



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A., LL.B (HONS.) FYIC

DETAILS OF COURSE OFFERED

ODD SEMESTER (III) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1	304	ENVIRONMENTAL LAW	4 PER WEEK	1 PER WEEK	4	

A. CODE AND TITLE OF THE COURSE: 304, ENVIRONMENTAL LAW

B. COURSE CREDIT: 4 (TOTAL MARKS 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: CHIRADEEP BASAK

E. COURSE INSTRUCTOR: CHIRADEEP BASAK

1. COURSE OBJECTIVES-

The course is designed primarily to inform and equip the policy-makers and enforcers in the understanding, application and critical evaluation of the legal ordering concerning the greener aspects of the environment. The essential focus of the course is to examine the international moorings and the domestic articulation of the laws concerning Forests, Wildlife and Biological Diversity. This course reflects on the schemes, strategies and institutional mechanisms evolved under law in their management. The legal enquiry includes analysis of policy and legislative frames, administrative practices, judicial interpretations and precedents and legal customs and traditions that have enriched the contents and contours of the jurisprudence on the subject. The economic, social, cultural, political and human rights under currents that operate, influence and fashion the legal regime on the subject, come under the scanner of scrutiny here. This course seeks to provide students with a solid understanding of environmental law and strives to equip them with the knowledge and analytical skills of understanding the basic frame work of the same. Recourse will often be taken to actual working of the laws and initiatives of activist groups throughout the course. The content of the course is primarily intended to furnish the practitioners of law with philosophical moorings, policy perspectives, legislative designs and judicial interpretations about the subject. The course focuses essentially on the Indian Environmental legal ordering; however, international concerns and developments will also be taken into consideration as and when required. For instance, where the international regime, legal and political, contributes to the content and administration of domestic Environmental Law. In such cases following things are to be taken into account:

- ❖ The international obligations will be comparatively taken into account, hence an analysis of the extent of commitment, compliance and fulfillment of international obligations taken up by the state.
- ❖ Examining, understanding and appreciating the role of non-state actors in the whole system of environmental governance.

In addition, since India is getting prepared for its second round of international negotiations on climate change, the development in this regard will be a subject of focus in the course.

The course also emphasizes on equipping the budding lawyers with the basic knowledge and skills required for the understanding environmental law, in its policy, and practical aspects

Furthermore, it also tries to identify the strengths and weaknesses in the laws and the enforcement machineries that are entrusted with the responsibility of managing the environment i.e. the governance system.

Lastly, the ultimate goal is to help students become 'fluent' in Domestic Environmental Law, in view of either public/private practice or research in this area.

2. TEACHING METHODOLOGY

Environmental law is still an evolving discipline of law and this is one of the exceptional fields of law which demands and deserves an interdisciplinary approach. Environmental problems, as we have seen, are irretrievably intertwined with issues like economics, politics, social justice, ecology industrial technology and the like. It's important for a thorough understanding of environmental problem, laws and solution to include and scrutinize different aspects of human life in relation to it.

The course is designed to be interactive in the form of class discussions and debates, lectures and presentations by experienced administrators and experts drawn from different fields concerning environment multidisciplinary and to draw richly from the experiences in the field of environmental Governance

The pedagogical passage is intended primarily to be interactive, so as to include, sessions on solving problems, panel presentations, participant-initiated group discussion on a variety of issues concerning "green-governance". A set of reading materials would be supplied at the commencement of the course. Supplementary readings may be offered, during the conduct of the course, whenever deemed fit. The expectation is that the participants would come prepared to the class-room for discussion over materials supplied in advance.

