

Legal Aptitude Sample Paper: 03

DIRECTION: The questions consist of two statements, one labeled as PRINCIPLE and other as FACT. You are to examine the principle and apply it to the given facts carefully and select the best option.

111. PRINCIPLE: whoever is intending to take dishonestly any movable property out of the possession of any person without that person's consent moves that property, such taking is said to commit theft.

FACT: Ramu cuts down a tree on Rinku's ground, with the intention of dishonestly taking the tree out of Rinku's possession without Rinku's consent. A could not take the tree away.

- (a) Ramu can be prosecuted for theft.
- (b) Ramu cannot be prosecuted for theft.
- (c) Ramu can be prosecuted for attempt theft.
- (d) Ramu has neither committed theft nor attempt to commit theft.

112. PRINCIPLE: injuria sine damnum i.e. injury without damage.

FACT: Sonu who was a returning office at a polling booth, wrongly refused to register a duly tendered vote of Monu, though he was a qualified voter. The candidate, whom Monu sought to vote, was declared elected.

- (a) Monu can sue Sonu on the ground that he was denied to cast vote, which is a fundamental right.
- (b) Monu can sue Sonu on the ground that he was denied to cast vote, which is a legal right.
- (c) Monu cannot sue Sonu because there is no injury of damage cause to Monu.

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- (d) Monu cannot sue Sonu because to whom he sought to vote was declared elected.

113. 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 judgment as to its effect upon his interests.

FACT: Mr. X who is usually of sound mind but occasionally of unsound mind enters into a contract with Mr. Y when he is of unsound mind. Y came to know about this fact afterwards and now wants to file a suit against.

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

(b) Mr. X can enter into contract but the burden is on the other party to prove that he was of unsound mind at the time of contract.

(c) Mr. X can enter into a contract but the burden is on Mr. X to prove that he was of unsound mind at the time of contract.

(d) none of the above.

114. PRINCIPLE: when one person signifies to another his willingness to do or to abstain from doing anything, with a view to obtaining the assent of that other to such act or abstinence, he is said to make a proposal.

FACT: Ramanuj telegraphed to the shyamsunder, writing "will you sell me your Rolls Royce Car? Telegram the lowest cast price". Shyamsunder replied, too by telegram "lowest price for car is Rs. 20 lacs". Ramanuj immediately sends his consent through telegraph stating, 'I agree to buy the car for Rs. 20 lacks asked by you. Now shyamsunder refused to sell the car. .

(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) none of the above.

115. PRINCIPLE: A master is liable for the acts committed by his servant in the course of employment.

FACT: Sanjay is a driver working in Brooke bond and co. One day the manager asked him to drop a customer at the airport and get back at the earliest. On his way back from the airport, he happened to see his fiancé Ruhina is waiting for a bus to go home. He offered to drop her at home, which happened to be close to his office. She got into the car and soon thereafter the car somersaulted due to the negligence of sanjay. Ruhina was thrown out of the car and suffered multiple injuries. She seeks compensation from Broke bond co.

- (a) Brook bond and co. shall be liable because sanjay was in the course of employment at the time of accident.
- (b) Brook bond and co. shall not be liable because sanjay was not in the course of employment when he took Ruhina inside the car.
- (c) Ruhina got into the car at her own risk and therefore she cannot sue anybody.
- (d) None of the above.

116. PRINCIPLE: Nuisance as a tort (civil wrong) means an unlawful interference with a person's use or enjoyment of land, or some right over, or in connection with it.

FACT: During the scarcity of onions, long queues were made outside the defendant's shop who having a license to sell fruits and vegetables used to sell only 1 kg of onion per ration card. The

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queues extended on to the highway and also caused some obstruction to the neighboring shops.

The neighboring shopkeepers brought an action for nuisance against the defendant.

- (a) The defendant is liable for nuisance.
- (b) The defendant is not liable for nuisance.
- (c) The defendant was liable under the principle of strict liability.
- (d) The plaintiff suit should be decreed in his favour.

117. PRINCIPLE: Nothing is offence which is done by a person who at the time of doing it, by reason of unsoundness of mind is incapable of knowing the nature of the act, or that he is

doing what is either wrong or contrary of law.

FACT: A takes his son B who is three years old, for a bath to the well. He throws his son inside the well so that he could have a good bath, After 10 minutes he also jumped in the well to take a bath and take his son out of the well. Both were rescued by the villagers but his son was found dead.

