

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Environmental Law
Semester-VII (Batch: 2014-19)

Mid Semester Test: August-2017

Date: 18th August, 2017

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 anything 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.
- **Bare Act is not allowed.**

- | | | Marks |
|-----|--|-----------|
| Q.1 | <p>“The history of International Environmental dialogue is a history of attempts to bridge contradictory ideological premises and divergent realities to further a common Environmental Agenda”.</p> <p>Elucidate the above in the light of international Environmental dialogue from Stockholm to Johannesburg.</p> | (05) |
| Q.2 | <p>The residents and rate payers of the Hyderabad Municipal Corporation who are living around the demarked area for the development of a park challenged the action of the Municipality allowing Life Insurance Corporation of India (LIC) and Income Tax Department (I.T. Department) to construct residential houses in the area demarked for the park, before the Andhra Pradesh High Court. They prayed the Court to direct the Municipal Corporation to develop the entire area as Public Park according to the development plan. Long prior to the issuance of the development plan, the Government had planned for the creation of much larger park covering 200 acres of land. However, it dropped the plan and declared its intention to acquire only acres 99.19 cents for the purpose of the park. Actually the area was acres 101.19 cents. The said area is part of the land which is meant for the development of a recreational park. Subsequently out of acres 151.55 cents 37 acres of land was acquired for the purpose of enabling LIC to build houses. A small portion of 37 acres of land was sold to Income Tax Department by the LIC. Out of acres 101.19 cents the Municipal Corporation has developed an area of 50 acres as a park. However, it allowed LIC build a few residential houses in its area of 37 acres and Income Tax department also wanted to build houses in allotted area. The petitioners challenged this before the High Court of Andhra Pradesh and complained that the balance about 51 acres of land out 151.5 cents as shown in the development plan ought not allowed to be used by the LIC and I.T. Department. In view of above stated facts discuss</p> <p>(a) The Concept of Public Trusteeship as one of the essential feature of Sustainable Development.</p> <p>(b) Discuss the admissibility of the petition.</p> <p>(c) Enumerate the right to wholesome environment is a part of the right to life, guaranteed under Article 21 of the Constitution of India.</p> | (3x3= 09) |

- Q.3 The Appellant herein claims herself to be a member of the Okkiam Thoraipakkam Panchayat Union. There exists a temple tank in the said village. The village is located on both sides of the main road connecting Chennai City with Mahabalipuram on the Old Mahabalipuram Road. The said tank admittedly was lying in disuse. It was in fact an abandoned one. The Panchayat took a decision of constructing a shopping complex for the purpose of user thereof for resettlement of those persons who were displaced due to expansion of a highway project. The State of Tamil Nadu also issued a Government Order permitting constructions of a shopping complex therein. A writ petition was filed by the Appellant before the High Court of Madras, questioning the said decision. By an order dated 06.12.2005, the High Court, having regard to the stand taken by the Respondent herein in their counter affidavit, appointed the Director, Centre for Water Resources, Guindy, Chennai, as the Commissioner to inspect the tank land and submit a report in regard to the condition thereof. Pursuant to or in furtherance of the said direction, an inspection was carried out at the instance of the Director. A report by the Centre of Water Resources, College of Engineering Guindy, Anna University, Chennai also was filed before the High Court. Relying on or on the basis of the said report, a Division Bench of the Madras High Court by reason of the impugned order dismissed the writ petition filed by the Appellant herein. The Appellant is thus filed an Appeal before the Hon'ble Supreme Court. (2x3=06)

In view of above stated facts discuss

- (a) Whether the development could be given primacy over and above the need to protect the environment and valuable freshwater resources?
 - (b) Discuss the conceptualization and equitable basis of Sustainable Development.
- Q.4 Discuss the changing dimensions of Indian Legal System as adequately developed to deal with Mass Tort litigation. (05)

OR

Discuss how advent of British rule significantly changed the nature of environmental governance in India.

- Q.5 Write Short notes on **any two** of the following: (2x2.5=05)
- (a) "No Fault" liability principle under Public Liability Insurance Act, 1991
 - (b) International Norm Making
 - (c) Polluter Pays Principle
