BLOGS

Passage-Based MCQs On Constitutional Law for CLAT PG [Part 1]

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Passage I

Analysing the opinion of Justice Hegde, the following formulations emerge:

The Scheduled Castes form a class by themselves as elucidated in the opinions of Justice Krishna Iyer and Justice Fazl Ali in *State of Kerala v. N.M. Thomas*.

The purpose of the Act was to divide the castes in the Presidential List and then to distribute the reservations for the Scheduled Castes in the state among four groups. The Act did not provide reservations for the first time but redistributed them by sub-classifying the Scheduled Castes. Reservations are not a constitutional mandate and once the state has fulfilled the obligation to reserve certain seats under Articles 15(4) and 16(4), it cannot apportion reservations among sub-classes. Notwithstanding the purpose of such sub-classification, the State cannot claim legislative competence under Entry 41, List II and Entry 25, List III of the Seventh Schedule in order to divide the Scheduled Castes List. The pith and substance of the law in question was not traceable to these entries.

The Scheduled Castes constitute a class, and a classification already exists. The issue was whether a further classification is permissible within this class with the objective of providing reservations. The rationale of *Indra Sawhney* (supra), to the extent that it permitted sub-classification of the Other Backward Classes, did not apply to the Scheduled Castes. Sub-classification was akin to giving preference to a miniscule proportion of the Scheduled Castes over other groups and would be impermissible in view of Article 14.

The Constitution creates a legal fiction in terms of which the Scheduled Castes constitute a class as a whole. The States cannot sub-divide them. Such a sub-classification would tinker with the Presidential List and violate Article 14. If the benefits of reservation are not being distributed equitably, they can be supplemented by additional measures such as training, which would not be contrary to Articles 14 and 15. A further sub-classification amongst the Scheduled Castes would

not be reasonable and a uniform yardstick must be adopted to give benefits to the Scheduled Castes.

In his concurring opinion, Justice H.K. Sema held that the purpose of reservations is to afford special protection to the members of the Scheduled Castes and Scheduled Tribes as a homogenous class of persons. Further classification of this class of people would amount to tinkering with the Presidential List.

(Excerpt adapted from **State of Punjab v. Davinder Singh***)*

Q1. Justice Hegde's analysis treats the Scheduled Castes as a constitutionally unified class primarily because:

A. They share identical socio-economic conditions across the country

B. The Constitution creates a legal fiction treating them as one class

C. Parliament has uniform legislative competence over them

D. Judicial precedents mandate absolute uniformity in all benefits

Q2. Why did Justice Hegde reject the application of *Indra Sawhney's* logic on sub-classification to Scheduled Castes?

A. Because *Indra Sawhney* dealt exclusively with political reservations

B. Because Scheduled Castes are governed by a Presidential list under Article 341

C. Because sub-classification is unconstitutional for all backward classes

D. Because reservations for SCs are mandatory and not discretionary

Q3. According to the reasoning summarised, sub-classification within Scheduled Castes was viewed as unconstitutional mainly because it:

A. Reduces the overall quantum of reservation

B. Violates federal distribution of legislative powers

C. Disturbs the constitutional identity of a class created by law

D. Eliminates merit-based selection

Q4. Justice Hegde suggests that inequitable distribution of reservation benefits among Scheduled Castes should be addressed through:

A. Parliamentary amendment of Article 341

B. Sub-classification by State legislation

C. Judicial restructuring of reservation policies

D. Supplementary welfare and capacity-building measures

Q5. Justice H.K. Sema's concurring opinion reinforces which core constitutional idea?

A. That equality permits differentiation within every class

B. That reservations operate as a temporary political tool

C. That Scheduled Castes form a homogeneous constitutional group

D. That States possess plenary power over caste-based policies

Passage II

Bribery is not protected by parliamentary privilege.

Bribery is not in respect of anything said or any vote given.

The offence of criminal conspiracy is made out on the conclusion of an agreement to commit the offence of bribery and the performance of the act pursuant to the agreement is not of any consequence. Similarly, the act of acceptance of a bribe for speaking or giving a vote against the motion arises independently of the making of the speech or giving of the vote by the MP. Hence, liability for the offence cannot be treated as in respect of anything said or any vote given in Parliament.

Under Section 7 of the Prevention of Corruption Act, the mere obtaining, accepting or attempting to obtain an undue advantage with the intention to act or forbear from acting in a certain way is sufficient to complete the offence. It is not necessary that the act for which the bribe is given be actually performed. The first explanation to the provision further strengthens such an interpretation when it expressly states that the obtaining, accepting, or attempting to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by a public servant has not been improper.

Therefore, the offence of a public servant being bribed is pegged to receiving or agreeing to receive the undue advantage and not the actual performance of the act for which the undue advantage is obtained.

When this Court holds that the offence of bribery is complete on the acceptance or attempt to accept undue advantage and is not dependent on the speech or vote, it automatically pushes the offence outside the ambit of Articles 105(2) and 194(2). This is not because the acceptance of undue advantage happened outside the legislature but because the offence is independent of the "vote or speech" protected by Articles 105(2) and 194(2). The remit of parliamentary privilege is intricately linked to the nexus of the act to the 'vote' or 'speech' and the transaction of

parliamentary business.

The majority judgment in *P.V. Narasimha Rao* (supra) did not delve into when the offence of bribery is complete or the constituent elements of the offence. However, on the facts of the case, the majority held that those MPs who voted as agreed were covered by the immunity, while those who did not vote at all were not covered by the immunity. This erroneously links the offence of bribery to the performance of the act.

