

# CLAT & AILET PREVIOUS YEAR PAPERS (2015-2019)

## LEGAL REASONING

### CLAT 2015

DIRECTION: The questions consist of two statements, one labeled as Principle: and other as FACT. You are to examine the principle and apply it to the given facts carefully and select the best option.

1. Principle: whoever is intending to take dishonestly any movable property out of the possession of any person without that person's consent moves that property, such taking is said to commit theft.  
Fact: Ramu cuts down a tree on Rinku's ground, with the intention of dishonestly taking the tree out of Rinku's possession without Rinku's consent. A could not take the tree away.  
(a) Ramu can be prosecuted for theft.  
(b) Ramu cannot be prosecuted for theft.  
(c) Ramu can be prosecuted for attempt theft.  
(d) Ramu has neither committed theft nor attempt to commit theft.
2. Principle: injuria sine damnum i.e. injury without damage.  
Fact: Sonu who was a returning officer at a polling booth, wrongly refused to register a duly tendered vote of Monu, though he was a qualified voter. The candidate, whom Monu sought to vote, was declared elected.  
(a) Monu can sue Sonu on the ground that he was denied to cast vote, which is a fundamental right.  
(b) Monu can sue Sonu on the ground that he was denied to cast vote, which is a legal right.  
(c) Monu cannot sue Sonu because there is no injury of damage caused to Monu.  
(d) Monu cannot sue Sonu because to whom he sought to vote was declared elected.
3. Principle: A person is said to be of sound mind for the purpose of making a contract if, at the time when he makes it, he is capable of understanding it and of forming a rational judgment as to its effect upon his interests.  
Fact: Mr. X who is usually of sound mind but occasionally of unsound mind enters into a contract with Mr. Y when he is of unsound mind. Y came to know about this fact afterwards and now wants to file a suit against.  
(a) Mr. X cannot enter into contract because he is of unsound mind when he entered into contract.  
(b) Mr. X can enter into contract but the burden is on the other party to prove that he was of unsound mind at the time of contract.  
(c) Mr. X can enter into a contract but the burden is on Mr. X to prove that he was of unsound mind at the time of contract.  
(d) none of the above.

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4. Principle: when one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to such act or abstinence, he is said to make a proposal.  
Fact: Ramanuj telegraphed to the shyamsunder, writing "will you sell me your Rolls Royce Car? Telegram the lowest cast price". Shyamsunder replied, too by telegram "lowest price for car is Rs. 20 lacs". Ramanuj immediately sends his consent through telegraph stating, 'I agree to buy the car for Rs. 20 lacs asked by you. Now shyamsunder refused to sell the car. .  
(a) He cannot refuse to sell the car because the contract has already been made.  
(b) He can refuse to sell the car because it was only invitation to offer and not the real offer.  
(c) it was not a valid offer because willingness to enter into a contract was absent.  
(d) none of the above.
5. Principle: A master is liable for the acts committed by his servant in the course of employment.  
Fact: Sanjay is a driver working in Brooke bond and co. One day the manager asked him to drop a customer at the airport and get back at the earliest. On his way back from the airport, he happened to see his fiancé Ruhina is waiting for a bus to go home. He offered to drop her at home, which happened to be close to his office. She got into the car and soon thereafter the car somersaulted due to the negligence of sanjay. Ruhina was thrown out of the car and suffered multiple injuries. She seeks compensation from Broke bond co.  
(a) Brook bond and co. shall be liable because sanjay was in the course of employment at the time of accident.  
(b) Brook bond and co. shall not be liable because sanjay was not in the course of employment when he took Ruhina inside the car.  
(c) Ruhina got into the car at her own risk and therefore she cannot sue anybody.  
(d) None of the above.
6. Principle: Nuisance as a tort (civil wrong) means an unlawful interference with a person's use or enjoyment of land, or some right over, or in connection with it.  
Fact: During the scarcity of onions, long queues were made outside the defendant's shop who having a license to sell fruits and vegetables used to sell only 1 kg of onion per ration card. The queues extended on to the highway and also caused some obstruction to the neighboring shops. The neighboring shopkeepers brought an action for nuisance against the defendant.  
(a) The defendant is liable for nuisance.  
(b) The defendant is not liable for nuisance.  
(c) The defendant was liable under the principle of strict liability.  
(d) The plaintiff suit should be decreed in his favour.
7. Principle: Nothing is offence which is done by a person who at the time of doing it, by reason of unsoundness of mind is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary of law.  
Fact: A takes his son B who is three years old, for a bath to the well. He throws his son inside the well so that he could have a good bath, After 10 minutes he also jumped in the well to take a bath and take his son out of the well. Both were rescued by the villagers but his son was found dead.  
(a) A has committed culpable homicide not amounting to murder.  
(b) A has committed murder.  
(c) A has done not offence as he can plead the defence of unsoundness of mind.  
(d) A's family should be responsible for his incident to let him to take child to the well.
- Principle: Ignorantia juris non excusat and ingnorantia facit excusat.
8. Fact: George was a passenger from Zurich to Manila in a Swiss Plane. When the plane landed at the airport at Bombay on 28th Nov. 1962 it was found on search that George carried 34kgs of gold bars in person and that he had not declared it in the 'manifest for transit'. On 26th Nov. 1962 Government of India issued a notification and modified its earlier exemption and now it is necessary that, the gold must be declared in the 'manifest 'of the aircraft.  
(a) George cannot be prosecuted because he had actually no knowledge about the notification issued only two days ago.  
(b) George cannot be prosecuted because it is mistake of fact which is excusable.  
(c) George's will be prosecuted because mistake of law is not excusable.  
(d) George liability would depend on the discretion of the court.

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9. Principle: Everybody is under a legal obligation to take reasonable care to avoid an act or omission which he can foresee would injure his neighbor. The neighbor for this purpose is any person whom he should have in his mind as likely to be affected by his act.  
Fact: Krishnan while driving a car at high speed in a crowded road knocked down a cyclist. The cyclist died on the spot with a lot of blood spilling around, Lakshmi a pregnant women passing by suffered from a nervous shock, leading to abortion. Lakshmi filed a suit against Krishnan claiming damages.  
(a) Krishnan will be liable because he owed a duty to reasonable care to everybody on the road including Lakshmi. (b) Krishna will not be liable because he could not have foreseen Lakshmi suffering from nervous shock as a result of his act.  
(c) Krishnan will be liable to Lakshmi because he failed to drive carefully .  
(d) None of the above.
10. Principle: Preparation is not an offence except the preparation of some special offences.  
Fact: Ramesh keeps poisoned halua in his house, wishing to kill Binoy whom he invited to a party and to whom he wishes to give it. Unknown to Ramesh, his only son takes the halua and dies. In this case  
(a) Ramesh is liable for the murder.  
(b) He is not liable for murder since it is a preparation alone.  
(c) He is liable for culpable homicide.  
(d) none of the above.
11. Principle: agreements the meaning of which is not certain or capable of being made certain are void.  
Fact: A horse was bought for a certain price coupled with a promise to give Rs. 500 more if the horse proved lucky.  
(a) This is a valid agreement.  
(b) This agreement is void for uncertainty because it is very difficult to determine what luck, bad or good the horse had brought to the buyer.  
(c) the agreement is partially valid and partially void.  
(d) None of the above.
12. Principle: Mere silence as to facts likely to affect the willingness of a person to enter into a contract is not fraud, unless the circumstances of the case are such that regard being had to them it is the duty of the person keeping silence to speak or unless his silence is, in itself equivalent to speech.  
Fact: A sell by auction to B, a horse which A knows to be unsound. A says nothing to B about the horse's unsoundness.  
(a) A can be held liable for fraud.  
(b) A can be held liable for misrepresentation.  
(c) A cannot be held liable because he did not say anything positive about the soundness of horse.  
(d) A cannot be held liable because it is the buyer who must be aware of the things.
13. Principle: Any direct physical interference with the goods in somebody's possession without lawful justification is called trespass to goods.  
Fact: A purchased a car from a person who had no title to it and had sent it to a garage for repair. X, believing, wrongly, that the car was his, removed it from the garage.  
(a) X can be held responsible for trespass to goods.  
(b) X cannot be held responsible for trespass to good as he was under a wrong belief.  
(c) X has not committed any wrong.  
(d) None of the above.
14. Principle: "Nobody shall unlawfully interfere with a person's use or enjoyment of land or some right over or in connection with it. The use or enjoyment, envisaged herein, should be normal and reasonable taking into account surrounding situation.  
Fact: Jeevan and Pavan were neighbours in a residential locality. Pavan started a typing class in a part of his house and his typing sound disturbed Jeevan who could not put up with any kind of continuous noise. He filed a suit against Pavan.  
(a) Pavan is liable because he should not have started typing class in his house.  
(b) Pavan is liable because as a neighbor he should have realized Jeevan's delicate nature.  
(c) Pavan is not liable because typing sound did not disturb anyone else other than Jeevan.  
(d) None of the above.
- Principle: Doctrine of Double jeopardy: No person shall be prosecuted and punished for the same offence twice.
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Fact: Maqbool brought some gold into India without making any declaration to custom department on the airport. The custom authorities confiscated the gold under the sea customs act. Maqbool was later charged for having committed an offence under Foreign Exchange Regulation Act.

- (a) He cannot be prosecuted because it would amount to double jeopardy.
- (b) He can be prosecuted because confiscation of good by custom authorities does not amount to prosecution by the court.
- (c) Maqbool ought to have known that he can be stopped by the custom authorities.
- (d) None of the above.

DIRECTION: The question consist of two statements one labeled as Assertion and other as Reason (R) you are to examine the two statements carefully and select the best option.

16. Assertion: custom per se is law, independent of prior recognition by the sovereign or the judge.  
Reason: custom is source of law but by itself is not law.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
17. Assertion: Idol is a person who can hold property.  
Reason: only human being can be called person not the lifeless things.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
18. Assertion: Laws are means of achieving an end namely social control.  
Reason: The ultimate end of law is to secure greatest happiness to greatest number.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
19. Assertion: Every person should have the freedom of speech and expression.  
Reason: If a person is stopped from speaking then mankind will lose the truth.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
- Assertion: Attempt to commit an offence though does not result in any harm should also be punished.
20. Reason: A person who tries to cause a prohibited harm and fails is in terms of moral culpability not materially different from the person who tries and succeeds.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
- Assertion: In India every state has a High Court in its territory.
21. Reason: The constitution of India provides for a High Court in each state.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.



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22. Assertion: The council of ministers at the centre is collectively responsible both to the Lok Sabha and Rajya Sabha.  
Reason: The members of the council of ministers are collectively responsible to the union Government.  
(a) Both A and R are individually true and R is correct explanation of A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
23. Assertion: The reservation of thirty three percent of seats for women in parliament and state legislation does not require constitutional amendment.  
Reason: Political parties contesting election can allocate thirty three percent of seats they contest to women candidates without any constitutional amendment.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
24. Assertion: we, the people of India, having solemnly resolved to constitute India into a Democratic Republic.  
Reason: A republic will ensure we have a head of state that is democratically elected and accountable to voters. As a result the head of state will be a more effective constitutional safeguard.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.
25. Assertion: Republic Day is celebrated on 26th January every year in the country.  
Reason: The constitutions of India come into force on 26th January 1950.  
(a) Both A and R are individually true and R is correct explanation to A.  
(b) Both A and R are individually true but R is not correct explanation of A.  
(c) A is true but R is false.  
(d) A is false but R is true.

DIRECTION: Read the following definition and element of the attempt, apply them on the given fact situations and answer the question.

Definition of attempt: Lord Blackburn was said that “there is no doubt that there is difference between a preparation antecedent to an attempt and the actual attempt but if the actual transaction has commenced which would have ended in the crime if not interrupted there is clearly an attempt to commit the crime”.

1. Fault element: Intention or knowledge requisite for committing an offence; and

2. Conduct Element: does any act towards its commission and has crossed the stage of preparation. This act is so

closely connected with and proximate to the commission that it fails in object because of facts not known to him or because of circumstances beyond his control.

26. ‘RANI’ ran to a well stating that she would jump into it, and she started running towards the well but she was caught before she could reach it.  
(a) She is not guilty of attempt to commit suicide because she might have changed her mind before jumping into the well.  
(b) She is guilty of attempt to commit suicide.  
(c) right to life includes right to die hence a person should not be held responsible for attempt to commit suicide.  
(d) None of the above.
27. ‘SINI’ with an intention to pick-pocket puts his hand into MINU’s pocket. MINU had a loaded pistol in his pocket. The thief touches the pistol and trigger goes on, whereby MINU is shot dead.  
(a) SINI will be liable only for attempting to pick-pocket and not for killing because she cannot be treated differently from all other pick-pockets who steal under exactly similar circumstances and same intention with no risk of causing death and with no greater care of avoid it.  
(b) SINY will be liable for attempting to murder.  
(c) SINY will be liable for culpable homicide not amounting to murder as his intention was definitely not to kill.  
(d) None of the above.

28. 'JAM' denied food to his wife Jane for several days by keeping her confined in a room with an intention to accelerate her death. Jane ultimately managed to escape.
- (a) JAM is guilty for attempting to murder his wife.
  - (b) JAM is not guilty for attempt to murder his wife and he was only doing preparation.
  - (c) JAM is not guilty for attempt to murder his wife as she always had option to escape.
  - (d) None of the above.

DIRECTION: Fill in the blanks: choose the pair of words which complete the sentence to make logical sense.

The NDA led Government notified the \_\_\_\_\_ and the National Judicial Appointments Commission Act, thus ending the over two-decade-old \_\_\_\_\_ law, a six-member panel headed by \_\_\_\_\_ will select judges of the apex court and state High Court.

- (a) 99th Constitutional Amendment Act 2015, Collegiums system, the chief justice of India.
  - (b) 121st Constitutional Amendment Act 2015, Collegiums system, the union law minister.
  - (c) 121st Constitutional Amendment Act 2015, Collegiums system, the prime minister
  - (d) 99th Constitutional Amendment Act 2015, Cabinet system, the prime minister.
29. The \_\_\_\_\_ Legislative assembly on 31st March 2015 passed a controversial Anti-Terrorism law. Earlier the passed bill was rejected two times by then.....in 2004 and 2008
- (a) Bihar, Presidents
  - (b) Madhya Pradesh, Governor
  - (c) Gujarat, Presidents
  - (d) Maharashtra, Governor.
30. The Union Government on the recommendation of the .....Under the chairmanship of.....has decided to decriminalize section .....Of the Indian Penal code.
- (a) 20th law commission, Justice A.P. Shah & 309
  - (b) 20th law commission, Justice M.P. Shah & 307.
  - (c) supreme court justice H.L. Dattu & section 309
  - (d) Planning commission, Law minister, and section 309.
31. A bench headed by \_\_\_\_\_ quashed allocation of 214 \_\_\_\_\_ as \_\_\_\_\_
- (a) Justice H.L. Dattu, coal blocks, illegal and arbitrary.
  - (b) Justice R.M. Lodha, coal blocks, illegal and arbitrary.
  - (c) Justice T.S. Thakur, licenses, illegal and arbitrary.
  - (d) None of the above.
32. Choose the best option for the following statement:
- 1. No one can be compelled to sing the National Anthem since.
  - 2. It will be violate of the right to freedom of speech and expression
  - 3. It will be violate of the right to freedom of conscience and practice & propagation of religion.
  - 4. There is no legal provision obliging anyone to sing the National Anthem.
- (a) 1 and 2 are correct
  - (b) 2 and 3 are correct.
  - (c) 1, 2 and 3 are correct
  - (d) None of the correct.
33. Five years experience is a must to be able to practice as an advocate in the supreme court of India. This rule was prescribed by the \_\_\_\_\_
- (a) Bar council of India.
  - (b) Supreme court of India.
  - (c) High court of Delhi.
  - (d) Ministry of Law and Justice, Government of India.

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34. Union Government recently approved 33 percent reservation for women in:
- (a) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all nongazetted police posts in all Union Territories including Delhi.
  - (b) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all gazetted police posts in all Union Territories including Delhi.
  - (c) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all gazetted and non-gazetted police posts in all Union Territories including Delhi.
  - (d) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all nongazetted posts in all Union Territories including Delhi.
35. As per Indian protocol, who among the following ranks highest in the order of precedence?
- (a) Deputy Prime Minister.
  - (b) Former President.
  - (c) Governor of a State within his state.
  - (d) Speaker of Lok Sabha.
36. Consider the following statements and choose the best option:
- 1. The chairman of the national legal service authority (NALSA) is the Chief Justice of India.
  - 2. Chief Justice Mr. Justice H.L. Dattu is the present Chairman of NALSA.
  - 3. The chairman of the nation legal service authority (NALSA) is the senior most judges (after CJI) of the Supreme Court of India.
  - 4. Hon'ble Mr. Justice T.S. Thakur is the present chairman of NALSA.
- (a) 1 and 2 are correct.
  - (b) 2 and 3 are correct.
  - (c) 3 and 4 are correct.
  - (d) none is correct.
37. India and Britain recently signed an "extradition treaty" Extradition means-
- (a) Export without double taxation.
  - (b) order of Indian courts.
  - (c) India and the U.K. will deport criminals on reciprocal basis to each other.
  - (d) None is correct.
- What is "moot"?
38. (a) A basic point of law.  
(b) A basic fact of law.  
(c) Mock court for practice by students in general.  
(d) Another name for magistrates court.
- The temporary release of a convicted prisoner from jail for a fixed period is called-
39. (a) Bail.  
(b) Parole.  
(c) Acquittal.  
(d) Discharge.
- The Railway authorities allowed a train to be over-crowded. In consequence, a legitimate passenger, Mr. X got his pocket picked. Choose appropriate answer-
40. (a) Mr. X can sue the railway authorities for the loss suffered.  
(b) Mr. X cannot sue because he had given his consent to travel in a over-crowded train.  
(c) Mr. X cannot sue the railway authorities because there was no infringement of legal right and mere fact loss was caused does not give rise to a cause of action.  
(d) none of the above.

41. Choose the best option for the following statement:

1. Fraud is more of less intentional wrong, whereas misrepresentation may be quite innocent.
  2. In addition to rendering the contract voidable, is a cause of action in tort for damages. Simple misrepresentation is not a tort but a person who rightfully rescinds a contract is entitled to compensation for any damages which he has sustained through the non-fulfillment of the contract.
  3. A person complaining of misrepresentation can be met with the defence that he had “the means of discovering the truth with ordinary diligence”. But excepting fraud by silence in other cases of fraud it is no defence that “the plaintiff had the means of discovering the truth by ordinary diligence”.
  4. None of the above.
- (a) 1 is correct.  
(b) 1 & 2 are correct.  
(c) 1, 2 & 3 are correct.  
(d) only 4 are correct.

42. In a recent case a Supreme Court bench comprising of Justice Dipak misra and Justice Prafulla C pant held that the amount of maintenance to be awarded under section 125 or CrPC cannot be restricted for the iddat period (three months) only as the inherent and fundamental principal behind section 125. Also it said that an order under section 125 Cr. PC can be passed if a person, despite having sufficient means, neglects or refuses to maintain the wife.

- (a) Shamina Farooqui v. Shahid khan  
(b) Mohd Ahmad Khan v. Shah Bano Begum.  
(c) Hamida Bano V Abdul Raseed.  
(d) Abdul Kadir v Salima.

Select the correct statements on social justice bench constituted on social issue

43. 1. Constituted by Supreme court on 3 December 2014

2. Started operation on 12 December 2014
  3. The brainchild of chief Justice of India H.L. Dattu
  4. Two-judge bench to be headed by Justice madam B lokur
  5. The other member is Justice U.U. Lalit.
- (a) 1, 2 & 5 are correct.  
(b) 1, 2 & 3 are correct.  
(c) 1, 3 & 4 are correct.  
(d) all are correct.

Select the correct statements about 14th Finance Commission which submitted its report to president.

44.1. It covers the period between 1 April 2015 and 31 March 2020.

2. The commission headed by former RBI Governor Y.V. Reddy.
  3. Provides for devolution of tax receipts from the centre to the states.
  4. Article 280 of constitution provides for appointment of Finance Commission.
  5. 1st and 13th Finance commission was headed by KC Neogy & Dr. Vijay kelkar respectively.
- (a) 1, 3 & 5 are correct.  
(b) 1, 2 & 3 are correct.  
(c) 1, 3 & 4 are correct.  
(d) all are correct.

Who administers oath of office to the Governor of a state?

45. (a) President of India  
(b) Chief Justice of High Court of the respective State.  
(c) Chief Justice of India.  
(d) Speaker of state Assembly.

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46. Governor of a state can make laws during recess of state legislative assembly through...

- (a) Act.
- (b) Bill.
- (c) Notification.
- (d) Ordinance.

47. Who called Indian constitution as Quasi-Federal?

- (a) Austin
- (b) K.C. Wheare
- (c) H.M. Servai.
- (d) Jennings.

48. President of India exercises his powers....

- (a) Either directly or through officer subordinate to him
- (b) Through ministers
- (c) Through Prime Minister.
- (d) Through Cabinet.

49. Vote on account is meant for...

- (a) vote on the report of CAG
- (b) to meet unforeseen expenditure.
- (c) appropriating funds pending passing of budget.
- (d) Budget.

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## AILET 2015

Directions(Q.1 - Q.25): Given below is a statement of legal principle followed by a factual situation. Apply the principle to the facts given below and select the most appropriate answer.

1. **LEGAL PRINCIPLE:** A statement is defamatory in nature if it is injurious to a person's reputation and if the statement has been published.  
**FACTUAL SITUATION:** Rudra had been dating a girl named Kiara for three weeks. But he had introduced himself to her as Ricky Thakur (who is one of Rudra's friends) and he continued to be Ricky for the rest of their relationship. But ultimately the relationship ended badly and Kiara being upset and angry at Rudra started a website named '\_ricky-thakur-is-a-jerk.com'. She created this website so as to warn other girls about '\_Ricky Thakur'. The real Ricky Thakur files a suit for defamation. Decide. **DECISION :**  
(a) Kiara shall be held liable for defamation as she published a statement which was injurious to Ricky's reputation. (b) Rudra shall be held liable as he had led Kiara into thinking that he was Ricky Thakur and moreover, it was his fault in the first place that made Kiara create this website.  
(c) Kiara cannot be held liable as she had actually been referring to Rudra and not the real Ricky Thakur.  
(d) Kiara cannot be held liable as her act was done in good faith as she intended to warn other girls.
2. **LEGAL PRINCIPLE:** Whoever stores a substance which could cause damage on escape shall be absolutely liable (i.e. liable even when he has exercised necessary care) for any damage caused by the escape of the substance.  
**FACTUAL SITUATION:** Union Carbide India Limited (UCIL) manufactured methyl isocyanate, an extremely toxic gas. Due to a storm, the gas that was being stored in sealed containers got released. Before much could happen, the local municipal authorities managed to contain the disaster. The authorities filed a suit against UCIL for the costs that were incurred in decontamination. However, later it was realized that the clean-up by the authorities could have been done without spending as much resources and the damage was not that significant. UCIL argued that it would pay only part of the amount demanded by the authorities, which could have dealt with the contamination. **DECISION :**  
(a) UCIL is liable only to the extent of contamination caused. It does not need to pay the authorities the entire amount demanded by them.  
(b) The authorities are entitled to the whole sum, as UCIL shall be held liable for all the repercussions of their act even if they had exercised due care.  
(c) UCIL can plead that the escape of the gas had been caused by a storm and not due to its own negligence. It was an inevitable accident.  
(d) The municipal authorities should have analyzed the damage first before jumping into action. It was due to their own negligence because of which they had to shell out more than required.  
**LEGAL PRINCIPLE:** A partner is liable for the debts incurred by the other partners in the course of partnership.
3. **FACTUAL SITUATION:** Satwik and Prateek enter into a partnership to produce a film wherein Satwik also directs the movie. The movie bombed at the box office. Consequently, they run into financial difficulties and the partnership ends. Prateek goes to Abbas to borrow some money, which Abbas debts from the partnership. Prateek takes the money and absconds to Malibu. Abbas sues Satwik for the amount. Decide.  
**DECISION:**  
(a) Satwik is liable to return the money as it was his partner, Prateek, who directed the movie.  
(b) Abbas has been negligent in not properly enquiring the purpose for which Prateek borrowed the money. Satwik is not liable to pay him back according to the principle of contributory negligence.  
(c) Satwik is not liable as Prateek absconded with the money instead of using it to pay off the debts in the partnership.  
(d) Satwik is not liable as by the time Prateek borrowed money from Abbas, the partnership was no more in existence.  
**LEGAL PRINCIPLE:** Everybody is under a legal obligation to take reasonable care to avoid act or omission which he
4. can foresee would injure his neighbor, the neighbor for this purpose is any person whom he should have in his mind as likely to be affected by his act.  
**FACTUAL SITUATION:** Krish, while driving a car at a high speed in a crowded road knocked down a cyclist. The cyclist died on the spot with a lot of blood spilling around Lekha, a pregnant woman passing by, suffered from a nervous shock, leading to abortion. Lekha filed a suit against Krishnan claiming damages.  
(a) Krish will be liable, because he owed a duty of reasonable care to everybody on the road including Lekha.  
(b) Krish will not be liable, because he could not have foreseen Lekha suffering from nervous shock as a result of his act.  
(c) Krish will be liable to Lekha because he failed to drive carefully.  
(d) None of the above.

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5. LEGAL PRINCIPLE: The occupier of a premise owes a duty of care to all his invitees and visitors.  
FACTUAL SITUATION: Lalit was running a dairy from his house. People used a Dart of his farm as shortcut to get to a nearby railway station. Lalit who did not approve of this, put up a notice that —Trespassers will be prosecuted||. However since a number of these people were also his customers he tolerated them. One day a person who was using this short cut was attacked by a bull belonging to the farm. The injured person filed a suit against him.  
DECISION:  
(a) Lalit is not liable in view of the clear notice against trespassers.  
(b) Lalit is liable for having kept a bull on his farm.  
(c) Lalit, is not liable to the people other than his customers.  
(d) Lalit is liable because in fact he allowed the people to use his premises.
6. LEGAL PRINCIPLE: A master shall be liable for the acts of his servants done in the course of employment.  
FACTUAL SITUATION: PUL, a public sector undertaking, is operating a number of bus services for its employees in Pune. These buses are quite distinct in their appearance and carry the board —for PUL employees only||. M, a villager from neighbouring state, was waiting for a regular bus in one of the bus stops in Pune. A bus belonging to PUL happened to stop nearby and number of people got into the bus. M, without realizing that it was PUL bus, got into the bus and soon thereafter, the bus met with an accident due to driver's negligence. M, along with several others, was injured in the accident. M seeks to file a suit against PUL claiming damages. DECISION:  
(a) M will succeed, because he got into the bus without realizing that it was PUL bus.  
(b) M will not succeed, because it was for him to find out whether it was a public transport.  
(c) M will succeed, because the driver was anyhow duty-bound to drive carefully.  
(d) PUL is not liable as the bus met with an accident due to driver's negligence.
7. LEGAL PRINCIPLE: Only Parliament or State Legislatures have the authority to enact laws on their own. No law made by the State can take away a person's fundamental right.  
FACTUAL SITUATION: Parliament enacted a law, which according to a group of lawyers is violating the fundamental rights of traders. A group of lawyers files a writ petition challenging the Constitutional validity of the statute seeking relief to quash the statute and further direct Parliament to enact a new law. DECISION :  
(a) The court can quash the existing law if it violates fundamental rights but cannot direct Parliament to make a new law.  
(b) The court can quash existing law if it violates fundamental rights and can direct Parliament to make a new law.  
(c) No writ would lie against Parliament, as the court has no authority to direct Parliament to enact or re-enact a law.  
(d) The court cannot quash the law as reasonable restrictions can be put on the fundamental rights.  
LEGAL PRINCIPLE: When one person signifies to another his willingness to do or abstain from doing anything, with
8. a view to obtaining the assent of that person to such an act or abstinence, he is said to have made a proposal.  
FACTUAL SITUATION: Ram sends a telegram to Sohan, writing: "Will you sell me your Rolls Royce car? Telegram the lowest cash price.|| Sohan also replied by telegram: "Lowest price for car is Rs. 20 lakh." Ram immediately sent his consent through telegram stating: —/ agree to buy the car for Rs. 20 lakh asked by you" Sohan refused to sell the car.  
DECISION:  
(a) He cannot refuse to sell the car because the contract has already been made.  
(b) He can refuse to sell the car because it was only invitation to offer and not the real offer.  
(c) It was not a valid offer because willingness to enter into a contract was absent.  
(d) It was not a valid contract as offer and acceptance is conveyed through telegram.
- A person is said to be of sound mind for the purpose of making a contract if, at the time when he makes it, he is
9. capable of understanding it and of forming a rational judgment as to its effect upon his interests.  
FACTUAL SITUATION: Mr. X who is usually of sound state of mind, but occasionally of unusual state of mind, enters into a contact with Mr. Y when he was of unsound state of mind. Mr. Y having come to know about this fact afterwards, wants to file a suit against Mr. X.  
DECISION:  
(a) Mr. X cannot enter into contract because he is of unsound state of mind when he entered into contract.  
(b) Mr X can enter into contract but the burden is on the other party to prove that he was of unsound state of mind at the time of contract.  
(c) Mr X can enter into contract but the burden is on the other party to prove that he sound state of mind at the time of contract.  
(d) Contract with a person of unsound mind is void.
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10. LEGAL PRINCIPLE: Ignorance of Fact is excused but ignorance of law is no excuse to criminal liability.  
FACTUAL SITUATION: X was a passenger from Zurich to Manila in a Swiss Plane. When the plane landed at the Airport of Bombay on 22 November 2014 it was found on searching that X carried 34 kg of Gold Bars on his person and that he had not declared it in the 'Manifest of Transit'. On 24 November 2014, the Government of India had issued a notification modifying its earlier exemption, making it mandatory now that the gold must be declared in the —Manifest of the aircraft. DECISION:  
(a) X cannot be prosecuted because he had actually no knowledge about the new notification issued two days ago. (b) X cannot be prosecuted because ignorance of fact is excusable  
(c) X can be prosecuted because ignorance of law is not excusable  
(d) X's liability would depend on the discretion of the court
11. LEGAL PRINCIPLE: Any direct physical interference with goods in somebody's possession without lawful justification is called trespass of goods.  
FACTUAL SITUATION: Z purchased a car from a person who has no title to it and sent it to garage for repair. X believed wrongly that the car was his, removed it from the garage. Has X committed any offence?  
DECISION:  
(a) X cannot be held responsible for trespass of goods as he was under a wrong belief.  
(b) X can be held responsible for trespass of goods.  
(c) Z has no right over the car as he purchased it from a person who had no title over it.  
(d) None of the above.
12. LEGAL PRINCIPLES :  
1. Bigamy is not permitted under Hindu law.  
2. A Hindu of sound mind can adopt a child of the gender they don't already have a child of.  
3. Only the child's father, mother or guardian has the capacity to give the child up in adoption, under Hindu law.  
FACTUAL SITUATION: Ramesh comes from a family where from the past two generations; all male members have had two wives. He also wants to continue this tradition and thus he married Suman first and then Tania. Ramesh has a son, Gunjan with Suman. However, with Tania, he is childless. He thus wishes to adopt some children. Rajat is the child of Ramesh's brother. However, Rajat's parents decide to go off to Dubai for 5 years and they leave their son under the care of Ramesh's sister. Ramesh and Tania ask for Rajat in adoption from his sister who agrees and Rajat is adopted. Later, Ramesh and Suman want to adopt a daughter as well and they do adopt a girl - Sara - from an orphanage. However, at the time of signing the adoption deed, Ramesh was dead drunk. Ramesh and his entire family member are Buddhists. Keeping in mind the given principles and facts, solve the questions Is Rajat's adoption a valid adoption ?  
DECISION:  
(a) No, because Ramesh already has a son.  
(b) No, because Ramesh's sister has no authority to give Rajat up in adoption.  
(c) Yes, it is a valid adoption because Ramesh has no child with Tania and Ramesh's sister is Rajat's guardian for 5 years at least.  
(d) Both (a) and (b)
13. LEGAL PRINCIPLES: Whoever dishonestly takes away any property from the possession of another, with an intention of such taking away, without his permission is liable for theft.  
FACTUAL SITUATION: Raja, a famous gangster, moves into an apartment in Kankurgachi, Calcutta. There, he discovers that the previous owner of the apartment had left behind a pair of beautiful ivory handled combs. Mesmerized by their beauty and confused as to whom he should be returning them to, he decides to retain them and starts using them. The previous owner of the combs gets to know this and registers an FIR for theft against Raja. Is Raja liable ? DECISION :  
(a) Raja is liable for theft as he failed to return the property even when he knew it was someone else's property.  
(b) Raja is not liable as he is not taken it away from anyone else's possession and there was no dishonest intention.  
(c) Raja is liable as you don't expect anything better from a gangster.  
(d) Raja is not liable as he was confused as to whom he should be returning the property to.
14. LEGAL PRINCIPLES: The state shall make special laws for the upliftment of citizens of the country, and these laws can be made for the benefit of any specific caste, class or sex of people living in the society.  
FACTUAL SITUATION: The state of Hindu Pradesh comes out with a law, which provided for reservation to Muslims in all government and government aided institutions. This law is challenged in the High Court of Hindu Pradesh, as being arbitrary and contrary to the established laws. Can the challenge be successful ? DECISION :  
(a) Yes, since people from other religions would also start making such demands, which would jeopardize the unity and integrity of the country.

