BLOGS

How to Analyse Passages for CLAT 2023?

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Introduction

CLAT exams have unequivocally stressed on the knowledge of current affairs that relate to law and recent legal developments. Newspapers, especially the editorial section, comprise an important component of preparation for this examination—both at the UG and PG levels.

We, at CLATalogue, have been writing about legal developments as well as analyzing newspaper editorials.

This blog is also an analysis of an editorial passage for CLAT 2023 from a leading newspaper, that contains both elements of law as well as news on current affairs.

How to Analyse Passages for CLAT 2023?

“India’s laws on freedom of expression are clear about the reasonableness of the right to exercise it. But hate speech, directed at communities and intended to fan communal hatred, is not clearly defined in the law. However, there are provisions in the law that can be interpreted as allowing for criminalising offences that are related to hate speech, in particular those that are likely to incite violence.

There have been rightful demands, including from the Law Commission of India, to add specific provisions in the Indian Penal Code to tackle hate speech. It is imperative that lawmakers work on doing so, especially in the age of online media and messaging, where hate speech incidents have burgeoned into an even more significant problem. That said, there is no justification for any form of hate speech to be countered with violence.

As the adage goes, sticks and stones may break bones, but words will not. There must be zero tolerance for violence. The incident in Amravati, Maharashtra, where a chemist, Umesh Kolhe, was knifed to death allegedly by three men in retaliation for his sharing a post in support of former Bharatiya Janata Party (BJP) spokesperson Nupur Sharma’s comments on the Prophet was on the same lines as the dastardly murder of a tailor, Kanhaiya Lal, in Udaipur a week ago.

In both cases, suspects who were incensed by the remarks took to violence as a counter to what they perceived as an insult to their religion. The two cases are being probed by the National Investigation Agency. The culprits, those involved in the planning and execution of these murders, must be brought to book and accorded strict punishment for their crimes.

Even as these hate crimes are investigated, it is imperative on the part of the Union and the State governments to quickly reassure citizens on the need for communal amity and that the purveyors of hate speech and those indulging in violence in retaliation will be prosecuted. Justice and the application of the rule of law should not only be seen to be done but needs to be applied in a fair manner without prejudice for or against specific communities.

The Union and State governments should not adopt repressive measures by using enforcement authorities to inflict collective punishment on communities for individual acts of transgression. Political parties of all hues, but especially those in power, must refrain from fanning communal hatred.

The unevenness of government actions has resulted in disenchantment among Muslims; the actions of a few criminals among the community have endangered others. It is unmistakable that the developing quagmire is related to the casual bigotry and the callousness of those who were in responsible positions in the BJP.

Governments must reorient themselves to the rule of law and to strict adherence to constitutional values as the secular fabric of the country must be preserved at all costs.”

The above passage is taken from The Hindu: Editorial dated July 7, 2022.[i]

Analysis of Passages for CLAT 2023

This is the standard size of a passage that appears in the CLAT examination, as well. The word count is between 450-500 words.

Laws involved:

- Constitutional Provisions: Fundamental Right to freedom of speech and expression (Article 19(1)(a)) and Reasonable Restrictions (Article 19(2))
- Indian Penal Code, 1860: Sections 153A, 153B, 295A, 298, 505(1) and 505(2)
- Constitutional Values: Reference to secularism (Possible reference to values enshrined in the Preamble)

News for context and understanding:

- https://www.thehindu.com/news/national/bjp-suspends-spokespersons-nupur-sharma-and-naveen-kumar-from-primary-membership/article65496840.ece
- https://www.thehindu.com/news/national/amravati-chemists-murder-nia-takes-custody-of-all-accused/article65601697.ece
- https://www.thehindu.com/news/national/other-states/tailor-murdered-in-rajasthans-udaipur-assailants-film-crime/article65576740.ece

Practice Questions for CLAT 2023

1. Which of the following is not a reasonable restriction to the right of speech?

a. Incitement to offence

b. Contempt of Court

c. Public Order

d. None of These

1. Offence under Section 153A IPC shall be made out if enmity is promoted via:

a. Spoken words

b. Written words

c. Signs and visible representation

d. Only A and B

e. A, B and C

1. “Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs” is an offence dealt with under Section:

a. Section 292

b. Section 293

c. Section 295A

d. Section 295

1. Which of the following Chapters deals with offences relating to religion?

a. Chapter XV

b. Chapter XIV

c. Chapter XVI

d. Chapter XIII

Answers: 1-d, 2-e, 3-c, 4-a.

For more CLAT related study material and , click here.

References:

[i] “Hate crime, punishment: On Violence over ‘hurt sentiments’” available at https://www.thehindu.com/opinion/editorial/hate-crime-and-punishment-the-hindu-editorial-on-violence-over-hurt-sentiments/article65608701.ece (last accessed 07.07.2022)