

# CLAT 2020 Test Series Plan

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# Legal Reasoning Questions for CLAT Exam

## Legal Reasoning Set 18

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

Article 15(2) stipulates that citizens shall not on grounds only of religion, race, caste, sex, or place of religion, race, caste, sex, or place of birth be denied access to shops, public restaurants, hotels and places of public entertainment. Yet, on occasion, this right, which applies horizontally, *inter se* individuals, comes into conflict with the rights of persons to associate with others, often to the exclusion of certain groups. This is why every time a case of discrimination is brought, the party that discriminates claims that he possesses a liberty to do, that he must be free to act according to his own sense of conscience.

The Supreme Court, in 2005, in *Zoroastrian Cooperative Housing Society vs District Register Co-operative Societies (Urban) and Others*, endorsed one such restrictive bond, when it ruled in favour of a bye-law of a Parsi housing society that prohibited the sale of property to non-Parsis. This right to forbid such a sale, the Court ruled, was intrinsic in the Parsis' fundamental right to associate with each other. But in holding thus, the judgment, as Gautam Bhatia points out in his book, *The Transformative Constitution*, not only conflated the freedom to contract with the constitutional freedom to associate, but also overlooked altogether Article 15(2).

At first blush, Article 15(2) might appear to be somewhat limited in scope. But the word "shops" used in it is meant to be read widely. A study of the Constituent Assembly's debates on the clause's framing shows us that the founders explicitly intended to place restrictions on any economic activity that sought to exclude specific groups. For example, when a person refuses to lease her property to another based on the customer's faith, such a refusal would run directly counter to the guarantee of equality.

An overruling of the verdict in *Zoroastrian Cooperative*, while desirable, is unlikely, however, to serve as a panacea. India is unique among democracies in that a constitutional right to equality is not supported by comprehensive legislation. In South Africa, for example, a constitutional guarantee is augmented by an all-encompassing law which prohibits unfair discrimination not only by the government but also by private organisation and individuals.

[ Extracted from editorial by Suhrith Parthasarathy "The need for an anti-discrimination law " ]

1. According to the passage which of the following feature lacks in Indian Legal System.
  - A. A Constitutional guarantee against discrimination not only by the state but also by private organisation and individuals.
  - B. Constitutional freedom to associate.
  - C. Freedom to contract.
  - D. Right to freedom of speech.

**2. Mr. Sanghvi an owner of real estate refuses to lease the office space for rent to Mr. Adil on pretext of his faith. According to the passage which of the following statement should have placed a sense of remedy for the discrimination of Mr. Adil ?**

- A. A study of the Constituent Assembly's debates on the clause's framing shows us that the founders explicitly intended to place restrictions on any economic activity that sought to exclude specific groups.
- B. India is unique among democracies in that a constitutional right to equality is not supported by comprehensive legislation.
- C. Article 15(2) stipulates that citizens shall not on grounds only of religion, race, caste, sex, or place of religion, race, caste, sex, or place of birth be denied access to shops, public restaurants, hotels and places of public entertainment.
- D. All of the above

**3. What verdict Supreme Court gave in the Zoroastrian Cooperative Housing Society vs District Register Co-operative Societies (Urban) and Others?**

- A. It ruled against the fundamental parsi law of ownership to only Parsi people
- B. It ruled in favour of fundamental law of ownership to only Parsi people
- C. It cited the rule of law of equality in matters of housing rights and distributed the housing society amongst the players.
- D. It referred the matter to a tribunal.

**4. Why the author believes that Article 15(2) has limited scope?**

- A. It covers discrimination against only state and not private entities.
- B. It covers discrimination with respect to access to shops and places of public importance but not respect to religious places.
- C. It has limitation with respect to judicial intervention.
- D. It empowers state to discriminate with others in matters related to women and children.

**5. Why India is unique with respect to other democracies according to the author?**

- A. It lacks set of laws relating to constitutional guarantee of right to equality.
- B. It has the longest written constitution inspired from various constitutions of the world.
- C. It has the unique set of civil and political rights mandate.
- D. All of the above

**Correct Answers:**

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
A	A	B	A	A

## Explanations :

1. The closing lines of the passage clearly mention that Indian legal system lacks legislation related to right against discrimination by private individual and entities.

Therefore option A stands an upright answer. Other options can be rejected.

2. The discrimination of Mr. Adil should have been remedized if the constituent assembly would have added a clause while making the constitution regarding the discrimination by private entities. However they debated on the economic restrictions that sought to exclude specific groups but did not materialize on the issue.

So option A is the better answer amongst the other options.

3. Refer to the lines 12-13 of the passage where the author clearly notifies that the Supreme Court ruled in favour of Parsis prohibiting the ownership to non-Parsi which is completely discriminatory in approach and is against the right to equality on the grounds of religion.

So option B is the answer.

4. Option A and D provide a good answer as they are correct with respect to scope of the Article 15(2). But in context of the passage economic activities must be covered from discrimination under private entities also.

So option A stands as a much better answer. Option B and C can be rejected as they point different context.

5. Refer to the lines 24-25 of the passage where the author clearly mentions that in-spite of having fundamental rights to equality, Indian statute book lacks proper legislations to right against discrimination.

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



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