CLAT 2018
Solved Paper

LEGAL APTITUDE

1. Article 51-A on Fundamental Duties was inserted into the Constitution of India through the

(a) 41 Constitution (Amendment) Act, 1976

(b) 44 Constitution (Amendment) Act, 1978

(c) 40 Constitution (Amendment) Act, 1976

(d) 42 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 a 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 of A

(b) Both A and R are individually true but R is not the correct explanation of 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, 1 830

9. **Legal Principle:** Nothing is an 'offence', if committed by a child below seven years of age.

Factual situation: 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 investigate d by the police.

(d) The class teacher must be arrested.

10. **Legal 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 theParliament. 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.

Factual situation: 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 CoomarMookerje e

(d) Dr. B.R. Ambedkar

12. **Legal Principle:** It is an offence to obstruct a public servant in the due discharge of his duty.

Right of private defence is available to protect one's person and property.

Fact Situation: 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. **Legal Principle:** An employer is liable for the act of his servant performed during the courseof employment.

Fact Situation: 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.

14. Which law introduced the system of dyarchy in India during the British reign?

(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

15. **Legal Principle:** The Latin maxim *nemo bis punitur pro eodem delicto* means that nobody can be punished twice for the same offence.

Factual Situation: Sajan, a petty thief, is caught and thrashed thoroughly by the people before being handedover to the police. Sajan pleads before the magistrate that since he was already thrashed by the people he should not be punished again 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 deciding his punishment. h

16. **Legal Principle:** The Latin maxim *qui facit per alium, facit per se* means that he who acts through another, acts himself.

Factual Situation: Heema requested her minor sister Harika to purchase a bag for her from the local shop.Harika purchased the bag on credit telling the shop keeper that her sister will pay for it. Afterwards, Heema refused 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. **Legal 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.

Factual Situation: 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. **Legal 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.

Factual Situation: Varun is a partner in a firm with Chinmoy and Jaffar. Jaffar purchased a car for his personal purpose and obtained credit for the same in the name of the partnership behind the back of the other partners. He failed 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 itis 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 partnerin the partnership.

19. **Legal 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.

Factual Situation: 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 resultingin 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 instantcase.

(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.

20. **Legal Principle:** No remedy lies in law where an injury is caused to a person without any infringement of his legal right.

Factual Situation: 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. **Legal Principle:** Article 20 (c) of the Constitution of India states that no person accused of any offence shall be compelled to be a witness against himself.

Factual Situation: Ubaid refused to give a sample of his blood after he was stopped by the police for driving over the speed limit. The police suspected 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 (c) in his refusal to give a blood sample.

(b) Ubaid is not protected by Article 20 (c) as he was under the influence of alcohol.

(c) Ubaid is not protected by Article 20 (c) 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) SARFA ESI

23. **Legal 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.

Factual Situation: 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.

24. **Legal Principle:** An agreement entered into by way of a wager/bet is unenforceable in law.

Factual Situation: Thomas is very good at predicting outcomes of cricket matches. Raja and Hoja give him thousand rupees 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.

25. **Legal 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.

Factual Situation: 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 him.

(d) Since it is a Latin principle it is not applicable in India.

26. **Legal Principle:** An essential condition in a contract for sale of goods is that the seller has title over the goods sold.

Factual Situation: 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. **Legal Principle:** The insurer agrees to pay no more than the actual amount of the loss.

Factual Situation: 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.

28. **Legal Principle:** When there is an infringement of the legal right of a person, he gets a right to sue the wrongdoer for remedy irrespective of any actual loss caused.

Factual Situation: 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.

29. Which of the following is the oldest law code in India?

(a) Hammurabi's code

(b) Prasarsmriti

(c) Manusmriti

(d) Naradasmriti

30. **Legal Principle:** A product cannot be sold in shops to consumers after its date of expiry.

Factual Situation: 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 nextday, 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.

31. **Legal Principle:** Nuisance is the unlawful interference with a person's enjoyment of his land or some rights over or in connection with it.

Factual Situation: 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, complaints 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.

32. **Legal Principle:** Agreements in restraint of trade are void and unenforceable.

Factual Situation: 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 Ma nu'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. **Legal 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.

Factual Situation: 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. **Legal 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.

Factual Situation: 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.

37. Who is an Ombudsman?

(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 maladministrationor 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.

38. Which authority in India notified the guidelines for the protection of persons assisting accident victims on Indian roads based on the Supreme Court direction?

(a) Ministry of Surface Transport, Govt. of India

(b) Ministry of Social Justice, Govt. of India

(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 spiritof 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 Hu man 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.

