

AMITY UNIVERSITY HARYANA

Amity International Conference on Legal Dimensions of Environment, 2017

Organized by Amity Law School, Gurgaon

(27th – 28th October 2017)



Environment plays a pivotal role in human life as well as in the development of society. With growing technological advancement and industrialization, the purity of the environment has been threatened to an appalling extent. The need to protect and improve the environment is so compelling for the peaceful survival of mankind and other life forms on planet Earth that Right to Environment has emerged as a Human Right. The environment is constantly changing so should the technology and the Laws to tackle hazard caused to the environment and human beings. We are in the state of emergency with environmental issues piling up around us. To prevent major disasters from occurring, the foremost requirement is the awareness of the people around the world regarding the importance of environment and its sustainable development

Realising the need for a brain storming on the gravity of the issue of deteriorating condition of environment, Amity Law School, Amity University Haryana organized a two days Conference on Legal Dimensions of Environment, with the theme “Natural Resources and Sustainable Development Legal Framework”.

The major focus of this Conference was on the causes of environmental degradation and the legislative measures being taken by the Nations of the World for moving toward sustainable

development and protecting the environment. The Conference brought together jurists research scholars, professionals and students, National and International, who entered into healthy discussions and came up with ideas for creating an environmental friendly world for human race.

The Conference received the written blessings of the Hon'ble Prime Minister, Shri Narendra Modi and Dr. Harsh Vardhan, Hon'ble Minister Science and Technology and Earth Sciences, Environment, Forest and Climate Change, Govt. of India, New Delhi.



प्रधान मंत्री
Prime Minister

MESSAGE

It is great to know that the Amity International Conference on Legal Dimensions of Environment is being organized by the Amity Law School on 27-28th October, 2017.

Proper Legal frameworks are critical in ensuring the sustainable development. In this regard, it is welcome that the institution is organizing a conference and giving productive platform for discourses on the varied aspects of legal framework associated with environment.

Best wishes for the success of the Conference.

(Narendra Modi)

New Delhi
27 October, 2017

Maj. Gen. P. K. Sharma (Retd.)
Director, Amity Law School
Amity University
Amity International School Campus
Sector - 46, Gurugram
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डॉ. हर्ष वर्धन
DR. HARSH VARDHAN

मंत्री
विज्ञान और प्रौद्योगिकी एवं पृथ्वी विज्ञान ;
पर्यावरण, वन और जलवायु परिवर्तन
भारत सरकार
नई दिल्ली - 110001
MINISTER
SCIENCE & TECHNOLOGY AND EARTH SCIENCES ;
ENVIRONMENT, FOREST AND CLIMATE CHANGE
GOVERNMENT OF INDIA
NEW DELHI - 110001

MESSAGE

I am happy to know that the Amity Law School, Amity University Haryana, Amity Education Valley, Gurgaon (Manesar), Haryana is going to organize Amity International Conference on "Legal Dimensions of Environment" on 27th and 28th October, 2017.

Amity University Haryana has been immensely contributing towards providing quality higher education of global standards by providing harmonious climate where all kind of talents meet and flourish. This time the theme of the conference will be Natural Resources and Sustainable Development : Legal Framework and the conference will also cover the Access to Environmental Justice : Issues and Challenges; Water: Bone of contentions; Forest, Wildlife and Tribal Livelihood; Climate Change and International Obligations and Land, Mining and Pollution Control : Legal Regime.