- (b) No, since the state has the right to make special laws for the upliftment of the citizens of the country.  
 (c) Yes, since the state has not been mandated to make reservation, based on a person's religion.  
 (d) No, since the Government cannot neglect the minorities.
15. LEGAL PRINCIPLE: The master/principal is liable for all acts done by his duly appointed servant/agent for all acts done by him lawfully in the course of his employment.  
 FACTUAL SITUATION: A, B, C and D carried on a business in partnership. While making a deal with another company, B bribed the clerk there. Is the partnership firm vicariously liable?  
 DECISION:  
 (a) No, as bribing is not in course of employment of the partners.  
 (b) Yes, as partners are agent of the firm.  
 (c) Yes, as B can be said to have implied authority for the same.  
 (d) No, as this act was not authorised by the others.
16. LEGAL PRINCIPLE: A contract which is impossible to perform becomes void. FACTUAL SITUATION : Surrender agreed to deliver a specific quality of rice to Sonakshi identified by both of them. Before delivery, the rice was burnt by short circuit. Is Surrender discharged from the performance of the contract? DECISION:  
 (a) Surrender is discharged from performance as the subject matter of the contract is destroyed.  
 (b) Surrender is discharged from performance as the subject matter has been specifically identified.  
 (c) Surrender is not discharged from performance as he can procure rice from other sources. •  
 (d) None of the above.
17. LEGAL PRINCIPLE: Whoever dishonestly misappropriates or converts to his own use any movable property is guilty of criminal misappropriation of property.  
 FACTUAL SITUATION: A finds a government promissory note belonging to Z, bearing a blank endorsement. A knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending to restore it to Z at a future time Has A committed criminal misappropriation?  
 DECISION:  
 (a) Yes since he deprived Z from using his property and used it for his own use.  
 (b) No, since he intended to return the property to Z in the future.  
 (c) No, it is theft and not criminal misappropriation.  
 (d) Yes since he deprived Z from using his property.
18. LEGAL PRINCIPLE: Nobody shall unlawfully interfere with a person's use or enjoyment of land, or some right over, or in connection with it. The use or enjoyment, envisaged herein, should be normal and reasonable taking into account surrounding situation.  
 FACTUAL SITUATION: Joy and Prakash were neighbours in a residential locality Prakash started a typing class in a part of his house and his typing sound disturbed Jogi who could not put up with any kind of continuous noise- He filed a suit against Prakash.  
 DECISION:  
 (a) Prakash is liable, because he should not have started typing class in his house.  
 (b) Prakash is liable, because as a neighbour, he should have realised Jogi's delicate nature.  
 (c) Prakash is not liable, because typing sound did not disturb anyone else other than Jogi.  
 (d) None of the above.
- LEGAL PRINCIPLES:  
 1. Whoever causes death by doing an act with the intention of causing death or with the intention of causing such bodily injury as is likely to cause death or with the knowledge that he is likely by such act to cause death commits the offence of culpable homicide.  
 2. Mens rea and actus reus must concur to result in a crime which is punishable by the law.  
 FACTUAL SITUATION: A and B went for shooting. A knows Z to be behind a bush. B does not know it. A induces B to fire at the bush. B fires and kills Z Has an offence been committed? DECISION:  
 (a) A had mens rea but no actus reus. B had actus reus but no mens rea. No one is guilty.  
 (b) A induced B to fire at the bush with the knowledge that Z is there. A is guilty of culpable homicide but B is not guilty of any offence. •  
 (c) Both A and B are guilty.  
 (d) None of the above.
- LEGAL PRINCIPLES:  
 1. The crime of kidnapping involves taking someone away from the custody of their lawful guardian.
- 20.

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2. The crime of abduction involves inducing or forcing somebody to go away from some place against their will.

FACTUAL SITUATION: A steals B's slave. Is it a crime?

DECISION:

I. Kidnapping

II. Abduction

III. Neither

REASON:

(a) Slavery is illegal.

(b) A has taken him away from B's lawful custody.

(c) A has forced somebody to go with him against his will. DECISION :

(a) I (b) (b) II (c) (c) III (a) (d) I (a)

21. LEGAL PRINCIPLE: Whoever delivers to another person as genuine any counterfeit currency which he knows to be counterfeit, but which that other person is not aware of at the time when he received it, is guilty of counterfeiting currency.

FACTUAL SITUATION: While returning home one day, Roshni realizes that the local shopkeeper has given her a fake note of Rs. 1,000. Disappointed, she goes to the same shop and buys cosmetics worth Rs. 600. She then passes the same fake note to the shopkeeper. The shopkeeper while inspecting the note finds out that it is fake. Is Roshni guilty ?

DECISION:

(a) No, as she was merely attempting to return the note to the same shopkeeper who gave her the note.

(b) No, she is not guilty of any offence as neither did she manufacture the note nor did she circulate it with a view to deceive the public.

(c) Yes, as she attempted to pass on a note which she knew was counterfeit.

(d) No, the shopkeeper is guilty as he was the one who circulated the counterfeit note to Roshni.

LEGAL PRINCIPLES:

22. 1. To constitute a punishable criminal offence, guilty intention must accompany an illegal act.  
2. Criminal mischief means causing damage to public property intentionally or with the knowledge that harm may occur.

FACTUAL SITUATION: Neel being a Shahrukh Khan fan went for the premier of the movie, Happy New Year. As usual, he carried his pen-knife, a gift from his dead mother. At the security check, impatient of waiting in the queue, Neel slunk past the guards and the metal detector when no one was watching. Later, he was apprehended in the hall and charged for mischief and possession of a weapon when it was expressly forbidden.

DECISION:

(a) Neel is not criminally liable since he had no intention to commit mischief.

(b) Liable for possession of the weapon since it was expressly forbidden and mere possession was enough; although he might not be liable for mischief as he did not do anything.

(c) Neel is not liable since the pen knife had an emotional value and rather the guards should be punished for the security breach.

(d) Liable for both possession of weapon and criminal mischief since he slunk past the guards which shows his intention to commit the crime.

LEGAL PRINCIPLES:

23. 1. Everyone has a right to defend their life and property against criminal harm provided it is not possible to approach public authorities and more harm than is b=necessary has been caused to avert the danger.  
2. Nothing is an offence which is done in the exercise of the right of private defence. FACTUAL SITUATION: The accused found the deceased engaged in sexual intercourse with his 15 year old daughter. The accused assaulted the deceased on the head with a spade which resulted in his death. Accused claimed private defense and the prosecution claimed that the sexual intercourse was with the consent of the daughter. Here, DECISION:  
(a) Accused is entitled to the right of private defence since the girl was only 15 years old.  
(b) Accused exceeded the right of private defence.  
(c) Accused is not entitled to private defence as the intercourse was consensual  
(d) Accused is not entitled to private defence as the right of private defence is available for defending one's life and property only.

LEGAL PRINCIPLE: Necessity knows no law, and any person facing danger may do all that is necessary to avert the same till he can take recourse to public authorities.

24.

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FACTUAL SITUATION: Akshay, a law abiding citizen decided to remove the weed of corruption from Indian society. One day, confronted with a bribing official, Akshay decided to teach him a lesson and punched him in his face. Akshay  
DECISION:

- (a) Can plead defence of necessity as he was being bribed which is a crime.
- (b) Cannot plead defence of necessity as there was no necessity to act in the manner he acted.
- (c) Can plead defence of necessity as aware and vigilant citizenry forms the basis of a good democracy.
- (d) Can plead defense of necessity as there was no time to take recourse to public authorities.

LEGAL PRINCIPLES:

25. 1. Preparation to commit an offence is not an offence.  
2. After one has finished preparation to commit an offence, any act done towards committing the offence with the intention to commit it, is an attempt to commit the offence which is by itself an offence.  
FACTUAL SITUATION: A wanted to kill B and had therefore gone to the market to buy explosives to plant in his house. After A has planted the bomb, he felt guilty and he went back to remove the bomb but while he was doing so, B saw him and called the police. Can A be held liable?  
DECISION:  
(a) Yes, because he has done something more than mere preparation  
(b) No, because B did not die. '  
(c) Yes, because there existed a mala fide intention.  
(d) No, because he had removed before anything could happen.  
The Supreme Court of India constituted ..... Bench in December 2014.
26. (a) Constitution (b) Arbitration (c) Social Justice (d) Fast-Track  
Who is the author of the book —Indian Parliamentary Diplomacy - Speaker's Perspective|| ?
27. (a) Sumitra Mahajan (b) Somnath Chatterjee  
(c) Meira Kumar (d) Manohar Joshi  
Which of the following recently became 123- State party to the International Criminal Court?
28. (a) Israel (b) Palestine (c) Jordan (d) Bangladesh  
Which body has launched the "Group of Friends Against Terrorism" ?
29. (a) United Nations (b) European Union  
(c) ASEAN (d) SAARC  
Which one of the following Committee was constituted to review environmental law in the country ?
30. (a) Subramanian Committee (b) Kasturi Ranjan Committee  
(c) Madhav Nair Committee (d) Ullas Karanth Committee  
Which South-East Asian country has recently banned surrogacy services to end its flourishing rent-a-womb industry?
31. (a) Singapore (b) India (c) Thailand (d) Vietnam  
The Third National Lok Adalat which disposed of 56000 cases in a single day was held under the chairmanship of
32. (a) Justice H.L. Dattu (b) Justice T.S. Thakur  
(c) Justice Jagdish Singh Khehar (d) Justice Anil R Dave  
In which of the following cases, the Supreme Court, recently, held that demand for dowry can be made at any time and not necessarily before marriage?
33. (a) State of Uttarkhand v. Bhim Singh & Anr  
(b) State of Bihar v. Arnesh Kumar & Anr  
(c) State of Rajasthan v. Prem Kumar  
(d) State of Punjab v. Kans Raj & Ors  
National Green Tribunal ruled ..... old diesel vehicles cannot ply on Delhi roads.
34. (a) 15 years (b) 10 years (c) 20 years (d) 5 years  
Supreme Court struck down which Section of the Information Technology Act 2000, in Shreya Singhal v. U. O. I, as unconstitutional?
35. (a) 66 B (b) 66 A (c) 66 C (d) 66

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## CLAT 2016

1. Principle: Letters or words not describing quality of things can be registered as a trade mark.  
Facts: Ram made an application for registration of alphabet 'B' written in a fancy style as trade mark to be applied on packets and cartons of shoes manufactured by him.  
(a) alphabet 'B' cannot be registered as trade mark because it is an English letter.  
(b) The alphabet 'B' can be registered as trade mark because it describes the quality of things.  
(c) The alphabet 'B' can be registered as trade mark.  
(d) The alphabet 'B' cannot be registered as trade mark because it belongs to humanity.
2. Principle: Existence of all the alleged facts is relevant, whether they occurred at the same time and place or at different times and places.  
Facts: 'A', a citizen of England, is accused of committing murder of 'B' in India by taking part in a conspiracy hatched in England.  
(a) Only the fact that 'A' is accused of conspiracy hatched in England is relevant.  
(b) Only the fact that 'A' citizen of England is accused of committing murder of 'B' in India is relevant.  
(c) The facts that 'A' citizen of England is accused of commission of murder in India and of conspiracy hatched in England are relevant facts.  
(d) 'A' citizen of England cannot be tried in India.
3. Principle: Nothing is an offence, which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.  
Facts: 'A' takes up a gun, not knowing whether it is loaded or not, points it playfully at 'B' and pulls the trigger. Consequently, 'B' falls dead.  
(a) B's death is accidental, as 'A' did not have the knowledge that the gun is loaded.  
(b) B's death is accidental, as 'A' had no intention to kill 'B'.  
(c) B's death is accidental, as 'A' was just pointing the gun playfully at 'B'.  
(d) B's death is not accidental, as there was want of proper care and caution on the part of 'A'.  
Principle: A condition to a contract can also be complied with after the happening of the event to which such a
4. condition  
is attached.  
Facts: 'A' promises to pay Rs. 5000 to 'B' on the condition that he shall marry with the consent of 'C', 'D' and 'E'. 'B' marries without the consent of 'C', 'D' and 'E', but obtains their consent after the marriage.  
(a) 'B' has not fulfilled the condition.  
(b) 'B' has fulfilled the condition.  
(c) 'B's marriage is not valid.  
(d) The condition is illegal.
5. Principles:
  - A person is said to abet the doing of a thing when he instigates any other person to do that thing.
  - Mere acquiescence, however, does not amount to instigation.Facts: 'A' says to 'B': "I am going to kill 'C'." And, 'B' replies: "Do as you wish and take the consequences"; whereafter 'A' kills 'C'.  
(a) "B" is jointly liable with 'A' for killing 'C'.  
(b) 'B' has not abetted 'A' to kill 'C'.  
(c) 'B' has abetted 'A' by conspiracy.  
(d) 'B' abetted 'A' to kill 'C'.
6. Principle: Defamation is the publication of a statement which tends to lower reputation of a person in the estimation of other members of the society generally.  
Facts: 'A' writes a highly offensive and derogatory letter about 'B', and sends it directly to 'B' in a sealed cover.  
(a) 'A' is liable to 'B' for defamation, as the letter is highly offensive and derogatory and is directly sent to 'B'.  
(b) 'A' is liable to 'B' for defamation, as the letter is highly offensive and derogatory.  
(c) 'A' is liable to 'B' for defamation, as it has hurt his (B's) self-esteem.  
(d) 'A' is not liable to 'B' for defamation, since there is no publication to any other person in whose estimation the reputation of 'B' could be brought down.

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7. Principle: Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so or to provide gratuitously, and such other person takes the benefit of that; the latter is bound to compensate the former for something done or thing provided, or to restore, the thing so delivered.  
Facts: Trader 'A' delivers certain eatables at B's house by mistake. 'B' consumed the eatables without asking anything. Which of the following derivations is correct?  
(a) 'B' is bound to pay 'A' for the eatables.  
(b) 'B' is not bound to pay 'A' for the eatables.  
(c) 'B' can be made liable to pay for the eatables, only if 'A' establishes an express contract between 'A' and 'B'.  
(d) It is the discretion of 'B' to make payment to 'A'
8. Principle: Law never enforces an impossible promise.  
Facts: 'A' made a promise to 'B' to discover treasure by magic.  
(a) Law will not enforce the promise  
(b) Law will enforce the promise only at the option of 'B'.  
(c) Law will enforce the promise.  
(d) Law will enforce the promise only at the option of 'A'.  
Principle: Intentional application of force to another person is actionable in law. Facts: 'P' and 'D' are unknown to each other. When 'P' is about to sit on a chair, 'D' intentionally pulls it away as a result of which 'P' falls on to the floor and is injured.  
(a) 'D' is liable as such jokes are common in the society.  
(b) 'D' is not liable as 'P' is not seriously injured.  
(c) 'D' is liable as he intentionally caused injury to P.  
(d) 'D' is not liable as the injury is not directly caused.
- Principle: Mere silence as to facts likely to affect the decision of a person to enter into a contract is not fraud.
10. Facts: 'A' sells to 'B' (A's daughter who is minor) a horse which 'A' knows to be unsound. 'A' says nothing to 'B' about the unsoundness of the horse.  
(a) 'B' can take plea of fraud because she is minor.  
(b) 'A' has committed fraud.  
(c) There cannot be a contract between a father and daughter.  
(d) 'A' has not committed fraud.
- Principle: A person is said to have committed assault when an apprehension is caused in the mind of a person that he is about to use physical force against his body. Facts: 'A' abuses 'B' while he was sitting in a moving train, by aggressively shaking his fists when 'B' was standing on the railway platform at a distance.  
(a) A has caused fear of assault in the mind of 'B'.  
(b) 'A' has committed assault against 'B'.  
(c) A has not committed assault against 'B'.  
(d) 'A' has caused apprehension of assault in the mind of 'B'.
- Principle: Consent is a good defence in a civil action for tort but the act should be the same for which consent was given.
12. Fact: 'B' was formally invited by 'A' to his house. 'B' after sitting for some time in drawing room, moved to the bedroom of the house. 'A' sued 'B' for trespass.  
(a) B has been offended 'A' by moving to bedroom.  
(b) 'B' has interfered with privacy of 'A'.  
(c) 'B' has committed trespass as there was no consent of 'A' for entry in the Bedroom.  
(d) 'B' has committed no trespass as he entered the house with 'A's consent.
- Principle: Copyright law protects only work. 'Work' means cinematographic film but does not include performance by an actor in a cinematographic film.
13. Facts: Alia Bhatt acted in a movie.  
(a) The acting of Alia Bhatt can be protected as film producer's work  
(b) The acting of Alia Bhatt can be protected under copyright law as professional work.  
(c) The acting of Alia Bhatt cannot be protected under copyright law.  
(d) The acting of Alia Bhatt can be protected under copyright law only as an artistic work.



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14. Principle: A person, who is usually of unsound mind, but occasionally normal, may make a contract when he is not of unsound mind.  
Facts: 'A' generally remains in the state of unsound mind and rarely becomes capable of understanding the things.  
(a) 'A' can make a contract at any time whenever he pleases.  
(b) 'A' can make a contract only for his own benefit.  
(c) 'A' can make a contract when normal.  
(d) 'A' can never make a contract.

15. Principles:  
1. A servant is one who is employed to do some work for his employer (master). He is engaged under a contract of service. He works directly under the control and directions of his master.  
2. In general, the master is vicariously liable for those torts (wrongful acts) of his servant which are done by the servant in the course of his employment.  
Facts: 'M' appointed 'D' exclusively for the purpose of driving his tourist vehicle. 'M' also appointed 'C' exclusively for the purpose of performing the work of a conductor for the tourist vehicle. During one trip, at the end of the journey, 'C', while 'D' was not on the driver's seat, and apparently for the purpose of turning the vehicle in the right direction for the next journey, drove it through the street at high speed, and negligently injured 'P'.  
(a) M could not be made liable for the act of 'C', as his (C's) act of driving the vehicle was not in the course of his employment  
(b) M could be made liable for the act of 'C', as his (C's) act of driving the vehicle was within his scope of employment.  
(c) M could be made liable for the act of 'C', as 'C' was employed under a contract of service.  
(d) M is not liable as he was not present at the time of accident.

- Principle: In cases where there is an infringement of legal right even without any actual loss or damage, the person whose right is infringed has a cause of action. Facts: 'P' was wrongfully prevented by the Returning Officer from exercising his vote in an assembly election. However, the candidate for whom he wanted to cast his vote won the election. Still, he ('P') brought an action claiming damages. Which of the following derivations is correct?  
(a) 'P' would succeed in his action, as it is mandatory to cast vote.  
(b) 'P' would not succeed in his action, as the candidate for whom he wanted to give his vote won the election.  
(c) 'P' would not succeed in his action, as he did not suffer any loss in that election.  
(d) 'P' would succeed in his action, as he was wrongfully prevented from exercising his legal right of voting in that election.

- Principle: Sale of liquor is illegal. All agreements relating to prohibited items do not exist in the eyes of law.  
17. Facts: 'A' entered into an agreement with 'B' for the sale of liquor. 'A' failed to supply the agreed quantity of liquor to 'B'.  
(a) 'B' cannot bring any legal action against 'A'.  
(b) 'A' and 'B' can initiate appropriate legal proceeding against each other  
(c) 'A' can bring a legal action against 'B'.  
(d) 'B' can bring a legal action against 'B'.

- Principle: The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.  
18. Facts: 'A' sent a letter making a proposal to 'B' to purchase the house of 'B'.  
(a) The communication of proposal is complete when B's wife handed over the letter to '  
(b) The communication of proposal is complete when B's wife received it.  
(c) The communication of proposal is complete when 'B' reads the letter  
(d) The communication of proposal is complete when A sent the letter.

- Principle: Killing is not murder if the offender, whilst deprived of the power of self-control by intense and sudden provocation, causes the death of the person who gave the provocation.  
19. Facts: 'A', a man found his girlfriend sleeping, in her own bed room, with another man named 'B'. 'A' did not do anything but went to his home, picked a gun and cartridges, returned to the girlfriend's bed room with loaded gun but found the place empty. After fifteen days he saw his girlfriend dining in a restaurant. Without waiting for even a second, 'A' fired five bullets at his girlfriend who died on the spot.  
(a) A could have killed both 'B' and his girlfriend  
(b) 'A' did not kill his girlfriend under intense and sudden provocation.  
(c) 'A' could have killed 'B' instead of his girlfriend.  
(d) 'A' killed his girlfriend under intense and sudden provocation.



20. Principle: Whoever does not arrest the killer and report the matter to the concerned authorities commits an offence.  
Facts: 'A', a woman, sees 'B', another woman, killing a third woman 'C'. 'A' neither attempted to arrest 'B' nor informed the concerned authorities.  
(a) 'B' has not committed an offence.  
(b) 'A' has not committed an offence.  
(c) 'B' has committed an offence.  
(d) 'A' has committed an offence.
21. Principles:  
1. An independent contractor is one who is employed to do some work of his employer. He is engaged under a contract for services. He undertakes to produce a given result, and in the actual execution of the work, he is not under the direct control or following directions of his employer. He may use his own discretion in execution of the work assigned.  
2. In general, an employer is not liable for the torts (wrongful acts) of his independent contractor. But, the employer may be held liable if he directs him to do some careless acts.  
Facts: Ramesh hired a taxi-cab to go to Delhi Airport. As he started to drive from his home, he kept on urging the taxi-driver to drive at a high speed and driver followed the directions; and ultimately due to high speed an accident took place causing injuries to a person.  
(a) Ramesh would not be held liable for damages because the driver was an independent contractor and not his servant.  
(b) Ramesh would not be liable as car was not owned by him.  
(c) Ramesh would be held liable for damages as he exercised the control by giving directions to the driver.  
(d) Ramesh would not be held liable for damages because Ramesh did not know the consequences of such rash driving.  
Principle: Whoever by words or writing conveys to others any imputation concerning any person's reputation is said to defame that person.
22. Facts: During a marriage ceremony, 'A' circulated a pamphlet saying that 'S', sister of the bride, is a thief, she has stolen the shoes of the bridegroom.  
(a) 'A' has defamed 'S'.  
(b) 'A' has defamed the bridegroom.  
(c) 'A' defamed the bride.  
(d) 'A' did not defame 'S' as he never intended it.  
Principle: One who dishonestly mis-appropriates or converts to his own use or sells any movable property belonging to another, is guilty of the offence of misappropriation. Facts: 'A' takes property belonging to 'Z' out of Z's possession, in good faith, believing when he takes it, that the property belongs to himself. Subsequently, 'A', on discovering his mistake, without disclosing the actual facts, dishonestly sells the property to a stranger.  
(a) 'A' is not guilty because when he took the property, he believed in good faith that it belonged to him.  
(b) 'A' is guilty of an offence of misappropriation.  
(c) 'A' may be guilty of theft but not for misappropriation.  
(d) 'A' is not guilty as the property can be recovered from the stranger.
23. Principle: Whoever takes away any moveable thing from the land of any person without that person's consent, he is said to have committed theft.  
Facts: During his visit to the house of C, 'A' asked 'B', the son of C, to accompany 'A' to the forest. Neither 'A' nor 'B' informed 'C' in this regard. 'B' accompanied 'A' to the forest.  
(a) 'A' has not committed theft.  
(b) 'A' has not committed theft till 'B' did not accompany him.  
(c) 'A' has committed theft.  
(d) 'A' has committed theft as soon as he entered the house of 'C'.  
Principle: False imprisonment is a tort (wrong) which means the total restraint of a person's liberty without lawful justification.
24. Facts: A part of a public road had been closed for spectators of a boat race. 'P' wanted to enter but he was prevented by 'D' and other policemen because he had not paid the admission fee. 'P' was able to enter the enclosure by other means but was unable to go where he wanted to go. The policemen refused access to where he wanted to go but allowed him to remain where he was or to go back. 'P' remained within the enclosure and refused to leave. Subsequently, 'P' sued 'D' for false imprisonment.  
(a) it was a case of false imprisonment, but 'D' could not be made liable for it.
- 25.

