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
5. The National Green Tribunal Act, 2010
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:

Recommended Readings:
1. The National Environment Policy, 2006
2. The National Forest Policy, 1988
3. The National Water Policy, 2002
5. The World Commission on Environment and Development, Our Common Future, 1987

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)

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

1. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446 (Bichhri Village case) 1
4. A.P. Pollution Control Board v. M.V. Nayudu, AIR 1999 SC 812 26
5. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751 38
7. M.C. Mehta v. Union of India, AIR 2002 SC 1696 (CNG Vehicles case) 65
8. T.N. Godavarman Thirumulpad v. Union of India, AIR 2005 SC 4256 75

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
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. M.C. Mehta v. Union of India, AIR 1988 SC 1037 (Kanpur Tanneries case) 170
23. M.C. Mehta v. Union of India, AIR 1988 SC 1115 (Municipalities case) 179
27. M.C. Mehta v. Union of India, AIR 1997 SC 734 (Taj Trapezium case) 201
29. Forum, Prevention of Environmental & Sound Pollution v. Union of India, AIR 2005 SC 3136 209
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

33. S. Jagannath v. Union of India, AIR 1997 SC 811 (Shrimp Culture case)
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

Chapter 8 : Handling of Hazardous Substances – Legal Controls


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
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

Chapter 9 : Protection and Conservation of Forests, Biodiverstiy 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.

46. *Tarun Bharat Sangh v. Union of India*, AIR 1992 SC 514 (Sariska Case)

**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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