BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 8]

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Passage 1 (P.1)

The Public Trust Doctrine is a foundational principle in environmental law that emphasizes the collective ownership of certain natural resources. It originates from the idea that resources such as air, water bodies, forests, coastlines, and ecological systems are so essential to human survival and environmental balance that they cannot be privately owned or exploited without limits. Instead, these resources are preserved for the benefit of the public as a whole, including future generations. Under this doctrine, the government acts as a trustee, meaning it holds natural resources in fiduciary responsibility on behalf of the people. This imposes both a legal and moral duty on the State to protect ecological systems from destruction or irreversible damage.

Courts in environmental cases have repeatedly reinforced that development policies must not undermine environmental sustainability or public access to natural resources. The doctrine also reflects the broader constitutional commitment to environmental protection and intergenerational equity. It recognizes that environmental harm often cannot be fully repaired once it occurs. For example, destruction of wetlands, contamination of rivers, or deforestation may produce long-lasting ecological consequences that affect biodiversity, climate patterns, and public health. Because of this, the law encourages preventive protection rather than corrective action after damage occurs. However, the Public Trust Doctrine does not prohibit all forms of development.

The State may permit regulated economic activity, infrastructure projects, or scientific use of natural resources when such activities are environmentally sustainable and consistent with public interest. The key legal question is whether the activity preserves the ecological character of the resource and maintains public access, rather than causing permanent harm. Courts typically examine environmental impact, reversibility of damage, and long-term public benefit when applying this doctrine. If a decision prioritizes short-term revenue over ecological preservation, it may be struck down as a violation of the State’s trustee obligation. In this way, the Public Trust Doctrine acts as a limit on governmental power, ensuring that environmental resources remain protected as shared public assets.

1. The government permits a research institute to build a small floating monitoring station on a lake that does not affect fishing or water flow. What would be its legality according to the passage ?

a. Valid, because limited non-destructive use is allowed

b. Invalid, because no private structure is ever allowed on natural resources

c. Invalid, because lakes cannot be regulated by the State

d. Valid only if the institute pays a fee

2. If half of a public wetland is filled to construct a permanent shopping complex, what would be its legality according to the passage ?

a. Valid due to economic development

b. Invalid because ecological function is substantially impaired

c. Valid if employment is generated

d. Valid only if the legislature approves

3. Entry to a protected forest trail is restricted to 100 visitors per day to prevent ecological damage. Decide its legal position according to the passage ?

a. Invalid because public access must be unlimited

b. Invalid because forests belong to villagers only

c. Valid because regulation protecting ecology is permitted

d. Valid only if tourism revenue increases

4. A private company is allowed to extract sand from a riverbed, causing erosion and reduced water flow. Decide its legal position according to the passage ?

a. Valid if licensed

b. Invalid as the company would not restore the river later

c. Valid because rivers are state property

d. Invalid due to ecological damage

5. A temporary bamboo walkway is constructed in a marshland for bird-watching without altering vegetation. What would be its legality according to the passage ?

a. Invalid because marshlands cannot be used commercially

b. Valid as ecological character remains intact

c. Invalid because profits are involved

d. Invalid unless ownership is transferred

Passage 2 (P.2)

The doctrine of vicarious liability plays an important role in ensuring accountability within structured relationships such as employment. In tort law, it allows liability to be imposed on one person , typically an employer , for the wrongful acts committed by another person , typically an employee , when those acts occur in the course of employment. This principle exists not because the employer personally committed the wrong, but because of the legal relationship between the parties.

One of the main justifications for vicarious liability is the idea of enterprise risk. Employers organize work, assign duties, and benefit from the activities of employees. Since business operations create certain risks for society, the law places responsibility on employers to compensate victims when those risks result in harm. This promotes fairness by ensuring that injured persons are not left without a remedy.

Another justification lies in the concept of control. Employers usually control how, when, and where employees perform their work. Because of this authority, employers are expected to bear responsibility when employees perform authorized tasks negligently or improperly. Even if the employer did not intend or approve the wrongful act, liability may arise if the act was sufficiently connected to employment.

Courts often distinguish between acts done during employment duties and acts done for purely personal purposes. If an employee commits a wrongful act while carrying out assigned work , even in a careless or unauthorized manner – the employer may still be liable. This includes situations where the employee’s conduct is a wrongful mode of performing an authorized task.

However, when an employee abandons their work entirely to pursue personal objectives, often described legally as a “frolic of their own”, the employer is generally not liable. The distinction between a minor deviation (detour) and a complete departure (frolic) is crucial in determining liability. Courts therefore analyze the connection between the wrongful act and the employment relationship before imposing responsibility.

