CLAT PG Environmental Law Sample Paper – 8

Duration: 20 Minutes | Max Marks: 20

Instructions

- This paper contains **20 Multiple Choice Questions (MCQs)**.
- Each correct answer carries **+1 mark**.
- Each wrong answer carries a **penalty of -0.25 marks** (negative marking).
- Only **one option** is correct for each question.
- Syllabus: **Constitutional provisions, EPA 1986, Water Act 1974, Air Act 1981, Wildlife Protection Act 1972, Forest Conservation Act 1980, NGT Act 2010, PLIA 1991, Biological Diversity Act 2002, landmark cases, and international environmental law.**
- Use of calculators or any electronic devices is **strictly prohibited**.

SECTION A – Questions

Q1. Kavitha Devi, a resident of a town in Telangana, is aggrieved by persistent air and water pollution caused by a nearby pharmaceutical cluster. On the advice of two different legal aid organisations, she simultaneously files a writ petition under Article 226 of the Constitution before the Telangana High Court and an application under Section 14 of the National Green Tribunal Act, 2010 before the NGT's Southern Zone Bench in Chennai. The NGT application and the writ petition raise identical reliefs: direction to the industries to comply with emission and effluent standards, and compensation for health damage suffered by the petitioner and neighbouring residents.

At the first hearing before the NGT, the Tribunal suo motu raises a preliminary objection. The NGT's registrar issues a note opining that the filing of an NGT application in respect of the same subject matter bars Kavitha from maintaining the High Court writ petition, as the NGT Act 2010 creates a specialised forum that displaces the writ jurisdiction of the High Court once the NGT's jurisdiction is invoked. The industries support this position, adding that allowing parallel proceedings in the NGT and the

High Court would create a risk of conflicting orders and waste judicial resources.

Before the High Court, the state submits that since the NGT is a competent and efficacious forum for environmental disputes, the High Court should exercise its discretion under Article 226 to decline to exercise jurisdiction and direct the petitioner to pursue the NGT application exclusively. Kavitha's counsel before the High Court argues that the Constitution cannot be ousted by an ordinary statute and that the writ jurisdiction under Article 226 is inviolable.

Which of the following best describes the legal position?

(A) The National Green Tribunal Act, 2010 creates a specialised tribunal for environmental disputes, but it does not oust the jurisdiction of the Supreme Court under Article 32 or of the High Courts under Article 226; constitutional courts retain plenary jurisdiction to issue writs including mandamus and certiorari in environmental matters; while a court may in its discretion direct a party to first avail of the NGT remedy where it is adequate and efficacious, the writ jurisdiction is not extinguished; the two proceedings may be considered for consolidation or the writ petition stayed pending the NGT outcome, but filing the NGT application does not automatically bar the High Court petition.

(B) Once an application before the NGT is filed and admitted on the same subject matter, the jurisdiction of the High Court under Article 226 stands automatically divested for the duration of the NGT proceedings; the constitutional guarantee of writ jurisdiction does not extend to matters exclusively assigned by Parliament to a specialised environmental tribunal.

(C) Article 226 writ jurisdiction is available only where there is a violation of a fundamental right; since the right to a pollution-free environment is not expressly enumerated in Part III of the Constitution, the High Court cannot entertain an environmental writ petition filed simultaneously with an NGT application on the same matter.

(D) Parallel proceedings before the NGT and the High Court in respect of the same environmental dispute are absolutely prohibited under the principle of res judicata; the party that first obtains an admission of its petition in one forum is deemed to have elected that forum exclusively.

Q2. The Central Pollution Control Board (CPCB) conducts a special enforcement drive targeting a cluster of electroplating and chemical manufacturing industries in an industrial estate in Haryana. As part of the drive, the CPCB issues written directions to twelve industries requiring them to: (a) submit detailed monthly effluent monitoring reports including raw data from effluent treatment plants; (b) furnish a complete inventory of all hazardous chemicals stored on their premises with quantities and storage conditions; and (c) provide records of all effluent discharge events over the preceding three years.

Greenfield Chemicals Ltd., one of the units, refuses to comply. Through its counsel, Greenfield argues that the requirement to submit detailed effluent data and records of past discharge events amounts to compelled production of self-incriminatory material, violating the company's rights under Article 20(3) of the Constitution, which protects persons from being compelled to be witnesses against themselves. Greenfield further contends that there is no provision in the Environment (Protection) Act, 1986 that expressly authorises the CPCB (as opposed to the Central Government) to demand such information, and that the CPCB is therefore acting without jurisdiction.

The CPCB maintains that it acts in pursuance of its powers under the EPA and that the information sought is regulatory in nature. A show-cause notice is issued proposing prosecution of Greenfield's managing director under Section 15 of the EPA for non-compliance.

Which of the following best describes the legal position?

(A) Article 20(3) of the Constitution protects companies as well as natural persons from being compelled to produce records and data that may expose them to criminal prosecution; therefore, the CPCB's demand for effluent discharge records and chemical inventories is unconstitutional and the show-cause notice must be set aside.

(B) The CPCB has no independent power under the EPA to compel production of information or documents; such directions can only be issued by the Central Government itself under Section 5 of the EPA; directions issued by the CPCB in its own name for submission of compliance reports are without statutory authority.

(C) Any direction requiring an industry to produce records of past events is inherently coercive and testimonial in character; even if the EPA authorises collection of information, the constitutional bar under Article 20(3) renders such directions inapplicable to past discharge records.

(D) Section 10 of the Environment (Protection) Act, 1986 empowers any person authorised by the Central Government to require any person to furnish information, documents, and data relating to sources of environmental pollution and discharge; the obligation to submit environmental compliance reports is a statutory regulatory requirement and does not constitute compelled self-incrimination within the meaning of Article 20(3), which protects against testimonial compulsion in criminal proceedings and not against regulatory information obligations; Greenfield must comply with the lawful direction.

Q3. Prakash Enterprises Ltd., a company engaged in the manufacture of dyes and intermediates in Gujarat, is found to be regularly discharging chromium-laden effluents into a nearby creek in violation of standards notified under the Environment (Protection) Act, 1986. A complaint is filed before the Magistrate's Court by the Gujarat Pollution Control Board. The complaint names not only the company but also its Plant Manager, Mr. Suresh Iyer, as an accused under Section 16 of the EPA.

Mr. Iyer, through his lawyer, argues as follows. First, he was hired specifically to manage the day-to-day operations of the plant and had no authority over decisions relating to capital expenditure on environmental compliance, including the installation or upgrade of effluent treatment plants; all such decisions were taken by the Board of Directors. Second, he argues that the discharge occurred during a period when he was on medical leave and had formally handed over charge to a junior engineer.

Third, he invokes the "due diligence" defence, arguing that he had repeatedly flagged the inadequacy of the ETP to the management in writing.

The company separately raises the defence that all actions were taken on the instructions of the state government in its industrial promotion policy and that Section 17 of the EPA provides immunity where the offence is committed under government direction.

Which of the following best describes the legal position on Mr. Iyer's personal liability and the available defences?

(A) A plant manager who lacks decision-making authority over environmental capital expenditure is automatically excluded from the deeming provision in Section 16 of the EPA; personal liability for corporate environmental offences is restricted to directors and officers with specific environmental management responsibilities as defined in the company's corporate governance documents.

(B) Section 16 of the EPA, 1986 provides that every person who, at the time the offence was committed, was directly in charge of and responsible for the conduct of the business of the company, shall be deemed guilty of the offence; a manager who can prove both that the offence was committed without their knowledge AND that they exercised all due diligence to prevent the commission of the offence may raise the due diligence defence; the defence is narrow and requires positive proof of both elements; merely lacking decision-making authority over capital expenditure does not automatically exonerate a manager who is "in charge" within the meaning of Section 16; medical leave may be a relevant factual circumstance but does not constitute a statutory defence in itself.

(C) Section 17 of the EPA, 1986 provides that where a government department commits an offence, the head of department shall be deemed guilty; this provision, read broadly, also protects private companies and their officers who act in conformity with state government industrial policy directives, since compliance with governmental direction constitutes a complete defence under Section 16 read with Section 17.

(D) The due diligence defence under the EPA is available as a matter of right to any managerial employee of a company who was not physically present at the premises when the environmental violation occurred, regardless of whether they exercised positive steps to prevent the offence.

Q4. Rampur Textiles Ltd. operates a bleaching and dyeing unit in Uttar Pradesh under a consent to discharge treated effluents granted by the Uttar Pradesh Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974. The consent was granted for a period of five years subject to specified conditions, including a prohibition on the discharge of azo dyes. During a surprise inspection, the Board's officers detect the discharge of banned azo compounds in concentration exceeding permissible limits, in direct breach of the consent conditions.

The Board's Member Secretary issues a formal order revoking Rampur Textiles' consent to discharge with immediate effect, citing the serious nature of the violation. The company, facing closure of its operations, immediately approaches the Board's Chairman requesting a personal hearing, which is denied. The company then approaches the High Court by way of writ petition challenging the revocation order.

The Board argues before the High Court that: (i) the revocation order is a purely administrative act within the Board's internal management domain; (ii) no statutory appeal lies against revocation of consent; and (iii) a writ petition is premature as the company should first apply to the Board for a review. The company's counsel argues that the Water Act specifically provides for an appeal remedy and that the Board has mischaracterised its own action.

Which of the following best describes the legal position?

(A) The revocation of a consent to discharge is an executive act of the SPCB that is not subject to any statutory appeal under the Water (Prevention and Control of Pollution) Act, 1974; the only remedy available to Rampur Textiles is a writ petition before the High Court under Article 226 of the Constitution, and the Board's argument regarding prematurity is therefore unsound.

(B) Under the Water Act, 1974, a consent to discharge is a privilege and not a right; once the SPCB revokes a consent for breach of conditions, the aggrieved party has no right of appeal and must apply afresh for a fresh consent after rectifying the violation; the revocation order has immediate and final effect.

(C) Section 25 of the Water Act, 1974 empowers the State Board to grant consent subject to conditions, and the Board may revoke or refuse consent where conditions are breached; Section 28 of the Act provides that any person aggrieved by refusal of consent or by any condition attached to a consent under Section 25 may, within thirty days of the date of communication of such order, prefer an appeal to the prescribed Appellate Authority; this appeal remedy is a statutory right and the SPCB cannot deny it by characterising revocation as a purely administrative act; Rampur Textiles should first exhaust the statutory appeal before the Appellate Authority.

(D) The Water Act, 1974 provides that appeals against SPCB decisions lie directly to the National Green Tribunal under Section 16 of the NGT Act, 2010, not to any Appellate Authority under the Water Act itself; the prescribed Appellate Authority under the Water Act was abolished when the NGT was constituted.

