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Our material comprises of individual books covering a wide range of topics, including Legal Reasoning, Logical Reasoning, Mathematics, General Knowledge and English, including a book on vocabulary & idioms. The material is comprehensive and has been designed keeping in mind the requirements of **CLAT and other law school entrance exams**. Please peruse the module that follows and let us know if you are interested in our courses. You **may email us on info@paradygmlaw.com** .

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The ParadygM A&R Team

WEBSITE : **WWW.PARADYGMLAW.COM**

PHONE : **09886037005 / 09886758354**

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LEGAL REASONING

Law of Torts

Introduction

What is a Tort : The term "Tort" is the French equivalent of the English word "wrong". Tort, as used by the courts, means a breach of some duty giving rise to civil cause of action and for which compensation can be claimed. Various attempts have been made to satisfactorily define the term "Tort", however till date no meaningful definition has been formalised. **A workable definition of Tort is as follows: "Tort is a civil wrong , which is independent of a contract, and for which the victim (person facing the loss) can claim compensation from the wrongdoer (person causing the loss)."** Winfield and Jolowicz stated that "tortious liability arises from the breach of a duty primarily fixed by law; this duty is towards persons generally and its breach is redressable by an action for unliquidated damages¹."

A person committing a tort or wrong is called a **tort-feasor** or wrongdoer, and his wrongful acts or omissions are referred to as a **tortious act**.

People are expected to adhere to certain standards of reasonable behaviour and to respect rights and interests of each other in order to co-exist peacefully. Every interest of a person cannot be protected; hence the law determines what interests need protection. A protected interest gives rise to a legal right which in turn gives rise to a corresponding legal duty. Thus, Tort law acts as a means to protect these rights and interests of the people in society. It provides a means to persons whose protected interest (legal right) is violated to claim and recover compensation for the loss suffered by them from persons who caused the loss.

Some examples of protected interests are: (a) a right to bodily safety; (b) a right to enjoy one's property without any interference; (c) a right to enjoy one's reputation without having anyone malign it publicly.

Essential elements of Tort:

- (a) A person must have committed a wrongful act;
- (b) This wrongful act must give rise to some damage (loss) being suffered by the victim;
- (c) The nature of the wrongful act is such that it gives rise to a legal remedy in the form of a civil action for damages (compensation).

{{Damage – the loss or harm suffered by a person because of the wrongful act.

Damages – the sum of money awarded by a court to compensate for the loss suffered.}}

Examples of Tort:

- (a) Defamation: law imposes a duty on one person not to injure the reputation of another person;

¹ Unliquidated damages – means it is not a fixed or pre-determined amount and it is for the judge to decide how much money he wants to award the victim as compensation.

- (b) Negligence: law imposes a duty on a person to take reasonable care not to injure another person or his property;
- (c) Trespass to land – law imposes a duty on a person not to interfere with another person's property.

Thus if I make a malicious and false statement in public about X's character and in the process injure his reputation I would have committed a tortious act and X can sue me for defamation under Tort law and recover compensation.

Now in this example the constituents are clearly present-

- a) The wrongful act – 'making malicious and false statements about X's character in public
- b) Loss suffered by victim – 'X's reputation was harmed by my statements'
- c) Legal remedy seeking compensation – ' since X's reputation was harmed , I infringed upon his legally protected right , and therefore X can go to court and claim compensation from me for the loss I have caused him by injuring his reputation.'

In a nutshell, some of the duties with which law of Torts is concerned is the duty to - abstain from wilfully injuring another , to respect another's property and using reasonable care while dealing with others to avoid causing harm to others.

Illustrative Problems:

IP. 1.

Senthil was walking down a lonely road. Suddenly a notorious robber Robi appeared and threatened Senthil with a penknife asking him to hand over his wallet. Senthil pulled out his .48 caliber revolver. Seeing the revolver, Robi turned around and ran away. Senthil aimed at Robi and shot him in the back.

Principle :

- a) A person can use reasonable force in order to protect his person or property.
- b) However, the force applied should be proportionate to the apprehended danger.

Solution: Applying the above principle to the given fact situation, it can be seen that though Senthil had pulled out the revolver to stop Robi from robbing him, Senthil cannot use self defence as an excuse since in this fact situation as soon as Robi fled the scene the threat to Senthil's life and property had ceased and inspite of that he shot Robi and secondly the defence of 'self defence' only applies if the force used was reasonable and proportionate. Here, Senthil used excessive force (using a gun). **Senthil will be held liable since the force used was disproportionate to the apprehended injury/danger.**

Constitutional Law

The Indian Constitution

The Constitution was drafted by a committee headed by Dr. B.R. Ambedkar. This committee was formed on August 29, 1947. The draft was finally adopted on November 26, 1949 and came into effect from January 26, 1950.

