

LL.B. V Term

Paper – LB - 603- Environmental Law

Prescribed Legislations:

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Air (Prevention and Control of Pollution) Act, 1981
3. The Environment (Protection) Act, 1986
4. The Public Liability Insurance Act, 1991
5. The National Green Tribunal Act, 2010

6. The Biological Diversity Act, 2002 (18 of 2003)
7. The Wildlife (Protection) Act, 1972
8. The Forest (Conservation) Act, 1980
9. The Indian Forest Act, 1927
10. The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006.

Prescribed Books:

1. Shyam Diwan and Armin Rosencranz, *Environmental Law and Policy in India – Cases, Materials and Statutes* (2nd ed., 2001)
2. P. Leelakrishnan, *Environmental Law Case Book* (2nd ed., 2006)
3. Gurdip Singh, *Environmental Law in India* (2005)
4. P. Leelakrishnan, *Environmental Law in India* (3rd ed., 2008)
5. Stuart Bell & Donald Mc Gillivray, *Environmental Law* (7th ed., 2008)

Recommended Readings:

1. The National Environment Policy, 2006
2. The National Forest Policy, 1988
3. The National Water Policy, 2002
4. The Wildlife Conservation Strategy, 2002
5. The World Commission on Environment and Development, *Our Common Future*, 1987
6. IPCC Fourth Assessment Report (AR4). “Climate Change 2007”.

Chapter 1 : Environment and Pollution (2 Lectures)

Environment – Meaning and Scope; Pollution – Air, Water, Environmental - Meaning, Causes and Effects; Dimensions and Magnitude of the Problem of Environmental Degradation; Need for Legal Control of Pollution.

Chapter 2 : International Environmental Law (3 Lectures)

1. U.N. Conference on Human Environment, 1972 – Stockholm Principles, Establishment of Environmental Institutions like UNEP.
2. World Charter for Nature, 1982
3. Ozone Protection – Montreal Protocol for the Protection of Ozone Layer, 1987 as amended
4. U.N. Conference on Environment and Development, 1992 - Rio Principles; U.N. Convention on Biological Diversity, 1992; Cartagena Protocol on Biosafety, 2000; U.N. Convention on Climate Change 1992, Kyoto Protocol, 1997; Forest Principles; Agenda 21
5. Human Right to Healthy Environment; Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention)
6. Johannesburg Conference, 2002
7. Rio+20-United Nations Conference on Sustainable Development

Chapter 3 : Fundamental Principles of Environmental Protection (3-5 Lectures)

Development v. Environment; Sustainable Development –Inter-generational and Intra-generational Equity; Precautionary Principle; Polluter Pays Principle; Public Trust Doctrine

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| 1. <i>Indian Council for Enviro-Legal Action v. Union of India</i> ,
AIR 1996 SC 1446 (Bichhri Village case) | 1 |
| 2. <i>Indian Council for Enviro-Legal Action v. Union of India</i> ,
(2011) 12 SCC 768 | 15 |
| 3. <i>Vellore Citizens' Welfare Forum v. Union of India</i> , AIR 1996 SC 2715 | 18 |
| 4. <i>A.P. Pollution Control Board v. M.V. Nayudu</i> , AIR 1999 SC 812 | 26 |
| 5. <i>Narmada Bachao Andolan v. Union of India</i> , AIR 2000 SC 3751 | 38 |
| 6. <i>Goa Foundation, Goa v. Diksha Holding Pvt. Ltd.</i> (AIR 2001 SC 184) | 59 |
| 7. <i>M.C. Mehta v. Union of India</i> , AIR 2002 SC 1696 (CNG Vehicles case) | 65 |
| 8. <i>T.N. Godavarman Thirumulkpad v. Union of India</i> , AIR 2005 SC 4256 | 75 |
| 9. <i>Intellectuals Forum, Tirupathi v. State of A.P.</i> , AIR 2006 SC 1350 | 85 |
| 10. <i>Ms. Susetha v. State of Tamil Nadu</i> , AIR 2006 SC 2893 | 96 |

