


Name:			
Enrolment No:			
UPES Supplementary Examination, December 2023			
Course: Environmental Law Programme: B.Tech Computer Science and Engineering with LL.B (Hons.) Course Code: CLCC 4004		Semester: IX Time: 03 Hours Max. Marks: 100	
Instructions: Instructions: <ol style="list-style-type: none"> i. <i>Read questions carefully.</i> ii. <i>Concerning Section A responses, it is prescribed that response is limited to 4-5 lines.</i> 			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Explain the definition of “pollution” under Environmental Protection Act, 1986	2	CO1
Q 2	What is public nuisance with reference to environmental torts.	2	CO1
Q 3	When did UN General Assembly adopt a resolution stating that right to clean, healthy and sustainable environment is a human right.	2	CO1
Q 4	What do you understand by eco-centrism?	2	CO1
Q 5	State the example from ancient texts of India to substantiate the argument that ancient Indian philosophy/ religion had measures for protecting environmental resources.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Discuss the aims and objectives of the Environment (Protection) Act, 1986.	5	CO2
Q 7	Describe the “absolute liability” principle as propounded by the Supreme Court of India in the context of Environmental laws	5	CO2
Q 8	In 1987, the United Nation’s World Commission for Environment and Development published the report <i>“Our Common Future”</i> defining the contours and requirements of Sustainable Development. In the context of above, discuss Sustainable Development and its application by Judiciary while adjudicating matters concerning environmental laws.	5	CO2
Q 9	Write a brief note on <i>Polluter Pays Principle</i> and its application in India	5	CO2
SECTION-C (2Qx10M=20 Marks)			

Q 10	Analyze the powers and functions of Board as listed under Chapter IV of The Water (Prevention and Control of Pollution) Act, 1974.	10	CO3
Q 11	<p>“Pollution is the primary target of environmental law. During the past forty years, hundreds of federal and state statutes, administrative regulations, and international treaties have established multiple approaches to addressing pollution of the air, water, and land. Yet the law still struggles to identify precisely what constitutes pollution, how much of it is tolerable, and what we should do about it”</p> <p style="text-align: center;">- JC Nagle, The Idea of Pollution</p> <p>What are different theoretical approaches of understanding Pollution? Compare and analyze them in the context of Indian legal framework concerning environment (<u>Water Act, Air Act, and Environment Protection Act 1986</u>).</p>	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>The creation of the Indian Forest Department is based on the requirements of the railway companies for timber for its use in railway sleepers. The Department’s historical development and the evolution of forest-related laws in India have had significant implications for the rights of the indigenous and forest-dwelling communities and the environment. Samman is an NGO working for the rights of the indigenous and forest-dwelling communities.</p> <p>The Samman NGO has entrusted you, a legal researcher and analyst, with the task of preparing a “comprehensive report” that enlists the development of forest laws in India and delineates their conflict with the rights of the indigenous, tribal and village communities of India.</p> <p>In context of the above:</p> <ol style="list-style-type: none"> a. Identify the key features of the colonial forest statutes and explain the different positions (Annexationist, Pragmatic, and Populist) that emerged regarding state control over forest areas. Elucidate how the classification of forests in the Indian Forest Act, 1927 is based on the aforementioned positions. (15 Marks) b. Analyse the legal and environmental consequences of the colonial forest laws on the indigenous, tribal, and village communities and the environment. (10 Marks) 	CO 4	25
Q 13	<p><i>Indra</i> is a capitol city of <i>Bharatila</i>. There is an area in <i>Indra</i> called Officers’ Enclave in Central <i>Indra</i>. This area is mostly inhabited by the high-level executives, judicial officers, and upper echelons of civic society. There is an area nearby called <i>pataal-nagar</i>. This area is dominantly inhabited by rag-pickers.</p> <p><i>Indra</i> is known for severe winters. Rag-pickers generally burn the <i>koodha</i> in night to make temperature bearable. The pollution caused by it was causing acute inconvenience to residents of Officers’ Enclave especially in the morning time.</p>	CO 4	25

The UN General Assembly (UNGA) passed a resolution on 28 July 2022 recognizing the right to a clean, healthy, and sustainable environment as a human right. The UNGA calls upon states, international organizations, businesses, and other stakeholders to “scale up efforts” to ensure a clean, healthy, and sustainable environment for all.

Some concerned residents of Officers’ Enclave filed a PIL under Article 32 of Constitution stating that polluted air caused by burning of “koodha” by rag-picking community is violating their right to a clean, healthy, and sustainable environment as a human right and the same is affirmed by Indian Constitution under Article 21. The Supreme Court took cognizance and framed the issues. The State of Indira is attributed as one of the respondents by Court.

You are Counsel of State of Indira and have to submit arguments as respondent.

In the light of above facts, and issues framed, answer the following?

- 1.) Whether Article 21 of the Indian Constitution should be evoked to the protection of the citizens' environmental rights in this situation? **(13 Marks)**
- 2.) Whether State should intervene and ban burning of “koodha” when it might come at the cost of right of livelihood of rag-pickers? **(12 Marks)**