


Name:			
Enrolment No:			
UPES End-Semester Examination, December 2023			
Course: Environmental Studies and Law Program: B.A./BBA/B.Com., LL.B. (Hons.) Course Code: CLCC3036		Semester: V Time: 03 hrs. Max. Marks: 100	
Instructions: Attempt all the questions			
SECTION A (5Qx2M=10Marks)			
		Marks	CO
Q1	Define “anthropocentrism” in terms of environmental philosophy.	2	CO1
Q2	Write a short note on the Public Trust doctrine.	2	CO1
Q3	What does “UNFCCC” stand for? When did it come into force and has India ratified it?	2	CO1
Q4	State the difference(s) between public and private nuisance with reference to environmental torts.	2	CO1
Q5	Enumerate two functions of the Central Board constituted under the Air (Prevention and Control of Pollution) Act, 1981.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q6	Describe the Polluter Pays principle as propounded by the Supreme Court of India.	5	CO2
Q7	Explain the significance of the Marrakesh Agreement vis-à-vis international trade and environment.	5	CO2
Q8	After 1972, comprehensive <i>lex specialis</i> were enacted by the Union Government. Summarize at least four legislations that impacted the environmental jurisprudence of India in the times to come.	5	CO2
Q9	Discuss the aims and objectives of the Environment (Protection) Act, 1986.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q10	What are the concepts of “Clean Development Mechanism” and “Joint Implementation”? Do they contradict or espouse the CDR (Common but Differentiated Responsibility) principle of international law? Explain.	10	CO3
Q11	Illustrate the role of the Indian Judiciary in protecting the environment through public interest litigation.	10	CO3

SECTION-D
(2Qx25M=50 Marks)

<p>Q 12</p>	<p><i>Indra</i> is the capital 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> <p>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.</p> <p>Some concerned residents of Officers’ Enclave filed a PIL under Article 32 of Constitution of <i>Bharatila</i> stating that polluted air caused by burning of <i>koodha</i> by the rag-picking community is violating their right to a clean, healthy, and sustainable environment as a human right and the same is affirmed by <i>Bharatilan</i> Constitution under Article 21. The Supreme Court took cognizance of the matter and framed the issues.</p> <p>Petitioners have asked you to represent them as a Counsel.</p> <p>In the light of above facts and issues framed, answer:</p> <p>(a) Whether Article 21 of the <i>Bharatilan</i> Constitution should be evoked to protect the citizens’ environmental rights in this situation. (13 Marks)</p> <p>(b) Whether the State should intervene and ban burning of <i>koodha</i> when it might come at the cost of the right to livelihood of rag-pickers. (12 Marks)</p> <p>The laws of <i>Bharatila</i> are identical to the laws of India.</p>	<p>25</p>	<p>CO4</p>
<p>Q13</p>	<p>The creation of the Indian Forest Department is based on the requirements of the railway companies for timber for its use in railway</p>	<p>25</p>	<p>CO4</p>

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. The 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.

In context of the above:

- (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) Analyze the legal and environmental consequences of the colonial forest laws on the indigenous, tribal and village communities and the environment. **(10 Marks)**