AILET

Practice Legal Reasoning Questions on New CLAT Pattern 2020

Aditya Anand · 02 Feb 2020

Practice Legal Reasoning Questions on New CLAT Pattern 2020

Read the passage given below and answer the questions that follow

Passage I

The amendment to the Prevention Of Child Sex Offences (POCSO) Act was made at the behest of Women and Child Development Minister Maneka Gandhi, who said she believed this would deter sexual crimes against children.

The new amendments will enable a court to hand out a death penalty to someone convicted of raping a child under 12, even if it does not result in death.

Despite these changes to the law, however, India is a country that is reluctant to carry out the death penalty. It is currently prescribed only for the “rarest of rare” cases – the interpretation of which is left to the court. The country’s last execution was on 30 July 2015.

Although welcomed by many, the new amendment has also been criticised by a number of activists who have questioned whether the death penalty is really an effective deterrent.

This is a question that has been debated around the world – does toughening the sentence actually reduce crimes? Some evidence from neighbouring countries would suggest otherwise.

Experts say that a major argument against imposing the death penalty for rape is that it actually deters the system from handing out convictions.

The slow pace of the justice system has also been cited as an issue.

Long-drawn-out trials in India often mean that victims have to wait for years before they can get justice. And in cases where the death penalty has been handed out, those convicted have many chances to appeal against their sentence.

The men convicted in India's most high-profile rape case in recent years – of a medical student who died of her injuries after being raped in December 2012 – are still appealing against the death penalties handed out by a "fast-track" trial court that in September 2013.

Robust laws would, in fact, have a very limited impact in reducing the crime unless they are accompanied by a change in the attitudes of the police, judiciary, government officers and society.

Extracted with edits from BBC News, 31 July 2018

1. The above passage indicates that the death penalty has been introduced for-

(a) All cases of rape.

(b) All cases of rape of only male child, aged below 12 years, resulting in the death of a child.

(c) All cases of rape of only female child, aged below 12 years, resulting in the death of a child.

(d) None of the above.

1. According to the author

(a) Laws cannot be effective unless they have been drafted well.

(b) Laws cannot be effective unless they are implemented well.

(c) Laws cannot be effective unless they are applied throughout the nation.

(d) None of the above.

1. According to the author, the introduction of the death penalty is likely to

(a) prolong criminal trials as a collection of evidence for prosecution will take longer.

(b) prolong criminal trials as convicts shall have recourse to appeal at multiple levels against the imposition of the death sentence.

(c) shorten criminal trials as courts will be eager to quickly impose the death penalty.

(d) None of the above.

Passage II

Various governments have taken steps to tackle the black economy in the last seventy years. Many committees and commissions have been set up to study the problem and they have made thousands of suggestions and hundreds have been implemented.

In 2016, demonetisation was announced with a big bang. It caused untold misery to the poor who never generated any black incomes while those generating black incomes and who had accumulated much black wealth went scot-free; the problem did not get solved. The reason is that the underlying cause of the black economy's existence is not technical or economic but political and that remains unresolved.

Proponents of GST have been arguing that it would help tackle the black economy since all inputs and outputs in the entire chain of production and distribution would be computerised. As argued, this is not entirely true for the Indian GST since it has various exemptions and certain key commodities are kept out of its purview.

Further, small and cottage sectors are largely outside its scope. More importantly, Indian businesses are adept at keeping two sets of accounts and they can continue to do so.

Finally, it is believed that digitisation would help tackle the black economy. It is argued that the informal sector would get formalised and come under the tax net. This is an incorrect understanding of the nature of the black economy in India.

Most of the unorganised sector earn incomes way below the taxable limit. To understand this, it is important to know that in India, taxation begins at a multiple of the per capita incomes and income inequality is high. Hence, a vast majority of the people earn incomes way below the taxable limit and do not fall in the tax net. An overwhelming majority of those below the taxable limit belong to the low-paid unorganised and informal sector.

