

Daily Practice — Legal Reasoning · Analytical Reasoning · Quantitative Techniques

Darken one bubble per question. Negative marking applies. Answers and detailed explanations are provided in a separate companion sheet.
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SECTION A — LEGAL REASONING

Q1–12 · 12 Marks

PRINCIPLE A — DOCTRINE OF SEVERABILITY (ARTICLE 13) (Q1–6)

Article 13(1) of the Constitution of India declares that all pre-Constitution laws, in so far as they are inconsistent with the provisions of Part III (Fundamental Rights), shall be void to the extent of such inconsistency. Article 13(2) similarly forbids the State from making any law that takes away or abridges rights conferred by Part III, and any such law made in contravention shall, to the extent of the contravention, be void. The Doctrine of Severability is the judicial technique used to give effect to these words 'to the extent of'. When a statute contains both valid and invalid provisions, the court will strike down only the offending portion and preserve the rest, provided the valid part can stand independently and the legislature would have enacted it even without the invalid part. The leading authority is R.M.D. Chamarbaugwalla v. Union of India (1957), where the Supreme Court laid down a structured test: (a) examine the legislative intent and whether the valid and invalid provisions are so inextricably mixed that they cannot be separated; (b) whether what remains, after deleting the invalid portion, forms an intelligible workable scheme; (c) whether the invalidity destroys the very purpose of the Act. If the answer to (a) is yes or to (b) and (c) is no, the entire law must fall. If the invalid portion is severable, only that portion is voided. The doctrine equally applies to post-Constitution laws inconsistent with subsequent constitutional amendments. The doctrine does not save provisions that are foundational to the statutory scheme.

1. The State of Pradesh enacts the 'Public Order Act, 2024'. Section 7 imposes a complete ban on all public meetings, while Section 8 merely requires organisers to give 24-hour notice to the local police. A challenge under Article 19(1)(b) succeeds against Section 7 alone. Applying the Doctrine of Severability:

- A. The entire Act must fall because any restriction on assembly is unconstitutional.
- B. Section 7 alone is struck down; Section 8 survives as it is independently workable and constitutes a reasonable restriction.
- C. Both Sections 7 and 8 fall together since both deal with public meetings.
- D. Section 8 falls because, without Section 7, the legislative scheme is incomplete.

2. Which of the following statements about the Doctrine of Severability is INCORRECT?

- A. The doctrine applies only when the valid portion of the statute can stand independently after the invalid part is removed.
- B. The doctrine was authoritatively laid down by the Supreme Court in R.M.D. Chamarbaugwalla v. Union of India (1957).
- C. If the valid and invalid portions are so intertwined that they cannot be separated, the entire statute is void.
- D. The doctrine applies only to pre-Constitution laws under Article 13(1) and never to post-Constitution laws.

3. Parliament passes the 'Trade Regulation Act, 2024'. Section 3 prohibits all commercial advertising, and Section 9 prohibits all wagering contracts. The Supreme Court holds Section 3 violative of Article 19(1)(a) but finds Section 9 valid. The court will most likely:

- A. Strike down the entire Act since both sections operate together.
- B. Sever Section 3 and uphold Section 9, as the two sections regulate distinct subject-matters and are independently workable.
- C. Uphold both sections by reading down Section 3.
- D. Refer the matter to the legislature for fresh enactment.

4. Which one of the following correctly states the Chamarbaugwalla test for severability?

- A. Severability is allowed only if the invalid portion forms a minority of the statute by word-count.
- B. Severability is allowed if the legislature would have enacted the valid portion even without the invalid portion, and the residue forms an intelligible workable scheme.
- C. Severability requires explicit authorisation in the statute itself through a severability clause.
- D. Severability applies only to procedural and never to substantive provisions of a law.

5. A statute contains a single, integrated licensing scheme. Section 4 fixes the licence fee and Section 5 prescribes the conditions for grant. Section 4 is found unconstitutional. Section 5, standing alone, is internally valid but operationally meaningless without Section 4. Applying the doctrine:

- A. Section 5 also falls because the residue does not form a workable scheme; the entire licensing chapter is void.
- B. Section 5 must be saved because it is independently constitutional in content.
- C. Section 5 is saved and the court must fix a new fee by judicial order.
- D. Both sections survive because their unconstitutionality cancels out.

6. A post-Constitution Act of Parliament contains 50 sections; sections 2, 7 and 22 are found violative of Article 14. Which option BEST captures the court's likely approach?

- A. Strike down only sections 2, 7 and 22 if the remaining 47 sections can stand on their own and reflect what the legislature would have enacted independently.
- B. Strike down the whole Act because three sections are unconstitutional.
- C. Refer the entire statute back to Parliament because severability never applies post-1950 laws.
- D. Sever the three sections only if a formal severability clause appears in the statute.

