

CALL FOR PAPERS || JINDAL GLOBAL LAW REVIEW

Special Issue Vol. 15 Issue 2 (2024)

Natural Resources Management And The Law In India: Confronting Emerging Challenges In The Anthropocene And Developing New Sustainability Paradigms

Natural resources (abiotic and biotic) are those parts of nature that provide goods and services critical to survival, well-being, and development. These also go a long way in determining our culture and identity. Hence, natural resources' availability and quality are fundamental to our lives. One of humankind's most significant challenges in the Anthropocene is conserving and managing natural resources. Over-exploitation, wanton destruction, scarcity, pollution, commodification and inequitable distribution and finally, the challenges posed by climate change render natural resources management a problematic task. While economies, populations and resource demands grow, the Earth's natural resource base remains unchanged. Presently, every year, we consume resources as much as what 1.6 Earths can provide us, pushing humanity deeper into ecological debt—all these force the debates underlying natural resource management to the forefront of public discourse.

Managing natural resources involves fundamental choice questions, the efficient use of available natural resources, and the need to be more prudent and frugal in how we use these resources. This enhances the criticality of law in providing frameworks within which these choices must be made and implemented. Natural resources management law is thus the body of legal rules and regulations that determine and lay down the parameters regarding how a resource must be managed, conserved and used. Essentially, it specifies which parts of nature can be commodified and utilised. It articulates the nature of rights exercisable over the resource, what kind of resource-based transactions can occur, and provides institutional mechanisms to coordinate uses and resolve disputes.

As a country in the tropics, India is blessed with natural resources. In terms of geographical spread, it is the seventh largest in the world (approximately 3.25 million sq.km). It has diverse climates and landscapes, from the Himalayas in the north to the spice fields and biodiverse-rich tropical forests in the south. It's also home to iconic yet endangered wildlife like the Asian elephant, tiger, and leopard. It has four of the world's 36 biodiversity hotspots: the Himalayas, the Western Ghats, the Indo-Burma area, and the Sundaland, home to innumerable unique and fragile species of flora and fauna. India's total forest and tree cover is 80.9 million hectares, which is 24.62% of its geographical area. With a vast coastline of more than 7,500 km, which separates the Arabian Sea from the Bay of Bengal and an exclusive economic zone of about 2 million sq. km., the country is also rich in marine and coastal resources.

India's legal frameworks for natural resource management and the principles they articulate have colonial roots. The British wanted to secure control over India's natural resources. In part, they succeeded in accomplishing this purpose by enacting laws that entrenched the rights of the State over natural resources to the exclusion of the subaltern who were dependent on them for their livelihood and survival. This trend of exclusion and pervasive State control, by and large, continued even after independence. These laws and policies, rooted in utilitarian ideas, were justified as they served a larger

good. Realising that exclusion can lead to injustice and does not necessarily lead to a situation where everyone is made better off without anyone being made worse off, cosmetic and peripheral changes were made to secure greater participation. At the same time, the pressures due to an increasing population and changing demographics, economic diversification, the impact of free trade and globalisation, urbanisation and industrialisation, overdependence on natural resources for development, and their growing scarcity placed a premium on natural resources. Private players eager to tap into the commercial prospect held out by these resources sought to exercise monopolistic control over them with the active connivance of the State, further attenuating the alienation between the resources and the subaltern. In general terms, India's natural resources and policy framework has evolved from a closed, exclusionary and environmentally oriented regime to one where this primary character persists.

But there is now an additional complexity given that the core stakeholder is the corporate sector, which seeks to exercise monopolistic and rapacious control over the resource with the support of an ever-willing State eager to nurture and support the same.

For its Winter 2024 issue, the *Jindal Global Law Review* (JGLR) and Jindal Global Center for Environmental law and Climate Change (CELCC) invite contributions to a special issue on '*Natural Resources Management and the Law in India: Confronting Emerging Challenges in the Anthropocene and Developing New Sustainability Paradigms*' to provide a platform where scholars can engage in debates to analyse and assess the efficacy of legal and management regimes on resource use and find ways in which law and policy may have to be recast to facilitate the overarching goal of their sustainable management. Given the divergent nature of resources, no single solution can apply to managing natural resources across the spectrum. Each resource and its attendant legal framework has its own set of challenges. Several legal issues germane to the discussion include the federal role in defining policy and institutional context, the nature of property rights, how traditional versus alternative uses can be balanced, the nature of conservation and protection programs, and how resource consumption patterns can be supported to ensure that the resource is well available into the future. As a law review with a critical and inter-disciplinary orientation, we welcome contributions across disciplines, jurisdictions and forms. We are also very interested in contributions that are not jurisdiction-specific but explore the theme with a comparative lens, engaging with the Global South, at a conceptual level. Along with full-length academic articles, we also welcome other forms such as case-notes, book reviews, review essays, long-form interviews, photo-essays, and field reports.

