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# **JUDICIAL ACTIVISM AND ENVIRONMENTAL PROTECTION**

**AUTHORED BY - PRADNYA P. DABHADE**

## **ABSTRACT**

Since more than 20 years ago, India's higher judiciary has protected the environment admirably. The judiciary, the Apex Court in particular did not neglect its obligations under the Constitution to safeguard environmental issues. The judiciary seized administrative responsibilities without hesitation, forming expert committees in several instances to recommend ways to stop the nation's tanneries and industries from releasing environmental pollutants into the air. To strike a balance between the rights to the environment and development, the Indian judiciary has developed a number of sustainable development principles rather than taking a wholly negative stance on the implementation of significant developmental protections. Therefore, the objective of the paper is to examine the environmental approach of Indian judiciary.

**Key words:** Environment, Judicial Review, Judiciary, Constitution, Environmental Jurisprudence<sup>1</sup>

## **INTRODUCTION**

India has a long-standing tradition of protecting and preserving its natural environment; but, throughout the Indus Valley human advancement period, people were also very aware of climate and biology. Furthermore, there were many rigorous and significant thoughts surrounding the concept of climate security, which put stock in India. In this ecological context, however, the judiciary has risen into the event to make successful strides in controlling climate contamination by playing its activated job in India after emerging from the four corners of legal impulse. Natural contamination issues have not, however, been as expected controlled and checked because of the lack of use and compelling execution of protected as well as authoritative arrangements.<sup>2</sup>

<sup>1</sup> <https://lawbhoomi.com/role-of-judiciary-in-environment-protection/>

<sup>2</sup> <https://www.mondaq.com/india/clean-air-pollution/945304/climate-change---indian-law-and-judiciary>

### Basic Concepts:

Justice administration is referred to as "judicial," and involvement is referred to as "activism." Participation in the administration of justice is what each of these terms are composed of. The question now is: Why is administrative engagement necessary? This straightforward issue has a clear answer: administrative engagement is necessary for the administrative machinery to operate well since it acts as a check and balance. The legislative, executive, and judicial branches make up the three main parts of the government. The primary responsibility of the legislative is to draft laws for the nation; the executive branch is tasked with carrying out these laws, and the judiciary is responsible for providing legal interpretation.<sup>3</sup>

Generally speaking, the court must exercise its authority whenever the other two branches of government—the legislative and executive branches, for example—fail to do so. Judicial activism is the term for the judiciary's inquisitiveness about its dominance over various organs and its willingness to step in when the other two are unable to perform as expected. The Indian judiciary thus assumes a proactive role in upholding citizens' rights and obligations. Despite in case of Judicial activism, the judiciary works beyond its power and providing the directions to executive about the functions that it must carry out. The balancing of skills must be during the performance of functions by judiciary. The concept of "Judicial Activism" first time emerged in U.S.A and given by the historian Arthur Schlesinger, Jr. in 1947. In India the concept was given by "Justice V.R Krishna Iyer, Justice P.N Bhagwati, Justice O.Chinnappa Reddy, and Justice D.A Desai".<sup>4</sup>

### WHAT IS ENVIORNMENT?

"We have forgotten how to be good guests, how to walk lightly on the Earth as its other creatures do."

- Barbara Ward

"Environment" is a difficult word to define. Its normal meaning relates to surroundings, but obviously that is a concept which is relatable to whatever object it is which is surrounded.

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<sup>3</sup> Bharati Law Review, Jan. – March, 2017 by Prof. Dr. Nishtha Jaswal and Dr. Lakhwinder Singh

<sup>4</sup> <https://docs.manupatra.in/newsline/articles/Upload/OBD8AAF5-4031-484F-AB92-2B84EFE0ABCA.pdf>

Einstein had once observed, "The environment everything that isn't me Environment is a polycentric and multifaceted problem affecting the human existence. Man is nature's best promise and worst enemy. If for the progress of the society industry is necessary, pollution is inevitable. Since progress and pollution go together, there can be no end to progress, and consequently, no escape from pollution. If industry is a necessary evil, pollution is the surest sufferance. "Pollution" is a noun derived from the transitive verb "pollute". Pollution also means direct or indirect discharge by man of substance or energy into the aquatic environment resulting in hazard to human health, harm to living resources and aquatic. The protection of environment is a global issue and it is not an isolated problem of any area or nation.