Not only is the perception that black incomes are generated in the informal sector incorrect, but there are also other misperceptions about the black economy.

For instance, demonetisation was premised on the notion that "black means cash." This led to the unfortunate conclusion that if cash is squeezed out of the system, then the black economy would disappear at one stroke.

It has been argued that the use of technology can help curtail the black economy. It is felt that the human element is incorrigible so it needs to be eliminated from business transactions if the black economy is to be eradicated. The underlying assumption is that the human element can be eliminated in the running of society.

This is a flawed notion since it is human beings who operate technology even if the number of human beings running systems can be reduced. As long as human intervention is needed,

illegality can persist.

The idea that more laws are needed to check the growth of the black economy is also flawed. As explained in a book on the Indian economy by this author there can be no perfect law since human ingenuity can find a way of circumventing any law.

Tackling the black economy is a political and societal issue which only movements can address. There is a need to change the consciousness of the public at large so that they demand accountability from their elected representatives. But the public is also compromised.

It votes for a person from its own caste, region, community, etc., even if they are corrupt and/or have a criminal background. The public chooses one who will do their work, regardless of legality, given that policies fail. There is also a growing belief that one community can only gain at the expense of others.

People have come to believe that it is a zero-sum game and not a positive-sum game. GST does not dismantle the triad and hence cannot tackle the black economy. As argued above, ways to circumvent the GST laws will emerge to enable the black economy to continue, even if its form changes.

Extracted with edits from Quartz India, 04 April 2019

1. From the above passage, which of the following conclusions can be inferred?

(a) Demonetization did not hit the target audience for which it was intended.

(b) Demonetization largely hit the target audience for which it was intended but also affected some who were not its key targets

(c) Demonetization only hit the target audience for which it was intended hence it was highly focused in its impact.

(d) None of the above

1. The author has used the term “black economy” to denote-

(a) economies where generation and circulation of black money is prevalent

(b) economies where the tax rate is low

(c) economies where the tax rate is nil

(d) economies where money majorly exists in digitized form instead of cash

1. The author classifies India's workforce into-

(a) organized and unorganized sector

(b) the formal and informal sector

(c) Both (a) and (b)

(d) None of the above

1. The author's key suggestion for tackling the issue of black money is

(a) replacing humans with technology

(b) enacting more stringent laws

(c) increasing awareness among the public towards the more proper exercise of the right to vote

(d) All of the above

Answer key with explanations

Passage I

Question 1 – Option (d) is the correct answer.

Explanation – A reading of the given passage clearly indicates that the amendment is applicable to all children, aged below 12 years, irrespective of their gender and also applies even if the rape did not result in death.

Question 2 – Option (b) is the correct answer.

Explanation – The last line of the passage suggests that the author emphasizes on better implementation of laws to ensure their efficacy.

Question 3 – Option (b) is the correct answer.

Explanation – The author has stated that "*And in cases where the death penalty has been handed out, those convicted have many chances to appeal against their sentence*" hence option (b) is correct.

Passage II

Question 1 – Option (a) is the correct answer.

Explanation – The author has stated that demonetisation caused untold misery to the poor while those who had generated much black wealth went scot-free hence option (a) is correct.

Question 2 – Option (a) is the correct answer.

Explanation – The facts given in the passage clearly support the inference given in option (a).

Question 3 – Option (c) is the correct answer.

Explanation – From a reading of the given passage, it is clear that the author has used both the sets of classifications in respect of India's workforce.

Question 4 – Option (c) is the correct answer.

Explanation – The second last paragraph of the passage indicates that the author favours a change in attitudes while exercising the right to vote to elect people's representatives.

Read our legal reasoning post on void agreements and the practice questions here

Read CLATapult's post on offer and acceptance here. Also, try their mocks for more legal reasoning practice questions.

Visit CLATalogue for more legal reasoning practice questions for CLAT 2020.