BLOGS

MCQs on Constitutional Laws for CLAT PG [Part 3]

Adtiya Aryan · 10 Feb 2026

Passage

In an article published on 15 December 1890 in the Harvard Law Review, Samuel D Warren and Louis Brandeis adverted to the evolution of the law to incorporate within it, the right to life as “a recognition of man’s spiritual nature, of his feelings and his intellect”. As legal rights were broadened, the right to life had “come to mean the right to enjoy life – the right to be let alone”. Recognizing that “only a part of the pain, pleasure and profit of life lay in physical things” and that “thoughts, emotions, and sensations demanded legal recognition”, Warren and Brandeis revealed with a sense of perspicacity the impact of technology on the right to be let alone: “Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls the right ‘to be let alone’. Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that ‘what is whispered in the closet shall be proclaimed from the house-tops.’ For years there has been a feeling that the law must afford some remedy for the unauthorized circulation of portraits of private persons… The intensity and complexity of life, attendant upon advancing civilization, have rendered necessary some retreat from the world, and man, under the refining influence of culture, has become more sensitive to publicity, so that solitude and privacy have become more essential to the individual; but modern enterprise and invention have, through invasions upon his privacy, subjected him to mental pain and distress, far greater than could be inflicted by mere bodily injury.”

In their seminal article, Warren and Brandeis observed that: “The principle which protects personal writings and all other personal productions, not against theft and physical appropriation, but against publication in any form, is in reality not the principle of private property, but that of an inviolate personality.” The right “to be let alone” thus represented a manifestation of “an inviolate personality”, a core of freedom and liberty from which the human being had to be free

from intrusion. The technology which provided a justification for the need to preserve the privacy of the individual was the development of photography. The right to be let alone was not so much an incident of property as a reflection of the inviolable nature of the human personality.

The ringing observations of Warren and Brandeis on the impact of technology have continued relevance today in a globalized world dominated by the internet and information technology. As societies have evolved, so have the connotations and ambit of privacy. Though many contemporary accounts attribute the modern conception of the 'right to privacy' to the Warren and Brandeis article, historical material indicates that it was Thomas Cooley who adopted the phrase "the right to be let alone", in his Treatise on the Law of Torts. Discussing personal immunity, Cooley stated: "the right of one's person may be said to be a right of complete immunity; the right to be alone."

Roscoe Pound described the Warren and Brandeis article as having done "nothing less than add a chapter to our law". However, another writer on the subject states that: "This right to privacy was not new. Warren and Brandeis did not even coin the phrase, 'right to privacy,' nor its common soubriquet, 'the right to be let alone'." The right to be let alone is a part of the right to enjoy life. The right to enjoy life is, in its turn, a part of the fundamental right to life of the individual.

Excerpt from Justice K S Puttaswamy vs Union of India.

Q1. The passage situates the "right to be let alone" primarily as:

a) An incident of private property
b) A derivative of contractual autonomy
c) An expression of inviolable human personality
d) A statutory privilege against surveillance

Q2. Warren and Brandeis' core anxiety about technological change was that it:

a) Enabled commercial monopolies over information
b) Reduced the role of tort law
c) Collapsed the boundary between private life and public gaze
d) Replaced judicial remedies with self-help

Q3. The passage suggests that privacy is best understood as part of:

a) Freedom of speech
b) Right to reputation

c) Right to enjoy life

d) Right to property

Q4. The conceptual move made by Warren and Brandeis shifts the basis of protection from:

a) Contract to tort

b) Property to personality

c) Statute to equity

d) Morality to legality

Q5. Which Indian constitutional doctrine most closely mirrors the idea that privacy flows from "inviolate personality"?

a) Reasonable restrictions under Article 19

b) Due process under Article 21

c) Classification under Article 14

d) Parliamentary privilege

Q6. The modern Indian constitutional articulation that resonates most with this passage is found in:

a) ADM Jabalpur v. Shivkant Shukla

b) Maneka Gandhi v. Union of India

c) K.S. Puttaswamy v. Union of India

d) R. Rajagopal v. State of Tamil Nadu

Q7. The passage treats privacy as evolving because:

a) Courts periodically redefine it

b) It is a statutory creation

c) Social complexity and technology reshape human vulnerability

d) International law mandates it

Q8. The reference to Cooley's "right of complete immunity" reinforces which idea?

