BLOGS

Sample Legal Reasoning Questions for CLAT 2024

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Questions 1-10: Answer based on the following passage.

On January 9, the Supreme Court declined an urgent hearing on a plea seeking to declare the Citizenship (Amendment) Act as constitutional and said that there was already a “presumption of constitutionality” to a law passed by Parliament. Chief Justice of India Sharad Arvind Bobde said that the court’s role was to examine the validity, and not declare a law constitutional. “How can we declare it constitutional? There is anyway a presumption of constitutionality. If you had been a student of law, you would know,” Bobde said while rejecting the plea.

The term ‘presumption of constitutionality’ is a legal principle that is used by courts during statutory interpretation — the process by which courts interpret and apply a law passed by the legislature, such as Parliament.

In the 1992 Supreme Court case ‘ML Kamra v New India Assurance’, Justice K Ramaswamy said: “The court ought not to interpret the statutory provisions, unless compelled by their language, in such a manner as would involve its unconstitutionality, since the legislature of the rule making authority is presumed to enact a law which does not contravene or violate the constitutional provisions. Therefore, there is a presumption in favour of constitutionality of a legislation or statutory rule unless ex facie it violates the fundamental rights guaranteed under Part III of the Constitution. If the provisions of a law or the rule is construed in such a way as would make it consistent with the Constitution and another interpretation would render the provision or the rule unconstitutional, the Court would lean in favour of the former construction.” (“ex facie” meaning ‘on the face’)

A Bench of Justices G B Pattanaik and M Srinivasan in the 1998 case 'K Anjaiah vs K. Chandraiah', observed: "It is a cardinal principle of construction that the Statute and the Rule or the Regulation must be held to be constitutionally valid unless and until it is established, they violate any specific provision of the Constitution. Further it is the duty of the Court to harmoniously construe different provisions of any Act or Rule or Regulation, if possible, and to sustain the same rather than striking down the provisions out right."

The presumption is not absolute, however, and does not stand when there is a gross violation of the Constitution. In 'Githa Hariharan v RBI' (1999), Justice U Banerjee said, "…It is to be noted that validity of a legislation is to be presumed and efforts should always be there on the part of the law courts in the matter of retention of the legislation in the statute book rather than scrapping it and it is only in the event of gross violation of constitutional sanctions that law courts would be within its jurisdiction to declare the legislative enactment to be an invalid piece of legislation and not otherwise…"

A three-judge Bench in 'NDMC v State of Punjab' (1996) spoke of the limitations to the doctrine. The Bench observed, "The Doctrine of Presumption of Constitutionality of Legislations is not one of infinite application; it has recognised limitations… this Court has consistently followed a policy of not putting an unnatural and forced meaning on the words that have been used by the legislature in the search for an interpretation which would save the statutory provisions. We are not "free to stretch or pervert the language of the enactment in the interests of any legal or Constitutional theory"

Source: The 'presumption of constitutionality' in the case of the new citizenship law, Explained by The Indian Express, January 13, 2020

1. The term 'presumption of constitutionality' is a legal principle that is used by courts during statutory interpretation. What, according to the passage, is the court's role with regards to the principle?

a. The court's role is to examine the constitutionality of a law.
b. The court's role is to examine the validity, and not declare a law constitutional.
c. The court's role is to declare whether a law is constitutional, and not examine its validity.
d. The court's role is to apply the 'presumption of constitutionality' principle to every legislation pending in the Parliament.

2. Based on the passage above, what do you understand by the term 'statutory interpretation'?

a. It is the process by which courts interpret and apply a law passed by the Parliament.
b. It is the process by which courts refer to precedents while pronouncing judgments.
c. It is the process by which courts interpret and apply a law passed by the legislature, such as Parliament.
d. It is the process by which courts invalidate a law passed by the legislature.

