

# NATIONAL LAW UNIVERSITY, DELHI

## B.A.LL.B.(HONS.), IV-YEAR, VII-SEMESTER (Batch of 2012) Special Repeat Examinations, July-2017

### Paper 7.2: Environmental Law

Time: 3.00 Hours

Total Marks: 70

Instructions:

1. Read the questions carefully and answer.
2. No clarification shall be sought on the question paper.
3. Do not write anything on the Question Paper except your Roll No.

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- Q.1. The working of a sugar manufacturing unit, in scant neglect of pollution control measures caused water, soil and offensive smell pollution in the neighboring residential colony. As a consequence, a lady resident ailing from blood pressure, diabetes and suffering jaundice approached the magistrate and complained of severe health risk due to the operation of the manufacturing concern.

Can a complaint of public nuisance be made by an individual? What is the remedy, if any? Is the remedy relevant any more in contemporary times? **(11 Marks)**

- Q.2. The severely high PM air levels as well as toxic effluent discharges contaminating the waters and soil, from a number of chemical factories located near a congested township was causing damage to public health, property and environment and had portents of imminent disaster.

Keeping in mind, the basic principles of environmental law as well as those espoused in various case law, recommend legal measures that may be undertaken under the relevant provisions of the different *environmental statutes* in India by the Pollution Control Board, the Citizens and the Central Government. **(12 Marks)**

- Q.3. Comment on the **legality** on *any five* of the following :  
(with appropriate case laws, where possible)

- a) Retrospective application of EIA Notification 1994.
- b) Public consultation sans Public hearing.
- c) EIA for category B1 and B2 Projects.
- d) Traditional shrimp farming in Coastal areas.
- e) Application of CRZ Notification to Territorial waters, Andaman and Nicobar Islands.
- f) Construction of hotels, motels in CRZ-1.

**(5X3=15 Marks)**

- Q.4. Hazardous waste is transported to India with prior informed consent for the purpose of recycling. However it is later attempted to be disposed in a landfill. What is the likely outcome in such a situation in India? What is the international law in this regard? **(12 Marks)**

- Q.5. A reputed private company, known for its environmental consciousness, undertook the construction of a residential complex, after the requisite permissions, in a large tract of private land that was having a wild growth of shrubs and trees.

Objections were raised before various authorities against the activity alleged to be contrary to the provisions of Forest Conservation Act 1980 and finally a PIL was filed by an NGO before the High Court on the issue.

Discuss the likely outcome in view of legal provisions and case law. **(12 Marks)**

- Q.6. A panther that was earlier spotted in a bio reserve park made its way to a nearby human settlement. The nonplussed animal was accosted by a violent crowd of men who beat it up with sticks till it died.

Discuss as to the culpability, if any, under Wild Life Protection Act, 1972.

Explain the concerned law alongwith exemptions on the subject. **(4 Marks)**

- Q.7. In view of the dwindling tiger numbers, it was decided to take urgent steps to counter it. In furtherance of the objective, a number of tribals living in reserved forest area were evicted, after a part of it was declared to be a tiger reserve. As part of the legal advice to the tribals, outline the relevant law in the context of abovementioned illustration. **(4 Marks)**