



**GLOBAL INITIATIVE OF ACADEMIC NETWORK**



(An Initiative of Ministry of Education)

**Credit Course**

on

**ACCESS TO ENVIRONMENTAL JUSTICE: GLOBAL AND INDIAN TRENDS**

## Expert Faculty

**Prof. (Dr.) Gitanjali Nain Gill, FAcSS**

- Distinguished Fellow of the Academy of Social Sciences
- Professor of Law, Northumbria University, UK
- International Expert Member-IUCN
- NGT Expert



**Prof. (Dr.) Sanjay Singh**

Chief Patron

Vice-Chancellor, Dr. RMLNLU



**November 28 – December 04, 2023**

**03:00 PM to 05:00 PM**

**Hybrid Mode**



**Dr. Malay Pandey**

Local Coordinator UGC-GIAN

QR Code for Registration



Please scan to get more details



For any query email at: [giancourse2023@gmail.com](mailto:giancourse2023@gmail.com)

Registration on GIAN Portal is Mandatory to avail the certificate.  
Kindly follow the link "<https://gian.iitkgp.ac.in/GREGN/>" for registration on GIAN

**DR. RAM MANOHAR LOHIYA NATIONAL LAW UNIVERSITY, LUCKNOW**

# UGC-GIAN

## Course Objective

Union Cabinet has approved a program titled **Global Initiative for Academic Networks (UGC-GIAN)** in Higher Education aimed at tapping the talent pool of scientists and entrepreneurs internationally to encourage their engagement with the institutes of Higher Education in India so as to augment the country's existing academic resources, accelerate the pace of quality reform, and elevate India's scientific and technological capacity to global excellence. UGC-GIAN is envisaged to catalyse higher education institutions in the country, and that it will initially include all IITs, IIMs, Central Universities, IISc Bangalore, IISERs, NITs and IIITs subsequently cover good State Universities where the spinoff is vast. UGC-GIAN is an evolving scheme which will initially include participation of foreign faculty in Institutes as Distinguished / Adjunct / Visiting faculty / Professors of Practice, etc., to participate in delivering Short or Semester-long Courses. Other activities will be included in due course.

### ***THE PROPOSED UGC-GIAN IS ENVISAGED TO ACHIEVE THE FOLLOWING OBJECTIVES:***

1. To increase the footfalls of reputed international faculty in the Indian academic institutes.
2. Provide opportunity to our faculty to learn and share knowledge and teaching skills in cutting edge areas.
3. To provide opportunity to our students to seek knowledge and experience from reputed International faculty.
4. To create avenue for possible collaborative research with the international faculty
5. To increase participation and presence of international students in the academic Institutes.
6. Opportunity for the students of different Institutes/Universities to interact and learn subjects in niche areas through collaborative learning process.
7. Provide opportunity for the technical persons from Indian Industry to improve understandings and update their knowledge in relevant areas.
8. Motivate the best international experts in the world to work on problems related to India.
9. Develop high quality course material in niche areas, both through video and print that can be used by a larger body of students and teachers.
10. To document and develop new pedagogic methods in emerging topics of national and international interest.

# 1 Credit Course

## Global Initiative of Academic Network (UGC-GIAN)

### *An Initiative of Ministry of Education*

**Topic: ACCESS TO ENVIRONMENTAL JUSTICE: GLOBAL AND INDIAN TRENDS**

**Duration:** November 28 – December 04, 2023 (7 days)

#### OVERVIEW

A broad understanding of environmental justice involves participation in environmental controversies. Participatory mechanisms can help to meliorate issues of inequality, recognition and the larger question of capabilities and functioning of individuals and communities. The discourse and understanding of environmental justice has broadened to include issues of fairness, equity, standing, rights of disadvantaged populations in developing countries and meaningful participation in the decision-making process to promote environmental governance. This course focuses on a strong procedural dimension that reflect fair, open, informed and inclusive state institutional processes.

In this context, access to justice through an accessible judicial mechanism to redress environmental damage or harm and the protection and enforcement of legitimate interests becomes important. The importance of judicial institutions [courts and specialist tribunals to adjudicate environmental disputes] is widely acknowledged in international instruments. Specialized judicial forums in environmental matters provide a legitimate forum that help access environmental justice by their substantive decisions that protects constitutional, statutory and human rights, and flexible procedural requirements. Presently, there are over 1200 ECTs operating in 44 countries, worldwide, sited in every major type of legal system (civil law, common law, mixed law, Asian law and Islamic law), at all government levels, from the richest to the poorest nations, with the majority created in the previous 10 years. In this context, India's commitment to secure environmental justice assumes significant practical importance. This course traces and evaluates the role of Indian judiciary (Supreme Court of India and the National Green Tribunal) in contributing and promoting access to environmental justice and governance.

