BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 2]

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Passage 1 (P.1)

The Kesavananda Bharati judgment, delivered on 24 April 1973, is a landmark judgment of the Supreme Court of India. The case was filed by Sri Kesavananda Bharati, the head of a Hindu religious mutt in Kerala, challenging the constitutional validity of the 24th, 25th and 29th Amendments to the Indian Constitution, which sought to curtail the powers of the judiciary and the fundamental rights of citizens. The Kesavananda Bharati case was heard by a bench of 13 judges of the Supreme Court of India, making it one of the largest benches in Indian legal history. The bench comprised of Chief Justice S. M. Sikri, Justice J.M.Shelat, Justice K.S. Hegde, Justice A.N.Grover, Justices A.N. Ray, Justice P. Jaganmohan Reddy, Justice D.G. Palekar, Justice H.R. Khanna, Justice K.K. Mathew, Justice M.H. Beg, Justice S.N. Dwivedi, Justice A.K. Mukherjee and Justice Y.V. Chandrachud. The bench was set up to hear the case as it involved important constitutional questions regarding the powers of the Parliament to amend the Constitution. The bench took six months to hear the arguments and deliver the final judgment. The Supreme Court, in a historic 7:6 majority decision, propounded the basic structure doctrine of the Constitution, which holds that certain fundamental features of the Constitution, such as democracy, secularism, federalism, and the rule of law, cannot be amended by parliament. The court also held that the power of judicial review is an integral part of the basic structure of the Constitution, and cannot be taken away by Parliament through constitutional amendments. The significance of the Kesavananda Bharati case lies in the fact that it established the doctrine of basic structure of the Indian Constitution. The basic structure doctrine holds that certain fundamental features of the Constitution, such as the supremacy of the Constitution, the rule of law, and the independence of the judiciary, cannot be amended or abrogated by the Parliament through a constitutional amendment. This doctrine has served as a check on the power of the Parliament to amend the Constitution and has ensured that the Constitution remains a living document that is responsive to changing times while preserving its fundamental values and principles. The Kesavananda Bharati

case has thus had far-reaching consequences for the constitutional development of India, making it one of the most significant cases in Indian constitutional law.

Questions (Passage 1)

1. Parliament passes a constitutional amendment removing the power of courts to review the validity of constitutional amendments. Applying the principle given in the passage , what would be a correct legal position?

a. The amendment would be valid as parliament has the power to do so
b. The amendment would be valid if passed by special majority in the parliament
c. The amendment would be invalid because judicial review falls under basic structure of the constitution
d. The amendment would be invalid because because no majority has been proved

2. Parliament claims that since the Constitution is a living document, it can amend any provision without limitation. Which of the following options is in accordance with the doctrine held in the passage given?

a. The parliament has absolute amending powers
b. The constitution cannot be amended by the parliament unless national security is concerned
c. Only judiciary has the right to amend the constitution
d. Parliament can amend the constitution but not the basic structure

3. The Kesavananda Bharati case was decided by a bench of?

a. 9 judge bench
b. 11 judge bench
c. 13 judge bench
d. 15 judge bench

4. An amendment is brought in country X which replaces elected State governments with centrally appointed officers for an indefinite period. Apply the principle given in the passage and answer which of the following is correct?

a. Amendment is valid if it is done with the consent of the masses
b. Amendment is invalid as federalism is a basic structure of the constitution
c. Amendment is valid as there is no violation of fundamental rights

d. Amendment is invalid as parliament cannot interfere with the working of state government

5. Which of the following was not directly challenged in the Kesavananda Bharati case?

a. 42nd Constitutional Amendment

b. 24th Constitutional Amendment

c. 25th Constitutional Amendment

d. 29th Constitutional Amendment

Passage 2 (P.2)

Ms. Shayara Bano and her husband, Mr. Rizwan Ahmed, got married in April 2002 in Uttar Pradesh. Ms. Bano claimed that her husband 'compelled' her family to give dowry for the marriage. She stated that her husband and his family drugged, abused, and eventually abandoned her while she was sick when her family could not provide additional dowry. In October 2015 Mr. Ahmed divorced Ms. Bano through the practice of talaq-e-biddat, also known as instantaneous triple talaq. Talaq-e-biddat is a religious practice that allows a man to divorce his wife instantly by saying the word 'talaq' thrice. The practice does not require the wife's consent. Ms. Bano filed a writ petition at the Supreme Court in February 2016 challenging the constitutionality of talaq-e-biddat, polygamy, and nikah-halala. Polygamy as an Islamic religious practice allows men to marry more than one woman at a time. If a Muslim woman wants to remarry their first husband following a divorce, nikah-halala requires them to first marry and subsequently divorce her second husband. Ms. Bano claimed that these practices violate the Right to Equality, the Right against Discrimination, and the Right to Livelihood. She further argued that these practices were not protected by the Right to Freedom of Religion, religious freedom is subject to other fundamental rights, public order, morality, and health. On February 16th, 2017, the SC directed the All India Muslim Personal Law Board (AIMPLB), the Union Government, and women's rights groups such as the Bebaak Collective and the Bhartiya Muslim Mahila Andolan, to give written submissions addressing the matter. All of these groups, besides the AIMPLB, filed submissions in support of Ms. Bano. While the AIMPLB conceded that Shariat strongly condemns the practice of talaq-e-biddat, they argued that the Court could not review uncodified Muslim personal law. They further argued that these practices were essential to Islam and protected by the Right to Freedom of Religion. On March 30th, 2017, the SC created a 5-Judge Constitution Bench to hear the matter. The Bench comprised Chief Justice J.S. Khehar and Justices Kurian Joseph, R.F. Nariman,

