

Course Title: Environmental Law and Policy				
Course code: MPL 155		No. of credits: 2	L-T-P: 28-0-0	Learning hours: 28
Pre-requisite course code and title (if any): None				
Department: Centre for Post Graduate Legal Studies				
Course coordinator: Dr. Vishnu Konoorayar			Course instructor: Dr. Vishnu Konoorayar	
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Course type: Core			Course offered in: Semester 1	
Course description: 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 role of judiciary including the National Green Tribunal in protecting the environment.				
Course objectives:				
<ol style="list-style-type: none"> 1. To provide an overview of the law and policies relating to environment both at the national and international level. 2. To critically analyse the implementation of these laws and the role of adjudicatory bodies in the field of environment. 				
Course contents				
S.No	Topic	L	T	P
1	Introduction Environment: meaning and components Environment v. Development debates, trigger events, business and environmental law, a brief introduction to SDGs. 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.	6	0	0
2	Forest, Wildlife and Biodiversity related laws Evolution and Jurisprudence of Forest and Wildlife laws; Colonial forest policies; Forest policies after independence. Statutory framework on Forests, Wildlife and Biodiversity: IFA, 1927; WLPA, 1972; FCA, 1980; Biological Diversity Act, 2002; Forest Rights Act, 2006. Forest Conservation case Strategies for conservation–Project Tiger, Elephant, Rhino, Snow leopard.	8	0	0
3	Air and Water Laws National Water Policy 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 Legal framework on Air pollution: Air Act, 1981; EPA, 1986	6	0	0
4	Environment protection laws and large Projects	4	0	0

	Legal framework on environment protection-Environment Protection Act as the framework legislation–strength and weaknesses; EIA. Marine laws of India; Coastal zone regulations, Wetland conservation.			
5	Judicial remedies and the role of 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.	4	0	0
	Total	28	0	0

Evaluation criteria:

1. Minor test: 30%
2. Term Paper and presentations: 30%
3. Major test: 40%

Learning outcomes:

On completion of this course, the students would:

1. Have a strong foundation to undertake specialised courses in the field of environmental laws and policy
2. Develop an interdisciplinary approach to the issues relating to the environment.

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 class room. A lot of emphasis is given on self-study.

Materials:

Text Books

Divan S. and Rosencranz A. (2005) Environmental Law and Policy in India, 2nd ed., Oxford, New Delhi

Sands P. and Peel J. (2012). Principles of international environmental law. 3rd ed, Cambridge: Cambridge University Press.

Suggested Readings

Birnie P. (2009). International law and the environment, 3rd ed. Oxford: Oxford University Press.

Dutta, R. (2015). Commentary on the National Green Tribunal Act, 2010. New Delhi: Wadhwa Book Company.

Gadgil, M. and Guha, R. (1995). Ecology and equity. New Delhi: Oxford University Press.

Gadgil, M. and Guha, R. (1997). This fissured land. New Delhi: Oxford University Press.

Guha, R. (2000). Environmentalism: A global history. New Delhi: Oxford University Press.

Kohli, K. and Menon, M. (eds.) (2016). Business interests and the environmental crisis. New Delhi: Sage India.

Lele, S. and Menon, A. (eds.) (2014). Democratising forest governance in India. New Delhi: Oxford University Press.

Sahu, G. (2014). Why the underdogs came out ahead. *Economic and Political Weekly*, 49 (4), 52-57.

Sahu, G. (2014). *Environmental jurisprudence and the Supreme Court: Litigation, interpretation, implementation*. New Delhi: Orient Blackswan.

Singh, C. (1986). *Common property and common poverty*. New Delhi: Oxford University Press.

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.

Additional information (if any):

Student Responsibilities:

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

Course reviewers:

Shibani Ghosh, Fellow, Centre for Policy Research, New Delhi.

Dr. Jacob Joseph, Assistant Professor, National University of Advanced Studies, Kochi.