Q5. The State Government of Goa, acting under Section 19 of the Air (Prevention and Control of Pollution) Act, 1981, had in 2010 notified the entire North Goa district as an Air Pollution Control Area (APCA). In 2024, following a significant increase in industrial activity in South Goa and data showing deteriorating ambient air quality, the Goa State Pollution Control Board recommends to the state government that the APCA notification be expanded to cover the South Goa district as well.

The state government proposes to issue a fresh notification expanding the APCA. A consortium of industrial associations operating in South Goa challenges the proposed expansion on three grounds. First, they argue that expanding an existing APCA notification requires prior consultation with the Central Pollution Control Board (CPCB) in addition to the State Board, since the CPCB sets national air quality standards. Second, they argue that the original 2010 notification was for a fixed period that has now lapsed and is therefore spent; since the original notification no longer exists, it cannot be "expanded" and a fresh APCA would require a fresh parliamentary authorisation. Third, they argue that the expansion would be invalid without a public hearing before all affected industries in South Goa.

The State Board submits that it has already duly consulted the state government through the prescribed procedure before recommending the expansion.

Which of the following best describes the legal position?

(A) Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 empowers the State Government to declare any area within the state as an Air Pollution Control Area by notification in the Official Gazette after consulting the State Board; an existing APCA can be altered, expanded, or modified by a subsequent notification following the same State Board consultation procedure; there is no statutory requirement for prior consultation with the CPCB before an APCA notification or its expansion; an APCA notification does not lapse unless the notification itself contains a specific time limit; the industry consortium's procedural grounds for challenging the expansion are not well-founded if the State Board consultation requirement was properly satisfied.

(B) The Air (Prevention and Control of Pollution) Act, 1981 requires that any expansion of an Air Pollution Control Area must be preceded by prior approval of the CPCB, since the CPCB is the apex body for air quality standards under the Act; an expansion notified without CPCB approval is void.

(C) An Air Pollution Control Area notification under Section 19 of the Air Act is a subordinate legislative instrument that lapses after a period of five years in the absence of a formal renewal notification; the 2010 APCA notification for North Goa having lapsed by 2015, any new

APCA for South Goa must be issued afresh under a separate state government initiative.

(D) The expansion of an APCA to include additional districts is a significant regulatory action affecting property and business rights; under the principle of audi alteram partem and the constitutional right to equality, a public hearing before all affected industries in the proposed expansion area is a mandatory procedural requirement before the notification is issued.

Q6. Ramachandran and Sons is a family-run business in Kerala that historically traded in ivory and ivory-crafted articles. When the Wildlife Protection Act, 1972 was amended to prohibit trade in Schedule I animal articles, the business wound down its ivory trade. However, Suresh Ramachandran, the current proprietor, retains a stock of carved ivory artefacts in his premises, which he claims were acquired by his grandfather before any statutory prohibition on ivory trade existed.

During a routine inspection, officers of the Wildlife Crime Control Bureau (WCCB) seize the ivory stock and initiate proceedings for its confiscation under the Wildlife Protection Act. Suresh produces documents purporting to show that the ivory was acquired decades before the statutory ban and that his grandfather had participated in the voluntary disclosure scheme that existed under an earlier notification. He also produces a "pre-ownership certificate" that he claims was issued by a local forest officer.

The WCCB contests the authenticity of the pre-ownership certificate and argues that, irrespective of origin, any ivory found in a trader's possession without current valid registration is liable to seizure and confiscation. Suresh argues that possession of pre-ban ivory with an ownership certificate is a complete legal defence.

Which of the following best describes the legal position?

(A) Possession of pre-ban ivory with an authentic ownership certificate is a complete and unqualified defence under the Wildlife Protection Act, 1972; the WCCB cannot seize or confiscate ivory articles where the holder produces documentary evidence of acquisition prior to the statutory ban, regardless of whether the document has been separately registered.

(B) Section 40 of the Wildlife Protection Act, 1972 provides that any person who has in his possession any scheduled animal article must report the same to the Chief Wildlife Warden within a specified period; once such declaration is made and accepted, the declarant obtains a perpetual right to retain the declared articles without further compliance obligations; the WCCB action is therefore unsustainable where a declaration was made under Section 40.

(C) Trade in ivory and elephant articles is prohibited under the Wildlife Protection Act, 1972 only when such trade occurs across state or international boundaries; intrastate possession of pre-ban ivory by a retired trader for personal or display purposes does not attract Section 49A and the WCCB has no jurisdiction in purely intrastate possession cases.

(D) Section 49A of the Wildlife Protection Act, 1972 prohibits any person from purchasing, receiving, or acquiring any wild animal, animal article, or trophy specified in Schedule I otherwise than by way of succession; ivory and elephant articles are Schedule I items; even where pre-ban ownership is claimed, the claimant must establish that the ivory was lawfully acquired and duly registered in accordance with the WPA's registration requirements; unregistered ivory found in a trader's possession is liable to seizure; the accused bears the burden under Section 57 of the WPA to establish lawful possession, and an unverified pre-ownership certificate of contested authenticity does not discharge that burden.

Q7. The State Government of Mizoram seeks to grant a permit to a bamboo harvesting cooperative to undertake selective felling of mature bamboo stands in a "deemed forest" area – land that records describe as forest-like but which was not formally reserved or protected under the Indian Forest Act, 1927. The state government argues that the Supreme Court's December 1996 order in *T.N. Godavarman Thirumalpad v. Union of India* was directed at regulating logging in Tamil Nadu (the state from which the original petition originated), and that the order's territorial reach did not extend to forests in other states, let alone to "deemed forests" not covered by any formal reservation.

The state further argues that even if the Godavarman order applies generally, bamboo is technically a grass species, not timber, and that selective harvesting of bamboo by a cooperative falls outside the category of "felling" or "removal of forest produce" regulated by that order and by the Forest Conservation Act, 1980.

A forest rights NGO challenges the permit before the NGT. The state counters that the NGT should not interfere with a state-level resource management decision for local communities, and that the Godavarman order was only an interim measure that has since been superseded by the FCA itself.

Which of the following best describes the legal position?

(A) The Supreme Court's December 1996 order in *T.N. Godavarman Thirumalpad v. Union of India* was an interim order applicable only to the forests of Tamil Nadu identified in the original writ petition; it was not a general directive binding on all states; forests in Mizoram are therefore governed only by the Forest Conservation Act, 1980 and state forest laws, not by the Godavarman order.

(B) The Supreme Court's landmark order of 12 December 1996 in *T.N. Godavarman Thirumalpad v. Union of India* was not limited to Tamil Nadu's forests but applied to ALL forests throughout India; the Court defined "forest" expansively to include all areas recorded as forest in any government record regardless of formal reservation status, thereby covering deemed forests; the order directed that no forest produce could be removed from any forest area without prior Central Government approval; the state's narrow reading is inconsistent with the Supreme Court's intent and subsequent Godavarman orders, and bamboo harvesting constitutes removal of forest produce subject to the order.

(C) The Godavarman order applies only to forests above a certain canopy cover threshold; lands with predominantly bamboo growth, which is botanically classified as a grass, are outside the territorial and material scope of both the Godavarman order and the Forest Conservation Act, 1980.

(D) State governments have plenary authority under the Sixth Schedule of the Constitution to regulate forest resources in tribal areas of north-eastern India; the Godavarman order and the Forest Conservation Act, 1980 do not apply to Scheduled Areas, making the cooperative's permit valid regardless of the Godavarman framework.

Q8. Clearance Watch, an environmental organisation, had in 2008 challenged an environmental clearance granted under the EIA Notification, 1994 for a highway project in Karnataka before the Environment Appellate Authority (EAA). The EAA, which had been constituted under the Environment (Protection) Act, 1986 to hear appeals against environmental clearances granted under EIA notifications, heard the case at length but passed its final order only in 2011, after the National Green Tribunal had been constituted and the EAA had been dissolved.

Clearance Watch, dissatisfied with certain directions in the EAA's 2011 order, decides to file a fresh application before the NGT under Section 14 of the NGT Act, 2010, raising environmental objections to the same highway project that had been the subject of the EAA proceedings, framing its application as a dispute relating to a "substantial question relating to the environment." The highway developer raises a preliminary objection before the NGT.

The developer argues that: (i) Clearance Watch, having already litigated before the EAA, cannot relitigate the same matter before the NGT in original jurisdiction; (ii) the appropriate route, if any, would have been to challenge the EAA order before the NGT under its appellate jurisdiction; and (iii) environmental clearances issued under EIA notifications fall within the NGT's appellate jurisdiction under Section 16, not original jurisdiction under Section 14.

Which of the following best describes the legal position?

(A) The dissolution of the Environment Appellate Authority and the constitution of the NGT means that all prior EAA orders are deemed to have been passed by the NGT; Clearance Watch can reopen the EAA proceedings by filing an application under Section 14 of the NGT Act as if the matter had never been conclusively decided, since the EAA lacked the full powers of the NGT.

(B) The NGT's original jurisdiction under Section 14 is a comprehensive jurisdiction that overrides the principle of res judicata; even where a party has previously litigated before the EAA, it is entitled to file a fresh original application before the NGT on the same environmental dispute, since the NGT is a superior forum.

(C) The NGT Act 2010, Section 14 confers original jurisdiction over substantial environmental disputes while Section 16 confers appellate jurisdiction over orders made by authorities constituted under the seven scheduled Acts including the EPA 1986; environmental clearances issued under EIA notifications are specifically challenged before the NGT under Section 16 in its appellate jurisdiction; a party that has already litigated before the EAA and obtained an order cannot circumvent the appellate route by filing a fresh original application under Section 14 on the same matter; doing so constitutes an abuse of process, and the doctrine of constructive res judicata bars reagitation of issues that were or could have been raised in the EAA proceedings.

(D) Environmental clearances issued before the NGT came into existence in 2010 are entirely outside the NGT's jurisdiction, whether original or appellate; the NGT has no power to review or set aside clearances granted under the pre-2010 EIA notification regime, and Clearance Watch must approach the High Court under Article 226 instead.

Q9. Meena Bai, a resident living adjacent to a factory that manufactures and stores chlorine compounds (a hazardous substance under the Public Liability Insurance Act, 1991), suffers severe chemical burns and permanent partial loss of vision in her right eye following an explosion at the factory. The accident is notified to the District Collector, and Meena Bai's family submits a claim for relief before the Collector.

On examining the claim, the District Collector refers to the Schedule appended to the PLIA and calculates that the maximum relief payable for permanent partial disability resulting in loss of one eye falls within a specified category, amounting to Rs. 12,500. The Collector awards this amount as full and final relief under the PLIA.

