

CLAT, LLM 2013

- 1. The central pollution control board constituted under the water (prevention and control of pollution) act, 1974 consists of total seventeen members. How many of them are official members?**
 - (a) Maximum five
 - (b) Maximum three
 - (c) Maximum two
 - (d) Maximum seven
- 2. A letter of acceptance sent by post is lost in transit**
 - (a) There is a concluded contract as the letter of acceptance is put in the course of transmission
 - (b) There is no concluded contract as the acceptance has not come to the knowledge of the proposer
 - (c) There is no concluded contract as the acceptance has not been communicated to the proposer
 - (d) All the above
- 3. Which one of the following agreements is induced by undue influence?**
 - (a) A applies to banker for loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms
 - (b) A, enfeebled by disease or age, is induced by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services
 - (c) A, at the age of sixty-five years, executes a deed of gift in favour of his only grandson gifting him all his properties to the exclusion of his wife, sons and daughters
 - (d) B, a rich man, donates all his properties to a charitable trust leaving nothing for himself and his family members.
- 4. X hands over her expensive saree for cleaning to a dry cleaner who loses the same. X claims the total value of the saree. The dry cleaner refers to a clause printed in the contract receipt which states that the dry cleaner can be held liable for ₹ 50 or 10% of the original value of the cloth only, whichever is less. Which one of the following propositions holds good to explain the correct position of law on the point?**
 - (a) The court generally does not entertain such frivolous cases
 - (b) The court will rely upon the clause in contract receipt and award only 10% of the cost of the saree (or ₹ 50 if it is less)
 - (c) The court will award reasonable damages, ignoring the clause as unreasonable
 - (d) None of the above
- 5. Which one of the following is prescribed by the maxim ex nudo pacto non oritur actio?**
 - (a) Doctrine of privity of contract
 - (b) Doctrine of consideration

- (c) Doctrine of consideration
- (d) None of the above

6. Under which of the following conditions, the right to claim damages in tort would arise?

- 1. Infringement of a legal right
- 2. Legal damage
- 3. Any damage
- 4. Existence of a legal right

Select the correct answer using the code given below:

Code:

- (a) 1 and 2
- (b) 1, 2 and 4
- (c) 1, 3 and 4
- (d) 2 and 4

7. Match list I with list II and select the correct answer using the code given below the said lists

List I (case)	List II (Tort)
I. Donoghue v Stevenson	1. Defamation
II. Cassidy v. daily mirror newspaper	2. Joint tort feasers
III. Merryweather v. Nixon	3. Negligence
IV. Bird v. Jones	4. False imprisonment

Code:

- | | I | II | III | IV |
|-----|---|----|-----|----|
| (a) | 4 | 2 | 1 | 3 |
| (b) | 2 | 2 | 1 | 3 |
| (c) | 3 | 2 | 1 | 4 |
| (d) | 3 | 1 | 2 | 4 |

8. Which of the following statements are correct?

- 1. In tort, the duties are imposed by law whereas in contract, duties are undertaken by the parties themselves
- 2. In tort, the duty is towards the world at large but in contract, the duty is towards specific individual or individuals
- 3. In tort, damages are liquidated but in contract, the damages are unliquidated.
- 4. In tort, a person may be liable for the wrongs committed by others also but in contract, the liability governs the parties to the contract only.

Select the correct answer using the code given below

- (a) 1, 2 and 4
- (b) 1, 2 and 3
- (c) 2 and 4
- (d) 1 and 4

9. For an action of nuisance, the following have been put up as defences:

- 1. The place is suitable for the purpose**
- 2. It is for the benefit of the locality**
- 3. It is done under statutory authority.**

Which of the defences given above is/are correct?.

- (a) 1, 2 and 3
- (b) 1 only
- (c) 2 and 3
- (d) 3 only

10. Which of the following statements illustrates the principles of contributory negligence

- (a) The plaintiff by his own want of care contributes to the damage caused by the negligence or wrongful conduct of the defendant
- (b) To be guilty of contributory negligence, the plaintiff should have acted like a prudent man
- (c) A person who comes to court must come with clean hands
- (d) The plaintiff's negligence means breach of duty towards defendant.

11. Which one of the following is not an essential element in a suit for damages for malicious prosecution?

- (a) The plaintiff was prosecuted by the defendant
- (b) The proceedings terminated in favour of the defendant
- (c) The defendant acted maliciously and not with a mere intention of carrying the law into effect
- (d) The plaintiff suffered damage as a result of the prosecution

12. Under section 100 of the Indian penal code 1860 the right of private defense of body extending to causing death is not available against an assault.

