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LL.M. ADMISSION TEST – 2022

Question Booklet Sl. No.

Date of Exam. :	Center's Name : _____
Duration : **90 Minutes**	Roll No. : _____
Max. Marks : **150**	OMR Sheet No. : _____
	Date of Birth : _____

INSTRUCTIONS TO CANDIDATES

1. **No clarification on the Question Paper can be sought. Answer the questions as they are.**
2. There are two (2) Sections (A and B) in this Question Booklet. Section A has 100 Multiple Choice Questions (MCQ) of one mark each to be answered in the OMR Response Sheet only. Section B has 10 Descriptive Questions and the candidate has to answer only two (2) questions of 25 marks each to be answered in the Answer Booklet **only with the BLACK/BLUE BALL POINT PEN**. No Additional Sheet/Answer Booklet will be provided. **Total marks are 150.**
3. Candidates have to indicate the most appropriate answer by darkening one of the four responses provided, with **only BLACK/BLUE BALL POINT PEN** in the OMR Response Sheet.

   Example : For the question, "Where is the Taj Mahal located ?"

   a) Kolkata b) Agra c) Bhopal d) Delhi

   Right Method **Wrong Methods**

   

4. **There will be Negative Marking for Multiple Choice Questions (MCQ). For every wrong answer 0.25 marks will be deducted.**
5. Answering the question by any method other than the method mentioned above shall be considered wrong answer.
6. More than one response to a question shall be counted as *wrong answer*.
7. The candidate shall not write anything on the OMR Response Sheet and Answer Booklet other than the details required and in the spaces provided for.
8. After the examination is over, the candidate can carry the Question Booklet along with candidate's copy of the OMR Response Sheet. Candidate will hand over the original OMR Response Sheet and Answer Booklet to the Invigilator.
9. The use of any unfair means by any candidate will result in the cancellation of his/her candidature.
10. **Impersonation is an offence and the candidate, apart from disqualification, may have to face criminal prosecution.**
11. **Electronic gadgets like mobile phones, digital watch, pagers and calculators etc. are strictly not permitted inside the Test Centre/Hall.**
12. **The candidates shall not leave the hall before the end of the Test.**

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Your Personal Exams Guide

SECTION – A : PART I – ENGLISH

I. Directions (Q. 1 – Q. 8) : Each set of questions in this section is based on the passage. The questions are to be answered on the basis of what is stated or implied in the passage. Choose the most appropriate answer; that is, the response that most accurately and completely answers the questions.

It is undeniable that the Corona virus disease has taken the world by surprise. Governments radically forced guidelines that, in a matter of days, shut down businesses indefinitely and people found themselves compelled to abide by new norms. While the hygiene measures remained the same as for previous pandemics, the social distancing norms were particularly disruptive and made the experience unique.

To society, social distancing presents the dangers of increasing social rejection, growing impersonality and individualism, and the loss of a sense of community. It negatively affects learning and growth, and it prevents people from effectively socialising, which is a fundamental human need. First and foremost, the measures carried a strong psychological message, which is the fear of others, along with the idea that others are potential carriers of deadly germs and life-threatening diseases. The alarming rate of contamination and death from the virus contributed to establishing more panic and even paranoia among many.

What is particularly concerning is the fact that this psychological effect could potentially remain in our communities, even long after the pandemic. Whether this is at work, in restaurants, or in public spaces, our society has long been characterised by physical interactions between people. We are used to working in groups, going places, meeting new people, and making conversations with them on a daily basis. As we navigate through life, much of what fulfills us are the bonds we create with other people, and more often than not, those bonds materialise through physical interactions. Indeed, feeling insufficiently connected to others is associated with profound and lasting negative consequences on physical and mental health, even leading to increased mortality.

Physical interactions are an essential part of human social experience, and they are particularly important for the social development of young people. Indeed, young people flourish socially through connections and fulfilling relationships, which are also an integral part of their learning. By closing schools, the pandemic has prevented many children and adolescents from socialising with others. This has affected their ability to make quality connections, which impacts their personal growth. Long-term isolation leaves these basic human needs unsatisfied and ultimately affects mental health.

1. The uniqueness of the experience referred to in paragraph 1 primarily refers to
   a) An experience which is exceptionally different from others because it was memorable.
   b) An extraordinary realisation that the entire world is suffering.
   c) The thrill of living one's life on one's own terms.
   d) The compulsion to distance oneself from others was disturbingly unprecedented.

