BLOGS

# Core Doctrines of Environmental Law in India

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One of the important topics included in the CLAT PG syllabus is environmental law. Each year, applicants' scores are affected by questions on environmental law. According to an analysis of the CLAT PG question papers from prior years, it is highly likely that the questions will be based on the fundamental doctrines of Indian environmental jurisprudence, including the Public Trust doctrine, Polluter Pays principle, Precautionary principle, sustainable development, and absolute liability.

This article analyses the main environmental law doctrines and the landmark judgments that have shaped them.

## Constitutional Foundation

The Indian Constitution lays the foundation for protecting the environment through its provisions, such as Articles 48A and 51A(g).

Article 48A of the Constitution was added by the 42nd amendment to the Directive Principles of State Policy, creating an obligation on the State to protect and improve the country's environment. Further, Article 51A(g) created an obligation on citizens to protect and improve the country's natural environment.

Moreover, the right to a healthy environment has been read into Article 21 of the Constitution through several judicial interpretations. The Supreme Court in **Subhash Kumar v. State of Bihar** explicitly recognised the right to a healthy environment as an integral part of Article 21 of the Constitution.

## Public Trust Doctrine

The doctrine of public trust is a foundational principle under environmental jurisprudence. According to this doctrine, the State acts as a trustee of the natural resources. The state has an obligation to preserve our natural heritage and vital resources.

In **M.C. Mehta v. Kamal Nath,** the Supreme Court invoked the doctrine to address the pollution of the Ganges River. The Court upheld the government's duty, as a trustee or custodian of natural resources, to protect the environment in the public interest.

Further, in **Vellore Citizens Welfare Forum v. Union of India**, the court expanded the scope and application of the public trust doctrine to include the right to clean air and water.

## Polluter Pays Principle

According to the Polluter Pays Principle, as the name suggests, the polluter who causes pollution bears the costs of restoring the environment.

In **Indian Council for Enviro Legal v. Union of India,** where harmful chemical emissions from an industry adversely affected the villagers, the Supreme Court applied this principle. It held the polluters responsible for the pollution they caused to the environment.

In **Vellore Citizens Welfare Forum v. Union of India**, the court invoked this principle and ordered the industry to take necessary measures to restore the environment, where untreated effluents were discharged into the rivers.

## Precautionary Principle

The precautionary principle is a core principle of Indian environmental jurisprudence. It supports the concept of taking preventive action before the occurrence and before there is conclusive scientific proof of environmental harm.

In **Vellore Citizens Welfare Forum v. Union of India,** the Supreme Court strongly supported the application of this principle. It held that the lack of scientific proof should not be a reason to avoid preventive measures to tackle environmental degradation.

Further, in the **Taj Trapezium Case**, the Court ordered industries located near the Taj Mahal to switch to natural gas and relocate to protect the Taj Mahal from pollution.

In **A.P. Pollution Control Board v. Prof. M.V. Nayudu, the Supreme Court reiterated its position on the precautionary principle. It held that the burden of proof lies on the person proposing the activities to prove that they are** environmentally benign.

## Absolute Liability

The principle of absolute liability is a fundamental concept in environmental law, holding industries engaged in hazardous activities liable for harm caused, without fault or negligence.

In **M.C. Mehta v. Union of India (Oleum Gas Leak Case)**, the Supreme Court applied the principle while addressing the oleum gas leak in Delhi in 1987. In this case, the Court held that such industries engaged in hazardous activities are absolutely liable.

## Sustainable Development

The principle of sustainable development is an approach that meets current demands while preserving the natural resources to which future generations are entitled. Some of the salient principles that support the notion of sustainable development include the precautionary principle, intergenerational equity, the polluter-pays principle, etc.

## Conclusion

The Supreme Court of India has established a logical framework for environmental law grounded in international norms and constitutional values. Environmental protection has evolved from a policy preference to an enforceable constitutional duty, grounded in principles such as Absolute Liability, Polluter Pays, Precautionary Principle, Public Trust Doctrine, Sustainable Development, and Intergenerational Equity.

Studying these core principles and the relevant judgments is inevitable for cracking the CLAT PG.