- (a) Causing apprehension of grievous hurt
- (b) With an intention of gratifying unnatural lust
- (c) With an intention of kidnapping or abducting
- (d) With an intention of robbery

13. 'A' a revenue officer, having dominion over public money by virtue of his office and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. 'A' dishonestly appropriates the money.

Which one of the following offences has 'A' committed under Indian penal code?

- (a) Theft
- (b) Criminal breach of trust
- (c) Misappropriation of property
- (d) Robbery

14. Which of the following are theories of punishment?

1. Pure theory
2. Deterrent theory
3. Declaratory theory
4. Expiatory theory
5. Retributive theory

Select the correct answer using the code given below.

- (a) 2 and 5
 - (b) 1, 2 and 3
 - (c) 2 and 4
 - (d) 2, 4 and 5
15. Locus penitential test is applied to trace which one of the following?
- (a) Criminal misappropriation
 - (b) Attempt
 - (c) Sedition
 - (d) conspiracy
16. When a state wants to delay the de jure recognition of any state, it may, in the first stage grant de facto recognition. Who said this?
- (a) Prof. L. Oppenheim
 - (b) Prof. G. Schwarzenberger
 - (c) Prof. Kelson
 - (d) J. G. Strake
17. The charter of the united nations
- (a) Enumerates human rights
 - (b) Imposes obligation of states to promote human rights
 - (c) Contains mechanisms to implement human rights
 - (d) Imposes obligation on states to protect human rights enumerated therein
18. Which one of the following has no locus standi to seek advisory opinion of the international court of justice on the issue of use of nuclear weapons by a state?
- (a) The general assembly of the united nations
 - (b) The united nations security council
 - (c) State which is a member of the united nations
 - (d) The human rights council after obtaining authorization of the general assembly
19. Pacta tertiis nec nocent nec prosunt means
- (a) Treaties do not impose obligations but confer rights on third state (not parties to the treaty)
 - (b) Treaties impose obligations and confer rights on third states
 - (c) Treaties impose obligations but do not confer rights on third states
 - (d) Treaties neither impose obligations nor confer rights on third states.
20. Judicial decisions constitute
- (a) Primary source of international law
 - (b) Subsidiary means for the determination of rules of law
 - (c) Equitable principles
 - (d) Merely moral principles.
21. Under the environment protection act, the term 'environment' includes

- (a) Water, air and gas
 - (b) Water, gas and land
 - (c) Water, air and land
 - (d) None of the above
- 22. The absolute liability principle mainly focuses on which of the following?**
- (a) Doctrine of trust
 - (b) Polluter pays principle
 - (c) Intergenerational equality
 - (d) None of the above
- 23. The Brundtland report is mainly concerned with**
- (a) Population explosion
 - (b) Forest conservation
 - (c) Global warming
 - (d) Sustainable development
- 24. In which of the following cases, the supreme court applied the doctrine of public trust that the state as a trustee of all natural resources is under a legal duty to protect the natural resources. These natural resources are meant for public use and cannot be converted into private ownership?**
- (a) M.C. Mehta v. Kamal Nath
 - (b) M.C. Mehta v. Union of India (Ganga water pollution case)
 - (c) M.C. Mehta v. Union of India (replacing Diesel vehicles by CNG vehicles)
 - (d) Church of God (Gospel) in India v. KKR Majestic colony Welfare association
- 25. Soil erosion is caused by**
- (a) Acid rain
 - (b) Ozone depletion
 - (c) Deforestation
 - (d) Pollution
- 26. Rules relating to Sapinda relationship are based on the principle of**
- (a) Polygamy
 - (b) Monogamy
 - (c) Endogamy
 - (d) Exogamy
- 27. A Muslim marriage takes place without fixation of dower. The marriage will be**
- (a) Sahih
 - (b) Batil
 - (c) Fasid
 - (d) None of the above
- 28. Sources of Muslim law are**
1. The Koran
 2. The Ijmaa
 3. The Hadis
 4. The Kiyas
- Indicate their correct sequence
- (a) 1, 2, 4, and 3
 - (b) 1, 3, 2 and 4
 - (c) 1, 4, 3 and 2

