

The Indian Law Institute

Post Graduate Diploma Program 2009-10

Teaching Scheme

Name of the Course	:	Environmental Law and Management
Duration	:	One Academic Year
Total Number of Classes	:	150 Hrs.
Course Coordinators	:	Dr. Furqan Ahmad & Prof. D.S. Sengar
Session Duration	:	120 Minutes (6.00 p.m. to 8.00 p.m.)

Objective and Scope

The objective of this programme is to provide an opportunity for the professionals to further their interest in law and awareness in Environmental Law to fulfil their duties. It is utmost necessary that environmental law should be developed as a part of our jurisprudence. The issues to be tackled through the environmental jurisprudence are land, forest, biodiversity, water marine and coastal environment, atmosphere and industrial environment. The environmental law is an essential tool for measuring sustainability. By providing standards of social behavior, such laws can give a measure of permanency to policies. Environment Law, based on scientific understanding and a clear analysis of social goals can set out rules for human conduct which, if followed, should lead the communities living with carrying capacity on earth. Now the protection of environment is a constitutional mandate and State as well as citizens themselves are duty bound to protect and improve the environment. The Supreme Court has time and again reiterated the need for creating awareness about environment protection among the masses. Keeping this in view ILI has reintroduced the Diploma in Environmental Law and Management.

The present course is a practical guide to use legal and management tools to enhance environmental performance and increase public recognition. It provides excellence not only for lawyers, environmentalist, but also various administrative authorities involved in the enforcement of environmental law. It also helps NGO's and common man to know environmental law in order to fulfill their constitutional duties.

The programme will benefit all those concerned with environmental laws and regulation. The course contents will appeal to all concerned with the environment and its management issues. It aims at senior and middle level executives in industry, government and the academia. It will also be useful for environmental managers, law officers, teachers, environmental engineers and scientists, officials involved with the

implementation of pollution control standards of State and Central Pollution Control Board. We are certain that the course will benefit those who wish to do legal practice in the field of environmental and related issues.

DURATION AND VENUE

To begin with, the course will run 3 days in a week (Monday, Wednesday, Friday) starting from 30th September 2009. The venue will be the Indian Law Institute Campus and the timing is 6.00 p.m. to 8.00 p.m. The Schedule for the month of September/October 2009 is enclosed.

In nutshell, the curriculum is designed with the following objectives:

- To promote an understanding of the role of law and management in sustainable industrial development;
- To create the legal awareness among the environmental scientists, industrial officials, enforcement agencies involved with enforcement of environmental law;
- To develop the advance knowledge of environmental law to improve the skill of the lawyers who are practicing in the field of environment and related issues;
- To increase awareness among NGO's and various movements associated with protection of environment.
- To increase awareness among government officials of Ministry of Environment and Forest and officials in the central and state pollution control boards.

The curriculum is very exhaustive and is divided into five papers along with a project based on field work. The resource person for this course invited from their field of expertise according to the curriculum. We will also provide study material of about 400 pages for the students. The details of course contents are given as under:

SYLLABUS

PAPER-I: ENVIRONMENTAL LAW OF INDIA

- Environmental Law and Management – An Overview
- History and Evolution of Environmental Law in India.
- Environment and Common Law Principles
 - Legal concepts of Torts, nuisance, negligence, strict liability, absolute liability, easementary right.
- Criminal Law Remedies - Cr PC, IPC
- Constitutional Perspective
- Laws on Water Pollution
 - Water Act of 1974
 - Water Cess Act, 1977
 - Case law
- Laws on Air Pollution
 - Air Act, 1981
 - Motor Vehicles Act, 1988 and Rules thereunder

- Noise Pollution (Regulation and Control) Rules, 2000
- Cases – Oleum Gas Leak case, Vehicular Pollution case etc.
- Environment Protection Act, 1986 - Structure, Scope, Enforcement measures with reference to Water and Air Pollution.
- Relationship (correlation and validity) of Environmental Law and other Laws:
 - Insecticide Act
 - Atomic Energy Act
 - Boilers Act
 - Mines Act
 - Merchant Shipping Act
- Legal Protection of Forest and Wild Life
 - Forest Conservation Act, 1980
 - Wild Life (Protection) Act, 1972 with Amendments of 2002, 2005
 - The Biological Diversity Act, 2002
 - Cases – *T.N. Godavarman* cases, *Dehradun Valley* cases, *Nagarhole Hotel* cases, *Om Prakash Bhatt v. State of U.P. (Bugiyal case)*
- Role of the Judiciary in the Growth of Environmental Jurisprudence.