Meena Bai, distressed by the inadequacy of the amount, argues before the Collector that the Rs. 12,500 is manifestly inadequate to cover even her medical expenses, much less her long-term disability and loss of livelihood; and that the constitutional right to life under Article 21 requires that compensation reflect actual loss. She further argues that the PLIA schedule is ultra vires the Constitution as an arbitrary and irrational limitation on the right to just compensation. Her counsel also seeks to know whether she can pursue additional compensation through other legal remedies after receiving the PLIA relief.

The factory's insurer argues that payment under the PLIA discharges all of its liabilities to Meena Bai.

Which of the following best describes the legal position?

(A) The amounts specified in the Schedule to the Public Liability Insurance Act, 1991 represent full and final compensation for the categories of injury listed; once the District Collector awards relief under the PLIA, the claimant's right to any further compensation from the factory owner or its insurer is exhausted and no separate civil suit for additional damages is maintainable.

(B) The District Collector is not bound by the Schedule amounts under the PLIA; the Schedule sets a minimum floor but the Collector has discretionary power to award amounts higher than the scheduled sums based on actual medical evidence of the claimant's loss, up to a maximum of Rs. 25,000 per claimant.

(C) PLIA relief is available only where it is proved that the accident was caused by the factory's negligence; where the factory can demonstrate that all reasonable safety precautions were taken and the explosion was caused by an unforeseeable defect in raw materials, the Schedule amounts do not apply and the factory has no obligation to pay PLIA relief.

(D) The Public Liability Insurance Act, 1991 Schedule prescribes specific amounts of interim relief for different categories of death, injury, and property damage as an immediate no-fault remedy to be provided pending full adjudication; these scheduled amounts are not intended to represent full compensation for the actual loss suffered; the Act expressly preserves the claimant's right to seek further compensation through civil courts or other proceedings; the PLIA relief is a first-aid payment and does not discharge the owner's or insurer's civil liability for the full extent of the loss; Meena Bai may pursue additional compensation in separate civil proceedings.

Q10. The Government of Meghalaya constitutes a State Biodiversity Board (SBB) under the Biological Diversity Act, 2002. The Board as constituted consists of a Chairperson (a retired senior civil servant nominated by the Chief Minister), two ex-officio members from the Forest and Revenue Departments, and two additional members who are scientists employed by a state agricultural university — both nominated by the state government. No representative of local communities, biodiversity management committees, farmers, fisherfolk, practitioners of indigenous medicine, or non-governmental organisations has been included.

The Meghalaya Tribal Biodiversity Rights Forum challenges the constitution of the Board before the High Court of Meghalaya at Shillong, arguing that the Board's composition violates the mandatory requirements of Section 22 of the Biological Diversity Act, 2002. The Forum argues that the SBB's decisions – including its recommendations on benefit-sharing arrangements and People's Biodiversity Registers – directly affect indigenous communities and that their exclusion from the Board vitiates its legitimacy.

The state government argues that Section 22 vests complete discretion in the state government regarding the nomination of Board members and does not prescribe fixed quotas; the selection of qualified scientists satisfies the requirement of persons with relevant expertise.

Which of the following best describes the legal position?

(A) The Biological Diversity Act, 2002 leaves the composition of the State Biodiversity Board entirely to the discretion of the State Government, which may nominate any persons it considers appropriate; there is no mandatory requirement for inclusion of community representatives, and the state government's nomination of scientists with relevant expertise fully satisfies the Act's requirements.

(B) The State Biodiversity Board under Section 22 of the Biological Diversity Act, 2002 must consist exclusively of officials from the Forest, Environment, and Revenue Departments; non-governmental experts and community representatives may be co-opted as special invitees but are not statutory members of the Board.

(C) A State Biodiversity Board constituted without community representatives is procedurally irregular but not void; its decisions remain valid until formally challenged and set aside by a competent court; the Forum's challenge is premature until an actual decision of the Board is shown to have caused prejudice to community rights.

(D) Section 22 of the Biological Diversity Act, 2002 provides that the State Biodiversity Board shall consist of a Chairperson, two ex-officio members representing the Departments of Forest and Revenue, and not less than five part-time members to be nominated by the State Government from amongst persons representing local bodies, farmers, fisherfolk, indigenous communities, academicians, and practitioners of indigenous systems of medicine; a Board constituted entirely of government officials and university scientists without any community representatives does not comply with Section 22's multi-stakeholder requirements; decisions of an improperly constituted Board are liable to be challenged on this ground.

Q11. Vedanta Bauxite Corporation has secured a mining lease and a letter of intent from the State Government of Odisha to mine bauxite from the Niyamgiri hills. The corporation has also obtained environmental clearance from the Ministry of Environment, Forest and Climate Change

(MoEFCC) and Stage-I forest clearance under the Forest Conservation Act, 1980. However, the MoEFCC conditions the grant of Stage-II forest clearance upon determination of community forest rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The Dongria Kondh tribal community, for whom the Niyamgiri hills are a sacred forest and the abode of their deity Niyam Raja, files a petition before the Supreme Court opposing the mining. The corporation argues that it has obtained all legally required statutory clearances and that the Gram Sabhas of the affected villages have no legal authority to veto a mining lease duly granted by the state government under valid legislative authority. The corporation further argues that the Forest Rights Act was enacted to secure rights to forest dwellers, not to give communities a veto over lawful mineral extraction leases.

The Odisha government also submits that the power of eminent domain and the state's right to develop mineral resources for the public good override any community land-use preferences.

Which of the following best describes the legal position?

(A) The mining corporation's position is correct; once a mining lease and an environmental clearance have been validly obtained under applicable statutes, no further consent from Gram Sabhas or tribal communities is legally required; the Forest Rights Act does not create a veto power over lawfully granted mineral rights.

(B) In *Orissa Mining Corporation v. Ministry of Environment and Forests* (2013), the Supreme Court held that the rights of the Dongria Kondh tribal community over the Niyamgiri hills must be determined and settled before any mining could commence; the Court directed that Gram Sabhas of all villages in the affected area must be convened to decide whether the proposed mining would affect any community or individual rights recognised under the Forest Rights Act, 2006 and any other religious or customary rights; the Gram Sabhas' decision constitutes a legally recognised and mandatory input in the forest diversion process and effectively operates as a veto on activities that would negate tribal forest rights.

(C) The Forest Rights Act, 2006 recognises only individual forest rights of cultivators and does not confer any collective or community rights that could impede state-sanctioned mineral development projects; the Gram Sabha's role under the Act is purely advisory.

(D) The power of eminent domain exercised through a statutory mining lease constitutes a lawful taking of any property right, including forest rights recognised under the Forest Rights Act; once compensation is offered to affected community members, the Gram Sabha's consent or refusal becomes legally immaterial.

Q12. Span Resorts and Leisure Ltd. operates a luxury resort on the banks of the Beas river in Himachal Pradesh. The resort occupies land that was originally leased to it by the State Government. Following the Supreme Court's landmark judgment in *M.C. Mehta v. Kamal Nath* (1997), the Court cancelled the lease on public trust grounds and directed the state government to restore the area to its original natural state. The Court also imposed a fine on the resort company for contempt of its earlier interim orders.

The resort company, however, continues to occupy a portion of the riverbank and commences construction of an extended river-facing terrace on land that had been identified in the original judgment as part of the riparian zone. The petitioner, M.C. Mehta, brings this non-compliance to the attention of the Supreme Court in a contempt application. The resort company argues that: (i) the original judgment did not specifically identify the terrace area as falling within the cancelled lease; (ii) constructing a new structure is factually different from "restoring" the site, and therefore no contempt lies; and (iii) the Court's earlier fine constituted the complete penalty and no further action can be taken.

Which of the following best describes the legal position on the contempt question?

(A) In *M.C. Mehta v. Kamal Nath* (1997), the Supreme Court not only set aside the lease on Public Trust grounds but also imposed a fine on the resort company for contempt of earlier interim orders of the court directing it not to interfere with the natural course of the Beas river; subsequent wilful non-compliance with the Supreme Court's directions to restore the riparian zone and cease occupation constitutes continuing contempt of court; the imposition of an earlier fine does not exhaust the Court's contempt jurisdiction; the Court's powers under Article 129 extend to punishing those who wilfully disobey its environmental directions through further fines, attachment, or imprisonment.

(B) A contempt application under Article 129 of the Constitution is only maintainable where the alleged contemnor has disobeyed a specific, precise, and unambiguous order of the Supreme Court; since the Kamal Nath judgment did not enumerate the exact boundaries of the area to be vacated, the resort company's construction of the terrace does not constitute contempt.

(C) The imposition of a fine by the Supreme Court in the original Kamal Nath proceedings constitutes a complete adjudication of the resort company's contempt liability; once a fine has been paid, no fresh contempt proceedings can be initiated for acts arising out of the same matter.

(D) Contempt proceedings for wilful disobedience of a Supreme Court environmental order can only be initiated by the Attorney General of India or the Solicitor General; a private litigant such as M.C. Mehta has no locus standi to move a contempt application before the Supreme Court under Article 129.

Q13. Westaria, a developing country with a growing industrial sector, ratified the Montreal Protocol on Substances that Deplete the Ozone Layer in 1992 but has never separately ratified or acceded to the Vienna Convention for the Protection of the Ozone Layer, 1985. Westaria's trade ministry concludes that since Westaria is only a party to the Montreal Protocol and not to the Vienna Convention, it is free to import substantial quantities of CFC-11 (trichlorofluoromethane), an ozone-depleting substance, from Neuria, a country that has not ratified either the Vienna Convention or the Montreal Protocol.

The United Nations Environment Programme issues a note stating that this trade violates Westaria's obligations as a Montreal Protocol party. Westaria disputes this, arguing that: (i) the Vienna Convention and the Montreal Protocol are separate instruments and ratification of one does not create obligations under the other; (ii) the Montreal Protocol's trade restrictions on non-parties are not applicable to Westaria since Westaria itself is a developing country entitled to special and differential treatment; and (iii) CFC-11 imports from a non-party are lawful because the Montreal Protocol only prohibits trade restrictions imposed by parties on each other, not trade with non-parties.

Which of the following best describes the legal position?

(A) Westaria's position is correct; the Vienna Convention and the Montreal Protocol are legally independent instruments; ratification of the Montreal Protocol creates no obligation under the Vienna Convention, and Westaria's trade with Neuria does not violate any Montreal Protocol provision because the Protocol's trade restrictions are directed only at Annex I ODS trade between parties.

(B) Developing country parties to the Montreal Protocol are exempt from its trade provisions under Article 5, which provides a grace period of ten years for developing countries to phase out ODS; during the grace period, developing country parties may freely import ODS from any source including non-parties.

