



CEERA NEWSLETTER

MARCH OF THE ENVIRONMENTAL LAW



*Yearly newsletter of the Centre for Environmental Law,
Education, Research and Advocacy,
National Law School of India University, Bengaluru*

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MESSAGE FROM THE COORDINATOR

Prof.(Dr.) Sairam Bhat
Professor of Law, NLSIU, Bengaluru

CEERA's March of Environmental Law-our Newsletter this year aims at providing a glimpse of the activities undertaken by the Centre in the past academic year. The last two years have been challenging for all of us, in coping with the pandemic, in handling the threats posed to our near and dear ones, without compromising with our commitments. Our team has been extremely dynamic in adapting themselves to the Work-from-Home Culture, and it gives me immense pleasure to share the research and project developments of CEERA.

We are happy to announce that CEERA, has been selected as a Key Resource Centre for the Ministry of Jal Shakti, National Jal Jeevan Mission, towards organising training programmes for Officers of

the Government on legal and policy dimensions concerning drinking water, and developing a comprehensive research module including case studies on Water Governance, Law and Policy. This year, we would be submitting our final research report on Ease of Doing Business and Contractual Enforcement to the Department of Justice, Government of India. Working on this research project provided us with a unique opportunity to contribute critical insights on the need for legal reform concerning Contract law and Enforcement in India.

We will also be submitting the Karnataka Municipality draft Bill to the Government of Karnataka. The project involved a legislative drafting exercise which has been challenging, since it involved consolidating 11 different state legislation and codifying a unifying framework for Municipal administration in the State. As we continue our efforts as a Research Centre, the submission of the Climate Protection Bill, an initiative of CEERA, which is in its final stages has been a significant satisfaction. On the Advocacy front, I am indeed happy to report that our Advocacy team has enthusiastically accepted to represent the Karnataka Biodiversity Board before the Courts towards ensuring implementation of the Biodiversity Act, 2002. Despite all constraints of work from home, I complement our team for ensuring smooth delivery of all our consultancy, research and advocacy work, and commend their efforts.

Happy reading!

HIGHLIGHTS

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ONGOING PROJECTS



Collaborative Engagement for Research, Training and Development in Handling of Chemical and Hazardous Waste



A 3 year research project granted by the Ministry of Environment, Forest and Climate Change to assist on matters connected to the Conference of Parties under 5 Multilateral Environmental Agreements namely Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Stockholm Convention on Persistent Organic Pollutants, Strategic Approach to International Chemicals Management and Minamata Convention on Mercury.

Other deliverables under the project include:

- Acting as a repository of knowledge and creating and maintaining a database for Chemical & Waste MEAs and related issues in the country
- Assisting & supporting the Ministry during national and international meetings on Chemical & Waste MEAs and related matters.
- Conducting demand driven & follow up research to assist in the negotiations & help in strategizing the national priorities in the Conference of Parties
- Conducting stakeholder consultations, capacity building programmes & networking with other institutions and agencies



Key Resource Centre National Jal Jeevan Mission



CEERA has been identified as a Key Resource Centre (KRC) for the National Jal Jeevan Mission, Department of Drinking Water and Sanitation, Ministry of Jal Shakti, Government of India. The National Jal Jeevan Mission is envisioned to provide safe and adequate drinking water through individual household tap connections by 2024 to all households in rural India. The programme will also implement source sustainability measures as mandatory elements, such as recharge and reuse through grey water management, water conservation, rain water harvesting. JJM will be based on a community approach to water and will include extensive Information, Education and communication. JJM looks to create a jan andolan for water, thereby making it everyone's priority.

As a Key Resource Centre, CEERA seeks to organize training programmes and workshops for Senior and Mid level officers. The deliverables under the project shall be aimed at strengthening the legal and governance framework on water governance in India.



ONGOING PROJECTS



Consultants Karnataka Biodiversity Board



CEERA has been advising the Board for several years on issues pertaining to the implementation of the Biological Diversity Act, 2002 and Rules. In 2020, Prof. (Dr.) Sairam Bhat, Coordinator, CEERA and Professor of Law, NLSIU, was appointed as the Expert Member for the implementation of the Access and Benefit Sharing provisions under the Biodiversity Act, 2002 and Rules, 2005 and also the Guidelines on Access to Biological Resources and Associated Knowledge and Benefit Sharing Regulations, 2014 for the state of Karnataka. He is currently serving as a member of the ABS Committee. CEERA has also assisted KBB in drafting legal opinions, prepare guidelines on implementation of post facto approval. The Act prescribes the companies involved in utilizing the bio-resources to approach the Board and give prior intimation. Several entities default in making compliances as prescribed under the Act thereby attracting penal provisions. Mr. Rohith Kamath, Advocate and Consultant, CEERA and Mr. Raghav Parthasarathy, Advocate and Teaching Associate, have been empaneled by the Biodiversity Board for representing them in court matters in relation to the implementation of the Biological Diversity Act, 2002.



Codifying, Consolidating and Reforming the Urban Planning and Development Laws in the State of Karnataka

This project granted by the Directorate of Municipal Administration, Government of Karnataka in 2017 required the Centre to codify and consolidate the urban development laws of Karnataka, namely the Karnataka Municipalities Act 1964, Karnataka Municipal Corporation Act 1976, Karnataka Town and Country Planning Act 1987, Bangalore Metropolitan Region Development Authority Act 1985 among other legislations.

Deliverables under the Project include:

- Consolidating and reviewing of urban development laws of Karnataka
- Building legal capacity in understanding and interpreting the urban related laws through teaching and research.
- Applying the outcome of research for dissemination of laws
- Drafting of the Karnataka Urban Policy, 2018
- Drafting of the Karnataka Municipalities Bill, 2019



ONGOING PROJECTS



विधि और न्याय मंत्रालय
MINISTRY OF LAW & JUSTICE

Strengthening Legal Provisions for the Enforcement of Contracts: Reassessing the Quality and Efficiency of Dispute Resolution of Commercial Matters in India



The project granted by the Department of Justice, Ministry of Law and Justice explores the possibility of reform in various avenues of contractual enforcement. The aim of the project is to undertake a thorough review of the existing laws on contractual enforcement in India and to evaluate and ascertain the efficiency of the Indian enforcement mechanism of contractual obligations in a globalized economic environment. The project also seeks to look into legal reforms to improve the ease of doing business ranking of India and make Indian contracting environment suitable to the needs and requirements of business and commerce in a globalized economy.

