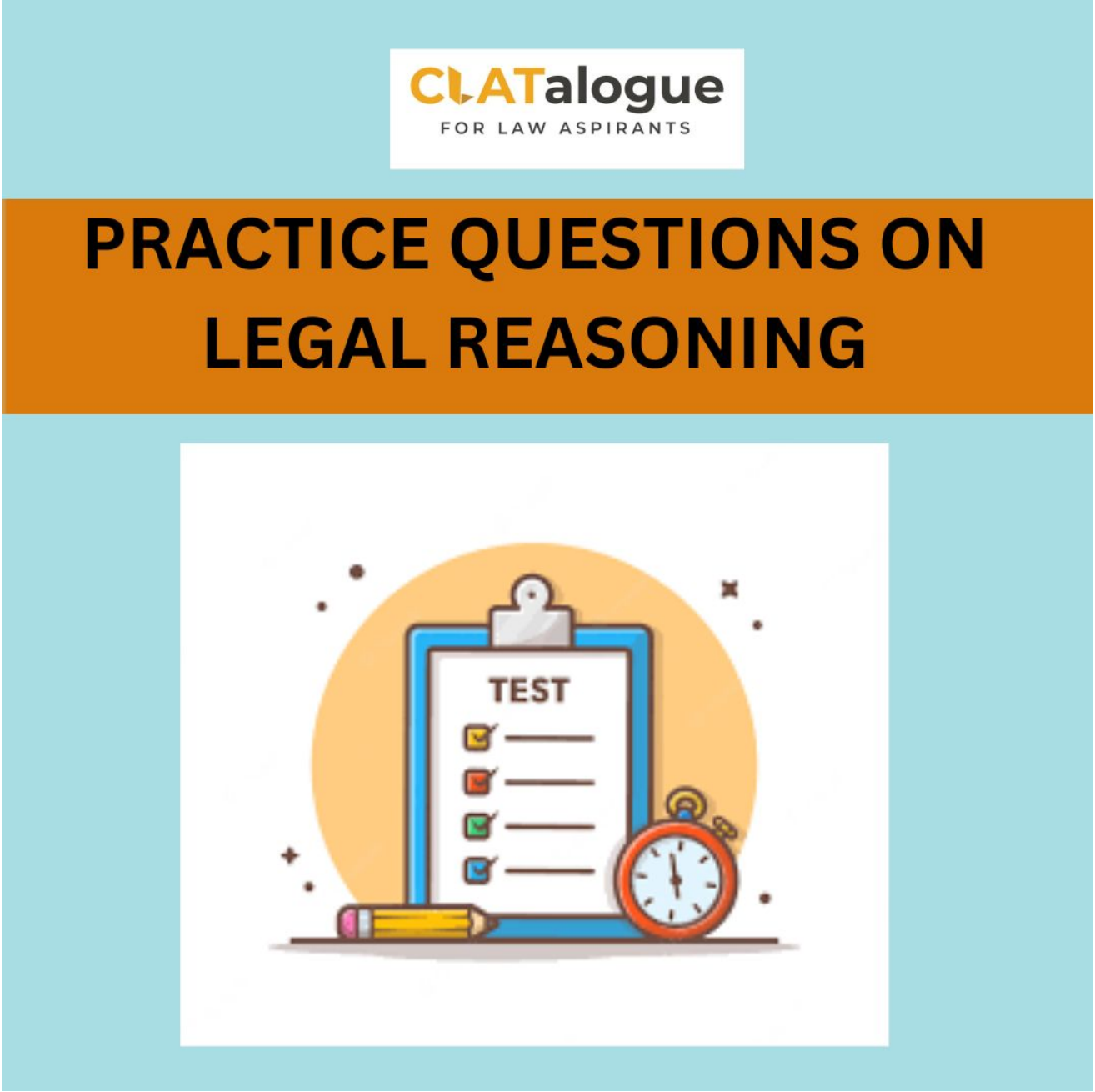
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Practice Legal Reasoning Questions for CLAT 2024

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LEGAL REASONING QUESTIONS FOR CLAT 2024

Passage 1

Insults to religion made unwittingly or carelessly without any deliberate or malicious intention to outrage the religious feelings of a class would not attract Section 295A of the Indian Penal Code (Sri Dulal Akshat v. State of Tripura).

A single-judge bench of Chief Justice Akil Kureshi, therefore, quashed a First Information Report (FIR) which was filed against one Dulal Akshat (petitioner) for a Facebook post on Bhagavad Gita. The Court was dealing with a case, where an FIR was registered against Akshat under Section 295A of the IPC for a Facebook post on Bhagwat Gita.