2. The passage indicates that social distancing norms
   a) Had an overall detrimental impact on the people
   b) Was imperative to save all lives
   c) Were similar to hygiene norms adopted during earlier pandemics
   d) Were extremely successful in preserving physical and social well-being

3. According to the passage, the core need of a human being is
   a) Academic advancement
   b) Advantageous socialising
   c) Adhering to government directives
   d) Self-preservation

4. Mankind finds its greatest fulfilment in
   a) Earning its livelihood
   b) The deep relationships forged by physical interaction
   c) Striking conversations with other people
   d) Surviving the pandemic

5. Which of the following statements best describe the relationship between the first and the final paragraph ?
   a) The first paragraph expresses the author's concern and the final paragraph substantiates the idea.
   b) The first paragraph outlines the issue and the final paragraph sums up the challenges.
   c) The first paragraph discusses the issue while the final paragraph contradicts it.
   d) The paragraphs are not related and convey different ideas.

6. The phrase "navigate through life" in paragraph 3 implies
   a) Reaching milestones
   b) Accomplishing goals
   c) Finding a direction
   d) Enduring trauma

7. What long term psychological impact is the author concerned about ?
   a) People will get used to living in isolation even after the pandemic is over.
   b) All social development of the young people will be stunted in the future.
   c) Essential human interaction may not be viable as people will be more concerned about their individual safety.
   d) Feeling disconnected from others may have a devastating impact on health and prove fatal.

8. Which one of the following statements most accurately expresses the main point of the passage ?
   a) While social distancing norms were essential for containing the spread of the pandemic, they have had a damaging impact on the social interaction of people, especially the youth.
   b) Social distancing norms imposed during the pandemic were followed more rigorously than before and therefore the emotional health of all the people has been affected.
   c) Young people can make meaningful physical interaction possible despite the curbs imposed by social distancing.
   d) It is better to allow human beings to mingle with each other for the betterment of their mental health rather than keeping them apart for the sake of their physical health.

II. Directions (Q. 9 – Q. 15) : Each question has a word followed by four choices. Select the word which is most similar in meaning to the given word.

9. Palliative
   a) Restive
   b) Festive
   c) Curative
   d) Furtive

10. Agog
   a) Eager
   b) Festive
   c) Dreamy
   d) Amiable

11. Gullible
   a) Inclement
   b) Trustful
   c) Distracted
   d) Conceited

12. Inure
   a) Implore
   b) Accustom
   c) Enthral
   d) Loathe

13. Percipient
a) Pragmatic b) Attentive c) Parsimonious d) Assiduous

14. Unanimous
a) Long discussion b) Joint venture c) Firm belief d) In agreement

15. Fatigue
a) Tiredness b) Unconcerned c) Careless d) Stubborn

III. Directions (Q. 16 – Q. 22) : Each question has a word followed by four choices. Select the suitable antonym.

16. Cogitate
a) Fail to grow b) Fail to think
c) Continue to perform d) Continue to complain

17. Reverent
a) Impolite b) Imbecile c) Confounded d) Unforgiving

18. Punctilious
a) Easygoing b) Vindictive c) Callous d) Inquisitive

19. Insouciant
a) Anxious b) Beleaguered c) Manipulative d) Vivacious

20. Ossify
a) Durable b) Flexible c) Dainty d) Resilient

21. Judicious
a) Imprudent b) Impudent c) Insolent d) Insolvent

22. Deride
a) Beautify b) Inspire c) Cleanse d) Command

IV. Directions (Q. 23 – Q. 29) : Choose the best word to fill in the blanks.

23. "Not to worry - our key witness has an _____ memory", the lawyer said.
a) Ginormous b) Infallible c) Dynamic d) Malleable

24. The actor's Oscar acceptance speech came off as 45 seconds of unabashed _____.
a) Rodomontade b) Harangue c) Sermon d) Exhortation

25. During lunch breaks, Sharad's co-workers invariably would listen to him _____ over him having left his village.
a) Dote b) Revel c) Lambast d) Repine

26. The Army along with the _____ factory has developed an indigenous system for lifting the 105 mm Light Field Gun (LFG) and hopes to bag a bulk production order.
a) Ordinance b) Ordnance c) Oriental d) Occidental

27. To prevent poisoning accidents among children, parents _____ medications in a locked cabinet.
a) Apprehend b) Wean c) Sequester d) Disengage

28. A _____ displays academic learning and is excessively concerned with minor details and rules.
a) Scholar b) Pedanti c) Lecturer d) Doctor

29. People who are _____ about their jobs will not take their work seriously.
a) Complacent b) Regular c) Keen d) Ambitious

V. Directions (Q. 30 – Q. 36) : Choose the option which best expresses the meaning of the idiom/ phrases underlined in the given sentences.