Deliverables under the project include:

- Research on existing issues, global best practices & implementation challenges relating to dispute resolution in commercial matters & remedies provided for breach.
- Empirical research on the functioning of the commercial courts in the State of Karnataka & analysis of findings.
- Report on Legal Reforms regarding Dispute Resolution of Commercial Matters in India including the formulation of Case Management Hearing Guidelines drafted under this project.



RECENTLY CONCLUDED PROJECT



AGRI- Consortia Research Platform on Water



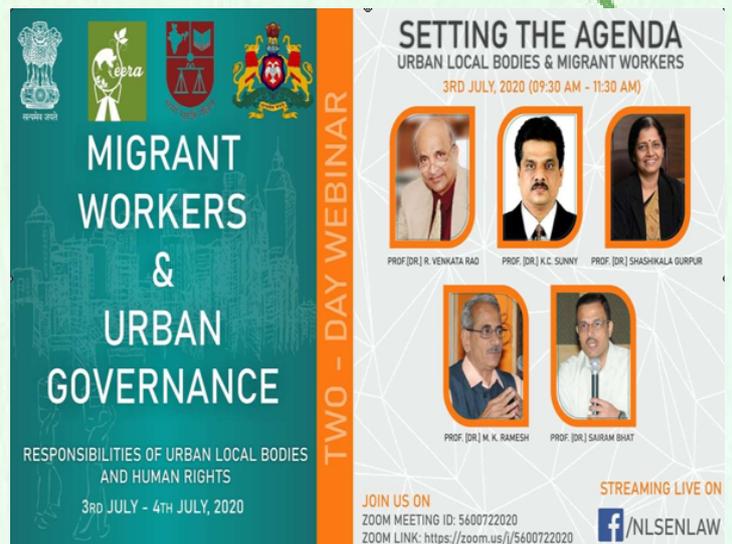
CEERA recently concluded a 5 year project on the theme "Institutional and Market Innovations Governing Sustainable Use of Agricultural Water" granted by the Indian Council of Agricultural Research - Indian Institute of Water Management, (ICAR-IIWM), Bhubaneswar. The project was undertaken in collaboration with the University of Agricultural Sciences, Bengaluru. The project involved evaluation of regulations, laws, rules of State and Central Governments governing water resources aiming towards institutional innovations for sustainable use of water resources with a special thrust on agricultural purposes.

EVENTS ORGANIZED: WEBINARS

TWO-DAY WEBINAR ON MIGRANT WORKERS AND URBAN GOVERNANCE

3-4 JULY, 2020

CEERA, NLSIU, in collaboration with the Directorate of Municipal Administration, Government of Karnataka organized this webinar under the project "Codifying, Consolidating and Reforming the Urban Laws in the State of Karnataka." The advent of the COVID-19 pandemic and the resultant countrywide lockdown saw mass exodus of migrant workers rushing back to their hometowns, triggering a large-scale humanitarian crisis. Under the three-tier governance structure, the Urban Local Bodies (ULBs) have a significant role to play in protecting the migrant workers. Deliberations in the webinar spanned across themes like responsibilities of Urban Local Bodies in protection of migrant workers under the Constitutional scheme, executive functions of the municipalities, the role of the municipalities in transporting migrant workers, judicial response to the migrant workers crisis, labour entitlements of the workers, role of non-State actors, issues of urban poor and the law and migrant worker protection in smart cities.



Read the full report at - <https://nlspub.ac.in/report-of-the-two-day-webinar-on-migrant-workers-and-urban-governance-responsibilities-of-urban-local-bodies-and-human-rights-held-on-3-4-july-2020/t>

WEBINAR ON RIGHT TO INFORMATION: PRACTICE AND PROCEDURES

5 August, 2020

The Webinar organized by CEERA dealt with the procedural and practice aspects of the application of the Right to Information Act. The webinar was spread over two sessions and witnessed participation from resource persons with expertise in the field of Right to Information who deliberated on varied aspects of the implementation of the law ranging from the role of the civil society in the RTI movement, awareness about the Act amongst the citizens in India, measures taken by the state of Goa for the effective implementation of the Act, the role of the Public Information Officer under the Act and the evaluation of the role of the Central Information Commission in India.



Read the full report at: <https://nlspub.ac.in/report-of-the-one-day-webinar-on-right-to-information-practice-and-procedure-held-on-5th-august-2020/>

TWO DAY WEBINAR ON THE FUTURE OF ENVIRONMENTAL LITIGATION IN INDIA

7-8 August, 2020



Mr. Shyam Divan, Senior Advocate, Supreme Court of India addressing the participants

Read the full report at: <https://nlspub.ac.in/report-of-the-two-day-webinar-on-future-of-environmental-litigation-in-india-held-on-7th-and-8th-august-2020/>

In light of the increasing industrialization and environmental degradation, environmental litigation has witnessed significant proliferation in the last few decades. However, environmental litigation has been plagued by improper implementation of policies, absence of technical knowledge in the legal community etc. With a vision to reflect upon the role of environmental litigation in environmental governance, CEERA organised a webinar on “The Future of Environmental Litigation in India”. The sessions dealt with numerous themes such as impact of litigation on environmental justice, animal rights, public interest environmental law, regulatory and adjudicatory challenges, quasi-judicial action and climate change litigation.

EVENTS ORGANIZED UNDER THE AGRI CONSORTIA RESEARCH PLATFORM 24, 26 & 31 March, 2021



JSS Law College Mysore and a Consultative Workshop with V.M. Salgaocar College of Law, Goa. The sessions were designed to deliberate on constitutional dimensions of water management in India, irrigation policies and future prospects, approaches in agricultural water management with special focus on Karnataka, Goa, Jammu & Kashmir and agricultural water use in light of climate change. Some notable observations that were made by experts included correlating water scarcity and food scarcity, role of local bodies in implementing water laws and policies, usage of rubber dams in conserving water, studying land patterns for water conservation, and understanding the consequences of climate change in water conservation.