PAPER II : REGULATION OF HAZARDOUS SUBSTANCES AND PROCESSES

- Regulation of Hazardous Substances & Processes in India
 - Enactments
 - Environment (Protection) Act, 1986
 - Factories (Amendment) Act, 1987
 - Public Liability Insurance Act, 1991
 - National Environment Tribunal Act, 1995
- Rules Pertaining to Hazardous Substances
 - Manufacture, Storage, Import of Hazardous Chemicals Rules, 1989
 - Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996
 - Hazardous Wastes (Management and Handling) Rules, 1989 as amended in 2006.
 - Bio-Medical Wastes (Management and Handling) Rules, 1998
 - Manufacture Use, Import Export and Storage of Hazardous Micro Organisms or Genetically
 - Engineered Cells Rules, 1989
 - Municipal Solid Waste (Management and Handling) Rules, 2000
- Corporate Social Responsibility and Environment
 - Liability under Torts
 - Strict Liability – Absolute Liability - Judicial Approach: *Rylands v. Fletcher* case, *Shriram* case, *Bhopal* case, *Bichari* case, *A.P. Pollution Control Board* case.
 - Polluter Pays Principle and Precautionary Principles

- Conservation of Coastal Laws – The CRZ Notification with case law
- Environment Impact Assessment - Notifications from January 1994 till date, cases: Narmada Bachao Andolan etc.
- National environment Appellate Authority Act, 1997

PAPER-III: INTERNATIONAL ENVIRONMENTAL LAW

- Customary International Environmental Law.
 - *Trail Smelter* case.
 - *Corfu Channel* case.
 - *Lake Lenoxe* case, etc.
- International Environmental Conventions
 - The Stockholm Declaration and the various resultant conventions.
 - Rio–Conference (Earth Summit) and the various resultant conventions.
- International Regulation of Nuclear Accidents/Explosions
- Marine Pollution and International Law –
 - Aspects and causes of marine pollution
 - The Conventions – London Convention, MARPOL, UNCLOS, Whaling Commission, Deep sea mining, Antarctica Treaty, Convention on wetlands and migratory species.
 - Trans-boundary Movement of Hazardous Wastes
 - Trans-boundary river water disputes
 - (a) *Indus River Basin* case
 - (b) *The Ganga Bhramaputra Basin* case.
- Forest and Wild Life Conservation
 - Convention on International Trade in Endangered Species (CITES).
 - Biodiversity Convention.
 - Indigenous peoples rights and the related convention.
- Climate Change and global warming
 - Vienna Convention and Montreal Protocol
 - UNFCCC (United Nations Framework Convention on Climate Change) and
 - Koyoto Protocol
- Impact of International Environmental Law on Domestic Laws with main emphasis on India

PAPER IV: DISPUTE RESOLUTION MECHANISM

- Administrative Machinery
- Adjudicatory Mechanism
- Public Interest Litigation in environment protection
 - Case law: Tarun Bharatsangh Alwar, Banwasi Seva Ashram, Goa Foundation, Bangalore Medical Trust and other latest cases.
- Role of civil society in India
 - Right to information, Right to know and people’s participation – cases
 - EIA and peoples participation

- Peoples Movement
 - Chipko and other Forest Movements
 - Large Dams – Tehri/Narmada, etc.
 - Coastal Areas – Dahanu and Shrimp culture, etc.
 - Government and peoples involvement in Environment Protection
 - Pani Panchayat
 - Sukumarji experiment
 - Arabary
- NGO's and their Role in Environmental Protection
 - History, Growth, Life & Role of National NGO's
 - Description of some major NGO's.
 - WWF
 - Green Peace
 - Earth Watch
 - Friends of the Earth
 - Any Japanese NGO

PAPER-V: ENVIRONMENTAL PLANNING AND MANAGEMENT

- Sustainable Development and its Principles
- National Environmental Policy 2006
- Environment Impact Assessments and Environmental Audit
- Development and Environmental Protection
- Environmental Management System ISO 14000
- Management of Hazardous Wastes and Solid Wastes Management
- Management of Natural Resources:
 - Water resources and their management
 - Land resources and their management
 - Watershed Management
- Joint Forest Management: Social Forestry/Community Forestry
- Management of Conservation of Coastal Areas
- Public trust doctrine – Common Heritage of Mankind, Common Property and Common Good

PROJECT

Participants are required to undertake research project comprised of field study on any relevant topic of their choice and submit a project report as per curriculum of Environmental Law.

EVALUATION COMPONENTS

Examination will be conducted annually. Each paper carries 100 marks. The project report will be evaluated by the subject experts and the same will be followed by a viva-voce. The total marks for the project is 50 marks. (40 for written submission and 10 for the viva voce).

