

Winner's Steps™ -An Introduction

Winner's Steps™ is a specialized moderately priced state of the art web based platform providing indispensable modules for Legal aptitude part only. Its basic aim is to spread legal literacy and to help realize the dreams of serious aspirants throughout the length and breadth of India at affordable prices to join acclaimed National Law Universities such as NLSUI, NALSAR. It is equally useful for the aspirants appearing for the LL.B. entrance examinations of other reputed Universities including Delhi University, IP University, Jamia Milia, Benaras Hindu University etc.

Legal Aptitude-An introduction

Every year thousands of aspirants appear in various law entrance examinations for admissions into prestigious National Law Universities, Delhi University, BHU etc. A large number of questions are asked in all these examinations to evaluate the **Legal Aptitude** of the candidates. The test papers of CLAT and AILET contain specific dedicated part known as **Legal Aptitude**.

As against the common notion, you may secure highest marks in this very interesting and simple part after acquiring basic skills and concepts incorporated in this module.

General Scheme of Legal Aptitude part in CLAT/AILET etc. -The numbers of questions asked under this section in CLAT and AILET and the importance of this section is as under-

CLAT		AILET		Remarks
Nos. of questions	Marks	Nos. of questions	Marks	
50	50	35	35	<u>Tie-</u> When 2 or more candidates obtain equal marks In CLAT, in the event of <i>tie</i> the marks obtained in this section work as <i>tie-breaker</i> and the candidate securing higher marks

				in this section is selected
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In other law entrance examinations also a large number of questions are asked to evaluate **Legal Aptitude** of the candidates. Preparedness for this part plays a crucial role in the selection of the candidates.

Types of questions asked in the section- Two categories of questions are asked in this section-

Category-1- Memory/prior knowledge based questions-

These questions test your prior knowledge of various legal provisions and major legal events affecting daily lives of a common man covering the following-

- The Constitution of India,
- Law of crimes with illustrations of prominent sections
- Contract Act, 1872 with illustrations of prominent sections
- Law of Torts with leading case laws (English as well as Indian)
- Frequently used legal words and maxims
- Updated major legal events including landmark judgments of the Supreme Court of India, new Acts, Constitutional amendments etc

These questions are followed by multiple answers. You are required to identify the correct answer based on your memory and to mark it in the answer sheet in the given way. Some of these questions are illustrated below-

Example- (I)

Q- Who administers oath of office to the Governor of a State?

- a) President of India
- b) Chief Justice of the High Court of the respective State
- c) Chief Justice of India
- d) Speaker of State Assembly

(Question number 156, CLAT-2015)

(Answer-b, the Chief Justice or in his absence, the senior most judge of the High Court exercising jurisdiction over the State administers the oath under Article 159 of the Constitution of India,)

Example-(II)

Q- The Constitution of India derives its name from-

- a) Article 1 of the Constitution
- b) Article 4 of the Constitution
- c) Article 393 of the Constitution
- d) Article 394 of the Constitution
- e) None of the above

(Answer-c, Article 393 of the Constitution provides that this Constitution may be called **the Constitution of India**. The correct answer is, therefore, c and you have to encircle option c)

Example-(III)

Q- The first Hon'ble Chief Justice of the Supreme Court of India was-

- a) Hon'ble Justice H J Kania
- b) Honble Justice M P Sastri
- c) Hon'ble Justice M C Mahajan
- d) Hon'ble Justice B K Mukherjea
- e) None of the above

(Answer-a, the first Chief Justice of the Supreme Court of India was Hon'ble Justice Harilal Jekisundas Kania from the period 26-1-1950 to 6-11-1951. He was from the High Court of Bombay. Other Hon'ble Justices held this post successively in the order given in the question)

Example (IV)

Z is carried off by a tiger. X fires at the tiger, knowing that the shot might kill Z, but with no intention to kill Z, and in good faith trying to save Z. X's shot, however, gives Z a mortal wound. Choose the correct option -

- a) X has committed an offence of a grievous nature
- b) X has no moral duty to save Z therefore he can be held liable
- c) X has not committed any offence, as the act was in good faith and for the benefit of Z
- d) All of the above
- e) None of the above

(CLAT 2012)

(Answer-c, this question is framed on the basis of *illustration* (b) to section 97 of the Indian Penal Code, 1860 which relate to the act done in good faith for benefit of a person without consent)

Other examples-

I-The ----- Legislative Assembly on 31st March 2015 passed a controversial Anti-Terrorism Law. Earlier, passed Bill was rejected two times by the then -----in 2004 and 2008. **(CLAT-2015, question number 140)**

II- The Union Government on the recommendation of the----- under the chairmanship of -----has decided to decriminalize Section----- of the Indian Penal Code. **(CLAT-2015, question number 141)**

III- Which South-East Asian Country has recently banned surrogacy services to end its flourishing rent-a-womb industry? **(AILET-2015, question number 101)**

IV-The third National Lok Adalat which disposed of 56000 cases in a single day was held under the chairmanship of----- **(AILET-2015, question number 102)**

V-Supreme Court struck down which Section of the Information Technology Act 2000, in Shreya Singhal v. U O I as unconstitutional **(AILET-2015, question number 105)**

VI-Sex determination tests have been banned under-----**(DU, LL.B. Entrance Test-2015, question number 115)**

Category -2- Aptitude based questions-

The term APTITUDE means-

- Ability,
- Skill,
- Talent,
- Gift,
- Capacity,
- Fitness, and
- Propensity

This section, therefore, examines your basic talent, skill, capacity, or ability in the field of law without any advance prior knowledge or acquiring any law degree. It tests you before becoming a student of law whether you initially possess the requisite mindset of becoming an advocate.

