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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 8

**Directions: Study the following information carefully and answer the questions given beside.
[A Set of 3 Questions]**

Add the horror stories of quarantine centres, and people fleeing from them. Michel Foucault's seminal 'Madness and Civilisation' showed that the stigma against that disease evolved from the fear of confinement, till then the SOP for dealing with the mentally ill. It will be burgeoned by our newest discrimination. WHO has warned of mass anxiety disorders. Suicide traumatises the family, stigma twists the knife deeper.

Our flight instinct is booted as much by fear of infection, an evolved reaction called 'parasitic avoidance'. The person with the home quarantine stamp becomes the legatee of the 'leper' of yore forced to ring a warning bell and cry, 'Unclean ! Unclean!'

Stigma is rooted in power. The Church once made a sacrament of it; the State still perpetuates it. Soumitra Pathare, director of Pune's Centre for Mental Health Law & Policy, points to the Hindu Marriage Act which has dropped epilepsy and leprosy as grounds for divorce but retained mental illness." To get at stigma, we should first focus on discrimination, which is visible, observable, measureable and regulatable. The Delhi high court did pull up the Delhi Judicial Service for refusing a candidate who had applied under the 'disabilities ' saying 'mental ' didn't count. Tamil Nadu arrested the bakery owner who refused to employ a Muslim. Police can do the same with those barring or attacking those battling Covid".

[Extracted from editorial by Bachi karkaria "Stigma Mutates Swiftly"]

- 1. Ram marries Sita. After a few years he realises that Sita is epileptic and experiences frequent seizures. What action Ram can take**
 - A. File a divorce under Hindu Marriage Act on the ground of Sita being sick of the disease.
 - B. Ram cant file a divorce under Hindu Marriage Act as epilepsy has been dropped as a ground for divorce
 - C. Ram can file divorce on pretext of mental illness of Sita under the Hindu Marriage Act.
 - D. Ram should file a divorce with mutual consent with Sita.

- 2. According to the passage Delhi High Court questioned Delhi judicial services on application of a candidate under disability clause because**
 - A. Delhi Judicial Service doesn't allow 'mental illness' as a disability for applying the job
 - B. Delhi Judicial Service discriminates candidates which is violation of right against discrimination.
 - C. Delhi Judicial Service was not aware of the rules and regulation regarding disability.
 - D. None of the above

3. The Tamil Nadu police arrested the bakery owner who refused to employ a Muslim. Which of the following contention supports the cause

- A. Article 15 states that State should not discriminate against any person of any caste, religion, place of birth or sex
- B. Article 15 provisions that no person can be discriminated by any private entity regarding disability, liability and restriction on the grounds of caste, religion, place of birth or sex
- C. Article 16 provides for equality of opportunity for all citizens in matters of employment or appointment to any office under the State. No citizen can be discriminated against or be ineligible for any employment or office under the State on grounds of only religion, race, caste, sex, descent, place of birth or residence.
- D. All of the above

Directions: Study the following information carefully and answer the questions given beside.
[A Set of 3 Questions]

In the freedom of its media India, like many countries, falls somewhere in between the US and the China. India is not an authoritarian country, but it is increasingly a democracy with quasi-authoritarian characteristics. The prime minister hands down pronouncements from up high. No reporter dares to interrogate him the way their American counterparts grill President Donald Trump almost every day. If you point out weaknesses in India's fight against the virus-for instance, relatively sparse testing-a social media lynch mob immediately descends upon you.

For those who believe the current situation demands more of the police-man's stick, the reporter's pen is part of the problem. They expect journalists to act as cheerleaders for the government, taking each claimed success in the fight against the virus at face value, posing no awkward questions, keeping public morale high by downplaying gloomy prognoses. In this view, the media's role is not to question the government, but to work shoulder to shoulder with it at a time of crisis.

That the idea of the media as a lapdog rather than a watchdog would appeal to those in power should come as no surprise. But in these uncertain times this appears to appeal to many ordinary Indians as well. In the public imagination, journalism as a profession seems to have lost much of its moral sheen. As politics becomes more tribal, the temptation to shut down critics rather than engage with them grows stronger.

[Extracted from editorial by Sadanand Dhume " Coronavirus and The Media"

4. Which of the following statements best expresses the main point of the passage.

- A. Media should refrain from being the lapdog of the government rather should act as a watchdog of the government.
- B. Journalism has lost its moral sheen because it is not portraying the current scenario honestly.
- C. Media's role should be to work shoulder to shoulder with government in the time of crisis than to point out mistakes of the government.
- D. Media is the mirror to government policies and society atlarge.

5. Reporting and analysis of the key government policies and actions can be classified as

- A. Media trial
- B. Watchdog reporting
- C. Lapdog reporting
- D. Media lynching

6. Mr Khandelwal is accused of murder of his colleague. Media shuns his image in the Television to increase its TRP. Later court acquitts Mr. Khandelwal of any charges. What actions Mr. Khandelwal can take against the media house.

- A. Mr Khadelwal should approach court and file defamation
- B. Mr Khandelwal cannot approach against the media house because freedom of speech is guaranteed by the constitution.
- C. Mr khandelwal should not take action
- D. Mr.Khandelwal should seek public apology from the media house.

