BLOGS

Sample Legal Reasoning Questions for CLAT 2024

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PASSAGE

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The Supreme Court prodding the Central government to take a quick decision on the uniform civil code to end the confusion over personal laws has triggered a fresh debate over the directive principles of state policy.

Article 44 which talks about uniform civil code falls in Part IV of the Constitution and deals with the directive principles of state policy — borrowed from the Irish Constitution. Though non-enforceable by any court, the Indian State is duty-bound to apply these principles while enacting laws.

This is not the first time that the Supreme Court has talked about implementing the directive principles of state policy which are considered to be fundamental in the governance of the country.

“A common civil code will help the cause of national integration by removing disparate loyalties to the law which have conflicting ideologies,” then chief justice of India YV Chandrachud had said in the Shah Bano case in 1985.

Often termed as the conscience of the Constitution, these principles were initially ignored by the Supreme Court while interpreting various socio-economic rights. It was only after the landmark verdict in the Keshavananda Bharati case in 1973 that the top court said that directive principles must be viewed as the guidelines by which fundamental rights are realized.

“The Indian Constitution is founded on the bedrock of the balance between Part-III (Fundamental Rights) and Part-IV (Directive Principles of State Policy). To give absolute primacy to one over the

other is to disturb the harmony of the Constitution. This harmony and balance is an essential feature of the basic structure of the Constitution," said Justice PN Bhagwati in the 1980 Minerva Mills case.

Even state laws banning cow slaughter draw sustenance from Article 48 which prohibits the killing of cows, calves, and other milch and draught cattle.

Over the years, the SC has incorporated them into its judgments. Much before Parliament enacted the right to education law, the top court declared the right to education— a part of the directive principles — a fundamental right under Article 21, i.e. right to life, says former SC judge AK Patnaik.

How important are the directive principles of state policy?

According to former Law Minister and senior advocate Shanti Bhushan: "They tell you the direction which all authorities – the legislature, the executive, and the judiciary — have to follow. Courts are supposed to interpret various laws in such a manner that they are in tune with the directive principles of state policy."

But unfortunately, Parliament and state legislatures are not concerned about giving effect to the directive principles, says Justice Patnaik.

[Extracted, with edits and revisions, from 'Directive principles of state policy: Conscience of the Constitution?' [by The Hindustan Times, November 26, 2015]

QUESTIONS

Question 1: The Government of State X decided to implement a new policy to provide free and compulsory education for all children up to age 14, in line with Article_ of the DPSP. However, a group of private schools challenged this policy in court, claiming it infringed upon their autonomy. How should the court balance the DPSP with individual rights in this case and under which article is the right to free and compulsory education mentioned?

A) The court should uphold the policy as it aligns with the directive principle promoting educational welfare. Article 45.

B) The court should strike down the policy, as it violates the individual rights of private schools. Article 36.

C) The court should refer the matter to the Parliament for legislative clarification. Article 41B.

D) The court should issue an interim stay on the policy until a comprehensive review is conducted. Article 45D.

E) The court should request the president's intervention in resolving the conflict. Article 39.

Question 2: State Y proposes a new law banning the consumption of alcohol, citing the directive principle outlined in the Constitution. However, a group of citizens challenged the law, arguing that it violated their right to personal liberty under Article 21. How should the court approach this matter? Which article of DPSP would apply here?

A) The court should uphold the law, prioritizing the health and welfare objectives of the directive principle. Article 47.

B) The court should strike down the law, emphasizing the importance of individual freedom. Article 42.

C) The court should seek the opinion of medical experts before deciding. Article 30.

D) The court should refer the matter to the president for review. Article 74.

E) The court should request that the legislature amend the law to accommodate individual rights. Article 45.

Question 3: In a hypothetical scenario, State Z intends to allocate a significant portion of its budget to provide subsidies for agricultural equipment per Article 48. However, a group of environmental activists challenges this decision, asserting that it may lead to the overuse of harmful pesticides. How should the court approach this situation?

A) The court should support the subsidy, considering the directive principle's focus on improving animal husbandry.

B) The court should reduce the subsidy, as it poses environmental risks.

C) The court should appoint an expert committee to study the potential environmental impacts.

D) The court should direct the government to consult with farmers before implementing the subsidy.

E) The court should request international organizations' opinions on pesticide usage.

Question 4: As a follow-up to the previous question, name one landmark judgment of the Apex Court wherein the fundamental duty of citizens to conserve the environment and ecology was upheld by the court.

A) M.C Mehta v. Kamal Nath (II)

B) Balaji Raghvan v. UOI

C) Javed v. State of Haryana

D) Chandra Bhavan Boarding and Lodging v State of Mysore (1969)

Question 5: State V introduces a policy that grants special privileges and reservations for a particular community, intending to uplift their social and educational status per Article 46. However, a group of individuals challenges this policy, arguing that it violates the principle of equality. How should the court navigate this situation?

A) The court should support the policy, considering the directive principle's focus on social justice.

B) The court should strike down the policy, emphasizing equality.

C) The court should comprehensively study the community's socio-economic status before deciding.

D) The court should refer the matter to the National Human Rights Commission for review.

E) The court should suggest policy amendments that balance social justice and equality.

Question 6: State P plans to impose a heavy tax on large private corporations to fund poverty alleviation programs following the directive principle outlined in Article 39. However, these corporations argue that the tax unfairly burdens them and hampers economic growth. How should the court approach this situation?

A) The court should support the tax, as it aligns with the directive principle's focus on equitable distribution of wealth.

B) The court should strike down the tax, prioritizing economic growth and corporate interests.

C) The court should direct the government to provide evidence of the tax's positive impact on poverty alleviation.

D) The court should propose a compromise, such as a graduated tax rate based on corporate size.

