

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
ENVIRONMENTAL LAW (Semester VII)
(Academic Year 2022-23)

Course Outline

Objective:

In the last few decades, environmental degradation has become a ‘common concern’ for humankind. The unrestricted and mindless economic growth has started to display destructive effects on planet earth. Environmental law is concerned with the law relating to the protection of the environment and includes areas such as climate change, nature conservation and environmental impact assessment.

This course will provide students with an understanding of the major environmental statutes and the constitutional law and common law principles that are relevant to environmental protection. The course will take into consideration the socio-political circumstance that environmental law operates in and it will also explore the complex and ever-expanding case law and legislation on the subject. Students will examine how law can be used to develop a cleaner, safer and more stable economy to protect the health and the natural resources of present and future generations.

Module – I

Introduction to Environmental Laws

[5 Lectures]

- a) Environment – Meaning and Scope
- b) Pollution – Air, Water, Environmental - Meaning, Causes and Effects
- c) Dimensions and Magnitude of the Problem of Environmental Degradation and the need for Legal Control of Pollution
- d) International and National Efforts for Environmental Protection
- e) Constitution of India and Environment
- f) Environmental Policy Resolution, Objects and Schemes

Module – II

Judicial Remedies and Procedures

[6 Lectures]

- a) Law of Tort and Environment
- b) Law of Crimes and Environment
- c) Public Interest Litigation and Environmental Protection
- d) The Bhopal Gas Leak Case
- e) National Green Tribunal

Module – III

Sustainable Development and Basic Environmental Principles

[8 Lectures]

- a) Concept and Scope
- b) Precautionary Principle
- c) Polluter Pays Principle
- d) Intergenerational Equity
- e) Intragenerational Equity
- f) Public Trust Doctrine
- g) Public Participation in Environmental Decision Making

Module – IV

International Concern for Environment Protection

[7 Lectures]

- a) Stockholm Declaration of 1972
- b) Earth Summit: The Rio-Declaration on Environment and Development, 1992
- c) Convention on Biological Diversity, 1992
- d) Aarhus Convention, 1998
- e) Cartagena Protocol on Biosafety, 2000
- f) World Summit on Sustainable Development, 2002
- g) Nagoya Protocol on Access and Benefit Sharing, 2010
- h) United Nations Conference on Sustainable Development (UNCSD), Rio 2012 (Rio+20)

Module– V

The Water (Prevention and Control of Pollution) Act, 1974

[5 Lectures]

- a) Salient Features of the Act
- b) Pollution Control Boards and their Functions
- c) Mechanism to Control the Pollution with reference to Sampling, Consent Mechanism and power to give directions
- d) Procedure and Penalties

Module– VI

The Air (Prevention and Control of Pollution) Act, 1981

[5 Lectures]

- a) Salient Features of the Act
- b) Pollution Control Boards and their Functions
- c) Mechanism to Control the Pollution with reference to Sampling, Consent Mechanism and Power to give directions
- d) Procedure and Penalties

Module– VII

The Environment Protection Act, 1986

[5 Lectures]

- (a) Salient Features of the Act
- (b) Definitions
- (c) Central Government’s powers to take Environmental Measures.
- (d) Mechanism to Control the Pollution
- (e) Procedure and Penalties
- (f) Environmental Impact Assessment
- (g) Regulation of Hazardous Substances

Module– VIII

Control of Noise Pollution

[3 Lectures]

- a) Effects of Noise on Human Health
- b) Legal Measures to Control Noise Pollution

Module–IX

Forests, Wildlife and Biodiversity Conservation

[6 Lectures]

- a) Indian Forest Act, 1927
- b) Wildlife Protection Act, 1972
- c) The Forest (Conservation) Act, 1980
- d) The Biological Diversity Act, 2002
- e) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Module–X

Climate Change Law

[5 Lectures]

- a) Evolution and Architecture of the International Climate Change Regime
- b) UN Framework Convention on Climate Change, 1992
- c) Kyoto Protocol 1997
- d) United Nations Conference on Climate Change, Paris 2015
- e) National Action Plan on Climate Change (NAPCC)
- f) Human Rights Approaches to Climate Change
- g) Climate Change Litigation
- h) Sixth Assessment Report of Intergovernmental Panel on Climate Change (IPCC)

Module–XI

Contemporary Issues Pertaining to Environment

[5 Lectures]

