

# CLAT 2020

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# Maxims and Doctrines Questions for CLAT Exam

## MAXIMS AND DOCTRINES QUIZ 3

Directions: Read the questions carefully and choose one of the options as your answer.

**1. Which of the following is the closest in meaning to the legal maxim res communes?**

- A. Whence there is truth, there is light.
- B. Things belonging to no body.
- C. Things belonging to everybody.
- D. Rest of the communities.

**2. Lex tallienis denotes:**

- A. The law of the place
- B. The law of the strong
- C. Oral law
- D. The law of Retributive Justice.

**3. Mala fide means:**

- A. In good faith
- B. In bad faith
- C. In utmost good faith
- D. Man of Faith

**4. En venire sa mere is a person in being for the purpose of:**

- A. Punishment of abortion
- B. Acquisition of property
- C. Creation of partnership
- D. Claiming compensation in torts

**5. Actio personalis moritur cum persona means:**

- A. A personal right of action dies with the person
- B. Personal Care of citizens.
- C. An action directed toward a Criminal for reformation.
- D. An action is not given to him who is not injured

**6. Autrefois convict means:**

- A. No person can be punished twice for the same offence.
- B. One who repeats the same offence can be punished twice.
- C. Neither (a) nor (b)

D. Automatically Convict on the basis of Presumption of Law.

**7. When any law is said to be ultra vires:**

A. It means it is within the powers of legislature and it does not go beyond the supreme and fundamental law of the land.

B. It means it is not within the powers of legislature and it goes beyond the supreme and fundamental law of the land.

C. Neither (a) nor (b).

D. It is in the Powers of the Legislature but outside the power of being Delegated Legislation.

**8. When any law is said to be intra vires:**

A. It means it is within the powers of legislature and it does not go beyond the supreme and fundamental law of the land.

B. It means it is not within the powers of legislature and it goes beyond the supreme and fundamental law of the land.

C. Neither (a) nor (b)

D. It is in the Powers of the Legislature but outside the power of being Delegated Legislation.

**9. What do you understand by the term legal term habeas corpus?**


A. That the body required for response.      B. Easement rights to move freely.

C. The same cause of Damage.              D. A claim on legal grounds.

**10. What do you mean by the term ad Litem?**

A. For the suit                                      B. Party in a dispute

C. Tax Litigation                                  D. Money Agreement

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**Correct answers:**

1	2	3	4	5	6	7	8	9	10
C	D	B	B	A	A	B	A	A	A

**Explanations:**

1. Res communes is a Roman & civil law concept. It means things owned by no one and subject to use by all. Things (as light, air, the sea, running water) are incapable of entire exclusive appropriation and are considered as subject of Res communes.

Hence, option C is correct.

2. Lex tallienis is the principle or law of retaliation that a punishment inflicted should correspond in degree and kind to the offense of the wrongdoer, as an eye for an eye, a tooth for a tooth; retributive justice.

Hence, option D is correct.

3. Bad faith (Latin: mala fides) is double mindedness or double heartedness in duplicity, fraud, or deception.[1] It may involve intentional deceit of others, or self-deception.

Hence, option B is correct.

4. En Ventre Sa Mere means in the mother's womb. For example, 'child en ventre sa mere' means a child in the mothers womb. It refers to an unborn child, and is usually used while referring to that child's rights. In law, a child is for all beneficial purposes considered as born while in ventre sa mere. For example, for the purpose of inheritance, a child is treated as having been in existence at the time of the decedent's death if the child is en ventre sa mere at the time of a decedent's death and is subsequently born alive.

Hence, option B is correct.

5. Actio personalis moritur cum persona is a Latin expression meaning "a personal right of action dies with the person". Some legal causes of action can survive the death of the claimant or plaintiff, for example actions founded in contract law.

However, some actions are personal to the plaintiff, defamation of character being one notable example. Therefore, such an action, where it relates to the private character of the plaintiff, comes to an end on his death, whereas an action for the publication of a false and malicious statement which causes damage to the plaintiff's personal estate will survive to the benefit of his or her personal representatives.

Hence, option A is correct.

6. Fundamental right which is guaranteed under Article 20(2) of Constitution of India incorporates the principles of "autrefois convict" or Double jeopardy which means that person must not be punished twice for the offence. Doctrine against Double Jeopardy embodies in English common law's maxim 'nemo debet bis vexari, si constat curice quod sit pro una iti eadem causa' (no man shall be punished twice, if it appears to the court that it is for one and the same cause). It also follows the "audi alterum partem rule" which means that no person can be punished for the same offence more than ones. And if a person is punished twice for the same offence it is termed Double jeopardy.

Hence, option A is correct.

7. Ultra vires is a Latin phrase meaning "beyond the powers". If an act requires legal authority and it is done with such authority, it is characterised in law as intra vires ("within the powers"). If it is done without such authority, it is ultra vires. Acts that are intra vires may equivalently be termed "valid" and those that are ultra vires "invalid".

Hence, option B is correct.

8. If an act requires legal authority and it is done with such authority, it is characterised in law as intra vires ("within the powers"). If it is done without such authority, it is ultra vires. Acts that are intra vires may equivalently be termed "valid" and those that are ultra vires "invalid".

Hence, option A is correct.

9. A writ requiring a person under arrest to be brought before a judge or into court, especially to secure the person's release unless lawful grounds are shown for their detention.

Hence, option A is correct.

10. Ad litem (Latin: "for the suit") is a term used in law to refer to the appointment by a court of one party to act in a lawsuit on behalf of another party such as a child or an incapacitated adult, who is deemed incapable of representing himself.

Hence, option A is correct.



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