

Course title: Environmental law and policy				
Course code: NRE 155		No. of credits: 3	L-T-P: 45-0-0	Learning hours: 45
Pre-requisite course code and title (if any):				
Department: Natural and Applied Science				
Course coordinator(s):			Course instructor(s): Ms Hemavathi S Shekhar	
Contact details: hemavathi.shekhar@terisas.ac.in				
Course type: Core			Course offered in: Semester 1	
Course description				
<p>Law and policy plays a major role in the conservation and management of natural resources as well as pollution control. This course intends to introduce the students to the vast field of Environmental Law and Policy. The course would be divided into three broad areas. The first part would cover the basic concepts and principles of Environmental Law. This would include judicial precedents, which now forms an essential part of environmental jurisprudence. The second part would be divided into specific introductory modules on forests and wild life including bio-diversity related laws; Air and Water related laws including mega projects and marine laws; and laws relating to hazardous substances. The third part would discuss the developments at the international level in the field of environmental law. At the end of the course it is expected that the students would be familiar with the overall Environmental Law and Policy regime of the country as well as its international obligations. It is expected that the case studies would equip them with basic knowledge and skills to understand environmental law issues.</p>				
Students are expected to attend the class after going through the reading material.				
Course objectives				
<ul style="list-style-type: none"> ▪ To explain the role of law, policy and institutions in the conservation and management of natural resources as well as pollution control ▪ To introduce the laws and policies both at the national and international level relating to environment ▪ To equip the students with the skills needed for interpreting laws, policies and judicial decisions 				
Course content				
Module	Topic	L	T	P
1.	<p>Basic Concepts in Environmental Law. An introduction to the legal system; Constitution, Acts, Rules, Regulations; Indian Judiciary, Doctrine of precedents, judicial review, Writ petitions, PIL–liberalization of the rule of locus standi, Judicial activism. Introduction to environmental laws in India; Constitutional provisions, Stockholm conference; Bhopal gas tragedy; Rio conference. General principles in Environmental law: Precautionary principle; Polluter pays principle; Sustainable development; Public trust doctrine. Overview of legislations and basic concepts.</p>	2 3 2 1		
2.	<p>Module II–Forest, Wildlife and Biodiversity related laws Evolution and Jurisprudence of Forest and Wildlife laws; Colonial forest policies; Forest policies after independence</p>	2		

	Statutory framework on Forests, Wildlife and Biodiversity: IFA, 1927; WLPA, 1972; FCA, 1980; Biological Diversity Act, 2002; Forest Rights Act, 2006. Strategies for conservation–Project Tiger, Elephant, Rhino, Modulew leopard.	5 1		
3.	Module III–Air, Water and Marine Laws National Water Policy and some state policies Laws relating to prevention of pollution, access and management of water and institutional mechanism: Water Act, 1974; Water Cess Act, 1977, EPA, 1986. Pollution Control Boards Ground water and law Judicial remedies and procedures Marine laws of India; Coastal zone regulations. Legal framework on Air pollution: Air Act,1981; EPA, 1986	1 5 1 1 2 3		
4.	Module IV–Environment protection laws and large Projects Legal framework on environment protection–Environment Protection Act as the framework legislation–strength and weaknesses; EIA; National Green tribunal The courts infrastructure projects	3 3		
5.	Module V Hazardous Substances and Activities Legal framework: EPA and rules made thereunder; PLI Act, 199 Principles of strict and absolute liability	2 2		
6.	Module VI International Environmental law An introduction to International law; sources of international law; law of treaties; signature, ratification Evolution of international environmental law: Customary principles; Common but differentiated responsibility, Polluter pays.	3 3		
	Total	45	0	0
Evaluation criteria				
<ul style="list-style-type: none"> ▪ Minor Test 1: 20% ▪ Minor Test 2: 20% ▪ Term paper: 10% ▪ Major Test: 50% 				
Learning outcomes				
<ul style="list-style-type: none"> ▪ be familiar with the laws, policies and institutions in the field of environment ▪ acquire the skills needed for interpreting laws, policies and judicial decisions in a holistic perspective ▪ acquire the ability to evaluate the role of law and policy in conservation and management of natural resources and prevention of pollution 				
Pedagogical approach				
Materials				
Required text				
<ol style="list-style-type: none"> 1. Divan S. and Rosencranz A. (2005) <i>Environmental Law and Policy in India</i>, 2nd ed., Oxford, New Delhi 2. Leelakrishnan P. (2008) <i>Environmental Law in India</i>, 3rd ed., Lexis Nexis, India. 				

Suggested readings

1. Birnie P. (2009) *et al.*, *International Law and the Environment*, 3rd ed., Oxford.
2. Desai A. (2002) *Environmental Jurisprudence*, 2nd ed., Modern Law House, Allahabad.
3. Gadgil M. and Guha R. (1995) *Ecology and Equity*, Oxford, New Delhi.
4. Gadgil M. and Guha R. (1997) *This Fissured Land*, Oxford, New Delhi.
5. Guha R. (2000) *Environmentalism: A Global History*, Oxford, New Delhi.
6. Kamala S. and Singh U.K. (eds.) (2008) *Towards Legal Literacy: An Introduction to Law in India*, Oxford, New Delhi.
7. Leelakrishnan P. (2006) *Environmental Law Case Book*, 2nd ed, Lexis Nexis, India.
8. Sands P. (2002) *Principles of International Environmental Law*, 2nd ed, Cambridge.
9. Singh C. (1986) *Common Property and Common Poverty*, Oxford, New Delhi.
10. Upadhyay S. and Upadhyay V. (2002) *Hand Book on Environmental Law- Forest Laws, Wildlife Laws and the Environment*; Vols. I, II and III, Lexis Nexis- Butterworths-India, New Delhi.

Journals

1. Economic and Political Weekly
2. Journal of Indian Law Institute

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

The students are expected to submit assignments in time and come prepared with readings when provided.

Course Reviewers

The course is reviewed by the following experts.

1. Prof Arup Poddar, Professor, Kolkata (NUJS), Kolkata.
2. Dr. Stellina Jolly, Assistant Professor, South Asian University, Akbar Bhawan, Chanakyapuri, Chanakyapuri, New Delhi.