Read the full report at: <https://nlspub.ac.in/report-of-the-online-national-seminar-on-strengthening-agricultural-water-use-law-policy-and-management-in-india-held-on-26th-march-2021/>

EVENTS ORGANIZED: TRAINING PROGRAMMES AND CAPACITY BUILDING WORKSHOPS

ONLINE TRAINING PROGRAMME ON ENVIRONMENTAL LEGISLATION, INTERPRETATION, ENFORCEMENT, LEGAL AND STATUTORY REQUIREMENTS: CASE STUDIES

1-4 December & 7-10 December, 2020

This training programme was conducted by CEERA in association with the Andhra Pradesh State Pollution Control Board for its officers in 2 batches. The training programme involved lectures on Constitutional Law and Regime on Environment Protection; Statutory Enforcement Mechanisms on control of Pollution; Law relating to Collection, Disposal and Management of Wastes; Business and Environment with reference to procedure of Environmental Clearances, Compliance and Corrective Action, Corporate Environmental Liability; Public Trust Doctrine and International Environmental Law; Conservation of Biodiversity and Protection of Environment: Lessons for Statutory Interpretation; Criminal Law Enforcement and Pollution Control: Procedural Issues and Collection of Evidence etc.



Team CEERA in an interactive session with the Officers



ONLINE WORKSHOP ON THE USE OF HAZARDOUS PESTICIDES AND THE IMPACT ON ENVIRONMENT AND HEALTH: LEGAL AND SOCIAL IMPLICATIONS

18 December, 2020

CEERA organized this workshop in collaboration with the Ministry of Environment, Forest and Climate Change, Government of India under the aegis of a Three-Year Project granted by titled “Collaborative Engagement for Research, Training and Development in Handling of Chemical and Hazardous Waste”. The purpose of the workshop was to deliberate on and build awareness about the laws governing pesticides in India and to study the implications of the continued use of hazardous pesticides on



Resource Persons in an interactive session

health and the environment. The deliberations cut across themes such as the current legal regime governing the use of pesticides, the Pesticides Management Bill of 2020, trade in chemicals and pesticides under the WTO regime, effect of environmental toxins on human health, harmful effects of pesticides in biodiversity conservation, ecosystem functioning and the environment sustainable alternatives to the use of hazardous pesticides in agriculture.

Read more at: <https://nlspub.ac.in/report-of-the-online-workshop-on-the-use-of-hazardous-pesticides-and-the-impact-on-environment-and-health-legal-and-social-implications-held-on-18th-december-2020/>

CERTIFICATE COURSE ON LAW OF ARBITRATION AND CONCILIATION

18 & 21 January, 2021



The certificate course was organized by CEERA in association with Hindustan Aeronautics Limited Management Academy for students enrolled in Post Graduate Diploma in Management Course at the Academy. The course explored a variety of interesting issues ranging from the history of arbitration in India, arbitrability of disputes, the differences and comparative benefits of popular modes of alternate dispute resolution, the importance of arbitration clauses in commercial contracts, processes

for the appointment of arbitrator, principle of judicial non-intervention in arbitration, power of arbitral tribunals to grant interim relief, the benefits of arbitration in resolving employment disputes, the implications of venue and seat in international commercial arbitration and the issues in challenging and enforcing arbitral awards in domestic and international commercial arbitration.

Read the full report at: <https://nlspub.ac.in/report-of-the-certificate-course-on-law-of-arbitration-and-conciliation-for-hal-management-academy-held-on-18th-and-21st-january-2021/>

FIVE DAY NLSIU-CEERA-CPCB ONLINE TRAINING PROGRAMME ON ENVIRONMENTAL LEGISLATIONS, INTERPRETATION, ENFORCEMENT, LEGAL AND STATUTORY REQUIREMENTS – CASE STUDIES

7 – 12 February, 2021

The Five-day Online training programme on Environmental Legislations, Interpretation, Enforcement, Legal and Statutory Requirements was organised by CEERA, NLSIU, in association with the Central Pollution Control Board. The overarching themes consisted of constitutional and statutory regime of environment, collection, disposal, management of waste, policy regime on climate change, NGT and its policies of compensations, clean technology, Environmental compensation levied by State and Central Pollution Control Boards. The training programme broached several contemporary and important issues such as human intervention in Himalayas, centralised nature of legislative processes in India, building infrastructure in environmental administration, extent of the role of the Pollution Control Board, administrative governance for environmental laws, technology in carbon electricity and coal power generation movements, Basel Convention and its implications on waste management, role of criminal laws in dealing with environmental issues.

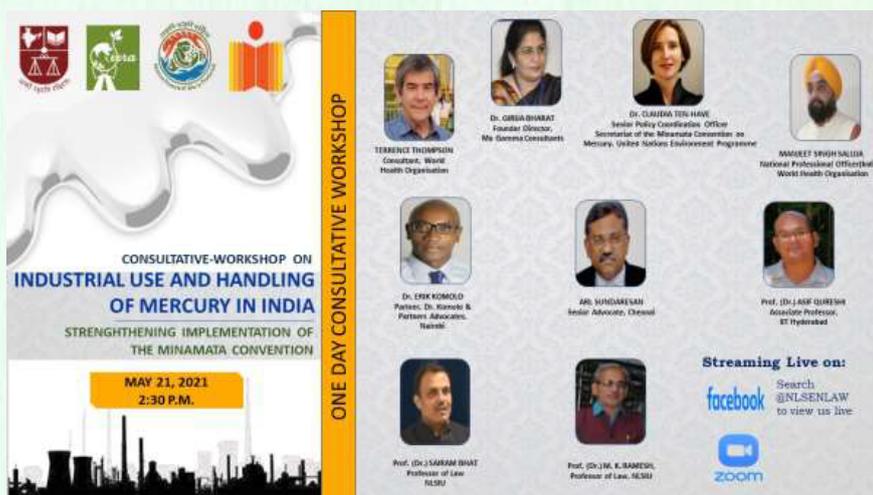


Prof.(Dr.) M.K. Ramesh addressing the participants

Read the full report at <https://nlspub.ac.in/report-of-the-five-day-online-training-programme-on-environmental-legislations-interpretation-enforcement-legal-and-statutory-requirements-case-studies-held-from-8-12-february-2021/>

ONLINE CONSULTATIVE WORKSHOP ON INDUSTRIAL USE AND HANDLING OF MERCURY IN INDIA

21 May, 2021



This workshop was organized by CEERA, in collaboration with IIT, Hyderabad and MoEF&CC. The themes deliberated over the course of the workshop included regulatory challenges to storage, use and disposal of mercury, precautionary measures for industrial hazards in handling of mercury, occupational health concerns, contamination of food, drugs, soil and environment and packaging and labelling requirement in order combat mercury contamination. A session was also devoted to mercury management in the African context. The CEERA team also presented a sectoral analysis of laws and policies relating to mercury management in India.