(C) The Vienna Convention for the Protection of the Ozone Layer (1985) is the framework treaty establishing the general obligation to protect the ozone layer; the Montreal Protocol (1987) is the implementing instrument adopted under the Vienna Convention containing specific ODS phase-out schedules; the two instruments are legally linked and parties to the Montreal Protocol operate within the Vienna Convention framework; the Montreal Protocol contains explicit Article 4 trade restrictions prohibiting parties from importing ODS from non-parties to the Protocol; Westaria's argument that the trade with Neuria is permissible fails because Article 4 trade restrictions apply to all parties regardless of developing-country status; Westaria is in violation of its Montreal Protocol obligations.

(D) UNEP has no legal standing to issue compliance determinations or binding notes regarding parties' obligations under the Montreal Protocol; compliance determinations are made exclusively by the Implementation Committee established under the Protocol, and until a formal compliance proceeding is initiated, Westaria's trade with Neuria cannot be characterised as unlawful.

Q14. The MV Shivering Seas, a Panamanian-flagged bulk carrier transporting coking coal from Australia to China, is caught in a severe storm in the high seas approximately 280 nautical miles from the Indian coastline – beyond India's Exclusive Economic Zone (EEZ), which extends 200 nautical miles from the baselines. To prevent the vessel from capsizing, the master jettisons a portion of the coal slurry cargo. Ocean currents carry the coal slurry plume westward, and within eight days it has drifted into India's EEZ, reaching as far as 140 nautical miles from the Indian coast, where it causes extensive damage to coral reef ecosystems and a protected marine sanctuary.

The Indian Coast Guard intercepts the vessel (which has since entered Indian waters for emergency shelter) and the Ministry of Earth Sciences issues a notice proposing prosecution of the Panamanian company and the master before Indian courts for violation of India's domestic marine pollution law and UNCLOS obligations. Panama, which has been notified by India through diplomatic channels, claims that as the flag state, Panama has primary jurisdiction over the MV Shivering Seas for pollution incidents on the high seas and any prosecution must be conducted before Panamanian courts.

Which of the following best describes the legal position under UNCLOS?

(A) A coastal state has unlimited enforcement jurisdiction under UNCLOS Part XII over any vessel that causes marine pollution that eventually reaches its EEZ, regardless of where the polluting act occurred; once pollution is detected in the EEZ, the coastal state may prosecute the ship master and shipowner in its domestic courts for the entire episode, overriding any claim of flag-state jurisdiction.

(B) Under UNCLOS Part XII, coastal states have no enforcement jurisdiction whatsoever over pollution that originates outside their EEZ; only the flag state has jurisdiction over pollution caused on the high seas by vessels flying its flag, even where the pollution drifts into coastal state waters.

(C) Coastal state enforcement jurisdiction under UNCLOS Part XII is limited to pollution caused by vessels currently within the coastal state's territorial sea (12 nautical miles); vessels that cause pollution outside the territorial sea are subject exclusively to flag-state jurisdiction and international tribunal proceedings.

(D) UNCLOS Part XII provides that for pollution violations occurring outside the EEZ (i.e., on the high seas) that cause or threaten to cause pollution within the EEZ, the flag state has primary enforcement jurisdiction and the coastal state may request the flag state to investigate and institute proceedings; for EEZ-origin violations, the coastal state may board, inspect, and institute proceedings; where the vessel enters a coastal state port, the port state may institute proceedings for certain pollution violations regardless of where they occurred; India should formally notify Panama and request flag-state investigation, while preserving its right to institute port-state proceedings.

Q15. The Concerned Youth Climate Action Forum (CYCAF), an informal coalition of university students from five cities, files a public interest litigation before the Supreme Court of India. The petition invokes the 2030 Agenda for Sustainable Development and its Sustainable Development Goals as creating legally binding obligations on the Government of India. CYCAF argues that SDG 13 (Climate Action), SDG 14 (Life Below Water), and SDG 15 (Life on Land) require India to immediately declare a climate emergency, phase out all coal-fired power generation within five years, and cease all new approvals for coal mining projects.

The petitioners further argue that India's ratification of the Paris Agreement and its Nationally Determined Contribution (NDC) commitments constitute treaty obligations enforceable in Indian courts. The Government of India, appearing through the Additional Solicitor General, argues that the 2030 Agenda and the SDGs are political commitments of governments adopted by the UN General Assembly, not legally binding international treaties, and therefore do not create judicially enforceable obligations.

The petitioners respond that even if the SDGs are not treaties, Indian courts can use them as interpretive tools in giving content to Article 21's right to a healthy environment, and that at minimum the court should treat the SDG targets as minimum benchmarks for state action.

Which of the following best describes the legal position?

(A) The 2030 Agenda for Sustainable Development and its SDGs, having been adopted by the UN General Assembly with India voting in favour, constitute binding international law obligations on India under customary international law; SDG 13, 14, and 15 create judicially enforceable duties that Indian courts must give effect to through Article 21 and Article 51(c) of the Constitution; the Supreme Court is competent to direct immediate phase-out of coal power under these SDG obligations.

(B) The 2030 Agenda for Sustainable Development and its Sustainable Development Goals adopted by the UN General Assembly in 2015 are political commitments of governments and not legally binding international treaty obligations; they express aspirational targets and are voluntarily adopted; domestic courts in India do not treat SDG commitments as creating directly enforceable legal rights that compel specific executive actions such as declaring a climate emergency or ordering a coal phase-out; while courts may use SDGs as interpretive guidance in framing directions in environmental and constitutional cases, the petitioners' claim that the government is legally bound to take the specific steps demanded solely on the basis of SDG obligations is not supported in international or domestic law.

(C) The Paris Agreement's NDC commitments are legally binding treaty obligations under the UNFCCC framework and create enforceable obligations in Indian domestic law directly applicable by courts; the Supreme Court may issue a direction requiring the Central Government to achieve its NDC targets by a court-ordered deadline.

(D) The SDGs and the 2030 Agenda are incorporated into Indian domestic law through Articles 48A and 51A(g) of the Constitution, which require the state and citizens to protect and improve the environment; these constitutional provisions transform the SDG targets into enforceable legal obligations and the Supreme Court may issue specific directions in this behalf.

Q16. The Municipal Corporation of Bhopal issues a civic permit in October 2024 authorising the Bhopal Dussehra Festival Committee to use public address systems and high-decibel speaker rigs in a predominantly residential locality from 6:00 AM to 12:00 midnight (midnight) for ten consecutive days during the Dussehra festival period. The permit is granted under the Municipal Corporation's general licensing powers for public events.

Residents of the locality, including several elderly persons with cardiac conditions, children, and patients from a nursing home 80 metres from the main festival ground, file a complaint with the Madhya Pradesh Pollution Control Board. They allege that the permit is ultra vires the Noise Pollution (Regulation and Control) Rules, 2000, as: (a) the permitted hours extend well into the night-time period defined under the Rules; and (b) the grant of a blanket ten-day exemption without limit on decibel levels is impermissible under the Rules' framework.

The Municipal Corporation argues it has an independent power to license public events and that the Noise Pollution Rules, 2000 are subordinate rules under the EPA that do not override the Corporation's statutory licensing jurisdiction. The festival committee argues that Dussehra is a major cultural and religious festival and that restricting the festival undermines the community's cultural and religious rights.

Which of the following best describes the legal position?

(A) The Noise Pollution (Regulation and Control) Rules, 2000 provide that state governments may allow the use of loudspeakers or public address systems during night hours (10:00 PM to 6:00 AM) for a maximum of fifteen nights in a calendar year in relation to cultural or religious traditional occasions; this exception is exercisable only by the state government, not by a municipal corporation; a ten-day festival permit that extends sound systems past 10:00 PM issued by a municipal authority without state government authorisation exceeds what the Rules permit; even where a state government grants such an exception, ambient standards must still be met and health impacts near hospitals and care facilities remain a relevant consideration; the festival permit as issued by the Municipal Corporation is not in conformity with the Rules' framework.

(B) Municipal corporations have independent statutory authority under state municipal laws to issue public event permits that override federal environmental noise standards, since public events management falls within the municipal domain of local self-government under the Twelfth Schedule of the Constitution; the Noise Pollution Rules, 2000 do not apply to permits issued under State Municipal Acts.

(C) Religious and cultural festivals are specifically exempted from the Noise Pollution (Regulation and Control) Rules, 2000 for a period of up to thirty days per year; a ten-day Dussehra festival permit falls within this exemption and needs neither state government nor SPCB approval.

(D) The Noise Pollution (Regulation and Control) Rules, 2000 do not apply to open-air public festivals held in areas not classified as residential or silence zones; since the Dussehra festival ground is in a general commercial-residential mixed-use area, the standard residential ambient limits do not govern the permit, and the Municipal Corporation's licensing authority is unconstrained.

Q17. Bharat Demolition Contractors Ltd. is engaged by a municipal authority to demolish a large concrete and steel structure in a city in Rajasthan. The demolition generates thousands of metric tonnes of concrete rubble, broken masonry, reinforcing steel, and glass. The contractor's site manager, facing pressure to clear the site quickly and lacking a designated waste processing facility, arranges for the debris to be dumped in the dry bed of the Banas river, which flows near the site. The Banas river is a seasonal stream that is entirely dry during the summer months when the dumping occurs.

The contractor argues that: (a) the Banas river bed is dry and technically not a "stream" in the functional sense during summer; (b) concrete rubble and demolition debris are "inert" materials that do not contain any chemical pollutants and therefore cannot constitute water pollutants under the Water Act; (c) since there is no water in the stream, the material cannot cause "stream pollution"; and (d) the relevant regulatory regime for such waste is the Construction and Demolition Waste Management Rules, 2016, which are a separate code administered by local bodies, making the Water Act inapplicable.

During the following monsoon, the accumulated debris blocks the river's flow, causes localised flooding, kills fish, and turns the water turbid. Proceedings are initiated under the Water Act, 1974.

Which of the following best describes the legal position?

(A) A dry seasonal riverbed does not constitute a "stream" within the meaning of the Water (Prevention and Control of Pollution) Act, 1974 during periods when there is no water flow; depositing inert construction debris in a dry riverbed is therefore outside the Act's prohibitory provisions; Water Act liability can arise only when material is deposited in a stream actively carrying water.

(B) Concrete rubble and demolition debris are chemically inert solid materials incapable of dissolving in or chemically reacting with water; they therefore cannot constitute a "pollutant" within the statutory definition under Section 2(e) of the Water Act, 1974; the Water Act's prohibition on stream pollution has no application to inert solid debris regardless of where it is deposited.

(C) Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 prohibits any person from depositing any matter in or on the bank of any stream where such matter is likely to fall into the stream and cause pollution; a seasonal dry riverbed falls within the definition of "stream" under the Act, which includes rivers and natural channels regardless of whether they carry water year-round; depositing construction debris in the riverbed constitutes a violation because the reasonably foreseeable consequence when the rains come is that the debris will impede water flow, cause turbidity, and damage aquatic ecology; the contractor is also in violation of the Construction and Demolition Waste Management Rules, 2016 which prohibit dumping in watercourses; both regulatory frameworks apply cumulatively and do not displace each other.

