
Index

- Aarhus Convention (1998) 342
abatement potential 61
access to justice 342–3
access to land for livelihood 151–3
accumulation economy 454
Addis Ababa Action Agenda 24
Adharshila Learning Centre 81
Adivasi economics 422, 423
Adivasi Maoists 427
African Charter on Human and Peoples' Rights (AfricanCHPR) 91–2, 102
AfricanCHPR *see* African Charter on Human and Peoples' Rights
African Commission on Human and Peoples' Rights (ACommHPR) 93, 100
African Commission on Human and Peoples' Rights v Kenya 102
Agenda 2030 3
A-historicism xxii–xxiii
Ahluwalia, Montek Singh 416
Alvares, Claude 432
Amar Singh and Others v Union Territory, Chandigarh and Others 407
AmericanCHR *see* American Convention on Human Rights
American Convention on Human Rights (AmericanCHR) 92, 100, 101
American Legislative Exchange Council 47
Amte, Baba 386
Anderson, Dewey 418, 426
Anderson, Warren 141, 142, 143, 144
Anthropocene
 causes by Earth system 14–15
 crisis of development 16–19
 crisis of sustainable development 19–26
 environmental racism 26–9
 injustice 26–9
 overview of 14–16
 theology of 3–4
 towards social justice 29–31
 unsustainability 26–9
Anthropocene justice theory 8, 12–13
 intergenerational justice *vs.* 5–7
appeal of rights-based approach 87–90
Aristotle 172
ASN *see* Nuclear Safety Authority
assurance of land rights 156–63
Atomic Energy Act (1954) 333
Atomic Industrial Forum 334
austerity 35–6
Austrian Atomic Liability Act (1999) 344
authoritarian biopolitical security surveillance 16
Bamako Convention on the Ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Waste in Africa 114
Bank of England 34
Basel Action Network (BAN) Amendment 115–18, 120–21, 127–30, 134
Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and their Disposal 109, 115
Basel Convention on waste-resource interface 124
Basel Declaration on Environmentally Sound Management 123
Basel I treaty (1988) 52
Basel II treaty (2004) 52
Basel III treaty (2010) 53
BASIC (Brazil, South Africa, India and China) countries xxi
Baxi, Upendra 18
Beej Bachao Andolan 75
Berlin Wall 15
Bhatia, Bela 431
Bhattacharya, Buddhadeb 421
Bhattacharya, Rajesh 453, 474
Bhopal Gas Disaster case
 law as re-emerge 144–5
 mirage of criminal justice 142–3
 NEAAA 145
 NETA 145
 NGT Act 145
 overview of 138–40
 PLIA 145
 unanticipated questions and consequences 140
 unjust settlement 141
 waning trust in state 143–4

- Bhopal Gas Leak Disaster (Processing of Claims) Act (1985) 144
- Bill of Rights 95
- black money 200
- Blackstone, William 174
- Blomley, Nicholas 51
- Bolivian Law of the Rights of Mother Earth 68
- Bombay Town Planning Act 1915 (BTPA) 197
- BP Southern Africa (PTY) Ltd v MEC for Agriculture, Conservation, Environment & Land Affairs* 95
- Bretton Woods institutions 33, 237
- Britain's National Health Service 35
- Brussels Protocol 341
- BTPA *see* Bombay Town Planning Act 1915 *buen vivir* 29–31
- CAFA *see* Compensatory Afforestation Fund Act, 2016
- Caffentzis, George 63
- capitalism 26
- green 21
- Indian, forests and forest lands
- centralised control 252
- illegal and non-formal systems 252
- property tenures 252
- industrial 59
- carbon budgets 40
- Cartagena Declaration on the Prevention, Minimization and Recovery of Hazardous Wastes and Other Wastes 129
- CBA *see* cost-benefit analysis
- CBD *see* Convention on Biological Diversity
- CBDR-RC *see* common but differentiated responsibility and respective capabilities
- CEC *see* Central Empowered Committee
- CEGIS *see* Centre for Environmental and Geographic Information Services
- Center for Economic and Social Rights v Nigeria* 93
- Central Empowered Committee (CEC) 280–81
- Central Pollution Control Board (CPCB) 402, 403
- Central Public Health and Environmental Engineering Organisation (CPHEEO) 405–6
- Central Water Commission 371
- Centre for Environmental and Geographic Information Services (CEGIS) 216–17, 227
- CFDT *see* Committee on Forest Development in Tropics
- channelling of liability 329–30
- Chaudhary, Amarsinh 386
- Chicago Board Options Exchange 48
- civil liability
- definition of 325
- nuclear law and 324–8
- tort law *vs.* 325
- Civil Liability for Nuclear Damage Act 2010 (CLNDA) 345
- civil society activism 104–5
- CLC *see* International Convention on Civil Liability for Oil Pollution Damage
- Clean Air Act (1970) 43
- Clean Development Fund 43
- Clean Development Mechanism (CDM) 43, 53
- climate injustices 28–9
- climate rents 40
- CLNDA *see* Civil Liability for Nuclear Damage Act 2010
- coal-based industrialisation 413–17
- Committee on Forest Development in Tropics (CFDT) 237
- common but differentiated responsibility and respective capabilities (CBDR-RC) 9
- Community Land Act (2016) 174, 182, 183
- Compensatory Afforestation Fund Act, 2016 (CAFA) 301–2
- compliance and enforcement 100–104
- concept of 5-Rs 466
- Conferences of the Parties (COPs) 103
- to the Basel Convention (COP2) 111
- to the Rotterdam Convention (RC COP7) 133
- to the Stockholm Convention (SC COP7) 133
- conservation
- battle for forests
- colonization of forest and people 293–5
- final assault 295–302
- forest as homeland 292–3
- time-bound action plan 295–6
- definition of 286
- economic perspectives 290
- ethics of 286
- expropriation for profits 287–91
- going forward 302–3
- Conservation in Protected Areas 287–8, 293
- Constitutional Amendment Act (1978) 193
- constitutionalism 87–90
- Constitution of Kenya (2010) 177, 181

