



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LM-201

Subject: Comparative Public Law

LL.M. 2nd Semester5th July, 2021

Time: 3 hours and 30 minutes (for writing exam- 10:00 am -12:30 pm and for scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75

Instructions:

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- (A) Discuss the birth of comparative methods with reference to writings of Ludwick Eherlich and Martin Laughlin.
- (B) Briefly examine the Gandhian proposition, “that the elements in the constitution which go well with Indian traditions and culture shall succeed. The other provisions might prove counterproductive”.
- (C) ‘State action doctrine’ under the US Constitution is a product of the fact of racial practices. Comment.
- (D) The socio-economic Rights enjoys precarious constitutional positions. In this context compare the status of ‘right to shelter’ in Indian and South Africa.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

Q.2 Describe the comparative method of study, namely, theory building through causal inference. Illustrate your answer with some representative academic studies in the area of constitutional law.

Q.3 “Schmitt claims that modern constitutions are unable to guarantee the terms of their own existence and must be underwritten by a sovereign will: the constituent power”. In view of the above, critically examine the absolute idea of constitution as a complete and closed system of norms. Whether you would put the Indian constitution under that category? Give reasons.

Q.4 “The problem of studying the concept of state is the most important problem in the constitutional law and legal system of India. Hunger deaths, inequality, powerlessness of the vast citizenry, inability to access: justice, education, and health, decent sources of livelihood, for example, are inversely proportional to the theory and practice of the concept of state under the Constitution”. In the light of the statement, critically examine the transformations, through judicial interpretations, of the idea of state under Article 12 of the Constitution, in the 21st century.

Q.5 Discuss the theory of constituent power. Describe its relationship to that of basic structure doctrine. The basic structure doctrine is operationalized with the help if identity test and width tests. Explain.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-203****Subject: Constitutional Rights & Theory****LL.M. 2nd Semester****7th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) Fundamental Rights are different from other rights. While ordinary legal rights are protected and enforced by ordinary law, discuss briefly.
- (B) 'Right to die is not a fundamental right'. This was held by the Hon'ble apex court, discuss.
- (C) Discuss the Indian Constitutional scheme regarding the protection of religious and linguistic minorities.
- (D) Article 14 permits classification but prohibits class legislation – Discuss.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** Doctrine of equality ensured under Article 14 of the Constitution is a combination of both positive and negative notion. Discuss the notion of equality with the Doctrine of 'Intelligible Differentia' in the light of decided case laws
- Q.3** "The Constitution of India is a classic example of accommodation and adjustment of the claims of various groups and communities inhabiting our country. The minorities derive their rights from the Constitution in many ways. There is varying nature of minority rights in the Constitution." Discuss the nature and scope of provisions of Minority Rights in India as provided in the Indian Constitution.

- Q.4** “Right to freedom of speech and expression is not absolute and it allows Government to frame laws to impose reasonable restrictions in the interest of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, decency and morality and contempt of court, defamation and incitement to an offence.” Over the years, judicial creativity, judicial wisdom and judicial craftsmanship have widened the scope of freedom of speech and expression.” discuss in the light of reasonable restriction as interpreted by Indian judiciary from time to time.
- Q.5** “Writ is an instrument or order of the Court by which the Supreme Court or High Courts directs an Individual or official or an authority to do an act or abstain from doing an act”. In the light of this, discuss the nature and scope of Articles 32 and 226 of the Constitution of India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-204****Subject: Service Law****LL.M. 2nd Semester****9th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) How does the horizontal reservation balance the pressing needs of those who could not otherwise be considered under clause 4 of Article 16?
- (B) “All entries in the Annual Appraisal Performance of the concerned must be communicated within stipulated time period”. Discuss.
- (C) What is deemed suspension? What is the purpose of deemed suspension?
- (D) Explain the ‘washed-off’ theory with reference to compulsory retirement?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** The rules for the promotion to the post of District judge by High Court ‘X’ have been changed by adding further considerations to strengthen ‘selection by merit’. One of the conditions says that other than the specific duration of service, the last five-year service appraisal of the candidate must have obtained two ‘very good’ and three ‘good’ gradings in annual performance appraisals. Mr ‘X’s candidature is rejected because he obtained only one very good out of five. His representation for improvement of grade also got rejected. He challenged his rejection on the ground that the newly added consideration should not be applied on him because the grading period is prior to the newly added provision. Decide in light of Constitutional provisions and decided cases.

