

BLOGS

Passage-Based Questions on Constitutional Law for CLAT PG [Part 11]

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Passage

“The claim in public law for compensation for unconstitutional deprivation of fundamental right to life and liberty, the protection of which is guaranteed under the Constitution, is a claim based on strict liability and is in addition to the claim available in private law for damages of tortious acts of the public servants. Public law proceedings serve a different purpose than the private law proceedings.

Award of compensation for established infringement of the indefeasible rights guaranteed under Article 21 of the Constitution is remedy available in public law since the purpose of public law is not only to civilise public power but also to assure the citizens that they live under a legal system wherein their rights and interests shall be protected and preserved.

Grant of compensation in proceedings under Article 32 or 226 of the Constitution of India for the established violation or the fundamental rights guaranteed under Article 21, is an exercise of the Courts under the public law jurisdiction for penalising the wrong doer and fixing the liability for the public wrong on the State which failed in the discharge of its public duty to protect the fundamental rights of the citizen.”

Judgement Excerpt from D. K Basu V. State of West Bengal (1997) 1 SCC 416

1) The claim in public law for compensation of deprivation of fundamental rights is based on what kind of liability?

- a. Negligence liability
- b. Strict liability
- c. Absolute liability
- d. Vicarious liability

2) What is the compensation claim in public law for deprivation of fundamental rights?

- a. A substitute for private law claims
- b. Exclusive of private law claims
- c. In addition to claims available in private law
- d. Inferior to private law claims

3) The proceedings in private law for damages against public servants is based on which concept?

- a. Tortious acts of public servants
- b. Constitutional violations
- c. Strict liability principles
- d. Breach of statutory duty

4) What is the purpose of public law as mentioned in the above case?

- a. Only to provide monetary compensation to victims
- b. Only to punish state officials individually
- c. To replace private law remedies entirely
- d. To civilise public power and assure citizens of protection of their rights

5) The compensation awarded for the infringement of rights under Article 21 of Constitution of India is what kind of remedy?

- a. Defeasible rights
- b. Indefeasible rights
- c. Conditional rights
- d. Statutory rights

6) Which articles of the Constitution of India are invoked to grant compensation for violation of Article 21 of the Constitution of India?

- a. Articles 14 and 19
- b. Articles 19 and 21
- c. Articles 32 and 226
- d. Articles 32 and 136

7) The grant of compensation for the violation of Article 21 of Constitution of India is what kind of jurisdiction exercised by the courts?

- a. Private law jurisdiction
- b. Criminal law jurisdiction
- c. Public law jurisdiction
- d. Appellate jurisdiction

8) The court fixes liability on the state under public law jurisdiction for what purpose?

- a. Public wrong arising from failure to protect fundamental rights
- b. Private wrong done by its employees personally
- c. Criminal offences committed by police officers
- d. Contractual breaches by government agencies

9) What does the above mentioned case state about the role of the State when fundamental rights of citizens are violated by public servants?

- a. The State bears no liability as it did not directly act
- b. The State failed in its public duty to protect fundamental rights
- c. The State is only morally responsible, not legally
- d. The State can delegate its liability to the individual officer

10) What is the difference between public law and private law proceedings?

- a. They offer higher quantum of damages
- b. They serve a different purpose focused on public accountability
- c. They are faster and more efficient
- d. They do not require proof of violation

11) What is the purpose of compensation awarded under public for violation of Article 21 of the Constitution of India?

- a. Penalise the wrong doer and fix State liability
- b. Reimburse the victim for financial losses only
- c. Replace criminal prosecution of the accused officer
- d. Settle disputes between citizens and private parties

12) Which fundamental right is central to the above mentioned case?

- a. Article 14-Right to Equality
- b. Article 19-Right to Freedom

- c. Article 21-Right to Life and Personal Liberty
- d. Article 22 -Protection against Arbitrary Arrest

13) What is a citizen assured under a legal system as per the above mentioned judgement?

- a. The State will never commit any wrong
- b. Police officers will be personally prosecuted for all violations
- c. Compensation will always be monetary in nature
- d. Their rights and interests shall be protected and preserved

14) What is the meaning of strict liability as discussed in the above mentioned case?

- a. The State can escape liability by proving absence of negligence
- b. The claimant must prove malicious intent of the State
- c. Liability arises from the unconstitutional act itself, regardless of intent
- d. Liability is shared equally between the officer and the State

15) The above mentioned case has recognised compensation under Article 32 and 226 as a remedy under what circumstances?

- a. Ordinary civil courts lack jurisdiction over State actions
- b. The Constitution itself guarantees protection of fundamental rights and courts enforce that guarantee
- c. Criminal remedies are inadequate for custodial violations
- d. The legislature has expressly provided for such compensation by statute

Answers

- 1. Option b
- 2. Option c
- 3. Option a
- 4. Option d
- 5. Option b
- 6. Option c
- 7. Option c

- 8. Option a
- 9. Option b
- 10. Option b
- 11. Option a
- 12. Option c
- 13. Option d
- 14. Option c
- 15. Option b