3. COURSE OUTCOMES

- The students after the completion of the course are expected to have quality education on strengthening environmental policy, environmental administration, environmental justice delivery system, encouraging participatory process, equipping enforcement of environmental law and promoting environmental education
- They shall be capable of setting up forum for securing pre-litigation remedies

- They will be encouraged to carry on field -studies and research on environmental issues and its solution through the process of the law
- One of the outcomes of the course will be to make them efficient public interest lawyer in environmental law
- They will be equipped with interest to take up environmental law as a subject at Masters Level

4.COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

External Assessment: 30% (60 marks)

Sl. No.	Internal Assessment	
1.	Assignments (written or in presentation mode) (2 Assignments of 20 marks each)	40 marks
2.	Seminar/Group Discussion (topics will be announced by concerned course teacher)	20 marks
3.	Class Tests (twice in a semester)	2x 35 = 70 marks
4.	Attendance in class	10 marks
5	Semester End Examination	60 marks

5.DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE I

Foundation and Principles:

- Foundational norms and principles- Principles of International Environmental Law
- Global Commons
- Sovereign Rights over Natural Resources
- Preventive Principle
- Sustainable Development
- Equity

- Integration of Environment and Development
- Precautionary Principle
- Polluters Pays Principle
- Common but Differentiated Responsibilities
- Access to Information and Remedies
- Access and Benefit Sharing regarding Natural Resources
- Transparency
- Public Participation
- Stockholm Conference (1972)
- Rio de Janeiro Summit (UNCED, 1992): UNFCCC, UNCCD, UNCBD, Agenda 21
- Beyond UNCED and World Summit on Sustainable Development (Rio+20)

MODULE II

Pollution Control, Waste management and the Laws:

- Constitutional Conspectus
- Environmental Legal Framework:
 - ❖ Policy perception
 - ❖ Environment Protection Act, 1986 & Rules
 - ❖ Environmental Pollution, Control Measures and Acts
 - Air Pollution, water pollution, noise pollution laws
 - ❖ Waste Management
 - International, Regional and National Legal Framework
 - Waste management- causes, effects and control measures

Forests and Wildlife

- ❖ Forest laws and policies
- ❖ Wildlife Protection Act
 - Indian Forest Act- kinds of forest- private, reserved, protected and village forests
 - The Forest (Conservation) Act, 1980 and Rights of Forest Dwellers
 - Wildlife Protection- authorities, hunting of wild animals, protection of specified plants, protected areas, trade and commerce in wild animals, animal articles and trophies

MODULE III

Climate Change and the Law

- UN Framework Convention on Climate Change
- Kyoto Protocol, 2005 and Doha Amendment, 2012
- Copenhagen Accord, 2009
- Cancun Agreements, 2010
- Durban Outcomes, 2011
- Warsaw Outcomes, 2013
- Poznan Strategic Programme, 2013
- Paris Agreement, 2015

MODULE IV

Animal Welfare Laws

- The Prevention of Cruelty to Animals Act, 1960
- The Prevention of Cruelty to Draught and Pack Animals Rules, 1965
- The Transport of Animals Rules, 1978
- The Experiments On Animals (Control And Supervision) Rules, 1968

6. PRESCRIBED READINGS

Statutory Reference

- Biological Diversity Act, 2002
- G.S.R.261 (E), [15/04/2004] – Biological Diversity Rules, 2004.
- National Action Plan on Climate Change
- Indian Network for Climate Change Assessment (Full Report)
- India's take on Climate Change- Post Copenhagen
- Ozone-Depletion Regulations 2006
- Disaster Management Act 2005
- National Policy on Disaster Management
- Energy Conservation Act, 2001
- The Energy Conservation (Amendment) Act, 2010
- The Energy Conservation Amendment Bill 2010
- National Policy on Biofuels
- Strategic Plan For New and Renewable Energy Sector for the Period 2011-17
- National Conservation Strategy and Policy Statement on Environment and Development
- Fifth Trade Policy Review of India
- National Agricultural Policy
- The Prevention of Food Adulteration Act & Rules (as on 1.10.2004)
- Indian Food Code
- Food Safety and Standards Act, 2006
- Food safety and standards (contaminants, toxins and residues) regulation, 2011
- State/Union Territory Minor Forest Produce (Ownership of Forest Dependent Community) Act, 2005 – Draft