41. Examine the statement and conclusions given below and choose a suitable answer from the options given:

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.

42. Examine the statement and conclusions given below and choose a suitable answer from the options given:

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, stealing some food from a hotel out of poverty and starvation, 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.

43. Examine the statement and conclusions given below and choose a suitable answer from the options given:

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.

44. **Legal 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.

Which of the following statements is correct?

(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. **Legal Principle:** Justice should not only be done, but also seen to be done.

Factual Situation: 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. **Legal 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.

47. **Legal Principle:** In the law of evidence, a person missing for long and not heard of, for over seven years is presumed to have died.

Factual situation: 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, Areturned 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 a t 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 1/3 share of the proper ty to A.

48. **Legal 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.

Factual situation: 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 hisassets. 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:

Options:

(a) Legal Right

(b) Fundamental Right

(c) Human Right

(d) Constitutional Right

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

ANSWERS AND EXPLANATIONS

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.	(b)	16.	(c)
17.	(b)	18.	(b)	19.	(b)	20.	(b)	21.	(c)	22.	(a)	23.	(d)	24.	(c)
25.	(c)	26.	(b)	27.	(b)	28.	(a)	29.	(c)	30.	(b)	31.	(b)	32.	(a)
33.	(c)	34.	(c)	35.	(d)	36.	(c)	37.	(b)	38.	(c)	39.	(c)	40.	(b)
41.	(c)	42.	(c)	43.	(c)	44.	(c)	45.	(c)	46.	(b)	47.	(a)	48.	(d)
49.	(a)	50.	(a)												

1. Answer: (d)

Explanation: Article 51-A on Fundamental Duties was inserted into the Constitution of India through the 42 Constitution (Amendment) Act, 1976. The preamble was also amended to substitute the words "SOVEREIGN DEMOCRATIC REPUBLIC", with the words "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC" and the words "unity of the Nation" were substituted with "unity and integrity of the Nation."

2. Answer: (a)

Explanation: Attorney General is the highest (first) law officer of India. Advocate General is the highest law officer of a State.

3. Answer: (b)

Explanation: There are **twenty-two** languages listed in the Eighth Schedule of the Indian Constitution. Of these languages, 14 were initially included in the Constitution. Subsequently, Sindhi was added in 1967 by 21st constitutional Amendment Act; Konkani, Manipuri and Nepali were added in 1992 by 71st Constitutional Amendment Act; and Bodo, Dogri, Maithili and Santali were added in 2003 by 92nd Constitutional Amendment Act.

4. Answer: (b)

Explanation: Mandals, taluka panchayats, block panchayats, or panchayat samiti are rural local governments (panchayats) at the intermediate level in panchayat raj institutions (PRI). A Panchayat Samiti at the block level in India is a Co-ordinating and Supervisory authority.

5. Answer: (b)

Explanation: Article 51-A of the Indian Constitution, inserted through 42nd Amendment Act, 1976, lists out 11 Fundamental duties. It is pertinent to note that there were 10 duties listed out originally in Article 51-A. The 86th Amendment, 2002, which added a duty on every parent or guardian to ensure that their child or ward was provided opportunities for education between the ages of six and fourteen years.

6. Answer: (c)

Explanation: The Right of Children to Free and Compulsory Education Act or Right to Education Act is an Act of the Parliament of India inserted through 86th amendment in the Indian Constitution and provides for free and compulsory education to Children aged between 6 and 14 years.

7. Answer: (a)

Explanation: Legal Aid which means giving free legal services to the poor and needy who are unable to afford the services of an advocate for the conduct of a case or a legal proceeding in any court, tribunal or before a Judicial authority. The principle that no one should be denied justice due to his economic constraints is embedded in the Indian Constitution. This obliges the State to provide legal aid to the poor.

8. Answer: (a)

Explanation: The Bengal Sati Regulation which banned the Sati practice in all jurisdictions of British India was passed on December 4, 1829 by the then Governor-General Lord William Bentinck.

9. Answer: (b)

Explanation: The principle explicitly states that a child below 7 years of age cannot be made liable for any of his acts which might amount to an offence. Here, it is clearly mentioned that Adil is 6 years of age. Thus, it is immaterial in the present case to enquire whether or not his acts actually amount to an offence. On direct application of the principle, it can be concluded that he has committed no offence.

10. Answer: (c)

Explanation: It is clear from the principle that the power of judicial review, being a part of basic structure, cannot be taken way through amendment by the parliament. Here, the amendment seeks to restrict the power of judicial review by limiting the power of appeal against conviction in cases of Sedition and clearly goes against the Basic Structure doctrine. Hence, the proposed amendment can be reviewed and struck down by the Constitutional Courts.

