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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 15

Directions: Study the following information carefully and answer the questions given beside.

The recent cases of rape and sexual harassment have shocked the conscience of the country. And the cry to setup more fast-track courts that can swiftly deal with these cases has been growing. In July 2019, the Centre had proposed a plan to set up 1.023 fast-track special courts (FTSCs) that would specifically deal with pending cases of rape and cases under the Protection of Children against Sexual Offences (Pocso) Act. As of March 31, 2018, there were 1,66,882 cases of rape and Pocso Act pending in trial courts across the country.

Government has recently released a detailed plan laying out the implementation framework for the FTSCs scheme: state and UTs were given a cut-off date of December 31, 2019, within which they needed to communicate their concurrence for coming on board. Post the launch, FTSCs would be initially set up for a period of one year subject to further approval.

Delay in disposal of cases is an issue of serious concern not just at the subordinate court levels of the judiciary but at different appellate levels of the judiciary. But a lot of the government initiatives to fast track cases in courts have primarily been focussed around the subordinate courts. To reduce delays, it is important that reforms should be introduced not only in subordinate courts but in high courts as well as in the Supreme Court.

As per a reply submitted in Rajya Sabha in June 2019, close to 43 lakh cases are pending in HCs with nearly 8 lakh cases pending for more than a decade. Criminal cases arising from lower courts form a huge proportion in HCs too. As per the recent SC annual report, as of June 30,2018 there were close to 7.5 lakh criminal appeals and criminal revision cases that were pending in HCs. Allahabad HC topped the chart followed by the Madhya Pradesh HC and the Punjab and Haryana HC.

A similar trend can be seen even in the SC. Daksh's study of the SC cases between January and November 2018 revealed that most number of judgments pertained to criminal matters, with case taking 4.6 years on an average to get disposed. Hence, it is imperative that focus should be shifted towards all the tiers of the judiciary. To render complete justice cases of certain nature should be fast- tracked all the way up till the SC and until the final execution of the punishment.

[Extracted from editorial by Arunav Kaul " To deter rapes ,cases of heinous matters should be expedited all the way through different levels of the judiciary]

1. Fast track special courts are courts designated for?

- A. Special cases pertaining to matters of national importance.
- B. Special cases under the pendency for which adjudication is needed in time.
- C. Special cases of heinous crimes like brutal rapes and crimes against children invoking Posco Act.
- D. All of the above

- 2. Delay in disposal of cases is an issue of serious concern at the subordinate as well as appellate levels of the judiciary. Which of the following is a remedy or legal remedy against such delays?**
- A. Accountability for violations pertaining to delay should be fixed by the Parliament for whole of the criminal justice system.
 B. Reforms should be introduced only at subordinate levels.
 C. Reforms should be introduced only at the appellate level i.e. Supreme Court and High Court.
 D. All of the above
- 3. The POCSO Act, 2012 confirms the right to free legal aid under Section 40, providing that the child or his/her family shall be entitled to a legal counsel of their choice, and that where they are unable to afford such counsel, they shall be entitled to receive one from the Legal Services Authority. Right to free legal aid is enshrined in which part of the constitution?**
- A. Fundamental Rights of the Constitution (Part 3 of the constitution)
 B. Directive Principles of State Policy (Part 4 of the constitution)
 C. Both Part 3 and Part 4 of the constitution of India
 D. Neither Part 3 nor Part 4 of the constitution of India
- 4. According to the passage the validity of the Fast track courts for the state is?**
- A. Permanent entities citing to the pendency of the cases which is around 1,66,882 cases
 B. Temporary entities subject to further approval
 C. Entities with discretion under the state governments and governor of the state.
 D. Entities with discretion under the central governments and president of India.
- 5. Citing Nirbhaya case the subordinate court completed its proceedings within 8 months, Delhi HC within a span of 6 months and SC nearly 3 years to deliver the verdict. Which of the following statements from the passage suggest laxity of the Supreme Court?**
- A. As per the recent SC annual report, as of June 30, 2018 there were close to 7.5 lakh criminal appeals and criminal revision cases that were pending in HCs.
 B. Daksh's study of the SC cases between January and November 2018 revealed that most number of judgments pertained to criminal matters, with case taking 4.6 years on an average to get disposed.
 C. Hence, it is imperative that focus should be shifted towards all the tiers of the judiciary.
 D. All of the above

Correct Answers:

1	2	3	4	5
C	A	B	B	B

Explanations :

1. The passage mentions in the lines 4- 6 the purpose of the fast track courts is the expedite process of the pending cases referring to crimes against women and children.

So option C is the answer. Other options can be rejected by method of elimination.

2. This is an application question. The delay is at both the levels of judiciary, subordinate as well as appellate level. In such scenario the parliament should make some rules and regulations by passing certain laws so that the working of the courts is improved. The parliament has done so in cases pertaining to commercial deadlocks so such rules can be framed for criminal and civil cases as well.

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

3. Article 39A of the constitution which provides the provision regarding the free legal aid to the poor and needy is contained in part 4 as directive principles of state policies in the constitution. However it makes mandatory obligation for the state to provide free legal aid still it's not a fundamental right.

Therefore option B is the answer.

4. Refer to the lines 11 of the passage where the author mentions that the special courts will be set up for a period of 1 year subject to further approval.

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

5. The lapse in Nirbhaya case pertains to delay in verdicts of SC because the other courts at the subordinate and High court had delivered the verdict in short span of time. So the delay in apex court proceedings is suggested by option B where a study conducted by Daksh study revealed that it takes approximately 4.6 years to deliver justice for a case.

So option B is the answer.

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