- Q.3** *“There is no inherent right to compassionate appointment. Under Article 14 of the Constitution no appointment to any public office be made in violation of Article 14 but the same time State has certain obligation to discharge under Part IV of the Constitution.”* Critically analyse the basic norms evolved through the judicial pronouncements, which must be complied with making any compassionate appointment.
- Q.4** ‘Before probation is confirmed the authority is under an obligation to consider whether the work of the probationer is satisfactory or not. There is no automatic confirmation until and unless so specifically written.’ What are the rights of probationer? Discuss the law on probation and confirmation in light of decided cases.
- Q.5** Mr. ‘X’ is superintendent of the Account section in finance department. Central Services Rules, 1965 are applicable to his office. There are allegations of misconduct against him. The disciplinary authority wants to initiate disciplinary proceedings against him. Discuss the procedure of disciplinary inquiry and what are the penalties which may be inflicted in case of found guilty.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-205****Subject: International Criminal Law****LL.M. 2nd Semester****7th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) Discuss the role of state sovereignty in prosecuting International Crimes.
- (B) Explain *Jus- cogens* norms.
- (C) *In absentia* hearing of cases under the International Criminal Law.
- (D) Discuss *nullem crimen sine lege*.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** “International criminal law is a branch of public international law”. Discuss the sources of international law and some of their complexities.
- Q.3** “The crime of genocide involves offences committed with the intent to destroy a national, ethnical, racial or religious group as such”. Critically examine the aspects of the definition of genocide.
- Q.4** The terrorist attack on the twin towers by hijacking four commercial passenger aircraft by 19 men of Al-Qaida terrorist network causing around 3000 deaths happened in America in 2011. Whether these attacks were systematic or directed by a policy to commit such an attack and could be tried by ICC?

- Q.5** “Is prohibition to use force by states absolute in nature or are there some exceptions attached to the same”. Discuss. Also discuss the defences available to the charge of committing international crime.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-206****Subject: Sentences and Sentencing****LL.M. 2nd Semester****9th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) A criminal trial and evidence offer various factors relating to the crime and the manner in which it was committed. But the adversarial system of trial provides narrow scope for the information regarding the character and the antecedents of the convicts. In any scientific system which turns the focus, at the sentencing stage, not only on the crime but also the criminal, and seeks to personalize the punishment so that the reformatory component is as much operative as the deterrent element, it is essential that facts of a social and personal nature, sometimes altogether irrelevant if not injurious at the stage of fixing the guilt, may have to be brought to the notice of the Court when the actual sentence is determined.

In the light of the above, discuss the scope for hearing the accused before sentencing as per the Code of Criminal Procedure, 1973.

- (B) “If every saint has a past, every sinner has a future and it is the role of law to remind both of this. The Indian legal genius of old has made a healthy contribution to the world treasury of criminology.” The Supreme Court religiously advocated for reformation in the process of punishment.

On the basis of above statement discuss the scope of theory of reformation.

- (C) A criminal is punished because he or she "deserves" it. This justification for punishment is appropriately called the principle of "just deserts." The concept of just deserts seeks to preserve human dignity through punishment. It asserts that a person is a rational individual with the free will to make a moral choice whether or not to engage in conduct known to be prohibited. Retribution under a just deserts principle treats a defendant as a dignified human being by

responding to his or her conduct in a way that respects his or her choice to engage in wrongful behavior.

Based on the above statement discuss the meaning of Just Desert and clarify the origin of “just deserts” Model.

- (D) As rightly remarked by Prof. K N Chandrasekharan Pillai, “in the standardization syndrome, no theorization is involved.” The present sentencing practices of the Supreme Court are becoming incoherent. The argument for uniformity in sentencing by standardization of the sentences finds support in the philosophy of retributive and deterrent theories of punishment whereas the individualization of the punishment is based on reformatory approach.

On the basis of above dialogue discuss the standardization and individualization of sentencing practices.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** " It is a naive self-confidence that makes a Judge or criminologist, or psychiatrist or probation officer assume that he can detect the minute details of difference of personality, character, motivation, socio-economic background and other subtle factors and forces that distinguish one offender from another, and on top of that determine the exact nature and amount of correctional rehabilitative treatment suited to the individual case and to that case alone. Only God can do that: and since Judges are not Gods."