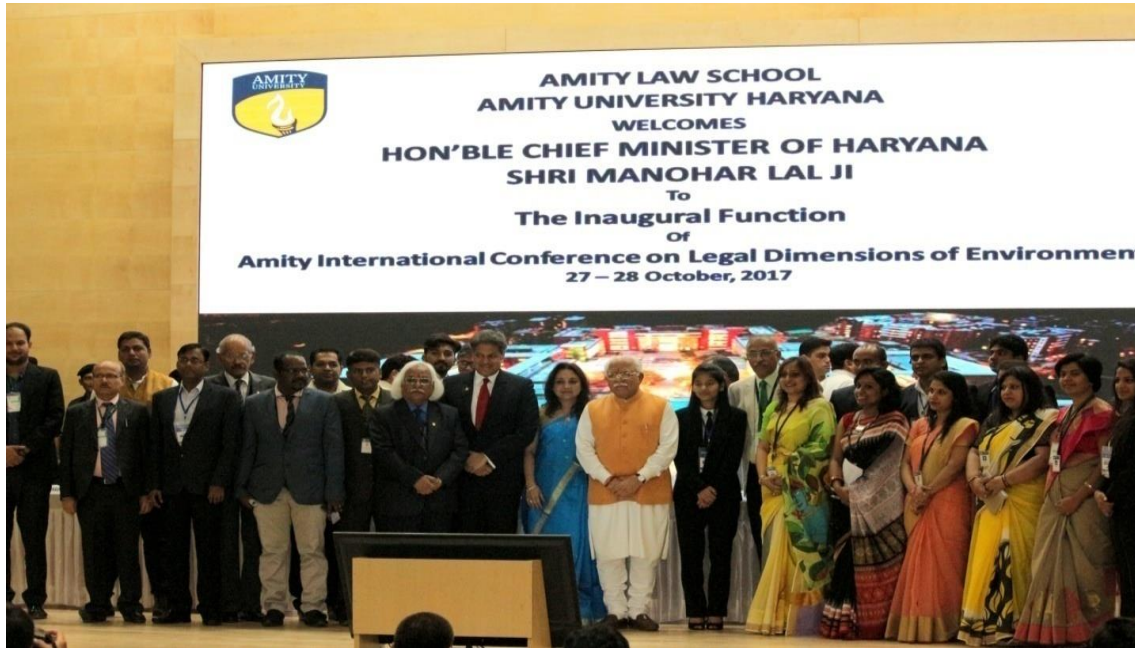
I extend my best wishes to participants, members of the managing committee and organizers of Amity International Conference on "Legal Dimensions of Environment", a grand success and for all its future endeavors.

(Dr. Harsh Vardhan)

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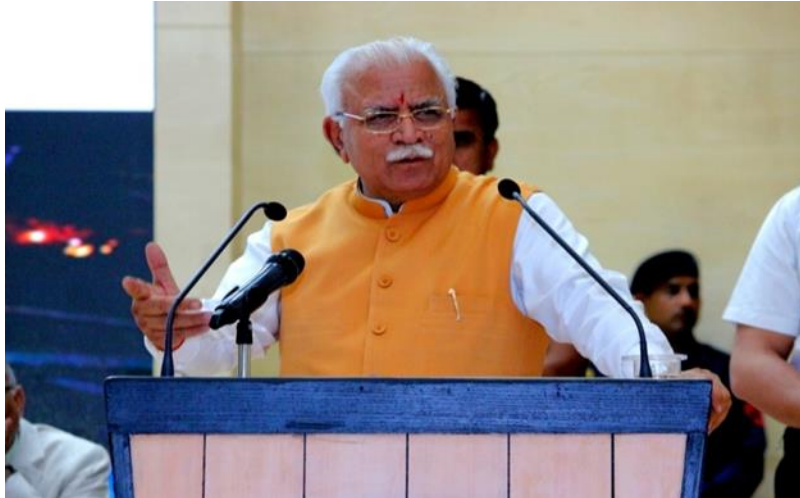
Maj Gen PK Sharma (Retd), Director Amity Law School, briefly introduced the University and Law School to the audience. He apprised the audience about the theme of the Conference and the need of the hour to deliberate upon the environmental issues placed before it.

Inauguration of the Amity International Conference on Legal Dimensions of Environment by Chief Minister of Haryana Shri Manohar Lal Khattar on 27th October 2017



The Conference was inaugurated by the Hon'ble Chief Minister of Haryana, Shri Manohar Lal Khattar.

He complemented Amity Law School for organizing the Conference on the above theme and said spreading awareness with respect to protecting environment and adopting sustainable methods of development is need of the hour.



In his address, citing anecdotes and personal examples from his childhood, the Hon'ble Chief Minister stated that hard work, dedication and devotion can achieve all aims that one can have in life. His journey in life from a young boy of a small village with least favorable conditions, rising to become the Chief Minister of one of the most self-efficient State of the country, is a living example of it.

