

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Environmental Law
Semester-VII (Batch: 2013-18)

Mid Semester Test: August-2016

Date: 6th August, 2016

Duration: 2 hours

Max. Marks: 30

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Cite relevant cases where ever required.

	Answer all questions	Marks
Q.1	<p>“The purpose of British rule in India was not to protect the nature’s wealth and people’s interests in India. It is obvious that the content of their laws furthered their own intention of getting the best out of available resources for their benefit.”</p> <p>In View of this discuss how the advent of British rule significantly changed the nature of environmental governance in India.</p>	(05)
Q.2	<p>“Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.”</p> <p>Justify this Principle of Stockholm Declaration and the role of Indian Judiciary which provides an impetus to the campaign against pollution.</p>	(05)
OR		
Q.3	<p>Sustainable development has become a Central Objective in National and International Policy of Development. Increasingly it also finds place in International and National Laws. Comment the International Obligation towards sustainable development.</p>	(05)
Q.4	<p>In the posh area of south Delhi in Green Park is located the Rajshree Cinema. Though it was constructed sometimes in 1973, however, after renovation, the first film was released on Friday, the 13th June, 1997. During the matinee show of the film, immediately after the interval, the audience in the cinema hall saw smoke coming out of the side of the screen. Most of the patrons sitting in the hall thought it was some special effect which was a part of the film realizing little that a fire had broken out in the cinema building. By the time they realized that the smoke had engulfed the hall because of the fire in the building it was too late for many of them to leave the balcony. The entire balcony area and the stairs leading to the balcony were so full of smoke that it had become impossible for many of the patrons to go out of the building. Because of smoke and carbon monoxide released by the burning oil and other combustible material, the people in the auditorium started suffocating. The Shift In-charge of the Green Park</p>	(3+3+ 2+2 =10)

Complaint Centre of DVB (Delhi Vidyut Board) received a telephonic message at the relevant point of time, regarding the fire. It was only then that the AIIMS grid to which the transformer in question was connected was switched off and the flow of energy to the cinema complex stopped. Inside the auditorium and balcony there was complete pandemonium. The people in the balcony are said to have rushed towards the exits in pitch darkness as there were neither emergency lights nor any cinema staff to help or guide them. No public announcements regarding the fire was made to those inside the auditorium or the balcony, nor was any fire alarms set off, no matter the management and the employees of the Rajshree Cinema were aware of the fact that a fire had broken out. Even the Projector Operator was not given instructions to stop the film while the fire was raging nor was any patron informed about the situation outside. On the contrary, doors to the middle entrance of the balcony were found to be bolted by the gatekeeper who had left his duty without handing over charge to his reliever. Similarly, the gangway on the right of the middle entrance was significantly narrower than required under the regulations. All these obstructions, deviations, violations and deficiencies had, resulted in the victims getting trapped in the balcony for at least 10-15 minutes exposing them to lethal carbon monoxide, and as a result thereof 59 people, which included infants and children, lost their lives because of asphyxiation and about 103 other people's sustained injuries.

In this connection the Victims' families sought civil compensation from Theatre owner, and the Delhi government alleging 'negligence' on their part which led to the fire in the cinema hall.

In view of above stated facts answer the following.

1. What judicial remedies are available to the Victims' families?
2. Discuss the Principles of Liability.
3. Whether there was any negligence on the part of the Delhi Vidyut Board in the installation and maintenance of its transformer from where the fire is stated to have started?
4. Whether or not there was any negligence on the part of other authorities in not observing the highest standards to ensure that no such incident of fire took place?

Q.5 Konkarn Railways have undertaken a project to lay down a broad gauge railway line from Bombay to Kerala via Mangalore that is going to adversely affect the natural environment of that area. A Public Interest Litigation was filed to that effect before the Supreme Court. Discuss the admissibility of the petition. (04)

Q.6 A PIL was filed by the NGO in the High Court, highlighting the mining activities which have denuded the Mussoorie Hills of trees and forest cover & accelerated soil erosion resulting in landslides & blockage of underground water. The Court ordered for the closure of polluting quarries. On Appeal to Supreme Court the quarry owner as well as workers employed therein contends that "closing down order" cannot be passed in view of their right to life under Article 21 of the Constitution. (06)

In view of this discuss how the constitution has struck the balance between environment and its development by initiating the various principles such as Polluters Pay Principle (PPP) in Indian Environmental Jurisprudence thereby linking right to clean and unpolluted environment with right to life under Article 21.