The preamble of the Indian Constitution talks about us being a 'Sovereign Socialist Secular Democratic Republic'.

Sovereign: The principle that the state exercises absolute power over its territory, system of government, and population. Accordingly, the internal authority of the state supercedes that of all other bodies, both inside and outside its territories and the state emerges as the ultimate authority of its grievances vis-à-vis others. Sovereignty theoretically preserves the territorial inviolability of the state and its independence from outside authorities.

Socialist: The goal envisaged by the Constitution is that of a Welfare State. Socialism as visualised by our constitution is not the usual scheme of State socialism which involves nationalisation of all means of production and the abolition of private property. Rather, it envisages a mixed economy where it offers equal opportunity to all and abolition of vested interests.

Secular: The Constitution stands for a secular state; that is to say that the State has no official religion. Secularism gives a full opportunity to all people in India to profess, practise and propagate any religion of their choice. The Constitution not only guarantees freedom of religion but also ensures that adequate measures are adopted to restrain the State from making any discrimination on the grounds of religion.

Democratic: We have a way of governing our country in which the Indian people elect their representatives to form a government on their behalf. Democracy is used generally to denote political systems which operate with the participation and consent of the citizens, as through the practice of regular elections

Republic: We have a political system in which the supreme power lies in a body of citizens who can elect people to represent them. Where the government is of the people, by the people and for the people

Sources of the Constitution:

Part III on Fundamental Rights is inspired from the Bill of Rights of the American Constitution; while Part IV on Directive Principles of State Policy, from the Irish Constitution. The political portion relating to cabinet government, relation between executive and legislature has derived inspiration from the British Constitution.

We will discuss below some of the features of the Indian Constitution:

- In India the Constitution is supreme and not the Parliament and the Indian courts are vested with powers to adjudicate on the constitutionality of any law, that is to say the courts can look into any statute to see whether the enactment is as per the constitution or whether it violates the constitution.

- The Indian Constitution provides for only single citizenship
 - There is distribution of power between the Union (Centre) and the States. The Union can make laws on matters given in List I (Union List) of the seventh schedule, the State can make laws on the matters in List II (State List), WHEREAS both Union and State can make laws on matters listed in List III (Concurrent List).
 - In case of any conflict between the Union laws and the State laws, the Union laws will prevail.
 - The Union can make laws on any matter not stated in either the State or Concurrent list
 - Union List covers areas like – Defence of India, extradition, war and peace, passports and visas, RBI, Aircrafts, highways, banking, insurance, UPSC
 - State List covers areas like – public health, agriculture, betting and gambling etc. A lot of items mentioned in List I and also captured in List II.
 - Concurrent List captures areas like criminal law, marriage and divorce, bankruptcy, transfer of property etc.
 - The Constitution guarantees certain rights to the citizens of India called fundamental rights (Article 12 to 35). The Constitution itself has classified the Fundamental Rights as follows:
 - Right to Equality
 - Right to particular freedoms – freedom of speech and expression, assembly (Art 19.)
 - Right against exploitation
 - Right to freedom of religion
 - Cultural and Educational Rights
 - Right to Constitutional Remedies
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Mathematics

Highest Common Factor or HCF

The highest common factor, also known as the Greatest Common Measure is the largest or greatest number that can divide two or more numbers without leaving a remainder. That is to say, it divides the numbers exactly.

For example, the HCF of 2 and 4 is 2, as 2 can divide 2 and 4 exactly. Similarly, the HCF of 8 and 12 is 4 but that of 8 and 16 is 8.

NOTE: The HCF of a group of numbers cannot be greater than the least number in the group.

How do I calculate the HCF of a group of numbers?

The simplest way to calculate the HCF of a large group of numbers or large numbers is to break them down into their prime factors (prime factors are numbers that cannot be broken down further).

Let's take the numbers 228, 492, 728 and 1296.

Breaking them down into factors –

$$228 = 2 \times 114 = 4 \times 57 = 4 \times 3 \times 19 \text{ or } \mathbf{2^2 \times 3 \times 19}$$

$$492 = 2 \times 246 = 4 \times 123 = 4 \times 3 \times 41 \text{ or } \mathbf{2^2 \times 3 \times 41}$$

$$732 = 2 \times 366 = 4 \times 183 = 4 \times 3 \times 61 \text{ or } \mathbf{2^2 \times 3 \times 61}$$

$$1296 = 2 \times 648 = 4 \times 324 = 16 \times 81 \text{ or } \mathbf{2^4 \times 3^4}$$

Looking at the prime factors generated by the operation above, we notice that $(2^2 \times 3)$ is common to all of them. Therefore, all these numbers are divisible by $(2^2 \times 3)$ or 12. However, any number greater than 12 will not divide all the numbers exactly. This might seem like a tedious process but may be cut short by directly dividing with 3 and then 4 or vice versa.

