BLOGS

Practice Questions for CLAT PG

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Passage 1:

Ownership is a complex legal concept that varies significantly across jurisdictions, but it generally refers to the ultimate right of a person to a thing, which includes the right to possess, use, enjoy, and dispose of that thing. Roman law introduced the idea of *dominium*, which denoted absolute ownership rights over property. However, in modern legal theory, ownership is less absolute and often limited by statutory provisions or social responsibilities. The classic theory of ownership, as formulated by jurists like Austin and Salmond, sees ownership as a “bundle of rights” that may include rights to possess, manage, enjoy the income from, and alienate the property.

Jurisprudentially, ownership can be divided into corporeal and incorporeal property, with the former referring to tangible items like land or goods and the latter to intangible assets like intellectual property. Further, some legal systems distinguish between legal and equitable ownership, especially in cases involving trusts or joint ownership arrangements. This division has given rise to debates regarding whether ownership is a singular, indivisible right or merely an aggregation of various rights. Hohfeld’s theory questions the traditional view, arguing that rights are relational and consist of privileges, claims, powers, and immunities. Ownership, therefore, may not be an absolute or singular entitlement but a complex legal status with obligations attached.

In addition, property theorists such as Wesley Hohfeld and A.M. Honore argue that ownership should be viewed as a composite of various rights rather than a single entity. Honore identifies multiple incidents that collectively define ownership, such as the rights to possess, use, manage, the right to income, the right to capital, and the duty to prevent harm. These components can vary, especially in modern contexts where ownership is subject to regulations, taxation, and limitations based on environmental, social, or public policy considerations. As societies evolve, so too does the conception of ownership, challenging the traditional notion of unrestricted dominion and reflecting the complexities of balancing individual rights with communal interests.

Question 1

In Hohfeld's framework, ownership cannot be seen as a single entitlement but rather as a complex network of rights and duties. Which of the following best represents Hohfeld's view on the nature of ownership rights?

A) Ownership includes privileges, claims, powers, and immunities that are not necessarily absolute or exclusive.
B) Ownership is a singular, absolute entitlement over a property that is indivisible and unconditional.
C) Ownership refers strictly to corporeal property and excludes intangible assets.
D) Ownership is a conditional right contingent upon the approval of the legal system.

Question 2

Which of the following best describes the difference between Salmond's and Hohfeld's approaches to ownership?

A) Salmond views ownership as a bundle of exclusive rights, while Hohfeld asserts that ownership rights are relational and interdependent.
B) Salmond believes ownership is inherently indivisible, while Hohfeld argues it can be divided among several individuals.
C) Salmond classifies ownership into corporeal and incorporeal, whereas Hohfeld classifies ownership as legal or equitable.
D) Salmond emphasizes ownership as primarily a right to exclude others, while Hohfeld focuses on the right to income and use.

Question 3

Which of the following incidents, as identified by A.M. Honore, is not typically considered part of the bundle of rights associated with ownership?

A) The right to possess and use the property.
B) The duty to dispose of the property for public use.
C) The right to manage the property.
D) The duty to prevent harm caused by the property.

Question 4

If a statute imposes limitations on how a property owner can use land due to environmental regulations, this constraint would most likely affect which of the following incidents of ownership

as defined by Honore?

A) Right to capital

B) Right to manage

C) Right to income

D) Immunity from governmental interference

Question 5

Which of the following statements most accurately reflects the modern legal perspective on ownership as discussed in the passage?

A) Ownership today is entirely unrestricted and remains as absolute as the concept of *dominium* in Roman law.
B) Ownership in the modern context is viewed as a limited right, often subject to statutory, social, and regulatory constraints.
C) Ownership of intangible assets is a recent concept and does not receive the same legal recognition as corporeal property.
D) Ownership, as understood by Austin, is an indivisible right, immune from state interference or public policy considerations.

Passage 2:

“The Preamble to our Constitution is of extreme importance and the Constitution should be read and interpreted in the light of the grand and noble vision expressed in the Preamble. The Preamble embodies the fundamental values and the philosophy on which the Constitution is based. It reflects the aims and aspirations of the people of India and sets forth the goals which the nation is committed to achieve. Although the Preamble is not a source of power or a limitation upon the powers of the legislature or the executive, it serves as a guiding principle, especially when interpreting ambiguous or unclear provisions.

The Preamble declares India to be a ‘sovereign, socialist, secular, democratic republic,’ and assures its citizens justice, liberty, equality, and fraternity. These ideals form the basic structure of the Constitution and cannot be amended or abrogated, as doing so would alter the very foundation of the constitutional edifice. This is the basic structure doctrine, which this Court asserts to prevent any change that threatens the identity of the Constitution itself.”

[Extracted from *Keshavananda Bharati v State of Kerala,* AIR 1973 SC 1461]

Question 6

The Preamble describes India as a “sovereign” republic. Which of the following best explains the principle of sovereignty as understood in Indian constitutional law?

