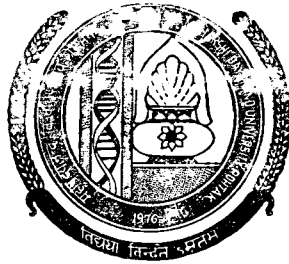


# Maharshi Dayanand University Rohtak



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## Ordinances, Syllabus and Courses of Reading for Diploma in Environmental Law Examination

Session—2002-2003

*Available from :*

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# DIPLOMA IN ENVIRONMENTAL LAW

## Scheme of Examination

(2002-2003)

Paper	Paper No.	Marks	Time
1. Basic Concepts & Issues	I	100	3 Hrs.
2. International Environmental Law	II	100	3 Hrs.
3. Environmental Law in India	III	100	3 Hrs.
4. Dispute resolution Mechanism	IV	100	3 Hrs.
5. Dissertation	V	100	3 Hrs.

**Note :** There shall be eight questions in each paper (Except Dissertation) candidate will have to attempt only 5 questions. All questions carry equal marks. Question paper will be set in order to cover the whole syllabus equitably.

**DIPLOMA IN ENVIRONMENTAL LAW****CURRICULUM**

The objective of this course is to equip students not only with basics of the environmental law but to enhance their skill, in understanding various environmental issues in the national, regional and global perspectives. The problem of environmental protection has been dealt with in the context of national resources e.g. forests, wildlife, land, water and air and their inter-relationship with the people.

The course will be conducted by way of classroom lectures and Desk Research. The performance of students will be evaluated on the basis of annual examination and documentation of cases.

It is hoped that this extensive course on environmental law will be of immense value and help not only to students but also to all those who are concerned with the health of environment in general and those engaged in the working and implementation of environmental law and policy in particular.

**PAPER-I**

Time : 3 Hrs.

M.Marks : 100

**Basic Concepts and Issues**

1. Historical Perspective of Environmental Law—India—International.
2. Stockholm Conference
3. The Brutland Report
4. Concept of Sustainable development and all its seven principles
5. Impact of development process in India on Indian Environment—Mines, Thermal projects, urbanisation, population, poverty, industries etc.
6. Basic Legal Concepts
  - (a) Introduction to the Constitution and its parts, constitutional amendments and the position of environment in the various lists.

- (b) Legislative process of the Statutes.
  - (c) Legal Concepts of Torts, nuisance, negligence, strict liability, absolute liability.
  - (d) Other Judicial Remedies-How Law of Torts, IPC, CPC, Cr PC and Writs work.
  - (e) How to see a case in the citation, understanding the use of citation-(Practical experience with various Judicial Reports).
  - (f) Role of the Courts in the growth of Environmental Jurisprudence.
  - (g) Constitutional provision with respect to environment with case laws.
  - (h) Other Judicial Remedies and cases in detail with discussion.(Cr.P.C., IPC, Torts, Easemnt Act).
7. Managing our resources-(Environmental Concepts) :
- (a) Water Resources and their management.
    - i. Surface water bodies rivers, lakes, ponds, estuaries.
    - ii. Underground water resources.
    - iii. Coastal areas and Ocean resources.
    - iv. Aquatic biodiversity.
  - (b) Land resources and their management.
    - i. Land acquisition
    - ii. Soil pollution.
    - iii. Forest cover and wild life protection.
    - iv. Biodiversity.
  - (c) Cultural resources, their protection and management.
    - i. Monuments and their upkeep and preservation.
    - ii. Indigenous people, and their relationship with biodiversity and forest protection.
    - iii. Preserving unique ethnic customs and habits and habitats.
  - (d) Air we breath as a resource-its protection and pollution.

- i. Climate change,
  - ii. Global warming.
- (e) Public trust doctrine-common property and common good.
8. Definition of Environment, Pollution, Pollution including, Water, Air & Soil Pollution.
  9. Relationship (correlation and validity) of Environmental Law and other and Acts.
    - a) Motor Vehicles Act.
    - b) Factories Act.
    - c) Insecticide Act.
      - a) Atomic Energy Act.
      - b) Boilers Act.
      - c) Mines Act.
      - d) Civil Aviation Act.
      - e) Merchant Shipping Act.
      - f) Ports and Authorities Act.
      - g) State Land Acquisition Act.

