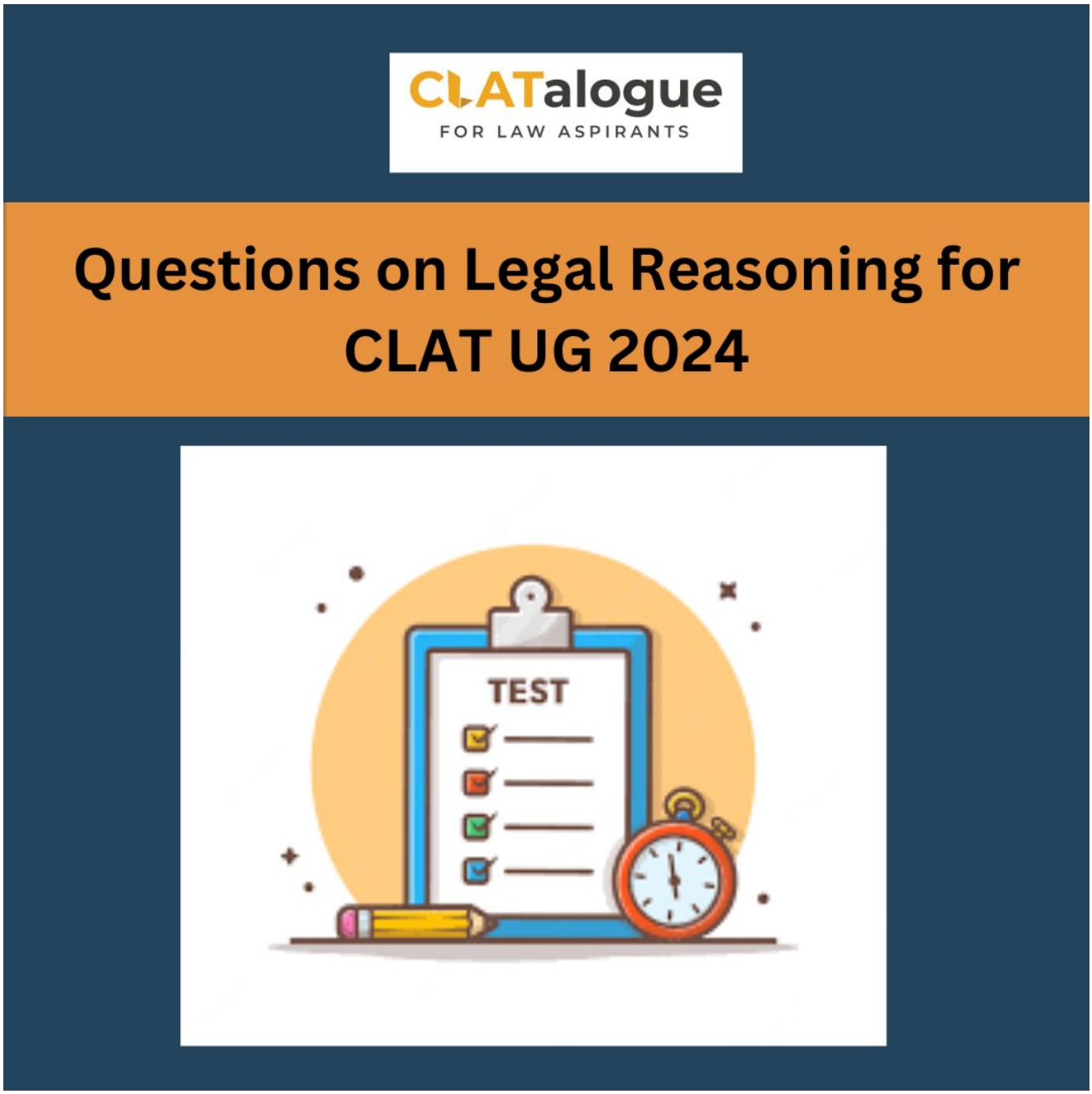
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Practice Important Legal Reasoning Questions for CLAT 2024

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LEGAL REASONING QUESTIONS FOR CLAT

In its recent order referring the batch of petitions challenging the constitutional validity of Sedition law under Section 124A of the Indian Penal Code to a bench of at least five judges, the Supreme Court noted that the judgement in *Kedar Nath Singh v. State of Bihar (1962),* which had upheld the provisions of Section 124A, had not considered the aspect of Articles 14 of the Constitution in the matter.

The petitioners in the case had argued that the expressions used in the section were vague, over-broad, and amenable to arbitrary use. Thus, the same violated Article 14 of the Indian Constitution. It was asserted that this aspect of the matter was not considered in the judgement in *Kedar Nath Singh.*

It was submitted that Section 124A had only been tested on Article 19(1)(a). However, in view of the development of law that had taken place since the judgment in *Kedar Nath Singh*, it would be necessary to re-evaluate the validity of Section 124A on the basis of the ambit of Articles 14 and 21 of the Constitution.

