BLOGS

Sample Paper on CLAT PG 2026- PART II

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1. In criminal law, the defense of insanity under Section 84 of the IPC is based on which jurisprudential principle?

a. Volenti non fit injuria

b. McNaghten Rules

c. Strict liability

d. Doctrine of mens rea

Correct Answer: b

Explanation: Section 84 IPC adopts the **McNaghten Rules** (1843), which state that a person is not criminally liable if, due to unsoundness of mind, they cannot understand the nature of the act or that it is wrong/contrary to law.

2. A person kidnaps a minor girl with the intention of marrying her against her will. Under the IPC, which offense is primarily attracted?

a. Section 363 – Kidnapping

b. Section 366 – Kidnapping, abducting or inducing woman to compel marriage

c. Section 354 – Outraging modesty

d. Section 375 – Rape

Correct Answer: b

Explanation: Section 366 IPC punishes kidnapping/abduction of a woman with intent to compel her marriage against her will. While Section 363 covers kidnapping in general, Section 366 is more specific to forced marriage.

3. Under the Rome Statute of the International Criminal Court (ICC), which of the following is not recognized as a core international crime?

a. Genocide

b. Aggression

c. War crimes

d. Terrorism

Correct Answer: d

Explanation: The ICC recognizes four core crimes: genocide, crimes against humanity, war crimes, and aggression. **Terrorism** is not included as a separate crime in the Rome Statute framework.

4. Which case established that customary international law can be directly incorporated into Indian law unless it conflicts with a statute?

a. Gramophone Company of India v. Birendra Bahadur Pandey
b. Vishaka v. State of Rajasthan
c. Jolly George Varghese v. Bank of Cochin
d. ADM Jabalpur v. Shivkant Shukla

Correct Answer: a

Explanation: In *Gramophone Company of India* (1984), the Supreme Court held that **customary international law is part of domestic law** unless inconsistent with legislation.

5. Under TRIPS (Trade-Related Aspects of Intellectual Property Rights), the minimum term of copyright protection for literary works is:

a. Life of the author + 20 years
b. Life of the author + 50 years
c. Life of the author + 60 years
d. Life of the author + 70 years

Correct Answer: b

Explanation: Article 12 of TRIPS mandates a minimum copyright term of **life of the author + 50 years**. India provides **life + 60 years** under the Copyright Act, 1957, which exceeds the minimum requirement.

6. Which of the following is an essential ingredient of the offense of "abetment by conspiracy" under Section 107 IPC?

a. Mere agreement between two persons
b. Agreement plus an act or illegal omission in pursuance of it
c. Agreement irrespective of action taken

d. Knowledge of the consequences alone

Correct Answer: b

Explanation: For **abetment by conspiracy**, Section 107 IPC requires an agreement **and** an act/illegal omission in pursuance of the agreement. Mere agreement is insufficient.

7. In *Gramophone Company of India v. Birendra Bahadur Pandey*, the Court emphasized the principle of:

a. Parliamentary sovereignty
b. Dualist approach to international law
c. Monist approach to international law
d. State immunity

Correct Answer: b

Explanation: The Supreme Court adopted a **dualist approach**, holding that customary international law is applicable in India only if it does not conflict with domestic legislation.

8. The landmark case *Novartis AG v. Union of India* (2013) dealt with which provision of the Indian Patents Act, 1970?

a. Section 3(d) – Invention not patentable if mere discovery of new form of known substance
b. Section 5 – No patent for substances intended for food or drugs
c. Section 84 – Compulsory licensing
d. Section 146 – Power of Controller to call for information

Correct Answer: a

Explanation: In *Novartis AG*, the Supreme Court denied patent protection for the cancer drug Glivec under **Section 3(d)**, holding that incremental innovation without enhanced efficacy is not patentable.

9. Under international law, the principle of non-refoulement primarily relates to:

a. Prohibition of torture
b. Protection of refugees from being returned to a place of persecution
c. Prohibition of genocide
d. Recognition of state sovereignty

Correct Answer: b

Explanation: The principle of **non-refoulement**, found in Article 33 of the 1951 Refugee Convention, prohibits states from returning refugees/asylum seekers to territories where they face persecution.

10. Which of the following correctly reflects the principle laid down in *State of Maharashtra v. Mayer Hans George* (1965)?

a. Ignorance of law is no excuse.

b. Retrospective criminal law is unconstitutional.

c. Mens rea is always required for penal statutes.

d. Procedural irregularities vitiate criminal liability.

Correct Answer: a

Explanation: In *Mayer Hans George*, the Supreme Court held that **ignorance of law is not an excuse** (ignorantia juris non excusat). The accused claimed he was unaware of a new notification under FERA, but the Court upheld liability.