

Legal Aptitude Sample Paper: 02

146. Principle: Letters or words not describing quality of things can be registered as a trade mark.

Facts: Ram made an application for registration of alphabet 'B' written in a fancy style as trade mark to be applied on packets and cartons of shoes manufactured by him.

- (a) alphabet 'B' cannot be registered as trade mark because it is an English letter.
- (b) The alphabet 'B' can be registered as trade mark because it describes the quality of things.
- (c) The alphabet 'B' can be registered as trade mark.
- (d) The alphabet 'B' cannot be registered as trade mark because it belongs to humanity.

147. Principle: Existence of all the alleged facts is relevant, whether they occurred at the same time and place or at different times and places.

Facts: 'A', a citizen of England, is accused of committing murder of 'B' in India by taking part in a conspiracy hatched in England.

- (a) Only the fact that 'A' is accused of conspiracy hatched in England is relevant.
- (b) Only the fact that 'A' citizen of England is accused of committing murder of 'B' in India is relevant.
- (c) The facts that 'A' citizen of England is accused of commission of murder in India and of conspiracy hatched in England are relevant facts.
- (d) 'A' citizen of England cannot be tried in India.

148. Principle: Nothing is an offence, which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Facts: 'A' takes up a gun, not knowing whether it is loaded or not, points it playfully at 'B' and pulls the trigger. Consequently, 'B' falls dead.

- (a) B's death is accidental, as 'A' did not have the knowledge that the gun is loaded.
- (b) B's death is accidental, as 'A' had no intention to kill 'B'.
- (c) B's death is accidental, as 'A' was just pointing the gun playfully at 'B'.
- (d) B's death is not accidental, as there was want of proper care and caution on the part of 'A'.

149. Principle: A condition to a contract can also be complied with after the happening of the event to which such a condition is attached.

Facts: 'A' promises to pay Rs. 5000 to 'B' on the condition that he shall marry with the consent of 'C', 'D' and 'E'. 'B' marries without the consent of 'C', 'D' and 'E', but obtains their consent after the marriage.

- (a) 'B' has not fulfilled the condition.
- (b) 'B' has fulfilled the condition.
- (c) 'B's marriage is not valid.
- (d) The condition is illegal.

150. Principles:

- A person is said to abet the doing of a thing when he instigates any other person to do that thing.

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- Mere acquiescence, however, does not amount to instigation.

Facts: 'A' says to 'B': "I am going to kill 'C'." And, 'B' replies: "Do as you wish and take the consequences"; whereafter 'A' kills 'C'.

- (a) "B" is jointly liable with 'A' for killing 'C'.
- (b) 'B' has not abetted 'A' to kill 'C'.
- (c) 'B' has abetted 'A' by conspiracy.
- (d) 'B' abetted 'A' to kill 'C'.

151. Principle: Defamation is the publication of a statement which tends to lower

reputation of a person in the estimation of other members of the society generally.

Facts: 'A' writes a highly offensive and derogatory letter about 'B', and sends it directly to 'B' in a sealed cover.

(a) 'A' is liable to 'B' for defamation, as the letter is highly offensive and derogatory and is directly sent to 'B'.

(b) 'A' is liable to 'B' for defamation, as the letter is highly offensive and derogatory.

(c) 'A' is liable to 'B' for defamation, as it has hurt his (B's) self-esteem.

(d) 'A' is not liable to 'B' for defamation, since there is no publication to any other person in whose estimation the reputation of 'B' could be brought down.

152. Principle: Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so or to provide gratuitously, and such other person takes the benefit of that; the latter is bound to compensate the former for something done or thing provided, or to restore, the thing so delivered.

Facts: Trader 'A' delivers certain eatables at B's house by mistake. 'B' consumed the eatables without asking anything. Which of the following derivations is correct?

(a) 'B' is bound to pay 'A' for the eatables.

(b) 'B' is not bound to pay 'A' for the eatables.

(c) 'B' can be made liable to pay for the eatables, only if 'A' establishes an express contract between 'A' and 'B'.

(d) It is the discretion of 'B' to make payment to 'A'

153. Principle: Law never enforces an impossible promise.

Facts: 'A' made a promise to 'B' to discover treasure by magic.

(a) Law will not enforce the promise

(b) Law will enforce the promise only at the option of 'B'.

(c) Law will enforce the promise.

(d) Law will enforce the promise only at the option of 'A'.

154. Principle: Intentional application of force to another person is actionable in law.

Facts: 'P' and 'D' are unknown to each other. When 'P' is about to sit on a chair, 'D' intentionally pulls it away as a result of which 'P' falls on to the floor and is injured.