3. According to the passage above, which of the following views are most correct regarding the limitations to the doctrine of 'presumption of constitutionality':

a. Laws enacted by the legislature are valid unless they violate only the fundamental rights guaranteed under the Constitution.
b. Laws enacted by the legislature are valid until and unless they violate the fundamental rights guaranteed under Part III of the Constitution, or grossly violate any specific provision of the Constitution.
c. There are no limitations to the doctrine of 'presumption of constitutionality'.
d. The limitations to the doctrine of 'presumption of constitutionality' are exercised only in rare instances.

4. What, according to the passage, was the Supreme Court's reasoning in declining the urgent hearing of the plea seeking to declare the Citizenship (Amendment) Act as constitutional?

a. The court invoked the 'presumption of constitutionality' doctrine.
b. The court did not want to interfere with the legislative powers of the Parliament.
c. The court wanted to apply the process of statutory interpretation in deciding the case.
d. The court did not seem the matter urgent enough to adjudicate upon.

5. Which of the following, according to the passage above, is correct?

a. The doctrine of presumption of constitutionality is absolute.
b. The doctrine of presumption of constitutionality has certain limitations as observed by the Hon'ble Supreme Court of India.
c. The doctrine of presumption of constitutionality only applies when there is a gross violation of constitutional rights.

d. None of the above.

Questions 5-10: Answer based on the following passage.

In its judgment declaring West Bengal Housing Industry Regulation Act, 2017 (WBHIRA) unconstitutional, the Supreme Court explained the concept of repugnancy between a law enacted by the State legislature and Parliament.

The bench comprising Justices DY Chandrachud and MR Shah held that WBHIRA is repugnant to the RERA, and hence unconstitutional. At the outset, the Court noted some of the salient features of Article 254 as follows:

(i) Firstly, Article 254(1) embodies the concept of repugnancy on subjects within the Concurrent List on which both the State legislatures and Parliament are entrusted with the power to enact laws;

(ii) Secondly, a law made by the legislature of a State which is repugnant to Parliamentary legislation on a matter enumerated in the Concurrent List has to yield to a Parliamentary law whether enacted before or after the law made by the State legislature;

(iii) Thirdly, in the event of a repugnancy, the Parliamentary legislation shall prevail and the State law shall “to the extent of the repugnancy” be void; Referring to precedents in this regard, the Part H of the judgment discusses three types of repugnancy.

The first, the Court said, envisages a situation of an absolute or irreconcilable conflict or inconsistency between a provision contained in a State legislative enactment with a Parliamentary law with reference to a matter in the Concurrent List. “Such a conflict brings both the statutes into a state of direct collision. This may arise, for instance, where the two statutes adopt norms or standards of behavior or provide consequences for breach which stand opposed in direct and immediate terms. The conflict arises because it is impossible to comply with one of the two statutes without disobeying the other”, the Court said.

The Court said that this type of repugnancy is grounded in an irreconcilable conflict between the provisions of the two statutes each of which operates in the Concurrent List. “The conflict between the two statutes gives rise to a repugnancy, the consequence of which is that the State legislation will be void to the extent of the repugnancy. The expression ‘to the extent of the repugnancy’ postulates that those elements or portions of the state law which run into conflict

with the central legislation shall be excised on the ground that they are void.", the bench observed.

The Court further explained the second type as that involving a conflict between State and Central legislations may arise in a situation where Parliament has evinced an intent to occupy the whole field. "The notion of occupying a field emerges when a Parliamentary legislation is so complete and exhaustive as a Code as to preclude the existence of any other legislation by the State. The State law in this context has to give way to a Parliamentary enactment not because of an actual conflict with the absolute terms of a Parliamentary law but because the nature of the legislation enacted by Parliament is such as to constitute a complete and exhaustive Code on the subject." it said.

"The third test of repugnancy is where the law enacted by Parliament and by the State legislature regulates the same subject. In such a case the repugnancy does not arise because of a conflict between the fields covered by the two enactments but because the subject which is sought to be covered by the State legislation is identical to and overlaps with the Central legislation on the subject.", the bench added.