- contemporary political institutions 16
- Convention on Biological Diversity (CBD)
xx, 209, 213, 214, 225
- Convention on Supplementary Compensation
for Nuclear Damage of 1997 (CSC) 326,
327
- Cooperativa Integral Catalana 74
- COP2 *see* Conference of the Parties to the
Basel Convention
- COPs *see* Conferences of the Parties
- Cordell, Alexander 414
- corruption concept 48–9
- cost-benefit analysis (CBA) 42, 436–7
- Covenant on Economic, Social, and Cultural
Rights 349
- CPCB *see* Central Pollution Control Board
- CPHEEO *see* Central Public Health and
Environmental Engineering Organization
- criminalization landscape 44–9
- criminal justice, mirage of 142–3
- crisis of development 16–19
- authoritarian biopolitical security
surveillance 16
 - Descartian dualism 17
 - ecological degradation 18
 - economic hardship 18
 - Enlightenment rationality 17
 - Eurocentric rationality 17
- crisis of sustainable development 19–26
- Brundtland Commission 19–20
 - green capitalism 21
 - Living Planet Report* (2016) 22–3
 - Paris Agreement 22
 - Sustainable Development Goals (SDGs)
23–6
 - transnational corporations 26
 - weak sustainability 26
- cross-jurisdictional learning 94
- CSC *see* Convention on Supplementary
Compensation for Nuclear Damage of
1997
- cultural diversity 67, 80–81
- cultural genocide 421–5
- cultural identity 71
- culture of compliance 103
- curative petitions 142–3
- dams and displacement
- construction in India 375–6
 - continued debates 393–5
 - discourse on development 372–5
 - Sardar Sarovar Project (SSP)
approach to river control 380–82
 - background details of 378–80
 - conundrum of multiple implementing
agencies 382–3
 - cost factor and cost-benefit methodology
388
 - judicial interpretation 388–93
 - legal action course 388–93
 - NGOs, political parties and
eminent/concerned citizens 385–7
 - project affected, displaced and resettled
population 383–5
 - Supreme court legal cases and
order/judgments 390–93
 - techno-managerial model 380–82
 - water scenario in India 371–2
- dangerous climate change 3
- De Angelis, Massimo 41
- Deccan Development Society 75, 79, 80
- decriminalization landscape 44–9
- delegated democracy 67–72
- Descartian dualism 17
- development-induced displacement 425
- Dhawan, BD 374
- direct democracy 67–72
- Directive Principles of State Policy (DPSP)
399
- Director: Mineral Development, Gauteng
Region, and Another v Save the Vaal
Environment and Others* 94
- displacement *see* dams and displacement
- Dodd-Frank Act (2010) 53
- Dowd, Kevin 52
- DPSP *see* Directive Principles of State Policy
- dynamic interpretative communities 103
- EACs *see* Expert Appraisal Committees
- Earth Summit (1992) 22
- ecocentrism 56
- ecocide 421–5
- ecological degradation 18
- ecological identity 71
- ecological integrity and resilience 67–8
- economic democracy 67, 72–8
- economic hardship 18
- Economic Survey 2016–17 462–3
- eco-swaraj* 83–4
- Ecosystem Management Working Group 317
- Ecuadorian Constitution (2008) 68, 105
- egalitarian principle 152
- EIA *see* Environmental Impact Assessment;
environmental impact assessment
- Elango, Ramaswamy 76

