

19 February 2021, 3pm IST

Sharadchandra Lele

Below the tip of the iceberg: Structural and procedural flaws in environmental governance in India

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5 March 2021, 6pm IST

David Bollier

Hacking the Law to Open Up Zones for Commoning

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Louis Kotzé

International Environmental Law and its Structural Complicity in the Anthropocene's Climate Injustices

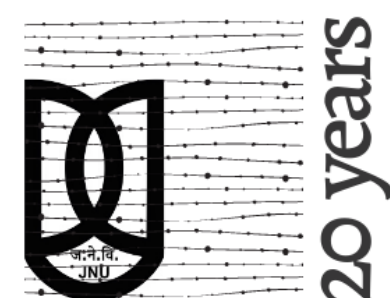
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Eric Biber

Law in the Anthropocene Era

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Centre for the Study of Law and Governance
Jawaharlal Nehru University

THE ANTHROPOCENE LECTURES

Below the tip of the iceberg

Structural and procedural flaws in environmental governance in India

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19 February 2021, 3pm IST



Sharadchandra Lele

Distinguished Fellow in Environmental Policy & Governance,
Ashoka Trust for Research in Ecology and the Environment
(ATREE), Bangalore, India

The Draft EIA Notification 2020 attracted much adverse criticism for the way it sought to further dilute environmental regulations in India. While the criticisms were justified, what went unnoticed in the heat is that these changes were largely making official the laxity that is currently hidden in the functioning and structures of environmental governance at central and state levels. Drawing upon my experience with the Expert Appraisal Committee on Coal Mining & Thermal Power, with two NGT Expert Committees, and an analysis of the Karnataka State Pollution Control Board, I argue that scholars of environmental governance need to pay more attention to the relatively 'mundane' processes of committee formation and functioning, notions of 'expert' fact-finding and appraisal, and structures of the pollution regulators, beyond just the act, rules and notifications. I suggest that we need to question the specific personnel, the procedures and the very mindsets through which they approach the tasks of environmental regulation.



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Hacking the Law to Open Up Zones for Commoning



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5 March 2021, 6pm IST



David Bollier

**Director, Reinventing the Commons Program,
Schumacher Center for a New Economics**

Commoning of farmland, water, urban spaces, digital code and information, and much else is an everyday practice that functions as a kind of law. It is a means for organizing people into orderly, productive communities of shared purpose guided by consensual practices and ethical norms. Yet these social processes for stewarding shared wealth, though ubiquitous and powerful, are largely ignored by state law and jurisprudence, which privilege individual property rights, individual contract freedom, and market capitalism. What accounts for the market/state's disdain for commoning? American commons scholar and activist David Bollier argues that answering this question requires us to interrogate the character of state power, market capitalism, modernity, western law, bureaucracy, and modern presumptions of human identity and purpose. At a more practical level, various commons movements around the world are already answering this question by devising creative legal hacks on state law, or workarounds, to attempt to legally authorize commoning and achieve social and political empowerment.

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12 March 2021, 3pm IST



Louis Kotzé

Research Professor of Law,
North-West University, South Africa

This lecture examines the myriad considerations of climate injustice that have become part of our efforts to understand and to respond to the socio-ecological implications and challenges of the Anthropocene. Often neglected, but deeply implicated in the factors that play a role in the Anthropocene's crisis of climate injustice, is international environmental law (IEL). I aim to show that while the intentions behind IEL may be well-meaning, this body of law has often inadvertently, although also at times deliberately, been playing a role in creating, emboldening and exacerbating the many paradigms that drive climate injustice in the Anthropocene. The climate crisis is essentially as Grear says, "a crisis of human hierarchy" and one of "global unevenness" characterized by many (often hidden) "dynamics of privilege and oppression". I will specifically show how IEL has been complicit in preserving this sacred hierarchy, its well-documented unevenness, and its embedded and veiled privileges and oppressions.



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Law in the Anthropocene Era



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26 March 2021, 7.30pm IST



Eric Biber

**Edward C. Halbach Jr. Professor of Law,
Berkeley Law, University of California**

The Anthropocene will surely have substantial effects on society and economies, and law will be no exception. The Anthropocene is the product of the aggregation of billions of individual human actions, the impact of which is exponentially increasing because of growing technological advances and population. Humans will inevitably respond to the Anthropocene, if only to adapt to the significant changes in oceans, climate, biodiversity, and other critical functions upon which society depends. These responses will ineluctably lead to greater government involvement in a wide range of human activities and the constant updating of government laws and regulations to respond to new challenges. The result will put pressure on a wide range of legal doctrines in public and private law, including torts, property, constitutional, administrative, and criminal law. These changes will parallel similar revolutionary legal changes associated with industrialization and the development of a national economy in the United States in the nineteenth and twentieth centuries. Just as with those legal changes, the legal changes of the Anthropocene will put pressure on normative commitments at the heart of American law, including the classical liberal paradigm that government intrusion into individual action should be the exception, rather than the norm. Managing the impacts of these legal changes will be a key challenge for the legal system in the next century.

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