


| Name: | |  | |
|--|---|--|-----|
| Enrolment No: | | | |
| UPES End Semester Examination, December 2023 | | | |
| Course: Environmental Studies and Law Programme: B.Tech Computer Science and Engineering with LL.B (Hons.) Course Code: CLCC 4014 | | Semester: IX Time: 03 Hours Max. Marks: 100 | |
| Instructions: Instructions: <ol style="list-style-type: none"> i. Read questions carefully. ii. Concerning Section A responses, it is prescribed that response is limited to 4-5 lines. | | | |
| SECTION A (5Qx2M=10Marks) | | | |
| S. No. | | Marks | CO |
| Q 1 | Explain the definition of “environment” under Environmental Protection Act, 1986 | 2 | CO1 |
| Q 2 | State the difference(s) between public and private 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 anthropocentrism? | 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: right;">- 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 | Below stated 5 judgments are considered significant for its contribution in the evolution of Environmental Constitutionalism in India especially Article 21 and Article 32 jurisprudence. | CO 4 | 25 |

| S. No | Case Name | Case Citation |
|-------|--|----------------------|
| 1 | Vellore Citizens Welfare Forum vs Union Of India & Ors | AIR 1996(5) SCC 647. |
| 2 | Indian Council for Enviro-legal Action and others (Petitioners) v. Union of India and others (Respondents) | 1996 SCC (3) 212. |
| 3 | Mohd. Salim V. State of Uttrakhand & Ors. | W/P No. 126/2014 |
| 4 | Arjun Gopal Vs. Union of India | (2017) 16 SCC 280 |
| 5 | MC Mehta Vs. Kamal Nath & Ors. | (1997) 1 SCC 388 |

Write a critical case comment on **any one case** by applying principles of environmental laws and existing environmental constitutionalism in India.