Contents

Acknowledgement \hspace{1cm} vi-vii
Abbreviations \hspace{1cm} viii-xii
Table of Cases \hspace{1cm} xiii-xxiii

Chapter – 1: Introduction \hspace{1cm} 1-59

1 1 The Problem of Hazardous Substances
   1 1 1 Magnitude of the Problem
   1 1 2 The Impact of Hazardous Substances

1 2 Rationalising Generation of Hazardous Substances
   1 2 1 Population Growth
   1 2 2 Affluence
   1 2 3 Technological Change
       1 2 3 1 Displacement of Hazards to Developing Countries

1 3 The Concept of Hazardous Substances

1 4 The Problem of Hazardous Waste

1 5 The Problem of Hazardous Chemicals

1 6 Law, Risk Assessment and Risk Management in Environmental Jurisprudence
   1 6 1 Risk Assessment
       1 6 1 1 Hazard identification
       1 6 1 2 Dose-response assessment
       1 6 1 3 Exposure assessment
       1 6 1 4 Risk characterization

   1 6 2 Risk Management

1 7 The Legal Response

1 8 Statement of the Problem

1 9 Research Methodology

1 10 Plan of Study

Chapter – 2: The Regulation of Hazardous Substances:

International Efforts \hspace{1cm} 60-126

Hazardous Wastes

2 1 Minimising Generation of Waste
   2 1 1 Basel Convention
   2 1 2 Agenda 21
   2 1 3 OECD, UNEP and EC
   2 1 4 The U.S. Strategy
2.2 Reducing Harmful Effects
2.3 Recycling & Reuse
2.4 Waste Disposal
   2.4.1 Landfill
   2.4.2 Incineration
   2.4.3 Composting
2.5 The U.K. Strategy
2.6 Dumping at Sea
   2.6.1 London Dumping Convention
   2.6.2 United Nations Convention on the Law of the Sea
2.7 Transboundary Movement
   2.7.1 Basel Convention
   2.7.2 Lome IV Convention
   2.7.3 Bamako Convention
   2.7.4 Agenda 21
2.8 Conclusion

Hazardous Chemicals
2.9 Role of OECD in Chemicals’ Management
2.10 FAO Code of Conduct
2.11 London Guidelines
2.12 International Programme on Chemical Safety
2.13 United Nations Conference on Environment and Development
2.14 Agenda 21
2.15 Intergovernmental Forum on Chemical Safety
2.16 The Rotterdam Convention
2.17 Right to know
2.18 The POPs Convention
2.19 Conclusion

Chapter - 3: Constitutionalising the Problem of Environment

3.1 Root of the Development
3.2 Fundamental Right to a Wholesome Environment
3.3 Collapsing of Directive Principles into Fundamental Rights
3.4 Importation of International Norms of 3rd Generation Collective Rights for Sustainable Development
Chapter – 4 : Specific Legal Regime For Hazardous Substances: Rules and Notifications Issued Under EPA 158-219

4.1 Management of Hazardous Wastes
   4.1.1 Hazardous Wastes (Management and Handling) Rules, 1989
   4.1.3 Batteries (Management and Handling) Rules, 2001

4.2 Solid Waste Management
   4.2.1 Municipal Solid Waste (Management and Handling) Rules, 2000
   4.2.2 Plastics Manufacture, Sale & Usage Rules, 1999

4.3 Management of Chemicals
   4.3.1 The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989
   4.3.2 Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996
   4.3.3 The Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms / Genetically Engineered Organisms or Cells Rules, 1989

4.4 Relevant Notifications
   4.4.1 Prohibition on Use of Benzidine-Based Dyes and its Salts
   4.4.2 Criteria for Labelling Certain Products as Environment Friendly Products
   4.4.3 Notifications Relating to Coastal Regulation Zone (CRZ)
   4.4.4 Prohibition on Open Burning of Waste Oil
   4.4.5 Prohibition on the Imports of Specified Hazardous Wastes
   4.4.6 Constitution of an Authority
   4.4.7 Delegation of Power
   4.4.8 National Awards for Taking Significant Measures to Prevent Pollution
   4.4.9 Environmental Impact Assessment

4.5 Conclusion
Chapter – 5 : Special Central Legislations Re: Hazardous Substances

5.1 The Insecticides Act, 1968
5.2 The Water (Prevention and Control of Pollution) Act, 1974
5.3 Water (Prevention & Control of Pollution) Cess Act, 1977
5.4 Air (Prevention and Control of Pollution) Act, 1981
5.5 The Environment (Protection) Act, 1986
5.6 National Environment Appellate Authority Act, 1997
5.7 Control of Noise Pollution
5.8 Conclusion

Chapter – 6 : General Central Legislations Re: Hazardous Substances

Pre-Independence Laws
6.1 The Oriental Gas Company Act, 1857
6.2 Indian Penal Code, 1860
6.3 The Indian Explosives Act, 1884
6.4 The Explosive Substances Act, 1908
6.5 The Destructive Insects and Pests Act, 1914
6.6 The Poisons Act, 1919
6.7 The Indian Boilers Act, 1923
6.8 The Petroleum Act, 1934
6.9 The Drugs and Cosmetics Act, 1940

Post-Independence Laws
6.10 The Factories Act, 1948
6.11 The Industries (Development and Regulation) Act, 1951
6.12 The Mines Act, 1952
6.13 The Inflammable Substances Act, 1952
6.14 The Prevention of Food Adulteration Act, 1954
6.15 The Mines and Minerals (Regulation and Development) Act, 1957
6.16 The Offshore Areas Mineral (Development and Regulation) Act, 2002
6.17 Code of Criminal Procedure, 1973
6.18 The Motor Vehicles Act, 1988
6.19 Conclusion

Chapter – 7 : The Liability and Compensation Regime

7.1 Absolute Liability - Generation of New Law
7.2 ‘Precautionary’ and ‘Polluter-Pays’ Principles

7.2.1 Meaning & Application of ‘Precautionary’ Principle
7.2.2 Legality of the Principle
7.2.3 Application of the Principle in India
7.2.4 Meaning and Application of Polluter-Pays Principle
7.2.5 Legality of the Principle
7.2.6 Application of the Principle in India
7.2.7 Application of Both the Principles in India

7.3 International Regime

7.3.1 Hazardous Wastes
7.3.2 Hazardous Chemicals

7.4 UK Model of Liability and Compensation

7.4.1 Waste Management
7.4.2 Contaminated Land
7.4.3 Hazardous Substances
7.4.4 Genetically Modified Organisms

7.5 US Model of Liability and Compensation

7.5.1 Waste Management
  7.5.1.1 Resource Conservation and Recovery Act, 1976
  7.5.1.2 Comprehensive Environmental Response, Compensation and Liability Act, 1980
7.5.2 Control of Toxic Substances

7.6 Statutory Liability and Compensation Regime in India

7.6.1 The Public Liability Insurance Act, 1991
7.6.2 National Environment Tribunal Act, 1995

7.7 Conclusion

Chapter – 8 : Conclusion & Suggestions 448-518
Bibliography 519-536