

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Environmental Law
Semester-VII (Batch: 2016-21)

End Semester Examination: October-2019

Date: 14th October, 2019

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 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.

Part-A

Marks

Answer any two of the following:

- Q.1 “Consuming radionuclide contaminated food will increase the amount of radioactivity inside a person and therefore increase their exposure to radiation, thereby possibly increasing the health risks associated with radiation exposure. The exact health effects will depend upon the radionuclides which have been ingested and the amount being ingested. Over time, radioactivity can also build up within food, as radionuclides are transferred through soil into crops or animals, or into rivers, lakes and the sea where fish and other seafood could take up the radionuclides.” (10)
In view of the above statement, critically analyze the observations made in the case of Dr. Shivarao Shantaram Wagle & Ors vs Union of India & Ors 1988 AIR 952 and how safe levels of radionuclides in food items came to be set and its limits were tested.
- Q.2 Discuss the legal validity of Bhopal settlement which raised the fundamental issues as to the constitutionality, legal validity, fairness and conscionability of the settlement of claim under the Review Petition and Writ Petition which were filed in Hon’ble Supreme Court of India in Union Carbide Corporation v Union of India, (1991) 4 SCC 584. (10)
- Q.3 “The marine environment supplies many ecosystem that support biodiversity in coastal and open ocean habitats. Marine ecosystems provide many resources that are beneficial to society and a significant proportion of population depends immensely on the oceans and coasts for survival and wellbeing.” (10)
In view of the above observation, elucidate the major objectives of Agenda 21 with reference to the marine environment and role and responsibilities of International Maritime Organization (IMO) as a United Nations specialized agency to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation.

Part-B

Answer any two of the following:

- Q.4 “Universal human dependence on the use of environmental resources for the most basic needs renders it impossible to refrain from altering environment. As a result of which environmental conflicts are ineradicable and environmental protection is always a matter (10)

of degree”.

In view of this, discuss the detail guidelines laid down by Hon'ble Supreme Court of India for Environment Impact Assessment appraisals of projects under EIA Notification 2006 and the implementation of Coastal Zone Management Notification 2010 in *Godavarman Thirumulpad v Union of India* (2014) 4 SCC 61.

- Q.5 “The rapid decline of India's wild animals and birds, one of the richest and most varied in the world, has been a cause of grave concern. Some wild animals and birds have already become extinct in this country and others are in the danger of being so. Areas which were once teeming with wildlife have become devoid of it and even in Sanctuaries and National Parks, the protection afforded to wildlife needs to be improved.”
In view of the above observation, critically analyze the issues raised in *Gateway Hotels & Gateway Resorts Ltd. v Nagarhole Budakattu Hakku Sthapana Samiti* AIR 1997 KAR 288. (10)
- Q.6 The Basel Convention is viewed by many as sanctioning the practice of exporting hazardous wastes by developed countries—a practice that degrades the environmental and health conditions in developing countries. Should the Basel Convention have enforced an absolute ban on such exports instead of approving the legitimate and regulated transport of hazardous wastes? Discuss the rules to control Hazardous wastes in India. (10)

Part-C

Answer any one of the following:

- Q.7 The Writ petition was filed on behalf of an association of public activists in public interest. Main grievance in the petition was that as a result of display of fireworks and use thereof during festivals and marriages, physical and mental hazard was suffered by adults as well as children. Noise pollution was caused due to use of high-sounding explosive fireworks and other blaring sound-producing devices and the effect of the same results in pollution in sound, which was hazardous. It was also submitted that because of indiscriminate use of loudspeakers, noise pollution has become a routine affair affecting mental as well as physical health of citizens. There was noise pollution notwithstanding specific instructions were issued by the Deputy Commissioner of Police, Head Quarters, Delhi. It was highlighted that manner in which sound pollution was caused and the impact of such sound pollution on the health of the people, was a cause for great concern. (2x5= 10)
- Noise has both auditory and non-auditory effects depending upon the intensity and the duration of the noise level. It affects sleep, hearing, and communication, mental and physical health. Noise can disturb our work, rest, sleep, and communication Disturbance of sleep. Noise intrusion can cause difficulty in falling asleep and can awaken people who are asleep. Not only might there be harmful consequences to health during the state of alertness, but research also suggests effects may occur when the body is unaware or asleep.
- In view of the above stated facts discuss
- What remedial measures can be adopted under Noise Pollution (Regulation and Control) Rules, 2000, in view of the fundamental rights guaranteed in Art.19(1), 25 and 26 of the Constitution of India?
 - Discuss the ambient air quality standard in respect of noise for different areas/zone as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000.

- Q.8 Environmental Audit being a strong management tool should be administered by industry for its own self-assessment. Developed countries all over the globe have gone ahead in environment quantification; but unfortunately, there is a lack of awareness about pollution and environmental hazards among the common people in India. In the light of this situation, elucidate the essential aspects, process and procedure of Environmental Auditing in India and highlight the emerging dimensions in the auditing practices. (10)