30. The instructors at the camp were well-equipped to handle first time trekkers who could go green around the gills.
a) Become over excited
b) Get lost in the woods
c) Quit because of fear
d) Look sick

31. Harry Kumar was named the best new director of 2010 but his career was a flash in the pan.
a) Ridden with scandals
b) Sabotaged by rivals
c) Failed after a promising start
d) Strongly criticised

32. After the heart attack, Suresh's decision to go cold turkey with smoking backfired.
a) Refusal to buy
b) Stop abruptly
c) Withdraw quietly
d) Forfeit amicably

33. Without doubt, it is the leadership whom we naturally call on the carpet first for anything untowards that happens.
a) Criticise
b) Interrogate
c) Honour
d) Deliberate

34. The Municipal Council wants residents to pony up for overstaying their lease period.
a) To pay one's debt
b) To make alternate arrangement
c) To vacate quickly
d) To transfer property

35. Asking your grandmother to sell her ancestral home is like beating a dead horse.
a) Being extremely cruel
b) Cheating someone
c) Acting selfishly
d) Reviving a hopeless issue

36. The new marketing campaign is not a patch on our classic old ads.
a) Irreplaceable
b) Comparable to
c) Greatly inferior to
d) Contradictory to

VI. Directions (Q. 37 – Q. 43) : Choose the grammatically correct option for each of the following sentences.

37. a) Under no circumstances should one go swimming in the rivers during monsoons.
b) Under no circumstances one should not go swimming in rivers during monsoons.
c) Under no circumstances one should be swimming in the rivers during monsoons.
d) Under no circumstances should go swimming in rivers during the monsoons.

38. a) Though many people do not consider it harmful, texting while driving is the most common cause of accidents.
b) Many people do not consider it harmful as texting while driving is commonly the cause of most accidents.
c) Although many people do not consider it harmful, texting while driving is the most common cause of accidents.
d) Although many people do not consider it harmful, texting while driving is cause for common accidents.

39. a) It's turning out to be the hottest season I've ever experienced.
b) Its turning out to be the hottest season I have experienced.
c) It's turning out to be hottest season I will have ever experienced.
d) It's turning out to be the hottest season I'll ever experienced.

40. a) Beautiful or healthy indoor plants were the perfect way to fill your home with life and colour.
b) Beautiful and healthy indoor plants are a perfect way which fill your home with life and colour.
c) Beautiful, healthy indoor plants are the perfect way to fill your home with life and colour.
d) Beautiful, healthy indoor plants are perfect ways to fill your home with life and colour.

41. a) The healthy diet did not mean depriving oneself of the foods you love.
b) A healthy diet does not mean depriving oneself the foods you love.
c) Healthy diet does not mean depriving of oneself the foods one loves.
d) A healthy diet does not mean depriving oneself of the foods one loves.

42. a) Often people do not make a will because they are confused by the lengthy legal jargon.
b) People do not often make a will because they become confused by the lengthy legal jargon.
c) Often people did not make the will because they will be confused by lengthy legal jargon.
d) People do not make a will often because they are confused by a lengthy legal jargon.

43. a) Connection with potential love interest online can be exciting but it can also come with potential risks.
b) Connecting with potential love interests online can be exciting but it can also come with potential risks.
c) Connecting with potential love interests online must be exciting but it also can come with potential risks.
d) In connection with potential love interest online is exciting but also it has come with potential risks.

VII. Directions (Q. 44 – Q. 50) : Choose the option which best expresses the meaning of the foreign expression given below.

44. *Ad infinitum*
a) Multiple benefits
b) Definite conclusion
c) Tried several times
d) Without end

45. *Ipso facto*
a) By the very fact
b) This very year
c) Invalid fact
d) Logical conclusion

46. *Sine die*
a) Death before signing the will
b) No fixed date to resume
c) Incorrect argument
d) Social position

47. *Status quo*
a) Position in society
b) Uncertain future
c) Maintain present state
d) Excellent condition

48. *Carte Blanche*
a) Full discretionary powers
b) No legal authority
c) Blank cheque
d) Beyond control

49. *Ex gratia*
a) Compensation for work
b) Salary before quitting
c) Payment as a favour
d) Timely remuneration

50. *Amicus Curiae*
a) Cross questioning
b) Beyond all proportion
c) Appointment for hearing
d) Friend of the court

PART II – LEGAL REASONING

Direction : Certain legal principles and specific factual situations are provided in each of the following questions. Apply the principles to the given facts and select the most appropriate answer.