6. Parliament makes a law on gambling that overrides the states. However, the states argue that only they have competence to make laws on gambling and Parliament cannot do the same. Decide.

a. The States will succeed
b. The states will fail
c. The States will fail since by making a law, Parliament has evinced intention to cover the entire field
d. The States will prevail since Parliament has no competence

7. The Union Government introduced three labour codes in India that comprehensively consolidate all Central codes. There are hundreds of state laws on the subject as well. If the state and central laws clash, what is the likely outcome? (Using only the information above)

a. The Union law prevails since Parliament has an intent to cover the entire field
b. All State laws are repugnant to the extent of clash
c. Both laws can co-exist since labour is part of the Concurrent List
d. Both (A) and (B)

8. States enact laws discussing the legality of Dream 11. If the Centre makes a law that declares the app illegal, which is likely to prevail?

a. The Centre, under the third category of repugnancy

b. The States, since those laws came first

c. The Centre, since that is the most recent law

d. The Centre, under the second category of repugnancy

9. While interpreting a provision, the Supreme Court can either choose an interpretation that makes the entire State law unconstitutional, or can choose another one that preserves a majority of the law. Which is the most legally tenable?

a. The former, as the states are superior in a federal set-up

b. The latter, as the Centre is superior in the constitutional scheme

c. The former, since that is harmonious interpretation of both laws

d. The latter, since that is harmonious interpretation of both laws

10. The Centre makes a law that infringes upon the State laws on the same subject to some extent. How much of the state laws are void?

a. Only to the extent that they clash

b. All of the state laws, since Parliament has now legislated on the subject

c. All of the laws, since there is a comprehensive code

d. The Central Law is void because state laws have supremacy due to federalism

Answers and Explanations

1 (b)

Rationale: The correct answer is (b) – The court's role is to examine the validity, and not declare a law constitutional. All the other options are either incomplete or incorrect. Reading the first paragraph of the passage wherein Chief Justice of India Sharad Arvind Bobde has clearly expressed the court's views on this should not leave any doubt in the minds of the reader.

2. (c)

Rationale: The correct answer is (c) – It is the process by which courts interpret and apply a law passed by the legislature, such as Parliament. Option (a) is incomplete as it only talks about the Parliament. Option (b) is irrelevant. Option (d) is clearly incorrect. Hence, option (c) is the correct

answer.

3. (b)

Rationale: The correct answer is (b) – Laws enacted by the legislature are valid until and unless they violate the fundamental rights guaranteed under Part III of the Constitution, or grossly violate any specific provision of the Constitution. A careful reading of the passage would help us arrive at the correct answer. All the other options are either incomplete or incorrect due to factual inconsistencies.

4. (a)

Rationale: The correct answer is (a) – The court invoked the 'presumption of constitutionality' doctrine. Referring to the first paragraph again, we can clearly see the court's reasoning in declining the urgent hearing of the plea seeking to declare the Citizenship (Amendment) Act as constitutional.

5. (b)

Rationale: The correct answer is (b) – The doctrine of presumption of constitutionality has certain limitations as observed by the Hon'ble Supreme Court of India. Referring to the last paragraph of the passage, we can safely arrive to the correct answer. Option (a) and (c) are incorrect since they are opposite of the correct answer.

6. (d)

Rationale: Repugnancy only exists when the subject is part of the Concurrent List. Hence, if Parliament makes a law out of its competence, that law is invalid.

7. (a)

Rationale: In the second type of repugnancy, the State law is invalid not because of actual clash, but because of Parliamentary intent. As a result, the introduction of all three codes likely means that all laws are invalid.

8. (a)

Rationale: There is a direct conflict of subject, and under the third category, the Central law prevails.

9. (d)

Rationale: The harmonious construction must be given supremacy.

10. (a)

Rationale: It is not a code, so the state laws are void only to the extent of repugnancy.

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