BLOGS

Passage-Based Test on Environmental Law for CLAT PG [Part 3]

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The most potent threat faced by the Earth and human civilisation as a whole, which is confronted with today, is environmental degradation and wildlife degradation. The need to protect flora and fauna, which constitute a major portion of our ecosystem, is immediate. Development and urbanisation, coming at the cost of adversely affecting our natural surroundings, will in turn impact and be the cause of human devastation, as was seen in the 2013 floods in Uttarakhand and in 2018 in Kerala.

Climate change is impacting wildlife by disrupting the timing of natural events. With warmer temperatures, flowering plants are blooming earlier in the year, and migratory birds are returning from their wintering grounds earlier in the spring. Wildlife conservation in India has a long history, dating back to the colonial period when it was rather very restrictive to only 17 targeted species and that too in a defined geographical area. Then, the formation of the Wildlife Board at the national level and enactment of the Wildlife Act in 1972 laid the foundation of the present-day “wildlife conservation” era in post independent India. Project Tiger in the 1970s and the Project Elephant in 1992–both with flagship species–attracted global attention.

India then also became a member of all major international conservation treaties related to habitat, species and environment, like the Ramsar Convention, 1971; the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973; the Convention on Migratory Species, 1979; the Convention on Biological Diversity, 1992, among others.

Humans as well as wildlife are completely dependent upon the environment for their survival. Humans are completely dependent on the environment. Like humans, wildlife is also dependent on the environment for its survival and is also affected by the environment. The relationship between the human and animal can be understood by the foodchain and foodweb. The wildlife is affected by several reasons such as population, deforestation, urbanisation, high number of industries, chemical effluents, unplanned landuse policies, and reckless use of natural resources, etc.

The Directive Principles of State Policy provide that protection and improvement of the environment, safeguarding forests and wildlife, have been duly enjoined upon the Government. Those principles have found statutory expression in various enactments, i.e., Wildlife (Protection) Act, E.P. Act, etc., which have been enforced by this Court in various decisions. The inaction of the State to constitutional and statutory duties cannot be permitted. The Court has to issue appropriate directions to fulfil the mandate. Article 51(A) provides a fundamental duty to protect and preserve the environment, wildlife, etc.

Excerpt from Tata Housing Development Company Ltd. V. Aalok Jagga And Others, 2019 SCC OnLine SC 1419

1. From which of the following articles of the Constitution is the right to a healthy environment judicially derived?

a) Article 14
b) Article 19(1)(g)
c) Article 21
d) Article 32

2. The notion that current generations shouldn't jeopardise present generations is a reflection of:

a) Precautionary Principle
b) Inter-generational equity
c) Absolute liability
d) Public Trust Doctrine

3. The formal introduction of wildlife conservation in India after independence was:

a) Project Tiger's introduction
b) Article 21 judicial intervention
c) Establishing a Wildlife Board and passing laws about wildlife
d) India's involvement in international agreements

4. Which of the following authorities hears appeals concerning environmental clearances?

a) Supreme Court
b) Civil Court

c) High Courts

d) National Green Tribunal

5. Which of the following sections of the Environment (Protection) Act, 1986, provides for the power to issue binding directions, including closure or regulation of industries?

a) Section 3

b) Section 5

c) Section 7

d) Section 10

6. Which of the following factors is not a cause for wildlife degradation?

a) Deforestation

b) Chemical effluents

c) Unplanned land use policies

d) Genetic modification of species

7. In which of the following cases was the doctrine of Absolute Liability emphasised by the Supreme Court?

a) M.C. Mehta v. Union of India (Oleum Gas Leak case)

b) Vellore Citizens' Welfare Forum v. Union of India

c) Indian Council for Enviro-Legal Action v. Union of India

d) Subhash Kumar v. State of Bihar

8. In which of the following cases was the Public Trust Doctrine in India most authoritatively applied?

a) Rural Litigation and Entitlement Kendra v. State of UP

b) M.C. Mehta v. Kamal Nath

c) Narmada Bachao Andolan v. Union of India

d) A.P. Pollution Control Board v. Prof. Nayudu

9. The Court may issue directions against the State primarily because:

a) Environmental matters are purely judicial functions

b) Directive Principles and statutory mandates impose duties on the State

c) International treaties override domestic laws

d) Wildlife protection is a private contractual obligation

10. Under which of the following Acts was the Environmental Impact Assessment (EIA) Notification, 2006 issued?

a) Water Act

b) Air Act

c) Forest Act

d) Environment (Protection) Act, 1986

11. Which of the following statements is correct with respect to the Precautionary Principle?

a) Damage must be scientifically proven before action

b) Burden of proof lies on the affected community

c) Burden of proof lies on the developer/industry

d) The state has no preventive duty

12. Which constitutional provisions together serve as the foundation for environmental protection law?

a) Articles 14, 19, 21 only

b) Articles 21, 48A, 51A(g)

c) Articles 32, 226 only

d) Articles 300A and 368

13. Which of the following bodies provides policy recommendations for wildlife protection to the Central Government?

a) Forest Survey of India

b) National Green Tribunal

c) Central Pollution Control Board

d) National Board for Wildlife

14. The Wildlife (Protection) Act, 1972 covers _____ animals.

a) Wild animals only

b) Captive animals only

c) Both wild and captive animals

d) Endangered species only

15. Under the Wildlife (Protection) Act, 1972, which of the following authorities is empowered to declare an area as a wildlife sanctuary?

a) State Government
b) Central Government
c) National Green Tribunal
d) District Magistrate

Answers

1. (C)
2. (B)
3. (C)
4. (D) Section 16 of the National Green Tribunal Act confers appellate jurisdiction to the NGT.
5. (B)
6. (D)
7. (A)
8. (B)
9. (B)
10. (D) Section 3 of the Environment Protection Act, gives the Central Government, the power to take measures to protect and improve the environment.
11. (C)
12. (B)
13. (D) Section 5C of the Wildlife Protection Act provides the functions of the National Board for Wildlife which includes framing of policies.
14. (C)
15. (A) Section 18 of the Wildlife Protection Act deals with the power of the State government to declare an area as a sanctuary.