CLATalogue
The Home of Law Aspirants

BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 12]

Adtiya Aryan · 31 Mar 2026

Passage 1 (P.1)

In State of Uttar Pradesh v. Lalta Prasad, the Court was confronted with the recurring constitutional question of how legislative authority is to be determined when a law appears to fall within more than one entry in the Seventh Schedule. The Constitution distributes legislative power between Parliament and State Legislatures through three lists: the Union List, the State List, and the Concurrent List. While this distribution appears neat in theory, practical governance frequently produces legislation whose effects spill beyond one clearly demarcated field. The Court clarified that the validity of a law is not to be judged merely by identifying incidental overlap.

Instead, courts must apply the doctrine of pith and substance, which requires an inquiry into the true character, dominant purpose, and essential nature of the legislation. If, in substance, the law relates to a subject within the competence of the enacting legislature, it will not be rendered invalid merely because it incidentally trenches upon a matter assigned to another list. The judgment also recognized that legislative entries must be interpreted broadly rather than in a narrow or pedantic manner. Overlapping is inevitable because subjects of legislation are not isolated compartments. What matters is whether the encroachment is substantial or merely incidental. A substantial encroachment may render a law unconstitutional, whereas incidental encroachment is constitutionally permissible. Further, where both Parliament and State Legislatures legislate on subjects within the Concurrent List and inconsistency arises, the doctrine of repugnancy becomes relevant.

In such cases, the Union law ordinarily prevails, subject to constitutional provisions allowing a State law to prevail in specific circumstances. However, this principle applies only where there is direct inconsistency within a concurrent field and not where the true subject matter lies in separate legislative domains. Thus, the central principle emerging from the case is that legislative validity depends not on superficial overlap but on determining the law's essential character and dominant legislative field.

1. A State enacts a law regulating agricultural markets, which indirectly affects inter-state movement of goods. The law will be valid if?

a. It does not affect trade at all

b. The law receives Presidential assent

c. Parliament consents to the law

d. Agriculture is the dominant subject and trade impact is incidental

2. A State law's primary objective is regulation of public health, but it incidentally impacts pharmaceutical patents governed by Union law. The correct approach is to?

a. Strike down the law for overlapping with patents

b. Examine whether public health is the true character of the law

c. Automatically apply repugnancy

d. Invalidate the law because patents are Union subjects

3. Parliament enacts a law primarily regulating banking but it incidentally affects land use within States. This law would be?

a. Be valid if banking remains the dominant subject

b. Be invalid for encroaching upon State land laws

c. Require State ratification

d. Be void for overlap

4. A State directly legislates on banking operations under the guise of regulating cooperative societies. The court will?

a. Uphold it due to incidental overlap

b. Examine the dominant purpose; if banking is central, invalidate it

c. Automatically uphold State competence

d. Apply repugnancy rules only

5. Parliament and a State both legislate on a Concurrent List subject. Their provisions directly contradict each other. The outcome is?

a. State law prevails

b. Both laws void

c. Parliamentary law prevails, subject to constitutional exceptions

d. Court merges provisions

Passage 2 (P.2)

Agency by ratification is a doctrine rooted in commercial necessity and fairness. It arises when a person, without prior authority, acts on behalf of another person, and that other person subsequently adopts or affirms the act. Once ratified, the act is treated as though authority existed from the outset. The effect of ratification is retrospective; it relates back to the date of the original act.

However, certain strict conditions govern ratification. First, the person ratifying must have been in existence and legally competent at the time the act was done. Second, ratification must be made with full knowledge of all material facts. A principal cannot selectively ratify only the advantageous parts of a transaction while rejecting the burdensome aspects; ratification must be of the whole transaction.

Additionally, ratification must occur within a reasonable time and before the third party withdraws. If the third party rescinds the offer before ratification, the principal cannot later impose contractual liability through belated approval. Further, unlawful acts cannot be validated through ratification. The doctrine thus balances commercial flexibility with protection against unfair surprise or prejudice to third parties.

