

Course title: Law, Society and Sustainable Development				
Course code: MPD 157		No. of credits: 3	L-T-P distribution: 34-11-0	Learning hours: 45
Pre-requisite course code and title (if any): NA				
Department: Department of Policy and Management Studies				
Course coordinator (s): Dr. Kavita/ Dr Gaurika Chugh			Course instructor (s): Dr. Kavita/ Dr Gaurika Chugh	
Contact details: kavita@terisas.ac.in and gaurika.chugh@terisas.ac.in				
Course type: Core			Course offered in: Semester I	
<p>Course Description: This course provides a comprehensive understanding of the origins and development of the concept of law and sustainable development, along with the multifaceted role of law in society. India has numerous laws and policies aimed at protecting the rights of vulnerable communities and promoting sustainable development across various dimensions, including social, economic, and environmental aspects. The Indian judiciary, particularly the Supreme Court of India, has played a pivotal role in interpreting the Constitutional provisions and has delineated the obligations of the state and citizens to protect the environment and attain the goal of social justice and economic equity. The course will cover legislative frameworks, policies, and judicial interventions that have collectively shaped India's approach to sustainable development.</p>				
<p>Course objectives:</p> <ul style="list-style-type: none"> • To make the students realize the significance of law as an instrument for social changes in that how it has set the course in the contemporary Indian society. • To enable students to critically examine how law and legal institutions can be effectively used to combat social oppression and inequalities, promoting justice and equity in Indian society. • To expose students to various legal principles and familiarize them with the concept of judicial activism and the tool of public interest litigation that has often been used to implement the concept of sustainable development. • To inculcate an understanding among students of the various legal frameworks at international, national, and local levels that govern sustainable development initiatives. This includes exploring laws and policies aimed at achieving social, economic, and environmental sustainability. • To provide students with a comprehensive perspective on how the judiciary, legislature, and policy-making institutions collaborate to advance sustainable development goals, ensuring a balanced approach that addresses all facets of sustainability. 				
Course Contents:				
Module	Topic	L	T	P
1	<p>Introduction to Law, Society and Development: This module shall cover the conceptual and legal framework of the intersection of law, society, and development.</p> <ul style="list-style-type: none"> • Discussion on relevant constitutional provisions • Discussion on justice and rule of law • Law as an instrument of social change • Understanding the intersection between law, society, and development • Examination of legal frameworks that address gender-based discrimination. • Exploration of the role of law in promoting human rights. 	4	0	0
2	<p>Key legal concepts: This module discusses various relevant legal concepts related to Sustainable development:</p> <ul style="list-style-type: none"> • Historical evolution: Brundtland Commission Report. • Key principles of sustainability (e.g., environmental protection, social equity, economic viability) • Sustainable Development Goals (SDGs) and their significance <ul style="list-style-type: none"> • Role of law and legal institutions for SDG governance in India 	6	0	0

3	<p>International Law and Sustainable Development: This module deals with the evolution and development of sustainable development frameworks, encompassing environmental, social, and economic aspects.</p> <ul style="list-style-type: none"> • Important Doctrines: Precautionary Principle, Polluter Pays Principle and Public Trust Doctrine • Biodiversity Convention and Climate Change Law and Policy: Interlinkages with Sustainable Development • Global Economic Policies for Sustainable Development: Analysis of international economic policies and agreements that promote sustainable development, including trade, investment, and development aid policies. • Social Sustainability and International Law: Discussion on international legal frameworks that address social sustainability issues such as poverty alleviation, education, health, and gender equality. 	8	0	0
4	<p>Sustainable Development at the National Level: This module highlights the laws related to sustainable development at the national level, covering environmental, social, and economic dimensions –</p> <ul style="list-style-type: none"> • Public Interest Litigation (PIL) • Right to Wholesome Environment: Evolution and Application • Environmental Legislations in India • Legal Framework for Social Inclusion: Laws addressing social equity and justice (Right to Education Act, MGNREGA). • Legal Framework for Economic Development: CSR; Sustainable Business Practices; Labor Rights • Economic and Social Rights of Forest Dwelling Communities 	8	6	0
5	<p>Contemporary Challenges in relation to Emerging Legal Issues in India (Case Studies): This module will cover the discussion regarding contemporary challenges with respect to emerging legal issues in relation to sustainability with the help of various case studies.</p> <ul style="list-style-type: none"> • Legal aspects of land use planning: The RFCTLARR Act 2013 (case study: Industrial corridors in Maharashtra) • Water related conflicts at national level (Case Study India): Inter-State Water Disputes Act, 1956; Role of judiciary; Mullaperiya dispute; Cauvery Water Disputes 	8	5	0
	<ul style="list-style-type: none"> • Landmark Judicial Decisions: N.D. Jayal vs Union of India; <i>Narmada Bachao Andolan vs. Union of India</i>; <i>TN Godavarman vs Union of India</i> 			
Total		34	11	0

Evaluation procedure:

	Weightage (%)
• Class Participation:	10
• Minor 1: Case Law Discussion	20
• Minor 2: Assignment and Presentation	30
• Major Test: Written test	40

Learning outcomes:

1. Awareness about the basic tenets of Indian Constitutional law specifically focusing on Fundamental Rights, Fundamental Duties and Directive Principles of State Policy
2. Familiarity with the Institutional Structure of Indian Governance for Sustainable Development and the Role of the Indian Judiciary
3. Familiarity with Gender justice, Human rights issues and conceptual understanding of Sustainable Development.
4. Apply critical thinking skills to assess ethical dilemmas and conflicts in sustainable development decision-making, proposing viable solutions and strategies for mitigation.
5. A true understanding of the student over the subject will help them to work in a diverse field of law. They may be able to have a better understanding of the law and society and may understand the impact of law on society and vice versa.

Pedagogical approach:

The course will be taught through interactive sessions based on previously circulated readings. Many 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 shall be undertaken keeping that in mind. The teaching learning methodology shall comprise lectures, case studies, group discussions, presentation by the participants, guest lectures, seminars and research.

Suggested Readings:

1. Agnes Flavia - Law and Gender Inequality: The Politics of Women's Rights in India, Oxford, New Delhi (1999)
2. Anna Grear & Louis J. Kotzé (eds.) - Research Handbook on Human Rights and the Environment, Edward Elgar (2015)
3. Bakshi, M.P.- Constitution of India, Vol 1, 19th edition, Lexis Nexis (2023)
4. Basu, D. D. - An Introduction to the Constitution of India, 26th edition, New Delhi, Prentice Hall (2023)
5. Baxi, Upendra - The Crisis of Indian Legal System, Vikas Publication (1982)
6. Eloise Scotford - Environmental Principles and the Evolution of Environmental Law, Hart Publishers (2017)
7. Marc Galanter (ed.) - Law and Society in Modern India, Oxford, New Delhi (1997)
8. P. Leelakrishnan - Environmental Law in India, 3rd Edition, Lexis Nexis, New Delhi (2008)
9. Philippe Cullet & Sujith Koonan (eds.) - Research Handbook on Law, Environment and the Global South, Edward Elgar (2019)
10. S.P. Sathe - Judicial Activism in India: Transgressing Borders and Enforcing Limits, New Delhi: Oxford University Press (2002)
11. Savitri Gunasekhare - Children, Law and Justice, Sage Publications (1997)
12. Sunil Deshta and Kiran Deshta - Law and Menace of Child Labour, Anmol Publications, New Delhi (2007)

13. Shyam Diwan & Armin Rosencranz - Environmental Law and Policy in India, 2nd Edition, Oxford University Press (2001)
14. Segger, M.-C. C., & Khalfan, A. - Sustainable Development Law: Principles, Practices, and Prospects, Oxford: Oxford University Press (2004)
15. Boyle, A.E. and Freestone, D. (eds.) - *International Law and Sustainable Development: Past Achievements and Future Challenges, Oxford University Press, USA (2001)
16. Orebech, Peter - The Role of Customary Law in Sustainable Development, Cambridge University Press (2005)
17. Porras, Ileana M. - The City and International Law: In Pursuit of Sustainable Development, Fordham Urb. LJ 36 (2009): 537
18. Segger, Marie Claire Cordonier, and Freedom-Kai Phillips - Indigenous Traditional Knowledge for Sustainable Development: The Biodiversity Convention and Plant Treaty Regimes, Journal of Forest Research 20.5 (2015): 430-437
19. Bizikova, Livia, John Robinson, and Stewart Cohen - Linking Climate Change and Sustainable Development at the Local Level, Climate Policy 7.4 (2007): 271-277
20. Harish, B. - Role of the Supreme Court in Developing & Applying the Principles of Sustainable Development, Issue 5 Indian JL & Legal Rsch. 4 (2022): 1
21. Puvimanasinhe, Shyami Fernando - Towards a Jurisprudence of Sustainable Development in South Africa: Litigation in the Public Interest, Sustainable Dev. L. & Pol'y 10 (2009): 41
22. Jameel, Anas, and Waseem Ahmed - Sustainable Development Goals and India's Commitment to Gender Justice, Society & Sustainability 3.2 (2021): 68-86
23. MacNaughton, Gillian, and Diane F. Frey - Decent Work, Human Rights and the Sustainable Development Goals, Geo. J. Int'l L. 47 (2015): 607

Student responsibilities:

Attendance: At least 75% attendance will be necessary to be able to appear for the final exam. The students are required to come prepared with readings that are suggested during the class and ensure timely submission of assignments. They are also expected to participate and further strengthen their understanding of concepts through classroom discussions.

Course Reviewers

- Dr Aditi Singh, Associate Professor, Galgotias University, Greater Noida\
- Dr Anant Vijay Maria, ADV on Record Supreme Court of India

This Course outline was prepared by Dr Kavita and Dr Manini Syali and approved by the..... Academic Council Meeting on at TERI School of Advanced Studies, New Delhi.