(a) 'D' is liable as such jokes are common in the society.

(b) 'D' is not liable as 'P' is not seriously injured.

(c) 'D' is liable as he intentionally caused injury to P.

(d) 'D' is not liable as the injury is not directly caused.

155. Principle: Mere silence as to facts likely to affect the decision of a person to enter into a contract is not fraud.

Facts: 'A' sells to 'B' (A's daughter who is minor) a horse which 'A' knows to be unsound. 'A' says nothing to 'B' about the unsoundness of the horse.

(a) 'B' can take plea of fraud because she is minor.

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(b) 'A' has committed fraud.

(c) There cannot be a contract between a father and daughter.

(d) 'A' has not committed fraud.

156. Principle: A person is said to have committed assault when an apprehension is caused in the mind of a person that he is about to use physical force against his body.

Facts: 'A' abuses 'B' while he was sitting in a moving train, by aggressively shaking his fists when 'B' was standing on the railway platform at a distance.

(a) A has caused fear of assault in the mind of 'B'.

(b) 'A' has committed assault against 'B'.

(c) A has not committed assault against 'B'.

(d) 'A' has caused apprehension of assault in the mind of 'B'.

157. Principle: Consent is a good defence in a civil action for tort but the act should be the same for which consent was given.

Fact: 'B' was formally invited by 'A' to his house. 'B' after sitting for some time in drawing room, moved to the bed room of the house. 'A' sued 'B' for trespass.

- (a) B has been offended 'A' by moving to bed room.
- (b) 'B' has interfered with privacy of 'A'
- (c) 'B' has committed trespass as there was no consent of 'A' for entry in the Bed room.
- (d) 'B' has committed no trespass as he entered the house with 'A's consent.

158. Principle: Copyright law protects only work. 'Work' means cinematographic film but does not include performance by an actor in a cinematographic film.

Facts: Alia Bhatt acted in a movie.

- (a) the acting of Alia Bhatt can be protected as film producer's work
- (b) The acting of Alia Bhatt can be protected under copyright law as professional work.
- (c) The acting of Alia Bhatt cannot be protected under copyright law.
- (d) The acting of Alia Bhatt can be protected under copyright law only as an artistic work.

159. Principle: A person, who is usually of unsound mind, but occasionally normal, may make a contract when he is not of unsound mind.

Facts: 'A' generally remains in the state of unsound mind and rarely becomes capable of understanding the things.

- (a) 'A' can make a contract at any time whenever he pleases.
- (b) 'A' can make a contract only for his own benefit.
- (c) 'A' can make a contract when normal.
- (d) 'A' can never make a contract.

160. Principles:

1. A servant is one who is employed to do some work for his employer (master). He is

engaged under a contract of service. He works directly under the control and directions of his master.

2. In general, the master is vicariously liable for those torts (wrongful acts) of his servant which are done by the servant in the course of his employment.

Facts: 'M' appointed 'D' exclusively for the purpose of driving his tourist vehicle. 'M' also appointed 'C' exclusively for the purpose of performing the work of a conductor for the tourist vehicle. During one trip, at the end of the journey, 'C', while 'D' was not on the driver's seat, and apparently for the purpose of turning the vehicle in the right direction for the next journey, drove it through the street at high speed, and negligently injured 'P'.

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(a) M could not be made liable for the act of 'C', as his (C's) act of driving the vehicle was not in the course of his employment

(b) M could be made liable for the act of 'C', as his (C's) act of driving the vehicle was within his scope of employment.

(c) M could be made liable for the act of 'C', as 'C' was employed under a contract of service.

(d) M is not liable as he was not present at the time of accident.

161. Principle: In cases where there is an infringement of legal right even without any actual loss or damage, the person whose right is infringed has a cause of action.

Facts: 'P' was wrongfully prevented by the Returning Officer from exercising his vote in an assembly election. However, the candidate for whom he wanted to cast his vote won the election. Still, he ('P') brought an action claiming damages. Which of the following derivations is correct?

(a) 'P' would succeed in his action, as it is mandatory to cast vote.

(b) 'P' would not succeed in his action, as the candidate for whom he wanted to give his vote won the election.

(c) 'P' would not succeed in his action, as he did not suffer any loss in that election.

(d) 'P' would succeed in his action, as he was wrongfully prevented from exercising his legal right of voting in that election.

162. Principle: Sale of liquor is illegal. All agreements relating to prohibited items do not exist in the eyes of law.

Facts: 'A' entered into an agreement with 'B' for the sale of liquor. 'A' failed to supply the agreed quantity of liquor to 'B'.

