



LEGAL APTITUDE ORIENTATION BOOKLET

LEGAL APTITUDE BOOKLETS

Legal reasoning Orientation booklets 01, 02 and 03 are designed to provide readers a detailed introduction to Indian law.

The detailed contents for booklets are as mentioned below

- Introduction to Legal Reasoning
- Law and Classification of Laws
- Torts
- Contracts
- Criminal Laws
- Constitutional Law
- Other Important laws (Corporate, Business, Economic etc.)
- Legal Aptitude Test I
- Legal Aptitude Test II and III
- Legal Reasoning Test IV and V

[Please ensure you are thorough with the content before you attempt the tests.]

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Best Wishes !

Introduction to legal reasoning

Legal reasoning is a technique to solve a legal problem. The solution of a legal problem lies in the application of the principles of law to ascertained facts. Thus, legal reasoning involves application of given legal principles to the factual situation and in order to arrive at the most appropriate answer.

Generally, a legal reasoning question consists of

- (1) A factual situation or a legal problem.
- (2) A legal principle or rule to be applied.
- (3) Alternative solutions (normally 3-4 in number).

The examinee has to mark the most appropriate answer and not merely the correct one. It is important to go through all the alternatives carefully, before picking one as the "right" answer.

Illustration

Principle: A person is guilty of culpable homicide amounting to murder, if the act by which the death is caused is done with an intention of causing death.

Facts: Anil and Prakash are playing hide and seek. Anil hides behind a bush. Amar, who is on a prowl to hunt for rabbits, observing some movement near the bush and assuming a rabbit was hiding there, fires and kills Anil. Amar does not know that Anil was hiding behind the bush. The police prosecute Amar for murder.

- (a) Amar would not be liable for murder, as he did not have the intention to kill Anil.
 - (b) Amar would be liable for murder, because he should have taken care to find out the target before shooting.
 - (c) Amar would not be liable for murder, because it would be too much to expect him to identify the target before shooting.
- (NLSIU Entrance Exam. 2001)

You can break up the legal principle into different parts to understand it better and then apply it to the given situation. In this example, the different parts of the legal principle may be:

- (1) Person guilty of culpable homicide amounting to murder
- (2) Act by which the death is caused
- (3) Done with intention of causing death.

It is very clear that intention of causing death is a must to hold a person guilty of culpable homicide amounting to murder. In the given case, Amar had no intention to kill Anil. So, you can safely mark (a) in the answer. Further, it is important to note that you must not deviate from the legal principle given. You have to avoid options like (b) which advocates reasonable care, as it is not mentioned anywhere in the legal principle.

The problems of legal reasoning generally pertain to the law of torts, contracts, crime, constitution etc. A student who is aware of the legal principles can solve the problem faster and more accurately.

Importance in law entrance examination

Legal reasoning holds the key to the entrance examination of National Law Schools and Delhi University's Faculty of Law. It forms an important part of the question paper due to the very nature of this subject. Unlike the other sections on English, reasoning and general knowledge, legal reasoning problems test the legal sense and aptitude of the entrants.

Legal reasoning is all about thinking like a lawyer in a given situation. Legal reasoning is uniquely important as no entrant studies law before entering a law school. A prior knowledge of some legal principles and their correct application is necessary to solve legal reasoning questions. Generally, there is negative marking in this section in entrance exams of National Law Schools and the DU. Therefore, a sound knowledge of legal principles is a must before answering a question.

Laws and Classification of Laws

Law may be best defined as "rules of human conduct". When these rules apply within national boundaries, they are known as national law, while rules of conduct between nations are known as international law. Torts, contracts, criminal laws, constitutional laws, corporate laws, business laws and economic laws are all part of national laws.

The most fundamental source of all laws in India is the Indian Constitution to which all laws must conform.

Laws may be divided into civil laws and criminal laws. The basic distinction between civil and criminal laws is that civil laws involve restoration of the rights of private parties, while criminal laws deal with conduct which is harmful to the society at large.

Laws can also be classified into public laws and private laws. While public law deals with relations between a state and its subjects, private law regulates relations among subjects. Examples of public laws are constitutional law, administrative law and criminal law. Examples of private laws are torts, contracts, company law, tenancy law, etc.

Law of Torts

Tort means wrong. But every wrong is not a tort. A wrong may be a civil wrong or a criminal wrong. Tort is a civil wrong or private wrong i.e. a wrong against private individuals. A criminal wrong is a public wrong or a violation of public law amounting to an offence against the state. Criminal wrongs are taken care of by criminal law (e.g. Indian Penal Code). Law of torts deals with civil wrongs or private wrongs. Further, a civil wrong is redressed or compensated by damage or compensation. Such damage may be pre-determined or fixed.

If, under an agreement, A agrees to pay Rs.100 to B if he breaks the contract, damages for the breach of contract is fixed to be Rs.100 only. Such damages are called liquidated damages. But, in case of torts, damages are unliquidated, i.e. not fixed or not predetermined. This is because of the very nature of the wrong falling under the law of torts.

You can't fix a certain sum as compensation for different acts of negligence, nuisance or defamation. The quantum of compensation shall differ according to facts and circumstances.

Essentials of a tort

Generally, a tort consists of some act or omission by the defendant or tortfeasor or wrongdoer, without reasonable cause, which has caused some harm or injury to the plaintiff. The essentials to constitute a tort are:

1. A wrongful act or omission done by defendant.
2. Some damage or harm or injury suffered by plaintiff.
3. Some legal remedy is there for causing such injury.

Two maxims

Two important maxims help in determining liability under the law of torts. These are

1. Damnum sine injuria
2. Injuria sine damnum

Damnum sine injuria

Damnum means "damage" or "harm". Sine means "without". Injuria means "injury" or "legal injury", i.e. infringement of some legal right. Thus, the first maxim Damnum sine injuria means "damage without injury". It means, in a given case, a person may have suffered some damage or harm but no injury or violation of legal right. In such a case, no action will lie under the law of torts. Because, causing damage or harm, however substantial it may be, is not actionable unless there is injuria or infringement of some legal right of the dependent.

Thus, if I own a sweets shop and you open a similar sweets shop in adjacent building, I may suffer big damage or harm or loss due to a fall in the number of customers. But I cannot sue you for tort as there is no injuria, there is no violation of my legal right.

In the Gloucester Grammar School case, a schoolmaster set up a rival school in the neighbourhood of the plaintiff, forcing him to reduce fees from 40 pence to 12 pence per student and thereby causing big monetary loss to him. The court held that the plaintiff had no remedy for loss suffered because the defendant was exercising his own legal right and no injuria or infringement of legal right of the defendant had taken place.

In the Mogul Steamship Co. case, a number of shipping companies joined together, offered much less freight and the plaintiff company was forced to move out of the tea-carrying trade. The House of Lords held that the defendants had exercised their own legal right and no legal injury was caused to the plaintiff though it had suffered great monetary loss.

Injuria sine damnum

The second maxim, injuria sine damnum, means injury without damages. It means plaintiff has suffered injury. His legal right is infringed or violated. But, no damage or harm is caused to him. Still, the plaintiff can sue in tort because law of tort protects a person from injuria i.e. legal injury or infringement of some legal right. Whether any harm is caused or not, is immaterial.

In celebrated case of Ashby v. White, the plaintiff was a qualified voter at a parliamentary election. Defendant, a returning officer wrongfully refused to tender his vote. The candidate, for whom the plaintiff wanted to vote, won by a big margin. It appeared that the plaintiff suffered no harm or loss or damage. Yet, the defendant was held liable. Plaintiff was awarded damages.

Law of torts has been the most important area for testing legal reasoning ability. The different legal principles and concepts under the law of torts, which are important for solving legal reasoning problems are mentioned below. Students are advised to go through those pages and learn the law first before answering the questions on legal reasoning based on the law of torts.

1. **Principle:** No legal remedy exists for an injury caused by an act, for which one has consented.
Facts: Aneesh, a cricket enthusiast, purchases a ticket to watch the one-day international cricket match between India and Australia, organised by the Board of Control for Cricket in India (BCCI). As he is absorbed in watching the exploits of Sachin Tendulkar, a ball struck for a six by the latter hits Aneesh on his body and injures him. Aneesh sues BCCI for reimbursement of the medical bill he paid for treatment of the injury.
 - (a) Aneesh should be compensated as he purchased the ticket to get entertainment and not to get injured.
 - (b) Aneesh would lose as he voluntarily exposed himself to the risk.
 - (c) BCCI is liable as it did not ensure that the spectators were protected from the risks of such injuries. (NLSIU, 2001)

2. **Principle:** A master is liable for the wrongs committed by the servant in the course of his employment.
Facts: Amit works as a clerk in a pharmaceutical company Bio-Pharma Ltd. He is required to take stock of the goods supplied and maintain the accounts of the company. Bharat, a friend of Amit, from the neighbouring village, came to meet Amit in the office. Since Bharat did not have any other acquaintance in the city, he gave Rs.10,000 that he had with him to Amit for safe keeping. When Bharat returned to the office the next morning to collect the money, he learnt that Amit had disappeared with his money. Bharat brought a legal action against Bio-Pharma Ltd. for the recovery of the money.
 - (a) Bio-Pharma Ltd., would be liable, since Amit received the money while being in the office.
 - (b) Bio-Pharma Ltd., would not be liable, as Bharat had no business transactions with the company.
 - (c) Bio-Pharma Ltd., would not be liable, as safekeeping of money was not part of Amit's duty. (NLSIU, 2001)

3. **Principle:** An occupier is liable to a trespasser in respect of some wilful act intended to cause harm or done with reckless disregard.
Facts: A farm house belonging to Narayan had its fencing electrified. The object was to ensure that the farm was secured from any wild animals in the vicinity. There was a clear warning about the electrified fencing. A cricket ball, hit from a nearby play ground, fell within the farm. Viren, a coach conducting a summer camp for school children, attempted to jump the fence to retrieve the ball and got injured on account of the electric shock. Viren filed a suit against Narayan for relief.
 - (a) Narayan will not be liable, because Viren was a trespasser.
 - (b) Narayan will not be liable, because he had given sufficient warning about electric fence.
 - (c) Narayan will be liable, because he must have taken note of the adjacent playground. (NLSIU, 2001)

4. **Principle:** A careless person becomes liable for his negligence when he owed a duty of care to others.
Facts: As the bus was leaving the platform, Babu rushed and boarded the bus keeping the door open. Inder, who was standing at the edge of the platform, was hit by the door of the moving bus and was injured. Inder takes Babu to court demanding monetary compensation.
 - (a) Babu is liable to Inder for not having taken care to close the door of the moving bus.
 - (b) Babu is not liable to Inder, as it was the duty of the conductor of the bus to close the door.
 - (c) Babu is not liable to Inder, as it was the duty of the latter to take sufficient care, while standing on the platform, as not to expose oneself to such accidental harm. (NLSIU, 2001)

DIRECTIONS: Following questions are based on the given legal principle. You can select the answer from following codes.