- (d) None of the above
- 29. When two persons are descendants of a common ancestor but by different wives, they are said to be related to each other by**
- (a) Full blood
 - (b) Uterine blood
 - (c) Half blood
 - (d) None of the above
- 30. Marriage of a Sunni boy with Hindu girl in the Muslim form is**
- (a) A void marriage
 - (b) A valid marriage
 - (c) An irregular marriage
 - (d) Void ab initio
- 31. Assertion (A):** A having a wife alive marries another wife. The marriage is void.
Reason (R): monogamy is the rule. Give the correct answer from the following codes
- (a) Both (A) and (R) are true and (R) is a correct explanation of (A)
 - (b) Both (A) and (R) are true but (R) is not a correct explanation of (A)
 - (c) (A) is true but (R) is false
 - (d) (A) is false but (R) is true
- 32. Industrial dispute does not mean and include**
- (a) Dispute between employer and employees
 - (b) Dispute between employees and employer
 - (c) Dispute between a workman and his employer
 - (d) Dispute between employees and employees
- 33. Lay off means**
- (a) Dismissing a workman
 - (b) Removing a workman
 - (c) Retirement of a workman
 - (d) Inability of employer to provide work to workman
- 34. The supreme court of India has awarded twenty lacs rupees as compensation in the case of Bandh' cassls given by political party/parties**
- (a) Congress party
 - (b) Shiv sena
 - (c) BJP, Shiv Sena
 - (d) Communist party of India
- 35. Which of the following evidence is generally not admissible in court of law?**
- (a) Direct evidence
 - (b) Hearsay evidence
 - (c) Circumstantial evidence
 - (d) Oral evidence
- 36. A man was found in possession of stolen goods soon after the theft. In this case**
- (a) Court may presume that he is a thief
 - (b) Court shall presume that he is a thief

- (c) Court must regard that his guilt is conclusively proved
 - (d) Court shall presume that he is innocent
- 37. Doctrine of 'Res Gestate' speaks of**
- (a) Relevancy of documentary evidence
 - (b) Relevancy of primary evidence
 - (c) Relevancy of facts forming part of same transaction
 - (d) Relevancy of judgments of courts of justice
- 38. Nulla poena sine lege means**
- (a) A person convicted by the court may be punished, only in accordance with the law
 - (b) Agreements entered into should be fulfilled in good faith
 - (c) Original liability
 - (d) Individual criminal responsibility
- 39. In which of the following cases the code of civil procedure (amendment) acts of 1999 and 2002 were held constitutionally valid**
- (a) T.K. Rangrajan v. Govt. Of Tamil Nadu
 - (b) State of Punjab v. Shiv Ram
 - (c) Peoples union for civil liberties v. Union of india
 - (d) Salem bar association
- 40. Which one of the following is not a recognised mode of transfer of property under the transfer of property act, 1882?**
- (a) Actionable claims
 - (b) Exchanges
 - (c) Will
 - (d) Gifts
- 41. A fact is said to be, when it is neither proved nor disproved**
- (a) Proved
 - (b) Disproved
 - (c) Not proved
 - (d) Quasi-proved
- 42. According to section 2 (45) of the companies act (as amended in 1974) a company secretary must possess the qualifications prescribed from time to time by the**
- (a) Company law board
 - (b) Central government
 - (c) Registrar of companies
 - (d) Parliament
- 43. According to the companies act, 1956 the first annual general meeting of company must be held within**
- (a) One month from the date of its incorporation
 - (b) Six months from the date of its incorporation
 - (c) 12 months from the date of its incorporation

- (d) 18 months from the date of its incorporation
- 44. Pleadings under civil procedure code, 1908 essentially means**
- (a) Written statements only
 - (b) Complaint only
 - (c) Complaint and written statement
 - (d) Complaint, written statement and replication
- 45. Judgement under civil procedure code, 1908 essentially means**
- (a) A decree by a court
 - (b) An order of a court
 - (c) The statement given by the judge of the grounds of a decree or order
 - (d) All of the above
- 46. Under section 5 of the transfer of property act, 1882 property may be transferred to a living person which includes**
- (a) A company
 - (b) An association
 - (c) Body of individuals
 - (d) All the above
- 47. Sale is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised, this definition refers to**
- (a) Section 54 of the transfer of property act, 1882
 - (b) Section 54 of the sale of goods act, 1930
 - (c) Section 54 of the Indian registration act, 1908
 - (d) None of the above
- 48. The relief provided under the specific relief act, 1963 is**
- (a) Mandatory
 - (b) Discretionary
 - (c) Specific
 - (d) Pro rata
- 49. Which one of the following magistrate is authorized to decide maintenance under section 125 of the code of criminal procedure 1973**
- (a) Any judicial magistrate
 - (b) Executive magistrate
 - (c) 1st class magistrate
 - (d) 2nd class magistrate
- 50. Plea Bargaining has been included in the code of criminal procedure through**
- (a) Criminal procedure code (amendment) act, 2005 (act no. 25 of 2005)
 - (b) Criminal procedure code (amendment) act, 2005 (act NO 2 of 2006)
 - (c) Criminal procedure (amendment) act, 2006
 - (d) Criminal law (amendment) act, 2003

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

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

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