11. Answer: (b)

Explanation: Dr. Sachchidananda Sinha was the first chairman (temporary) of the Constituent Assembly of India. Later Dr. Rajendra Prasad was elected as the president and its vice-president was Harendra Coomar Mookerjee. Dr. B.R Ambedkar was the chairman of the drafting committee.

12. Answer: (b)

Explanation: This a tricky one. The answer given in the official answer key is 2). The two legal principles do not talk about knowledge or about the perspective of the rescuer. So the option doesn't seem to be flowing from the principle. But among all the four options, option (b) looks the most appropriate and hence, we will stick with that.

13. Answer: (d)

Explanation: The Principle states that an employer is liable for the act of his servant performed during the ***course of employment.*** So the question to be answered is whether the act of the servant was in the course of employment or not. In the given facts, the driver is earning side income by carrying parcels for others. That too without the knowledge of the Master. So his act cannot be said to be in the course of employment. Hence, option (d) is the most appropriate answer.

14. Answer: (c)

Explanation: The Government of India Act, 1919, also known as Montague-Chelmsford Reforms introduced the system of dyarchy or double government for the major provinces. Subjects were divided into "transferred" and "reserved" lists. The "transferred list", was administered by Government of ministers answerable to the Provincial Council and the reserved list remained under the control of the Viceroy.

15. Answer: (b)

Explanation: The punishment contemplated by the principle is legal punishment i.e. one given by the legal institutions (COURTS). Thrashing given by people or mob justice does nowhere amount to punishment in the legal sense. Hence, Sajan can be punished by the State.
Note: We are supposed to use a bit of Legal Knowledge here. In the principle, the word 'punish' has been used instead of 'prosecution'. Further, since the nature of punishment has not been specified, even a thrashing by the public might amount to punishment.

16. Answer: (c)

Explanation: The Principle states that the Latin maxim *qui facit per alium, facit per se which* means that he who acts through another, acts himself.
To simplify this further, the Principal is liable for the acts of his agent working for him.
In the given facts Heema requests her minor sister Harika to purchase a bag for her. So harika was acting on her behalf, making option (c) the most appropriate answer.
It is pertinent to note that the principle no where mentions the requirement that the person representing should not be a minor. Hence, Options 2 and 4 are clearly ruled out.

17. Answer: (b)

Explanation: As per the Principle the key part of the Principle is that there has to be some damage for the tort of negligence.
In the given facts, its given that Saini fell down however he didn't get injured mircalously. But his falling down from the motorcycle would still amount to damage as per the Principle. Hence, option (b) is the most appropriate answer.
Option 4 caould also have been a good option but it talks only about the carelessness of Mistry and is silent upon the damage suffered by Saini. And hence, Option 2 which talks about both the aspects, i.e. about absence of care and about damage, is the best option.

18. Answer: (b)

Explanation: As per the Principle, the person is liable for " the debts of a partnership firm incurred for the business". So the question to be answered is that in the given set of facts whether the transaction took place for the business.
It is given in the facts that Mr Jaffer purchased a car for his personal purpose. Hence, option (b) is the most appropriate answer.

19. Answer: (b)

Explanation: The key part of the Principle stipulates that the Parents are liable for wrongs committed by their children if they provide the opportunity for such wrongful acts to them. And that's exactly what we have to answer here.
In the facts, its given to us that Sunil took the car keys from the table top. Its clear that the oppurtunity was provided to him
Here, Sunil's father used to keep his car keys on a table. It can be reasonably ascertained that, Sunil, a minor could easily take the keys from the table and use it for driving the car. Such an act by Sunil's father provided an opportunity for wrongful act to driving to be caused due to Sunil's act. Hence, option (b) is the most appropriate answer.

20. Answer: (b)

Explanation: No remedy lies in the law unless and until there is a violation of legal right. Opening a new tuition center was well within Ashutosh's right to free trade and profession. Though, Gulshan suffered economic loss due to the opening of a new tuition Centre, there was no violation of legal rights in the present case. Hence, no action lies against Ashutosh.

21. Answer: (c)

Explanation: It is pertinent to note that the principles applied only when a person is "accused" of an offence. Here, Ubaid was merely suspected of driving under the influence of alcohol for which his blood sample was being taken. Thus, the principle does not apply and Ubaid is not protected by Article 20(3).

22. Answer: (a)

Explanation: The Armed Forces (Special Power) Act grant special powers to the Indian Armed Forces in what each act terms "disturbed areas". The powers enable them to carry out unhindered military operations in these areas.

