

CLAT WHISPERS

(CLAT Mentorship Program)

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Passage 1

In criminal trials, the prosecution bears the burden of proof to establish guilt beyond reasonable doubt. Evidence may be direct (like an eyewitness account) or circumstantial (inferred from surrounding facts). Circumstantial evidence is not inferior, but it must form a complete chain of events that points only to the guilt of the accused and rules out reasonable alternatives.

In *Hanumant v. State of Madhya Pradesh* (1952), the Supreme Court held that each circumstance must be proved, and all together should form a consistent and complete story. Similarly, in *Sharad Birdhichand Sarda v. State of Maharashtra* (1984), five golden principles were laid down: (1) circumstances must be fully established, (2) they must be consistent only with guilt, (3) they must be conclusive, (4) they must exclude all hypotheses of innocence, and (5) the chain must be complete.

Example: If a person is last seen with the deceased, found with bloodstained clothes, and gives false explanations, the circumstantial evidence may be strong enough for conviction. But suspicion alone, however grave, is not proof.

The Indian Evidence Act, 1872 (Sections 101–114) governs rules of burden of proof and presumptions. The general rule: he who asserts must prove. Section 106 provides that when a fact is especially within the knowledge of a person, the burden is on them. For example, if an accused claims alibi, he must prove it.

Thus, criminal justice balances between requiring strong proof against the accused and recognizing practical presumptions where only the accused knows the truth. Courts remain cautious to avoid convictions based on weak links in circumstantial chains.

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Q1. A person is last seen with the deceased an hour before death. No other evidence is produced. Can conviction be based solely on this?

- a) Yes, last-seen evidence is enough.
- b) No, unless corroborated with other circumstances.
- c) Yes, if accused gives no explanation.
- d) No, because circumstantial evidence is inadmissible.

Q2. The accused claims he was abroad when the offence occurred. Who bears the burden of proving this alibi?

- a) Prosecution, since it must prove guilt.
- b) Accused, under Section 106.
- c) Court, by judicial notice.
- d) Shared equally.

Q3. In a murder trial, bloodstained clothes are recovered from the accused's house. What is the evidentiary value?

- a) Strong incriminating circumstance if connected to the crime.
- b) No value unless eyewitness confirms.
- c) Automatically proves guilt.
- d) Irrelevant unless recovered in presence of magistrate.

Q4. Which principle is NOT part of the Sharad Sarda test?

- a) Circumstances must exclude innocence.
- b) Chain of circumstances must be complete.
- c) Circumstances must be conjectural.
- d) Circumstances must be consistent only with guilt.

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Q5. Which section of Evidence Act places burden on a person for facts within special knowledge?

- a) Section 101
- b) Section 102
- c) Section 106
- d) Section 114

Passage 2

Administrative law ensures that state authorities act fairly, reasonably, and within legal bounds. A core element is the doctrine of natural justice, aimed at preventing arbitrariness in decision-making.

Natural justice has two main rules:

1. Nemo judex in causa sua – No one should be a judge in their own cause (rule against bias).
2. Audi alteram partem – Hear the other side (right to fair hearing).

The principles apply not only to courts but also to administrative/quasi-judicial bodies making decisions that affect rights. For example, if a university cancels a student's degree without hearing them, it violates natural justice.

The rule against bias requires decision-makers to be impartial. Even a reasonable likelihood of bias can invalidate a decision (*Maneka Gandhi v. Union of India* emphasized fairness in administrative actions). Bias can be pecuniary, personal, or official.

The right to fair hearing includes notice of charges, right to present evidence, cross-examine witnesses, and representation by counsel where necessary. However, natural justice is flexible. In urgent cases (like preventive detention or sealing unsafe buildings), post-decisional hearings may suffice.

Exceptions exist: (i) where confidentiality is required, (ii) legislative actions, and (iii) where granting hearing would frustrate the purpose (e.g., raids). Still, courts generally interpret the doctrine liberally to check executive excess.

