

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December,2019

Course: Environmental Law

Programme: B.A. LL.B. (Hons.) Energy Law/B.Com. LL.B (Hons.) Taxation Law/B.A. LL.B. (Hons.) Constitutional Law/Labour Law/Criminal Law: 2016-21

Course Code: LLBL 431

Semester: VII

Time: 03 hrs.

Max. Marks: 100

No. of page/s: 2

Instructions:

1. Attempt all questions from Section A & D.
2. Attempt any two questions from Section B & C.

SECTION A

S. No.		Marks	CO
Q 1	Examine critically the Polluter's Pay Principle, Precautionary Principle and Absolute Liability Principle as propounded by Indian Supreme Court.	5	1
Q 2	What are the various kinds of Wastes? Explain legal rules as regards the disposal and recycling of Waste.	5	3

SECTION B

Q 3	<i>"The Bhopal Gas disaster lawsuit raised complex legal and political issues, starting from choice of forum to interim compensation to compromise judgment and finally review of settlement". Critically comment and discuss.</i>	10	2&3
Q 4	Elucidate on the new principles evolved by the supreme court in the light of <i>M.C. Mehta v. UOI, AIR 1987 SC 1086</i> and the existing principles of English law, which had resulted in codification relating to handling of hazardous substances.	10	3&4
Q 5	Discuss the various provisions of Indian Constitution concerning Environment Protection. Critically analyze the role played by judiciary for the development of Environmental Law.	10	3&4

SECTION-C

Q 6	<i>"U.N. Conference in Stockholm 1972 was a turning point in the international relations between various nations as it placed the issue of protection of biosphere on the official policy on environmental law". Discuss the scope of the statement from Stockholm to Rio and beyond.</i>	10	2&3
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Q 7	Article 21 has been interpreted by the Supreme Court in the context of two conflicting rights, which are as following- A. The right to life includes the right to a wholesome environment. B. The right to life includes the right to livelihood. Substantiate your answer through the various case laws.	10	2&4
Q 8	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.	10	2&3
SECTION-D			
Q 9	<i>“The shift from strict liability to absolute liability is the need of the hour. The Law cannot remain static”</i> . 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.	20	3,4&5
Q 10	Rajya Sewak, a public spirited NGO filed a PIL before HC Challenging the legality of order passed by chief conservator of forests under Section 2 of the Forest (Conservation) Act, 1980. The NGO contended that the Chief Conservator of Forests had leased out a part of reserved forests to M/s LCD resorts for putting up a Snack Bar and Restaurant to cater to the needs of tourists visiting the area, without taking the prior approval of central government. Decide the legality of the order with the help of judicial precedents.	15	3&5
Q 11	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.	15	4