

# CLAT 2020 Test Series Plan

By NLU and NUJS Toppers



- ✓ Brilliant Analysis
- ✓ Excellent Content
- ✓ Unmatched Explanations



# Legal Reasoning Questions for CLAT Exam

## Legal Reasoning Set 11

**Directions: Study the following information carefully and answer the questions given beside.  
[A Set of 4 Questions]**

Actor Payal Rohatgi's arrest by Rajasthan police and her remand in judicial custody for posting a video containing false and objectionable remarks about freedom fighter Motilal Nehru highlight the discrepancies in the operation of free speech laws in India. Using the power of arrest to silence an instance of defamatory speech is a slippery road. Instead of quarrelling over semantics, it is important to draw clear red lines. Unless there is an imminent threat to public order, allowing arrests for free speech violations is an invitation to curb the rights of citizens.

The bane of free speech in India has been a burgeoning industry of offence takers who are quick to rush to police or courts seeking justice for hurt sentiments. In Rohatgi's case it was a Youth Congress member, not even Moti-lal's progeny like the Nehru-Gandhi family that was aggrieved. Instead of a straight forward libel suit she was booked for criminal offences like Section 67 of Information Technology Act for publishing obscene material in electronic form and IPC Section 504(intentional insult with intent to provoke breach of peace).The recourse to criminal laws to harass ordinary citizens for alleged free speech violations has a long history.

While frontline politicians are never summarily arrested, this luxury is not available to other citizens. Recall how a Bengal Yuva Morcha leader was jailed for memes mocking Mamata Banerjee or a 16 year old Meerut boy was detained at a juvenile home for a post criticising former Prime Minister AB Vajpayee after his death. In 2016 Supreme Court ruled that criminal defamation did not violate constitutional principles. But in practice, state governments with their control over the police and magistrates aren't helping .A fair and uniform application of laws instead of arbitrariness that characterised Rohatgi's arrest will help citizens internalise the reasonable restrictions on free speech enshrined in the Constitution.

**[ Extracted from report "Politically motivated arrests represent the crudest possible way to tackle defamatory speech" Times of India ]**

### 1. What is the laxity in the Rohatgi's arrest?

- A. It was a libel case and not intentional insult with intent to provoke breach of peace
- B. The offence was non-cognizable the arrest by police is not justified
- C. The control over the police and magistrates by political entities smell foul pay
- D. The luxury of summarily trial is not available to other citizens other than frontline politicians

### 2. What is the main point of the passage according to the author?

- A. Laws should be applied correctly and not arbitrarily so that citizens can demarcate their line pertaining to free speech and reasonable restrictions to free speech rights enshrined in the constitution.
- B. Police and magistrate should work under the ambit of statute books and laid SOPs
- C. Political entities should be treated by law equally as other citizens of the country
- D. Concept of free speech is ambiguous in India

**3. Mr. Ayyar is a Member of Parliament with criminal background. A youth activist of 15 years puts this information on his social media account. He is arrested on charges of sedition. What course of action he is entitled to according to the passage?**

- A. He should be sent to judicial custody in a regular jail
- B. He should be treated under juvenile justice system
- C. He should be admonished and left by the police
- D. He should be advised to delete his social media account and the derogatory post against the MP.

**4. According to the author the arrest by the police is not mandated in the cases of free speech as the curbing of the rights of the citizens until**

- A. There is a threat to public order of the community and the state
- B. There is a breach of constitutional morale of the society
- C. There is a defamation of a public figure
- D. All of the above

**Directions: Study the following information carefully and answer the questions given beside.  
[A Set of 4 Questions]**

Uttar Pradesh MLA Kuldeep Sengar has been convicted of raping a minor girl from Unnao in 2017. That experience would have been horrific enough for the survivor, but her fight for justice in the intervening years inflicted further grave traumas. The special court that convicted Sengar on Monday pointed to some of the ways in which her struggle for justice had to be a struggle against the system meant to give her justice. For example, it found that the CBI investigation “suffered from patriarchal approach”, had a mindset of “brushing the issues of sexual violence against children under the carpet”, and was in fact not “fair” to either the survivor or her family members.