#### Modules:

1. Conceptualizing Environmental Justice and its Changing Paradigm, Nov. 28-29
2. Specialized Environmental Courts and Tribunals: A Global Perspective, Nov. 30
3. The National Green Tribunal of India: Accessing Environmental Justice, Dec. 01-04

#### Who can Attend:

1. LLB and LLM Students/Paralegals
2. Law Executives/Academicians
3. Other Law Professionals

#### Fees:

- |   |   |            |
|---|---|------------|
| 1. Students of Law Universities/recognised Universities | - | INR 300/-  |
| 2. Academicians   | - | INR 700/-  |
| 3. LPO/KPO/ Research Organizations                      | - | INR 5000/- |
| 4. Participants from abroad                             | - | INR 5000/- |

## **Objectives**

The primary objectives of the course are as follows:

1. To undertake systematic and legal analysis of Environmental Justice issues at the International and National Level.
2. To evaluate the effectiveness of judicial structures, with emphasis on comparative perspective, and identify the factors contributing to disparities in environmental outcomes.
3. Develop an in-depth understanding and knowledge of environmental justice discourse and identify factors that contribute to the existence of disparities in environmental outcomes;
4. Develop the ability to analyse and articulate the importance, growth and varied operational strategies of the specialised courts and tribunals to provide access to environmental justice from an international and comparative perspective;
5. Analyse and evaluate the effectiveness of the judicial structures, with special reference to the National Green Tribunal in dispensing environmental justice and formulating legal responses in India; and
6. Ability to undertake systematic and high quality legal analysis in environmental justice issues at international and national level.

## **How to Apply**

Step-1: Complete your registration on UGC-GIAN Portal through the link given below:

<https://UGC-GIAN.iitkgp.ac.in/GREGN/register>

Step-2: Register yourself in the course through link given below:

[https://drive.google.com/file/d/1VY96mVoELIAZLiZxw\\_wvVHEs44c5U8BR/view?usp=share\\_link](https://drive.google.com/file/d/1VY96mVoELIAZLiZxw_wvVHEs44c5U8BR/view?usp=share_link)

## Course Details

### **Module 1 - Conceptualising Environmental Justice and its Changing Paradigm**

Introduction to the concept of environmental justice

Theoretical foundations (Chavis, Agyeman, Shrader-Frechette, Young, Honneth, Scholsberg, Sen and Naussbaum)

Environmental justice with its shifting meaning- developed and developing countries

International and regional developments to promote access to environmental justice with emphasis on procedural dimensions

### **Module 2 - Specialised Environmental Courts and Tribunals: A Global Perspective**

Role of judiciary for environmental compliance and enforcement

The need for specialised environmental courts and tribunals at the global level

Examples of specialised environmental courts and tribunals from developed (Australia, New Zealand, Sweden, UK) and developing (Malaysia, Kenya and SAARC countries)

### **Module 3 - The National Green Tribunal of India: Accessing Environmental Justice**

Genesis and establishment of the National Green Tribunal (India)

The National Green Tribunal Act 2010: interpretation and Application National Green Tribunal and Principles of International Law

Science and Scientific expertise in the national Green Tribunal An assessment of the National Green Tribunal

### **Teaching Faculty with allotment of Lectures and Tutorials**

**Prof. Gitanjali Nain Gill, FAcSS**

- 8 Hours lectures and 4 Hours tutorials- EXPERT FACULTY

**Dr. Atul Kumar Tiwari**

- 2 Hours lectures and 1 Hour tutorial- HOST FACULTY

**Duration: November 28 - December 04, 2023 (7 days)**



## Tentative Lecture Schedule

**Day 1: Dates: 28/11/23 to 28/11/23; Timings: 3:00 PM - 6:00 PM**

**Module 1: Lecture 1 to Lecture 3 (3 HOURS): Interactive and Participatory Session**

*Lectures 1 and 2: (2 Hours) - Prof. Gitanjali Nain Gill, FAcSS*

Introduction and Mapping environmental justice discourse via

1. its theoretical underpinning (distribution of environmental benefits and burdens, recognition of oppressed individuals and communities in political and cultural realms, procedural dimensions focusing on participatory mechanisms);
2. international developments (Rio Declaration 1992, Rio+ 20 UN Conference on Sustainable Development 2012, Environmental Rule of Law 2013, post 2015- Sustainable Development Goals (SDGs) and the United Nations 2030 Agenda on Sustainable Development); and

*Lecture 3: (1 Hour) - Dr. Atul Kumar Tiwari*

1. Contextualising with examples environmental justice discourse in global south's developing countries, with special emphasis on India.

