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Practice Sample Questions for CLAT PG 2024 Based on the Latest Pattern

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SAMPLE QUESTIONS FOR CLAT PG 2024

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PASSAGE 1

In the past few years, constitution benches of the Supreme Court have struck down Section 377 of the Indian Penal Code (IPC) ***(Navtej Singh Johar and Ors v. Union of India, 2018)*** and Section 497 of the IPC ***(Joseph Shine v. Union of India 2018)***, partly upheld the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 and partly struck it down ***(K S Puttaswamy v. Union of India, 2018)***, and held that the rules in Kerala which prevented women from entering the Ayyappa temple at Sabarimala were unconstitutional ***(Indian Young Lawyers Association v. State of Kerala, 2018)***.

These are important judgments that have tangibly advanced the cause of women's rights, LGBTQ (Lesbian, gay, bisexual, transgender, and queer) rights, and the right to privacy, even if these are baby steps in relation to the larger causes. However, it would be a mistake to assume that these are the only kinds of cases that advance or diminish important civil and political rights in India.

Less discussed are those judgments where the Supreme Court is interpreting criminal laws: the all-important trifecta of the IPC, the Code of Criminal Procedure (CrPC), 1973, and the Indian Evidence Act, 1872. Even though their origins lie in colonial rule, they do contain valuable legal rights for an accused in a trial and those facing state action.

To the modern observer, it may seem odd that the Constitution of India does not explicitly enshrine some of the most important rights of an accused in a criminal trial: the right to be represented by a lawyer, the non-admissibility of extrajudicial confessions, the right to be confronted with charges, and the right to cross-examine witnesses or lead evidence.

Rather, the rights guaranteed under Article 20 of the Constitution were already provided for in the then Code of Criminal Procedure, 1898, the Indian Evidence Act, and in English common law as applied to India.

Interestingly, the Constituent Assembly did debate whether there was a need to enshrine certain rights in respect of criminal trials in the Constitution itself. On the question of whether the right to cross-examine witnesses should be in the Constitution itself, B R Ambedkar does not think it necessary.

He says that the right of cross-examination is already there in the Criminal Procedure Code and in the Evidence Act. “Unless a provincial Government goes absolutely stark mad and takes away these provisions it is unnecessary to make any provision of that sort. Defending includes cross-examination … If you can give a single instance in India where the right of cross-examination has been taken away, I can understand it. I have not seen any such case”.

Thus far, even though the CrPC was revamped in 1974, none of the key rights of an accused in a trial have been taken away.

[Extracted, with edits and revisions, from “Law and Society”, Economic & Political Weekly, Vol. 53, Issue No. 42, October 20, 2018]

1. According to the passage above, were Ambedkar’s expectations in CrPC belied?

a. No, Ambedkar’s expectations were not belied.
b. Yes, Ambedkar’s expectations were belied since the CrPC was revamped in 1974.
c. Yes, Ambedkar’s expectations were belied since the Supreme Court had to strike down various provisions of criminal laws in India.
d. None of the above.

2. Which of the following views can be correctly attributed to the author of the above passage?

a. The author finds it odd that the Constitution of India does not explicitly enshrine some of the most important rights of an accused in a criminal trial.
b. The author believes that, much like the CrPC, the other two in the all-important trifecta, i.e. IPC and the Indian Evidence Act, of 1872, also need a revamp.
c. The author believes that thus far, Ambedkar’s expectations have not been belied, as even though the CrPC was revamped in 1974, none of the key rights of an accused in a trial have been

taken away.

d. None of the above.

3. According to the passage, the Constitution benches of the Supreme Court have struck down Sections 377 and 497 of the Indian Penal Code (IPC). Sections 377 and 497 of the IPC laid down:

a. Rights of homosexuals and women's rights

b. Women's Rights

c. Unnatural offences and adultery

d. Adultery only

4. Article 20 of the Indian Constitution provides for:

a. Ex post facto laws, double jeopardy, and preventive detention

b. Ex Post Facto Laws, Double Jeopardy, and Right Against Self-Incrimination

c. Ex post facto laws and self-incrimination only

d. Ex Post Facto Laws, Double Jeopardy, Self-Incrimination, and Preventive Detention.

5. The Indian Penal Code, 1860, is:

a. Substantive Law

b. Remedial Law

c. Procedural Law

d. None of the above.

