Course title: Infrastructure Law and Policy			
Course code: MPL 157	**No. of credits: 3**	**L-T-P:** 30-15-00	**Learning hours: 45**
Pre-requisite course code and title (if any): None			
Department: Centre for Post Graduate Legal Studies			
Course coordinator: Dr Manini Syali	**Course instructor:** Dr Manini Syali		
Contact details: manini.syali@terisas.ac.in			
Course type: Core	**Course offered in:** Semester 1		

Course description:
This course provides an overview of the Constitutional and general legal context in which the infrastructure sector operates. It also covers the legislative and policy framework within which the specific infrastructure activity has to be undertaken. Special emphasis is placed on the regulatory law of different infrastructure sectors, and an attempt is made to undertake a comparative assessment of the regulatory laws and policies of different infrastructure sectors.

Course objectives:
1. To provide an overview of the constitutional and the general legal context in which the infrastructure sector operates.
2. To examine the importance of independent regulation in infrastructure
3. A general analysis of the laws, policies, and reforms carried out in select infrastructure sectors
4. To discuss and analyze various legal and policy frameworks within the infrastructure sector and foster the ability to propose policy reforms.

Course contents

S.No	Topic	L	T	P
1	**Constitutional aspects** Constitutional Infrastructure Law in India: Allocation of jurisdiction over different infrastructure sectors between the Centre and State - law-making powers; Allocation of natural resources: Judicial review; Administrative law ; Case Studies for Comparative Analysis: South Korea, Germany, and Singapore Basic Infrastructure (Public Health; Public Education) vs. Developmental Infrastructure	4	2	0
2	**Independent regulation: New Mechanism of Governance in infrastructure** Theories of regulation-genesis of Independent regulation evolution of regulation in different jurisdictions- Design and structure of regulators-scope and functions-regulatory process- regulatory autonomy and accountability-regulatory predictability and certainty ; Comparative Analysis of Regulatory Frameworks across Different Sectors; Public Participation and Transparency in the Regulatory Process	4	2	0
3	**Land Acquisition** Concepts of eminent domain and public purpose; The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013: Social Impact Assessment, Environmental Considerations in Land Acquisition: Requirement of consent in the case of certain acquisitions, compensation, rehabilitation and resettlement. ; Human Rights and Indigenous Rights Considerations in Land Acquisition	4	2	0

4	**Infrastructure Sectoral polices, reforms and laws**			
	Power Sector/Electricity Introduction-evolution of the power sector reforms, polices- Electricity Act, 2003 - National Electricity policy- legal framework- the state electricity boards- licensing framework- Provisions Relating to and working of Electricity Regulatory Commissions-their structure, role and functions ; Renewable Energy Policies and Regulations in India	4	1	0
	Telecommunications The national telecom policies-the legal framework- regulatory agencies functioning, power and functions of TRAI and TDSAT	3	1	0
	Oil, Petroleum and Natural Gas Reforms, policies and legal framework -New Exploration Licensing Policy (NELP)- production sharing contracts- the Petroleum Regulatory and	3	2	0
	Natural Gas Board Act – the emerging regulatory reforms ;			
	Water Water policy General Legal framework and reforms-Water rights- state jurisdiction- new regulatory reforms in water sector.	2	2	0
	Transport Law, policy and reforms relating to Airports-Railways-Road –Port; TAMP; an overview of coastal shipping and Inland Water Transport policy ; Urban Transport Planning and Policy	3	2	0
	Real estate The Real Estate (Regulation and Development) Act, 2016 ; Land Use Planning and Zoning Laws; interrelationship between planning and zoning laws and environmental legislations	2	1	0
	Infrastructure as a contributor and mitigator toward climate change: Cross Sectorial Analysis; Case Studies	1		
	Total	30	15	0

Evaluation criteria:

1. Minor Test: Written Examination- 20% [Syllabus: Module 1]
2. Written Assignment: Research Paper or Case Comment – 20 % [Entire Syllabus]
3. Presentation on the Assignment -20 % [Entire Syllabus]
4. Major Test: Written Examination-40 % [Syllabus: Module 2-4]