Read the full report at: <https://nlsup.ac.in/consultative-workshop-on-industrial-use-and-handling-of-mercury-in-india-strengthening-implementation-of-the-minamata-convention-21st-may-2021/>

ONLINE CONSULTATIVE WORKSHOP ON LEGISLATING CLIMATE CHANGE LAW

18 June, 2021

The workshop was organized under CEERA's initiative towards drafting a climate protection bill. The Workshop was aimed at creating a platform to stimulate intellectual discourse on critical issues associated with climate change and to identify viable solutions to address these issues. Given the absence of an explicit law in India addressing climate change, the workshop specifically aimed to advance the dialogue on devising a comprehensive legislative framework that addresses climate change in India.

Diverse group of resource persons and legal professionals, and experts in the field of Climate change from India, Australia, South Africa and the U.S.A addressed the workshop. Team CEERA also presented the draft of the Climate Protection Bill, 2021.



Read the full report at: <https://nlsup.ac.in/report-of-the-online-consultative-workshop-on-legislating-climate-change-law-in-india/>

RECENT PUBLICATIONS



IN LAW MAGAZINE VOL VI

CEERA published the sixth volume of the IN LAW magazine in November, 2020. The spotlight section of this edition included interactions with Mr. Shyam Divan, Senior Advocate, Supreme Court of India and Mr. Debesh Panda, Advocate on Record, Supreme Court of India. The volume also featured articles on corporate environmental responsibility, the need to regulate noise pollution at the airports, the migrant workers issue and animal rights.

Read the full magazine at
<http://nlspub.ac.in/in-law-magazine-nlsiu-vol-6-november-2020/>

CEERA'S OPINION PIECE ON ENVIRONMENTAL IMPACT ASSESSMENT DRAFT NOTIFICATION, 2020 ISSUED BY MOEF&CC

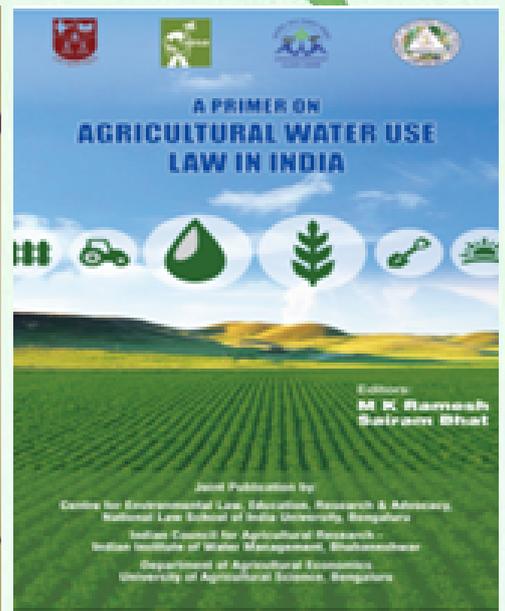
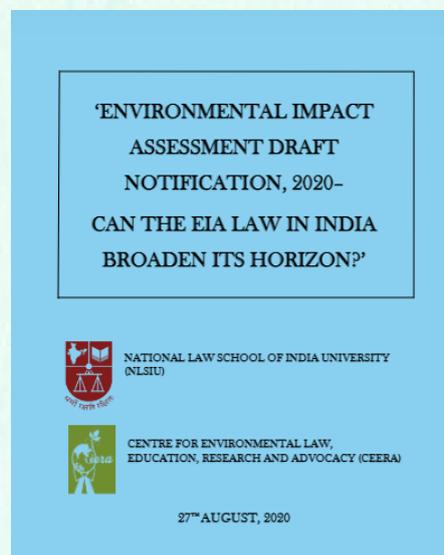
Read the opinion piece at
<http://nlsenlaw.org/wp-content/uploads/2020/08/EIA-Opinion-CEERA-NLSIU.pdf>



JOURNAL ON ENVIRONMENTAL LAW, POLICY AND DEVELOPMENT, VOL 7

CEERA published the 7th volume of JELPD. The volume features insightful contributions cutting across themes like biomedical waste management, transboundary environmental damage, green federalism and the role of national green tribunal.

Access the full journal at
<http://nlspub.ac.in/journal-on-environmental-law-policy-and-development-vol-7-2020/>



PRIMER ON AGRICULTURAL WATER-USE IN INDIA

CEERA in association with the Indian Council for Agricultural Research, IIWM, Bhubaneswar and Department of Agricultural Economics, University of Agricultural Science, Bengaluru published a Primer on Agricultural Water Use in India. The Primer comprises an overview of the agricultural water rights in the country, history of India's national water policies, evaluation of laws and policies relating to tank irrigation system, impact of agricultural practices on water pollution, rain water harvesting and the role of panchayats, urban local bodies, water associations, community institutions in water management. Irrigation laws across states have also been analysed and compared.

Read the full Primer at
<http://nlspub.ac.in/agricultural-water-use-law-in-india/>

BLOGS & ARTICLES

IMPLICATIONS OF NOVATION OF CONTRACTS ON ARBITRATION CLAUSES: A Case Comment on Sanjiv Prakash v. Seema Kukreja & Ors.

Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Lianne D'Souza, Research Fellow, CEERA, NLSIU

Novation is a bilateral process which requires the clear and unequivocal intention of the parties to terminate a contract and substitute it with a new one. Recently, in the case of *Sanjiv Prakash v. Seema Kukreja & Ors*, the High Court of Delhi has sought to clarify the position of novation under the Arbitration and Conciliation Act, 1996 with reference to relevant provisions of the Indian Contract Act, 1872.



