

CLAT 2020 Test Series Plan

By NLU and NUJS Toppers



Brilliant Analysis



Excellent Content



Unmatched Explanations



Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 12

**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 4 Questions]**

Two key arguments have been used to justify an anti-defection law. One justification offered for the law is that it intends to combat political defections fuelled by political corruption and bribery. In the years preceding the passage of the anti-defection law, it was noted that legislators were often given the lure of executive office, or promised personal benefits, in order to encourage them to defect from their party. A Committee formed under the chairmanship of the then Home Minister YB Chavan (1969) to examine the need for an anti-defection law, noted that out of 210 defecting legislators of various states in India, 116 were given ministerial positions in the new government which they helped form. It recommended that for defections that were fuelled by monetary gains or by the lure for political office, the defectors should not only be barred from office, but should also be barred from standing in future elections for a prescribed time period.

Others have argued that defections flout the voters' mandate. This argument is based on recognition of the role of political parties in the parliamentary system. The argument is that most candidates are elected on the basis of the party which gives them a ticket. The party also arranges for election expenses of the candidate and the candidate fights the election based on the manifesto of the party. Therefore, when a member defects from the party, he betrays the fundamental trust based on which people elected him to power.

The anti-defection law provides for disqualification of a legislator if he votes contrary to the party whip. As a result, members are compelled to obey the party whip, in order to avoid losing their seat in the House. The law raises questions on the role of a legislator. One, it restrains legislators from expressing their conscience in the House. Two, it breaks the link of accountability between the voter and the elected representative. Three, it disturbs the balance of power between the executive and the legislature, by constraining the ability of a member to hold the government accountable. Four, it leads to major decisions in the House being taken by a few party leaders and empowers party leaders to compel legislators to vote as per their instructions.

While the anti-defection law was introduced to curb political defections and ensure stability of government, it restrains legislators from effectively carrying out their functions. In a parliamentary system, legislators are expected to exercise their independent judgement while determining their position on an issue. The choice of the member may be based on a combination of public interest, constituency interests, and party affiliations. This fundamental freedom of choice could be undermined if the member is mandated to vote along the party line on every Bill or motion. Even if the member has an opinion that differs from his party leadership, he does not have the freedom to vote as per his choice.

[Extracted from discussion paper by Roshni Sinha and Prachi Kaur "Anti-defection law Intent and Impact" PRS Legislative Research ("PRS")]



- 1. A river water sharing dispute is being voted in the parliament. Which of the following will hold for an MP who has to vote according to the party whip even if the water will not be shared into his constituency as prescribed in the bill?**
- A. Anti-defection rule will compromise his role as a legislator.
 - B. Anti-defection rule restrains the MP to effectively carry out his functions
 - C. Anti-defection rule will curb the freedom of choice as it is against public interest, constituency interests and party affiliations to vote for the bill because the water will not be shared in his constituency.
 - D. All of the above
- 2. The major objective of the enactment of the Anti-Defection law according to the author is**
- A. It stops the elected members to defect from the political party to join another political party in lure of bribery or ministerial office.
 - B. It helps the elected member to exercise his discretion and join any party as per his choice after getting elected through the party ticket.
 - C. It bars the elected member to field election in other constituency
 - D. It helps in the elected member to nominate other member in his place or seat of the office.
- 3. According to the author which of the following raises question on the role of legislator citing Anti-defection Law?**
- A. It restrains the legislator in exercising his conscience in the House
 - B. It breaks the link of accountability between the voters and the elected representative
 - C. It disturbs the balance between the executive and the legislature by constraining the member to hold the government accountable.
 - D. All of the above
- 4. An argument is that defections flout voter's mandate. What is the implication of the statement?**
- A. The politician is elected from the political party in the parliamentary system. Defecting and joining another party is the flouting of the voters confidence on the party.
 - B. The voter trusts the political manifesto and votes for the party and not the candidate.
 - C. The voter elects the member because he is the representative of the ideology enshrined in the party he joins.
 - D. All of the above



**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 3 Questions]**

Parliament has the power to amend the Constitution. To check against the misuse of this power, a higher threshold of support is required to amend the Constitution as compared to a simple law. A Constitution Amendment Bill needs the support of more than half the members in each House of Parliament, and at least two-thirds of the members present and voting. Additionally, ratification by more than half the states is required for amendments that affect powers of the states and the Judiciary. A recent example of this is the Constitution (101st Amendment) Act, 2016 that enabled introduction of the Goods and Service Tax.

The Supreme Court has held that Parliament's power to amend the Constitution is limited, that is, Parliament cannot amend the 'basic structure' of the Constitution. Note that this 'basic structure' principle is not expressly mentioned in the Constitution. The Judiciary has used its power of interpretation to identify fundamental aspects of the Constitution that cannot be amended. These include 'supremacy of the Constitution', 'separation of powers', 'judicial review' and 'judicial independence' (this is an open list to which the Judiciary may add new aspects).

It may be argued that when the Constitution does not expressly limit the power of Parliament to amend it, such limitations may not be imposed through judicial interpretation. On the other hand, it may be argued that this interpretation is a protection against excessive use by a government with a large majority; for example, this limitation prevents a government holding substantial majority from extending the term of Parliament indefinitely.

[Extracted from discussion paper by Anviti Chaturvedi "Parliament and the Judiciary" PRS Legislative Research (PRS)]

5. According to the passage what cannot be amended by the parliament in the constitution?

- A. The power of judicial review
- B. The provisions of land and labour law
- C. The official language to be used in the conduct of the proceedings
- D. The subjects under the state lists.

