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ENVIRONMENTAL LAWS IN INDIA

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Abstract

There is no shortage of environmental legislation in India, but its implementation has been far from adequate. The Constitutional mandate and other environmental legislation must be enforced effectively and efficiently. The judiciary has played an important and admirable innovative role. Many Public Interest organisations are protected by the Constitutional protections included in Articles 48A and 51A(h). Many industries have been sued in India's Supreme Court for failing to offer services proper pollution control, as well as against Pollution Control Boards, in order to direct them to adopt suitable measures ways to ensure pollution control. To ensure the efficient and effective implementation of these rules, an Adjudicatory Body comprised of legal and technical experts must be established. Caring for environmental regulation and protection is fundamentally a desire to see that national growth follows sensible, sustainable regulations.

Key Words: Water Pollution, Air Pollution, Environmental Protection, Sustainable Development, Public Interest Litigation, Judiciary

Introduction

Conservation, protection, and improvement of the human environment are key challenges all around the world today. The human environment includes both the physical and biological environments. The physical environment includes land, water, and air. Plants, animals, and other species are all part of the biological environment. The physical and biological environments are inextricably linked. Industrialisation, urbanisation, population explosion, resource over-exploitation, disturbance of natural ecological balances, and the extinction of a plethora of animal and plant species for economic reasons are all elements that have contributed to environmental degradation.¹ One country's degradation of environment degrades the global environment for all

¹ Sachidanand Pandey v. State of West Bengal, AIR 1987 SC 1109

the countries.² The issue of environmental pollution has taken on an international significance, and India is no exception.

The purpose of this paper is to provide a quick overview of Indian legislation that are primarily concerned with protecting and improving the environment. The enforcement of these laws has also been investigated and assessed.

Constitutional and Legislative measures

The Stockholm Declaration of 1972 was maybe the first major international endeavour to maintain and protect the human environment. As a result of this Declaration, states were compelled to enact legislation to protect and develop the environment. As a result, the Indian Parliament incorporated two articles, 48A and 51A, into the Indian Constitution in 1976.³ The State shall seek to maintain and improve the environment, as well as to safeguard the country's forests and wildlife, according to Article 48A of the Constitution.

Similarly, Article 51A clause (g) imposes a duty on all Indian citizens to safeguard and improve the natural environment, including forests, lakes, rivers, and animals, as well as to have compassion for living creatures. The combined consequence of Articles 48A and 51A (g) appears to be that both the 'State' and the 'people' are now constitutionally obligated to conserve, perceive, protect, and improve the environment. Every generation owes it to future generations to develop and conserve the nation's natural resources as best as they can.⁴ The wording 'protect and improve,' which appears in Articles 48A and 51A (g), appears to envision affirmative government action to improve the quality of the environment rather than simply preserving the ecosystem in its degraded form.

Apart from the constitutional mandate to protect and improve the environment, there are a plenty of legislations⁵ on the subject but more relevant enactments for our purpose are the Water (Prevention and Control of Pollution) Act, 1974; the Water (Prevention and Control of Pollution)

² See Armin Rosencranz, Shyam Divan and Martha L.Noble, *Environmental Law and Policy in India* (1991), p. 25

³ Inserted by the Constitution (Forty-second Amendment) Act, 1976

⁴ *State of Tamil Nadu v. Hind Store*, AIR 1981 SC 711; see also *Rural Litigation and Entitle Ji: at Kendra v. State of Uttar Pradesh*, AIR 1987 SC 359

⁵ E.g. Indian Forest Act, 1927; the Factories Act, 1948; the Atomic Energy Act, 1962; insecticide 1968.

Cess Act, 1977; the Air (Prevention and Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986; Public Liability Insurance Act, 1991; the National Environment Tribunal Act, 1995 and the National Environment Appellate Authority Act, 1997; the Wildlife (Protection) Act, 1972; the Forest (Conservation) Act, 1980.

The Water Act mandates the prevention and control of water contamination, as well as the preservation or restoration of water quality. The Act forbids the introduction of any toxic, noxious, or contaminating matter into any stream or well. The Act establishes the Central Pollution Control Board and the State Pollution Control Board. Before dumping any trade effluent or sewage into water bodies, new industries must acquire prior consent from such Boards. Without the prior authorization of the Boards, no one shall use a new or amended outlet for the discharge of sewage or trade effluent into a stream, well, sewer, or on land. The Boards' approval is also required to continue a current discharge of sewage or trade effluent into a stream, aquifer, sewer, or land.