51. 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 : Aneesh had been dating a girl named Amita for three weeks. But he had introduced himself to her as Amay Thakur (who is one of Amita's friends) and he continued to be Amay for the rest of their relationship. But ultimately the relationship ended badly and Amita being upset and angry at Aneesh started a website named 'Amay-thakur-is-a-jerk.com'. She created this website so as to warn other girls about Amay Thakur. The real Amay Thakur files a suit for defamation. Decide.

DECISION :

a) Amita shall be held liable for defamation as she published a statement which was injurious to Amay's reputation.

b) Aneesh shall be held liable as he had led Amita into thinking that he was Amay Thakur and moreover, it was his fault in the first place that made Amita create this website.

c) Amita cannot be held liable as she had actually been referring to Aneesh and not the real Amay Thakur.

d) Amita cannot be held liable as her act was done in good faith as she intended to warn other girls.

52. LEGAL PRINCIPLE : Whoever dishonestly misappropriates or converts to his own use any moveable property is guilty of criminal misappropriation of property.

FACTUAL SITUATION : X finds a government note belonging to Y, bearing a blank endorsement. X knowing that the note belongs to Y, pledges it with a banker as a security for loan, intending to restore it to Y at a future time. Has X committed criminal misappropriation ?

DECISION :

a) Yes, since he deprived Y from using his property and used it for his own use.

b) No, since he intended to return the property to Y in the future.

c) No, it is theft and not criminal misappropriation.

d) Yes, since he deprived Y from using his property.

53. LEGAL PRINCIPLE : A master shall be liable for the acts of his servants done in the course of employment.

FACTUAL SITUATION : PAL, 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 PAL employees only'. M, a villager from neighboring state, was waiting for a regular bus in one of the bus stops in Pune. A bus belonging to PAL happened to stop nearby and number of people got into the bus. M, without realizing that it was PAL 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 PAL claiming damages.

DECISION :

a) M will succeed, because he got into the bus without realizing that it was PAL 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) PAL is not liable as the bus met with an accident due to driver's negligence.

54. LEGAL PRINCIPLE :

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 : In Dec. 2019, a convicted murderer who was sentenced to death escaped from the custody of Mukesh, a prison official. Mukesh later offered a reward of INR 50,000 to anyone who captured the fugitive and returned him to the authorities. In Jan. 2020, without knowledge or notice of the reward, Rohan captured the fugitive and took him to Mukesh's jail house. Mukesh refused Rohan's demands for the reward money. Rohan filed a case against Mukesh to recover the reward. Mukesh alleges that there is no contract between Mukesh and Rohan.

a) A mere offer or promise to pay did not give rise to a contract. Rather, the assent or meeting of two minds gave rise to a contract, and therefore it was not complete until the offer was accepted. Having notice or knowledge of the existence of the reward when he captured the fugitive is essential to his right to recover the reward offered by Mukesh.
b) The act of capturing the fugitive was acceptance of the offer of reward through conduct and so a valid contract is entered upon.
c) There was an offer by Mukesh and acceptance by Rohan and it is immaterial whether Rohan had notice or knowledge of the existence of the reward when he captured the fugitive.
d) Such an offer, like the reward here, could be accepted by anyone who performs the service called for, when the acceptor knows that it has been made and acts in performance of it.

55. LEGAL PRINCIPLE : When one person signifies to another his willingness to do or abstain from doing anything, with 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 : Mohan 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 Rs. 20 lakh."* Mohan immediately sent his consent through telegram stating: *"I 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.

56. LEGAL 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 judgement as to its effect upon his interests.

FACTUAL SITUATION : Mr. Xiu who is actually of sound state of mind, but occasionally of unsound state of mind, enters into a contract with Mr. Yan when he was of unsound state of mind. Mr. Yan having come to know about this fact afterwards wants to file a suit against Mr. Xiu.

DECISION :

a) Mr. Xiu cannot enter into contract because he is of unsound state of mind when he entered into contract.

b) Mr. Xiu 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. Xiu can enter into contract but the burden is on Mr. Xiu to prove that he was of sound state of mind at the time of contract.

d) Contract with a person of unsound mind is void.

57. LEGAL PRINCIPLE : Ignorance of fact is excused but ignorance of law is not an excuse to criminal liability.

FACTUAL SITUATION : Abhay was a passenger from Frankfurt to Jakarta on a Lufthansa plane. When the plane landed at the Mumbai Airport on 24 November 2021 it was found on searching that Abhay carried 34 kg of gold bars on his person and that he had not declared it in the 'Manifest of Transit'. On 22 November 2021, the Government of India had issued a notification modifying its earlier exemption, making it mandatory that gold must be declared in the "Manifest" of the aircraft.