- (a) A has committed culpable homicide not amounting to murder.
- (b) A has committed murder.
- (c) A has done not offence as he can plead the defence of unsoundness of mind.
- (d) A's family should be responsible for his incident to let him to take child to the well.

118. PRINCIPLE: Ignorantia juris non excusat and ingnorantia facit excusat.

FACT: George was a passenger from Zurich to Manila in a Swiss Plane. When the plane landed at the airport at Bombay on 28th Nov. 1962 it was found on search that George carried 34kgs of gold bars in person and that he had not declared it in the 'manifest for transit'. On 26th Nov. 1962 Government of India issued a notification and modified its earlier exemption and now it is necessary that, the gold must be declared in the 'manifest' of the aircraft.

- (a) George cannot be prosecuted because he had actually no knowledge about the notification issued only two days ago.
- (b) George cannot be prosecuted because it is mistake of fact which is excusable.
- (c) George's will be prosecuted because mistake of law is not excusable.
- (d) George liability would depend on the discretion of the court.

119. PRINCIPLE: Everybody is under a legal obligation to take reasonable care to avoid an act or omission which he can foresee would injure his neighbor. The neighbor for this purpose is any person whom he should have in his mind as likely to be affected by his act.

FACT: Krishnan while driving a car at high speed in a crowded road knocked down a cyclist. The cyclist died on the spot with a lot of blood spilling around, Lakshmi a pregnant women

passing by suffered from a nervous shock, leading to abortion. Lakshmi filed a suit against Krishnan claiming damages.

(a) Krishnan will be liable because he owed a duty to reasonable care to everybody on the road including Lakshmi.

(b) Krishna will not be liable because he could not have foreseen Lakshmi suffering from nervous shock as a result of his act.

(c) Krishnan will be liable to Lakshmi because he failed to drive carefully .

(d) None of the above.

120. PRINCIPLE: Preparation is not an offence except the preparation of some special offences.

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FACT: Ramesh keeps poisoned halua in his house, wishing to kill Binoy whom he invited to a party and to whom he wishes to give it. Unknown to Ramesh, his only son takes the halua and dies. In this case

(a) Ramesh is liable for the murder.

(b) He is not liable for murder since it is a preparation alone.

(c) He is liable for culpable homicide.

(d) none of the above.

121. PRINCIPLE: agreements the meaning of which is not certain or capable of being made certain are void.

FACT: A horse was bought for a certain price coupled with a promise to give Rs. 500 more if the horse proved lucky.

(a) This is a valid agreement.

(b) This agreement is void for uncertainty because it is very difficult to determine what luck, bad or good the horse had brought to the buyer.

(c) the agreement is partially valid and partially void.

(d) None of the above.

122. PRINCIPLE: Mere silence as to facts likely to affect the willingness of a person to enter into a contract is not fraud, unless the circumstances of the case are such that regard being had to them it is the duty of the person keeping silence to speak or unless his silence is, in itself equivalent to speech.

FACT: A sell by auction to B, a horse which A knows to be unsound. A says nothing to B about the horse's unsoundness.

(a) A can be held liable for fraud.

(b) A can be held liable for misrepresentation.

(c) A cannot be held liable because he did not say anything positive about the soundness of horse.

(d) A cannot be held liable because it is the buyer who must be aware of the things.

123. PRINCIPLE: Any direct physical interference with the goods in somebody's possession without lawful justification is called trespass to goods.

FACT: A purchased a car from a person who had no title to it and had sent it to a garage for repair. X, believing, wrongly, that the car was his, removed it from the garage.

(a) X can be held responsible for trespass to goods.

(b) X cannot be held responsible for trespass to good as he was under a wrong belief.

(c) X has not committed any wrong.

(d) None of the above.

124. 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 enjoyment, envisaged herein, should be normal and reasonable taking into account surrounding situation.

FACT: Jeevan and Pavan were neighbours in a residential locality. Pavan started a typing class in a part of his house and his typing sound disturbed Jeevan who could not put up with any kind

of continuous noise. He filed a suit against Pavan.

- (a) Pavan is liable because he should not have started typing class in his house.
- (b) Pavan is liable because as a neighbor he should have realized Jeevan's delicate nature.
- (c) Pavan is not liable because typing sound did not disturb anyone else other than Jeevan.

