

CLAT 2020 Test Series Plan

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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 13

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

Some years ago, the government of Poland signed the highly controversial Anti-Counterfeiting Trade Agreement, the European Union's online piracy legislation. There were widespread protests in Poland. About 30 MPs were part of a silent but visually telling protest in Parliament. They held up paper replicas of the Guy Fawkes mask, made famous by the Anonymous hacktivist group and separately by the "Occupy" movement.

In 2018, as President Donald Trump delivered his State of the Union address, Democrat Congresswomen wore black in solidarity with the #MeToo movement. In India, something similar happened earlier this year, during the President's Address to the joint sitting of the Lok Sabha and Rajya Sabha. Some MPs resorted to a dignified but effective protest. They wore white-kurtas or shirts -with the simple slogan emblazoned in red; "No to CAA; No to NRC".

Opposition protests in India during parliamentary sessions have followed two templates- raising issues and at a pinch rushing to the Well of the House; or gathering at the meditative Mahatma Gandhi statue in the Parliament Complex at 10:30 in the morning, half an hour before the two Houses meet, carrying posters and raising slogans.

There are clear limitations to both such approaches. In the House, the government is using its brute majority and capture of the chair to nullify opposition attempts. The gathering of opposition MPs at the Gandhi statue, usually a precursor to raising an important matter in the House 30 minutes later, is also not as novel as it once was.

Another innovation is the use of social media to crowd source issues and questions from the public that can be raised in Parliament. To be sure, some of the suggestions are silly and the MP has to use her discretion. But some of the suggestions are brilliant and very thoughtful. They leave me impressed -and confident that in our democracy, the people know best.

[Extracted from editorial by Derek O'Brein "Fight for democracy"]

1. According to the passage main point suggested by the author is

- A. Opposition parties should devise ways of protesting against the arbitrary actions of the elected executives.
- B. Opposition members should refrain from parliament proceedings against the arbitrary actions of ruling majority
- C. Opposition members should support the parliament's stand on laws that are passed only after the approval of the parliament.
- D. Opposition members should use their discretion in choosing the best way of protesting against the ruling party members.

2. According to the passage internationally what is suggestive of the protest by opposition members of the parliament?

- A. The protest must be silent but visually conveying a message of protest against the government.
- B. The protest must be loud and violent so that it is clearly visible to the ruling members.
- C. The protest must be informed in advance so that parliament can carry on with business accordingly
- D. None of the above

3. According to the passage as an MP of opposition party what poses a limitation to protest against the ruling executives?

- A. The majority government outnumbers the chairs and puts pressure on the opposition to subtle their voices.
- B. The opposition parties lack in finding support on their contention by the other house members.
- C. The opposition parties are not given enough opportunities by the speaker of the house.
- D. The opposition members are not given enough credibility due to low in numbers in the house of parliament.

4. Freedom of political communication is implied by which statement from the passage?

- A. In 2018 ,as President Donald Trump delivered his State of the Union address, Democrat Congresswomen wore black in solidarity with the #MeToo movement.
- B. About 30MPs were part of a silent but visually telling protest in Parliament. They held up paper replicas of the Guy Fawkes mask, made famous by the Anonymous hacktivist group and separately by the “Occupy” movement.
- C. During the President’s Address to the joint sitting of the Lok Sabha and Rajya Sabha, some MPs resorted to a dignified but effective protest. They wore white-kurtas or shirts -with the simple slogan emblazoned in red; “No to CAA; No to NRC”.
- D. All of the above

**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 2 Questions]**

The Payment of Gratuity (Amendment) Bill, 2018 has been passed by Lok Sabha on 15th March, 2018 and by Rajya Sabha on 22nd March, 2018. It has come into force on 29th March.2018. This act has brought amendment into the payment of gratuity act, 1972.It aims to provide social security to the employees after retirement, whether retirement is a result of superannuation, or physical disablement or impairment of vital part of the body. The duration of maternity leave has been extended to 26 weeks from 12 weeks. The maximum limit of gratuity which was earlier restricted to 10 lakh rupees has been extended to 20 lakh rupees. This amended act will create equality among those private, government and public employees who were not included in Central Civil Service (Pension) Rules,1972.

