

CLAT, LLM 2010

- 1. Rule of strict liability implies**
 - (a) No fault liability
 - (b) Liability based on fault
 - (c) Liability of the state
 - (d) Absolute liability
- 2. Vis major is an**
 - (a) Accident which can be controlled by human action
 - (b) Action of an enemy
 - (c) Inevitable accident beyond human control
 - (d) Accident with strict liability
- 3. Y purchases a bottle of cold drink from a retailer. The bottle was contaminated and Y fell ill after drinking it. Y brings a suit for damages against the manufacturer of the cold drink. Y will**
 - (a) Not succeed because Y did not have any contractual relation with the manufacturer
 - (b) Not succeed, his remedy is only against the retailer with whom he entered into a contract
 - (c) Succeed against the manufacturer even in the absence of a contract with him
 - (d) Not succeed because, the manufacturer had no duty to Y.
- 4. Z digs the mud road in front of his house. In the evening after it became dark a passerby hits the debris and is injured. The passerby brings a civil suit as well as files a criminal case of public nuisance. He can**
 - (a) A not file both the cases. He either can file a criminal case or civil suit
 - (b) Bring both the actions
 - (c) Not bring a suit for damages
 - (d) Not file a criminal case.
- 5. Volenti non fit injuria implies**
 - (a) No one should suffer injury voluntarily
 - (b) Mere knowledge of the injury is not enough
 - (c) The harm voluntarily suffered does not constitute legal injury
 - (d) The harm voluntarily suffered constitutes legal injury
- 6. A master's liability for the act of his servant is based**
 - (a) On the maxim of respondent superior
 - (b) On the doctrine of necessity
 - (c) On morality
 - (d) In the interest of trade and commerce
- 7. W, a woman got pregnant inspite of sterilization operation. Will the doctor who performed sterilization operation be held liable on grounds of negligence? The doctor would**
 - (a) Be liable as occurrence of pregnancy after sterilization is a sure proof of negligence
 - (b) Not be liable as pregnancy May occur due to causes other than negligence

- (c) Be liable only if there is proof that he was negligent in performing sterilization
(d) Not be liable as the doctor performed the operation to the best of his ability
- 8. Which of the following observation was not made by the court through J.S. Verma J. (as he then was) in Neelabati Bahera v. state of Orissa, AIR 1993 SC 1960?**
- (a) The award of compensation in a proceeding under article 32 or article 226, is a remedy available in public law
(b) The remedy is based on strict liability for contravention of fundamental right
(c) The doctrine of sovereign immunity is not applicable in case of violation of fundamental rights
(d) The compensation payable shall be ex-gratia
- 9. Which of the following is not correct about joint wrong doers? Two persons are joint wrongdoers when**
- (a) They act in pursuance of unlawful conspiracy
(b) They commit tort in concert
(c) The combined effect of their wrongful acts is the enhancement of injury
(d) One acts under the authority of another
- 10. The maxim Actio personalis moritur cum persona means**
- (a) The death of a party wronged or of wrongdoer would not put an end to the cause of action
(b) The death of a party wronged or of wrongdoer would put an end to the cause of action
(c) A suit can be filed against a person after his death
(d) After the death of a party to suit personal enmity between the parties comes to an end
- 11. Aristotle believed in**
- (a) Idealism
(b) Empiricism
(c) Dualism
(d) Separation of powers
- 12. Who said that the only purpose for which power can rightfully be exercised over any member of a civilized community against his will is to prevent harm to others?**
- (a) Hart
(b) Dworkin
(c) JS mill
(d) austin
- 13. which of the following is not an ingredient of Fuller's inner morality**
- (a) understandability
(b) prospectively
(c) justice
(d) non-contradiction
- 14. what of the following should be the ground norm of Indian legal system according to Kelsen's pure theory**

- (a) the constitution of India
- (b) the constitution of India ought to be obeyed
- (c) the parliament
- (d) the parliament and the state legislatures