- a) Urbanisation
- b) Waste Management
- c) Disaster Management
- d) Wetland Conservation
- e) Groundwater and Law in India

- f) Protection of Coastal Zones
- g) Trade, Investment and Challenges to Sustainable Development
- h) Energy Law and Policy

Essential Case Law:

- *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446 (Bichhri Village case)
- *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715
- *A.P. Pollution Control Board v. M.V. Nayudu*, AIR 1999 SC 812
- *Narmada Bachao Andolan v. Union of India*, AIR 2000 SC 3751
- *T.N. Godavarman Thirumulpad v. Union of India*, AIR 2005 SC 4256
- *Subash Kumar v. State of Bihar*, AIR 1991 SC 420
- *Rural Litigation and Entitlement Kendra v. State of U.P.*, AIR 1982 SC 652 (Dehradun-Mussorie Hills quarrying case)
- *M.C. Mehta v. Union of India*, AIR 1997 SC 734 (Taj Trapezium case)
- *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388
- *Sachidanand Pandey v. State of West Bengal*, AIR 1987 SC 1109
- *Tarun Bharat Sangh v. Union of India*, AIR 1992 SC 514 (Sariska Case)
- *M/s. Abhilash Textiles v. Rajkot Municipal Corpn*, AIR 1988 Guj. 57
- *M.C. Mehta v. Union of India*, AIR 1988 SC 1037 (Kanpur Tanneries case)
- *M.C. Mehta v. Union of India*, AIR 1988 SC 1115 (Municipalities case)
- *M/s. Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution*, AIR 1986 Del. 152
- *Municipal Council, Ratlam v. Vardichand*, AIR 1980 SC 1622
- *M.C. Mehta v. Union of India*, AIR 2002 SC 1696 (CNG Vehicles case)
- *Orissa State Prevention and Control of Pollution Board v. M/s. Orient Paper Mills*, AIR 2003 SC 1966
- *Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association*, AIR 2000 SC 2773
- *S. Jagannath v. Union of India*, AIR 1997 SC 811 (Shrimp Culture case)
- *M.C. Mehta v. Union of India*, AIR 1987 SC 965 (Oleum Gas Leakage)
- *Union of India v. Union Carbide Corporation*, AIR 1990 SC 273; AIR 1992 SC 248
- *Charan Lal Sahu v. Union of India*, AIR 1991 SC 1480
- *Moulana Mufti Syed Md. Noorur Rehman Barkati v. State of W.B.*, AIR 1999 Cal 15
- *Vijayanagar Educational Trust v. KSPCB*, AIR 2002 Kar 123
- *Trail Smelter Arbitration (United State/Canada)*, 3 U.N. Rep. Int'l Arb Awards 1905 (1941)
- *Sansar Chand v State of Rajasthan*, 2010 (10) SCC 604
- *Case Concerning Pulp Mills on the River Uruguay (Argentina/Uruguay)*, International Court of Justice, Judgment of 20 April 2010
- *Jitendra Singh v. Ministry of Environment & Ors.*, Supreme Court, Civil Appeal No. 5109/2019, decided on 25 November 2019
- *Perumatty Grama Panchayat v. State of Kerala*, C.A. No. 4033 of 2009

Prescribed Legislations:

- The Water (Prevention and Control of Pollution) Act, 1974
- The Air (Prevention and Control of Pollution) Act, 1981
- The Environment (Protection) Act, 1986
- The Public Liability Insurance Act, 1991
- The Biological Diversity Act, 2002
- The Wildlife (Protection) Act, 1972
- The Indian Forest Act, 1927
- The Forest (Conservation) Act, 1980
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- National Green Tribunal Act, 2010

Suggested Readings:

- Shyam Divan & Armin Rosencranz: *Environmental Law and Policy in India*
- Stuart Bell & Donald McGillivray: *Environmental Law*
- Gurdip Singh: *Environmental Law*
- Sukanta K Nanda: *Environmental Law*
- S C Shastri: *Environmental Law*
- P. Leelakrishnan: *Environmental Law in India*
- P. Leelakrishnan: *Environmental Law Case Book*
- Daniel Bodansky, Jutta Brunnee, and Lavanya Rajamani: *International Climate Change Law*

Important Note:

- The topics, legislations and cases mentioned above are not exhaustive. The teacher teaching the course shall be at liberty to add new topics/legislations/cases.
- The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

Course Teacher: **Hrishikesh Manu**
Assistant Professor, CNLU