

CLAT 2020 Test Series Plan

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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 19

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

The pandemic had turned the world on its head. No aspect of life has escaped unscathed. This includes the functioning of courts and tribunals. The judiciary has limited its work to hearing urgent matters via video conferencing. A lot has been written about how this is an opportunity to improve IT infrastructure of courts so that they can move to video conference hearings as the norm. However, any such move without first revamping procedural law would be futile.

In subordinate civil court and High Courts, a significant time of daily proceedings is taken up by cases where only adjournments are sought for procedural matters like filling of replies. Both as a response to this crisis, as well as in the medium term, this system needs to be devised where cases are not listed before the court unless all the documents are filed within strict timelines and every procedural requirement complied with. The existing infrastructure is enough to enable this. Listing can be done before the court only in cases requiring urgent interim intervention from the court, while the matter is pending procedural completion, after verification of urgency by a judicial officer or a judge upon oral or written application.

When courts reopen, apart from fresh cases, only a limited number of cases (say-20-30 a day) which are ripe for arguments can be posted. This can be done with sufficient notice to the Bar Associations that requests for adjournments will be looked at askance. This will ensure that court rooms are not crowded. Circulations of the cases to be listed in advance (say, two weeks before listing) will give advocates enough time to take instructions from clients and prepare for arguments.

The Supreme Court Rules, 2013 should amend provisions pertaining to Special Leave Petitions (SLPs). Article 136 of the Constitution enables people to file a petition seeking leave to appeal a decision of any judicial or quasi-judicial authority. The Supreme Court grants leave to appeal if the petition raises a question of law of general public importance, or if the judgment appealed against is especially perverse, which would require interference from the Court. The provision has been abused over the years to only clog the docket of the Supreme Court. The Supreme Court was never intended to be a court of appeal, barring such appeals which specific statutes provide for. The High Courts are usually meant to be the final courts of appeal. Instead, SLPs are now being treated as the last round of appeal.

Reports show that SLPs comprise about 60-70% of the Supreme Court's docket. Out of this, 80-90 % of SLPs are dismissed, which means only 10-20% of such cases raise important questions of law. This takes up a lot of time of the Court. A simple solution would be to do away with immediate oral hearing of SLPs. The Supreme Court Rules could be amended to provide for a structure of pre-hearing of SLPs. Every SLP must be accompanied by an application for oral hearing which must be decided first by the Court, and that too in chambers. To assist the Court for that, a cadre of judicial research assistants made up of qualified lawyers should be created. The research assistants can go through each SLP and cull out the important questions of law as envisioned in Article 136.

[Extracted from editorial by V. V. Sivakumar and Chitranshul Sinha " A time for reform in courts"]

1. The author suggests what remedy apart from improving IT infrastructure of the courts in order to reduce pendency and delay?

- A. Change in the substantial laws like IPC and Indian Evidence Acts.
- B. Change in the procedural laws like Criminal Procedure Code and Civil Procedure Code.
- C. Change in the hierarchy of the courts.
- D. All of the above

2. Mrs Sharma's lawyer Mr Singh filed a petition in the family court requiring maintenance from her separated husband under section 125 of CrPC. The matter was pertaining to another jurisdiction out of the state and therefore the file was rejected. Which statement from the passage mentions delay caused by such illicit filing of the case.

- A. Both as a response to this crisis, as well as in the medium term, this system needs to be devised where cases are not listed before the court unless all the documents are filed within strict timelines and every procedural requirement complied with.
- B. Article 136 of the Constitution enables people to file a petition seeking leave to appeal a decision of any judicial or quasi-judicial authority.
- C. When courts reopen, apart from fresh cases, only a limited number of cases (say-20-30 a day) which are ripe for arguments can be posted.
- D. In subordinate civil court and High Courts, a significant time of daily proceedings is taken up by cases where only adjournments are sought for procedural matters like filling of replies.

3. hat procedural remedy according to the author should be done regarding listing of the cases so that courtrooms are not crowded?

- A. The cases to be listed must be announced before two weeks so that the lawyers can notify their clients and prepare arguments.
- B. The bar association should be notified in advance so that requests for adjournments do not take place.
- C. Apart from fresh cases only limited number of cases should be taken with due inquiry.
- D. All of the above

4. Mr. Ramu a government teacher was ordered to vacate his job as he did not enroll for advanced teaching course by the school. Mr. Ramu appealed in the high court citing injustice but of no success. What provision Mr. Ramu is entitled to pertaining to the passage?

- A. Mr. Ramu should file a special leave for appeal in the Supreme Court under Article 136 of the constitution citing injustice.
- B. Mr. Ramu should vacate his job and look for another job.
- C. Mr. Ramu should re appeal in the High Court itself.
- D. Mr. Ramu should enroll for the teaching course by the school.

5. The author cites remedies for delays caused by SLPs in the apex court. Which statement/statements from the passage cite those remedies?
- A. The Supreme Court Rules could be amended to provide for a structure of pre-hearing of SLPs.
 - B. The research assistants can go through each SLP and cull out the important questions of law as envisioned in Article 136.
 - C. Every SLP must be accompanied by an application for oral hearing which must be decided first by the Court, and that too in chambers.
 - D. All of the above

Correct Answers:

1	2	3	4	5
B	A	D	A	D



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Explanations :

1. Refer to the line 6 of the passage where the author clearly mentions that the change in the procedural law is required to improve the working of the courts apart from improving IT infrastructure of the courts.

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

2. The author mentions that a procedural delay is caused due to incomplete filings of the case. Mr Singh must have ensured he is filing cases pertaining to his jurisdiction and not outside the purview of the court. Therefore option A is a good suggestion by the author that cases must be scrutinised and documented properly before being put up in the court.

Therefore option A is the answer.

3. Refer to the lines 16-21 of the passage where the author mentions all the remedies so that courtroom procedure is expedited and overcrowding of the courtrooms is avoided.

So option D is a better answer.

4. According to the passage article 136 of the constitution empowers the apex court to review any decision taken by high courts, subordinate courts and even tribunals and grant leave for appeal within a stipulated time if it cites gross injustice or there is a substantial question of law pertaining to public importance.

So option A is the correct answer and the rest option can be rejected.

5. Refer to the closing lines of the passage where the author mentions above statements as the remedies regarding the delay caused by the SLPs and being rejected 80% of the times.

So option D is the correct answer.



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