15. Which of the following is not fundamental to Dworkin's master principle

- (a) fairness
- (b) the idea of individuals rights
- (c) due process
- (d) respect of authority

16. Which of the following is the jural correlative of privilege?

- (a) Duty
- (b) Power
- (c) Liability
- (d) No-right

17. Which of the following is not a legal person?

- (a) A child less than seven years of age
- (b) A child less than fourteen years of age
- (c) A partnership firm
- (d) Reserve bank of India

18. Who wrote Anarchy state and Utopia?

- (a) Rawls
- (b) Nozick
- (c) Fuller
- (d) Dworkin

19. Who said that law is a union of primary rules of obligation and secondary rules of recognition?

- (a) Hart
- (b) Austin
- (c) Raz
- (d) puller

20. which of the following is not true about Rawls?

- (a) Liberty alone is a valid consideration of justice
- (b) Welfare is the right of the people
- (c) Position of inequality is just only if it is for the benefit of the least advantaged
- (d) Benefits and burden should be distributed through right discourse

21. Which of the following incorporates Montague-Chelmsford reforms

- (a) The constitution of India
- (b) The government of Indian act 1935
- (c) The Government of India act 1919
- (d) The charter act of 1833

22. Which of the following are correct?

- i. The constituent assembly was set up in 1946
 - ii. According to cabinet mission plan
 - iii. Was not a sovereign body
 - iv. But the Indian independence act conferred sovereign character to it
- (a) Only (i) and (ii)
 - (b) Only (i), (ii) and (iii)
 - (c) Only (i) and (iii)
 - (d) All

23. Which of the following liberties the preamble of the constitution does not guarantee?

The liberty of

- (a) Thought
- (b) Belief
- (c) Practice of religion
- (d) Worship.

24. Which of the following statements is not correct?

- (a) Shankari Prasad v. union of India (AIR 1951 SC 458) was overruled in Sajjan singh v. state of Rajasthan, (AIR 1965 SC 845)
- (b) In shankari prasad v. union of India, it was held that the word law in article 13(2) does not include a law made by parliament to amend the constitution under article 368
- (c) In Golaknath v. state of Punjab Air 1967 SC 1643 it was held that the word law in article 13(2) includes parliamentary law amending the constitution
- (d) In Keshvananda Bharti v. state of Kerala Air 1973 SC 1461 Gokhnath case was overruled.

25. On which of the following grounds the Government order making caste based reservation in state of Madras v. Champakam Dorairajan, Air 1951 SC 226 was struck down. The Supreme Court struck down the order because

- (a) Backward caste is not backward class
- (b) Article 15 did not provide for reservations in favour of backward classes
- (c) The extent of reservations was more than 50%
- (d) Some of the castes in whose favour reservations were made were not socially and educationally backward.

26. In which case the validity of certain police regulations, which without any statutory basis, authorized the police to keep under surveillance persons whose name were recorded in the history sheet maintained by police as persons who were or were likely to become habitual criminals was challenged.

- (a) AK Gopalan v. state of madras Air 1951 SC 127
- (b) Govind v. State of uttar Pradesh, Air 1975 SC 1378
- (c) Unni Krishnan v. state of Andhra Pradesh 1993, SCC 645
- (d) Kharah singh v. state of Uttar Pradesh Air 1963 SC 1295

