



## SECTION – C : LEGAL APTITUDE

**Directions (Q. 71 – Q. 79) :** Given below is a statement of legal principle followed by a factual situation. Apply the principle to the facts given below and select the most appropriate answer.

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

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

71. Whether the consent to offer the flat as financial security obtained through undue influence ?
- (a) No because Pragma was not forced by Anurag to offer her flat as a security.
  - (b) No, because Pragma was an educated and adult employee of Anurag and she knew what she was doing.
  - (c) Yes, an employer/employee relationship was capable of developing into such a relationship for undue influence. There was no benefit to Pragma in the agreement. The lack of benefit to one party was evidence enough.
  - (d) No, an employer/employee relationship is not capable of developing into a relationship for undue influence.
72. Irrespective of your answer to Q. 71, assume it is a case of undue influence. Decide whether the bank has done enough to allay concerns of undue influence ?
- (a) The bank had not made all reasonable steps to allay themselves of the concerns regarding undue influence. The fact that, on advice from the bank, the defendant did not seek independent advice, should have been taken as confirmation of undue influence.
  - (b) Yes, the Bank has advised Pragma that she should take independent legal advice before putting her property up as security for the debt.
  - (c) Pragma has a duty to be aware of the consequences of her act.
  - (d) Bank has done enough as it had notified Pragma that the guarantee was unlimited in both time and financial amount.





73. **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.
74. **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/principal in respect of the manner in which his work is to be done.

**Factual Situation:** A motor car was owned by and registered and insured in the name of A (wife) but was regarded by her and her husband (B) as "our car." B used it to go to work, and A for shopping at the weekends. B told A that if ever he was drunk and unfit to drive through, he would get a sober friend to drive him or else telephone her to come and fetch him. On the day in question the husband telephoned the wife after work and told her that he was going out with friends. He visited a number of public houses and had drinks. At some stage, he realised that he was unable to drive safely and asked a friend, C, to drive. C drove them to other public houses. After the last had been visited C offered the three friends (X, Y and Z) a lift and they got in, together with B who was in a soporific condition. C then proceeded, at his own suggestion, to drive in a direction away from the B's home to have a meal. On the way, due to C's negligent driving, an accident occurred in which both B and C were killed and the other friends got injured. X, Y and Z brought an action against the wife both in her personal capacity and as administratrix of the husband's estate. Decide whether A is liable.





**Decision :**

- (a) Yes, she was vicariously liable for the negligent driving of C as the principle of vicarious liability was to put responsibility on to the person, namely, in the case of a motor car, the owner, who ought in justice to bear it, and that in the case of a “family car” the owner was responsible for the use of it by the other spouse.
- (b) No, C had not been the wife’s agent in driving the husband about as he had been doing at the time of the accident. To fix vicarious liability on the owner of a motor car in a case such as the present, it must be shown that the driver was using it for the owner’s purposes under delegation of a task or duty.
- (c) No, because this is a case of *volenti non fit injuria* as X, Y and Z voluntarily took the lift knowing that C was also drunk.
- (d) No, because C was not employed by A to drive her husband back to the home on the day of accident.

**75. Legal Principle :**

- 1. Battery is the intentional causation of harmful or offensive contact with another’s person without that person’s consent.
- 2. When lawfully exercising power of arrest or some other statutory power a police officer had greater rights than an ordinary citizen to restrain another.

**Factual Situation:** Two police officers on duty in a police car observed two women in the street who appeared to be soliciting for the purpose of prostitution. One of the women was known to the police as a prostitute but the other, X, was not a known prostitute. When the police officers requested X to get into the car for questioning she refused to do so and instead walked away from the car. One of the officers, a policewoman, got out of the car and followed X in order to question her regarding her identity and conduct and to caution her, if she was suspected of being a prostitute, in accordance with the approved police procedure for administering cautions for suspicious behaviour before charging a woman with being a prostitute. X refused to speak to the policewoman and walked away, whereupon the policewoman took hold of X’s arm to detain her. X then swore at the policewoman and scratched the officer’s arm with her fingernails. X was convicted of assaulting a police officer in the execution of her duty. She appealed against the conviction, contending that when the assault occurred the officer was not exercising her power of arrest and was acting beyond the scope of her duty in detaining X by taking hold of her arm. The police contended that the officer was acting in the execution of her duty when the assault occurred because the officer had good cause to detain X for the purpose of questioning her to see whether a caution for suspicious behaviour should be administered. Decide whether the police officer is liable for battery.