The Supreme Court in its order took note of the same and remarked that in the Kedar Nath Singh judgement, the Court held that the provision of Section 124A made it clear that the section aimed at rendering only such activities penal which would be intended to create *"disorder or disturbance of public peace by resort to violence*". In light of the same, the Court had held that Section 124A would be consistent with Article 19(1)(a). However, the court stated–

"There was no challenge on the ground that Section 124A violated Article 14 nor did the Constitution Bench have occasion to consider the validity of the provision against a constitutional challenge on the basis of Article 14.

The position as it has evolved in constitutional jurisprudence is that fundamental rights do not exist in silos. There is, in other words, a coalescence of several of the rights protected by Part III. Article 14, which presents an overarching principle of reasonableness permeates Articles 19 and 21 as well."

In light of the same, in the last hearing of the matter, a three-judge bench led by CJI DY Chandrachud had stated that a reference to a larger bench was needed in the matter as the provision was upheld by a 5-judge bench in the 1962 judgment *Kedar Nath Singh v. State of Bihar* and being a smaller bench, it may not be appropriate for it to doubt or overrule *Kedar Nath.*

The bench had stated in its order that *Kedar Nath* was decided on the basis of the narrow understanding of the fundamental rights which was prevalent then. Also, *Kedar Nath* examined the issue only from the angle of Article 19, as per the understanding of Constitutional law prevalent then that the fundamental rights operate in distinct silos.

Later, this understanding of law changed in view of subsequent judgments which held that Articles 14, 19 and 21 operate in harmony. Further, the bench had turned down the request made by the Central Government to defer the hearing due to the introduction of a new bill in the Parliament to replace the Indian Penal Code.

The bench remarked that even if the new Bill becomes a law, the past cases under Section 124A IPC will not be affected as the new penal law can only apply prospectively. Therefore, the new law will not obviate the need for a constitutional adjudication on the validity of the provision, the bench stated in its earlier order.

[Source: Borrowed with edits and revisions from "Sedition Law Challenge, Supreme Court says 1962 Kedar Nath Singh decision didn't consider Article 14 aspect" by Padmakshi Sharma, 16th September, 2023]

1. **What is the maximum punishment for the offence of sedition under Article 124A IPC?**

A) Imprisonment for up to 5 years

B) Imprisonment for up to 10 years

C) Imprisonment for life

D) Fine without imprisonment

E) No punishment

Explanation

Option (b) is correct. Article 124A IPC prescribes imprisonment for up to 10 years as the maximum punishment for the offence of sedition. This indicates that individuals convicted of sedition can face a substantial period of imprisonment.

2. An individual publishes a book that analyzes historical instances of sedition charges in India and criticizes specific instances where they were allegedly misused for political purposes. The book became popular and sparked public debate. The author is subsequently charged under Section 124A of the IPC. Which of the following statements is correct?

A) The charge is valid because any critical examination of sedition laws is seditious.

B) The charge is invalid because academic research and scholarly publications are protected under Article 19(1)(a).

C) The charge is valid only if it can be proven that the book intended to incite violence.

D) The charge is valid only if it can be proven that the book caused disorder or disturbance of public peace.

E) The charge is invalid because Section 124A is unconstitutional in its entirety.

Explanation

Option (b) is correct. In this scenario, the charge is invalid because academic research and scholarly publications are protected under Article 19(1)(a) of the Indian Constitution, and critical examination of sedition laws does not automatically constitute sedition.

3. What is the key element that must be present for an act to be considered seditious under Article 124A IPC?

A) Criticizing the government's policies

B) Advocating for the overthrow of the government by violent means

C) Expressing dissent or disagreement with government actions

D) Engaging in peaceful protests against government decisions

E) None of the above

Explanation

Option (b) is correct. To be considered seditious under Article 124A IPC, an act must involve advocating for the violent overthrow of the government. Mere criticism or peaceful dissent does not constitute sedition.

4. A group of individuals created a satirical cartoon series that portrays government officials in a humorous and critical light without advocating violence. They distribute the cartoons on social media, and some government officials file sedition charges against them under Section 124A of the IPC. Which of the following statements is correct?

A) The charge is valid because any criticism of government officials falls under Section 124A.

B) The charge is invalid because satire and artistic expression are protected under Article 19(1)(a).

C) The charge is valid only if it can be proven that the cartoons were intended to incite violence.

D) The charge is valid only if it can be proven that the cartoons caused disorder or disturbance of public peace.

E) The charge is invalid because Section 124A is unconstitutional in its entirety.

Explanation

Option (b) is correct. In this scenario, the charge is invalid because satire and artistic expression are protected forms of speech under Article 19(1)(a), and they do not automatically constitute sedition.