- EMCA *see* Environment Management and Coordination Act 1999
- enforceability of land rights 163–4
- Enlightenment rationality 17
- environmental human rights
- appeal of rights-based approach 87–90
 - civil society activism 104–5
 - compliance and enforcement 100–104
 - constitutionalism 87–90
 - definition of 90
 - in global South 90–95
 - AfricanCHPR 91–2
 - AmericanCHR 92
 - Bill of Rights 95
 - cross-jurisdictional learning 94
 - Inter-American Court of Human Rights 92
 - jury's general view 91
 - transnational comparative constitutionalism 94
 - indigenous formulations of novel 105–8
 - overview of 86–7
 - protection of 90
 - rule of constitutional law and respect for 98–100
 - socio-economic development *vs.* environmental protection 96–8
- environmental impact assessment (EIA) 185
- mangrove forest ecosystem services 209–12, 226–8
 - overview of 207–9
 - public participation tools 226–8
- Rampal Power Plant Project 212–26
- environmental impact assessment 212–14
 - precautionary principle 218–24
 - size and location of project 214–18
 - strength and weaknesses of 228–30
 - transboundary impact of 224–6
- environmental injustices 27–9
- environmental justice (EJ) movement 26–7, 79
- environmental law
- for marginalised people
 - A-historicism xxii–xxiii
 - development challenges and alternatives xxiii–xxiv
 - equity and human rights xxiv–xxvi
 - ostensible neutrality pitfalls xxii–xxiii
 - overview of xvi–xvii
 - South-North dimensions xvii–xxii
- environmentally sound management (ESM)
- capacity paradigm 132
 - definition of 116
 - of waste 122, 126–34
- environmental racism 26–9
- environment impact assessment (EIA)
- challenges in India
 - public participation 446–7
 - quality of impact assessments 444–5
 - role of experts 445–6
 - cost-benefit analysis 436–7
 - handmaiden of economic growth
 - approvals as outcomes 447–8
 - contestations over environment regulation 450–51
 - new geographies 448–9
 - Rampant non-compliance 449–50
- India's trajectories
- in 1994 437–9
 - EIA 2006 law 441–3
 - re-engineering 439–41
- social roots of environmental regulation 435–7
- stages of notification 442
- Environment Management and Coordination Act 1999 (EMCA) 184, 185
- Environment Management Capacity Building (EMCB) Project 440
- Environment Protection Act, 1986 (EPA) 139, 402
- EPA *see* Environment Protection Act, 1986
- equity rights xxiv–xxvi
- ESM *see* environmentally sound management
- Esteva, Gustavo 422
- Ethiopia case study *see* land rights; land rights, livelihoods, and poverty
- EU Emissions Trading Scheme 49
- EU ETS *see* European Union Emissions Trading Scheme
- Eurocentric rationality 17
- European Union Emissions Trading Scheme (EU ETS) 40, 44
- e-waste
- contemporary geography of 113
 - UNEP estimation 113
- exclusive jurisdiction 331–2
- Expert Appraisal Committees (EACs) 443
- FAO *see* UN Food and Agriculture Organization
- Faure, Michael 343
- FCPF *see* Forest Carbon Partnership Facility
- Feinstein, Andrew 426
- Felli, Romain 39, 62
- Ferguson, George 74
- financialization process 48

- Fink, Larry 426
 Fiore, Karin 336
 first occupancy theory 173
 5-Rs *see* reduce, reuse, recover, recycle and remanufacture
 FLEGT *see* Forest Law, Enforcement, Governance and Trade Action Plan
 forcible acquisition of land 198
 forest(s)
 battle for
 colonization of forest and people 293–5
 final assault 295–302
 forest as homeland 292–3
 time-bound action plan 295–6
 conflicting values and policy processes 232–4
 INDCs 233
 multinational enterprises' (MNE) business strategies 233–4
 UNFCCC 233
 contested legal territory 235–6
 new product, new market, old paradigm 244–8
 accumulation by conservation 245
 Forest Carbon Partnership Facility 246
 natural capital mechanisms 245
 reducing emissions from deforestation and degradation 245–8
 Social Standards initiative 246
 overview of 231–2
 phases and policies
 description of 236–7
 governance and legality 242–4
 making sustainable 239–42
 planned extraction 237–9
 village 294
 Forest Act (1927) 227
 Forest (Conservation) Act of 1980 250
 Forest Carbon Partnership Facility (FCPF) 246
 Forest Conservation Act 295
 Forest Conservation and Management Act (2016) 184
 Forest Law, Enforcement, Governance and Trade Action Plan (FLEGT) 243–4
 forest resources and tribal rights 276–8
 Forest Rights Act (FRA) 69
 BJP-led National Democratic Alliance (NDA) government 258–9
 bone of contention and tool of struggle
 community and collective control 266–8
 individual and land rights 265–6
 NDA government 268–70
 expropriation, trends of resistance to 256–8
 instruments of centralisation and expropriation 253–6
 law as exercise in institutional contestation 260–62
 major provisions of law
 land rights 262
 right against arbitrary relocation 263
 rights recognition procedure 263
 right to protect and conserve 263
 use rights 262–3
 making and implementation of law 260–62
 nature and meaning of rights recognised
 collective powers 264
 collective property rights 264
 forest diversion 265
 forest management 265
 individual property rights 264
 protected areas 265
 political context of 258–62
 Forests Act, Cap 385 185
 forests and forest lands
 in Indian capitalism
 centralised control 252
 illegal and non-formal systems 252
 property tenures 252
 overview of 250–52
 scientific management 250
 shaping of struggle
 centrality of law, oppressive instrument 252–3
 community and communal forms of production 253
 state *vs.* people 253
 Forest Stewardship Council (FSC) 55, 240
 Foucault, Michel 27
 FRA *see* Forest Rights Act
 Framework for the Environmentally Sound Management (ESM) of Hazardous Wastes and Other Wastes 111, 132
 framework of human rights, wastewater use
 international and domestic perspectives 398–9
 opportunity/challenge 400–402
 synergy/conflict among rights 399–400
 free basic water (FBW) strategy 355–6
 free market policy 50
 Free Prior Informed Consent 55
 free trade policy 50
 FSC *see* Forest Stewardship Council
 fugitive resource 186
 full liberal ownership 174