(a) 'B' cannot bring any legal action against 'A'.

(b) 'A' and 'B' can initiate appropriate legal proceeding against each other

(c) 'A' can bring a legal action against 'B'.

(d) 'B' can bring a legal action against 'B'.

163. Principle: The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.

Facts: 'A' sent a letter making a proposal to 'B' to purchase the house of 'B'.

(a) The communication of proposal is complete when B's wife handed over the letter to 'A'.

(b) The communication of proposal is complete when B's wife received it.

(c) The communication of proposal is complete when 'B' reads the letter

(d) The communication of proposal is complete when A sent the letter.

164. Principle: Killing is not murder if the offender, whilst deprived of the power of self-control by intense and sudden provocation, causes the death of the person who gave the provocation.

Facts: 'A', a man found his girlfriend sleeping, in her own bed room, with another man named 'B'. 'A' did not do anything but went to his home, picked a gun and cartridges, returned to the girlfriend's bed room with loaded gun but found the place empty. After fifteen days he saw his girlfriend dining in a restaurant. Without waiting for even a second, 'A' fired five bullets

at his girlfriend who died on the spot.

- (a) A could have killed both 'B' and his girlfriend
- (b) 'A' did not kill his girlfriend under intense and sudden provocation.
- (c) 'A' could have killed 'B' instead of his girlfriend.
- (d) 'A' killed his girlfriend under intense and sudden provocation.

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165. Principle: Whoever does not arrest the killer and report the matter to the concerned authorities commits an offence.

Facts: 'A', a woman, sees 'B', another woman, killing a third woman 'C'. 'A' neither attempted to arrest 'B' nor informed the concerned authorities.

- (a) 'B' has not committed an offence.
- (b) 'A' has not committed an offence.
- (c) 'B' has committed an offence.
- (d) 'A' has committed an offence.

166. Principles:

1. An independent contractor is one who is employed to do some work of his employer. He is engaged under a contract for services. He undertakes to produce a given result, and in the actual execution of the work, he is not under the direct control or following directions of his employer. He may use his own discretion in execution of the work assigned.
2. In general, an employer is not liable for the torts (wrongful acts) of his independent contractor. But, the employer may be held liable if he directs him to do some careless acts.

Facts: Ramesh hired a taxi-cab to go to Delhi Airport. As he started late from his home, he kept on urging the taxi-driver to drive at a high speed and driver followed the directions; and ultimately due to high speed an accident took place causing injuries to a person.

- (a) Ramesh would not be held liable for damages because the driver was an independent contractor and not his servant.
- (b) Ramesh would not be liable as car was not owned by him.
- (c) Ramesh would be held liable for damages as he exercised the control by giving directions to the driver.
- (d) Ramesh would not be held liable for damages because Ramesh did not know the consequences of such rash driving.

167. Principle: Whoever by words or writing conveys to others any imputation concerning any person's reputation is said to defame that person.

Facts: During a marriage ceremony, 'A' circulated a pamphlet saying that 'S', sister of the bride, is a thief, she has stolen the shoes of the bridegroom.

- (a) 'A' has defamed 'S'.
- (b) 'A' has defamed the bridegroom.
- (c) 'A' defamed the bride.
- (d) 'A' did not defame 'S' as he never intended it.

168. Principle: One who dishonestly mis-appropriates or converts to his own use or sells any movable property belonging to another, is guilty of the offence of misappropriation.

Facts: 'A' takes property belonging to 'Z' out of Z's possession, in good faith, believing when he takes it, that the property belongs to himself. Subsequently, 'A', on discovering his mistake, without disclosing the actual facts, dishonestly sells the property to a stranger.

- (a) 'A' is not guilty because when he took the property, he believed in good faith that it belonged to him.
- (b) 'A' is guilty of an offence of misappropriation.
- (c) 'A' may be guilty of theft but not for misappropriation.
- (d) 'A' is not guilty as the property can be recovered from the stranger.

169. Principle: Whoever takes away any moveable thing from the land of any person without that person's consent, he is said to have committed theft.

Facts: During his visit to the house of C, 'A' asked 'B', the son of C, to accompany 'A' to the forest. Neither 'A' nor 'B' informed 'C' in this regard. 'B' accompanied 'A' to the forest.

- (a) 'A' has not committed theft.
- (b) 'A' has not committed theft till 'B' did not accompany him.
- (c) 'A' has committed theft.
- (d) 'A' has committed theft as soon as he entered the house of 'C'.

170. Principle: False imprisonment is a tort (wrong) which means the total restraint of a person's liberty without lawful justification.

