BLOGS

Passage Based Practice Paper for CLAT PG 2022

ANNA PRIYA · 23 Feb 2022

Appearing for CLAT PG 2022? Attempt the following passage based practice paper for CLAT PG based on the latest exam pattern.

Read the passage given below and answer the questions that follow:

"The Supreme Court was emphatic and liberal when it said that mere association with a terrorist organisation is not sufficient to attract the offences alleged. Unless and until the association and the support were "with intention of furthering the activities of a terrorist organisation", offence under Section 38 or Section 39 is not made out, said the Court.

Mere possession of documents or books by the accused at a formative young age, or even their fascination for an ideology, does not ipso facto or ipso jure make out an offence, the Court ruled.

The judgment can act as an effective admonition against a suppressive regime. It also exposes the hypocrisy of the law, the UAPA. Section 43D(5) of the UAPA says that for many of the offences under the Act, bail should not be granted, if "on perusal of the case diary or the report (of the investigation)... there are reasonable grounds for believing that the accusation ... is prima facie true".

Thus, the Act prompts the Court to consider the version of the prosecution alone while deciding the question of bail. Unlike the Criminal Procedure Code, the UAPA, by virtue of the proviso to Section 43D(2), permits keeping a person in prison for up to 180 days, without even filing a charge sheet. Thus, the statute prevents a comprehensive examination of the facts of the case on the one hand, and prolongs the trial indefinitely by keeping the accused in prison on the other." **[i]**

QUESTIONS

1. In this extract taken from an editorial in the Hindu, titled "A new jurisprudence for political prisoners", the writer is discussing the liberty unfriendly provisions of the antiterror law UAPA. Which of these Amendments have permitted the designation of an individual as a terrorist?

a. The Unlawful Activities (Prevention) Amendment Act, 2019

b. The NIA Amendment Act, 2020

c. The Unlawful Activities (Prevention) Amendment Act, 2008

d. The Citizenship (Amendment) Act, 2019

1. Which of the following Schedules of the UAPA contain the list of designated terrorist organisations?

a. First Schedule

b. Second Schedule

c. Third Schedule

d. Fourth Schedule

1. In which of the following cases did the Supreme Court recognize the right of a Constitutional Court to grant bail, even in UAPA cases?

a. NIA v. Zaroor Ahmad Shah Watali

b. Union of India v. K.A. Najee

c. Natasha Narwal v. NCT of Delhi

d. Asif Iqbal Tanha v. NCT of Delhi

1. On what grounds did the Court in the abovementioned case (Q.3) permit the grant of bail?

a. Violation of Article 14

b. Violation of Fundamental Right to Speedy Trial

c. Expiry of 180 days

d. Police Brutality

1. Which of the following elements has the latest amendment inserted in the UAPA?

a. Fourth Schedule

b. Part A

c. Part B

d. Both B and C

1. In which of the following pending cases is the constitutionality of the latest Amendment of the UAPA challenged?

a. Sejal Awasthi v. Union of India

b. Romilla Thapar v. Union of India

c. Anuradha Bhasin v. Union of India

d. None of These

Answer Key: 1-a, 2-a, 3-b, 4-b, 5-a, 6-a.

SUGGESTED LIST OF STUDY MATERIALS:

1. Unlawful Activities Prevention (Amendment) Act, 2019[ii]
2. Sejal Awasthi v. Union of India (the petition)[iii]
3. ACPR v. Union of India (the petition)[iv]

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[i] Kaleeswaram Raj, "A new jurisprudence for political prisoners", The Hindu: 8 November 2021

[ii] *Available at* https://egazette.nic.in/WriteReadData/2019/210355.pdf

[iii] *Available at* https://www.scobserver.in/wp-content/uploads/2021/10/Sajal_Awasthi_v._Union_of_India.pdf

[iv] *Available at* https://www.scobserver.in/wp-content/uploads/2021/10/APCR_WP_1096_2019.pdf