To know more about this case read the full blog post at <https://nlspub.ac.in/implications-of-novation-of-contracts-on-arbitration-clauses-a-case-comment-on-sanjiv-prakash-v-seema-kukreja-ors/>

A TRIBUNAL IN TROUBLE?

Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Lianne D'Souza, Research Fellow, CEERA, NLSIU

The shortcomings that plague the NGT may be credited to its own judicial and administrative fallacies. The tribunal has also failed to dispose the cases within stipulated time frame. Apart from this, the ministerial attempts to transfer cases on arbitrary grounds have made it harder for litigants to knock on the doors of the Tribunal. To know more about the problems that this quasi-judicial body is grappling with and the means to remedy them, **Read the blog post at** <https://nlspub.ac.in/a-tribunal-in-trouble/>



NON-DISPARAGEMENT CLAUSES IN EMPLOYMENT CONTRACTS- A GLOBAL PERSPECTIVE

Madhubanti Sadhya, Teaching Associate CEERA, NLSIU & Divyae Patel, 5th Semester, Unitedworld School of Law, Karnavati University

The term "disparagement" is defined as the publication of injurious and false statements that are derogatory of another's product, property or business. This blog post gives an understanding of the evolution of disparagement clauses in different types of contracts and their enforceability in different jurisdictions.

Read the full blog post at <https://nlspub.ac.in/6523-2/>





Read the full blog post at <https://nlspub.ac.in/role-powers-and-functions-of-state-biodiversity-boards-to-collect-access-and-benefit-sharing-amount-from-indian-entities/>

ROLE, POWERS AND FUNCTIONS OF STATE BIODIVERSITY BOARDS TO COLLECT ACCESS AND BENEFIT SHARING AMOUNT FROM INDIAN ENTITIES

Geethanjali K.V. Legal Associate, CEERA, NLSIU & Namrata Rawat, 4th year, RGNUL, Punjab

The Convention on Biological Diversity adopted in 1992 had three primary objectives: conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising from the use of genetic resources. This blog post focuses on the role, power and functions of State Biodiversity Board (SBBs) and procedure to obtain ABS. It also enlists the consequences of non compliance with the statutory provisions.

ROMANTICISING CORPORATE (MIS)GOVERNANCE: COMPANIES FRESH START SCHEME 2020

Rohith Kamath, Advocate & Consultant, CEERA, NLSIU

The Companies Fresh Start Scheme [CFSS] 2020 shows that Love is in the Air, by allowing companies that have been indulging in what the author chooses to call the domestic abuse of the Companies Act, 2013, to mutually compromise the matter, before the same is escalated to the stage of divorce, where a defaulting company is left estranged. Read an interesting take on the CFSS 2020 that has created a one-time window for eligible companies to avail the benefit and settle issues and concerns related to delayed filing and reporting requirements under the Companies Act, 2013.



Read the full blog post at <https://nlspub.ac.in/romanticising-corporate-misgovernance-companies-fresh-start-scheme-2020-2/>



Read the full blog post at <https://nlspub.ac.in/coastal-regulation-zone-a-journey-from-1991-till-2019/>

COASTAL REGULATION ZONE: A JOURNEY FROM 1991 TO 2019

**Raghav Parthasarathy & Vikas Gahlot
Teaching Associates, CEERA, NLSIU**

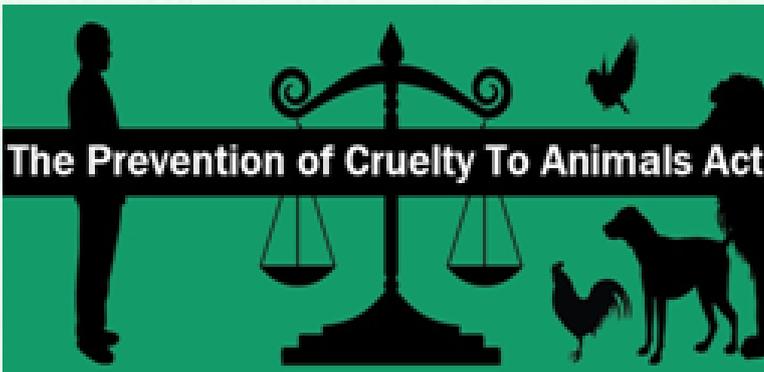
This blog post traces the evolution and development of the Coastal Regulation Zone Notifications from 1991 to 2019. Read the evolution of laws relating to Coastal Regulation zone, the changes introduced by them and the factors that led to the introduction of the revised Notifications.

ECONOMIC DURESS AND ITS EFFECT ON CONTRACTUAL OBLIGATIONS IN INDIA

**Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Lianne D'Souza,
Research Fellow, CEERA,NLSIU**

Economic Duress is an extension of the classical common law doctrine of 'duress'. This blog post throws light on laws and cases involving economic duress, the effect of economic duress on the validity of contracts and the differences between commercial duress and economic duress.

To know more, read the full blog post at <https://nlspub.ac.in/economic-duress-and-its-effect-on-contractual-obligations-in-india/>



Read the full blog post at <https://nlspub.ac.in/pricing-cruelty-how-progressive-is-the-prevention-of-cruelty-to-animals-act/>

PRICING CRUELTY: How progressive is the Prevention of Cruelty to Animals Act ?

Lianne D'Souza, Research Fellow, CEERA,NLSIU

The Prevention of Cruelty to Animals Act, 1960, has historically remained a toothless tiger. This blog post is a critical take on the Act, especially the inadequacy of penalties prescribed under it.

LG POLYMER GAS LEAK: AN INQUIRY INTO THE APPLICATION OF DOMESTIC AND INTERNATIONAL LEGAL OBLIGATIONS REVOLVING CHEMICAL ACCIDENTS

**Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU,
Madhubanti Sadhya, Rohith Kamath & Geethanjali K.V.
CEERA,NLSIU**

This report highlights and analyses the criminal and civil liability of a transnational corporation under the domestic and international law, along with various laws applicable for storage of hazardous chemicals and management of chemical accidents in India and South Korea. It also includes an analysis of international regulatory policy on chemical accidents.



