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Legal Reasoning Questions for CLAT Exam

Legal Reasoning Set 9

Directions: Read the following passage and answer the questions.

Facial recognition technology is no longer the realm of movies and science fiction. Just last month, newspapers reported that Delhi Police used facial recognition to identify “habitual protestors” and “rowdy elements”. At the PM’s rally on December 22, it was used to deny entry to “miscreants” who could raise slogans and banners”. In Chennai, it identifies “suspicious looking people” in crowded areas while Punjab Police use it to investigate crimes and gather intelligence in real time. What’s more, the ministry of home affairs has proposed a nationwide Automated Facial Recognition System (AFRS) that will use images from CCTV cameras, newspapers and raids to identify criminals against existing records in the Crime and Criminal Tracking Networks and System (CCTNS) database.

Those who use it claim that it introduces efficiency, speed and reduces costs in both state and retail efforts. Law enforcement agencies, for instance, have stated that they will find missing children, catch criminals, and preserve law and order with it. As our fears about the threat to privacy, these are brushed at criminals, not law-abiding citizens.

The “civilian” benefits of this tech are also touted. DigiYatra promises a seamless, paperless, hassle-free experience at airports by eliminating long security lines or check-in procedures. Retail users such as a tea chain claim to make customers’ experience more enjoyable by billing them through facial recognition instead of needing them to reach for their wallet.

These paint a picture of progress and efficiency at first glance, but in reality buy into at least one (and often all) of the following fallacies.

Facial recognition is not merely a collection of pictures. It creates a biometric map of one’s face which is then used for verification of a person (1 : 1 matching) or identification of the person from an existing database(1: many matching). Facial recognition is thus, by definition, a threat to privacy. In 2017, the Supreme Court recognised the fundamental right to privacy and explicitly noted that this right extends to public spaces. Further, it laid down that any infringement of this right must be necessary, proportionate, in pursuit of a legitimate aim, and have a rational nexus with the aim. Applying this four part test in 2019, the Bombay high court laid down that the State cannot simply claim law and order or security to infringe on the right to privacy, but must rather, demonstrate that its action meets the proportionality test. Current deployments do not satisfy this legal requirement. In fact, the legal basis for law enforcement use of facial recognition does not exist. Responding to the Internet Freedom Foundation, the home ministry traces the legality of the AFRS to a cabinet note from 2009. However, a Cabinet note is a document of procedure, not law and does not qualify as a valid legal basis. Similarly, Delhi Police’s use of facial recognition was first directed in January 2018 by the Delhi high court for a very specific use- to find missing children. Its current usage has evolved without any legal oversight, and now includes monitoring peaceful protests. The legal fallacy thus has a high cost -it paves the way for mission creep, which is particularly worrying in the absence of data protection safeguards.

[Extracted from editorial by Vidushi Marda “From protests to chai, facial recognition is creeping up on us “]

1. Mr. Murti a political activist and a Phd scholar was denied entry into his convocation ceremony at IIT Kanpur with PM as chief guest due to presence of AFRS. What action Mr. Murti can take in his own interest?

- A. Mr. Murti should move to court on the pretext of infringement of his right to privacy and seek compensation.
- B. Mr. Murti should complain to academic council of IIT Kanpur and seek award of degree in the next convocation.
- C. Mr. Murti should write an apology to PM and give up his political activist career.
- D. Both A and B

2. Police installed facial recognition system at Lucknow Mahotsav to recognise the children lost in the fair. The organizers objected that it is in the detrimental interest to the crowd pull. On which of the following grounds they can do so?

- A. Right to privacy is infringed of the crowd entering into the fair
- B. Proportionality test to legitimacy is failed
- C. Legal basis for law enforcement use of facial recognition does not exist
- D. No the organisers can't object as the right is not infringed because it is in the pursuit of legitimate aim

3. In order to provide basis of the AFRS responding to Internet Freedom Foundation the 'state' (home ministry) cited

- A. A cabinet note equivalent to sub-ordinate legislation, ordinance or bye-law.
- B. Delhi High Court's judicial review of Delhi Police's use of AFRS
- C. Punjab Police using it to investigate crimes and gather intelligence
- D. Ministry of Home Affairs proposal for nationwide use of AFRS from CCTV cameras, newspapers, and raids to identify criminals against existing records in the Crime and Criminal Tracking Networks and Systems (CCTNS) database.

4. What are the civilian benefits of automated facial recognition system according to the passage?

- A. DigiYatra at the airports
- B. Retails units and contactless payment methods
- C. Law enforcement and deterring effect on criminality
- D. All of the above

5. According to the author the AFRS is a threat to privacy because

- A. Facial Recognition is not merely a collection of pictures.
- B. It creates a biometric map of one's face
- C. It verifies a person's image that is one to one matching
- D. It identifies a person from existing database which can be misused by any entity whether private or state.

Correct Answers:

1	2	3	4	5
D	D	A	D	D



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Explanations :

1. According to the passage AFRS has no legal basis and also an infringement of right to privacy so Mr. Murti (a political activist) has the right to move to the court and seek compensation from the government as he lost an opportunity to receive his PHD at his convocation ceremony. Moreover the institute should grant him an opportunity to receive his degree with dignity on the next convocation.

So option D is the right answer. Option C is out of scope as being political activist is not a crime so why Mr. Murti should bother asking apology from PM.

2. Refer to the lines 27-28 of the passage where apex court has clearly mentioned that right to privacy can be infringed but it has to pass the proportionality test and should be under the rational nexus of the legitimate aim.

So option D is the answer. Other options can be ignored.

3. Refer to the lines 37-38 of the passage where the author clearly mentions the state's response on the question of the legality of the AFRS where it presented a cabinet note which is just a standard operating procedure.

So option A is the right answer and other options can be rejected.

4. Refer to the lines 14-16 where author mentions the benefits of the AFRS to the civilians; easy transit from airport lounge and retail stores, and reduced criminal incidences as the miscreants can be identified at public places. Law enforcement is imbued as a major benefit of AFRS.

So option D is the answer.

5. Refer to the lines 24-25 of the passage where the author mentions that the biometric map of the civilian will be compared to many of the existing database of the civilians. This in turn adds a threat to privacy of an individual as the data can be misused by the storage enterprise and even the state itself.

So option D is the answer.



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