23. Answer: (d)

Explanation: The law mandates registration only for the purpose of running a food business. Here, the sweets were given as a gift on the occasion of a celebration and Kavita was not involved in any commercial food business. Since, the requirement of the law is not met, there is no need for registration in the present case.

24. Answer: (c)

Explanation: The principle makes it clear that an agreement entered into by way of a wager/bet is unenforceable in law i.e. no action for recovery of money can be instituted for such an agreement. Here, the facts explicitly state that money was given for betting purposes. Thus, the agreement is not enforceable and money cannot be recovered.

25. Answer: (c)

Explanation: The principle of fair hearing contemplates taking all the reasonable measures so that other side can be heard before any judgment is passed. The fact that Sanjay is dumb does not take away this right available to him. Moreover, other measures, writing or representation by lawyer can easily enable him to represent himself. Statement (c) is the closest to the principle and is the correct answer.

26. Answer: (b)

Explanation: A person can not sell good over which he has no title. Here, the watch actually belonged to Jatin and was given to Mohit for repairs. In other words, Mohit had not title over the watch and the sale in the present case is not valid.

27. Answer: (b)

Explanation: The key part of the Principle stipulates that the insurer agrees to pay no more than the actual amount of the loss. The emphasis should be on the word "actual".
In the facts, it is given that Sunny has insured the car from two vendors. But that does not mean that he can claim compensation from both the insurers as he can be paid only for the actual loss. Hence, option (b) is the most appropriate answer.

28. Answer: (a)

Explanation: The question which needs to be examined here is, *whether there was a violation of any legal right*? Here, Saroj's legal right was violated as he was prevented from voting at the election. Hence, irrespective of the fact that the candidate he wanted to vote for won and there was no actual loss, Saroj can sue for the violation.

29. Answer: (c)

Explanation: Manusmṛti is the most important and earliest codified law in the ancient India. The code of Hammurabi is the Babylonian code of law of ancient Mesopotamia and is one of the oldest deciphered writings of significant length in the world.

30. Answer: (b)

Explanation: The principal explicitly prohibits "selling" a product after its date of expiry. Here, the expired milk packets were kept in the shop. Though, the options provided in the question seems reasonable similar, option (b) is most in line with the principle and is the correct answer.

31. Answer: (b)

Explanation: Nuisance is the wrong done to a man by unlawfully disturbing him in the enjoyment of his property, or, in some cases, in the exercise of a common right. It includes any act, omission, injury, damage, annoyance or offence to the sense of sight, smell, hearing or which is or may be dangerous to life or injurious to health actually causing annoyance will be nuisance.
The Principle stipulates that Nuisance is the unlawful interference with a person's enjoyment of his land or some rights over or in connection with it. The question to be answered is whether the interference taking place in the given set of facts would fall under unlawful or not.
In the given facts, its mentioned that as Mr. Ashok couldn't hear properly, he used to play his radio 'very loudly'. This was the hint given to us and it shows that it's a case of unlawful interference. Hence, option (b) is the most appropriate answer.

32. Answer: (a)

Explanation: Agreements in restraint of trade are those by which a person is restricted from exercising a lawful profession, trade or business of any kind and are void to the extent they restrict another person. In the present case, the agreement restricted Somu from starting a competing business in the same village while Manu is alive. If enforced, this agreement will prevent Somu from practicing the particular trade or occupation. Thus, the agreement is void and unenforceable.

33. Answer: (c)

Explanation: The first information report means an information recorded by a police officer on duty given either by the aggrieved person or any other person to the commission of an alleged offence. It is on the basis of this report, that the police commences its investigation. F.I.R is defined under Section 154 of the Code of Criminal Procedure, 1973.

34. Answer: (c)

Explanation: The Motor Vehicles Act, 1988 (Rule 21(25) of Central Motor Vehicles Rules r/w S.177 of Motor Vehicles Act) makes using of mobile phone while driving punishable with a fine of 100 for the first offence and 300 for subsequent ones.

35. Answer: (d)

Explanation: The principles deal with the concept of absolute liability, which precisely is a liability without fault - a liability for which there is no excuse.
It is reasonable to expect that the fire in the open could escape and cause damage to nearby houses in such a situation. Therefore, regardless whether Ankit was careful or not, he will be liable in the present case.

36. Answer: (c)

Explanation: The mutual liability of partners of a firm extends only to the acts carried out business purposes of the firm. Here, the trading company was involved in the business of purchasing and selling rice varieties. Thus, when Ram entered into the agreement, it was done for business purpose of the firm. Even though, he died the agreement will still be binding on other partners and are liable to pay the price for the rice.

37. Answer: (b)

Explanation: An ombudsman, ombud, or public advocate is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights.