Read the full report at <https://nlspub.ac.in/lg-polymer-gas-leak-an-inquiry-into-the-application-of-domestic-international-legal-obligations-revolving-chemical-accidents/>



FAIRNESS OF CONTRACTS: CONSUMER LAW PERSPECTIVE

Raghav Parthasarathy, Teaching Associate, CEERA, NLSIU

Any contractual term which is ex-facie one sided, unreasonable and unfair and has been included in the contract, amounts to unfair terms. This blog post highlights some of the unfair terms in contracts and their effects on consumer laws.

Read the full blog post at https://nlspub.ac.in/fairness-in-contracts-a-consumer-law-perspective/#_ftn14



COVID -19 AND ENVIRONMENTAL CLEARANCE IN INDIA: A NOTE ON THE MOEF&CC MEMORANDUM

Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Vikas Gahlot, Teaching Associate, CEERA, NLSIU

Covid-19 has impacted governance in general and environmental governance in particular. Physical governance has changed to online governance with meetings either getting postponed or being shifted to online. This blog post gives a detailed account of the extensions provided by the MOEF&CC for Prior Environmental Clearance (EC) due to Covid -19.

Read full blog post at <https://nlspub.ac.in/covid-19-and-environmental-clearance-in-india-a-note-on-the-moef-memorandum/>

JUDICIAL REVIEW OF GOVERNMENT TENDERS

Lianne D'Souza, Research Fellow, CEERA, NLSIU

Judicial review of administrative action is a pillar upon which lies a fair, just and impartial government. However, in cases pertaining to commercial transactions such as contracts, courts are to exercise this power sparingly. The question as to what extent can the court extend its judicial reach in cases involving commercial transaction has been answered in the case of *Galaxy Transport Agencies, Contractors, Traders, Transports and Suppliers v. NEW J.K. Roadways, Fleet Owners and Transport Contractors and Ors.*



To know more about the Court's ruling read the blog post at <https://nlspub.ac.in/judicial-review-of-government-tenders/>



NOISY AIRPORTS

Geethanjali K.V., Legal Associate, CEERA, NLSIU

For a sound to become 'noise' it should be loud or unpleasant or have a tendency to cause disturbance to individuals or living entities. Taking the issue of noise, and the control and mitigation of noise pollution various countries have come up with several legislations. This article gives an overview of those legislations and suggests the standards that can be incorporated to overcome the noise pollution around airports.

Read the full article at <http://nlspub.ac.in/in-law-magazine-nlsiu-vol-6-november-2020/>

ANALYSING THE JUDICIAL APPROACH TO RETROSPECTIVE APPLICATION OF STATUTES: THE SUPREME COURT'S DECISION IN *Indore Development Authority v. Manoharlal*

**Madhubanti Sadhya, Teaching Associate, CEERA,
NLSIU & Saumya Singh, 2nd year NLSIU, Bengaluru**

This case comment on *Indore Development Authority v. Manoharlal* analyzes the judicial approach to retrospective application of statutes. The blog post also covers major judicial decisions that laid down congruent principles relating to retrospectivity.



Read the full case comment at <https://nlspub.ac.in/analysing-the-judicial-approach-to-the-retrospective-application-of-statutes-the-supreme-courts-decision-in-indore-development-authority-v-manoharlal/>

ROADMAP TO STRENGTHEN CONTRACTUAL ENFORCEMENT AND EASE OF DOING BUSINESS IN INDIA

**Dr. Sairam Bhat, Coordinator, CEERA & Professor of
Law, NLSIU & Vikas Gahlot, Teaching Associate,
CEERA, NLSIU**

Ease of doing business is the flagship project of the World Bank which has garnered positive response from different stakeholders over the years. India is also taking its Ease of Doing Business ranking very seriously with several reforms being introduced to improve it. This article looks at both substantive and procedural laws of the country to suggest avenues for reform regarding contract enforcement in the country.



Read the full article at https://www.nls.ac.in/wp-content/uploads/2021/06/NLSJ-Journal-2019-20-_3rd-PROOF-1-1.pdf

TRACING THE ENVIRO-LEGAL FRAMEWORK FOR BOTTOM TRAWLING -

**Lianne D'Souza, Research Fellow, CEERA, NLSIU &
Alekhya Sattigeri, Student, GGSIPU**

Marine ecosystems, like other natural resources, have and continue to be threatened by environmentally degrading anthropogenic activities. Bottom trawling is an industrial fishing practice that involves dragging heavy weighted nets across the sea floor, in an effort to catch large quantities of marine animals. This article discusses various judicial expositions, national and international legal frameworks to lessen the adverse impact of the practice on the marine ecosystem.



Read the full blog post at <https://nlspub.ac.in/tracing-the-enviro-legal-framework-for-bottom-trawling/>

ACCESSING BIOLOGICAL RESOURCES IN KARNATAKA: WHY SHOULD ENTITIES COMPLY?

**Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law,
NLSIU, Raghav Parthasarathy, Teaching Associate,
CEERA, NLSIU & Rohith Kamath, Advocate & Consultant,
CEERA, NLSIU**

Availability of biological resources makes India a potential hub for medicinal businesses to prosper. In order to curb illegitimate and unfettered use of bio-resources for commercial utilization, the Biological Diversity Act, 2002 provides for a mechanism. To know why entities should comply with the Biological Diversity Act, 2002

Read the full blog post at <https://nlspub.ac.in/accessing-biological-resources-in-karnataka-why-should-entites-comply/>



CORPORATES AND CLIMATE CHANGE: THE BUCK STOPS HERE : A Critical Analysis of the Case of Milieudefensie et al v. Royal Dutch Shell **Lianne D'Souza, Research Fellow, CEERA, NLSIU**

On December 20th, 2019, the Apex Court of the Netherlands recognised and enforced the legal duty of the government to address the pervasive and deeply concerning issue of 'Climate Change'. This blog post provides the case analysis of this celebrated case.

**Read the full blog post at [Climate change regarding corporatese
https://nlspub.ac.in/corporates-and-climate-change-the-buck-stops-here/](https://nlspub.ac.in/corporates-and-climate-change-the-buck-stops-here/)**

INTER-STATE WATER DISPUTE

**Geethanjali K.V., Legal Associate, CEERA, NLSIU;
Snehalata Chaturvedi, 4th year, KLE Society's Law
School & Mahek Jain, 5th year, Bishop Cotton
Women's Christian Law College, Bengaluru**

Water is 'the stuff of life and a basic human right'. Water laws are formulated comprising both formal and less formal arrangements. This blog post discusses Constitutional provisions relating to Inter-State Water Disputes, legislative competence on these issues, the River Boards Act, 1956 and the Inter-State Water Disputes Act, 1956 etc.