- Gandhi, Indira 386
 Gandhi, Rajiv 386
 Gardiner, Stephen 11
 Gates, Bill 39, 47
 genocide, cultural 421–5
 Ghosh, Amitav 16
 Glass-Steagall Act (1913) 53
 Global Happiness Index 79–80
 global waste market 126
 Gonzalez, Carmen 112, 113
 Graeber, David 44, 50
 Gray, John 51
 Great Eastern Ranges Initiative 70
 green capitalism 21
 green certification rules 55
 Green India Mission 302
 green safeguards 55
 green standards 55
 Gross National Happiness 80
 growth infrastructures of land 202
 GTPUDA *see* Gujarat Town Planning and Urban Development Act 1976
 Gudynas, Eduardo 30
 Guha, Ramachandra 29
 Gujarat Town Planning and Urban Development Act 1976 (GTPUDA) 194, 196–9
- Hansen, James 15
 Hardin, Garret 169, 171
 harm principle 10–12
 Heinzerling, Lisa 42
 Heller, Michael 172
 HGAs *see* Host Government Agreements
 historical injustices 9–10
 Hobbesian state of nature 173
 Holocene, approaches to justice 16
Homo industrius 67
 Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships 114
 Host Government Agreements (HGAs) 37–8
 human rights *see* environmental human rights
- IACCommHR *see* Inter-American Commission on Human Rights
 IAEA *see* International Atomic Energy Agency
 ICCAs *see* indigenous peoples' and community conserved territories and areas'
- ICESCR *see* International Covenant on Economic, Social and Cultural Rights 1966
 IMF *see* International Monetary Fund
 IMSWM *see* Integrated Municipal Solid Waste Management
 INDCs *see* Intended Nationally Determined Contributions
 Indian agriculture 202–3
 Indian capitalism, forests and forest lands
 centralised control 252
 illegal and non-formal systems 252
 property tenures 252
 Indian Council of Medical Research 143
 Indian Forest Act (1927) 294
 indigenous peoples' and community conserved territories and areas' (ICCAs) 67–8
 Indonesian-Swiss Country-Led Initiative 118, 128
 industrial capitalism 59
 informal waste sector
 judicial overreach 472–3
 overview of 452–5
 policy shifts in last decade
 Economic Survey 2016–17 462–3
 Jawaharlal Nehru National Urban Renewal Mission 463–7
 Solid Waste Management Rules 2016 470–72
 Swachh Bharat Mission (2014) 463, 467–70
 three phases of 461–2
 recovery and plastic recycling sector 455–61
 injustices
 Anthropocene 26–9
 climate 28–9
 environmental 27–9
 Integrated Municipal Solid Waste Management (IMSWM) 466, 468
 integrated waste management 469
 Intended Nationally Determined Contributions (INDCs) 233
 Inter-American Commission on Human Rights (IACCommHR) 96, 101
 Inter-American Court of Human Rights 92
 inter-generational equity 341–2
 intergenerational justice 5–7
 Anthropocene justice *vs.* 8, 12–13
 Intergovernmental Panel on Climate Change (IPCC) xxii, 291

- International Atomic Energy Agency (IAEA) 323
- International Commission on Large Dams 372
- International Convention on Civil Liability for Oil Damage (1969) 332
- International Convention on Civil Liability for Oil Pollution Damage (CLC) 344
- International Covenant on Civil and Political Rights 318, 349, 398
- International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) 318, 398
- International Energy Agency 305–6
- International Energy Policy
- challenges 307
 - energy and economic growth 312–13
 - energy and environmental resource use 311–12
 - energy and human needs 307–11
 - principled approach to 320–21
 - sustainable development
 - description of 313–15
 - international human rights law 317–20
 - need for an international legal framework 315–17
 - sustainable development law 317–20
- international environmental law 8
- nuclear liability law *vs.*
 - access to justice 342–3
 - inter-generational equity 341–2
 - overview of 338–9
 - polluter-pays principle 339–41
- International Law Association Committee on the Legal Aspects of Sustainable Development 319
- Internationally Transferred Mitigation Outcomes (ITMOs) 40
- International Monetary Fund (IMF) 33
- International Tropical Timber Agreement (ITTA) 238–40
- International Tropical Timber Organization (ITTO) 238
- investor-state dispute settlement system (ISDS) 38
- IPCC *see* Intergovernmental Panel on Climate Change
- ISDS *see* investor-state dispute settlement system
- ITMOs *see* Internationally Transferred Mitigation Outcomes
- ITTA *see* International Tropical Timber Agreement
- ITTO *see* International Tropical Timber Organization
- Jaiv Panchayat network of Navdanya 75
- Jawaharlal Nehru National Urban Renewal Mission, 2005 (JnNURM) 463–7
- Jharcraft 77
- Jinping, Xi 16
- JnNURM *see* Jawaharlal Nehru National Urban Renewal Mission, 2005
- judiciary's approach, wastewater treatment
- balancing rights, prohibiting use 407–8
 - environmental law principles 409–10
 - incomplete solution 410
 - searching for alternatives 408–9
- Kadraka, Drika 283
- Kadraka, Haribandhu 283
- Kagad Kach Patra Kashtakari Panchayat (KKPKP) 79
- Karma, Mahendra 427
- Kenya case study *see* land rights and wildlife conservation; wildlife conservation
- Kenya Wildlife Service (KWS) 184
- KKPKP *see* Kagad Kach Patra Kashtakari Panchayat
- knowledge democracy 67, 80–81
- knowledge diversity 80–81
- Krishnamurti Foundation 81
- Kuehn, Robert 112
- Kumar, Arun 424
- Kumar, Himanshu 431
- Kunjam, Manish 431
- Kyoto Protocol 10, 40, 43, 53
- LAA *see* Land Acquisition Act of 1894
- labour theory 172
- land
- forcible acquisition of 198
 - growing rentier economy 199–201
 - growth infrastructures 202
 - infrastructure investments 202–3
 - nature *vs.* labour 204
 - transfer of ownership of 198
 - value and work 201–5
- land acquisition
- doctrine of eminent domain 192, 194
 - private property entitlements 192
 - redistributive land reforms 192
 - Zamindars 191–2
- Land Acquisition Act of 1894 (LAA) 192
- land ceiling laws 193–4