- (a) A is liable for tort of negligence.
- (b) A is not liable for tort of negligence.
- (c) Facts of the case give insufficient evidence.
- (d) None of these.

Legal Principle: In action for negligence, following essentials must be fulfilled.

- (a) That "A" owed duty of care to the plaintiff.
- (b) That "A" made a breach of that duty.
- (c) Plaintiff suffered damages as a consequence thereof.

5. **Facts:** A was the manufacturer of ginger beer. The plaintiff purchased a bottle of this ginger beer from a retailer for his lady friend. Some of the contents were poured in a tumbler and she consumed the same. When the remaining contents of the bottle were poured into her tumbler, the decomposed body of snail floated out with her ginger beer. Her health seriously suffered by drinking the contaminated contents. The bottle was of dark opaque glass and closed with a metal cap, so that contents could not be ascertained by inspection.

6. **Facts:** A boarded a train which had just started moving but kept the door of the carriage open. The door opened outside. The plaintiff, a porter, who was standing on the edge of the platform was hit by the door and injured.
7. **Principle:** When a person consents to the infliction of some harm upon himself, he has no remedy in tort.
Facts: The plaintiff was at a motor car race being held on a track owned by a company. During the race there was a collision between two cars, one of which was thrown among the spectators, thereby injuring the plaintiff. Plaintiff filed a suit against the company.
 (a) Company is liable.
 (b) Company is not liable.
 (c) Company is not liable because plaintiff impliedly took the risk of injury.
 (d) Company is not liable because it owed no duty of care to the plaintiff.
8. **Principle:** There is no liability in tort in cases of inevitable accidents.
Facts: Two strangers took a lift in a jeep. During the journey, one of the bolts that fastened the right front wheel gave way. The two strangers suffered serious injuries in the accident, resulting in the death of one of them. The survivor filed a suit against jeep owner for compensation.
 (a) Jeep owner is liable.
 (B) Jeep owner is not liable because it was an inevitable accident and the defect in jeep was not apparent.
9. **Principle:** An employer is responsible for any accident or loss caused to his employees, during the course of employment.
Facts: John runs Empire Circus. The circus has a very popular show called "Motor Cycle in Globe". Two motorcyclists Rohit and Mohit drive their motor cycles within the globe in complete darkness. During one show, an accident happens. The motorcycle of Rohit and Mohit collide with each other. Rohit dies in the accident while Mohit loses his leg. Their parents claim compensation from John the manager and proprietor of Empire Circus.
 (a) John is not liable to pay any compensation, because there was no fault of him in the accident.
 (b) John is not liable to pay but he may pay if he thinks so.
 (c) John is liable to pay because he is the employer and the accident occurred during the course of employment.
 (d) None of the above.
10. **Principle:** A careless person becomes liable for his negligence when he owes a duty to take care of another.
Facts: Neelam, whose husband had been killed in a motor accident, files an appeal through her counsel claiming enhanced compensation. The case remained on the daily list of the court for two weeks and then it has dismissed on default. The counsel of Neelam is
 (a) liable to Neelam for not having taken care to enquire the daily list.
 (b) not liable to Neelam as it was the duty of the court of inform Neelam.
 (c) not liable because it was the duty of Neelam to take care.
 (d) Both (b) and (c) are correct.
11. **Principle:** A principal shall be liable for any damage caused by the agent in the course of employment. The scope of an agent's authority is conditioned not only by the power conferred by the principal, but by the reasonable public perception of such authority.
Facts: Fortis is a well-known hospital, offering specialised facilities. When a patient comes to the hospital, the general physician examines him and refers him to the relevant specialist. The brochure of hospital describes all the doctors as doctors of Fortis. But, in fact, all of them including the general physician are independent people, using the hospital's facilities under contractual arrangements.
 Madan, having gone through the brochure, came to the hospital seeking a cure for a rare kind of disease. He was admitted into the hospital and operated upon for some heart problem. Among the various documents he signed at the time of admission, there was a form in which Fortis disclaimed liability for the negligence of any doctor. Madan signed all the documents mechanically as most of the patients tend to do under those agonising circumstances. Due to the negligence of operating surgeon, Madan died. When his kith and kin filed a suit against Fortis alleging negligence, Fortis resisted the claim on the basis of the document, signed by Madan.
 (a) Fortis shall not be liable, since the contract signed by Madan, exempted it from any liability.
 (b) Fortis shall not be liable, since it is not really in a position to control the specialist surgeon in the course of a complicated operation.
 (c) Fortis shall be liable, because Madan was drawn into the hospital by its brochure, describing the various facilities available. (NLSIU, 2002)
12. **Principle:** An employer shall be liable to the injuries caused to his employee by the negligence of a fellow employee in the course of employment.
 Sahil and Akhilesh were two employees working in the textile factory of Ghanshyamdas. One day, Sahil came to the factory in an inebriated state and his hands were not steady while operating the machine. As a result, Akhilesh, who just happened to go near the machine for some work, got injured. He filed a suit against Ghanshyamdas for compensation.
 (a) Ghanshyamdas will be liable, because Akhilesh was injured by Sahil's act in the course of employment.
 (b) Ghanshyamdas will not be liable, because he was not responsible for Sahil's inebriated condition;
 (c) Ghanshyamdas will not be liable, because Akhilesh himself should have been careful while going near Sahil. (NLSIU 1995)

Law of Contract

Laws relating to contracts are contained in the Indian Contract Act, 1872. Contracts are fundamental to human behaviour in a society as everyday we enter into agreements of some sort or the other in our day-to-day life. Law of contract is at the core of all commercial activities and, hence, it is one of the most tested areas in law entrance examination. Normally, 4 to 5 questions are asked in every law entrance exam, based on the principles of the law of contract. Students are advised to learn the basic principles of the law of contract before answering the questions that follow.

The questions are based on previous question papers of NLSIU, Bangalore; NUJS, Kolkata; and, Delhi University.

- Principle:** A contract is an agreement enforceable by law.
Facts: Smita invited Nikita to her house for dinner. Nikita accepted the invitation but later did not go. On Nikita's failure to attend, Smita filed a suit against Nikita for the price of non-consumed food. Can this agreement be enforced by law?

 - This agreement cannot be enforced as it is just a social agreement.
 - This agreement can be enforced as Smita can recover the price of non-consumed food.
 - This agreement cannot be enforced as Nikita did not accept the invitation in writing. (NUJS, 2000)
- Principle:** A minor's agreement is absolutely void.
Facts: Rajesh, aged 16, is a stamp collector. He is particularly anxious to get a rare stamp belonging to Chirag, who agrees in writing to sell it to Rajesh for Rs.100, but subsequently refuses to deliver it to Rajesh though Rajesh pays Rs.100. Rajesh now wants to sue Chirag. Will he succeed?

 - Rajesh cannot succeed as Chirag is not liable.
 - Rajesh can succeed as he has paid Rs.100 for the stamp.
 - Rajesh can succeed as Chirag agreed in writing to sell the stamp. (NUJS, 2000)
- Principle:** A contract without consideration is void. When, at the desire of one party, the other party does something, the consideration is said to flow from the latter to the former.
Facts: A house was on fire and a child was trapped inside the house. Everyone was shouting for help. A brave onlooker, hearing the shrieks of child, went inside the house and brought it out. The grateful father of the child promised to pay the rescuer Rs.10,000. Subsequently he reneged on the promise. The rescuer sued him for the breach.

 - The father of the child must pay for the service rendered by the rescuer.
 - The rescuer is not entitled to the payment, since he had acted on his own.
 - Commercial consideration cannot be applied to humanitarian instincts. (NLSIU, 2002)
- Principle:** When the parties to an agreement agree on the same thing in the same sense, there arises a legally binding obligation between them.
Facts: Sameer Gallery was a well known antique shop in the city. Sheela, who had penchant for collecting articles of rare beauty, was taken up by an intricately designed flower vase in the shop. The shop keeper explained to her the vase belonged to the Vijaynagar Empire period and although very delicate, it was quite strong and not easily breakable. Sheela said that she was attracted to it only for the aesthetic pleasure it gave her and its other characteristics were immaterial to her and bought the piece. She later discovered that it was not a period piece and noticed it developing cracks as well. She proceeded against the proprietor of Sameer Gallery for monetary relief.

 - Sameer Gallery must compensate Sheela, since both the characteristics attributed to the article were proved wrong.
 - Sameer Gallery need not compensate, since Sheela was unconcerned about what was attributed to the article.
 - The proprietor must compensate her for irresponsible statements made by him. (NLSIU, 2001)
- Principle:** If both the parties agree upon the same thing in the same sense, the parties are bound by their agreement.
Facts: Sunny wrote to Kapil offering to sell his horse for Rs.20000. Kapil wrote back, "I agree to purchase your black horse for Rs. 20000."