- 27. In Nazaria Motors v. state of Andhra Pradesh, (1969) 2 SCC 576 the court held that even if a bill which has received the assent of president under article 304(b) the court can examine the validity of such law on grounds whether it is**
- (a) In public interest
 - (b) Reasonable
 - (c) Reasonable and in public interest
 - (d) Likely to effect public order
- 28. If a question arises as to whether a member of a house has become subject to disqualifications under the 10th schedule of the constitution. The question shall be decided by**
- (a) The president of India
 - (b) The chairman or the speaker of such house
 - (c) The leader of the house and the leader of the opposition
 - (d) A committee of such house
- 29. Which of the following is not an essential qualification for election as president of India? He**
- (a) Must be a citizen of India
 - (b) Must have completed the age of thirty-five years
 - (c) Is qualified for election as a member of the house of people
 - (d) Is a member of the house of people
- 30. The parliament by law May alter the boundaries of a state, provided that no bill for this purpose shall be introduced in either houses of parliament except**
- (a) On the recommendation of the president
 - (b) Unless...the bill has been referred by the president to the legislature of that state for expressing its views thereon
 - (c) Unless...the bill has been referred by the president to the council of ministers of that state for expressing its views thereon
 - (d) On the recommendation of the president and unless the bill has been referred by the president to the legislature of that state for expressing its views thereon
- 31. A sees Z commit what appears to A to be a murder. A in the exercise to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes Z in order to bring Z before the proper authorities. It turns out later that Z was not committing murder but was acting in self defence. What offence has been committed by A? A is guilty of**
- (a) Using criminal force
 - (b) Wrongful restraint
 - (c) Wrongful confinement
 - (d) committing no offence

- 32. The accused killed his step-father, who was an infirm, old and invalid man, with the old man's consent, his motive being to get three innocent persons (his enemies) implicated. The accused is guilty of**
- (a) No offence as he caused death by the consent of the victim
 - (b) Murder
 - (c) Culpable homicide not amounting to murder
 - (d) Causing grievous hurt sufficient to cause death
- 33. A intending to kill Y fires at him with a revolver. Y ducks and the bullet hits Z, whom A did not intend to kill and did not know that he was standing behind Y. what offence, if any, has been committed by A? A is guilty of**
- (a) No offence
 - (b) Murder
 - (c) Causing death by negligence
 - (d) Causing death by accident
- 34. Between 1834-38 the first draft of Indian Penal code was settled, the commission which settled the draft. Consisted of three members. Which of the following was not a member of this commission?**
- (a) Lord McCauley
 - (b) Sir Barnes peacock
 - (c) Millet
 - (d) Sir John McLeod
- 35. Section 292, IPC. Makes the selling, hiring, distributing, publically-exhibiting, importing exporting etc, of obscene books an offence. A was prosecuted for selling a book by the name of lady Chatterley's lover. Written by D.H. Lawrence which was found to be an obscene book. The accused pleaded that he did not know the contents of the book. The accused is guilty of**
- (a) No offence as mistake of fact is a valid defence
 - (b) Selling an obscene book because he was negligent in not reading the contents of the book
 - (c) Selling an obscene book because he knew the contents impliedly
 - (d) Selling an obscene book because under section 292 liability is independent of mens rea
- 36. Which of the following is not an essential element of extortion?**
- (a) Internationally putting a person in fear of injury
 - (b) The purpose of which is to dishonestly induce the person put in fear
 - (c) To deliver property or valuables security
 - (d) From the ownership of this person
- 37. When a person in justification of killing another in the exercise of his right to private defence, claims the existence of such a right, such existence of the right must be proved by**
- (a) The state