On the basis of above declaration discuss the significance, problems and perspectives of sentencing.

- Q.3** “Is plea bargaining, synonymous to pleading guilty? Day by day, partakers in criminal justice system are either in confusion or in an intellectual debate on the innovative changes in sentencing system under the Indian Criminal jurisprudence. Of course, root cause is the introduction of Chapter XXIA, in the Code of Criminal Procedure, 1973, containing Sections 265 A to 265L, which deal with plea bargaining. Strictly speaking plea bargaining is a wider connotation, but pleading guilty is having a narrow sphere.”

On the basis of this statement explore the origins and concept of Plea Bargaining. Critically analyze the chapter XXI A of the code by raising certain issues of concern with respect to the applicability and scope of certain incorporated provisions and its consequences on concerned parties.

- Q.4** “Proportionality is considered to be so important in criminal sentencing because it ‘accords with principles of fundamental justice and with the purpose of sentence to maintain respect for the

law and a safe society by imposing just sanctions'. It 'embodies, or seems to embody, notions of justice. To analyze how in the name of 'individualization of punishment' and 'just desert' huge sentencing discretion vests in the judiciary, and that this discretion is not uniformly exercised but individually applied in disregard to the theory of just deserts. The judges often reach different conclusions even when the facts are so similar and overall conduct of the offenders has resulted in the same crime".

On the basis of above statement try to present a critique of the uncertainties and submit a workable way out of the quagmire.

- Q.5** The apex court and High Courts, while deciding the cases developed certain principles and made observations in the judgments as how the discretion is to be exercised. Penologists and jurists also contributed their scholarship as to how the judges have to exercise the sentencing discretion. Though such observations are loosely referred to as "sentencing policy" and "theories of sentencing".

On the basis of above statement discuss the factors that can be considered by the judges while imposing the sentence. Should a set of sentencing guidelines be introduced in India?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-207****Subject: Health Law****LL.M. 2nd Semester****12th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- (A) What is meant by a rights-based approach to health? What is the link between health and human rights?
- (B) “Today almost every human activity creates some type of Pollution”. Elaborate this statement by commenting upon the various kinds of pollutions and their impact upon health.
- (C) Explain the controversy between Mother's Right to abort the Foetus V/s Rights of Unborn Child.
- (D) What international monitoring mechanisms exist for promoting and protecting the health of children with special focus on WHO.

SECTION-B (Long-Answer/Descriptive/Analytical Type)**(3x20=60Marks)**

- Q.2** “Healthier environments could prevent almost one quarter of the global burden of disease. The COVID-19 pandemic is a further reminder of the delicate relationship between people and our planet”. In the light of above statement write an essay on ‘right to health and healthcare system in India in today’s context: a critical analysis.
- Q.3** Discuss the implications involved due to climate change and its impact on food safety in respect of health of people and steps initiated to regulate the above problem.
- Q.4** Surrogacy in India is still in nascent stage. Do you think there are implications involved legally, physically and mentally and how India is responding to the new challenge of 21st century with technological advancements.
- Q.5** “India and many other developing countries persist with the command-and-control approach to check pollution. However, these measures rarely attain their desired objectives”. State whether you agree with this view by commenting on the efficacy of sanctions in the area of Environmental Protection with special focus on environment impact assessment in promoting the health of living beings and how far it has been successful in achieving the targets of environment protection leading to better health regime?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-208****Subject: Cyber & Cyber Security****LL.M. 2nd Semester****12th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) Devesh, an engineer, made video depicting children in sexually explicit act and later published it on a website. Discuss the offence committed by Devesh and his liability under the IT Act, 2000.
- (B) What is cyber terrorism? Elaborate the role of nodal agency to detect and combat cyber threats?
- (C) Shyam poses as a genuine service provider and sends e-mails requesting for updating records such as credits cards details and acquires passwords. What is the nature of offence committed by Shyam and discuss his liability in this regard?
- (D) Elaborate on online dispute resolution in cyber space.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** “In India, the internet usage has risen significantly. High speed and limitless expanse has led to proliferation of e-crimes which has made it impossible to gauge the new opportunities it will offer to for cyber criminals”. In light of the above statement, elaborate the complexity involved in the jurisdiction issue in the cyber space.
- Q.3** “The requirements of *mens rea* contradicts the fact that it is placed under contraventions in Chapter –IX of the IT Act, 2000”. In the light of the above statement elaborate the difference between Section 65 and Section 43(j) of Information Technology Act.?
- Q.4** India has been ranked on the 10th spot in Global Cyber Security Index, 2020, by the United Nations’ specialized agency despite the rise in cyber-attack post pandemic. Outline the attributes of Cyber Security Policy of India and elaborate the measures where nation’s cyber security prowess lies.