 - The parties are bound by their agreement as they agree on the price and also on the goods for sale.
 - The parties are not bound by the agreement as the object is uncertain.
 - The parties are bound by their agreement as the colour of the horse is only a question of detail. (NLSIU, 2001)

6. **Principle 1:** No consideration, no contract.
Principle 2: Consideration is something done or not done at the desire of another party.
Principle 3: Consideration must have value in the eye of law.
Facts: Innovative Education Trust manages a school named Bharat Vidyaniketan. Raman, the parent of a student in the school suggested to the trust that it could build a new library building for which he would bear a part of the cost. The school authorities accepted the suggestion and started construction of the building. Raman, who suffered a loss in business, now refuses to pay the money he had offered earlier.
- Raman is not liable to pay as the building was for the benefit of the school and he had nothing to do with it by way of enjoyment and benefit.
 - He is liable to pay as Raman's child is a student in the same school.
 - Raman is liable to pay because, based upon his promise, the school authorities started construction of the building. (NLSIU, 2000)
7. **Principle 1:** Acceptance of an offer is complete when the acceptance is put into the course of transmission so as to be out of the power of the acceptor.
Principle 2: Acceptance, once completed, makes the agreement binding on both the parties.
Facts: P accepts Q's offer of his motor car for Rs.4 lakh. The acceptance was put into an e-mail. Unfortunately, when the e-mail was transmitted, there were distortions, as a result of which, Q is not in a position to really read what P had written.
- Both the parties are bound to perform their part of the agreement.
 - Nobody is bound to perform the agreement.
 - P is bound to perform the agreement but not Q.
 - Q is bound to perform the agreement but not P. (NLSIU, 2000)
8. **Principle:** Agreements, the meaning of which is not certain or is not capable of being made certain, are void.
Facts: Rohit agrees to sell Salim "one thousand mounds of rice at a price to be fixed by Prem." Is the agreement between Rohit and Salim void?
- Yes.
 - No, because the price can be made certain by Prem.
 - Yes?, because Rohit has not fixed the price.
9. **Principle:** A person who is usually of sound mind, but occasionally of unsound mind, may not make a contract when he is of unsound mind. A person who is usually of unsound mind, but occasionally of sound mind, may make a contract when he is of sound mind.
Facts: Mayur, a patient in a lunatic asylum, is, at intervals, of sound mind. Can Mayur contract at intervals?
- Yes, because he is a human being.
 - No.
 - Yes, because he is of sound mind during those intervals. Who decides if he is sound at a particular interval? How?
10. **Principle:** Where both the parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void.
Facts: Kartik agrees to buy from Arif a certain horse. It turns out that the horse was dead at the time of the bargain, though neither party was aware of it. Is the agreement between Kartik and Arif void?
- Yes, because Kartik and Arif were friends.
 - Yes, because Kartik and Arif were under a mistake as to a matter of fact, which is essential to the agreement.
 - No, because Kartik was informed of the horse being dead.
 - No, because Arif was informed of the fact.
11. **Principle:** A person to whom money has been paid, or anything delivered, by mistake or under coercion must repay or return it.
Facts: Mohini and Hema jointly owe 100 rupees to Megha. Mohini alone pays the amount to Megha. Hema not knowing of this fact, pays 100 rupees again to Megha. Is Megha bound to repay Hema?
- No.
 - Yes, Mohini and Gita are friends.
 - Facts are not clear.
 - Yes, because Hema has paid Megha under mistake or unknowingly.

12. **Principle:** An agreement is a contract if it is made by the free consent of the parties competent to contract, for a lawful consideration and with a lawful object, and they are not hereby expressly declared to be void.
Facts: Sunil agrees to sell Sarthak a house worth Rs.100000 for Rs.1000. Is the agreement between Sunil and Sarthak, a contract?
(a) No, because the consideration is inadequate.
(b) No, because Sarthak has played foul on Sunil.
(c) Yes, because inadequacy of consideration does not make an agreement void.
(d) No, because there is no free and express consent.
13. **Principle:** Where a person lawfully does anything for another person, or delivers anything to him, not intending to do so gratuitously, and such another person enjoys the benefit thereof, the latter is bound to make compensation to the former in the respect, or to restore, the thing so done or delivered.
Facts: Pramod, a tradesman, leaves goods at Arvind's house by mistake. Arvind treats the goods as his own and uses it. Is Arvind bound to repay Pramod?
(a) No, because Pramod and Arvind are friends.
(b) Yes, because Pramod never intended to leave the goods at Arvind's house, but left them because of a mistake.
(c) No, because Pramod left the goods at Arvind's house due to his own fault.
14. **Principle:** In the case of alternative promises, one branch of which is legal and the other illegal, the legal branch alone can be enforced.
Facts: Mahendra and Surendra agree that Mahendra shall pay Surendra Rs.1,000 for which Surendra shall afterwards deliver to Mahendra rice or smuggled opium. Which is a valid contract?
(a) To deliver smuggled opium
(b) To deliver rice
(c) Both (a) and (b)
15. **Principle:** Contingent contracts to do or not to do anything, if an uncertain future event happens, cannot be enforced by law unless and until that event has happened. If the event becomes impossible, such contracts become void.
Facts: Prateek contracts to pay Diwakar a sum of money when Diwakar marries Anita. Anita dies without getting married to Diwakar. Has the contract between Prateek and Diwakar become void?
(a) No.
(b) Yes, Diwakar can marry some other person.
(c) Yes, because the event has become impossible.
16. **Principle:** A person who rightfully rescinds a contract is entitled to compensation for any damage which he has sustained through the non-fulfilment of the contract.
Facts: Meghna, a singer contracts with Harsh, the manager of the theatre, to sing at his theatre for two nights every week during the next two months. He engages to pay her 100 rupees for each night's performance. On the sixth night, Meghna wilfully absents herself from the theatre and Harsh, in consequence, rescinds the contract. Is Harsh entitled to claim compensation?
(a) Yes, because he has suffered loss.
(b) No.
(c) Yes, because he has rightfully rescinded the contract.
17. **Principle:** A person, who is interested in the payment of money which another is bound by law to pay and who therefore pays it, is entitled to be reimbursed by the other.
Facts: Harbans hold a land in Bengal, on a lease granted by Satish, the zamindar. The revenue payable by Satish to the government being in arrears, his land is advertised for sale by the government. Sale will also terminate the lease of Harbans. To prevent the sale and the consequent termination of his own lease, Harbans pays the government the sum due from Satish. Is Satish bound to make good to Harbans the amount so paid?
(a) No.
(b) Yes.
(c) Depends upon Satish's wish.

Criminal Laws

Criminal law deals with the acts of crime and punishments provided therefor. It is contained mainly under the Indian Penal Code, 1860 (IPC). The IPC classifies certain acts to be crimes or offences and makes them punishable, generally with imprisonment.

The Code of Criminal Procedure, 1973 (Cr. P.C.) lays down the procedure of the court dealing with an offence under IPC.

Legal reasoning of a law entrant is tested in the area of criminal law to appreciate his understanding of the principles of a criminal act. The legal principles generally come from some specific crimes like cheating, theft, culpable homicide, murder, criminal trespass, extortion, kidnapping, rash and negligent act, etc.

Students are advised to go through the basic principles of criminal law before answering the questions given below.

- Principle:** Every person who commits an offence in the territory of India shall be guilty within the meaning of Indian Penal Code.

Facts: John, a citizen of France commits murder in Madras. In this case

 - John, is not guilty because he is not a citizen of India
 - John is guilty of murder because every person whether he is a citizen of India or not, is liable if he commits an offence in India.
 - John is liable but he can't be tried in India.
- Principle:** An Indian citizen, if he commits an offence within the meaning of Indian Penal Code in any other country, will still be liable to be tried in India.

Facts: Avinash, a citizen of India, commits a murder in the USA, which is not an offence in the USA. In the present case,

 - Avinash is guilty of murder and can be tried in India irrespective of the fact that murder is not an offence in the USA.
 - Avinash is not guilty of murder in India because it is not an offence in the USA.
 - Avinash is not guilty of murder because it was not committed in India.
- Principle:** Nothing is an offence which is done by accident, and without any criminal intention.

Facts: Aneez fires a revolver in the air. Ahmad, who is coming down by a parachute is hit and killed. In this case

 - Aneez can be held guilty if he has done the act intentionally.
 - Aneez can't be held liable if he can prove that Ahmad was killed accidentally.
 - Aneez is not liable because he fired it in the air.
- Principle:** Nothing is an offence which is done by a child who is below seven years of age.

Facts: Paras, a child of 6 years fires a revolver, which results in the death of his father. In this case,

 - Paras will be guilty of murder, because he has committed murder.
 - Paras will not be guilty of murder because he fired the revolver accidentally at his father.
 - Paras will not be guilty because he is below 7 years of age and thus incapable of an offence.
- Principle:** Every person has a right to defend his own body and the body of any other person, against any offence committed by anybody.

Facts: Vasu, under the influence of madness, attempts to kill Venkatesh. Venkatesh, defending himself against Vasu's attacks, kills Vasu. In the present case,

 - Venkatesh is guilty of murder.
 - Venkatesh is not guilty of murder, because he has the right of private defence of body even against a mad person.
 - None of the above.
- Principle:** A person who instigates another person to commit an offence is said to abet the said offence.

Facts: Vidhu instigates Bhaskar to murder Shobhit. Bhaskar, in pursuance of the instigation, stabs Shobhit. Shobhit subsequently recovers from the wound.

In the present case

 - Vidhu is not liable for any offence.
 - Vidhu is not liable because Shobhit has recovered from the wound.
 - Vidhu is guilty of instigating Bhaskar to commit murder.