- (c) 'D' could be made liable for false imprisonment, as he did restrict P's movements.  
(d) 'D' could not be made liable for false imprisonment as he has not touched him.
26. Principle: Import means bringing some consignment into India from a foreign country.  
Facts: A consignment from Sri Lanka entered the territorial waters of India. However, this consignment never crossed the Indian custom barrier nor did it enter into the stream of commerce in India.  
(a) The consignment was not imported into India.  
(b) The consignment will only be imported into India when it crosses the Indian custom barrier  
(c) The consignment was imported into India.  
(d) The consignment will only be imported into India when it enters into the stream of commerce in India.
27. Principle: Nothing is an offence which is done by a child under twelve years of age, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion.  
Facts: Himesh, 11 years old boy, picks up a gold ring worth ₹ 5000/-lying on a table in his friend's house and immediately sells it for ₹2 000/-, and misappropriates the money.  
(a) Himesh would be protected under the principle stated above because he is below 12 years of age.  
(b) Himesh would not be protected under the principle stated above because his acts show that he was sufficiently mature to understand the nature and consequences of his conduct.  
(c) Himesh would be protected under the principle stated above because his acts show that he was not sufficiently mature to understand the nature and consequences of his conduct.  
(d) Himesh would not be protected under the principle stated above because, irrespective of the age, stealing is an offence.
28. Principles: 1. Wagering agreements are void. 2. Collateral agreements to wagering contracts are valid.  
Facts: XYZ Bank lends ₹ 40,000 to Sabu in order to enable him to a ward as prize to Randeep who is the winner of horse race. Later Sabu refuses to pay the prize stating that horse racing is wagering agreement. Can XYZ Bank recover money from Sabu?  
(a) No, as it is a wagering contract.  
(b) Bank can recover money from Sabu so that payment of prize money can be made to Randeep.  
(c) Yes, as it is only a collateral agreement to horse racing and therefore the bank can recover the money from Sabu.  
(d) Horse racing is illegal and therefore XYZ Bank cannot recover anything from Sabu.  
Principle: An agreement without free consent can be enforced only at the option of the party whose consent was not free.
29. Facts: A obtains the consent of 'B' to enter into an agreement by putting a gun on the head of B's girlfriend.  
(a) 'B' can enforce the agreement.  
(b) 'A' can enforce the agreement.  
(c) 'B' cannot enforce the agreement.  
(d) Neither 'A' nor 'B' can enforce the agreement.
30. Principle: Acceptance of proposal must be the exact mirror image of the proposal. Facts: 'A' made a proposal to 'B' to sell a chair for Rs. 500. 'B' expressed his desire to buy the said chair for Rs. 400.  
(a) 'B' has not accepted the proposal of 'A'.  
(b) It is not clear whether 'B' has accepted the proposal of 'A' or not.  
(c) 'B' has accepted the proposal of 'A'.  
(d) It is not clear whether A made a proposal to 'B'.
- Principle: There are certain acts which, though harmful, are not wrongful in law; therefore, do not give legal right to bring action in law, to the person who suffers from such acts.
31. Facts: 'Prakash' has a rice mill. His neighbours, Shanti, sets up another rice mill and offers a tough competition to Prakash. As a consequent Prakash's profits fall down. He brings a suit against Shanti for damages.  
(a) Prakash can succeed in his claim as it is a case of actual damages.  
(b) Prakash cannot succeed in his claim for damages, as it is a case of damage without infringement of any legal right.  
(c) Prakash can succeed in his claim for damages, as it is a case of damage as a result of infringement of his legal right.  
(d) Prakash may succeed in his claim for damages, as it is a case of loss to his business.

32. Principle: Consent is a good defence for civil action in tort. But consent must include both knowledge of risk and assumption of risk, i.e., readiness to bear harm. Facts: A lady passenger was aware that the driver of the cab, in which she opted to travel was little intoxicated. The cab met with an accident and lady got injured.
- (a) Lady can refuse to pay the fare as she had suffered injuries.
  - (b) Lady is entitled to claim compensation as she only knew about risk and there was no assumption of risk.
  - (c) Lady is not entitled to claim compensation as she had knowledge of the risk.
  - (d) Driver can take the plea that he was lightly intoxicated.
33. Principle: An agreement may be entered into orally or in writing, or by conduct. Facts: 'A' went to the shop of 'B' and picked a toothbrush and gave a cheque of Rupees twenty to 'B' and left the shop.
- (a) 'A' should have carried a currency note of Rupees twenty to make the payment.
  - (b) There was an agreement between 'A' and 'B'.
  - (c) Payment of toothbrush cannot be made through a cheque.
  - (d) 'A' did not enter into an agreement with 'B'.
- Principle: Causing of an effect partly by an act and partly by an omission is an offence.
34. Facts: 'A' confined her daughter 'D' in a room. 'A' also did not provide any food to her daughter 'D'. Consequently, 'D' died of starvation.
- (a) 'A' committed the offence of causing death of 'D'.
  - (b) 'A' committed the offence of confining 'D'.
  - (c) 'A' committed the offence of not providing food to 'D'.
  - (d) 'A' committed no offence.
- Principle: Law does not penalize for wrongs which are of trivial nature.
35. Fact: In the course of a discussion, 'A' threw a file of papers at the table which touched the hands of 'B'
- (a) 'A' is liable for insulting 'B'
  - (b) 'A' is not liable for his act, as it was of trivial nature
  - (c) 'A' is liable for his act, as the file touched 'B's hand
  - (d) 'A' is liable for his act, as it assaulted 'B'
- Under the constitution of India 'right to pollution free environment has emerged as a fundamental right from the right to
36. (a) Freedom of movement under article 19  
(b) Equality under article 14  
(c) Life and personal liberty under article 21  
(d) Conserve culture under article 29
- 'Alibi' means a plea by an accused person that he
- (a) Was present elsewhere
  - (b) Remained in judicial custody
  - (c) Underwent preventive detention
  - (d) Was facing trial
37. 'Obiter Dicta' means
- (a) Basis of judicial decision
  - (b) Judgment of a court in the case before it
  - (c) An opinion given by the court not necessary for the decision
  - (d) Direction by a judge
38. If an authority is holding information about another in a 'fiduciary capacity', the information under the right to information act, 2005 may not be obtainable. 'fiduciary relationship is based on:
39. (a) Authority (b) Trust  
(c) Law (d) Contract
- Under the constitution of India restriction on freedom of religion cannot be placed on the ground of
- (a) Morality (b) Social justice
  - (c) Health (d) Public order
- 40.

41. As per law the minimum age for the marriage of a boy and a girl in India is  
 (a) 21 years in both cases (b) 18 years and 21 years respectively  
 (c) 21 years and 18 years respectively (d) 18 years in both cases
42. Which among the following was described by Dr. B.R. Ambedkar as the 'heart and soul of the constitution of India?'  
 (a) Freedom of religion (b) Right to constitutional remedies  
 (c) Right to equality (d) Right to move throughout the territory of India
43. The Supreme Court of India has struck down the constitution (99th amendment) act, 2014 as unconstitutional, it is related to  
 (a) Land exchange between India and Bangladesh  
 (b) National judicial appointment commission  
 (c) Religious rights  
 (d) Jallikattu (bull fighting)  
 'Lis Pendens' means-
44. (a) Awaited information (b) On the basis of evidence  
 (c) Decision awaited (d) A pending suit
- Which of the following is not a directive principle of state policy under part IV of the constitution of India?
45. (a) Provision for just and humane conditions of work and maternity relief.  
 (b) Organisation of village panchayat  
 (c) Promotion of adult education  
 (d) Promotion of international peace and security
- Persona non grata', means
46. (a) Non-performance of promise (b) Non-person  
 (c) An unacceptable person (d) Ungrateful person
- The object which one of the following writs is to prevent a person to hold public office which he is not legally entitled to hold?
47. (a) Mandamus (b) Quo warrant  
 (c) Certiorari (d) Prohibition
- Which Indian state has prescribed minimum educational qualification for candidates contesting panchayat polls.
48. (a) Gujarat (b) Kerala  
 (c) Haryana (d) Punjab
- Which among the following does not belong to the 'right to freedom of religion'?
49. (a) Freedom from payment of taxes for promotion of any particular religion  
 (b) Freedom from attending religious instruction or religious worship in certain educational institutions  
 (c) Freedom of conscience and free profession, practice and propagation of religion  
 (d) Freedom of speech and expression
- 'audi alteram partem' means
50. (a) Non connected to facts (b) Following the substantive law  
 (c) A transferee cannot retransfer (d) Giving opportunity of hearing of the other side.

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## AILET 2016

Direction: Given below is a statement of LEGAL PRINCIPLE followed by a factual situation. Apply the principle to the facts given below and select the most appropriate answer.

1. LEGAL PRINCIPLE: A reasonable classification having nexus with the object sought to be achieved is not violative of article 14 or article 16 of the constitution of India  
Factual Situation: .X, is a male teacher in a Women's college, who applied for the post of principal of that college. His candidature was rejected on the basis of The Government's policy of appointing only women as Principal of a women's college'. .X' challenges the policy on the ground of discrimination' whether the challenge is sustainable?  
(a) yes, because rejection of X's candidature amounts to sexual discrimination and deprivation of opportunity  
(b) No' the rejection does not amount to discrimination since it is a reasonable  
(c) No, because the policy of appointment of only lady Principal in a women's college is a reasonable classification having a nexus with the object sought to be achieved.  
(d) yes, because the policy is violative of the guarantee of equality before law under Article 14 of the constitution
2. LEGAL PRINCIPLE: Any institution or body can be a 'state' if it is created under the constitution or a statute, or it is substantially financed by the government or the government holds its share capital  
FACTUAL SITUATION: K approached the, High Court by filing a writ petition against the board for control of cricket in India (BCCI). The argument advanced was that BCCI is a 'state' within the meaning of article 12 of the constitution of India . The question is whether the argument is acceptable?  
DECISION:  
(a) Yes, because the Board has monopoly on cricket in India'  
(b) No, because the monopoly on cricket is neither State conferred nor State  
(c) no, because the control of the government on BCCI, if any, is only regulatory  
(d) No, because neither the Board is created under a statute nor any part of share capital of the board is held by the government and no financial assistance is given by the government to the Board'
3. LEGAL PRINCIPLE: A suit shall be instituted in the court within whose jurisdiction the cause of action arises; or the defendant actually and voluntarily resides or carries on business, or personally works for gain.  
FACTUAL SITUATION: Y, 'carries on business in Mumbai. 'Z' carries on business in Delhi.  
'Z' buys goods of 'Y' in Mumbai through his agent and request 'Y' to deliver them at Delhi. Accordingly, 'Y' delivered the goods at Delhi. But he did not get the price of the goods delivered in Delhi. Therefore, he intends to move the Civil Court for recovery of amount from 'Z'. Which court may 'Y' approach?  
DECISION:  
(a) 'Y' may institute the suit either at Delhi where Z carries on business or at Mumbai where the cause of action arose.  
(b) 'Y' may institute the suit at Delhi where 'z' carries on business.  
(c) 'Y' may institute the suit simultaneously at Delhi where 'Z' carries on business and at Mumbai where the cause of action arose.  
(d) 'Y' may institute the suit at Mumbai where the cause of action arose.  
LEGAL PRINCIPLE: The acceptance of an offer will be valid only if it is made in the way it was expected to be made.
4. FACTUAL SITUATION: There was a telephonic discussion between 'J' and 'K' for negotiating the sale of the shop of former to the latter. Upon reaching an agreement as to the price of the shop of 'J' at Rs 20 lakh, 'J' told 'K' to send a letter to him within two weeks confirming that she wishes to buy the shop for the price finalized. Two days thereafter, 'K' gave her acceptance to 'J' over telephone but sent the letter of confirmation after lapse of one month. is 'J' bound by acceptance of 'K' ?  
DECISION:  
(a) Yes, because the acceptance was conveyed within two weeks over telephone and it was followed by a letter of acceptance as stipulated.  
(b) No, because although the acceptance over telephone was conveyed in time but not in the mode specified and the letter of acceptance was also not sent within two weeks.  
(c) No, because sale of immovable property cannot be finalized online; neither any acceptance can be given over phone. Hence, the entire negotiation is invalid.  
(d) Yes, because no law can compel the purchaser to give his acceptance through the mode prescribed by the vendor.  
LEGAL PRINCIPLE: A power conferred by a statute cannot be withdrawn by a subordinate legislation.
5. FACTUAL SITUATION: The Cinematograph Act conferred powers upon the District

Magistrate (DM) to grant license subject to the control of the government. The government framed Rules under the said Act. The effect of these Rules was that the licensing power stood transferred to the Government itself and the District Magistrate was rendered powerless. Whether such Rules are valid?

DECISION:

- (a) The licensing power was granted by the Cinematograph Act. Any withdrawal or
- (b) Although the legislature has conferred power upon the DM to grant license but transfer thereof was possible only through an Amending Act and not by any Rules made under the Parent Act. the government being the implementing agency might find it unfeasible. Therefore, the government rightly withdrew it from the DM. better implement it. but subject to the control of Government'
- (c) The Rules are valid since these are framed under the Parent Act in order to
- (d) The Rules are valid since the DM under the Parent Act was not independent

6. LEGAL PRINCIPLE: Clause (1) of Article 15 of the Constitution of India prohibits the State from discriminating between citizens on the ground only of religion, race, caste, sex, place of birth or any of them'

FACTUAL SITUATION: The admission Rules of an Engineering College located in XYZ

State of India provided that no capitation fee shall be charge from the residents of the XYZ State but the non-residents shall be required to pay capitation fee. Whether the Rules are violative of Article 15 (1) of the Constitution?

DECISION:

- (a) yes, because Article 15 (1) prohibits discrimination between citizens on the
- (b) yes, because Article 15 (1) prohibits discrimination on the basis of place of birth
- (c) yes, because Article 15 (1) prohibits discrimination between citizens on the
- (d) No, because Article 15 (1) does not prohibit discrimination based on the place of residence

LEGAL PRINCIPLE: In the employer - employee relationship, the employer is held liable for all the wrongs committed by his employees in the course of employment.

7. FACTUAL SITUATION: David was employed as a Driver in ABC & Co over the past 15 years and has been appreciated by the General Manager for his hard work 'and sincerity. He has been rewarded by the company for his accident free record. David's younger brother wanted to join the same company as a driver. He obtained a Learner's Licence, joined a Driving School and was learning driving during the last three months. He was on the verge of completion of the training and appear for the Driving test. He wanted to have more practice before the test and requested his brother David for using the Company's car for two days. David also allowed him to use the office car for the practice. While he was practising driving, a truck came from the wrong side, hit the company's car driven by David's brother, which in turn hit a pedestrian and injured him.

The pedestrian sues the company for damages.

DECISION:

- (a) The Company is not liable as it was driven by David's brother
- (b) The Company is liable as David allowed his brother to drive the car
- (c) David's brother is personally liable
- (d) The Company can shift the responsibility on to the truck driver

LEGAL PRINCIPLE: No person shall be deprived of his life or personal liberty except according to procedure

established by law and Civil Courts have coercive powers to compel attendance of witness only within its local territory.

8. FACTUAL SITUATION: Puchu, a resident of Faridabad was summoned by the Delhi High Court as a witness in a civil case regarding wrongful possession of immovable property filed by Amu against Kichu. He refused to appear before the court due to his office job. He was prosecuted by the court. is he liable ?

DECISION:

- (a) He is not liable because he is not the resident of Delhi.
- (b) He is not liable because he has fundamental right under Article 21 of personal
- (c) He is liable because he is called as a witness in a civil trial and it is a procedure
- (d) He is not liable because he has no interest in the suit property.

LEGAL PRINCIPLE: Article 19 (1) (g) of the Constitution of India guarantees to all citizens the right to practice any profession, or to carry on any trade, occupation and business but Article 19 (6) empowers the State to impose reasonable restrictions on this right in the interest of public.

9. FACTUAL SITUATION: Having experienced acute shortage of labour for agricultural purpose due to engagement of agricultural labourer in manufacture of Bidis, the state Government enacted a law to prohibit such engagement of agricultural labour in the manufacture of Bidis. Whether the law violates the constitutional Provisions?

DEGISION:

- (a) No, because the law in a reasonable restriction in the interest of public as if
- (b) No, because Bidis are harmful for health of people so any law preventing people



- (c) Yes, because the law imposes an unreasonable restriction as it indirectly makes
- (d) Yes, because the objects of this law are to keep sufficient labourers available for agricultural purposes; there can be a shortage of food grains and wastage of crops if from engaging in manufacture of Bidis is in the interest of public; the two sectors (manufacture of Bidis and agriculture) are alternative options for the labourers where as some people would like to work in both of these; labour supply for agricultural purpose, which could have been easily achieved by restraining the employment of agricultural labour in Bidi manufacturing during the agricultural season only. Absolute restriction amounts to withdrawal of the right. Hence, the law is unconstitutional'
10. **LEGAL PRINCIPLE:** when a person unlawfully intervenes in the chattel of another person by which the latter is deprived of its use, the former commits the tort of conversion. And nobody shall enrich himself at other's cost'
- FACTUAL SITUATION:** X, a patient suffering from fibroids in her uterus approached KLM Medical Institute. X was suggested to undergo surgery to remove the fibroids from her uterus. The operation is successfully performed and X was discharged after few days. One of the researchers of the KLM institute discovered some rare and unique cells in the fibroids of X and using these cells, the laboratory of KLM developed some life-saving drug and earned rupees twenty crore from a leading International Pharma Company. When X came to know about it, she claimed five crore from the Institute'
- DECISION:**
- (a) KLM institute need not share its income with X because X far from being deprived
- (b) KLM institute need not share its income with X because the medical institute of the use of her fibroids was actually benefitted by its removal; instead of destroying the waste fibroids of X conducted research on its own and invented new life-saving drugs'
- (c) KLM institute must share its income with X because KLM could not have achieved its success without the fibroids of X'
- (d) KLM Institute must share its income with X on moral grounds.
11. **LEGAL PRINCIPLE:** A judgment which binds only the parties to a suit in which the judgment was passed is called judgment in personam; whereas a judgment which binds all men irrespective of whether they were party to suit or not is known as judgment in rem.
- FACTUAL SITUATION:** "Judgment of a competent court determining contractual obligations of the parties to a contract is an example of judgment in person but a judgment of a competent court declaring a party to be insolvent is an example of judgment in rem." Comment on the correctness of this statement.
- DECISION:**
- (a) The statement is incorrect because a judgment relating to contract is a judgment in rem as it binds both the parties to the suit as well as the strangers. But a judgment relating to insolvency applies only to the person who has been adjudged to be an insolvent; hence it is a judgment in personam.
- (b) The Statement is wrong as both the judgments are judgments in rem as both bind not only the parties to the suit but also others
- (c) The Statement is wrong as both the judgments are judgments in personam as both the judgments bind not only the parties to the suit but not the others.
- (d) The statement is correct.
12. **LEGAL PRINCIPLE:** According to Article 20 (1) of the Constitution, no person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.
- FACTUAL SITUATION:** 'P' was charged with an offence punishable with imprisonment for a term of one year. The Magistrate convicted him and awarded him a punishment of one year imprisonment. While 'P' was undergoing the sentence, the law under which 'P' was convicted came to be amended and the punishment for the offence of which 'P' was convicted was reduced to six months. The defense filed an application to the Magistrate for review of sentence and to commute it to six months. Can the application be allowed?
- DECISION:**
- (a) No, because penal laws only have prospective application.
- (b) No, because a penal statute cannot be given retrospective effect.
- (c) No, since at the time of coming into force of the amended law, 'P' was already suffering the sentence and had not completed the full term. Hence, his case should not be dealt under the new law.
- (d) Yes, because retrospective application of criminal law if it is beneficial to the accused is not against Article 20 (1) of the Constitution.



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- Directions: The following questions consist of two statements, one labelled as 'Assertion' and the other as 'Reason'. Read both the statements carefully and answer using the code given below.
13. Assertion (A) : The entries in the three legislative lists are not always set out with scientific Precision'  
Reason (R): The entries are not powers but are only fields of legislation'  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
14. Assertion (A) : No action lies for mere damage caused by some act which does not violate a legal right.  
Reason (R): An action lies for interference with another's legal right even where it causes no actual damage'  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
15. Assertion (A): The parties to the contract must be competent to contract otherwise it will be a void contract'  
Reason (R): All wagering agreements are void'  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
16. Assertion (A): custom to have force of law must be followed from time immemorial'  
Reason (R): Custom represents common consciousness of the people'  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
17. Assertion (A): An accused person cannot be forced to give his thumb impression'  
Reason (R): An accused person cannot be compelled to be a witness against himself  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
18. Assertion (A): In federalism, there is division of powers between the centre and the States.  
Reason (R): The legislation is not invalid merely because it incidentally encroaches upon matters which have been assigned to another organ.  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
19. Assertion (A): International law is not law at all'  
Reason (R) : International law has no judicial system to enforce the law by applying sanctions.  
(a) Both A and R are true and R is the correct explanation of A  
(b) Both A and R are true but R is not the true explanation of A  
(c) A is true but R is false  
(d) A is false but R is true
20. The constitution (one hundredth Amendment) Act, 2015 amended the \_\_\_\_\_ Schedule of the Constitution to give effect to an agreement entered into by India and \_\_\_\_\_ on acquiring and transferring of territories between the two countries.  
(a) Ninth; Pakistan (b) Second; Pakistan  
(c) First; Bangladesh (d) First; China

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21. Who is the CEO of NITI Aayog ?  
(a) Sindhushree Khullar (b) Arvind panagariya  
(c) Bikesh Debroy (d) Amitabh Kant
22. Allahabad High Court has held that the \_\_\_\_\_ of deceased Government employees are eligible for appointment on compassionate ground.  
(a) wife (b) daughter (c) mother (d) married daughter
23. Which party has won the general elections of Spain in spite of its worst result since 1989?  
(a) People's Party  
(b) Pedro Sanchez's socialist party  
(c) Popular union  
(d) Ciudadanos party
24. 'Pension Fund Regulatory and Development Authority has started using for online registration under the National pension system scheme.  
(a) PAN Card (b) passport (c) Aadhar Card (d) Driving License
25. When a vehicle is financed by a bank, what kind of charge does the bank have over the primary security?  
(a) Pledge (b) Hypothecation  
(c) Assignment (d) Lien
26. Under which Act can action be taken against wilful defaulters of banking loans?  
(a) Under Section 420 of IPC  
(b) SEBI Act  
(c) Banking Regulation Act  
(d) Securitisation and Reconstruction of Financial Assets and Enforcement of
27. Which of the following court / tribunal ordered levy of an environment compensatory charge on commercial vehicles not bound for the capital yet passing through Delhi?  
(a) Supreme Court of India (b) Delhi High Court  
(c) National Green Tribunal (d) None of these
28. Parliament has enacted which of the following Legislation in 2015 - 16?  
1. The Juvenile Justice (Care and Protection of Children) Act  
2. The Election Laws (Amendment) Act  
3. The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act  
4. Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act  
(a) 2 and 3 (b) 4 only (c) 1 and 4 (d) 1, 2, 3 and 4
- In the following States more than 60% seats are in reserved category in educational institutions against 50% cap as fixed by the Supreme Court of India I. Karnataka  
II. Tamil Nadu  
III. Odisha  
IV. Bihar  
The correct answer is :  
(a) Only II (b) I and II (c) II and IV (d) I, II and III
- According to SEBI norms, a person found guilty of indulging in unfair trade practices shall be liable to a penalty of
30. I. Rs. 25 crore  
II. Three times the amount of profits made out of such practices, .....  
The correct answer is :  
(a) Only I (b) only II (c) either I or II (d) neither I nor II
- The minimum wages in \_\_\_\_\_ are the highest in the northern region.
31. (a) Rajasthan (b) Delhi (c) Punjab (d) Haryana

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32. The correct sequence in ascending order of their creation of the following international institution is:  
I. WTO  
II. GATT  
III. UNCTAD  
IV. NAFTA  
(a) II, III, I, IV (b) III, II, I, IV (c) IV, II, I, III (d) I, II, III, IV
33. Government of India has decided to establish -- in selected High Courts.  
(a) Tax Division (b) SC/ST Division  
(c) Commercial Division (d) Economic Offence Division
34. 'Zero Rating' is a recent term used in  
(a) Insurance (b) Credit Rating  
(c) Energy Efficiency (d) Net Neutrality
35. Which Article of the Constitution of India was used to impose President Rule in Uttarakhand and placing the Assembly under suspended animation in March 2016?  
(a) Article 102 (b) Article 43 (c) Article 356 (d) Article 365

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## CLAT 2017

This section consists of fifty (50) questions. Follow the instructions carefully and answer the questions.

Direction (Q.1 to Q.35): consists of legal proposition(s)/ principle(s) (hereinafter referred to as 'principle') and facts. Such principles may or may not be true in the real and legal sense, yet you have to conclusively assume them to be true for the purposes of this Section. In other words, in answering these questions, you must not rely on any principle except the principles those are given herein below for every question. Further, you must not assume any facts other than those stated in the question. The objective of this section is to test your interest towards study of law, research aptitude and problem solving ability, even if the 'most reasonable conclusion' arrived at may be absurd or unacceptable for any other reason. It is not the objective of this section to test your knowledge of law.

Therefore, to answer a question, principle is to be applied to the given facts and to choose the most appropriate option.

Principle: The concept of natural justice is against bias and for the right to a fair hearing. While the term natural justice is often retained as a general concept, and it has largely been replaced and extended by the general 'duty to act fairly'.

1. Fact: 'X', a male employee of a company was dismissed by the employer just on the basis of a complaint by 'Y', a female employee of the company that 'X' was trying to be too friendly with her and often requested her to accompany him to the canteen.  
Is the dismissal of 'X' valid?
- (a) No, because in the modern times this type of behaviour is common
  - (b) No, because the employer did not give a chance to 'X' to explain his side, thereby violated the principles of natural justice.
  - (c) Yes, moral law is antique and therefore, not applicable in modern times, therefore the termination is valid and no violations of the principles of natural justice occurred
  - (d) Yes, because men are not supposed to behave improperly with women and hence there is no violation of any principles of law

Principle: Ownership in property consists of right to possess, right to use, right to alienate and right to exclude others.

Sale is complete when property gets transferred from the seller to the buyer on sale.

2. Facts: 'A' sold his car to 'B'. After this, 'B' requested 'A' to keep the car in his care on behalf 'B' for one month. 'A' agreed.
- (a) Sale of car is not complete
  - (b) Sale will be completed when 'B' will take the delivery of the car.
  - (c) Sale of car is complete.
  - (d) Sale will be automatically completed after the expiry of one month

Principle: Every agreement, by which any party is restricted absolutely from enforcing his right in respect of any contract, by the usual legal proceedings in the ordinary Tribunals, is void to that extent. The law also provides that no body can confer jurisdiction to a civil court by an agreement between parties.

3. Facts: A and B entered into a valid contract for rendering certain service. A clause in the contract was that in case of any dispute arose out of the contract; it shall be referred to for Arbitration only. Is the contract valid?
- (a) Arbitration is also a valid dispute settlement machinery recognized by law and hence the entire contract is valid.
  - (b) The parties were trying to confer jurisdiction to some authority to decide a dispute and hence the clause would be invalid.
  - (c) Arbitrator cannot be termed as an ordinary Tribunal. Hence, the agreement is void and would be unenforceable.
  - (d) The contract is valid but the clause regarding Arbitration is void.

Principle: It is a case of fraud where a party to a contract knows or believes a fact to be true, but conceals it actively from the other party with a view to induce that person to enter into the contract.

4. Facts: While taking a life insurance policy, in reply to questions by the insurance company during the inquiry into his proposal, Zameer deliberately concealed the fact of his medical treatment for a serious ailment, which he had undergone only a few weeks ago.
- (a) The act of Zameer did not amount to fraud, as disclosing the fact would have resulted in exposure of his privacy.
  - (b) The act of Zameer amounted to innocent misrepresentation
  - (c) The act of Zameer did not amount to any misrepresentation.
  - (d) The concealment of fact by Zameer amounted to fraud.

