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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 7

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

As early as the 19th century, Raja Rammohan Roy protested against the curtailing of the press and argued that a state must be responsive to individuals and make available to them the means by which they may safely communicate their views. This claim is of equal relevance today.

The commitment to civil liberty flows directly from the manner in which the state treats dissent. A state committed to the rule of law ensures that the state apparatus is not employed to curb legitimate and peaceful protest but to create spaces conducive for deliberation. Within the bounds of law, liberal democracies ensure that their citizens enjoy the right to express their views in every conceivable manner, including the right to protest and express dissent against prevailing laws.

The blanket labelling of such dissent as 'anti-national' or 'anti-democratic' strikes at the heart of our commitment to the protection of constitutional values and the promotion of a deliberative democracy. Protecting dissent is but a reminder that while democratically elected governments offer us a legitimate tool for development and social coordination, they can never claim a monopoly over the values and identities that define our plural society. The employment of state machinery to curb dissent, instils fear and creates a chilling atmosphere on free speech which violates the rule of law and detracts from the constitutional vision of a pluralist society.

The destruction of spaces for questions and dissent destroys the basis of all growth-political, economic, cultural and social. In this sense, dissent is the safety valve of democracy. The silencing of dissent and the generation of fear in the minds of people go beyond the violation of personal liberty and a commitment of constitutional values-it strikes at the heart of a dialogue-based democratic society which accords to every individual equal respect and consideration.

A commitment to pluralism requires positive action in the form of social arrangements where the goal is "to incorporate difference, coexist with it, allow it a share of social space". There is thus a positive obligation on the state to ensure the deployment of its machinery to protect the freedom of expression within the bounds of law, and dismantle any attempt by individuals or other actors to instil fear of chill free speech. This includes not just protecting free speech, but actively welcoming and encouraging it. The great threat to pluralism is the suppression of difference and the silencing of popular and unpopular voices offering alternate or opposing views. Suppression of intellect is the suppression of the conscience of the nation.

[Extracted from editorial by Dhananjaya Y Chandrachud "What Binds India Together"]



1. According to the passage dissent is the safety valve of the democracy because

- A. Freedom of speech and expression is guaranteed in the constitution of the country
- B. It provides a safety valve against State which has the power to use law and order machinery to curb democratic views
- C. Diverse and plural society may have different opinions and conflict approach to social problems.
- D. Pseudo democratic values are not so democratic in approach

2. According to the passage dissent is being blanket labelled as

- A. Anti-national
- B. Anti-democratic
- C. Both anti-national and anti-democratic
- D. Neither anti-national nor anti-democratic

3. If a terrorist organisation operating in Kashmir issues an editorial "Gazwa-a-Hind" which promotes anti-national feelings and misleads the youth of the country to join their organisation. What actions state should take

- A. Allow the editorial to be published because freedom of press and pre-censorship as guaranteed by the constitution through Article 19 legitimizing freedom of speech and expression, opinion or belief.
- B. Use the law and order apparatus to curb the publishing of such editorial which promotes anti-national feelings on account of reasonable restrictions on the grounds of sovereignty and integrity of India.
- C. State should take it positively and instead issue its own editorial encouraging the youth to refrain from such organisations .
- D. No action

4. According to the author what is the greatest threat to pluralism

- A. Suppression of ideas , intellect and free speech
- B. Suppression of difference and silencing people's voice with alternate views
- C. Suppression of conscience of the state
- D. None of the above

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

The courts sometime "ring the bell" to attract the attention of the government towards issues forgotten or overlooked. The Indian judiciary has relaxed the rigour of the "locus standi" limitations and at the same time given an expansive meaning to constitutional freedoms, which is remarkable. But these measures have had two consequences.

First, it has widened judicial reach beyond its traditional self-imposed boundaries. There have been moments of overreach which need to be recognised for the sake of judiciary's credibility. Second, it has given rise to formation of special interest groups who frequently use the courts to push their own agenda.

Social scientist Mancur Olson has cautioned that such groups often lobby for benefits the costs of which were borne by society generally. The late Harold Laski took it for granted that “associations” exist to fulfil purposes of their members. There is nothing inherently objectionable about the formation of such groups. Using the courts to further a socio-political agenda by giving it as constitutional hue is where this system runs awry.

The contribution of public interest litigation in vindicating constitutional rights of those who have no voice, has been seminal. But it would be perilous to turn a blind eyes to the tendency of special groups to try to impose their policies and perspectives upon elected governments, by using broad constitutional principles to persuade courts to override the elected executive.

