AILET

# Practice Legal Reasoning Questions for CLAT 2022

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## Introduction to Legal Reasoning Questions

One of the most important sections of any law entrance exam is legal reasoning. The CLAT Legal Reasoning questions are intended to gauge a candidate's interest in law. It assesses the candidate's legal knowledge to the highest level possible.

This post covers two sets of legal reasoning questions along with answers with explanations that will help candidates understand the pattern of questions in this section and the process of elimination while answering.

## Read the passages below and answer the following legal reasoning questions:

### Sample Legal Reasoning Question No. 1

The CAA amends the Citizenship Act 1955 – which regulates citizenship in India, in accordance with the power conferred in Article 11 of the Constitution – establishing a fast-track citizenship for some religious minorities through two main changes.

The CAA makes eligible to apply for citizenship, by registration or naturalization, illegal immigrants only if they fulfill the following criteria: a) being from Afghanistan, Bangladesh or Pakistan; b) belonging to specific religious communities, namely, Hindu, Sikh, Buddhist, Jain Parsi, Christian; c) and arrival in India on or before 31 December 2014. The CAA explicitly excludes by operation of the law those in the tribal areas of Assam, Meghalaya, Mizoram or Tripura.

Thus, the amendment introduces a derogation to the rule which prohibits illegal immigrants – foreigners who enter India without the required documents or those overstaying their visit – from obtaining Indian citizenship by registration or naturalization. Additionally, the minimum residence period for naturalization has been reduced from 11 to 5 years (plus the twelve-month period of residence prior to the date of the application).

Facially, the amendment looks like a benevolent pathway to Indian citizenship for religious minorities that fled persecution. The Indian People Party led-government has even claimed that the law will give a sanctuary to religious minorities persecuted. However, it has been widely perceived as an overtly anti-Muslim law.

The implication of this new law is that Muslim from these countries would continue to be treated as illegal immigrants and therefore would be not eligible for citizenship. The UN High Commissioner for Human Right defined the CAA «fundamentally discriminatory in nature»and has filed an application at the Supreme Court of India.

The argument that after gaining citizenship the religious minorities from Afghanistan, Bangladesh and Pakistan will be on an equal footing with all other Indian citizens, including Muslims, is flawed in principle as well as in law. The affected religious minorities from the three neighbouring Islamic states could have been granted citizenship without the proviso of persecuted religious minorities.

The implication of persecuted religious minorities from these three countries is far more complicated than conceived by the BJP lawmakers. First, it points an accusing finger at the polity of these three countries, and it would be difficult to maintain cordial relations with them after this. Second, India can stand up for the rights of the religious minorities in these countries even as it does for the rights of Sri Lankan Tamils or Fiji Indians.

The Act has prompted widespread protests broking both across the country and abroad who oppose the Act for being discriminatory and in violation of the secular principle, enshrined in the Preamble of the Indian Constitution. Protests against the Act have also spread in north-east states , on the border with Bangladesh.

These protests are caused by the fear that this part of the country will be overrun by immigrants from across the border, undermining the ethnic communities living there. Additionally, other pressing concerns are implicated: the treatment of minorities specifically Muslim, the fact that India does not have a policy for the protection of refugees (it is not a signatory of the UN Refugee Conventions), neither is part of the two international Conventions on statelessness.

The reform appears to be in contrast with the freedom of religion, enshrined in Article 25 of the Constitution, and with the principle of equality, established Article 14, which guarantees to all persons equality before the law and the equal protection of the laws within the territory of India.The amendment to the Citizenship Act in 1985 following the Assam Accord provided relief

for those found to be illegal immigrants in Section 6A(4), where all rights and obligation of a citizen will be recognised for such a person but he or she will not have the right to vote for 10 years.

There was really no need for the latest amendment because the issue of illegal immigrants was taken care of.The Act unreasonably exclude some categories: 1) Muslims or members of other religious communities, who may have faced persecution in Afghanistan, Bangladesh and Pakistan, such as the Muslim sects of the Ahmadis in Pakistan (who are defined in Article 260(3)(b) of the Constitution as non-Muslim), the Hazaras in Afghanistan and the Bihari in Bangladesh;

2) groups persecuted for their religion in other neighboring countries, most notably Rohingyas in Myanmar or Tibetan Buddhist in China, but also refugees from Sri Lanka, Nepal, Bhutan or countries that are not India's neighbors;

3) groups persecuted on grounds that are not related to their religious affiliation, such as persecution for ethnic, linguistic, political reasons (the Tibetan in China or the Sri Lankan Tamils, who are predominantly Hindu and form the largest refugee group in India);

4) people who have illegally entered in India after the 31 December 2014, the cut-off date established in the CAA. The exclusion of the many (persecuted) communities in the scope of the CAA without a reasonable and justified reason casts a doubt on the humanitarian aim of the Act that is to accommodate minority groups that face religious persecution.