He brought out that the Government of Haryana is committed to ensure all round development of the State and is taking necessary steps in this regard like encouraging organic farming, *Ghar-Ghar Haryali* by encouraging plantation, curtailing unauthorized encroachment of forest areas, regulating river mining, utilizing flood waters of *Yamuna* to recharge fast depleting water table and checking over-exploitation of underground water in the dark zones of the State by promoting micro irrigation for protecting and preserving our environment. The Hon'ble Chief Minister informed that the Haryana Government in its Vision Statement of 2030 has adopted the UN Principle of Sustainable Development in Solid Waste Management by incorporating the reuse, recycle and reprocess methodology. He spoke about his concerns regarding the unauthorized expansion in the *Mangar bani* Forest area and said that his Government is vigorously implementing various enactments and acts to preserve the natural habitat, by enforcing an action plan under supervision of Expert Committees and Monitoring Committees for granting environmental clearance and monitoring the compliance of the condition imposed in the clearance letter in *Aravalli* Region in District Gurgaon. Besides enforcement and implementation of these Acts, various laws regulating pollution caused by Bio-medical waste, hazardous waste, solid waste, use of plastic etc., are also being effectively implemented in the State of Haryana. He avowed that environment management and conservation of natural resources have become a global issue and called for collective efforts to address these challenges. He was of the view that people should contribute their suggestions for conservation of the environment and other natural resources. He apprised that his Government is mulling over the idea to revise the Punjab Land Preservation Act (PLPA), of 1900 vintage, since it does not hold ground now and curtails progressive activities in areas under PLPA. In the end, he suggested that Amity University Haryana should adopt villages to promote environment sensitivity and knowledge regarding hazards of environment pollution among all the sections of society with the help of student constituted ecoclubs and groups. He concluded by expressing his hope that Amity University would generate a pool of 'innovative ideas to curb issues relating to environment'.

Environment



Dr. Ashok K Chauhan - Founder President, Amity University

As always, Dr. Ashok K Chauhan, Hon'ble Founder President of Amity Universe, marked his presence with his awe-inspiring speech. While expressing his heartfelt thanks to Hon'ble Chief Minister and all dignitaries present, he eulogized the progressive approach of Haryana Government. He stated that Haryana is a resourceful State and capable of rising to the Global level with higher

education, innovation and quality driven skills and training which can be responsive to the needs of technologically advanced enterprises in the State. Public-Private Partnership in Education sector is the need of the hour and in this regard Universities like Amity could be the soldiers of Nation to build India as "Knowledge Power" by 2030.

Chancellor of Amity University, Haryana,

Dr. Aseem Chauhan

Dr. Aseem Chauhan, Chancellor, Amity University Haryana while addressing the audience stressed on the need for sustainable development. The Hon'ble Chancellor extensively referred to the Tweets and re-Tweets of the Hon'ble Chief Minister and stated that he was amazed at the techno-savvy style of functioning of Shri Khattar. He appreciated the recent efforts of the Governments, both under the eminent leadership of Hon'ble Chief Minister Shri Manohar Lal Khattar and the Hon'ble Prime Minister Shri



Narendra Modi at State and Centre respectively for initiating policies like Swach Bharat. He brought out that Amity University Haryana is fully committed towards environmental conservation and assured that Amity University will be cornerstone for the Government in implementing such policies to embark upon health and environment protection.



Prof. (Dr.) P.B. Sharma Vice Chancellor Amity University Haryana

In his Address, Prof (Dr.) PB Sharma, Vice Chancellor Amity University Haryana, while welcoming the Chief Guest, dignitaries and participants, expressed deep concern about existing environmental issues like the loss of forest cover, land degradation, depletion of wildlife, pollution of

air quality due to prevalent aero particles and water pollution due to uncontrolled industrial activities, adulteration of food items etc. He believed that if developed Nations can purify rivers like Thames then with committed social awareness, similar goals can be achieved in India also. He apprised the audience about AUH has recently been awarded by US Green Building Council (USGBC) with Leadership in Energy and Environmental Design (LEED) Certificate in the Platinum Category, the highest for environmental energy and environmental design operation and maintenance. He further added that Amity University Haryana has 110 acres of lush green campus, where energy efficiency and environmental sustainability are the major hall marks of the campus design. A remarkable achievement has been wherein Amity University Haryana is making extensive use of water harvesting, thereby protecting the environment to the fullest.

Prof. (Dr.) Padmakali Banerjee, Pro-Vice Chancellor, Amity University Haryana

In the end, Vote of Thanks was proposed by Prof (Dr.) Padmakali Banerjee, Pro-Vice Chancellor. While thanking the Chief Guest and all other dignitaries, participants and students stated that the very presence of the Hon'ble Chief Minister to inaugurate the International Conference has made it a historical day for Amity University. This will not only inspire the participants and students but also send a strong message to one and all that the Government of Haryana in balaveing sustainable development and environmental protection. She brought out as to how by integrating various faculties, Amity University Haryana is providing the best education to its students.

With 192 participants including 7 Foreign Delegates and 84 Papers, the Conference was well attended.

