Course Title: Environmental Law and Policy			
Course code: MPL 155	**No. of credits: 3**	**L-T-P:** 30-15-0	**Learning hours: 45**
Pre-requisite course code and title (if any): None			
Department: Centre for Post Graduate Legal Studies			
Course coordinator: Dr Moumita Mandal	**Course instructor:** Dr Moumita Mandal		
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Course type: Core	**Course offered in** Semester 1		

Course Description:

Law and policy play 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 has been divided into three broad areas. The first part has covered the basic concepts and principles of Environmental Law. This included the judicial precedents, which formed an essential part of environmental jurisprudence. The second part has been divided into specific introductory modules on forests and wildlife 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 has discussed the role of the judiciary including the National Green Tribunal in protecting the environment and the proposal of a special environmental court.

Course Objectives:

1.To create a new idea for bringing a new legal regime for the protection of the environment.
2.To evaluate the existing law and policy relating to environmental protection in India.
3.To analyze the role of the different national and international institutions which are dealing with environment-related issues in India.
4.To practically apply the existing legislation and policies.
5.To understand the development of environmental law both nationally and internationally.
6.To remember the laws, judgments, and so on relating to environmental protection.

Course contents

S.No	Topic	L	T	P
1	**Introduction** Environment: Definition and importance. -Environment vs. development debates. -Trigger eventsbusiness and environmental law. -A brief introduction to SDGs. - Post Stockholm: aglimpseof international environmental law and development of environmental law in India. - Environmental Institutions: national and international. -Introduction to environmental laws in India-Constitutional provisions, an overview of the laws. -General principles in environmental law: Precautionary Principle; Polluter Pays Principle; Sustainable Development; Public Trust Doctrine.	10	3	0

2	**Forest, Wildlife, and Biodiversity-relatedLaws** -Evolution and jurisprudence of forest and wildlife and biodiversitylaws: colonial forest policies; forest policies after independence. -Existingstatutory framework on forests, wildlife, and biodiversity: protection and conservation; key points of governance of forest, wildlife, and biodiversity. -Eco-Sensitive Zones (ESZs). -Strategies for conservation and protection: Mangroves; Tiger; Elephant; Rhino; and Snow leopard.	6	3	0
3	**Air and Water Pollution and Control** -Laws relating to the prevention of pollution and control of water and air. -National Water Policy. -Health impacts and air pollution: legal measures taken to date. -Pollution Control Boards.	4	3	0
4	**Environment Protection Laws and Large Projects** -Environment Protection Act 1986: safeguarding nature for a sustainable future; regulating large projects; Environmental Impact Assessment. -Protection of the marine environment: legal mechanism-coastal zone regulations, wetland conservation.	4	3	0
5	**Judicial remedies and the role of the National Green Tribunal** -Role of judiciary in environmental protection. - Infrastructure projects and the Indian judiciary. -Jurisdiction and powers of NGT, A critical analysis of its role, suggestions to make it an advisory body. -Proposal for a special environmental court.	6	3	0
	Total	30	15	0

Evaluation criteria:

1. Class participation: 5 marks
2. Attendance: 5 marks
3. Minor 1: Written Examination-20 marks [Module 1]
4. Term paper written submission: 10marks [Module 1-5]
5. Presentation of term paper 10 Marks [Module 1-5]
6. Major Test: Written Examination: 50 marks [Module 2-4]

Learning outcomes:

On completion of this course, the students would:

1.Be able to create new ideas for further development of law and policy relating to environmental protection [Term Paper and Presentation].

2.Be able to evaluate the existing legal regime and provide suggestions for the development of environmental law [Minor 1 and Major Test]

3.Be able to analyze the role of different national and international institutions that are shaping environmental law and policy [Minor 1 and Major Test].

4.Be able to apply the provisions of the law, especially for environmental litigation [Minor 1 and Major Test].

5.Be able to understand and compare the development and importance of environmental law

and policy [Minor 1 and Major Test].
6.Be able to remember the key provisions of the law and policy that are important for the protection of the environment in India [Minor 1 and Major Test].

