



SAFALTA CLASSTM

An Initiative by **अमर उजाला**

→ ① Never Overst. The fact

(Assumption X)

→ ② Principle is always Right.

↳ Emotional Trap X

③ Options (might) more than or
options correct

select most
Appropriate
Options

Question No: 1

Legal Principle:

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The Constitution of India guarantees certain fundamental rights to its citizens.

The Constitution also provides that these rights cannot be taken away by state even by a law.

For violation of this, the person adversely affected by the law may approach the High Court or the Supreme Court for the issuance of an appropriate writ.

One of these rights includes the freedom to form association that implies the right to join an association or not to join such an association.

Question No:

Factual Situation:

Owing to some industrial disturbances created by ATU, one of the several trade unions in AB Chemicals (Pvt) Ltd., the Company issued a circular to all its employees that as far as possible the employees may disassociate with ATU. Navin is an employee of AB Chemicals and the current General Secretary of ATU.

Aggrieved by this circular, which affected the fundamental rights of his and other members of the Union, approaches the High Court of the state for a relief.

Identify the most reasonable legal proposition.

Question No:

ATU | AB

(a) The Company's circular is illegal and has to be quashed by the Court.

(b) The prohibition against any imposition of restriction against a fundamental right is not applicable to anybody other than the state and hence Navin will not get any relief from the High Court.

WRIT ← Art. 32
⑤

(c) The circular interferes with the freedom guaranteed by the Constitution and hence the High Court can issue an appropriate writ.

(d) Circular issued by a Company amounts to law in the constitutional sense and hence the High Court can issue a writ as pleaded for by Navin.

Question No:

Question No: 2

Legal Principle:

When a person who has made a promise to another person to do something does not fulfill his promise, the other person becomes entitled to receive, from the person who did not fulfill his promise, compensation in the form of money.

Question No:

Factual Situation:

'X' made a promise to 'Y' to repair his car engine.

'Y' made the payment for repair.

After the repair, 'Y' went for a drive in the same car.

While driving the car, 'Y' met with an accident due to bursting of a tyre.

Question No:

(a) 'Y' will be entitled to receive compensation from 'X' in the form of money.

✓ (b) 'Y' will not be entitled to receive compensation from 'X'.

(c) 'X' will be entitled to receive compensation from 'Y' in the form of money.

(d) 'X' will not be entitled to receive compensation.

Question No:

Question No: 3

Legal Principle:

There are legal provisions to give authority to a person to use necessary force against an assailant or wrongdoer for the purpose of protecting one's own body and property as also another's body and property when immediate aid from the state machinery is not readily available; and in so doing he is not answerable in law for his deeds.

Question No:

Factual Situation:

X, a rich man was taking his morning walk.

Due to the threat of robbers in the locality, he was carrying his pistol also.

From the opposite direction, another person was coming with a ferocious looking dog.

Question No:

All of a sudden, the dog which was on a chain held by the owner, started barking at X.

The owner of the dog called the dog to be calm.

They crossed each other without any problem.

But suddenly, the dog started barking again from a distance.

X immediately took out his pistol.

By seeing the pistol the dog stopped barking and started walking with the owner.

However, X shot at the dog which died instantly.

The owner of the dog files a complaint against X, which in due course reached the Magistrate Court.

X pleads the right of private defence. Decide.

(a) The right of private defence is available to persons against assailants or wrongdoers only and a dog does not fall in this category.

(b) As there was no guarantee that the dog would not bark again, shooting it was a precautionary measure and hence within the right available to X under law.

(c) There was no imminent danger to X as the dog stopped barking and was walking with the owner.

Hence, shooting it amounted to excessive use of the right of private defence and hence liable for killing the dog.

(d) Shooting a fierce dog is not to be brought under the criminal law. So the case should be dismissed.

Question No: 1

Question No: 4

Legal Principle:

If a party to a contract agrees to it under undue influence of any other party then the party under the undue influence may refuse to perform in accordance with the agreement.

Question No:

Factual Situation:

A, a rich youngster became a member of a religious group and soon he was appointed by P the head of the group as his personal secretary.

As per the rules of the group, all officials and staff of the group were supposed to stay in the group's official premises itself.

Some days later, A was asked by P to execute a Gift deed in favour of P, in which it was mentioned that all immovable properties in his name are being gifted to P.

Question No:

A was unwilling to execute the deed, but he was forcefully restrained by P and his body guards in P's office and made A sign the gift deed.

Soon after this A left the group and refused to hand over the property as agreed to in the gift deed.