That the safeguards for preventing the “re-victimisation” of rape survivors completely failed, is an experience shared with too many other cases. This is to the core challenge in addressing crimes against women in India, bringing de facto practices in line with de jure law. The investigation should have involved a woman officer, it did not. The survivor should not have been called to the CBI office for recording successive statements, she was. The accused was a four time BJP MLA, she was “under threat, worried....a village girl”. Her safety should have been guaranteed. Instead her father died suspiciously in custody, her aunts in an equally suspicious traffic accident, where she was seriously injured alongside her lawyer. Trials in these cases continue.

The widespread public outrage that erupted after the 2012 Nirbhaya case did impel a notable strengthening of anti-rape legislation but not a true course correction in the justice system. Failures in registering crimes, safeguarding witnesses, reducing pendency and delivering convictions continue. Meanwhile, as seen in last month’s Hyderabad gangrape and murder of a young veterinary doctor, new horrors such as setting the victim/survivor on fire seem to be “trending”. The encounter killing of the four accused just feeds into a climate of impunity.

True deterrence requires timely legal processes and calibrated punishment. And in cases where the rape accused is politically influential, the state must go the extra mile in delivering a fair probe to the survivor. Doing so will send a powerful message to the public as well as police. As will political parties refraining from fielding candidates charged with crimes against women. During 2009-19 the number of Lok Sabha MPs with declared cases of such crimes actually rose by 850%, to 19 now.

[ Extracted from the report “Justice too late?” Times of India ]

**5. The author cited core challenge in addressing crimes against women is bringing de facto practices in line with de jure law. This implies**

- A. Following ad hoc procedure in contrary to procedure prescribed by law
- B. Standard operating procedures to handle the crimes against woman should be parallel to legal rights of the victims prescribed by law.
- C. Woman victims should be treated equally with men victims.
- D. All of the above

**6. Which of the following are lapses in investigation of the raping of the minor girl from Unnao?**

- A. Investigation should have involved a woman officer
- B. Survivor should not have been called to CBI office for recording successive statements.
- C. Victim’s safety should have been guaranteed
- D. All of the above

**7. The 2012 Nirbhaya case prevailed a change in the legislation against rape and subsequent sections were added in IPC 376 A, B, C...E. What can be inferred from Kuldeep Sengar’s case and Hyderabad Gang Rape according to the passage?**

- A. True deterrence requires detailed legal legislations and calibrated punishment as mentioned in 376 A,B,C,D and E of the IPC
- B. Criminal Justice System needs course correction
- C. A powerful message is needed to the public as well as police
- D. Political parties should refrain from fielding candidates charged with crimes against women.

**8. According to the passage encounter killing of the four accused in Hyderabad gangrape implies.**

- A. Justification for the four accused’s cruel raping, murdering and setting the victim of fire
- B. Puts a question on the role of the police in the criminal justice system.
- C. Deterring effect on the community
- D. All of the above

**Directions: Study the following information carefully and answer the questions given beside.  
[A Set of 2 Questions]**

In 1983, a multimedia institution called the Museum of Tolerance opened in Los Angeles. In the quarter century of its existence, it has displayed to half a million people annually, the history of hate around the world—the Jewish Holocaust, atrocities in Cambodia, the civil rights movement, among others. At the core of the museum’s conception lay the idea of human rights and equality. Its central premise was, and still is, to inform as graphically as possible, injustices in recent history and remind new generations of the experience of intolerance.

How then does India fare in such lessons? Is there a case to be made for a public display of human rights? It is hard not to see the value of such a therapeutic idea for our own time. In India, where human rights have recently been divided along ethnic and religious lines, the importance of a national institution that gives vent to private prejudices and disputed public correctives, growing religious suspicions and racist intolerance is a much-needed facility. Given the current fear of the other, and the corrosive atmosphere that exists in the country, the value of such a place cannot be overstated. A dispirited and agitated population needs to be drawn into a framework that builds on the memory of the country’s half-forgotten ideals and stated beliefs.

Throughout the world many such museums reveal the extent of Nazi atrocities in ways that resonate with Jewish and non-Jewish visitors. This often includes testimonies of Holocaust survivors, sometimes live volunteers tell their stories. Picture galleries of prisoners, and postcards of children murdered in concentration camps are displayed, even giving details of how the child was killed. In Atlanta, a memorial to African Americans lynched in the southern US describes the gruesome murders on individual plaques. Such graphic presentations—however morbid—are done to educate younger generations and promote a larger understanding of equality and human rights.

