



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: BA.LL.B. (HONS) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (VII) – ACADEMIC YEAR 2023-2024**

| <b>SL.NO</b> | <b>COURSE CODE</b>      | <b>COURSE TITLE</b>                                | <b>L</b> | <b>T/P</b> | <b>CR</b> | <b>CH</b> |
|--------------|-------------------------|--|----------|------------|-----------|-----------|
| <b>1</b>     | <b>704<br/>IL OP- 2</b> | <b>INTERNATIONAL<br/>ENVIRONMENTAL<br/>LAW -II</b> | <b>4</b> | <b>1</b>   | <b>4</b>  |           |

**A. CODE AND TITLE OF THE COURSE: 704 INTERNATIONAL ENVIRONMENTAL LAW**

**B. COURSE CREDIT: 4**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: Mr. DEBASIS PODDAR**

**E. COURSE INSTRUCTOR: Mr. DEBASIS PODDAR**

### **1. COURSE OBJECTIVES**

The main objectives of the course are as follows;

- To study the evolution and development of the environmental law in various jurisdictions of the world;
- To understand the social and physical complexities environmental issues and how these complexities influence the evolution of environmental laws;
- The complex physical and social nature of environmental problems and how that leads to specific features of environmental law;
- Basic theories of court-based adjudication and the strengths and weaknesses of them in relation to environmental law;
- Overview of the development of the role of courts and tribunals in NZ, Australia, UK, and US with a particular emphasis on specialist environmental courts and tribunals
- An analysis of debates about access to courts in environmental law cases that cover issues to do with standing, costs, and court procedure;
- To critically evaluate the strengths and weaknesses of different environmental legal systems across the globe;
- To explore the similarities and differences between environmental laws of two or more countries in the world;
- To study the comparative environmental law methods as a tool in the administration of justice through courts of the countries;
- Overview of the roles that courts play in developing doctrine in public and private law;
- A study of how courts have developed legal doctrine on the basis of environmental principles;
- A study of how courts have developed doctrine in regards to environmental impact assessment and resource management issues; &
- A study of the role of courts in relation to climate change issues

## **2. TEACHING METHODOLOGY**

- Collegial presentation;
- Interactive pedagogical techniques;
- Case study method;
- Articles based discussions;
- Debate oriented and negotiation rounds on critical environmental issues;
- Legislative and case analysis of landmark and latest legal instruments and case laws respectively;
- Documentary screening and open house discussions

### **3. COURSE OUTCOME.**

On the completion of this course students should be able to:

- Appreciate the social and physical complexity of environmental problems and how that complexity shapes environmental law;
- Understand basic theories of adjudication and the challenges environmental problems create for the operation of those theories;
- Understand how courts and tribunals have evolved to address environmental problems;
- Understand the procedural and institutional aspects of courts adjudicating upon environmental law matters;
- Understand and identify the major challenges involved in courts developing doctrine in regards to environmental law; &
- Comment critically about environmental law case law.

### **4. COURSE EVALUATION METHOD.**

|                            |    |
|----------------------------|----|
| Seminar Paper              | 60 |
| Seminar Paper Presentation | 30 |
| Moot Memorial              | 50 |

|            |     |
|------------|-----|
| Moot Oral  | 50  |
| Attendance | 10  |
| Total      | 200 |

## **5. Detailed Structure of the Course (specifying course modules and sub-modules)**

### **MODULE I**

#### **A. The Common Law as an Environmental Protection Tool and Comparative Environmental Constitutionalism**

- Comparative Tort Law
- The Substantive Parameters of Environmental Torts
- Comparative Environmental Constitutionalism
- Environmental Performance Index 2016

#### **B. Comparative Disaster Management Laws**

- United States
- Japan
- India

### **MODULE II**

#### **Keystone environmental laws governing water**

- United States- Discharges of pollutants from point sources, discharge permits and cooperative federalism
- Canada- Federal Water Pollution and Water quality laws, provincial approaches to water pollution and case study of Canada's oil sands

- India- Water preservation and protection against pollution laws and case laws

## **MODULE III**

### **Comparative Atmospheric Pollution Laws & EIA**

- China
- India
- United States
- European Union

Environmental Impact Assessment- Findings of No Significant Impact, Supplements, and Exclusions & Environmental Assessment Requirements of Other Countries

- World Bank
- United States
- Germany
- India
- Case Study: Canada's Pulp Mills, Oil Sands, and Reform Proposals
- The Scope and Relative Effectiveness of EIA Requirements
- International Agreements and Directives- Espoo and Aarhus.

