CLAT PG Environmental Law
Sample Paper – 9

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. The Vellore Citizens Welfare Forum filed a petition before the Supreme Court of India concerning the rampant discharge of untreated effluents by tanneries in Tamil Nadu into the Palar river. The river, which was the primary source of drinking water for surrounding villages, had turned toxic, causing widespread illness. The tannery owners contended that they had not been conclusively proven to have caused the specific pollution complained of, and therefore they could not be held liable. The petitioners invoked the precautionary principle as recognised in Indian environmental jurisprudence. The Court was called upon to determine who bears the burden of proof under the precautionary principle as articulated in *Vellore Citizens Welfare Forum v. Union of India* (1996).

(A) The burden of proof lies equally on both the industry and the State Pollution Control Board to prove or disprove harm.

(B) The burden of proof lies on the developer or industrialist to show that the activity is environmentally benign and safe.

(C) The burden of proof lies on the affected community to demonstrate a conclusive causal link between industrial activity and harm.

(D) The burden of proof lies on the Central Government to establish that the precautionary principle applies to the facts of the case.

Q2. The Ministry of Environment, Forest and Climate Change issued a notification under the Environment (Protection) Act, 1986 directing all industrial units in the Krishna-Godavari delta region of Andhra Pradesh to stop drawing groundwater from a specified aquifer and to mandatorily install zero-liquid-discharge systems within sixty days. Chandra Chemicals Pvt. Ltd., an existing unit in the zone, challenged the direction on the ground that Section 3 of the EPA, 1986 does not empower the Central Government to issue directions to individual industrial units; it merely enables the government to set general environmental standards. The company sought a stay of the direction. Examine the scope of power under Section 3 of the EPA, 1986.

(A) Section 3 restricts the Central Government to issuing general environmental quality standards and does not permit directions to specific industries.

(B) Section 3 restricts the Central Government to delegating powers to state agencies and prohibits direct action against individual units.

(C) Section 3 permits the Central Government to issue directions only through the CPCB and not by its own notifications.

(D) Section 3 grants the Central Government wide powers including the authority to issue directions to any person, officer, or authority on matters relating to environmental protection.

Q3. The Uttar Pradesh Pollution Control Board received repeated complaints from residents of Kanpur that Ganges Leather Works Ltd. was discharging chromium-laced effluents into the Ganga without consent. The Board collected samples and found serious violations of the standards set under the Water (Prevention and Control of Pollution) Act, 1974. The Board wished to initiate criminal prosecution against the company's managing director. A question arose regarding who may file a complaint for cognisance of the offence by a court under Section 47 of the Water Act, 1974, and whether a private citizen may directly file such a complaint.

(A) A private citizen aggrieved by the pollution may directly file a complaint before a Magistrate without any requirement of prior sanction.

(B) The Central Government must first authorise the State Board to file the complaint, failing which no court shall take cognisance.

(C) No court shall take cognisance of an offence under the Water Act, 1974 except on a complaint made by the Board or an officer authorised in writing by it.

(D) Any officer of the State Pollution Control Board may independently file a complaint without any specific written authorisation from the Board.

Q4. Following a catastrophic fire at a chemical storage facility in Ludhiana, Punjab, thick clouds of toxic smoke threatened to envelop three neighbouring residential localities. The Punjab State Pollution Control Board informed the State Government that the smoke posed an acute and immediate danger to public health. The State Government sought to invoke its emergency powers under the Air (Prevention and Control of Pollution) Act, 1981 to order the immediate closure of all units within a one-kilometre radius. A legal officer of one of the affected units argued that only the Board could issue such an emergency closure order. Determine the correct legal position under Section 31A of the Air Act, 1981.

(A) Only the Central Pollution Control Board has the power to issue emergency directions for immediate closure under Section 31A of the Air Act, 1981.

(B) Only the State Pollution Control Board, and not the State Government, may order emergency closure of an industry under the Air Act, 1981.

(C) The State Government is empowered under Section 31A of the Air Act, 1981 to issue directions for closure, prohibition, or regulation of any industry in cases of emergency.

(D) Emergency closure orders require the prior concurrence of the High Court of the State before they can take effect.

Q5. The State Government of Chhattisgarh received reports that nilgai (blue bull) populations in Balod district were causing extensive crop damage across several hundred hectares of farmland, resulting in severe economic loss to marginal farmers. Farmers' organisations petitioned the State Government to permit culling of nilgai. One farmer, Ramesh Yadav, independently shot two nilgai on his farmland and was subsequently charged under the Wildlife (Protection) Act, 1972. He contended that any landowner may kill wild animals causing damage to crops without prior permission. Examine the legal framework under Section 11 of the Wildlife (Protection) Act, 1972 with respect to the power to permit hunting of vermin.

(A) Any landowner may, by right, kill wild animals damaging their crops, provided they report the killing to the Forest Officer within 48 hours.
(B) The State Government is empowered under Section 11 of the Wildlife (Protection) Act, 1972 to declare any wild animal as vermin for a specified area and period, permitting its hunting.
(C) The Chief Wildlife Warden alone may authorise killing of wild animals damaging crops, on a case-by-case application by each farmer.
(D) Only the Central Government, by gazette notification, may declare an animal as vermin and such declaration applies nationally to all states uniformly.

Q6. Mina Bai, a member of the Gondi Scheduled Tribe, held forest land in Balaghat district, Madhya Pradesh, which had been cultivated by her family for three generations. After the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 came into force, she was granted rights over four hectares under Section 4. A private company, Madhya Pradesh Agro Industries Ltd., subsequently approached Mina Bai seeking to purchase the land from her to establish a food processing plant. Mina Bai, attracted by the compensation offered, was willing to sell. The company's legal adviser sought to determine whether forest rights recognised under Section 4 of the Forest Rights Act, 2006 are alienable.