- Forest (Conservation) Act, 1980, amended 1988.
- The Indian Forest Act, 1927.
- G.S.R.23(E) – Forest (Conservation) Rules, 2003.
- G.S.R.719 – Forest (Conservation) Rules, 1981, amended 1992.
- The ST and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
- Operational Guidelines For Integrated Forest Protection Scheme (Ifps)
- The Forest (Conservation) Act, 1980
- THE STATE/UT MINOR FOREST PRODUCE (OWNERSHIP RIGHTS OF FOREST DEPENDENT COMMUNITY) ACT, 2005
- Forest (Conservation) Rules, 1981 (as amended up to May 1992)
- National Forest Policy
- Mines and Minerals (Development and Regulation) Act, 1957
- Mineral Concession Rules, 1960
- Mineral Concession Amendment Rules, 2009
- Mineral Concession Amendment Rules, 2012
- Supplementary Note to Mines Bill
- Offshore Areas Mineral (Development and Regulation) Act, 2002
- The Mines and Minerals (Scientific Development& Regulation) Act, 2009 (9-7-2009)
- The Mines and Minerals (Development and Regulation) Amendment Act, 2010
- CESS and other Taxes on Minerals (Validation) Act, 1992
- National Mineral Policy, 2008
- Goa, Daman AND Diu Mining Concessions Act, 1987
- Memorandum of Action taken on the Interim Report of Justice M.B. Shah Commission of Inquiry for Illegal Mining of Iron Ore and Manganese
- Municipal Solid Waste (Management And Handling) Rules, 2013.
- The Bio-Medical Waste (Management And Handling) Rules, 1998
- Municipal Solid Waste (Management And Handling) Rules 2000
- The Plastic Waste (Management And Handling) Rules, 2011
- E-Waste (Management And Handling) Rules, 2011
- EPA -Rule and Implementation Information for Standards of Performance for Municipal Solid Waste Landfills
- EPA-Non-hazardous Waste Regulations
- EPA Municipal Solid Waste Landfill Regulations
- Statutes, Regulations, and Regulatory Guidance
- National Urban Sanitation Policy
- The Wild Life (Protection) Amendment Act, 2006 (No. 39 of 2006, [03/09/2006])
- The Wild Life (Protection) Amendment Act, 2002 (No. 16 of 2003, [17/01/2003])
- The Wildlife (Protection) Act 1972, as amended in 1993.
- Wildlife (Protection) Amendment Bill 2013
- Recognition of Zoo Rules, 2009. The Wildlife (Transaction and Taxidermy) Rules, 1973 G.S.R. 198(E), dated the 9th April, 1973
- The Wildlife (Protection) Licensing (Additional Matters For Consideration) Rules, 1983 G.S.R. 328 (E), dated 13th April, 1983
- National Wildlife Action Plan (NWAP)
- Wildlife (Specified Plants – Conditions For Possession by Licensee) Rules, 1995
- Wildlife Conservation Strategy, 2002

- Wildlife Protection Amendment Act, 2002 The Air (Prevention and Control of Pollution) Act 1981, amended 1987
- The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983
- The Air (Prevention and Control of Pollution) Rules, 1982
- Revised National Ambient Air Quality Standards, Notification
- Ambient Air Quality Standard for Ammonia (NH₃)
- The Water (Prevention and Control of pollution) Act, 1974
- The Water Cess Act, 1977
- National Water Policy
- Environment (Protection) Act, 1986
- The Environment (protection) Rule 1986

Judicial Reference:

- *Goodwill Plastic Industries and Hardeep Industries v. Union Territory of Chandigarh* , (08 . 08 . 2013 - NGT)
- *Vodafone Mobile Services Ltd . and Ors . v . Union of India* (31 . 01 . 2014 - TDSAT)
- *Suo Motu v. The State of Karnataka Rep . by The Chief Secretary and Ors .* (08 . 10 . 2013 - KARHC)
- *Narmada Khand Swabhiman Sena vs . State of Madhya Pradesh* (01 . 10 . 2014 - NGT)
- *Centre for Environment Law , WWF - I v . Union of India* (UOI) and Ors . MANU/SC/0373/2013
- *Indian Council for Enviro-Legal Action and Ors. v. Union of India (UOI)* MANU / SC / 1112 / 1996
- *N.D Jayal & Ors. v. Union of India* MANU/SC/0649/2003 *Orissa Mining Cooperation Ltd. v. Ministry of Environment and Forest* MANU/SC/0373/2013
- *Lafarge Umiam Mining Pvt . Ltd . v . Union of India* (UOI) and Ors . MANU/SC/0735/2011
- *Karnataka Industrial Areas Development Board v. Sri. C. Kenchappa and Ors.* MANU/SC/8159/2006
- *G . Sundarrajan v. Union of India* (UOI) and Ors . MANU/SC/0466/2013
- *Narmada Bachao Andolan v. Union of India and Others* MANU/SC/0640/2000
- *Goa Foundation and another v. Konkan Railway Corporation*, AIR 1992 Bom. 471
- *Vellore Citizen's welfare Forum v. Union of India* (1996) 5 SCC 647
- *S. Jagannath v. Union of India* (1997) 2 SCC 87
- *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 6.
- *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Rtd)* (1999) 2 SCC 718, 812 7.
- *M.C. Mehta v. Union of India and others* (*Bhopal gas leak case*) AIR 1987 SC 1026.
- *Rural litigation and Entitlement Kendra, Dehradun v. State of U.P.*, AIR 1985, SC 652, AIR 1988 SC. 2187
- *T. Damodar Rao v. Municipal Corporation, Hyderabad*, AIR 1987 AP 170.
- *L.K. Koolwal v. State of Rajasthan*, AIR 1988, Raj. 2
- *Subash Kumar v. State of Bihar*, AIR 1991, SC 420
- *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.
- *Banawasi Seva Ashram v. State of U.P.*, A.I.R. 1987 SC 374
- *State of Himachal Pradesh v. Ganesh Wood Product*, A.I.R. 1996 S.C. 49
- *Abhilash Textile v. Rajkot Municipal Corporation*, AIR 1988 Guj 57

