BLOGS

# Practice Questions for CLAT PG 2026

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## Passage 1:

In the realm of criminal jurisprudence, the foundational elements of a crime, actus reus and mens rea, form the bedrock of criminal liability. Consider a scenario where a factory owner, aware of leaking toxic chemicals into a nearby river, fails to repair the machinery despite repeated warnings from environmental inspectors. The effluent causes widespread fish deaths and health issues among villagers downstream. The owner argues that the leakage was unintentional, stemming from outdated equipment installed by a previous management. Prosecutors counter that the owner's knowledge of the risk constitutes a reckless disregard for consequences, imputing culpability even without direct intent to harm.

Legal scholars debate whether such omissions qualify as voluntary acts under Section 32 of the Indian Penal Code, 1860 (IPC), which deems acts done by several persons in furtherance of a common intention as joint liability. Historical precedents like *R v. Miller* (1983) illustrate how passive failures to act in the face of a created danger can crystallize into criminal omission. In India, the Supreme Court in *State of Maharashtra v. Mayer Hans George* (1965) emphasized that mens rea, implying a guilty mind, need not always be specific intent but can include negligence in regulatory offences. This interplay raises questions about the threshold for proving concurrence between the physical act and the mental state, particularly in socio-economic contexts where resource constraints blur the lines between inadvertence and indifference. The doctrine's evolution reflects a tension between individual autonomy and societal protection, urging courts to calibrate culpability based on foreseeability and moral blameworthiness.

## Questions

### 1. Which of the following best encapsulates the doctrinal requirement that mens rea must accompany actus reus for criminal liability under the IPC?

(A) A physical act alone suffices if it causes harm, regardless of mental state.

(B) Mens rea is presumed in strict liability offences, obviating proof of intent.

(C) The guilty mind must temporally coincide with the voluntary act or omission.

(D) Omissions are never attributable unless preceded by a positive duty under contract.

## 2. In the passage's factory scenario, why might the owner's failure to repair constitute actus reus despite being an omission?

(A) Because prior warnings created a statutory duty under environmental laws.

(B) As the initial installation of faulty equipment was a continuing voluntary act.

(C) Owing to the doctrine of transferred mens rea from previous management.

(D) Since economic constraints negate the voluntariness of the physical act.

## 3. A doctor prescribes a drug knowing its potential side effects but fails to monitor the patient, leading to death. Applying the passage's principles, which element is most likely contested in court?

(A) The existence of actus reus due to absence of a positive prescription.

(B) Whether mens rea rises to recklessness or remains mere negligence.

(C) The applicability of Section 32 IPC to medical professionals.

(D) The foreseeability of harm in socio-economic healthcare disparities.

## 4. Based on the cited precedents, how does Indian law adapt the mens rea requirement for regulatory offences compared to common law?

(A) By mandating specific intent in all cases, aligning strictly with *R v. Miller*.

(B) Through a lower threshold of negligence, as in *Mayer Hans George*.

(C) Via presumption of innocence until actus reus is proven beyond doubt.

(D) By excluding omissions entirely from criminal purview.

## 5. The passage highlights a tension between autonomy and protection. Analytically, this underscores which jurisprudential challenge in defining criminal omission?

(A) Balancing deontological blame with utilitarian harm prevention.

(B) Prioritizing economic efficiency over moral culpability.

(C) Resolving conflicts between positive and negative duties in tort–criminal overlap.

(D) Harmonizing subjective intent with objective societal standards.

## Passage 2:

Defences in criminal law operate as safeguards against unjust conviction and reflect the law's commitment to balancing individual autonomy with societal protection. These defences include justification, excuse, and mitigation, each functioning differently depending on the accused's state of mind and circumstances.

Private defence under Sections 96–106 of the IPC permits the use of reasonable force to repel imminent harm. Its application, however, remains contested in densely populated urban environments. Consider a homeowner who confronts armed intruders at midnight and uses lethal force once they breach the threshold. Supporters argue that private defence justifies his actions because he responds to a direct threat to his life and property. Critics question proportionality, but as held in *Darshan Singh v. State of Punjab* (2010), Indian law does not impose a "retreat rule," meaning the accused need not flee before resorting to defensive force.

Insanity under Section 84 IPC excuses acts committed by persons incapable of understanding the nature of their actions or distinguishing right from wrong. In *Dahyabhai Chhaganbhai Thakkar v. State of Gujarat* (1964), the Supreme Court clarified that once the accused raises an insanity plea, the burden shifts from the prosecution to a limited extent, requiring the accused to establish a reasonable probability of the defence.

Intoxication affects liability unevenly. Section 85 IPC shields persons who are involuntarily intoxicated to the point of losing control, whereas courts, drawing on rulings like *R v. Lipman* (1970), consistently deny the defence for voluntary intoxication, especially in violent offences.