Chapter 4 : Constitutional Perspective (3-5 Lectures)

Fundamental Rights - Article 14 (Right to equality, non-arbitrary and non-discriminatory treatment), Article 19(1)(g) (Freedom to carry on trade or business), Article 21 (Right to life, livelihood and wholesome environment) and Article 32 (Right to Constitutional remedies); Directive Principles of State Policy – Article 47, 48-A; Fundamental Duty – Article 51-A(g); Article 226 (Powers of High Courts); Public Interest Litigation - Nature – Non-Adversarial, Collaborative, Co-operative and Investigative; *Locus Standi - Pro Bono Publico*; Representative Standing; Citizens' Standing

11.	<i>Subash Kumar v. State of Bihar</i> , AIR 1991 SC 420	100
12.	<i>T.N. Godavarman Thirumulkpad v. Union of India</i> , AIR 2006 SC 177	
13.	<i>Rural Litigation and Entitlement Kendra v. State of U.P.</i> , AIR 1982 SC 652 (Dehradun-Mussorie Hills quarrying case)	104
14.	<i>M.C. Mehta v. Union of India</i> , AIR 1997 SC 734 (Taj Trapezium case)	108
14A	<i>M.C. Mehta v. Kamal Nath</i> (1997) 1 SCC 388	121
14B	<i>M.C. Mehta v. Kamal Nath</i> , AIR 2000 SC 1997	132
15.	<i>M.C. Mehta v. Kamal Nath</i> , 2002 (2) SCALE 654	135
16.	<i>Sachidanand Pandey v. State of West Bengal</i> , AIR 1987 SC 1109	139
17.	<i>Tarun Bharat Sangh v. Union of India</i> , AIR 1992 SC 514 (Sariska Case)	
18.	<i>M/s. Abhilash Textiles v. Rajkot Municipal Corpn.</i> , AIR 1988 Guj. 57	153
19.	<i>M.C. Mehta v. Union of India</i> , (2006) 3 SCC 399 (Closure of industries in Delhi)	
20.	<i>Forum, Prevention of Env'n. & Sound Pollution v. Union of India</i> AIR 2006 SC 348	157
21.	<i>Karnataka Industrial Areas Development Board v. C. Kenchappa</i> , AIR 2006 SC 2038	160

Chapter 5 : Prevention and Control of Water and Air Pollution (5 Lectures)

The Water (Prevention and Control of Pollution) Act, 1974 – Water Pollution – Meaning; Central and State Pollution Control Boards – Constitution, Powers and Functions; Water Pollution Control Areas; Samples of Effluents – Procedure; Consent Requirement – Procedure, Grant/Refusal, Withdrawal, Review, Appeals, Revision; Restraint Order; Citizen Suit Provision; Offences and Penalties; The Water Cess (Prevention and Control of Pollution) Act, 1977

The Air (Prevention and Control of Pollution) Act, 1981- Air Pollution – Meaning, Causes and Effects; Central and State Pollution Control Boards - Functions; Air Pollution Control Area; Consent Requirement - Procedure, Grant/Refusal, Withdrawal; Restraint Orders; Citizen Suits; Noise Pollution (Regulation and Control) Rules, 2000; Offences/Penalties; Vehicular pollution

22.	<i>M.C. Mehta v. Union of India</i> , AIR 1988 SC 1037 (Kanpur Tanneries case)	170
23.	<i>M.C. Mehta v. Union of India</i> , AIR 1988 SC 1115 (Municipalities case)	179
24.	<i>M/s. Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution</i> , AIR 1986 Del. 152	186
25.	<i>Municipal Council, Ratlam v. Vardichand</i> , AIR 1980 SC 1622	189
26.	<i>State of M.P. v. Kedia Leather & Liquor Ltd.</i> , AIR 2003 SC 3236	197
27.	<i>M.C. Mehta v. Union of India</i> , AIR 1997 SC 734 (Taj Trapezium case)	
28.	<i>Murli S. Deora v. Union of India</i> , AIR 2002 SC 40	201
29.	<i>Forum, Prevention of Environmental & Sound Pollution v. Union of India</i> , AIR 2005 SC 3136	203 209
30.	<i>Orissa State Prevention and Control of Pollution Board v. M/s. Orient Paper Mills</i> , AIR 2003 SC 1966	216
31.	<i>Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association</i> , AIR 2000 SC 2773	