In the *Ganga Water Pollution case*⁶, the owners of certain tanneries near Kanpur discharged wastewater from their operations into the Ganga without first establishing basic treatment units. The Supreme Court ruled that the tanneries' financial capabilities should be ignored while compelling them to install primary treatment plants. The Court ordered that the tanneries be shut down and that no trade effluents from the tanneries be discharged directly or indirectly into the Ganga without first subjecting the trade effluents to a permanent process by establishing primary treatment plants approved by the State Pollution Control Board.

The Water (Prevention and Control of Pollution) Cess Act of 1977 aims to levy and collect a cess on water consumed by persons carrying out certain industries and local authorities in order to supplement the resources of the Central Board and State Boards established for the prevention and control of water pollution. The goal is to collect money from people whose actions cause pollution and who must face the costs of maintaining and administering such boards. Industries that set up sewage or trade effluent treatment plants may be eligible for a 25%⁷ refund.

⁶ M.C.Mehta v. Union of India, AIR 1988 SC 1037. See also Bhavani River v. Sakthi Sugar Limited AIR 1998 SC 2059

⁷ Substituted for '70%', w.e.f. 26.1.1992.

The Air Act was enacted to prevent, control, and mitigate air pollution. Industries, cars, and household fires are important causes of air pollution. Air pollution harms the heart and lungs and reacts with hemoglobin in the blood. According to American Scientist Roggar Mustress, air pollution generates mental tension, which leads to a rise in crime in society.

An air pollutant is defined by the Air Act as any "solid, liquid, or gaseous substance, including noise, present in the atmosphere in such concentration as may be or tend to be injurious to humans or other living creatures or plants, or property or environment." The Act states that no individual shall develop or operate any industrial plant in an air-pollution control region without the prior authorization of the State Board. The Central Pollution Control Board and the State Pollution Control Board established under the Water Act have the authority and functions granted under the Air Act. The primary function of the Boards established under the Air Act is to enhance air quality and to prevent, control, and mitigate air pollution in the country.

The Board's licence may be conditional, with stipulations regarding the height of the stack and the provision of different control and monitoring systems. It is specifically stated that persons engaged in industry are not permitted to emit air pollutants in excess of the Board's criteria.

On the Supreme Court's orders⁸, the Delhi public transport system, including buses and taxis, is operating on a single fuel CNG mode. Initially, there was a lot of pushback from bus and taxi companies. However, they have realised that using CNG is not only environmentally good but also cost effective.

Noise has been classified as an air contaminant under the Air Act. When sound annoys or irritates, it becomes noise. There are numerous sources of noise pollution, including factories, cars, and the careless use of loudspeakers at weddings, religious rituals, and holy sites. The use of fireworks at festivals, game victories, and other such occasions creates not only noise pollution but also air pollution. Both of these pollutions are prevented and controlled under the Air Act.

The Environment (Protection) Act of 1986 was designed to provide for the protection and improvement of environmental quality, as well as the prevention, control, and abatement of environmental contamination. The Act was enacted as a direct result of the Bhopal Gas Tragedy.

⁸ M.C. Mehta v. Union of India, AIR 1998 SC 2963

The term 'environment' has been defined to include water, air, and land, as well as the interdependence of water, air, and land with humans, other living animals, plants, microorganisms, and property. The term is broad enough to encompass all living things, including plants and microorganisms, as well as their interactions with water, air, and land. The Act has granted the Central Government broad authorities to organise and implement a national policy for the prevention, control, and abatement of environmental pollution. It gives the government the authority to establish standards for environmental quality, the emission or discharge of environmental pollutants, to regulate industrial sites, to prescribe procedures for managing hazardous substances, to establish safeguards for preventing accidents, and to collect and disseminate information about environmental pollution. Any violation of the terms of the Act, its rules, orders, or instructions is punishable by imprisonment for a term of up to five years, a fine of up to one lakh rupees, or both. The Act is a 'umbrella' piece of legislation designed to provide a framework for the Central Government to coordinate the actions of different Central and State authorities formed under prior laws, such as the Water Act and the Air Act.⁹¹⁰

The Public Liability Insurance Act of 1991 was approved by Parliament to provide for public liability insurance for the purpose of providing immediate assistance to persons injured by an accident while handling any hazardous chemical and for things related thereto. The Act requires required public liability insurance for installations handling any hazardous substance in order to offer minimum relief to victims (other than workers) through the collector's decision system. As it is confined to only limited remedy, such insurance will be founded on the idea of 'no fault' responsibility. Apart from protecting the rights of accident victims, such insurance would also offer cover and allow the industry to fulfil its duty to settle big claims stemming from severe incidents. However, availability of immediate relief under this law would not prevent the victims to go to Courts for claiming large compensation.