- Q.5** Elaborate the potential impact of Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 on social media, search engines, OTT platforms and internet itself.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-211****Subject: Competition Law****LL.M. 2nd Semester****7th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) Enumerate the important changes brought about by the Competition (Amendment) Act 2007.
- (B) 'A' is a leading enterprise in the market for lead used to make pencils. Enterprise B is a major manufacturer of pencil in the market but its production is dependent on supply of lead by enterprise A. Enterprise A suddenly refuses to supply lead to B because a new company, C has entered the pencil market in direct competition to B and though A can supply to both B and C. A refuses to deal with B on entry of C in market. In such situation B can approach the Competition Commission. Discuss the kind of agreement which is involved in the above said example under the Competition Act, 2002.
- (C) A small corner shop started its business near a large supermarket chain. The supermarket wanted to stop the corner shop from selling a product, so it started to sell it at a much lower price. The small store did the same – it reduced the price of that product by exactly the same amount. It goes for three months and finally the small corner shop gave up. When the matter was reported through media, the Competition Commission wants to take action against the supermarket. Advise the authorities according to the provisions of the Competition Act, 2002.
- (D) Describe the duties of the Competition Commission of India under the Act of 2002.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** “People of the same trade seldom met together, even for merriment and diversion; but the conversation ends in conspiracy against the public or in some contrivance to raise prices.” In the light of the given statement discuss the provisions of the competition Act which promotes fair competition in the market and promotes economic developments.
- Q.3** How can the intellectual property right holder exercise their exclusive rights within the confines of the Competition Act, 2002, given that they are virtually monopolies? Explain
- Q.4** East-West Company was in the business of manufacturing and selling photocopiers and micrographic equipment. It was also selling service and replacement parts for its equipment. There were 18 independent service organizations that, in the early 1980s, began servicing East West copying and micrographic equipment. East-West subsequently adopted policies to limit the availability of parts to Independent Service Organizations and to make it more difficult for Independent Service Organizations to compete with East-West in servicing East-West equipment. Thereafter, Independent Service Organizations instituted an action before the Competition Commission, alleging that East-West's policies were unlawful. Advise the Commission to decide the case citing legal position and relevant case laws.
- Q.5** Government challenged the acquisition, Bharti Company, the second largest automobile manufacturer, with certain assets of Electric Co., an independent manufacturer of spark plugs and other automotive parts. The acquisition included the Electric Com., trade name, Electric Com.'s only domestic spark plug plant, and extensive rights to its nationwide distribution organization for spark plugs and batteries. The brand used in the spark plug replacement market (aftermarket) has historically been the same as the original equipment (OE) brand. Electric Com. and other independent companies had furnished manufacturers with OE plugs at or below cost, seeking to recoup their losses by profitable aftermarket sales. Bharti Company, which previously had bought all its spark plugs from independents and was the largest purchaser from that source, made the Electric Com. acquisition in 1961 for the purpose of participating in the aftermarket. At about that time, Vijaya Motors had about 30% of the domestic spark plug market. Electric Com. had 15%, and Champion, the only other major independent, had 50% (which declined to 40% in 1964, and 33% in 1966). Help the Competition Commission to find appreciable adverse effect on competition, by the above said acquisition.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-212****Subject: Taxation Laws****LL.M. 2nd Semester****9th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type) (3x5=15Marks)**Q.1 Short Answer Type Questions:**

- (A) Discuss the source-based taxation system. Whether Income Tax Act, 1961 recognises the source-based taxation system?
- (B) Outline of the scope of the residuary power of taxation as prescribed under the Constitution of India?
- (C) Write a short note on 'Foreign Tax Credit'?
- (D) Company 'C-1', a subsidiary of Company 'C-2', renders certain services to its holding company. Discuss the circumstances in which the price so charged would be referred as 'transfer price'?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** "At the time of its imposition the taxes bring sizeable distortions in any economy. Its introduction changes the demand, supply and prices. This characteristic of taxation is often used by governments to govern the market and thereby decided consumer choices". Explain with the help of suitable illustrations.
- Q.3** "The burden of taxation must be distributed in such a manner that it would inevitably further the equality philosophy enshrined in the constitution." In the light of the statement, discuss the characteristics of progressive taxation? Does progressive taxation supplement the rights and the liberties enshrined in the Constitution of India?

