**CCP-LAW**

**Curricula development on Climate Change Policy and Law**

**Subject title: International Environmental and Climate Change Law**

**Instructor Name: Dr. Shashikala Gurpur and Lasya Vyakaranam**

**Activity: Case Analysis in IRAC method**

**Instructions:**

* In this session, students are expected to read the judgements of the following case laws:
  1. The Gabcíkovo-Nagymaros Case 1997 – Session 2 Reading 1
  2. Pulp Mills on the River Uruguay ( Argentina v Uruguay  2010) – Session 2 Reading 2
  3. Whaling in the Antarctic (Australia v. Japan: New Zealand intervening) 2014 – Session 2 Reading 3

Following are the parts of IRAC analysis:

* F: Facts of the case/Disputed facts. Few authors do not prefer facts in IRAC because disputed facts are captured into the issue. If it is a decided case, the history of the case is also mentioned as a part of the facts.
* I: ‘I’ in IRAC stands for ‘issue(s)’ involved in the case/disputed facts;
* R: ‘R’ in IRAC stands for ‘Rules’ applicable to the case or to the disputed facts;
* A: ‘A’ in IRAC stands for ‘Analysis/Application’ of the rules to the case/disputed facts;
* C: ‘C’ in IRAC stands for ‘Conclusion’.

Following is a brief explanation of the parts of IRAC:

* **Facts**: Facts of the case shall be arranged in chronological order; it shall be divided into paragraphs and subparagraphs.
* **Issue:** Issue is a legal or factual question or statement or contention. The issue is a statement or question based upon the disputed facts/interpretation. Depending upon the disputed facts or interpretation you may pose one or multiple issue(s). To find the issue, ask: “what is in controversy”.
* **Rules:** Rules mean laws applicable to the issue(s). The term 'Rules' in IRAC is used in a broader sense. It includes the provisions of the Constitution, sections of the Legislation, Ordinances, Orders, Bye-laws, Rules, Regulations, Notifications, Customs, Contracts, Laws declared by the judiciary in the form of ratio decidendi and Policy. There has to be an elaboration of its parts.
* **Analysis/Application:** In analysis or application you have to analyze how and why laws are applicable to the issues. In analysis, you can state evidence/logic/analogy/arguments and explain how you have arrived at your conclusion with respect to the application of the laws to issue(s) in the case. You need to connect to issues and facts. A good analysis also includes weightage given to both the sides, the counterarguments and how did each party apply the rules to their lexicon of facts. Use the rules and cases laws (from National and Foreign Courts) to support your logic/analogy/arguments wherever applicable. The ratio with binding value shall be preferred over the ratio which has persuasive value.
* **Conclusion:** Brief summary of analysis or application. It is a summary of courts finding, your opinion, disagreements. It should also focus on:
  1. a) Crucial facts and alternatives;
  2. b) Counter analysis.
* Please mail the IRAC case analysis submissions to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ prior to the next offline synchronous lecture.