BLOGS

Sample Paper on CLAT PG 2026- PART IV

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1. In *I.R. Coelho v. State of Tamil Nadu* (2007), the Supreme Court held that:

a. All laws under the Ninth Schedule are beyond judicial review.
b. Post-*Kesavananda*, laws inserted into the Ninth Schedule are subject to basic structure review.
c. The Ninth Schedule itself is unconstitutional.
d. Fundamental Rights can be abrogated by Ninth Schedule entries.

Correct Answer: b

Explanation: The Court ruled that while Parliament may place laws in the Ninth Schedule, **any law inserted after April 24, 1973 (Kesavananda date)** is open to judicial review if it violates the basic structure.

2. Which of the following best reflects Ronald Dworkin's "rights thesis"?

a. Rights are subordinate to policies chosen by legislatures.
b. Rights act as trumps over collective goals and policies.
c. Rights exist only if recognized by statute.
d. Judges create rights through discretion.

Correct Answer: b

Explanation: Dworkin argued that **individual rights function as "trumps"** over utilitarian or policy-based state decisions. This challenges positivist notions of purely statutory rights.

3. Which doctrine was applied in *ADM Jabalpur v. Shivkant Shukla* (1976)?

a. Doctrine of eclipse
b. Doctrine of prospective overruling
c. Suspension of habeas corpus during Emergency
d. Doctrine of waiver

Correct Answer: c

Explanation: The majority in *ADM Jabalpur* infamously held that **habeas corpus could be suspended during Emergency** under Article 359. This was later overruled by *Puttaswamy* and

criticized heavily.

4. Which of the following schools of jurisprudence emphasizes that law evolves from people's customs and traditions, not legislative enactment?

a. Historical School – Savigny
b. Analytical School – Bentham
c. Sociological School – Roscoe Pound
d. Realist School – Holmes

Correct Answer: a
Explanation: Savigny's **Historical School** emphasized that law grows organically from the "Volksgeist" (spirit of the people), rather than imposed legislations.

5. The case *Minerva Mills v. Union of India* (1980) primarily struck down which part of the 42nd Constitutional Amendment?

a. Expansion of Fundamental Duties
b. Exclusion of judicial review in Article 32
c. Clauses restricting judicial review of Directive Principles under Articles 31C and 368
d. Establishment of tribunals under Article 323B

Correct Answer: c
Explanation: The Court invalidated sections of the 42nd Amendment that **curtailed judicial review and gave primacy to Directive Principles over Fundamental Rights**, reinforcing the **basic structure** doctrine.

6. According to Hans Kelsen's "Pure Theory of Law," the validity of all laws is ultimately traceable to:

a. Judicial precedents
b. Grundnorm (basic norm)
c. Legislative will
d. Sovereign command

Correct Answer: b
Explanation: Kelsen's Pure Theory posits that every legal norm derives validity from a higher norm, culminating in the hypothetical **Grundnorm**.

7. In *Kuldip Nayar v. Union of India* (2006), the Supreme Court upheld the constitutional validity of:

a. Right to property as a fundamental right
b. Open ballot system in Rajya Sabha elections
c. Compulsory retirement age for judges
d. Reservation in promotions

Correct Answer: b

Explanation: The Court upheld the **open ballot system** (as against secret ballot) in Rajya Sabha elections, holding it did not violate constitutional principles of free and fair elections.

8. According to Roscoe Pound's sociological jurisprudence, law is primarily:

a. The command of the sovereign
b. A means of balancing competing social interests
c. Derived from the customs of society
d. Created solely through judicial discretion

Correct Answer: b

Explanation: Pound emphasized that law is a tool for **social engineering** — balancing individual, public, and social interests to maintain order and justice.

9. Which constitutional provision explicitly empowers the Supreme Court to enforce Fundamental Rights?

a. Article 32
b. Article 131
c. Article 226
d. Article 142

Correct Answer: a

Explanation: Article 32 empowers the Supreme Court to issue writs for the enforcement of Fundamental Rights. Dr. Ambedkar described it as the "**heart and soul of the Constitution**."

10. The principle of "prospective overruling" was first applied in India in which case?

a. *Kesavananda Bharati v. State of Kerala*
b. *Golaknath v. State of Punjab* (1967)

c. *Minerva Mills v. Union of India*

d. *Indira Gandhi v. Raj Narain*

Correct Answer: b

Explanation: In *Golaknath* (1967), the Supreme Court first used **prospective overruling**, holding that Parliament could not amend Fundamental Rights, but applying the ruling prospectively to avoid invalidating past amendments.