5. Which international principles are relevant when assessing the compatibility of Article 124A IPC with freedom of speech standards?

A) None, as Article 124A is solely based on Indian law.

B) Universal Declaration of Human Rights (UDHR)

C) International Covenant on Civil and Political Rights (ICCPR)

D) Both (b) and (c)

E) Only b), but not c)

Explanation

Option (b) and (c). Article 124A's compatibility with freedom of speech standards is assessed in light of international principles, including the UDHR and ICCPR, which India has ratified. These principles influence the interpretation and application of Article 124A IPC in the context of free speech rights.

6. A group of individuals publishes a satirical newspaper that humorously criticizes government policies and officials without advocating violence. The newspaper became widely popular, but some government officials filed sedition charges against the publishers under Section 124A of the IPC. Which of the following statements is correct?

A) The charge is valid because any criticism of government policies and officials falls under Section 124A.

B) The charge is invalid because satire and humorous criticism are protected forms of speech under Article 19(1)(a).

C) The charge is valid only if it can be proven that the newspaper intended to incite violence.

D) The charge is valid only if it can be proven that the newspaper caused disorder or disturbance of public peace.

E) The charge is invalid because Section 124A is unconstitutional in its entirety.

Explanation

Option (b) is correct. Satire and humorous criticism are protected forms of speech under Article 19(1)(a), and they should not be automatically considered seditious.

7. A group of activists conducts a street play that portrays a fictional government and its oppressive policies. The play is performed in a public park and is intended to raise awareness about the importance of protecting civil liberties. Subsequently, they are charged under Section 124A of the IPC. Which of the following statements is correct?

A) The charge is valid because any portrayal of a fictional oppressive government falls under Section 124A.

B) The charge is invalid because artistic expression and street performances are protected under Article 19(1)(a).

C) The charge is valid only if it can be proven that the street play was intended to incite violence.

D) The charge is valid only if it can be proven that the street play caused disorder or disturbance of public peace.

E) The charge is invalid because Section 124A is unconstitutional in its entirety.

Explanation

Option (b) is correct. Artistic expression and street performances are protected forms of speech under Article 19(1)(a), and this scenario should not be automatically considered seditious.

8. A charismatic leader gathers a massive following and publicly declares the formation of a parallel government, complete with its own flag and administrative structure, within a specific region of India. The leader proclaims that this parallel government will not abide by the laws and authority of the Indian government. Can this leader be charged with sedition under Section 124A of the IPC?

A) Yes, because the creation of a parallel government challenges the authority and integrity of the nation and can be considered seditious.

B) No, because expressing a desire for regional autonomy is protected under Article 19(1)(a) of the Indian Constitution.

C) Yes, but only if it can be proven that the leader intends to incite violence or public unrest.

D) No, unless the leader explicitly calls for the use of violence to achieve their goals.

E) Yes, if the Indian government believes the leader's actions pose a serious threat to national security.

Explanation

Option (a) is correct. In this scenario, the leader's actions involve the creation of a parallel government, which challenges the authority and integrity of the nation and can be considered seditious.

9. An individual publicly broadcasts a message advocating for the complete overthrow of the Indian government through a nationwide armed uprising. This individual calls for the mobilization of armed militias and urges citizens to take up arms against government forces. Can this individual be charged with sedition under Section 124A of the IPC?

A) Yes, because actively advocating for the violent overthrow of the government through armed rebellion constitutes sedition.

B) No, because freedom of speech includes the right to express revolutionary ideas, even if they challenge the government's authority.

C) Yes, but only if it can be proven that the individual intends to incite violence or public unrest.

D) No, unless the individual directly incites violence or instructs others to commit violent acts.

E) Yes, if the government believes the individual's actions pose an imminent threat to national security.

Explanation

Option (b) is correct. In this scenario, the individual is actively advocating for the violent overthrow of the government through armed rebellion, which constitutes sedition.

10. A group of individuals publicly burned the Indian national flag in a coordinated nationwide protest. They declare that the flag symbolizes oppression and injustice, and they want to symbolically reject the authority of the Indian state. Can these individuals be charged with sedition under Section 124A of the IPC?

A) Yes, because burning the national flag in a coordinated protest challenges the integrity of the nation and can be considered seditious.

B) No, because symbolic acts of protest, even if controversial, are protected under Article 19(1)(a) of the Indian Constitution.

C) Yes, but only if it can be proven that the individuals intend to incite violence or public unrest.

D) No, unless the individuals explicitly call for the use of violence to achieve their goals.

E) Yes, if the government believes the individuals' actions undermine national unity and integrity.

Explanation

Option (a) is correct. In this scenario, the coordinated burning of the national flag challenges the integrity of the nation and can be considered seditious.

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