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**UNIVERSITY OF PETROLEUM
AND ENERGY STUDIES**



End Semester Examination, December, 2017

Program/course: LL.M.

Subject: Comparative Public Law

Code : LLMC 702

No. of page/s: 04

Semester – I

Max. Marks : 100

Duration : 3 Hrs

ALL QUESTIONS ARE COMPULSORY

SECTION A (2X5 = 10 MARKS)

1. What is the world ranking of India's Energy Efficiency?
 - a) 5th Lowest
 - b) 3rd lowest
 - c) 5th highest
 - d) 3rd highest

2. Which country has the highest installed power capacity?
 - a) China
 - b) USA
 - c) Canada
 - d) India

3. Kyoto Protocol was formed under-
 - a) UNFCCC
 - b) Agenda-21
 - c) UNCBD
 - d) Principles of forest conservation

4. Which article of Indian Constitution is automatically suspended during emergency?
 - a) Article 19
 - b) 21
 - c) Article 20
 - d) Article 25

5. In which case absolute liability was provided by the Supreme Court of India?
 - a) Rylands Vs. Fletcher
 - b) Ratlam Municipality case

b) Rural Litigation & Entitlement Kendra Case

d) M. C. Mehta Vs. Union of India

SECTION B (5X4 = 20 MARKS):

1. Discuss the importance and application of cultural and educational rights of minorities. Refer to relevant case laws to justify your answer.
2. Elucidate the right to privacy. Discuss the limitations over this right. Refer to relevant case laws to support the answer.
3. What is Renewable Purchase Obligation? How does it help in promoting renewable energy?
4. Explain the contentious jurisdiction of International Court of Justice.

SECTION C (5X6 = 30 MARKS):

1. What is open access? Explain its availability separately during generation, transmission and distribution.
2. Discuss the importance of Rio conference in the evolution of environmental jurisprudence.
3. Discuss the concept of locus standi in the constitutional litigation. Refer to relevant case laws and compare it with US position.
4. Discuss the meaning and importance of Judicial Review. Evaluate the constitutionality of judicial review vis a vis separation of powers. Compare the applicability of judicial review in India and USA
5. What is renewable purchase obligation? Explain the meaning and importance and support your answer by relevant provisions and case laws.
6. Explain the process of election of the judges of the International Court of Justice.

SECTION D (40 MARKS) :

In the Indian state of Orissa, Dhmra is a small town. In the town area of Dhamra there is no sufficient urban development. The town has neither proper infrastructure nor many job opportunities. Only major job provider is the steel plant owned and operated by National Minerals Development Corporation. This plant is also operated subject to stringent environmental compliances. Therefore not much of developmental work is done over there too. The contract labourers remain jobless for almost half of the year. Nearest big city is Raipur which is at a distance of 560 Kilometers and the only available mode of transport is by road.

Majority of population in the town is rural and tribal population which is not very literate and they look for smaller paying jobs only. The locality is also affected by naxalite activities and many villagers turn up to join Naxalite groups for money. This is how the naxal groups are growing their numbers.

Central government announces establishment of a steel plant in Dhamra. It was a much talked about project. It was expected to give employment to a lot of labourers and the local community was likely to get benefit by the operation of the plant. The entire plan included establishment of a school and a hospital for the employees of the plant. Before the plant could be initiated, it required a clearance for which Environmental Impact Assessment was required to be conducted. In the EIA process, public hearing was also to be conducted. It was announced by the local administration. Different stakeholders of the proposed developmental activity were invited and public hearing was conducted. The details presented about the project were apparently adverse to the environmental interests but surprisingly the public favoured the project. Almost all the persons present had voted for the project to be permitted. Despite public approval the project was not cleared. After sometime a local journalist filed an RTI application seeking information about the details of public hearing. The information provided made it clear that:

1. Public support and approval for the project was fully there.
2. Government was free to accept or reject the findings of public hearing

After this a writ petition was filed in the Supreme Court claiming the right of the local community to decide on its developmental activities. The petition sought intervention of the court claiming it to be a part of their right to life because it would add to employment and standard of living. It was also claimed that the local support to naxal groups was also expected to come down if people had employment and facilities of education and healthcare. Major issues before the court included:

- (i) Whether the government could be ordered to follow the decision of public hearing. (10 marks)
- (ii) Is it a part of the right to life to democratically decide the permissibility of a developmental project? (10 marks)
- (iii) Compare the Indian, US and Chinese laws on this point and conclude with your opinion. Support your answer by appropriate provisions and decided cases. (20 marks)