BLOGS

Sample Legal Reasoning Questions for CLAT 2024

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PASSAGE

The government's decision to block 59 Chinese apps has spotlighted the vulnerability of Internet freedom at a time of national security The Hindu's Sriram Srinivasan moderates a discussion with Arghya Sengupta and Raman Chima to explore the delicate balance between freedom of expression and national security. Edited excerpts:

The use of Section 69A of the Information Technology Act has been criticized in some quarters, with one of the criticisms being that it isn't designed for data protection compliance.

Raman Chima: The fact is that Section 69A has a limited set of defined grounds under which the government can take action. Those are often broad grounds, including the security of the state that, over the last few years, the Government (Central and State) have unfortunately taken very wide views of, but data protection isn't one of them.

If you look at other actions taken by other regulators is an action that falls under a data protection framework where they investigate the entity and see whether other mechanisms could be followed (orders, fines, etc).

And instead, we have jumped here to the topmost level, and more importantly, even under our existing legal framework regarding blocking content, there are two mechanisms: there is the normal process by which a government department complains to the Central government officer and a committee review it, and an emergency process by which orders are issued, and then a subsequent review is taken.

They have made an emergency block order and then said these platforms should perhaps come to them and make a case as to why they should be unblocked, and these interim orders could be overridden.

The Center's move to block 59 Chinese apps has brought to the fore the inherently tricky 'national security versus digital rights' question. How do you view this?

Arghya Sengupta: It is important to first clarify whose rights we are talking about. If it is the rights of Chinese companies, then, of course, these rights have been affected. If it is, the rights of Indian individuals who use platforms like TikTok either to run their businesses or to just become popular, I don't think there is a rights violation there. Section 69A, which has been used, is not a new power that the government is commandeering during a time of national security emergency.

It must be a genuine national security risk, and the necessity of blocking the government must lay out the app very clearly. The rights will not be impaired since one can do the same thing by moving to another platform.

And that is the way we try and resolve this question of where we draw the line between this trade-off between national security, which is important, and rights, which are equally important.

[Extracted, with edits and revisions, from 'Is Internet freedom being sacrificed for national security?' [by The Hindu, July 10, 2020]

1. Which of the following correctly embodies the principle in the passage?

a. Section 69A has a wide set of grounds, including the security of the state, which has been used extensively by the government to make necessary decisions.

b. Section 69A has a limited set of defined grounds under which the government can take action, including the security of the state that, over the last few years, the government (Central and State) has unfortunately taken very wide views of. However, Data protection isn't one of them.

c. Section 69A, which is a new power that the government is commandeering, has a a limited set of defined grounds under which the government can take action, which are often wide grounds, including the security of the state that, as we know, over the last few years, the Union Government as well as several State governments have taken very wide views of, but data protection isn't one of them.

d. Section 69A has a limited set of defined grounds under which the government can take action on grounds that are often broad, including the security of the state that, as we know that over the last few years, the Union Government as well as several State Governments have unfortunately taken very wide views of, but data protection isn't one of them.

2. Canada and Mexico have major border tensions almost similar to those representing the concurrent India and China border tensions. According to the passage, Canada's next step will be?

a. Since the situation is similar to the concurrent India and China border tensions, Canada will follow the principle of precedent and also block applications from Mexico and funded/Mexico companies.

b. The relevant department of the Canadian government will make an official complaint to its Central government officer, and then the Canadian government will issue an order to institute a committee that will review the complaint and consequently, advise the government to block all apps from Mexico as retaliation.

c. The Canadian government, under its relevant legislation for data protection, will investigate the entity and check whether other mechanisms, such as orders and fines, could be followed after blocking the apps in Mexico.

d. The Canadian government, under its relevant legislation for data protection, will investigate the entity and check whether supplementary mechanisms can be initiated under relevant law to mandate strict adherence to compliance regulations.

3. India is having border disputes with its neighboring country, Nepal. In light of the same, suggest steps India should undertake in order to resolve the issue between the two countries, specifically India's concerns about its countrymen's privacy.

a. The government should immediately inform citizens of its concerns and block the apps consequently.

b. The government should use the blocking of apps as a means of dialogue to assert its stand.

c. The government should initiate action under a data protection framework where they investigate the entity, they see whether other mechanisms, including but not limited to limited orders, fines, etc. could be imposed.

d. The concerned government department should complain to the Central Government officer and a committee should review it as per the existing legal framework regarding blocking content to ensure privacy and data protection.