7. **Principle:** A person is guilty of cheating, when he fraudulently induces another person to deliver the latter's property to him.
Facts: Vimal falsely represented to Kamal, a shop owner that he was an officer from the Commercial Tax Department. While examining the accounts of the shop, Vimal showed interest in buying a microwave oven on instalment basis. Kamal readily agreed with the hope that he would get a favourable assessment from Vimal regards his tax liability. Vimal paid the first instalment, took the microwave oven and disappeared from the scene. The police, however, managed to catch hold of Vimal and prosecute him for cheating.
- Vimal committed cheating, because he induced Kamal to part with the microwave oven, posing as though he was from the Commercial Taxes Department.
 - Vimal committed cheating, because he did not pay the subsequent instalments.
 - Vimal did not commit cheating, because Kamal handed over the article in order to get a favourable assessment from Vimal. (NLSIU, 2001)
8. **Principle:** Whoever by words, signs or otherwise, brings into hatred or contempt or excites disaffection towards the government established by law in India shall be punished with imprisonment for life.
Facts: In a public meeting, Yashpal Reddy, the leader of an opposition party thunders. "This is a government of scoundrels, bootleggers and scamsters. They deserve to be unseated. Teach them a lesson in the coming elections by voting them out of power." The government is contemplating to prosecute Yashpal Reddy.
- Yashpal Reddy is guilty of sedition for having made irresponsible and inflammatory statements against the government.
 - Yashpal Reddy is not guilty of sedition as he is only exercising his freedom of speech in public.
 - Yashpal Reddy is guilty of sedition as his statement would incite people to violence leading to a breakdown of law and order. (NLSIU, 2001)
9. **Principle:** When a person represents to another something as a true fact, knowing fully well that it is not true, he is guilty of fraud. The person subjected to fraud may avoid an agreement.
Facts: Mayank presents a horse for sale. The horse is kept on display so that anyone interested could examine it. The horse has a cracked hoof and it is cleverly concealed by the owner. Nishant tells Mayank "If you do not deny it, I shall assume that the horse is sound." Mayank keeps silent. Nishant purchases the horse.
- Nishant can avoid the agreement on discovery of the defect.
 - Nishant cannot avoid the agreement, as the horse was on display and he could have satisfied himself of its soundness by personal examination.
 - Nishant cannot avoid the agreement as Mayank did not make any representation to mislead him. He merely kept silent so that Nishant could find things out by himself. (NLSIU, 2001)
10. **Principle:** An act done by a child between 7 and 12 years of age is not an offence, if he/she is not mature enough to understand the nature and consequences of the act.
Facts: Amar a child of 9 years, finds a gold chain in the house of his uncle and gives it to his brother Rohit, aged 5 years, asking him not to tell anyone. The uncle reported it to the police station and police conducted a search. During the search, the gold coin falls from the pocket of Rohit and when the police ask Rohit, he says that it was given to him by his brother Amar.
- Both Amar and Rohit are guilty of theft.
 - Amar is guilty of theft but Rohit is not.
 - Both Amar and Rohit are not guilty of theft. (NLSIU, 2000)
11. **Principle 1:** Preparation to commit an offence is not an offence.
Principle 2: After one has finished preparation to commit an offence, any act done towards committing the offence with the intention to commit it, is an attempt to commit the offence, which is by itself an offence.
Facts: Mohit wants to kill Vikas. He buys a gun and cartridges for committing the murder. He then sets out searching for Vikas and when he sees Vikas, he loads his gun and takes aim at Vikas and pulls the trigger. The gun does not fire.
- Mohit is guilty of attempt to murder Vikas from the time he sets out in search of Vikas.
 - Mohit is guilty of attempt to murder from the time he loads his gun.
 - Mohit is guilty of attempt to murder from the moment he takes aim at Vikas. (NLSIU, 2000)

12. **Principle:** To be held guilty of an offence, one should have done the act that causes the intended result.
Facts: Vikram with the intention to murder Pranav stabs him repeatedly with knife. Pranav is taken to hospital and is found out of danger. Thereafter, due to the negligence of the doctor, Pranav's wounds are infected and he requires surgical intervention. During the time of operation to remove his injured infected leg, Pranav dies on account of administration of general anaesthesia.
- (a) Vikram is guilty of murder of Pranav.
 - (b) Vikram is not guilty of murder of Pranav, but may be guilty of attempt to murder.
 - (c) Vikram is not guilty of murder of Pranav, but may be guilty of causing hurt. (NLSIU, 2000)
13. **Principle 1:** Mischief is an injury to property with the intention of causing wrongful loss to any person or public.
Principle 2: The person to whom the loss is wrongfully caused by mischief need not be the owner of the property himself.
Facts: Aamir has leased his house to Sohail for 5 years. After one year, Aamir feels the need for the house and requests Sohail to vacate the house, but Sohail refuses. Aamir, in order to get Sohail vacate the house, sets fire to it, but Sohail, with the help of the neighbours, quickly extinguishes the fire before it can really damage the property.
- (a) Aamir is guilty of mischief.
 - (b) Aamir cannot be guilty of causing mischief.
 - (c) Aamir is not guilty of mischief as there was no damage. (NLSIU, 2000)
14. **Principle:** Theft is the dishonest moving of property with the intention of taking it out for the person's possession without his consent.
Facts: Shahid gives his woollen coat to a dry cleaner along with his wife's sarees for the purpose of dry cleaning. He is told to collect the clothes after two days. When he comes after two days, he finds that he does not have enough money to pay the dry cleaner. But since, due to the winter, he needs the coat desperately, he surreptitiously places the coat near his goods so that he can quietly take it without the knowledge of the dry cleaner.
- (a) Shahid is guilty of theft.
 - (b) Shahid is not guilty of theft.
 - (c) Shahid is not guilty of theft but has to pay compensation to the dry cleaner. (NLSIU, 2000)
15. **Principle:** A man is guilty of culpable homicide amounting to murder, if the act with which the death is caused is done with the intention of causing murder.
Facts: Dhanraj is suffering from jaundice and inflammation of the brain and Shankar knows this condition very well. Once they had a heated argument on some issue and Dhanraj slapped Shankar in anger. Shankar lost his self-control and dealt a severe blow on Dhanraj's head. As a result, Dhanraj died. The police sought to prosecute Shankar for murder.
- (a) Shankar was liable for murder, because he knew Dhanraj's delicate condition.
 - (b) Shankar was not liable for murder, because he acted in self defence.
 - (c) Shankar was not liable for murder, because he did not have the intention to kill Dhanraj. (NLSIU, 1995)
16. **Principle:** Self defence is considered as a universal exception for intentionally causing harm.
Facts: Robbers, armed with knives and crowbars, broke the access door of a house and entered it. The owner of the house took out his gun and threatened to shoot them. The robbers ran out of the house and started pelting stones. The owner opened fire. Having heard the gun shot, the police rushed to the place and announced that the owner must stop firing. The owner, suspecting mischief continued to fire and a policeman was injured by a shot. The robbers meanwhile fled. The owner was sued for attacking a public servant on duty.
- (a) The owner shall be liable for causing harm, in excess of what is necessary for self defence.
 - (b) The owner shall not be liable for attacking the public servant as such, though he may be held liable otherwise.
 - (c) The owner's action is justified by the consideration of self defence. (NLSIU 2002)

17. **Principle:** When a criminal act is done by one person in furtherance of the common intention of himself and some other persons, each of such persons is liable for the act in the same manner as if it were done by each one of them.
Facts: A, B and C decided to commit burglary. They broke into a locked house. However, a domestic servant appeared from the outhouse before they had finished, and started shouting. A, B and C left the house and started running away. They were pursued by a small crowd. A, on being caught by X, one of the persons pursuing them, stabbed him and ran away. By that time, B and C had disappeared. X died on account of the stab wounds. Later the police arrested all three. They were charged for attempted burglary and murder of X.
- Along with A, the person who stabbed X, B and C are also guilty of murder because A stabbed X in furtherance of the common intention to commit murder.
 - Along with A, B and C are also guilty of murder because A, at the time of stabbing X, was acting on behalf of B and C and he wanted to save not only himself but B and C as well.
 - A alone is guilty of murder because, though there was common intention to commit the offence of burglary, there was no common intention to commit the offence of murder.
(NLSIU, 1997)
18. **Principle:** Whoever causes death by doing an act with the intention of causing death commits the offence of culpable homicide.
Facts: Parikshit knows Vinay to be behind a bush. Umesh does not know it. Parikshit, with an intention to cause Vinay's death, induces Umesh to fire at the bush. Umesh fires and kills Vinay.
- Umesh is guilty of culpable homicide and not Parikshit.
 - Umesh is not guilty of any offence, but Parikshit is guilty of the offence of culpable homicide as he induced Umesh to fire with the intention of causing Vinay's death.
 - None of the above.
19. **Principle:** If any person does any act with intention to cause death, commits culpable homicide even if some person other than the person whom he intends to kill, dies.
Facts: Birju, gifts sweets mixed with poison to Ganpat with an intention to cause the death of Ganpat. Ganpat offers those sweets to Birju's children in Birju's absence, without knowing the fact that poison was mixed with the sweets. Consequently, Birju's children die.
- Ganpat is guilty of causing the death of Birju's children as he gave them the sweets.
 - Birju is not guilty because he did not intend to kill his own children.
 - Birju is guilty of committing culpable homicide, in as much as he had the intention to cause death.
20. **Principle:** Whoever prevents any person from proceeding beyond certain circumscribing limits is said to have wrongfully confined the person.
Facts: Nischal, places men with Ak-47 at the outlets of a building and tells Vikrant that the armed men will fire at Vikrant if he attempts to leave the building.
- Nischal cannot be said to have wrongfully confined Vikrant, as Vikrant can freely move inside the house.
 - Nischal has wrongfully restrained Vikrant in as much as he is prevented from proceeding beyond the building.
 - None of the above.
21. **Principle:** If any person entices or allures any minor, out of the custody of the lawful guardian of such minor, without the consent of such lawful guardian, he or she is said to have kidnapped such minor.
Facts: Gaurav promises to give to Omprakash, a minor, a gold watch if he comes to another city. Omprakash goes to such other city for receiving the watch.
- Gaurav is not liable for any offence.
 - Gaurav is said to have kidnapped Omprakash, in as much as Omprakash went to the other city, because of the allurement of Gaurav.
 - Gaurav is not guilty because Omprakash came to the city on his own.
22. **Principle:** Whoever intentionally puts any person in fear of physical or mental injury and thereby induces the person, so put in fear, to deliver any property to any person, commits extortion.
Facts: Ajay, by putting Rajendra in fear of causing death, induces Rajendra to deliver his Rolex watch to Shakti.
- Ajay is guilty extortion, in as much as the watch was not delivered to him but was delivered to Shakti.
 - Ajay is not guilty of any offence.
 - Ajay is guilty of extortion because the watch was delivered to Shakti only because Ajay put Rajendra in fear of death.