- (b) The person who claims the right to private defence
 - (c) The prosecution
 - (d) The police
- 38. A person who brought undeclared gold in India, when arrested claimed that he was not aware of the notification of the reserve bank of India prohibiting import of gold in India without permission, which claim was not disputed by the prosecution. He claimed he cannot be convicted because he did not have any guilty intention. Decide**
- (a) No one can convicted in the absence of mens rea
 - (b) He cannot be convicted because the prosecution failed to prove mens rea
 - (c) In this case, he can be convicted in the absence of mens rea
 - (d) He can be convicted because he failed to prove that he did not have guilty intention
- 39. Som marries Rani according to Hindu rites in 1980. In 1985 som marries sonal according to Muslim law, after both become converts to Islam. And his personal law permits polygamy. Decide.**
- (a) Som can marry a second time because he is a Muslim
 - (b) Som will be guilty of bigamy
 - (c) In a secular society som can become convert to any religion and then would be subject to laws of that religion
 - (d) The marriage with sonal will become regular after he pronounces divorce by triple talak to Rani.
- 40. X finds a rupee coin on the highway, not knowing to whom the coin belongs, X picks the con and pockets it. What offence, if any, has been committed by X. he is guilty of**
- (a) Theft
 - (b) Criminal misappropriation
 - (c) Criminal breach of trust
 - (d) No offence
- 41. Which of the following is correct? A contract**
- (a) May be oral
 - (b) Must be in writing
 - (c) Must be made in the presence of witnesses
 - (d) Must be written on a stamp paper
- 42. Which of the following is correct? A valid consideration**
- (a) Must be adequate
 - (b) May not be adequate
 - (c) May be illusory
 - (d) Must lead to satisfaction
- 43. A farmer promises to pay B ₹ 500 if it rains in the third week of June. It rains in the third week of June. The agreement is**
- (a) A valid contract
 - (b) An invalid agreement

- (c) An invalid agreement because it is a wager
 - (d) An invalid agreement because it is contingent contract
- 44. Even in the absence of an agreement when law infers a contract under certain circumstances it is known as a**
- (a) Wager
 - (b) Quasi-contract
 - (c) Contingent-contract
 - (d) Void contract
- 45. S, a singer, enters into a contract with W, the owner of a theatre to sing at his theatre on Monday and Tuesday every week. Before S could begin her performance the theatre was completely destroyed in an earthquake. The contract**
- (a) Must be performed
 - (b) Must be performed at any other place of W
 - (c) Is discharged by impossibility of performance
 - (d) Must be performed in future when the hall is renovated
- 46. When goods are delivered by one person to another for some purpose upon a contract that they shall, when the purpose is accomplished, be returned or otherwise disposed off according to the direction of the person delivering them, the transaction is called a**
- (a) Custody
 - (b) Pawn
 - (c) Mortgage
 - (d) Bailment
- 47. Which one is not a remedy for breach of contract**
- (a) Damages
 - (b) Injunction
 - (c) Fine
 - (d) Specific performance
- 48. A farmer crop is partially destroyed every year by crickets reads an advertisement addressed to farmers to save their crop from the menace of crickets asking them to send rupees five thousand for a machine to effectively kill crickets. A sends rupees five thousand and receives by mail one wooden block and a hammer with the instructions put a cricket on one block and hammer it and it will certainly die, repeat the performance till all the crickets are destroyed. A rightly alleges that the contract is not binding on him as his consent to purchase the machine was obtained through**
- (a) Fraud
 - (b) Misrepresentation
 - (c) Mistake of fact
 - (d) Undue influence.
- 49. A contract is a contract between the parties to the contract. A third party is a stranger to the contract even if it is avowedly made for his benefit. This is known as**

- (a) Principle of estoppels
- (b) Nullity of contract
- (c) Constructive contract
- (d) Privity of contract

50. A tells B, 'I offer to sell you my horse for an amount between ₹ 10, 000 and ₹ 12, 000.

Which of the following is correct about the offer?

- (a) A valid offer because in an offer a price range May be given
- (b) Not a valid offer because it is uncertain
- (c) Not a proper offer because it is a cross offer
- (d) A valid offer because it is properly made and communicated

Question no.	Correct answer
1	a
2	c
3	c
4	a
5	c
6	a
7	c
8	c
9	b
10	b
11	c
12	c
13	c
14	b
15	b
16	d
17	c
18	b
19	a
20	d
21	c
22	d
23	c
24	a
25	a
26	d
27	c
28	b
29	d
30	d
31	d
32	b
33	b
34	b
35	d
36	d
37	b
38	c
39	b
40	d
41	a
42	b
43	a

44	b
45	c
46	d
47	c
48	a
49	d
50	b

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