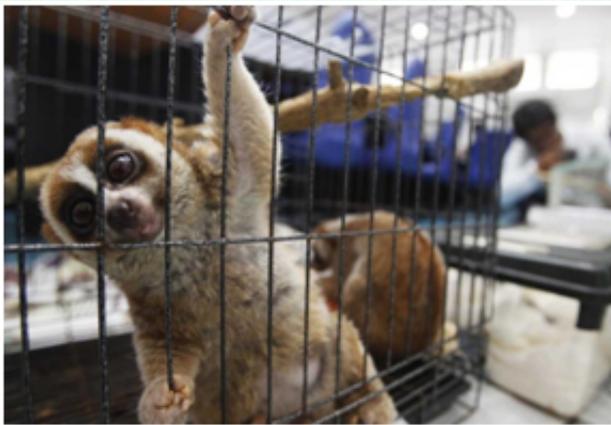
Read full blog post at <https://nlspub.ac.in/inter-state-water-dispute/>

ENVIRONMENTAL FUNDS IN INDIA: AN APPRAISAL

Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Madhubanti Sadhya, Teaching Associate, CEERA, NLSIU

A number of legislations in the country have made provisions for the establishment of funds to be used either for the protection, preservation or regeneration of the environment or to compensate victims who have suffered as a result of environmental crimes. This article deals with the different environment funds established under different laws and gives an overview on the status of their administration and utilization.

Read the full article at <https://nlspub.ac.in/environmental-funds-in-india-an-appraisal/>



Read the full blog post at <https://nlspub.ac.in/illegal-wildlife-trade-adding-fuel-to-the-pandemic-fire/>

ILLICIT WILDLIFE TRADE: ADDING FUEL TO THE PANDEMIC FIRE

Madhubanti Sadhya, Teaching Associate, CEERA, NLSIU & Milind Rajratnam 3rd year, RMLNLU, Lucknow

Illicit wildlife trade has increased manifold and has emerged as a form of Organized Transnational Crime which is posing a threat not only to the existence of many wildlife species but also to economic stability and human beings at large. This blog post elaborates on the linkage between the spread of zoonotic diseases and illicit wildlife trade, and analyzes the international response to illicit wildlife trade and the existing legal framework in India to combat it.

NATIONAL MINERAL POLICY, 2019 – KEY FEATURES

Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU; Lianne D'Souza, Research Fellow, CEERA, NLSIU & Vivek Basangoudar, 2nd Year, Jindal Global Law School

India is a nation that prides itself for its diverse natural resources which include mineral-rich deposits. To streamline the tapping of these resources in pursuance of promoting economic development, a National Mineral Policy was devised. This blog post delves into the evolution of the National Mineral Policy and its key features.

Know more about the National Mineral Policy at: <https://nlspub.ac.in/national-mineral-policy-2019-key-features/>





Read the full opinion piece at <https://www.deccanherald.com/opinion/comment/bbmp-bill-is-it-the-pill-to-the-ill-887126.html>

COASTAL REGULATION ZONE MANAGEMENT AND THE GRANT OF POST FACTO CLEARANCE

Lianne D'Souza, Research Fellow, CEERA, NLSIU & Jayanti Jaya, 3rd year, NLU, Odisha

This blog post provides a case comment on *Vanashakti & Anr. v. UOI & Ors.* and the evils of post facto clearance in coastal regulation zones.

Read the case comment at <https://nlspub.ac.in/coastal-regulation-zone-management-and-the-grant-of-post-facto-clearances-the-case-of-vanashakti-anr-v-uo-i-ors/>



Read the full blog post at ULB at <http://nlspub.ac.in/urban-local-bodies/>

BBMP BILL: IS IT THE PILL TO THE ILL?

Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Raghav Parthasarathy, Teaching Associate, CEERA, NLSIU

To know more about the Bruhat Bengaluru Mahanagara Palike Bill, 2020 and its 'hits and misses' read this opinion piece about the Bill published on Deccan Herald.

URBAN LOCAL BODIES & PUBLIC HEALTH IN LIGHT OF COVID-19

-Dr. Sairam Bhat, Coordinator, CEERA & Professor of Law, NLSIU & Geethanjali K.V., Legal Associate, CEERA, NLSIU

This article elaborates on the role of urban local bodies in the field of public health in light of Covid -19. It covers the various laws and policies implemented in view of Covid -19, their success and failures.

OTHER PUBLICATIONS BY TEAM MEMBERS

- Rohith Kamath, 'Third Party Collateral and Guarantee Fee Agreements' [2020] 157 Corporate Law Adviser (Mag.) 43 - The article discusses principles of law governing third-party collateral and guarantee fee contracts along with essential covenants needed in such third party collateral arrangements.
- Madhubanti Sadhya, 'Role of Consent in Cosmetic Surgeries and Enhancements: A Comparative Analysis' (2019) 15 National Law School Journal 1 (ISSN No: 0971-491X)
- Book Review: Vikas Gahlot, 'SOCIO-LEGAL IMPACTS OF COVID-19: COMPARATIVE CRITIQUE OF LAWS IN INDIA AND NEPAL' <https://nlspub.ac.in/in-law-magazine-nlsiu-vol-6-november-2020/>
- Madhubanti Sadhya, 'The Legal and Ethical discourse on Cosmetic Surgeries in children' (2021) 8 The GNLU Law Review (ISSN No: 0974-9810)



RECENT DEVELOPMENTS IN ENVIRONMENTAL LAW

- **Guyanese Citizens file Climate Case claiming massive Offshore Oil project is unconstitutional.** Guyanese citizens file the first constitutional climate case in the Caribbean to challenge fossil fuel production. The case outlines the growing concerns surrounding global warming and human rights in the country.