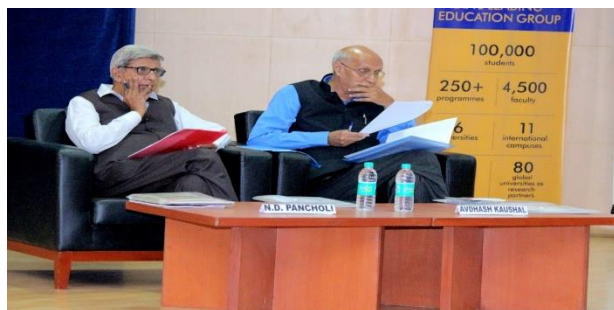


Technical Sessions

There were a total of five Technical Sessions, as follows: -

Session 1: Access to Environmental Justice: Issues and Challenges

The First Session was Chaired by Padma Shri Shri Avdhash Kaushal, President RLEK, who very aptly brought out that responsibility based approach for accessing environmental justice was the only way forward. The Co- Chair of the session was Shri ND Pancholi, President PUCL, New Delhi.



The Papers presented focused on the issues like legal developments in Sri Lanka and Bangladesh with regard to environmental protection, practices and discourses associated with public participation in various climate change-related fora; case studies of the development and application of the concept of Environment Justice and climate governance, including best practices and challenges; and

theoretical and critical reflections on the notion of public participation and its relevance to the pursuit of equitable and effective climate governance.

Session 2: Climate Change and International Obligations

The Second Session was Chaired by Prof. C. K. Varshney, Professor Emeritus JNU and Co-chaired by Mr. Amar Sundaram, National Director, Legal General Counsel India and Bangladesh, Ernst & Young



In his opening remarks Mr. Sundaram spoke about the Paris Agreement of 2016 wherein the Polluter Pays Principle has been incorporated in the efforts of enforcing the environmental laws. Prof. Varshney in his concluding remarks emphasized that pollution alone is not the only contributor towards climate change and focus must be on the other factors like rising levels of the ocean and large-scale migration.

Session 3: Water: Bone of Contentions

The Third Session was Chaired by Prof. Balraj Chauhan, Director Amity Law School Lucknow and Co- Chaired by Dr. Stellina Jolly, Assistant Prof., Faculty of Legal Studies, South Asian University and Mr. Sujith Koonan, Senior Teaching Fellow, SOAS University of London.



The Session began with opening remarks by Dr. Stellina Jolly who expressed her concern about global crisis in terms of surface water and ground water which is adversely impacting climate change. She opined that International Agreements signed by Sovereign States have not been effective to control Water issues and thus there was a requirement of alternative innovative mechanism to curb threat to climate change.

Mr. Sujith Koonan pointed out the role which lawyers can play in resolving issues of water pollution. In his concluding remarks, Prof. Balraj Chauhan complemented the speakers for presenting well researched views and said that he found the Session to be a “great learning”.

Session 4: Forest, Wildlife and Tribal Livelihood



The Fourth Session was Chaired by Prof. M. K. Balachandran, Prof Eminence and Chair Professor, Amity Law School Delhi and Co-Chaired by Mr. Amrit Nath, Assistant Professor, TERI University. The presented Papers focused on tribal protection, tourism in tribal belts and better livelihood for tribals. Prof. Balachandran was of the view that there are various Laws in place, but the implementation is poor. He felt that strict action must be taken against persons standing in the way of giving protection to

tribals, otherwise this problem will continue.

Mr. Amritnath stated that wildlife and tribals are interdependent for their survival and protection. Despites of prevalent laws, Constitutional Mandate under Article 48A and Judicial Activism ensuring tribal protection, it still



remains a problem. He suggested that Polluters Pay Principle should be strictly followed by Green Tribunals even in cases of deforestation and the Government should implement remedial measure by attaching the property of unauthorized persons/corporations intervening in tribal lives.

Session 5: Land, Mining and Pollution Control

The Fifth Session was Chaired by Hon'ble Dr Justice Jawad Rahim, Judicial Member National Green Tribunal and Co-Chaired by Mr. Anand Vijay Jha, Director Law, Competition Commission of India.

In his opening remarks, Mr. Anand Vijay Jha stated that Land Mining and Pollution Control is a challenge for developing countries and undoubtedly a serious issue. It takes centuries to undo the damage which land mining causes. There is a definite need for intervention of legal system to end the menace of pollution caused by land mining so that our future generations can breathe clean air



Hon'ble Dr. Justice Jawad Rahim concluded the Session by admitting that today's students and youth are well aware of environmental issues. He stated that the speakers have suggested innovative and novel means for protecting environment and for providing a congenial atmosphere with paramount consideration for protecting rather than destructing.