Learning outcomes:

On completion of this course, the students would be able to:

1. *Understand and Remember* key principles of infrastructure law and policy. [Minor Test, Major Test]

2. *Apply* this knowledge to real-world scenarios in infrastructure development, effectively using legal reasoning to interpret policy implications and regulatory decisions. [Minor Test, Major Test, Case Comment, Presentation]

3. *Analyze* and critique laws, policies, and reforms within various infrastructure sectors, and identify potential areas for improvement. [Research Paper, Presentation]

4. *Evaluate* the role of infrastructure in broader socio-economic contexts, considering the

implications of legal frameworks on human rights, environmental sustainability, and economic development. [Minor Test, Major Test, Research Paper or Case Comment, Presentation]

5. *Create* well-founded arguments and proposals for policy or legal reform to address contemporary challenges in infrastructure development. [Research Paper, Presentation]

Pedagogical approach:
A combination of lecture based and problem based learning would be used. Case studies would be used for initiating discussions in the module on specific sectors.

Materials:
Suggested Theoretical Readings:

Module 1: Constitutional Aspects

- **Baldwin, R., & McCrudden, C. (1987).** *Regulation and Public Law*. London: Weidenfeld & Nicolson.
- **National Transport Development Policy Committee Report (Rakesh Mohan Committee).**
- **Shapiro, S., & Tomain, J. (2003).** *Regulatory Law and Policy: Cases and Materials*. New Delhi: LexisNexis.

Module 2: Independent Regulation

- **Sarkar, S. K., & Srivastava, L. (Eds.). (2002).** *Reforms in the Infrastructure Sectors: Next Steps*. New Delhi: TERI Press.
- **Sundar, S., & Sarkar, S. K. (2000).** *Framework for Infrastructure Regulation*. New Delhi: TERI Press.
- **Joshi, P. (2003).** *Law Relating to Infrastructure Projects* (2nd ed.). New Delhi: Butterworths.

Module 3: Land Acquisition

- **Cullet, P., & Koonan, S. (2012).** *Water Law in India: An Introduction to Legal Instruments*.
- **Iyer, R. R. (2009).** *Water and the Laws in India*. Sage.

Module 4: Sectoral Policies, Reforms, and Laws

- **Chatterjee, S. K. (2013).** *Commentary On The Electricity Laws of India*. Delhi Law House.
- **Raghavan, V. (2007).** *Communications Law in India: Legal Aspects of Telecom, Broadcasting, and Cable Services*. LexisNexis.
- **Naseem, M. (2010).** *Energy Law in India*. Kluwer Law International.
- **Fatima, T. (2012).** *Transport Law in India*. Kluwer Law International.
- **Palmer, E. (2021).** Regulating infrastructure: Human rights and the sustainable development goals in Myanmar. *Human Rights Law Review, 21*(3), 588-619.
- **Fagundes, A., de Cássia Lisboa Ribeiro, R., de Brito, E. R. B., Recine, E., & Rocha, C. (2022).** Public infrastructure for food and nutrition security in Brazil: Fulfilling the constitutional commitment to the human right to adequate food. *Food Security, 14*(4), 897-905.
- **Hulten, C. R., & Schwab, R. M. (1997).** A fiscal federalism approach to infrastructure policy. *Regional Science and Urban Economics, 27*(2), 139-159.
- **Greiving, S., et al. (2016).** Developments and drawbacks in critical infrastructure and regional planning: A case study on region of Cologne, Germany. *Journal of Extreme Events, 3*(04),

1650014.
- **Malone, N. (2005).** The evolution of private financing of government infrastructure in Australia—2005 and beyond. *Australian Economic Review, 38*(4), 420-430.
- **Shortridge, J., & Camp, J. S. (2019).** Addressing climate change as an emerging risk to infrastructure systems. *Risk Analysis, 39*(5), 959-967.
- **Palin, E. J., et al. (2021).** Implications of climate change for railway infrastructure. *Wiley Interdisciplinary Reviews: Climate Change, 12*(5), e728.

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