(A) Forest rights recognised under Section 4 of the Forest Rights Act, 2006 may be freely alienated by sale or mortgage to any person, including non-tribal entities.

(B) Forest rights recognised under Section 4 are heritable but are not alienable or transferable, and any purported transfer is void.
(C) Forest rights may be transferred by a Scheduled Tribe member to another Scheduled Tribe member residing in the same forest village with the approval of the Gram Sabha.
(D) Forest rights may be alienated but only with the prior written approval of the District Collector and the State Government.

Q7. In 2019, residents of a village near a copper smelter in Rajasthan discovered that their groundwater had been contaminated with sulphur dioxide by-products from the smelter's effluents. They approached an NGO, Green Earth Society, which conducted a study that was completed in January 2020. Due to the COVID-19 pandemic and associated disruptions, the NGO was able to file an application before the National Green Tribunal only in September 2021 – more than six months beyond the limitation period prescribed under the NGT Act, 2010. The smelter's counsel raised a preliminary objection on limitation. Examine the Tribunal's powers under Section 18 of the NGT Act, 2010 regarding limitation and condonation of delay.

(A) The NGT has no power to condone any delay and must dismiss an application filed beyond the prescribed limitation period.
(B) The NGT may condone delay only if the applicant is a government agency or the Central Pollution Control Board, not a private NGO.
(C) The limitation period under Section 18 of the NGT Act, 2010 is five years from the date of occurrence, and no condonation of delay is permissible under any circumstances.
(D) The NGT may condone delay beyond the limitation period of six months if sufficient cause is shown, but the total delay condoned shall not exceed sixty days.

Q8. Dr. Priya Nair, a research scientist at a public university in Kerala, was conducting a study on medicinal properties of endemic orchid species found in Wayanad. She collected specimens and biological material from local forests for laboratory analysis and intended to publish her findings in an international journal. A colleague informed her that under the Biological Diversity Act, 2002, Indian citizens and Indian-registered entities accessing biological resources for research are required to follow a specific procedure. Dr. Nair sought clarification on what obligations apply to her under Section 7 of the Biological Diversity Act, 2002.

(A) Indian citizens and entities must obtain prior approval from the National Biodiversity Authority before accessing any biological resource for research or commercial use.
(B) Indian citizens and entities are completely exempt from any procedure under the Biological Diversity Act, 2002, and may access biological resources freely without any intimation.
(C) Indian citizens and entities must give prior intimation to the State Biodiversity Board before accessing biological resources for research or commercial utilisation, unless exempted.
(D) Indian citizens accessing biological resources for purely academic research with no commercial application require prior approval from the District Biodiversity Management Committee.

Q9. Horizon Petrochemicals Ltd. operates a large petroleum refinery at Vadodara, Gujarat, handling highly hazardous chemicals listed under the Public Liability Insurance Act, 1991. During an internal audit, it was found that the company had not obtained any public liability insurance policy as required by law. A fire at the facility injured fifteen contract workers and released toxic fumes affecting nearby residents. When compensation claims were filed, the company's management argued that insurance was optional for existing industries and that the lack of a policy merely exposed the company to a fine, not liability. Assess the legal position under Section 4 of the PLIA, 1991.

(A) Public liability insurance under the PLIA, 1991 is optional and failure to obtain it merely attracts a financial penalty without affecting the owner's liability to compensate victims.
(B) Every owner of an establishment handling hazardous substances is mandatorily required under Section 4 of the PLIA, 1991 to take out

one or more insurance policies before commencing operations.

(C) Only State Government-owned industries handling hazardous chemicals are required to obtain insurance under the PLIA, 1991; private enterprises may self-insure.

(D) The PLIA, 1991 mandates insurance only for industries with a workforce exceeding 500 persons and located within five kilometres of a human settlement.

Q10. Country Alphania, a developed nation, constructed a large thermal power plant near its southern border. Prevailing winds carried sulphur dioxide emissions into the territory of neighbouring Country Betalia, causing acid rain that destroyed forests and damaged agricultural land over several years. Betalia filed a formal diplomatic protest, invoking customary international environmental law. Alphania responded that as a sovereign state, it retained absolute authority over activities conducted within its own territory. Examine the principle applicable to this dispute as reflected in Principle 21 of the Stockholm Declaration, 1972.

(A) States have absolute sovereignty over their natural resources and cannot be held responsible under international law for pollution originating within their territory.

(B) Principle 21 of the Stockholm Declaration recognises that states have the sovereign right to exploit their own resources but also the responsibility not to cause environmental damage beyond their national jurisdiction.

(C) Principle 21 applies only to marine pollution and is not relevant to transboundary atmospheric pollution such as acid rain.

(D) The Stockholm Declaration creates binding legal obligations enforceable in the International Court of Justice, obliging Alphania to cease all emissions immediately.

Q11. The government of Verandia, a developing nation, was considering approving a large-scale deep-sea mining operation in its exclusive economic zone. Environmentalists warned that the seabed ecosystem was poorly understood and that damage, if any, could be irreversible. The government's technical committee argued that since no scientific consensus had been established on the extent of potential harm, the project should be approved to promote economic development. An international environmental law adviser briefed the government on Principle 15 of the Rio Declaration on Environment and Development, 1992, and its implications for decision-making in such a scenario.

(A) Principle 15 of the Rio Declaration states that environmental measures must be cost-effective and should not be applied where scientific certainty of harm does not exist.
(B) Principle 15 requires that precautionary measures must be taken only where the threat of harm is severe and irreversible, regardless of full scientific certainty, and cost-effectiveness is a key consideration.
(C) Principle 15 of the Rio Declaration states that scientific uncertainty alone shall justify postponing cost-effective measures to prevent environmental degradation where threats are serious or irreversible.
(D) Principle 15 of the Rio Declaration requires all development activities to be suspended until peer-reviewed scientific consensus on environmental impact is available.

