BLOGS

Sample Legal Reasoning Questions for CLAT 2024

Indrasish Majumder · 25 Feb 2023

Preparing for CLAT 2024? Get an edge over other candidates by solving sample questions every day!

Questions 1-5: Answer based on the following passage.

During the lockdown, Section 188 of the Indian Penal Code has been widely invoked against those not following it. In a communication to the states on March 24, the Home Ministry said persons violating the containment measures will be liable to be punished under provisions of the Disaster Management Act 2005, besides Section 188 IPC. A look at these and related provisions:

For disobedience :-

Section 188 IPC deals with those disobeying an order passed by a public servant, and provides for imprisonment ranging from one to six months. For those violating orders passed under the Epidemic Diseases Act, Section 188 IPC is the provision under which punishment is awarded.

Section 51 of the Disaster Management Act, 2005 provides for punishment for two kinds of offences: obstructing any officer or employee of the government or person authorised by any disaster management authority for discharge of a function; and refusing to comply with any direction given by the authorities under the Act. Punishment can extend to one year on conviction, or two years if the refusal leads to loss of lives or any imminent danger.

For spreading fear :-

Section 505 IPC provides for imprisonment of three years or fine, or both, for those who publish or circulate anything which is likely to cause fear or alarm. Section 54 of the Disaster Management Act provides for imprisonment, extending to one year, of those who make or circulate a false alarm or warning regarding a disaster or its severity or magnitude.

For false claim to aid :-

Under Section 52, Disaster Management Act, whoever makes a false claim for obtaining “any relief, assistance, repair, reconstruction or other benefits” from any official authority can be sentenced to a maximum of two years imprisonment and a fine will be imposed on the person.

For refusing to do duties :-

In case of refusal or withdrawal of any officer who has been tasked with any duty under the Act, the officer can be sentenced to imprisonment extending to one year. However, those who have written permission of the superior or any lawful ground are exempt from such punishment. A case cannot be initiated without the explicit sanction from the state orcentral government.

Legal shield :-

For any offence under the Disaster Management Act, a court will take cognisance only if the complaint is filed by the national or state or district authority, or the central or state government. However, there is another provision: if a person has given notice of 30 days or more about an alleged offence, and about his intention to file a complaint, he or she can approach the court which can then take cognisance.

The Act protects government officers and employees from any legal process for actions they took “in good faith”. Under the Epidemic Diseases Act too, no suit or other legal proceedings can lie against any person for anything done or intended to be done under good faith.

[Extracted, with edits and revisions, from During India coronavirus lockdown, the laws that come into play, Explained by The Indian Express, April 4, 2020]

1. Suppose, Mr. Y, the head of a private company XYZ, passed on order directing all his employees to make a certain donation to the company’s fund. A, an employee, did not do so. Mr. Y brought an action against him under Section 188 IPC. Will A be held guilty?

a. Yes, because A did not obey the order passed by Mr. Y.
b. No, because Section 188 IPC cannot be invoked by Mr. Y against his employee.
c. Yes, because it is an order passed by a public servant.
d. No, because he has the freedom of choice to make his own decisions.

2. Suppose, A, a news editor, publishes and distributes a warning notice to the public regarding the severity of Cyclone Naini claiming that it would hit the eastern coastal areas of the country and wreak havoc. Hundreds of inhabitants were evacuated from the area. However, no such Cyclone hit the eastern coastal area and upon further

investigation, it was revealed that A did not have any data to prove his claim. In such a scenario, would A be held criminally liable?

a. No, because he did a service to the public by informing them about the possibility of a Cyclone.
b. Yes, because he made and circulated a false warning regarding the Cyclone.
c. No, because he is immune from criminal proceedings being a news editor.
d. Yes, because he spread misinformation.

3. Suppose, B makes a false claim for obtaining some assistance from his neighbour C, who works in a mill nearby. Based on the passage above, can B be prosecuted under Section 52 of the Disaster Management Act?

a. Yes, because he made a false claim for obtaining assistance from C.
b. No, because such frivolous claims do not require litigation.
c. Yes, because his actions were a nuisance to his neighbour.
d. No, because he did not make the false claim for obtaining assistance from an official authority.

4. What is the maximum term of imprisonment for an officer who refuses or withdraws to perform a duty assigned to him under the Disaster Management Act?

a. Six months.
b. Ten months.
c. One year.
d. Two years

5. For which of the following offences, does Section 51 of the Disaster Management Act, 2005 not provide punishment?

a. Obstructing any officer or employee of the government or person authorised by any disaster management authority for discharge of a function.
b. Refusing to comply with any direction given by the authorities under the Act.
c. Publishing or circulating anything which is likely to cause fear or alarmd. None of the above.

Questions 6-10 : Answer based on the following passage.

It is now almost accepted that there are no absolute constitutional rights. Though, debate on this vexed issue still continues and some constitutional experts claim that there are certain rights,

albeit very few, which can still be treated as “absolute”. Examples given are: (a) Right to human dignity which is inviolable, (b) Right not to be subjected to torture or to inhuman or degrading treatment or punishment. Even in respect of such rights, there is a thinking that in larger public interest, the extent of their protection can be diminished.

However, so far such attempts of the States have been thwarted by the judiciary. In fact, such a provision in Article 19 itself on the one hand guarantees some certain freedoms in clause (1) of Article 19 and at the same time empowers the State to impose reasonable restrictions on those freedoms in public interest.

