BLOGS

Legal Reasoning Questions for CLAT UG-Part I

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PASSAGE

A country's new Data Surveillance Act allows government agencies to collect and store digital communications of citizens for up to five years without a warrant, if the purpose is to prevent terrorism. The Act defines "digital communications" as emails, text messages, and social media interactions. It states that such surveillance must be "necessary and proportionate" to the threat perceived. The Act also requires annual review by a Parliamentary Committee, which may recommend amendments.

Some critics argue that the Act violates the right to privacy, which has been recognized as a fundamental right by the country's Supreme Court. They claim that allowing surveillance without prior judicial approval opens the door to abuse. Supporters argue that the Act is essential for national security and preventing loss of life.

The Supreme Court has previously ruled that reasonable restrictions can be placed on fundamental rights if they are in the interest of public order, morality, or national security, and if the restrictions are proportionate to the aim sought. The Court has emphasized that "proportionality" means that the restriction must be the least intrusive measure available to achieve the legitimate objective.

QUESTIONS

1. Under the given principles, which of the following would make the Act most likely unconstitutional?

A. It applies only to suspected terrorists.
B. It allows indefinite data storage without review.
C. It mandates prior judicial approval for surveillance.
D. It limits storage to two years.

Answer: B

Explanation: Indefinite storage without review is excessive and fails proportionality; the restriction is no longer the least intrusive.

2. If the Act were amended to require judicial approval before surveillance, what would be the likely effect?

A. It would strengthen proportionality safeguards.

B. It would weaken public safety.

C. It would make the Act invalid.

D. It would have no legal impact.

Answer: A

Explanation: Judicial oversight ensures surveillance is necessary and proportionate.

3. Which principle from the passage guides whether the Act is valid?

A. Separation of powers

B. Proportionality

C. Parliamentary supremacy

D. Presumption of innocence

Answer: B

Explanation: The passage focuses on proportionality to balance rights and security.

4. Which scenario best applies the proportionality test?

A. Monitoring all citizens equally.

B. Tracking only those with credible terror links.

C. Banning all online communication.

D. Collecting all phone calls for review.

Answer: B

Explanation: This is targeted, less intrusive, and linked to the objective.

5. If the Parliamentary Committee never meets, which safeguard is lost?

A. Judicial review

B. Legislative oversight

C. Executive power

D. Freedom of speech

Answer: B

Explanation: The committee ensures legislative oversight and accountability

PASSAGE

The Public Harmony Act prohibits any speech, publication, or online post that "incites hatred or hostility" towards a community based on religion, race, ethnicity, or language. Violation is punishable by up to two years in prison. The Act clarifies that criticism of government policies or public figures is not covered, unless it directly incites hostility towards a protected group.

Recently, a political activist posted a video criticizing the economic policies of the ruling party. In the video, the activist claimed that "members of a certain community are deliberately sabotaging the economy" and urged people to "boycott all businesses owned by them." Supporters of the activist argue that this is an exercise of the freedom of speech, a fundamental right. Opponents say it falls within the category of hate speech prohibited by the Act.

The country's Supreme Court has previously held that freedom of speech is not absolute. It can be restricted in the interest of public order, morality, or the security of the state. However, any restriction must be reasonable: meaning it must be connected to the legitimate aim, be necessary to achieve it, and not be excessive.

QUESTIONS

6. Based on the passage, which factor would most strongly support prosecution under the Act?

A. The activist criticized government policies.

B. The activist called for a boycott targeting a specific community.

C. The activist used strong language against the ruling party.

D. The activist posted the video online.

Answer: B

Explanation: The call for a boycott based on community identity is likely to incite hostility, fitting

the Act's prohibition.

7. If the activist had only criticized the ruling party's economic policies without mentioning any community, what would be the likely legal position?

A. It would still be hate speech.

B. It would be protected under freedom of speech.

C. It would violate public order restrictions.

D. It would require prior government approval.

Answer: B

Explanation: Criticism of policies is explicitly allowed unless it incites hostility toward a protected group.

8. Which principle does the Court's "reasonable restriction" test embody?

A. Absolute liberty of speech

B. Proportionality

C. Parliamentary supremacy

D. Presumption of guilt

Answer: B

Explanation: Reasonable restriction requires proportional balancing between rights and legitimate aims.

9. Which of these scenarios would most likely fall outside the Act's scope?

A. A pamphlet calling for violence against an ethnic group.

B. A blog post urging religious boycott.

C. A research article critiquing historical practices of a religion without urging hostility.

D. A speech telling people to stop hiring members of a language group.

Answer: C

Explanation: The Act targets speech inciting hostility, not academic critique without incitement.

10. If the Act were amended to criminalize "any speech offending personal beliefs," what would be the primary legal concern?

A. It would make the law easier to enforce.

B. It would risk being vague and overbroad.

C. It would protect minorities more effectively.

D. It would remove all restrictions on speech.

Answer: B

Explanation: Overbroad laws can restrict legitimate expression and fail the proportionality test.