BLOGS

Legal Reasoning Questions for CLAT 2024 Based on the Latest Pattern

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PASSAGE

The setting up of a five-member expert committee by the Union Ministry of Home Affairs to overhaul criminal laws in the country is a welcome step that is long overdue. The Indian Penal Code and its corollary laws, the Indian Evidence Act, and the Code of Criminal Procedures were all first enacted in the late 19th century, and despite proposals and suggestions in the past have not undergone comprehensive revision.

The Indian Penal Code is the legislation that an ordinary citizen arguably interacts with the most, and which governs his relationship with the state, which is still rooted in colonial ideas.

Although some changes have been made through amendments and judicial pronouncements, the laws do not reflect the aspirations of a Constitution that gives primacy to liberty and equality. While it took 158 years for the courts to decriminalize homosexuality and adultery—provisions in the IPC that echoed Victorian morality—many others that still remain in the books do not recognize individual agency.

This is especially true for women. “Enticing” a married woman who is “in the care of” a man is an offense that carries a jail term of up to two years, for instance.

Too many laws protect and promote patriarchal attitudes within a constitutional framework that promises equality. Sedition, punishable with imprisonment for life, is another colonial-spirited law misused by the state against its citizens—and another provision that needs revisiting.

Even as new crimes need to be defined and addressed, especially concerning technology and sexual offenses, it is important to not give in to populist demands and run the risk of excessive policing and over-criminalizing. When dealing with demands for safety, governments often take refuge in stricter laws and harsher punishments.

As a renewed debate on the death penalty continues both within and outside judicial circles, the harshest punishment needs a legislative approach that is not just passing the buck to the judiciary.

On procedural aspects of criminal law, there is a need to harmonize the statute books with court rulings. Despite “landmark rulings” reading down provisions and inserting safeguards through guidelines, the processes of the state are often weaponized against citizens. From raids to arrests and the holding of accused in state custody, criminal law needs to be updated to meet the demands of the democratic temper of the 21st century.

While the committee debates the idea of criminal justice and what the gamut of laws really achieves, it also needs to place various stakeholders at the heart of this change. If the victim is often on the margins of the justice process, and the accused is burdened with institutional delays. Accountability, above all, must guide the balance between the rights of the citizen and the imperatives of the state.

[Source: Revise the Law, Editorial by The Indian Express, July 7, 2020]

1. According to the passage above, what is the author’s primary concern regarding the criminal laws in the country?

(a) The author is concerned that the five-member expert committee formed for overhauling the criminal laws in the country is insufficient and incapable.

(b) The author advocates the need to update the criminal laws of the country to meet the demands of the democratic temper of the 21st century.

(c) The author believes there are too many obsolete laws that need to be revoked.

(d) The author wants people to be made stakeholders in the legislative process.

2. Which of the following views can be correctly attributed to the author of the above passage?

(a) The changes made in the Indian Penal Code through amendments and judicial pronouncements have proved to be sufficient to fill the gap in the law.

(b) Homosexuality and adultery, having been decriminalized, have led to huge protests in the country.

(c) Sedition is a colonial-spirited law misused by the state against its citizens.

(d) It took 168 years for the courts to decriminalize homosexuality and adultery.

3. Regarding the procedural aspects of criminal law, the author advocates which of the following views:

(a) A need to harmonize the statute books with court rulings

(b) A legislative approach towards the harsher punishments prescribed in the criminal law

(c) The need to have a more liberal penal code

(d) A need to have a stricter penal code with harsher punishment.

4. What, according to the author, should the committee also take into consideration while deciding the future of criminal laws in the country?

(a) Putting various stakeholders at the heart of this change

(b) Putting bureaucrats at the heart of the change

(c) A stricter approach towards change

(d) A liberal approach to change

ANSWERS

1. Answer: (b)

Rationale: The correct answer is (b): The author advocates the need to update the criminal laws of the country to meet the demands of the democratic temper of the 21st century. This is mentioned in the last line of the second paragraph. An understanding of the entire passage is necessary for solving such questions. The other options are incorrect.

2. Answer: (c)

Rationale: The correct answer is (c): sedition is a colonial-spirited law misused by the state against its citizens. Again, carefully reading the second paragraph helps us arrive at the correct answer. Option (d) is factually incorrect. The other options are contrary to the author's views.

3. Answer: (a)

Rationale: The correct answer is (a): a need to harmonize the statute books with court rulings. This is again talked about in the second paragraph. Options (c) and (d) are completely irrelevant to the question. Option (b) is contrary to the author's view.

4. Answer: (a)

Rationale: The correct answer is (a): putting various stakeholders at the heart of this change. Referring to the last paragraph of the passage, it can be clearly inferred. All the other options are irrelevant.

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