Environment is defined under Section 2 (a) of the Environment (Protection) Act 1986 defines:<sup>5</sup>

1. Environment: "Environment includes water, air and land and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property".
2. "Environmental Pollution" means the presence in the environment of any environmental pollution.
3. "Environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment.

## HISTORICAL BACKGROUND <sup>6</sup>

Historical, social, and legal issues have all impacted the development of environmental legislation and judicial review in India. The courts have been a major factor in determining environmental policy and enforcement since the 1950 passage of the Constitution, which gave the judiciary the authority of judicial review through Articles 32 and 226. The environmental movement in the country was initiated by early environmental concerns, particularly in the 1970s, which brought attention to issues including deforestation and industrial pollution. With the passage of the Environmental Protection Act (EPA) in 1986, the government was given the authority to establish regulations for emissions and effluents, as well as a legal foundation for environmental preservation.

<sup>5</sup> The Environment (Protection) Act, 1986

<sup>6</sup> Book for Environment Law – by RAMCHANDRA GUHAN

With major judgments like *M.C. Mehta v. Union of India*<sup>7</sup> setting precedents for environmental jurisprudence, judicial activism particularly through Public Interest Litigation, or PIL has been essential in resolving environmental challenges. As evidenced by decisions like *Vellore Citizens Welfare Forum v. Union of India*, the judiciary has placed a strong emphasis on the idea of sustainable development, which strikes a balance between environmental preservation and economic expansion. The National Green Tribunal (NGT), which was established in 2010, is one of the specialized bodies that has significantly reinforced environmental enforcement and adjudication. India's domestic environmental laws and policies are influenced by its international commitments to environmental accords.

In summary, the historical context of environmental law and judicial review in India highlights the critical role that the judiciary plays in protecting the environment and promoting sustainable. A social movement is described as "an organized attempt by a number of people united by a shared belief to effect or resist changes in the existing social order by non-institutionalized means" in the International Encyclopaedia of Sociology.

Ideas behind the environmental movement What a social movement's participants perceive to be the improvement of society is its ultimate goal. The rights and privileges of the people with respect to forest resources have been gradually encroached upon by the State over the last century<sup>8</sup>. Throughout India, the Gandhian non-cooperationist protest strategy known as "Forest Satyagraha" has been the primary means by which the populace has disputed this encroachment.<sup>9</sup>

The "Chipko" or "Embrace-the-Tree" movement, which aimed to save trees designated for cutting down, brought this form of protest back to life in the Garhwal Himalayan forests after independence. Chipko has become widely practiced throughout the country, particularly in the hilly areas, despite having originated in the Garhwal Himalaya.

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<sup>7</sup> <https://legaldesire.com/role-of-judiciary-in-environmental-protection/>

<sup>8</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3311406](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3311406)

<sup>9</sup> <https://www.oxfordbibliographies.com/display/document/obo-9780199363445/obo-9780199363445-0026.xml>

MOMENTS FOR PROTECTION OF ENVIRONMENT IN INDIA<sup>10</sup>1) CONFLICTS OVER FOREST RESOURCES AND THE EVOLUTION OF THE CHIPKO MOVEMENT<sup>11</sup>

When the High Court heard the argument over the interim compensation that the District Court of Bhopal had ordered, this attempt continued. The Union of India and the UCC, however, both contested the Madhya Pradesh High Court's ruling. The reduction in interim compensation amount was criticized by the Indian government, and the United Court of Canada argued that the court had the authority to grant interim compensation in a damages matter when the foundation of liability was in dispute.

Natural forests were thus used to relieve the strain of household demands, which were no longer met by community woodlands and meadows. Second, massive fells in natural forests were made to meet non-local commercial needs, like sleepers (railroad ties) for the growing Indian railway network and shipbuilding for the British Royal Navy. Rather than focusing on the forests themselves, forest conservancy aimed to preserve the income from the forests. Severe confrontations emerged on two fronts as a result of this limited conception of conservation. The new management structure disregarded local basic needs in favor of catering solely to commercial demands at the level of utilization.