E) The court should request input from international economists before deciding.

Question 7: State Q introduces a policy that grants subsidies to religious institutions for educational and charitable activities per Articles 44 and 48. However, a group of citizens challenges this policy, claiming it violates the principle of secularism. How should the court address this conflict?

A) The court should uphold the policy, considering the directive principles' emphasis on education and animal husbandry.

B) The court should strike down the policy, prioritizing the principle of secularism.

C) The court should appoint a committee of religious scholars to review the policy's implications.

D) The court should propose policy amendments to accommodate religious institutions and secular values.

E) The court should seek international perspectives on the intersection of religion and state policies.

Question 8: State R considers implementing a policy that mandates a minimum percentage of women in leadership positions in government and private organizations, aligning with the directive principle in Article 39. However, some argue that such a policy discriminates against men. How should the court approach this situation?

A) The court should support the policy, as it aligns with the directive principle's focus on gender equality.

B) The court should strike down the policy, citing gender-neutral laws as a principle.

C) The court should request input from gender studies experts before deciding.

D) The court should propose gradually implementing the policy to avoid abrupt disruptions.

E) The court should refer the matter to a constitutional bench for further review.

Question 9: State S plans to allocate a significant portion of its budget to promote tourism and cultural heritage per the directive principle outlined in Article _. However, environmental activists challenge this decision, asserting that increased tourism may harm sensitive ecological areas. How should the court approach this situation?

A) The court should support the budget allocation, as it aligns with the directive principle's emphasis on cultural heritage. Article 46.

B) The court should strike down the budget allocation, prioritizing environmental conservation. Article 49.

C) The court should appoint a panel of ecologists to assess the potential environmental impact. Article 47.

D) The court should propose that the government include eco-friendly initiatives in the tourism promotion plan. Article 44.

E) The court should seek input from UNESCO on sustainable tourism practices. Article 58.

Question 10: State T intends to grant a monopoly to a particular company to produce an essential medical supply per Article. However, this decision led to high prices and limited product availability, causing public outcry. How should the court address this situation?

A) The court should support the monopoly, considering the directive principle's emphasis on public health. Article 44.

B) The court should overturn the monopoly, prioritizing affordable access to medical supplies. Article 47.

C) The court should appoint a committee of healthcare professionals to evaluate the situation. Article 49.

D) The court should propose that the government regulate the prices of medical supplies under the monopoly. Article 51.

E) The court should request the World Health Organization's opinion. Article 40.

ANSWERS

1. Explanation: The correct answer is A (Article 45). The court should uphold the policy as it aligns with the directive principle to provide children with free and compulsory education. The directive principles guide authorities to legislate and make policies for the welfare of society. In cases of conflict between DPSP and individual rights, courts often consider the overarching societal welfare objectives of the directive principles.

2. Explanation: The correct answer is A (Article 47). The court should uphold the law, considering the directive principle's intent to improve public health. In cases like this, where the directive principles aim to address social issues, courts often balance the interests of society with individual rights. This approach supports the broader societal objectives outlined in the directive principles.
3. Explanation: The correct answer is B. The court should strike down the subsidy due to the potential environmental risks. While the directive principles aim to promote animal welfare and agriculture, they should not conflict with other fundamental goals, such as environmental protection. Courts often intervene when directive principles clash with essential principles like ecological conservation.
4. Explanation: The correct answer is A. In M.C. Mehta v Kamal Nath(1996), the Court invalidated the lease granted by the Government of Himachal Pradesh to the developers of a hotel being built in an ecologically sensitive area. The Court in M.C. Mehta II (2000) determined the fine that the hotel developers were to pay for harming the environment and ecology of the region. The petitioner, an ardent environmentalist, argued that persons who disturbed the ecological balance violated not just the Fundamental Right to Life but were also in violation of their Fundamental Duty to protect the environment. The Court emphasized that Article 51A(g) imposes a duty on every citizen to protect and improve the natural environment and to have compassion for living creatures. This duty must be read in conjunction with Article 48A of the Constitution, which imposes an obligation on the State to protect the natural environment, and Article 21, which bars disturbances to air, water, and soil necessary to sustain life.
5. Explanation: The correct answer is B. The court should strike down the policy, emphasizing the principle of equality. While directive principles aim to promote social justice, they must operate within the framework of equality enshrined in fundamental rights. Courts often intervene when directive principles lead to discrimination or unequal treatment among citizens.
6. Explanation: The correct answer is A. The court should support the tax, as it aligns with the directive principle's focus on equitable distribution of wealth. Directive principles often guide policy decisions to address socio-economic inequalities. While economic growth is essential, the directive principle's objective of reducing poverty may take precedence during conflict.

7. Explanation: The correct answer is B. The court should strike down the policy, prioritizing the principle of secularism. While directive principles guide policymaking, they should not compromise fundamental principles like secularism, which ensure a neutral stance of the state towards religion. Courts often intervene when directive principles conflict with core constitutional values.
8. Explanation: The correct answer is A. The court should support the policy, as it aligns with the directive principle's focus on gender equality. Directive principles often address historical inequalities, and procedures to rectify gender disparities align with this principle. The principle of gender equality takes precedence in this case.
9. Explanation: The correct answer is B (Article 49). The court should strike down the budget allocation, prioritizing environmental conservation. While directive principles guide policy decisions, they must be balanced with other essential tenets, such as ecological sustainability. Courts often intervene when directive principles conflict with critical environmental concerns.
10. Explanation: The correct answer is B (Article 47). The court should overturn the monopoly, prioritizing affordable access to medical supplies. While directive principles guide policy decisions, they must align with broader welfare objectives, such as public health. The focus on providing essential services to the public may outweigh other considerations.

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