

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Environmental Law
Semester-VII (Batch: 2015-20)

End Semester Examination: Oct-Nov. 2018

Date: 20th October, 2018

Duration: 3 hours

Max. Marks: 50

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.

Part-A**Answer all the questions:****Marks**

- Q.1 People's Welfare Foundation of Goa moved a Writ petition by way of Public Interest Litigation in the Bombay High Court, objecting to the construction of a hotel in the area of Nagorcem, Palolem Beach, Goa, on the ground that the said land comes under the purview of CRZ-I (eco-sensitive coastal zone). The plan as well as sanction was questioned by the appellant and challenged in contravention of the provisions of EPA, 1986. The plea for issuing mandamus was put forward by the appellant against hotelier Palm Pvt. Ltd. It was also contended before the High Court that there exist large number of sand dunes and by permitting the Respondent to have the hotel complex on the plot of land will ultimately lead to irreversible ecological damage of the coastal area and, therefore, the Court should prevent such construction. Since the factual backdrop depict that Palm Pvt. Ltd. obtained the clearance from Ministry of Environment and Forest and Climate Change and subsequently sanction from Municipal Council for the Construction of hotel in the Coastal Regulation Zone (CRZ). (4+3+3=10)
- In view of the above stated facts, answer the following:
- (a) Discuss the classification of coastal zones under CZR Notification 2011 and proposed changes in the new draft Coastal Regulation Zone (CRZ) Notification, 2018.
 - (b) Discuss the recommendations of Swaminathan Committee Report, 2005.
 - (c) Discuss the admissibility of petition.
- Q.2 Andhra Pradesh State Road Transport Corporation is one of the biggest consumers of the lubricating oils. The lubricating oils used by the A.P. State Road Transport Corporation and various others are recycled for the purpose of their being reused. The allegation made in the writ application is that no authorization therefor is obtained and some persons are purchasing used oil from the users of the lubricating oils, including the A.P. State Road Transport Corporation and A.P. State Electricity Board, for the purpose of refining the same with various chemicals, as a result whereof serious threat to environment is being caused. By reason of such process, without taking precautionary measures, even the quality of the underground water is affected. (4+3+3=10)
- Shri. P Reddy, the petitioner by this writ application, has prayed for issuance of a writ in

the nature of Mandamus directing the Andhra Pradesh State Road Transport Corporation, the respondents to strictly follow the Rules known as 'Hazardous Waste (Management & Transboundary Movement) Rules, 2016' while handling and disposing the used oil for re-refining or re-processing and also disposal of the waste generated during the process.

In view of the above stated facts, answer the following:

- (a) Discuss the classification of Waste under the Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016.
- (b) Discuss the treatment, storage and disposal facility for hazardous and other waste under the above Rules.
- (c) Discuss the BARC's contribution to research and development on High Level Waste (HWL) management.

Part-B

Answer any two of the following:

- Q.3 The Environment Support Group, a trust filed a writ petition by way of Public Interest litigation in the Karnataka High Court. The petitioner drew the attention of the Court to the continuing failure on the part of regulatory authorities against various Public Agricultural Universities that are involve in criminal bio piracy of local varieties of eggplant. The petitioner also highlighted the Notification of 2009 issued by Ministry of Environment, Forest and Climate Change, wherein the MOEF & CC had identified 18 critically endangered plants among its 190 plants as normally traded commodities. (4+3+3=10)

The petitioner had raised the contention that entire process by which the proprietary product had been developed was in comprehensive violation of the Biodiversity Act, 2002 and they have constituted an outrageous act of bio piracy of India's endemic eggplant varieties. Hence the petitioner moved the present PIL for seeking direction to compel the regulatory agencies to move against Public Agricultural Universities and Companies for bio piracy and to strengthen the regulatory process to prevent any further act of bio piracy.

In view of the above stated facts, answer the following:

- (a) Elucidate the main objectives of Convention on Biological Diversity, 1992.
- (b) What is the National Biodiversity Authority required to do when it receives an application for approval to use Indian biological resources and associated knowledge?
- (c) What are the consequences of lack of compliance with the Biological Diversity Act, 2002?

- Q.4 The Collector of Daman, a Union Territory, leased out for a period of five years a site in the reserved forest area to Kamat Holiday Resort Pvt. Ltd. (the respondent) for the promotion of tourism and to put up a snacks bar and a restaurant to cater to the needs of tourist visiting forest. The Conservator of forest raised the objection pointing out that the permission of the Central Government was not obtained as required under the Forest Conservation Act, 1980 for the purpose of de-reservation of forest land for non-forest purpose. (4+3+3=10)

In view of the above stated facts, answer the following:

- (a) Discuss the provisions of restrictions on the use of forest land for non-forest purposes under the Forest Conservation Act, 1980.

- (b) Discuss the applicability of the provisions of the Forest Conservation Act, 1980 to the Union Territories.
- (c) Discuss the punitive mechanism under the Forest Conservation Act, 1980.

Q.5 "The marine environment supplies many ecosystems that support biodiversity in coastal and open ocean habitats. Marine ecosystems provide many resources that are beneficial to society and a significant proportion of the world's population depends intimately on the oceans and coasts for survival and well-being. The pressure on marine ecosystems and the resources they provide is increasing as threats introduced by land-use change, overfishing, climate change, the invasion of non-native species and other impacts of anthropogenic activities affect biodiversity." (10)

In view of the above observation, elucidate the different programme areas highlighted under Chapter 17 of Agenda 21 for the sustainable development of the marine environment and the standards of International Maritime Organization (IMO) to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation.

Part-C

- Q.6 Write short notes on **any two** of the following: (2x5 =10)
- (a) Nagoya protocol
 - (b) The Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
 - (c) Environmental Auditing in India