[Extracted from current affairs by Drishti publication]

5. According to the passage social security is provided to an employee after retirement. If Mr Sharma working in a public sector unit experience stroke which result into his permanent paralysis of left limbs. What benefits he can take due the amendment in the bill?

- A. Early retirement with pension benefits because impairment of vital part of the body is covered in the bill.
- B. No he can't take benefit as he is an employee of public sector unit and not a part of central civil service.
- C. He is entitled to take retirement but will receive pension benefits on reaching retirement age.
- D. None of the above.

6. Mrs Sharma works in a private college as an assistant professor. She gets pregnant. According to the passage what benefit she will be entitled to?

- A. She can take maternity leave upto 26 weeks
- B. She can take maternity leave upto 12 weeks
- C. She is not entitled to take leave as she is in private job
- D. She is entitled to maternity leave upto 26 weeks and salary benefits.

Directions: Study the following information carefully and answer the questions given beside. [A Set of 2 Questions]

While formulating legislation, Parliament lays down broad principles on various issues. However, it leaves the procedural details to the government to frame in the form of rules and regulations. The Committee on Subordinate Legislation scrutinises whether the powers to make regulations, rules, and sub-laws are being properly exercised. It examines all subordinate legislation made by the central government. After completing its study, the Committee presents its recommendations in a report which is tabled in both Houses.

Regulation of cigarettes and other tobacco products In 2016, the Committee on Subordinate Legislation examined the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014. These amendments increased the size of pictorial health warnings on all tobacco products from 40% on one side to 85% on both sides of the display. Further, information like name of product, manufacturer, quantity, and date of manufacture were also to be published on the package. The Committee noted that the amendment rules also covered Beedis. It observed that the Beedi industry would not survive if it was covered by the amendments. This could lead to unemployment for the 44 lakh Beedi rollers in India. Further, the conical shape of Beedi packaging would not allow for all the required information to be displayed on it. Therefore, it recommended that the Beedi industry should be exempted from the proposed rules.

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

7. According to the passage the Beedi industry should be exempted from the Cigarettes and other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014. Which of the following reasons justify the contention?

- A. The packaging requirement cannot meet the criteria according to the prescribed rules.
- B. The Beedis are consumed by less people as compared to cigarettes
- C. The tobacco content is limited in the Beedis
- D. The Beedis are not injurious to health

8. If the packaging requirement of the tobacco products is changed from the conical shape to box packing then can the Beedi be accommodated into the proposed law.

- A. Yes, because the box packaging will enable the statutory warning into the box
- B. No, the Beedi rollers are selling the Beedi at very cheap rates than cigarettes and therefore will not be able to cope up with the requirements.
- C. No, the Beedi cannot be packed in a box
- D. Yes, the Beedi can be packed in a box.

**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 2 Questions]**

The Judiciary adjudicates disputes and administers justice under criminal law. In addition, the higher judiciary (Supreme Court and High Courts) acts as the custodian of the Constitution because it is responsible for its interpretation and enforcement. The higher judiciary also has the power to strike down laws of Parliament and actions of the Executive as invalid, if they violate the Constitution. This is called the power of judicial review. For example, a law may be declared as invalid if it violates the fundamental rights guaranteed by the Constitution. A law may also be declared invalid if its subject-matter is outside Parliament's area of competence (e.g. a central law on police may be invalid because police falls within the state legislatures' domain).

