

Roll No: -----



UNIVERSITY OF PETROLEUM & ENERGY STUDIES

End Semester Examination – December 2017

Program/course: B.A., LL.B. (Energy Law), B.Com. LL.B. (Taxation), B.B.A., LL.B.(Hons.)
Corp. Laws

Subject: Environmental Law

Code : LLBL 431

No. of page/s: 02

Semester –VII

Max. Marks : 100

Duration : 3 Hrs

Section A (10 Marks) (Attempt Any Four- 2.5 Marks Each)

Short Answer type

- Q. 1** “Development should be not at the cost of environment.” Explain this statement.
- Q. 2** What is Noise Pollution? Explain its sources and effects.
- Q. 3** What is Green house effect? Discuss measures to mitigate Climate Change.
- Q. 4** Write short note on salient features of biological diversity Act.
- Q. 5** Explain the original jurisdiction of national green tribunal.

Section B (20 marks)

(Attempt Any Two-10 Marks Each)

Conceptual type

- Q. 6** Discuss the various provisions of Indian Constitution concerning Environment Protection. Critically analyze the role played by judiciary for the development of Environmental Law.
- Q. 7** Discuss the provisions regarding prevention, control and abatement of environmental pollution under the Environment (Protection) Act, 1986. Explain the penalty for violation of the provisions of Environment (Protection) Act, 1986.
- Q. 8** Examine critically the *Polluter’s Pay Principle, Precautionary Principle and Absolute Liability Principle* as propounded by Indian Supreme Court.

Section C (20 marks)

(Attempt Any Two)

Analytical type

- Q. 9** “*The shift from strict liability to absolute liability is the need of the hour. The Law cannot remain static*”. In the light of the above argument state the measure of liability of an enterprise

which is engaged in an inherently dangerous or hazardous activity with the help of the decided cases.

Q. 10 Discuss the composition, powers and function of the National Green Tribunal (NGT) of India. Explain the reasons behind the suggestion of the Supreme Court in various cases for establishing environmental courts. Critically analyze the functioning of the NGT in rendering environmental justice in India.

Q. 11 Evaluate the administration and functioning of the pollution control boards. A organized a party with loud music after 10:00pm, which created problem to the people living nearby. Discuss the liability of A.

Section D (50 marks)

(Attempt Any Three Questions)

Application based / Case study based type

Q. 12 The Sub-divisional Magistrate, Delhi directed the municipal corporation under Section 133 of the Criminal Procedure Code, 1973 to abate the nuisance by ordering the municipality to construct drainpipes with flow of water to wash the filth and stop the stench. Discuss the validity of the order in reference to relevant case law. (Marks 20)

Q. 13 There is haphazard and dangerous limestone quarrying practices in the Mussoorie Hill Range of the Himalayas. Miners blast out the hills with dynamite, extracting limestone from thousands of acres. The mines also dug deep into the hillsides, an illegal practice that resulted in the cave-ins and slumping. As a result, the hillsides are being stripped of vegetation. Landslides are killing villagers and destroying their homes, cattle and agricultural lands. The State has failed to regulate the mining as required by existing mining laws. Discuss the remedies available to the villagers. (Marks 20)

OR

A multinational company has done leakage of poisonous gases, which has resulted in the death disablement, and diseases of thousands of workers and others in the vicinity of the factory owned by the company. Suggest remedies to the injured persons and their dependents keeping in mind the relevant legal provisions. (Marks 20)

Q. 14 The Accused was charged with the offence of shooting and killing a tiger while going through the forest. The Accused pleaded that he was not acting in the violation of the provisions of the wildlife protection act and he was acting only in self-protection, the tiger being of ferocious nature. Advice to the accused with the relevant provisions of the law. (Marks 10)

OR

A notice was given to about 165 dyeing factories to close down the business as they are polluting water and discharging dirty water on the public roads thereby causing damage to public health. The petitioners claimed that they were doing business for the last 25 years and providing employment to 20,000 to 25,000 families and that the order is against Article 19(1) (g). Is the argument justifiable? (Marks 10)

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Section A (10 Marks) (Attempt Any Four- 2.5 Marks Each)

Short Answer type

Q. 1 Write short notes:

- (a) Vellore Citizens' Welfare Forum v/s Union of India
- (b) Biological Diversity Act, 2002
- (c) Wild Life Protection Act, 1972
- (d) Public Liability Insurance Act, 1991
- (e) RLEK case
- (f) Public Trust Doctrine

Section B (20 marks)

(Attempt Any Two-10 Marks Each)

Conceptual type

Q. 2 Write a detailed essay on the legal provisions on prevention and control of Noise Pollution.

Q. 3 Discuss the scope and extent of right to pollution free environment under Art -21 of Indian constitution. What is the obligation of state for protection of environment under Indian Constitution.

Q. 4 What are the various kinds of Wastes? Explain legal rules as regards the disposal and recycling of Waste.

Section C (20 marks)

(Attempt Any Two)

Analytical type

Q. 5 Environment (Protection) Act, 1986 was enacted under Article 253 of the Constitution of India in the wake of the Bhopal Tragedy. Elaborate role of the Central Government with reference to various authorities constituted under the provisions of this Act.

Q. 6 “Sustainable development is a process consistent with environmental and social considerations”. Comment with the reference of international documents relating to Environmental Law.

Q. 7 Critically analyze the role of judiciary in protecting the environment through public interest litigation in India.

Section D (50 marks)

(Attempt Any TWO Questions)

Application based / Case study based type

Q. 8 A glucose factory is causing air pollution by releasing fly ash and discharge of steam. This cumulatively caused inconvenience and discomfort to the people of that locality. But a lady makes a complaint of public nuisance as her husband is a heart patient. The factory management argued that it is not a public nuisance but only a private nuisance. Advice. (Marks 25)

Q. 9 Konkan Railways have undertaken a project to lay down a broad gauge railway line from Bombay to Kerala via Mangalore that is going to adversely affect the natural environment of that area. A public interest litigation was filed to that effect before the Supreme Court. Discuss the feasibility and probable outcome of the petition. (Marks 25)

Q. 10 The growth of hazardous industries, processes and operations in India has been accompanied by the growing risks of accidents not only to the workmen employed in such undertakings but also to the innocent members of the public who may be in the vicinity. In the light of the above statement, comment upon the provisions of the Public Liability Insurance Act, 1991. (Marks 25)