- land dispossession
 - doctrine of eminent domain 192, 194
 - private property entitlements 192
 - redistributive land reforms 192
 - Zamindars 191–2
- land-grabs and rent 194–6
- land-labour-capital relations 202
- land pooling 196–9
- Land Pooling Policy (LPP) 197
- land rights
 - assurance of 156–63
 - compensation 158–9
 - due process aspect of 162
 - environmental standards 157
 - expropriation of livelihood land 157–8
 - income capitalization approach 161
 - independent body assessment 161
 - landholder's loss and 'taker's gain' perspective 160
 - perpetuation of land tenure insecurity 158
 - perspective of security of land rights 159
 - public purpose, public interest, and public benefit 156–7
 - self-assessment approach 161
 - breadth of 154–5
 - constitutional protection to 164–7
 - duration of 155–6
 - enforceability of 163–4
 - vs. poverty vs. wildlife conservation in Kenya 178–80
 - regime 183–4
- land rights and wildlife conservation
 - congruences and incongruences 176–8
 - first occupancy theory 173
 - full liberal ownership 174
 - Hobbesian state of nature 173
 - interface between 186–8
 - labour theory 172
 - personality theory 173
 - vs. poverty in Kenya 178–80
 - property rights 173–4
- land rights, livelihoods, and poverty
 - access to land for livelihood 151–3
 - constitutional protection to 164–7
 - allocative function 166
 - personhood function 165
 - promotive function 165
 - protective function 165
 - welfare function 166
 - economic efficiency and marketization approach 148, 152
 - interlink between 149–53
 - interwoven relationship 147–8
 - overview of 147–9
 - security of 148
 - Lawrence, Peter 11
 - legal activism 63
 - legal channelling of liability 329–30
 - legalized extortion 52
 - legal landscape, flattening of 41–4
 - limited liability 330–31
 - livelihoods *see* land rights, livelihoods, and poverty
 - Living Planet Report* (2016) 22–3
 - Locke, John 172
 - LPP *see* Land Pooling Policy
 - Lutzenberger, Jose 116

 - Maasai Mara Game Reserve, Kenya 187–8
 - MacKenzie, Donald 48, 50
 - Maduro, Nicolás 86
 - Mahindra, Keshub 141
 - mangrove forest ecosystem services 209–12, 226–8
 - Manoj Misra v Union of India and Others* 408
 - Mara Serengeti ecosystem 187
 - Martinez-Alier, Joan 27
 - Marudam 81
 - Maya indigenous community of the Toledo District v. Belize* 339
 - Mazibuko v City of Johannesburg* 351
 - McCarthy, James 34, 38, 42
 - MDGs *see* Millennium Development Goals
 - MEAs *see* multilateral environmental agreements
 - Mickelson, Karin 131
 - Millennium Development Goals (MDGs) 17, 21, 86
 - Millennium Ecosystem Assessment 289
 - Mines and Collieries Act (1842) 414
 - Mines and Minerals Regulation and Development Act, 1957 (MMRDA) 274–6
 - mining development
 - aluminium, steel and mega-dams 417–20
 - coal-based industrialisation 413–17
 - cultural genocide 421–5
 - development-induced displacement 425
 - ecocide 421–5
 - escalating resource wars 426–8
 - investment promotions 425–6
 - need for real development 428–32
 - overview of 413
 - mining regulations, India 273–6

- Mirowski, Philip 41
 Mittal, Arcelor 40
 MMRDA *see* Mines and Minerals Regulation and Development Act, 1957
 Mobile Phones Partnership Initiative (MPPI) 114–15
 Modi, Narendra 386, 426
 ‘molecular-unit’ regulation 57
 Movement of Landless Workers (MST) movement 73
 MPPI *see* Mobile Phones Partnership Initiative
 multilateral environmental agreements (MEAs) 103–4
 multinational enterprises’ (MNE) business strategies 233–4
 Munda, Jaipal Singh 422

 NAACP *see* National Association for the Advancement of Coloured People
 NABET *see* National Accreditation Board for Education & Training
 NAC *see* National Advisory Council
 NAFTA *see* North American Free Trade Agreement
 Nairobi Declaration on the Environmentally Sound Management of Electrical and Electronic Waste 115
 Narmada Bachao Andolan 81
 Narmada Water Dispute Tribunal 378–9
 National Accreditation Board for Education & Training (NABET) 445
 National Advisory Council (NAC) 259
 National Association for the Advancement of Coloured People (NAACP) 47
 National Biodiversity Strategy Action Plan (2004) 227
 National Commission for Enterprises in the Unorganised Sector (NCEUS) 454
 National Commission on Agriculture (1976) 294
 National Environment Action Plan (NEAP) 440
 National Environmental Appellate Authority (NEAA) 444
 National Environmental Management Authority 185
 National Environment Appellate Authority Act (NEAAA) 145
 National Environment Tribunal Act (NETA) 145
 National Forest Action Plans (NFAP) 237–8
 National Green Tribunal (NGT) 145, 406, 444