DECISION :

a) Abhay cannot be prosecuted because he had actually no knowledge about the new notification issued two days ago.

b) Abhay cannot be prosecuted because of ignorance of fact is excusable.

c) Abhay can be prosecuted because ignorance of law is not excusable.

d) Abhay's ability would depend on the discretion of the court.

58. 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 had no title to it and sent it to garage for repair. X believing wrongly that the car was his, removed it from the garage. Has he 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 not title over it.

d) None of the above

59. LEGAL PRINCIPLE : No confession made to a Police Officer, shall be proved as against a person accused of any offence.

FACTUAL SITUATION : Thanu was accused of having murdered Vinu over a property dispute. After arrest, Thanu made a confession to the Inspector that she had in fact murdered Vinu. The confessional statement of Thanu was written on a paper and Thanu signed the same. The police carried on further investigation but were not able to find any other evidence to produce before the court. Can the confessional statement signed by Thanu be proved in court ?

a) No, such a confessional statement cannot be proved since the confession was made to a Police Officer.
b) Yes, such a confessional statement can be proved since it is not an oral confession. It has been duly signed by Thanu and hence there is no doubt that she made the confession herself.
c) Yes, since there is no other evidence, it is necessary to rely on this statement or else a serious offender will escape the clutches of criminal law.
d) Both b) and c)

60. LEGAL PRINCIPLE : 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 has 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.

61. LEGAL PRINCIPLE : 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.

62. 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 agents 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.

63. LEGAL PRINCIPLE: A contract which is impossible to perform becomes void.

FACTUAL SITUATION : Surender agreed to deliver specific quality of rice to Sonakshi identified by both of them. Before delivery, the rice was burnt by short circuit. Is Surender discharged from the performance of the contract ?

DECISION :

a) Surender is discharged from performance as the subject matter of the contract is destroyed.
b) Surender is discharged from performance as the subject matter had been specifically identified.
c) Surender is not discharged from performance as he can procure rice from other sources.
d) None of the above

64. 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.

65. 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 employment, envisaged herein, should be normal and reasonable taking into account surrounding situation.

FACTUAL SITUATION : Jogi and Prakash were neighbors 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 files 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 neighbor, he should have realized 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

66. LEGAL PRINCIPLE :

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 the result in a crime which is punishable by the law.

FACTUAL SITUATION : A and B went for shooting. A know 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 not 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

67. LEGAL PRINCIPLE :

1. The crime of kidnapping involves taking someone away from the custody of their lawful guardian.
2. The crime of abduction involves inducing or forcing somebody to go away from some place against their will.

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

Type of crime :

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)

68. 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.

69. LEGAL PRINCIPLE :

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 to 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 the weapon and criminal mischief since he slunk past the guards which shows his intention to commit the crime.

70. 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.

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

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 on his face.

DECISION :

a) Akshay can plead defense of necessity as bribing is a crime.

b) Akshay cannot plead defense of necessity as there was no necessity to act in the manner he acted.

c) Akshay can plead defense of necessity as aware and vigilant citizenry forms the basis of a good democracy.

d) Akshay can plead defense of necessity as there was no time to take recourse to public authorities.

72. LEGAL PRINCIPLE :

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.

73. 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 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 ?

DECISION :

a) Yes, because rejection of X's candidature amounts to sexual discrimination and deprivation of opportunity.

b) No, the rejection does not amount to the discrimination since it is a reasonable classification permissible under the Constitution.

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.

74. LEGAL PRINCIPLE : Any institution or body can be a 'State' if it is created under the Constitution or a statute; or if 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 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 protected.

c) No, because the control of 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.

75. 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 of '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.

76. LEGAL PRINCIPLE : The acceptance of an offer will be valid only if it is made in the way it was expected to be made.
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 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.

77. LEGAL PRINCIPLE : A power conferred by a statute cannot be withdrawn by a subordinate legislation.
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 of transfer thereof was possible only through an Amending Act and not by any Rules made under the Parent Act.
b) Although the legislature has conferred power upon the DM to grant license but the government being the implementing agency might find it unfeasible. Therefore, the government rightly withdrew it from the DM.
c) The Rules are valid since these are framed under the Parent Act in order to better implement it.
d) The Rules are valid since the DM under the Parent Act was not independent but subject to the control of Government.