Facts: A part of a public road had been closed for spectators of a boat race. 'P' wanted to enter but he was prevented by 'D' and other policemen because he had not paid the admission fee. 'P' was able to enter the enclosure by other means but was unable to go where he wanted to go. The policemen refused access to where he wanted to go but allowed him to remain where he was or to go back. 'P' remained within the enclosure and refused to leave.

Subsequently, 'P' sued 'D' for false imprisonment.

- (a) it was a case of false imprisonment, but 'D' could not be made liable for it.
- (b) 'D' could not be made liable for false imprisonment, as he did not totally restrict 'P's' movements.
- (c) 'D' could be made liable for false imprisonment, as he did restrict 'P's' movements.
- (d) 'D' could not be made liable for false imprisonment as he has not touched him.

171. Principle: Import means bringing some consignment into India from a foreign country.

Facts: A consignment from Sri Lanka entered the territorial waters of India. However,

this consignment never crossed the Indian custom barrier nor did it enter into the stream of commerce in India.

(a) The consignment was not imported into India.

(b) The consignment will only be imported into India when it crosses the Indian custom barrier

(c) The consignment was imported into India.

(d) The consignment will only be imported into India when it enters into the stream of commerce in India.

172. Principle: Nothing is an offence which is done by a child under twelve years of age, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion.

Facts: Himesh, 11 years old boy, picks up a gold ring worth ₹ 5000/-lying on a table in his friend's house and immediately sells it for ₹2 000/-, and misappropriates the money.

(a) Himesh would be protected under the principle stated above because he is below 12 years of age.

(b) Himesh would not be protected under the principle stated above because his acts show that he was sufficiently mature to understand the nature and consequences of his conduct.

(c) Himesh would be protected under the principle stated above because his acts show that he was not sufficiently mature to understand the nature and consequences of his conduct.

(d) Himesh would not be protected under the principle stated above because, irrespective of the age, stealing is an offence.

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173. Principles: 1. Wagering agreements are void.

2. Collateral agreements to wagering contracts are valid.

Facts: XYZ Bank lends ₹ 40,000 to Sabu in order to enable him to a ward as prize to

Randeep who is the winner of horse race. Later Sabu refuses to pay the prize stating that horse racing is wagering agreement. Can XYZ Bank recover money from Sabu?

- (a) No, as it is a wagering contract.
- (b) Bank can recover money from Sabu so that payment of prize money can be made to Randeep.
- (c) Yes, as it is only a collateral agreement to horse racing and therefore the bank can recover the money from Sabu.
- (d) Horse racing is illegal and therefore XYZ Bank cannot recover anything from Sabu.

174. Principle: An agreement without free consent can be enforced only at the option of the party whose consent was not free.

Facts: A obtains the consent of 'B' to enter into an agreement by putting a gun on the head of B's girlfriend.

- (a) 'B' can enforce the agreement.
- (b) 'A' can enforce the agreement.
- (c) 'B' cannot enforce the agreement.
- (d) Neither 'A' nor 'B' can enforce the agreement.

175. Principle: Acceptance of proposal must be the exact mirror image of the proposal.

Facts: 'A' made a proposal to 'B' to sell a chair for Rs. 500. 'B' expressed his desire to buy the said chair for Rs. 400.

- (a) 'B' has not accepted the proposal of 'A'.
- (b) It is not clear whether 'B' has accepted the proposal of 'A' or not.
- (c) 'B' has accepted the proposal of 'A'.
- (d) It is not clear whether 'A' made a proposal to 'B'.

176. Principle: There are certain acts which, though harmful, are not wrongful in law; therefore, do not give legal right to bring action in law, to the person who suffers from

such acts.

Facts: 'Prakash' has a rice mill. His neighbours, Shanti, sets up another rice mill and offers a tough competition to Prakash. As a consequent Prakash's profits fall down. He brings a suit against Shanti for da mages.

- (a) Prakash can succeed in his claim as it is a case of actual damages.
- (b) Prakash cannot succeed in his claim for damages, as it is a case of damage without infringement of any legal right.
- (c) Prakash can succeed in his claim for damages, as it is a case of damage as a result of infringement of his legal right.
- (d) Prakash may succeed in his claim for damages, as it is a case of loss to his business.

177. Principle: Consent is a good defence for civil action in tort. But consent must include both knowledge of risk and assumption of risk, i.e , readiness to bear harm.

Facts: A lady passenger was aware that the driver of the cab, in which she opted to travel was little intoxicated. The cab met with an accident and lady got injured.