 National Hawkers Federation 79
 national-level Jan Swasthya Abhiyan (People’s Health Movement) 81
 National Mineral Development Corporation 429
 National Mineral Policy (2008) 428
 National Urban Livelihood Mission 470
 nature as historical 56–7
 NCEUS *see* National Commission for Enterprises in the Unorganised Sector
 NEAA *see* National Environmental Appellate Authority
 NEAAA *see* National Environment Appellate Authority Act
 Nehru, Jawaharlal 372
 neoextractivism 36
 neoliberal fire 57–62
 neoliberal globalisation 15
 neoliberalism
 austerity 35–6
 growth of 33–7
 legal activism 63
 nature as historical 56–7
 overview of 32
 prisonfare programme 34
 quantitative easing 34–5
 transnational capital 33–7
 Workfare programme 34
 neoliberal transformation of law
 criminalization landscape 44–9
 decriminalization landscape 44–9
 legal landscape flattening 41–4
 privatization 49–56
 trade, investment, property 37–41
 NETA *see* National Environment Tribunal Act
 New York Declaration on Forests 233
 NFAP *see* National Forest Action Plans
 NGOs *see* non-governmental organizations
 NGT *see* National Green Tribunal
 Nixon, Rob 28
 no-fault liability 329
 non-governmental organizations (NGOs) 104–5, 260, 278, 458
 North American Free Trade Agreement (NAFTA) 33
 nuclear energy and liability
 civil liability and nuclear law 324–8
 core principles
 channelling of liability 329–30
 grant of exclusive jurisdiction 331–2
 limited liability 330–31
 no-fault liability 329
 temporal limits on liability 331

- overview of 322–4
- nuclear law 324–8
- nuclear liability law
 - inequitable political economy of 332–7
 - international environmental law vs.
 - access to justice 342–3
 - inter-generational equity 341–2
 - overview of 338–9
 - polluter-pays principle 339–41
 - nuclear liability new model
 - right to recourse against suppliers 344–5
 - unlimited liability 343–4
- Nuclear Safety Authority (ASN) 336

- OECD *see* Organization for Economic Co-operation and Development
- Oleum Gas Leak case (1986) 139
- Open-Ended Working Group 121, 123, 127–8
- Organization for Economic Co-operation and Development (OECD) 115
- Organization of African Unity 114
- ostensible neutrality pitfalls xxii–xxiii

- PACE *see* Partnership for Action on Computing Equipment
- Panchayat Extension to the Scheduled Areas Act, 1996 (PESA) 277
- Paris Agreement 22
- Paris Convention on Third Party Nuclear Liability (1960) 326, 327
- Partnership for Action on Computing Equipment (PACE) 115
- Partnoy, Frank 54
- Patel, Chiman 386
- Patkar, Medha 373, 386
- Patnaik, Naveen 428
- PEFC *see* Programme for the Endorsement of Forest Certification
- personality theory 173
- PESA *see* Panchayat Extension to the Scheduled Areas Act, 1996
- PLIA *see* Public Liability (Insurance) Act
- Polanyi, Karl 51
- polluter-pays principle 339–41
- poverty
 - vs. land rights vs. wildlife conservation in Kenya 178–80
 - see also* land rights, livelihoods, and poverty
- PPPs *see* public private partnerships
- practical pluralism 12

- Prevention of Food Adulteration Act (1954) 403
- Price-Anderson Act (1957) 333
- primum non nocere* 11
- prisonfare programme 34
- private civil liability mechanisms 325
- private-public partnerships 49
- privatization 49–56
- Problem of Ethics of Rights 13
- Problem of Imagination 12
- Problem of Loyalty 13
- Problem of New and Unforeseen Technologies 12
- Problem of Original Position 12
- Problem of Owning 12
- Problem of Righteousness 13
- Problem of Rights 13
- proclaimed absconders 142
- producer-consumer-investor cooperative 74
- producer-consumer-prosumer 73
- Programme for the Endorsement of Forest Certification (PEFC) 241
- property rights 60
- Protocol of San Salvador (1988) 92
- Public Liability (Insurance) Act (PLIA) 145
- public private partnerships (PPPs) 52, 115, 464, 465
- Pyne, Stephen 57, 63

- QCI *see* Quality Council of India
- Quality Council of India (QCI) 445
- quality of environment impact assessments 444–5
- quantitative easing 34–5

- radical ecological democracy (RED) 83–4
- radical well-being alternatives
 - alternatives 65
 - cultural diversity and knowledge democracy 67, 80–81
 - direct and delegated democracy 67–72
 - ecological integrity and resilience 67–8
 - economic democracy 67, 72–8
 - overview of 64–5
 - social well-being and justice 67, 78–80
- Ramesh, Jairam 416
- Rampal Power Plant Project 212–26
 - environmental impact assessment 212–14
 - precautionary principle 218–24
 - contingency measures 222–4
 - definition of 218–19