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Thus, natural justice serves as a safeguard against arbitrary power, ensuring transparency, participation, and accountability in governance.

Q1. A government officer cancels a contractor's license because the officer personally dislikes him, though no official complaint is proved. Which principle of natural justice is violated?

- a) No violation, since the officer has discretion.
- b) Nemo judex in causa sua – rule against bias.
- c) Audi alteram partem – right to be heard.
- d) No violation, as it is an administrative order.

Q2. A university disciplinary committee expels a student for alleged cheating in exams. The student was never informed of the charges nor allowed to present his side. He approaches the High Court. What will the court likely decide?

- a) Uphold expulsion as universities can discipline freely.
- b) Strike down expulsion for violating audi alteram partem.
- c) Allow expulsion only if ministry approves.
- d) Uphold expulsion since misconduct is obvious.

Q3. A judge hears a case where the complainant is his close business partner. He delivers judgment in favour of the complainant. The defendant challenges it. What is the likely outcome?

- a) Judgment will be quashed due to bias.
- b) Judgment will stand if evidence supports complainant.
- c) Judgment valid since judge disclosed relationship.
- d) Judgment valid as long as appeal is possible.

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Q4. A health authority seals a restaurant immediately after finding rotten food being served, without prior hearing. The restaurant owner challenges it as violation of natural justice. What will the court decide?

- a) Action valid due to urgency; post-decisional hearing can be given.
- b) Action invalid since no notice was issued.
- c) Action valid only if approved by district magistrate.
- d) Action invalid because sealing must always be after hearing.

Q5. A law provides that tax rates will be fixed by the Finance Ministry without individual hearings. An affected businessman claims violation of natural justice. Is he correct?

- a) Yes, all decisions must involve personal hearing.
- b) No, legislative functions are exempt from natural justice.
- c) Yes, since it affects his property rights.
- d) No, because tax law is superior to natural justice.

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Answers:

Passage 1:

1. B

Explanation: The “last-seen theory” is only one link in the chain of circumstantial evidence. Courts require corroboration (like recovery of incriminating articles or false explanations) before convicting. Suspicion alone cannot replace proof beyond reasonable doubt

2. B

Explanation: Section 106 of the Evidence Act places burden on the person for facts within their special knowledge. Since the fact of being abroad is especially known to the accused, he must prove the alibi through documentary or testimonial evidence.

3. A

Explanation: Recovery of bloodstained clothes links the accused to the crime, but only if forensic analysis confirms the stains are of the victim and recovery is validly proved. It is not conclusive by itself, but a crucial link in the circumstantial chain.

4. C

Explanation: The five golden principles demand conclusiveness, exclusivity of guilt, exclusion of innocence, and chain completeness. Conjecture or suspicion can never form the basis of conviction. Hence, “conjectural” is not part of the test.

5. C

Explanation: Section 106 specifically states that when facts are “especially within the knowledge” of a party, the burden to prove them rests on that party. This prevents unfairness, as the prosecution cannot reasonably prove such personal facts

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Passage 2

1. B

Explanation: Arbitrary cancellation based on personal dislike amounts to bias. Natural justice requires impartiality, and even the likelihood of bias is sufficient to invalidate the order, as fairness must not only exist but also appear to exist.

2. B

Explanation: The right to be heard is a cornerstone of natural justice. Denial of notice and opportunity to defend amounts to violation of *audi alteram partem*. Courts regularly strike down such disciplinary actions as being arbitrary.

3. A

Explanation: The test is not actual bias but the likelihood of bias. A judge deciding in favour of his business partner fails impartiality standards. Hence the order is vitiated regardless of the merits or even disclosure of relationship.

4. A

Explanation: Natural justice is flexible. In urgent issues of public safety, immediate action is allowed, subject to providing a later hearing. Courts uphold such measures emphasizing balance between fairness and urgency (e.g., unsafe buildings, dangerous food).

5. B

Explanation: Principles of natural justice apply to administrative and quasi-judicial functions, not legislative activities. Tax fixation is a legislative function of general application, where individual hearings are not necessary.