



NATIONAL OPEN UNIVERSITY OF NIGERIA
FACULTY OF LAW
DEPARTMENT OF PUBLIC LAW
2019_1 EXAMINATION QUESTION
APRIL, 2019

COURSE CODE: PUL 322
COURSE TITLE: ENVIRONMENTAL LAW II
CREDIT UNITS: 4
TIME ALLOWED: 2 ½ HOURS
INSTRUCTION: ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS WHILE OTHERS ARE 15 MARKS EACH)

- 1.(a) Environmental protection is a concept associated with a variety of theories about mankind and the environment. Discuss briefly two schools/theories on environmental protection.
- 1.(b) Mr. Abdul and his family live in the same neighbourhood as Mrs. Dozie and her family. In fact, her house is the adjoining property and both are situated in an area zoned for residential purposes. Mrs. Dozie keeps poultry at the back of her house as a part time and recently purchased 600 day old chickens and kept them in pens erected on the boundary wall that separated her own building from that of Mr. Abdul. Mr. Abdul protested to Mrs. Dozie of the excess noise made by the chickens in the early hours of the morning and that this prevented him and his family from sleeping well. He also complained about the smell that emanates from the chicken pens as a result of excreta droppings. He complained of rats, flies and fleas escaping from the poultry into his house and discomforting and impairing his health. Despite these complaints, Mrs. Dozie took no action, rather she said that other neighbours kept poultry in their respective premises even before she started and there were no complaints. Advise Mr. Abdul as to his right and chances in court.
2. At the court of first instance, plaintiffs sued the defendants in a representative capacity claiming general damages arising out of work done by the second defendant who was contractor to the first defendant in the course of oil mining operation. The defendants made a large earth dam across the community creeks which caused serious flooding up stream and a total drying up of the creek downstream. As a result, farms were flooded and damaged, movement of canoes was hampered and other agricultural and commercial activities were paralyzed.
 - (a) Determine whether special damages could be claimed in a representative capacity.
 - (b) Determine whether the plaintiff could sue generally for losses suffered by them generally.

3. Five (5) members of the Akere Housing Estate in Lagos brought an action as plaintiff on behalf of themselves and other members of the Akere Housing Estate Association. Sammy Transport Limited, a limited company are owners of about five plots in the Akere Housing Estate. They are in the transport business and own several long trailers. They use their premises in the estate as their workshop and for parking of trailers. This has made the roads virtually impassable making it unsafe for the children, destroyed the roads and knocked down electric poles. The disturbing noise made by the drivers in the process of returning the vehicles and taking off early in the morning constitute in addition to the inconvenience complained about. Advise the residents on the right action to bring against Sammy Transport and why?
4. With the aid of decided cases or hypothetical examples, discuss three environmental law Principles.
5. Write short notes on any two of the following:
 - i. Noise Pollution
 - ii. Waste Management
 - iii. Public Health
6. 'Oil pollution is a major pollutant of water around Niger Delta area of Nigeria'. Discuss