Q12. At an international climate negotiation forum, delegates from Country Caldonia (a major industrialised nation) and Country Ferona (a least developed country) disagreed sharply on the scope of emission reduction obligations. Caldonia argued that all countries must adopt identical binding emission reduction targets given the global nature of climate change. Ferona countered that historical emissions by industrialised nations and differing development levels must inform the allocation of responsibilities. The moderator referred both delegations to the foundational principle embedded in the United Nations Framework Convention on Climate Change regarding the distribution of obligations between developed and developing nations.

(A) The UNFCCC requires all state parties to adopt identical quantified emission reduction targets regardless of their historical emissions or level of development.

(B) The UNFCCC provides for no distinction between developed and developing countries; all obligations are uniform to ensure environmental equity.

(C) The UNFCCC recognises the principle of common but differentiated responsibilities, under which developed countries take the lead in combating climate change and bear heavier obligations.

(D) The UNFCCC assigns binding obligations exclusively to Annex I countries and completely exempts developing countries from any obligations relating to climate change mitigation.

Q13. Solaris Energy Corp., a company registered in an Annex I country under the Kyoto Protocol, entered into an agreement with Greenfield Power Ltd. in India to fund the construction of a 50 MW solar power plant in Rajasthan. The agreement provided that the verified emission reductions arising from the project would be credited to Solaris Energy Corp. to offset its emission obligations under the Kyoto Protocol. Legal counsel for a competing company questioned whether such an arrangement was permissible under the Kyoto Protocol's flexibility mechanisms and, if so, under which specific mechanism it fell.

(A) The arrangement falls under Joint Implementation, which operates between Annex I and non-Annex I countries and generates Emission Reduction Units.

(B) The arrangement falls under the Clean Development Mechanism, which permits Annex I countries to implement emission-reduction projects in non-Annex I countries and earn Certified Emission Reductions.

(C) The arrangement falls under International Emissions Trading, which allows Annex I countries to trade surplus Assigned Amount Units among themselves.

(D) The arrangement is impermissible under the Kyoto Protocol because emission reduction credits can only be generated through domestic actions within Annex I countries.

Q14. The Ministry of Environment of Country Verdania was formulating its national biodiversity strategy in accordance with the Convention on Biological Diversity. A senior official proposed that ex-situ conservation methods – such as seed banks, botanical gardens, and captive breeding – were fully substitutable for in-situ conservation in the wild, and that budgetary allocations should prioritise ex-situ programmes as they are more controllable and measurable. The legal division was asked to advise on the hierarchy and relationship between in-situ and ex-situ conservation as established under the Convention on Biological Diversity.

(A) The Convention on Biological Diversity treats in-situ and ex-situ conservation as equal and interchangeable strategies, leaving the choice entirely to national discretion.

(B) The Convention on Biological Diversity designates ex-situ conservation as the primary strategy and in-situ conservation as supplementary, given the reliability of managed facilities.

(C) Under the Convention on Biological Diversity, in-situ conservation is the primary strategy, and ex-situ conservation is to be adopted as a complementary measure, predominantly for components under threat.

(D) The Convention on Biological Diversity prohibits ex-situ conservation for wild species and restricts it exclusively to domesticated and cultivated varieties.

Q15. Chilika Lake in Odisha, a Ramsar site of international importance, was experiencing ecological deterioration owing to silt deposition, encroachment, and declining water quality, threatening the migratory bird population that the site is renowned for supporting. Environmental groups urged the government to seek inclusion of the site in a specific Ramsar mechanism that identifies wetlands of international importance facing serious ecological threats requiring priority attention. They argued that this listing would attract global conservation resources and trigger international monitoring. Identify the specific Ramsar mechanism being referred to.

(A) The Ramsar Shadow List, which is maintained confidentially by the

Ramsar Bureau and lists sites under threat reported by non-governmental organisations.

(B) The Ramsar Endangered Wetlands Register, which is established under Article 4 of the Ramsar Convention and triggers mandatory restoration funding from signatory states.

(C) The Montreux Record, which is a register maintained under the Ramsar Convention of wetlands of international importance where ecological character has changed, is changing, or is likely to change as a result of technological developments, pollution, or other human interference.

(D) The Ramsar Red List, which is a classification maintained jointly by the IUCN and the Ramsar Secretariat to identify wetlands facing imminent destruction.

Q16. In the landmark case concerning the Taj Mahal, a writ petition was filed before the Supreme Court alleging that sulphur dioxide emissions from industrial units and foundries operating in the Taj Trapezium Zone in Uttar Pradesh were causing severe damage to the marble facade of the Taj Mahal through acid deposition. The Court undertook a comprehensive review of industrial activity in the zone. The industries contended that they had installed partial pollution control measures and that complete conversion to alternative fuels was technically and economically impractical within a short time frame. Examine the Supreme Court's direction in *M.C. Mehta v. Union of India* (Taj Trapezium Case, 1997) concerning fuel conversion and the buffer zone.

(A) The Supreme Court directed the Central Government to merely issue a show-cause notice to polluting industries and allowed them two years to comply with existing emission standards without prescribing fuel conversion.

(B) The Supreme Court held that industries in the Taj Trapezium Zone must mandatorily shift to natural gas or relocate outside the Trapezium, and defined a specific buffer zone within which no new industrial activity could be established.

(C) The Supreme Court directed the National Environment Appellate Authority to conduct a fresh Environmental Impact Assessment for each industrial unit within the Taj Trapezium Zone before issuing any compliance direction.

