BLOGS

# Sample Legal Reasoning Questions for CLAT 2024

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**Questions 1-5: Answer based on the following passage.**

As the sentinel of citizens' constitutional statutory rights, the judiciary plays an important role in the constitutional scheme. It can review legislation and administrative actions or decisions on the anvil of constitutional law For the enforcement of fundamental rights, one can approach the Supreme Court or the High Courts directly by invoking the writ jurisdiction of these courts.

But the high cost and complicated procedure involved in litigation, however, make equal access to jurisdiction in mere slogan in respect of millions of destitute and underprivileged masses stricken by poverty, illiteracy, and ignorance. The Supreme Court of India pioneered the Public Interest Litigation (PIL), thereby opening the portals of the courts to the common man.

Till the 1960s and seventies, the concept of litigation in India was still in its rudimentary form and was seen as a private pursuit for the vindication of private vested interests. Litigation in those days consisted mainly of some action initiated and continued by certain individuals, usually addressing their own grievances or problems. Thus, the initiation and continuance of Litigation was the prerogative of the injured person or the aggrieved party. Even this was greatly limited by the resources available to those individuals. There were very little organized efforts or Attempts to address broader issues that affected specific consumer groups or the general public at large.

However, this entire scenario changed during the Eighties with the Supreme Court of India led the concept of public interest litigation (PIL). The Supreme Court of India gave all individuals in the country and the newly formed consumer groups or social action groups, easier access to the law and introduced a broad public interest perspective into their work.

In 1981 Justice P. N. Bhagwati in S. P. Gupta v. Union of India, firmly established the Validity of the Public interest litigation as follows, "where a legal wrong or a legal injury is caused to a

person or to a determinate class of persons by reason of a violation of the constitutional or legal right of any burden is imposed and such person or economically disadvantaged position unable to approach the Court for relief, any member of public can maintain an application for an appropriate direction, order, or writ in the courts to seek judicial redress. Since then, through its Through various rulings, the Supreme Court has evolved rules related to the PIL.

Through the concept of PIL, the traditional rule of “Locus Standi” that a person, whose right is The Supreme Court has made it so that anyone whose rights have been violated can file a petition. Now, the Court permits Public Interest Litigation at the instance of the so-called “public-spirited citizens” for the enforcement of constitutional and legal rights. Public interest litigation can be Only in cases where the “public interest” is at stake should a complaint be filed. Because if only one person is affected, then that is not a ground for filing a PIL. Any Indian citizen or organisation can move the court for a public interest/cause by filing a petition:

- In the Supreme Court under Article 32 of the Constitution of India.
- In the High Court under Article 226 of the Indian Constitution.
- In a Magistrate’s Court under Section 133 of the Code of Criminal Procedure.

The Supreme Court has also acted on the basis of letters received from aggrieved persons, journalists, lawyers, social workers, and even on the basis of newspaper reports.

**1. Vishakha, a poor uneducated woman, wanted to work which few people in her village did not like. They did not want a woman to engage in any kind of job. However, Vishakha knew her fundamental rights and she wanted to move the Court for the enforcement of fundamental rights of working women under Articles 14, 19(1)(g) (the right to practice one’s profession, etc.) and 21. What should have Vishakha done in order to approach the top Court?**

a. Vishakha can only move the High Court by invoking the writ jurisdiction of the courts.
b. Vishakha can only move the Supreme Court by invoking the Writ Jurisdiction of the courts.
c. Vishakha could approach an NGO to file a public interest litigation on her behalf.
d. Vishakha should file a criminal intimidation case in any court.

**2. X, a person of village Y, filed a PIL in the court. Which of the following situations could have made him file the PIL?**

a. Where some “Banquet Hall” plays loud music in the daytime.
b. A company with over a hundred employees who work in a coal mine
c. Where a large MNC is operating a factory, which is causing huge air pollution in the village and affecting the health of the people.
d. Person X having a bitter dispute with person Z who does not seem to agree with his opinions.

**3. The Haryana Provision disqualified “a person having more than two living children” from holding specified offices in panchayats. The objective of this two-child norm was to popularize family planning. However, a PIL was filed in the Supreme Court challenging the decision of the Haryana government Which of the following provides the most suitable ground upon which the PIL would have been filed?**

a. They considered it to be a violation of their right to gender equality which is already an issue in Haryana.
b. They considered it to be an important law that would popularize family planning.
c. They considered it to be a coercive law that disqualified persons having more than two living children after a certain date from holding certain public offices in the panchayat.
d. Because it affected one local man because he had more than two living children.