- *Sushila Saw Mills v. State of Orissa*, AIR 1995 SC 2484 9
- *J.C. Galstoun v. Dunia Lal Seal* (1905) 9 CWN 612
- *Ram Baj Singh v. Babn Lal* AIR 1982 All 285
- *Rylands v. Flatcher* (1868) L R 3HL 330
- *M.C. Mehta v. Union of India*, AIR 1987 SC 1086, AIR 1987 SC 965.
- *Union Carbide Corporation v. Union of India*, AIR 1992 SC 248
- *Pondicherry Papers Limited v. Central Board for the prevention and control of water pollution*. Cr. M.P. No. 4662 and 4663 of 1978 of Madras High Court
- *Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of water pollution*, AIR 1986 Del 152
- *U.P. Pollution Control Board v. Modi Distillery*, AIR 1988 SC 1128
- *U.P. Pollution Control Board v. Mohan Makings Ltd.* 2000 (2) Scale 532
- *K.K. Nandi v. Amitabh Banerjee* 1983 Cr. L.J. 1479
- *Mohmad Ali v. State of Bihar*, AIR 1986 Pat. 133
- *Maharaja Sri Umaird Malls Ltd. Pali, v. State of Rajasthan* AIR 1997 Raj. I
- *N.A. Palkhivala v. M.P. Pradushan Niwaran Mandal* 1990 Cr. L.J. 1856.
- *Dwarka Cement Works Limited v. State of Gujarat* (1992) 1. Guj. Law Herald 9.
- *Suma Traders v. Chairman, Karnantaka State Pollution Control Board*, AIR 1998 Kar 8
- *M.C. Mehta v. Union of India* (Taj Trapezium case) AIR 1997 SC 734
- *M . C . Mehta v. Union of India (UOI) and Ors .* (22 . 11 . 1991 – SC)
- *State Pollution Control Board v. Jagannath Stone Crusher and Ors.* (06.07.2010 – SC)
- *M . C . Mehta v. Union of India and Others* (08 . 07 . 1996 – SC)
- *Orissa State (Prevention and Control of Pollution) Board v. Orient Paper Mills and Anr.* (10.03.2003 – SC)
- *A.P. Pollution Control Board v. Prof. M.V. Nayadu (Retd.) & Others* (27.01.1999 – SC)
- *U.P. Pollution Control Board and Ors. v. Kanoria Industrial Ltd. and Anr.* (24.01.2001 – SC)
- *Surendra Kumar Singh v. State of Bihar* 1991 Supp (2) SCC 628
- *Rajeev Mankotia v. The Secretary to the President of India*, AIR 1997 2766
- *Ram Sarup v. State of Harayana* AIR P&H 205
- *Alaknanda Hydro Power Company Ltd . v. Anuj Joshi and Ors* MANU/SC/0795/2013
- *Centre For Envir .Law , WWF – I v. Union of India (UOI) and Ors* MANU/SC/1041/2011
- *Kranti v. Union of India & Ors.* (2007) 6 SCC 744
- *State of HP v. Ganesh Woods* MANU/SC/0038/1996
- *Environment Awareness Forum v. St. of J & K* (1999) 1 SCC 210
- *T.N. Godavarman Thirumulpad v. Union of India (UOI) and Ors. Decided On:* 26.09.2005
- *Nature Lovers Movement v. State of Kerala and Ors .:* MANU/SC/0486/2009
- *K.Guruprasad Rao v. State of Karnataka an Ors.*MANU/SC/0697/2013
- *Alakanana Hydro Power Company Lt. v. Anuj Joshi an Ors.* MANU/SC/0795/2013
- *Orissa Mining Corporation Ltd. v. Ministry of Environment and Forest and Ors.* MANU/SC/0396/2013
- *B.S. Sandhu and Ors. v. Government of India and Ors.* MANU/SC/0487/2014
- *St. of H.P v. Ganesh Wood Product* AIR 1996 SC 149
- *M.C. Mehta v. Kamal Nath* 1997 1 SCC 388

- *Tarun Bharat Sangh, Alwar v. UoI*, 1992 Supp(2) SCC 448
- *State of MP v. S.P.Sales Agencies and Ors.* (2004) 4 SCC 448
- *Rural Litigation Entitlement Kendra v. State of U.P & Ors.* (1986) 2 SCC 614
- *Tarun Bharat Sangh, Alwar v. Union of India and Ors.* AIR 1992 SC 514
- *Orissa Mining Corporation v. Ministry of Environment & Forest & Others*, Writ Petition (Civil) No. 180 OF 2011.
- *Samaj Parivartana Samudaya v. State of Karnataka*, Writ Petition (Civil) No. 562 of 2009
- *Common Cause v. Union of India (UOI) and Ors.* MANU/SC/0491/201
- *Almitra H Patel v. Union of India* (2000) 2 SCC 679
- *M.C. Mehta v. Union of India (Taj Trapezium Case)*
- *M.C. Mehta v. Union of India (Municipal Waste Case)*
- *M.C. Mehta v. Union of India (Hot Mix Plants Case)*
- *Buffalo Traders Association v. Maneka Gandhi*
- *M.C. Mehta v. Union of India (Shifting of industries/ Bric Klin Industries Case)*
- *World Saviours v. Union of India and Ors.*
- *Kamini Jaiswal v. Union of India*
- *M.C. Mehta v. Union of India (Airport Authority of India)*
- *M.C. Mehta v. Union of India (Brick Kiln Industry)*
- *M.C. Mehta v. Union of India (Relocation of Industries)*
- *Research Foundation for Sciences v. Union of India & Another*
- *M.C. Mehta v. Union of India (Hazardous Waste Case)*
- *B.L. Wadera v. Union of India and Ors.* (1996 (2) SCC 594)
- *Ramji Patel and Ors. v. Nagrik Upbhokta Marg* (2000) 3 SCC 29
- *Mohd . Hanif Quareshi and Ors . v. The State of Bihar* AIR 1958 SC 731
- *State of Gujarat v . Mirzapur Moti Kureshi Kassab Jamat and Ors* AIR 2006 SC 212
- *Manager , Pinjrapole Deudar & Anr v. Chakram Moraji Nat & Ors* AIR 1998 SC 2769
- *Abdulsattar Yusufbhai Qureshi and Ors . v . State of Gujarat* AIR 2008 SC 1695
- *Haji Usmanbhai Hasanbhai Qureshi and others v. State of Gujarat* AIR 1986 SC 1213
- *Bharat Amratlal Kothari v . Dosukhan Samadkhan Sindhi and Ors* AIR 2010 SC 475

