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BOOK REVIEW

SUMEET MALIK, *ENVIRONMENT LAW*
(LUCKNOW: EASTERN BOOK COMPANY, 2008)

Reviewed by : Attreyee Majumdar & Sujith Koonan, LEAD Journal



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Sumeet Malik, *Environment Law* (Lucknow: Eastern Book Company, 2008), Pages - 952, Price - 675 Indian Rupees.

Environmental law in India has developed tremendously in last couple of decades in parallel and complimentary to the development of international environmental law. As part of it, a number of statutes, rules and notifications have been added to this subject. A single point source to identify and understand the proliferated legal materials is no doubt convenient and helpful. Sumeet Malik's recent compilation titled 'Environment Law' seems to address this necessity, though not completely.

This book is a compilation of a number of statutes, rules, notifications and policy instruments related to environment. Some international environmental law instruments are also included. Statutes compiled in this book are classified into several sub-headings such as conservation of nature, air, water, forest, wildlife, Hazardous substances and waste management, noise, biological diversity and climate change. A range of rules, notifications and policy instruments are also included, for instance, the Biodiversity Rules of 2004, the Forest Policy of 1988 and Environment Impact Assessment notification of 2006.

In addition to domestic legal materials, some international environmental law instruments are also included. The list in this category includes Vienna Convention for the Protection of the Ozone Layer of 1985, U.N. Convention on Biological Diversity of 1992 and U.N. Framework Convention on Climate Change of 1992.

One of the important features, as claimed in the prefatory note, is the inclusion of some legal materials, not usually thought of as environmental laws, having link with environmental issues. Examples are the Food and Safety Standards Act of 2006, the Mines and Mineral (Development and Regulation) Act of 1957, the Chemical Weapons Convention Act of 2000 (extracted) and provisions on public health and sanitation from the Delhi Municipal Corporation Act of 1957.

Having acknowledged the usefulness of this compilation of legal materials as a single point

source, some degree of irrationality and incoherency in the selection and reproduction of the substance of this compilation needs to be highlighted.

The statement of objects and reasons of enactments is selectively included in this compilation. Though the statement of objects and reasons has been included in a couple of enactments such as the Environment (Protection) Act of 1986, Water (Prevention and Control of Pollution) Act of 1974, Water (Prevention and Control of Pollution) Cess Act of 1977 and Air (Prevention and Control of Pollution) Act of 1981, the same has not been done for other enactments. Reasons for such a selective approach are not stated anywhere.

In the preface, it is mentioned that laws other than the usual list of environmental laws are included. This 'other than the usual list of environmental laws' appears, at least at some points, to be unnecessarily over-stretched. For instance, the rationality behind the inclusion of criminal offences of wantonly discharging a fire-arm or air-gun under the Delhi Police Act of 1978 is not clear. Same criticism is applicable in the case of extracts from the Emigration Act of 1983. The irrationality critique could be applied in the case of inclusion of some Delhi enactments, because laws from any other state or union territory are not included.

Some legal materials in the compilation appear to have been selected randomly. The pick and choose exercise in the selection of legal materials, at least in some parts, seems to be irrational. For instance, in the category of executive legislation, the compendium includes notifications like the Environment Impact Assessment notification of 2006 while not including the Coastal Regulation Zone notifications, which are of equal importance for conservation of coastal ecosystems. While it includes policy documents like the National Forest Policy of 1988 and the National Zoo Policy of 1998, while leaving out the National Rehabilitation Policy 2006, which has formed the basis of assessing the Resettlement and Rehabilitation packages for environmental refugees created out of numerous large scale development projects.

The compilation is nothing but a reproduction of legal materials from government sources. Apart from

identifying legal materials no other intellectual exercise such as explanatory notes and contextualization seems to be involved in this compilation. In this regard, it cannot be resisted to express that readers would likely to be disappointed after going through the pages.

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