6. A delivery driver negligently hits a pedestrian while making scheduled deliveries. Decide the legal status.

a. Employer will be liable

b. Employer will not be liable

c. Driver alone liable because negligence is personal

d. Employer liable only if contract says so

7. A driver uses the company vehicle after work hours for a personal trip and causes an accident. Decide the legal status.

a. Employer will be liable

b. Employer will not be liable because vehicle belongs to employer

c. Employer will not be liable due to personal use

d. Employer will be liable if driver is salaried

8. A security guard pushes a visitor while removing them from office premises. What would be the legality of this according to the passage ?

a. Employer will be liable because act is connected to duty

b. Employer will not be liable because force is illegal

c. Employer will not be liable because guard exceeded authority

d. Employer will be liable only if injury is serious

9. A security guard pushes a visitor while removing them from office premises. Decide the legal position.

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b. Employer will be liable because act is connected to duty

c. Employer will not be liable because guard exceeded authority

d. Employer will be liable only if injury is serious

10. An employee assaults a neighbor during lunch break over a personal dispute. What would be the legality of the same according to the passage ?

a. Employer will be liable

b. Employer will be liable because employee was on duty that day

c. Employer will be liable if uniform was worn

d. Employer not liable due to personal motive

Passage 3 (P.3)

The Negotiable Instruments Act regulates financial instruments that function as substitutes for money in commercial transactions, including cheques, promissory notes, and bills of exchange. These instruments are designed to promote certainty, reliability, and efficiency in trade, allowing obligations to be transferred smoothly between parties without requiring fresh contracts each time. One of the most important protections under this framework is the concept of the “holder in due course.”

A holder in due course is a person who acquires a negotiable instrument for consideration, in good faith, before maturity, and without notice of any defect in title. This status provides special legal protection that strengthens trust in commercial circulation. The law recognizes that negotiable instruments often pass through multiple hands. If every holder had to investigate the entire history of a transaction, commercial dealings would become slow and uncertain. To avoid this, the doctrine allows a holder in due course to enforce the instrument even when earlier parties were involved in fraud, coercion, or illegality, provided the holder themselves acted honestly and without knowledge of the defect.

This protection reflects the principle that commercial confidence must be preserved. Businesses rely on negotiable instruments as secure methods of payment and credit. By protecting innocent holders, the law ensures that such instruments remain dependable tools in financial transactions. At the same time, the doctrine is limited by requirements of good faith, consideration, and lack of notice. A person who receives an instrument as a gift, after it becomes overdue, or with knowledge of fraud cannot claim this privileged position. Thus, the law balances fairness to original parties with the need for smooth commercial exchange.

11. A cheque obtained through fraud is later transferred to R, who accepts it in good faith for payment of goods. Decide.

a. R cannot recover

b. R can recover as holder in due course

c. Fraud makes cheque void permanently

d. Drawer is never liable

12. P receives a promissory note as a gift. What would be the legality of the same according to the passage ?

a. P is holder in due course

b. P is not holder in due course due to no consideration

c. P automatically becomes owner

d. Note becomes invalid

13. A cheque is transferred after its payment date to a buyer unaware of prior fraud. Decide legally.

a. Buyer is holder in due course

b. Fraud becomes irrelevant

c. Drawer is discharged

d. Buyer is not holder in due course because instrument is overdue

14. A person accepts a bill despite knowing the signature was forged earlier. Decide legally.

a. Not holder in due course due to knowledge of defect

b. Holder in due course

c. Automatically valid instrument

d. Drawer liable anyway

15. A cheque is transferred for payment of a debt before maturity, without knowledge of any defect. What would be the legal stance of the same according to the passage ?

a. Holder in due course

b. Invalid transfer

c. Gift transaction

d. Drawer discharged

Answers

1. A – Since the monitoring station does not harm the lake or restrict public use, it fits within the idea of regulated and sustainable use allowed under the doctrine.
2. B – Filling half a wetland permanently damages its ecological function, which directly violates the State’s duty to protect natural resources

3. C – Limiting visitors is a preventive environmental measure, and the doctrine clearly supports regulation that protects ecological balance.
4. D – Sand extraction causing erosion and reduced water flow shows ecological harm, which the doctrine seeks to prevent.
5. B – A temporary structure that does not disturb vegetation preserves the ecological character, so it is acceptable under the doctrine.
6. A – The driver was performing assigned work, so the wrongful act happened in the course of employment, making the employer liable
7. C – Using the vehicle for a personal trip is a “frolic of their own,” breaking the connection with employment
8. A – Removing visitors is part of the guard’s duty, so the act is connected to employment even if done improperly
9. B – Again, the act occurred while performing assigned work, which keeps the employer responsible
10. D – The assault arose from a personal dispute unrelated to work, so the employer cannot be held liable
11. B – Since R accepted the cheque honestly and for value, the law protects R as a holder in due course
12. B – A gift lacks consideration, which is one of the essential conditions for becoming a holder in due course
13. D – Once an instrument is overdue, a person receiving it cannot claim holder-in-due-course protection
14. A – Knowing about the forged signature means the person did not act in good faith, so the protection does not apply
15. A – All required conditions, consideration, good faith, and transfer before maturity are satisfied here.