Articles and Book Chapters

- Historical perspectives of Indian Environmental Law, available at <http://envis.mse.ac.in/envistamil/legis.htm#70s> (last visited on June 18, 2015);
- Judge Madan B. Lokur, *Environmental Law: Its Development And Jurisprudence*, available at http://awsassets.wvfindia.org/downloads/green_law_lecture_july_3_2006.pdf (last visited on June 18, 2015);
- V Singh, *Environmental Legislations In India*, available at http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/6565/9/09_chapter%204.pdf (last visited on June 18, 2015);
- Indira Gandhi's speech at Stockholm Conference, 1972, available at <http://lasulawsenvironmental.blogspot.in/2012/07/indira-gandhis-speech-at-stockholm.html> (last visited on June 19, 2015);
- Gus diZerega, *Deep Ecology and Liberalism: The Greener Implications of Evolutionary Liberal Theory* (The Review of Politics, Vol. 58, No. 4 (Autumn, 1996), pp. 699-734);
- Erik D. Fritsvold, *Under the Law: Legal Consciousness and Radical Environmental Activism* (Law & Social Inquiry, Vol. 34, No. 4 (Fall, 2009), pp. 799-824);

- David M. Wilkinson, *Is Gaia Really Conventional Ecology?* (Oikos, Vol. 84, No. 3 (Mar., 1999), pp. 533-536);
- Val Plumwood, *Androcentrism and Anthropocentrism: Parallels and Politics* (Ethics and the Environment, Vol. 1, No. 2 (Fall 1996), pp. 119-152);
- Van Rensselaer Potter, *Real Bioethics: Biocentric or Anthropocentric?* (Ethics and the Environment, Vol. 1, No. 2 (Fall 1996), pp. 177-183)
- Indira Priya Darshini, *Uma Devi, Environmental Law and Sustainable Development* 1st Edition 2010, Chapter I, Emergence of Environmental Jurisprudence pp: 3-26, Chapter II, Conceptual Analysis of Sustainable Development pp27 -130, Chapter IV-National Strategy for Environmental Sustainability, pp 131-184, Chapter-V, Right to Life and Environmental Sustainability, pp 185-234.
- Shyam Divan, Armin Rosencranz, *Environmental Law and Policy Cases, Material and Statutes*, 1 st Edition (2001), Chapter-III, Constitutional and Legislative Provision pp: 40-66.
- P. Leela Krishnan, *Environmental Law Case Book*, 2nd Edition 2006, Part V, Judicial Review of Environmental Decision, pp:284 to 365.
- Architesh Panda, *Assessing Vulnerability to Climate Change in India* (Economic and Political Weekly, Vol. 44, No. 16 (Apr. 18 - 24, 2009), pp. 105-107)