The following types of questions are framed under this section-

a- Fictional Principle-factual situation based questions- In the real legal world, the legal conclusions/decisions are to be drawn/made in the particular set of circumstances within the framework of applicable legal provisions. In these types of questions, a fictional legal principle and facts are provided. These are followed by multiple options. You are required to identify the correct decision in the given set of circumstances strictly as per the applicable legal principle. This principle as well as the facts may or may not be true. However, you are not supposed to apply your prior knowledge while arriving at the answer. Your decision should be only according to the fictional legal principle because law is blind.

Example-

Legal Principle- The occupier of a premise owes a duty of care to all his invitees and visitors.

Factual situation- Lalit was running a dairy from his house. People used a part of his farm as shortcut to get to a nearby railway station. Lalit who did not approve

this, put up a notice that “Trespassers will be prosecuted”. However, since a number of these people were also his customers, he tolerated them. One day a person who was using this short cut was attacked by a bull belonging to the farm. The injured person filed a suit against him.

DECISION-

- a) Lalit is not liable in view of the clear notice against trespassers*
- b) Lalit is liable for having kept a bull on his farm*
- c) Lalit is not liable to the people other than his customers*
- d) Lalit is liable because in fact he allowed the people to use his premises*

(Question number 75, AILET-2015,)

Correct answer	Explanation
D	<ul style="list-style-type: none"> • This question pertains to the law of <i>Tort</i>. You are, however, not supposed to know this law or its principles while taking decision • You are simply required to examine facts of the case on the parameters laid down in the applicable legal principle provided by the examiner • Using this method you will draw the following conclusions- • Lalit was the occupier of the premise • The trespassers included his customers against whom he took no action • Therefore, he owed a duty of care towards all his <ul style="list-style-type: none"> ✓ Invitees (Customers), and ✓ Visitors (Who were not his customers) • Accordingly, Lalit is liable because in fact he allowed the people (his customers as well as trespassers) to use his premises

b-Other types of questions-

In view of the increasing number of students appearing in CLAT and in AILET, complex questions are asked to evaluate your aptitude i.e. your basic trait as well as your analytical ability. These questions test your aptitude on the given facts and their premises.

Examples-

I- **Assertion and reason {(A) and (R)} based questions-**

These questions consist of two statements, one marked Assertion (A) and other as Reason (R). You are required to examine both the given statements i. e. (A) and (R) carefully and to select the best option out of the given multiples.

Example-

Assertion (A)- Custom *per se* is law, independent of prior recognition by the sovereign or the judge

Reason (R)- Custom is source of law but by itself is not law

Options-

- a) Both A and R are individually true and R is the correct explanation of A
- b) Both A and R are individually true but R is not correct explanation of A
- c) A is true but R is false
- d) A is false but R is true

(CLAT-2015, question number-126, Answer- d, before identifying the best option, you have to know the following-

- Meaning of the term *per se*
- Role of custom in the administration of justice

You are able to apply your analytical skills only when you are acquainted with these terms. Once you know that *per se* means in itself and that custom is only a deciding factor of a case and is not binding, you may apply your analytical skill and arrive at the conclusion that-

- The given assertion (**Custom per se is law, independent of prior recognition by the sovereign or the judge**) is false, and
- That the custom is only one of the sources of law
- Accordingly, the best option is d)

II- Fault and conduct element based questions-

You notice that you have never practiced these types of questions. Do not worry, the answering technique is very simple and requires only the application of common sense expected from a lawyer-in-the-making.

Example-

The texts of the directions, question and multiple options based on this pattern in CLAT-2015 is given below-

Direction for the question (136 to 138): Read the definition and elements of the attempt, apply them on the given fact situation and answer the question:

Definition of Attempt : Lord Blackburn has said that “there is no doubt that there is difference between a preparation antecedent to an attempt and the actual attempt, but if the actual transaction has commenced which would have ended in the crime if not interrupted, there is clearly an attempt to commit the crime.”

1- Fault Element: Intention or knowledge requisite for committing an offence; and

2-Conduct Element: Does any act towards its commission and has crossed the stage of preparation. This act is so closely connected with, and proximate to the commission that it fails in object because of facts not known to him or because of the circumstances beyond his control

Q 136-Rani ran to a well stating that she would jump into it, and she started running towards the well but she was caught before she could reach it

- a) *She is not guilty of attempt to commit suicide because she might have changed her mind before jumping into the well*
- b) *She is guilty of attempt to suicide*
- c) *Right to life includes right to die hence a person should not be held responsible for attempt to commit suicide*
- d) *None of the above*

After reading the question carefully, you will find that

- ✓ **Attempt is defined in the particular manner**
- ✓ **In the background of the particular definition, the fault element (Legal Principle) is also provided**
- ✓ **The conduct element is nothing but the factual situation**

Now, you are simply required to examine the facts of the case (**Conduct element**) on the parameters of given principle (**Fault element**) in the background of definition of the term **attempt**. It simply tests your ability to arrive at the correct conclusion on the basis of the given principle and facts.

(Now you are able to conclude that jumping or attempting to jump into the well is an attempt (to commit suicide). Rani is not guilty of attempt (to commit suicide) because running towards the well in itself is not the preparation as the attempt i.e. jumping or attempt to jump had not started. Correct answer, therefore, is a)