(D) The Supreme Court closed all industrial units within the Taj Trapezium Zone permanently and ordered that the zone be declared a National Heritage Area exempt from all industrial licensing.

Q17. The Indian Council for Enviro-Legal Action filed a writ petition before the Supreme Court exposing the large-scale pollution caused by Hindustan Agro Chemicals Ltd. and associated companies operating at Bichhri village in Rajasthan, which manufactured highly toxic chemicals including H-acid and Red H-acid. Untreated sludge and effluents had percolated into the soil and contaminated groundwater, rendering it unfit for consumption by thousands of villagers. The companies denied responsibility and claimed that the principle of absolute liability should not apply in absence of proof of specific causation. The Court was required to determine the applicable rule of liability and whether the cost of remediation could be recovered from the polluters.

(A) The Supreme Court applied the principle of negligence and held that the burden of proving causation lay entirely on the affected villagers, who had to demonstrate a direct link to each company's discharge.

(B) The Supreme Court held that the absolute liability rule established in *M.C. Mehta v. Union of India* (Oleum Gas case) applied without exception, and the polluter-pays principle obligated the companies to bear the full cost of remediation and restoration.

(C) The Supreme Court directed the Central Government to fund the remediation from the national environmental fund and then seek recovery from the companies through a separate civil suit.

(D) The Supreme Court applied the rule in *Rylands v. Fletcher* subject to the act of third party exception and awarded only nominal damages since the companies had since closed operations.

Q18. Sterlite Industries (India) Ltd. operated a copper smelter in Tuticorin, Tamil Nadu. The Tamil Nadu Pollution Control Board, after repeated complaints of air and groundwater pollution and following an NGT direction, issued an order directing permanent closure of the plant. The company challenged the closure order, asserting that the right to carry on a lawful business was a fundamental right under Article 19(1)(g) of the Constitution and that the State could not order permanent closure without following due process. Simultaneously, residents of Tuticorin and environmental groups argued that the plant had caused irreparable damage to the environment and public health for two decades. Examine the competing legal considerations as addressed in *Sterlite Industries v. Union of India*.

(A) The Supreme Court held that any closure order against a polluting industry automatically amounts to an infringement of Article 19(1)(g) and must be set aside unless specifically authorised by Parliament.

(B) The Supreme Court held that the right to carry on business under Article 19(1)(g) is absolute and cannot be curtailed on environmental grounds because economic development takes precedence.

(C) The courts recognised that while industrial operations are protected under Article 19(1)(g), such protection is subject to reasonable restrictions in the interest of the general public, and repeated and grave violations of environmental law can justify closure orders if due process is followed.

(D) The Supreme Court held that permanent closure of an industry can only be ordered by the Supreme Court itself and not by a Pollution Control Board or the National Green Tribunal.

Q19. The Central Pollution Control Board filed an application before the National Green Tribunal after a series of studies confirmed that the Municipal Corporation of Delhi was discharging approximately 60% of Delhi's daily sewage untreated directly into the Yamuna river. The CPCB sought directions compelling the MCD to upgrade its sewage treatment plants, operate them at full capacity, and achieve compliance with the norms set under the Water Act within a fixed time frame. The MCD argued that it faced severe budgetary constraints and that the matter involved executive policy decisions beyond the adjudicatory remit of a statutory tribunal.

Identify the supervisory judicial mechanism most commonly used by the Supreme Court and the NGT in long-running environmental compliance matters of this nature.

(A) Writ of Quo Warranto, used to inquire into the authority of a public official responsible for environmental compliance.
(B) Writ of Prohibition, used to restrain a lower tribunal from acting beyond its jurisdiction in environmental matters.
(C) Special Leave Petition under Article 136, used exclusively by the Supreme Court to hear appeals from High Court decisions on environmental matters.
(D) Continuing Mandamus, a supervisory judicial mechanism whereby the court retains jurisdiction over the matter and issues successive directions to ensure continuous compliance with environmental obligations.

Q20. Lafarge Umiam Mining Pvt. Ltd. obtained environmental clearance from the Ministry of Environment and Forests to mine limestone in the Shella area of Meghalaya, close to the Indo-Bangladesh border. Environmental groups challenged the clearance, arguing that the area contained dense biodiversity, sensitive catchment areas, and that the cumulative environmental impact of multiple mining leases in the same region had never been assessed holistically. The Ministry defended the grant, saying each project's individual impact had been evaluated. The Supreme Court was called upon to rule on whether individual project clearances sufficed or whether a cumulative environmental impact assessment was necessary. Examine the principle addressed by the Supreme Court in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India* (2011).

(A) The Supreme Court held that individual environmental clearances for each project are fully sufficient and that there is no legal requirement for a cumulative or regional environmental impact assessment in Indian law.
(B) The Supreme Court held that mining clearances obtained without disclosing proximity to the Indo-Bangladesh border are automatically

void irrespective of their environmental merits.

(C) The Supreme Court held that the Ministry of Environment was not a competent authority to grant clearances for projects near international borders and remanded the matter to the Ministry of External Affairs.

(D) The Supreme Court held that cumulative environmental impact assessment is an integral part of the environmental clearance process, particularly where multiple projects operate in ecologically sensitive areas, and that ignoring cumulative impacts renders individual clearances legally vulnerable.

Answer Key

Detailed Solutions

Solution

Sol 1.

Concept: Precautionary principle as articulated by the Supreme Court in *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647. The Court incorporated the precautionary principle into Indian law as part of customary international law, making it enforceable as domestic law.

