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21 (9) ENVL 9-2

2017

ENVIRONMENTAL LAW

Paper : 9-2

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

Answer all questions.

1.

1×10=10

(a) Right to a healthy environment is a third generation human right.

(True/False)

(b) Agenda 21 was adopted in the _____ of the the United Nations. (Rio Earth Summit / Stockholm Conference)

(c) The Water (Prevention and Control of Pollution) Act, 1974 was passed by the Parliament under Article _____ of the Constitution of India. (249/252)

Contd.

- (d) The roots of modern environmental law are to be found in the common law, doctrine of nuisance. (True/False)
- (e) Right to intergenerational equity and sustainability is a ——— human right. (first generation / third generation)
- (f) Chipko Movement led by Sunder Lal Bahuguna was the most immediate cause for the enactment of the Forest (Conservation) Act, 1980. (True/False)
- (g) The Environment (Protection) Act, 1986 extends to whole of India ——— the state of Jammu and Kashmir. (including / excluding)
- (h) Human rights violations lead to environmental degradation and that environmental degradation leads to human rights violations. (True/False)
- (i) Sustainable Development concerns the interests of both present as well as future generations. (True/False)
- (j) The World Commission on Environment and Development (WCED), 1983 was headed by ———. (Mrs Indira Gandhi / Mrs G.H. Brundtland)

2. Write short notes on : 2x5=10
- (a) Greenhouse effect
- (b) Acid rain
- (c) Article 47 of the Constitution of India
- (d) In situ Conservation
- (e) Environmental Refugee.

3. Write a detailed account on the provisions of part IV of the Constitution of India concerning environmental protection. 12

Or

Discuss the importance and significance of the Constitution (42nd Amendment) Act, 1976 with regard to environmental protection. 12

4. Define the expression "sustainable development". What are its mandates? Discuss briefly, with special reference to Brundtland Commission's report, 1987. 12

Or

Is there any nexus between human rights and the environment? How does this relation contribute to the cause of environmental protection? 6+6=12

5. What is Noise Pollution? How Noise Pollution is controlled in India? Discuss.

4+8=12

Or

Write short notes on —

6+6

- (a) Precautionary Principle
(b) 'Polluter pays' Principle.

6. Distinguish between the rule of strict liability and the rule of absolute liability in the light of the Supreme Court's verdict in the Shriram Gas Leak Case. 12

Or

Discuss the powers and functions of the State Pollution Control Boards. 12

7. What do you mean by Judicial activism? How does the higher judiciary, in India, respond to public interest litigation on environmental protection? Discuss. Add a few lines on the functioning of the Green Tribunal. 8+4=12

Or

Is there any provision for abatement of public nuisance in the procedural enactment of the Code of Criminal Procedure, 1973? Explain them in the light of the corresponding substantive provisions of the Indian Penal Code, 1860. 6+6=12