BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 16]

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Passage 1 (P.1)

The petitioner's passport was impounded by the Government of India under Section 10(3)(c) of the Passports Act, 1967 in the "public interest." No prior hearing was granted before impounding the passport. When she demanded reasons, the government refused to disclose them on grounds of public interest. The petitioner challenged this action as unconstitutional, arguing that it violated her Fundamental Rights under Articles 14, 19(1)(a), 19(1)(g), and 21.

Before this decision, Article 21 had been interpreted narrowly in A.K. Gopalan v. State of Madras, where the Court held that as long as there existed a "procedure established by law," deprivation of liberty was valid, irrespective of the fairness of such procedure.

In Maneka Gandhi, however, the Court overruled this restrictive approach. The Supreme Court held that the "procedure" under Article 21 must be just, fair, and reasonable – not arbitrary, oppressive, or fanciful. A law that deprives a person of personal liberty must satisfy not only Article 21 but also the requirements of Article 14 (non-arbitrariness) and Article 19 (reasonableness of restrictions).

The Court conceptualized Articles 14, 19, and 21 as forming a "golden triangle," ensuring that no law could escape constitutional scrutiny merely by formally prescribing a procedure. The judgment effectively introduced substantive due process into Indian constitutional law. It expanded the meaning of "personal liberty" and strengthened judicial review against arbitrary state action.

1. Parliament enacts a statute allowing cancellation of professional licenses without notice, provided a written order is recorded internally. No opportunity for hearing is provided. Affected persons challenge it under Articles 14, 19(1)(g), and 21. The statute is most vulnerable because?

a. Absence of hearing may render the procedure arbitrary

b. Article 21 requires only formal procedure

c. Internal recording satisfies fairness

d. Article 19 does not apply to professional licenses

2. A preventive detention law provides a post-deprivation hearing after six months. During those six months, no reasons need be disclosed. Applying Maneka Gandhi, the strongest constitutional challenge would be based on?

a. Arbitrariness and absence of fair procedure

b. Lack of nexus with public interest

c. Only Article 19

d. Separation of powers

3. A law equally applies to all citizens but allows the executive unguided discretion to deprive liberty without criteria. It would most likely fail under?

a. Equality doctrine of classification

b. Doctrine of arbitrariness under Article 14

c. Doctrine of eclipse

d. Parliamentary privilege

4. If Parliament expressly excludes judicial review in matters of passport impoundment, the exclusion would be questionable because?

a. Judicial review forms part of legislative power

b. Article 21 is absolute

c. Fair procedure requires access to challenge

d. Executive supremacy prevails

5. Which statement most accurately reflects the transformation brought by this case?

a. It replaced “procedure established by law” with “due process” textually

b. It judicially infused fairness into Article 21

c. It eliminated preventive detention laws

d. It made Article 19 subordinate to Article 21

Passage 2 (P.2)

The judgment in K.S. Puttaswamy v. Union of India addressed one of the most pressing constitutional questions in the digital age: whether the Indian Constitution protects a fundamental

right to privacy. The issue arose in the context of challenges to the Aadhaar scheme, which required individuals to provide biometric and demographic information to the State for identification and welfare purposes. Prior to this case, judicial precedent was inconsistent. Certain earlier decisions, including observations in M.P. Sharma and Kharak Singh, had cast doubt on whether privacy was constitutionally protected.

Recognizing the significance of the issue, a nine-judge bench of the Supreme Court was constituted to authoritatively determine the matter. The Court unanimously held that the right to privacy is a fundamental right protected under Article 21 and other freedoms guaranteed in Part III of the Constitution. Privacy was understood not merely as secrecy but as encompassing bodily integrity, informational control, decisional autonomy, and protection of personal identity. The Court emphasized that dignity is the core of constitutional liberty, and privacy is intrinsic to dignity. However, the Court clarified that privacy is not absolute.

It laid down a structured three-fold test to assess the constitutionality of state intrusion into privacy: (1) legality – there must be a valid law; (2) legitimate state aim – the objective must be constitutionally valid; and (3) proportionality – the measure must have a rational nexus to the aim, be necessary, and represent the least restrictive alternative. Additionally, procedural safeguards must exist to prevent arbitrary misuse.

The decision marked a constitutional recognition of informational self-determination in a data-driven society. It also reinforced that individual autonomy cannot be sacrificed merely for administrative convenience. The judgment stands as a foundational precedent governing surveillance, data protection, and personal liberty in India.