[Extracted from editorial “Corona and the Courts” by Harish Salve]

5. According to the passage “locus standi” is

- A. Friend of the court
- B. A person who is directly attached to the case in question
- C. Ability of a party to demonstrate to the court sufficient connection to and harm from the law or action challenged to support that party’s participation in the case.
- D. Standing anytime anywhere in the court

6. Imagine a situation where Mr. Ramesh is playing cards with Mr Mahesh in Mr. Ram’s restaurant. Police raids the restaurant on the pretext of illegal gambling. According to the definition of “locus standi” who amongst the choices are party to the case

- A. Police, Ram, Ramesh and Mahesh
- B. Police, Ramesh and Mahesh
- C. Ramesh, Mahesh and Ram
- D. Police, Ram, Ramesh, Mahesh and other people present in the restaurant.

7. According to the passage the relaxation of “locus standi” by the courts has led to

- A. Growth of institutions whose job is to file the PILs for public causes and push the courts for their own agenda.
- B. It has widened the approach of the court which questions its credibility somehow.
- C. It has given expansive meaning to the constitutional freedoms
- D. All of the above

8. According to the passage Harold Laski cautions

- A. The courts should not be used to adjudicate on socio-political agenda which is out of the scope of constitution.
- B. Special interest groups should function for its members
- C. Courts should not interfere in the matters of elected executives
- D. Special interest groups sometime lobby for benefit, the cost of which are born by society.

**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 2 Questions]**

A new BIS Act, 2016 has been brought into force with effect from 12th October, 2017. The Act establishes the Bureau of Indian Standards (BIS) as the National Standards Body of India. The Act empowers the government to implement mandatory hallmarking of precious metal articles such as Gold and Silver.

BIS can also order compensation to the consumers in case goods and services do not conform to the standards.

[Extracted from current affairs by Drishti publication]

9. Mr Ram owns an online jewellery store. BIS and mandatory hallmarking will provide

- A. Trustness to the customers of Mr. Ram
- B. Quality assurance of the articles received
- C. Will be a boost for Mr. Rams business since he sells online
- D. All of the above

10. A BIS hallmarked product will help in

- A. Curbing the counterfeiting of the products
- B. Proper servicing of the products
- C. Correct pricing of the products
- D. All of the above

Correct Answers:

1	2	3	4	5	6	7	8	9	10
B	C	B	B	C	D	D	A	D	A

Explanations :

1. Critical examination of the passage infers that dissent against prevailing laws is a constitutional right according to the author. A deliberate democratic country allows the people of the country to disopinion with the government [dissent] on particular law. Keeping this concept and approach option A is tautologous to the statement in question. Dissent provides safety valve because dissent checks government of its actions which may not be in the interest of a lot of people. So B is a convincing answer. Now option C is also a type of circular reasoning or tautology. Similarly option D doesn't prove any point.

So option B is the answer.

2. Refer to the lines 11-12 of the passage the author cautions that dissent is being labelled as antinational and antidemocratic which is striking the very basic principles of democracy.

So clearly option C will be the answer.

3. Indeed freedom of press and pre-censorship by a newspaper is guaranteed by the constitution still there are reasonable exceptions to right on the grounds of sovereignty and integrity of India.

So option B is correct answer.

4. According to the passage refer to the lines 33-34 where author mentions about the threat to pluralism is suppression of popular and unpopular voices having different views.

Therefore option B is the correct answer. Other options can be rejected.

5. Legal maxim "locus standi "refers to the right or ability of the person which can provide sufficient evidence that he or she is party to the case.

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

6. According to the definition of the locus standi the people who are somehow directly or indirectly connected with the case are in the purview of locus standi.

When police would have raided the restaurant the people present in the restaurant all are party to the case so option D will be the right answer. All other options are partially correct.

7. It is implicit in the passage that with the relaxation of “locus standi” and allowing special interest groups to intervene in public related matters has widened the approach of constitutional freedom. Similarly in the lines 5-8 author has enshrined that it has widened court’s reach which poses danger to its credibility. The former is a positive approach and the other two reasons mentioned in the passage are negative in approach. But the answer will be the club of the statements.

So option D is the answer.

8. Refer to the lines 12-13 of the passage .Clearly the warning message can be inferred by Harold Laski that socio-political agenda extended in the courts is harmful for the system.

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

9. BIS standards will provide mandatory hallmarking of the articles which will not only boost the trustness of the customers but will assure quality to the customers which eventually will boost the business of Mr. Ram.

So option D will be the answer.

10. The motive behind hallmarking is implicit regarding quality control and moreover will prevent in the counterfeiting of the products.

So option A is the correct answer. Other options do not conform to the hallmarking related obligation therefore can be rejected.



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