2) SATYAGRAHA AS A NON-VIOLENT MODE OF CONFLICT RESOLUTION<sup>12</sup>

Satyagraha, in the Gandhian view, was the use of nonviolent resistance as a political weapon in place of the force of arms. Unlike many other well-known political philosophies, Gandhian philosophy has never been claimed to be strictly materialist. In the absence of such overt categorization, Gandhian philosophy usually has been assumed to be based on subjective, idealist, or moral forces, rather than objective or materialist ones. Accordingly, the most important political weapon used in the Gandhian movements, the satyagraha, has always been mystified as an emotional force without any materialist base. A closer socio historical evaluation is needed to demystify the image of Gandhian satyagraha's and to establish the materialist basis of Gandhian movements such as Chipko. The power of satyagraha, in the form

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<sup>10</sup> Environmentalism: A Global History, November 2016

<sup>11</sup><https://www.google.co.in/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.britannica.com/topic/Chipkomovement&ved=2ahUKEwjM4ZKDgKmFAxX84DQHHRzuCngQFnoECDMQAQ&authuser=2&usg=AOvVaw1uTLaDYv8vgJ3lu4XHgeaT>

<sup>12</sup> Satyagraha as a Peaceful Method of Conflict Resolution – By Vibhuti Patel

of non-cooperation, has been a traditional mode of protest against exploitative authority in India. In Hind Swaraj, Gandhiji wrote that through satyagraha he was merely carrying forward an ancient tradition: "In India the nation at large had generally used passive resistance in all departments of life. We cease to cooperate with our rulers when they displease us." Unfortunately, in spite of the fact that Gandhian satyagraha's were used to oppose the economic system that created material poverty and underdevelopment, usually they have been described and understood as non-material and spiritual transformations without any materialist base.

### 3) NARMADA BACHAO ANDOLAN<sup>13</sup>

The Narmada Basin covers an area of approximately 94,500 square kilometres between the Vindhya and the Sapura ranges Central India. It is the site of the Narmada Valley Development Project (NVDP), an ambitious project that seeks to harness the river Narmada that flows through the three states of Madhya Pradesh, Maharashtra and Gujarat. The Narmada Bachao Andolan has successfully brought to public domain the hitherto closed and protected discourse on mega development projects, there by opening new vistas for environmental movements. The protest also has pointed out the necessity to address the shortcomings in institutional frameworks governing big developmental projects by laying bare the ecological implications of such mega development projects.

Medha Patkar has been a central organizer and strategist for Narmada Bachao Andolan (NBA), a people's movement organized to stop the construction of a series of dams planned for India's largest westward flowing river, the Narmada. The World Bank-financed Sardar Sarovar Dam is the keystone of the Narmada Valley Development Project, one of the world's largest river development projects. The dam and its associated canal system would also displace some 320,000 villagers, mostly from tribal communities, whose livelihoods depend on these natural resources. The Narmada Bachao Andolan began as a resistance against the Sardar Sarovar Project (SSP).

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<sup>13</sup> <https://rightlivelivelihood.org/the-change-makers/find-a-laureate/medha-patkar-and-baba-amte-narmada-bachao-andolan/>

4) BHOPAL GAS LEAK DISASTER CASE <sup>14</sup>

The biggest mass tragedy in recent memory occurred on the night of December 2-3, 1984, as a result of methyl isocyanate and other hazardous gases leaking from Union Carbide India Ltd. (UCIL) at Bhopal. It is a division of the international corporation Union Carbide Corporation (UCC), which is based in the United States. Numerous individuals suffered severe injuries, and about 2660 people died instantly. But the death toll had increased to four thousand. The families of many of the impacted individuals as well as the legal representatives of the deceased filed many lawsuits seeking damages against UCC in the United States District Court of New York. The Union of India asserted its right to sue for damages on behalf of the harmed parties and filed an action for the same under the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985. Judge Keenan aggregated all of the lawsuits and rejected them on the grounds of forum discomfort.

