BLOGS

Sectional Test on Environmental Law for CLAT PG [Part 1]

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Q.1 In which of the following cases did the Supreme Court invoke the Public Trust Doctrine while dealing with the pollution caused by industries in and around Delhi, particularly along the banks of the Yamuna River?

a) T.N. Godavarman Thirumulpad v. Union of India
b) M.C. Mehta v. Union of India
c) M.C. Mehta v. Kamalnath
d) Vellore Citizens Welfare Forum v. Union of India

Q.2 In Vellore Citizens Welfare Forum v. Union of India, the Supreme Court discussed which of the following principles of sustainable development:

a) Precautionary Principle
b) Polluter Pays Principle
c) Public Trust Doctrine
d) Both A and B

Q.3 Identify the correct statements with respect to the objective of United Nations Framework Convention on Climate Change (UNFCCC)

I. To reaffirm the principle of sovereignty of States in international cooperation to address climate change
II. To acknowledge that the change in the Earth’s climate and its adverse effects are a common concern of humankind
III. To stabilise greenhouse gas concentrations in the atmosphere

a) I and II
b) II and III
c) II only
d) All of the above

Q.4 Which of the following protocols focuses on phasing out the production and consumption of ozone-depleting substances?

a) Montreal Protocol

b) Kyoto Protocol

c) The Paris Agreement

d) Stockholm Convention

Q.5 In which of the following cases did the Supreme Court of India recognize a human right against the adverse impacts of climate change?

a) M.K. Ranjitsinh and Ors v. Union of India

b) T.N. Godavarman Thirumulpad v. Union of India and Ors.

c) Vanashakti v. Union of India

d) Common Cause v. Union of India

Q.6 The Supreme Court applied the Public Trust doctrine for the first time in:

a) M.C. Mehta v. Kamalnath

b) Vellore Citizens Welfare Forum v. Union of India

c) T.N. Godavarman Thirumulpad v. Union of India

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

Q.7 The State Governments has the power to declare air pollution control areas under Section _____ of the The Air (Prevention and Control of Pollution) Act, 1981.

a) Section 20

b) Section 19

c) Section 15

d) Section 18

Q.8 Which case dealt with the issue of mining in the Aravalli Range, and the potential environmental damage caused by it and reaffirmed the polluter pays principle?

a) M.C. Mehta v. Kamal Nath (1997)

b) Indian Council for Enviro-Legal Action v. Union of India (1996)

c) MC Mehta v. Union of India (1996)

d) Vellore Citizens Welfare Forum v. Union of India (1996)

Q.9 Under the Environment (Protection) Act, 1996, the power to take measures to protect and improve the environment is vested upon:

a) Central Government
b) State Governments
c) Pollution Control Boards
d) Both Central and State Governments

Q.10 In Lafarge Umiam Mining Pvt. Ltd. v. Union of India:

a) The Court applied the Public Trust Doctrine to protect public spaces and parks from unauthorized construction and encroachments.
b) The Court applied the Public Trust Doctrine to assert that forests and wildlife are held in trust by the government for the public.
c) The Court set guidelines for granting environmental clearances and directed the govt to form a national regulator for enforcing environmental conditions for approvals and imposing penalties on polluters.
d) The court applied the Public Trust Doctrine to safeguard the water quality of the Ulhas River.

Q.11 Under Section 14 of the NGT Act, 2010, the jurisdiction of the National Green Tribunal extends to:

a) All civil disputes irrespective of subject matter
b) Substantial Question relating to environment law under Schedule I
c) Constitutional Challenges to legislation
d) Criminal Environment offences

Q.12 Section 20 of the National Green Tribunal Act mandates the tribunal to apply _____ while passing any order or decision or award

a) Natural justice and equity
b) Precautionary Principle
c) Polluter Pays Principle
d) Both B and C

Q.13 Articles 48A and 51-A(g) of the Constitution of India were incorporated by virtue of the

a) 42nd Amendment Act, 1976

b) 35th Amendment Act, 1978

c) 45th Amendment Act, 1980

d) 44th Amendment Act, 1978

Q.14 Which of the following cases addresses the legality of the Zonal Master Plan (ZMP) 2030 for Mount Abu, which was challenged for not conforming to the Eco-Sensitive Zones?

