

Sub Code: LAW 903

Roll No.....

SEMESTER EXAMINATION 2022-2023

Vth Year, BA.LLB

ENVIRONMENTAL LAW

Duration: 3:00 hrs

Max Marks: 70

Note: Attempt all questions. All questions carry equal marks. In case of any ambiguity or missing data, the same may be assumed and state the assumption made in the answer.

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| <p>Q 1.</p> | <p>Answer any four parts of the following within 100 to 125 words.</p> <p>a) Write a detailed essay on the legal provisions on the prevention and control of Noise Pollution.</p> <p>b) Elaborate on the meaning of the word "sustainable development"? What is the polluter pays principle?</p> <p>c) Discuss the powers of central Government under the environment protection Act 1986 for purpose of improving the quality of the environment? Discuss the contribution of the judiciary to the protection of the environment.</p> <p>d) The people of Marur Municipality are suffering from stench and stink caused by open drains. The alcohol plant situated there also releases effluents. The area is having poor sanitation and an open public excretion system by the people creating environmental pollution. What are the rights available to residents of the Marur? Whether a municipality is liable? Can financial inability be an excuse? Decide</p> <p>e) Narrate the framework of Air Act, 1981 and discuss the principles laid down in Taj Trapezium Zone case.</p> <p>f) Write a short note on water pollution and the function of the State Board under the Water Act 1974? Discuss the judicial responsibility for the conservation of forest recourses.</p> | <p>4x3.5=14</p> |
| <p>Q 2.</p> | <p>Answer any four parts of the following within 100 to 125 words.</p> <p>a) What do you mean by 'Precautionary Principle? Does the precautionary principle shift the onus of proving the environmental benign nature of the developmental activity from those who challenge the developmental activity to the author of the developmental activity? Discuss in the light of decided cases.</p> <p>b) What is the linkage between Section 21 and Section 33 of The Water (Prevention and Control of Pollution) Act, 1974? Role of Public Interest Litigation in environmental protection in India.</p> <p>c) Discuss the constitution and jurisdiction of the National Green Tribunal under the National Green Tribunal Act, 2010. Do you think that the objects for which the tribunal was created have been achieved by it? Discuss with reference to case law on the point.</p> <p>d) Change in the environment does not always result in ecological disaster or environmental degradation. Discuss in the light of decided cases.</p> | <p>4x3.5=14</p> |

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| | <p>e) Directive Principles of State Policy under Articles 47 and 48-A are not only fundamental in the governance of the country but also it shall be the duty of the state to apply these principles in law-making. Discuss with reference to the M.C. Mehta V. Union of India, AIR 2002 S.C. 1696</p> <p>f) Smoking in public places is a violation of fundamental rights of the non-smokers". Support with cases.</p> | |
| Q 3. | <p>Answer any two parts of the following within 200 to 250 words.</p> <p>a) Write short notes : (Any Two)</p> <p style="padding-left: 20px;">I. Environment Audit.</p> <p style="padding-left: 20px;">II. Public Participation in Environmental Decision-making.</p> <p style="padding-left: 20px;">III. Vellore Citizens' Welfare Forum v/s Union of India.</p> <p>b) Right to life is a fundamental right under Article 21 of the Constitution and it includes the right to the enjoyment of pollution-free water and air for the full enjoyment of life. Discuss with reference to decided case law.</p> <p>c) When forest land is used for non-forest purposes, what measures are required to be taken to compensate for the loss of forest land and to compensate for the effect on ecology? What do you understand by Air Pollution Control Areas?</p> | 2x7=14 |
| Q 4. | <p>Answer any two parts of the following within 200 to 250 words.</p> <p>a) 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.</p> <p>b) India has a long coastal line which needs to be protected from environmental degradation. Write in detail about the legal provisions for Coastal Zone Management.</p> <p>c) What are the various kinds of Wastes? Explain legal rules as regards the disposal and recycling of Waste. Explain the rules regarding drainage systems for waste disposal by hazardous industries.</p> | 2x7=14 |
| Q 5. | <p>Answer any two parts of the following within 200 to 250 words.</p> <p>a) The Water Act, 1974 is a benchmark in environment-related legislation in India. It provides for the penalties and procedures, to prevent and control Water Pollution. Write your views on the sufficiency of this machinery to secure desired results.</p> <p>b) The Concept of Protection of the 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.</p> <p>c) 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 light of the above statement, comment upon the provisions of the Public Liability Insurance Act, 1991.</p> | 2x7=14 |