

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.