This notion accepts the modern constitutional theory that the constitutional rights are related. This relativity means that a constitutional licence to limit those rights is granted where such a limitation will be justified to protect public interest or the rights of others. This phenomenon of both the right and its limitation in the Constitution exemplifies the inherent tension between democracy’s two fundamental elements.

The eminent constitutional jurist, Kai Möller states that the proportionality principle is the doctrinal tool which guides Judges through the process of resolving these conflicts. One of the theories of proportionality widely relied upon by most theorists is the version developed by the German Federal Constitutional Court.

The aforesaid doctrine lays down a four pronged test wherein, first, it has to be analysed as to whether the measure restricting the rights serves a legitimate goal (also called as legitimate goal test), then it has to be analysed whether the measure is a suitable means of furthering this goal (the rational connection stage), next it has to be assessed whether there existed an equally effective but lesser restrictive alternative remedy (the necessity test) and at last, it should be analysed if such a measure had a disproportionate impact on the rights holder (balancing stage).

Feature of German test is the last stage of balancing, which determines the outcome as most of the important issues are pushed to the balancing stage and the same thereby dominates the legal analysis. Under this approach, any goal which is legitimate will be accepted; as usually a lesser restrictive measure might have the disadvantage of being less effective and even marginal contribution to the goal will suffice the rational connection test.

There is ample merit in the contention of the Government that the internet could be used to propagate terrorism thereby challenging the sovereignty and integrity of India. The Apex Court has observed that achievement of peace and tranquility within the erstwhile State of Jammu and

Kashmir requires a multifaceted approach without excessively burdening the freedom of speech.

In this regard the Government is required to consider various options under Article 19(2) of the Constitution, so that the brunt of exigencies is decimated in a manner which burdens freedom of speech in a minimalist manner.

6. The Afician Government sends out ships to intercept illegal vessels bringing in migrants to Aficia, arguing that it is fulfilling its obligations to prevent human trafficking. These actions entail shooting down such boats and sending these migrants back. Is this valid?

a. The law does not have a legitimate aim
b. The law is valid as all four conditions are met
c. The law is not necessary
d. Both (A) and (C)

7. A plane gets hijacked, and is about to crash into the Eiffel Tower. The French Air Force mobilizes a jet and shoots it down, killing all passengers on board. The families of the people on the flight demand compensation, while the Government argues this was proportional. Decide.

a. The action was disproportionate as it killed all onboard the flight
b. The action was valid
c. There was no legitimate aim as the Eiffel Tower could have been evacuated in order to ensure the safety of people
d. As there was no other alternative and an impending danger, the action was necessary and meets the other criterion

8. The Government regulates the advertising in a paper. Is this violative of the right to freedom of speech and expression?

a. No
b. Yes, as commercial advertising is considered speech constitutionally
c. No, as commercial advertising is not considered speech constitutionally
d. Yes

9. The Nurilian Times has the largest circulation in the entire nation. The Government introduces a law that puts an upper limit on circulation, and argues that this is a valid

restriction in order to ensure that monopoly is not created in the press. The Nurilian Times argues that this fails the four-pronged test.

a. The Government could have tried less restrictive means to ensure that circulation decreases, and this step was not necessary
b. This move disproportionately impacted the freedom of the press
c. The law meets all four conditions and hence is valid
d. Both (A) and (B)

10. The Government of Gyndila passes a law that mandates prior approval of all news before it can be published, arguing that this stops the dissemination of fake news. This is challenged. Decide.

a. There is no legitimate aim
b. This restriction disproportionately burdens the freedom of speech
c. It is not a necessary restriction
d. Both (B) and (C)

Answers and explanations

1. (b)

Rationale: The correct answer is (b) – No, because Section 188 IPC cannot be invoked by Mr. Y against his employee. Applying the principle from the passage to the fact-situation, we can clearly see the reason why A will not be held guilty. All the other options are incorrect.

2. (b)

Rationale: The correct answer is (b) – Yes, because he made and circulated a false warning regarding the Cyclone. A simple application of the principle of the law mentioned in the passage leads us to the correct answer. Option (d) is ambiguous and unrelated. The other options are incorrect.

3. (d)

Rationale: The correct answer is (d) – No, because he did not make the false claim for obtaining assistance from an official authority. A careful reading of Section 52 as mentioned in the passage would easily lead us to the correct answer. The important thing to keep in mind here is that the

assistance was not from an “official authority”.

4. (c)

Rationale: The correct answer is (c) – One year. A simple reading of the paragraph under the heading “For refusing to do duties” in the passage helps us arrive at the correct answer.

5. (c)

Rationale: The correct answer is (c) – Publishing or circulating anything which is likely to cause fear or alarm. Note that the question has the phrase “not”. Be very careful while answering such questions since the inclusion/exclusion of such words/phrases like “not” can entirely change the answer. Option (c) pertains to Section 505 of the IPC. Option (a) and (b) both are the two kinds of punishment for offences u/s 51 of the DMA, 2005. Hence, option (c) is the correct answer.

6. (c)

Rationale: Shooting down these boats is an extreme step. Cooperating with the other state, rehabilitating these migrants, and cracking down on smugglers are only are other alternatives that achieve the same goal

7. (d)

Rationale: There was immediate danger and hence the action was valid

8. (c)

Rationale: Commercial advertising is not considered speech and can be regulated

9. (d)

Rationale: This move violates the freedom of press, and other steps that dealt with monopolies could have been introduced

10. (d)

Rationale: This allows massive government intervention in the press and is not a necessary condition in any case.

Check out more posts on Sample Questions on Legal Reasoning here!