



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE
EXPRESS WAY, JABI - ABUJA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW (PUL)**

OCTOBER/NOVEMBER EXAMINATION 2016

COURSE CODE: LAW 321 (PUL 321)

COURSE TITLE: ENVIRONMENTAL LAW I

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY. QUESTION ONE IS COMPULSORY

QUESTION

1. Using the Supreme court case of *Umudje vs. Shell B. P. Petroleum Development Co of Nigeria Ltd.*, discuss the general principles enunciated in *Rylands vs. Fletcher* by Blackburn J.
2. With the help of international conventions, trace the development of the international regime for the management of the environment.
3. Sunda is a company registered in Nigeria. In the course of its production activities in Benue, it emits large quantities of sulphur dioxide. These clouds of heavy smoke contaminated the air and fell as toxic precipitation on numerous buildings in Lagos. Mr. David lives in the residential area of Benue and presently his entire household is suffering from various health challenges which his doctors have traced to sulphur related atmospheric pollutions. In an action by Mr. David, Sunda argued that the company is rightly located in a commercial area of Benue, has license to engage in its business and cannot be the cause of any harm to Mr. David who lives in the residential area. In addition the company argues that even people who live nearer to the company compared to Mr. David are not complaining of any problem; that Mr David is from Adamawa who became internally displaced due to the impact of climate change. Mr. David has engaged you as his attorney. What is your advice?
4. Dickson wants to sue Paul alleging among others, that Paul caused him nuisance through excessive noise in his adjoining palm wine bar by playing his stereogram unreasonably loud and late into the night. Dickson averred that he had to seal up his louver windows with sheets of plywood, spending a greater part of his time in the backyard of his house because of the noise. Advise Dickson as to his chances in court.
5. An escape of water from Zurich's Dam damaged the property of Mr. Balogun - his lakes and ponds, killing his fishes. Mr. Balogun intends to go to court and has engaged you for that purpose. Discuss the rights of the parties and defence available to them in the pending court action.
6. Discuss the regulation and management of noise pollution in Nigeria.