78. 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 charged from the residents of the XYZ state but 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 the Article 15 (1) prohibits discrimination between citizens on the ground only of religion, race, caste, sex, place of birth or any of them.
b) Yes, because the Article 15 (1) prohibits discrimination on the basis of place of birth which impliedly includes place of residence.
c) Yes, because Article 15 (1) prohibits discrimination between citizens on the ground only of religion, race, caste, sex, place of birth and the provision suffers from *causus omissus* and "place of residence" is inadvertently omitted.
d) No, because Article 15 (1) does not prohibit discrimination based on the place of residence.

79. 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.

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 wanted to have more practice before the driving test. He requested his brother David for using the Company's car for two days. David 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 his 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.

80. 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.

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 liberty.
c) He is liable because he is called as a witness in a civil trial and it is a procedure established by law.
d) He is not liable because he has no interest in the suit property.

81. 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.

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

DECISION :

a) No, because the law is a reasonable restriction in the interest of public. If laborers would not be available for agricultural purposes there can be shortage of food grains and wastage of crops.
b) No, because Bidis are harmful for health of people so any law preventing people from engaging in manufacture of Bidis is in the interest of public.
c) Yes, because the law imposes an unreasonable restriction as it indirectly makes the two sectors (manufacture of Bidis and agriculture) alternative options for the laborers where as some people would like to work in both of these.
d) Yes, because the objects ought to be achieved by this law is to keep sufficient labor supply for agricultural purpose, which could have been easily achieved by restraining the employment of agricultural labor in Bidi manufacturing during the agricultural season only. Absolute restriction amounts to withdrawal of the right. Hence, the law is unconstitutional.

82. 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 was 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 drugs and earned twenty crore rupees 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 was far from being deprived of the use of her fibroids and was actually benefitted by its removal.
b) KLM institute need not share its income with X because the medical institute 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.

83. 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 people irrespective of whether they were party to suit or not is known as judgment *in rem*.

FACTUAL SITUATION : Comment on the correctness of this statement: "Judgment of a competent court determining contractual obligations of the parties to a contract is an example of judgment *in personam*; but a judgment of a competent court declaring a party to be insolvent is an example of judgment *in rem*."

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.

84. 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.

85. 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.

86. LEGAL PRINCIPLE : Employers/Principles are vicariously liable, under the *respondent 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/principle 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 realized 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.

87. 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 behavior 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 behavior 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.

88. 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 incomplete 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.

89. 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.

90. LEGAL PRINCIPLE : Whoever gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right commits the offence of bribery.
FACTUAL SITUATION : Mr. Verma, a candidate for elections, decided to visit rural households as part of an election campaign. He visited a household where an elderly man Madhava required an immediate but extremely expensive life-saving medical procedure. Mr. Verma gave money to the family of Madhava for the operation. While leaving, he drew the family's attention towards his party's symbol in light of the upcoming elections. Has Mr. Verma committed the offence of bribery?

a) Yes, he has committed the offence of bribery
b) No, he has not committed the offence of bribery. His intentions were noble
c) No, as doing public good outweighs criminal intentions
d) None of the above

91. LEGAL PRINCIPLE :

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 defense under the law of torts.

FACTUAL SITUATION : Ten borstal trainees were working on an island in a harbor 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 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.

92. LEGAL PRINCIPLE :

1. 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.
2. *Volenti non fit injuria* is defence to negligence.

FACTUAL SITUATION : Anil and his wife, Reena, were in a shop as customers. 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 gas, 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 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

93. LEGAL PRINCIPLE :

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 the police officer. The officer forcefully told him to move his vehicle and turned the engine off. Jagan was convicted for assaulting a police officer in the execution of 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 because 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 the foot of the officer and decided not to cease the act, he has established a continual act of battery.
d) He is neither liable for assault not battery as he accidently drove his car on the police officer's foot.

94. LEGAL PRINCIPLE :

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.

FACTUAL SITUATION: Raja is a travel agent and possessed certain houses, which had an internal communication throughout, and which were used for the purpose of his business. Ramesh looked after the houses, and lived in them for this purpose, but he was also a clerk in 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 the inhabited house duty. There was a statutory exemption for premises which were occupied by a "servant" or person occupying the premises "for protection thereof". Raja was claiming the exemption form the 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.

95. LEGAL PRINCIPLE :

1. Negligence is a legal wrong that is suffered by someone at the hands of another who has a duty to take care but 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.
4. Duty of care is a legal obligation which is imposed on an individual requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others.
5. Conversations between a doctor and patient are generally confidential but there are few exceptions.