PASSAGE 2

On August 11, the Centre introduced three new bills in the Lok Sabha that propose a complete overhaul of the country's criminal justice system. The three bills are set to replace the Indian Penal Code (IPC), 1860; the Code of Criminal Procedure (CrPC), 1973; and the Indian Evidence Act,1872.

The IPC, which was introduced by the British in the year 1860, has been the bedrock of the Indian criminal justice system for more than 160 years. It is set to be replaced by the Bharatiya Nyaya Sanhita, in 2023. The CrPC of 1973 will be replaced by the Bharatiya Nagarik Suraksha Sanhita.2023, whereas the Indian Evidence Act of 1872 will be replaced by the Bharatiya Sakshya Bill,2023.

“From 1860 to 2023, the country’s criminal justice system functioned as per the laws made by the British. With these three laws, there will be a major change in the criminal justice system in the country,” Home Minister Amit Shah said while introducing the three new legislations.

The bills have been referred to a Parliamentary Standing Committee for review and recommendations. The process of bringing about amendments to criminal laws has been in the pipeline for a while. Former Law Minister Kiren Rijiju apprised the Rajya Sabha last year that the government has initiated the process of amending laws such as the IPC, CrPC, and the Indian Evidence Act in consultation with all stakeholders.

The Parliament was informed that the Ministry of Home Affairs(MHA) has also sought suggestions from governors, chief ministers, lieutenant governors, and administrators of Union Territories, the Chief Justice of India, and Chief Justices of various HighCourts, the Bar Council of India, the Bar Council of various States, and members of Parliament
regarding the proposed amendments.

The Minister said that the department-related Parliamentary Standing Committee on Home AffairsIn its 146th report, it was recommended that there be a need for a comprehensive review of the criminal justice system of the country. It was also pointed out that the Parliamentary Standing Committee in its 111th and 128th reports, had also highlighted the need for reforms in criminal laws through the enactment of comprehensive legislation instead of piecemeal amendments to existing acts.

6) What is not the proposed change in the Bharatiya Nyay Sanhita Bill, of 2023?

a) It retains the offence of sedition, which was widely criticised as a colonial relic that curbed free speech and dissent.
b) It prescribes capital punishment as the maximum sentence for mob lynching, which has been a menace in recent years.
c) It proposes 10 years imprisonment for sexual intercourse with women on false promise of marriage, which is a common form of deception and exploitation.
d) The bill introduces community service as a form of punishment for specific crimes, which can help in reforming offenders and reducing overcrowding in prisons.

7) What is not the proposed change in the Bharatiya Nagrik Suraksha Sanhita Bill, 2023?

a) It promotes the use of technology for trials, appeals, and recording depositions, allowing video conferencing for proceedings.
b) The bill mandates that police must inform the public about the status of a complaint within 180 days which can enhance accountability and transparency.
c) Section 41A of the CrPC will be renumbered as Section 35. This change includes an safeguard, stipulating that no arrest can be made without prior approval from an officer at least at the rank of Deputy Superintendent of Police (DSP), especially for offences punishable by less than 3 years or for individuals above 60 years.
d) The bill requires that police consult the victim before withdrawing a case punishable by seven years or more, which can ensure that justice is not compromised or denied.

8) There are lots of issues with the current criminal justice system, including the pendency of cases. What is the total amount of pendency in cases in India as per the NJDG?

a) 4.7 crores
b) 4.7 lakhs
c) 47 lakhs
d) 47 crores

9) Which of the following committees was not involved with reforming the criminal justice system of India?

a) Vohra Committee
b) Malimath Committee
c) Madhav Menon Committee
d) None of the above

10) The Supreme Court in 2006 issued seven directives on police reforms in response to PIL. What was the name of this famous case?

a) Prakash Singh v. Union of India
b) NK Singh v. Union of India
c) Arun Kumar v. Union of India
d) Kapil Sibal v. Union of India

ANSWERS

1. The correct option is (a).

Thus far, Ambedkar's expectations have not been belied, and even though the CrPC was revamped in 1974, none of the key rights of an accused in a trial have been taken away. Option (c) is vague and cannot be assumed from the passage.

2. The correct option is (c).

Option (a) is incorrect since it is not the belief of the author but rather the belief of a modern observer. Option (b) is incorrect because there is no language present in the passage that implies the same.