The National Environment Tribunal Act of 1995 established strict accountability for damages resulting from any accident that occurred while handling any hazardous substance. The Act establishes a National Environment Tribunal to handle cases originating from such an event in an efficient and timely manner. It makes the owner of a business liable to pay compensation in the

⁹ Supra note 2, p. 68

¹⁰ See Public Liability Insurance Act, 1991, the Schedule

event of a person's death or injury, or damage to property or the environment as a result of an accident. The mishap had to happen while handling a dangerous chemical. A claimant may also apply to the Tribunal for remedies as permitted in the Public Liability Insurance Act of 1991.

The National Environment Appellate Authority Act, 1997 was enacted to provide for the establishment of a National Environment Appellate Authority to hear appeals regarding areas in which any industries, operations, or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986. After the Authority is established, no Civil Court or other authority shall have jurisdiction to hear an appeal on topics on which the Authority is empowered by the Act. It is clear that this Act was drafted with the goal of providing quick justice on environmental matters.

The Wild Life (Protection) Act of 1972 was passed in order to conserve wild animals, birds, and plants. The Act makes it illegal to hunt animals and birds listed in the schedules. The Act also makes it illegal to harvest, uproot, damage, or destroy any listed plant from any forest. The Act establishes the State animals Advisory Board to advise the State Government on the formation of policies for the protection and conservation of animals and specified plants, as well as the selection of sites to be designated as sanctuaries, national parks, and so on. The Act is overseen by a Director of Wildlife Preservation, who is assisted by Assistant Directors, and a Chief Wildlife Warden, who is assisted by other Wardens and their staff.

The Forest (Conservation) Act of 1986 was enacted to combat forest destruction. The Act states that no forest destruction or use of forestland for non-forest purposes is permitted without prior clearance from the Central Government. Forest conservation entails not only the preservation and protection of existing forests, but also reforestation. Reforestation should continue to replace the disappearing woods. It is an ongoing, interwoven process.¹¹ The Act is intended to save a noble cause, and it must be vigorously enforced for the benefit of the general public.

There is no doubt that there is a plethora of environmental regulation in India. However, the execution of these laws has been far from perfect. The constitutional requirement and other environmental legislation must be enforced effectively and efficiently.

¹¹ Anupama Minerals V. Union of India & Others, AIR 1986 A.P. 225

Administrative Structure

The Central and State Governments, as well as the Central Pollution Control Board and the State Pollution Control Board, are in charge of enforcing the Water Act and the Air Act. The Boards have been given broad powers, including the authority to order the closure or cessation of the supply of energy, water, or any other service to the polluting facility. It should be emphasised that the Central Government has similar rights under the Environment (Protection) Act.

Furthermore, the Central Government has created the Environment (Protection) Rules, 1986 under the Environment (Protection) Act, establishing out norms for the emission or discharge of environmental contaminants with respect to several important enterprises.¹² Other agencies that develop standards include the Central Pollution Control Board, State Pollution Control Board, Bureau of Indian Standards, and Municipal Corporations. There appears to be a variety of pollution control regulations for the same types of industries. However, the Central Government has been given the authority to set quality standards for air, water, soil, and other natural resources under the Environment (Protection) Act of 1986. It is intended that this will ensure consistency of standards across the country. Furthermore, many of the criteria have yet to be established as mandated under the individual Pollution Control Acts, which could be due to a lack of instruments to test pollution factors. This will have a negative impact on the process of enforcing laws.

Judicial Contribution

The right of a person to a pollution-free environment is enshrined in the law. Article 21 of the Indian Constitution ensures the fundamental right to life and liberty. The right to life and personal liberty has been interpreted by the Supreme Court to include the right to a healthy environment.¹³ The Court through its various judgements¹⁴ has held that the mandate of right to life includes right to clean environment, drinking-water and pollution-free atmosphere.

