

COURSE TITLE: NATURAL RESOURCES LAW

L-EL-0114

Responsible Faculty Instructor:
Charu Sharma [csharma@jgu.edu.in]
Designation : Professor

Credits: 4

Credits Type: Academic Elective

Cross-registration: yes

Pre-requisites: Nil

COURSE DESCRIPTION (COURSE VISION):

Ideally, a contemporary legal system should be able to support effective and efficient management of natural resources whether through law and policy or alternatively through recognized customary methods of governance. However, a cohesive or integrated approach at sustainable governance of natural resources remains just that- an ideal, within India, that has led to disparity, discrimination, inequality, and injustice.

This course will explore several cross-cutting issues and concepts in natural resources law and justice including debates that animate natural resources law and ecological policy discourse within India. To explore best legal and policy practices within other jurisdictions, the course adopts a comparative approach in varying local, regional, and global contexts. It also touches upon ecological sustainability and sustainable development; integrated planning and environmental impact assessment at planning, implementation and post implementation stage. Significant concepts including treatment of nature as a legal person, indigenous and forests related laws, gender and caste discrimination, water rights and management, mining and other aspects that guide the contemporary NRL debate within the country will be explored as far as possible.

TEACHING METHODOLOGY: Seminar based, lecture and class discussion based. Each thematic lecture will involve a discussion of the identified and distributed reading materials. Students are expected to review the delineated course materials in advance of each class and pre-selected students will lead the class discussions. There may also be seminars that will be student led

INTENDED LEARNING OUTCOMES:

Students completing this course will be able to achieve the following Course Learning intended Outcomes that will correspond to one or more of the Program intended Learning Outcome(s). Students will be able to:

1. Identify and engage in an informed analysis of contemporary themes, current debates, and trends in natural resources protection through law and policy tools.
2. Evaluate, reflect, critically analyze and research upon complex problems that arise due to NR management in the Indian context by using legal regulations, precedents from

national and international legal cases and refer to legal databases for their research assignment.

3. Collaborate, coordinate, and present legal and policy arguments in their oral presentations by discussing or debating fundamental concepts of sustainable development and justice; eco sustainability and relate to issues and dilemmas that arise within Indian context when implementing court decisions.
4. Apply statutes and national cases to hypothetical situations presented in fact scenarios every week upon environmental and natural resources law and policy issues relating to Indian situation or international law and other jurisdictions. (Within UK, HK, Australia)

READING LIST (upto 10 select readings):

1. *Charu Sharma, Tony George Puthucherril, Saurabh Sood and Stuti Lal , “Managing Natural Resources Through Law In The Anthropocene And Developing New Sustainability Paradigms”*, editorial, Special Issue on Natural Resources Law in Jindal Global Law Review, 2025
2. Curt Meine, “Land Ethics, Justice, and Aldo Leopold’ (2022) 4 *Socio Ecol Pract Res* 167
3. Christopher Stone, “Should Trees have standing?-Toward Legal rights for Natural Objects?” 45 (1972) Southern California Law Review 450 Environmental Ethics Internet Encyclopedia of Philosophy.pdf
4. Mergen, A, Holly Doremus, Charles Wilkinson & Dave Owen, “The Future of Natural Resources Law”, 47 Envtl. L. Rep. 10197 (2017), available at <https://elr.info/news-analysis/47/10185/dojenrd-symposium-future-environmental-law>.
5. Mihnea Tănasescu, “Rights of Nature, Legal Personality,
6. and Indigenous Philosophies” Transnational Environmental Law, 9:3 (2020), pp. 429–453
7. John Alder and Wilkinson, Environmental Law and Ethics, Macmillan Law Masters (Chapter 2; Main ethical approaches)
8. Jade-Ann Reeves & Timothy D. Peters (2021) Responding to anthropocentrism with anthropocentrism: the biopolitics of environmental personhood, Griffith Law Review, 30:3, 474-504, DOI: 10.1080/10383441.2022.2037882
9. Mukul Sharma, Caste, Environment Justice, and Intersectionality of Dalit–Black Ecologies, 13 Environment and Society: Advances in Research 78-97 (2022).
10. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, 2nd Edition (2022) Chapter 8: Water Pollution Control and Chapter 9: Air Pollution Control.

11. Rosalind Reeve, 'Wildlife trade, sanctions and compliance: lessons from the CITES regime' (2006) 82 *International Affairs* 881.
12. Chhatrapati Singh, Common Property and CommonPoverty: India's Forests, Forest Dwellers and the Law, Oxford University Press 1986.
13. Geetanjoy Sahu, Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006 in Jharkhand: Problems and Challenges *Journal of Land and Rural Studies*, (2021) 9(1), 158-177
14. Dipesh Chakrabarty, "The Politics of Climate Change Is More Than the Politics of Capitalism", *Theory, Culture & Society* (2017) 33(1-2) in the Special issue on 'Geosocial Formations and the Anthropocene', Nigel Clark and Kathryn Yusoff (eds), Sage Publications. UK (2017).
15. Ramchandra Guha and Madhav Gadgil , "Ecological Conflicts and the Environmental Movement in India", *Development and Change* Vol. 25 (1994), 101-136. o Institute of Social Studies 1994. Blackwell Publishers, Oxford, UK.
16. World Bank, 'The World Bank Environmental and Social Framework' (2017) 53— 'Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement'
17. David Schlosberg, Lauren Rickards and Jason Byrne, Environmental Justice and Attachment to Place, in *The Routledge Handbook of Environmental Justice*, Ryan Holifield, Jayajit Chakraborty and Gordon Walker(eds), 2018, Chapter 47,

WEEKLY READING PLAN (WEEKLY OUTLINE):

A weekly plan is provided below:

MODULES	WEEK(S)
MODULE 1: TITLE • Module Description	-
WEEKS 1-2 INTRODUCTION THEMATIC ISSUES AND CONFLICTS FOR NATURAL RESOURCES JUSTICE	
WEEKS 3-4 CLIMATE INJUSTICE, SDGS NR AND ENVIRONMENTAL INSECURITY, CASTE AND GENDER BASED , ACCESSIBILITY OF RESOURCE	
WEEKS 5 -CLIMATE CHANGE LITIGATION IN VARIOUS JURISDICTIONS-	

WEEK 6 AN EXAMINATION OF THE SUBSTANTIVE LAWS FOR CLIMATE LITIGATION; A COMPARISON AND TWAIL VIEWS	
WEEKS 7-8 ENVIRONMENTAL JUSTICE PRINCIPLES	
WEEKS 9 LAND USE AND LAND ACQUISITION	
WEEK 10, 11 & 12 MINING, FORESTS & WILDLIFE	
WEEK 13 PRESENTATIONS	
REVISION WEEK	Week 14