BLOGS

MCQ’s on Constitutional Law for CLAT PG [Part 11]

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Passage

Article 22(1) of the Constitution mandates that no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest. This constitutional safeguard ensures that the liberty of an individual is not subjected to arbitrary deprivation by the State. The right to be informed of the grounds of arrest serves not merely as a procedural formality but as a substantive guarantee intended to enable the arrested person to seek legal counsel and challenge the legality of the arrest before a competent court.

In the context of arrests effected under Section 19 of the Prevention of Money Laundering Act, 2002, the authorized officer must have “reason to believe,” based on material in possession, that the person proposed to be arrested is guilty of the offence of money laundering. Such reasons must be recorded in writing. The statute further requires that the person arrested must be informed of the grounds of arrest and that the arrest order, together with the material relied upon, must be forwarded to the Adjudicating Authority in accordance with the statutory rules. These requirements are intended to provide safeguards against arbitrary exercise of power and to ensure transparency and accountability in the exercise of arrest powers by the enforcement authorities.

The Court observed that the communication of the grounds of arrest is of critical importance because the arrested person must be placed in a position to effectively defend himself or herself. In cases arising under the Prevention of Money Laundering Act, the ability of the arrested person to seek bail is governed by stringent statutory conditions. Consequently, unless the arrested individual is made aware of the precise grounds on which the arrest has been effected, it would be practically impossible for such person to demonstrate before the Court that there exist reasonable grounds to believe that he or she is not guilty of the offence alleged. Thus, the constitutional requirement under Article 22(1) and the statutory mandate under Section 19 must be interpreted in a manner that meaningfully protects personal liberty.

The Court further noted that a mere oral recital or reading out of the grounds of arrest may not satisfy the constitutional mandate in all situations. In circumstances where the grounds of arrest are extensive or detailed, it would be unreasonable to expect the arrested person to remember or accurately recollect them for the purpose of seeking legal remedies. Moreover, disputes may arise as to whether the grounds were in fact communicated at the time of arrest. To avoid such uncertainty and to ensure effective compliance with constitutional guarantees, the Court emphasized the importance of furnishing the grounds of arrest in written form to the arrested person.

Providing the written grounds of arrest serves multiple purposes. First, it eliminates ambiguity regarding compliance with Article 22(1). Second, it ensures that the arrested person has adequate knowledge of the allegations forming the basis of the arrest. Third, it facilitates the exercise of the right to legal representation and enables the arrested person to prepare an effective defence or seek appropriate relief from the courts.

In light of these considerations, the Court concluded that the constitutional and statutory requirement of informing the arrested person of the grounds of arrest must be implemented in a manner that is fair, transparent, and consistent with the protection of personal liberty. The safeguards embedded in Section 19 of the Prevention of Money Laundering Act and the constitutional mandate under Article 22(1) together operate as a vital check against arbitrary arrest and detention.

Extract adapted from: Pankaj Bansal v. Union of India, Supreme Court of India, 2023

Q1. Which constitutional objective is primarily served by the requirement under Article 22(1) that a person arrested must be informed of the grounds of arrest?

a. Ensuring parliamentary control over criminal investigations
b. Preventing arbitrary detention and enabling the exercise of legal remedies
c. Limiting the power of courts to review arrests
d. Allowing investigative agencies to conduct custodial interrogation efficiently

Q2. In Pankaj Bansal v. Union of India (2023), the Supreme Court clarified the meaning of "informing the grounds of arrest" under Section 19 of the PMLA. What did the Court hold?

a. Oral communication of grounds of arrest is always sufficient

b. Written communication of grounds of arrest must ordinarily be furnished to the arrestee

c. Disclosure of grounds of arrest is unnecessary in economic offences

d. Grounds of arrest may be disclosed only during bail hearings

Q3. Which of the following best explains the relationship between Article 21 and Article 22 in the context of arrest procedures?

a. Article 22 overrides Article 21 in criminal matters

b. Article 22 supplements the procedural safeguards implicit in Article 21

c. Article 21 applies only to preventive detention

d. Article 22 applies only to civil detention

Q4. In Vijay Madanlal Choudhary v. Union of India (2022), the Supreme Court upheld which controversial feature of the Prevention of Money Laundering Act (PMLA)?

a. Reverse burden of proof in bail proceedings under Section 45

b. Complete immunity of enforcement officers from judicial review

c. Abolition of anticipatory bail in economic offences

d. Mandatory disclosure of ECIR to the accused

Q5. Which principle governs the requirement that arresting authorities must record "reasons to believe" before arresting a person under PMLA?

a. Doctrine of separation of powers

b. Doctrine of proportionality

c. Administrative accountability and protection against arbitrary power

d. Parliamentary privilege

Q6. Which of the following best reflects the Supreme Court's reasoning in V. Senthil Balaji v. State (2023) regarding arrests under PMLA?

a. Arrest under PMLA does not require judicial scrutiny

b. Magistrates must verify compliance with statutory safeguards before authorizing remand

c. Arrest powers under PMLA are immune from constitutional challenge

d. Arrested persons cannot challenge the legality of arrest after remand

Q7. Which earlier constitutional doctrine most strongly influenced the modern interpretation of procedural fairness under Article 21?

a. Doctrine of eclipse

b. Doctrine of basic structure

c. Due process interpretation in Maneka Gandhi v. Union of India

d. Doctrine of pith and substance

Q8. Under the PMLA, which authority is responsible for reviewing the material and arrest order forwarded by the arresting officer after an arrest under Section 19?