23. **Principle:** Theft amounts to robbery if the offender for committing theft voluntarily causes any person's death or causes hurt.
Facts: Parmanand pushes Anand on his face and thereafter Parmanand removes Anand's watch and wallet.
- Parmanand is guilty of committing robbery as he inflicted injuries on Anand for committing theft.
 - Parmanand is not guilty of any offence.
 - Parmanand is guilty of theft, not of robbery.
24. **Principle:** Whoever, by deceiving any person, fraudulently induces the person so deceived to deliver any property, is said to cheat.
Facts: Arindam, by falsely representing that he is a goldsmith, induces Ahishek to deliver gold on credit.
- Arindam is not liable for any offence
 - Arindam is liable for cheating
 - Arindam is guilty of cheating because he falsely represented that he was a goldsmith for obtaining the gold on credit.

Other Important Laws

Reasoning is the essence of all existing laws. Therefore, legal reasoning questions may be asked from any law other than contract, tort and crime, which have been discussed so far. The other areas from where questions may be asked are:

- Constitutional law
 - Administrative law
 - Family law (e.g. Hindu law)
 - General legal principles
1. **Principle:** All minorities, whether based on religion or language shall have the right to establish and administer educational institutions of their choice (Article 30).
Facts: Jayant wants to establish an educational institution to help the poor of his community and to educate the children of his community. Jayant being a very rich man has no problem regarding finance for the institution. Therefore, he applies to state government to grant him permission to establish and administer the institution. State government rejects his plea on the ground that said institution will create communal tension in the proposed area. What should Jayant do?
- He should file a civil suit in the district court
 - He should file a special leave petition before Supreme Court
 - He has no remedy under the law
 - He should file a writ petition before Supreme Court or High Court.
2. **Principle:** A marriage can be solemnised between two Hindus, if neither party has a spouse living at the time of marriage.
Facts: Geeta decides to marry Divya a Hindu girl. Geeta is of 18 years and Divya is of 21 years. Is the proposed marriage valid?
- Yes, because both the girls are not minor.
 - Yes, because neither Geeta nor Divya has a living spouse.
 - No, because marriage itself implies that it should be performed between a girl and a boy.
 - None of these.
3. **Principle:** The court has power to issue an injunction to prohibit a child marriage from being performed.
Facts: A marriage is performed between Yogesh and Rashi. Yogesh is 14 years of age and Rashi is 17 years of age. Ravi, a public-spirited person filed a suit to declare the said marriage void. Is the suit maintainable?
- No, because court has power to issue induction and not to declare marriage as valid and void.
 - No, because the marriage is performed with the consent of their parents.
 - Yes, because the policy of the law is to prevent the child marriages.
 - None of the above.

4. **Principle:** On a petition presented by either the husband or the wife, a decree of divorce may be granted, if the other party has treated the petitioner with cruelty.
Facts: Rahul and Anjali are husband and wife. While they are returning from a trip to Pune, at the bus terminal, their 6-year old son almost has an accident due to the negligence of the wife. Husband slaps wife in a fit of anger.
- Petition of divorce cannot be filed
 - Petition of divorce can be filed
 - Petition of divorce cannot be filed on ground of cruelty, because slapping by Rahul in the given situation does not amount to cruelty.
 - Petition for divorce cannot be filed on the ground of cruelty.
5. **Facts:** Rajiv ignored a red light and drove his car onto the railway tracks as a train was approaching. The engine stalled and Rajiv did not have sufficient time to get the car across the tracks. Sahil, the railway engine driver, saw Rajiv and could have stopped the train had he not been waving at a group of girls jogging along a road beside the track. They collided and Rajiv was injured. In an action by Rajiv against Sahil,
- Rajiv will win because he could not get to safety in time.
 - Rajiv will win because Sahil was operating the train in a careless manner.
 - Rajiv will lose because Sahil was relying on the warning signal.
 - Rajiv will lose because he did not obey the red signal. (NLSIU, 88)
6. **Principle:** A partner has implied authority to raise a loan on behalf of the partnership business, if it is necessary in the usual course of business.
Facts: A, B and C are partners in a firm of chartered accountants. They had agreed that none of them would contract a loan in the name of the firm without the consent of all the partners. Nevertheless, A took a loan from a bank in the name of the firm and spent the money for his personal needs. The bank demanded repayment from the partnership firm.
- The partnership firm is not liable, because the partners had unanimously agreed that none of them would raise a loan in the name of the firm.
 - The partnership firm is not liable, because raising a loan is not in the usual course of business in this case.
 - The partnership firm is liable because A had acted as a partner while raising the loan. (NLSIU 94)
7. **Principle:** Under the Indian Constitution, everybody shall be equal before law.
The Income Tax Act happens to provide that those whose annual income is up to Rs.60,000 shall pay 10 percent of their income as tax; and those whose annual income exceeds Rs.60,000 shall pay the tax at the rate of 20 percent. Those citizens whose annual income exceeds Rs.60,000, challenge the legislation on the ground that it is a violation of the principle of equality before law.
- They will succeed, because the law discriminates against people who earn more than Rs.60000 per annum.
 - They will not succeed, because the people who earn more than Rs.60,000 are not equal to the people who earn less than Rs.60,000.
 - They will not succeed, because this law enables the government to equalise the incomes of all the people in the country. (NLSIU 1994)
8. **Principle:** A partner shall share with other partners whatever profits he makes in the course of partnership business.
Facts: Mani, Kareem and Abdul are partners doing business in sarees. When Mani went to the manufacturers to buy sarees, he was told that if he bought 600 sarees, he would get a discount of Rs.100 on each saree. The partnership business required only 500 sarees. However, Mani bought 600 sarees and kept 100 sarees for himself. He accounted for the sale of 500 sarees to his partners and pocketed the profits he made from the sale of the 100 sarees to himself. On finding this out, Kareem and Abdul are demanding a share in the profits made from the sale of the 100 sarees as well.
- Mani is bound to share the profits from the sale of the 100 sarees also, as it was made in the course of partnership business.
 - Mani is not bound to share the additional profit as he was accountable only for 500 sarees to his partners.
 - Mani need not share the additional profit, because his buying of the additional 100 sarees was to get the discount and help the firm. (NLSUI, 2001)

9. **Facts:** Sunrise Industries Ltd. is a large industry manufacturing industrial chemicals and enzymes used in tanning process. It is located in Sambalpur in Orissa. It was found recently that the industry is discharging industrial toxic waste in the river Mahanadi. As a result the water is highly polluted. The Orissa Pollution Control Board decides to take legal action against the company for violation of applicable environmental laws. They obtain an order from the court to prevent the industry from discharging pollutants in the river. Now the Pollution Control Board is considering whether the directors of the company may be prosecuted and punished with imprisonment for violating the pollution control laws which make such pollution a criminal offence.
- It is unreasonable to punish the higher officers like directors of a company by sending them to jail. Instead of that company may be asked to pay a huge amount of fine only.
 - Although the directors are not responsible for the day to day management of a company, they control responsibility. Hence, they must be prosecuted and punished, even with imprisonment.
 - The company may be asked to pay compensation for polluting the environment. But there need not be any criminal responsibility as far as the higher officials of the company are concerned.
 - It would be unreasonable to send officials of a company to jail for violation of pollution control laws, because that will affect industrial production and economic growth of the nation and the people will suffer because of such harsh action against industrialists. (NLSIU, 1997)
10. **Principle:** An adopted child shall be deemed to be the child of the adoptive parents with effect from the date of adoption, and from this date, the child's relations with the natural parents shall be replaced by its relations with the adopted parents.
- Facts:** Mahendra was born into a prosperous Hindu joint family. Under Hindu law, Mahendra is entitled to a share in the property inherited by his (i.e. Mahendra's) father from his (i.e. Mahendra's) grandfather. Mahendra was given in adoption to another person, namely Vineet. After this adoption, there was partition in the erstwhile family of Mahendra. Mahendra claimed a share in the course of partition.
- Mahendra will succeed, because by virtue of being born into the family, Mahendra should get a share in the family property.
 - Mahendra will not succeed, because he is entitled to the properties of the adoptive parents only. (NLSIU, 1994)
11. **Principle 1:** Under Indian Constitution, if a person is convicted of an offence, he cannot be prosecuted again.
- Principle 2:** Under Criminal Procedure Code, if a person is prosecuted in an offence and if the prosecution results either in acquittal or in conviction, then he cannot be the prosecuted for the same offence.
- Facts:** Ismail was prosecuted for an offence of murder and he was acquitted. Thereafter additional evidence came to light pointing to Ismail's complicity in the same offence. So the police went to prosecute him again.
- Ismail cannot be prosecuted as he enjoys the right under our Constitution not to be prosecuted twice for the same offence.
 - Ismail cannot be prosecuted as he enjoys the right under Criminal Procedure Code not to be prosecuted twice for the same offence.
 - Ismail cannot be prosecuted as he is protected both by the Constitution and Criminal Procedure Code.
 - None of the above.
12. **Principle 1:** Any law made by the Parliament that infringes on the fundamental rights of the citizens is invalid and unenforceable.
- Principle 2:** Freedom to carry on trade or profession of one's own choice is a fundamental right.
- Principle 3:** The Parliament is competent to impose reasonable restrictions on the exercise of this right.
- Principle 4:** If the restriction imposed by the Parliament totally removes or nullifies any fundamental right, then it will be construed as an unreasonable restriction.
- Facts:** In order to ensure that people live in an amicable atmosphere the government of India decided to abolish courts and constituted Dispute Settlement Boards. Further, to achieve this objective, the law stipulated that lawyers should not be allowed to espouse the claims of parties, instead their claims be espoused by social workers.
- The law made by the Parliament is valid as it does not infringe any fundamental right.
 - The law made by the Parliament is valid as, even though there is restriction of fundamental right, such a restriction is reasonable.
 - The law made by Parliament is invalid as it constitutes an infringement of fundamental rights and the restriction imposed is not reasonable.
 - None of the above. (NLSIU, 1990)