Judge Keenan declared on May 12, 1986, that the Indian court ought to have the "capacity to stand tall before the world and to pass judgment on behalf of its own people." The Indian government launched a lawsuit in the Bhopal district following the ruling of Keenan Judge, exercising its authority under the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, and was granted interim compensation in the amount of Rupees 350 crores. This sum was lowered to rupee 250 crores following an appeal to the Madhya Pradesh High Court filed by UCC. In the Supreme Court, this order was contested.

When the High Court heard the argument over the interim compensation that the District Court of Bhopal had ordered, this attempt continued. The Union of India and the UCC, however, both contested the Madhya Pradesh High Court's ruling. The reduction in interim compensation amount was criticized by the Indian government, and the United Court of Canada argued that the court had the authority to grant interim compensation in a damages matter when the foundation of liability was in dispute.

#### ENVIRONMENTAL JURISPRUDENCE

Indian philosophy has long included environmental ethics as a fundamental component. Gandhian philosophy places a strong emphasis on the idea that "Nature has provided everything for our need but not for our greed," that each person's duty in society is to preserve

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<sup>14</sup><https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1142333/#:~:text=On%20December%203%201984%2C%20more,death%20for%20many%20thousands%20more.>

nature, and that people should revere natural objects. India's environmental jurisprudence has benefited greatly from the theories that courts have developed. Through a two-pronged approach to interpreting the Constitution and establishing environmental protection dicta, as well as through innovation in the processes of enforcing these protections so that they do not remain empty promises, the Supreme Court of India has contributed to the body of environmental jurisprudence in India.<sup>15</sup>

According to Article 21 of the Indian Constitution, "No person shall be deprived of his life or personal liberty except in accordance with a procedure established by law." The Supreme Court of India and other Indian judiciaries have construed this provision broadly to cover a range of environmental law issues. With Article 21 acting as a cornerstone, environmental jurisprudence in India has undergone tremendous evolution. As a fundamental component of the right to life protected by Article 21, the judiciary has acknowledged the right to a healthy environment. Due to the expansion of the application of environmental legislation as a result of this interpretation, the state must now guarantee environmental conservation and protection. In *Subhash Kumar vs. State of Bihar*<sup>16</sup>, the Supreme Court held that right to life is a fundamental right under Art. 21 of the Constitution and it includes the right to enjoyment of pollution free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws a citizen has recourse to Art. 32 of the Constitution for removing the pollution of water or air which may be detrimental to life.<sup>17</sup>

In *M. C. Mehta vs. Union of India*<sup>18</sup> (the Oleum Gas Leak case), the Supreme Court established a new concept of managerial liability - 'absolute and non-delegable' - for disasters arising from the storage of or use of hazardous materials from their factories. The enterprise must ensure that no harm results to anyone irrespective of the fact that it was negligent or not. In *Vellore Citizens Welfare Forum vs. Union of India*,<sup>19</sup> the Supreme Court held that industries are vital for the country's development, but having regard to pollution caused by them, principle of 'Sustainable Development' has to be adopted as the balancing concept. 'Precautionary Principle' and 'Polluter Pays Principle' has been accepted as a part of the law of the country.

The development and implementation of the concepts in the environmental protection judicial system are noteworthy turning points in the history of Indian environmental law. The

<sup>15</sup> Journal of General Management Research Vol. 1, Issue 1, January 2014, pp. 1-13

<sup>16</sup> 1991 1 SCC 598

<sup>17</sup> P M Bakshi - Article 21 of The Indian Constitution (19<sup>th</sup> Edition)

<sup>18</sup> 1987 SCR (1) 819

<sup>19</sup> AIR 1996 SC 2715

Supreme Court of India, in particular, has developed certain notable guidelines that lower courts should go by while handling environmental disputes. The Indian judiciary has also consolidated environmental jurisprudence on a case-by-case basis. They have attempted to fill the void left by the legislature and the inaction of the executive branch. The Civil Society's environmental preservation movement has provided the Indian judiciary with the much-needed boost.