**[ Extracted from editorial by Gautam Bhatia “Wanted: A ‘museum of tolerance’ to remember intolerance in India ]**

**9. According to the passage which of the following should be displayed in the museum of tolerance in India?**

- A. The Partition of India 1947
- B. Emergency promulgated in 1976
- C. Sikh riots
- D. Mumbai attacks of 2008

**10. Holocaust is the system of killing of the one group of people by other group of people or homicides. According to the author which of the following is holocaust?**

- A. Eradication of extremist terrorist from Kashmir
- B. Surgical Strikes on terrorist camps in Pakistan Occupied Kashmir
- C. Lynching of a community
- D. All of the above

**Correct Answers:**

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
A	A	B	A	B	D	B	B	D	C



**Smartkeeda**  
The Question Bank

[www.smartkeeda.com](http://www.smartkeeda.com) | [testzone.smartkeeda.com](http://testzone.smartkeeda.com)

SBI | RBI | IBPS | RRB | SSC | NIACL | EPFO | UGC NET | LIC | Railways | CLAT | RJS



[Join us](#)

## Explanations :

1. According to the passage the arrest charges were not in syn with the offence committed by the offender. The defamatory speech (IPC 499) was dragged to criminal insult and breach of peace IPC (504).

Therefore the answer will be option A Other options can be ignored. Refer to the lines 11 of the passage.

2. According to the closing lines of the passage the laws are applied arbitrary in India which creates confusion for the citizens regarding the free speech and its limits as prescribed in Article 19 of the constitution.

So option A stands out as a better option. Other options B, C and D are supportive to the passage but miss the main point application to the passage.

3. Refer to the lines 18 of the passage which remarks that a 16 year old boy was sent to juvenile home for his offences. Similarly the youth activist should be treated as a juvenile and the proceedings regarding his case falls under their ambit and not regulars criminal justice system.

So option B is the right answer.

4. Refer to the lines 6-7 of the passage the author clearly cites that danger to public order as an exception to arrest in cases of derogatory remarks because otherwise it will be curbing of free speech rights mandated in the constitution.

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

5. Hint: De jure: Existing or holding a specified position by legal right ; De facto: Existing or holding a specified position in fact but not necessarily by legal right. So the author mentions that the procedure to be followed should be far in sync with legal rights of the victim which in this case certainly not followed.

So option B is the answer. Other options can be rejected.

6. Refer to the lines 12-15 of the passage where the author clearly mentions that victim should have felt safe and not re-victimised if the investigation was done by a woman officer and his at his own residence. There were lapses in her security as her father and aunt died in suspicious accidents at police stations and highway. So all the options suggest lapse in investigation of minor girl's case.

So option D is the answer.

7. The author describes in the passage points that show laxity of the criminal justice system right from the investigation wing, judiciary and prosecution. Mere calibrating legislations and statute books as done in Indian Penal Code won't produce efficient and timely response to the such heinous crimes. So overall the justice system needs course correction for timely investigations and adjudication of these cases by the judiciary.

So option B is the better answer. Other options also support the contention but option B clubs them all.

8. Hint : Impunity: Freedom or exemption from punishment extends to army or law enforcement agencies. The encounter according to the author raises doubts over the role of police and again criminal justice system. They used their infinite powers whether legitimately or illegitimately is question of impunity.

So option B is the answer.

9. This is an application question. The above mentioned events triggered a civil unrest and a holocaust followed in the partition of India resulting in Hindu-Muslim riots, killing of sikhs by the state in sikh riots, and during emergency followed brutal arrest and abuse of human rights, homicides.

But Mumbai attacks were triggered by terrorist belonging to enemy territory so question of tolerance and prejudice is not justified and therefore option D is the right answer.

10. According to the passage the Jewish holocaust during World War by Nazis is analogous to lynching of a community therefore the answer will be option C. Option A and B is fight against a terrorist enemy group and not just a community. So they can be rejected.



# CLAT 2020

## TEST SERIES PLAN

BY NLU & NUJS TOPPERS

 **10  
MOCK  
TESTS** | ₹ **999/-**

**JOIN NOW**

Smartkeeda  
The Question Bank

by

# TestZone

INDIA'S LEAST PRICED TEST SERIES

- Brilliant Test Analysis
- Excellent Content
- Unmatched Explanations

**JOIN NOW**