## **MODULE IV**

### **Comparative Wildlife Legislations**

- India- sanctuaries, and other biodiversity reserves
- United States- Wildlife Refugees, Wilderness and Parks, species specific legislations

- New Zealand- The conservation estate, biosecurity

### **Relevant books and articles**

- Michael G. Faure and Jason S. Johnston, in *The Law and Economics of Environmental Federalism: Europe and the United States Compared*, 27 *Virginia Environmental Law Journal* 205 (2009).
- Kathryn A. Perales, *It Works Fine in Europe, So Why Not Here? Comparative Law and Constitutional Federalism*, 23 *Vermont Law Review* 885 (1999).
- Mathias Reimann, *Stepping Out of the European Shadow: Why Comparative Law in the United States Must Develop its Own Agenda*, 6 *American Journal of Comparative Law* 637 (1998).
- Paul A. Barresi, *Mobilizing the Public Trust Doctrine in Support of Publicly Owned Forests as Carbon Dioxide Sinks in India and the United States*, 23 *Colorado Journal of International Environmental Law & Policy* 39 (2012).
- Albert C. Lin, *Beyond Tort: Compensating Victims of Environmental Toxic Injury*, 78 *Southern California Law Review* 1439 (2005) reprinted with permission of the *Southern California Law Review*.
- Sarah Michaels and Owen J. Furuseth, *Innovation in Environmental Policy: The National Environmental Policy Act of the US and the Resource Management Act of New Zealand*, 17 *The Environmentalist* 181 (1997).
- Ravi Singhania and Sunayna Jaimini, *Lafarge Decision—Light at the End of the Tunnel?*, 2 *Indian Law News* 18 (American Bar Association Section of International Law Newsletter 2011). © Copyright 2011 by the American Bar Association.
- William A. Tilleman, *Public Participation In The Environmental Impact Assessment Process: A Comparative Study of Impact Assessment in Canada*, *The*

United States and the European Community, 33 Columbia Journal of Transnational Law 337 (1995).

- Mary Williams Walsh, Environmental Law in Canada Comes of Age, Los Angeles Times F1, April 8, 1990. Copyright © 1990 Los Angeles Times.

- Christopher Wood, Environmental Impact Assessment: A Comparative Review (2nd ed. 2003). © Copyright 2003 Pearson Education, Harlow, UK.

- Peter Bernard and Andrew P. Mayer, A Tale of Two Sovereigns: Canada, The United States, and Trans-Border Pollution Issues, 13 U.S. Maritime Law Journal 125 (2000–2001).

- Michael J. Robinson-Dorn, The Trail Smelter, Is What's Past Prologue? EPA Blazes a New Trail for CERCLA, 14 N.Y.U. Environmental Law Journal 233 (2006).

- William Howarth, Water Quality and Land Use Regulation Under the Water Framework Directive, 23 Pace Environmental Law Review 351 (2006).

- M.C. Mehta, The Accountability Principle: Legal Solutions to Break Corruption's Impact on India's Environment, 21 Journal of Environmental Law & Litigation 141 (2006).

- Joshua Walters and Shi-Ling Shu, Saving the Northern Spotted Owl in British Columbia (2008), at [www.law.ubc.ca/files/pdf/enlaw/SpottedOwlCase04\\_20\\_09.pdf](http://www.law.ubc.ca/files/pdf/enlaw/SpottedOwlCase04_20_09.pdf).

- Shalini Bhutani and Ashish Kothari, The Biodiversity Rights of Developing Nations: A Perspective From India, 32 Golden Gate Law Review 587 (2002).

- Owen Furuseth and Chris Cocklin, An Institutional Framework For Sustainable Resource Management: The New Zealand Model, 35 Natural Resources Journal 243(1995).

- Oliver A. Houck, Tales from a Troubled Marriage: Science and Law in Environmental Policy, 17 Tulane Environmental Law Journal 163 (2003). Reprinted with permission of the Tulane Environmental Law Journal, which holds the copyright.
- Michael Stockdale, English and American Wildlife Law: Lessons from the Past, 47 Proc. Annual Conf. Southeast Assoc. Fish and Wildlife Agencies 732 (1993).
- Mitsuhiro A. Takahashi, Are the Kiwis Taking a Leap? Learning from the Biosecurity Policy of New Zealand, 24 Temple Journal of Science, Technology & Environmental Law 461 (2005).
- Benjamin A. Kahn, The Legal Framework Surrounding Maori Claims to Water Resources In New Zealand: In Contrast to the American Indian Experience, 35 Stanford Journal of International Law 49 (1999).
- Peter Manus, Indigenous Peoples' Environmental Rights: Evolving Common Law Perspectives in Canada, Australia, and the United States, 33 B.C. Environmental Affairs Law Review 1 (2006).
- James Salzman, Thirst: A Short History of Drinking Water, 18 Yale Journal of Law and Humanities 94 (2006)