3. The correct answer is (c).

Section 377 of the IPC: Unnatural Offences: Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal shall be punished with 1 [imprisonment for life] or with imprisonment of either
description for a term that may extend to ten years and shall also be liable to a fine.

Section 497 of the IPC: Adultery: Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence
of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with a fine, or with both. In such a case, the wife shall not be punishable as an abettor.

4. The correct answer is option (b). Article 20 lays out the following protections with respect to conviction for offences:

(1) No person shall be convicted of any offence except for violation of the law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence (Ex Post Facto Laws).
(2) No person shall be prosecuted and punished for the same offence more than once (double jeopardy).
(3) No person accused of any offence shall be compelled to be a witness against himself (Right against Self-Incrimination).

5. The correct answer is option (a).

Substantive law establishes the rights and obligations that govern people and organisations; it includes all laws of general and specific applicability. E.g. Around 35-39 questions are asked in the CLAT Legal Reasoning section each year. Practice CLAT Legal Reasoning Questions and succeed today! (The Indian Contract Act, 1872; the Hindu Marriage Act, 1955; the Hindu Succession Act, 1956; the Maternity Benefit Act, 1961, etc.)

Procedural law establishes the legal rules by which substantive law is created, applied, and enforced, particularly in a court of law. (Code of Criminal Procedure, 1973; Law of Evidence, 1872, etc.)

6) Option (a).

It retains the offence of sedition, which was widely criticised as a colonial relic that curbed free speech and dissent.

Explanation:

It repeals the offence of sedition, which was widely criticised as a colonial relic that curbed free speech and dissent. The BNS introduces a new offence of “acts endangering sovereignty, unity and integrity of India” under Section 150, which is similar to the repealed offence of sedition under Section 124A of the IPC. This could be used to suppress dissent and free speech.

Other Changes (which also include options b, c, and d): The bill defines terrorism and offences such as separatism and armed rebellion against the government, challenging the sovereignty of the country, which was earlier mentioned under different provisions of the law.

The bill fixes a maximum limit of 180 days to file a charge sheet, which can speed up the trial process and prevent indefinite delays.

7) Option (b)

The bill mandates that police must inform the public about the status of a complaint in 180 days, which can enhance accountability and transparency.

Explanation:

The bill mandates that police must inform the public about the status of a complaint within 90 days, which can enhance accountability and transparency.

Other changes (also include options a, c, and d) : 1. It enables a court to try and sentence fugitive criminals in absentia, which can deter fugitives from escaping justice.

2. It empowers magistrates to take cognizance of offences based on electronic records. such as emails, SMSs, WhatsApp messages, etc., which can facilitate evidence collection and verification.

3. Mercy petitions in death sentence cases are to be filed within 30 days with the governor and within 60 days with the president.

4. No appeal shall lie against the President's decision in any court.

8) Option (a): 4.7 crores

Explanation:

Pendency of Cases: According to the National Judicial Data Grid, there are over 4.7 crore cases pending in Indian courts across different levels of the judiciary. This leads to delays.in justice delivery, violation of the right to a speedy trial, and loss of public trust in the system.

9) Option (d): None of the above

Explanation:

1. Vohra Committee, 1993: To deal with the increasing problem of criminalization of politics and the nexus between politicians, bureaucrats, criminals, and anti-social elements.
2. Malimath Committee, 2003: To revamp the criminal justice system, it made recommendations covering various aspects. Some of the key recommendations were:

i. Introducing a new category of offences called 'social welfare offences' for minors

ii. violations that can be dealt with by imposing fines or community service.

iii. Replacing the adversarial system with a 'mixed system' that incorporates some elements of the inquisitorial system, such as allowing judges to play an active role. in collecting evidence and examining witnesses.

iv. Reducing the standard of proof required for conviction from 'beyond reasonable doubt' to 'clear and convincing evidence'.

v. Making confessions made before a senior police officer admissible as evidence

3. Madhav Menon Committee, 2007: This committee was set up to draft a national policy on criminal justice.

10) Option (a) Prakash Singh v. Union of India

Explanation:

In response to a public interest lawsuit filed by two former police officers, Prakash Singh and N.K. Singh, seeking police reforms in India, the Supreme Court issued seven directives to ensure functional autonomy, accountability, and professionalism in the police force.

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