**4. Kunal is a social worker who is working for increasing education awareness among the people of the village. The village has a custom of child labor. Kunal approaches multiple authorities regarding this, but none helped him. He decides to file a PIL in the High Court. Will Will his PIL be accepted in the High Court?**

a. No, as he can only file a PIL in the Supreme Court under Article 32 of the Constitution.
b. No, because he is not the parent or even a relative of the aggrieved children.
c. Yes, because anyone can file a PIL on anyone’s behalf in any level of court in India.
d. Yes, because he is a social worker and social workers have special rights when it comes to filing PILs.

**5. Parmanand Katara, a human rights activist, filed a writ petition in the Supreme Court. His basis was a newspaper report concerning the death of a scooterist after an accident with a speeding car. Doctors refused to attend to him. They directed him to another hospital around 20 km away that could handle medicolegal cases. The activist wanted**

**this system to change as it ends up taking the lives of many people. Will his petition be accepted in the Supreme Court?**

a. No, as his petition was based on a newspaper report.
b. Yes, as any person can file a PIL where any "public interest" is at stake.
c. No, as it was an incident that concerned doctors and police and there was no role for the court to play in it.
d. Yes, because it had risked the life of the scooterist.

**Answers**

**1. (c)**

**Rationale:** The first paragraph mentions that: "for the enforcement of fundamental rights, one has to move the Supreme Court or the High Courts directly by invoking Writ Jurisdiction of these courts. But the high cost and complicated procedure involved in litigation, however, make equal access to jurisdiction in mere slogan in respect of millions of destitute and underprivileged masses stricken by poverty, illiteracy, and ignorance."

As the process is complicated and expensive, Vishakha being a poor uneducated woman cannot go with these methods. Also, she can move any Court to invoke writ jurisdiction; it is not limited to only the Supreme Court or High court. Thus, options A and B are incorrect.

The passage does not mention any criminal intimidation procedure nor it is mentioned that she was criminally intimidated hence D is incorrect. The best option in this scenario for her is to approach an NGO to file a PIL on her behalf for enforcement of her fundamental rights.
It is mentioned in the third paragraph that "…and such a person or economically disadvantaged position unable to approach the Court for relief, any member of the public can maintain an application for an appropriate direction, order or writ in the Courts. Option C is the correct answer.

**2. (c)**

**Rationale:** It is mentioned in the passage that "Public interest litigation can be filed only in the case where any "public interest" is affected at large. Because if only one person is affecting then that is not a ground for filing PIL". So this eliminates option D.

Option B is also eliminated because no 'public interest' is being affected at large. One might assume the conditions of those people to be very poor because of working in the mine but it is legal. People do odd jobs to survive. You do not have to assume any outside knowledge in such questions.

A is eliminated; it is common knowledge that playing loud music at night is banned; halls can do it in the daytime. Option C is the correct answer as it presents the best scenario under which a PIL can be filed. The health of the village at large is being affected.

**3. (c)**

**Rationale:** The statement in option C presents a scenario where the interest of a large number of people are being affected due to the decision of the Haryana government and it is also mentioned that they found out the law to be coercive. It is mentioned in the passage that "if only one person is affected then that is not a ground for filing PIL", hence option D is eliminated.

There is no issue of 'gender inequality' in disallowing people with more than two living children from holding offices hence A is eliminated. Option B presents a scenario where people are in agreement with the law. Option C is the correct answer.

**4. (c)**

**Rationale:** It is mentioned at the end of the passage that "the Court has also taken action on the basis of letters received from aggrieved persons, journalists, lawyers and Social workers and even on the basis of newspaper reports.' And it is also mentioned that a person can approach Supreme Court, High Court or even Court of Magistrate under different sections for filing PILs. This eliminates options A and B and makes option C the correct answer. Option D is incorrect as the passage does not make any mention of social workers being given special rights.

**5. (b)**

**Rationale:** It is clearly mentioned in the passage that "the Supreme Court has also taken action on the basis of letters received from aggrieved persons, journalists, lawyers and Social workers and even on the basis of newspaper reports". The passage also mentions that any person can file a PIL where any "public interest" is affecting at large. This eliminates options A and C. Option D is

also incorrect as solely this cannot be the reason for the PIL being accepted. Option B is the correct answer.

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