

**AU-7083**

***B.A. LL.B./B.Com. LL.B. (First Semester) Examination, 2014***  
**Environmental Laws**

**Maximum Marks: 80 Marks**

*Note: Attempt questions of all three sections as directed. Distribution of marks is given with sections.*

**Section-‘A’**  
**(Objective Type Questions)**

**15×2=30**

*Note: Attempt all questions. Each question carries 2 marks*

1.

(i)

(b) Nylon

(ix)

(ii)

(c) 3 months or fine 10,000

(a) 1976

(x)

(iii)

(b) 54 Section

(d) 1972

(xi)

(iv)

(c) Section 24

(b) Trophy

(xii)

(v)

(b) Decibel

(a) Section 2(1)

(xiii)

(vi)

(a) Environment

(a) State Subject

(xiv)

(vii)

(a) Central Government

(a) 5 Official

(xv)

(viii)

(b) 1960

(b) Section 20

**Section-B**  
**(Short Answer Type Questions)**

**5×4=20**

*Note: Attempt any five questions. Each question carries 4 marks.*

**2. Entry and Inspection Under Environment Protection Act**

Section 10

1.

- Person empowered by Central Government
- Right to enter at reasonable time
- Perform any function of central government
- In what manner function to be perform
- Examining and testing any
  - Industrial Plant
  - Record
  - Register
  - Document
  - Any other material object
- Search of any building
- Seize

2. Person in charge shall be bound to render all assistance to person empowered by the central government

If fails to do-he shall be guilty of an offence

3. If anyone wilfully delays or obstruct- he shall be guilty of offence

4. Where the provisions of CrPC or in relation to state of J&K or any other area is not in force the corresponding law will apply.

**3. Power and function of central Board under Air Act**

Powers -31A. Power to give directions

Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

(a) the closure, prohibition or regulation of any industry, operation or

(b) the stoppage or regulation of supply of electricity, water or any other service.

**Function-**

To improve the quality of air and to **prevent, control or abate** air pollution in the country.

- (1) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;
- (2) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;
- (3) co-ordinate the activities of the State and resolve disputes among them;
- (4) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;
- (5) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;
- (6) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;
- (7) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;
- (8) lay down standards for the quality of air.,
- (9) collect and disseminate information in respect of matters relating to air pollution;

#### **4. Object and reason for the enactment of the Water Act**

##### Object-

1. Provide for the prevention and control of water pollution and maintain or restore of wholesomeness of water.
2. Establish Central as well as state pollution control board.
3. Provide penalties for the contravention of the provision of the water act
4. Establish central and state water testing laboratories.

##### Reason-

- Water - State Subject - Power of state to legislate on this matter.
- Art 249 & 252 Provide power to parliament to legislate on state subject.
- Art. 252 empowers parliament to pass necessary legislation.
- State passed the resolution that the matter relating to prevention and control of water pollution should be regulated by the parliament.

#### **5. Powers given to State Board under Water Act**

1. Power to obtain information (section 20)
2. Power to take sample (section 21)
3. Power to entry and inspection (section 23)
4. Power to impose restriction on new outlet and new discharge (section 25)
5. Power to refuse or withdraw consent for establishment of any industry (section 27)
6. Power to carry out certain work (section 30)
7. Power to carry out emergency operation in case of pollution of stream or well (section 32)
8. Power to make application to court for restraining apprehended pollution of water in stream or well (section 33)
9. Power to give direction (section 33A)

#### **6. Define the term**

- (i) Animal Article -“animal article” means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal [has been used and ivory imported into India and an article made therefrom

(ii) Dealer -“dealer” means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncurled trophy, meat or specified plant

(iii) Hunting -“hunting”, with its grammatical variations and cognate expressions, includes,

(a) capturing, killing, poisoning, snaring, and trapping or any wild animal and every attempt to do so,

(b) driving any wild animal for any of purposes specified in sub clause

(c) injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles

(iv) Trophy -“trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes,

(a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, and

(b) antler, horn, rhinoceros horn, feather, nail, tooth, musk, eggs, and nests;

## 7. Approach of Judiciary in controlling Noise Pollution

- Role of Judiciary in Controlling Noise Pollution
- Minimum 5 cases relating to control of Noise Pollution

## 8. Constitution of central Zoo Authority

### Section 38A. Constitution of Central Authority

The Central Government shall constitute a body to be known as the Central Zoo Authority to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

The Authority shall consist of

(a) Chairperson;

(b) such number of members not exceeding ten; and

(c) Member - Secretary; to be appointed by the Central Government.