**Decision:**

- (a) X is liable for trespass on the person of a police officer while performing her official duty.
- (b) The policewoman had not been exercising her power of arrest when she detained X, and since in taking hold of the appellant's arm to detain her the policewoman's conduct went beyond acceptable lawful physical contact between two citizens, hence the officer's act constituted a battery on X and that she had not been acting in the execution of her duty when the assault occurred.
- (c) The fact that the reason the police officer detained X was to caution her regarding her suspicious behaviour render the officer's conduct lawful if in detaining her she used a degree of physical contact that went beyond lawful physical contact as between two ordinary citizens.
- (d) The police officer was on duty and performing her duty in the regular course of the work so is not liable for battery.

**76. Legal Principle :**

- 1. A careless person becomes liable for his negligence when he owed a duty of care to others.
- 2. *Volenti non fit injura* is defence to negligence.

**Factual Situation :** K was a friend of L and was teaching her to drive. Prior to such an arrangement K had sought assurances from L that appropriate insurance had been purchased in the event of accident. On the third day, L was executing a simple manoeuvre at slow speed when she panicked which resulted in the car crashing into a lamp-post injuring K. L was subsequently convicted of driving without due care and attention. L denied liability to pay compensation to K on the ground of *volenti non fit injuria* and also that she was just learning to drive and was not in complete control of the vehicle. Decide.

**Decision :**

- (a) L is liable as the defence of *volenti non fit injura* 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.





77. **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.

78. **Legal Principle :** An unlawful interference with a person's use or enjoyment of land or some right over or in connection with it is a nuisance in tort. The fact that the plaintiff "came to the nuisance" by knowingly acquiring property in the vicinity of the defendant's premises is not a defense to nuisance. However, an act cannot be a nuisance if it is imperatively demanded by public convenience. Thus, when the public welfare requires it, a nuisance may be permitted for special purposes.

**Factual Situation :** D owned and occupied an estate about two miles from RAF Wittering, an operational and training base for Harrier Jump Jets. D claimed that they suffered severe noise disturbance every time the Harrier pilots carried out training circuits: an average of 70 times a day. D alleged that the noise nuisance constituted a very serious interference with their enjoyment of their land. D instituted judicial proceedings against the defendants, the Ministry of Defence (MoD), damages amounting to Rs.1,00,00,000.

The MoD denied liability and raised defence that the Harrier training was undertaken for the public benefit and that they had prescriptive right over the land as D had bought their property at a time when RAF Wittering was already established so he cannot claim compensation as he already knew about existence of RAF Wittering near his property.





**Decision :**

- (a) D is not entitled to compensation as the training of pilots is a public welfare activity.
- (b) The Harrier training is not an ordinary use of land and that although there was a public benefit to the continued training of Harrier pilots, D should not be required to bear the cost of the public benefit.
- (c) D is not entitled to compensation as his property is two miles away from the training base.
- (d) D will not get compensation as the training activity does not amount to nuisance and D had full knowledge about the training activities when he purchased the land.

**79. 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 defence under the law of torts.

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

**Decision :**

- (a) The Home office is not liable as they are performing statutory duty and has immunity from liability in negligence.
- (b) The trainees are liable and not the Home Officers as the injury to X's property could not be reasonably foreseen by the officers.
- (c) The fact that the immediate damage to the property of X was caused by the acts of third persons, the trainees, prevent the existence of a duty on the part of the officers towards X.
- (d) The taking by the trainees of the nearby yacht and the causing of damage to the other yacht which belonged to X ought to have been foreseen by the borstal officers as likely to occur if they failed to exercise proper control or supervision; in the particular circumstances, the officers prima facie owed a duty of care to X.





**Directions (Q. 80 – Q. 86) :** The following questions consist of two statements, one labelled as 'Assertion' and the other as 'Reason'. Read both the statements carefully and answer using the codes given below.

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

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

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

81. **Assertion (A) :** The "basic features" of the Constitution cannot be amended by exercising the power of Amendment under Article 368.

