(B) Fraud

(C) Misrepresentation

(D) None of above

29. Every agreement, by which any party thereto is restricted absolutely from enforcing his rights under or in respect of any contract by the usual legal proceeding in the ordinary tribunal or which limits the time within which he may thus enforce his right

(A) Valid agreement

(B) Void agreement

(C) Both (a) and (b)

(D) None of above

30. A's son has forged B's name to a promissory note. B under threat of prosecuting A's son obtain a bond from A for the amount of the forged note. If B sues on this bond

- (A) The Court can accept the suit
- (B) The Court may set aside the bonds
- (C) Both (a) and (b)
- (D) None of above

31. Which Article of our Constitution direct the State to secure for the citizen Uniform Civil Code throughout the country

- (A) Article 40
- (B) Article 42
- (C) Article 44
- (D) Article 48

32. Right of Property was reduced to the status of

- (A) Fundamental Right
- (B) Legal & Constitutional Right
- (C) Private Right
- (D) Simple Right

33. Which Article of our Constitution, prohibits a citizen of India from accepting any Title from a foreign state

- (A) Article 15
- (B) Article 16
- (C) Article 17
- (D) Article 18

34. Which Article declare Right to Education as an independent Fundamental Right

- (A) Article 14
- (B) Article 21-A
- (C) Article 20
- (D) Article 21

35. The Constitution 73rd & 74th Amendment Act making provision for Reservation of not less than one third of the total seats for women in the Constitution of the Panchayats & Municipalities would be protected under

- (A) Article 15(3)
- (B) Article 16(3)
- (C) Article 15(4)
- (D) Article 16(4)

36. Under the Hindu Marriage Act, Hindu includes

- (A) Buddhist
- (B) Jain

- (C) Sikh
- (D) All of the above

37. Identify the Article designating the original UN members

- (A) 4
- (B) 5
- (C) 6
- (D) 3

38. Which Section of Indian Penal Code codifies in the field of Criminal Law, the maxim '*de minimis non curat lex*'

- (A) Section 85
- (B) Section 88
- (C) Section 95
- (D) Section 96

39. X and Y agreed to commit murder of Z by poisoning and Y was to procure poison, but he did not procure it. X and Y are guilty of

- (A) Abetment of murder by conspiracy
- (B) Abetment of Murder with the aid of 34 IPC
- (C) No offence
- (D) Criminal conspiracy to murder Z

40. The minimum of punishment for offence of Gang Rape laid down under Sec. 376D of IPC

- (A) Imprisonment for not less than 10 years
- (B) Imprisonment of not less than 14 years
- (C) Imprisonment for not less than 20 years
- (D) None of the above