REFERENCES

Required Reading

- D.S. Sengar : *Environmental Law* (New Delhi 2009).
P. Leela Krishnan : *Environmental Law in India* (1999)

Additional Reading

- Anil Aggarwal, Sunita Narain & Anju Sharma : *Environmental Law and Policy in India* (1991)
Armin Rosencranz & Shyam Diwan : *Environmental Law and Policy in India* (2000)
Ashok A. Desai : *Environmental Jurisprudence* (2nd ed., 2002)
Gurdeep Singh : *Environmental Law* (1995)
Furqan Ahmad : *Legal Hazardous Substance* (New Delhi 2009)
Jona Razzaque : *Public Interest Environment Litigation in India, Pakistan & Bangladesh* (2004)
K. Srinivasan : *Hand Book of Public Liability Insurance* (1992)
Nomita Agrawal : *Social Auditing of Environmental Law in India* (2003)
P.S. Jaswal and Nistha Jaswal : *Environmental Law: Environmental Projects, Sustainable Development and the Law* (2003)
Paramjit S. Jaiswal : *Environmental Law* (1999)
Phillippe Sand : *Principles of International Environmental Law* (2003)
Rajesh Gupta and Gunjan Gupta : *Environmental Protection in India: Concept and Precepts* (1991)
R.K. Sapur (Ed.) : *Environment Planning and Management in India* (New Delhi 1990)
S.K. Verma : *An Introduction to Public International Law* (1998)
S. Shastri : *Environmental Law* (2002)
Upadhayaya & Upadhayaya : *Environmental Law* (3 volumes) (2002)

Suggested Readings

- Ministry of Environment and Forest, : *Annual Reports* (till date)
New Delhi
Central Pollution Control Board : *Annual Reports* (till date)
New Delhi

Amita Dhanda	:	Report of workshop on ‘Legal Regulation of Hazardous Substance & Processes’, Indian Law Institute, New Delhi (Unpublished)
Centre for Environmental Law W.W.F., India	:	<i>Strengthening Environmental Legislation in India</i> (1999)
W.W.F., India	:	<i>Environmental Law Reporter</i> (till date)
Law Commission of India	:	<i>186th Law Commission Report of 2003</i> (on Environmental Courts)

FACULTY

The programme coordinator along with a group of experience environmental law teachers will be handled the session. The **tentative panel** of resource person is given below:

- Hon’ble Mr. Justice A.K. Sikri, Judge, High Court, Delhi
- Prof. Rahmatullah Khan, Executive President, ILI
- Prof. C.E. M. Jariwala, Ram Manohar Lohia National Law University, Lucknow
- Prof. S.K. Verma, Director, ISIL, New Delhi
- Prof. S.N. Singh, Dean, Faculty of Law, University of Delhi
- Dr. Philippe Cullet, SOAS, University of London
- Dr. Akolkar, Central Pollution Control Board, Delhi
- Dr. Indrani Chandrashekharan, Member, Planning Commission of India (Environmental Cell), New Delhi
- Dr. Rajiv Kher, Sr. Fellow, The Energy and Resources Institute (TERI), New Delhi
- Mr. Somen Chakerbarti, Environmentalist, New Delhi
- Dr. Archana Negi, Assistant Professor, JNU, New Delhi
- Dr. Gitanjali Nain, Reader, Faculty of Law, University of Delhi, Delhi
- Dr. Luther M. Rangereji, Ministry of External Affairs, New Delhi
- Ms. Veera Kaul Singh, Environmental Activists and Advocate
- Dr. U.C. Jha
- Prof. Satish Shastri, Director, School of Law, Modi Institute of Science and Technology, Rajasthan
- Mr. Shekar Ranjan, Director, Institute of AFRO Asian Legal Studies, New Delhi
- Mr. Rajendra Singh, Magsaysay Awardee, Tarun Bharat Sangh, Alwar, Rajasthan

- Mr. M.C. Mehta, Advocate
- Mr. Amit Bindal, Global Jindal Institute
- Mr. Rabindra Pathak
- Ms. Vasudha Bali
- Ms. Perna Chaudhary
- Prof. V.G. Hedge, Associate Professor, JNU.
- Dr. K.P. Singh, Advocate
- Dr. Gokulesh Sharma, Special Secretary Law, U.P. Government
- Prof. Pushpkumar, Campus Law Centre, University of Delhi
- Dr. Jyoti D. Sood, Assistant Research Professor (Sr. Grade), ILI, New Delhi
- Mr. Vishnu K.K., Assistant Research Professor, ILI, New Delhi
- Dr. Furqan Ahmad and Prof. D.S. Sengar ILI, New Delhi (**Coordinators**)