A) Sovereignty in India implies that the state has the absolute power to control internal matters, with limited power in international relations.
B) Sovereignty means that all organs of the state derive their authority solely from the Constitution and that no authority, internal or external, has power over India.
C) Sovereignty signifies that the Parliament has the ultimate authority to amend any part of the Constitution, subject to judicial review.
D) Sovereignty in India is shared equally between the Union and the States, with no single authority having precedence over another.

Question 7

Which of the following judgments specifically stated that the Preamble could be amended, though it should remain aligned with the “basic structure” of the Constitution?

A) Golaknath v. State of Punjab
B) Sajjan Singh v. State of Rajasthan
C) Minerva Mills Ltd. v. Union of India
D) Kesavananda Bharati v. State of Kerala

Question 8

In which of these judgments did the Supreme Court observe that the ideals stated in the Preamble guide the Directive Principles of State Policy to ensure they do not compromise individual liberties under Fundamental Rights?

A) Maneka Gandhi v. Union of India
B) State of Kerala v. N.M. Thomas
C) I.R. Coelho v. State of Tamil Nadu
D) Champakam Dorairajan v. State of Madras

Question 9

What aspect of the Preamble was the central focus in the *L.I.C. of India v. Consumer Education and Research Centre* (1995) decision?

A) The secular nature of the Indian State
B) The democratic commitment to fair competition and equal protection under the law
C) The welfare state commitment reflected in “socialist” values in the Preamble
D) The limits on fundamental rights imposed by state policies to protect national security

Question 10

In *Indira Nehru Gandhi v. Raj Narain*, the Supreme Court relied on the Preamble to conclude certain limitations on amending power. Which statement best reflects this judgment?

A) The Preamble does not limit Parliament’s power to amend, as it is only an interpretative tool.
B) The Preamble imposes limitations on Parliament’s power to amend Fundamental Rights, as these rights embody basic values.
C) The Preamble was interpreted to assert that amendments should maintain the “basic structure,” limiting Parliament’s power to avoid altering core values like democracy.
D) The Preamble directly prohibits amendments to the Constitution that touch on issues related to individual rights and freedoms.

Passage 3:

“The Constitution of India establishes a unique governance structure for the National Capital Territory of Delhi under Article 239AA, aiming to balance the dual role of the capital as both a Union Territory and a territory with an elected legislature. This structure delineates the powers between the Lieutenant Governor (LG) and the elected government of Delhi. In this landmark decision, the Supreme Court clarified that while the LG is an appointee of the President with certain supervisory powers, the elected government holds legislative and executive control over all services except those concerning land, police, and public order. This ruling underscores the democratic mandate given to the Delhi government, recognizing the importance of self-governance in the affairs of Delhi, barring matters critical to national interests. By doing so, the Court affirmed the limited role of the LG in purely administrative functions, reinforcing that decisions of the Council of Ministers are generally binding unless they fall within the reserved subjects.”

[Extracted from Govt. Of Nct Of Delhi vs Union Of India on 11 May, 2023]

Question 11

What constitutional article was crucial in the Court's interpretation of governance in Delhi, specifically guiding the roles of the Lieutenant Governor and the elected government?

A) Article 352
B) Article 239AA
C) Article 256
D) Article 368

Question 12

In this judgment, how did the Court define the scope of the Lieutenant Governor's powers in relation to the Council of Ministers in matters outside land, police, and public order?

A) The LG must act solely based on the advice of the Council.
B) The LG can act independently in all administrative matters.
C) The LG holds veto power over all decisions.
D) The LG has a supervisory role, but decisions are typically binding.

Question 13

Which guiding principle did the Court invoke to emphasize the need for the Delhi government's authority over administrative functions, excluding national interests?

A) Federal Supremacy
B) Judicial Review
C) Collective Responsibility
D) Constitutional Supremacy

Question 14

What did the Supreme Court's ruling suggest about the relationship between the democratic mandate of the elected government and the administrative powers of the Lieutenant Governor?

A) The LG has authority over all decisions of the Delhi government.
B) The democratic mandate does not apply to Delhi's governance structure.
C) The elected government holds autonomy in administrative matters, reinforcing self-governance.
D) The LG is required to approve all executive decisions made by the elected government.

Question 15

How does this ruling address the conflict between local governance and central oversight, specifically regarding the autonomy of the elected government in Delhi?

A) It grants the LG full authority in all matters of governance in Delhi.
B) It balances both local autonomy and limited central oversight by restricting the LG's role.
C) It removes any central oversight, granting complete autonomy to Delhi's government.
D) It aligns the LG's powers with those of a state Governor, emphasizing federal oversight.

Answer Key:

1. A
2. A
3. B
4. B
5. B
6. B
7. D
8. A
9. C
10. C
11. B
12. D
13. C
14. C
15. B