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5. Principle: Contract is a written or spoken agreement, with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as consideration. Such an agreement is intended to be enforceable by law. A unilateral contract is one in which there is a promise to pay or give other consideration in return for actual performance.  
Facts: A Toilet Soap Manufacturing Company in India in order to promote the sale of their product, published an advertisement in all the Newspapers on January 1, 2017 that the Company has kept a model ignition key of an Audi A3 Car. The advertisement also stated that whoever gets the said key before December 31, 2017 from a soap bar will be gifted with the Audi A3 Car. Mr. Martin, a foreigner who came to India as a Tourist who was staying in a Hotel found a Key similar to same Car Ignition Key. Mr. Martin brought this matter to the notice of the Hotel Manager. The Manager informed Mr. Martin about the Company's advertisement on January 1, 2017. Mr. Martin wants to claim the Car. Will he succeed?  
(a) No. The Soap Company has not entered into a contract with Mr. Martin as he was not in India on January 1, 2017 when the advertisement was published.  
(b) No. Actual intention of the Company was to promote the sale of the Soap.  
(c) The Hotel Manager who could legally claim the Car as he was the one actually purchased the soap for the use in the Hotel.  
(d) Mr. Martin obtained the Key before the stipulated date from the Soap Bar. So he is covered by the offer of the Soap Company and can claim the car.
6. Principle: When a person who has made a promise to another person to do something does not fulfill his promise, the other person becomes entitled to receive, from the person who did not fulfill his promise, compensation in the form of money.  
Facts: 'X' made a promise to 'Y' to repair his car engine. 'Y' made the payment for repair. After the repair, 'Y' went for a drive in the same car. While driving the car, 'Y' met with an accident due to bursting of a tyre.  
(a) 'Y' will be entitled to receive compensation from 'X' in the form of money.  
(b) 'X' will not be entitled to receive compensation.  
(c) 'X' will be entitled to receive compensation from 'Y' in the form of money.  
(d) 'Y' will not be entitled to receive compensation from 'X'.
7. Principle: In criminal law, misappropriation is the intentional, illegal use of the property or funds of another person for one's own use or other unauthorized purpose, particularly by a public official, a trustee of a trust, an executor or administrator of a dead person's estate or by any person with a responsibility to care for and protect another's assets. Embezzlement is misappropriation when the funds involved have been lawfully entrusted to the embezzler. On the contrary, theft is the illegal taking of another person's property or services without that person's permission or, unless with the intent to deprive the rightful owner of it.  
Facts: A went for swimming at the Municipal Swimming Pool. A handed over all his valuables, including some cash to X, the guard on duty for safe custody, as notified by the Municipality. After swimming for an hour, A came out and searched for X. He found another guard on duty and that guard informed A that X had gone home after completing his shift and did not hand over anything to be given to A. A registered a complaint with the police. X was traced but he told the police that he sold all the valuables and the entire cash was used for drinking liquor. What offence, if any, was/were committed by X?  
(a) X is not guilty of criminal misappropriation as he did not make any personal gain out of those items with him.  
(b) X is liable for criminal misappropriation and embezzlement.  
(c) X is liable for theft as he took A's property without X's permission.  
(d) If at all X is liable, it is for criminal misappropriation only.
8. Principle: Under the Employees Compensation Act, 1923, an employer is liable to pay compensation to his workmen for injuries sustained by them by an accident arising out of and in the course of employment.  
Facts: M, the Manager of SRK Industries asked his secretary S to submit a report at the Government Labour Office. 'S' submitted the report as directed. On his way back S met one of his class mates. He then decided to have a cup of tea together on a way side restaurant. Sometime later, 'S' got a message from his office to report back as it was long time since he left the office. 'S' rushed back on his Motor Cycle. On his way back a Truck which was coming from a side road hit 'S'. He was admitted in a nearby hospital with multiple injuries. He claims compensation under the Employees Compensation Act from his employer.  
(a) The Employer is not liable as the truck driver was negligent.  
(b) The Employer is liable as S had to rush back to the office, because of the message from the office.  
(c) The Employer is liable to pay compensation as the accident took place arising out of and in the course of employment.  
(d) The Employer is not liable as he was admitted in a private hospital and not a Government Hospital.
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9. Principle: If a party to a contract agrees to it under undue influence of any other party then the party under the undue influence may refuse to perform in accordance with the agreement.  
Facts: A, a rich youngster became a member of a religious group and soon he was appointed by P the head of the group as his personal secretary. As per the rules of the group, all officials and staff of the group were supposed to stay in the group's official premises itself. Some days later, A was asked by P to execute a Gift deed in favour of P, in which it was mentioned that all immovable properties in his name are being gifted to P. A was unwilling to execute the deed, but he was forcefully restrained by P and his body guards in P's office and made A sign the gift deed. Soon after this A left the group and refused to hand over the property as agreed to in the gift deed. Is A's action valid?  
(a) A executed the deed, under compulsion and undue influence, and was right in withdrawing from the contract.  
(b) It is illegal for religious groups acquire property from its members.  
(c) As the gift deed was executed by A, he cannot refuse.  
(d) As Gift is also a contract, the consent of A was not obtained by P while executing the deed.
- Principle: Penal laws provide that whoever voluntarily has carnal intercourse against the order of nature with any man or woman, shall be punished for rape.
10. Facts: A Police Officer found a man engaged in carnal intercourse with an animal. The Police Officer arrested the man and produced him before the Court.  
(a) Court will punish the police officer.  
(b) Court will not punish the man for rape.  
(c) Court will punish the man for rape.  
(d) Court will not punish the police officer.
- Principle: According to law, a person who finds goods belonging to another and takes them into his custody, is subject to the same responsibility as a bailee. Bailee is a person or party to whom goods are delivered for a purpose, such as custody or repair, without transfer of ownership. The finder of the goods legally can sell the goods found by him under certain circumstances including the situation that the owner refuses to pay the lawful charges of the finder.
11. Facts: P, a college student, while coming out of a Cricket stadium found a necklace, studded with apparently precious diamonds. P kept it for two days thinking that the owner would notify it in a local newspaper. Since he did not notice any such notification, P published a small classified advertisement in a local newspaper. In two days' time, P was contacted by a film actor claiming that it was her Necklace and requested P to return it to her. P told her that she should compensate him for the advertisement charges then only he would return it otherwise he will sell it and make good his expenses. The film star told P that she had advertised in a national newspaper about her lost Necklace which was lost somewhere in the Cricket Stadium. The advertisement was published for three consecutive days incurring a large expenditure for her. Mentioning all this she refuses to pay P and claims the Necklace back. Which among the following is the most appropriate answer to this?  
(a) P was requesting the film star for the actual expenditure incurred by him before returning the Necklace. This request is legally sustainable.  
(b) The film star was right in refusing P, as she did not offer any reward for anyone who would return the Necklace.  
(c) As it was wrong on the part of P to bargain over a property belonging to a celebrity and he should have accepted some gift which might have been given by the film star and returned the Necklace instead of threatening her that he would sell it.  
(d) As the film star had notified in the newspaper, P ought to have read it and contacted her instead of publishing another notification. So he cannot claim any compensation.
- Principle: A violation of a legal right of someone, whether results in a legal injury or not, gives rise to an action in tort for compensation. At the same time, an action by someone, which results in some loss or damage to somebody else is not actionable, if there is no violation of a right of that somebody.
12. Facts: AB Coaching Centre was a popular CLAT coaching academy with several good trainers. A lot of aspirants used to attend its coaching classes from all over and was making good profit. This was going on for the past several years. During a session, T, one of the very good and popular trainers of ABCC, had some difference of opinion with the owner of ABCC and left the coaching centre. In August 2016, T started another Entrance Coaching Centre closer to ABCC which resulted in a substantial drop in its students and huge financial loss. The owner of ABCC wants to file a case against T for the loss sustained by ABCC. What do you think is the right legal position?  
(a) T has not violated any of ABCC's legal right though they sustained some financial loss, and not legally bound to compensate ABCC.  
(b) T will be liable to compensate the loss to ABCC.  
(c) T started the new coaching centre near ABCC intentionally, and shall be liable to compensate the loss of ABCC.  
(d) 'T' should have consulted ABCC before starting his coaching centre.

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13. Principle: An offer made by one party when accepted by another makes it a contract.  
Transactions:  
1. P offered to sell his house for Rs. 2v lakhs to R; R told P that he was interested to buy a house for 15 lakhs only. 2. C was looking for a house for iot more than 25 lakhs; P informed C that his house was available for 20 lakhs.  
3. K wanted to buy some old furniture; L told K that he would sell his furniture for Rs. 10, 000.  
4. R adve tised to sell his old car for a price of Rs. Three lakhs; S found the advertisement ana offered to buy it for Rs. 2 lakhs 50 thousand; R agrees to sell it to S.
- Which among the above is actually a contract?  
(a) Situations 1 and 2 are contracts  
(b) Situation 4 only is a contract  
(c) Situation 3 only is a contract  
(d) Situations 2 and 4 are contracts
14. Principle: Every agreement, of which the object or consideration is opposed to public policy, is void. An agreement which has the tendency to injure public interest or public welfare is one against public policy. What constitutes an injury to public interest or public welfare would depend upon the times and the circumstances.  
Facts: 'A' promises to obtain for 'B' an employment in the public service, and 'B' promises to pay rupees 5,00,000/- to 'A'.  
(a) The agreement is void, as the object and consideration for '.v is opx used to public policy.  
(b) The agreement is void because rupees 5,00,000/- is excessive.  
(c) The agreement is valid, as it is with consideration for public service.  
(d) The agreement is valid, as it is a contract betw^ n . wo parties with their free consent.
15. Principle: According to the law of trade unions in India, no suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute.  
Facts: Soloman, the Secretary of a registered Trade Union took a loan from a Bank for the higher education of his daughter. Soon after completing the course she was married to an NRI Engineer. Solomon did not repay the loan. The Bank demanded the payments from Soloman and warned him that the Bank will take suitable legal action against him. Identify the legal position in this regard.  
(a) The Bank can file a suit for recovery of the loan amount against Soloman as he took the loan for a personal purpose and in such case no immunity will work.  
(b) The Bank can recover the loan amount from the Trade Union as Soloman is the Secretary of the Union.  
(c) The Bank cannot initiate any action against Soloman as he is the Secretary of a Registered Trade Union.  
(d) As Soloman did not use the loan amount for his use and hence, no action can be initiated against him.
16. Principle: When a person makes such a statement which lowers other person's reputation in the estimation of other persons, is liable for committing defamation.  
Facts: 'A' writes a letter to 'B' in which he uses abusive language against 'B' and also states that 'B' is a dishonest person. 'A' put the letter in a sealed envelope and delivered it to 'B'.  
(a) 'A' has committed defamation  
(b) 'A' has committed a moral wrong  
(c) 'A' has not committed moral wrong  
(d) 'A' has not committed defamation
17. Principle: Nothing is an offence which is done in the exercise of the right of private defence.  
Facts: 'A', under the influence of madness, attempts to kill 'B'. 'B' to save his life kills 'A'.  
(a) 'B' has not committed any offence.  
(b) 'B' has committed an offence.  
(c) 'A' has not committed an offence because he was mad.  
(d) 'A' has committed the offence of attempt to murder.
18. Principle: An agreement, the te"ms of which are not certain, or capable of being made certain, is void.  
Facts: Sunder agreed to take Bhola s pent louse on rent for three years at the rate of rupees 12, 00, 000/- per annum provided the house was put to thorough repairs and the living rooms were decorated according to contemporary style.  
(a) There is a valid contract because there is an offer from Sunder and acceptance from Bhola  
(b) There is a valid contract because all the terms of contract are certain and not vague as the rent is fixed by both of them and the term 'present style' only can be interpreted to mean the latest style.



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(c) There is no valid contract because it has vague and uncertain terms, as the term 'present style' may mean one thing to Sunder and another to Bhola.

(d) It is voidable contract at the option of Bhola.

19. Principle: A master shall be liable for the fraudulent acts of his servants committed in the course of employment.

However, the master and third parties must exercise reasonable care in this regard.

Facts: Rahul was a door to door salesman with United Manufacturing Company (the Company). The Company was manufacturing Water Purifiers. Rahul, along with the Company's products, used to carry Water Purifiers manufactured by his Cousin in a local Industrial Estate. He used to sell the local product at a lower rate giving the impression to the buyers that he is offering a discount on the Company's product. The Company Management detected the fraudulent activity of Rahul and dismissed him from service. Rahul still continued to carry on with his activity of selling the local product pretending that he was still a salesman of the Company. Several customers got cheated in this process. The fraud was noticed by the Company when the customers began to complain about the product. The customers demanded the Company to compensate their loss.

(a) The Company is liable to the customers who purchased the local product from Rahul only till he remained as a salesman of the Company.

(b) The Company is not liable as Rahul was dismissed by the Company.

(c) The Company is liable to compensate all the customers as it did not inform the public about Rahul's fraudulent conduct and the subsequent dismissal.

(d) The liability rests with the local manufacturer as it was a defective product.

Principle: According to law, a person is deemed to have attained the age of majority when he completes the age of

20. 18 years, except in the case of a person where a guardian of a minor's person or property has been appointed under the Guardians and Wards Act, 1890 or where the superintendence of a minor's property is assumed by a Court of Wards. Indian law expressly forbids a minor from entering into a contract. Hence, any contract entered into by a minor is void-ab-initio regardless of whether the other party was aware of his minority or not. Further, though a minor is not competent to contract, nothing in the Contract Act prevents him from making the other party bound to the minor.

Facts: Lal executed a promissory note in favour of Gurudutt, aged 16 years stating that he would pay Gurudutt a sum of Rs. 2 Lakhs when he attains the age of majority. On attaining the age of 18, Gurudutt demanded the amount from Lal, who refused to pay. Gurudutt wants to take legal action against Lal. Identify the most appropriate legal position from the following:

(a) A promissory note duly executed in favour of a minor is not void and can be sued upon by him, because he though incompetent to contract, may yet accept a benefit.

(b) Gurudutt should not have entered into a contract with Lal when he was a minor.

(c) Lal was not aware of the fact that Gurudutt was a minor.

(d) Lal argues that as per the Guardians and Wards Act, 1890, Gurudutt can claim the money only after he attains the age of 21.

Principle: Section 34 of Indian Penal Code provides that 'When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.'

21. Facts: Three vagabonds, Sanju, Dilbag and Sushil decided to commit burglary. In the night, Sushil opened the lock and they broke into a rich man's house when the entire family was on a pilgrimage. Sanju had gone to that house earlier in connection with some cleaning job. There was only a servant lady in the house. Hearing some sounds from the master bed room, the servant switched on the lights and went up to the room from where she heard the sound. Noticing that the servant was going to cry for help, Sanju grabbed her and covered her mouth with his hands and dragged her into the nearby room. The other two were collecting whatever they could from the room. When they were ready to go out of the house, they looked for Sanju and found him committing rape on the servant. They all left the house and the servant reported the matter to the police and identified Sanju. Subsequently, all three were arrested in connection with the offences of house breaking, burglary and rape. Identify the legal liability of the three.

(a) All three are liable for all the offences as there was common intention to commit the crimes.

(b) Sanju will be liable only for housebreaking and rape as he did not participate in the burglary.

(c) Only Sanju will be liable for rape as he was the one who actually committed the offence.

(d) Only Dilbag and Sushil are liable for burglary in looting the house, and all three will be liable for housebreaking and rape as they did not stop Sanju from committing the offence and hence were accomplice to the offence.

Principle: Assault is causing bodily injury to another person by use of physical force.

Facts: Rustum while entering into compartment of a train raised his fist in anger towards a person Sheetal, just in front of him in the row, to get way to enter into the train first, but did not hit him. Rustum has:

22. (a) committed an assault on Sheetal

- (b) insulted Sheetal  
(c) not committed an assault on Sheetal  
(d) Rightly showed his anger
23. Principle: According to Sec. 2 of the Industrial Disputes Act, 1947, 'Industrial dispute means any dispute or difference between employers and employees or between employers and workmen or between workmen and employers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person'.  
Facts: The employees of DK Enterprises met the management and requested half a day leave to allow them to celebrate a lunar eclipse, which was going to happen two days later. The management refused the request. Does this situation amount to an 'industrial dispute'?  
(a) Yes, because there is some difference of opinion it would be an industrial dispute.  
(b) No as declaring holidays is a prerogative of the employer. So no industrial dispute.  
(c) No as Lunar eclipse is unconnected with employment.  
(d) As the difference of opinion between the employees and employer is on declaration of holiday it amounts to an issue connected with employment or with the terms of employment and hence, an industrial dispute.  
Principle: When a person falsifies something with the intent to deceive another person or entity is forgery and is a
24. criminal act. Changing or adding the signature on a document, deleting it, using or possessing the false writing is also considered forgery. In the case of writing/painting to fall under the definition, the material included must have been fabricated or altered significantly in order to represent something it is actually not.  
Facts: David made a living traveling from city to city, selling paintings that he claimed were done by great artists. Since the artists' signatures were in place, many people fell for them and purchased the paintings. One of these artists saw three of his alleged paintings in a City gallery containing his name. He knew these were not his works and he complained to the police. Police traced David and initiated legal proceedings. Is David guilty of any offence?  
(a) David is guilty of forgery as the addition of the signature was with an intention to make people believe that those were the paintings of the great artists.  
(b) There is no point in taking legal action against David as the signature has not done any alteration to the art work.  
(c) Those who buy the art pieces from David ought to have been careful in checking it and ensuring that they were originals before purchasing it.  
(d) David is not guilty of any offence as he was selling the art pieces for his living.  
Principle: The Constitution of India guarantees certain fundamental rights to its citizens. The Constitution also provides
25. that these rights cannot be taken away by state even by a law. For violation of this, the person adversely affected by the law may approach the High Court or the Supreme Court for the issuance of an appropriate writ. One of these rights includes the freedom to form association that implies the right to join an association or not to join such an association.  
Facts: Owing to some industrial disturbances created by XATU, one of the several trade unions in AB Chemicals (Pvt) Ltd., the Company issued a circular to all its employees that as far as possible the employees may disassociate with XATU. Navin is an employee of AB Chemicals and the current General Secretary of XATU. Aggrieved by this circular, which affected the fundamental rights of his and other members of the Union, approaches the High Court of the state for a relief. Identify the most reasonable legal proposition.  
(a) The Company's circular is illegal and has to be quashed by the Court.  
(b) The prohibition against any imposition of restriction against a fundamental right is not applicable to anybody other than the state and hence Navin will not get any relief from the High Court.  
(c) Circular issued by a Company amounts to law in the constitutional sense and hence the High Court can issue a writ as pleaded for by Navin.  
(d) The circular interferes with the freedom guaranteed by the Constitution and hence the High Court can issue an appropriate writ.  
Principle: When a person interferes with peaceful possession of another person without the permission of the person in possession of those premises, commits trespass to land.
26. Facts: 'T' just walked over the land of 'P' to reach his house as it was a short cut. 'P' had displayed a notice that it is not a thoroughfare. 'P' did not cause any damage to the land.  
(a) 'T' has violated privacy of 'P'  
(b) 'T' has not committed any trespass on the land of 'P'.  
(c) 'T' has committed trespass to land  
(d) 'T' has created nuisance for 'P'  
Principle: A contract would be invalid and unlawful, if the contract is for an immoral or illegal purpose.

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Facts: P, was a young and helpless widow, living on the pavement. R, a neighbour gave her a house, registered in her name, on the condition that she should allow R to keep his smuggled goods and drugs in her house. After the registration was done, according to the condition in the contract, R's agents went to keep some packets in her house, she refused. R told her the condition under which the house was given to her. She still refused. Is P justified in her action?

- (a) P is not justified as she did not have the right to deny R's request.
- (b) As R was making the contract for illegal activities, P's stand is valid in law.
- (c) R can take back the house by cancelling the transfer deed.
- (d) P is right as she did not like smuggled goods to be kept in her house.

28. Principle: When a person falsifies something with the intent to deceive another person or entity is forgery and is a criminal act. Changing or adding the signature on a document, deleting it, using or possessing the false writing is also considered forgery. In the case of writing to fall under the definition, the material included must have been fabricated or altered significantly in order to represent something it is actually not.

Facts: John was a publisher of ancient books and papers. In one of his books on the World Wars, he gave photograph of some letters written by famous historic personalities. A researcher in history noted that in the pictures of some of the letters printed in the book, John had added some words or sentences in his own handwriting to give completeness to the sentences, so that the readers will get a clear picture of the writer's intention. The researcher challenges the originality of those pictures and claims that the book containing the forged letters should be banned. Examine the validity of the researcher's demand.

- (a) The additions in the letters were made by the publisher in his own handwriting would have made material alteration to the original meaning and hence amounted to forgery.
- (b) Allowing forged publications to be circulated among the public is as good as committing fraud on the public, so the publication should be banned.
- (c) As forgery amounts to adding or deleting anything from an original document, the demand of the researcher is valid.
- (d) The additions were made to give clarity to the original document and did not in any sense change the contents of the documents and hence there is no forgery as alleged by the researcher.

29. Principle: Whoever takes away with him any minor less than sixteen years of age if a male, or less than eighteen years of age if a female, out of the custody of parents of such minor without the consent of such parents, is said to commit no offence.

Facts: 'A', a man, took away a girl below sixteen years to Mumbai without informing the parents of the girl.

- (a) 'A' committed no offence against the parents of the girl.
- (b) 'A' committed no offence against the girl as well as her parents.
- (c) 'A' committed an offence against the girl as well as her parents
- (d) 'A' committed an offence against the girl.

Principle: Acceptance of a proposal must be absolute and unqualified.

30. Facts: 'A' made a proposal to sell his motorcycle to 'B' for rupees 25,000/-. 'B' agreed to buy it for rupees 24,000/-. 'A' sold his motorcycle to 'C' for 26,000/- the next day. 'B' sues 'A' for damages.

- (a) 'B' will get damages from 'A'
- (b) 'B' will get the difference of rupees 1,000/- only
- (c) 'B' can proceed against 'C'
- (d) 'B' will not get any damages from 'A'

Principle: A person is said to do a thing fraudulently, if he does that thing with intent to defraud, but not otherwise.

31. Facts: 'A' occasionally hands over his ATM card to 'B' to withdraw money for 'A'. On one occasion 'B' without the knowledge of 'A', uses 'A's ATM card to find out the balance in 'A's account, but does not withdraw any money.

- (a) 'B' has not committed the act fraudulently
- (b) 'B' has committed the act fraudulently
- (c) 'B' has committed breach of faith
- (d) 'B' has committed misappropriation

Principle: Where one of the parties to a contract was in a position to dominate the decision of the other party, the contract is enforceable only at the option of the party who was in a position to dominate the decision of the other party.

32. Facts: A doctor asked his patient to make a payment of rupees Ten Lakh for treatment of his fever. The patient paid an amount of rupees Five Lakh and promised to pay the remaining amount after the treatment. After treatment the patient recovered from fever. The doctor demanded the remaining amount from the patient. The patient refused to pay.

- (a) The contract is not enforceable without the consent of the patient.  
 (b) The contract is not enforceable as doctor was in dominating position.  
 (c) The contract is enforceable against the doctor.  
 (d) The contract is enforceable against the patient by the doctor.
33. Principle: Negligence is actionable in law. In simple terms, negligence is the failure to take proper care over something.  
 Facts: A, a doctor, conducted a hysterectomy sincerely on B and left a small cotton swab inside the abdomen. As a consequence of which B developed some medical problems and had to undergo another surgery. Is A liable?  
 (a) A is not liable as he did not foresee any consequences at the time of surgery.  
 (b) A is liable for the negligence as he failed to take proper care during the surgery.  
 (c) Liability for negligence does not arise here as A performed the operation sincerely  
 (d) As only a small swab was left in the abdomen, there was no negligence.
34. Principle: When a person consented to an act to be done by another, he cannot claim any damages resulting from doing that act, provided the act done is the same for which consent is given.  
 Facts: 'P' submitted a written consent to a surgeon 'S' for undergoing a surgical operation for removal of appendicitis. The surgeon while doing surgery also removed the gall bladder of 'A':  
 (a) 'P' can claim damages from 'S'  
 (b) 'P' is required to pay expenses for surgery for Appendicitis. But not for Gall Bladder  
 (c) 'P' cannot claim damages from 'S'  
 (d) 'P' is not bound to pay expenses of the surgery
35. Principle: There are legal provisions to give authority to a person to use necessary force against an assailant or wrong-doer for the purpose of protecting one's own body and property as also another's body and property when immediate aid from the state machinery is not readily available; and in so doing he is not answerable in law for his deeds.  
 Facts: X, a rich man was taking his morning walk. Due to the threat of robbers in the locality, he was carrying his pistol also. From the opposite direction, another person was coming with a ferocious looking dog. All of a sudden, the dog which was on a chain held by the owner, started barking at X. The owner of the dog called the dog to be calm. They crossed each other without any problem. But suddenly, the dog started barking again from a distance. X immediately took out his pistol. By seeing the pistol the dog stopped barking and started walking with the owner. However, X shot at the dog which died instantly. The owner of the dog files a complaint against X, which in due course reached the Magistrate Court. X pleads the right of private defence. Decide.  
 (a) Shooting a fierce dog is not to be brought under the criminal law. So the case should be dismissed.  
 (b) There was no imminent danger to X as the dog stopped barking and was walking with the owner. Hence, shooting it amounted to excessive use of the right of private defence and hence liable for killing the dog.  
 (c) The right of private defence is available to persons against assailants or wrongdoers only and a dog does not fall in this category.  
 (d) As there was no guarantee that the dog would not bark again, shooting it was a precautionary measure and hence within the right available to X under law.
- Direction (Q.36 to Q.50): Legal phrases are followed by four meanings. Choose the most appropriate option:
- Per incuriam  
 (a) Mistaken identity (b) Mistaken decision  
 36. (c) Supremacy of the Constitution (d) Supremacy of law
- Autrefois convict  
 (a) Formerly convicted (b) Failed prosecution  
 37. (c) To be convicted (d) Doubtful conviction
- Lex loci  
 (a) Domestic laws (b) Law of a place  
 38. (c) Latin regulations (d) Italian laws
- Lis pendens  
 (a) Pending suit (b) Decided case  
 39. (c) No legal issues involved (d) Facts of case proved

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40. Faux pas  
(a) Passage of time (b) Tactless mistake  
(c) Pausing for a while (d) Cheating
41. Bona vacantia  
(a) Order of the court for eviction (b) Vacant land  
(c) Goods that have no owner (d) Vacant building
42. In pari delicto  
(a) Where the lawyer is at fault (b) Where the petitioner is at fault  
(c) Where the judge is at fault (d) Where both parties to a dispute are equally at fault
43. Pari passu  
(a) Diverse nature (b) On an unequal status  
(c) Supremacy of law (d) On equal footing
44. 'Jus Gentium' means:  
(a) Law of Societies (b) Law among Nations  
(c) Global justice (d) Global administrative law
45. 'Punctum Temporis' means:  
(a) Point of time (b) Temporary position  
(c) Timely assistance (d) Functional authority
46. Turpis arbiter' means:  
(a) Corrupt prosecutor (b) Inefficient judge  
(c) Corrupt judge (d) Inefficient lawyer
47. Caveat venditor  
(a) Buyer beware (b) Seller beware  
(c) Transporter beware (d) Manufacturer beware
48. 'Sine die' means:  
(a) Adjourned without fixing any date for the next meeting.  
(b) Adjourned for the day and scheduled to meet next day again.  
(c) Adjourned for the day and meet after one month.  
(d) Adjourned for the day and meet after one week.
49. Animus possidendi' means:  
(a) Intention to harm (b) Intent to contract  
(c) Intention to possess (d) Intention to return
50. Malus animus  
(a) Good intention (b) Bad intention  
(c) Animal farm (d) Physical force

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## AILET 2017

Directions (Q.1 - Q.9): Given below is a statement of legal principle followed by a factual situation. Apply the principle to the facts given below and select the most appropriate answer.

Legal Principle: Contract is an agreement freely entered into between the parties. But when consent to an agreement is obtained by undue influence, the contract is voidable at the option of the party whose consent was so obtained.

Factual Situation: The Pragya had been worked for a business man Anurag since the age of 18, working for a range of Anurag's businesses. In 2000, (aged 21) Pragya Purchased a flat. In 2005, Mr. Anurag's business was facing financial difficulties, and he asked Pragya to offer up her flat as financial security against an overdraft facility for the business. In July of that year, the banks solicitors wrote to Pragya, advising that she should take independent Legal advice before putting her property up as a security for the debt. The bank also notified Pragya that the guarantee was unlimited in both time and financial amount. Having discussed the arrangement with Anurag, Pragya was unaware of the extent of the borrowing but was assured that her mortgage would not be called upon, and that his own properties which were also used as security would be looked at first. A charge was executed over the Pragya's property in August 2005. In 2009, Mr Anurag's business went into liquidation and the bank formally demanded Rs. 60,24,912 from Pragya. Pragya raised the defence of undue influence - stating that Mr. Anurag had induced her to enter into the agreement, and the bank had full knowledge/notice of this undue influence which should set aside the bank's right to enforce the debt recovery against Pragya. Bank is contending that there is no undue influence.

1. Whether the consent to offer the flat as financial security obtained through undue influence ?
  - (a) No because Pragya was not forced by Anurag to offer her flat as a security.
  - (b) No, because Pragya was an educated and adult employee of Anurag and she knew what she was doing.
  - (c) Yes an employer/employee relationship was capable of developing into such a relationship for undue influence. There was no benefit to Pragya in the agreement. The lack of benefit to one party was evidence enough.
  - (d) No, an employer/employee relationship is not capable of developing into a relationship for undue influence.
  
2. Irrespective of your answer to Q.1, assume it is a case of undue influence. Decide whether the bank has done enough to allay concerns of undue influence .
  - (a) The bank had not made all reasonable steps to allay themselves of the concerns regarding undue influence. The fact that, on advice from the bank, the defendant did not seek independent advice, should have been taken as confirmation of undue influence. .
  - (b) Yes, the Bank has advised Pragya that she should take independent legal advice before putting her property up as security for the debt.
  - (c) Pragya has a duty to be aware of the consequences of her act.
  - (d) Bank has done enough as it had notified Pragya that the guarantee was unlimited in both time and financial amount.
  
3. Legal Principle: The acceptance must be absolute and unqualified, leaving no ground for doubt or uncertainty. If the acceptance is conditional, no valid contract is formed, and the offer can be withdrawn at any moment till the absolute acceptance has taken place within reasonable time of such offer.

Factual Situation: Delhi Government conducted an auction for the sale of license of wine shop. X offered the highest bid which was provisionally accepted "...subject to the confirmation of Chief Commissioner who may reject any bid without assigning any reasons." Since X failed to deposit the required amount, Chief Commissioner rejected the bid. The government held X liable for the difference between the bid offered by him and the highest bid accepted in re-auction, and commenced proceedings for the recovery of the sum. It was contended on behalf of the government of Delhi that X was under a legal obligation to pay the difference as it was due to his default that a resale of the excise shop was ordered and hence X was liable for the deficiency in price and all expenses of such resale which was caused by his default.

Decide, giving reason, whether X is liable to make payment to the Delhi Government.

  - (a) No, X is not liable to make payment as the shop was sold to the highest bidder.
  - (b) X is liable to pay because the Government of Delhi has to conduct re-auction and also suffered loss in the sale of the shop.
  - (c) X is liable because his bid was accepted but he failed to deposit the required amount on time.
  - (d) No, contract for sale was not complete till the bid was confirmed by the Chief Commissioner and till such confirmation ; the bidder was entitled to withdraw the bid.