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

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

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

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

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

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

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

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

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

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

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





87. A minority community may reserve upto \_\_\_\_\_ seats for members of its own community in an educational institution established and administered by it even if the institution receives aid from the State.  
(a) 50% (b) 40% (c) 33% (d) 27%
88. After Delhi and Goa, which is the third Indian State to have child - friendly court ?  
(a) West Bengal (b) Karnataka  
(c) Telangana (d) Tamil Nadu
89. Which of the following statements are true regarding the Constitution (One Hundred and First Amendment) Act, 2016 ?  
I. GST Act is a comprehensive direct tax on manufacture, sale and consumption of goods and services throughout India.  
II. The Act will transform India into a common market, harmonising myriads of State and Central levies into a national goods and services tax which is expected to boost manufacturing and reduce corruption.  
III. It provides for Constitution of a Goods and Services Tax Council by inserting Article 297A in the Constitution.  
IV. GST will be based on input tax credit method.  
(a) I, II and III (b) II, III and IV (c) I, II and IV (d) All of the above
90. Central Vigilance Commissioner shall hold office for a term of \_\_\_\_\_ years from the date on which he enters upon his office.  
(a) 4 (b) 3 (c) 2 (d) 1
91. In *Youth Bar Association V. Union of India*, the Supreme Court directed to upload copies of FIR within \_\_\_\_\_ hours on police website.  
(a) 48 (b) 12 (c) 24 (d) 48 – 72
92. India's first court-annexed mediation centre was established in  
(a) Delhi (b) Tamil Nadu (c) Chennai (d) Karnataka
93. Which is the first country to allow voting through mobile phones ?  
(a) Estonia (b) Finland (c) France (d) Germany
94. All students graduating from academic year \_\_\_\_\_ onwards need to clear the All India Bar Examination in order to practice law in India.  
(a) 2007 – 08 (b) 2009 – 10 (c) 2008 – 09 (d) 2010 – 11
95. "The people have a right, an inalienable, indisputable, indefeasible, divine right to that most dreaded and envied kind of knowledge – I mean, of the character and conduct of their rulers." Who said this ?  
(a) Abraham Lincoln (b) John Adams  
(c) Martin Luther (d) Mahatma Gandhi





96. *John Doe* order in India is known as  
(a) Ashok Kumar Order (b) DMCA Order  
(c) Take Down Order (d) Injunction
97. In 2016, the Supreme Court has clarified that the "Third Gender" will include(s)  
(a) Transgender (b) Gays and Lesbians  
(c) Bisexuals (d) All of these
98. New Zealand Government has granted legal status of a person to a \_\_\_\_\_ after a legal battle of 140 years.  
(a) National Park (b) Tree  
(c) Mountain (d) River
99. Which of the following Articles of the Constitution of India authorize the Chief Justice of India to request a retired Judge to join the Supreme Court ?  
(a) 129 (b) 128 (c) 127 (d) 126
100. The 'Public Trust' the doctrine is related to  
(a) Charitable Institution (b) Environment  
(c) Journalism (d) Public Offices
101. The Delhi High Court has asked Facebook to ban children below \_\_\_\_\_ years of age from creating an account.  
(a) 10 (b) 13 (c) 16 (d) 18
102. Which one of the following decided to set up a website, which will compare the World's Constitutions by themes online "to arm drafters with a better tool for Constitution design and writing" ?  
(a) UN (b) Google (c) Microsoft (d) Amnesty
103. Mental Health Care Bill 2016 seeks to  
1. Decriminalise suicide  
2. Prohibit electro-convulsive therapy  
3. Provide right to make Advance Directives  
4. Provide for seclusion and solitary confinement in few cases  
(a) 1, 2 and 4 (b) 2, 3 and 4 (c) 1, 2 and 3 (d) All of the above
104. What is the new minimum wage of non-agricultural, unskilled workers of the Central Government as announced by the Union Government on August 30, 2016 ?  
(a) Rs. 350 per day (b) Rs. 250 per day  
(c) Rs. 246 per day (d) Rs. 400 per day
105. Maternity Benefits (Amendment) Bill, 2016 provides \_\_\_\_\_ weeks of full paid maternity leave to women who work in organised sector.  
(a) 12 (b) 26 (c) 24 (d) 32