


| Name: | |  | |
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| Enrolment No: | | | |
| UPES End Semester Examination, December 2024 | | | |
| Course: Environmental Law and Studies Program: LL.B. Course Code: CLCC 1039 | | Semester: I Time : 03 hrs. Max. Marks: 100 | |
| Instructions: i.) Read questions carefully. ii.) There is a prescribed maximum response limit for each section of questions. Kindly adhere to the response limit. <i>There is a penalty for writing more than response limit.</i> | | | |
| SECTION A (5Qx2M=10Marks) <i>Maximum Response Limit is Five lines</i> | | | |
| S. No. | | Marks | CO |
| Q 1 | State the difference(s) between public and private nuisance with reference to environmental torts. | 2 | CO1 |
| Q 2 | In 1987 the UN's World Commission for Environment and Development publishes the report "Our Common Future" defining the contours and requirements of Sustainable Development. This report is popularly known as? | 2 | CO1 |
| Q 3 | What does UNFCCC stand for? When did it come into force and whether India has ratified it? | 2 | CO1 |
| Q 4 | When did UN General Assembly adopt a resolution stating that right to clean, healthy and sustainable environment is a human right? | 2 | CO1 |
| Q 5 | Which recent judgment of Supreme Court stated that right against adverse effect of climate change is a fundamental right under Article 21? | 2 | CO1 |
| SECTION B (4Qx5M= 20 Marks) <i>Maximum Response Limit is One Page.</i> | | | |
| Q 6 | Write a small note demonstrating the functions and importance of NGT | 5 | CO2 |
| Q 7 | Describe Public Trust Doctrine and its application in India? | 5 | CO2 |
| Q 8 | Explain the compatibility between trade and Environmental sustainability using the context of development of WTO in 21 st century | 5 | CO2 |
| Q 9 | Give Two examples from ancient texts of India to substantiate the argument that ancient Indian philosophy/ religion had measures for protecting environmental resources and analyze whether those measures can be utilized in modern India. | 5 | CO3 |

| SECTION-C (2Qx10M=20 Marks) <i>Maximum Response Limit is Three pages.</i> | | | |
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| 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) <i>Maximum Response Limit is Five pages</i> | | | |
| Q 11 | <p>Below stated Six judgments are considered significant for its contribution in the evolution of Environmental Constitutionalism in India especially Article 21 and Article 32 jurisprudence.</p> <ol style="list-style-type: none"> 1.) Indian Council for Enviro-legal Action and others v. Union of India and others, 1996 SCC (3) 212 2.) Mohd. Salim V. State of Uttarakhand & Ors., Writ Petition (PIL) No.126 of 2014. 3.) Vellore Citizens Welfare Forum vs Union Of India & Ors., 1996 (5) SCC 647. 4.) Murali Deora Vs. Union of India 2001 Supp(4) SCR 650 5.) Arjun Gopal Vs. Union of India, AIR 2018 SUPREME COURT 5731. 6.) M.K. Ranjitsinh vs Union Of India & Ors., Writ Petition (Civil) No. 838 of 2019. <p>Write a critical case comment on any one case by applying principles of environmental laws and existing environmental constitutionalism in India.</p> | 25 | CO4 |
| Q 12 | <p>Ramadheer Singha, a member of the Gond tribe, has lived in the forest of the village Kachar, District Singrauli, Madhya Pradesh, for generations. In 2010, the Forest Department declared 100 acres of land, including Ramadheer Singha 's ancestral land, as a ‘protected forest’ under Indian Forest Act, 1927. Ramadheer Singha applied for recognition of his forest rights under the Forest Rights Act, 2006 but was</p> | 25 | CO4 |

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| | <p>rejected by the Sub-Divisional Committee. The reason for rejection was based on a 2007 State Government of Madhya Pradesh's order allocating the mentioned land for mining purposes.</p> <p>Ramadheer Singha filed a writ petition under Article 226 in the High Court of Madhya Pradesh. The High Court took cognizance of the matter and admitted the writ petition. It framed following issues –</p> <ol style="list-style-type: none">1. Whether the Forest Department's declaration of protected forest violates Ram Singh's rights under the Forest Rights Act? (10 marks)2. Whether the government orders allocating land for mining supersedes the Forest Rights Act? (8 marks)3. Whether Ram Singh's ancestral land qualifies as "forest land" under the Act? (7 Marks) <p>If your SAP ID ends with –</p> <ol style="list-style-type: none">a.) Odd number, you are Petitioner's (Ramadheer Singha) Counselb.) Even number, you are Respondent's (Government of Madhya Pradesh) counsel. <p>Based on this information, write arguments on these three issues accordingly by applying/ using relevant laws/ statutes, judicial precedents, principles of environmental laws –</p> <p>Relevant Laws/ Statute</p> <ol style="list-style-type: none">1.) Constitution of India, 1949.2.) Indian Forest Act, 1927.3.) Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. | | |
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