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- (d) None of the above.

125. PRINCIPLE: Doctrine of Double jeopardy: No person shall be prosecuted and punished for the same offence twice.

FACT: Maqbool brought some gold into India without making any declaration to custom department on the airport. The custom authorities confiscated the gold under the sea customs act. Maqbool was later charged for having committed an offence under Foreign Exchange Regulation Act.

- (a) He cannot be prosecuted because it would amount to double jeopardy.
- (b) He can be prosecuted because confiscation of good by custom authorities does not amount to prosecution by the court.
- (c) Maqbool ought to have known that he can be stopped by the custom authorities.
- (d) None of the above.

DIRECTION: The question consist of two statements one labeled as Assertion and other as Reason (R) you are to examine the two statements carefully and select the best option.

126. Assertion: custom per se is law, independent of prior recognition by the sovereign or the judge.

Reason: custom is source of law but by itself is not law.

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

127. Assertion: Idol is a person who can hold property.

Reason: only human being can be called person not the lifeless things.

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

128. Assertion: Laws are means of achieving an end namely social control.

Reason: The ultimate end of law is to secure greatest happiness to greatest number.

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

129. Assertion: Every person should have the freedom of speech and expression.

Reason: If a person is stopped from speaking then mankind will lose the truth.

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

130. Assertion: Attempt to commit an offence though does not result in any harm should also be punished.

Reason: A person who tries to cause a prohibited harm and fails is in terms of moral culpability not materially different from the person who tries and succeeds.

- (a) Both A and R are individually true and R is correct explanation to A.
- (b) Both A and R are individually true but R is not correct explanation of A.

(c) A is true but R is false.

(d) A is false but R is true.

131. Assertion: In India every state has a High Court in its territory.

Reason: The constitution of India provides for a High Court in each state.

(a) Both A and R are individually true and R is correct explanation to A.

(b) Both A and R are individually true but R is not correct explanation of A.

(c) A is true but R is false.

(d) A is false but R is true.

132. Assertion: The council of ministers at the centre is collectively responsible both to the Lok Sabha and Rajya Sabha.

Reason: The members of both Lok Sabha and Rajya Sabha are eligible to be ministers of the union Government.

(a) Both A and R are individually true and R is correct explanation to A.

(b) Both A and R are individually true but R is not correct explanation of A.

(c) A is true but R is false.

(d) A is false but R is true.

133. Assertion: The reservation of thirty three percent of seats for women in parliament and state legislation does not require constitutional amendment.

Reason: Political parties contesting election can allocate thirty three percent of seats they contest to women candidates without any constitutional amendment.

(a) Both A and R are individually true and R is correct explanation to A.

(b) Both A and R are individually true but R is not correct explanation of A.

(c) A is true but R is false.

(d) A is false but R is true.

134. Assertion: we, the people of India, having solemnly resolved to constitute India into a

Democratic Republic.

Reason: A republic will ensure we have a head of state that is democratically elected and accountable to voters. As a result the head of state will be a more effective constitutional safeguard.

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

135. Assertion: Republic Day is celebrated on 26th January every year in the country.

Reason: The constitutions of India come into force on 26th January 1950.

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

DIRECTION: Read the following definition and element of the attempt, apply them on the given fact situations and answer the question.

Definition of attempt: Lord Blackburn was said that “there is no doubt that there is difference between a preparation antecedent to an attempt and the actual attempt but if the actual

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transaction has commenced which would have ended in the crime if not interrupted there is clearly an attempt to commit the crime”.

1. Fault element: Intention or knowledge requisite for committing an offence; and
2. Conduct Element: does any act towards its commission and has crossed the stage of preparation. This act is so closely connected with and proximate to the commission that it fails in object because of facts not known to him or because of circumstances beyond his

control.

136. 'RANI' ran to a well stating that she would jump into it, and she started running towards the well but she was caught before she could reach it.

- (a) She is not guilty of attempt to commit suicide because she might have changed her mind before jumping into the well.
- (b) She is guilty of attempt to commit suicide.
- (c) right to life includes right to die hence a person should not be held responsible for attempt to commit suicide.
- (d) None of the above.

137. 'SINI' with an intention to pick-pocket puts his hand into MINU's pocket. MINU had a loaded pistol in his pocket. The thief touches the pistol and trigger goes on, whereby MINU is shot dead.