Striking down of Section 66A of the Information Technology Act, 2000: An exercise of judicial review. Section 66A of the Information Technology Act, 2000 stated that any person who by means of a computer or device sends any information that is: (i) grossly offensive, (ii) false and meant for the purpose of causing annoyance, inconvenience or danger, (iii) meant to deceive the recipient, shall be punishable with imprisonment up to three years and fine. The Supreme Court exercised its power of judicial review and struck down this provision as unconstitutional. It held that Section 66A violates Article 19(1)(a) of the Constitution that protects freedom of speech and expression.

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

9. Which of the following article gives the power to the Supreme Court to nullify a law made by the parliament on the pretext of violation of Fundamental Right enshrined in the constitution?

- A. Article 12 of the Indian Constitution
- B. Article 13 of the Indian Constitution
- C. Article 32 of the Indian Constitution
- D. Article 31 of the Indian Constitution

10. State government passed an ordinance regarding the state police to arrest person charged with sedition at once. The apex court nullified the central law on immediate arrest on sedition. What effect it will take effect on state law being a state subject.
- A. The law will be null and void because the apex court has wider scope and reach constitutionally
 - B. The law holds because the state laws are governed by states only
 - C. The law is subjected to assent of the President
 - D. The law is subjected to assent of the Governor.

Correct Answers:

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



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The Question Bank

Explanations :

1. According to the passage the author suggests ways of protesting against the ruling party members by the opposition members. Looking at option A which is a partial convincing answer. It suggests that members should devise ways to protest which is a little bit of abrupt to think regarding its feasibility. Of course protest should be visible but then there has to be a discretion in using these ways as the message propagated by them should be clear and reachable to masses. Therefore option D provides a justified answer to the main point suggestive of the author.

Other option B and C provide suggestive and admonishing approach to the point so option D is the answer.

2. According to the lines 3-4 of the passage the author conveys about the silent protest by 30MPs of Poland who did not disrupt against the proceedings of the parliament instead used some paper replicas of the Guy Fawkes mask to show dissent against Anti-Counterfeiting Trade Agreement.

So clearly option A proves to be the convincing answer. He also cites example of US where democrat congresswomen wore black in solidarity to #Metoo movement. Other options can be rejected by method of elimination.

3. According to the passage refer to the lines 16-18 the author outcries that ruling members brute majority makes the opposition protest nullified.

Again going by the author we can accept option A as the answer. Other options can be rejected..

4. All the options mentioned are statements from the passage expressing freedom of protesting and communicating politically as an innovative method.

So option D is the answer.

5. With new amendment rules in the gratuity act Mr Sharma is now covered under the central civil service as the act covers the private, public and all government employees. He will be entitled all the benefits of pension and early retirement.

So option A is the answer.

6. According to the new amendments to gratuity act all the private entities are entitled to get maternity benefit of upto 26 weeks. Mr. Sharma is therefore entitled to leave upto 26 weeks instead of 12 weeks with salary benefits according to the new guidelines and amendment to the rules.

Therefore option D is the answer.

7. Refer to the lines 17-18 of the passage which suggest the conical shape of the Beedi packing is not suitable to show tobacco warnings.

So option A is the right answer.

8. The Beedi rollers manufacture or roll the Beedi at very cheap rates, it is practically not viable for them to cope up with increased cost of box packaging and warnings printed on them.

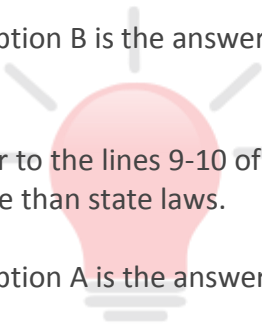
So option B is the answer.

9. Article 13 declares that all laws that are inconsistent with or in derogation of any of the fundamental rights shall be void. In other words, it expressly provides for the doctrine of judicial review. This power has been conferred on the Supreme Court (Article 32) and the high courts (Article 226) that can declare a law unconstitutional and invalid on the ground of contravention of any of the Fundamental Rights.

So option B is the answer.

10. Refer to the lines 9-10 of the passage where author states central law prevails as it has wider reach and scope than state laws.

So option A is the answer.



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