

CLAT 2020 Test Series Plan

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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 14

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

Significantly, Section 166A IPC makes it an offence for a police officer to refuse to register an FIR in cases including acid attacks, rapes, disrobing or even outraging the modesty of a woman. There is no dearth of laws or precedents including from the Supreme Court giving extensive guidelines to alleviate the plight of victims. Yet there is rampant and undeniable systemic failure.

We raise our voices against visible crimes. It's now time to raise our voices against the innate crimes that have made our systems impotent and allow the most upright to support vigilante justice. Let's treat the disease and not the symptoms. Vigilante justice cannot be the balm- it is the rot in the system that can only harm citizens and their rights further.

Parliament introduced time-bound processes to expeditiously dispose of commercial cases. Strict adherence to time-bound processes; accountability for violations, be it failure to register FIR's. or delay in trials or in completion of the last stage of appeals and mercy petitions; well defined-and easy to follow processes against violators, be they police or others in the system; special fast track courts; processes ensuring confidentiality, privacy and dignity to victims; timely financial assistance and job opportunities or rehabilitation of victims- these are the solutions that are the need of the hour.

Surprising excuses have been mouthed for explaining abject failure to ensure sufficient representation of women in judiciary. It is now time to set aside excuses and ensure effective action. Women in judiciary alone may not be an answer but it may possibly improve processes. Speedy justice but in the right way-through court systems-would send the right message and possibly act as deterrent, not vigilante justice. That way, every single victim of rape can have "ointment to her wounds" and come forth with confidence to find justice.

[Extracted from editorial by NS Nappinai "India women must get justice and it must be timely. But vigilantism is anathema to both justice and democracy"]

- 1. Mr. Sharma went to a police station near his residence with a complaint of having his daughter abducted at a remote place outside his city of residence. The police refuses to register the case citing "wrong police station". What argument Mr. Sharma is entitled to?**
 - A. Section 154 of CrPC makes it mandatory for any police station to register an FIR (zero FIR) pertaining to cognizable offence.
 - B. Section 166A IPC makes it an offence for police officer to refuse to register an FIR.
 - C. Supreme Court guidelines to police and law enforcement agencies suggest instant action in the interest of victim.
 - D. All of the above.

2. Crisis in India regarding law enforcement is not the absence of right-minded laws but lack of right minded implementation. Which statement from the passage is an implication to above statement?

- A. Strict adherence to time bound processes and accountability for violation, be it failure to register FIR's.
- B. Delay in trials
- C. Completion of the last stage of appeals and mercy petitions.
- D. All of the above

3. Vigilante Justice is taking of law in one's own hand regardless of legal mandate. Which amongst the following is vigilante justice?

- A. Encounter of 'rape accused' by police
- B. Death sentence awarded to rape accused by session judge.
- C. Remit of death sentence by President of India
- D. All of the above

4. Victim assistance and restorative justice is the need of the hour. Which of the following statements from the passage explains the statement?

- A. Processes ensuring confidentiality
- B. Privacy and dignity to victims
- C. Timely financial assistance and job opportunities or rehabilitation of victims.
- D. All of the above

5. Citing to the rule of law if Nirbhaya case be judged on the scale of fair justice delivery then which of the following is necessary to the above contention?

- A. Let's treat the disease and not the symptoms.
- B. Parliament introduced time bound processes to expeditiously dispose of commercial cases.
- C. Women in judiciary alone may not be an answer but it may possibly improve processes.
- D. Its now time to raise our voice against the innate crimes that have made our systems impotent and allow the most upright to support vigilante justice.

Correct Answers:

1	2	3	4	5
D	D	A	D	D



Explanations :

1. Mr. Sharma is entitled to all of the above mentioned remedies and can force his argument to the Police Station officers to register the case as soon as possible because it involves a girl child and is cognizable in nature. The zero FIR is devised so that in matters as mentioned above, the law agencies respond without any delay and the FIR is transferred to respective police station citing place of crime at later stages. Both CrPc section 154 and IPC section 166A bound the police incharge to follow his duty.

So option D is the answer.

2. According to the passage the author has mentioned several flaws in the criminal justice system regarding of the implementation of the laws already in the statute books. The delay in procedure and less accountability is the lack of the system.

Even delayed justice is also a major hurdle so option D stands out the correct option as all the above mentioned options imply the statement mentioned in the question above.

3. This is an application question. Going by the definition of vigilante justice dubious 'police encounters' can be termed as Vigilante justice as the mandate regarding the legality of these encounters might be debatable and should be decided democratically and constitutionally. Other options regarding actions of session judge is not vigilante justice as he is legally mandated to award death sentence or capital punishment under the due process of law. Similarly remittance of death sentence by President of India is out of the context of vigilante justice.

So option A is the right answer.

4. The above mentioned options point at the rehabilitation of the victim and restoration of rights at the hand of the criminal justice system. The right to privacy is of utmost importance to a rape victim moreover swiftness in required in providing financial aid and rehabilitation of the victim.

So option D is the right answer as all the options accommodate to restorative justice.

5. This is a tone question of the passage. To choose the most rationale answer grasp the keypoints from the statement. The Nirbhaya case lacked swiftness in punishment of the accused due to multiple review appeals and procedures in due process of law. For fair justice delivery option A and D both provide a suggestive measure and are likeable answer. But option D provides a better explanation in terms of objectivity by referring to the impotent system and people being motivated for vigilante justice rather than democratic ways of justice delivery.

So option D is the answer. Option B and C can be rejected as they point other contentions.



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