a) Privacy is a negative liberty against intrusion

b) Privacy is contingent on social status

c) Privacy is subordinate to public interest

d) Privacy exists only in domestic spaces

Q9. Roscoe Pound's observation that the article "added a chapter to our law" implies that Warren and Brandeis:

a) Codified existing statutes

b) Created a new tort remedy

c) Reoriented legal imagination around personality

d) Limited press freedom

Q10. Read with Indian constitutional law, the passage most strongly supports the view that privacy:

a) Is an enumerated Fundamental Right

b) Is a derivative statutory entitlement

c) Emerges from the dignity and autonomy of life under Article 21

d) Is confined to informational control

Q11. The idea that privacy safeguards "decisional autonomy" in matters such as marriage, procreation, and belief most closely reflects which constitutional value?

a) Federal balance

b) Democratic accountability

c) Individual dignity

d) Separation of powers

Q12. In Indian constitutional law, the recognition of privacy as intrinsic to liberty primarily altered which earlier judicial assumption?

a) That Fundamental Rights are absolute

b) That liberty refers only to freedom from physical restraint

c) That rights require express textual enumeration

d) That courts cannot review legislative policy

Q13. The evolution of privacy from a tort-based protection to a constitutional guarantee signifies:

a) Expansion of judicial power over Parliament

b) Transformation of personal autonomy into a public law concern

c) Decline of common law remedies

d) Replacement of statutory regulation

Q14. A constitutional understanding of privacy grounded in dignity most directly limits State action in cases involving:

a) Taxation policy

b) Electoral boundaries

c) Surveillance of personal communications

d) Allocation of public resources

Q15. The shift from "property-based" to "personhood-based" privacy implies that constitutional protection:

a) Depends on ownership of information

b) Is confined to private spaces

c) Travels with the individual across contexts

d) Operates only against non-State actors

Answers

1. Correct Answer: C – An expression of inviolable human personality

Explanation: The passage rejects property-based justifications and roots privacy in "inviolate personality." It frames privacy as intrinsic to human dignity and autonomy, not ownership.

2. Correct Answer: C – Collapsed the boundary between private life and public gaze

Explanation: Photography and newspapers are portrayed as erasing the sanctity of domestic life, making private moments publicly consumable.

3. Correct Answer: C – Right to enjoy life

Explanation: The passage explicitly links privacy to the "right to enjoy life," which in turn forms part of the right to life.

4. Correct Answer: B – Property to personality

Explanation: Warren and Brandeis shift legal protection from proprietary interests to the integrity of the person.

5. Correct Answer: B – Due process under Article 21

Explanation: Indian constitutional law anchors dignity, autonomy, and bodily integrity in Article 21's substantive due process framework.

6. Correct Answer: C – K.S. Puttaswamy v. Union of India

Explanation: Puttaswamy adopts a dignity-based conception of privacy, echoing Warren and Brandeis' emphasis on personality and autonomy.

7. Correct Answer: C – Social complexity and technology reshape human vulnerability

Explanation: The passage argues that as life becomes "intense and complex," privacy becomes more essential and more fragile.

8. Correct Answer: A – Privacy is a negative liberty against intrusion

Explanation: Cooley's "complete immunity" depicts privacy as freedom from unwanted interference.

9. Correct Answer: C – Reoriented legal imagination around personality

Explanation: Pound's remark recognizes a conceptual transformation: law begins protecting inner life, not merely external interests.

10. Correct Answer: C – Emerges from the dignity and autonomy of life under Article 21

Explanation: Indian jurisprudence treats privacy as inherent in life and personal liberty, mirroring the passage's philosophical foundation.

11. Correct Answer: C – Individual dignity

Explanation: Decisional autonomy in intimate matters flows from dignity. The Constitution protects the individual's capacity to make fundamental life choices without coercive intrusion, reflecting privacy as a condition of self-authorship.

12. Correct Answer: B – That liberty refers only to freedom from physical restraint

Explanation: Early Indian jurisprudence treated liberty narrowly as bodily freedom. The recognition of privacy expanded Article 21 to include mental, emotional, and decisional autonomy.

13. Correct Answer: B – Transformation of personal autonomy into a public law concern

Explanation: By constitutionalising privacy, the law elevates personal autonomy from a private dispute framework into a limit on State power, binding the State to respect inner spheres of life.

14. Correct Answer: C – Surveillance of personal communications

Explanation: A dignity-based privacy doctrine directly restrains State intrusion into intimate

zones, particularly through surveillance that penetrates thought, belief, and association.

15. Correct Answer: C – Travels with the individual across contexts

Explanation: Once privacy is anchored in personhood, it is no longer tied to property or place. It follows the individual—online, in public, or within the home—because it protects the self, not merely space.