- (a) SINI will be liable only for attempting to pick-pocket and not for killing because she cannot be treated differently from all other pick-pockets who steal under exactly similar circumstances and same intention with no risk of causing death and with no greater care of avoid it.
- (b) SINY will be liable for attempting to murder.
- (c) SINY will be liable for culpable homicide not amounting to murder as his intention was definitely not to kill.
- (d) None of the above.

138. 'JAM' denied food to his wife Jane for several days by keeping her confined in a room with an intention to accelerate her death. Jane ultimately managed to escape.

- (a) JAM is guilty for attempting to murder his wife.
- (b) JAM is not guilty for attempt to murder his wife and he was only doing preparation.
- (c) JAM is not guilty for attempt to murder his wife as she always had option to escape.

(d) None of the above.

DIRECTION: Fill in the blanks: choose the pair of words which complete the sentence to make logical sense.

139. The NDA led Government notified the.....and the National Judicial Appointments Commission Act, thus ending the over two-decade-old.....of appointing judges of Supreme Court and High Courts under the new law, a six-member panel headed by.....will select judges of the apex court and state High Court.

- (a) 99th Constitutional Amendment Act 2015, Collegiums system, the chief justice of India.
- (b) 121st Constitutional Amendment Act 2015, Collegiums system, the union law minister.
- (c) 121st Constitutional Amendment Act 2015, Collegiums system, the prime minister
- (d) 99th Constitutional Amendment Act 2015, Cabinet system, the prime minister.

140. TheLegislative assembly on 31st March 2015 passed a controversial Anti-Terrorism law. Earlier the passed bill was rejected two times by then.....in 2004 and 2008

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- (a) Bihar, Presidents
- (b) Madhya Pradesh, Governor
- (c) Gujarat, Presidents
- (d) Maharashtra, Governor.

141. The Union Government on the recommendation of theUnder the chairmanship of.....has decided to decriminalize sectionOf the Indian Penal code.

- (a) 20th law commission, Justice A.P. Shah & 309
- (b) 20th law commission, Justice M.P. Shah & 307.
- (c) supreme court justice H.L. Dattu & section 309
- (d) Planning commission, Law minister, and section 309.

142. A bench headed by.....quashed allocation of 214.....as.....

(a) Justice H.L. Dattu, coal blocks, illegal and arbitrary. Justice R.M. Lodha, coal blocks, illegal and arbitrary. Justice T.S. Thakur, licenses, illegal and arbitrary. None of the above.

143. Choose the best option for the following statement:

1. No one can be compelled to sing the National Anthem since.
2. It will be violate of the right to freedom of speech and expression
3. It will be violate of the right to freedom of conscience and practice & propagation of religion.
4. There is no legal provision obliging anyone to sing the National Anthem.

- (a) 1 and 2 are correct
- (b) 2 and 3 are correct.
- (c) 1, 2 and 3 are correct
- (d) None of the correct.

144. Five years experience is a must to be able to practice as an advocate in the supreme court of India. This rule was prescribed by the.....

- (a) Bar council of India. Supreme court of India. High court of Delhi. Ministry of Law and Justice, Government of India.

145. Union Government recently approved 33 percent reservation for women in:

- (a) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all nongazetted police posts in all Union Territories including Delhi.
- (b) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all gazetted police posts in all Union Territories including Delhi.
- (c) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all gazetted and non-gazetted police posts in all Union Territories including Delhi.
- (d) Horizontally and each category (OBC, ST, ST and Others) in direct recruitment in all nongazetted posts in all Union Territories including Delhi.

146. As per Indian protocol, who among the following ranks highest in the order of precedence?

- (a) Deputy Prime Minister. Former President. Governor of a State within his state.
- (e) Speaker of Lok Sabha.

147. Consider the following statements and choose the best option:

1. The chairman of the national legal service authority (NALSA) is the Chief Justice of India.
2. Chief Justice Mr. Justice H.L. Dattu is the present Chairman of NALSA.

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3. The chairman of the nation legal service authority (NALSA) is the senior most judges (after CJI) of the Supreme Court of India.

4. Hon'ble Mr. Justice T.S. Thakur is the present chairman of NALSA.

- (a) 1 and 2 are correct. 2 and 3 are correct. 3 and 4 are correct. none is correct.