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4. Legal Principle: Employers/Principles are vicariously liable, under the respondeat superior doctrine, for negligent acts or omissions by their employees/agents in the course of employment/agency. A servant/agent may be defined as any person employed by another to do work for him on the terms that he, the servant/agent, is to be subject to the control and directions of his employer/principal in respect of the manner in which his work is to be done.
- Factual Situation: A motor car was owned by and registered and insured in the name of A (wife) but was regarded by her and her husband (B) as "our car." B used it to go to work, and A for shopping at the weekends. B told A that if ever he was drunk and unfit to drive through, he would get a sober friend to drive him or else telephone her to come and fetch him. On the day in question the husband telephoned the wife after work and told her that he was going out with friends. He visited a number of public houses and had drinks. At some stage, he realised that he was unable to drive safely and asked a friend, C, to drive. C drove them to other public houses. After the last had been visited C offered the three friends (X, Y and Z) a lift and they got in, together with B who was in a soporific condition. C then proceeded, at his own suggestion, to drive in a direction away from the B's home to have a meal. On the way, due to C's negligent driving, an accident occurred in which both B and C were killed and the other friends got injured. X, Y and Z brought an action against the wife both in her personal capacity and as administratrix of the husband's estate. Decide whether A is liable. Decision:
- (a) Yes, she was vicariously liable for the negligent driving of C as the principle of vicarious liability was to put responsibility on to the person, namely, in the case of a motor car, the owner, who ought in justice to bear it, and that in the case of a "family car" the owner was responsible for the use of it by the other spouse.
  - (b) No, C had not been the wife's agent in driving the husband about as he had been doing at the time of the accident. To fix vicarious liability on the owner of a motor car in a case such as the present, it must be shown that the driver was using it for the owner's purposes under delegation of a task or duty.
  - (c) No, because this is a case of volenti non fit injuria as X, Y and Z voluntarily took the lift knowing that C was also drunk.
  - (d) No, because C was not employed by A to drive her husband back to the home on the day of accident.
5. Legal Principle:
- 1. Battery is the intentional causation of harmful or offensive contact with another's person without that person's consent.
  - 2. When lawfully exercising power of arrest or some other statutory power a police officer had greater rights than an ordinary citizen to restrain another.
- Factual Situation: Two police officers on duty in a police car observed two women in the street who appeared to be soliciting for the purpose of prostitution. One of the women was known to the police as a prostitute but the other, X, was not a known prostitute. When the police officers requested X to get into the car for questioning she refused to do so and instead walked away from the car. One of the officers, a policewoman, got out of the car and followed X in order to question her regarding her identity and conduct and to caution her, if she was suspected of being a prostitute, in accordance with the approved police procedure for administering cautions for suspicious behaviour before charging a woman with being a prostitute. X refused to speak to the policewoman and walked away, whereupon the policewoman took hold of X's arm to detain her. X then swore at the policewoman and scratched the officer's arm with her fingernails. X was convicted of assaulting a police officer in the execution of her duty. She appealed against the conviction, contending that when the assault occurred the officer was not exercising her power of arrest and was acting beyond the scope of her duty in detaining X by taking hold of her arm. The police contended that the officer was acting in the execution of her duty when the assault occurred because the officer had good cause to detain X for the purpose of questioning her to see whether a caution for suspicious behaviour should be administered. Decide whether the police officer is liable for battery. Decision:
- (a) X is liable for trespass on the person of a police officer while performing her official duty.
  - (b) The policewoman had not been exercising her power of arrest when she detained X, and since in taking hold of the appellant's arm to detain her the policewoman's conduct went beyond acceptable lawful physical contact between two citizens, hence the officer's act constituted a battery on X and that she had not been acting in the execution of her duty when the assault occurred.
  - (c) The fact that the reason the police officer detained X was to caution her regarding her suspicious behaviour render the officer's conduct lawful if in detaining her she used a degree of physical contact that went beyond lawful physical contact as between two ordinary citizens.
  - (d) The police officer was on duty and performing her duty in the regular course of the work so is not liable for battery.
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6. Legal Principle:  
1. A careless person becomes liable for his negligence when he owed a duty of care to others.  
2. Volenti non fit injuria is defence to negligence.  
Factual Situation: K was a friend of L and was teaching her to drive. Prior to such an arrangement K had sought assurances from L that appropriate insurance had been purchased in the event of accident. On the third day, L was executing a simple manoeuvre at slow speed when she panicked which resulted in the car crashing into a lamp-post injuring K. L was subsequently convicted of driving without due care and attention. L denied liability to pay compensation to K on the ground of volenti non fit injuria and also that she was just learning to drive and was not in complete control of the vehicle. Decide. Decision:  
(a) L is liable as the defence of volenti non fit injuria was not applicable. Secondly, that the duty of care owed by a learner driver to the public (including passengers) was to be measured against the same standard that would be applied to any other driver.  
(b) L is not liable as K voluntarily accompanied her.  
(c) L is not liable as she is just learning to drive and duty of care rests upon the instructor.  
(d) L is not liable as a learner driver do not owe a duty of care towards public in general and towards the passenger in specific.
7. Legal Principle: Article 19(1) (d) of the Constitution of India guarantees to all citizens the right to move freely throughout the territory of India. But at the same time, Article 19(5) empowers the State to impose reasonable restrictions on the freedom of movement on the ground of interest of general public.  
Factual Situation: Wearing of helmet is made compulsory for all two-wheeler riders by a law enacted by the State. The constitutionality of the law is questioned before the High Court on the ground that it violates Article 19(1) (d) of the petitioner. Will the petitioner succeed ?  
Decision:  
(a) Yes, because the restriction is not reasonable and no interest of general public is protected by this law.  
(b) No, because the restriction is reasonable as it intends to protect interest of general public by preventing loss of lives of citizen of India.  
(c) Yes, because freedom of movement is a fundamental right of every citizen of India and the State cannot take it away by way of legislation but has to amend the Constitution to take away the fundamental rights.  
(d) No, because the freedom of movement will not be violated by the impugned legislation.
8. Legal Principle: An unlawful interference with a person's use or enjoyment of land or some right over or in connection with it is a nuisance in tort. The fact that the plaintiff "came to the nuisance" by knowingly acquiring property in the vicinity of the defendant's premises is not a defence to nuisance. However, an act cannot be a nuisance if it is imperatively demanded by public convenience. Thus, when the public welfare requires it, a nuisance may be permitted for special purposes.  
Factual Situation: D owned and occupied an estate about two miles from RAF Wittering, an operational and training base for Harrier Jump Jets. D claimed that they suffered severe noise disturbance every time the Harrier pilots carried out training circuits: an average of 70 times a day. D alleged that the noise nuisance constituted a very serious interference with their enjoyment of their land. D instituted judicial proceedings against the defendants, the Ministry of Defence (MoD), damages amounting to Rs. 1,00,00,000. The MoD denied liability and raised defence that the Harrier training was undertaken for the public benefit and that they had prescriptive right over the land as D had bought their property at a time when RAF Wittering was already established so he cannot claim compensation as he already knew about existence of RAF Wittering near his property. Decision :  
(a) D is not entitled to compensation as the training of pilots is a public welfare activity.  
(b) The Harrier training is not an ordinary use of land and that although there was a public benefit to the continued training of Harrier pilots, D should not be required to bear the cost of the public benefit.  
(c) D is not entitled to compensation as his property is two miles away from the training base.  
(d) D will not get compensation as the training activity does not amount to nuisance and D had full knowledge about the training activities when he purchased the land.
- Legal Principle:
9. 1. Negligence is the absence of care on the part of one party which results in some damage to the other party.  
2. Generally, a person is under no duty to control another to prevent his doing damage to a third party.  
3. The foreseeability test basically asks whether the person causing the injury should have reasonably foreseen the general consequences that would result because of his or her conduct.  
4. Statutory authority implies that an act is done by a person to fulfil his duty imposed by the State. Statutory authority is a valid defence under the law of torts.

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Factual Situation: Ten borstal trainees were working on an island in a harbour in the custody and under the control of three officers. During the night, seven of them escaped. It was claimed that at the time of the escape the officers had retired to bed. The seven got on board a yacht, moored off the island and set it in motion. They collided with another yacht, the property of X and damaged it. X sued the Home office for the amount of the damage. Decide whether on the facts pleaded in the statement of claim the Home Office, its servants or agents owed any duty of care to X capable of giving rise to a liability in damages with respect to the detention of persons undergoing sentences of borstal training or with respect to the manner in.

which such persons were treated, employed, disciplined, controlled or supervised whilst undergoing such sentences. Decision:

(a) The Home office is not liable as they are performing statutory duty and has immunity from liability in negligence. (b) The trainees are liable and not the Home Officers as the injury to X's property could not be reasonably foreseen by the officers.

(c) The fact that the immediate damage to the property of X was caused by the acts of third persons, the trainees, prevent the existence of a duty on the part of the officers towards X.

(d) The taking by the trainees of the nearby yacht and the causing of damage to the other yacht which belonged to X ought to have been foreseen by the borstal officers as likely to occur if they failed to exercise proper control or supervision; in the particular circumstances, the officers prima facie owed a duty of care to X.

Directions (Q.10 - Q.16): The following questions consist of two statements, one labelled as „Assertion“ and the other as „Reason“. Read both the statements carefully and answer using the codes given below.

(a) Both A and R are true and R is the correct explanation of A

(b) Both A and R are true but R is not the true explanation of A

(c) A is true but R is false

(d) A is false but R is true

Assertion (A): The framers of the Indian Constitution were keen to preserve the democratic values to which Indians had attached the highest importance in their struggle for freedom.

10. Reason (R): The Constitution describes India as a Union of States, thereby implying the indestructible nature of its unity.

11. Assertion (A) : The “basic features” of the Constitution cannot be amended by exercising the power of Amendment under Article 368.

Reason (R) : Though Fundamental Rights, as such are not immune from Amendment en bloc, particular Rights or Parts thereof may be held as “basic feature.”

12. Assertion (A) : Legislations which gives a wide power to the executive to select cases for special treatment, without indicating the policy, may be set aside as violative of equality.

Reason (R): Article 14 of the Constitution provides that the State shall not deny to any person equality before law or equal protection of laws within the territory of India.

13. Assertion (A) : If the Constitution is flexible it may be playing at the whims and caprices of the ruling party.

Reason (R): The framers of the Indian Constitution were keen to avoid excessive rigidity.

14. Assertion (A): A person suffering from AIDS can be restricted in his movements by law.

Reason (R): Where policy is laid down, discretion is not of reasonableness.

15. Assertion (A) : If a convict is prepared to give an interview to journalists and video- graphers, the facility should be allowed to the latter.

Reason (R) : Position of a person sentenced to death is not inferior to that of a citizen.

16. Assertion (A): A files a false and frivolous civil suit against B and B wins the case, he cannot file another civil suit for damages and costs.

Reason (R): In a civil suit, damage of reputation is absent because the action is tried in public and if person wins his case then his reputation will be re-established.

17. A minority community may reserve up to \_\_\_\_\_ seats for members of its own community in an educational institution established and administered by it even if the institution receives aid from the State.

(a) 50% (b) 40% (c) 33% (d) 27%

18. After Delhi and Goa, which is the third Indian State to have child - friendly court ?

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- (a) West Bengal (b) Karnataka (c) Telangana (d) Tamil Nadu
19. Which of the following statements are true regarding the Constitution (One Hundred and First Amendment) Act, 2016 ?  
I. GST Act is a comprehensive direct tax on manufacture, sale and consumption of goods and services throughout India.  
II. The Act will transform India into a common market, harmonising myriads of State and Central levies into a national goods and services tax which is expected to boost manufacturing and reduce corruption.  
III. It provides for Constitution of a Goods and Services Tax Council by inserting Article 297A in the Constitution.  
IV. GST will be based on input tax credit method.  
(a) I, II and III  
(b) II, III and IV  
(c) I, II and IV  
(d) All of the above
20. Central Vigilance Commissioner shall hold office for a term of \_\_\_\_\_ years from the date on which he enters upon his office.  
(a) 4 (b) 3 (c) 2 (d) 1
21. In Youth Bar Association V. Union of India, the Supreme Court directed to upload copies of FIR within \_\_\_\_\_ hours on police website.  
(a) 48 (b) 12 (c) 24 (d) 48 – 72
22. India's first court-annexed mediation centre was established in  
(a) Delhi (b) Tamil Nadu (c) Chennai (d) Karnataka
23. Which is the first country to allow voting through mobile phones?  
(a) Estonia (b) Finland (c) France (d) Germany
24. All students graduating from academic year \_\_\_\_\_ onwards need to clear the All India Bar Examination in order to practice law in India.  
(a) 2007-08 (b) 2009- 10 (c) 2008 - 09 (d) 2010-11
25. "The people have a right, an inalienable, indisputable, indefeasible, divine right to that most dreaded and envied kind of knowledge - I mean, of the character and conduct of their rulers." Who said this ?  
(a) Abraham Lincoln (b) John Adams  
(c) Martin Luther (d) Mahatma Gandhi
26. John Doe order in India is known as  
(a) Ashok Kumar Order (b) DMCA Order  
(c) Take Down Order (d) Injunction
27. In 2016, the Supreme Court has clarified that the "Third Gender" will include(s)  
(a) Transgender (b) Gays and Lesbians  
(c) Bisexuals (d) All of these
28. New Zealand Government has granted legal status of a person to a \_\_\_\_\_ after a legal battle of 140 years.  
(a) National Park (b) Tree (c) Mountain (d) River
29. Which of the following Articles of the Constitution of India authorize the Chief Justice of India to request a retired Judge to join the Supreme Court ?  
(a) 129 (b) 128 (c) 127 (d) 126
30. The „Public Trust" the doctrine is related to  
(a) Charitable Institution (b) Environment  
(c) Journalism (d) Public Offices
31. The Delhi High Court has asked Facebook to ban children below \_\_\_\_\_ years of age from creating an account.  
(a) 10 (b) 13 (c) 16 (d) 18

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32. Which one of the following decided to set up a website, which will compare the World's Constitutions by themes online "to arm drafters with a better tool for Constitution design and writing" ?  
(a) UN (b) Google (c) Microsoft (d) Amnesty
33. Mental Health Care Bill 2016 seeks to  
1. Decriminalise suicide  
2. Prohibit electro-convulsive therapy  
3. Provide right to make Advance Directives  
4. Provide for seclusion and solitary confinement in few cases  
(a) 1,2 and 4 (b) 2, 3 and 4 (c) 1,2 and 3 (d) All of the above
34. What is the new minimum wage of non-agricultural, unskilled workers of the Central Government as announced by the Union Government on August 30, 2016 ?  
(a) Rs. 350 per day (b) Rs. 250 per day (c) Rs. 246 per day (d) Rs. 400 per day
35. Maternity Benefits (Amendment) Bill, 2016 provides \_\_\_\_\_ weeks of full paid maternity leave to women who work in organised sector.  
(a) 12 (b) 26 (c) 24 (d) 32

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## CLAT 2018

1. Article 51-A on Fundamental Duties was inserted into the Constitution of India through the
  - (a) 41st Constitution (Amendment) Act, 1976
  - (b) 44th Constitution (Amendment) Act, 1978
  - (c) 40th Constitution (Amendment) Act, 1976
  - (d) 42nd Constitution (Amendment) Act, 1976
2. The highest law officer in India is the
  - (a) Attorney General
  - (b) Advocate General
  - (c) Solicitor General
  - (d) Chief Justice of the Supreme Court of India
3. How many languages are there in the Eighth Schedule of the Constitution of India?
  - (a) 21
  - (b) 22
  - (c) 19
  - (d) 18
4. A Panchayat Samiti at the block level in India is only a/an:
  - (a) Administrative authority
  - (b) Co-ordinating and Supervisory authority
  - (c) Consultative Committee
  - (d) Advisory body
5. Which of the following is NOT a fundamental duty as per the provisions of the Constitution of India?
  - (a) To uphold and protect the sovereignty, unity and integrity of India
  - (b) To join the Defence Forces of India
  - (c) To defend the country and render national service when called upon to do so
  - (d) To value and preserve the rich heritage of our composite culture
6. The Right to Education Act, 2009 (RTE) provides for free and compulsory education to:
  - (a) All illiterate children of India
  - (b) All citizens of India
  - (c) Children aged between 6 and 14 years
  - (d) All children up to the age of 10 years
7. Directions: The question below consists of two statements, one labeled as 'Assertion' (A) and another as 'Reason' (R). Examine these two statements carefully and select the answers to these items from the codes given below.

Assertion (A): It is the legal and constitutional duty of the State to provide legal aid to the poor.  
Reason (R): No one should be denied justice by reason of his poverty.  
Codes:
  - (a) Both A and R are individually true and R is the correct explanation to A
  - (b) Both A and R are individually true but R is not the correct explanation to A
  - (c) A is true but R is false
  - (d) A is false but R is true
8. Which was the law introduced by Sir William Bentinck to prohibit the practice of Sati?
  - (a) Bengal Sati Regulation, 1829
  - (b) U.P. Sati Prohibition Act, 1828
  - (c) Indian Sati Prohibition Act, 1827
  - (d) Rajasthan Sati (Prevention) Act, 1830

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9. Principle: Nothing is an 'offence', if committed by a child below seven years of age.  
Fact: Adil, aged six years, is a student of class one. He placed his sharpened pencil on the bench with its pointed end up when his classmate Ajay stood up to answer a question from the teacher. Ajay gets hurt when he sits on the pencil and Adil and his friends have a good laugh. Ajay's father, on seeing his son injured when he returns home, wants action against Adil.
- Which of the following statements is the most appropriate in relation to the legal principle stated above?
- (a) Adil has committed an 'offence'.
  - (b) Adil has not committed any 'offence'.
  - (c) Childish pranks cannot be investigated by the police.
  - (d) The class teacher must be arrested.
10. Principle: The doctrine of basic structure in Constitutional jurisprudence means that the Constitution of India has certain basic features that cannot be taken away through amendments by the Parliament. The power of judicial review is a part of the basic structure and it helps the constitutional Courts to determine whether an amendment is against the basic structure or not.  
Fact: Parliament proposes an amendment to limit the power of appeal against conviction for the offence of Sedition, to be exercised only by the Supreme Court of India.
- Which of the following statements is the most appropriate in relation to the legal principle stated above?
- (a) The proposed amendment is against the doctrine of basic structure.
  - (b) The proposed amendment is unconnected to the doctrine of basic structure.
  - (c) The proposed amendment can be reviewed and struck down by the Constitutional Courts.
  - (d) The proposed amendment is beyond the power of the Parliament.
11. Who among the following was the first Chairman of the Constituent Assembly in India?
- (a) Dr. Rajendra Prasad
  - (b) Dr. Sachchidananda Sinha
  - (c) Harendra Coomar Mookerjee
  - (d) Dr. B.R. Ambedkar
12. Principle: It is an offence to obstruct a public servant in the due discharge of his duty. Right of private defense is available to protect one's person and property.  
Fact: Sidhu comes to the rescue of his uncle who is sought to be taken into a car by some men. In the process, he causes injury to some of them. Later, it turns out that the men were police persons in plain clothes trying to enforce a warrant against his uncle.
- Which of the following statements is the most appropriate in relation to the legal principle stated above?
- (a) Sidhu has committed the offence of obstructing a public servant in due discharge of his duty.
  - (b) Sidhu has not committed an offence since he did not know that the men were from the police.
  - (c) Sidhu's uncle has resisted arrest and should be proceeded against.
  - (d) Sidhu should not have tried to help his uncle without ascertaining the fact
13. Principle: An employer is liable for the act of his servant performed during the course of employment.  
Fact: While working as a driver for Verma, Alok sometimes used to earn some side income by carrying parcels for others in Verma's car without his knowledge or permission. While going to pick Verma from the airport one day, Alok stopped to deliver a parcel he was carrying with him. While he was delivering the parcel, which unknown to him was one of contraband goods, the police arrested Alok.
- Which of the following statements is the most appropriate in relation to the legal principle stated above?
- (a) Verma is liable for the act of Alok since he is Verma's driver.
  - (b) Verma is liable for the act of Alok since he had gone to pick Verma from the airport.
  - (c) Verma is not liable for the act of Alok since Alok himself did not know that he was carrying contraband goods.
  - (d) Verma is not liable for the act of Alok since carrying the parcel was not in the course of his employment.
- Which law introduced the system of dyarchy in India during the British reign?
14.
  - (a) The Government of India Act, 1858
  - (b) The Government of India Act, 1909
  - (c) The Government of India Act, 1919
  - (d) The Government of India Act, 1935
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15. Principle: The Latin maxim *nemo bis punitur pro eodem delicto* means that nobody can be punished twice for the same offence.  
Fact: Sajan, a petty thief, is caught and thrashed thoroughly by the people before being handed over to the police. Sajan pleads before the magistrate that since he was already thrashed by the people he should not be again punished by the State.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Sajan is right since nobody should be punished for the same offence twice.  
(b) Thrashing given by the people does not amount to legal punishment and so Sajan can be punished by the State.  
(c) Giving a good thrashing to the thief is the best form of punishment to prevent future theft.  
(d) The Magistrate should take into consideration the thrashing received by Sajan while fixing his punishment.
16. Principle: The Latin maxim *qui facit per alium, facit per se* means that he who acts through another, acts himself. Fact: Heema requests her minor sister Harika to purchase a bag for her from the local shop. Harika purchases the bag on credit telling the shop keeper that her sister will pay for it. Afterwards, Heema refuses to pay for the bag. Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Since Heema has not purchased the bag herself she is not liable to pay for it.  
(b) Harika being a minor the shop keeper should not have sold the bag to her.  
(c) Since she purchased the bag through her sister, Heema is liable to pay for it.  
(d) Harika being a minor should not have been entrusted by Heema for the purchase of the bag.
17. Principle: Negligence is the absence of care by one party which results in some damage to another. Damage is an essential ingredient to constitute a tort of negligence.  
Fact: Mistry left his ladder on the public road while unloading it from a truck when he went to open the shutters of his shop. Saini who was riding his motorcycle had to swerve hard to avoid hitting the ladder as he came with speed on the road. Saini fell down but was miraculously not injured.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Mistry is not liable for the tort of negligence since Saini was not injured though he fell down.  
(b) Mistry is liable for the tort of negligence since Saini fell down due to the presence of the ladder.  
(c) Mistry is not liable for the tort of negligence since Saini was speeding on the road.  
(d) Mistry is liable for the tort of negligence since he was careless in leaving the ladder on the road.
18. Principle: Every partner is liable alone and jointly with other partners for the debts of a partnership firm incurred for the business. Every partner is an agent of every other partner while being a principal in his own right in the business of the partnership.  
Fact : Varun is a partner in a firm with Chinmoy and Jaffar. Jaffar purchases a car for his personal purpose and obtains credit for the same in the name of the partnership behind the back of the other partners. He fails to pay the due amount on the expiry of the period of credit.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Varun, Chinmoy and Jaffar are liable to pay for the car since they are partners and the credit was obtained in the name of the firm.  
(b) Varun and Chinmoy are not liable to pay for the car since Jaffar purchased it for his personal purpose.  
(c) Varun, Chinmoy and Jaffar are liable as partners for all credit obtained in the name of the firm even if it is for the personal purpose of a partner.  
(d) Jaffar can use the credit of the firm to make purchases even for personal purposes since he is a partner in the partnership.
19. Principle: Parents are not liable for wrongs committed by their children unless they provide the opportunity for such wrongful acts to be committed by their children.  
Fact : Sunil, a minor, takes the keys to his father's car from the table top where his father keeps it, drives the car on the public road and hits a pedestrian who gets injured.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Since Sunil took the car without his father's permission, his father is not liable for Sunil's act resulting in the accident.  
(b) Sunil's father is liable for the conduct of Sunil resulting in the accident since he left the car keys where his son could easily take it without permission.  
(c) Accidents happen despite utmost care and hence neither Sunil nor his father is liable in the instant case.  
(d) Sunil's father is not liable since he had kept his car locked and securely deposited its keys without negligence on his table top.
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20. Principle: No remedy lies in law where an injury is caused to a person without any infringement of his legal right.  
Fact: Ashutosh started a tuition Centre right next to the one being run for the past twenty years by Gulshan. After Ashutosh started his Centre, a large number of students shifted from Gulshan's tuition Centre to Ashutosh's Centre forcing Gulshan to close down his establishment suffering huge losses. Can Gulshan initiate legal action against Ashutosh?  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Ashutosh must compensate Gulshan for his loss consequent to the start of the new tuition centre.  
(b) Gulshan cannot blame Ashutosh if he cannot retain his students.  
(c) Ashutosh has not violated any legal right of Gulshan, though students shifted to Ashutosh's Centre and though Gulshan suffered loss, after he shut down his tuition Centre.  
(d) Gulshan should have improved his quality with lower fees to retain his students in the light of competition brought in by Ashutosh.
21. Principle: Article 20(3) of the Constitution of India states that no person accused of any offence shall be compelled to be a witness against himself.  
Fact: Ubaid refuses to give a sample of his blood after he is stopped by the police for driving over the speed limit. The police suspect him to be driving under the influence of alcohol, which is prohibited under the law.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Ubaid is protected by Article 20(3) in his refusal to give a blood sample.  
(b) Ubaid is not protected by Article 20(3) as he was under the influence of alcohol.  
(c) Ubaid is not protected by Article 20(3) in his refusal to give a blood sample since he is not accused of any offence yet.  
(d) Refusal to give a blood sample is a crime and Ubaid must be punished for the same.
22. The law which provides special powers to the Armed Forces in India is popularly known as:  
(a) AFSPA  
(b) POTA  
(c) TADA  
(d) SARFAESI
- Principle: The law states that a food business operator must be registered with or licensed by the Food Safety and Standards Authority of India (FSSAI) to run a food business.
23. Fact: Kavita's neighbours suffer food poisoning after consuming sweets gifted by her on the occasion of a celebration at her home. Kavita does not have a registration or license from the FSSAI.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Kavita is in violation of the law since she does not have a FSSAI registration or license.  
(b) Kavita is not in violation of the law since she did not make the sweets she gave by way of gift.  
(c) Law does not apply in cases like this where transactions happen between neighbours.  
(d) Kavita need not take a license or register with FSSAI since she is not running a food business.
- Principle: An agreement entered into by way of a wager/bet is unenforceable in law.
24. Fact: Thomas is very good at predicting outcomes of cricket matches. Raja and Hoja give him rupees thousand each to enable him to bet with others about the outcome of a cricket match. Thomas wins rupees three lakh after betting three thousand rupees.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Thomas must share rupees three lakh with Raja and Hoja equally.  
(b) Thomas must return rupees thousand each to Raja and Hoja.  
(c) Thomas need not share the three lakh with Raja and Hoja since it is the outcome of an unenforceable agreement.  
(d) If Thomas does not pay them rupees two lakh each, Raja and Hoja can sue him to recover their share.
- Principle: 'Audi alteram partem' is a Latin phrase which means 'hear the other side'. It is the principle that no person should be judged without a fair hearing.
25. Fact: Sanjay, in Delhi, is accused of theft and brought before the Court. The magistrate discovers that Sanjay is mute.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) The principle is not applicable to Sanjay since he is mute.  
(b) The principle is applicable to Sanjay even though he cannot speak since he can be asked to write down his defence.  
(c) The Magistrate has to take all measures to understand what Sanjay has to convey about the accusation against