Is A's action valid?

Question No:

(a) It is illegal for religious groups to acquire property from its members.

PR. +

(b) As the gift deed was executed by A, he cannot refuse.

(c) A executed the deed, under compulsion and undue influence, and was right in withdrawing from the contract.

(d) As Gift is also a contract, the consent of A was not obtained by P while executing the deed.

Question No: 1

Question No: 5

Legal Principle:

Assault is causing bodily injury to another person by use of physical force.

Factual Situation:

Rustum while entering into compartment of a train raised his fist in anger towards a person Sheetal, just in front of him in the row, to get way to enter into the train first, but did not hit him. Rustum has:

Question No: 1

- (a) Insulted Sheetal
- (b) Committed an assault on Sheetal
- (c) Rightly showed his anger
- (d) Not committed an assault on Sheetal

Question No: 1

Question No: 6

Legal Principle:

Section 34 of Indian Penal Code provides that ‘When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.’

Question No:

Factual Situation:

Three vagabonds, Sanju, Dilbag and Sushil decided to commit burglary.

In the night, Sushil opened the lock and they broke into a rich man's house when the entire family was on a pilgrimage.

Sanju had gone to that house earlier in connection with some cleaning job. There was only a servant lady in the house.

Question No:

Hearing some sounds from the master bed room, the servant switched on the lights and went up to the room from where she heard the sound.

Noticing that the servant was going to cry for help, Sanju grabbed her and covered her mouth with his hands and dragged her into the nearby room.

The other two were collecting whatever they could from the room. When they were ready to go out of the house, they looked for Sanju and found him committing rape on the servant.

Question No:

They all left the house and the servant reported the matter to the police and identified Sanju.

Subsequently, all three were arrested in connection with the offences of house breaking, burglary and rape.

Identify the legal liability of the three.

~~(a)~~ All three are liable for all the offences as there was common intention to commit the crimes.

~~(b)~~ Only Dilbag and Sushil are liable for burglary in looting the house, and all three will be liable for housebreaking and rape as they did not stop Sanju from committing the offence and hence were accomplice to the offence.

(c) Sanju will be liable only for housebreaking and rape as he did not participate in the burglary.

✓ (d) Only Sanju will be liable for rape as he was the one who actually committed the offence.

Question No: 1

Question No: 7

Legal Principle:

When a person makes such a statement which lowers other person's reputation in the estimation of other persons, is liable for committing defamation.

Question No:

Factual Situation:

'A' writes a letter to 'B' in which he uses abusive language against 'B' and also states that 'B' is a dishonest person.

'A' put the letter in a sealed envelope and delivered it to 'B'.

Question No:

- (a) 'A' has committed defamation ✘
- (b) 'A' has committed a moral wrong ✘
- ✓✓ (c) 'A' has not committed defamation
- (d) 'A' has not committed moral wrong

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Question No: 1

Question No: 8

Legal Principle:

In criminal law, misappropriation is the intentional, illegal use of the property or funds of another person for one's own use or other unauthorized purpose, particularly by a public official, a trustee of a trust, an executor or administrator of a dead person's estate or by any person with a responsibility to care for and protect another's assets.

Question No:

Embezzlement is misappropriation when the funds involved have been lawfully entrusted to the embezzler.

On the contrary, theft is the illegal taking of another person's property or services without that person's permission or consent with the intent to deprive the rightful owner of it.

Question No:

Factual Situation:

A went for swimming at the Municipal Swimming Pool. A handed over all his valuables, including some cash to X, the guard on duty for safe custody, as notified by the Municipality.

After swimming for an hour, A came out and searched for X.

He found another guard on duty and that guard informed A that X had gone home after completing his shift and did not hand over anything to be given to A.

A registered a complaint with the police. X was traced but he told the police that he sold all the valuables and the entire cash was used for drinking liquor.

What offence, if any, was/were committed by X?

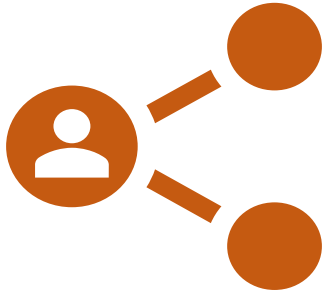
Question No:

- (a) If at all X is liable, it is for criminal misappropriation only.**
- (b) X is liable for criminal misappropriation and embezzlement.**
- (c) X is not guilty of criminal misappropriation as he did not make any personal gain out of those items with him.**
- (d) X is liable for theft as he took A's property without X's permission.**

Question No: 1



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