148. India and Britain recently signed an "extradition treaty" Extradition means-

- (a) Export without double taxation.
- (b) order of Indian courts.
- (c) India and the U.K. will deport criminals on reciprocal basis to each other.
- (d) None is correct.

149. What is "moot"?

- (a) A basic point of law.
- (b) A basic fact of law.
- (c) Mock court for practice by students in general.
- (d) Another name for magistrates court.

150. The temporary release of a convicted prisoner from jail for a fixed period is called-

- (a) Bail.
- (b) Parole.
- (c) Acquittal.

(d) Discharge.

151. The Railway authorities allowed a train to be over-crowded. In consequence, a legitimate passenger, Mr. X got his pocket picked. Choose appropriate answer-

(a) Mr. X can sue the railway authorities for the loss suffered.

(b) Mr. X cannot sue because he had given his consent to travel in a over-crowded train.

(c) Mr. X cannot sue the railway authorities because there was no infringement of legal right and mere fact that the loss was caused does not give rise to a cause of action.

(d) none of the above.

152. Choose the best option for the following statement:

1. 1.Fraud is more of less intentional wrong, whereas misrepresentation may be quite innocent.

2. 2.In addition to rendering the contract voidable, is a cause of action in tort for damages.

Simple misrepresentation is not a tort but a person who rightfully rescinds a contract is entitled to compensation for any damages which he has sustained through the non-fulfillment of the contract.

3. 3.A person complaining of misrepresentation can be met with the defence that he had “the means of discovering the truth with ordinary diligence”. But excepting fraud by silence in other cases of fraud it is no defence that “the plaintiff had the means of discovering the truth by ordinary diligence”.

4. None of the above.

(a) 1 is correct.

(b) 1 & 2 are correct.

(c) 1, 2 & 3 are correct.

(d) only 4 are correct.

153. In a recent case a Supreme Court bench comprising of Justice Dipak misra and Justice Prafulla C pant held that the amount of maintenance to be awarded under section 125 or

CrPC cannot be restricted for the iddat period (three months) only as the inherent and

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fundamental principal behind section 125. Also it said that an order under section 125 Cr.

PC can be passed if a person, despite having sufficient means, neglects or refuses to maintain the wife.

(a) Shamina Farooqui v. Shahid Khan

(b) Mohd Ahmad Khan v. Shah Bano Begum.

(c) Hamida Bano V Abdul Raseed.

(d) Abdul Kadir v Salima.

154. Select the correct statements on social justice bench constituted on social issue

1. Constituted by Supreme court on 3 December 2014

2. Started operation on 12 December 2014

3. The brainchild of chief Justice of India H.L. Dattu

4. Two-judge bench to be headed by Justice madam B Lokur

5. The other member is Justice U.U. Lalit.

(a) 1, 2 & 5 are correct.

(b) 1, 2 & 3 are correct.

(c) 1, 3 & 4 are correct.

(d) all are correct.

155. Select the correct statements about 14th Finance Commission which submitted its report to president.

1. It covers the period between 1 April 2015 and 31 March 2020.

2. The commission headed by former RBI Governor Y.V. Reddy.

3. Provides for devolution of tax receipts from the centre to the states.

4. Article 280 of constitution provides for appointment of Finance Commission.

5. 1st and 13th Finance commission was headed by KC Neogy & Dr. Vijay kelkar respectively.

(a) 1, 3 & 5 are correct. 1, 2 & 3 are correct. 1, 3 & 4 are correct. all are correct.

156. Who administers oath of office to the Governor of a state?

(a) President of India

(b) Chief Justice of High Court of the respective State.

(c) Chief Justice of India.

(d) Speaker of state Assembly.

157. Governor of a state can make laws during recess of state legislative assembly through...

(a) Act.

(b) Bill.

(c) Notification.

(d) Ordinance.

158. Who called Indian constitution as Quasi-Federal?

(a) Austin

(b) K.C. Wheare

(c) H.M. Servai.

(d) Jennings.

159. President of India exercises his powers....

(a) Either directly or through officer subordinate to him

(b) Through ministers

(c) Through Prime Minister.

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(d) Through Cabinet.

160. Vote on account is meant for...

(a) vote on the report of CAG

(b) to meet unforeseen expenditure.

(c) appropriating funds pending passing of budget.

