BLOGS

Sample Legal Reasoning Questions for CLAT 2024

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Read the passage below and answer the questions that follow.

Passage 1

The judgments of the single judge and division bench of the High Court in the MediaOne TV channel case – both of which upheld the government's ban on the TV channel – had seen two of the most egregious instances of "sealed cover" jurisprudence in Indian courtrooms. MediaOne had been banned without being informed why and without a hearing. When it challenged the ban in court, it was unable to argue its case because the government claimed – and the court indulged it – "national security", and submitted material in a "sealed cover." The division bench perused the material in the sealed cover and upheld the ban.

A measure of sanity prevailed in the Supreme Court, when the ban was stayed while the Court heard the matter at length. And sanity was restored when the Supreme Court delivered its judgment striking down the ban on both substantive and procedural grounds.

Sealed cover jurisprudence has become something of an epidemic in Indian courts in recent times, especially in civil rights cases: challenges to civil rights violations are routinely knocked back because the government claims – and the court indulges it – "national security", and submits material in sealed covers.

Frequently, when an organisation is banned under the Unlawful Activities Prevention Act ["UAPA"], and invokes the statutory procedure of challenging the ban before a UAPA Tribunal, the State produces "evidence" in a sealed cover, which even the banned organisations lawyers are not allowed to see, thus making any meaningful defence a non starter.

The "sealed cover" is thus used by the State in two distinct kinds of civil rights proceedings: *first*, when it has banned, censored, or otherwise punitively acted against someone, and invokes the sealed cover so that that person cannot defend themselves; and *secondly*, when someone

challenges state action for a rights violation, but to make good their challenge, requires information in the possession of the State.

Naturally, the refusal to disclose evidence on grounds of national security violates an individual's due process rights under Article 21. Chandrachud J. holds that, much like a substantive violation of Article 21 must be adjudicated on the touchstone of the four pronged proportionality standard, the violation of constitutional *procedural* rights must also be adjudicated with regard to the proportionality standard (paragraph 51).

Importantly, this applies not simply to the question of the sealed cover, but to principles of natural justice *generally*, including the right to a hearing and to a reasoned order; indeed, in this case, the State was unable to justify why it refused a hearing to MediaOne, and why it did not provide a reasoned order (paragraph 57). The explicit application of proportionality to the denial of the principles of natural justice is an important development.

The test has four prongs. A rights-infringing measure – to be justified – must (a) have a legitimate aim, (b) the measure must be suitable for achieving that aim; (c) it must be the least restrictive alternative ('necessity') available; and (d) there must be a balance between the extent of the restriction and the importance of the goal (proportionality *stricto sensu*).

As an example, if referee Paul Tierney shows a red card to Leandro Trossard for questioning his decision not to award a penalty for a blatant handball by Virgil Van Dijk in the box – as he has been bribed by agents from Manchester – then that decision fails the proportionality test, and – in an ideal world – would be reviewed and set aside.

Source: **https://indconlawphil.wordpress.com/2023/04/05/jumping-into-a-pit-of-fire-with-your-eyes-closed-proportionality-sealed-covers-and-the-supreme-courts-media-one-judgment/**

Questions

1. Based on the author's argument in the passage, which of the following is not true?

a. When the State bans an organization, it uses 'sealed cover' so that the person/organization can defend themselves.

b. When the State action is challenged by someone for rights violation, and when information in possession of the State is needed, the State resorts to the use of 'sealed cover.'

c. When an organization is banned under UAPA, and when it invokes statutory procedure for challenging the ban, State produces “evidence” in ‘sealed cover.’

d. When the State uses ‘sealed cover’ to produce evidence, it makes meaningful defence a non-starter.

2. As per the passage, evidence is produced in ‘sealed cover’ by the State on which of the following grounds?

a. Public order

b. National security

c. Friendly relations with foreign states

d. Incitement to an offence

3. Which of the following principles of natural justice are violated by the usage of ‘sealed cover’?

(i)Nemo judex in causa sua

(ii) Audi alteram partem

(iii) Reasoned decision

a. (i) and (ii)

b. (ii) and (iii)

c. (i) and (iii)

d. None of the above

4. X is arrested by the State for erecting banners in the highway causing inconvenience to the public. X is also denied bail. Which of the four prongs of the proportionality test are violated by the State?

(i) There must be a legitimate aim.

(ii) The measure must be suitable for achieving that aim.

(iii) It must be the least restrictive alternative available.

(iv) There must be a balance between the extent of the restriction and the importance of the goal.

a. (i), (ii), (iii)

b. (ii),(iii),(iv)

c. (i),(ii),(iv)

d. None of the above.

5. The issue of violation of an individual due's process rights is related to which of the following?

a. Freedom of Speech and Expression of an individual.

b. Right to Privacy of an individual.

c. Right to life and liberty of an individual

d. Right to equality

Answers

1. (a) Cannot defend themselves.
2. (b) National security
3. (b) The following principles of natural justice (i) audi alteram partem/right to fair hearing & (iii) reasoned decision, are violated by the usage of 'sealed cover'.
4. (b) The last three prongs of the proportionality test are violated in the given situation.
5. (c) Right to life and liberty of an individual is Article 21.

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