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- him.  
(d) Since it is a Latin principle it is not applicable in India.
26. Principle: An essential condition in a contract for sale of goods is that the seller has title over the goods sold.  
Fact: Ranjan pays rupees two thousand and buys a watch from Mohit who runs a watch showroom and a repair shop. Jatin sees the watch with Ranjan and tells him that it is his watch and was only given to Mohit for repairs. If what Jatin says is true  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Ranjan is now the owner of the watch since he paid rupees two thousand for it.  
(b) Ranjan is not the owner of the watch since Mohit did not have a title to it.  
(c) Mohit must pay Jatin rupees two thousand since he sold Jatin's watch.  
(d) Mohit is the owner of the watch since he sold it to Ranjan.
27. Principle: The insurer agrees to pay no more than the actual amount of the loss.  
Fact: Sunny insures his car worth rupees five lakh with X, an insurance company, for its value. He again insures the same car with Y, another insurance company, on the same terms. There is an accident and the car suffers a total loss. In his separate suits against X and Y, if Sunny recovers rupees five lakh from X, how much can he recover from Y?  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Sunny can recover rupees five lakhs from Y.  
(b) Sunny cannot recover any amount from Y.  
(c) Sunny must pay Y, the rupees five lakhs he received from X.  
(d) Sunny cannot insure his car with both X and Y at the same time.  
Principle: When there is an infringement of the legal right of a person, he gets a right to sue the wrongdoer for  
28. remedy irrespective of any actual loss caused.  
Fact: Saroj is prevented from voting at an election. The candidate she intended to vote for, wins the election.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Saroj's legal right has been violated and she can sue the persons who prevented her from voting  
(b) Since Saroj's candidate has won the election, her rights are not violated and she cannot sue.  
(c) Since Saroj is not the candidate, her rights are not violated if she is prevented from voting.  
(d) This principle is not at all applicable in this case.  
Which of the following is the oldest law code in India?  
29. (a) Hammurabi's code  
(b) Prasarsmriti  
(c) Manusmriti  
(d) Naradasmriti  
Principle: A product cannot be sold in shops to consumers after its date of expiry.  
30. Fact: Lata, while shopping, notices that the milk packets on the shelves are due for expiry on that day. She objects to this to the shopkeeper, saying that since she was there to buy milk for the next day, keeping the milk on its date of expiry was against the law.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Lata is right and the shopkeeper should take the milk packets off his shelves.  
(b) The shopkeeper should not sell the milk packets after the date of expiry is over.  
(c) The shopkeeper must remove the milk packets from the shelves and keep it refrigerated.  
(d) Milk is not a product and hence the principle is not applicable in this case.  
Principle: Nuisance is the unlawful interference with a person's enjoyment of his land or some rights over or in connection with it.  
31. Fact: Ashok, in his nineties, is hard of hearing and plays the radio very loudly throughout the day and on a daily basis. Raju, his neighbour, complains that he cannot listen to his favourite TV show in his home due to the radio of Ashok.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Listening to the radio is Ashok's freedom.  
(b) Ashok is creating nuisance to his neighbour by playing the radio loud perpetually and disturbing Raju in being able to listen to the TV in his home.  
(c) Raju is creating nuisance by complaining about Ashok's enjoyment of hearing his radio.  
(d) Raju should appreciate that Ashok is aged and hard of hearing.
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32. Principle: Agreements in restraint of trade are void and unenforceable.  
Fact : Manu has been working as a blacksmith in his village for many decades. Somu has been undergoing training with him for the past three years. After his training is over, Somu enters into an agreement with Manu that he will not start a competing business in the same village while Manu is alive.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) This agreement is void and unenforceable since it is a restraint on trade.  
(b) This agreement is valid and enforceable since Manu is Somu's teacher.  
(c) This agreement is valid but not enforceable after Manu's death.  
(d) This agreement is valid and enforceable since it is to protect Manu's interest in consideration for teaching Somu to be a blacksmith.
33. What does FIR stand for under the Criminal Law?  
(a) Forensic Investigation Report  
(b) First Investigation Report  
(c) First Information Report  
(d) Formal Interrogation Record
34. Under which of the following enactments, is the use of mobile phone while driving made punishable?  
(a) The Information Technology Act  
(b) The Indian Penal Code  
(c) The Motor Vehicles Act  
(d) The Criminal Procedure Code
35. Principle: A person is liable to compensate others for harm caused by the escape of any inherently dangerous material that he keeps on his land.  
Fact : Ankit lights a bonfire in his courtyard to warm himself up during a cold winter evening. A strong wind suddenly blows some sparks from the fire, on to his neighbour's house which catches fire and gets completely destroyed.  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Ankit's neighbour is liable to Ankit for distress caused by keeping a house that catches fire so quickly.  
(b) Ankit is not liable because nobody could foresee that the sudden wind will blow the sparks to cause a fire.  
(c) Ankit's neighbour cannot make Ankit liable for the loss of his house since it was an accidental fire that destroyed it.  
(d) Ankit is liable to compensate because the fire escaped from his premises to burn down his neighbour's house.
36. Principle: A characteristic feature of partnerships is the principle of mutual agency, i.e., every partner is an agent for every other partner and will hence be able to bind them by his act, within the business of partnership.  
Fact : Ram and Shyam are partners of M/s R & S Trading Company which trades in rice varieties. Ram agrees to purchase ten tons of rice from Govind. Ram dies after the rice is delivered to the premises of M/s R & S Trading Company but before the payment of price is made. Is the agreement binding on Shyam?  
Which of the following statements is the most appropriate in relation to the legal principle stated above?  
(a) Being partners, Ram's agreement to purchase rice for their partnership, is not binding on Shyam.  
(b) Since Ram is no more, the agreement is not binding on Shyam.  
(c) Being partners, Ram's agreement to purchase rice for their partnership, is binding on Shyam.  
(d) The agreement is binding on Ram and not on Shyam since the rice is delivered only to M/s R & S Trading Company and not to Shyam.
- Who is an Ombudsman?
37. (a) A judicial officer designated to receive complaints against the violation of rights of citizens.  
(b) An official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights.  
(c) An elected representative of the people to investigate and address the complaints of maladministration or a violation of rights.  
(d) A specially designated police officer assigned with the power to investigate and address the complaints of maladministration or a violation of rights.
- Which authority in India notified the guidelines for the protection of persons assisting accident victims on Indian roads based on the Supreme Court direction?
38. (a) Ministry of Surface Transport, Govt. of India  
(b) Ministry of Social Justice, Govt. of India
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- (c) Ministry of Road Transport and Highways, Govt. of India  
(d) National Human Rights Commission
39. Article 1 of a legal instrument reads: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood". Which is the legal instrument being referred to above?  
(a) National Human Rights Act, 1995  
(b) Constitution of India, 1951  
(c) Universal Declaration of Human Rights, 1948  
(d) Philadelphia Declaration, 1944
40. Examine the Statement and Conclusions given below and choose a suitable answer from the options given:  
Statement: It is a fundamental duty, which is unenforceable in a Court of Law that every citizen shall renounce practices derogatory to the dignity of women.  
Conclusions:  
1. Reservation of seats for women in employment is violative of the principle stated.  
2. Asking a lady inappropriate questions about her personal life is violative of the principle stated.  
(a) Only Conclusion 1 follows.  
(b) Only Conclusion 2 follows.  
(c) Conclusions 1 and 2 follow.  
(d) Neither Conclusion 1 nor 2 follows.  
Examine the Statement and Conclusions given below and choose a suitable answer from the options given:
41. Statement: A punishment is the imposition of an undesirable or unpleasant outcome upon a group or individual, meted out by an authority.  
Conclusions:  
1. Eye for an eye and tooth for a tooth is an example of punishment.  
2. Imposition of fine on someone who inflicted bodily injury on another is justified by the statement.  
(a) Only Conclusion 1 follows.  
(b) Only Conclusion 2 follows.  
(c) Conclusions 1 and 2 follow.  
(d) Neither Conclusion 1 nor 2 follows.  
Examine the Statement and Conclusions given below and choose a suitable answer from the options given:
42. Statement: Necessity knows no law.  
Conclusions:  
1. The act of a captain throwing some cargo into the ocean to save the ship from sinking is justified by the principle.  
2. The act of a man out of poverty and starvation stealing some food from a hotel is justified by the principle.  
3. The act of a tourist killing a tiger when it was attacking a villager is justified by the principle.  
(a) Only Conclusion 1 follows.  
(b) Only Conclusion 2 follows.  
(c) Only Conclusion 1 and 3 follow.  
(d) All Conclusions follow.  
Examine the Statement and Conclusions given below and choose a suitable answer from the options given:
43. Statements:  
1. Justice delayed is justice denied. Justice hurried is justice buried.  
2. More than 3 crore cases are pending in the Indian Courts.  
Conclusions:  
1. People are not getting justice in India.  
2. Disposal of cases by 'Fast track courts' results in injustice.  
3. Cases must be disposed off within a reasonable time.  
(a) Only Conclusion 1 follows. (b) Only Conclusion 2 follows.  
(c) Only Conclusion 3 follows. (d) No Conclusion follows.  
Principle: One of the principles of 'Natural Justice' states that, "No person shall be a judge in his own cause".  
Facts: A, a driver of B, a Branch Manager of ABC Bank was caught, suspecting theft, in the bank premises. The Bank management instituted an enquiry and made B the enquiry officer.
44. Which of the following statements is correct?

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- (a) As B is a Bank Manager and not a judge, this principle is inapplicable.  
(b) Since the suspected theft was in the bank premises, the manager is the only competent person to enquire. Hence, the principle is not applicable.  
(c) Since B is the employer of A, B should not be conducting the enquiry on the basis of the given principle.  
(d) The principle will be applicable, only if the theft committed by A was in relation to the car.
45. Principle: Justice should not only be done, but also seen to be done.  
Facts: L, an honest Lawyer had 200 shares in Company X. Later, L was elevated to the High Court as a Judge and had to deal with Company matters. A dispute between Company X and its creditors came before L for decision. Which among the following proposition is true?  
(a) L, as an honest person will definitely judge the matter on the merits only. So, the principle cannot apply.  
(b) A judge cannot excuse himself from taking up a case posted before him by the Court Registry.  
(c) L should refrain from hearing the matter as he holds shares of the Company X.  
(d) Since, L has only 200 shares he has no substantial interest in the company and hence can decide the matter.
46. Principle A person who keeps hazardous substances in his premises, is responsible for the fault if that substance escapes in any manner and causes damage.  
Facts: A, an industrialist stored 1000 litres of liquid ammonia in a tank in his premises for his industrial use. There was a leakage from the tank due to which there was ammonia vapour in the surroundings. Many workers in other industries as well as his own industry and some members from the public suffered serious health hazards. Examine the liability of A, if any.  
(a) A may be liable for the injury sustained by his workers only and not others.  
(b) A is liable as he is responsible for the injury caused by the leakage of ammonia from his premises.  
(c) A is not liable because there was no fault on his part for the escape of the dangerous substance.  
(d) A is not liable because he did not expect a leakage from the tank.  
Principle: In the law of evidence, a person missing for long and not heard of, for over seven years is presumed to have died.
47. Facts: A, B and C are children of F and M. At the age of 20, A went out in search of a job and was not contacting the family. All attempts to trace A by the family failed. Eight years after the death of the parents, B and C entered into a partition and took equal share in the property of F and M. One year after this, A returned home with his wife and two children and claimed his share in the property. Whether A's claim is legally sustainable?  
(a) Since A was not heard of, for more than eight years, the legal presumption of death will apply and hence, he cannot claim a share in the property.  
(b) It was A's duty to be in touch with the family at least once in a year. The failure of this duty will disentitle him from claiming property.  
(c) A will succeed because he is a legitimate son of F and M.  
(d) B and C are legally bound to give 1/3rd share of the property to A.  
Principle: 'Gift' means transfer of certain existing property made voluntarily and without consideration, by a donor, to a donee, and accepted by or on behalf of the donee during the lifetime of the donor.
48. Facts: Amit executed a gift deed for property 'X' in favour of Sooraj, who happened to be Amit's loyal servant's son settled in the U.S. Two months thereafter, Amit died without leaving a will regarding his assets. Amit's children initiated steps to partition his entire property, including property 'X' among themselves. At that time, Sooraj came to India, and learning about the gift, claimed the property 'X'.  
(a) Sooraj can legally get the property 'X', as soon as he gets to know about the gift.  
(b) Sooraj cannot legally claim the property 'X' because, the children of Amit have already initiated steps for partition.  
(c) Sooraj can claim the property 'X', because, his acceptance of the gift is implicit by his conduct of claiming the property as soon as he came to know about the gift.  
(d) Sooraj apparently did not comply with the essential requirements of a gift and hence, the entire property including property 'X', can be partitioned among the children of Amit.
49. The right to information under the Right to Information Act, 2005 is a:  
(a) Legal Right  
(b) Fundamental Right  
(c) Human Right  
(d) Constitutional Right
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50. The primary legislation relating to organ donation and transplantation, aimed at regulation of removal, storage and transplantation of human organs for therapeutic purposes and for prevention of commercial dealings in human organs in India, namely, the Transplantation of Human Organs Act, was passed in the year
- (a) 1994
  - (b) 1998
  - (c) 2004
  - (d) 2014

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## AILET 2018

Directions: Apply the legal principles to the facts given below and select the most appropriate answer.

1. Legal Principle:

A. A person is liable for his negligence when he owed a duty of care to others and commits a breach of that duty causing injury thereby.

B. *Volenti non fit injuria* is defence to negligence.

Factual Situation: Anil and his wife, Reena, were in a shop as customers, where a skylight in the roof of the shop was broken, owing to the negligence of the contractors engaged in repairing the roof, and a portion of the glass fell and struck Anil causing him a severe shock. Reena, who was standing close to him, was not touched by the falling glass, but, reasonably believing her husband to be in danger, she instinctively clutched his arm, and tried to pull him from the spot. In doing this, she strained her leg in such a way as to bring about a recurrence of thrombosis. Anil and Reena are claiming compensation for their injuries which were caused due to the negligence of the shop owners. The shop owners are denying liability on the grounds of *volenti non fit injuria*. The defence of *volenti non fit injuria*

(a) is available in respect of husband

(b) is available in respect of wife

(c) is available in respect of both husband and wife

(d) is not available in respect of both husband and wife

Directions (Q.2 - Q.3): Apply the legal principles to the facts given below and select the most appropriate answer.

Legal Principles :

1. Private nuisance is a continuous, unlawful and indirect interference with the use or enjoyment of land, or of some right over or in connection with it.

2. The person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril, and, if he does not do so, is prima facie answerable for all the damage which is the natural consequence of its escape.

3. A person is liable if he can reasonably foresee that his acts would likely to injure his neighbour.

4. The foreseeability of the type of damage is a pre-requisite of liability in actions of nuisance.

2. Factual Situation : During 2011, a European Directive was issued requiring nations of the European Community to establish standards on the presence of Perchloroethene (PCE) in water, which the Kingsland did in 2013.

Alfa Water Co. purchased a borehole in 2007 to extract water to supply to the public in Kingsland. In 2014, it tested the water to ensure that it met minimum standards for human consumption and discovered that it was contaminated with an organochlorine solvent (PCE). On investigation, it emerged that the solvent seeped into the soil through the building floor of the Light & Soft Leather Tannery, about 3 miles from the borehole that eventually contaminated the Alfa's borehole.

Since the tannery opened in 1910, until 2007, the solvent it used had been delivered in 40-gallon drums which were transported by fork lift truck and then tipped into a sump. Since 2007, solvents had been delivered in bulk and stored in tanks. It was then piped to the tanning machinery. There was no evidence of any spills from the tanks or pipes, and it was concluded that the water had been contaminated by frequent spills under the earlier system. Alfa Water brought a claim against the Tannery on the grounds of nuisance. Whether the Tannery owners are liable?

(a) Yes, the escape of the solvent which contaminated the water is sufficient for making them liable.

(b) No, the damage is too remote as it was not possible for the Tannery owners to reasonably foresee a spillage which would eventually lead to contamination of a water borehole so far away.

(c) No, because Alfa Water Co. should have been careful in using good purifying mechanisms to ensure that the water is fit for human consumption. They cannot shift the blame on the Tannery owners.

(d) Yes, the damage is not remote as it was possible for the Tannery owners to reasonably foresee a spillage which would eventually lead to contamination of a water borehole just 3 miles away.

3. Factual Situation: M G Ltd. was constructing Crystal Heights, a posh state-of-the-art tower for commercial and residential purposes, in Gurugram. During construction, hundreds of claimants alleged that, in addition to dust and noise caused by the erection of the building, their television signals had been interrupted by the tower. The claimants, some of whom were absolute owners, and many others who were renting, sued in both negligence and in nuisance for the harm done to their amenity by the loss of their television signals. Whether the respondent's action in causing the appellant's television signals to be interrupted with the construction of their tower could constitute a private nuisance ?

(a) The interference with the television signal caused by the construction of the tower could not amount to a private nuisance at law. Effective town planning can sort this matter, instead.



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- (b) Yes, the large tower had interrupted their television reception, and caused private nuisance - for loss of enjoyment - and remuneration for their wasted television license fee, from the time their signal had been impaired.
- (c) No, it cannot constitute private nuisance but the claimants can claim damages for loss of television signals.
- (d) Yes, the respondent's conduct was unreasonable because the act of building the tower caused impairment of enjoyment of the land.

4. Legal Principle:

1. Any intentional false communication, either written or spoken, that harms a person's reputation; decreases the respect, regard, or confidence in which a person is held; or induces disparaging, hostile, or disagreeable opinions or feelings against a person.
2. The statement must tend to lower the claimant in the estimation of right-thinking members of society.
3. A mere vulgar abuse is not defamation.
4. Sometimes a statement may not be defamatory on the face of it but contain an innuendo, which has a defamatory meaning.

5. Defamation encompasses both written statements, known as libel, and spoken statements, called slander.

Factual Situation : In May 2017, a memorial commemorating the women of World War II was vandalized during an anti-government demonstration following the General Election. An offensive political slogan was spray painted across the plinth of the memorial. This act caused public outrage and widespread condemnation.

On Twitter, a political writer, Asha Mehta said that she did not have a problem with the vandalism of the memorial building. Chandna reacted to this negatively, suggesting that Asha should be sent to join Terrorist Organization. Asha's comments and Chandna's reactions both received national media coverage.

A few days later, Chandna published a tweet asking the question "Scrawled on any war memorials recently?" to Anshika Chauhan, another political activist. Anshika Chauhan responded stating that they had never vandalised any memorial building, and moreover had family members serving in the armed forces. Chandna followed with a second tweet, in which she asked if someone could explain the difference between Mehta (an "irritant") and Anshika Chauhan (whom she described as "social anthrax").

Anshika Chauhan asked for a retraction via Twitter and was promptly blocked by Chandna. Anshika Chauhan asked Chandna to make a public apology and claimed compensation for libel alleging that the First Tweet suggested that she had either vandalised a war memorial, which was a criminal act; and the Second Tweet suggested that she approved or condoned that vandalism. What is the meaning of the Tweets and whether those meanings had defamatory tendency?

(a) Both the tweets were defamatory to Anshika Chauhan as the hypothetical ordinary reader can be expected to understand defamatory tendency of the tweet in the context of the situation.

(b) Second tweet was not defamatory as it was not referring directly to Anshika Chauhan. So, she cannot claim compensation.

(c) Natural and ordinary meaning of the tweets are not defamatory. So, she cannot claim compensation.

(d) First tweet was not defamatory because the natural and ordinary meaning of the statement which is conveyed to a hypothetical ordinary reader is not defamatory.

Legal Principle:

5. 1. An assault is an act which intentionally causes another person to apprehend the infliction of immediate, unlawful force on a person.

2. A battery consists of an intentional application of force to another person without any lawful justification.

Factual Situation: Jagan was in his car when he was approached by a police officer who told him to move the vehicle. Jagan did so, reversed his car and rolled it on to the foot of the police officer. The officer forcefully told him to move the car off his foot at which point Jagan swore at him and refused to move his vehicle and turned the engine off. Jagan was convicted for assaulting a police officer in the execution of his duty. Is he liable for battery or assault?

(a) He is not liable because there cannot be an assault in omitting to act and that driving on to the officer's foot was accidental, meaning that he was lacking *mens rea* when the act causing damage had occurred.

(b) He is not liable as the act neither amount to an attempt nor a threat to commit a battery that amounts to an actionable tort of assault.

(c) Jagan's crime was not the refusal to move the car but that of having driven on to the foot of the officer and decided not to cease the act, he had established a continual act of battery.

(d) He is neither liable for assault nor battery as he accidentally drove his car on the police officer's foot.

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Directions (Q. 6 - Q.8): Apply the legal principles to the facts given below and select the most appropriate answer.  
Legal Principles:

1. Consideration is something that moves from the promisee to the promisor, at the implied or express request of the latter, in return for his promise. The item that moves can be a right, interest, profit, loss, responsibility given or suffered, forbearance or a benefit which is of some value in the eyes of law.

2. An offer may be revoked at any time before the communication of its acceptance is complete as against the proposer, but not afterwards.

6. Factual Situation : The defendant, Mr. Dhawan, wrote to the complainant, Mr. Chaman, with an offer to sell his house to him for ? 8,00,000. He promised that he would keep this offer open to him until Friday. However, on the Thursday Mr. Dhawan accepted an offer from a third party and sold his house. According to Mr. Chaman, he was going to accept this offer but had not said anything to Mr. Dhawan because he understood that he had time until Friday. Mr. Dhawan communicated to Mr. Chaman that the offer had been withdrawn, through a friend to the complainant. After hearing this, Mr. Chaman went to find the defendant, informing of his acceptance to the offer. Thereafter, the complainant brought an action for specific performance and breach of contract against the defendant. Whether the defendant's promise to keep the offer open until Friday morning was a binding contract between the parties and whether he was allowed to revoke this offer and sell to a third party?
- (a) The statement made by Mr. Dhawan amounts to a valid contract and he has committed a breach by selling the house before Friday.
- (b) The statement made by Mr. Dhawan was nothing more than a promise; there was no binding contract formed. He had communicated an offer for buying his house to the complainant and this offer can be revoked any time before there is acceptance.
- (c) The communication by a friend or other party that an offer had been withdrawn is invalid and could not be treated as if it came from the person himself.
- (d) Promises to keep an offer open until a certain time is a binding agreement as it is accepted by the other party.
7. Factual Situation : MXM Co. is a building contractor who entered into an agreement with Star Heights Housing Association to refurbish a block of 27 flats. This contract was subject to a liquidated damages clause if they did not complete the contract on time. The MXM Co. engaged Hasan to do the carpentry work for an agreed price of ? 20,000. After six months of commencing the work, Hasan realised he had priced the job too low and would be unable to complete at the originally agreed price. He approached MXM Co. who recognised that the price was particularly low and was concerned about completing the contract on time. MXM Co. agreed to make additional payments to Hasan in return for his promise to carry out his existing obligations. MXM Co. agreed to pay Hasan an additional ? 575 per flat. Hasan continued work on the flats for a further period of 6 weeks but only received an additional ? 5,000. He then ran out of money and refused to continue unless payment was made. MXM Co. engaged another carpenter to complete the contract and refused to pay Hasan any further sums. Hasan sued for payment under the original agreement and the subsequent agreement. MXM Co. argued that the agreement to make additional payments was unenforceable as Hasan has not provided any consideration to make this agreement a valid contract. Decide.
- (a) The agreement to pay extra was unenforceable as Hasan had provided no consideration as he was already under an existing contractual duty to complete the work.
- (b) Consideration was provided by Hasan in the form of conferring a benefit on the MXM Co. by helping them to avoid the penalty clause. Therefore, MXM Co. was liable to make the extra payments promised.
- (c) There was no consideration provided by Hasan as to avoid the penalty clause was the main object of the contract. Therefore, MXM Co. was not liable to make the extra payments promised.
- (d) MXM Co. is liable to pay compensation to Hasan as they have committed a breach of contract by employing another carpenter.
- Factual Situation, : Bournville ran a sales promotion whereby if persons sent in 3 chocolate bar wrappers and a postal order for ? 100 they would be sent a record. Big Beats owned the copyright in one of the records offered and disputed the right of Bournville to offer the records and sought an injunction to prevent the sale of the records which normally retailed at ? 1,000. Under the Copyright Act, retailers are protected from breach of copyright if they gave notice to the copyright holders of the ordinary retail selling price and paid them 6.25% of this. Bournville gave notice stating the ordinary selling price was ? 100 and three chocolate bar wrappers. The issue is whether the chocolate bar wrappers formed part of the consideration?
- (a) The wrappers were a mere token or condition of sale and not consideration.
- (b) The wrappers did form part of the consideration for the sale of records despite the fact that they had no intrinsic economic value in themselves.
- (c) The wrappers did not form part of the consideration for the sale of records as they had no intrinsic economic value

in themselves.

(d) There was consideration for the sale of records in the form of postal order for? 100.

Directions (Q.9 - Q.10): Apply the legal principles to the facts given below and select the most appropriate answer.

Legal Principles:

1. Offer is a proposal made by one person to another to do an act or abstain from doing it. The person who makes the offer is known as the promisor or offeror and the person to whom an offer is made is known as the promisee or the offeree.
2. A contract comes into being by the acceptance of an offer. When the person to whom the offer is made signifies his consent thereto, the proposal is said to be accepted and the parties are at consensus ad idem regarding the terms of the agreement.

Factual Situation : Tejas drove his car to a car park named Super Car Park (SCP). Outside the car park, the prices

9. were displayed and a notice stated cars were parked at the owner's risk. An automatic ticket vending machine provided a ticket, a barrier was raised and Tejas parked his car. In small print on the ticket it was stated that the ticket is issued subject to conditions displayed on the premises. On a pillar opposite to the machine was a notice stating the owners would not be liable for any injuries occurring on their premises. Tejas met with an accident and sought damages from SCP. SCP denied any liability on the basis of the exclusion clause which was mentioned in the notice on the pillar. Whether there is an offer and acceptance of the exclusion clause?
- (a) There is a valid contract between Tejas and SCP as SCP had taken reasonable steps to bring exclusion clause to Tejas's attention at the time of making the contract.
  - (b) The contract was made when Tejas received the ticket and parked his car. The ticket amounted to a contractual document which effectively referred to the terms which were clearly visible on the premises.
  - (c) The machine itself constituted the offer. The acceptance was by putting the money into the machine. The ticket was dispensed after the acceptance took place and therefore the exclusion clause was not incorporated into the contract.
  - (d) The machine itself constituted the offer. The acceptance was by putting the money into the machine and acceptance of the offer mean acceptance of all the terms of the offer and hence SCP is not liable.

Factual Situation : The plaintiffs offered to provide delivery of a machine tool for a price of ? 75,535. The delivery of the tool was set for 10 months, with the condition that orders only qualified as accepted once the terms in the quotation were met and prevailed over any of the buyer's terms. The buyer responded to the offer with their own terms and conditions, which did not include the 'price variation clause' listed in the seller's terms. This included a response section which required a signature and to be returned in order to accept the order. The sellers returned this response slip with a cover letter signaling that delivery would be in accordance with their original quotation. The tool was ready for delivery but the buyers could not accept delivery, for which the sellers increased the price which was in line with their initial terms. This was denied by the buyer and an action was brought by the seller to claim the cost of delay and interest. Was a contract made with or without a price variation clause ?

- 10.
- (a) The buyer's order was not an acceptance of the initial offer from the seller but a counter-offer which the sellers had accepted by returning the signature section of the buyer's letter and so the contract was completed without the price variation clause and therefore the seller could not increase the cost of the tool.
  - (b) The buyer's order was an acceptance of the initial offer from the seller and so the contract was completed with the price variation clause and therefore the seller can increase the cost of the tool.
  - (c) The contract was made with price variation clause due to the condition that orders only qualified as accepted once the terms in the quotation were met and prevailed over any of the buyer's terms.
  - (d) The contract between the buyer and seller is not valid as both the parties are not agreeing to the same thing in the same sense.

Legal Principle :

- 11.
1. 'Misrepresentation' means and includes -the positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true; any breach of duty which, without an intent to deceive, gains an advantage of the person committing it, or any one claiming under him, by misleading another to his prejudice, or to the prejudice of any one claiming under him; causing, however innocently, a party to an agreement, to make a mistake as to the substance of the thing which is the subject of the agreement.
  2. The tort of negligent misstatement is defined as an inaccurate statement made honestly but carelessly usually in the form of advice given by a party with special skill/knowledge to a party that doesn't possess this skill or knowledge.

Factual Situation: The plaintiff, Mr. Madan, entered into a tenancy agreement with the defendant, Esso Petroleum, in respect of a petrol station owned by the latter. During the course of the negotiation of the agreement, 'expert' advisers

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employed by the defendant had provided an estimate of the sales which the petrol station could expect which was based on inaccurate information and consequently was significantly inflated. The value of the rent on the agreement had been calculated based on this inflated figure. As a result, it was impossible for the plaintiff to operate the petrol station profitably. Whether the plaintiff could have any action for negligent misrepresentation?

(a) The contract could not be held void for misrepresentation as the defendants presented the inflated figure as an estimate rather than as a hard fact.

(b) The defendant has no obligation to disclose as the parties contracting should obtain the necessary information themselves without relying upon the other party.

(c) As the defendant had taken it upon themselves to employ experts for the purpose of providing an estimate of sales, they owed a duty of care to the plaintiff to ensure that this was done on the basis of accurate information. Hence, the plaintiff can recover the losses which he had suffered as a result of the defendant's negligent

misstatement.

(d) Both (a) and (c)

Directions (Q. 12 - Q.13): Apply the legal principles to the facts given below and select the most appropriate answer.

Legal Principles :

1. The Tort of Negligence is a legal wrong that is suffered by someone at the hands of another who fails to take proper care to avoid what a reasonable person would regard as a foreseeable risk.

2. The test of liability requires that the harm must be a reasonably foreseeable result of the defendant's conduct, a relationship of proximity must exist and it must be fair, just and reasonable to impose liability.

3. The claimant must prove that harm would not have occurred 'but for' the negligence of the defendant. The claimant must prove, on the balance of probabilities, that the defendant's breach of duty caused the harm.

Factual Situation: Amar worked for an iron works, Luxmi Mills & Co. Ltd. operating a remotely controlled crane, Amar

12. galvanized items by dipping them into a large tank of molten metal. In order to protect its crane operators, whose controls were located just a few feet from the tank, Luxmi Mills erected a low wall around the tank and also provided a sheet of corrugated iron that crane operators placed between themselves and the wall. The operators were not facing the tank while operating the crane. Thus, they could not see the operation of the crane and therefore relied upon signals from another worker located farther from the tank. Many other galvanizers at the time situated their operators in enclosed, windowed spaces from which they could safely see and perform their work. Luxmi Mills eventually adopted that practice as well. One day, Amar was working on the crane. At one point, he either turned toward the tank or leaned out to see the worker giving him instructions, thereby placing his head outside the iron sheet. A spray of molten metal burned Amar's lip. When it failed to heal and began to ulcerate, he consulted a doctor who diagnosed the wound as cancerous. Amar ultimately died from the spread of cancer after three years. His widow sued Luxmi Mills for negligence. Whether the employers would be liable for the full extent of the burn and cancer that had developed as a result?

(a) The employers are liable for all of the consequences of their negligence; thus, liable for the employee's death.

His predisposition to cancer did not matter, nor did the results of the injury. The question of liability was, whether the defendant could reasonably foresee the injury.

(b) The employers are not liable because the duty of care towards Amar was not breached by them as they were using the same practices which were used by other companies at that time.

(c) The employers are not liable because Amar suffered injury due to his own negligence in stepping out of the protective shield.

(d) The employers are liable for burns and not for the death which happened due to Amar's cancerous condition which could not have been known to the employers.

Factual Situation: A 13-year-old boy fell from a tree. He went to a hospital where his hip was examined, but an incorrect diagnosis was made. After 5 days it was found that he was suffering from avascular necrosis. This was more advanced and serious than if it had been spotted straight away. Despite receiving treatment, it was determined that he had suffered from a muscular condition (avascular necrosis) which left the boy with a permanent disability and further left a strong probability that he would develop severe osteoarthritis later in life. The expert medical testimony indicated that had his fractured hip been identified on his initial hospital visit, there was a 25% chance of his condition having been successfully treated. He is claiming compensation for the negligence of hospital. Whether the hospital's negligence on his initial visit had caused his injury?