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

The union cabinet on 4th April 2018 has given its approval to the Protection of Human Rights (Amendment) Bill, 2018 for better protection and promotion of human rights in the country. It proposes to include “National Commission for Protection of Child Rights” as deemed Member of the Commission. It proposes to add a woman Member in the composition of the commission.

The amendment will strengthen the Human Rights Institutions of India further for effective discharge of their mandates, roles and responsibilities .Amended Act will be in perfect sync with the agreed global standards and benchmarks towards ensuring the rights relating to life, liberty, equality and dignity of the individual in the country.

The amendment to the Protection of Human Rights act, 1993 will make National Human Rights Commission (NHRC) and State Human Rights Commission (SHRC) more compliant with the Paris Principle concerning its autonomy, independence ,pluralism and wide-ranging functions in order to effectively protect and promote human rights.

[Extracted from current affairs by Drishti publication]

7. Mr. Anil employs a child of 10 years in his chemical factory. According to the passage a complainant should approach

- A. Only Police
- B. Only NHRC
- C. Only national commission for protection of child rights
- D. Police and NHRC because commission for protection of child rights is embedded into NHRC after the amendment.

8. If a person is allegedly been held in the police station and beaten up, which institution will of help to his or his near or dear ones

- A. Police Station
- B. Session Court
- C. NHRC
- D. All of the above

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

The Union Cabinet on 28th March 2018 has approved certain official amendments to the NMC (National medical commission) Bill .Major amendments are : Final MBBS Examination to be held as a common exam across the country and would serve as an exit called the National Exit Test. The provision dealing with bridge course for AYUSH practitioners to practice modern medicine to a limited extent has also been removed. It has been left to the State Governments to take necessary measures for addressing and promoting primary health care in rural areas.

The maximum limit of 40% seats for which fee would be regulated in private medical institutions and deemed universities has been increased to 50% seats. The nominee of States and Uts in the NMC have been increased from 3 to 6 .The NMC will comprise of 25 members of which at least 21 will be doctors.

The punishment for any unauthorised practice of medicine has been made severe by including a provision for imprisonment of up to one year along with a fine extending up to 5 lakhs rupees.

[Extracted from current affairs by Drishti publication]

9. According to the passage provision for bridge course(6 months) for Ayush practitioners to practice modern medicine to a limited extent has been removed in the new NMC bill. Had this been allowed then this will lead to

- A. Quackery because people with 6 months of experience will handle patients on the same footing as a regular doctor with a MBBS degree.
- B. Deterioration in the quality of medical services.
- C. Over utilization of Ayush system
- D. All of the above

10. The government has proposed for National Exit Test (Medical Examination) for the purpose that

- A. Graduates of the above exam be more sophisticated and knowledgeable
- B. It will serve as a screening test for post graduate examination
- C. It will streamline the uniformity in exam pattern and required mandatory skill for efficient doctors
- D. All of the above

Correct Answers:

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



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Explanations :

1. According to the passage epilepsy is not a ground for filing divorce under Hindu Marriage Act so Ram can't file divorce with Sita on pretext of epilepsy.

Therefore option B is correct. Other option can be rejected outright.

2. According to the lines 14-15 of the passage the Delhi Judicial Service pulled up Delhi judicial service for denial of the application of the candidate on the basis of mental illness as a disability.

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

3. The police arrested the bakery owner because he discriminated against a person on the basis of religion. Looking closely at the options the clause mentioned in option B of article 15 of the constitution covers discrimination against private entity as well as state on the above mentioned grounds.

So option B will be the answer. Other options cover only the state and not private entity so they can be rejected.

4. According to the passage the author has been critical of the view about media and journalist, who have been portraying only good images of the government instead they should show the critical analysis of the actions of the government. Clearly option a) explains the whole summary of the passage. Media should act as watchdog of the government. So that proper actions be taken by the government and people also form correct image of the society at large.

So option A fits to above explanation.

5. The role of media on critical issues like government policies will foster the environment of watchdog reporting. Interviewing and grilling of government official will check the arbitrary actions of the government.

So option B is the right answer.

6. Media trial is quite vague in its approach .It tries to blow away the image of the accused and sensationalize the whole issue so that TRP of its network goes up. This is coming at the cost of other's loss like for Mr. Khandelwal who was wrongly framed and later acquitted by the court. So for his loss of reputation he should approach court and seek remittances like public apology and financial losses. Option A will be a better option for Mr. Khandelwal.

So option A is the answer.

7. Employing a child in chemical factory is criminal offence. So the complainant has the right to inform the local police station as well as complain in the NHRC which also will take up the matter as child rights commission is embedded in NHRC after amendment.

So the correct answer is option D.

8. Illegal detention is gross violation of human right. NHRC is tailored to protect the violation of the citizen rights against unlawful police actions .So one should approach NHRC in such situation.

Option C is the answer.

9. According to the passage the government gave away the idea of bridge course perhaps to maintain the quality of the medical services in pan India leaving it to the state governments to develop a model for health infrastructure for rural India. As far as the question of doing away with bridge course all the options cited away are genuine reasons behind the amendment of the bill.

Therefore option D is correct.

10. All the options above support the contention behind introduction of National Exit Test through proposed legislation. It will bring in the uniformity required in the health care system specially doctors in India.

Hence, option D is the answer.

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