6. A statute authorizes mass data retention of all citizens' communications metadata for ten years, claiming national security, but provides no independent oversight. The strongest constitutional challenge would arise under?

a. Lack of legitimate aim

b. Federal distribution of powers

c. Freedom of speech only

d. Absence of proportional safeguards

7. A narrowly tailored law collects limited biometric data solely for disaster relief identification and deletes it within 30 days. It includes independent review. It would most likely satisfy?

a. Absolute privacy standard

b. Proportionality requirement

c. Basic structure doctrine

d. Doctrine of severability

8. A private corporation discloses customers' health data without consent under authority of a vague executive circular. This action may fail primarily because?

a. Circular is not "law" under legality requirement

b. Privacy applies only against State

c. Executive can override rights

d. Health data is public interest

9. If Parliament passes a law criminalizing disclosure of all government data citing privacy, including information about public corruption, the law could be challenged because?

a. Privacy always outweighs transparency

b. Proportionality requires balancing competing rights

c. Privacy is limited to bodily autonomy

d. Right to information is unconstitutional

10. Informational self-determination primarily protects?

a. State secrecy

b. Individual control over personal data

c. Corporate confidentiality

d. Trade monopolies

Passage 3 (P.3)

The decision in Navtej Singh Johar v. Union of India represents a landmark moment in the evolution of equality and dignity jurisprudence in India. The case challenged the constitutional validity of Section 377 of the Indian Penal Code, a colonial-era provision that criminalized "carnal intercourse against the order of nature."

Though historically applied in various contexts, its most controversial effect was the criminalization of consensual same-sex relations between adults. In Suresh Kumar Koushal v. Naz Foundation, the Supreme Court had upheld the constitutionality of Section 377, reasoning that

the LGBTQ+ community constituted a “minuscule minority” and that legislative reform was the appropriate remedy. This reasoning was widely criticized for subordinating constitutional rights to numerical strength. In Navtej Johar, a Constitution Bench reconsidered the matter.

The Court emphatically rejected the idea that constitutional protections depend on the size of a community. It held that Section 377, insofar as it criminalized consensual adult same-sex relations, violated Articles 14, 15, 19(1)(a), and 21. The Court recognized sexual orientation as an intrinsic aspect of identity and dignity. Criminalization of consensual relationships was found to infringe decisional autonomy, privacy, and equal protection of law.

A key doctrinal shift in the judgment was the emphasis on constitutional morality over social morality. The Court held that majoritarian disapproval cannot justify the suppression of fundamental rights. The Constitution is a transformative document aimed at securing justice and dignity for all individuals, especially marginalized communities.

By decriminalizing consensual same-sex relations, the Court affirmed that identity-based discrimination violates substantive equality. The decision reinforced the principle that fundamental rights exist to protect minorities against the tyranny of the majority and that constitutional interpretation must advance liberty, dignity, and inclusion.

11. A statute criminalizes private consensual conduct between adults solely because it offends dominant moral sentiments. Applying Navtej Johar, the strongest challenge would rely on?

a. Constitutional morality and dignity

b. Parliamentary sovereignty

c. Directive Principles

d. Emergency powers

12. If the State argues that only a small percentage of citizens are affected, the Court would likely respond that Z?

a. Minority size determines rights

b. Fundamental rights protect even minuscule minorities

c. Social acceptance validates law

d. Criminal law reflects majority will

13. A law indirectly disadvantages a class based on inherent identity traits without explicit mention. It may violate?

a. Substantive equality under Article 14

b. Formal equality only

c. Property rights

d. Federalism

14. Criminalization of identity-based consensual conduct primarily offends which constitutional value?

a. Administrative efficiency

b. Popular morality

c. Individual dignity and autonomy

d. Separation of powers

15. The judgment illustrates that?

a. Social morality overrides constitutional values

b. Courts cannot revisit precedent

c. Transformative constitutionalism guides interpretation

d. Legislature alone defines morality

Answers

1. A – After Maneka Gandhi v. Union of India, a procedure affecting liberty must be fair, just, and reasonable; denying a hearing risks making the law arbitrary.
2. A – A six-month detention without disclosure of reasons or meaningful opportunity to respond violates the requirement of fair procedure under Articles 14 and 21.
3. B – Even if a law applies equally, unguided executive discretion to deprive liberty is arbitrary and violates the equality principle under Article 14.
4. C – Judicial review is necessary to test whether state action affecting liberty is fair and non-arbitrary, so excluding it undermines constitutional safeguards.
5. B – The judgment did not change the constitutional text but interpreted “procedure established by law” to include substantive fairness and reasonableness.
6. D – Under the privacy framework from Justice K.S. Puttaswamy v. Union of India, surveillance must satisfy proportionality and safeguards, which mass retention without oversight fails.
7. B – A narrowly tailored measure with limited data collection, deletion timelines, and oversight likely satisfies the necessity and least-restrictive means test.

8. A – Privacy intrusion must be backed by a valid law, and a vague executive circular does not satisfy the legality requirement.
9. B – A blanket ban on disclosure would disproportionately restrict transparency and free expression; proportionality requires balancing privacy with public interest and accountability.
10. B – Informational self-determination protects the ability of individuals to decide how their personal information is collected, used, and shared.
11. A – The ruling in Navtej Singh Johar v. Union of India holds that constitutional morality and dignity override majoritarian moral disapproval.
12. B – The Court rejected the reasoning in Suresh Kumar Koushal v. Naz Foundation that minority size matters; rights apply regardless of numbers.
13. A – Even indirect discrimination based on identity traits can violate equality because Article 14 protects against substantive, not just formal, inequality.
14. C – Criminalizing consensual identity-based conduct violates the constitutional values of personal dignity, privacy, and decisional autonomy.
15. C – The judgment reflects the Constitution’s transformative role in advancing equality and protecting marginalized groups against majoritarian oppression.