

Roll No: -----



UNIVERSITY OF PETROLEUM & ENERGY STUDIES

End Semester Examination – December 2017

Program/course: B.Tech. (CSE) LLB (CL); B.Tech. (ET) LLB (IPR)

Subject: Environmental Law

Code : LLBL 431

No. of page/s: 02

Semester –IX

Max. Marks : 100

Duration : 3 Hrs

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

Short Answer type

Q. 1 Write short notes:

- (a) *Rural Litigation & Entitlement Kendra Vs. State of U.P., AIR 1985, 652*
- (b) Environmental Impact Assessment
- (c) Biological Diversity Act, 2002
- (d) Public Trust Doctrine
- (e) Wild Life Protection Act, 1972
- (f) National Green Tribunal Act, 2010

Section B (20 marks)

(Attempt Any TWO-10 Marks Each)

Conceptual type

Q. 2 Discuss the scope and extent of right to pollution free environment under Article 21 of Indian Constitution with reference to relevant case laws.

Q. 3 Analyze the nature of liability of an industry engaged in inherently dangerous and hazardous activity towards the victim of pollution caused by it.

Q. 4 Discuss the provisions of penalty for contravention of the provisions of the *Environment (Protection) Act, 1986*, the rules and orders under it.

Section C (20 marks)

(Attempt Any TWO-10 Marks Each)

Analytical type

Q. 5 The concept of *protection of environment* finds its due place in several Indian Legislations prior to the modern '*post Stockholm Laws*'. Present an overview of these laws as regards prevention and control of Pollution.

Q. 6 Examine national and international perspective on *Sustainable Development*. Why does the resettlement and rehabilitation of people affected by mining and dam projects pose a major challenge in India? Illustrate your answer with a case study.

Q. 7 Environment Protection Act is an umbrella legislation that consolidated the provisions of the Water (Prevention and Control of Pollution) Act of 1974 and the Air (Prevention and Control of Pollution) Act of 1981. Elaborate the role of the *Central Government* with reference to various authorities constituted under the provisions of this Act.

Section D (50 marks)

(Attempt Any TWO Questions)

Application based / Case study based type

Q. 8 *“It is a well-known fact that ‘judicial activism’ has contributed immensely to the field of environmental protection in India. There are hundreds of judgements which have collectively contributed to this cause, yet some of these judgements can be specifically highlighted which have considerably influenced the field of environmental protection. Most of these landmark judgements have also come through the means of Public Interest Litigation (PIL). From making the polluter to compensate for the pollution caused by it to declaring the concept of absolute liability for industries involved in inherently dangerous or hazardous activities, from forest preservation to initiatives for addressing the lack of civic amenities, from pollution of river Ganga to the kind of air people breath in Delhi, from directing the closure of mining operations posing environmental risk to protecting Taj Mahal from losing its shine because of air pollution; all these issues have been taken up by the Courts in India to promote the objective of a clean and healthy environment”.* In the light of the above statement, identify and analyze three landmark judgments rendered by the Indian Judiciary that have considerably influenced the field of environmental protection.

(Marks 25)

Q. 9 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)

Q. 10 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)

Roll No: -----



UNIVERSITY OF PETROLEUM & ENERGY STUDIES

End Semester Examination – December 2017

Program/course: B.Tech. (CSE) LLB (CL); B.Tech. (ET) LLB (IPR)

Subject: Environmental Law

Code : LLBL 431

No. of page/s: 02

Semester –IX

Max. Marks : 100

Duration : 3 Hrs

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

Short Answer type

- Q. 1 Discuss the provisions relating to prevention and control of air pollution in India.
- Q. 2 Discuss the remedies available to a victim of pollution under the Law of Torts.
- Q. 3 Discuss the objectives of the Water (Prevention and Control of Pollution) Act, 1974.
- Q. 4 Write short note on salient features of Biological Diversity Act, 2002.
- Q. 5 Explain the concept of Environmental Impact Assessment.

Section B (20 marks)

(Attempt Any TWO-10 Marks Each)

Conceptual type

- Q. 6 “*Enactment of Water Act and Air Act impliedly repealed Section 133 of the Criminal Procedure Code, 1973 in India*”. Comment.
- Q. 7 Analyze the impact of the ‘*Oleum Gas Leak*’ case and the ‘*Bhopal Gas Tragedy*’ on the formation of laws on the environment enacted during 1984-1997.
- 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-10 Marks Each)

Analytical type

- Q. 9 Discuss the various provisions of Indian Constitution concerning Environmental Protection. Critically analyze the role played by judiciary for the development of Environmental Law in India.
- 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 Discuss the function of Central Pollution Control Board (CPCB) constituted under the Air (Prevention and Control of Pollution) Act, 1981. Discuss the provisions relating to prevention and control of air pollution.

Section D (50 marks)
(Attempt Any TWO 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 25)

Q. 13 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 25)

Q. 14 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 25)