**PAPER-II**

Time : 3 Hrs.  
M.Marks : 100

**International Environmental Law**

1. Basic Concepts and features of International Law-Structure-Evolution of International Environmental Law.
2. Composition, establishment and structure of International organisation and their regimes-Environment Point of view.  
UNO-its organs-and their functions.  
ICCAO,IMO,WTO-Internet Resources.
3. Regional Regimes-structure and composition and environmental regimes, SAARC, NAM, ASEAN etc.
4. International Environmental conventions-The mechanism, constitution, their mode of functioning, their secretariates.
5. Stockholm to Rio-a journey : a comparative study of the

agendas, achievements and drawbacks of both the conventions.

6. The Stockholm declaration in detail-and the various resultant conventions that followed.
7. Rio-Conference (Earth Summit) in detail and the various resultant conventions that followed.
8. Global Environmental Issues-(Liability and compensation Cases).
  - a) Trans-boundary pollution-*Trail Smelter Case*
  - b) Maritime waters-*Corfu Channel Case*
  - c) Riparian rights-*Lake Lenoxe Case*
  - d) Marine Pollution-*One major Oil Spills Case*
  - e) Nuclear Accidents and underground explosions-one case.
  - f) One Indian trans-boundary river water case.
    1. Indus river basin case.
    2. The Ganga Brahmaputra basin case.
9. Marine Pollution and International Law-
  - (a) Aspects and causes of marine pollution
  - (b) The Conventions-London convention, MARPOL, UNCLOS Whaling commission, Deep sea mining, Antarctica Treaty. Convention of wetlands and migratory species.
    - a. one international case-background
  - (c) Forest and wild life Conservaton.
    - a. Convention of International Trade in Endangered Species (CITES).
    - b. Bio-diversity Convention.
    - c. Indigenous peoples rights and the related convention
  - (d) Climate change and global warming issues
    - a. Vienna convention and Montreal Protocol-ODS-
    - b. UNFCCC (United Nations Framework Convention on Climate Change) and Koyoto Protocol.

- (e) Trans-boundary Movement of Hazardous Wastes and Baseld Convention.
- (f) International NGO's and their role in international environmental laws.
- WWF
  - Green Peace
  - Earth watch
  - Friends of the earth
- (g) Impact of International Environmental law on Domestic Laws-
- Various conventions and India's position on them,
  - Why and when ratified,
  - the resulting Legislation, Acts, Notification, Agencies and bodies set-up to meet these commitments.

**PAPER-III**

Time : 3 Hrs.

M.Marks : 100

**Environmental Law of India**

- Chronological History of Environmental legislation in India.  
Process of Rules, Notification and delegated legislation.
- Water Pollution-Legislation
  - Water Act of 1974 and Rules thereunder
  - Water Cess Act. 1977 and Rules thereunder
  - Leading cases on water pollution.
- Air Pollution-legislation
  - Air Act and Rules thereunder
  - Noise Pollution
  - Motor Vehicle Act, 1988 and rules thereunder
  - Cases-*Oleum Gas Leak case*  
*Vehicular Pollution Case*
- Forest Policy :  
Forest Conservation Act, 1980  
Wild Life (Protection) Act 1972

- Case- *T.N. Godavarman cases*  
*Dehradun Valley cases*  
*Nagarhole Hotel Cases*  
*Om Prakash Bhatt v. State of U.P. (Bugiyal Case)*

5. Regulation of Hazardous Substances & Process
- a. Insecticide Act, 1968.
  - b. Environment (Protection) Act. 1986.
  - c. Factories Amendments Act, 1987.
  - d. Public Liability Insurance Act, 1991.
  - e. National Environment Tribunal Act, 1995 (yet to be enforced).
  - f. National Environment Appellate Authority Act, 1997.  
 Rules pertaining to Hazardous Substances.
    - (a) Manufacture, Storage Import of Hazardous Chemicals Rules 1989 (as amendment of 2000).
    - (b) Hazardous Wastes (Management and Handling) Rules 1989 (as amended till date).
    - (c) Bio-Medical Wastes (Management and Handling) Rules 1998.
    - (d) Manufacture Use, Import Export and Storage of Hazardous Micro Organisms or Genetically Engineered Cells Rules 1989.
    - (e) Chemical Accidents (Emergency Planning, Preparedness and Response) Rules 1996 Liability and Compensation.  
 Strict Liability—*Shriram case*  
*Bhopal gas case*  
*Bicherri case*  
*A.P. Pollution Control Board, Case*
6. Solid Wastes-impact, issues, effects  
 -Municipal Solid Waste(Management and handling) Rules 2000.
7. Environment (Protection) Act 1986 (as amended till date)
- a. Structure, Scope, Compensations, Penalties.



