

Instructions:

- Question no 1 to 4 carry 14 marks each, with both the questions mentioned in question 1 to 4 of 7 marks each.
- Question no 5 carries 14 marks (each question of 2 marks). Out of the 12 questions, attempt any seven.

Question 1

- i. What are the powers and jurisdiction of the National Green Tribunal (NGT), and how does it contribute to environmental justice in India?"
- ii. Discuss the concept of "Sustainable Development" in the context of Indian Environmental Law. How have Indian courts balanced environmental protection and developmental needs?

OR

- i. Explain the concept of the Polluter Pays Principle. Discuss its significance in environmental protection, provide examples of its application, and evaluate the challenges associated with its implementation.
- ii. How does Public Interest Litigation (PIL) contribute to the protection and preservation of the environment, and what are some landmark cases in this regard?

Question 2

- i. Examine the role of the Environment Protection Act, 1986 in regulating industrial pollution in India. Evaluate the effectiveness of its provisions in achieving the objectives of environmental protection, including the powers of the Central Pollution Control Board (CPCB).
- ii. What are the powers and functions of the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974?

OR

- i. Evaluate the effectiveness of the Graded Response Action Plan (GRAP) in controlling air pollution in Delhi. What are the strengths and weaknesses of the plan, and what additional measures could enhance its impact?
- ii. What is the role of the Supreme Court in promoting environmental protection, and how has it shaped environmental jurisprudence through landmark judgments?"

P.T.O.

Question 3

- i. Key features and significance of the Stockholm Declaration on the Human Environment 1972.
- ii. Explain the powers of the Central Government to take measures to protect and improve the environment under Environment Protection Act, 1986

OR

- i. Analyze the legal framework governing air and water pollution under the Air (Prevention and Control of Pollution) Act, 1981, and the Water (Prevention and Control of Pollution) Act, 1974.
- ii. Why is the right to live in a healthy environment considered a fundamental human right?

Question 4:

Read the case (M. C. Mehta v. Kamal Nath & Ors.; Supreme Court of India)

below and answer the linked questions:

Judgment- The Indian Express published an article reporting that a private company, Span Motels Private Ltd. ('the Motel Company'), owner of Span Resorts, had floated an ambitious project called Span Club. Kamal Nath who was the Minister of Environment and Forests had direct links with this company. The company encroached upon 27.12 big has of land which also included forest land. The land was regularized and subsequently leased to the company on 11th April 1994. Issues raised were- Whether the court has wrongly inducted Mr. Kama Nath as a Respondent in the present petition? Whether the construction activity carried out by the Motel Company justified? The Supreme Court rejected this contention and held that the forest lands which have been given on lease to the Motel by the State Governments are situated at the bank of the river Beas. The Beas is a young and dynamic river and it changes its course very often. The right bank of the river is where the Motel is located comes under forest. The area is ecologically fragile and therefore it should not be converted into private ownership. The Supreme Court applied the 'Doctrine of Public Trust' to the present case. Doctrine of Public trust is an ancient legal doctrine which states that certain common properties such as rivers, seashore, forests and the air were held by Government in trusteeship for the free and unimpeded use of the general public. Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, water and forests have such a great importance to the people as a whole that it would be unjustified to make them subject of private ownership. Therefore- The Court quashed the lease-deed by which forested land was leased to the Motel Company and held that the construction activity carried out by Make Analytical Question based on Above Statement the Motel Company was not justified. The Motel was ordered to pay compensation by way cost for the restitution of the environmental and ecology of the area. The Motel was ordered to construct a boundary wall at a distance of not more than 4 meters for the building of the motel beyond which they were not allowed to use the land of the river basin. The Court restricted the Motel from discharging untreated effluent into the river. Himachal Pradesh Pollution Control Board was directed to inspect and keep a check.

answer the linked questions

- (i) How did the Supreme Court apply the Doctrine of Public Trust in the Span Motels case, and what is the significance of this doctrine in protecting natural resources?
- (ii) Discuss the judicial measures ordered by the Supreme Court to mitigate environmental damage caused by Span Motels and their long-term impact on ecological preservation.

OR

- (i) In what ways does the Span Motels case highlight the role of the judiciary in addressing conflicts between environmental conservation and private ownership?
- (ii) How does the Doctrine of Public Trust reinforce the accountability of the government in managing natural resources for public welfare?

Question 5**Attempt seven out of twelve questions mentioned below:**

- A. What does the principle of "Sustainable Development" entail?
 - a) Focusing solely on economic growth
 - b) Meeting the needs of the present without compromising future generations' ability to meet their own needs
 - c) Exploiting natural resources for immediate gain
 - d) Reducing government regulations on industries
- B. Which of the following is NOT considered a tortious remedy available for environmental protection in India?
 - a) Nuisance b) Strict Liability c) Injunction d) Compensation
- C. What section of the Environmental (Protection) Act, 1986 allows citizens to file a suit for environmental protection?
 - a) Section 19 b) Section 133 c) Section 268 d) Section 32
- D. In environmental law, who is held responsible under the Polluter Pays Principle?
 - a) The consumers of polluted products
 - b) The party responsible for producing pollution
 - c) The local government
 - d) Environmental activists
- E. What is tortious liability?
- F. Explain the significance of Article 48-A
- G. Which Indian constitutional article imposes a duty on the state to protect and improve the environment?
- H. Define 'Polluter Pays Principle' Concept?
- I. What is "Precautionary Principle"?
- J. What is the purpose of the Basel Convention?
- K. Two Obligations of Producers, in Extended Producer Responsibility (EPR)
- L. What does the term "environmental justice" refer to?

----- End of Paper -----