There are other methods for calculating the HCF but this is by far the simplest and handiest.

Application of HCF to solve problems —

HCF can be used to solve problems like the one below:

Q: Raju has bought three cakes for his birthday. One weighs 3 kg, the second 4.5 kg and the third, 8 kg. He wants to divide them into the largest possible pieces of equal size so that his friends don't feel that some of them have got smaller pieces than others. How many friends can he feed with such pieces?

A: The HCF of the three sizes will tell us the largest possible size of the pieces. Don't let the decimal confuse you. Remove the decimal by taking the weights to be 30, 45 and 80.

Calculating the HCF:

$$30 = 3 \times 10 \text{ or } 3 \times 2 \times 5$$

$$45 = 9 \times 5 \text{ or } 3^2 \times 5$$

$$80 = 8 \times 10 \text{ or } 2^3 \times 5$$

The HCF must therefore be 5 (0.5 kg).

The cakes can then be divided into so many parts:

The 3 kg cake into $30 \div 5$ or 6 parts,

The 4.5 kg cake into $45 \div 5$ or 9 parts and,

The 8 kg cake into $80 \div 5$ or 16 parts.

Hence, the number of friends Raju can feed with equal sized pieces is $(6+9+16)$ 31.

Lowest Common Multiple or LCM

The LCM is the least number that is divisible by two or more numbers without leaving a remainder. Each number in the group should divide the LCM exactly. The LCM of a group of numbers cannot be less than the greatest number in the group.

How do I calculate the LCM?

The LCM is calculated using a method similar to the one above. Each number is broken down into its prime factors. The LCM can then be computed by multiplying the highest powers of each prime factor.

Let's take the following numbers – 5, 25, 125 and 200.

Breaking them down into factors:

5 remains unchanged, as it is prime.

$$25 = 5 \times 5 \text{ or } 5^2$$

$$125 = 5 \times 25 \text{ or } 5^3$$

$$200 = 2 \times 10 \times 10 \text{ or } 2^3 \times 5^2$$

The largest prime factors are 2^3 and 5^3 . The LCM is therefore $2^3 \times 5^3$ or 1000.

Such problems can also be solved by drawing a table as below.

	2	12	108	729
This time around, let's take the numbers 12, 108 and 729 and find their LCM.	2	6	54	729
	2	3	27	729
	3	1	9	243
	3	1	3	81
	3	1	1	27
	3	1	1	9
	3	1	1	3
	3	1	1	3

The LCM here is the product of all the numbers in the extreme left row and the bottom column, which is $2^2 \times 3^6$ or $4 \times 729 = 2916$.

Application of LCM to solve problems —

LCM can be used to solve problems like the one below:

Q: Find the least number which when divided by 4 or 5 leaves a remainder of 1 in each case but does not leave a remainder when divided by 7. How many such numbers occur between 1 and 200?

A: Any number that is divisible by both 4 and 5 must also be divisible by 20 (their LCM). Therefore, the number we are looking for must be 1 more than a multiple of 20. Namely, 21, 41, 61, 81, 101, 121, 141, 161 or 181. Here, 21 is divisible by 7 and is therefore the answer to the first part of the question. Besides 21, the only other number that can be divided by 7 exactly is 161. Therefore, there are 2 such numbers.

Q: The LCM of two numbers is 18 and their product is 54. What is their HCF?

$$\boxed{\text{The HCF} \times \text{LCM} = \text{Product of the numbers.}}$$

Therefore, The HCF = $\frac{\text{Product of the numbers}}{\text{LCM}} = \frac{54}{18}$ or 3.

Q: The product of two numbers is equal to its LCM of 35. Find the HCF of these numbers.

A: As the LCM of these numbers is equal to its product, they do not have any factors in common. Therefore, these numbers must be prime to each other. In such a case, their HCF must be 1.

ENGLISH & VERBAL REASONING

Analogies

Verbal reasoning is an important part of the NLSIU, NALSAR and NUJS papers. All the common problems based on verbal reasoning will be covered in this module. The most common type is the ANALOGY problem.

ANALOGY — In analogy problems, a particular type of relationship is given and the examinee must choose the closest or most similar relationship from the choices given below. Such problems test the reasoning ability of the student in addition to being a test of their English language skills.