Read more at <http://www.ciel.org/news/guyana-constitutional-court-case-oil-and-gas/>

- **Milieudefensie et al v. Royal Dutch Shell:** The recent decision of the Hague District Court is an extremely significant development in the area of climate change litigation. By pinning responsibility on individual corporations such as Royal Dutch Shell, the Court has issued a strong message that corporations can also be held liable for causing climate change. Further, the case highlights the role and responsibilities of corporations in mitigating climate change. By holding the company responsible for striving toward the overall carbon targets under the Paris Agreement, the Court has established a higher threshold of the duty of care owed by corporations to the public at large.

Read more at <https://www.lexology.com/library/detail.aspx?g=f16c0ae7-fb78-4aae-a98c-cbd4a8931af0>

- **REN 21 GLOBAL STATUS REPORT:** The report comprises of a sectoral analysis of the energy profiles. Though the report highlights a record 4% decline in primary energy demands due to the COVID-19, the G20 countries barely met their targets. The share of fossil fuel in world's total energy mix remained almost as high as a decade ago although an increase in share of renewable sources was noted.

Read more at <https://www.ren21.net/reports/global-status-report/>

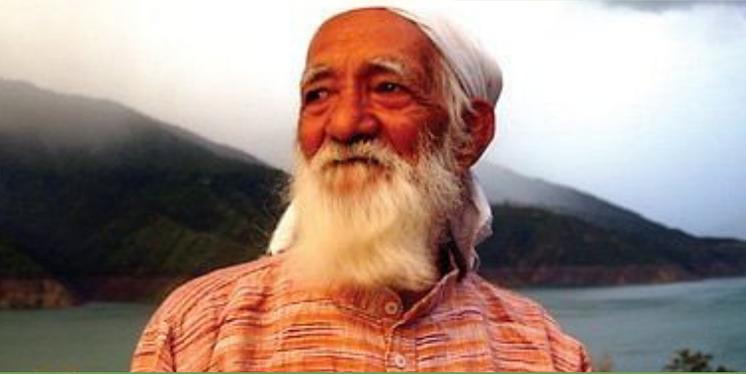
- **UNITED IN SCIENCE REPORT:** The Report was published by the World Meteorological Organisation in September, 2020. It has brought together climate science related updates from a host of key global partner organisations- Global Carbon Project, UNESCO Intergovernmental Oceanographic Commission, Intergovernmental Panel on Climate Change, UN Environment Programme and the Met Office. The key findings of the report are that atmospheric CO2 concentrations showed no signs of peaking. Due to the COVID-19 pandemic, the CO2 emissions in 2020 was estimated to fall by 4% to 7%. During April, when there was a near global lockdown, the daily global fossil CO2 emissions dropped by an unprecedented 17% in comparison to the 2019 levels. The report also highlighted that the current emissions of both CO2 and methane were not compatible with the Paris obligations.

Read more at <https://www.unep.org/resources/report/united-science-report-climate-change-has-not-stopped-covid-19>

- **UNDRR SPECIAL REPORT ON DROUGHT 2021:** The United Nations Office for Disaster Risk Reduction has come up with a special report on droughts, which has predicted impacts of severe droughts on country's GDP to be 2-5%. Globally, the report has estimated an annual loss of around \$6.4 billion in the US and about 9 billion euros in Europe.

- Read more at <https://www.preventionweb.net/publications/view/78478>

RECENT DEVELOPMENTS IN ENVIRONMENTAL LAW



- **India lost veteran environmentalist Sunderlal Bahuguna to Covid-19:**

Read about Sunderlal Bahugana's life and work at

<https://www.firstpost.com/living/remembering-sunderlal-bahuguna-how-the-activists-life-and-satyagraha-for-nature-founded-indias-ecology-movement-9646441.html>

Read why environmental movement currently in India may not have the cultural support that somebody like Bahuguna could command

<https://theprint.in/opinion/sunderlal-bahuguna-had-wide-political-acceptance-todays-environmentalists-dont/662997/>

Passages from Nature to Nationalism: Sunderlal Bahuguna and Tehri Dam Opposition in Garhwal - Mukul Sharma, Indian Institute of Mass Communication & Mahesh Rangarajan, Ashoka University:

This paper focuses on the shifting contours of the anti-Tehri dam movement in the past three decades. It examines the changing declarations of environmentalists, especially Sunderlal Bahuguna and other leaders of the movement on the one hand, and the involvement of the Vishwa Hindu Parishad in the anti-dam politics on the other.

Read the full paper at

https://www.researchgate.net/publication/265671816_Passages_from_Nature_to_Nationalism_Sunderlal_Bahuguna_and_Tehri_Dam_Opposition_in_Garhwal

- **Definition of "ECOCIDE" under Rome Statute:** An independent expert panel comprising of distinguished lawyers from various parts of the world has come up with a definition of "ecocide"- to be included under the Statute of the International Criminal Court. This draft definition can now be formally proposed as an amendment by any of the members of the Court.

Read more at

<https://www.theguardian.com/environment/2021/jun/22/legal-experts-worldwide-draw-up-historic-definition-of-ecocide>

- **Switzerland votes against Climate Change Law:** In a referendum held in the country, the Swiss citizens voted against new climate law which would have seen greater taxation and increase in petrol prices. While 48% voted for the new measures, 52% voted against it.

Read more at

<https://www.climatechangenews.com/2021/06/14/swiss-public-reject-climate-law-cost-living-fears/>

- **Council of European Union adopts European Climate Change Law:** The Council of European Union adopted the European Climate Change Law. This is EU's first climate change law that incorporates the 2050 climate neutrality objectives.

Read more at

<https://cleantechnica.com/2021/06/29/council-adopts-european-climate-law/aragraph text>

- **Federal Court of Australia imposes duty of care on government:** The Federal Court of Australia held that a novel duty of care applied to a government decision maker in approving a coal mine extension under Commonwealth environmental legislation.

Read more at

<https://www.natlawreview.com/article/novel-duty-care-recent-developments-australian-and-international-climate-change-law>

CENTRE FOR ENVIRONMENTAL LAW, EDUCATION, RESEARCH AND ADVOCACY

NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BENGALURU

Nagarbhavi, Bengaluru – 560 242, Karnataka, India

Centre timings: 9:30 am - 5:00 pm

Email: ceera@nls.ac.in - Websites: www.nlspub.ac.in/www.nlsenlaw.or/www.nlabs.com