

# NATIONAL LAW UNIVERSITY DELHI

**LL.M. (Professional), Semester-II (LBSNAA Students-Batch of 2020)**

**End Semester Assessment (Online), September-2022**

**Paper: Indian Environmental Law Framework**

Time: 6:00 hrs.

Total Marks: 100

## **Instructions:**

1. This is an open book, take home assessment. No clarification shall be sought on the question paper.
  2. Answer any five questions from the given.
  3. Each question carries 20 marks.
  4. Word limit for each question is maximum 1000 words. Limit for each sub-question carrying 10 marks is maximum 500 words.
  5. Word limit for 5 marks questions is 300 words.
  6. Cite appropriate statutory provisions and case laws as where required to substantiate your arguments.
  7. Submit the answer scripts either as scanned handwritten answer scripts in PDF format or typed MS Word document.
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1. The public interest litigations have tried to ensure access to justice to every person in India by relaxing the rule of *locus standi*. In this context, answer the following:
    - 1.1. The public interest litigations led to judicial review of executive and legislative actions and expanded the ambit of fundamental rights. Analyze the statement by providing examples. **(10 Marks)**
    - 1.2. These litigations were venues of application of several environmental law principles to domestic jurisprudence like polluter pays principle, precautionary principle and intergenerational equity. Substantiate with suitable case laws. **(10 Marks)**
  2. The policies like total sanitation campaigns introduced by Swatch Bharat Abhiyan have tremendously changed the sanitation profile of the country, despite the absence of a statutory framework. Nevertheless, these policies frameworks reflect a 'race to build toilets' than assuring a rights-based approach to ensure equitable sanitation for all. Do you agree with this statement? Substantiate with valid arguments and suggestions on reforming the sanitation mission in India to reflect a rights-based approach. **(20 Marks)**
  3. The pollution control laws establish statutory authorities to address the menace of different pollution. Evaluate the pollution control laws in India (Air, Water and Environment Protection Acts) and examine the liability regime established by these laws. Rely on case laws wherever necessary to substantiate your arguments. **(20 Marks)**
  4. Give an account of development of environmental law in India with adequate emphasis on role of judiciary in strengthening of environmental jurisprudence in India. **(20 Marks)**
  5. The laws on managing forest resources developed during the British Era reflected their commercial aspirations and depriving the community rights to indigenous peoples. Answer the following questions.

- 5.1. The Forest Act 1927 provides sweeping powers to the State depriving democracy in forest governance. Critically examine statement in the light the various powers exercised by the State under this legislation. **(10 Marks)**
  - 5.2. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has tried to ensure participation of forest dwelling communities in forest management in India. Do you agree? Substantiate your arguments by relying on provisions of the legislation and case laws. **(10 Marks)**
- 6 The Wildlife Protection Act 1972 is one the first legislation enacted by India after the Stockholm Conference 1972 aiming to protect wildlife species from human encroachment. The Biodiversity Act 2002 tries to implement India's obligations under Convention on Biological Diversity.
- 6.1. Explain what are the powers and responsibilities of a District Collector and Chief Wildlife Warden under the Wildlife Protection Act 1972? **(5 Marks)**
  - 6.2. Biodiversity Act envisages three objectives: conservation of biological diversity, sustainable use, and fair and equitable sharing of benefits arising out of use of resources and knowledge. Explain how the law envisages a fair and equitable sharing of benefits. **(10 Marks)**
  - 6.3 Under Biodiversity Act, critically examine the role of National Biodiversity Authority and Biodiversity Management Committees in ensuring conservation of biological diversity of our country. **(5 Marks)**