13. **Principle:** Marriage of minors under the Hindu Marriage Act, 1955, is not null and void.
Facts: A petition is filed by a wife claiming maintenance from her husband in 1989. The husband opposed the claim on the ground that at the time of marriage, the wife was 5 years of age and he himself was 10 years old and that their marriage was illegal. Will the wife succeed?
(a) The wife will succeed as the marriage was valid.
(b) The wife will succeed because both of them were minors.
(c) The wife will not succeed because the marriage was illegal. (NUJS, 2000)
14. **Principle:** A promissory note is an instrument in writing signed by the maker to pay a certain sum of money only to or to the order of a certain person.
Facts: Ritwik promises to pay Sahil a sum of Rs.5,000 through e-mail. Later, Ritwik refuses to pay. Can Sahil sue him?
(a) Sahil can sue him as Ritwik made a promise to pay him Rs.5,000
(b) Sahil cannot sue him as this is not a promissory note.
(c) Sahil can sue him as this is a promissory note. (NUJS, 2000)
15. **Principle:** A law taking away a fundamental right is unconstitutional.
The 44th amendment to the Constitution has removed fundamental right to property forever from the Constitution. Decide whether it is constitutional.
(a) Yes, because right to property is not as fundamental as right to life.
(b) No, because when right to property is declared a fundamental right by Constitution, a law taking away it is unconstitutional.
(c) Yes, state can amend any fundamental right. (NLSIU, 1999)
16. **Principle:** No person can be prosecuted and punished twice for the same offence.
Facts: Aman and others were prosecuted and punished for an offence under the Sea Customs Act. A second prosecution was again initiated against him and others for criminal conspiracy under the Indian Penal Code. Decide.
(a) Aman and others can't be prosecuted for same offence as they have already been punished under some other law i.e. Sea Customs Act.
(b) Yes, they can be prosecuted and punished because an offence under Sea Customs Act is different from an offence under IPC. (NLSIU, 1999)
17. **Principle:** Legal aid is a right and not a charity.
A person facing a criminal charge in a criminal trial pleads that he is unable to engage an advocate for reasons of poverty and that he should be provided with a lawyer at state expenses to defend him. Decide.
(a) State is bound to provide him a lawyer as it is a matter of his right.
(b) State may refuse to pay the expenses of lawyer to a criminal person.
(c) State may deny on the ground of unavailability of lawyer or lack of finance. (NLSIU, 1999)
18. **Principle:** No person should be condemned unheard.
Facts: There was a complaint against a government servant that he had accepted bribe from a person for doing him a favour. A show cause notice was issued to the government servant asking him show cause why disciplinary proceedings should not be initiated against him. He submitted a representation in reply to the show cause notice. The officer in-charge then submitted his report the disciplinary authority to the effect that the charge was proved. The government servant was then dismissed from service. He contends that he was not given an opportunity of being heard.
(a) The government servant can be removed as he had been given an opportunity of being heard.
(b) He can't be removed because a show cause notice is not sufficient opportunity of being heard.
(c) Dismissal its right to charge is proved. (Option not clear). (NLSIU, 1999)
19. **Principle:** No person can be a judge in his own cause.
Facts: An admission test is to be held to select the best students for admission on merit. The father of a candidate without disclosing that his son is appearing in the test is involved in conducting the test. Objections are raised on the ground that the sanctity of the test is vitiated as a person interested in the test has taken part in conducting it. Decide.
(a) Test is valid because the father of candidate is not a judge in this case.
(b) Admission test is vitiated because the father is a part of conducting the test and hence in a position to affect the result.
(c) Objection is not on sound ground. (NLSIU, 1999)

20. **Principle:** Arbitrariness is the very antithesis of the rule of law.

Facts: An admission test for admission to the law school is conducted in two parts. First, a written test is held which carries 200 marks. This is followed by an oral personality test, which also carries 200 marks. The subjective element inherent in the oral test, it is alleged, makes the whole exercise arbitrary. Decide.

- (a) A law school has the right to conduct its admission test in the manner it thinks fit.
- (b) Assigning 200 marks to interview is arbitrary and against rule of law.
- (c) If there is a fair exam and interview, the admission test is valid and lawful. (NLSIU, 1999)

Model Questions

The following questions are taken from or based on the question papers of Delhi University and National Law Schools, in the previous years. You need to solve these questions in a simulated examination condition, setting yourself a time limit. You may allot about 50 minutes for the 50 questions.

1. **Principle:** An offer can be accepted only when the acceptor has knowledge of such offer.

Facts: Arpit offers to pay a reward of Rs.10,000, to anyone who finds his watch, Mithilesh, without knowledge of the offer made by Arpit, finds and returns the watch.

- (a) Mithilesh can't claim the reward offered by Arpit, because the offer was not specific to him.
- (b) Mithilesh can't claim the reward amount as the offer made by Arpit was frivolous.
- (c) Mithilesh can't claim the reward because he didn't have knowledge of the offer made by Arpit.
- (d) None of the above.

2. **Principle:** For an acceptance to be a valid acceptance it must be communicated to the other party and mere intention to accept is not sufficient.

Facts: Gagan offers to sell mustard oil to Viren. Viren intends to purchase the oil, writes a letter but forgets to post it. Gagan comes to know about Viren's intention and dispatches the oil to Viren.

- (a) It is a valid acceptance, as Viren with an intention to accept, wrote the letter.
- (b) There is no acceptance at all as it was not communicated to Gagan.
- (c) Mere intention to accept is sufficient.
- (d) None of the above.

3. **Principle:** In order to convert an offer into a promise, acceptance of such offer must be absolute and unqualified.

Facts: Chaman offers to sell his house to Yash for Rs.1000. Yash agrees to purchase Chaman's house for Rs.900. Chaman rejects Yash's offer of Rs.900. Thereafter, Yash agrees to purchase the house for the price stated by Chaman. Chaman rejects this too.

- (a) Chaman is not bound to sell the house because Yash rejected the offer initially made by Chaman and thus the offer lapsed.
- (b) Chaman is bound to sell the house because Yash has accepted, though subsequently, the offer made by Chaman.
- (c) None of the above.

4. **Principle:** An offer is revoked if the person making the offer dies and the fact of this death comes to the knowledge of the person accepting, before he accepts.

Facts: Sawan offers to sell his house to Neela. Subsequently, Sawan dies. Neela without knowledge of the fact of Sawan's death, accepts the offer.

- (a) The offer made by Sawan to Neela was revoked as soon as Sawan dies and Neela can't accept the offer.
- (b) In order to enter into a contract, the death of a person is irrelevant.
- (c) Neela has validly accepted the offer made by Sawan, as Neela didn't have the knowledge of Sawan's death, before he accepted the offer.

5. **Principle:** An agreement made without consideration i.e. the price for which the promise of the other is bought or sold is not enforceable. Please verify this sentence.

Facts: Meena promises to give Aarti Rs.10000 without any consideration in return.

- (a) The agreement to pay Aarti Rs.10000 is void as there is no consideration.
- (b) Agreement to pay Aarti is valid.
- (c) Aarti can validly enforce the promise made by Meena even though there exists no consideration.
- (d) None of the above.

6. **Principle:** An agreement entered into by a minor (below 18 years) is void ab initio (from the beginning).
Facts: Kamal, a minor, contracted to sell his house to Baldev. Kamal, received Rs.15,000 as consideration and refused to deliver possession of the house.
- The agreement between Kamal and Baldev is valid. Kamal has to deliver possession of the house.
 - The agreement between Kamal and Baldev is void ab initio because Kamal was a minor when he entered into the agreement.
 - None of the above.
7. **Principle:** A minor who fraudulently represents that he is a major, is not stopped (precluded) from taking the defence of minority to avoid the contract.
Facts: A minor, Rohit, succeeded in deceiving some moneylenders by telling them a lie about his age and received a loan of Rs.500.
- The minor, Rohit can validly plead that he is a minor and can avoid the contract.
 - The minor can't take the defence of minority, because he obtained the loan from the moneylender on the representation that he is an adult.
 - None of the above.
8. **Principle:** A person who supplies necessities of life to a minor is entitled to be reimbursed for such supply.
Facts: Pawan, a minor, borrows Rs.10000 from Nitin, for defending himself in a dacoity case.
- Nitin is not entitled to be reimbursed as an agreement with a minor is void ab initio.
 - Nitin is entitled to be reimbursed as the money borrowed by Pawan must be taken to have been borrowed for necessities, i.e. to defend his liberty in life.
 - Money supplied by Nitin, not being necessities, he is not entitled to be reimbursed.
9. **Principle:** A person who is usually of unsound mind, but who is occasionally of sound mind, may enter into a contract when he is of sound mind.
Facts: Kunal, a lunatic who is lodged in a mental hospital, agrees to sell his house for Rs.100000 to Brij Mohan, a doctor. Kunal, while accepting the offer made by the doctor, was of sound mind.
- The agreement entered into by a lunatic is not at all enforceable.
 - A lunatic has no capacity to enter into an agreement, only his/her relatives can do so.
 - The agreement entered into by the lunatic is enforceable because, while accepting the offer, he was of sound mind and could understand and form a rational judgment.
10. **Principle:** Where the relations between the parties are such that one of the parties is in a position to dominate the will of the other party thereby obtains an unfair advantage by using such influence, then such contract is voidable.
Facts: A, a spiritual guru, induced B, a devotee, to gift the whole of his property so that he could secure salvation.
- Because the devotee gifted the property under the undue influence of the spiritual guru, the contract is violable.
 - The devotee gifted the property out of his own will, so the contract is valid.
 - None of the above.
11. **Principle:** A promise made without any intention of performing it, thereby inducing another party to enter into a contract, amounts to fraud.
Facts: Vikas purchases goods from Vimal, with the price of the goods to be paid subsequently. Vikas takes possession of the goods without any intention to pay the price of the goods.
- Vikas's act of taking possession of the goods without an intention to pay the price amounts to fraud.
 - It doesn't amount to fraud.
12. **Principle:** Every agreement of which the object or consideration is forbidden by law is unlawful and, hence, void.
Facts: Ganesh agrees to let his daughter on hire for prostitution for Rs.1000.
- The agreement is valid and, hence, enforceable.
 - The agreement to let the daughter on hire for prostitution is valid because the act is not forbidden.
 - The agreement is void as it is immoral and is also forbidden by law.