Chapter 6 : Environment (Protection) Act, 1986 (3-5 Lectures)

The Environment (Protection) Act, 1986 – Aims and Objects; Meaning of “Environment” and “Environmental Pollutant”; Powers and Functions of the Central Government; Environment Authority - Constitution; Delegation Powers; Offences/Penalties; Effectiveness of the Act; Environmental Impact Assessment, 2006; Environmental Audit

32. *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715
33. *S. Jagannath v. Union of India*, AIR 1997 SC 811 (Shrimp Culture case) 220
34. *M.C. Mehta v. Union of India*, AIR 2002 SC 1696 (CNG vehicles case)
35. *F.B. Taraporawala v. Bayer India Ltd.*, AIR 1997 SC 1846
36. *A.P. Pollution Control Board v. M.V. Nayudu*, AIR 1999 SC 812

Chapter 7 : The National Green Tribunal Act, 2010

The National Green Tribunal Act, 2010- Aims and Objects; Jurisdiction, Establishment of the Tribunal; Powers and Proceedings of the Tribunal; Penalty; Miscellaneous

37. *Aditya N. Prasad vs. Union of India & ors.*, Application No. 82 of 2013 228

Chapter 8 : Handling of Hazardous Substances – Legal Controls

Legal Control of Hazardous Waste, Bio-Medical Waste,; Industrial Accidents –Principle of ‘No fault ‘ and ‘Absolute’ Liability; Public Liability Insurance – The Public Liability Insurance Act, 1991

38. *M.C. Mehta v. Union of India*, AIR 1987 SC 965 (Oleum Gas Leakage)
39. *M.C. Mehta v. Union of India*, AIR 1987 SC 982
40. *M.C. Mehta v. Union of India*, AIR 1987 SC 1086 230
41. *M.C. Mehta v. Union of India*, AIR 1996 SC 2231
(Re-location of Industries in Delhi)
42. *Union of India v. Union Carbide Corporation*,
AIR 1990 SC 273; AIR 1992 SC 248
43. *Charan Lal Sahu v. Union of India*, AIR 1991 SC 1480
44. *Research Foundation for Science v. Union of India*, 2007 (10) SCALE 594. 240

Chapter 9 : Protection and Conservation of Forests, Biodiversity and Wildlife

The Indian Forest Act, 1927; The Forest (Conservation) Act, 1980; Kinds of Forest Land - Private, Reserved, Village, Protected; Dereservation of Forests - Use of Forest Land for Non-Forest purposes; Rights of Tribals, Forest Dwellers; The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006; Use of Forest Land - Mining, Eco-Tourism, Mega Projects.

The Biological Diversity Act, 2002; Regulation of genetically modified organisms; The Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms Genetically Engineered Organisms or Cells Rules, 1989.

Protection of Wildlife - The Wildlife (Protection) Act, 1972; Sanctuaries and National Parks; Licensing of Zoos and Parks.

45. *Union of India v. Kamath Holiday Resorts*, AIR 1996 SC 1040 248
46. *Tarun Bharat Sangh v. Union of India*, AIR 1992 SC 514 (Sariska Case)
47. *T.N. Godavarman Thirumulkpad v. Union of India*, AIR 1998 SC 769;
AIR 2005 SC 4256

Important Note:

1. The topics, legislations and cases mentioned above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/legislations/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.
3. The question paper shall include eight questions and students are expected to attempt any five. The question papers set for the examinations held during 2012-13.

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