(D) The Water Act, 1974 applies only to the industrial discharge of liquid effluents into streams; solid waste deposited on or near a riverbed is governed exclusively by solid waste management legislation and not by the Water Act's stream-protection provisions.

Q18. Global Cement Ltd. commenced construction of a large integrated cement plant in Andhra Pradesh in 2018 without obtaining prior environmental clearance, relying on erroneous legal advice that the project fell below the threshold requiring clearance. By 2022, the plant was 80 per cent constructed, had employed over 1,200 workers, and had invested Rs. 2,400 crore in capital assets. An NGO filed a petition before the High Court seeking demolition of the unauthorised structure and restoration of the site.

The High Court, after hearing all parties, takes note of the large sunk investment, the employment generated, and the social disruption that would follow demolition. In a judgment widely criticised by environmentalists, the High Court holds that equity and proportionality require a pragmatic solution; it directs the MoEFCC to grant a retrospective (post-facto) environmental clearance subject to enhanced conditions, mitigation measures, and a substantial environmental compensation fund to be constituted by Global Cement Ltd. The NGO appeals to the Supreme Court.

The MoEFCC, initially neutral, files a counter-affidavit before the Supreme Court stating that granting post-facto environmental clearance is contrary to the EIA Notification, 2006 and would set a dangerous precedent incentivising deliberate pre-emptive construction to avoid rigorous EIA scrutiny.

Which of the following best describes the legal position?

(A) The High Court's approach is correct; courts of equity have inherent jurisdiction to fashion remedies that balance environmental protection against economic harm; post-facto environmental clearance with enhanced conditions is a permissible and proportionate response where demolition would cause social and economic disruption disproportionate to the environmental harm.

(B) Once a project is substantially complete and has generated significant economic activity, the EIA process is impractical; the MoEFCC has implicit authority under the EPA to regularise non-compliant constructions through post-facto clearance, particularly where the project operator cooperates with enhanced mitigation conditions.

(C) The National Green Tribunal may grant post-facto environmental clearance where the violation was in good faith and the project proponent demonstrates that the project would have obtained clearance had it applied; courts also have a limited power to grant such clearance in exceptional circumstances where demolition would be irreversibly harmful to the public interest.

(D) The Supreme Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* (2020) and in *Common Cause v. Union of India* (2017) has firmly held that post-facto environmental clearance is illegal and contrary to the scheme of the EIA Notification, 2006; the EIA process is a pre-decisional exercise and cannot be conducted after construction has been completed or operations have begun; courts cannot direct the grant of post-facto clearances to validate prior illegalities; the economic argument of sunk costs and employment does not override the procedural and substantive requirements of the EIA regime; the Supreme Court should set aside the High Court judgment; Global Cement Ltd.'s only lawful option is to stop further construction and seek fresh clearance while complying with any remediation directions.

Q19. The State Government of Chhattisgarh proposes to divert 3,400 hectares of forest land for the construction of a large multipurpose dam. The affected forest area has been the subject of community forest rights (CFR) recognition proceedings under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and several Gram Sabhas have received pattas recognising their community rights over portions of the proposed submergence zone.

The state government invokes the power of eminent domain and the doctrine of public purpose to argue that the dam, which will provide irrigation water to three drought-prone districts, constitutes a compelling public purpose that overrides the community forest rights vested in the Gram Sabhas under the FRA. The state argues that appropriate monetary compensation will be paid to the affected communities and that this satisfies the legal requirements.

The Gram Sabhas of the affected villages pass resolutions withholding consent to the forest diversion. The state government argues that these resolutions are merely advisory, that the Gram Sabhas have no statutory veto power over a project that has already obtained forest clearance in principle under the Forest Conservation Act, 1980, and that the Central Government has implicitly approved the project by accepting the Stage-I forest diversion recommendation.

Which of the following best describes the legal position?

(A) The state government's position is correct; the Forest Rights Act, 2006 recognises individual and community rights to forest land, but such rights are subject to the state's superior eminent domain power; once the government determines that a public-purpose project requires forest diversion, monetary compensation extinguishes the FRA rights and no Gram Sabha consent is required.

(B) The Forest Rights Act, 2006 recognises community forest rights as legally vested statutory rights; before any diversion of forest land where such community forest rights have been recognised for non-forest use, the free, prior, and informed consent of the Gram Sabha of the affected area is a mandatory precondition under the FRA and complementary MoEFCC guidelines; this requirement exists in addition to Central Government approval under the Forest Conservation Act, 1980; the doctrine of eminent domain does not automatically extinguish statutory rights recognised by Parliament; the Supreme Court has held in multiple cases that forest diversion without settlement of FRA rights and Gram Sabha consent is vitiated; the dam project cannot lawfully proceed without addressing community forest rights and obtaining Gram Sabha consent.

(C) Stage-I forest clearance granted by the Central Government under the Forest Conservation Act, 1980 includes an implicit determination that all legal requirements including community rights have been assessed; once Stage-I clearance is granted, a separate Gram Sabha consent process is redundant and serves no additional legal purpose.

(D) The Forest Rights Act, 2006 applies only to forests in Fifth Schedule areas; since Chhattisgarh is a Fifth Schedule state, the Act does apply, but the Gram Sabha resolutions are not legally binding on the state government and operate only as a consultative step in the DEIAA/SEIAA clearance process for forest land.

Q20. In 2025, a group of environmentalists and scholars file a PIL before the High Court of Uttarakhand seeking directions for the protection of the Alaknanda and Mandakini rivers, tributaries of the Ganga, arguing that these rivers are legally recognised persons entitled to rights under Indian law. In support of their claim, they rely on the Uttarakhand High Court's 2017 judgment in *Mohd. Salim v. State of Uttarakhand*, which they argue is binding precedent declaring the Ganga, Yamuna, and their tributaries to be living legal entities.

The State of Uttarakhand appears and objects, stating that the 2017 judgment was stayed by the Supreme Court of India and that as of today the legal status of rivers as persons is unsettled. The petitioners counter that even if the original judgment was stayed, the concept of rights of nature has been gaining traction internationally and that the stay does not affect the underlying reasoning of the High Court.

The High Court of Uttarakhand in the current proceedings is asked to determine: (a) what the 2017 Salim judgment held; (b) the current legal status of those directions; and (c) whether the Uttarakhand High Court can independently apply the concept of rivers as legal persons in fresh 2025 proceedings.

Which of the following best describes the legal position?

(A) The Uttarakhand High Court's 2017 judgment in *Mohd. Salim v. State of Uttarakhand* was upheld by the Supreme Court of India and is binding authority for the proposition that the Ganga, Yamuna, and their tributaries are legal persons with enforceable rights; the High Court in 2025 proceedings is bound to follow this precedent and must treat the Alaknanda and Mandakini as legal persons.

(B) The concept of rights of nature and legal personhood for rivers has no basis in Indian constitutional or statutory law and has been definitively rejected by the Supreme Court of India in the appeal against the *Mohd. Salim* judgment; Indian courts cannot in any proceedings treat a river as a legal person.

(C) In *Mohd. Salim v. State of Uttarakhand* (2017), the Uttarakhand High Court declared the Ganga and Yamuna rivers, along with their tributaries, as legal persons with all corresponding rights, duties, and liabilities of a living person, and designated certain state officials and programme directors as their legal guardians; the Supreme Court of India subsequently stayed this judgment on the ground that rivers flowing through multiple states present complex inter-state and jurisdictional issues that make the declaration difficult to implement; the concept of rights of nature is evolving internationally (for example, New Zealand's Whanganui River legislation) but has not been definitively adopted in Indian law; since the 2017 judgment stands stayed and not affirmed, the Uttarakhand High Court in fresh 2025 proceedings cannot treat it as settled binding precedent declaring rivers to be legal persons.

(D) The Uttarakhand High Court's 2017 judgment created a sui generis environmental trust regime for the Ganga and Yamuna that is distinct from the concept of legal personhood; it does not extend to tributaries of the Ganga such as the Alaknanda and Mandakini, which are governed exclusively by state water management legislation.

DETAILED SOLUTIONS

Solution

Concept: The National Green Tribunal Act, 2010 is a statute of Parliament that creates a specialised forum for environmental disputes. Articles 32 and 226 of the Constitution vest the Supreme Court and High Courts respectively with writ jurisdiction. A statute of Parliament cannot abridge or oust constitutional jurisdiction vested in superior courts, a principle restated in numerous judgments including *L. Chandra Kumar v. Union of India* (1997). The NGT Act itself contains no provision ousting High Court jurisdiction; it creates an additional and specialist remedy.

Analysis: The NGT Act does not contain any provision expressly stating that the filing of an NGT application bars a simultaneous writ petition. The constitutional courts' jurisdiction under Articles 32 and 226 exists independently of and in parallel with the NGT's statutory jurisdiction. In practice, courts have exercised their discretion to direct parties to first avail of the NGT remedy where it is adequate and efficacious – a discretionary self-restraint that is different from loss of jurisdiction. Parallel proceedings may be consolidated or the writ petition stayed, but neither is automatic and the writ jurisdiction survives. The NGT registrar's note stating that the High Court petition is "barred" is legally incorrect.

Why other options are wrong:

Sol. 1.

- **(B)** is wrong because Parliament cannot by ordinary statute oust or divest the constitutional jurisdiction of High Courts under Article 226; only a constitutional amendment can modify the High Court's basic writ jurisdiction.
- **(C)** is wrong because the right to a pollution-free environment has been read into Article 21 by the Supreme Court since *Subhash Kumar v. State of Bihar* (1991); a writ petition is therefore maintainable even without an express fundamental right, and the premise of the option is factually incorrect.
- **(D)** is wrong because res judicata applies to final judgments and orders that have been decided on merits; filing an NGT application that has not yet been finally decided cannot create res judicata against the High Court writ petition.

Answer: (A) Go Back to Q1

Solution

Concept: Section 10 of the Environment (Protection) Act, 1986 empowers any person authorised in this behalf by the Central Government to, inter alia, require any person carrying on any industry or operation to furnish such information as may be required by the authorised person. The Central Government has authorised the CPCB and SPCBs to exercise various powers under the EPA through general orders. Article 20(3) of the Constitution provides that no person accused of any offence shall be compelled to be a witness against himself; this protection applies in the context of criminal prosecution, not regulatory information-gathering.

Analysis: The jurisprudence on Article 20(3) is clear that it protects an "accused person" from being compelled to give testimonial self-incriminating evidence. The submission of environmental compliance data and effluent monitoring records pursuant to a statutory direction under Section 10 of the EPA is a regulatory obligation analogous to filing tax returns or maintaining safety records. It is not testimonial compulsion in the context of criminal proceedings. The Supreme Court in *M.P. Sharma v. Satish Chandra* (1954) and subsequent cases has distinguished regulatory compulsion from testimonial compulsion in criminal proceedings. Greenfield's argument conflates the two contexts.