The complainant contended that the petitioner-accused made distasteful and derogatory comments on the Hindu religion by posting on Facebook in Bengali that the Gita (sacred religious text) is a “thakbaji Gita” (deceitful).

The petitioner, on the other hand, contended that the Facebook post in question was ‘deliberately twisted and misinterpreted by the complainant. He argued that his post did not convey the meaning that Gita was deceitful or swindling. Instead, the petitioner had put the post conveying that the Gita is a pan that fries swindlers.

The Court at the outset placed reliance on the 1957 Supreme Court judgment in Ramji Lal Modi v. the State of UP to elucidate the scope of Section 295A. “Section 295A does not penalize any and every act of insult or an attempt to insult the religion or the religious beliefs but it penalizes only those acts of insults or attempts which have been perpetrated with the deliberate and malicious intention of outraging the religious feelings of a particular class,” the Court said.

The expression thus used by the petitioner which is in total isolation, without virtually any background or foreground, therefore would require much twisting to fit within the scheme of Section 295A of IPC which would be wholly impermissible, the Court held. As a parting note, the Court said that “the petitioner can hold his personal beliefs and within the framework of law can also express them, as long as he does not transgress any of the restrictions imposed by law to the freedom of his speech and expression.”

Question 1

Saman is speaking at a public event and asserts that the traditional practices of the Zephyr community hinder progress in the country due to their outdated beliefs. Would Saman attract Section 295A of the Indian Penal Code?

a) No, because the statement by Saman is made unwittingly or carelessly without any deliberate or malicious intention.

b) Yes, said statement has been perpetrated with the deliberate and malicious intention of outraging the religious feelings of a particular class.

c) Yes, restrictions imposed by law on the freedom of speech and expression of public speakers.

d) No, the petitioner can hold his personal beliefs and express them within the legal framework.

Question 2

Riya, a journalist, writes an article expressing concerns about how certain customs in the Aether religion might impede gender equality. A group takes offence and considers filing a petition against her. Would Riya be liable under Section 295A of the Indian Penal Code?

a) No, Riya can hold her personal beliefs and express them within the legal framework, avoiding transgressions of speech and expression restrictions.

b) No, Riya made distasteful and derogatory comments on the Aether religion.

c) No, there is no malicious intention to outrage the religious feelings of a class that would attract Section 295A of the Indian Penal Code.

d) None of the Above

Question 3

An FIR was registered against Varun under Section 295A of the IPC for a tweet about Celestial Scripture. The complainant argued that Varun made disrespectful comments on the Celestial Scripture, offending religious sentiments. Will Varun attract Section 295A?

a) No, because he has the right to freedom of speech and expression without restrictions.

b) No, insults to religion made unwittingly or carelessly without any deliberate or malicious intention to outrage religious feelings.

c) Yes, disrespectful comments on the religious scripture attract Section 295A of the Indian Penal Code.

d) Both A and B

Question 4

What did the Supreme Court elucidate in the 1957 Ramji Lal Modi v. State of UP judgment?

a) Section 295 does not penalize any and every act of insult or an attempt to insult the religion or religious beliefs but it penalizes only those acts of insults or attempts which have been perpetrated with the deliberate and malicious intention of outraging the religious feelings of a particular class".

b) Section 295A does penalize any and every act of insult or an attempt to insult the religion or the religious beliefs but it penalizes only those acts of insults or attempts which have been perpetrated with the deliberate and malicious intention of outraging the religious feelings of a particular class".

c) The Court said that "the petitioner can hold his personal beliefs and within the framework of law can also express them, as long as he does not transgress any of the restrictions imposed by law to the freedom of his speech and expression".

d) None of the above

ANSWERS

1. b) Yes, said statement has been perpetrated with the deliberate and malicious intention of outraging the religious feelings of a particular class. Section 295A of the Indian Penal Code is applicable when there is a deliberate and malicious intention to outrage the religious feelings of a particular class. Saman's statement, targeting the Zephyr community, seems to have such an intention.
2. a) No, Riya can hold her personal beliefs and express them within the legal framework, avoiding transgressions of speech and expression restrictions. Section 295A requires a deliberate and malicious intention to outrage religious feelings. If Riya's expression is within legal boundaries, without malicious intent, she wouldn't be liable.
3. c) Yes, disrespectful comments on the religious scripture attract Section 295A of the Indian Penal Code. Section 295A is applicable when there are deliberate and malicious intentions behind making disrespectful comments on religious scriptures, outraging religious feelings.
4. Option a

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