BLOGS

Vanashakti v Union of India: A Supreme Court Judgment Every CLAT PG Aspirant Should Know

Adtiya Aryan · 02 Jan 2026

This judgment was tested in CLAT PG this year, so let us understand what this judgment was and why such judgments are important for the CLAT PG exam.

One clear trend in the CLAT PG exam is the increasing importance of recent Supreme Court judgments, especially those dealing with constitutional law, environmental law, and administrative law. One such judgment that appeared in the CLAT PG exam this year is ***Vanashakti v. Union of India***, decided by the Supreme Court on 16 May 2025.

This case may look technical at first, but the core issue is actually very simple. It asks a basic question:

Can the government allow industries to take environmental permission after they have already started work illegally?

The Supreme Court's answer was clear. No.

Let us break this judgment down in an easy way.

Background of the Case

India has a law called the Environment (Protection) Act, 1986. Under this law, the government has the power to make rules to protect the environment. One such important rule is the Environmental Impact Assessment (EIA) system.

Under the EIA Notification of 2006, certain projects like mining, construction, factories, and infrastructure projects must take prior environmental clearance before starting work. This clearance is meant to study how much harm a project may cause to the environment and whether it should be allowed at all.

The key idea here is prior permission. Environmental damage should be prevented, not fixed later.

However, in 2017, the government issued a notification that created a major controversy. This notification allowed projects that had already started work without environmental clearance to apply for clearance later. This is called ex post facto environmental clearance.

In simple terms, even if a company broke the law by starting work without permission, it could later regularise that illegal activity.

Environmental groups like Vanashakti challenged this policy before the Supreme Court.

What Was the Main Legal Issue?

The main question before the Supreme Court was:

Is it legal to allow environmental clearance after a project has already begun without permission?

The petitioners argued that this policy defeats the purpose of environmental law. If permission is given after damage has already started, the entire system becomes meaningless.

The government argued that allowing ex post facto clearance helps bring illegal projects under regulation and improves compliance.

What Did the Supreme Court Say?

The Supreme Court carefully examined the Environment (Protection) Act and the EIA Notification, 2006. The Court made some very important observations.

First, the Court said that **environmental clearance is meant to be preventive**, not corrective. The purpose of the law is to stop environmental harm before it happens, not to approve it afterward.

Second, the Court noted that allowing ex post facto clearance rewards violators. A person who follows the law and takes permission first is put at a disadvantage compared to someone who violates the law and applies later.

Third, the Court said that such a policy goes against the **rule of law**. Government policies cannot contradict the purpose of the parent law.

Based on this reasoning, the Supreme Court held that the **2017 notification allowing ex post facto environmental clearance is illegal**. It struck down the notification to the extent that it permitted post-facto approvals.

In clear words, the Court said:
You cannot legalise an environmental violation after it has already happened.

Why Is This Judgment Important for CLAT PG?

This judgment is important for several reasons from an exam point of view.

1. Environmental Law and Article 21

The Supreme Court has repeatedly held that the **right to a clean and healthy environment** is part of the **right to life under Article 21** of the Constitution.

This judgment reinforces that idea. It shows that environmental protection is not just a policy choice but a constitutional duty. Questions in CLAT PG often link environmental issues with Article 21, and this case is a strong example.

2. Administrative Law Concepts

This case is a classic example of **judicial review of executive action**. The government issued a policy, but the Court examined whether that policy was consistent with the law.

For CLAT PG, this judgment helps you understand concepts like:

- Limits on executive power
- Subordinate legislation
- Arbitrariness
- Purpose of statutory interpretation

3. Importance of Preventive Regulation

The Court clearly stressed that environmental laws work on the principle of prevention. Once damage is done, it is often irreversible.

This reasoning is important because CLAT PG questions often test whether you understand the **objective behind laws**, not just their wording.

4. How Courts Reason

From an exam perspective, this judgment is useful because it shows how the Supreme Court:

- Reads the purpose of a law
- Rejects convenience-based arguments
- Balances development with environmental protection

Understanding this style of reasoning is extremely helpful for solving passage-based questions in CLAT PG.

Conclusion

The ***Vanashakti v. Union of India*** judgment is a strong reminder that environmental laws cannot be diluted for administrative convenience. The Supreme Court made it clear that illegal actions cannot be cured later by policy shortcuts.

For CLAT PG aspirants, this judgment is important not just because it was directly tested, but because it covers multiple areas like constitutional law, environmental law, and administrative law in one case.

Studying such judgments helps you understand how legal principles work in real situations and how courts apply constitutional values to everyday governance. That is exactly the skill CLAT PG wants to test.