Why other options are wrong:

Sol. 2.

- **(A)** is wrong because Article 20(3) protects against testimonial compulsion in criminal proceedings, not against regulatory reporting obligations; submission of environmental compliance data is not "being a witness against oneself" in a criminal case.
- **(B)** is wrong because the Central Government has authorised CPCB officers to exercise powers under Section 10 of the EPA; the CPCB does not act in its own name exclusively but as an authorised body; in any case, the CPCB's power to require information flows from its constitution under the EPA and the Central Government's authorisation.
- **(C)** is wrong because the production of existing documents and records in response to a regulatory direction is not testimonial compulsion in criminal proceedings; the Constitutional bar under Article 20(3) does not apply to regulatory document production under the EPA.

Answer: (D) Go Back to Q2

Solution

Concept: Section 16 of the Environment (Protection) Act, 1986 provides that where an offence has been committed by a company, every person who at the time of the commission of the offence was in charge of and responsible for the conduct of the business of the company shall be deemed to be guilty. However, if such person proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence, he shall not be liable. Section 17 applies specifically to offences by government departments.

Analysis: The critical point is that the due diligence defence under Section 16's proviso requires proof of BOTH elements: (a) absence of knowledge of the offence; AND (b) exercise of all due diligence to prevent it. Mr. Iyer's documentary evidence of having flagged ETP inadequacy to the management is relevant to the due diligence limb. However, a manager "in charge" of operations cannot escape liability merely by arguing he lacked capital expenditure authority; "in charge of the business" is a factual determination about actual control, not a formal organisational chart determination. Medical leave is a relevant factual circumstance but is not a statutory defence by itself. Section 17's provision about government department offences does not assist a private company's defence.

Why other options are wrong:

Sol. 3.

- **(A)** is wrong because Section 16 applies to persons "in charge of and responsible for the conduct of the business," which is a factual determination; formal organisational authority over capital expenditure is not the statutory test; a plant manager exercising operational day-to-day control can be "in charge" within Section 16.
- **(C)** is wrong because Section 17 applies specifically to government departments committing offences, not to private companies; compliance with state industrial policy guidelines does not constitute a defence for private entities under Section 16 or Section 17.
- **(D)** is wrong because physical absence during the specific incident is not the statutory test; the due diligence defence requires positive proof of knowledge-absence AND due diligence; mere absence is insufficient.

Answer: (B) Go Back to Q3

Solution

Concept: The Water (Prevention and Control of Pollution) Act, 1974 contains a statutory appeal mechanism. Section 25 empowers the State Board to grant or refuse consent to establish or operate a new outlet or new discharge. Section 28 of the Act provides that any person aggrieved by an order made by the State Board under Section 25 may, within thirty days of the date of communication of the order, prefer an appeal to such authority (the Appellate Authority) as the State Government may prescribe. The revocation of a consent already granted for breach of conditions is also a decision under the consent framework and is subject to the same appeal mechanism.

Analysis: The Board's characterisation of consent revocation as a "purely administrative act" that is not subject to appeal is legally unsound. The Act specifically creates an Appellate Authority to hear grievances arising from Board decisions relating to consent. The party aggrieved by revocation has a statutory right of appeal that the Board cannot unilaterally extinguish. Good administrative law also requires that a statutory appeal remedy be exhausted before writ jurisdiction is invoked. The High Court writ petition is premature if the statutory appeal route has not been utilised.

Why other options are wrong:

Sol. 4.

- **(A)** is wrong because the Water Act provides a specific statutory appeal under Section 28; the writ petition is premature and this option incorrectly characterises revocation as lacking an appeal remedy.
- **(B)** is wrong because the Act does provide an appeal right under Section 28; a consent, once granted, confers a legal right on the holder and revocation is a quasi-judicial act subject to appeal; "privilege" is not the correct characterisation.
- **(D)** is wrong because the Water Act's Appellate Authority regime was not abolished when the NGT was constituted; appeals against SPCB decisions under the Water Act continue to go to the Appellate Authority prescribed under the Water Act, not directly to the NGT under Section 16.

$\boxed{\textbf{Answer: (C)}}$ Go Back to Q4

Solution

Concept: Section 19 of the Air (Prevention and Control of Pollution) Act, 1981 confers power on the State Government to declare any area within the state to be an Air Pollution Control Area (APCA) by notification in the Official Gazette. The notification is issued after consulting the State Board (i.e., the State Pollution Control Board). The same provision allows the State Government to alter, modify, or extend the APCA by subsequent notification following the same consultation procedure.

Analysis: The industry consortium's three grounds of challenge are all legally weak. First, Section 19 requires consultation with the State Board, not the CPCB; the CPCB has advisory and supervisory functions in relation to air standards but is not a mandatory consultee for state APCA notifications. Second, an APCA notification does not contain an inherent sunset clause; it remains in force until specifically revoked or amended, so the 2010 notification is not "spent." Third, there is no statutory requirement for a public hearing of affected industries before an APCA notification or its expansion; Section 19 prescribes only State Board consultation. The State Board's recommendation satisfies the procedural requirement.

Why other options are wrong:

Sol. 5.

- **(B)** is wrong because Section 19 requires consultation with the State Board (SPCB), not the CPCB; CPCB approval is not a statutory prerequisite for APCA notifications.
- **(C)** is wrong because APCA notifications under Section 19 do not have a five-year or any fixed statutory life; they remain in force until revoked or amended; the 2010 notification is still valid.
- **(D)** is wrong because Section 19 does not require a public hearing before affected industries; the procedural requirement is limited to consultation with the State Board; natural justice principles would require hearing on individual orders affecting rights, but a general area notification is legislative/regulatory in character.

Answer: (A) Go Back to Q5

Solution

Concept: The Wildlife Protection Act, 1972 as amended provides under Section 49A that no person shall purchase, receive, or acquire any captive animal, wild animal, animal article, meat, trophy, or uncured trophy specified in Schedule I or Part II of Schedule II otherwise than by way of succession. Elephant ivory is a Schedule I animal article. Section 40 requires persons who had ivory in their possession to declare and register it. Section 57 places the burden of proof on the accused to establish that an animal, animal article, or trophy was lawfully acquired.

Analysis: The critical legal points are: (a) pre-ban ivory is not automatically lawful; it must have been declared and registered under the WPA's registration scheme; (b) the burden of proving lawful possession is on the accused under Section 57; (c) an unverified or contested pre-ownership certificate does not discharge this burden. The WCCB's seizure is therefore prima facie lawful pending verification. Suresh's complete defence argument fails because possession without registered documentation is not lawful under the WPA's framework, regardless of historical origin.

Why other options are wrong:

Sol. 6.

- **(A)** is wrong because a pre-ban ownership certificate is not automatically a complete defence; the WPA requires proper declaration and registration; an unregistered or unverified certificate does not satisfy the statutory requirements.

- **(B)** is wrong because even where a declaration was made under Section 40, the declaration must have been properly accepted and a certificate issued; a mere claim of declaration without verified documentation does not establish lawful possession for all subsequent dealings.
- **(C)** is wrong because Section 49A applies to purchase, receipt, or acquisition of Schedule I articles by any person; it is not limited to inter-state or international trade; intrastate possession for purported display purposes by a retired trader is regulated by the WPA.

Answer: (D) Go Back to Q6

Solution

Sol. 7.

Concept: The Supreme Court's order dated 12 December 1996 in *T.N. Godavarman Thirumalpad v. Union of India* is one of the most far-reaching environmental orders in Indian legal history. The Court, taking an expansive view of the Forest Conservation Act, 1980, held that the term "forest" in Section 2 of the FCA must be understood in its dictionary sense and accordingly applies to all areas that are recorded as forest in any government record, regardless of ownership or formal reservation status. The order directed that no felling of trees in any forest and no removal of forest produce from any forest could be undertaken without prior Central Government approval.

Analysis: The Godavarman order was expressly made applicable to ALL forests throughout India, not merely Tamil Nadu. The Supreme Court issued general directions to all state governments and central authorities. The Court's definition of "forest" encompasses deemed forests and recorded forest lands, not only formally reserved or protected forests under the Indian Forest Act, 1927. Bamboo, though botanically a grass, is classified as "forest produce" under the Indian Forest Act, 1927 (Section 2), and therefore its harvesting and removal from a forest area requires prior Central Government approval. The state's narrow reading of the order's territorial scope is inconsistent with decades of Supreme Court orders in the Godavarman matter.

Why other options are wrong:

- **(A)** is wrong because the Supreme Court expressly made the December 1996 order applicable to all forests throughout India; the petition's origin from Tamil Nadu did not limit the geographic scope of the relief.
- **(C)** is wrong because bamboo is defined as "forest produce" under the Indian Forest Act, 1927, and the Godavarman order covers all forest produce; the botanical classification of bamboo as a grass does not exclude it from the FCA framework.

- **(D)** is wrong because the Sixth Schedule of the Constitution addresses legislative powers in tribal areas of north-eastern India but does not exempt those areas from the FCA, 1980 or the Godavarman orders; the FCA is a central law that applies throughout India.

Answer: (B) Go Back to Q7

Solution

Sol. 8.

Concept: The NGT Act, 2010 confers two distinct categories of jurisdiction on the NGT. Section 14 confers original jurisdiction to adjudicate disputes involving substantial questions relating to the environment, including enforcement of legal rights relating to the environment. Section 16 confers appellate jurisdiction to hear appeals against orders and decisions made by the authorities and officers under the Acts listed in Schedule I, which includes the Environment (Protection) Act, 1986 and EIA clearances granted thereunder.

Analysis: Post the establishment of the NGT and the dissolution of the EAA, challenges to environmental clearances granted under the EIA Notification are brought before the NGT under its appellate jurisdiction (Section 16), not original jurisdiction. This is because such clearances are decisions of an "authority" constituted under a scheduled Act (EPA). Clearance Watch, having already obtained an EAA order, cannot circumvent that order by filing a fresh original application on the same matter. The doctrine of res judicata (including constructive res judicata) bars reagitation of issues that were or could have been raised in the EAA proceedings. The correct route would have been to challenge the EAA's 2011 order before the NGT, but the available time window may have lapsed.

Why other options are wrong:

- **(A)** is wrong because the dissolution of the EAA and transfer of its functions to the NGT does not mean EAA final orders are reopened; dissolved tribunal orders remain res judicata.
- **(B)** is wrong because the NGT's jurisdiction, though broad, is subject to res judicata and abuse of process principles; it does not override the basic principle that a final order cannot be relitigated by the same parties in a different proceeding.
- **(D)** is wrong because Section 16 of the NGT Act gives the NGT appellate jurisdiction over orders made under scheduled Acts including the EIA Notification; there is no blanket exclusion of pre-2010 clearances from NGT jurisdiction; the limitation period for such appeals is thirty days from the date of the order (extendable on cause shown).