**[extracted with revisions and additions from iacl-aidc blog titled 'The "Religion of Citizenship" the Indian Citizenship Amendment Act 2019, July 02, 2020 https://blog-iacl-aidc.org/2020-posts/2020/7/2/the-religion-of-citizenship-the-indian-citizenship-amendment-act-2019]**

1. Mr. Kabir Mansata arrived as an illegal migrant from Pakistan 50 years ago. Accordingly, he was shifted to a refugee camp in New Delhi and was recently given citizenship on the pretext of a new amendment in the CAA. From the below-stated list which of the following benefits/privileges will Mr. Mansata not be able to enjoy despite being granted citizenship?

(a) Access to public transportation

(b) Access to Ration card

(c) Access to voter id card

(d) Being able to enrol on government jobs

1. As per the author what is the major loophole in the CAA?

(a) Affording persecuted religious minorities from Pakistan, Afghanistan and Bangladesh citizenship under the CAA in equal footing with Indian Citizens

(b) The argument that the CAA is discriminatory

(c) Intermingling of citizenship and religion

(d) Not providing the new citizens with government jobs

1. The CAA has been called “fundamentally discriminatory” by the office of the United Nations High Commissioner for Human Rights (OHCHR). Which of the following statements supports the contention?

(a) The amendment to CAA protects the persecuted religious communities as stated in its goals

(b) The national asylum system is religiously divisive

(c) India should stand up for the rights of other persecuted religious minorities such as Sri Lankan Tamils, and other countries as well

(d) The Constitution of India has established conclusively the secular nature of the country in Articles 14, 15 and 16

1. The implementation of the act was followed by protests and violent demonstration in Assam and other north-eastern states. What was the reason behind the protests?

(a) The grant of citizenships to immigrants and refugees will jeopardise their political, cultural and land rights

(b) The Religious discrimination apparent in the proposed bill

(c) Article 15 of the Indian Constitution provides the right against discrimination

(d) None of the above

1. Under Article 5-11 part 2 the constitution deals with citizenship and empowers the Parliament to enact laws on citizenship and matters dealing with citizenship. Then why the enactment of the Citizenship Act is important?

(a) The articles do not entail any elaborate or permanent provisions, in this regard.

(b) Only those individuals who were citizens of India at its commencement (i.e., on January 26th, 1950) are identified under the provisions

(c) All of the above

(d) None of the above

**ANSWERS AND EXPLANATIONS**

1. Option C. Paragraph four-line 5 mentions Section 6A(4) of the CAA disallows a person from voting for 10 years after being granted citizenship. However, he can benefit from the privileges provided by an Aadhhar Card or pan card as any other Indian citizen.
2. Option C. The author in the article tries to explain how the CAA amendment to the Citizenship Act, 1955 in the garb of safeguarding the rights of persecuted religious minorities, is in actuality a tool in the hands of government to incite religious divineness. This is the essence of the article and the answer to the question should capture this essence. Option (b) is incorrect because the answer is too general. Option (d) is incorrect. Option (a) is an assumption.
3. Option C. The basis on which the OHCHR contends the CAA to be fundamentally discriminatory is by pointing to the discrimination at the polity level. The OHCHR points out, if the intention behind the amendment is to protect persecuted religious minorities, such minorities from other neighbouring states should be accommodated, as well, considering the CAA does not do so, therefore it can be called “fundamentally discriminatory”.
4. Option A. The CAA sparked protest in the north-eastern states not because of the “fundamentally discriminatory” nature of the bill but because the CAA violates the Assam accord. The dissenters argued the passing of the CAA will put to jeopardy the rights of the citizens residing in Assam, as the illegal Bangladeshi migrants become legally entitled to reside in these states.
5. Option C. The parliament can make rules on citizenship only as per the Constitution and the articles enumerated under the Constitution provides citizenship to only migrants from Pakistan to India. Contrarily, the citizenship act enumerates elaborate provisions, amended from time to time, in the purview of the Indian polity. Therefore, both options (a) and (b) are correct.

## Sample Legal Reasoning Question No. 2

2. The blanket labelling of such dissent as ‘anti-national’ or ‘anti-democratic’ strikes at the heart of our commitment to the protection of constitutional values and the promotion of a deliberative democracy.

Protecting dissent is but a reminder that while democratically elected governments offer us a legitimate tool for development and social coordination, they can never claim a monopoly over the values and identities that define our plural society. The employment of state machinery to curb dissent, instils fear and creates a chilling atmosphere on free speech which violates the rule of law and detracts from the constitutional vision of a pluralist society.

The silencing of dissent and the generation of fear in the minds of people go beyond the violation of personal liberty and a commitment to constitutional values – it strikes at the heart of a dialogue-based democratic society which accords to every individual equal respect and consideration.

A commitment to pluralism requires positive action in the form of social arrangements where the goal is “to incorporate difference, coexist with it, allow it a share of social space”. There is thus a positive obligation on the state to ensure the deployment of its machinery to protect the freedom of expression within the bounds of law, and dismantle any attempt by individuals or other actors to instil fear or chill free speech.