- impact on environment and human health 219–21
- potential harm, public interest 221–2
- role of judiciary 221–2
- substantive law of Bangladesh 219
- size and location of project 214–18
 - authorities concerns 216–17
 - content issues 217–18
 - legal obligation 215–16
- strength and weaknesses of 228–30
- transboundary impact of 224–6
- Rawls, John 8
- RC COP7 *see* Conference of the Parties to the Rotterdam Convention
- Reagan, Ronald 42, 43
- recycling loophole 116–17
- RED *see* radical ecological democracy
- REDD+ *see* reducing emissions from deforestation and degradation
- reduce, reuse, recover, recycle and remanufacture (5-Rs) 466
- reducing emissions from deforestation and degradation (REDD+) 245–8
- reductive flattening process 42
- re-engineering EIA 439–41
- Reid, Julian 22
- rentier economy 199–201
- representative democracy 68
- rethinking environmental law
 - A-historicism xxii–xxiii
 - development challenges and alternatives xxiii–xxiv
 - equity and human rights xxiv–xxvi
 - ostensible neutrality pitfalls xxii–xxiii
- Rights of Mother Earth (Pachamama) 30, 31
- right to access to water in South Africa
 - access to water where there was no access before 356–8
 - challenges
 - appropriate financing 368–9
 - governance 368
 - implementation gap 369
 - nuanced approach to payment for services 369
- Constitution of the Republic of South Africa (1996) 350–51
- cross-cutting issues
 - sufficient water 366–7
 - water quality 367–8
- deliberate restriction of right to water
 - disconnection for non-payment 359–61
 - restriction of water services, operational purposes 358–9
- free basic water (FBW) strategy 355–6
- legislative and policy framework 353–6
- minimum core approach 351
- reasonableness approach 351
- restriction of right to water
 - infrastructural breakdown 362–3
 - slow onset restriction of water 365–6
 - unexpected emergency situation 363–5
- Strategic Framework for Water Services 352–3
- Water Services Act 354
- Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (RTFCTLARRA) 194–6
- Right to Information (RTI) Act 440–41
- right to water in international law 349–50
- Rio Declaration (1992) 9
- Rissman, Burton 48
- Robinson, Joan 459
- Roman law 11
- Roundtable on Sustainable Palm Oil 55
- RTFCTLARRA *see* Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013
- rule of constitutional law 98–100
- Sanyal, Kalyan 453, 474
- Saramaka People v Suriname* 99
- Sarbanes-Oxley Act (2002) 53
- Sardar Sarovar Project (SSP)
 - approach to river control 380–82
 - background details of 378–80
 - conundrum of multiple implementing agencies 382–3
 - cost factor and cost-benefit methodology 388
 - judicial interpretation 388–93
 - legal action course 388–93
 - NGOs, political parties and eminent/concerned citizens 385–7
 - overview of 371–2, 376–8
 - project affected, displaced and resettled population 383–5
 - Supreme court legal cases and order/judgments 390–93
 - techno-managerial model 380–82
- Sawhoyamaya Indigenous Community v Paraguay* 107
- Scargill, Arthur 414
- SC COP7 *see* Conference of the Parties to the Stockholm Convention

- Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006) 249, 272
- Scott, James 64
- SDGs *see* Sustainable Development Goals
- SDR *see* Special Drawing Rights
- SE4All *see* Sustainable Energy for All initiative
- SEA *see* strategic environmental assessment
- Second World War 14
- Sent, Esther-Mirjam 41
- Serengeti National Park, Northern Tanzania 187–8
- SEZs *see* Special Economic Zones
- SFM *see* sustainable forest management
- SFWS *see* Strategic Framework for Water Services
- Shadow World: Inside the Global Arms Trade* (Feinstein) 426
- Sheth, Pravin 384
- Singh, Manmohan 259
- Sinha, Yashwant 453
- Social and Economic Rights Action Center (SERAC) 93, 100
- The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria* 339
- social justice 29–31
- Social Standards initiative 246
- social well-being and justice 67, 78–80
- socio-economic development *vs.* environmental protection 96–8
- solid waste management (SWM) 456–7, 470–72
- Solid Waste Management Rules 2016 470–72
- Sorabji, Soli 143
- South Africa, right to access to water *see* right to access to water in South Africa
- Special Drawing Rights (SDR) 327
- Special Economic Zones (SEZs) 194–5, 200
- SSP *see* Sardar Sarovar Project
- Steiner, Achim 111, 130
- Stockholm Convention on Persistent Organic Pollutants 115
- Stockholm Declaration (1972) xvi, 19
- strategic environmental assessment (SEA) 229
- Strategic Framework for Water Services (SFWS) 352–3, 354
- Strategic Framework on the Implementation of the Basel Convention 2012–2021 118
- Subhash C Pandey v Municipal Corporation Bhopal and Others* 409
- Subhash C Pandey v Union of India and Others* 408
- Summers, Larry 116
- Sundar, Nandini 431
- Supreme court legal cases and order/judgments 390–93
- surplus labour force 453
- sustainability transitions 2
- sustainable development
Brundtland Commission 19–20
International Energy Policy description of 313–15
international human rights law 317–20
need for an international legal framework 315–17
sustainable development law 317–20
- Sustainable Development Goals (SDGs) 14, 23–6
- Sustainable Energy for All initiative (SE4All) 314
- sustainable forest management (SFM) 239–42
- sustainable forests 239–42
- sustainable pastoralism 75–6
- Swachh Bharat Mission (2014) 463, 467–70
- SWM *see* solid waste management
- Technical Working Group (TWG) 119
- temporal limits on liability 331
- TFAP *see* Tropical Forest Action Plan
- Thompson, Janna 9
- Timbaktu Collective 75
- tort law *vs.* civil liability 325
- trade bureaucracies 50
- Trade-Related Aspects of Intellectual Property Rights (TRIPS) 39
- Transatlantic Trade and Investment Partnership (TTIP) 33
- transboundary movement of hazardous waste
BAN Amendment 115–18
capacity paradigm 110
contestations over ‘hazardous’ 119–20
hardening/softening North-South differentiation 120–21
intrinsic hazard criterion 120
justice paradigm 110
North-South difference 109–12
problem of 112–15
from waste to resources 121–6
- transcultural neoliberalism 57
- transfer of ownership of land 198
- transformed world, law and policy in 84
- transnational comparative constitutionalism 94
- transnational corporations 26, 38