PRINCIPLE B — VICARIOUS LIABILITY OF MASTER FOR THE TORTS OF SERVANT (Q7–12)

Vicarious liability is the legal responsibility imposed on one person for the wrongful acts of another, where a particular relationship exists between them. The most important instance is the liability of a master (employer) for torts committed by a servant (employee) in the course of employment. The doctrine rests on the maxims *qui facit per alium facit per se* (he who acts through another acts himself) and *respondeat superior* (let the superior answer). Three conditions must be satisfied: (i) the wrongdoer must be a servant, not an independent contractor — the master controls not just what is done but how it is done; (ii) the act must be a tort; and (iii) the tort must be committed 'in the course of employment.' An act is in the course of employment if it is either authorised by the master, or is an unauthorised mode of doing something authorised. A frolic of one's own — a substantial deviation from the employer's business for personal purposes — takes the servant outside the course of employment. The leading case is *Limpus v. London General Omnibus Co.* (1862), where the bus company was held liable for a driver's reckless overtaking despite express instructions not to race rivals, since the driver was doing his job (driving) albeit in a wrongful manner. By contrast, in *Beard v. London General Omnibus Co.* (1900), a conductor who drove the bus to turn it around — not part of his duties — created no master's liability. *State of Rajasthan v. Vidhyawati* (1962) settled that the State of India is vicariously liable in tort like any private employer.

7. A bus driver employed by Metro Transit deviates from his fixed route by two kilometres to deliver a tiffin to his wife. While returning to the route, he negligently knocks down a pedestrian. Applying the principles of vicarious liability:

- A. Metro Transit is liable because driving a bus is always within the course of employment.
- B. Metro Transit is NOT liable because the driver was on a frolic of his own at the time of the accident.
- C. Metro Transit is liable only if the driver was in uniform at the time of the accident.
- D. Metro Transit is liable only if the deviation exceeded five kilometres.

8. Which of the following is the BEST test for distinguishing a servant from an independent contractor?

- A. Whether the worker is paid by salary or by piece-rate.
- B. Whether the employer can direct not only what is to be done but also the manner in which it is done.
- C. Whether the worker uses the employer's premises for the task.
- D. Whether the worker wears a uniform supplied by the employer.

9. A petrol pump attendant, while filling a customer's tank, lights a cigarette and causes an explosion. The customer sues the petrol pump owner. The owner is MOST likely:

- A. Not liable, because smoking was unauthorised and amounted to a deliberate criminal act.
- B. Liable, because the attendant was performing an authorised act (filling petrol) in an unauthorised and negligent manner during the course of employment.
- C. Liable only if the attendant was a permanent employee and not a casual worker.
- D. Not liable, because the doctrine of vicarious liability applies only to road accidents.

10. Which case decisively established that the Government of an Indian State is vicariously liable in tort for the negligence of its non-sovereign employees?

- A. *Rylands v. Fletcher* (1868)
- B. *Donoghue v. Stevenson* (1932)
- C. *State of Rajasthan v. Vidhyawati* (1962)
- D. *Salomon v. Salomon* (1897)

11. A bank clerk, in clear violation of the bank's written rules, helps a customer launder counterfeit notes during business hours for a private commission. The defrauded customer sues the bank. The bank is MOST likely:

- A. Liable, because the fraudulent acts were carried out in the course of employment using the bank's apparent authority and during business hours.
- B. Not liable, because the act was expressly prohibited by the bank.
- C. Liable only if the bank's General Manager approved the transaction.
- D. Not liable, because criminal acts always break the chain of vicarious liability.

12. Which of the following statements about the course of employment is INCORRECT?

- A. An act is within the course of employment if it is an unauthorised mode of doing an authorised act.
- B. Express prohibition by the master automatically excludes vicarious liability in every case.
- C. A substantial deviation from the master's business for purely personal purposes constitutes a frolic of one's own.
- D. The State of India can be vicariously liable for non-sovereign acts of its employees.

SECTION B — ANALYTICAL REASONING

Q13–20 · 8 Marks

PUZZLE 1 — FLOOR ARRANGEMENT — SEVEN-STOREY BUILDING (Q13–16)

Seven persons — Anya, Bhavik, Chetan, Dhruv, Esha, Farah and Gaurav — live on seven different floors of a single residential building, with each floor occupied by exactly one of them. The ground floor is numbered 1 and the topmost floor is numbered 7. Read all conditions carefully before attempting any question; the deductions interlock and must be worked out together. The following conditions apply: (1) Anya lives on floor 6. (2) Esha lives immediately below Anya. (3) Chetan lives on an even-numbered floor, but not on floor 2. (4) Dhruv lives immediately above Farah. (5) Gaurav lives on floor 3. (6) Bhavik lives on a floor higher than Anya. (7) Each floor is occupied by exactly one of the seven persons named above, and no person occupies more than one floor.

13. On which floor does Chetan live?

- A. Floor 2
- B. Floor 4
- C. Floor 6
- D. Floor 7

14. How many persons live between Anya and Gaurav?

- A. One
- B. Two
- C. Three
- D. Four

15. Who lives on floor 1?

- A. Bhavik
- B. Chetan
- C. Farah
- D. Dhruv

