BLOGS

Passage-Based Questions on Legal Reasoning for CLAT UG [Part 21]

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Passage 1 (P.1)

Modern environmental law increasingly recognises that biodiversity is not merely an ecological concern but a matter tied deeply to economics, scientific development, indigenous knowledge systems, and long-term national sustainability. Biological diversity includes the range of living organisms found across ecosystems, from microorganisms and plant species to wildlife populations and ecological interactions that sustain natural balance. What makes biodiversity legally significant is that it is not only valuable in itself, but often forms the basis for medicinal research, agricultural resilience, biotechnology, and traditional community practices that have evolved over centuries.

The challenge, however, lies in balancing conservation with utilisation. Biological resources are frequently used for commercial purposes, scientific experimentation, pharmaceutical development, and industrial innovation. Without legal regulation, such use can lead to exploitation of local ecosystems, depletion of native species, and appropriation of traditional knowledge without equitable compensation to communities that have preserved and developed such knowledge over generations. The legal response to this challenge has therefore increasingly moved beyond pure conservation and toward regulated access, sustainable use, and fair sharing of benefits.

The Indian statutory framework in this area reflects this broader understanding. It treats biodiversity not as an isolated environmental subject but as part of governance itself. The legal framework creates institutions, approval mechanisms, advisory bodies, and benefit-sharing structures that regulate how biological resources may be accessed, researched, transferred, and commercially utilised. It also seeks to protect local and indigenous communities from losing ownership over knowledge systems that have historically remained outside formal intellectual property frameworks. What is particularly notable about the statute is that it does not approach biodiversity only through punishment.

Instead, it builds a layered institutional architecture. National authorities, state boards, and local management committees are given different responsibilities, creating a multi-level model of ecological administration. In doing so, the law recognises that biodiversity governance is not possible through central regulation alone, but requires local participation, scientific oversight, and legal accountability working together. The statute therefore represents an attempt to turn conservation into a structured legal obligation rather than a broad environmental aspiration.

1. The Biological Diversity Act was enacted primarily to fulfil India's obligations under which international convention?

a) Convention on International Trade in Endangered Species
b) Convention on Biological Diversity
c) Ramsar Convention
d) Stockholm Convention

2. The National Biodiversity Authority was established under which section of the Act?

a) Section 6
b) Section 8
c) Section 12
d) Section 18

3. The headquarters of the National Biodiversity Authority is located in?

a) New Delhi
b) Bengaluru
c) Chennai
d) Hyderabad

4. Which among the following is NOT one of the three broad objectives of the Biological Diversity Act?

a) Conservation of biological diversity
b) Sustainable use of biological resources
c) Fair and equitable benefit sharing
d) Nationalisation of forest land

5. Prior intimation to the State Biodiversity Board for accessing biological resources is dealt with under which section?

a) Section 5

b) Section 7

c) Section 10

d) Section 15

Passage 2 (P.2)

One of the most difficult legal questions in environmental governance concerns ownership. Biological resources are often found in forests, wetlands, mountains, coastal regions, and indigenous settlements, but the economic benefits derived from them frequently travel elsewhere. Pharmaceutical compounds may be developed from native plants. Agricultural research may rely upon seed varieties preserved by traditional farming communities. Industrial biotechnology may use microorganisms sourced from local ecosystems. In many such cases, the commercial value generated from biodiversity has historically not returned to the communities that conserved or developed that knowledge.

Modern biodiversity law attempts to correct this imbalance by creating systems of regulated access and benefit-sharing. This reflects a broader legal principle that biological resources are not merely raw materials for unrestricted extraction, but assets that carry ecological, cultural, and economic significance. Their use therefore requires legal oversight. Such oversight may involve approvals, declarations, research regulation, local consultation, and institutional monitoring. Another important dimension is traditional knowledge.

Indigenous and local communities often possess deep ecological understanding regarding medicinal plants, seed resilience, harvesting cycles, and sustainable use patterns. This knowledge may not be formally documented, but it remains highly valuable.

Legal systems increasingly recognise that allowing outside actors to commercially exploit such knowledge without compensation raises questions of fairness, sovereignty, and justice. The legal framework governing biodiversity therefore creates a structured relationship between conservation, access, and benefit distribution. It recognises that ecological wealth is not only about protecting nature from destruction, but also about ensuring that the gains arising from biological resources are distributed in a lawful and equitable manner.

6. Which authority under the Act primarily determines equitable benefit sharing?

a) National Green Tribunal

b) National Biodiversity Authority

c) Ministry of Agriculture

d) Central Pollution Control Board

7. Biological Management Committees are generally constituted at which level?

a) International level

b) Local body level

c) Parliamentary level

d) High Court level

8. Which chapter of the Biological Diversity Act deals with State Biodiversity Boards?

a) Chapter III

b) Chapter IV

c) Chapter VI

d) Chapter VIII

9. The Biological Diversity Act is commonly cited as which Act number?

a) Act 18 of 2003

b) Act 21 of 2002

c) Act 12 of 2004

d) Act 8 of 2003

10. Which body advises governments on selection of Biodiversity Heritage Sites?

a) Election Commission

b) National Biodiversity Authority

c) Finance Commission

d) National Human Rights Commission

Passage 3 (P.3)

The pre-natal diagnostic framework is not built around casual consent or informal medical convenience. Instead, it requires a tightly regulated structure in which only authorised institutions and persons may carry out specified procedures, and even then only within the limits

created by the law. The Act is especially serious about record keeping, consent, and the prevention of sex determination.

It also empowers authorities to inspect, search, and seize where the law is being violated, and it extends liability beyond the individual practitioner where companies are involved. The idea is to prevent the misuse of clinical settings from becoming routine or hidden behind formal professionalism. The statute therefore functions as a strict compliance regime.

11. Which section deals with offences by companies?

a) Section 24
b) Section 25
c) Section 26
d) Section 28

12. Which section states that every offence under the Act is cognizable, non-bailable and non-compoundable?

a) Section 23
b) Section 25
c) Section 27
d) Section 30

13. Which section deals with cognizance of offences under the Act?

a) Section 28
b) Section 29
c) Section 30
d) Section 31

14. Which section empowers the Appropriate Authority to search and seize records, documents, and related material?

a) Section 29
b) Section 30
c) Section 31
d) Section 32

15. Which section protects actions taken in good faith under the Act?

a) Section 27

b) Section 29

c) Section 30

d) Section 31

Answers

1. B
2. B
3. C
4. D
5. B
6. B
7. B
8. C
9. A
10. B
11. C
12. C
13. A
14. B
15. D