38. Answer: (c)

Explanation: The Ministry of Road Transport and Highways issued a notification on 12.5.2015 containing guidelines for the protection of good Samaritans which were approved by the Supreme Court in Savelife Foundation & Anr vs. Union of India.

39. Answer: (c)

Explanation: The Universal Declaration of Human Rights (UDHR) is a historic document that was adopted by the United Nations General Assembly at its third session on 10 December 1948 and affirms several rights of an individual. Articles 1–2 of UDHR contains the concepts of dignity, liberty, equality, and brotherhood. Hansa Mehta of India played a instrumental role in changing the language of the Universal Declaration of Human Rights from "all men are created equal" to all human beings, highlighting the need for gender equality.

40. Answer: (b)

Explanation: Conclusion 1 will not follow because reservation is not a derogatory practice instead it will contribute in their socio-economic growth. Conclusion 2 will follow because asking unnecessary personal questions to a woman will certainly be derogatory to the dignity of women.

41. Answer: (c)

Explanation: 1 will follow because the underlying principle mentioned in the statement is “undesirable or unpleasant outcome” it may be a draconian punishment but it can be concluded from the principle. Conclusion 2 will follow because fine will be an unpleasant outcome for the group or individual.

42. Answer: (c)

Explanation: Conclusion 1 will follow because here the necessity is to save the ship, if by throwing away it can be meted out. then there is no problem. In Conclusion 2 there is no immediate necessity to life and limb of the person. Hence, it does not follow. Conclusion 3 will follow because saving a person’s life is a necessity and, in this scenario, the killing of the tiger is justified.

43. Answer: (c)

Explanation: Conclusion 3 will follow because it can be safely concluded from the statements that timely disposal of cases is necessary. Conclusion 1 will not follow because just by the number of pending cases one cannot conclude that people are not getting justice. Conclusion 2 will not follow because the fast track courts follow the due process of law, they provide justice in a time bound manner

44. Answer: (c)

Explanation: *Nemo iudex in causa sua* is a Latin phrase that means, literally, "no-one should be a judge in his own case." It is a principle of natural justice that no person can judge a case in which they have a vested interest. The rule is very strictly applied to any appearance of a possible bias, even if there is actually none.

In the present case, B is the employer of A and therefore, has an interest in the entire matter. This could result in some possible bias while conducting the entire enquiry. Hence, B should not be conducting the enquiry in this case.

45. Answer: (c)

Explanation: The principle establishes the legal rule that the mere appearance of bias is sufficient to overturn a judicial decision. Here, the fact that L holds share in the company clearly shows a conflict of interest in case he decided the matter. Hence, the best recourse to justice will only be if he abstains from interfering with the matter.

46. Answer: (b)

Explanation: The principles deal with the concept of absolute liability, which precisely is a liability without fault - liability for which there is no excuse.
Exposure to high concentrations of ammonia in air causes immediate burning of the nose, throat and respiratory tract. It can also lead to severe respiratory problems. Storing 1000 litres of hazardous ammonia in one's premise will clearly fall within the ambit of the principle. Thus, the fact that the gas escaped and caused health hazards to the people will make A liable for his acts though he wasn't at fault.

47. Answer: (a)

Explanation: The Principle stipulates that a person missing for long and not heard of, for over seven years is presumed to have died.
As per the facts, A never contacted his family after he went looking for a job. Moreover, it is explicitly stated that all attempts to trace A's whereabouts also failed. The partition took place eight years after the death of parents and still no one knew about A. These facts make it clear that the requirement of being unheard of for seven years is satisfied and the principle is applicable in the present case. Thus, A has no claim over the property of his parents making option (a) the most appropriate answer.

48. Answer: (d)

Explanation: For a gift to be a valid one, there should be an acceptance of the gift by or on behalf of the donee. According to The Transfer of Property Act, 1882, acceptance of gift must be made by the donee during the lifetime of the donor and while the donor is still capable of giving the gift.
The key part of the Principle stipulates that the gift should b accepted by or on behalf of the donee "during the lifetime of the donor".
In the given facts, Sooraj never accepted the gift during the lifetime of Amit and hence option (d) is the most appropriate answer.

49. Answer: (a)

Explanation: RTI is currently only a statuary legal right. However, prior to the enactment of RTI Act, 2005, RTI was part of Article 19(1) (a) of the Indian Constitution which affirms the right to free speech and expression and is a Fundamental right.

50. Answer: (a)

Explanation: There is a wide gap between patients who need transplants and the organs that are available in India. Realizing the importance of this issue, the Human Organs Act, 1994 was enacted to regulate both organ donation and transplantation.