FACTUAL SITUATION : KLM, a firm that manufactures electrical equipments, was the target of a takeover by ABS Industries. KLM was not doing well. In March 2019, KLM had issued a profit warning, which had halved its share price. In May 2019, KLM's directors made a preliminary announcement in its annual profits for the year up to March. This confirmed that the position was bad. The share price fell again. At this point, ABS had begun buying up shares in large numbers. In June 2019, the annual accounts, which were done with the help of the accountant Dinesh, were issued to the shareholders, which now included ABS. ABS reached a shareholding of 29.9% of the company, at which point it made a general offer for the remaining shares, as the City Code's rules on takeovers required. But once it had control, ABS found that KLM's accounts were in an even worse state than had been revealed by the directors or the auditors. It sued Dinesh for negligence in preparing the accounts and sought to recover its losses. This was the difference in value between the company as it had and what it would have had if the accounts had been accurate. Which of the following answers is incorrect ?

a) No duty of care had arisen in relation to existing or potential shareholders. The only duty of care the auditor's owed was to the governance of the firm.
b) Dinesh is not liable as it is a case of pure economic loss in the absence of contractual agreements between parties.
c) There are circumstances where an auditor will owe a duty of care in respect of reports produced. These are conditional that at the time the report is prepared it is known by the auditors that the results are for a specific class and for a specific purpose.
d) 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.

96. LEGAL PRINCIPLE : Generally, the owner of the property has a duty to maintain his property so as to make it reasonably safe for use. However, the occupier also owes a duty to take such care as is reasonable to see that the visitor is reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be therein.

FACTUAL SITUATION : Sheila is a painter. She went to her friend Ruchi's house for meeting her. Sheila requested to use the bathroom and injured her right hand on a broken water faucet handle. Sheila filed a personal injury action for hand injuries suffered alleging that Ruchi failed to warn her that her bathroom fixtures were cracked and dangerous. Ruchi says she had complained to the landlord about the broken handle so the landlord is liable. Decide whether the Sheila's injury the proximate cause of Ruchi's negligence ?

a) A licensee or social guest was obliged to take the premises as he or she found them, and the possessor of the premises owed a duty only to refrain from wanton or wilful injury.
b) The landlord is liable as Ruchi had complained to the landlord about the broken handle and it is the duty of the landlord to get the repair work done.
c) Ruchi is not liable as the use of toilet is not the purpose for which Sheila was invited or permitted by the occupier to be therein.
d) Ruchi owes a duty to warn of a dangerous condition so the guest can take special precautions, like the host would, when they come in contact with it.

97. LEGAL PRINCIPLE :

1. A deceit occurs when a misrepresentation is made with the express intention of defrauding a party, subsequently causing loss to that party.
2. "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.

FACTUAL SITUATION : XY Company in its prospectus stated that the company was permitted to make engines that were powered by electricity, rather than by fuel. In reality, the company did not possess such a right as this had to be approved by the Government Board. Gaining the approval for such a claim from the Board was considered a formality in such circumstances and the claim was put forward in the prospectus with this information in mind. However, the claim of the company for this right was later refused by the Board. The individuals who had purchased a stake in the business, upon reliance on the statement, brought a claim for deceit against the defendant's business. Decide.

a) The company is liable for false representation as their claims were eventually turned out to be false.
b) The company is liable as their false statements have resulted in causing loss to the shareholders.
c) The company is not liable as the statement in its prospectus was simply incorrect and not fraudulent.
d) The shareholders should have collected as much information regarding the company as possible before purchasing a stake in it.

98. LEGAL PRINCIPLE :

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. Generally, nuisances cannot be justified on the ground of necessity, pecuniary interest, convenience, or economic advantage to a defendant.
3. A person is liable if he can reasonably foresee that his acts would be likely to injure his neighbor.
4. In cases of nuisance, the court may grant an injunction restricting the nuisance from occurring in the future when the loss could not adequately compensated.