U.U. Lalit and Abdul Nazeer. The Bench heard the case between May 11th and May 19th, 2017, and delivered the Judgment on August 22nd, 2017. In a 3:2 split, the majority held that the practice of talaq-e-biddat was 'manifestly arbitrary' and unconstitutional. Chief Justice Khehar and Justice Nazeer dissented, stating that talaq-e-biddat was protected by the Right to Religion and that it was the job of Parliament to frame a law to govern the practice. Two years later in July, Parliament enacted the Muslim Women (Protection of Rights on Marriage) Act, 2019 which made the practice of talaq-e-biddat a criminal act, punishable with up to three years imprisonment. The Jamiat Ulama-I-Hind, Samastha Kerala Jamiathul Ulema, and the President of the Rashtriya Ulema Council challenged this Act in separate petitions at the Supreme Court in August 2019. However, the Court is yet to begin hearing arguments in the matter.

Questions (Passage 2)

6. A religious board argues that a personal law practice, though harsh, cannot be struck down because religious freedom under the Constitution protects it absolutely. According to the passage, which one of the following is a correct option?

a. It would be invalid as religious freedom is subject to fundamental rights
b. It would be valid if it is widely practiced
c. It would be invalid if the practice is immoral
d. It would be valid as it would violate right to freedom

7. A personal law practice allows a husband to remarry multiple times without restrictions, while denying the wife any similar right. A woman challenges this practice as violating equality and livelihood. According to the passage, which one of the following is a correct option?

a. The practice is valid as long as it is religious
b. The practice is immune because it is uncodified
c. The practice can be reviewed if there is a violation of a constitutional right
d. The practice is invalid as it is harsh and immoral

8. According to the dissent, talaq-e-biddat was?

a. Constitutionally invalid
b. Prohibited by statute
c. Manifestly arbitrary

d. Protected under right to freedom of religion

9. What was the purpose of the Muslim Women (Protection of Rights on Marriage) Act, 2019?

a. Codified talaq-e-biddat
b. Declared talaq-e-biddat unconstitutional
c. Criminalised talaq-e-biddat
d. Repealed Muslim personal law

10. Suppose the court accepts the argument that uncodified personal laws are immune from judicial review. What will be the effect of this?

a. Parliament cannot legislate for personal laws
b. Constitutional rights could be bypassed through personal law
c. Basic structure is paramount and cannot be changed
d. Religious practices falls under the ambit of codified law

Passage 3 (P.3)

With the expansion of consumer markets, product liability has gained prominence as a legal mechanism to hold manufacturers accountable for harm caused by defective goods. Consumer protection laws increasingly recognise that consumers often lack the technical knowledge or bargaining power to assess product safety adequately. Courts have moved towards imposing strict liability in certain cases, where proof of negligence is not required. This shift reflects the understanding that manufacturers are better positioned to ensure product safety and absorb the costs of harm. At the same time, liability is not absolute, and defences such as misuse of the product or compliance with regulatory standards may still apply. Product liability law thus seeks to strike a balance between consumer protection and encouraging innovation, without placing unreasonable burdens on manufacturers., what is the main idea of the passage and provide me questions.

Questions (Passage 3)

11. A consumer is injured by a household appliance due to a manufacturing defect. The manufacturer argues that no negligence can be proven. Based on the passage, which among the following is the most appropriate?

a. The manufacturer cannot be held liable without a proof of negligence

b. The consumer must prove intentional wrongdoing

c. The manufacturer can be held liable under strict liability

d. The consumer must prove that he has taken due care

12. A company produces a medical device that meets all regulatory standards, but a consumer is injured due to improper use contrary to instructions. Based on the passage, which among the following is the most appropriate?

a. The manufacturer would be liable

b. The manufacturer would not be liable

c. The Consumer is not at fault here

d. The Consumer has complied with the instructions

13. A smartphone battery explodes during normal use, injuring the consumer. The manufacturer proves that it followed all industry safety standards. Based on the passage, which among the following is the most appropriate?

a. The manufacturer would be liable

b. The manufacturer would not be liable

c. Liability arises only when negligence is proven

d. The consumer has to prove negligence on behalf of the manufacturer

14. Under Consumer Protection Act 2019, “product liability” refers to?

a. Punishment for defective product

b. Responsibility of consumers regarding the product

c. Liability arising due to negligence

d. Liability of manufacturers or sellers for harms caused by defective product

15. What does the doctrine of “ Strict liability” mean?

a. Liability can arise even without proof of negligence

b. Liability applies only to hazardous industries

c. Liability applies only when intention proved

d. Liability depends on contractual terms

Answers & Explanations

1. C – As judicial review comes under the basic structure, and basic structure cannot be amended as per the passage
2. D – Parliament has limited amending powers, as the basic structure should not be touched
3. C – Given in the passage
4. B – Federalism comes under the basic structure, and thus, the law under which the centre is taking control over the state authorities cannot be amended
5. A – Direct answer
6. A – It is invalid as the right to freedom of religion is subject to fundamental rights
7. C– As given in the passage, if there is a violation of fundamental rights, the constitution can review the law
8. D – Given in the passage
9. C – Direct answer
10. B – If the judiciary cannot touch personal laws, they won't be able to amend or modify any laws in accordance with the constitutional rights
11. C – Under strict liability, the manufacturer can be held liable without negligence
12. B – Manufacturer would not be liable as the customer did not take proper care while using the product, shifting the blame from the manufacturer to the consumer
13. A – The manufacturer would be liable as the consumer complied with the instructions and the phone exploded during normal use, leading to a manufacturer's defect
14. D – Product liability refers to the liability of manufacturers or sellers for harms caused by defective products as given under CPA, 2019
15. A – Direct meaning applied