a. Central Bureau of Investigation

b. Adjudicating Authority under the PMLA

c. High Court exercising writ jurisdiction

d. Special Investigation Team

Q9. The requirement that arrest powers must be exercised "within the four corners of the statute" reflects which fundamental principle of administrative law?

a. Ultra vires doctrine

b. Parliamentary sovereignty

c. Doctrine of promissory estoppel

d. Doctrine of legitimate expectation

Q10. Why did the Supreme Court emphasize the need for written grounds of arrest in Pankaj Bansal?

a. To facilitate administrative convenience for investigators

b. To ensure meaningful compliance with Article 22 and enable effective legal defence

c. To reduce the burden on courts hearing bail applications

d. To prevent judicial review of arrest decisions

Q11. Which of the following best explains why knowledge of the grounds of arrest is crucial in PMLA cases?

a. It allows the accused to challenge the constitutionality of PMLA

b. It enables the accused to satisfy the stringent bail conditions under Section 45

c. It eliminates the need for investigation

d. It prevents confiscation proceedings

Q12. The principle that an illegal arrest cannot be validated merely by a subsequent remand order was reaffirmed by the Supreme Court with reference to which earlier

precedent?

a. Madhu Limaye v. Sub-Divisional Magistrate

b. Kesavananda Bharati v. State of Kerala

c. ADM Jabalpur v. Shivkant Shukla

d. Minerva Mills v. Union of India

Q13. Which of the following constitutional rights is most directly implicated when a person is denied access to legal counsel immediately after arrest?

a. Article 14

b. Article 19

c. Article 21 and Article 22(1)

d. Article 32

Q14. The Supreme Court's insistence on transparency in arrest procedures reflects which broader constitutional value?

a. Constitutional morality and rule of law

b. Federal supremacy

c. Parliamentary privilege

d. Judicial minimalism

Q15. Which of the following statements best captures the constitutional philosophy underlying the Court's interpretation of arrest safeguards in recent PMLA jurisprudence?

a. State security must override personal liberty in economic offences

b. Investigative convenience is more important than procedural safeguards

c. Personal liberty can only be curtailed through fair, transparent and lawful procedures

d. Judicial review should be excluded in economic crime investigations

Answers

1. Correct Answer: B – Preventing arbitrary detention and enabling legal remedies

Explanation: Article 22(1) protects individuals against arbitrary arrest and detention by requiring that the arrested person be informed of the grounds of arrest and allowed to consult a lawyer. This safeguard ensures that the person can challenge the arrest through bail applications,

habeas corpus petitions, or other legal remedies.

2. Correct Answer: B – Written communication of grounds must ordinarily be furnished

Explanation: In Pankaj Bansal v. Union of India (2023), the Supreme Court held that merely reading out the grounds of arrest is insufficient. To ensure meaningful compliance with Article 22(1) and Section 19 PMLA, the grounds of arrest must ordinarily be supplied in writing.

3. Correct Answer: B – Article 22 supplements Article 21

Explanation: Article 21 protects personal liberty, while Article 22 provides specific procedural safeguards relating to arrest and detention. Together, they form a constitutional framework ensuring fair procedure in criminal law.

4. Correct Answer: A – Reverse burden of proof in bail proceedings

Explanation: In Vijay Madanlal Choudhary v. Union of India (2022), the Supreme Court upheld the stringent bail conditions under Section 45 PMLA, including the requirement that the court must be satisfied that the accused is not guilty of the offence before granting bail.

5. Correct Answer: C – Administrative accountability

Explanation: The requirement of recording “reasons to believe” prevents arbitrary arrests and ensures that enforcement officers act on objective material rather than suspicion.

6. Correct Answer: B – Magistrates must verify compliance

Explanation: In Senthil Balaji, the Court held that the Magistrate must verify whether the arrest complies with Section 19 PMLA safeguards before granting remand.

7. Correct Answer: C – Maneka Gandhi case

Explanation: *Maneka Gandhi v. Union of India (1978)* expanded Article 21 to require fair, just, and reasonable procedure, effectively introducing a due process standard.

8. Correct Answer: B – Adjudicating Authority

Explanation: Section 19 PMLA requires that arrest orders and supporting material be forwarded to the Adjudicating Authority, which acts as a supervisory safeguard.

9. Correct Answer: A – Ultra vires doctrine

Explanation: Administrative authorities must act within statutory limits; actions beyond those limits are invalid under the ultra vires doctrine.

10. Correct Answer: B – Meaningful compliance with Article 22

Explanation: Written grounds ensure that the arrested person can consult lawyers and challenge the arrest effectively, fulfilling the constitutional mandate.

11. Correct Answer: B – Enables the accused to satisfy bail conditions

Explanation: PMLA bail provisions require the accused to demonstrate prima facie innocence. Without knowing the allegations, this becomes impossible.

12. Correct Answer: A – Madhu Limaye

Explanation: The Court held that a remand order cannot cure constitutional defects in an illegal arrest.

13. Correct Answer: C – Articles 21 and 22(1)

Explanation: The right to consult legal counsel is explicitly guaranteed under Article 22(1) and forms part of procedural fairness under Article 21.

14. Correct Answer: A – Constitutional morality and rule of law

Explanation: The Court emphasized that investigative agencies must exercise power transparently and fairly, consistent with rule-of-law principles.

15. Correct Answer: C – Liberty can be curtailed only through fair procedure

Explanation: Modern constitutional jurisprudence emphasizes that personal liberty cannot be taken away arbitrarily and must comply with fair, reasonable and lawful procedures.