¹² e.g., Caustic soda, cement, electroplating, man made fibers, oil-refinery, sugar industry, thermal power plants, cotton textile, stone crushing unit, composite woollen mills, etc.

¹³ Rural Litigation and Entitlement Kendra, Dehradun V. State of U.P., AIR 1988 SC 1037

¹⁴ See for example, Subhash Kumar v. State of Bihar, AIR 1991 SC 420; M.C. Mehta V. Union of India. AIR 2000 SC 1997

Taj Mahal Case

In Taj Mahal's lawsuit¹⁵, the Supreme Court ordered that coal and coke-based companies in Taj Trapezium (TTZ) that were harming Taj be converted to natural gas or transferred outside TTZ. The Supreme Court once again asked the Forest Department to protect the trees planted around Taj.¹⁶

The Divisional Forest Officer, Agra, has been asked to take immediate action to ensure that water is provided to the plants. On the basis of a copy of the report, the Union Government is directed to disburse the money immediately without waiting for receipt of the proposal from the U.P. Government. Funding may be later negotiated with the U.P. Government, but in any case, the officer is expected to ensure that plants do not wither due to a lack of funds.

Dehradun Valley Case

In that case¹⁷, haphazard and risky limestone quarrying in the Himalayan Mussorie Hill range, mines blasting out the hills with dynamite, removing limestone from thousands of acres had disturbed the valley's hydrological system. The Supreme Court ordered and monitored the cessation of limestone quarrying in the hills.¹⁸

This will definitely cause them suffering, but it is the cost of defending and safeguarding the right of the people to live in a healthy environment with little disruption to natural equilibrium.

Smoking in public places

In 2001, the Supreme Court of India imposed ban on smoking of tobacco in public places all over the country¹⁹. Smoking causes harm not only to the smokers but also to non-smokers who are forced to inhale the second hand smoke. More than 3 million people die every year in India as a result of smoking tobacco including bidis and cigarettes²⁰. One lakh Indians get lung cancer every year because of smoking. Indeed, lung cancer kills 95% of its victims.²¹ As a result, the Supreme

¹⁵ M.C.Mehta v. Union of India, AIR 1997 SC 734; see also M.C.Mehta v. Union of India, AIR 1999 S.C. 3192

¹⁶ M.C.Mehta v. Union of India, (2001), 9 SCC 520

¹⁷ Rural Litigation & Entitlement Kendra v. Slate of U.P., AIR 1985 SC 652; see also AIR 1988 SC 2187

¹⁸ Id., at p. 654

¹⁹ Murli S.. Deora v. Union of India (2001) 3 SCC 765

²⁰ See Hindustan Times, New Delhi, dated 5.11.2001, p. 10

²¹ Ibid.

Court's decision has enormous social significance. However, no one worries about the ban. Cigarettes and bidis are openly offered in tobacco-free train stations, bus stops, movie theatres, and so on.

The required warning 'smoking is harmful to health' is displayed in such small size and colour that it is barely legible. Even if it is readable, it serves no function. As a result, societal awakening can only help us to prevent smoking.

Pollution in Delhi

In *Almitra H. Patel v. Union of India*²², the Supreme Court reiterated the observations made in *Wadehra's case*²³-The historic city of Delhi, India's capital, is one of the most polluted places in the world. The agencies in charge of pollution management and environmental protection have failed to offer a clean and healthy environment for Delhi inhabitants. The surrounding air is so filthy that breathing is impossible. A growing number of Delhi residents are suffering from respiratory illnesses and throat infections. The river Yamuna, the primary source of drinking water supplies, serves as a free dumping ground for untreated sewage and industrial garbage. Aside from air and water pollution, the city is essentially a garbage dump. Garbage strewn everywhere in Delhi is a regular sight. The Court ordered the authorities to take immediate action to control pollution and protect the environment.

Sri Ram Food and Fertilizer Case

In that case²⁴, a significant leak of oilium gas affected a big number of people, both workers and the general population. The Supreme Court ruled that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm occurs as a result of an accident in the operation of such hazardous or inherently dangerous activity resulting in the escape of toxic gas, the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident, with no exceptions.

²² AIR 2000 SC 1256

²³ Dr. B.L Wadehra v. Union of India, AIR 1996 SC 2969

²⁴ M.C. Mehta v. Union of India, AIR 1987 SC 1086

Public Health

The Supreme Court has underlined the necessity of public health maintenance. In *Subba Rao v. State of Himachal Pradesh*²⁵, the Supreme Court ordered the closure of a bone factory that polluted the atmosphere with its unpleasant odour and made people's lives miserable. Nobody can conduct business at the expense of public health.