FACTUAL SITUATION : Tina purchased a house in an estate which was adjacent to a functioning, in use, cricket field. The members of Super Eleven Cricket Club used to play Cricket in that field for over 70 years. After Tina moved into the property, cricket balls began to fly over the field's protective barrier and into the Tina's property. Tina complained, which caused Super Eleven Cricket Club to erect a chain link fence. This improved matters as less balls were now flying onto the Tina's property but it did not fully solve the issue as some still got through. The club offered Tina to pay for any damage done or injuries received as a result of the balls landing onto her land, including fixing any broken windows and similar. Tina, however, refused all of the club's offers and filed a case against the members of the Club alleging nuisance and negligence and requested court to grant an injunction to prevent the club from playing cricket on their ground. Tina argued that even though the club offered to make good any damage and that there had been no injuries, she was not able to use her garden when matches were being played for fear of being struck by a cricket ball. Decide.

a) The members of Club are not liable as Tina was aware about the activities of the Cricket Club and had willingly purchased the property.

b) The members of the Club are liable for nuisance and court should pass an order of compensation as the injury is small and could be compensated in terms of money. Also, public interest considerations outweighed the private rights of the plaintiff and therefore a remedy of damages was sufficient in the circumstances.

c) The members of the Club are liable for nuisance and court should pass an order of injunction. The plaintiff's right to enjoyment of her property outweighs the right of the members of the Club to play cricket.

d) The Club is not liable as they have already taken sufficient measures to mitigate the effects of their act and are ready and willing to do so in future too.

99. LEGAL PRINCIPLE :

1. According to rule of strict liability, any 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 in at his peril, and, if he does not do so, is prima facie answerable for all the damage, irrespective of fault, which is the natural consequence of its escape in respect of the non-natural use of land.
2. A person is liable if he can reasonably foresee that his acts would be likely to injure his neighbor.

FACTUAL SITUATION : PN was the owner of a gas pipe which passed under the surface of an old railway between Ramnagar and Kotpur. XY was the local council which was responsible for a water pipe which supplied water to a block of flats in the nearby Shining Apartment Complex. A leak developed which was undetected for some time. The water collected at an embankment which housed PN's high pressure gas main. The water caused the embankment to collapse and left the gas main exposed and unsupported. This was a serious and immediate risk and PN took action to avoid the potential danger. They then sought to recover the cost of the remedial works. PN argued that the XY Council was liable for negligence under strict liability.

a) The Council is liable under strict liability rule as the damage is not remote as it was possible for the Council to reasonably foresee a leakage which would eventually lead to collapse of the gas main.
b) The escape of water as a result of leak is sufficient to make the Council liable.
c) The Council is not liable as PN should have been careful in detecting the leak earlier. They cannot shift the blame on the Council.
d) The Council is not liable under rule of strict liability for the damage as the Council's use was neither a non-natural nor dangerous use of the land.

100. LEGAL PRINCIPLE : In relation to the law of contracts, in instances where both parties to an agreement are under a mistake about a matter of fact essential to the agreement, the agreement is void.

FACTUAL SITUATION : Lakshman agrees to sell to Manu a consignment of herbal products which was supposed to be on a ship on its way from Madagascar to Mumbai. However, two days before the agreement was reached, the ship carrying the products met with an accident and all the goods were lost. Lakshman's agent had informed Lakshman about this on the day the accident happened. Is the agreement void because of a mistake as to a matter of fact ?

a) Yes, since both parties committed a mistake by entering into the contract
b) No, since Lakshman had dishonest intentions
c) No, since Lakshman was aware that the goods were lost
d) None of the above

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SECTION – B

Answer **any two** of the following questions. **(25 Marks × 2 = 50 Marks)**

1. Critically analyse the constitutional validity of Section 124A of the Indian Penal Code, in the light of judicial decisions.

2. Public policy is often considered to be one of the most contentious grounds for setting aside or refusal to enforce an arbitral award. Critically analyse this statement clearly outlining approaches adopted by the Indian judiciary in its utilisation.

3. Is right to privacy a fundamental right in India ? Should it be a fundamental right in India ? Discuss in the light of judicial decisions.

4. Critically analyse the concept of 'defamation' in the digital context. What are the defences available to a defendant in a civil suit for defamation ?

5. Explain and critically examine the desirability of the TRIPS waiver proposal initiated by India and South Africa before the World Trade Organisation.

6. Explain the eminent domain doctrine under Constitutional law. Discuss the limitations of the doctrine with the help of judicial decisions.

7. Discuss the principles governing the working of the United Nations. Discuss the potential reforms in the working of the United Nations in the light of recent international conflicts.

8. Critically examine the working of access and benefit sharing related provisions in the Biodiversity Conversation Act, 2002.

9. Is 'consideration' an essential element of a contract ? Should consideration be monetary in character ? Discuss in the light of judicial decisions.

10. Though mediation is considered to be a very effective method of alternate dispute resolution, attempts to secure statutory recognition of its processes and outcomes have not yielded satisfactory result. Would you agree with this assertion ? Respond in light of the Mediation Bill 2021 clearly articulating the concerns that arise with utilisation of mediation as a method of ADR and the proposed statutory solutions.

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