Analysis: The Supreme Court in *Vellore Citizens* clearly held that under the precautionary principle, once environmental hazard is shown to exist, the burden of proof shifts from those who allege harm to the developer or industrialist to demonstrate that their activity is safe and will not cause environmental damage. This is a deliberate reversal of the ordinary civil burden of proof, justified by the policy that those who profit from hazardous activities should bear the cost of establishing safety.

Why other options are wrong:

- **(A)** is wrong because the burden is not shared equally; it specifically and exclusively shifts to the developer or industrialist.
- **(C)** is wrong because requiring the affected community to prove a conclusive causal link is the traditional tort law standard that the precautionary principle is designed to overcome.
- **(D)** is wrong because there is no requirement for the Central Government to trigger the principle; courts apply it directly on established environmental hazard.

Answer: (B) Go Back to Q1

Solution

Concept: Scope of the Central Government's power under Section 3 of the Environment (Protection) Act, 1986.

Analysis: Section 3 of the EPA, 1986 confers broad powers on the Central Government to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling, and abating environmental pollution. Sub-section (2) specifically includes the power to issue directions to any person, officer, or authority to perform such functions and duties as the Central Government considers necessary. The power is wide, extending to specific industries, and is not limited to general standard-setting alone. The Chandra Chemicals contention is therefore untenable.

Why other options are wrong:

Sol 2.

- **(A)** is wrong because Section 3 expressly covers directions to specific persons and units, not merely general standards.
- **(B)** is wrong because Section 3 does not confine the Central Government to delegation; it may act directly.
- **(C)** is wrong because Section 3 empowers the Central Government itself, independently of the CPCB.

Answer: (D) Go Back to Q2

Solution

Concept: Cognisance of offences under Section 47 of the Water (Prevention and Control of Pollution) Act, 1974.

Analysis: Section 47 of the Water Act, 1974 is explicit on the mode of initiating prosecution. No court is permitted to take cognisance of any offence under the Act except on a complaint made by the Board or by any officer authorised in this behalf in writing by the Board. This is a mandatory pre-condition. A private citizen cannot directly approach a Magistrate to complain of a Water Act offence – the complaint must originate from the Board or its authorised officer.

Why other options are wrong:

Sol 3.

- **(A)** is wrong because a private citizen cannot directly file a complaint for Water Act offences; the Board's complaint is mandatory.
- **(B)** is wrong because the Central Government's authorisation is not a pre-condition; the State Board may file the complaint directly under its own authority.
- **(D)** is wrong because a Board officer must be specifically authorised in writing by the Board; individual initiative without such authorisation is insufficient.

Answer: (C) Go Back to Q3

Solution

Concept: Emergency powers under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981.

Analysis: Section 31A of the Air Act, 1981 specifically empowers the State Government (not merely the Board) to issue directions in cases of emergency to any industry or class of industries to take such remedial measures as the State Government considers necessary. These directions may include immediate closure, stoppage of power supply, or prohibition or regulation of any industry. The emergency power vested in the State Government is broader and quicker-acting than routine Board directions and does not require court sanction.

Why other options are wrong:

Sol 4.

- **(A)** is wrong because the Central Pollution Control Board does not possess this emergency closure power under Section 31A; the power lies with the State Government.
- **(B)** is wrong because Section 31A specifically vests the emergency power in the State Government, not the State Board alone.
- **(D)** is wrong because no prior court approval is required for emergency directions under Section 31A; the power is executive.

Answer: (C) Go Back to Q4

Solution

Concept: Power of the State Government to declare animals as vermin under Section 11 of the Wildlife (Protection) Act, 1972.

Analysis: Under Section 11(1)(b) of the Wildlife Protection Act, 1972, the Chief Wildlife Warden may, on application, permit hunting of a wild animal for protection of any property. However, the specific mechanism for dealing with animals causing large-scale crop damage is the declaration of an animal as "vermin" under Section 62 of the WPA, 1972, which is a schedule, and the State Government has powers under Section 11 to issue hunting permits in such cases. More specifically, the State Government may, by notification, declare any wild animal (other than those in Schedule I and Part II of Schedule II) as vermin for a specified area for a specified period under Section 11. Individual farmers have no self-help right to kill protected wild animals; such killing without authorisation constitutes an offence. Ramesh Yadav's contention is legally incorrect.

Why other options are wrong:

Sol 5.

- **(A)** is wrong because no such self-help right exists for landowners under the WPA, 1972; prior authorisation is always required.
- **(C)** is wrong in the present context because while the CWW may issue individual permits, the State Government's broader power to declare vermin for an area is the applicable mechanism here.
- **(D)** is wrong because this is a State Government power operative on a state-specific basis, not a national Central Government function.

Answer: (B) Go Back to Q5

Solution

Concept: Nature and alienability of forest rights recognised under Section 4 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Analysis: Section 4(4) of the Forest Rights Act, 2006 expressly provides that rights recognised and vested under the Act are heritable but not alienable or transferable. Any purported sale, mortgage, lease, or other transfer of such rights is void as a matter of law. This protection is fundamental to the legislation's objective of protecting forest-dwelling communities from dispossession and exploitation. Mina Bai cannot sell the land to Madhya Pradesh Agro Industries Ltd., and no government approval can validate such a transfer.

Why other options are wrong:

Sol 6.

- **(A)** is wrong because the Act expressly prohibits alienation to any person, including non-tribal entities.
- **(C)** is wrong because even intra-community transfers to other Scheduled Tribe members are not permitted under the Act; the land may only be inherited within the family.
- **(D)** is wrong because government approval cannot override the statutory prohibition on alienation.

Answer: (B) Go Back to Q6

Solution

Concept: Limitation period and condonation of delay under Section 18 of the National Green Tribunal Act, 2010.