a) Pragnesh Shah v. Arunkumar Sharma

b) M.K. Ranjitsinh and Ors v. Union of India

c) Only II is correct

d) All are correct

Q.15 The right to live in a healthy environment as part of Article 21 of the Constitution was first recognized in the case of:

a) A.P. Pollution Control Board v. M.V. Nayudu (2001)

b) Subhash Kumar v. State of Bihar (1991)

c) Sher Singh vs State of Himachal Pradesh (2014)

d) Rural Litigation and Entitlement Kendra vs. State (1988)

Answers and Explanations

1. (C) The Public Trust Doctrine was used by the Supreme Court in M.C. Mehta v. Kamalnath to highlight the government's function as a trustee of natural resources. It mandated the shutdown of industries that were damaging the Yamuna River and breaking environmental laws. This case demonstrated how the Public Trust Doctrine can be used to safeguard water bodies and guarantee their sustainable use.
2. (D) The Supreme Court of India in the Vellore Citizens Welfare Forum v. Union of India observed that certain specific environmental principles are part of Indian law. The first principle was the Precautionary Principle, which established a requirement that all environmental protection measures be implemented until there is full scientific knowledge of potential danger. However, this approach places the onus on the polluting party to demonstrate that their actions are environmentally friendly. Second, the Polluter Pays Principle, which mandates polluters to pay for damages incurred in preventing and repairing

environmental harm..

3. (D) The UNFCCC's primary goal is to stabilise greenhouse gas concentrations in the atmosphere. Some other objectives include reaffirming the principle of sovereignty of States in international cooperation to address climate change, acknowledging that the change in the Earth's climate and its adverse effects are a common concern of humankind and so on.
4. (A) Phasing out the production and consumption of substances that deplete the ozone layer is the primary goal of the 1987 Montreal Protocol. Controlling pollutants that deplete the ozone layer is emphasised.
5. (A) In M.K. Ranjitsinh vs. Union of India (2024), the court acknowledged a constitutional right to be free from the effects of climate change, connecting it to fundamental rights (Article 14 & 21). The case balanced the conservation of the endangered Great Indian Bustard (GIB) with the development of renewable energy.
6. (A) In the M.C. Mehta v. Kamalnath, popularly referred to as the Span Motel case, the Supreme Court of India initially used the Public Trust Doctrine. This idea holds that parts of our natural resources are kept in a sacred trust by the government for the benefit of everyone, rather than being mere possessions.
7. (B)
8. (B) The court addressed the effects of mining operations in the Aravalli Range on the environment in Indian Council for Enviro-Legal Action v. Union of India (1996). The Polluter Pays Principle was reaffirmed by the Supreme Court, which emphasised that precautions should be taken when an activity poses a risk to human health or the environment. The ruling emphasised that industries must pay for the environmental damage they cause.
9. (A) Under Section 3 of the Environment (Protection) Act, 1996, the power to take measures to protect and improve the environment is vested upon the Central Government.
10. (C) The Lafarge Umiam Mining Pvt. Ltd. v. Union of India (2011) lawsuit concerned the environmental effects of limestone mining in Meghalaya. The Supreme Court highlighted the significance of sustainable development and the requirement for environmental clearance for mining operations.
11. (B) As per Section 14 of the NGT Act, 2010, the tribunal shall have jurisdiction over all civil cases where a substantial question relating to the environment is involved and such question arises out of the implementation of the enactments specified in Schedule I.

12. (D) Section 20 of the National Green Tribunal Act mandates the tribunal to apply sustainable development principles, such as the precautionary principle and the polluter pays principle while passing any order or decision or award.
13. (A)
14. (A) The ruling in Pragnesh Shah v. Dr. Arun Kumar Sharma and Others by the Supreme Court uphold the value of eco-sensitive zones and the necessity of putting environmental preservation ahead of personal growth goals. The NGT's rulings from March 10, 2021, and July 29, 2021, which ordered changes to the ZMP 2030 to conform to the ESZ Notification and the precautionary principle, were affirmed by the Supreme Court.
15. (D) Rural Litigation and Entitlement Kendra vs. State (1988), known as the Dehradun Quarrying Case, is the first of its kind in India and involves environmental and ecological balancing issues. The Supreme Court ordered that the excavation (illegal mining) be stopped under the Environment (Protection) Act, 1986. In this case, the right to a healthy environment under Article 21 of the Constitution was first acknowledged.