**Day 2: Dates: 29/11/23 to 29/11/23; Timings: 3:00 PM - 5:00 PM**

*Tutorials 1 and 2: (2 Hours) - Prof. Gitanjali Nain Gill, FAcSS*

Interactive and Participatory Session:

Identifying news stories (global/regional/national) about environmental justice or injustice discussing:

1. the issue being reported;
2. why environmental injustice/justice; and
3. what can be done to make the situation just?

Every participant will be required to make a presentation followed by group discussion and review.

**Day 3: Dates: 30/09/23 to 30/09/23; Timings: 3:00 PM - 6:00 PM**

**Module 2: Lecture 4 to Lecture 5 (2 HOURS) and Tutorial 3 (1 Hour): Interactive and Participatory Session**

*Lectures 4 and 5: (2 Hours) - Prof. Gitanjali Nain Gill, FAcSS*

*Tutorial 3: (1 Hour) - Prof. Gitanjali Nain Gill, FAcSS*

Examining the

1. Need for judicial leadership in environmental matters and specialised environmental courts and tribunals (ECTs) at the global level;
2. A few cameo examples from developed and developing countries with special reference to SAARC region;
3. Participants will be encouraged to identify and discuss the possible advantages and disadvantages of the ECT's

**Day 4: Dates: 01/12/23 to 01/12/23; Timings: 3:00 PM - 6:00 PM**

**Module 3: Lecture 6 to Lecture 8 (3 HOURS): Interactive and Participatory Session:**

*Lectures 6: (1 Hour) - Dr. Atul Kumar Tiwari*

Exploring the genesis and growth of the National Green Tribunal (NGT) India by reviewing:

1. Supportive dicta in Supreme Court judgments in environmental public interest litigation cases;
2. Recommendations of the Law Commission of India;

*Lectures 7 and 8: (2 hours) - Prof. Gitanjali Nain Gill, FAcSS*

1. The NGT Act 2010 (Bench composition, jurisdiction and procedure of the NGT)
2. Application of the international environmental law principles (precautionary and polluter pays principles, and sustainable development) for deciding cases

**Day 5: Dates: 02/12/23 to 02/12/23; Timings: 3:00 PM - 5:00 PM**

**Module 3: Lecture 9 to Lecture 10 (2 HOURS): Interactive and Participatory Session**

*Lectures 9 and 10: (2 Hours) - Prof. Gitanjali Nain Gill, FAcSS*

Exploring the

1. Role of science and scientific experts as NGT bench members in the NGT;
2. Their ability to guide and legitimise NGT decisions and policy and to assist governmental authorities;
3. Relevant, illustrative case law will be considered to explain the scientific knowledge utilisation adopting a problem-solving and policy-creation approach; and
4. Reviewing the effectiveness of the NGT in dispensing environmental justice

**Day 6: Dates: 03/12/23 to 03/12/23; Timings: 3:00 PM - 5:00 PM**

*Tutorials 4 and 5: (2 Hours) - Interactive and Participatory Session:*

- *Tutorial 4 (1 Hour)- Prof. Gitanjali Nain Gill, FAcSS*
- *Tutorial 5 (1 Hour)- Dr. Atul Kumar Tiwari*

The tutorials will

1. adopt a moot court pedagogical format; and
2. The participants will be given in advance case studies to be argued with role play of media, community, company/polluter, pollution control board, judges and advocates.