About Centre for Environmental Law and Climate Change (CELCC) The Centre engages in educational collaborations and initiatives to enhance environmental, natural resources and Climate change literacy amongst all stakeholders. By organizing regular workshops, lecture series, seminars, and awareness campaigns, it seeks to highlight the prevalent practices in implementing environmental and natural resources laws, the existing lacunae within the legal framework and existing policies in respect of management of natural resources and climate change and the intersectionality of environmental issues with rights. It attempts to unravel solutions and strategies to empower law students and others with knowledge, skills and critical understanding that contributes to sustainable living practices. Additionally, through examination of various facets of environmental and climate

justice issues, the Centre aims to advance critical and comparative dialogue, discussion, and thinking towards enriching the existing jurisprudence and legal literature in India.

This special issue seeks to engage with the following subject matter/concepts:

- 1) Identify the core challenges involved in the management of natural resources
- 2) Understand the constitutional and legal regimes relating to the management of specific natural resource streams and what lessons the management of each stream can offer to others
- 3) Explore ways and means to secure the democratisation of resources management law and policy and secure greater public accessibility and accountability
- 4) Suggest a mandate to promote sustainability in natural resources management law and policy

We invite submissions on the following tentative topics, but authors may submit proposals on other related topics:

- 1) Legal Doctrines and Principles on Natural Resources Management
- 2) Water Conservation and Management
- 3) Protecting Fauna and the Law
- 4) Biodiversity Protection and the Law
- 5) Wildlife Conservation and Management
- 6) Mining and the Law
- 7) Renewable Energy Law
- 8) Oil and Gas Law
- 9) Managing Land
- 10) Coastal and Ocean Management
- 11) Managing Waste Streams
- 12) Securing the Rights of the Indigenous Populations in Natural Resources Management
- 13) Mythology and Natural Resources management
- 14) The Way Forward ...

Timelines:

- | | |
|---|--------------------|
| a. Deadline for abstract submissions: | 10 January 2024 |
| b. Decision on abstracts: | by 17 January 2024 |
| c. Complete manuscripts for submission due: | 15 May 2024 |
| d. Planned online publication: | December 2024 |

We invite you to submit your abstracts of no more than 500 words before the deadline via this link: <https://forms.office.com/r/GnV9eRaknB>. Please reach out to the Guest Editors of the Special Issue for any submission-related queries.

Special Issue Guest Editors at Centre for Environmental Law and Climate Change:

1. Dr Charu Sharma (csharma@jgu.edu.in) Professor, Director CELCC, Vice Dean, Office of Student Affairs & Initiatives, Jindal Global Law School, O.P. Jindal Global University, India.
2. Dr Tony George (tgeorge@jgu.edu.in) Professor, Co-Director CELCC, Jindal Global Law School, OP Jindal Global University, India
3. Dr Saurabh Sood (saurabh.sood@jgu.edu.in) Assistant Professor, Assistant Director CELCC, Jindal Global Law School, O.P. Jindal Global University, India.
4. Stuti Lal (stuti@jgu.edu.in) Senior Research Fellow, Assistant Director CELCC, Jindal Global Law School, O.P. Jindal Global University, India.

Special Issue Guest Editors

1. Dr Rowena Maguire (r.maguire@qut.edu.au) Associate Professor in the School of Law and the Program Leader of the Environmental and Social Governance Research Centre at QUT, Australia)
2. Dr Emily Barritt (emily.m.barritt@kcl.ac.uk) Senior Lecturer in Environmental Law and the Co-Director of the Transnational Law Institute at King's College London.

JGLR Managing Editors:

1. Shaun Star (sstar@jgu.edu.in) Professor & Associate Dean, Jindal Global Law School, O.P. Jindal Global University, India.
2. Kasim Balarabe (kbalarabe@jgu.edu.in) Professor & Associate Dean, Jindal Global Law School, O.P. Jindal Global University, India.