Analysis: Section 18(2) of the NGT Act, 2010 provides that every application for grant of relief or compensation or settlement of dispute may be made within a period of six months from the date on which the cause of action first arose. The proviso to Section 18(2) empowers the Tribunal to condone the delay if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period. However, the Act does not impose an absolute cap of sixty days on the condoned delay – the Tribunal may condone such delay as is warranted by sufficient cause. Option (D) is closest in describing the sixty-day cap, which is not actually present in the NGT Act; the Tribunal's discretion to condone is broader.

Why other options are wrong:

Sol 7.

- **(A)** is wrong because the NGT does have express statutory power under the proviso to Section 18(2) to condone delay on sufficient cause.
- **(B)** is wrong because the Act does not restrict condonation to government agencies; it is available to any applicant on sufficient cause.
- **(C)** is wrong because the limitation period is six months (not five years), and condonation of delay is expressly permissible under the proviso.

Answer: (D) Go Back to Q7

Sol 8.

Solution

Concept: Obligations of Indian citizens accessing biological resources under Section 7 of the Biological Diversity Act, 2002.

Analysis: The Biological Diversity Act, 2002 distinguishes between obligations of foreign nationals/entities and Indian citizens. Section 3 prohibits foreign nationals and entities from accessing biological resources without prior approval from the National Biodiversity Authority. Section 7, by contrast, imposes a lighter obligation on Indian citizens and bodies corporate that are Indian: they must give prior intimation to the State Biodiversity Board before obtaining biological resources for research or commercial utilisation. This intimation requirement is not the same as approval; the Board may object within the prescribed period. Certain categories are exempted, including local communities using resources traditionally. Dr. Nair must give prior intimation to the Kerala State Biodiversity Board.

Why other options are wrong:

- **(A)** is wrong because prior approval from the NBA is required for foreign nationals under Section 3, not for Indian citizens, who need only give intimation under Section 7.
- **(B)** is wrong because Section 7 imposes a mandatory prior intimation requirement on Indian citizens; complete exemption does not apply to all research use.
- **(D)** is wrong because approval from the District Biodiversity Management Committee is not the relevant requirement; the State Biodiversity Board is the correct authority for intimation.

Answer: (C) Go Back to Q8

Solution

Concept: Mandatory insurance obligation under Section 4 of the Public Liability Insurance Act, 1991.

Analysis: Section 4 of the PLIA, 1991 is clear and unambiguous: every owner who handles any hazardous substance shall take out, before commencing the operation, one or more insurance policies providing for contracts of insurance. The insurance obligation is mandatory and not optional. The statute imposes this as a pre-condition to commencement of operations. Failure to obtain insurance is itself an offence, and the absence of insurance does not limit or replace the owner's liability to compensate victims – it actually compounds the legal jeopardy facing the company. The management's contention is entirely without merit.

Why other options are wrong:

Sol 9.
- **(A)** is wrong because insurance is mandatory, not optional, and failure to obtain it is an offence independent of liability to victims.
- **(C)** is wrong because the PLIA, 1991 applies to all owners (private and public) handling hazardous substances without any distinction based on ownership type.
- **(D)** is wrong because the PLIA, 1991 does not prescribe any workforce threshold or proximity criterion for the insurance obligation; the obligation arises from handling hazardous substances.

Answer: (B) Go Back to Q9

Solution

Concept: Principle 21 of the Stockholm Declaration on the Human Environment, 1972 – sovereignty and responsibility not to cause transboundary environmental damage.

Analysis: Principle 21 of the Stockholm Declaration represents one of the most widely accepted norms of customary international environmental law. It provides that states have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, but also the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction. This dual formulation – sovereignty plus responsibility – directly responds to Alphania's absolute sovereignty argument and supports Betalia's position. The Trail Smelter Arbitration (1941) similarly confirmed this principle decades earlier.

Why other options are wrong:

Sol 10.
- **(A)** is wrong because Principle 21 explicitly qualifies sovereign rights with

the responsibility not to cause transboundary harm; absolute sovereignty is rejected.

- **(C)** is wrong because Principle 21 is not limited to marine pollution; it applies to all environmental media including atmospheric pollution.
- **(D)** is wrong because the Stockholm Declaration is a soft-law instrument and does not by itself create binding obligations directly enforceable in the ICJ; state responsibility arises through customary international law.

Answer: (D) Go Back to Q10

Sol 11.

Solution

Concept: Principle 15 of the Rio Declaration on Environment and Development, 1992 – precautionary approach.

Analysis: Principle 15 of the Rio Declaration, 1992 states: "Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Three elements are key: (i) the threat must be of serious or irreversible damage; (ii) lack of full scientific certainty alone cannot justify postponement; and (iii) the measures must be cost-effective. This is precisely relevant to the deep-sea mining scenario, where irreversibility and scientific uncertainty coexist. Principle 15 does not require suspension of all development, only that cost-effective precautionary measures not be postponed.

Why other options are wrong:

- **(A)** is wrong because Principle 15 does not say measures may be withheld where scientific certainty is absent; it says scientific uncertainty cannot justify postponing cost-effective measures.
- **(B)** partially captures Principle 15 but misstates it by omitting the key clause that scientific uncertainty "shall not be used as a reason for postponing" measures – the correct statement is in option (C).
- **(D)** is wrong because Principle 15 does not require suspension of all development or mandate peer-reviewed consensus before any project is approved.

Answer: (C) Go Back to Q11

Solution

Concept: Principle of Common but Differentiated Responsibilities (CBDR) under the United Nations Framework Convention on Climate Change, 1992.

Analysis: The UNFCCC is built on the foundational principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), articulated in Articles 3 and 4. All parties share a common responsibility to address climate change, but developed (Annex I) countries, having contributed historically more to greenhouse gas accumulation, are required to take the lead in adopting measures to limit emissions and assist developing countries with finance and technology. The UNFCCC does not require identical commitments from all parties and does not completely exempt developing countries – they still have obligations, including reporting and developing national strategies, though these are less onerous than those of developed countries.