**Day 7:**

**Date of Examination: 04 December, 2023**

## Select Recommended Reading List

### Books, Articles, Policy Briefs, Reports and Conference Proceedings

1. Gill, G N (2017), *Environmental Justice in India: The National Green Tribunal-* (Routledge UK-Earthscan, Environmental and Sustainability Development Studies)
2. Agyeman, J (2005) *Sustainable Communities and the Challenge of Environmental Justice* (New York UP)
3. Ako, R T (2013) *Developing Countries: Perspectives from Africa and Asia-Pacific* (Routledge)
4. Holifield, R, Porter, M and Walker, G (2011) *Spaces of Environmental Justice* (John Wiley)
5. Sachs, J (2015) *The Age of Sustainable Development* (Columbia UP)
6. Carnwath, R (1992) 'Environmental enforcement: the need for a specialist court' *September Journal of Environmental Law* 799-808
7. Bjällås, U (2010) 'Experiences of Sweden's Environmental Courts' 3(1) *Journal of Court Innovation* 177
8. Pring, G and Pring, C (2016) *The ABCs of the ECTs: A Guide for Policy-Makers for Designing and Operating a Specialised Environmental Court or Tribunal* (UNEP)
9. Preston, B J (2014) 'Characteristics of successful environmental courts and tribunals' 26(3) *Journal of Environmental Law* 365-393
10. Fraser, N (2000) 'Rethinking recognition' 3 *New Left Review* 107-120
11. Baxi, U (1985) 'Taking suffering seriously: social action litigation in the Supreme Court of India' 4(1) *Third World Legal Studies* 107-109
12. Baxi, U (2000) 'The avatars of Indian judicial activism: explorations in the geographies of (in)justice' in S K Verma and K Kumar (eds), *Fifty Years of the Supreme Court of India* (OUP)
13. Bhagwati, P N (1984) 'Judicial activism and public interest litigation' 23 *Columbia Journal of Transnational Law* 561
14. Gill, G N (2010) 'A Green Tribunal for India' 22(3) *Journal of Environmental Law* 461-474
15. Gill, G N (2014) *The National Green Tribunal of India: A Sustainable Future Through the Principles of International Environmental Law*, *Environmental Law Review* 16(3), pp 183-202
16. Gill, G N (2016) *Environmental Justice in India: The National Green Tribunal and Expert Members*, *Transnational Environmental Law Journal* (CUP)5(1), pp 175-205
17. High Level Committee (2011) *High Level Committee Report on Commonwealth Games Chair V K Shunglu* (Government of India).
18. Law Commission of India (1978) *Delay and Arrears in Trial Courts* 77th Report. Law Commission of India (2003) *Proposal to Constitute Environment Courts* 186th Report
19. Divan, S and Rosencranz, A (2001) *Environmental Law and Policy in India* (OUP)
20. Schlosberg, D (2007) *Defining Environmental Justice* (OUP)
21. Choudhury, N and Skarstedt, C E (2005) 'The principle of good governance' *CISDL Draft Legal Working Paper* (CISDL)
22. Sachs, J (2015) *The Age of Sustainable Development* (Columbia UP)
23. ADB (2012) *Environmental Governance and the Courts in Asia Law and Policy Reform Brief 1* (ADB)
24. ADB (2015) *Proceedings: Fourth ASEAN Chief Justices' Roundtable on Environment: Role 45 of the Judiciary in Environmental Protection* (ADB)
25. Nussbaum, M and Sen, A (1992) *The Quality of Life* (OUP)



### **Guest Faculty-**

#### **Prof. Gitanjali Nain Gill**

Distinguished Fellow of the Academy of Social Sciences  
Professor of Environmental Law,  
Law School, Northumbria University

### **Host Faculty-**

#### **Dr. Atul Kumar Tiwari**

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### **Local Coordinator-**

#### **Dr. Malay Pandey**

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**WELCOME YOU ALL**

## PROCEDURE OF REGISTRATION IN THE COURSE

**STEP-1:** Registration on GIAN Portal is Mandatory to avail the certificate. Kindly use the following link for registration on GIAN Portal.

<https://gian.iitkgp.ac.in/GREGN/>

**STEP-2:** Payment of registration fee through the link given below:

<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=288415>

Visit the link given above → Select payment Category → Registration Fee →  
Event/Academic Activity → Seminar/Workshop

**STEP-3:** After the payment of registration fee, kindly submit the Registration Form with the help of the following link:

<https://forms.gle/w4LtHt436BMZstJZ9>

**Note:** Kindly visit the following link for the Course Registration Fees and other information:

[https://drive.google.com/file/d/1wrs\\_GPgDBrki0cah7IIWfiaM8CyZtS7A/view?usp=share\\_link](https://drive.google.com/file/d/1wrs_GPgDBrki0cah7IIWfiaM8CyZtS7A/view?usp=share_link)