

LEGAL REASONING QUESTIONS – SAMPLE SET FOR MAY 29, 2020

Each set of questions in this section is based on the reasoning and arguments set out in the preceding passage. Please answer each question on the basis of what is stated or implied in the corresponding passage. In some instances, more than one option may be the answer to the question; in such a case, please choose the option that most accurately and comprehensively answers the question.

1.

During the lockdown, Section 188 of the *Indian Penal Code, 1860* (the “IPC”) has been widely invoked against those not following it. In a communication to the states on March 24, the Home Ministry said persons violating the containment measures will be punished under provisions of the *Disaster Management Act, 2005* (the “DMA”), besides Section 188 of the IPC. A look at these and related provisions:

Section 188 of the IPC punishes those who disobey an order passed by a public servant, and provides for imprisonment ranging from one to six months. For those violating orders passed under the *Epidemic Diseases Act, 1897* (the “EDA”), Section 188 of the IPC is the provision under which punishment is awarded.

Section 51 of the DMA provides for punishment for two kinds of offences: obstructing any officer or employee of the government or person authorised by any authority under the DMA in the discharge of their functions; and refusing to comply with any direction given by the authorities under the DMA. Punishment can extend to one year on conviction, or two years if the refusal leads to loss of lives or any imminent danger.

Section 505 of the IPC provides for imprisonment of three years or fine, or both, for those who publish or circulate anything which is likely to cause fear or alarm. Section 54 of the DMA provides for imprisonment, extending to one year, for those who make or circulate a false alarm or warning regarding a disaster or its severity or magnitude.

Under Section 52 of the DMA, whoever makes a false claim for obtaining “any relief, assistance, repair, reconstruction or other benefits” from any official authority can be sentenced to a maximum of two years’ imprisonment, and a fine will be imposed on the person.

Any authority under the DMA can requisition resources like persons and material resources, premises like land or building, or sheds and vehicles for rescue operations. Though there is a provision for compensation under the DMA, any person who disobeys such an order can be sentenced to imprisonment up to one year.

[Extracted, with edits and revisions, from “Explained: During India coronavirus lockdown, the laws that come into play”, by Sofi Ahsan, *The Indian Express*, <https://indianexpress.com/article/explained/explained-in-lockdown-the-laws-that-come-into-play-6346379/>]

- 1.1 Akram has been stuck at his home, under lockdown for weeks, and is getting bored because he has had nothing to do for a long time – his school-leaving exams are over, and the entrance examinations he has been preparing for have been postponed. He decides to have some fun, and manipulates an image on his computer; the manipulated image shows Akram’s school building in ruins. Akram then circulates the image to his friends on their WhatsApp group, with the caption: “This is what our school will look like in five hundred years!” Jyoti, one of Akram’s friends on the WhatsApp group where he circulated the image, overlooks the caption, and thinks their school building has been destroyed. She gets very frightened, and her parents complain to the police, who wish to file a case under Section 505 of the IPC against Akram. Will the police case succeed?
- (a) Yes, since Akram circulated something that was likely to cause fear among his schoolmates.
 - (b) Yes, since Akram should have acted in a more mature manner in difficult times like the lockdown.
 - (c) No, since Akram had only sent the image to his friends, and had not ‘circulated’ it.
 - (d) No, since the image along with the caption were not likely to cause fear or alarm.

1.2 Once the incident involving the image had been resolved, Akram took to spending an hour standing in his balcony every evening, looking out at his neighbourhood. One day, he noticed a few medical workers in protective equipment knocking at his neighbour, Mr. Mishra's door. The workers had come there to collect a sample from Mr. Mishra for a Covid-19 test, since Mr. Mishra had reported certain Covid-19-like symptoms. The workers were employees at the local government hospital, and were acting under the orders of their superior, an authority under the DMA. Mr. Mishra, however, refused to open his door, and the workers had to go back. Later in the day, the police told Mr. Mishra that if he did not cooperate and provide a sample for testing, they would file a case against him under Section 51 of the DMA. Has Mr. Mishra violated Section 51 of the DMA?

- (a) No, since Mr. Mishra is not a government employee.
- (b) Yes, Mr. Mishra had obstructed government employees from performing their functions.
- (c) Yes, since Mr. Mishra was bound to provide a sample once he had reported symptoms.
- (d) No, since the orders of the DMA authority applied to the medical workers, and not to Mr. Mishra.

1.3 Mr. Mishra refused to provide a sample even after the police told him they might take action against him under Section 51 of the DMA. In the greater interest of obtaining a sample so as to ensure there was no outbreak in Mr. Mishra's neighbourhood, the police decided to speak with him again, and this time, they told him that they would also file a case against him under Section 188 of the IPC (in addition to a case under Section 51 of the DMA). Has Mr. Mishra violated both, Section 188 of the IPC, as well as Section 51 of the DMA?

- (a) No, one cannot be prosecuted and punished for the same crime under two different sections of the law.
- (b) No, since Section 188 of the IPC only applies to the wrongdoings of a public servant.
- (c) Yes, by refusing to provide a sample, Mr. Mishra had violated both, Section 51 of the DMA as well as Section 188 of the IPC.
- (d) No, Mr. Mishra has violated neither Section 51 of the DMA nor Section 188 of the IPC.

1.4 Eventually, Mr. Mishra agrees to provide a sample, and is told that his results would be available in 24 hours. While he is awaiting the results, Mr. Mishra gets agitated, and writes a letter to the local District Magistrate, claiming his family has been badly affected by the Covid-19 pandemic, and since he was suffering from the illness himself, his family should be provided compensation. Thankfully however, Mr. Mishra's test results are negative for the illness. The police are now very upset with Mr. Mishra, and wish to file a case against him for violating Section 52 of the DMA. Has Mr. Mishra violated Section 52 of the DMA?

- (a) No, since he was worried about his test results, and was justified in claiming compensation.
- (b) Yes, since he had filed a false claim for compensation with the District Magistrate.
- (c) Yes, since he had initially refused to provide a sample to the medical workers.
- (d) No, since his test results were negative.

1.5 Some days after the incidents described in the previous questions, Mr. Mishra receives a phone call from one of his employees. The employee tells Mr. Mishra that the warehouse where he stocked the goods he traded in had been flooded because of a recent storm. Mr. Mishra is very upset at hearing this, and immediately runs across to Akram's house. Akram's father, Mr. Chagla, also works for Mr. Mishra, and Mr. Mishra tells Mr. Chagla that he must hand over the keys to his car to Mr. Mishra immediately, since he wanted to use it to rescue the goods from the warehouse. Mr. Mishra also tells Mr. Chagla that since Mr. Chagla worked for him, Mr. Mishra was an 'authority', and could therefore requisition the car from Mr. Chagla under the DMA. Is Mr. Mishra correct?

- (a) No, the power to requisition resources under the DMA is only available to an authority under the DMA, not to an employer.

- (b) No, the power to requisition resources under the DMA is only available in order to rescue people, not goods.
- (c) Yes, an employer is an 'authority' in relation to an employee, and so, Mr. Chagla must give Mr. Mishra the keys to his car.
- (d) Yes, since the loss of the goods would mean that even Mr. Chagla's livelihood would be affected badly.