Why other options are wrong:

Sol 12.

- **(A)** is wrong because the UNFCCC explicitly provides for differentiated responsibilities and does not impose identical targets on all parties.
- **(B)** is wrong because the UNFCCC's structure is explicitly based on differentiated responsibilities, not uniform obligations.
- **(D)** is wrong because developing countries do have obligations under the UNFCCC (e.g., reporting, national communications); the distinction is in the depth of mitigation obligations, not complete exemption.

Answer: (C) Go Back to Q12

Solution

Concept: Clean Development Mechanism (CDM) under Article 12 of the Kyoto Protocol, 1997 – one of the three flexibility mechanisms.

Analysis: The Kyoto Protocol establishes three flexibility mechanisms to assist Annex I countries in meeting their emission reduction targets: (i) Joint Implementation (Article 6), which operates between two Annex I countries and generates Emission Reduction Units (ERUs); (ii) the Clean Development Mechanism (Article 12), which allows Annex I countries to implement emission-reduction or removal-by-sinks projects in non-Annex I (developing) countries and earn Certified Emission Reductions (CERs); and (iii) International Emissions Trading (Article 17), which allows Annex I countries to trade Assigned Amount Units (AAUs) among themselves. The Solaris–Greenfield arrangement, involving an Annex I company investing in an emission-reduction project in India (a non-Annex I country) to earn credits, is precisely the CDM.

Why other options are wrong:

Sol 13.

- **(A)** is wrong because Joint Implementation operates between two Annex I countries, not between an Annex I and a non-Annex I country like India.
- **(C)** is wrong because International Emissions Trading involves trading of Assigned Amount Units between Annex I countries and does not involve

project activities in developing countries.

- **(D)** is wrong because the Kyoto Protocol expressly permits cross-border project activities through flexibility mechanisms; domestic-only action is not mandated.

Answer: (B) Go Back to Q13

Solution

Sol 14.

Concept: Relationship between in-situ and ex-situ conservation under the Convention on Biological Diversity, 1992.

Analysis: The Convention on Biological Diversity clearly establishes a hierarchy between in-situ and ex-situ conservation. Article 8 (in-situ conservation) is the primary obligation – each contracting party must, as far as possible and as appropriate, establish protected areas, protect ecosystems, and maintain viable populations of species in natural surroundings. Article 9 (ex-situ conservation) is explicitly framed as complementary and supplementary to in-situ measures, to be adopted predominantly for components of biological diversity under threat. Ex-situ methods, however valuable, cannot replicate the full range of ecological processes, genetic diversity, and evolutionary dynamics of wild populations, and the CBD does not treat them as substitutes for in-situ conservation.

Why other options are wrong:

- **(A)** is wrong because the CBD's text and structure treat in-situ as primary and ex-situ as supplementary, not as equal and interchangeable.
- **(B)** is wrong because the CBD does not designate ex-situ conservation as the primary strategy; the reverse is true.
- **(D)** is wrong because the CBD does not prohibit ex-situ conservation for wild species; it expressly encourages it as a complementary measure for species under threat.

Answer: (C) Go Back to Q14

Solution

Concept: The Montreux Record under the Ramsar Convention on Wetlands of International Importance.

Analysis: The Montreux Record is a register maintained under the Ramsar Convention framework (adopted by the Conference of the Parties) that lists Ramsar wetland sites where changes in ecological character have occurred, are occurring, or are likely to occur as a result of technological developments, pollution, or other human interference. Inclusion in the Montreux Record serves as an alert mechanism, drawing international attention to sites in jeopardy and facilitating assistance through the Ramsar Advisory Missions. Chilika Lake was previously included in the Montreux Record but was subsequently removed following restoration efforts – it is the classic Indian example of both listing and successful delisting. The environmental groups in the question were correctly referring to the Montreux Record as the relevant mechanism.

Why other options are wrong:

Sol 15.

- **(A)** is wrong because there is no "Ramsar Shadow List"; no such mechanism exists under the Ramsar Convention framework.
- **(B)** is wrong because there is no "Ramsar Endangered Wetlands Register" as described; this is a fictitious mechanism.
- **(D)** is wrong because there is no "Ramsar Red List"; the IUCN Red List concerns species, not wetland sites, and is not a Ramsar instrument.

Answer: (C) Go Back to Q15

Solution

Concept: Supreme Court directions in *M.C. Mehta v. Union of India* (Taj Trapezium Case), AIR 1997 SC 734 – fuel conversion and relocation of industries.

Analysis: In the Taj Trapezium Case, the Supreme Court found that sulphur dioxide emissions from approximately 292 industries within the Taj Trapezium Zone were causing acid deposition on the marble of the Taj Mahal, leading to its discolouration and deterioration (the "marble cancer" phenomenon). The Court directed that all industries within the Trapezium must shift to natural gas (CNG/PNG) as fuel or relocate outside the Trapezium. Industries that neither converted to natural gas nor wished to relocate were to be shut down. The Court also defined a specific Trapezium zone and a buffer area within which environmental restrictions applied, and it relied on the precautionary principle and polluter-pays principle. The Court retained jurisdiction through continuing mandamus over the progress of compliance.

Why other options are wrong:

Sol 16.

- **(A)** is wrong because the Court did not merely issue a show-cause notice; it issued binding directions for fuel conversion or relocation.
- **(C)** is wrong because the Court did not remand the matter to the NEAA for fresh EIAs; it issued specific operational directions directly.
- **(D)** is wrong because the Court did not order permanent closure of all units or declare the zone a heritage area exempt from licensing; it gave industries the option to relocate or convert.