Necessity and duress, though uncodified, arise in moral dilemmas such as a driver swerving to avoid multiple pedestrians, thus risking harm to others. Provocation, as discussed in *K.M. Nanavati v. State of Maharashtra* (1962), can mitigate murder to culpable homicide when the accused acts in the heat of passion without premeditation.

Collectively, these doctrines demand stringent scrutiny. While they reflect human frailty, their misuse could undermine public order, calling on courts to carefully calibrate individual defences with broader societal expectations.

## Questions

### 6. Under Indian law, which defence operates on the principle of justification rather than excuse?

(A) Insanity under Section 84 IPC
(B) Private defence under Sections 96–106 IPC
(C) Voluntary intoxication under Section 86 IPC
(D) Mistake of fact under Section 79 IPC

### 7. Why is the “retreat rule” irrelevant to the homeowner scenario under Darshan Singh?

(A) Indian law mandates retreat only in public spaces
(B) No duty to retreat exists when defending one’s dwelling against intruders
(C) Excess force is always justified in property disputes
(D) Urban settings exempt lethal response thresholds

### 8. If an accused, under severe family duress, assists in a minor theft to save a relative’s life, which defence analytically applies?

(A) Necessity, if the harm avoided outweighs the offence
(B) Provocation, reducing culpability to heat of the moment
(C) Insanity, if duress impaired cognitive faculties
(D) Private defence, extending to familial protection

### 9. According to Dahyabhai, how does the burden of proof shift once the insanity defence is raised?

(A) To the prosecution to disprove insanity beyond reasonable doubt

(B) To the accused to prove insanity on the preponderance of probabilities

(C) It remains entirely with the prosecution throughout

(D) To the court to obtain independent medical certification

### 10. The passage's reference to Nanavati illustrates provocation's role in which doctrinal shift?

(A) From justification to complete excuse

(B) Mitigation from murder to lesser homicide

(C) Expansion of intoxication to include emotional impairment

(D) Codification of uncodified necessity principles

## Passage 3

Offences against the person under Chapters XVI and XVII of the Indian Penal Code (IPC) protect bodily integrity and personal security, ranging from murder (Section 300) to grievous hurt (Section 320). Consider a domestic dispute where a husband, in a fit of rage, repeatedly strikes his wife with a blunt object, causing internal injuries that require surgical intervention. He is charged under Section 307 (attempt to murder) but pleads sudden provocation. Courts assess *intention* through surrounding circumstances. In *R v. Govinda* (1876), the knowledge component of murder was framed as acts likely to cause death. Section 324 (voluntarily causing hurt by dangerous weapons) requires specific intent to cause hurt, whereas rash or negligent acts fall under Section 304A.

Consent further complicates liability. In *Julius v. State* (1966), voluntary submission effectively negated assault, but public policy prohibits consenting to serious bodily harm, a principle reinforced in *Brown v. State* (1993). Contemporary concerns, like acid attacks under Section 326A, highlight gendered forms of violence; in *State of Karnataka v. Sharanappa* (2002), courts imposed enhanced sentencing due to permanent disfigurement and social stigma.

However, evidentiary complexities remain. In *Virsa Singh v. State of Punjab* (1958), the Supreme Court established a three-part test requiring proof of: (i) the nature of the injury, (ii) the intention accompanying it, and (iii) the bodily part targeted. These doctrines reflect efforts to balance retribution, deterrence, and fair adjudication, while ensuring causation is established beyond

reasonable doubt.

## Questions

### 11. Which element distinguishes Section 300's third limb from rash acts under Section 304A IPC?

(A) Knowledge of likely death versus mere negligence

(B) Presence of grievous hurt without intent

(C) Consent invalidating the offence entirely

(D) Provocation reducing to culpable homicide

### 12. In the domestic violence scenario, why might Section 307 apply over Section 324?

(A) Repeated strikes imply intent to kill, not just hurt

(B) Blunt object qualifies as grievous only after surgery

(C) Provocation negates knowledge in attempt cases

(D) Causation is unproven without medical testimony

### 13. A surgeon's negligent incision during an elective procedure causes permanent paralysis, despite patient consent. Which offence most appropriately applies?

(A) Section 307, as knowledge of risk equates intent

(B) Section 304A, for rash or negligent conduct causing serious harm

(C) Section 326A, if disfigurement is incidental

(D) No offence, as consent voids breach of bodily integrity

### 14. Virsa Singh's test for proving intention in murder includes all except:

(A) Nature of the injury inflicted

(B) Manner of weapon use

(C) Consent of the victim

(D) Bodily part targeted

### 15. The passage's reference to acid attacks highlights which sentencing evolution?

(A) From retribution to gender-specific enhancements

(B) Uniform application of consent doctrines

(C) Shift from causation to provocation analysis

(D) Rehabilitation over evidentiary rigour

## ANSWER KEY:

**1. C**

**2. A**

**3. B**

**4. B**

**5. A**

**6. B**

**7. B**

**8. A**

**9. B**

**10. B**

**11. A**

**12. A**

**13. B**

**14. C**

**15. A**