

CLAT 2020 Test Series Plan

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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 6

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

In their traditional mould, a court adjudicates disputes between parties-and in that context examines the causes brought before them-where there were instances of violation of constitutional rights of the underprivileged .This was extended to apathy in enforcing environmental law. The court took on the task of examining causes. The PIL was born!

With time, the growth of this kind of intervention by the court gave birth to organisations whose objective was to file PILs to champion public causes. As intervention of the courts increased. PILs increasingly became at time a vehicle for “eminent” members of civil society to clothe their point of view in a constitutional garb and seek its enforcement as enforcement of pseudo-constitutional rights. Undeterred by the consequences of monumental failures of court monitored investigations such as the Jain Hawala case and the 2G case, petitions continue to be filled seeking court monitored investigations into all and sundry.

Left leaning economic philosophies which have been abandoned in their country of origin, and whose protagonists have lost at the hustings, are attempted to be fed into the system through judicial edict. Whether it be privatisation or nuclear power generation, creation of new highways, new ports or new airports- the court is asked to step in and prevent the elected executive from implementing its policies.

2009-2014 saw a dramatic rise in such PILs – as governance shrank, the remit of the court’s power seemed to grow, for nature abhors a vacuum. This intrusive jurisdiction had, at some point, to be tempered. The need for a course correction was apparent to those who dispassionately examined the working of the institution .And that is what has happened.

Justice is not a cloistered virtue, and the judgements of the court must be open to public debate. Criticising the judges and condemning the institution by ascribing motives to the judges and accusing them of lack of intellectual integrity is quite another matter. The Jain Hawala case judgements and the 2G judgements have exposed the dangers of court monitored investigations, where reputations are destroyed and businesses laid waste, only to end in mass acquittals. The coal allocation judgment and the Goa mining judgement have generously contributed to bringing down the GDP. Yet any suggestion that the judges, who dealt with those cases, acted out of anything other than the highest of motives is preposterous.

[Extracted from editorial by Harish Salve “Rise and Fall of PIL”]



Questions :

1. According to the passage the growth of the PILs(Public Interest Litigation) can be attributed to

- A. Creation of organisations which strive on filing of cases concerning public causes
- B. Fostering of the turmoil of economic indicators
- C. Initiation of court monitored investigations against business entities like PSUs for unscrupulous business practice.
- D. Empathic attitude of court as it is the sole protector of underprivileged and constitutional rights of the people.

2. According to the author which statement best expresses the main point of the passage

- A. Courts have been used as a tool to temper with images of the businesses and disrupt businesses.
- B. Organisations under the garb of constitutional rights use PIL to champion their causes
- C. Judicial intervention is necessary so that executive can be obstructed to implement its policies.
- D. Judges taking up the matter of PILs must be blamed for loss of businesses

3. According to the passage which statement expresses that PILs and court intervention has led to loss of businesses.

- A. The coal allocation judgment and the Goa mining judgement have generously contributed to bringing down the GDP.
- B. Whether it be privatisation or nuclear power generation, creation of new highways, new ports or new airports- the court is asked to step in and prevent the elected executive from implementing its policies.
- C. Undeterred by the consequences of monumental failures of court monitored investigations such as the Jain Hawala case and the 2G case, petitions continue to be filled seeking court monitored investigations into all and sundry.
- D. None of the above

4. PIL(Public Interest Litigation) means that even people who are not directly party to a case can bring the matters of public interest to the court. A rival group manufacturing asbestos substitutes files a petition in the court against asbestos making industrial unit outside city on the ground of hazardous material. What action will be appropriate?

- A. The court should dismiss the petition and fine the party as it is just the misuse of PIL and the intent of the party is to tarnish the image of other rival business.
- B. The court should adjudicate the matter to higher courts.
- C. The court should rule in favour of the party since asbestos is dangerous.
- D. No action

5. According to the author the actions taken by the judges in the PIL cases are

- A. Constitutionally correct and should not be open to public debate
- B. Indifferent actions overlooking the underprivileged
- C. Unnecessary actions citing economic losses and result into tarnishing images of the business.
- D. Pure and sacrosanct and the motive behind them is pure constitutional.

Correct Answers:

1	2	3	4	5
D	A	A	A	D



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The Question Bank



Explanations :

1. Looking at the opening lines of the passage the author mentions about the advent of the PIL (Public interest litigation). In order to protect the interest of underprivileged and vulnerable people in the society PIL were born out of empathy from the court. It is to be noted that court is the sole protector of the constitution and the values and fundamental rights are guaranteed by the court.

So option D provides the better answer. Other options can be rejected as they are either out of context of the reasoning or do not imply growth of PIL.

2. Refer to the lines 22-24 in the passage .The author explains about how PILs were being used as a tool to temper with economic institutions and businesses which were meant to protect the interests of underprivileged. He cites the examples of Jain Hawala case and 2G case to prove his point. These cases led to mass acquittals and nobody could be blamed resulting in loss of time and reputation of the business. So clearly option A is the correct answer. Option C is also a close answer but more or less there is no strength in the argument to be the main point of the passage. Why executives be obstructed even in good faith will be the question unanswerable. Option B is just the opening sentence of the passage and option D is debatable as mentioned by the author.

So option A is the answer.

3. Option A proves the point that court intervention has led to loss of reputation and GDP (gross domestic product) for businesses.

So option A is the correct answer, other options can simply be ignored.

4. There is no point of hazards of asbestos manufacturing unit outside the city. And moreover the intent of the rival group which manufactures asbestos substitutes can be viewed as to tarnish the image of other business. Clearly there has been misuse of the PIL by other rival business.

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

5. Throughout the passage the author explained the role of the court as the sole protector of the constitution and the people rights, so the question of undue motive is out of context with respect of the scope of the passage. Option A confuses as the opening words suggest same thing as above but then it says public debate should not be allowed as in the lines 24-25 the author says judgements are not cloistered virtues and they should be subjected to debate. So clearly option A is conflicted .Similarly option B and C are out of context of the passage.

So clearly option D which satisfies all the constraints is the answer.

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