#### ACTS CAME AFTER ENVIRONMENT LAW

Over the past century, rapid population growth has strained natural resources to their limits, with unsustainable farming practices, chemical usage, and overexploitation of water leading to environmental degradation. Pollution from industrial and vehicular emissions has compromised air and water quality, while urbanization has exacerbated waste management challenges. The consequences, including melting ice caps, contaminated water sources, and health epidemics, serve as urgent reminders of the need for action. Both government and individuals bear responsibility for this crisis, highlighted by the failure to prioritize environmental protection amidst other pressing issues like terrorism and corruption. Despite constitutional mandates, inadequate legislative measures and judicial oversight further compound the problem. Urgent action is imperative to avert catastrophic consequences and safeguard our planet for future generations.

#### 1. Wild Life (Protection Act), 1972<sup>20</sup>

This act has been provided so that the wildlife which is an integral part of the ecosystem can be protected and guarded against extinction. Under this Act every State has to constitute a Wildlife Advisory Board. Certain areas are to be declared as sanctuaries and National Parks. This is Act being basically for the protection of animals, plants and birds which live in forests. Hunting of the wild animals is permitted only when such animals become dangerous to the human beings or it becomes diseased beyond recovery.

#### 2. The Indian Forest Act, 1927

Section 26(i) of the Act makes it punishable if any person, who, in contravention of the rules made by the State Government, poisons water of a forest area. The State Government has been

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<sup>20</sup> Tayal, B.B. & Jacob, A. (2005), Indian History, World Developments and Civics, pg. A-33 empowered under Section 32(f) to make rules relating to poisoning of water in forests.

3. The Water (Prevention and Control of Pollution) Act, 1974

National water law is more developed than international water law. Nevertheless, India lacks an umbrella framework to regulate freshwater in all its dimensions. The existing water laws framework in India is characterised by the coexistence of a number of different principles, rules and acts adopted over many decades. These include common law principles and irrigation acts from the colonial period as well as more recent regulation of water quality and the judicial recognition of a human right to water.

4. The Water (Prevention and Control of Pollution) Act, 1974

This act is the first ace thrown by the Indian government. This act empowers SPCB / PCC to enter into industrial plants, factories, etc., and inspect plant, records registers and documents. It also Empowers SPCB / PCC to take samples of industrial effluents and analysis of same. This act has clauses which also Provides for Criminal liabilities.<sup>21</sup>

5. Air (Prevention and Control of Pollution) Act, 1981

The objective of the Act was to provide prevention, control and abatement of air pollution. This Act basically aimed at the industrial pollution and automobile pollution.

6. Environment (Protection) Act, 1986

A cursory analysis of its Preamble makes it obvious that the objectives of the enactment are three-fold. Protection of the environment, Improvement of environment and Prevention of hazards to human beings, other living creatures, plants and property. This is an umbrella legislation, that has a broad spectrum indeed. It covers from Radio- Active Substances disposal to use of plastic bags.

7. The Noise Pollution (Regulation and Control) Rules, 2000

‘Noise is a silent killer’, keeping in mind this valuable advice (which perhaps may/ may not be the source of the acts revival), According to this act the State Government shall categorize industrial, commercial, and residential or silence zones and implement noise standards. Furtherit also restricts the use of loudspeakers, amplifiers, beats of drum and tom-tom except with the

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<sup>21</sup> Ibid permission of the authorities.

## CONSTITUTION AND ENVIRONMENT<sup>22</sup>

Before the 42nd Amendment - The Constitution of India came into force on 26<sup>th</sup> January, 1950. At that time, it did not contain any specific provision dealing directly with environment. Only provision which was of some significance was Article 47 of the Directive Principles of State Policy which reads:

**“The State shall regard the raising of the level of nutrition and standard of living of its people and improvement of public health as among its primary duties.”**

Article 21 of the Constitution which deals with the right to life and personal liberty was not of much help in the beginning as it was given a very restricted and narrow meaning. This Article runs as follows:

**“No person shall be deprived of his life or personal liberty except according to procedure established by law.”**

But in due course of time the problem of pollution and environment started drawing attention of environmentalists. In the year 1972 our Prime Minister late Mrs. Indira Gandhi attended the United Nations Conference on Human Environment and Development at Stockholm. In that conference the following two resolutions were passed which are known as the Magna Carta of our environmental law:

- (a) Man has the fundamental right to freedom, equality and adequate conditions of life in an environment of quality that permits a life of dignity and well-being; and
- (b) Man bears a solemn responsibility to protect and improve the environment for present and future generations.