13. **Principle:** An agreement, the meaning of which is not certain, is void.
Facts: Harish, agrees to sell to Vaibhav "hundred tons of oil".
In the present case
- The agreement between Harish and Vaibhav is enforceable as there is no uncertainty.
 - The agreement between Harish and Vaibhav is void for uncertainty because there is nothing whatever to show what kind of oil was intended.
 - None of the above.
14. **Principle:** An agreement to do an impossible act is void.
Facts: Rajani agrees with Bala to discover treasure by magic.
- The act is not void because the act is capable of being performed.
 - The act is not void because it is not forbidden by law.
 - The act is void because the agreement to discover treasure by magic is impossible of performance.
15. **Principle:** Whoever, by words either spoken or written, or by visible representation, or otherwise, brings or attempts to bring in to hatred or contempt, or excites or attempts to excite disaffection towards the government established by law in India, shall be punished with imprisonment for life, to which fine may be added.
Facts: An environmentalist, Kaushik Banerjee, enraged by the environmental policy of government delivered a very hot speech. He said, "This is the government of fools, scoundrels and scamsters. Teach them a lesson in the coming elections by voting them out power." Kaushik Banerjee is being tried for sedition.
- Kaushik Banerjee is guilty of sedition for having made irresponsible and inflammatory statements against the government.
 - Kaushik Banerjee is not guilty of sedition because he is using his freedom of speech and expression.
 - Kaushik Banerjee is guilty of sedition as his statement would cause violence.
 - None of the above.
16. **Principle:** Whoever, intending to take dishonestly any moveable property out of possession of another person, moves that property without that person's consent, such taking is said to be theft.
Facts: Kshitij with a dishonest intention to take Parag's dog puts bait for the dog in his pocket. On noticing the bait, the dog starts following him. Later on Kshitij found a gold chain tied round the dog's neck.
- Kshitij committed the theft of dog.
 - Kshitij committed the theft of the dog as well as of the gold chain because the chain was attached to the dog.
 - Kshitij committed theft of dog, because he wanted to take dishonestly the dog, not the chain.
 - None of the above.
17. **Principle:** Whoever causes the death of any person by doing any rash or negligent act shall be punished with imprisonment of either discretion (?) for a term which may extended to two years.
Facts: Meeta was boarding a D.T.C. bus from the front entrance. The conductor whistled and the driver took off speedily. She fell off and was crushed to death under the rear wheel. The driver and conductor are prosecuted.
- Both driver and conductor are guilty of negligent and rash act.
 - Only the driver is guilty of negligent act because he took off speedily.
 - Only the conductor is guilty.
 - Neither of them is guilty.
18. **Principle:** Whoever causes the death of any person by doing any rash or negligent act shall be punished with imprisonment of either discretion for term which may extend to two years.
Facts: A boy entered interred into the swimming pool of a country club surreptitiously, without the knowledge of Chowkidar Ramdev. He was lost in water. The secretary of the club Nagesh and Ramdev are both prosecuted for the rash and negligent act.
- Both Ramdev and Nagesh are guilty of negligent act.
 - Ramdev alone is guilty of negligent act.
 - Nagesh alone is guilty of negligent act.
 - No one is guilty of negligent act because the boy entered the club surreptitiously.

19. **Principle:** Whoever causes the death of any person by doing any rash or negligent act shall be punished with imprisonment of either discretion for term which may extend to two years.
Facts: In order to make up a fever mixture, Akhil, a compounder, took a bottle from a cupboard where non-poisonous medicines were kept. Without reading the label of the bottle, which was in a wrapper, he added the contents to the mixture, which was administered to Sunil. Sunil died of poisoning. Later on, it was found that the bottle was marked poison.
- (a) Akhil is not guilty of any negligent act.
 (b) Akhil is guilty of a negligent act because he should have read the label of the bottle.
 (c) Akhil is not guilty of a negligent act because the bottle was placed with non-poisonous medicine.
 (d) None of the above.
20. **Principle:** To create a contract, there must be a common intention of the parties to enter into legal obligation.
Facts: Nalin and his wife were enjoying their leave in England. When Nalin was due to return to Sri Lanka, where he was employed, his wife was advised to stay back in England for health reasons. Nalin promised to send her an amount of £30 a month for the probable expenses of maintenance. He did send the money for some time, but afterwards differences arose and he stopped sending the money. Has Nalin entered into a binding contract with his wife?
- (a) Yes, because common intention of the parties was to enter into a binding legal contract.
 (b) No, because the common intention of the parties was not to enter into binding legal contract.
 (c) Can't say from the above facts.
 (d) None of these.
21. **Facts:** A husband and wife withdrew their complaints under an agreement by which the husband promised to pay her an allowance and wife to refrain from pledging his credit.
- (a) This agreement is a binding contract, as there was common intention to enter into legal obligations.
 (b) This agreement is not a binding contract as there was no such common intention.
 (c) Can't say.
 (d) None of these.
22. **Principle:** An offer need not be made to an ascertained person, but to world at large and contract is made only with that person who comes forward and performs the conditions of the proposal.
Facts: A company manufacturing smoke balls offered by advertisement to pay £100 to anyone "who contracts the increasing epidemic of influenza, colds or any disease, after having used the ball according to printed directions". Rajat used the smoke balls according to the directions, but she nevertheless suffered from influenza. Will Rajat get £100?
- (a) No, because she has not informed the company of her intention to enter into contract with the company.
 (b) No, because she might have caught cold due to other reasons.
 (c) Yes, because she has performed the conditions of the proposal.
 (d) None of these.

DIRECTIONS: Read the legal principle given below and determine whether 'A' has committed the offence defined. You can choose the answer from following codes

- (a) Yes (b) No (c) Can't say (d) None of these

Principle: A person who finds property not in possession of any other person, and takes such property for the purpose of restoring it or protecting it commits no offence; but he is guilty of offence, if he appropriates it to his own use, when he knows or has the means of discovering the owner.

23. **Facts:** A finds a rupee on the road, not knowing to whom the rupee belongs.
24. **Facts:** A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the use of the note.

25. **Facts:** A finds a purse with money, not knowing to whom it belongs. A, afterwards discovered that it belongs to Z, and appropriates it to his own use.

DIRECTIONS: Answer the questions on the basis of legal principle given below. You can select the answer from the following codes

- (a) Agreement is void (b) Agreement is valid (c) Can't say (d) None of these

26. **Principle:** A contract to do an act which, after the contract is made, becomes impossible, becomes void when the act becomes impossible.

Facts: Paresh and Varsha contract to marry each other. Before the time fixed for the marriage, Paresh goes mad.

27. **Facts:** A community hall was booked for two days for a marriage. But, the hall was destroyed by accidental fire before the ceremony.

28. **Principle:** Culpable homicide is not murder if the offender, whilst deprived of power of self control by grave and sudden provocation, causes the death of the person who gave the provocation.

Facts: Under the influence of passion excited by a provocation from Z, A intentionally kills Y, Z's child.

- (a) A is not guilty of murder.
(b) A is guilty of murder.
(c) A is not guilty of murder because he was acting under provocation.
(d) A is guilty of murder because the provocation was not from Y but from Z, his father.

29. **Principle:** Nothing is an offence which is done in the exercise of right of private defence. This right also extends to lawfully causing the death of the assailant, if the offence which occasions the exercise of the right of private defence, be an assault which causes reasonable apprehension of[®]

- (a) death or grievous hurt.
(b) rape.
(c) kidnapping.

This right is available for protecting one's own body, as well as the body of any other, provided the assault is not self-invited.

Facts: Devesh and Sameer were fighting over a girl. Sameer took out a cycle chain to hit Devesh. Devesh, apprehending devious hurt, struck a knife through Sameer's heart. Devesh is:

- (a) Protected.
(b) Not protected.
(c) Not protected because the assault was occasioned by Devesh's fault in picking up a fight.
(d) Not protected because there was no reasonable apprehension of grievous hurt.

30. **Principle:** When a criminal act is done by one person in furtherance of common intention of self and some others, each of the persons is liable for the act in the same manner as if it were done by each of them.

Facts: Varun, Rakesh, Omkar and Chetan decided to commit dacoity. They broke into Aryan's house for said purpose. While they were committing the offence of dacoity, Chetan shot Aryan dead due to some rivalry.

- (a) Varun, Rakesh, Omkar and Chetan are guilty.
(b) Only Chetan is guilty.
(c) Chetan is guilty because he committed the murder which was not their common intention.
(d) Chetan is not guilty because dacoity was their common intention, not murder.

