

<b>Course title:</b> Law, Society and Sustainable Development				
<b>Course code:</b> MPD 152	<b>No. of credits:</b> 3	<b>L-T-P distribution:</b> 29-16-0	<b>Learning hours:</b> 45	
<b>Pre-requisite course code and title (if any):</b> NA				
<b>Department:</b> Department of Policy Studies				
<b>Course coordinator (s):</b> Mr. Amrithnath S.B		<b>Course instructor (s):</b> Mr. Amrithnath S.B		
<b>Contact details:</b> <a href="mailto:amrithsb@gmail.com">amrithsb@gmail.com</a>				
<b>Course type:</b> Core		<b>Course offered in:</b> Semester 1		
<b>Course Description:</b> The course on Law, Society and Sustainable Development will explore the role of the judiciary, particularly the Supreme Court of India, in environmental governance in India. India has several laws and policies to protect and conserve the environment. Yet, it is the Indian judiciary, and not the legislature, which has been credited for evolving various types of environmental rights and delineating obligations on the state and the citizens to protect the environment.				
<b>Course objectives :</b> The course is designed to expose students to various Indian environmental legal principles, familiarize them with the concept of judicial activism and the tool of public interest litigation that is often used in environmental cases and give them a basic understanding of how courts influence environmental decision making in India.				
<b>Course Contents:</b>				
Module	Topic	L	T	P
1	<b>Introduction to the course and sources of law in India</b> Discussion on relevant constitutional provisions and broad issues to think about and deliberate on during the course	6		
2	<b>Key legal concepts</b> <ul style="list-style-type: none"> <li>• Judicial Review and the Indian Constitution</li> <li>• Judicial Activism and Public Interest Litigation</li> <li>• Principle of sustainable development</li> <li>• Precautionary principle</li> <li>• Polluter pays principle</li> <li>• Public trust doctrine</li> <li>• Principle of absolute liability</li> </ul>	11	8	
3	<b>Some specific areas of Indian environmental law</b> <ul style="list-style-type: none"> <li>• The environmental clearance process</li> <li>• The <i>Godavarman</i> case (Forest case)</li> <li>• Criminal law</li> </ul>	7	6	
4	<b>The National Green Tribunal</b> <ul style="list-style-type: none"> <li>• Need for special environmental courts</li> <li>• Jurisdiction and powers of the National Green Tribunal</li> </ul>	3	2	
5	<b>International Law and the Environment</b> Introduction, sources and principles	2		
<b>Total</b>		<b>29</b>	<b>16</b>	<b>0</b>
<b>Evaluation procedure :</b>				
		Weightage (%)		
<ul style="list-style-type: none"> <li>• Class participation</li> <li>• Essay 1 (1000-1500 words)</li> <li>• Essay 2 (4000-5000 words)</li> <li>• Group Presentation</li> <li>• Final examination</li> </ul>		<ul style="list-style-type: none"> <li>: 10</li> <li>: 10</li> <li>: 25</li> <li>: 15</li> <li>: 40</li> </ul>		
<b>Learning outcomes :</b>				
1. Awareness about the basic tenets of Indian environmental law.				

2. Familiarity with the institutional structure of Indian environmental governance and the role of the Indian judiciary.
3. Understanding the procedural and substantive requirements in certain areas of environmental regulation such as environmental clearance and forest clearance.
4. Appreciating the need for transparency, accountability and effective public participation in environmental decision making.

**Pedagogical approach :**

The course will be taught through interactive sessions based on previously circulated readings. Many environmental legal principles in India have organically developed through judgments of the courts and these judgments will be discussed in class.

It is understood that most students do not have a background in law and therefore the readings for class will be decided and the student assessment undertaken keeping that in mind.

**Suggested Readings :**

1. S. Divan and A. Rosencranz, *Environmental Law and Policy in India* (New Delhi:., Oxford University Press, 2002, 2nd edn)
2. P. Leelakrishnan, *Environmental Law in India* (New Delhi: Lexis Nexis, 2008, 3rd edn)
3. B.N. Kirpal et al. (eds), *Supreme but not Infallible: Essays in Honour of the Supreme Court of India* (New Delhi: Oxford University Press, 2000, 2008 edn)
4. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (New Delhi: Oxford University Press, 2002)

**Additional information (if any) :****Student responsibilities :**

Attendance: At-least 75% attendance will be necessary to be able to appear for the final exam.

**Course Reviewers:**

1. Ms Shibani Ghosh, Fellow, Centre for Policy Research
2. Dr Nupur Chowdhury, Assistant Professor, JNU