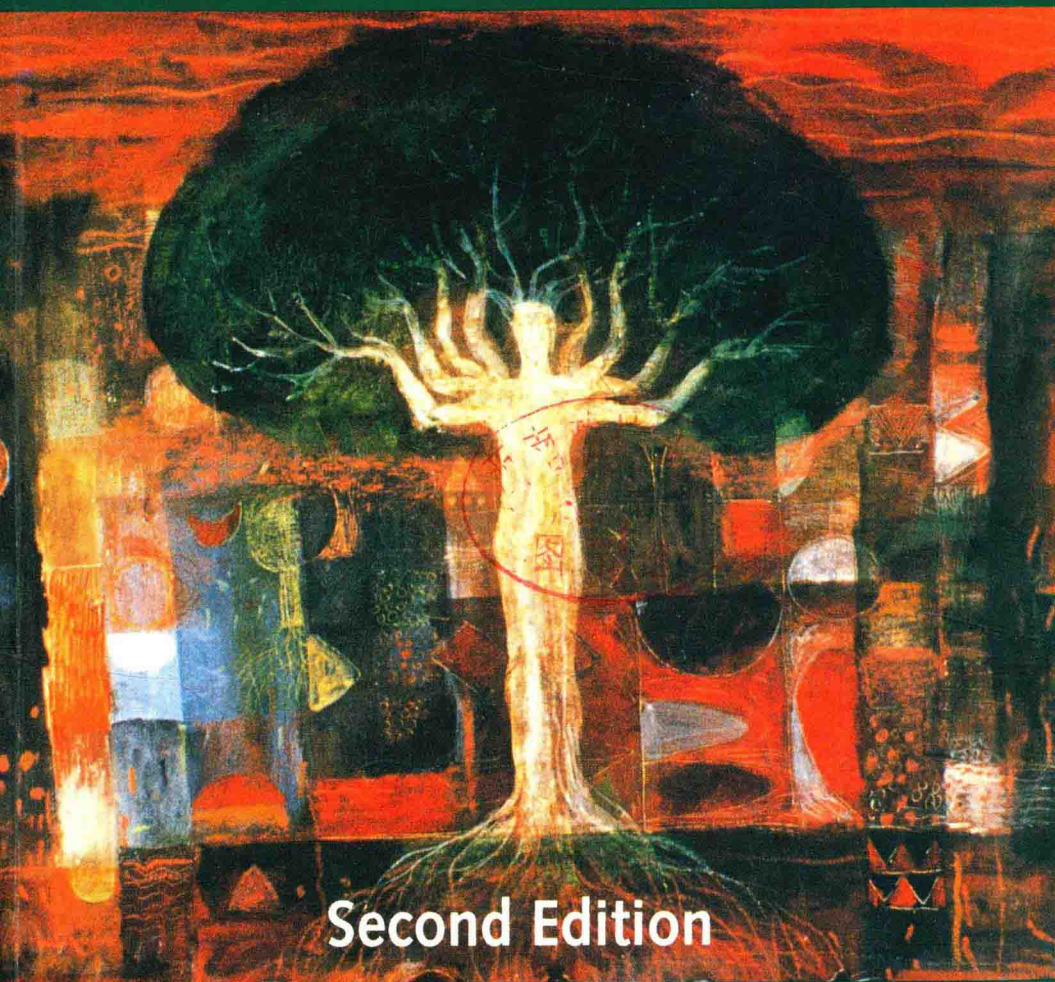


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ENVIRONMENTAL LAW AND POLICY IN INDIA



Second Edition

Cases, Materials and Statutes

SHYAM DIVAN • ARMIN ROSENCRANZ

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SHYAM DIVAN
ARMIN ROSENCRAZ

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TO MADHAVI AND ROBBIE

PREFACE

Early in 1983, I received a letter from Professor P. Leelakrishnan inviting me to an international weekend seminar on air and water pollution at the University of Cochin. I replied that 13,000 miles was a long way to go to take part in a seminar; but if he wanted me for a semester, I would certainly consider it. One thing led to another and I was granted a Fulbright award to teach environmental law at the University of Cochin, followed by a month of lectures at the University of Poona. My course in environmental law was one of the first such courses to be taught in India. Before I left India in 1984, the Ford Foundation asked me to submit a proposal for a book on Indian environmental law. Eventually I was awarded a grant from Ford, India to organize such a book. For several years I worked with R. Sudarshan, the extraordinarily able assistant director of Ford, India during the 1980s.

I decided at the onset that my book would be modelled on the law books used in American law schools: it would contain cases, articles and statutes, as well as notes and questions to guide law students. My second decision was to find an Indian co-author on whom I could rely to secure and interpret current cases dealing with the whole range of environmental issues.

I was very fortunate to find, through mutual colleagues, a recent L.L.M. graduate of Boalt Hall (the law school at the University of California, Berkeley)—Shyam Divan. The first edition of *Environmental Law and Policy in India* came out in 1991, and went through two supplementary printings. It seemed to fill a need within the community of law students, law teachers, practising lawyers and judges, as well as environmental activists.

After four years had passed, and after accepting another Fulbright professorship to teach the National Law School of India's first environmental law course in 1992, Shyam and I entered into discussions with Ford program officers Jeff Campbell and Maja Daruwala. This led to a new grant to prepare a thoroughly revised and updated second edition. We all agreed that the second edition would pay special attention to equity issues, and to the environmental problems of the urban and rural poor. This edition has been in preparation for five years.

Many have contributed unstintingly of their time and energy to produce this book. Major research has been conducted by Bharath Jairaj, a graduate of my India Visiting Environmental Law Fellows Program, who practises environmental law in Chennai. The book has benefitted from the insights shared by my colleagues and friends: Gautam Patel, Kerban Anklesaria and Rajeev Dhavan. Medha Patkar and

Pervin Jehangir graciously gave their time to comment on a draft of the Narmada section. Vivek Divan compiled the statutes in the appendix. The manuscript preparation has been in the highly competent hands of Farzana Shaikh and Dipali Pawaskar.

While all these people, and most of all our supportive families, deserve our praise and thanks, the two co-authors are alone responsible for the book's failings.

Stanford, California
January 2001

ARMIN ROSENCRANZ

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