## Section –C

2×15=30

### (Long Answer Type Questions)

*Note: Attempt any two questions. Each question carries 15 marks*

## **9. Constitution, power and function of state pollution control board under water Act.**

### Constitution of state board - Section 4

The State Government by notification in the Official Gazette, appoint, constitute a State Pollution Control Board

A State Board shall consist of the following members, namely:-

1. a chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government

chairman may be either whole-time or part-time as the State Government may think fit.

2. 5 officials to be nominated by the State Government to represent that Government;

3. 5 persons, not exceeding five to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

4. 3 non-officials to be nominated by the State Government to represent the interest of agriculture, fishery or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented;

5. 2 persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;

6. A full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the State Government.

### Function - Section 16

1. to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State

2. to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;
3. to collect and disseminate information relating to water pollution and the prevention, control or abatement
4. to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
5. to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
6. to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent.
7. lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters resulting from the discharge of effluents and to classify waters of the State;
8. to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;
10. to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;
11. to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

12. to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

13. to make, vary or revoke any order for the prevention, control or abatement of discharge of waste into streams or wells; requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent control or abate water pollution;

14. to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

15. to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

Power -

1. Power to obtain information (section 20)
2. Power to take sample (section 21)
3. Power to entry and inspection (section 23)
4. Power to impose restriction on new outlet and new discharge (section 25)
5. Power to refuse or withdraw consent for establishment of any industry (section 27)
6. Power to carry out certain work (section 30)
7. Power to carry out emergency operation in case of pollution of stream or well (section 32)
8. Power to make application to court for restraining apprehended pollution of water in stream or well (section 33)
9. Power to give direction (section 33A)
  - Explain all powers in brief.

## **10. Fundamental Duties regarding protection and improvement of Natural Environment**

- India Adopted the principles of Stockholm Conference



- Parliament passed the 42 amendment in 1976
- Added 51A.
- 51A(g) - To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- Role of citizen in protection of Environment

#### Cases

1. RLEK vs St of UP
2. S Sachidanand Pandey vs State of west bengal
3. M. C Mehta v Kamal Nath
4. M. C Mehta case - Oleum gas case
5. M. C Mehta case - Pollution of Ganga case
6. M. C Mehta case - Leather tanneries case
7. M. C Mehta case - Kanpur Nagar Mahapalika Case
8. Vellore citizen welfare forum v UOI
9. APPCB v M V Naidu
10. Ratlam Municipal corp. v Vardhichand

And all relevant case relating to Fundamental Right

### **11. Constitution and duties of wildlife advisory board**

#### **Constitution of the Wildlife Advisory Board**

##### Section 6

The State Government, or, in the case of a Union Territory, the Administrator shall constitute a Wildlife Advisory Board consisting of the following member, namely

1. The Minister in charge of Forest in the State or Union Territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government or the Union Territory, who shall be the Chairman;
2. 2 members of the State Legislature or, in the case of a Union Territory having a Legislature, two members of the legislature of the Union Territory.
3. Secretary to the State Government, or the Government of the Union Territory, in

charges of Forests;

4. The Forest Officer in charge of the State Forest Department, by whatever designation called, ex-officio.

5. An officer to be nominated by the Director;

6. Chief Wildlife Warden, ex-officio;

7. 5 Officers of the State Forest Government

8. 10 person in the opinion of the State Government are interested in the protection of Wildlife, including 3 representatives of tribals.

## **Duties**

Duties of the Wildlife Advisory Board

### Section 8

It shall be the duty of the Wildlife Advisory Board

To advise the State Government,—

1. In the selection of areas to be declared as Sanctuaries, National Parks, and Closed Areas and the administration of these areas.
2. In formulation of the policy of protection and conservation of Wildlife and specified plants
3. In any matter relating to any schedule;
4. In relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and
5. In any matter that may be referred to it by the State Government.

Prepared By : Prabhash Dalei

Assistant Professor (Adhoc)

School of Law, GGV, Bilaspur (C.G.)