Answer: (C) Go Back to Q8

Solution

Concept: The Public Liability Insurance Act, 1991 was enacted to provide immediate interim relief to victims of accidents involving hazardous substances, adopting a no-fault liability approach. The Schedule to the Act prescribes specific amounts for different categories of harm: death, permanent total disability, permanent partial disability, temporary partial disability, and property damage. These scheduled amounts are not intended to represent full civil compensation for the actual loss suffered; they are a first-tier, rapid-release remedy.

Analysis: Section 9 of the PLIA expressly states that nothing in the Act shall be construed as limiting the right of any person to claim the amount of compensation awarded under any other law for the time being in force in relation to any accident involving a hazardous substance. This savings clause makes clear that PLIA relief is additional to, not in lieu of, civil remedies. The claimant who receives scheduled relief under PLIA may separately sue the factory owner in a civil court for full damages including medical expenses, loss of earnings, and compensation for permanent disability. The insurer's argument that PLIA payment discharges all liability is incorrect because the PLIA relief is distinct from civil compensation liability.

Why other options are wrong:

Sol. 9.

- **(A)** is wrong because Section 9 of the PLIA expressly preserves the claimant's right to seek further compensation through other proceedings; the PLIA relief is interim and does not extinguish the right to civil damages.
- **(B)** is wrong because the Schedule amounts are fixed sums, not floors that the Collector may exceed; the Act does not give the District Collector discretion to award above the Schedule amounts in a PLIA proceeding; enhanced amounts must be sought through civil proceedings.
- **(C)** is wrong because the PLIA imposes no-fault liability; proof of the factory's negligence is not required; the Act specifically departs from negligence-based liability to provide rapid relief.

Answer: (A) Go Back to Q9

Solution

Concept: Section 22 of the Biological Diversity Act, 2002 provides for the constitution of State Biodiversity Boards. The Act prescribes that the SBB shall consist of: a Chairperson, two ex-officio members representing the state government departments dealing with forests and revenue, and not less than five part-time members to be nominated by the State Government from persons representing local bodies, local communities including farmers, fishermen, indigenous persons, academicians, and practitioners of indigenous systems of medicine.

Analysis: The multi-stakeholder composition prescribed in Section 22 is not merely directory. The SBB exercises important regulatory functions including advising the state government on biodiversity matters, facilitating benefit-sharing arrangements, and overseeing the preparation of People's Biodiversity Registers – all of which directly affect local communities. Constituting the SBB exclusively of government officials and government-employed scientists without any community representative violates the express provisions of Section 22 requiring community representation. Decisions made by an improperly constituted Board on matters affecting community rights are liable to challenge.

Why other options are wrong:

Sol. 10.

- **(A)** is wrong because Section 22 prescribes specific representative categories including local communities; the state government's discretion is in selecting persons from those categories, not in excluding the categories altogether.
- **(B)** is wrong because Section 22 does not restrict the SBB to government officials; it expressly requires the inclusion of community representatives, farmers, fisherfolk, and practitioners of indigenous medicine as part-time members.
- **(C)** is wrong because a challenge to the constitution of a statutory body need not await a specific adverse decision; improper constitution that excludes mandatory categories of representation is a jurisdictional defect challengeable independently.

Answer: (D) Go Back to Q10

Solution

Concept: In *Orissa Mining Corporation v. Ministry of Environment and Forests* (2013), the Supreme Court dealt with the conflict between tribal rights and mineral development in the Niyamgiri hills. The Court analysed the interplay between the Forest Conservation Act, 1980, the Forest Rights Act, 2006, and the constitutional rights of the Dongria Kondh community. The judgment is a landmark in the recognition of indigenous peoples' rights over their ancestral forests.

Analysis: The Supreme Court's key holding was that the rights of the tribal community – including religious rights over Niyam Raja and community forest rights under the FRA – must be settled before forest land can be diverted for mining. The Court directed that Gram Sabhas of all twelve affected villages must be convened to consider whether the proposed mining would infringe their community or individual forest rights. The Gram Sabhas unanimously voted against the mining project, effectively stalling it. The Court treated the Gram Sabha process as a legally mandated step in the forest diversion process under the FRA, recognising the Gram Sabha's authority as a community decision-making institution with significant weight in the statutory scheme.

Why other options are wrong:

Sol. 11.

- **(A)** is wrong because the Supreme Court in Niyamgiri expressly held that FRA rights must be settled and Gram Sabha consent obtained before forest diversion; statutory clearances do not displace this requirement.
- **(C)** is wrong because the FRA recognises community forest rights (CFR) in addition to individual rights; the CFR regime is a core part of the Act and is not limited to individual cultivation rights.
- **(D)** is wrong because the Forest Rights Act extends beyond Fifth Schedule areas; it applies to Scheduled Tribes and other traditional forest dwellers throughout India; and even within Fifth Schedule areas, the Act's Gram Sabha consent provisions apply.

Answer: (B) Go Back to Q11

Solution

Concept: In *M.C. Mehta v. Kamal Nath* (1997), the Supreme Court applied the Public Trust Doctrine to cancel the lease of riverbank land granted to a private resort. The Court found that the resort (Span Motels Pvt. Ltd.) had deliberately diverted the course of the Beas river and used natural resources held in public trust for commercial private benefit. The Court imposed a fine for contempt and directed restoration of the area. The contempt powers of the Supreme Court under Article 129 of the Constitution are broad and continuing.

Analysis: The imposition of a fine in the original proceedings does not exhaust the Court's contempt jurisdiction for subsequent acts of wilful non-compliance. Contempt of court is a continuing offence where there is continuing disobedience. The construction of new structures on the riparian zone after the Court's direction to restore the area constitutes fresh contempt. The Court's environmental directions in *Kamal Nath* are binding orders, and wilful non-compliance with binding Supreme Court orders is punishable as contempt under Article 129 irrespective of whether a prior penalty has been paid.

Why other options are wrong:

Sol. 12.

- **(B)** is wrong because the Kamal Nath judgment was a comprehensive order directing restoration of the riverbank; even if boundary details were not enumerated, construction of new structures in the riparian zone is clearly inconsistent with the restoration direction; specificity of a violation cannot be pleaded where the overall mandate is unambiguous.
- **(C)** is wrong because payment of an earlier fine does not extinguish the contempt jurisdiction for fresh or continuing acts of disobedience; contempt proceedings are not subject to a "one penalty only" rule.
- **(D)** is wrong because the Supreme Court Act and Rules permit any person aggrieved by contempt to bring it to the Court's notice; M.C. Mehta as the original petitioner has standing to bring non-compliance to the Supreme Court's attention; the requirement for Attorney General initiation applies to criminal contempt under the Contempt of Courts Act, not to civil contempt of Supreme Court orders.

Answer: (A) Go Back to Q12

Solution

Concept: The Vienna Convention for the Protection of the Ozone Layer (1985) is the framework treaty establishing the general international obligation to protect the ozone layer. The Montreal Protocol on Substances that Deplete the Ozone Layer (1987) is the main implementing instrument, containing specific phase-out schedules for ODS and trade provisions. Article 4 of the Montreal Protocol requires parties to ban the import of ODS from non-parties. The two instruments are legally related – the Montreal Protocol was adopted under the auspices of the Vienna Convention and operates within its framework.

Analysis: Westaria's position fails on multiple grounds. The Montreal Protocol was adopted as a protocol under the Vienna Convention framework and parties to the Protocol are expected to operate within the Convention framework. Article 4 of the Montreal Protocol expressly bans parties from importing ODS from non-parties (subject to specified exceptions); this trade restriction applies to all parties including developing country parties. Article 5's grace period for developing countries applies to their own phase-out schedules for production and consumption of ODS within their territory, not to trade with non-parties; it does not override Article 4's trade restrictions.

Why other options are wrong:

Sol. 13.

- **(A)** is wrong because the Vienna Convention and the Montreal Protocol are legally linked; the Protocol is an implementing instrument under the Convention framework; and the characterisation of Article 4 trade restrictions as limited to inter-party trade is incorrect.

- **(B)** is wrong because Article 5's grace period for developing countries applies to production and consumption phase-out timelines, not to the Article 4 trade restrictions on imports from non-parties; the two provisions have separate application.
- **(D)** is wrong because UNEP's note is an advisory statement, and in any case the legal position – that Westaria violates Article 4 – is correctly identified; the existence of the Implementation Committee as a compliance mechanism does not mean UNEP cannot characterise an import as violating Protocol obligations.

Answer: (C) Go Back to Q13

Sol. 14.

Solution

Concept: UNCLOS Part XII (Articles 192–237) establishes the general framework for states' obligations to protect and preserve the marine environment and allocates enforcement jurisdiction among flag states, coastal states, and port states. For pollution in the EEZ (Articles 220–221), the coastal state has enforcement jurisdiction over violations that occur within the EEZ. For violations occurring on the high seas that cause pollution within the EEZ, the jurisdictional framework is more complex: the flag state retains primary jurisdiction over high-seas violations, while the coastal state may request investigation.

Analysis: The coal slurry was jettisoned on the high seas (280 nautical miles from India – outside the 200 nm EEZ). The pollution then drifted into India's EEZ. Under UNCLOS Part XII, India as the coastal state does not have primary enforcement jurisdiction over the act of jettisoning which occurred on the high seas; that falls under flag-state jurisdiction (Panama). India may, however, request Panama to investigate and institute proceedings. If the vessel enters an Indian port, India may exercise port-state jurisdiction to institute proceedings for violations within its EEZ or on the high seas (Article 218). The correct approach for India is to notify Panama formally and preserve its port-state options.

Why other options are wrong:

- **(A)** is wrong because coastal state enforcement jurisdiction over EEZ pollution under UNCLOS is not unlimited; for violations originating outside the EEZ on the high seas, flag-state jurisdiction is primary and the coastal state's right to direct prosecution is circumscribed.
- **(B)** is wrong because the coastal state does have some enforcement rights in its EEZ for EEZ-origin pollution (Article 220) and port-state rights for high-seas violations under Article 218; a blanket denial of any coastal state

jurisdiction is incorrect.

- **(C)** is wrong because coastal state enforcement jurisdiction under UNCLOS extends to its EEZ (200 nm), not merely the territorial sea (12 nm); the 12 nm limit applies to innocent passage and sovereignty, not to environmental enforcement jurisdiction.

Answer: (D) Go Back to Q14

Sol. 15.

