BLOGS

Legal Reasoning Questions for CLAT UG-Part II

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PASSAGE

The National Environmental Safeguards Act (NESA) requires that any industrial or infrastructure project undergo an Environmental Impact Assessment (EIA) before approval. Under the Act, projects can only proceed if the assessment shows that environmental harm will be minimal or can be mitigated through approved measures. However, in cases of “urgent national interest,” the government may grant approval without a full EIA, provided that mitigation measures are implemented within one year.

A large corporation proposes building a deep-sea port to boost exports. The EIA report warns of potential destruction of marine habitats and threats to endangered species. The government declares the port an “urgent national interest” project, granting immediate approval on the condition that the company creates artificial reefs and funds marine conservation programs. Environmental groups challenge the decision, arguing that bypassing the full EIA undermines the Act’s purpose.

The country’s Supreme Court has previously held that environmental protection is part of the fundamental right to life and health. It has also recognized that development projects can be permitted if they comply with the principle of sustainable development: meaning that economic growth should not come at the irreversible cost of the environment, and mitigation measures must be effective, not just promised.

QUESTIONS

1. Which factor most strongly supports the environmental groups’ challenge?

A. The government declared the project in national interest.
B. The EIA warned of serious and irreversible environmental harm.
C. The company offered to fund conservation.
D. The project aims to boost exports.

Answer: B

Explanation: Serious and irreversible harm challenges the principle of sustainable development and the Act's requirements.

2. If the artificial reefs successfully protect marine life, which legal principle would most likely justify the project's approval?

A. Absolute economic freedom

B. Sustainable development

C. Parliamentary supremacy

D. Freedom of trade

Answer: B

Explanation: Sustainable development allows projects if harm is effectively mitigated.

3. Under the Act, what is the main condition for bypassing a full EIA?

A. The project must be economically profitable.

B. It must be in urgent national interest with mitigation measures.

C. The company must be state-owned.

D. It must receive unanimous legislative approval.

Answer: B

Explanation: The urgent national interest clause applies only with mitigation within one year.

4. Which scenario would most clearly violate the sustainable development principle?

A. Approving a project with complete rehabilitation of affected habitats.

B. Proceeding with a project causing irreversible species extinction.

C. Postponing a project for further environmental studies.

D. Relocating the project to an area with no sensitive species.

Answer: B

Explanation: Irreversible extinction fails sustainable development as harm cannot be mitigated.

5. If the Supreme Court rules against the project, which right is most directly being protected?

A. Freedom of speech

B. Right to life and health

C. Freedom of trade

D. Right to property

Answer: B

Explanation: Environmental protection is recognized as part of the right to life and health.

PASSAGE

The Public Assemblies Regulation Act permits peaceful demonstrations in public spaces, but requires prior permission from local authorities. Permission can be denied if there is a credible threat to public order or disruption of essential services. The Act defines “public order” as conditions ensuring the safety of individuals, smooth functioning of daily life, and protection of property.

A group of citizens applies for permission to hold a week-long sit-in outside the city’s main hospital to protest the privatization of healthcare. The police refuse permission, citing possible obstruction of ambulances and disruption to hospital services. The protesters argue that the refusal violates their fundamental right to peaceful assembly. They offer to shift their protest to a nearby park, but the police insist the risk to public order remains because the protest could attract large crowds.

The country’s Supreme Court has held that the right to peaceful protest is a fundamental right but is subject to reasonable restrictions in the interest of public order. The Court has also stated that authorities must explore less restrictive alternatives before denying permission entirely.

QUESTIONS

1. Which fact most supports the protesters’ claim?

A. The hospital is near a busy intersection.

B. They offered an alternative venue to reduce disruption.

C. The protest could attract large crowds.

D. Public health policy is a controversial topic.

Answer: B

Explanation: Offering a less disruptive location aligns with the Court’s view that less restrictive measures should be considered.

2. If the protest were to completely block hospital access, which legal principle would justify denial of permission?

A. Parliamentary supremacy

B. Protection of public order

C. Absolute freedom of assembly

D. Presumption of innocence

Answer: B

Explanation: Blocking hospital access directly threatens public safety and services.

3. Which action by authorities would best meet the Court's guidance?

A. Banning all protests in the city.

B. Allowing the protest only in designated open grounds.

C. Imposing a permanent ban on the protesters.

D. Arresting the protesters before they begin.

Answer: B

Explanation: This is a less restrictive alternative that still protects public order.

4. If the police refuse permission without giving any reasons, which principle is most likely violated?

A. Equality before law

B. Reasonableness of restrictions

C. Separation of powers

D. Economic liberty

Answer: B

Explanation: Reasonable restrictions require justification linked to the legitimate aim.

5. Which scenario would be most consistent with the Act's provisions?

A. Allowing a silent march that avoids critical areas.

B. Permitting protests only against non-political issues.

C. Allowing protests without any prior permission.

D. Prohibiting all protests for six months.

Answer: A

Explanation: This balances the right to protest with public order concerns.