- b. Applicability with reference to Air Act.
- c. Applicability with reference to Water Act.
- d. Applicability with reference to CRZ notification (Leading cases).
- e. Applicability with reference to Forest Act (Leading cases)
- f. Environment Impact Assessment Notifications and their assessment in the light of *Narmada Bachao Andolan* case.
- g. Environment Audit Statement
- h. Consent Procedure (practical examples under each of the above-Air Act, Water, Act, EPA, CRZ Notification and Hazardous Substances notifications).

**PAPER**

Time : 3 Hrs.

M.Marks : 100

**Dispute Resolution Mechanism**

1. Administrative Machinery of Environment Protection.
2. Adjudicatory Mechanism of Environment Protection.

Scope and importance of Public Interest Litigation in environment protection with cases :

*Tarun Bharat Sangh Alwar*

*Banwasi Seva Ashram*

*Goa Foundation*

*Bangalore Medical Trust*

3. Right to information, Right to know and people participation-cases.
4. EIA and peoples participation.
5. Peoples participation in form of Peoples Movement.
  - (a) with reference to Large Dams-Tehri/NBA
  - (b) Coastal Areas-Dahanu and Shrimp culture
  - (c) Forest Activities
  - (d) Thermal Power Projects
  - (e) Other Development Projects.
  - (f) Concept of common property/Rights.

6. Environmental management system ISO 14000 series and standards.
7. Govt. and people's involvement in environment protection
  - i. Sukumarji experiment
  - ii. Arabary
  - iii. Chipko
  - iv. Joint Forest Management
  - v. Social Forestry/Community Forestry
8. History, Growth, Life & Role, National NGO's-Description of some major NGO's.
9. Peoples participation in USA/UK/Newzealand.  
People's movement in less developed countries like pacific islands, African, Thailand, Nepal and Indonesia.

**PAPER-V**

M.Marks : 100

Note : (1) Desk Research will also be the part of curriculum-Documentation of International as well as National Environmental cases will be done by the students as directed and 50 marks will be allotted for this assignment.

(2) The pattern of the question papers will be application-oriented.

**I. Books Recommended/Readings**

1. Anil Aggarwal, Sunita Narain *-Environmental Law & Anju Sharma and Policy in India (1991)*
2. Armin Rosencranz & Shyam Diwan *-Environmental Law and Policy in India (2000)*
3. Ashok A. Desai *-Environmental Jurisprudence (1998)*
4. Gurdeep Singh *-Environmental Law (1995)*
5. K. Srinivasan *-Hand Book of Public Liability Insurance (1992).*
6. P. Leela Krishnan *-Environmental Law in India (1999).*

7. Paramjit Jaswal - *Environmental law (1999).*
  8. Rajesh Gupta and Gunjan Gupta - *Environmental Protection in India: Concept and Precepts (1991).*
  9. Satish Shastri - *Law, Industry and Environment (1987).*
- II. Reports etc.**
1. Ministry of Environment and Forest, New Delhi. - *Annual Reports (1995-2000)*
  2. Central Pollution Control Board, New Delhi. - *Annual Reports (1995-2000).*
  3. Amita Dhanda - *Report of workshop on Legal Regulation of Hazardous Substance & Processes, Indian Law Institute, New Delhi.*
  4. Furqan Ahmad - *Background paper for workshop on Legal Regulation of Hazardous Substance & Processes, Indian Law Institute, New Delhi.*
  5. Furqan Ahmad - *Legal Regulation of Hazardous Substance & processes in India (2001) under publication).*
  6. Centre for Environmental Law, - *Strengthening Environmental Legislation in India (1999)*