



Post Graduate Diploma in Urban Environmental Management and Law
June 2022-2023

Last date of Submission: 10th October, 2022

Total Marks: 50

The word limits and marks allocated to each question are mentioned after the question

Course 2: Law and Policies Pertaining to Environment

Assignment 2

Note: Each question has an option of either a subjective or analytical question. Please attempt ANY ONE of the questions.

Question 1:

Critically analyse the recently proposed amendments to the Environment Protection Act, 1986; Air (Prevention and Control of Pollution) Act, 1981; and Water (Prevention and Control of Pollution) Act, 1974.

(10 marks, 800-1000 words)

OR

Question 1: Answer the below questions:

- A. The Government of India is decriminalising several legislations including those relating to environment. *What is the rationale given for decriminalising* Environment Protection Act, 1986; Air (Prevention and Control of Pollution) Act, 1981; and Water (Prevention and Control of Pollution) Act, 1974. **(1 mark)**
- B. In **50-75 words**, write your opinion on the above rationale. **(1 mark)**
- C. Match the proposed amendment to EPA, Air Act and Water Act in Box A to the correct Act in Box B. **(Note: One item in Box A may also match with multiple in Box B, i.e., one amendment mentioned in Box A may be applicable to 2 or more of the Acts mentioned in Box B)**



Box A	Box B
(i) Appointment of an adjudicating officer not below the rank of Joint Secretary to the Government of India or Secretary to the State Government for determining penalties.	(a) Environment Protection Act, 1986 ----- (b) Air (Prevention and Control of Pollution) Act, 1981 -----
(ii) Appointment of District Magistrate as Adjudicating officer to determine penalties.	(c) Water (Prevention and Control of Pollution) Act, 1974
(iii) Exemption of certain categories of industries from obtaining consent to operate under the Act.	
(iv) Establishment of a Fund where penalties will be transferred.	
(v) Power of Central Government to prescribe guidelines for State Board on matters relating to grant, refusal or cancellation of consent.	

(8 marks)

Question 2:

Understand the following concepts under Administrative Law and *describe how each of them apply to the environmental law framework in India:*

- a) Delegated Legislation
- b) Principles of Natural Justice
- c) Judicial Review of Administrative Action

(5 marks each, Total 15 marks, 500-800 words each)

OR

Question 2: Understand the concepts of *delegated legislation, principles of natural justice, and judicial review of administrative action* and answer the below question.

Write down against each listed provision which concept it represents.



- i. Section 5A of the EPA, Section 31B of the Air Act, Section 33B of the Water Act.
- ii. Section 3, 6, 25 of the EPA.
- iii. Section 19 of the NGT Act.
- iv. Section 19(3) & 20(3) of the Biological Diversity Act.
- v. Section 16 of the NGT Act.
- vi. Section 6(2) of the Water Act
- vii. Section 61 of the Wild Life (Protection) Act.
- viii. Section 21(4) of the Air Act.
- ix. Section 52(2) of the Indian Forest Act.
- x. Section 4 of the Indian Forest Act.
- xi. Section 50(3A) of the Wild Life (Protection) Act.
- xii. Section 8,9 of the Biological Diversity Act.
- xiii. Section 31(4) of the Air Act.
- xiv. Section 21(4) of the Air Act.
- xv. Section 58-I of the Wild Life (Protection) Act.

(15 marks)

Question 3:

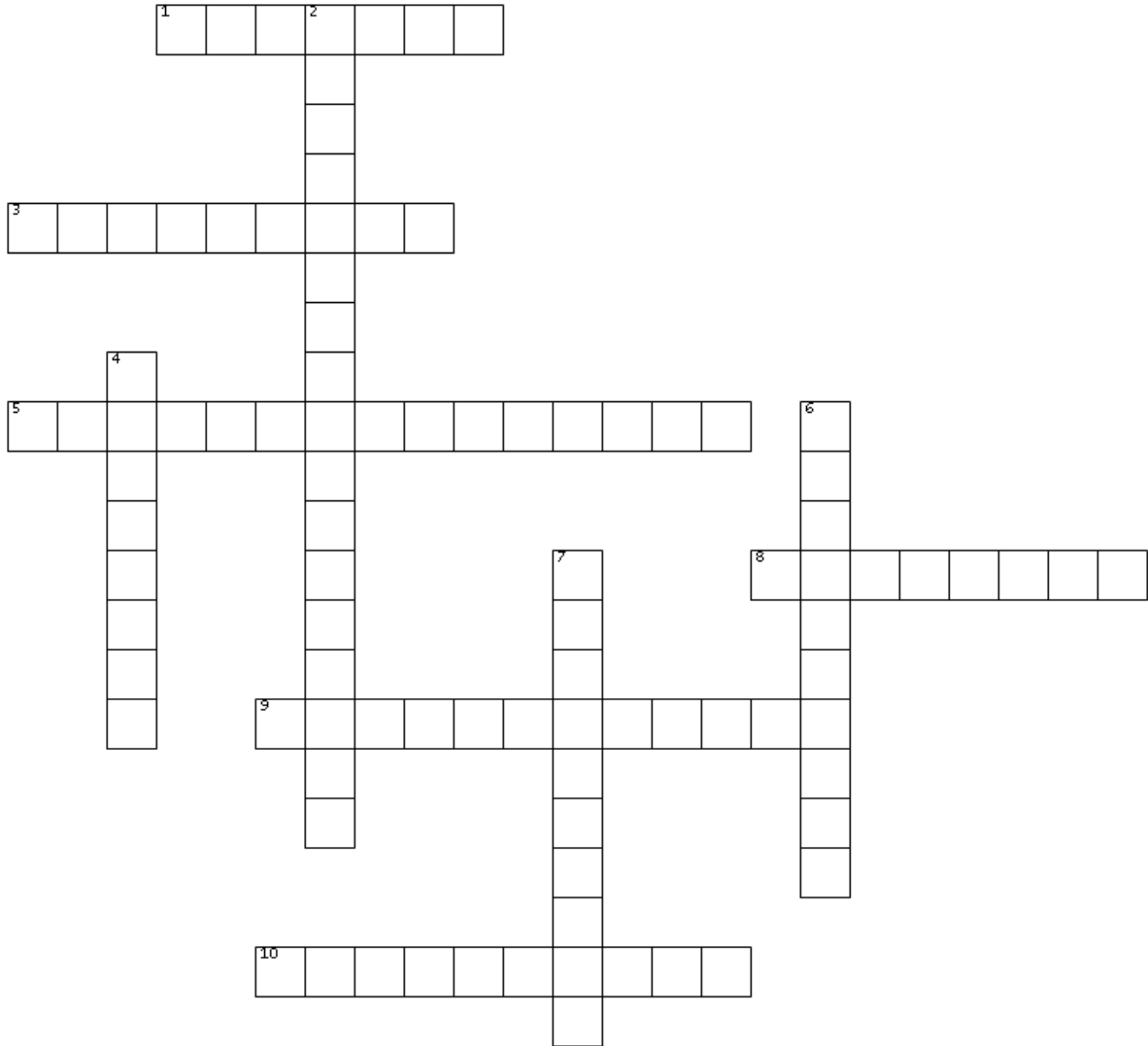
Discuss the interlinkage between environment law and tort law in India, explain the same with 3 case studies.

(10 marks, 800-1000 words)

OR

Question 3: Solve the crossword puzzle below.

(Note: Where the answer involves two or three words, there is no space between the words. For example: If the answer is Sustainable Development, it would fit in the crossword as SustainableDevelopment)



ACROSS

1. Compensation in tort.
3. Body of unwritten laws on the basis of judicial decisions. (2 words)
5. Principle propounded in Rylands v. Fletcher. (2 words)
8. Unlawful interference with the use or enjoyment of land.
9. Under the Air Act, 1981, the word noise is used within the definition of _____ (2 words)
10. This theory encompasses that the uncertainty of an activity should be borne by the person who is in a better or a relatively good position to handle such a risk. (2 words)

DOWN

2. Principle propounded in the Oleum Gas Leak Case (2 words)



4. Invasion into rights over a property.
6. Judicial order to restrain.
7. Failure to exercise the normal duty of care.

(10 marks)

Question 4:

Article 21 of the Indian Constitution encompasses a right to healthy environment while the concept of ‘rights of nature’ is growing in legal jurisprudence across the globe. Discuss the growth of the concept and the possibility of incorporating ‘rights of nature’ it within the Indian Constitution. (Refer to Indian and International case laws and case studies)

(15 marks, 1000-1200 words)

OR

Question 4:

A. Match the case in Box A to the correct option in Box B.

Box A	Box B
(i) Lalit Miglani v. State of Uttarakhand	(a) Article 21 of the Indian Constitution casts an obligation on human beings to protect and preserve a specie becoming extinct.
(ii) CEL, WWF-India v. Union of India	(b) All living creatures have a right to live peacefully.
(iii) A. Periyakaruppan v. the Principal Secretary	(c) The rights and privacy of animals are to be respected and protected from unlawful attacks.
(iv) Animal Welfare Board v. A. Nagaraja	(d) Recognised Himalayan Glaciers as legal persons.
(v) Karnail Singh v. State of Haryana	(e) Invoked <i>parens patrie</i> to declare ‘Mother Nature’ as a legal person.

(5 marks)



B. Match the correct option in Box A to that in Box B. Hint: Box B contains an important court decision from a country on Box A.

Box A	Box B
(i) Argentina	(a) Recognised legal rights to animals while ordering the release of an Elephant from solitary confinement in a zoo into natural habitat.
(ii) Colombia	(b) Recognition of Chimpanzee as a legal person.
(iii) Pakistan	(c) Dissenting opinion where it was stated that natural resources should have standing to sue for their own protection.
(iv) Mexico	(d) Granted rights to the Andean bear also called the Spectacled Bear.
(v) United States of America	(e) Ban on cockfighting due to mistreatment and an unnecessary suffering of animals.
(vi) Bangladesh	(f) Recognised rights of nature for Mangroves.
(vii) Ecuador	(g) All rivers in the country are living and legal entities.

(7 marks)

C. First country to recognise rights of nature under its Constitution. (1 mark)

D. Understand the relationship and find the odd one out and give reasons: Australia, Germany, New Zealand, Canada. (1 mark)

E. If Mohammed Salim v. State of Uttarakhand : River Ganga and Yamuna, then Human Rights and Peace for Bangladesh v. Secretary of the Ministry of Shipping : _____ . (1 mark)