

# CLAT 2020 Test Series Plan

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# Legal Reasoning Questions for CLAT Exam

## Legal Reasoning Set 10

**Directions: Read the following passage and answer the questions.**

The ideologues in the Muslim League and in the then minority Hindu Mahasabha saw it as a necessary move, that Muslims who went from India to Pakistan and Bangladesh, and Hindus coming from there to India were moving in the natural direction. While forced to accept Partition because Muslim League under Jinnah made it difficult for any other solution at the time, Congress rejected the idea of a religion-based state. The non-religious base of the state in India was conclusively established in the Constitution in Articles 14, 15 and 16.

What CAA 2019 does is discriminate on the basis of religion. The Citizenship Act of 1955 did not provide the rationale that India is the natural homeland of Hindus. The amendment to the Citizenship Act in 1985 following the Assam Accord provided relief for those found to be illegal immigrants in Section 6A(4), where all rights and obligation of a citizen will be recognised for such a person but he or she will not have the right to vote for 10 years. There was really no need for the latest amendment because the issue of illegal immigrants was taken care of.

The argument of Shah that CAA 2019 does not take away the citizenship rights of Muslims and therefore it cannot be called anti-Muslim is weak because the CAA remains discriminatory. The courts will have to decide whether a discriminatory law which does not affect Muslim's citizenship rights satisfies Articles 14, 15 and 16 of the Constitution. It cannot be argued that the right to equality is for those who are citizens, and that it does not apply to the issue of who can be offered a citizenship.

The argument that after gaining citizenship the religious minorities from Afghanistan, Bangladesh and Pakistan will be on an equal footing with all other Indian citizens, including Muslims, is flawed in principle as well as in law. The affected religious minorities from the three neighbouring Islamic states could have been granted citizenship without the proviso of persecuted religious minorities. The implication of persecuted religious minorities from these three countries is far more complicated than conceived by the BJP lawmakers.

First, it points an accusing finger at the polity of these three countries, and it would be difficult to maintain cordial relations with them after this. Second, India can stand up for the rights of the religious minorities in these countries even as it does for the rights of Sri Lankan Tamils or Fiji Indians.

**[Extracted from editorial by Parsa Venkateshwar Rao Jr "In Muslim League's Footsteps"]**

**1. Mr. Singh who arrived from Kabul as illegal migrant 20 years ago and was moved to refugee camp in New Delhi was recently given citizenship on the pretext of new amendment in the CAA. Which of the following benefits or privileges he will not enjoy in India?**

- A. Access to aadhaar card
- B. Access to Pan card
- C. Access to voter id card
- D. Access to public employment

**2. What is the major flaw in the CAA according to the author?**

- A. The argument that persecuted religious minorities from the countries like Pakistan, Bangladesh and Afghanistan were given citizenship according to CAA will be in equal footing with other citizens of India.
- B. CAA is discriminatory
- C. The implication of the religious minorities from the countries of Pakistan, Afghanistan and Bangladesh is a matter of interpretation and perseverance of BJP lawmakers.
- D. It cannot be argued that right to equality is for those who are citizens of India.

**3. The office of the United Nations High Commissioner for Human Rights (OHCHR) called the amendment to CAA as “fundamentally discriminatory”. Which statement among the following supports the contention?**

- A. Goal of protecting persecuted groups and communities is achieved in the amendment
- B. The national asylum system should be non-discriminatory and robust
- C. India should stand up for rights of Sri lankan tamils, Fiji Indians and other countries as well
- D. The non-religious base of the state in India was conclusively established in the Constitution in Articles 14, 15 and 16

**4. The passage of the bill provoked protests and violent demonstration in Assam and other north-eastern states. What was the contention of protests in the demographic region?**

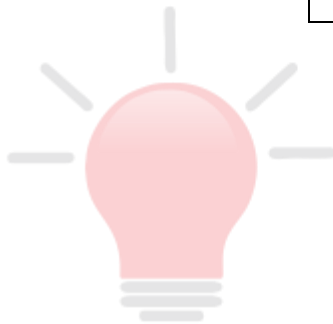
- A. Granting citizenships to refugees and immigrants will cause a loss of their political rights, culture and land rights
- B. Discrimination of muslim refugees in proposed bill
- C. Denial of citizenship to religious minorities from Myanmar.
- D. The constitution provides right against discrimination under Article 15 of the constitution.



5. The constitution deals with the citizenship in the Article 5-11 under part ii .It empowers the Parliament to enact laws pertaining to citizenship and matters dealing with citizenship. Then why the enactment of Citizenship Act is important?
- A. It contains neither any permanent nor any elaborate provisions in this regard.
  - B. It only identifies the persons who became citizens of India at its commencement (i.e., on January 26, 1950).
  - C. It does not deal with the problem of acquisition or loss of citizenship subsequent to its commencement.
  - D. All of the above

**Correct Answers:**

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
C	C	C	A	D



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## Explanations :

1. Refer to the lines 12-13 of the passage which mention section 6A (4) of the CAA does not allow a person to vote for 10 years after getting citizenship. Moreover he can enjoy any privilege or benefit as aadhaar card or pan card as any other citizen.

So option C is the right answer.

2. The author has indeed pointed above mentioned options as flaws in the CAA. But the validity of the options is a debatable issue and is a matter of interpretation which can only be decided by the apex court. However the option C is a factual and objective flaw in CAA which can be judged on legitimate scale of error. The matter of who are religious minority in these countries depends upon polity of the country as pointed by the author in subsequent lines also.

So option C stands out a major flaw in the CAA.

3. The fundamental discrimination points to the discrimination at the polity level also. OHCHR points out explicitly that other country should also be accommodated in the contention of persecuted religious minorities that's why CAA amendment is fundamentally discriminatory.

So option C is the right answer. Other options can be rejected outright.

4. The protest in north-eastern state had the contention that the rights of the citizens residing in Assam will be in jeopardy as the illegal migrants from Bangladesh will get legitimate rights to reside in these states. The betrayal of Assam Accord by CAA sparked protest in north-eastern states and not the discrimination of muslim refugees in the bill.

So therefore option A is the answer. Other options can be rejected.

5. The citizenship and its provisioned rules can be made by the parliament only as prescribed in the constitution. The articles mentioned in the constitution just mention citizenship to those who migrated to India from Pakistan. Therefore citizenship act provided elaborate provisions and is amended time to time depending upon the requirement of the polity on India. So all the options are correct.

Hence, option D is correct.



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