31. **Principle:** Whoever delivers to any other person as genuine, any counterfeit currency which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he received it, is guilty of an offence.
- Facts:** Mr. Chaturvedi is a cashier in a school. One evening, his wife returned home from market. While she was counting the remaining money, Mr. Chaturvedi noticed a counterfeit currency note of Rs.100. His wife told him that it was given to her by way of change when she gave a Rs.500 note at the grocery shop. Mr. Chaturvedi goes to the same shop with a view to get rid of the counterfeit note. He buys a shaving cream worth Rs.32.50 and gives the counterfeit note at the cash counter. The cashier inspects the note and realises that it is counterfeit. He calls the police.
- Mr. Chaturvedi is not guilty of any offence because he neither manufactured the counterfeit note nor did he circulate it with a view to deceiving anybody.
 - Mr. Chaturvedi is guilty because he was attempting to return the counterfeit note to the same person from whom he received it.
 - Mr. Chaturvedi is guilty because he attempted to deliver a counterfeit currency note as genuine, which he knew was counterfeit. (NLSIU, 1997)
32. Lalit goes to the grocery shop of Ranjan, which he visits quite often for his requirements.
Lalit: I want ten bags of old rice.
Ranjan: Here is the rice you are looking for.
Lalit buys ten bags of rice from Ranjan and subsequently discovers that the rice supplied is not really old. Lalit files a suit against Ranjan.
- Lalit will not succeed, because Ranjan did not promise him to supply old rice.
 - Lalit will succeed, because Ranjan had agreed to supply the rice of Lalit's specifications.
 - Lalit will not succeed, because Lalit should have verified the quality of rice himself.
33. Gaurish is running a polyclinic well-equipped with operation theatres and supporting staff. Paramjeet is a surgeon who makes use of this polyclinic to operate on his patients. While operating on a patient, Tej, due to the negligence of nurse Jyoti (who was a support staff of polyclinic), the surgical knife was left inside the abdomen of Tej. As a result, Tej developed several complications. Advise Tej as to against whom (Gaurish or Paramjeet) he should file the suit for damages.
- Gaurish should be sued, because Jyoti was the staff nurse in his polyclinic.
 - Paramjeet should be sued, because he was responsible for whatever was done during the operation.
 - Paramjeet should be sued, because he should have selected a better staff nurse.
34. **Principle:** In a contract of agency, no liability exists upon the agent towards his principal (master), if he acts with reasonable diligence in the matter of agency.
- Facts:** Indrajit, the owner of an estate, instructed Kaushal, an estate agent to find a buyer for his estate. Kaushal, got an offer from Sadanand to buy the estate for Rs.9,50,000 and the same was promptly communicated to Indrajit. Before the contract of sale was concluded, the agent got an offer of Rs.10,25,000 from Milind. Kaushal did not communicate this information to Indrajit. The latter brings an action over the former for not having performed his function as an agent.
- Kaushal is not liable to Indrajit as his job was only to find a buyer and no more.
 - Kaushal is not liable to Indrajit as he got good price for the estate, which, under the prevailing market conditions, was a bonanza.
 - Kaushal is liable to Indrajit as he did not completely perform the function of an agent. (NLSIU, 2001)
35. **Principle:** The owner of a property, who allows its use by another person, becomes liable, for the damage caused by its use, by the latter.
- Facts:** Tilak takes his car to the garage for servicing. Since his office is a couple of kilometres away from the garage, he requests the owner of the garage to ask one of the latter's assistants to drop him to office. The owner of the garage asks Yatin, an employee, to do the needful. On the way, the car collides with a motorcycle owing to negligent driving by Yatin and injures its rider. The motorcyclist brings legal action against Tilak, seeking monetary relief.
- Motorcyclist will fail in his action, as he should have brought an action against the garage owner, in whose employment was Yatin.
 - Motorcyclist will not succeed as Yatin, who is not the agent of Tilak, is driving the vehicle.
 - Motorcyclist will succeed as the car was driven by Yatin with the consent of Tilak. (NLSIU, 2001)

36. **Principle:** A master will be liable for the wrongful acts of his servants in the course of employment.
Facts: Prabhat has a regular savings bank account in Karnataka Bank in which he used to deposit money from time to time. One day, when he wanted to withdraw some big amount, he discovered that two entries in his pass book, immediately prior to the date of withdrawal, were not authenticated by the manager, as required under banking rules. The bank declined responsibility for these entries and the manager disclaimed any knowledge in this regard. Prabhat filed a suit against the bank.
- Prabhat will lose, because he should have taken care that the entries were authenticated.
 - Prabhat will lose, because the manager was not aware of the issue.
 - Prabhat will win, because it was for the manager to ensure the authentication.
37. **Principle:** A master shall be liable for the acts of his servants done in the course of employment.
Facts: HMT, a public sector undertaking is operating a number of bus services for its employees in Bangalore. These buses are quite distinct in their appearance and carry the board "For HMT employees only". Eknath, a villager from a neighbouring state, was waiting for a regular bus in one of the bus stops in Bangalore. A bus belonging to HMT happened to stop nearby and a number of people got into the bus. Eknath, without realising that it was an HMT bus, got into the bus and soon thereafter, the bus met with an accident due to the driver's negligence. Eknath, along with several others, was injured in the accident. Eknath seeks to file a suit against HMT claiming damages.
- Eknath will succeed, because he got into the bus without realising that it was HMT bus.
 - Eknath will not succeed, because it was for him to find out whether it was a public transport bus.
 - Eknath will succeed, because the driver was anyhow duty-bound to drive carefully. (NLSIU, 94)
38. **Principle:** A partner shall share with other partners whatever profit he makes in the course of the partnership business.
Facts: Bipin, a partner in a Bangalore firm engaged in textile business, went to a nearby place to buy some silk sarees. The manufacturer told him: "If you buy 500 sarees, you will get a discount of Rs.50 on each saree". Bipin, in fact, required only 400 sarees for his firm. Nevertheless, he bought 500 sarees and kept 100 sarees for himself. After sometime, he on his own sold 100 sarees and made a good profit. Other partners demand that he should share these profits with them.
- Bipin has to share the profits, because he bought those 100 sarees in the course of partnership business.
 - Bipin need not share it, because he has already benefited the firm by getting a substantial discount in the purchases.
 - Bipin need not share the profits, because his additional buying of 100 sarees was to get the discount and help the firm. (NLSIU 94)
39. **Principle 1:** Master is liable for the act of the employee/servant.
Principle 2: The husband or the wife is not responsible for any commission of wrong on each other.
Facts: Udit is a manager of a hotel belonging to Abhay. Because of the negligence of Udit, a folding chair fell from the first floor to the ground floor injuring the receptionist of the hotel, named Himani who is the wife of Udit. Himani asks for compensation from Abhay and Udit.
- Both Abhay and Udit are responsible to compensate Himani.
 - Only Abhay is responsible to compensate Himani.
 - Only Udit is responsible to compensate Himani.
 - No one is responsible to compensate Himani.
40. **Principle 1:** If a person uses goods which are left in his care due to mistake by another person, he has to compensate the other person.
Principle 2: A person is liable to pay the price of goods when they are sold to him.
Facts: A friend Mahesh, leaves a bag of rice by mistake in the house of his friend Satish. Satish's wife, thinking that the bag of rice has been brought by Satish for home consumption, starts consuming the rice. After two days, the mistake was realised when Mahesh comes to Satish's house for taking away the bag. By the time, 10 kg of rice is consumed from the bag. Mahesh demands the price from Satish.
- Satish is not liable to pay the price.
 - Satish is liable to compensate Mahesh for 10 kg rice.
 - Satish is liable to pay the price of the entire bag of rice.

41. **Principle 1:** If there is undue influence on a party to an agreement he may refuse to perform the agreement.
Principle 2: When one party in an agreement is in a position to dominate the will of the other party and he uses his position over the other party to get the other party's consent to the agreement, this is undue influence.
Facts: The landlord asks the tenant to agree to increase the rent to double the previous amount or to vacate the house. The tenant had to agree to give double the previous rent and continue living in the house. He thereafter refuses to pay.
- (a) Tenant has to pay the new rent.
 - (b) Tenant has to pay the old rent and continue to occupy the house.
 - (c) Tenant has to pay the old rent but vacate the house within a reasonable time.
42. **Principle 1:** A master is liable for the wrongs committed by his servant during the course of employment but not for the acts of an independent contractor.
Principle 2: Whether a person is a servant of another or not is to be determined by finding out who controls the method of work or owns the tools or who benefits from the profit of the venture or bears the loss.
Facts: Bikash Hospital is a well-known hospital and Dr. Hemant is a cardiologist in the hospital. He is also attached to a few other hospitals as the service rules of Bikash Hospital do not prohibit it. Due to the negligence of Dr. Hemant, the patient of the hospital dies and his children decide to file a suit against the Bikash hospital and Dr. Hemant.
- (a) Both Dr. Hemant and Bikash Hospital are liable.
 - (b) Dr. Hemant is liable but not Bikash Hospital.
 - (c) Bikash Hospital is liable and not Dr. Hemant.
43. **Principle 1:** Negligence is the omission to do something which a reasonable man would do, breach of which, if it causes damage, makes one liable to the person who suffered loss.
Principle 2: One owes a duty of care to another if a reasonable man can foresee that he will be affected by the breach of duty.
Principle 3: One is not liable if the injured party volunteers to take the risk.
Facts: A cricket match is being held in a stadium. Vilas, being unable to afford the ticket price, is viewing the cricket match sitting atop a nearby tree. When a batsman hits a ball over the boundary, the ball hits Piyush and he sustains an injury on his spinal chord due to the fall from the tree.
- (a) The organisers and the stadium owners are liable to compensate Piyush.
 - (b) The cricketer who hits the ball is liable along with the organisers, but the stadium owner is not responsible.
 - (c) Nobody is responsible.

