

**2013**

**LL.M.**

**3RD SEMESTER EXAMINATION**

**GROUP : ENVIRONMENTAL LAWS**

**PREVENTION AND CONTROL OF POLLUTION**

**PAPER—LLM\_302**

*Full Marks : 100*

*Time : 4 Hours*

*The figures in the right-hand margin indicate full marks.*

*Candidates are required to give their answers in their own words as far as practicable.*

*Illustrate the answers wherever necessary.*

*Answer any four questions.*

1. 'Sustainable Management and Conservation of Natural Resources can be ensured only if there are incentives for their stewardship by local communities. This is particularly true for forest areas inhabited by tribal people and other forest dwellers — where they are critical stakeholders'.

In the light of the above statement, critically discuss the object of the Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act 2006 and also elaborate whether the Act has been able to fulfil its object. 25

2. The title of the ENVIRONMENT PROTECTION ACT gives an impression that the law signifies a paradigm shift in emphasis from the concept of pollution control to the wider aspects of environmental protection'.

Analyse the above statement in the light of the provisions of the Environment (Protection) Act, 1986. 25

*(Turn Over)*

3. 'The Water Act, the present legislation on pollution of water renders a system of control different from those in any other law in the past'.

In the light of the above statement critically analyse the salient features of the Water Act.

In what respect does it differ from earlier legislations on the subject? 15+10

4. Critically discuss the penal provisions concerning the prevention of Air and Water Pollution in India, and also elaborate in your own words whether the provisions are sufficient for control of pollution. 25

5. 'Eco System is not only effected by pollution, but changes in the manner in which people interact with them'. — Explain the statement in the light of evolving environmental jurisprudence in India. 25

6. Compare and contrast the provisions of Public Liability Insurance Act 1991 and the National Green Tribunal Act 2010.

In what respect does the National Green Tribunal differ from PLIA in respect of claims for environmental accidents. 25

7. Critically examine the provisions of law in India regarding Western Management. 25

8. Write short notes on any *two* of the following :  $12\frac{1}{2} \times 2$

(a) National Environment Policy in India.

(b) Principle of Polluter pays.

(c) Sustainable development.