- transnational mega-corporations 50
transnational private governance 242
transnatural neoliberalism 57
Tredegar Medical Aid Society 42
tribal communities (adivasis) 249, 252, 256–7, 263, 293, 296
tribal rights
 forest resources and 276–8
 Indian Supreme Court and 279–82
TRIPS *see* Trade-Related Aspects of Intellectual Property Rights
Tropical Forest Action Plan (TFAP) 237–8
Truman, Harry 21
Trump, Donald 46, 86
TTIP *see* Transatlantic Trade and Investment Partnership
TWG *see* Technical Working Group
UCC *see* Union Carbide Corporation
UCIL *see* Union Carbide India Limited
UDHR *see* Universal Declaration of Human Rights of 1948
UK Ordnance Survey 56
ULBs *see* urban local bodies
UN Commission on Human Rights 112
UN Committee on Economic, Social, and Cultural Rights 350
UN Conference on the Human Environment 19
UN Conference on Trade and Development (UNCTAD) 238
UNCTAD *see* UN Conference on Trade and Development
UN Environment Programme (UNEP) 20
UNEP *see* UN Environment Programme
UNESCO World Network of Biosphere Reserves 208
UNFCCC *see* United Nations Framework Convention on Climate Change
UN Food and Agriculture Organization (FAO) 17, 237
UN Framework Convention on Climate Change 22
UN Intergovernmental Panel on Forests 240
Union Carbide Corporation (UCC) 141
Union Carbide India Limited (UCIL) 141, 336
Union of World Scientists 2
United Nations Commission on Sustainable Development 319
United Nations Conference on the Human Environment 15, 91
United Nations Environment Programme (UNEP) 109
 Global Mercury Partnership 115
 Global Partnership on Waste Management 115
United Nations Framework Convention on Climate Change (UNFCCC) 10, 103, 233
United Nations Human Rights Council 350
United Nations Summit on Environment and Development 117
Universal Declaration of Human Rights (UDHR) 88, 317, 349
unlimited liability 343–4
UN Paris Agreement 2015 3
unsustainability, in Anthropocene 26–9
urban local bodies (ULBs) 402–4
US Atomic Energy Commission 333
US Federal Reserve Act (1913) 53
US Nuclear Regulatory Commission 340
US's Investment Company Act (1940) 48
Vaish, Rajnish 385
Vedanta mining case
 assertive communities 283–4
 tribal rights and Indian Supreme Court 279–82
Vida Digna jurisprudence of the Inter-American Court 107–8
Vienna Convention on Civil Liability for Nuclear Damage (1963) 326, 327
Vikalp Sangam process 82–3
village assembly 298
village forest 294
Vogel, Stephen K 50
Voigt, Christina 19
Washington, Haydn 25
wastewater pricing 406–7
wastewater reuse and recycling 404–6
wastewater use, urban and peri-urban areas
 framework of human rights
 international and domestic perspectives 398–9
 opportunity/challenge 400–402
 synergy/conflict among rights 399–400
judiciary's approach
 balancing rights, prohibiting use 407–8
 environmental law principles 409–10
 incomplete solution 410
 searching for alternatives 408–9
overview of 396–7

- regulatory framework in India
 - gap between existence and operationalisation 402–4
 - wastewater pricing 406–7
 - wastewater reuse and recycling 404–6
- water access 4–5
- water-based resources 4–5
- Water, Energy, Health, Agriculture and Biodiversity (WEHAB) 317
- Water Prevention and Control of Pollution Act 1974 (WPCPA) 403, 407, 408
- Water Quality Assessment Authority 403
- water scenario in India 371–2
- Water Services Act (WSA) 354
- WCED *see* World Commission on Environment and Development
- weak sustainability 26
- WEHAB *see* Water, Energy, Health, Agriculture and Biodiversity
- Weiss, Edith 342
- well-being alternatives, ethical foundations of
 - collective commons and solidarity with individual freedoms 82
 - dignity and creativity of labour and work 83
 - diversity and pluralism 82
 - ecological integrity and rights of nature 82
 - equity, justice, and inclusion 82
 - non-violence, harmony, peace 83
 - resilience and adaptability 82
 - right to and responsibility of meaningful participation 82
 - simplicity and sufficiency 83
 - subsidiarity, self-reliance and ecoregionalism 82–3
- wildlife conservation
 - environmental easements 177
 - fugitive resource 186
 - land rights and 169–71
 - congruences and incongruences 176–8
 - first occupancy theory 173
 - full liberal ownership 174
 - Hobbesian state of nature 173
 - interface between 186–8
 - labour theory 172
 - personality theory 173
 - property rights 173–4
 - overview of 169–71
 - vs.* poverty *vs.* land rights in Kenya 178–80
 - rationale for 174–6
 - regime of 184–5
 - resource governance 180–88
- Wildlife Conservation and Management Act (1976) 181
- Wildlife Management and Conservation Act (2013) 183, 184
- Wild Life Protection Act (1972) 254
- Wilson, Mark 20
- Workfare programme 34
- World Bank Worldwide Governance Indicators 242
- World Commission on Dams 312, 373, 376
- World Commission on Environment and Development (WCED) 14
- World Heritage site 188
- World Meteorological Organization 86
- World Trade Organization (WTO) 25, 33
- World Wide Fund for Nature (WWF) 240
- WPCPA *see* Water Prevention and Control of Pollution Act 1974
- WSA *see* Water Services Act
- WTO *see* World Trade Organization
- WWF *see* World Wide Fund for Nature
- Yellowstone National Park 287
- Yosemite National Park of California's Sierra Nevada Mountains 287
- Žižek, Slavoj 39