6. An employee without authority enters into a supply contract. The company later approves the entire contract with full knowledge. The legal effect is?

a. The contract is void

b. The contract is valid from the original date

c. The contract is valid only prospectively

d. A new contract is formed

7. A person purports to contract on behalf of a company that did not exist at that time. The company later forms and seeks to ratify. The result will be?

a. Valid by ratification

b. Valid if shareholders agree

c. Invalid because principal did not exist at time of act

d. Automatically binding

8. A principal ratifies a contract without knowing about a crucial penalty clause. The ratification is?

a. Fully binding

b. Invalid due to lack of material knowledge

c. Valid for beneficial parts only

d. Automatically enforceable

9. A principal attempts to ratify only the profitable portion of a transaction. This is?

a. Permissible

b. Valid unless objected

c. Invalid because ratification must be entire

d. Valid if partial consent is given

10. The third party withdraws from the contract before ratification. The principal later attempts ratification. The result will be?

a. Contract becomes valid

b. Ratification ineffective

c. Principal can sue

d. Ratification overrides withdrawal

Passage 3 (P.3)

Contributory negligence arises when the plaintiff's own lack of reasonable care contributes to the harm suffered. Tort law recognizes that liability should reflect not only the defendant's negligence but also the conduct of the injured party. Where both parties fail to exercise reasonable care, responsibility for the damage may be shared. Historically, contributory negligence operated as a complete defense, preventing the plaintiff from recovering any compensation if their own negligence contributed to the injury. Over time, courts recognized that this approach often produced unfair results, particularly where the defendant's negligence was substantially greater.

Modern legal reasoning therefore allows courts to reduce damages proportionately according to the plaintiff's share in causing the harm. The standard applied is that of the reasonable person. The court examines whether the plaintiff took ordinary precautions for their own safety. Failure to do so does not excuse the defendant's negligence but may reduce compensation.

The doctrine encourages individuals to act responsibly while ensuring that negligent defendants remain accountable. Importantly, contributory negligence differs from situations where the defendant alone is responsible. If the plaintiff's conduct did not materially contribute to the injury, the doctrine does not apply. The burden of proving contributory negligence lies on the defendant. Thus, the doctrine reflects a balanced approach to liability by distributing responsibility according to fault.

11. A pedestrian crosses the road while using a phone and is hit by a speeding driver. The driver was negligent but the pedestrian failed to take care. The court will likely?

a. Reduce damages proportionately

b. Hold only the pedestrian liable

c. Deny compensation completely

d. Acquit the driver

12. A cyclist obeys all traffic rules but is hit by a negligent motorist. The motorist claims contributory negligence without evidence. The result will be?

a. Damages reduced

b. Claim dismissed

c. Liability shared equally

d. Contributory negligence not established

13. A passenger knowingly travels on the footboard of a moving bus and falls when the driver brakes negligently. The court may?

a. Ignore passenger conduct

b. Deny negligence entirely

c. Hold driver not negligent

d. Apply contributory negligence and reduce damages

14. The defendant argues contributory negligence but cannot prove the plaintiff's carelessness contributed to the harm. What will be the legal stance?

a. Automatically succeeds

b. Partially succeeds

c. Fails

d. Transfers burden to plaintiff

15. A plaintiff's minor negligence contributed slightly to an accident primarily caused by the defendant. The likely outcome?

a. No compensation

b. Full compensation without reduction

c. Reduced compensation

d. Criminal liability only

Answers

1. D – The law’s validity depends on its dominant purpose. If agriculture is the main subject and trade impact is incidental, it remains constitutionally valid.
2. B – Courts must look at the true character of the law. If public health is the real objective, incidental patent impact does not invalidate it.
3. A – Incidental impact on land does not matter if banking is the core subject, since dominant purpose determines validity.
4. B – If the State is effectively legislating on banking, which lies outside its field, the court will strike it down despite the label used.
5. C – When there is direct inconsistency in the Concurrent List, the Parliamentary law prevails unless a constitutional exception applies.
6. B – Ratification relates back to the original act, so once approved with knowledge, the contract is valid from the beginning.
7. C – A principal must exist at the time of the act. A non-existent entity cannot later validate what was done in its name.
8. B – Ratification requires full knowledge of material facts. Without knowing the penalty clause, approval is not legally valid.
9. C – Ratification must be of the entire transaction. A principal cannot accept benefits and reject burdens.
10. B – If the third party withdraws before ratification, there is nothing left to approve; ratification cannot revive it.
11. A – Since both the driver and pedestrian were careless, damages are reduced proportionately rather than denied completely.
12. D – Without proof that the cyclist was careless, contributory negligence cannot be assumed; the defendant must prove it.
13. D – Knowingly standing on a footboard shows lack of reasonable care, so damages may be reduced even if the driver was negligent.

14. C – The burden lies on the defendant. If they cannot prove the plaintiff contributed to the harm, the defense fails.
15. C – Even minor negligence by the plaintiff can reduce compensation, though it does not eliminate liability entirely.