(Excerpt adapted from **Sita Soren v. Union of India***)*

Q6. Which core principle emerges from the passage regarding the scope of parliamentary privilege?

A. It protects all acts connected with legislative duties

B. It extends to criminal conduct linked to legislative outcomes

C. It is confined to speech and voting in the House

D. It covers agreements made outside Parliament

Q7. Why does the offence of bribery fall outside the protection of Articles 105(2) and 194(2)?

A. Because bribery always occurs outside Parliament

B. Because criminal law overrides constitutional privileges

C. Because the offence is complete independent of speech or vote

D. Because MPs are not public servants

Q8. The passage treats the offence of criminal conspiracy to commit bribery as complete when:

A. The bribe is paid

B. The speech or vote is actually delivered

C. An agreement to commit bribery is formed

D. Parliamentary business is transacted

Q9. Under Section 7 of the Prevention of Corruption Act, the offence of bribery is completed upon:

A. Actual misuse of public office

B. Passage of the concerned motion

C. Acceptance or attempt to obtain undue advantage

D. Judicial determination of intent

Q10. Which reasoning best explains why acceptance of a bribe is not "in respect of" a parliamentary vote?

A. Because votes are always secret

B. Because the offence exists regardless of how the MP eventually votes

C. Because Parliament cannot regulate criminal conduct

D. Because bribery is a civil wrong

Q11. The passage criticises *P.V. Narasimha Rao* mainly for:

A. Misinterpreting the Prevention of Corruption Act

B. Ignoring the elements of conspiracy

C. Linking criminal liability to performance of the vote

D. Expanding the scope of Article 14

Q12. Which interpretation best aligns with the Court's view on parliamentary privilege?

A. Privilege attaches to every act related to parliamentary business

B. Privilege shields outcomes, not processes

C. Privilege protects only the act of speaking or voting

D. Privilege extends to preparatory criminal acts

Q13. The concept of "nexus" in the passage refers to:

A. The relationship between MPs and political parties

B. The connection between criminal acts and parliamentary functions

C. The link between conspiracy and legislative intent

D. The association between motive and outcome

Q14. What constitutional consequence follows from treating bribery as complete upon acceptance?

A. MPs lose all parliamentary privileges

B. Criminal law becomes subordinate to privilege

C. Privilege cannot be invoked to block prosecution

D. Voting becomes judicially reviewable

Q15. Which proposition best captures the normative thrust of the passage?

A. Parliamentary privilege must be interpreted expansively

B. Legislative autonomy outweighs criminal accountability

C. Criminal conduct cannot be constitutionalised by proximity to legislative acts

D. Immunity must extend to political negotiations

Answers

1. B – The Constitution creates a legal fiction treating them as one class

Explanation: Justice Hegde emphasises that the Constitution itself deems Scheduled Castes to be a single class. This legal fiction underpins the prohibition on State-created sub-divisions within that class.

2. B – Because Scheduled Castes are governed by a Presidential list under Article 341

Explanation: Unlike OBCs, Scheduled Castes derive their constitutional identity from Article 341. Applying *Indra Sawhney*'s rationale would permit States to indirectly modify this constitutionally fixed list.

3. C – Disturbs the constitutional identity of a class created by law

Explanation: Sub-classification was seen as impermissible because it interferes with a class that the Constitution itself constructs as unified, thereby violating the equality principle under Article 14.

4. D – Supplementary welfare and capacity-building measures

Explanation: Justice Hegde suggests alternatives such as training and supportive measures to ensure equitable benefit distribution, without altering the constitutional structure of the Scheduled Castes.

5. C – That Scheduled Castes form a homogeneous constitutional group

Explanation: Justice Sema reinforces that reservations are meant for Scheduled Castes as a single constitutional class. Any further division would amount to impermissible interference with the Presidential List.

6. C – It is confined to speech and voting in the House

Explanation: The passage repeatedly stresses that privilege protects only the act of speaking or voting, not independent criminal conduct.

7. C – Because the offence is complete independent of speech or vote

Explanation: Bribery is completed upon acceptance or agreement, irrespective of whether a vote is cast or a speech is made.

8. C – An agreement to commit bribery is formed

Explanation: Criminal conspiracy is constituted once there is an agreement to commit the offence, not upon execution.

9. C – Acceptance or attempt to obtain undue advantage

Explanation: Section 7 PC Act criminalises the very act of obtaining or attempting to obtain undue advantage.

10. B – Because the offence exists regardless of how the MP eventually votes

Explanation: The wrongdoing is pegged to receipt of the bribe, not to the subsequent legislative act.

11. C – Linking criminal liability to performance of the vote

Explanation: The passage criticises *PV Narasimha Rao* for making immunity depend on whether the MP actually voted.

12. C – Privilege protects only the act of speaking or voting

Explanation: The Court narrows privilege to its textual core—speech and vote.

13. B – The connection between criminal acts and parliamentary functions

Explanation: Privilege applies only where the act has a direct nexus with speech or vote.

14. C – Privilege cannot be invoked to block prosecution

Explanation: Once bribery is treated as complete independently, constitutional immunity cannot shield it.

15. C – Criminal conduct cannot be constitutionalised by proximity to legislative acts

Explanation: The passage asserts that criminality does not become immune merely because it is linked to parliamentary business.