Valedictory Ceremony on 28TH October 2017



The Chief Guest at the Valedictory Ceremony of *Amity International Conference on Legal Dimensions of Environment* was Hon'ble Mr. Justice Swatanter Kumar, Chairman National Green Tribunal. Hon'ble Dr. Justice Jawad Rahim and Mr. Anand Vijay Jha also graced the occasion. The dignitaries on dais included Prof. (Dr.) P.B. Sharma, Hon'ble Vice-Chancellor, Prof. (Dr.) Padmakali Banerjee, Pro-Vice Chancellor, Maj. Gen. G.S. Bal (Retd.), Dean Student Welfare and Maj. Gen. P.K. Sharma (Retd.), Director, Amity Law School.

Hon'ble Mr. Justice Swatanter Kumar, in his address said that, "Environment Protection is a sensitive issue and does not require sanctioning Laws in civilized societies. However, countries like India where people don't understand their responsibility of protecting Environment, the issues relating to Environment Protection generates need for legal sanctions and it further causes burgeoning of Environment laws and their simultaneous conflict. The Hon'ble Chief Guest stated that present universally settled Environment Jurisprudence has its roots in Ancient Indian legal system which can be evident from Meenakshi Temple which shows solutions for Ozone Depletion and many other environment problems on which Developed nations are spending maximum GDP on Research and treatment techniques. While talking about Judicial Interpretation of Environment Law and Justice, he stated that the contribution of National Green Tribunal in dealing with violations of Environmental Laws and providing compensation, relief and restoration of the ecology in accordance with the statutory principles stated under Section 20 of the National Green Tribunal Act, 2010 (which are 'Polluter Pays' Principle 'Precautionary Principle' and Sustainable Development) is outstanding. He further advocated Judicial Activism and stated that there was a dearth of Environmental Laws in the country before Judicial Activism. Almost all the environment related legislations are resultant of Judicial Pronouncements. There was a lot of non adherence, non compliance on part of State relating to Public Health and environmental protection which necessitated Judicial Activism. He added that excellent Environment Laws have been framed in the country but the implementation part remains "shoddy" and since Judiciary considers individuals right of clean air and water paramount, it interprets these going beyond its boundaries. He appreciated Amity Law School's efforts of organizing *International Conference on Legal Dimensions of Environment* and talked about environment challenges and its resolution.

The Chief Guest concluded by saying that the problem of pollution and environmental degradation at large is the result of contemporary human lifestyle which relies on relentless consumerism among other factors. We need to be precautionary regarding environment problems in which we are failing and there is a dire need for acceptance of responsibility by citizens, communities, enterprises and institutions at every level to shape healthy global environment for our future “generations”.



Valedictory function contentedly accomplished with awards ceremony.

- Award of Best Paper for Session I was awarded to Ms. Chetana Rukshani & Ms. Charitha Sankalpa from Srilanka for “Use of the Right to Information in Battling for Environmental Justice in Sri Lanka”.
- Best Paper for Session II was awarded to Ms. Anjali Bisht for paper on “Statelessness and Climate Migration viz-a-viz Climate Change: An Upcoming Global Crisis”.
- Best Paper for Session III was awarded to Ms. Jennifer Inez Martina Ehrenstrom from Stockholm University for her paper on “International regulation of plastic waste pollution in the oceans and effects on human life and marine environment”.
- Best Paper for Session IV was awarded to Mr. Jelis Subhan for presenting paper titled “Protection of Plant Varieties of Plant : A Device for Tribal Empowerment”.
- Best Paper for Session V was awarded to Ms. Manika Baliyan, Student Delhi Metropolitan Education for her paper titled “Role Of NGO’s and Community Participation in Social Work with regards to the Protection of Environment: A Brief Overview”.
- Faculty Convener Dr. Khushagra Rajendra, Co-Convener Mr. Atul Jain, Student Conveners Vaibhav Vikram Singh and Vanshika Mittal and Student Coordinators- Deepanshu Rao, Manmay Mridul and Shirja Rawat were presented with Certificates for their outstanding contribution in organizing the Conference.



At the conclusion of the event, the Vote of Thanks was presented by Maj Gen P.K. Sharma (Retd). He conveyed his heart full gratitude to all the delegates and guests for their participation. He thanked the Hon'ble Founder, Hon'ble Chancellor, the Vice Chancellor, Dy Vice Chancellor, Pro-Vice Chancellor and all administrative authorities for their blessings, guidance and assistance at each stage of the Conference. He was particularly appreciative of the dedicated hard work put in by the Faculty and Students concerned who planned, executed and organized the Conference in a meticulous manner and made it a great success. He ended by saying that 'an ignited mind is the most powerful weapon on the earth, and education is the most powerful tool to help ignite the mind. Therefore, Amity Law School is committed towards igniting the minds of the students'.

Highlights of the Conference



Gayatri, Student Amity Law School presenting Poster of the Honorable CM

Presenters at the Conference



Sponsors being felicitated

