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Sample Legal Reasoning Questions for CLAT 2024

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

Observing that an extreme or harsh point of view would not amount to hate speech, the Bombay High Court quashed an FIR against Navi Mumbai resident Sunaina Holey. The right to express one's views is a protected and cherished right in our democracy. Merely because the point of view of the Petitioner is extreme or harsh will not make it a hate speech as it is only expressing a different point of view, a division bench of Justices SS Shinde and MS Karnik observed

Holey was booked u/s 153A (promoting enmity between different groups on the grounds of religion) of the IPC for posting a video along with a comment on migrant workers gathered outside Bandra Masjid, in Mumbai, at the peak of the nationwide lockdown on April 14, 2020. In the video, a man shouted that Covid – 19 pandemic is not an act of God but has been brought by India's prime minister. The bench observed that Holey's intent behind reposting the video with a comment was only to criticise that man's perspective.

Assuming that the said tweet is an extreme view expressed in retaliation to the view expressed by one of the member of the crowd who was blaming the Prime Minister of India for the outbreak of the pandemic, the said tweet has still to be judged from the standpoint of what the reaction of a strong minded, reasonable or a prudent person would be.

If the test of a strong or a prudent person judging the contents of the said tweet is applied, by no stretch of imagination it can be said that the said tweet created hatred or enmity between the two groups of communities. Upon reading of the contents of the said tweet, it is difficult to arrive at the conclusion that the Petitioner has mens rea to commit alleged offence under section 153A of the IPC.

The bench further observed that an offence wasn't registered against the author of the video or the person blaming the Prime Minister, so also, there was no disturbance reported after. The bench observed, while State's concern to control the situation was "justified," registering the FIR against Holey on the apprehension that the same may lead to promoting hatred or enmity between different groups on the ground of religion or that she has committed an act which is prejudicial to the maintenance of harmony between different religious groups, is too far fetched and remote.

The tweet in question, if judged on the basis of what a reasonable and strong-minded person will think of it, leaves little manner of doubt in our mind that the same is only expressing a hostile point of view. The Respondent's approach towards the tweet is hypersensitive and over-cautious, thereby trying to scent danger in the hostile point of view expressed by the Petitioner.

1. News TV channel Atman reports that the Kumbh Mela led to an explosion of cases. A suit is filed against them under Section 153A for offending religious sentiments. Will it succeed?

a. Yes, as reporting on a religious festival inherently violates Section 153A
b. No, as making out mens rea for the same is difficult
c. No, as the reporting was factual in nature
d. Both (C) and (B)

2. Kandhadhar Swaminathan, an investigative journalist, makes a segment in which he heavily criticizes those attending the Kumbh Mela. He faces withering criticism on social media for the same. Will a suit filed on Section 153A succeed?

a. No, as there was no chance of hatred between groups occurring
b. Yes, as his statements reasonably allowed hatred against Hindus attending Kumbh
c. No, as there was no disturbance that occurred
d. Yes, as there was hostility between two enemy groups

3. A major party's functionary retweets a video critical of Kumbh attenders. Their aim is to criticize the video and its reasoning. However, the video goes viral since the functionary is a major public figure and there is religion-based violence. Will he be liable under Section 153A?

a. Yes, as all the conditions for Section 153A

b. No, as mere violence on a small scale is not enough to satisfy 153A

c. Yes, as it was reasonable to presume that sharing the video could have led to violence

d. No, as mens rea was absent in this case

9. There is large-scale religious violence occurring. The Home Minister of Indyla makes a plea to maintain peace and religious harmony. Indyla's Government is majoritarian, and this statement fuels further violence. If a suit is filed against the Home Minister, what is the likely outcome?

a. The suit succeeds since the statements fuelled violence

b. There was clearly no intention to create enmity

c. The Home Minister has immunity from all suits as a minister

d. The statements made no difference as the fighting would have intensified anyway

10. Mahesh tweets a severe criticism of Buddhism, which offends the followers of Buddhism but does not lead to a disturbance. Will a case of Section 153A succeed?

a. No, as there was no subsequent disturbance

b. No, as there was no intention

c. Yes, as all ingredients are met

d. Both (A) and (B)

Answers and Explanations

1. (d)

Rationale: Since the reporting was factual, making out mens rea is difficult and hence the case will not succeed.

2. (c)

Rationale: Disturbance was necessary, and since there was none, no case under Sec 153A is made out.

3. (d)

Rationale: Similar to the case in the para, reposting a video to criticise it does not demonstrate any intent.

4. (b)

Rationale: There was no intention to create enmity since the statement was explicitly for the purpose of peace.

5. (d)

Rationale: Criticizing a religion in strong words is not equal to creating feelings of enmity. Further, no disturbance was observed.

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