6. Constitution Act (101st amendment) for inclusion of Goods and Service tax required which of the following conditions?

- A. Support of more than half members in each House of the Parliament
- B. Support of two third of the members present and voting in each House
- C. Ratification of legislatures of more than half of the states
- D. All of the above



7. According to the passage under what conditions the amending power to the constitution can be compromised if not checked by the limitations imposed by the judiciary?

- A. A government in substantial majority may extend the session of the Parliament
- B. The government can exercise the majority to pass laws in their own interest
- C. The parliament is adjourned for longer sessions.
- D. The executives will become more accountable for their actions

**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 3 Questions]**

Parliament has the primary responsibility of making laws and holding the government responsible for its actions. As representatives of citizens, MPs pass laws, oversee the working of the government and the efficient allocation of public funds. Parliamentary Committees act as a mechanism that helps in improving the effectiveness of Parliament.

Over the years, responsibilities of the government have increased significantly. Government expenditure and legislation have become technical and complex in nature. While a significant amount of Parliament's work gets done on the floor of the House, it is difficult for Parliament to scrutinise all government activities in the House in a limited time. Thus, Parliamentary Committees were constituted to examine proposed legislation, government policies and expenditure in detail. They also examine petitions from the public, check whether rules framed by the government are in consonance with Acts of Parliament, and help manage the administration of Parliament. Deliberations in Committees present several advantages. Committees can get inputs from experts and stakeholders on various matters. Their ability to devote more time on each item allows them to examine matters in greater detail. They also help parties reach consensus on various issues.

However, there are several areas where Committees need strengthening. For example, all Bills are not referred to Committees. They are thinly staffed and do not have full-time technical expert support. Some Committees may not seek evidence from experts on important Bills. Further, attendance of MPs in Committee meetings is about 50%, which is lower than the 84% attendance seen during the Parliament sittings.

[Extracted from discussion paper by Manish Kanadje and Anya Bharat Ram "Parliamentary Committees increasing their effectiveness" PRS legislative research PRS]

8. Which of the following should not be the task of the parliamentary committees to suggest the government?

- A. Waiving off Railways' Dividend payment through review
- B. Examining the Motor Vehicles (Amendment) Bill, 2016
- C. Examining the functioning of the National Highways Authority of India
- D. Review of the constitutional amendment of the basic structure of the constitution.



9. The Committee on Social Justice and Empowerment examined the Transgender Persons (Protection of Rights) Bill, 2016 and submitted its report in 2017. The committee recommended change in definition of “transgender” from the bill. Which of the following actions paved the way for the committee to recommend so?
- A. The committee should take suggestions of experts like Amnesty International and South Indian Transgender Association.
 B. The committee should gather evidences from the transgender communities and witnesses.
 C. The committee should independently analyse the bill
 D. All of the above
10. The Standing Committee on Transport, Tourism and Culture (2017) had examined the Motor Vehicles (Amendment) Bill, 2016. The Bill addressed issues around third party insurance, regulation of taxi aggregators, and road safety. Which of the following recommendations offer road safety?
- A. Removing the cap on liability for third party insurance
 B. Giving states the option to regulate taxi aggregators
 C. Setting up a National Road Safety Board to advise the central and state governments
 D. Increasing traffic police and personnel on the road.



Correct Answers:

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

Explanations :

1. According to the passage anti-defection law limits the role of the legislator as he or she is forced to vote as per party whip in every bill or law making procedure irrespective of his own obligations to his elected constituency and people. So all the options are correct options.

Therefore option D is the right answer.

2. The enactment of anti-defection law is based on the very fact that elected legislators must not leave the party from which they have fought election and join another party citing majority to form government in return of bribery or ministerial office. To curb such malpractices in the politics rules were framed for defecting MP. Other options can be rejected by method of elimination.

Therefore option A is the right answer.

3. Refer the lines 22-25 of the passage where the author puts the constraints by the anti-defection law on the elected representative.

So option D is the right answer.

4. The author clearly mentions that when the member is elected, it is completely due to the ideology and trust of the political party he represents. Therefore the defect after election is touting of voter's mandate because voter votes the party and not just the member. So all the options support this contention.

Option D is the right answer.

5. Refer to the lines 14 the parliament cannot amend the power of judicial review which forms the very basis of the doctrine of the basic structure prescribed by the apex court in Kesavnanda Bharti case.

So option A is the answer. Other options can be rejected.

6. Refer to the lines of the passage 8 of the passage which clearly states that the amendment to the constitution including the powers of the state requires special majority of the parliament and ratification by half of the states.

Therefore option D is the answer.



7. Refer to the lines 17-18 of the passage the author mentions that if the power of judicial review is not exercised the limitations on the government in substantial majority may extend the session of the Parliament indefinitely.

Therefore option A is the answer.

8. This an application question as the task of parliamentary committee is to assist the government and review the rules framed by it to make it more efficient. The options A, B and C are tasks that will enhance the working ability of the government and its associated agencies. However option D is out of scope of the government as it comes under the ambit of judiciary.

So option D is the answer.

9. Refer to the lines 18-19 of the passage. The committee in order to enhance their efficiency must seek expert advice and witnesses, even conduct independent review.

So option D is the right answer.

10. Road safety issue should be addressed by a National Road Safety Board which should advise and plan the road safety norms and rules with the centre and state.

So option C is a better answer.

CLAT 2020

TEST SERIES PLAN

BY NLU & NUJS TOPPERS

 **10
MOCK
TESTS** | ₹ **999/-**

JOIN NOW

Smartkeeda
The Question Bank

by

TestZone

INDIA'S LEAST PRICED TEST SERIES

- Brilliant Test Analysis
- Excellent Content
- Unmatched Explanations

JOIN NOW