4. According to Mr. Arghya Sengupta, the digital rights of Chinese companies have been impaired, but the digital rights of Indian individuals who use platforms like TikTok either to run their businesses or to just become popular, have not been impaired. How D oes he justify the same?

a. He justifies the same by explaining that Section 69A is not a new power that the
The government is commandeering during a time of national security emergency.

b. He justifies the same by considering a privacy breach by the foreign app a genuine
national security risk, and therefore the necessity of blocking the app in the
the interest of Indians.

c. He justifies the same by giving an alternate way for Indian individuals to exercise
the same rights by shifting to another platform.

d. He justifies the same by making a compelling argument in support of national
security over individual rights.

5. According to the passage, what are Mr. Arghya Sengupta's views on the 'national security versus digital rights' question as posed to him by Mr. Sriram Srinivasan?

a. Mr. Sengupta agrees with the government being reasonable and justified in its
action considering the current unprecedented and precarious times.

b. Mr. Sengupta agrees that it is a genuine national security risk and the necessity of
the government makes it very clear that blocking the app is acceptable.

c. Mr. Sengupta mentions that to resolve this question, it is pertinent to assess the ingenuity of the national security risk and the government's take on the essentiality of taking the steps that curb the digital rights of its countrymen.

d. Mr. Sriram convinces Mr. Sengupta that the government's resolution is necessary in the current political climate.

ANSWERS

1. The correct answer is (d)

Section 69A has a limited set of defined grounds under which the government can take action which are often wide grounds, including security of the state that, as we know, over the last few

years, the Union Government as well as several State governments have unfortunately taken very wide views of, but data protection isn't one of them.

Option (a) and (b) are misleading due to the ambiguity in their statements regarding the provision of Section 69 A and also the incorrect interpretation of the 'limited set of defined grounds of Section 69A' and 'the wide nature of the of those defined grounds'. Option (c) is incorrect since it states information contrary to the facts mentioned in the passage.

2. The correct answer is (d)

The Canadian government under its relevant legislation for data protection will investigate the entity and check whether supplementary mechanisms can be initiated under relevant law to mandate a strict adherence to compliance regulations. The answer is supported by the paragraph 'If you look at other actions taken by other regulators, what they initiate is an action under a data protection framework where they investigate the entity, see whether other mechanisms could be followed (orders, fines, etc)'.

Options (a), (b), and (c) are incorrect due to the incoherence in the facts stated with the facts mentioned in the passage.

3. The correct answer is (d)

The concerned government department should complain to the Central Government officer and a committee should review it as per the existing legal framework regarding blocking of content to ensure privacy and data protection. The above is supported by 'And instead, we have jumped here to the topmost level, and more importantly, even under our existing legal framework regarding the blocking of content, there are two mechanisms — there is the normal process by which a government department complains to the Central government officer and a committee reviews it, and an emergency process by which orders are issued and then a subsequent review is taken. '

Option (a) is not supported by any reasoning in the passage, and Option (b) is an infringement on principles of freedom of trade and commerce in international law. Option (d) is not one of the measures taken by India as mentioned in the facts above.

4. The correct answer is (c)

He justifies the same by giving an alternate way for Indian individuals to exercise the same rights by shifting to another platform. The following are supported by the facts mentioned in the passage 'The rights will not be impaired since one can do the same thing by moving to another platform.'

Option (a) is ambiguous, and Option (b) and (d) are incorrect due to misleading/false information.

5. The correct answer is (c)

Mr. Sengupta mentions that to resolve this question it is pertinent to assess the ingenuity of the national security risk and the government's take on the essentiality of taking the steps that curb the digital rights of its countrymen. It is supported by the following information in the passage 'It must be a genuine national security risk, and the necessity of blocking the app must be very clearly made out by the government. And that is the way we try and resolve this question of where we draw the line between this trade-off between national security, which is important, and rights, which are equally important.

Option (a), (b), and (d) are not mentioned in the passage.

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