

**NINTH SEMESTER LL.B. (FIVE YEAR) AND FIFTH SEMESTER  
LL.B. (THREE YEAR) DEGREE EXAMINATION, MAY 2011**

**ENVIRONMENTAL LAW INCLUDING LAWS FOR PROTECTION OF WILDLIFE AND  
OTHER LIVING CREATURES INCLUDING ANIMAL WELFARE**

Time : Three Hours

Maximum : 80 Marks

**Part A**I. Answer any *five* questions. Each question carries 4 marks :

- (a) Discuss the nature of environment as a vital factor affecting the life and existence of all living creatures including man, animals and other living organisms.
- (b) Examine the existence of environmental laws and their adequacy for the development and protection of environment, conservation of forests, wildlife, ancient monuments, and other properties of antique value. Discuss the historical, comparative and international perspectives of such laws.
- (c) What are the different ways in which air and water get polluted and what are the legislative efforts for the control of air and water pollution?
- (d) Discuss the need of public participation in the efforts for the development and protection of environment and the control of environmental pollution.
- (e) Discuss the measures of pollution control under Common Law describing the various remedial measures in it.
- (f) Discuss the scope of criminal sanctions under the Criminal Law and the Indian Penal Code to fight against environmental degradation.

(5 × 4 = 20 marks)

**Part B**II. Answer any *three* problems. Each problem carries 10 marks : —

- (a) A factory in a particular locality is polluting the environment of the locality by the emission of smoke and other effluents. It creates health problems and causes different types of diseases to the people in the locality and in its vicinity. The people of the locality wants to take effective remedial measures to protect the locality and its inhabitants from the hazardous emissions of smoke and other poisonous effluents. Discuss the remedies available to the people.

Turn over

- (b) The activities of a number of small scale industries sprouted on the banks of a small river polluted the water of the river, the soil and the ambient air. The people in the vicinity of the area complain that the pollution caused by these industries badly affect their health and has become hazardous to their life, cattle, plants and crops. Discuss the remedial measures available to the people.
- (c) The accused was charged with the offence of shooting and killing a tiger while going through the forest. The accused pleaded that he was not acting in violation of the provisions of the Wildlife Protection Act and he was acting only in self protection, the tiger being of a ferocious nature. The facts and circumstances of the case also lent support to the plea of the accused, but the accused had no justification for being in the forest with a gun without proper licence. Decide.
- (d) A multinational company was prosecuted for leakage of poisonous gas which was the cause of death, disablement and disease of thousands of workers and others in the vicinity of the factory owned by the company. The injured persons and their dependents filed suits claiming crores of rupees as damages. In the court the company agreed to pay substantial amounts as compensation provided the prosecution was withdrawn on terms of mutual consent. Accordingly the prosecution was withdrawn. Examine the validity of this arrangement.

(3 × 10 = 30 marks)

**Part C**III. Answer any *two* questions. Each question carries 15 marks :

- (a) Discuss the relevant provisions of the Environmental Protection Act, 1986 aimed at protecting the environment and preventing environmental pollution.
- (b) Describe the constitution, powers, functions and jurisdiction of the Boards for prevention and control of water pollution.
- (c) What is the role of the judiciary and what are the contributions by way of judicial process and public interest litigation invoking the rights under Article 21 of the Constitution and the other constitutional remedies for the protection of environment? Discuss.

(2 × 15 = 30 marks)