

CONTENTS

ACKNOWLEDGEMENTS

CONTENT

TABLE OF CASES

LIST OF TABLES

Chapter One

INTRODUCTION.....	01
Hypothesis.....	08
Methodology.....	09

Chapter Two

STATUTORY LAWS.....	14
Overview of the Statutes relating to Environment in India.....	16
Vehicular Pollution and Legislative Developments.....	17
Motor Vehicles Act, 1988 (Act 59 of 1988).....	18
The Motor Vehicles' Act, 1939 (Act 4 of 1939).....	19
Provisions of Preventing and Controlling Vehicular Pollution.....	25
Air Pollution Control Legislations.....	57
Air pollution Legislations in the United Kingdom.....	61
The Position in the United States of America.....	71
Air (Prevention and Control of Pollution) Act, 1981.....	82
The Environment (Protection) Act, 1986.....	102
The Indian Penal Code, 1860.....	120
The Code of Criminal Procedure, 1973.....	127

Chapter Three

THE PROBLEMS OF AUTOMOBILE POLLUTION AND THE JUDICIAL RESPONSE.....	143
Public Interest Litigation.....	145
Article 21 of the Constitution – Right to Clean Air.....	155
Sustainable Development.....	176

The Precautionary principle.....	178
The 'Polluter Pays Principle.....	179
The Doctrine of Public Trust.....	180
Intergenerational Equity.....	182
Environmental Courts in India.....	185
Judicial Response on Vehicular Pollution.....	191

Chapter Four

INTERNATIONAL INSTRUMENTS.....	225
Customary International Law.....	229
Treaty.....	231
The Practical Developments in Environmental Law taking place in the Global Arena.....	245
The Economic Commission for Europe.....	248
The United Nations Conference on Human Environment (UNCHE - Stockholm Conference), 1972.....	252
The World Commission on Environment and Development (WCED - The Brundtland Report: <i>Our Common Future</i>), 1987.....	256
The Vienna Convention for the Protection of the Ozone Layer, 1985 and The Montreal Protocol on Substances that Deplete the Ozone Layer, 1987.....	257
The United Nations Conference on Environment and Development (UNCED - Rio Conference), 1992	258
The Inter-governmental Panel on Climate Change (IPCC).....	266
The United Nations Framework Convention on Climate Change (UNFCCC), 1992.....	269
The Kyoto Protocol.....	282
Kyoto Protocol Bodies.....	291
Constituted Bodies.....	292
Global Climate Change Regime.....	292
The Present Status of the Kyoto Protocol.....	295
The Copenhagen Accord.....	310

Chapter Five

COMMON LAW LIABILITY.....	318
Introduction.....	324
Indian Developments/Scenario.....	328
Role of Tort in controlling vehicular Pollution.....	341
Nuisance.....	343
Statutory Nuisance.....	357
Negligence.....	361
Strict Liability.....	373

Chapter Six

LAWS RELATING TO CONTROL AND REGULATION OF FUEL AND TECHNOLOGY.....	388
Fuel and Technology: Its Growing Importance.....	388
The Growing menace of Vehicular Pollution.....	392
Vehicular Emission Control: Historical Background.....	411
The Scenario in the United States of America.....	415
Emission Norms.....	426
The Alternative Fuels Act, 1988.....	429
India: Emission Norms.....	433
Fuels.....	438
Conventional Fuels and Their Corresponding Engine Technology.....	439
Alternative Fuels.....	458
Fuel Adulteration	468
Hybrids.....	471
Refineries.....	474
Mashelkar Committee on National Auto Fuel Policy.....	477

Chapter Seven

IMPLEMENTATION IN SIKKIM BY SIKKIM POLLUTION CONTROL BOARD.....	484
Introduction.....	484
Sikkim- General.....	486

Historical Background of the Kingdom of Sikkim.....	492
The 8 th May 1973 Agreement	518
Govt of Sikkim Act, 1974.....	519
Constitutional (Thirty-Sixth Amendment) Act, 1975.....	522
Sikkim – The Twenty-Second State of India.....	524
Courts and Procedure in pre- merged Sikkim.....	527
Environment and the Old Laws of Sikkim	529
Old Sikkim Laws Relevant to Sustainable Automobile Use.....	533
Road, transport and tourism	541
Roads and Bridges Department	546
Transport Department	549
The Sikkim Nationalised Transport (S.N.T.).....	549
Motor Vehicles Division	551
Tourism Department	562
The Sikkim Pollution Control Board (SPCB).....	566
Vehicular Pollution in Gangtok.....	570
The Sikkim Transport Infrastructure Development Fund Act, 2004.....	576
The Sikkim Ecology Fund and Environment Cess Act, 2005.....	578
Gangtok: Sustainable Automobile Use and Matters Incidental.....	580

Chapter Eight

CONCLUSION AND SUGGESTIONS.....	590
Sikkim.....	618
Recommendations and Suggestions in Sikkim.....	619
BIBLIOGRAPHY.....	629
Books.....	629
Articles.....	636
Reports and other Documents.....	649
Legislations.....	652
Websites.....	654