Solution

Concept: The 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) were adopted by the UN General Assembly through Resolution 70/1 of 25 September 2015. General Assembly resolutions are not treaties; they are political commitments of governments. SDGs were deliberately designed as a voluntary framework for national implementation. The Paris Agreement (2016) is a binding treaty, but its NDC mechanism relies on nationally determined targets without prescribing specific measures or timelines.

Analysis: The distinction between binding treaty obligations and political commitments is fundamental. SDGs are in the latter category. Indian courts, including the Supreme Court, have not treated SDGs as creating directly enforceable legal obligations requiring specific executive actions. Courts may refer to SDGs as contextual benchmarks or interpretive guides when exercising their environmental jurisdiction under Article 21, but this is different from treating them as binding obligations. The petitioners' claim that India is legally required to declare a climate emergency and phase out coal based solely on SDG 13, 14, and 15 is not supported by domestic or international law.

Why other options are wrong:

- **(A)** is wrong because SDGs, adopted by a General Assembly resolution, are not customary international law; customary international law requires consistent state practice plus opinio juris; the voluntary nature of SDGs negates the opinio juris element.
- **(C)** is wrong because while the Paris Agreement is a binding treaty, its NDC mechanism is designed to be nationally determined and progressively revised; courts generally do not issue specific timetable directions compelling NDC achievement by court order, as this involves complex policy and scientific judgments within the executive domain.
- **(D)** is wrong because Articles 48A and 51A(g) are Directive Principles and Fundamental Duties, not treaty-incorporating provisions; they inform interpretation but do not transform SDG targets into legally enforceable commands.

Answer: (B) Go Back to Q15

Sol. 16.

Solution

Concept: The Noise Pollution (Regulation and Control) Rules, 2000 made under the Environment (Protection) Act, 1986, establish night-time as the period between 10:00 PM and 6:00 AM, during which the use of loudspeakers or public address systems is prohibited except with prior written permission of the authority. Rule 5(3) provides that the state government may, by notification, permit use of loudspeakers or public address systems during night hours for a maximum period of fifteen days in a year in connection with cultural or religious traditional occasions. The authority to grant this exemption is the state government, not a municipal corporation.

Analysis: The Municipal Corporation of Bhopal has no power under the Noise Pollution Rules, 2000 to grant exemptions from night-hour restrictions. The Rules clearly vest this limited exemption power in the state government. Even the state government's exemption power is capped at fifteen days per year. A ten-day blanket permit that allows sound systems past 10:00 PM without state government authorisation violates the Rules. The Supreme Court in *Forum, Prevention of Environment and Sound Pollution v. Union of India* (2005) also held that the right to religion does not extend to creating noise pollution, and that cultural and religious events are not exempt from noise standards simply by virtue of their character.

Why other options are wrong:

- **(B)** is wrong because municipal licensing authority under state municipal laws does not override the Noise Pollution Rules, which are central rules under the EPA; the EPA has overriding force under Section 24 of the EPA over state laws inconsistent with its rules.
- **(C)** is wrong because the maximum period for state government exemptions under Rule 5(3) is fifteen days, not thirty; and in any case, even the fifteen-day exemption can only be granted by the state government, not the municipal authority.
- **(D)** is wrong because the Noise Pollution Rules apply to all noise sources and all land use zones; the distinction between residential and commercial zones affects the applicable ambient standards, not whether the Rules apply at all; and the corporate's mixed-use zone argument does not override the night-time restriction on loudspeakers.

Answer: (A) Go Back to Q16

Sol. 17.

Solution

Concept: Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 prohibits any person from depositing any matter in a stream or in or on the bank of any stream in a manner likely to be injurious to the aquatic environment or to public health or to cause pollution. Section 2(j) of the Water Act defines "stream" to include a river, watercourse, inland water (whether natural or artificial), sub-soil water, sea, or tidal waters. This definition is broad enough to cover seasonal rivers and their beds.

Analysis: The contractor's arguments all fail. First, a seasonal dry riverbed is a "stream" under the Water Act's definition since it is a natural watercourse; its temporary absence of water does not change its legal character. Second, while concrete rubble is chemically inert, it is not pollution-neutral when deposited in a riverbed; it obstructs water flow, causes physical changes to the aquatic environment, and when the monsoon arrives, it creates turbidity and habitat destruction – all consequences that constitute pollution under the Act. Third, the C&D Waste Management Rules, 2016 and the Water Act operate cumulatively; one regulatory framework does not displace the other. The violation is under both regimes.

Why other options are wrong:

- **(A)** is wrong because the Water Act's definition of "stream" includes natural watercourses regardless of current water flow; a seasonal river's dry period does not take it outside the Act's ambit.
- **(B)** is wrong because "pollution" and "pollutant" under the Water Act are not limited to chemical substances; physical obstruction, turbidity, and changes to the aquatic ecosystem caused by solid debris fall within the Act's protective scope.
- **(D)** is wrong because the Water Act is not limited to liquid effluent discharge; Section 24 prohibits depositing any matter in or on the bank of a stream in a manner likely to cause pollution; solid construction debris deposited in a riverbed falls within this prohibition.

Answer: (C) Go Back to Q17

Solution

Concept: The EIA Notification, 2006 under Section 3 of the EPA establishes that no construction work, preliminary or otherwise, or any investment in relation to a project or activity requiring prior environmental clearance shall commence until the environmental clearance is obtained. Post-facto environmental clearance – granting clearance after construction has begun or been completed – has been addressed authoritatively by the Supreme Court.

Analysis: The Supreme Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati* (2020) (arising from Gujarat) unequivocally held that there is no concept of post-facto or retrospective environmental clearance under the EIA Notification, 2006. The Court stated that the EIA process is pre-decisional, prospective, and cannot be conducted after the project is built. Similarly in *Common Cause v. Union of India* (2017), the Court held that regularisation of projects through post-facto clearance is unconstitutional as it violates the right to a clean environment under Article 21 and subverts the EIA framework. Courts cannot direct grant of post-facto clearances to cure prior illegalities. Economic arguments, sunk costs, and employment generation do not override these fundamental procedural and constitutional requirements.

Why other options are wrong:

Sol. 18.

- **(A)** is wrong because the Supreme Court has specifically rejected the equitable/proportionality argument for post-facto clearance; the judgment in *Alembic Pharmaceuticals* and *Common Cause* leave no room for courts to grant post-facto clearances.
- **(B)** is wrong because the MoEFCC has no implicit authority to regularise non-compliant projects through post-facto clearances; such action would be contrary to the EIA Notification and the Supreme Court's decisions.
- **(C)** is wrong because neither the NGT nor any court has authority to grant post-facto environmental clearance; the NGT's powers extend to adjudicating environmental disputes and awarding relief, not to granting clearances that the executive authority is precluded from granting post-facto.

Answer: (D) Go Back to Q18

Solution

Concept: The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognises community forest rights as legal rights vested in the Gram Sabha and individual forest dwellers. The Forest Rights Act creates a statutory precondition for forest diversion: before any forest land where rights have been recognised under the FRA is diverted for non-forest use, the free, prior, and informed consent of the Gram Sabha is required. The Ministry of Environment, Forest and Climate Change's guidelines on forest clearances incorporate the requirement for FRA rights settlement and Gram Sabha consent as conditions precedent.

Analysis: The state government's eminent domain argument fails because the Forest Rights Act recognises community forest rights as legally vested statutory rights, not mere privileges or customary usages; such rights cannot be extinguished by the executive without following the statutory process including Gram Sabha consent. The doctrine of eminent domain has traditionally applied to private property rights under land acquisition laws; its application to statutory rights recognised by Parliament under the FRA is circumscribed by the FRA's own requirements. Multiple Supreme Court decisions including decisions in the Niyamgiri matter and *Odisha Mining Corporation* case support the position that FRA rights settlement and Gram Sabha consent are mandatory prerequisites for forest diversion, not merely advisory steps.

Why other options are wrong:

Sol. 19.

- **(A)** is wrong because the doctrine of eminent domain does not automatically override statutory rights recognised by Parliament; the FRA creates vested rights that can only be dealt with through the statutory framework including Gram Sabha consent; monetary compensation alone is not sufficient.
- **(C)** is wrong because Stage-I forest clearance under the FCA is issued subject to conditions, one of which is settlement of FRA rights; Stage-I clearance does not override or include an implicit determination of FRA rights; FRA rights settlement and Gram Sabha consent are separate mandatory steps before Stage-II and final approval.
- **(D)** is wrong because the Forest Rights Act applies to Fifth Schedule areas AND to forests throughout India; and in any case, the Gram Sabha's consent under the FRA is not merely a consultative step but a statutory requirement with legal effect on forest diversion.

Answer: (B) Go Back to Q19

Solution

Concept: In *Mohd. Salim v. State of Uttarakhand* (2017), a Division Bench of the Uttarakhand High Court passed a historic order declaring the Ganga, Yamuna, and all their tributaries, glaciers, and associated water bodies as "juristic persons" or "legal entities" having the status of a legal person with all corresponding rights, duties, and liabilities. The Court appointed the Directors of the Namami Gange programme and certain state officials as "legal guardians" to protect their interests. This declaration was inspired by the New Zealand Parliament's recognition of the Whanganui River as a legal person through the Te Awa Tupua (Whanganui River Claims Settlement) Act, 2017.

Analysis: The Uttarakhand High Court's landmark order was subsequently stayed by the Supreme Court of India in July 2017 on grounds that: (a) the

Ganga and Yamuna flow through multiple states, creating complex jurisdictional questions; (b) treating rivers as legal persons with rights would create practical difficulties in terms of enforcement and cross-boundary governance; and (c) the question deserved more considered treatment. As a result, the legal status of the Ganga and Yamuna as legal persons remains stayed and unsettled in Indian law. The High Court in 2025 proceedings cannot treat the 2017 judgment as binding settled precedent because it was stayed by the Supreme Court before it could attain finality.

Why other options are wrong:

Sol. 20.

- **(A)** is wrong because the Supreme Court stayed the Uttarakhand High Court's judgment; a stayed judgment is not affirmed and cannot be treated as binding precedent; the legal status of rivers as legal persons is not settled law.
- **(B)** is wrong because the Supreme Court's stay does not amount to a definitive rejection of the concept of rights of nature; the concept has not been "definitively rejected" – it remains stayed and unsettled; the stay reflects practical difficulties, not a rejection of the underlying philosophy.
- **(D)** is wrong because the 2017 Uttarakhand judgment expressly extended legal personhood to the Ganga and Yamuna AND all their tributaries including the Alaknanda and Mandakini; it was not limited to the main river channels; and the judgment is best understood as addressing legal personhood, not merely a trust regime.

Answer: (C) Go Back to Q20

ANSWER KEY

1	A	2	D	3	B	4	C	5	A
6	D	7	B	8	C	9	A	10	D
11	B	12	A	13	C	14	D	15	B
16	A	17	C	18	D	19	B	20	C