Pedagogical approach:
A combination of lecture-based, and problem-based learning would be used. Judicial decisions would form the starting point for discussions in the classroom. A lot of emphasis is given to self-study.

Materials:
Text Books

1. Sands P. and Peel J. (2012). Principles of international environmental law. 3rd ed, Cambridge: Cambridge University Press.
2. Divan S. and Rosencranz A. (2005) Environmental Law and Policy in India, 2nd ed., Oxford, New Delhi.

Suggested Readings

1. Kohli, K. and Menon, M. (eds.) (2016). Business interests and the environmental crisis. New Delhi: Sage India.
2. Dutta, R. (2015). Commentary on the National Green Tribunal Act, 2010. New Delhi: Wadhwa Book Company.
3. Bharat H Desai (2014). International Environmental Governance: Towards UNEPO? Boston, USA: Brill/ Nijhoff.
4. Sahu, G. (2014). Why the underdogs came out ahead. Economic and Political Weekly, 49 (4), 52-57.
5. Sahu, G. (2014). Environmental jurisprudence and the Supreme Court: Litigation, interpretation, implementation. New Delhi: Orient Blackswan.
6. Lele, S. and Menon, A. (eds.) (2014). Democratizing forest governance in India. New Delhi: Oxford University Press
7. Bharat H Desai (2010). Multilateral Environmental Agreements: Legal Status of the Secretariats (New York, NY: Cambridge University Press.
8. Birnie P. (2009). International law and the environment, 3rd ed. Oxford: Oxford University Press.
9. Bharat H Desai (2003). Institutionalizing International Environmental Law, New York: Transnational Publishers.
10. Upadhyay S. and Upadhyay V. (2002). Hand Book on environmental law- Forest laws, wildlife laws and the environment. Vols. I, II and III, New Delhi: Lexis Nexis- Butterworths-India.
11. Guha, R. (2000). Environmentalism: A global history. New Delhi: Oxford University Press.
12. Gadgil, M. and Guha, R. (1995). Ecology and equity. New Delhi: Oxford University Press.
13. Singh, C. (1986). Common property and common poverty. New Delhi: Oxford University Press.

Additional information (if any):
-MoEFCC (2023), Status of Mangrove Plantations; https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1947426
-MoEFCC (2022), Conservation and protection of mangroves; https://moef.gov.in/wp-content/uploads/2022/03/Conservation-and-protection-of-mangroves.pdf

-Law Commission of India one Hundred Eighty-Sixth Report on Proposal to Constitute Environment Courts September, 2003;https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081021-1.pdf

-MoEFCC, "Eco-Sensitive Zones"; https://moef.gov.in/moef/division/forest-divisions-2/eco-sensitive-

zone-esz/introduction-2/index.html

-MoEFCC, "92 Eco-Sensitive Zones, 2 Ecologically Sensitive Areas notified in 13 States of Indian Himalayan Region"; 23 March 2023; https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1909904

List of the leading cases:

-*GodavarmanThirumulpadv. Union of India and Others (2023).*
-*Orissa Mining Corporation Ltd v. Ministry of Environment & Forest &Ors (2013).*
--*Narmada BachaoAndolan v. Union of India (2000).*
-*Rural Litigation and Entitlement Kendra, Dehradun v. State of Uttar Pradesh (1985).*
-*M.C. Mehta v. Union of India (1997) (Taj Trapezium case).*
-*M.C. Mehta v. Kamal Nath &Ors. (1996).*
-*Indian Council for Enviro- Legal Action v. Union of India, (1996).*
--*Subhash Kumar v. State of Bihar (1991).*
--*M.C. Mehta & Another v. Union of India (Shriram Foods & Fertilizer Industries Case) (1987).*
-*Olga Tellis v. Bombay Municipal Corporation (1986).*

Student Responsibilities:

Students are expected to come prepared with readings and actively participate in the discussions.