To protect the environment and prevent pollution around the tourist resorts of Badkhal and Suraj Kund, the Supreme Court ordered that mining operations be halted within a two-kilometer radius of these two resorts.²⁶

The Supreme Court held in *Municipal Council, Ratlam v. Vardhichand & Others*²⁷ that the grievous failure of local authorities to provide the basic amenity of public conveniences drives the miserable slum-dwellers to ease in the streets, on the sly at first, and openly thereafter, because under nature's pressure, bashfulness becomes a luxury and dignity a difficult art. A responsible Municipal Council formed to protect public health cannot avoid its responsibilities by claiming financial inability.

Public Park

A public park location cannot be transformed into a private care facility. In *Banglore Medical Trust v. B.S. Muddappa*²⁸, the Supreme Court overturned the Bangalore Development Authority's decision to grant permission for the conversion of a public park site to the establishment of a nursing home, observing that "the public interest in reserving and preserving open spaces for parks and playgrounds cannot be sacrificed by leasing or selling such sites to private persons for conversion to some other use."

In another case²⁹, a park had been around for a long time. Changes were made that could not be reversed due to the development of an underground shopping complex and parking. The Supreme Court ordered the building on the park's site to be demolished, ruling that no body has the jurisdiction to issue approval to change the land use of a site reserved for public park.

²⁵ AIR 1989 SC 171

²⁶ M.C.Mehta v. Union of India 1996 (4) SCC 351

²⁷ AIR 1980 SC 1622

²⁸ AIR 1991 SC 1902.

²⁹ M.I. Builders Pvt. Ltd v, Radhey Shyam Sahaoo, (1999) 6 SCC 464.

Sustainable Development

'Sustainable development' refers to development that satisfies the requirements of the present without jeopardising future generations' ability to meet their own needs. The Supreme Court of India elaborated on the notion of 'sustainable development' in *Vellore Citizens Welfare Forum v. Union of India*³⁰, which has now been accepted as part of the law of the land. The "precautionary principle" and the "polluter pays principle" are critical components of "sustainable development." The 'precautionary principle' requires the state government to anticipate, prevent, and address the causes of environmental degradation³¹.

The Supreme Court in *M.C. Mehta v. Union of India*³² observed thus:

We have no hesitation in stating that in order to protect the two lakes (Badhkal and Suraj Kund) from environmental degradation, development activities in their immediate area must be limited. The 'polluter pays principle' states that the financial expenses of preventing or repairing pollution-related damage should be borne by the polluters. The 'polluter pays principle' has been declared to be a valid principle, and as defined by the Supreme Court of India³³, it indicates that the absolute culpability for environmental harm extends not only to compensate pollution sufferers, but also to the expense of correcting environmental deterioration. Remediation of the damaged environment is part of the process of 'sustainable development,' and as such, the polluter is responsible for both the cost of individual victims and the cost of reversing the damaged ecological.

The aforementioned case study clearly demonstrates that the Supreme Court of India has played a critical role in environmental protection and enhancement. The Court's jurisdiction has been increased through Public Interest Litigation. The judiciary has played an important and admirable innovative role.

³⁰ AIR 1996 SC 2715

³¹ *M.C. Mehta v. Union of India*, (1997) 1 Camp L.J. 199 (SC)

³² *Id.*, at 203

³³ *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446; see also *Vellore-Citizens Welfare Forum v. Union of India*, AIR 1996 SC 2715; *M.C. Mehta v. Union of India* (1997) 1 Camp L.J. 199(SC)