In such problems, the most important step is to identify the relationship between the pair of words in question. This will help us spot the corresponding pair from the given choices.

For example, Car: Garage as Aeroplane: Hangar (':' is read as 'is to'). The second word refers to the parking area of the first one. Therefore, the relationship is analogous.

Analogy types —

1. Word and Synonym

Calm: Placid as

- a) Advance: Retreat
- b) Book: Paper
- c) Sheep: Flock
- d) Mend: Repair

In the above example, *calm* and *placid* are synonyms; *advance* and *retreat* are antonyms; *books* are made from *paper*; *flock* is the collective noun for *sheep*; *mend* and *repair* are also synonyms. The analogy is therefore the last option.

2. Word and Antonym

Fresh: Stale as

- a) Ban: Prohibit
- b) Alight: Descend
- c) Gradual: Abrupt
- d) Man: Child

Here, *fresh* and *stale* are antonyms (or opposites) and so are *gradual* and *abrupt*. *Alight* and *descend* are synonyms. *Man* and *child* are not opposites; they refer to animals and their young ones as far as types of analogies are concerned. The answer is therefore 'c'.

3. Word and Intensity

In this specific type, the words in the pair mean roughly the same but are of different intensities. For example, *rage* may be said to be of a higher intensity than *anger* just as *drench* may be said to be of a higher intensity than *moist*.

Crime: Sin as

- a) Genuine: Authentic
- b) Quarrel: War
- c) Chaos: Peace
- d) Architect: Designer

Chaos and *peace* are antonyms and are ruled out. *Architect* and *designer* are different professions and are not different by degrees. *Genuine* is the same as *authentic*. That leaves us with *quarrel* and *war*, which vary by degrees. The answer is 'b'.

4. Word and Collective Noun

Cattle: Herd as

- a) Bees: Swarm
- b) Eggs: Dozen
- c) Sheep: Group
- d) Flock: Crows

Herd is the collective noun for *cattle*; the correct collective noun for *sheep* is *flock* whereas that for *crows* is *death*.

Short Passage Exercises

Read the statement or passage and then choose the best answer to the question. Answer the question on the basis of what is stated or implied in the statement or passage.

1. Myths are stories, the products of fertile imagination, sometimes simple, often containing profound truths. They are not meant to be taken too literally. Details may sometimes appear childish, but most myths express a culture's most serious beliefs about human beings, eternity, and God.

The main idea of this passage is that myths:

- (a) Are created primarily to entertain young children.
- (b) Are purposely written for the reader.
- (c) Provide the reader with a means of escape from reality.
- (d) Illustrate the values that are considered important to a society.

2. A tiger, when killing its natural prey, which it does either by stalking or lying in wait for it, depends on its speed for the success of its attack and, to a lesser extent, on the condition of its teeth and claws. When, therefore, a tiger is suffering from one or more painful wounds or when its teeth are missing or defective and its claws worn down, and it is unable to catch animals it has been accustomed to eating, it is driven by necessity to kill human beings.

It may be inferred by the above passage that —

- (a) The man-eating tigers are old tigers that cannot hunt other animals
- (b) Man is lower down in the food chain than deer, the natural prey of the tiger
- (c) When hunting, the tiger prefers to wait and watch before striking suddenly
- (d) The tiger may get wounded during a failed attack

Analytical Reasoning

Analytical reasoning problems provide limited information to the student. However, with proper analysis and interpretation, the unknowns may be deduced. Such problems are best solved using a table, especially if there are multiple unknown factors and each person has multiple attributes.

Let's look at the following problem as an example —

EXAMPLE 1: There are six friends A, B, C, D, E and F

1. Each is good at one sport, namely Cricket, Badminton, Hockey, Volleyball, Tennis and Polo, not necessarily in that order.
2. Each owns a car of a different colour, namely White, Blue, Green, Yellow, Orange and Red, not necessarily in that order.
3. D plays polo and owns a yellow car
4. C does not play either tennis or hockey and owns neither the blue nor yellow car.
5. E drives to his badminton game in his white car.
6. B does not play tennis but owns the red car.
7. A plays cricket and owns a black car

We can draw a table with the names as rows and (i) the sport and (ii) the car as columns.

Let's take a look at the table —

NAME	SPORT	CAR
A	Cricket	Black
B	Hockey	Red
C	Volleyball	Green
D	Polo	Yellow
E	Badminton	White
F	Tennis	Blue

Using this table, we can now answer any question regarding the six friends. Thus, the first step in trying to solve a problem like this is to form a table.

E N D O F S A M P L E M O D U L E