13. (a) No, because there are very less chances that correct diagnosis and treatment would have prevented the disability from occurring.
- (b) Where there are a number of possible causes, the claimant must still prove the defendant's breach of duty caused the harm or was a material contribution.
- (c) Yes, because there are some chances that correct diagnosis and treatment would have prevented the disability

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from occurring.  
(d) Both (a) and (b)

14. Legal Principle : Vicarious liability is when employers are held liable for the torts committed by their employees during the course of employment.

Factual Situation : New Vision School opened a boarding house (Shivaji House) for boys in the year 2000 for the students having behavioural and emotional difficulties. The claimants in the instant case had resided there between 2000 to 2003, being aged 12 to 15 during that time, under the care of a warden, who was in charge of maintaining discipline and the running of the house. The warden lived in the House, with his disabled wife, and together they were the only two members of staff in the House. His duties were ensuring order, in making sure the children went to bed, went to school, engaged in evening activities, and supervising other staff. It had been alleged by some of the boys that the warden had sexually abused them, including inappropriate advances and taking trips alone with them. A criminal investigation took place some ten years later, resulting in the warden being sentenced to seven years imprisonment. Following this, the victims brought an action for personal injury against the employers, alleging that they were vicariously liable. Whether the employers of the warden may be held vicariously liable for their employee's intentional sexual abuse of school boys placed under his care?

- (a) No, vicarious liability could only arise when the employee is acting during the course of his employment and for his employer's benefit.  
(b) No, the employers cannot be made liable for acts which are not authorised by them.  
(c) Yes, there was a sufficient connection between the work that the warden was employed to do and the abuse that he committed to render it within the scope of employment. The abuse was committed at the time, premises and during the course of the warden's care of the boys.  
(d) Yes, because the employers should be made liable in cases of sexual abuse of differently abled children.

In 2017, Special Leave Petition for re-investigation in the Mahatma Gandhi murder case was filed by

15. (a) Amrendra Sharan (b) Pankaj K. Phadnis  
(c) Tushar Gandhi (d) Raju Ramachandran

Who is the first Indian woman to be elected as the Judge of the International Tribunal for the Law of Sea?

16. (a) Dr. Neeru Chadha (b) Justice Gita Mittal  
(c) Vijaya Lakshmi Pandit (d) Dr. Menaka Guruswamy

Which of the following river(s) is/are declared as a legal entity by an Act of Parliament?

17. (a) Ganga (b) Whanganui  
(c) Yamuna (d) All of the above

Which of the following lawyers approached the Supreme Court challenging the existing system of 'designation of Senior Advocates' ?

18. (a) Meenakashi Lekhi (b) Vrinda Grover  
(c) Indira Jaisingh (d) Meenakshi Arora  
'Drunken Driving' is punishable under .

19. (a) Indian Penal Code (b) Motor Vehicles Act  
(c) Road Safety Standards Act (d) National Highways Act

The Supreme Court on 12 December 2017, had directed that special criminal courts, to be set up to exclusively deal with cases involving, should start functioning from March 1, 2018.

20. (a) 12, MPs/MLAs (b) 12, Rape Accused  
(c) 24, child-sexual abuser (d) 24, Terrorism related offences

Which State Government, in India, has recently sanctioned stipend for junior lawyers practicing in the courts ?

- (a) Delhi (b) Punjab (c) Kerala (d) Maharashtra  
21. From the field of Law and Justice, who is awarded the Nari Shakti Puraskar 2018 on the International Women's Day?  
(a) Geeta Mittal (b) Sudha Bharadwaj  
(c) Flavia Agnes (d) Indira Jaisingh  
22.

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23. Recently, the Supreme Court allowed euthanasia and right to give advance medical directives, stating that human beings have the right to die with dignity as part of fundamental right to life.  
(a) active, dying will (b) passive, living will  
(c) active, living will (d) passive, dying will
24. Local self-governance is an example of  
(a) federalism (b) democratic decentralisation  
(c) direct democracy (d) administrative delegation
25. The institutional infrastructure under the Insolvency and Bankruptcy Code, 2016, rests on certain pillars :  
I. Insolvency Professionals  
II. Information Utilities  
III. Adjudication  
IV. The Insolvency and Bankruptcy Board of India  
V. Asset Construction Companies  
Correct code is:  
(a) I, II and III (b) II, III and IV  
(c) I, II, III and IV (d) All of the above
26. In 2017, the Supreme Court held that right to privacy is protected under Article 21 of the Constitution of India in the context of  
(a) State Surveillance (b) Power of search & seizure  
(c) Homosexuality (d) Indian Biometric Identification Scheme
27. The age of consent for sexual intercourse between a husband and wife has been made from years by the Supreme Court of India.  
(a) 18,16 (b) 16,15 (c) 21,18 (d) 18,15
28. An accused is entitled to statutory bail (default bail) if the police failed to file the charge-sheet within of his arrest for the offence punishable with 'imprisonment up to 10 years'.  
(a) 30 days (b) 60 days (c) 90 days (d) 180 days
29. Nelson Mandela Rules deals with  
(a) Apartheid (b) Truth and Reconciliation  
(c) Prison Management (d) Global Peace-making
30. The Lok Sabha passed the Muslim Women (Protection of Rights on Marriages) Bill 2017. Which of the following are true about it?  
I. It declares instant triple talaq illegal and criminalizes it.  
II. It makes declaration of talaq a bailable offence.  
III. A husband declaring talaq can be imprisoned for up to two years along with a fine.  
IV. It entitles Muslim woman against whom triple talaq has been declared to seek subsistence allowance from her husband for herself and for her dependent children.  
(a) I and IV (b) I, III and IV (c) I, II and IV (d) All of the above
- In August 2017, the Union Ministry of Law & Justice in association with the National Legal Service Authority (NALSA)
31. launched 'Tele-Law' scheme in to provide legal aid services to marginalised communities and citizens living in rural areas through digital technology.  
(a) Andhra Pradesh (b) Bihar  
(c) Madhya Pradesh (d) Rajasthan
- In March 2018, the Supreme Court of India has held that there cannot be a stay of more than on trial of
32. (a) 6 months, civil and criminal cases  
(b) 6 months, criminal cases  
(c) 3 months, rape cases  
(d) 3 months, civil and criminal cases

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33. Which country has withdrawn from the International Criminal Court (ICC) citing reasons of international bias in March, 2018 ?  
(a) Burundi (b) Russia (c) South Africa (d) Philippines
34. Regarding foreign law firms, the Supreme Court held  
I. That foreign law firms can set up offices in India.  
II. Foreign lawyers can practice in India.  
III. Foreign lawyers can visit India for a temporary period on a fly in and fly out basis.  
IV. Foreign lawyers can give advice to their clients on Indian laws.  
(a) I, II, III (b) II, IV (c) III (d) III, IV
35. Which is the world's first country to enact a law under which companies and government agencies that employ at least 25 people will be fined if they can't prove they pay men and women equally ?  
(a) Iceland (b) India (c) Sweden (d) France



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## CLAT 2019

This section consists of fifty (50) questions. Each question consists of legal principle(s) (hereinafter referred to as 'principle') and facts. Such proposition may or may not be true in the real and legal sense, yet you have to conclusively assume them to be true for the purposes of this section. Principles have to be applied to the given facts to arrive at the most reasonable conclusion. Only one of the alternatives, i.e., (A), (B), (C), or (D) is the most reasonable conclusion. In other words, in answering the following questions, you must not rely on any principle except the principles that are given herein below for every question. Further you must not assume any facts other than those stated in the question. The objective of this section is to test your ability in legal aptitude, study of law, research aptitude and problem solving ability even if the 'most reasonable conclusion' arrived at may be absurd or unacceptable for any other reason.

1. Principle: Acceptance of proposal must be the exact mirror image of the proposal.  
Facts: 'A' made a proposal to 'B' to sell a chair for Rs. 500. 'B' is desirous of buying the said chair for Rs. 400.  
(a) B has accepted the proposal of A.  
(b) B has not accepted the proposal of A.  
(c) It is not clear if B has accepted the proposal of A.  
(d) It is not clear whether A made a proposal to B.
2. Principle: An agreement with a boy below the age of eighteen years is not enforceable by law.  
Facts: A man entered into an agreement with a girl of seventeen years of age.  
(a) The agreement is enforceable by law.  
(b) The agreement is not enforceable by law.  
(c) The agreement is enforceable by the girl.  
(d) No inference can be drawn.
3. Principle: Sale of liquor is illegal. All agreements relating to prohibited items do not exist in the eyes of law.  
Facts: 'A' entered into an agreement with 'B' for the sale of liquor. 'A' failed to supply the agreed quantity of liquor to B.  
(a) B can bring a legal action against A.  
(b) B cannot bring any legal action against A.  
(c) A can bring a legal action against B.  
(d) A and B can initiate appropriate legal proceeding against each other.
4. Principle: The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.  
Facts: 'A' sent a letter making a proposal to 'B' to purchase the house of B.  
(a) The communication of proposal is complete when A sent the letter.  
(b) The communication of proposal is complete when B's wife received it.  
(c) The communication of proposal is complete when B's wife handed over the letter to B.  
(d) The communication of proposal is complete when B reads the letter.
5. Principle: An agreement may be entered into orally, in writing, or by conduct.  
Facts: 'A' went to the shop of 'B' and picked a tooth brush and gave a cheque of Rupees twenty to B and left the shop.  
(a) A entered into an agreement with B.  
(b) A did not enter into an agreement with B.  
(c) Payment of tooth brush cannot be made through a cheque.  
(d) A should have carried a currency note of Rupees twenty to make the payment.
6. Principle: Property consists of right to possess, right to use, right to alienate and right to exclude others. Sale is complete when property gets transferred from the seller to the buyer.  
Facts: 'A' sold his car to 'B' B requested A to keep the car in his care on behalf B for one month. A agreed.  
(a) Sale of car is complete.  
(b) Sale of car is not complete.  
(c) Sale will be completed when B keeps the car in his own care.  
(d) Sale will be automatically completed after the expiry of one month.

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7. Principle: A person, who is usually mad, but occasionally not mad, may make a contract when he is not mad.  
Facts: 'A' generally remains in the state of madness and rarely becomes capable of understanding anything.  
(a) A can make a contract.  
(b) A can never make a contract.  
(c) A can make a contract at any time whenever he pleases.  
(d) A can make a contract only for his own benefit.
8. Principle: An agreement without free consent can be enforced only at the option of the party whose consent was not free.  
Facts: A obtains the consent of B to enter into an agreement by putting a gun on the head of B's girl friend.  
(a) B can enforce the agreement.  
(b) B cannot enforce the agreement.  
(c) A can enforce the agreement.  
(d) Neither A nor B can enforce the agreement.
9. Principle: Where one of the parties to a contract was in position to dominate the decision of the other party, the contract is enforceable only at the option of the party who was in a position to dominate decision of the other party.  
Facts: A doctor asked his patient to make a payment of Rs. 10,00,000/- (Ten Lac Only) for treatment of his fever. The patient paid an amount of Rs. 5,00,000/- (Five Lac Only) and promised to pay the remaining amount after the treatment. After treatment the patient recovered from fever. The doctor demanded the remaining amount from the patient. The patient refused to pay.  
(a) The contract is enforceable against the doctor.  
(b) The contract is enforceable against the patient.  
(c) The contract is not enforceable.  
(d) The contract is not enforceable against the patient.
10. Principle: When, at the desire one person, any other person has done or abstained from doing something, such act or abstinence or promise is called a consideration for the promise.  
Facts: X, the uncle of Y, made a promise to pay him an amount of Rs. 1,00,000/- as reward if Y quits smoking and drinking within one year. Y quit smoking and drinking within six months.  
(a) Consideration has moved from the side of X.  
(b) Consideration has moved from the side of Y.  
(c) No consideration has moved from the side of Y.  
(d) Quitting smoking and drinking cannot be a consideration.
11. Principle: Law never enforces an impossible promise.  
Facts: 'A' made a promise to 'B' to discover treasure by magic.  
(a) Law will enforce the promise.  
(b) Law will not enforce the promise.  
(c) Law will enforce the promise only at the option of A.  
(d) Law will enforce the promise only at the option of B.
12. Principle: When a person who has made a promise to another person to do something does not fulfill his promise, another person becomes entitled to receive, from the person who did not fulfill his promise, compensation in the form of money.  
Facts: X made a promise to Y to repair his car engine. Y made the payment for repair. After the repair, Y went for a drive in the same car. While driving the car, Y met with an accident due to bursting of the tyre.  
(a) X will be entitled to receive compensation from Y in the form of money  
(b) Y will be entitled to receive compensation from X in the form of money  
(c) X will not be entitled to receive compensation  
(d) Y will not be entitled to receive compensation from X
13. Principle: Whoever takes away any moveable thing from the land of any person without that person's consent is said to commit theft.  
Facts: During his visit to the home of C, A asks B, the son of C, to accompany A to a forest. Neither A nor B inform C in this regard. B accompanies A to the forest.  
(a) A has committed theft.  
(b) A has not committed theft.  
(c) A has committed theft as soon as he entered the home of C.

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- (d) A has not committed theft till B did not accompany him.
14. Principle: Nothing is an offence if it is done in good faith for the purpose of preventing or avoiding greater harm or damage to person or property.  
Facts: A jumps into a swimming pool to save a boy from drowning. While pulling the boy from water A was hit by C. A left the boy in the water and attacked C. The boy died in the water.  
(a) A has not committed the offence of killing the boy.  
(b) A has committed the offence of killing the boy.  
(c) The boy has committed the offence of suicide.  
(d) The boy has committed the offence of drowning.
15. Principle: Causing of an effect partly by an act and partly by an omission is an offence.  
Facts: A did not provide any food to his daughter D. He also confined D in a room. Consequently, D died.  
(a) A committed the offence of not providing food to D.  
(b) A committed the offence of confining D.  
(c) A committed the offence of killing D.  
(d) A committed no offence.
16. Principle: Nothing is an offence which is done in the exercise of the right of private defence. Nothing is an offence which is done in madness.  
Facts: A, under the influence of madness, attempts to kill B. B to save his life kills A.  
(a) A has committed the offence of attempt to murder  
(b) A has committed an offence of being mad  
(c) B has committed an offence  
(d) B has not committed an offence
17. Principle: A man is guilty of not only for what he actually does but also for the consequences of his doing.  
Facts: A wanted to kill the animal of B. He saw B standing with his animal and fired a gun shot at the animal. The gun shot killed B.  
(a) A is guilty of killing B.  
(b) A is not guilty of killing B.
18. (c) B is guilty of standing with the animal.  
(d) A did not know that the gun shot will kill B.
- Principle: Mere silence as to facts likely to affect the decision of a person to enter into a contract is not fraud.  
Facts: A sells to B (A's daughter who is a minor) a horse which A knows to be unsound. A says nothing to B about the unsoundness of the horse.
19. (a) A has committed fraud  
(b) A has committed no fraud  
(c) There cannot be a contract between a father and daughter  
(d) The daughter did not ask therefore the father did not tell, hence no fraud
- Principle: Whoever attempts to commit the offence of cheating, commits an offence.  
Facts: A with an intention to defraud B, obtains from him an amount of Rs. 500.
20. (a) A has committed no offence  
(b) A has committed the offence of cheating  
(c) A has attempted to commit the offence of cheating  
(d) A has attempted to commit and has committed the offence of cheating
- Principle: Whoever by words publishes any imputation concerning any person is said to defame that person.  
Facts: During a marriage ceremony, A circulated a pamphlet saying sister of the bride 'S' is a thief, she has stolen the shoes of the bridegroom.  
(a) A defamed S  
(b) A did not defame S  
(c) A defamed the bridegroom  
(d) A defamed the bride

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21. Principle: An employer is liable for an injury caused to an employee in the course of the employment.  
Facts: 'A' and 'B' were working in a factory as unskilled laborers. A was carrying a basket of stones on his head. B was sitting on the ground. When A crossed B, all of a sudden a stone fell down from the basket and hit B on his head. B died instantaneously.  
(a) The employer will be liable  
(b) The employer will not be liable  
(c) A will be liable  
(d) Both employer and A will be liable
22. Principle: Damages the money recompense, as far as money can do, for the loss suffered by a person.  
Facts: A, an Indian citizen, having a right to vote, was not allowed to cast his vote on the polling booth, by the returning officer. Name of A was mentioned in the voter's list. A has also reported at the polling booth in time. However, the candidate in whose favor A would have cast his vote won the election. A filed a suit claiming damages.  
(a) A will be entitled to damages  
(b) A will not be entitled to damages  
(c) A will be entitled to only nominal damages  
(d) A will be entitled to exemplary damages
23. Principle: When a party to a contract has refused to perform, or disabled himself from performing, his promise in its entirety, the other party shall not put an end to the contract.  
Facts: A engaged B on April 12 to enter his service on June 1, but on May 11, A wrote to B that his services would not be needed. On May 22, B joined C for employment.  
(a) B cannot put the contract to an end.  
(b) B can put the contract to an end.  
(c) C can put his contract with B to an end.  
(d) A must pay damages to B.
24. Principle: Everyone shall be permitted to take advantage of his own wrong.  
Facts: A legatee was heavily drunk and driving his car at a speed of 100 Km/per hour in a crowded market. All of a sudden his testator came on the road. There were other people on the road at that time. The car driven by legatee hit the testator and four other persons. All the five persons hit by the car died.  
(a) The legatee can take the benefit under the will  
(b) The legatee cannot take the benefit under the will  
(c) The legatee will be punished  
(d) The property of the testator will go to his heirs  
Principle: Property can be transferred only by a living person to another living person.
25. Facts: 'A' transfers property of which he is the owner in favor of the unborn child of B.  
(a) Property has been transferred to the unborn child  
(b) Property has been transferred to B  
(c) Property has not been transferred to the unborn child  
(d) property will be transferred to the unborn child after his birth  
Principle: An interest created, dependent upon a condition fails, if the fulfillment of the condition is impossible.
26. Facts: A promises to pay Rs. Ten Lakh to B on condition that he shall marry A's daughter C. At the date on which A gave Rs. Ten Lac to B, C was dead.  
(a) B's interest fails  
(b) B's interest fails because of immorality  
(c) B's interest fails because of prohibition by law  
(d) B's interest does not fail
27. Principle: A condition must be complied with after the happening of the event to which such a condition is attached.  
Facts: A promises to pay Rs. 5,000 to B on the condition that he shall marry with the consent of C, D and E. B marries without the consent of C, D and E, but obtains their consent after the marriage.  
(a) B has fulfilled the condition  
(b) B has not fulfilled the condition  
(c) The condition is illegal  
(d) B must divorce his wife

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28. Principle: A condition must be complied in order to claim the benefit of an agreement.  
Facts: A agrees to transfer a farm to B, if B shall not go to England within three years after the date of the agreement, his interest in the farm shall cease. B does not go to England within the term prescribed.  
(a) B's interest in the farm continues  
(b) B's interest in the farm does not continue  
(c) B has a fundamental right to go to England or not to go to England and hence the condition is illegal
29. (d) The agreement between A and B is void  
Principle: Existence of all the alleged facts is relevant whether they occurred at the same time and place or at different times and places.  
Facts: A, a citizen of England, is accused of committing murder of B in India by taking part in a conspiracy hatched in England.  
(a) The facts that A accused of commission of murder and of conspiracy are relevant facts  
(b) Only the fact that A is accused of committing murder of B is relevant  
(c) Only the fact that A is accused of conspiracy hatched in England is relevant
30. (d) A citizen of England cannot be tried in India  
Principle: One who asserts must prove.  
Facts: A desires a Court to give judgment that B, C and D shall be punished for a crime which A says B, C and D have committed.  
(a) A must prove that B, C and D were present at the place of crime  
(b) A must prove that B, C and D have committed the crime
31. (c) B, C and D must prove that they have not committed the crime  
(d) Police must prove that B, C and D have committed the crime  
Principle: Foreign judgment binds the parties and is conclusive unless it is obtained by fraud.  
Facts: A obtains judgment from US court by producing fake documents.  
(a) New Suit can be filed in India on the same facts
32. (b) Judgment can be enforced in US  
(c) Judgment can be enforced in India  
(d) New suit can not be filed in India on same facts  
Principle: Decision of Court is Null and Void, if it is given by court which does not have jurisdiction over the subject matter.  
Facts: A obtains decision from a court which did not have jurisdiction to deal with the subject matter.
33. (a) Decision can be enforced because both the parties were present  
(b) Decision cannot be enforced because decision is null and void  
(c) Decision can be enforced because it is given a court  
(d) Decision can be enforced  
Principle: Civil Suit can be filed where defendant resides or carries on business or where cause of action arises.  
Facts: 'A' carries on business in Gurgaon, 'B' carries on Business in Mumbai. 'B' through his agent in Gurgaon purchases goods in Gurgaon and takes delivery through agent in Gurgaon. Where Civil Suit for payment of price can be filed by 'A'?  
(a) Gurgaon only where cause of action arises  
(b) At Mumbai where B carries on Business  
(c) At either of the places i.e. Mumbai or Gurgaon  
(d) Anywhere in India
34. Principle: Civil Suit can be filed where defendant resides or carries on business or where cause of action arises.  
Facts: An agreement is signed and executed in New Delhi between A and B for supply of goods wherein B is to supply goods to be delivered at New Dehli to client of A. A carries on business at Haryana and B carries on Business in UP. Civil suit by 'B' for payment of consideration can be filed against 'A' at  
(a) Only at New Delhi, where cause of action arises  
(b) Only at Haryana where 'A' carries on business  
(c) Only at UP where 'B' carries on business  
(d) At Haryana or at New Delhi

35. Principle: No court can execute the decisions unless it is having territorial jurisdiction over the property or the person against whom decision is to be executed. The Court which gave the decision can transfer the matter to the court which has the territorial jurisdiction over the person or property.  
Facts: A decision is given by court at New Delhi on a contractual matter against X in a suit between X and Y. X is resident of Maharashtra and he has properties in Maharashtra and Gujarat.  
(a) New Delhi court can transfer the proceedings to Court at Maharashtra only  
(b) New Delhi court can execute the decision because it had the jurisdiction to decide the matter so it can execute also  
(c) New Delhi court can transfer the proceedings to court at Gujarat only  
(d) New Delhi court can transfer the proceedings to either of the courts i.e. Maharashtra or Gujarat
36. Principle: Nothing is an offence by reason of any harm it may cause to another person, if it is done in good faith and for the benefit of that person even without that person's consent.  
Facts: A is attacked by a Lion and Lion drags him while he is crying for help. B, a passer by picks up A's gun in good faith and fires at Lion which injures A. B has never used the gun before.  
(a) B is liable for the injury because he knew that he can injure A as he has never used any gun before  
(b) B is not liable as he has done the act in good faith  
(c) B is liable because he has not taken A's consent before firing  
(d) B is liable because he has used A's gun without his consent
37. Principle: Nothing is an offence if it is done under intoxication and the person committing the offence was incapable to understand the nature of the Act. Intoxication should be without knowledge or against the will of the person.  
Facts: A, B and C were having a party in Bar where A persuaded B and C to take alcoholic drinks. On the persistent persuasion B and C also consumed alcohol along with A. B and C had never consumed alcohol before. After intoxication, there was some argument between B and C where C pushed B with full force causing serious injury to B.  
(a) C is liable  
(b) C is not liable because he was intoxicated  
(c) A is liable because A persuaded them to consume alcohol whereas they had never consumed alcohol  
(d) A and C both are liable
38. Principle: Everyone has the right of private defence to defend his body and property by use of reasonable force unless that person had time to have recourse to protection of public authorities.  
Facts: X receives information at 5.00 pm that Y along with few friends is planning to burn his crop at midnight which is ready to be harvested. He does not inform the village Police Station which was just one kilometer away. He gathers his family members and directs them to collect some weapons in the form of swords and lathis to protect his field/crop.  
At around 11.00 pm Y and his aides attack the crop and a severe fight ensues wherein Y is seriously injured.  
(a) X is not liable as he was exercising his right of private defence  
(b) X and his family are not liable for the injuries caused as they were exercising the right of private defence  
(c) X is liable  
(d) X and his family is liable as they have not informed the police
39. Principle: Anyone who induces or attempts to induce a voter to vote in a particular manner on the ground that the voter will face divine displeasure, shall be guilty of offence of interfering with free exercise of right to vote.  
Facts: During election campaign period one candidate X told the voters that if they do not vote for her, voters will be cursed because the election candidate is the God's own child and those who do not vote for her, they will not be liked by God.  
(a) X has committed an offence  
(b) X has not committed an offence because she only narrated what she felt  
(c) X has not committed an offence because she has freedom of speech and expression  
(d) X has not committed an offence because she did not compel anyone to vote for her
40. Principle: Doing of an act which causes common injury, danger or annoyance to public or which is likely to cause such injury or annoyance is Public nuisance. A common nuisance is not excused because it causes some nuisance or advantage.  
Facts: 'A' a farmer having large farmlands burns crop residue (stubble) on his fields after harvesting the crop to make the field ready for next crop as this is the easy, fast and convenient method of making the field ready for next crop. His farmlands are adjoining a densely inhabited residential area and people pass through the smoke while travelling on the road adjoining his farmlands. The smoke caused by fire also enters the houses in the colony  
(a) A has not committed any offence since he does not cause any specific injury to any specific person  
(b) A has not committed any offence because he does not gain any advantage from persons living in the vicinity

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- (c) A has committed public nuisance  
(d) A has not committed any offence because the alleged acts are done on the fields owned and used by him and acts are done without any intention to cause harm.
41. Principle: Death caused by rash or negligent act of a person is an offence.  
Facts: X was driving his SUV car in a lonely road leading to a forest at 160 km per hour. Suddenly, someone appears from the forest on the road and in the resultant accident, the car hits the commuter causing his death.  
(a) X is not guilty of an offence as the accident has occurred on a lonely road  
(b) X is not guilty because there was no intention to kill the deceased
42. (c) X is guilty of an offence death by rash or negligent act  
(d) X is not guilty because he was also injured in the accident  
Principle: Whoever causes death by rash or negligent act commits an offence.  
Facts: X is having a house on the roadside which is also having a street on the back of the house. He has a lawn on the back of his house where he has built a toilet. To prevent the intruders from entering his house, he got the fence charged with a high voltage live electric wire. Z was passing through the street at the backyard of the house of X and sat down to take rest near the fence. While getting up, his hands came in contact with the fence which was connected to high voltage electric wire causing his death.  
(a) X has not committed any offence because he has right to prevent trespass  
(b) X has committed an offence of causing death by rash and negligent act  
(c) X has committed no offence because he does not have any enmity with X  
(d) X has committed an offence of Murder
43. Principle: Killing is not murder, if it is committed in a sudden fight without pre-meditation in a heat of passion upon a sudden quarrel.  
Facts: X and Y were buying liquor from a liquor shop at 7 pm. Y abused X and there was quarrel between them. X told Y that he will not spare him and Y shouted that his house is adjoining the shop only and if X had the guts, he can come anytime. X went back to his shop which was nearby, procured a knife and went to Y's residence at 9 pm and stabbed him to death.  
(a) X has committed murder  
(b) X has not committed an offence of murder since it was committed in sudden fight in a heat of passion  
(c) X has not committed murder of Y because he had no enmity with Y  
(d) X has committed no offence
44. Principle: Use of criminal force intentionally knowing that it would cause or is likely to cause injury or annoyance to the person against whom force is used, is an offence.  
Facts: X, a renowned social worker who had launched a movement for liberation of women, pulls up a Muslim women's veil in public in good faith without her consent causing annoyance to her.  
(a) X is a renowned social worker and he has committed no offence because his motive was good  
(b) X acted in good faith to liberate her from clutches of tradition and has hence has committed no offence  
(c) X has done the act in public and not in secrecy therefore had not committed any offence  
(d) X has committed an offence by use of criminal force
45. Principle: Inducing any animal to move or to change its motion and thereby intentionally causing fear of injury or annoyance to others by such act, is an offence of use of criminal force.  
Facts: X incites his dog to chase and run after his neighbour Y, to teach Y to stay away from him. The act is done without neighbour's consent and against his will  
(a) X has committed no offence  
(b) X has committed no offence because no harm is caused to Y  
(c) X has committed no offence because he intention only to put fear in the mind of Y  
(d) X has committed an offence of use of criminal force  
Principle: A spouse is not permitted to put in evidence in any court, any communication during marriage between
46. the spouses without the consent of the person who made the communication.  
Facts: X who is the wife of Y saw her husband (Y) coming out of the neighbour's house at 6.00 am in the morning. Y told his wife X that he has murdered the neighbour and handed over the jewellery of that neighbour to his wife.  
(a) X is allowed to appear as a witness in court to depose that her husband has told her that he committed a murder  
(b) X is not allowed to appear as a witness at all in any court  
(c) X is not allowed to appear as a witness to depose what was told by the husband to her, however, she can depose what she saw

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- (d) X is an independent woman and she can do whatever she wants
47. Principle: Oral evidence must always be direct i.e. of the person who says he saw the event and hearsay evidence is no evidence.  
Facts: X was told by Y (whom X trusts) that Z has murdered A  
(a) Statement of X is admissible  
(b) Statement of X is not admissible because he has not seen Z murdering A  
(c) Statement of X is admissible because he trusts Y and Y never tells a lie  
(d) Statement of X is admissible because he is a renowned social activist and has a huge reputation to fight for the truth
48. Principle: Terms of any written contract can be proved by producing the written contract only and oral evidence is excluded.  
Facts: A gives B receipt for money paid by B. Oral evidence is offered to prove payment.  
(a) Oral evidence to prove payment is allowed  
(b) Oral evidence to prove payment is not allowed  
(c) Oral evidence is always allowed to prove all facts  
(d) Oral evidence is generally disallowed
49. Principle: Employer is liable for the injury caused to the employee in the course of his employment.  
Facts: X organized a party and hired a caterer. During the party, generator set went out of order and he requested one employee of caterer i.e. Y to bring the mechanic on his vehicle and promised to pay 1000 for the same to Y. Y met with an accident while going to fetch the mechanic and he seeks compensation.  
(a) X is liable as Y was working in the course of employment offered by X  
(b) X is not liable as Y is not his employee  
(c) X is liable because party was organized by him  
(d) Caterer is liable as Y is his employee
50. Principle: Master is liable for the acts of his servant done in the course of his duties.  
Facts: X hired an employee Y in his construction business. Y was the property in-charge who received construction material and gave receipts for the material received by him. Z claimed payment for cement supplied to X which was duly received by Y. X denied the payment on the ground that he has only received half of the material and the balance was misutilized by the employee Y.  
(a) X is liable for the entire amount  
(b) X is liable for the part amount only i.e. for payment of the cost of half of the material  
(c) X is not liable for the misconduct/embezzlement of his employee  
(d) Z can claim the balance payment only from Y



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## AILET 2019

Directions (Q.1 – Q.3): Apply the legal principles to the facts given below and select the most appropriate answer.