Environment Case

We have witnessed an increase in the number of lawsuits brought before the Courts in recent years based on environmental contamination, ecological devastation, and conflicts over natural resources. In the majority of these cases, natural scientific competence is required to inform judicial decision-making. These circumstances necessitate a high level of scientific and technological complexity. The experience shows that prosecutions initiated in ordinary Criminal Courts under the provisions of the Water Act, Air Act, and Environment (Protection) Act never reach their conclusion, either due to the workload in these Courts or a lack of understanding of the importance of environmental issues on the part of those in charge of conducting those cases.³⁴ Furthermore, any orders issued by the authorities under the Water Act, the Air Act, and the Environment (Protection) Act are immediately challenged in Court by the industries. Those proceedings can take years and years to complete. Interim orders are frequently obtained in the meanwhile, essentially preventing authorities from assuring the fulfilment of their orders.³⁵ As a result, it is critical to establish a distinct machinery to reduce the delays that are impeding the execution of environmental legislation. Furthermore, judicial authorities may not be able to grasp scientific and technological matters on their own. As a result, it is proposed that provisions be made for the establishment of Environment Courts with one judge and two specialists from ecological and other sciences. To begin, we could have a two-tier structure, one at the state level and one at the national level, which could eventually be expanded to the district level. Such courts may be given the authority to hear both criminal prosecution cases under various environmental laws and civil cases for compensation to victims of any action that causes environmental damage or pollution. These Courts should be authorised to use summary proceedings to expedite the resolution of matters. The decision of the State Environment Courts may be appealed to the National Environment Court, and the decision of the National Environment Court may be appealed to the Supreme Court. The provisions should only allow for one appeal.

³⁴ Indian Council for Enviro-Legal Action v. Union of India & Others, AIR 1996 SC 1446

³⁵ Ibid.

Conclusion and Suggestions

The above investigation leads us to the following conclusions and recommendations:

- i) We have over 200 Central and State laws dealing with environmental issues. More laws equals more enforcement challenges. A comprehensive and integrated environmental protection law is required for effective enforcement.
- ii) Enacting legislation is not enough. Everyone in society must adopt a positive attitude in order for these laws to be effectively and efficiently enforced.
- iii) The powers granted to Pollution Control Boards are insufficient to control pollution. The Boards do not have the authority to punish violators, but they can file lawsuits against them in court, which eventually defeats the purpose and intent of the Environmental Laws due to lengthy delays in considering cases. As a result, giving the Boards additional authority is an absolute necessity.
- iv) The Environment Protection Laws have failed to bring about the desired results. Consequently, for the purpose of efficient and effective enforcement of these laws, it is necessary to set up the Environment Courts; with one Judge and two technical experts from the field of Environmental Science and Ecology. These Courts should be allowed to adopt summary proceedings for speedy disposal of the cases. To begin with we may have such Courts at the State and National levels that may later be extended to district level on need-based principle. In order to discourage prolonged litigation, the provisions should be confined to single appeal.
- v) There are numerous environmental pollution control regulations for the same types of industries. However, the Central Government now has the authority to set criteria for the quality of air, water, and soil under the Environment (Protection) Act of 1986. It is intended that this will ensure consistency of standards across the country.
- vi) To strictly enforce environmental rules, courts should reject simple mis-descriptions and technological errors. The judiciary has played an important and admirable innovative role. The Courts' jurisdiction has been enlarged through Public Interest Litigation. The Supreme Court of India has played an important role in directing administrative agencies to take the necessary actions to improve the environment on a regular basis.
- vii) The Public Liability Insurance Act of 1991, which mandates public liability insurance for hazardous material installation and handling in order to give victims with minimal

relief, is a positive step in the right direction. Apart from protecting the interests of accident victims, such insurance will also offer protection and enable the firm to satisfy its liability.

- viii) What we need is grassroots social awareness, not top-down legislation. No law will work unless the contact is voluntary. To educate people about environmental issues, free slide shows in regional languages should be shown in movie theatres and on television. Furthermore, as required by the Supreme Court of India, environment studies shall be made a graded compulsory subject at the school and college levels in order to raise broad awareness.
- ix) Given the enormity of the required funding, a prudent mix of incentives, phasing, and awareness-raising campaigns about cost-effective solutions is essential as the first prong of the plan to limit environmental degradation.
- x) The conventional notion that progress and ecological are diametrically opposed is no longer acceptable, because 'sustainable development' is the solution. The Supreme Court has recognised sustainable development as part of the law and has stated that the 'precautionary principle' and the 'polluter pays concept' are vital components of sustainable development.
- xi) Natural resource extraction must be done with due diligence and care so that ecology and the environment are not negatively impacted. To conserve and improve the environment and maintain national wealth, the Central Government must engage in long-term planning in collaboration with state governments.
- xii) Finally, environmental conservation and maintaining ecological balance are tasks that must be undertaken not only by the government but also by every individual, association, and organisation. It is a social commitment and essential duty that is incorporated in Article 51 A (g) of the Indian Constitution.