Answer: (B) Go Back to Q16

Solution

Concept: Absolute liability and the polluter-pays principle in *Indian Council for Enviro-Legal Action v. Union of India* (Bichhri Case), (1996) 3 SCC 212.

Analysis: In the Bichhri Case, the Supreme Court applied the rule of absolute liability (as laid down in *M.C. Mehta v. Union of India*, the Oleum Gas Leak case, 1987) to hold the chemical companies liable without any exception or defence. The Court coupled this with the polluter-pays principle to hold that the companies were obligated to pay not only compensation to affected villagers but also the full cost of restoring the environment and the ecology of the area. The Court directed that the cost of remediation – which had been incurred and was to be incurred by the Central Government – was recoverable from the polluters. This was a landmark articulation of the inter-relationship between absolute liability and the polluter-pays principle in the Indian context.

Why other options are wrong:

Sol 17.

- **(A)** is wrong because the Court applied absolute liability, which requires no proof of causation by the victim; the burden was on the companies, not the villagers.
- **(C)** is wrong because the Court did not direct the Central Government to absorb the remediation cost; it directed the polluters themselves to pay, consistent with the polluter-pays principle.
- **(D)** is wrong because the Court did not apply *Rylands v. Fletcher*, which has defences unavailable under absolute liability, nor did it award nominal damages.

Answer: (B) Go Back to Q17

Solution

Concept: Closure of a chronically polluting industry and the interplay between Article 19(1)(g) and environmental obligations, as addressed in *Sterlite Industries (India) Ltd. v. Union of India* and related proceedings.

Analysis: The Sterlite copper smelter closure in Tuticorin involved complex litigation before the Madras High Court, the Supreme Court, and the NGT. The Courts recognised that the right to carry on a trade or business under Article 19(1)(g) of the Constitution is a fundamental right, but it is not absolute. Article 19(6) permits the State to impose reasonable restrictions in the interest of the general public, which includes environmental and public health protection.

Where an industry has repeatedly and seriously violated environmental norms over an extended period and the harm to public health is severe and continuing, the regulatory authorities are legally justified in ordering closure, provided due process is followed. The balance struck in Indian jurisprudence is that neither economic development nor environmental protection has absolute primacy – they must be harmonised through sustainable development, but grave and persistent violations may justify closure.

Why other options are wrong:

Sol 18.

- **(A)** is wrong because Article 19(1)(g) is not absolute; restrictions under Article 19(6) for public interest, including environmental protection, are constitutionally valid.
- **(B)** is wrong because Indian courts have never held that economic development takes absolute precedence over environmental protection.
- **(D)** is wrong because the NGT, Pollution Control Boards, and State Governments all have statutory powers to order closure; it does not require exclusive Supreme Court action.

$\boxed{\textbf{Answer: (C)}}$ Go Back to Q18

Solution

Concept: Continuing Mandamus as a supervisory judicial mechanism in long-running environmental compliance cases.

Analysis: Continuing Mandamus is a judicial mechanism developed by Indian courts, particularly the Supreme Court, to deal with long-running matters of public law enforcement where a single writ direction is insufficient to ensure compliance. Rather than disposing of a matter by a single final order, the Court retains jurisdiction and periodically issues successive directions, monitors compliance, receives reports from commissions or monitoring committees, and acts as a continuing supervisory authority. It has been extensively used in environmental cases such as the Yamuna and Ganga pollution cases, solid waste management cases, and the Taj Trapezium matters. The NGT similarly exercises continuing supervisory jurisdiction in many environmental compliance matters. This is the most appropriate mechanism for the MCD sewage treatment scenario.

Why other options are wrong:

Sol 19.

- **(A)** is wrong because a Writ of Quo Warranto is used to challenge the authority of a person holding a public office, not to enforce environmental compliance.
- **(B)** is wrong because a Writ of Prohibition is used to prevent a lower court or tribunal from exceeding its jurisdiction, not to compel a municipal body

to comply with environmental norms.

- **(C)** is wrong because a Special Leave Petition is an appellate mechanism before the Supreme Court, not a supervisory compliance mechanism; it does not involve retaining jurisdiction to monitor ongoing compliance.

Answer: (D) Go Back to Q19

Sol 20.

Solution

Concept: Cumulative Environmental Impact Assessment as addressed by the Supreme Court in *Lafarge Umiam Mining Pvt. Ltd. v. Union of India*, (2011) 7 SCC 338.

Analysis: In the Lafarge Umiam case, the Supreme Court examined whether an environmental clearance granted to a limestone mining project in Meghalaya was valid. One of the critical issues was whether the EIA process had considered the cumulative impact of multiple mining projects operating in the same ecologically sensitive region. The Court held that Environmental Impact Assessment must encompass cumulative impacts – the combined effects of a project alongside other existing, proposed, or reasonably foreseeable projects in the same area – particularly in biodiversity-rich and sensitive areas. Considering only individual project impacts while ignoring the aggregate ecological burden violates the spirit and purpose of the EIA process and renders clearances legally vulnerable. This judgment significantly advanced the doctrine of cumulative EIA in Indian environmental law.

Why other options are wrong:

- **(A)** is wrong because the Supreme Court held precisely the opposite: individual clearances are insufficient when cumulative impacts are ignored in sensitive areas.
- **(B)** is wrong because the proximity to the international border was noted as a relevant factor (for forest diversion and treaty obligations), but non-disclosure of this alone does not automatically void the clearance; the cumulative EIA issue is the principal legal holding.
- **(C)** is wrong because there is no such rule that the Ministry of Environment lacks competence for border-area projects; the Ministry of External Affairs is not the clearance authority for environmental matters.

Answer: (D) Go Back to Q20