Legal Principles:

1. An attempt is an act committed in part execution of a criminal design or intent, more than mere preparation, but failing short of actual commission,
  2. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do/omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind reputation or property, is said to "cheat",
  3. Preparation is the second stage in the commission of a crime, it means to arrange the necessary measures for the commission of the intended criminal act.
  4. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that his act is likely to cause death, commits the offence of murder.
  5. Whoever causes the death of any person by doing any rash or negligent act shall be guilty of negligence,
- In which of the following cases, X is guilty of attempting to commit the offence?

1. (a) X, in order to forge a document purporting to be executed by Y, send his servant to buy a stamp paper In the name of Y, As the servant reaches shop, he is arrested.  
(b) X shoots at Y whose back is towards him, Y is not hurt as he is beyond the range of the gun.  
(c) X poured half a pint of substance from a bottle-marked 'poison' into the drink of Y, Y is not aware of it. Later, it turns out that the bottle did not contain any poison.  
(d) X administers some noxious substance to Ria so that an abortion results. The woman was not pregnant.

Factual Situation: Amar applied for the post of P. G. Teacher in a government school and submitted his application along with his degrees. He was called for the interview on 10 June 2018. But the school authorities on 10 May 2018 discovered that the copy of the degrees attached with Amar's application are forged and so the interview was cancelled.

Is any offence committed by Amar?

- (a) Amar is guilty of cheating.
- (b) Amar is guilty of preparation to cheat.
- (c) Amar is guilty of attempt to cheat.
- (d) Amar is not guilty of any offence as he is not called for the interview.

Factual Situation: X tries to pickpocket Z. Z has a loaded pistol in, his pocket. X's hand touches the pistol and triggers it, resulting in the death of Z.

3. Which of the following offence is committed by X ?

- (a) X is guilty of causing Z's murder.
- (b) X is guilty of culpable homicide by negligence.
- (c) X is guilty of causing grievous hurt.
- (d) X is guilty of pickpocketing.

Directions (Q.4 - Q.6): Apply the legal principles to the facts given below and select the most appropriate answer,

Legal Principles:

1. The Tort of Negligence is a legal wrong that is suffered by someone at the hands of another who fails to take proper care to avoid what a reasonable person would regard as a foreseeable risk.
2. The test of liability requires that the harm must be a reasonably foreseeable result of the defendant's conduct, a relationship of proximity must exist and it must be fair, just and reasonable to impose liability,
3. Volenti non-fit injuria is defence to action in negligence.

Factual Situation: in a sad incident, 95 fans of a Football club died in a stampede in the Nehru Stadium, The court has decided that the accident was caused due to the negligence of the Police in permitting too many supporters to crowd in one part of the stadium. Now, a suit is filed by Harman and several other people against the Commissioner of State Police, Harman and the other claimants had relatives who were caught up in the Nehru Stadium disaster. The disaster was broadcast on live television, where several claimants alleged, they had witnessed friends and

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relatives die. Others were present in the stadium or had heard about the events in other ways. All claimed damages for the psychiatric harm they suffered as a result. Determine whether, for the purposes of establishing liability in negligence, those who suffer purely psychiatric harm from witnessing an event at which they are not physically present are sufficiently proximate for a duty to be owed, and thus can be said to be reasonably within the contemplation of the tortfeasor?

(a) Police is liable for all of the consequences of their negligence because they could reasonably foresee the injury.

The liability towards victims who are not physically present is also there in all circumstances.

(b) Police is not liable because the duty of care towards Harman and others will be breached if they were present at the event and the harm caused was being foreseeable. The liability towards victims who are not physically present is only in certain exceptional circumstances.

(c) Police is not liable because the incident was an accident and supporters were there by their own free will.

(d) Police is liable for only for the death of 95 fans, burns and not for the psychiatric harm to relatives of deceased fans which happened due to their own delicate mental condition.

5. Factual Situation: X purchased a disused cinema with the intention of turning it into a Multiplex. Six weeks after, X entered the building for the first time, it was set on fire by intruders and destroyed. As a result, the adjacent buildings were also affected and damaged. The cinema building was a target to vandals and children who often played there, but X had had no knowledge of previous attempts to start fire at the cinema buildings. The owners of the adjacent buildings brought an action for negligence against X on grounds that X failed to take reasonable care for the safety of the buildings by not keeping the cinema locked, making regular inspections and employing a caretaker. Decide whether the occupier of a property owes a duty of care to the adjoining occupiers in respect of acts of trespass on his property resulting in damage to the adjoining properties?

(a) An occupier of a property owes a duty of care to the adjoining occupiers in respect of acts of trespass on his property resulting in damage to the adjoining properties under all circumstances.

(b) X was not aware of previous attempts of vandals to start fire and as such, the building did not present an obvious fire risk, so X was not under any duty to anticipate the possibility of fire and take measures to prevent the entry of vandals. So, no duty of care existed towards the adjoining properties in this case.

(c) Though X was not aware of previous attempts of vandals to start fire and as such and the building did not present an obvious fire risk but he failed to take reasonable care, so X is liable.

(d) X is not liable as the adjoining occupiers are also negligent by not being careful in safeguarding their properties against fire.

6. Factual Situation: A team of scientists imported a virus for the purpose of research. They carried out research on their premises into foot and mouth disease in cattle, and they were apparently responsible for the escape of some virus. As a result, there was an outbreak of foot and mouth disease in the area, and the Minister of Agriculture ordered two markets to be closed. This caused some of the traders, who were two firms of auctioneers, to suffer a loss of profits on a total of six market days, for which they sought to recover. Decide whether the scientists owed a duty of care towards the traders?

(a) An ability to foresee indirect or economic loss to another person as the result of a defendant's conduct automatically impose on the defendant a duty to take care to avoid that loss.

(b) The loss to the traders was pecuniary. They suffered no physical harm to themselves or to any of their property. An ability to foresee indirect or economic loss to another person as the result of a defendant's conduct did not automatically impose on the defendant a duty to take care to avoid that loss.

(c) It is not proved that there was negligence on the part of the scientists which resulted in an escape of the virus so they are not liable.

(d) Though the scientists are negligent in handling the virus but they are not liable as the leakage of virus was by accident.

Legal Principles:

7. 1. Private nuisance is a continuous, unlawful and indirect interference with the use or enjoyment of land, or of some right over or in connection with it.  
2. A person is liable if he can reasonably foresee that his acts would be likely to injure his neighbour.  
3. The foreseeability of the type of damage is a pre-requisite of liability in actions of nuisance.

Factual Situation: Bharat Sugar Ltd, operated a sugar refinery on the bank of the river Ravi. They had a jetty from which raw sugar would be offloaded from barges and refined sugar would be taken. The sugar would be taken by larger vessels and then transferred to smaller barges to enable them to get through the shallow waters. As part of development Bharat Sugar Ltd, wished to construct a new jetty and dredge the water to accommodate the larger vessels. At the same time the State was constructing new ferry terminals. The design of the ferry terminals was such that it caused siltation of the channels. After using the channels for a short while, Bharat Sugars' larger vessels were no longer able to use them. Further dredging at the cost of ₹ 7,50,000 was required to make the channel and

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jetties usable by the vessels, Bharat Sugar Ltd, brought an action in nuisance-to recover the cost of the extra dredging, is the State liable ?

- (a) The loss caused by the construction of new ferry terminals could not amount to a private nuisance at law since they did not possess any private rights which enabled them to insist on any particular depth of water.
- (b) The loss caused by the construction of new ferry terminals amount to a private nuisance at law since they did possess right to use the water at a particular depth.
- (c) No, it cannot constitute private nuisance but the claimants can claim damages for loss suffered by them.
- (d) Yes, the State's conduct was unreasonable in building the new terminals without thinking of all the consequences it will have on the rights of other parties.

8. Legal principle: The tort of negligent misstatement is defined as an inaccurate statement made honestly but carelessly usually in the form of advice given by a party with special skill/knowledge to a party that doesn't possess this skill or knowledge,

Factual Situation: X and Y Co, were advertising agents placing contracts on behalf of a client on credit terms. X and Y Co. would be personally liable should the client default. To protect themselves, the X and Y asked their bankers to obtain a credit reference from K and L, the client's bankers. The reference (given both orally and then in writing) was given gratis and was favourable, but also contained an exclusion clause to the effect that information was given 'without responsibility on the part of this Bank or its officials', X and Y relied upon this reference and subsequently suffered financial loss when the client went into liquidation. X and Y sued K and L Co, for negligence, claiming that the information was given negligently and was misleading, K and L argued there was no duty of care owed regarding the statements. Decide.

- (a) The K and L disclaimer was not valid to protect them from liability and X and Y's claim will not fail.
- (b) The X and Y has a duty to obtain the necessary information themselves without relying upon the other party.
- (c) It was reasonable for K and L to have known that the information that they had given would likely have been relied upon for entering into a contract of some sort. That would give rise to a special relationship of trust, in which K and L would have to take sufficient care in giving advice to avoid negligence liability. However, on the facts, the disclaimer is sufficient to discharge any duty created by K and L's actions.
- (d) It was reasonable for K and L to have known that the information that they had given would likely have been relied upon for entering into a contract of some sort. That would give rise to a special relationship of trust, in which K and L would have to take sufficient care in giving advice to avoid liability. Hence, liable for negligent misstatement.

Directions (Q.9 - Q.11): Apply the legal principles to the facts given below and select the most appropriate answer.

Legal Principles:

- 1. A contract comes into being from the acceptance of an offer, When the person to whom the offer is made signifies his assent thereto, the proposal is said to be accepted and the parties are at consensus ad idem regarding the terms of the agreement,
- 2. Consideration is something that moves from the promisee to the promisor, at the implied or express request of the latter, in return for his promise, The item that moves can be a right, interest, profit, loss, responsibility given or suffered, forbearance or a benefit which is of some value in the eyes of law.
- 3. Contractual rights and liabilities are exclusive to the parties to contract,
- 4. There are few exceptions to the doctrine of privity of contract like agency, trust, assignment and third-party beneficiary.
- 5. A quasi contract is a contract that is created by the court when no such official contract exists between the parties to prevent a party from being unjustly enriched, or from benefiting from the situation when he does not deserve to do so.

Factual Situation: Good tyre is a tyre manufacturer who agreed with their dealer to not sell the tyres below a

9. recommended retail price (RRP). As part of the agreement, Goodyear also required their dealers to gain the same agreement with their retailers, who in this instance was Bestmotors. The agreement held that if tyres were sold below the RRP, they would be required to pay ? 500 per tyre in damages to Goodyear. This was agreed between the dealer and Bestmotors, which effectively made Goodyear a third-party to that agreement. Sometime after this, Bestmotor sold the tyres below the agreed price and Goodyear sued for damages and an injunction to prevent them from continuing this activity, Bestmotor is arguing that Goodyear could not enforce the contract as it was not part of the contract between the dealer and the Bestmotor. The court decided that Goodyear had no right to access damages. Which of the following are correct reasons?

- I. Goodyear could not claim for damages as only a party to a contract can claim damages under it.
- II. Goodyear had not given any consideration to Bestmotor and therefore there could be no binding contract between the parties.

- III. Goodtyre was not listed as an agent within the contract and could therefore not be included as a valid third-party who had rights to claim on the contract,  
(a) I only (b) II only (c) I and II (d) I, II, III
10. Factual Situation: Nandini, by deed of gift, made over certain landed property to Reena, her daughter. By the terms of the deed, which was registered, it was stipulated that an annuity of Rs. 3,000 should be paid every year to the Subhashini, sister of Nandini. Reena executed in Subhashini's favour an agreement promising to give effect to the stipulation. The annuity was, however, not paid and the Subhashini sued to recover it, Reena is defending herself by claiming that there is no valid contract with Subhashini, Which of the following can be ground/s for court's decision?  
I. A promise is enforceable if there is some consideration for it and it is quite immaterial whether it moves from the promisee or any other person.  
II. Only a person who is a party to a contract may demand the execution of that contract from other party, But if there is third party beneficiary to contract then it is enforced to the extent of his/her benefit.  
III. The agreement is valid as both Reena and Subhashini agreed to on the same thing in the same sense.  
IV. There is no privity of contract as Subhashini has furnished no consideration, Reena had promised to Subhashini but consideration was furnished by Nandini.  
(a) I,II (b) III, IV (c) I only (d) II only
11. Factual Situation: Tanu's brother, Ishan, tries to talk her into building a greenhouse in her large back-yard. She declines, but Ishan is convinced that, if she were surprised by a lovely greenhouse, she would love it. Knowing that Tanu makes good money, and could easily afford the greenhouse, Ishan contacts greenhouse builder Aditya, and arranges to have him erect the structure while his sister is at work one day, Tanu is not happy by her brother's initiative, but the deed is done. Ishan has directed Aditya to bill his sister for the greenhouse, and that turns out to be the biggest surprise for her, She declines to pay, and Ishan tells Aditya he cannot afford it, Aditya is now out, not only for payment for his many hours of hard work, but cash for the materials he used. He files a civil suit to claim against both Tanu and Ishan. Decide.  
(a) Ishan is liable to pay as he has entered into contract with Aditya for his services,  
(b) Tanu is not liable to pay as there is no contract between Aditya and Tanu.  
(c) Tanu is liable to pay Aditya the costs involved in building the greenhouse as she has being unjustly enriched by this deal.  
(d) Tanu is liable as Ishan is her brother and was acting on her behalf under her implied consent as she liked greenhouse,  
Legal Principles:
12. 1. Vicarious liability is when employers are held liable for the torts of their employees that are committed during the course of employment  
2. A servant is a person subject to the command of his master as to the manner in which he shall do his work. The question of whether a person is an employee depends upon the degree of control which the 'employer' exercises over the worker.  
actual Situation: Raja is a travel agent and certain houses, which had an internal communication throughout, and which were used for the purposes of his business, Ramesh looked after the houses, and lived in them for this purpose, but he was also a clerk in the Raja's pay at a set annual salary, He lived in the houses with his wife a child, and a servant, The case concerned the payment of inhabited house duty, There was a statutory exemption for premises which were occupied by a "servant" or person occupying the premises "for the protection thereof. Raja was claiming the exemption from tax liability by claiming that Ramesh was the servant. Decide whether Ramesh was a servant or an independent contractor?  
(a) Ramesh is not a servant as the premises was held purely for trade purposes, and as Ramesh's position was simply that of a caretaker.  
(b) Ramesh earned a salary per annum in his separate role as a clerk and merely enjoyed residence of the building with his family members. Thus, is an employee of the building owner for tax purposes.  
(c) Ramesh is a servant as servant is a person subject to the command of his master as to the manner in which he shall do his work,  
(d) Ramesh is a servant as Raja can control his work of caretaker of the building as well as his job of clerk,  
Legal Principles:
13. 1. Private nuisance is a continuous, unlawful and indirect interference with the use or enjoyment of land, or of some right over or in connection with it.  
2. The person who for his own purposes brings on his lands and collects and there anything likely to do mischief if it escapee, must It in at his peril, and, it does not do so, is prima facie answerable for ail the damage which is the natural consequence of its escape,

3. Generally, nuisances cannot be justified on the ground of necessity, pecuniary interest, convenience, or economic advantage to a defendant,

Factual Situation: Dr. Hemant had for 18 years operated a clinic and hospital for the treatment of ENT. Dr. Karan operated a renal clinic in which patients receive haemo-dialysis on the floor above the Dr. Hemant's clinic. The .Karan was found liable for emitting from their clinic obnoxious fumes which escaped downwards into Hemant's clinic. Hemant, his staff and patients were found to have suffered substantial damage ranging from skin diseases, red and swollen eyes, headaches, lethargy and breathing difficulties. Decide whether Karan is liable ?

- (a) Karan is not liable as the work is a public welfare requires, a nuisance may be permitted for special purposes.
- (b) Hemant cannot claim damages as he is voluntarily operating his clinic since a decade,
- (c) Karan is not liable as he is running the clinic for 18 years and Hemant has not raised any issues earlier.
- (d) Karan is liable for the damages caused to Hemant and his staff and patients.

Directions (Q.14 - Q.15) The following questions consist of two statements, one labelled as 'Assertion' and the other as 'Reason', Read both the statements carefully and answer using the codes given below.

- (a) Both A and R are true and R is the correct explanation of A
- (b) Both A and R are true but R is not the true explanation of A
- (c) A is true but R is false
- (d) A is false but R is true

Assertion (A): The rule making power of the Supreme Court is not subject to any law made by the Parliament of India.

14. Reason (R): Only an impartial and independent judiciary can protect the rights of the individual without fear or favour.

Assertion (A): The entries in the three legislative lists are not always set out with scientific precision.

15. Reason (R): The entries are not powers but only fields of legislation.

Which of the following amendments are sought to be introduced in the Representation of the People Act through

16. Amendment Bill, 2018 ?

- I. Proxy voting
- II. Gender neutral provisions
- III. Allocation of seats
- IV. Delimitation of constituencies

(a) I, II, III, IV (b) III, IV (c) I, II (d) I, II, IV

17. Which of the following offences can be prosecuted under the newly enacted Fugitive Economic Offenders Act, 2018 ?

- I. Economic offences involving Rs, 100 crore and more
- II. Dishonouring of cheques
- III. Money laundering
- IV. Benami transactions

18. (a) III, IV (b) I, II, III, IV (c) II, IV (d) I, III, IV

The Constitution (One Hundred and Third Amendment) Bill, 2019 seeks to amend \_\_\_\_\_ to include \_\_\_\_\_

- (a) Article 15 and 29; Other Backward Class
- (b) Article 15 and 30; Other Backward Class
- (c) Article 29 and 30; Economically weaker sections
- (d) Article 15 and 16; Economically weaker sections

Which of the following are the salient features of the Aadhaar and other laws (Amendment) Ordinance 2019 ?

- 19. I. The maximum penalty proposed is Rs. on© crore,
- II. The cognizance of an offence under the law can be taken only on a complaint by U1DAI.
- III. It changes definition of 'aadhaar number' to include Virtual ID', in addition to the 12-digit number.
- IV. The authority who can issue orders to disclose Aadhaar information is proposed to be changed as 'High Court Judge' from 'District Judge,
- (a) I, II (b) II, III, IV (c) I, III, IV (d) III, IV

Recently, Ram Janmabhoomi and Babri Masjid land dispute is referred to mediation by a panel. Which of the following is the correct constitution of the panel?

- 20. (a) Retd. Justice Kalifullah, Sadhpuru
- (b) Retd. Justice Altmas Kabir, Sadhguru, Sadhna Ramachandran
- (c) Retd. Justice Altmas Kabir, Sri Sri Ravi Shankar
- (d) Retd. Justice KalifuUah, Sri Sri Ravi Shankar, Sriram Panchu

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21. Who is heading the five-member committee set up to examine the issues related to framing of a proper, structured scheme for providing of insurance cover to the advocates and also suggest modalities for the implementation of such scheme ?  
(a) Ravi Shankar Prasad (b) Anand Patel  
(c) Alok Srivastava (d) Amrinder Khuller
22. What is the punishment under the Official Secrets Act, 1923 for the offence of spying in relation to any work of defense establishment or in relation to any secret official code ?  
(a) Sentence of Death (b) Imprisonment for 14 years  
(c) Imprisonment for 10 years (d) Imprisonment for life
23. Citizenship (Amendment) Bill 2019, seeks to grant citizenship on the basis of \_\_\_\_\_ to the people from \_\_\_\_\_  
(a) Religion; Bangladesh, Pakistan, Afghanistan  
(b) Registration; Bangladesh, Pakistan  
(c) Birth; Bangladesh  
(d) Descent; Bangladesh, Afghanistan
- Delhi High Court has allowed the transgenders to register complaints of sexual harassment under which provision of Indian Penal Code ?  
(a) Section 265 (b) Section 355 B (c) Section 365 (d) Section 354 A
- Who is the executive Chairperson of NALSA ?  
(a) Justice A. K. Sikri (b) Justice Madan B. Lokur  
(c) Justice N. F. Nariman (d) Justice D. Y. Chandrachud
- Who is the First Chief Justice of Telangana High Court ?  
(a) B.N. Srikrishna (b) T.B.N. Radhakrishna  
(c) K.R. Lakshmanan (d) Hrishikesh Roy
- A human wall was made up by women in Kerala as part of the State sponsored initiative to uphold gender equality from \_\_\_\_\_ to \_\_\_\_\_  
(a) Thrissur, Kollam (b) Kasaragod, Thiruvananthapuram  
(c) Kollam, Maradu (d) Varkala, Thiruvananthapuram
- Trade Union Act (Amendment) Bill 2019 will provide for which of the following benefits?  
(a) I, II, III, IV (b) I, II, III (c) II, III (d) I, II
28. I. Recognition of Trade Unions at Central and State level;  
II. Ensure true representation of workers in the tripartite bodies;  
III. Check on the arbitrary nomination of workers' representatives by the Government; and  
IV. Reduce litigations and industrial unrest.
29. Under the Forest Rights Act, 2006, Other Traditional Forest Dwellers has to give proof that they have been living in the forest areas for \_\_\_\_\_ years,  
(a) 50 years (b) 99 years (c) 75 years (d) 100 years
30. Article 35 A, Constitution of India is regarding  
(a) Special status of Delhi  
(b) Special Status of 99 years  
(c) Empowers the Jammu and Kashmir State's legislature to define "permanent resident" of the State  
(d) Empowers State of Jammu and Kashmir to have its own separate laws
- Which of the following statements, are true regarding the jurisdiction of the High Court ?  
I. High Court can punish for its contempt.  
II. High Court tender advice on the legal question referred to it by the Governor of the State.  
III. High Court confirms the death sentences passed by lower judiciary.  
IV. High Court can issue writs for enforcement of Fundamental rights.  
(a) I, IV (b) I, II, III (c) I, II, IV (d) I, III, IV
31. I. High Court can punish for its contempt.  
II. High Court tender advice on the legal question referred to it by the Governor of the State.  
III. High Court confirms the death sentences passed by lower judiciary.  
IV. High Court can issue writs for enforcement of Fundamental rights.  
(a) I, IV (b) I, II, III (c) I, II, IV (d) I, III, IV

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32. If the tax rate increases with the higher level of income, it is called  
(a) Progressive Tax (b) Proportional Tax  
(c) LumpsumTax (d) Regressive Tax
33. In February, 2019 a Public Interest Litigation has been lodged with the High Court of \_\_\_\_\_, wherein a 11-year-old boy has sought ban on the PUBG game in all the schools in the State.  
(a) Delhi (b) Karnataka (c) Allahabad (d) Bombay
34. As per the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2018, which of the following is true ?  
I. Home Buyers Recognized as Financial Creditors.  
II. Extension of the application of the Code to personal guarantors of Corporate Debtors and Proprietorship firms  
III. A person shall be eligible to submit a resolution plan, if such person is an undischarged insolvent,  
IV. A resolution applicant cannot withdraw a resolution application, from the National  
Company Law Tribunal (NCLT), after such process has been initiated,  
35. (a) I and II (b) I, III and IV (c) I, II and IV (d) All of the above
- The Supreme Court has said that FIR in respect heinous and serious offences cannot be quashed solely on the ground that the dispute was settled amicably between the parties. Which of the following were included in the list of "heinous and serious offences" ?  
I. Offences under Prevention of Corruption Act  
II. Some Offences under Arms Act  
III. Rape  
IV. Offences by public servants in their official capacity  
(a) I, III (b) II, III (c) I, II, III (d) I, II, III, IV

## ANSWER KEY & EXPLANATION

### CLAT 2015

1. a	2. b	3. a	4. a	5. c	6. a	7. c	8. b	9. c	10. c
11. c	12. d	13. c	14. a	15. d	16. a	17. c	18. a	19. d	20. a
21. b	22. d	23. a	24. c	25. a	26. c	27. b	28. b	29. d	30. a
31. a	32. a	33. c	34. c	35. b	36. a	37. b	38. c	39. b	40. a
41. c	42. a	43. b	44. d	45. c	46. b	47. b	48. a	49. a	50. d

### AILET 2015

1. a	2. b	3. d	4. a	5. d	6. c	7. a	8. b	9. c	10. c
11. b	12. d	13. b	14. c	15. a	16. b	17. a	18. d	19. b	20. c
21. c	22. b	23. a	24. b	25. a	26. b	27. b	28. c	29. a	30. a
31. c	32. b	33. a	34. b	35. b					

### CLAT 2016

1. c	2. c	3. d	4. b	5. d	6. d	7. a	8. a	9. c	10. d
11. c	12. c	13. c	14. c	15. a	16. d	17. a	18. c	19. b	. d
21. c	22. a	23. b	24. a	25. b	26. c	27. b	28. c	29. a	20. a
31. b	32. b	33. b	34. a	35. b	36. c	37. a	38. c	39. b	. b
41. c	42. b	43. b	44. d	45. c	46. c	47. b	48. c	49. d	30. d

40

### AILET 2016

50

1. c	2. d	3. a	4. b	5. a	6. d	7. b	8. a	9. d	10. b
11. d	12. d	13. b	14. b	15. b	16. b	17. d	18. b	19. d	20. c
21. d	22. d	23. a	24. a	25. b	26. d	27. a	28. d	29. d	30. c
31. b	32. a	33. c	34. d	35. c					

### CLAT 2017

1. b	2. c	3. a	4. d	5. d	6. d	7. b	8. c	9. a	10. b
11. a	12. a	13. b	14. a	15. a	16. d	17. a	18. c	19. c	20. a
21. c	22. c	23. d	24. a	25. b	26. c	27. b	28. d	29. b	30. d
31. a	32. d	33. b	34. a	35. b	36. b	37. a	38. b	39. a	40. b
41. c	42. d	43. d	44. b	45. a	46. c	47. b	48. a	49. c	50. b

### AILET 2017

1. c	2. a	3. d	4. b	5. b	6. a	7. b	8. b	9. d	10. b
11. b	12. a	13. b	14. d	15. b	16. b	17. a	18. c	19. b	20. a
21. c	22. b	23. a	24. b	25. b	26. a	27. a	28. d	29. b	30. b
31. b	32. b	33. c	34. a	35. b					

### CLAT 2018

1. d	2. a	3. b	4. b	5. b	6. c	7. a	8. a	9. b	10. c
11. b	12. b	13. d	14. c	15. c	16. c	17. b	18. b	19. b	20. c
21. c	22. a	23. d	24. c	25. d	26. b	27. b	28. a	29. c	30. b
31. b	32. a	33. c	34. c	35. b	36. c	37. b	38. c	39. c	40. b



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41. c	42. c	43. c	44. c	45. c	46. b	47. a	48. d	49. a	50. a
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### AILET 2018

1. d	2. b	3. a	4. a	5. c	6. b	7. b	8. b	9. c	10. a
11. d	12. a	13. d	14. c	15. b	16. a	17. b	18. c	19. b	20. a
21. c	22. a	23. b	24. b	25. c	26. d	27. d	28. b	29. c	30. a
31. b	32. a	33. d	34. c	35. a					

### CLAT 2019

				a					
1. b	2. d	3. b	4. d	5. c	6. a	7. a	8. a	9. b	10. b
11. b	12. d	13. b	14. a	15. c	16. d	17. a	18. b	19. b	20. a
21. b	22. b	23. a	24. a	25. d	26. a	27. a	28. b	29. a	30. b
31. a	32. b	33. c	34. d	35. d	36. b	37. a	38. d	39. a	40. c
41. c	42. b	43. a	44. d	45.	46. c	47. b	48. a	49. a	50. a

### AILET 2019

1. b	2. c	3. d	4. b	5. b	6. b	7. a	8. c	9. d	10.
11.	12. a	13. d	14. d	15. b	16. c	17. b	18. d	19. c	20. d
21. c	22. b	23. a	24. d	25.	26. b	27. b	28. a	29. c	30. c
31. d	32. a	33. d	34. a	35. d					