

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination August-December- 2025

Semester: UG VII Semester

Subject: Environmental Law

Time: Three Hours

Marks: 100

Instructions:

1. All questions carry equal marks. Question No. 1 is compulsory. Attempt any four questions from Question Nos. 2 to 6.
2. Use of all kinds of electronic devices is prohibited.
3. In this examination no materials and texts of Agreements are permitted.

Q.1).

The Naroda Industrial Estate in Ahmedabad, Gujarat, comprises approximately 450 industrial units engaged in various manufacturing activities including chemical production, textile dyeing, pharmaceutical manufacturing, and metal processing. The estate was established in 1985 by the Gujarat Industrial Development Corporation (GIDC) and is located adjacent to the Khari River and approximately 3 kilometers from three villages - Rampura, Nandol, and Kishannagar.

By 2024, the following situation has emerged:

- The Khari River water has turned dark brown with a pungent chemical odor
- Laboratory tests reveal the presence of heavy metals (chromium, lead, mercury) at levels 15 times above permissible limits
- Dissolved oxygen levels in the river have dropped to 1.2 mg/L (permissible limit: 5 mg/L)
- Air quality monitoring shows PM 2.5 levels at 180 $\mu\text{g}/\text{m}^3$ (permissible limit: 60 $\mu\text{g}/\text{m}^3$) and Sulfur dioxide and nitrogen oxide levels consistently exceed National Ambient Air Quality Standards.

180 units have been operating without obtaining consent under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974. 210 units do not have consent under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981. Only 65 units have installed primary Effluent Treatment Plants (ETPs), but most are non-functional or inadequately maintained. Common Effluent Treatment Plant (CETP) proposal was approved in 2018 but construction has not commenced. Industrial association claims financial constraints prevent immediate compliance

Gujarat Pollution Control Board (GPCB) conducted inspections but issued only warning notices without prosecution. GIDC has not enforced infrastructure requirements in its lease agreements. Municipal Corporation has failed to monitor solid waste disposal from industries. State Government passed a resolution in 2019 promising to contribute 10% toward CETP construction but no funds have been released.

The impact on public health is visible now as villagers report increased incidence of respiratory diseases, skin ailments, and gastrointestinal disorders; agricultural productivity has declined by 40% due to contaminated irrigation water; three tube wells have been declared unfit for drinking purposes and cattle mortality rates have increased threefold in the past five years.

An environmental NGO, "Green Earth Foundation," along with affected villagers, wants to file an application before the National Green Tribunal and has sought your legal advice on the following:

a. The legal consequences of operating industrial units without obtaining consent under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. (10 Marks)

b. The role and responsibility of multiple regulatory authorities - GPCB, GIDC, Municipal Corporation, and the State Government in this environmental crisis. (10 Marks)
Substantiate your answer with relevant case law.

(10+10 = 20 Marks)

Q.2).

The Supreme Court observed in *Almitra H. Patel vs Union of India* [2000 (2) SCC 679] that "when the authorities appointed by the statutes are reluctant towards their duties, the citizens and the courts play an important role in correcting the same." Critically analyze the paradox inherent in the use of Public Interest Litigation as a remedy for environmental governance failures in India. Examine whether PIL serves as an effective mechanism for environmental protection or merely functions as a substitute for administrative and legislative inadequacy. Substantiate your answer with relevant case law.

(Marks : 20)

For question numbers 3 and 4, refer to the following factual matrix:

A private infrastructure company has proposed to establish a large-scale port and shipyard project along the western coastline of India. The proposed site is strategically located to facilitate international trade but is environmentally sensitive. The project area encompasses a stretch of mangrove forests and coastal wetlands, which fall within the Coastal Regulation Zone (CRZ-I), a category that affords the highest level of protection due to its ecological significance. In addition, a portion of the land identified for construction is classified as reserved forest, requiring diversion for non-forest use under the Forest (Conservation) Act, 1980.

The project design involves extensive dredging of the seabed, reclamation of coastal land, and construction of breakwaters and jetties. These activities are expected to alter tidal flows, impact marine biodiversity, and pose risks to nearby turtle nesting grounds. The surrounding fishing community, which depends on the coastal ecosystem for its livelihood, has expressed concerns about displacement, loss of access to fishing zones, and degradation of natural resources. Given the scale and potential impacts, the project falls under the category of activities that require prior Environmental Impact Assessment (EIA) clearance under the EIA Notification, 2006.

Q.3).

a. While analysing the changes in the framework on CRZ Regulations from 1991 to 2019, examine the potential conflicts between conservation imperatives and developmental needs, and whether the CRZ Regulations 2019 seeks to resolve them. (10 Marks)

b. Analyse the impact of the Forest (Conservation) Amendment Act, 2023 on the forest clearance process in this case. (10 Marks)

(10+10 = 20 Marks)

Q.4). Critically analyze the legal and procedural requirements that the project proponent must fulfil under the Environmental Impact Assessment (EIA) Notification, 2006.

Substantiate your answer with relevant case law.

(Marks : 20)



Q.5).

a. Urban India is experiencing unprecedented growth, with projections indicating that nearly 50% of the population will reside in urban areas by 2030. This rapid urbanization has created immense pressure on natural resources, infrastructure, and the environment, leading to challenges such as air and water pollution, inadequate waste management, loss of green spaces, urban flooding, and deteriorating public health. The intersection of urban planning law and environmental law has become critical in addressing sustainable urban development.

Examine the tension between expedited urban development and the requirement for comprehensive environmental scrutiny. (10 Marks)

b. Discuss the rationale behind the prohibition on ivory trade under the Wildlife Protection Act, 1972. How does this prohibition reflect the balance between conservation of endangered species and regulation of trade in wildlife products? (10 Marks)

Substantiate your answer with relevant case law.

(10+10 = 20 Marks)

Q.6).

The Republic of Industriana operates a large copper smelting facility in the town of Metalburg, located 15 kilometers from its border with the neighboring country of Agraria. The smelter has been operational since 2015 and processes approximately 500 tons of copper ore daily, emitting sulfur dioxide and other particulate matter through its smokestacks.

Since 2018, farmers in the border region of Agraria have reported significant crop damage. Scientific studies commissioned by Agraria's Agricultural Department in 2020 revealed:

- Sulfur dioxide concentrations in the air 400% above safe levels during peak smelting operations;
- Acid rain affecting approximately 25,000 hectares of agricultural land;
- Reduction in crop yields by 60-75% for wheat, barley, and vegetable cultivation;
- Soil pH levels dropped from 6.5 to 4.2, making land unsuitable for most crops and
- Economic losses estimated at \$15 million annually for 800 farming families.

Agraria sent diplomatic notes to Industriana in 2019 and 2021, requesting immediate action. Industriana initially denied responsibility, arguing that:

- The smelter complies with all domestic environmental regulations;
- Wind patterns are natural phenomena beyond state control;
- Agraria has not provided conclusive proof of causation and
- The economic importance of the smelter (employing 5,000 workers and contributing 8% to national GDP) justifies its continued operation.

In 2023, after sustained pressure, Industriana installed partial pollution control equipment that reduced emissions by 30%, but damage to Agrarian farmlands continues. Agraria has now initiated arbitration proceedings under a bilateral treaty, demanding:

- Complete cessation of harmful emissions
- Compensation of \$45 million for past damages (2018-2024)
- Establishment of a monitoring regime
- Payment for soil remediation costs estimated at \$20 million

Applying relevant principles of environmental law, analyze whether Industriana bears international legal responsibility for transboundary pollution causing damage in Agraria. Substantiate your answer with relevant case law.

(Marks: 20)