- Q.4** Recently, G-7 Countries have accepted the proposal mooted by United States to have 15% global minimum corporate tax. Discuss the development in the light of Principle 1 & 2 of the BEPS project proposed by OECD and its impact on tax heavens?
- Q.5** “Optimum utilisation of available resources and the distribution of social goods including income in conformity with the standards of equity has been the foundation of India’s journey of tax reform.” In the light of this statement, write a critical note on the recent tax reforms introduced by government of India.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

*End-Term Examinations***Paper Code: LM-213****Subject: Environmental Law****LL.M. 2nd Semester****12th July, 2021**

Time: 3 hours and 30 minutes (writing exam- 10:00 am -12:30 pm; scanning & uploading answer-sheet- 12:30 pm – 01:30 pm)

Maximum Marks: 75*Instructions:*

Attempt any three questions from Section-A. Each question in Section-A carries five marks. Attempt any three questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(3x5=15Marks)****Q.1 Short Answer Type Questions:**

- (A) The petitioner Smt. Ajeet Mehta made a complaint that the loading, unloading and stocking of fodder involves serious health hazards to the residents and causes pollution in adjoining areas as well as the fine dust particles of the fodder pollute air, the inhaling of which involve a number of health problems. The Deputy Chief and Health Officer in his report had also shown that these dust particles cripples a man and reduces lungs working capacity. On these facts the city magistrate passed an order under section 133 of Criminal Procedure Code directing the wrongdoers to remove their business within fifteen days. Issue in the above case is whether the order by the Magistrate under section 133 of CrPC was justified. Discuss.
- (B) The State Pollution Control Board took the samples of trade effluents from a discharge stream of a company and the board got the trade effluents samples analysed. The result of the samples were not found to be satisfactory. The State Pollution Control Board filed a suit under section 33 of the Water (Prevention and control of Pollution) Act, 1974. The court issued the injunction requiring the company to establish a treatment plant. The order of the court was challenged on the ground that representatives of the company present at the time of the collection of the sample, had requested that samples be analysed by the laboratory as provided in section 21 (3)(e). Decide.
- (C) Explain the provisions relating to Tiger and other endangered species crime control Bureau under Wildlife Protection Act, 1972.
- (D) “Indian Supreme Court is highly influenced by the principles of Environment protection enshrined in International Environment Law”. Explain with suitable illustrations.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (3x20=60Marks)

- Q.2** “The Common Law Remedies constitute a significant part of Indian legal system aimed at the prevention and control of environment pollution. Damages are the main remedy in tort action, but it contains some loopholes as it fails to impose any deterrent punishment on the polluter. Therefore, this remedy is considered to be less effective in combating against the various types of pollution. Do you agree with this statement? Critically analyse the affectivity of these common law remedies for preventing environmental pollution.
- Q.3** In governing India’s environment the right balance between sustainability, local livelihood and development pressures has become an increasingly challenging task. Sustainable development is perhaps the most important principle which has emerged as a solution between the environment and development debate. Discuss how the Indian judiciary has been contributing to the implementation/enforcement of sustainable development concept.
- Q.4** “India has strong progressive legislations to safeguard its forests and wildlife viz., the Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980 and the Forests Rights Act of 2006. These laws honoured more in their breach than in their observance”. Do you agree with this? Critically analyse this while keeping in mind the above-mentioned laws.
- Q.5** “While International Environmental Law has been developing gradually throughout, there has been considerable acceleration in that process since the early seventies. The first major environmental conference which addressed environmental problems from a global perspective was the 1972 United Nations Conference on Human Environment. This conference is often credited with crystallising a number of environmental principles and also providing the foundation for subsequent international law developments”. Keeping in mind the statement highlight the subsequent international developments and conferences which played an important role in development of international environmental law.