- (a) Lady can refuse to pay the fare as she had suffered injuries.
- (b) Lady is entitled to claim compensation as she only knew about risk and there was no assumption of risk.
- (c) Lady is not entitled to claim compensation as she had knowledge of the risk.

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- (d) Driver can take the plea that he was lightly intoxicated.

178. Principle: An agreement may be entered into orally or in writing, or by conduct.

Facts: 'A' went to the shop of 'B' and picked a toothbrush and gave a cheque of Rupees twenty to 'B' and left the shop.

- (a) 'A' should have carried a currency note of Rupees twenty to make the payment.
- (b) There was an agreement between 'A' and 'B'.

(c) Payment of toothbrush cannot be made through a cheque.

(d) 'A' did not enter into an agreement with 'B'.

179. Principle: Causing of an effect partly by an act and partly by an omission is an offence.

Facts: 'A' confined her daughter 'D' in a room. 'A' also did not provide any food to her daughter 'D'. Consequently, 'D' died of starvation.

(a) 'A' committed the offence of causing death of 'D'.

(b) 'A' committed the offence of confining 'D'.

(c) 'A' committed the offence of not providing food to 'D'.

(d) 'A' committed no offence.

180. Principle: Law does not penalize for wrongs which are of trivial nature.

Fact: In the course of a discussion, 'A' threw a file of papers at the table which touched the hands of 'B'

(a) 'A' is liable for insulting 'B'

(b) 'A' is not liable for his act, as it was of trivial nature

(c) 'A' is liable for his act, as the file touched 'B's hand

(d) 'A' is liable for his act, as it assaulted 'B'

181. Under the constitution of India 'right to pollution free environment has emerged as a fundamental right from the right to

(a) Freedom of movement under article 19

(b) Equality under article 14

(c) Life and personal liberty under article 21

(d) Conserve culture under article 29

182. 'Alibi' means a plea by an accused person that he

(a) Was present elsewhere

- (b) Remained in judicial custody
- (c) Underwent preventive detention
- (d) Was facing trial

183. 'Obiter Dicta' means

- (a) Basis of judicial decision
- (b) Judgment of a court in the case before it
- (c) An opinion given by the court not necessary for the decision
- (d) Direction by a judge

184. If an authority is holding information about another in a 'fiduciary capacity', the information under the right to information act, 2005 may not be obtainable. 'fiduciary relationship is based on:

- (a) Authority
- (b) Trust
- (c) Law
- (d) Contract

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185. Under the constitution of India restriction on freedom of religion cannot be placed on the ground of

- (a) Morality
- (b) Social justice
- (c) Health
- (d) Public order

186. As per law the minimum age for the marriage of a boy and a girl in India is

- (a) 21 years in both cases
- (b) 18 years and 21 years respectively

(c) 21 years and 18 years respectively

(d) 18 years in both cases

187. Which among the following was described by Dr. B.R. Ambedkar as the 'heart and soul of the constitution of India?

(a) Freedom of religion

(b) Right to constitutional remedies

(c) Right to equality

(d) Right to move throughout the territory of India

188. The Supreme Court of India has struck down the constitution (99th amendment) act, 2014 as unconstitutional, it is related to

(a) Land exchange between India and Bangladesh

(b) National judicial appointment commission

(c) Religious rights

(d) Jallikattu (bull fighting)

189. 'Lis Pendens' means-

(a) Awaited information

(b) On the basis of evidence

(c) Decision awaited

(d) A pending suit

190. Which of the following is not a directive principle of state policy under part IV of the constitution of India?

(a) Provision for just and humane conditions of work and maternity relief.

(b) Organisation of village panchayat

(c) Promotion of adult education

(d) Promotion of international peace and security

191. Persona non grata', means

- (a) Non-performance of promise
- (b) Non-person
- (c) An unacceptable person
- (d) Ungrateful person

192. the object which one of the following writs is to prevent a person to hold public office which he is not legally entitled to hold?

- (a) Mandamus
- (b) Quo warrant
- (c) Certiorari
- (d) Prohibition

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193. Which Indian state has prescribed minimum educational qualification for candidates contesting panchayat polls.

- (a) Gujarat
- (b) Kerala
- (c) Haryana
- (d) Punjab

194. Which among the following does not belong to the 'right to freedom of religion'?

- (a) Freedom from payment of taxes for promotion of any particular religion
- (b) Freedom from attending religious instruction or religious worship in certain educational institutions
- (c) Freedom of conscience and free profession, practice and propagation of religion
- (d) Freedom of speech and expression

195. 'audi alteram partem' means

- (a) Non connected to facts
- (b) Following the substantive law
- (c) A transferee cannot retransfer
- (d) Giving opportunity of hearing of the other side