This includes not just protecting free speech, but actively welcoming and encouraging it. The great threat to pluralism is the suppression of difference and the silencing of popular and unpopular voices offering alternate or opposing views. Suppression of intellect is the suppression of the conscience of the nation. This brings me to the second threat to pluralism – the belief that homogenisation presupposes the unity of the nation.

A united India is not one characterised by a single identity devoid of its rich plurality, both of cultures and of values. National unity denotes a shared culture of values and a commitment to the fundamental ideals of the Constitution in which all individuals are guaranteed not just the fundamental rights but also conditions for their free and safe exercise.

Pluralism depicts not merely a commitment to the preservation of diversity, but a commitment to the fundamental postulates of individual and equal dignity. In this sense, pluralism furthers the basic postulates of the Constitution and nourishes and provides content to the goal of national unity. In the creation of the ‘imagined political community’ that is India, it must be remembered that the very concept of a nation state changed from hierarchical communities to networks

consisting of free and equal individuals.

The Preamble sets forth the founding vision of securing to all its citizen's justice, liberty and equality. However, the founders recognised that a commitment to pluralism went beyond its guarantee in the Constitution and in its institutions – it lay in how it was worked.

For this reason, the framers postulated that "fraternity" presupposed the recognition of its ideals – a sense of brotherhood and sisterhood that went beyond the guarantee of equality and liberty. Dr Ambedkar put it eloquently when he said that "without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them."

**[extracted with revisions from 'What binds India together : Labelling dissent as anti-national strikes at the heart of constitutional values 'by Dr. D.Y. Chandrachud, (Times of India Opinion, February 21, 2020) <https://timesofindia.indiatimes.com/blogs/toi-edit-page/what-binds-india-together-labelling-dissent-as-anti-national-strikes-at-the-heart-of-constitutional-values/>]**

1. What according to Dr. D.Y Chandrachud is a serious threat to pluralism?

a) Suppression of free speech

b) Suppressing dissent, difference of opinion

c) Suppression of the right to physically protest

d) All of the above

2. Consider a situation wherein the representative of an extremist organisation, delivers a speech spearheading anti-national sentiments and encouraging the youth of the country to enrol in their organisation. What should be the reaction of the state?

a) Allow the individual to express themselves, considering the right to free speech and freedom of pre-censorship, freedom of press is safeguarded under Article 19 of the Constitution

b) Using the machinery of law and order to curb the expression of such sentiments furthering anti-national feelings, threatening the integrity and sovereignty of India, on grounds of the reasonable restrictions enumerated under Article 19

c) The state should be indifferent to the such speeches and should instead express their opinion via editorials/brochures, suggesting the youth to refrain from enrolling in such organisation

d) The state should brutally crack down on dissent of such kind

3. According to the author what is dissent often labelled as by the state to curb it?

a) Anti-Democratic

b) Useless

c) Provoking

d)None of the above

4. How does the author perceive a united Indian nation?

a) One characterised by a monolithic culture and values

b) One characterised by two pre-dominant culture and values

c) A nation characterised by multiple cultures and traditions

d) Both (b) and (c)

1. Why is dissent often described as the safety valve of democracy?

a) Because it is mentioned in the constitution

b) Dissent operates as a safety valve against the nation state using the law and order machinery to curb democratic views

c) Because dissent allows a particular social problem to be perceived from different conflicting approaches and opinion

d) None of the above

## ANSWERS AND EXPLANATIONS

1. Option B. According to Dr D.Y Chandrachud, as noted by him in lines 33-34, the greatest threat to pluralism is the suppression of unpopular and popular voices voicing differing views.
2. Option B. The freedom of speech and expression is not absolute and can be restricted on the grounds of the integrity and sovereignty of India. The same reasonable restriction can enable the state to take action and curb the discourse.

3. Option A. The author cautions explicitly in lines 11-12 of the passage that dissent is often labelled as anti-democratic and anti-national by the state to curb difference of opinion.
4. Option C. The author in paragraph 5 states a united India is not one characterised by a single identity, both of cultures and values. National unity according to the author denotes a shared culture of values and a commitment to the fundamental ideals of the Constitution. Therefore, option © which mentions a nation characterised by multiple traditions and cultures is the best example of a united nation and the correct option.
5. Option B. A critical appraisal of the topic will show the author believes dissent against the prevailing laws is a constitutional right. A democracy, in living up to its true spirit, allows the citizens to question the government on a particular piece of legislation or policy and regards the same as healthy criticism. Therefore, option B is the correct option and the most convincing answer.

## Conclusion

It is critical for applicants to perform well in this segment of the exam in order to clear CLAT.

As a result, aspirants must comprehend the importance of thorough planning for this section through sufficient practise of legal reasoning questions and staying updated with currentlegal developments considering the CLAT exam unlike before, now focuses more on examining the aspirants knowledge of law rather than their memory.

To practice more legal reasoning questions, click here.