**42nd Constitution Amendment and after - In 1976**, under the leadership of late

Mrs. Indira Gandhi, the Constitution's 42nd Amendment was passed and provisions regarding the protection of environment were incorporated into it. In the Chapter of Directive Principles of State Policy, a new provision in the form of Article 48A was incorporated which runs as



follows: “48-A. Protection and Improvement of Environment and safeguarding of Forests and Wildlife - The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.” Apart from this provision, a new provision in the form of “**Fundamental Duties**” as Article 51A was also incorporated by the 42nd Constitution amendment. Sub-clause (g) of Article 51A is important which provides “It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.” The above-mentioned constitutional provisions impose two-fold responsibilities.<sup>23</sup>

In United Nations Conference on Human Environment, at Stockholm the then Prime Minister of India Mrs. Gandhi while displaying the nations commitment to the protection of environment, said. “The natural resources of the earth, including the air, water, land flora and fauna and especially representative sample of the nature ecosystem must be safeguard for the benefits of present and future generations through careful planning or management, as appropriate. Natural conservation including wildlife must therefore receive importance in planning for economic development.

#### JUDICIAL ACTIVISM AND ENVIRONMENT LAW

Judicial activism in the field of environmental protection has been applauded by many people.<sup>24</sup> However, it is important to note that judicial activism has serious limitations, and executive laxity and unconcern towards environment cannot be made good just by judicial activism. Judicial activism cannot make good laxity in the enforcement of environmental laws. There can be no substitute for a check on the executive by a vigilant public and a people’s movement to save the environment. By the powers vested in the Judiciary, and through its activism, it has actively contributed in the strengthening the fundamental rights granted by the Constitution.

Sanitation in Ratlam<sup>25</sup>: In a landmark judgment in 1980, the Supreme Court explicitly recognized the impact of a deteriorating urban environment on the poor. It linked basic public

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23 M. P Jain Indian Constitution Law – 8th Edition, 2018

24 Like M.C. Mehta, Satyaranjan Sathe, Justice Kuldeep Singh and Justice Ashok Desai

25 Ratlam Municipality v. Vardichand AIR 1980 SC 1622

health facilities to human rights and compelled the municipality to provide proper sanitation and drainage.

Doon valley Case<sup>26</sup>: In 1987, the Rural Litigation and Entitlement Kendra, on the behalf of residents of the Doon valley, filed a case in the Supreme Court against limestone quarrying. This case was the first requiring the Supreme Court to balance environmental and ecological integrity against industrial demands on forest resources. The courts directed the authorities to stop quarrying in the Mussoorie hills.

Gas leak in Shriram factory<sup>27</sup>: In the historic case of the oleum gas leak from the Shriram Food and Fertilizer factory in Delhi, in 1986, the Supreme Court ordered the management to pay compensation to the victims of the gas leak. The “absolute liability” of a hazardous chemical manufacturer to give compensation to all those affected by an accident was introduced in this case and it was the first-time compensation was paid to victims.

Construction in Silent Valley<sup>28</sup>: In 1980, the Kerala High Court rejected a writ filed by the Society for the Protection of the Silent Valley seeking a ban on construction of a hydro-electric project in the valley. However, despite unfavourable judgment, active lobbying and grassroots action by environmentalists stopped the project.

In 1985, activist-advocate M C Mehta filed a writ petition in the Supreme Court to highlight the pollution of the Ganga <sup>29</sup> by industries and municipalities located on its banks. In a historic judgment in 1987, the court ordered the closure of a number of polluting tanneries near Kanpur. Justice E S Venkataramiah, in his judgment, observed: “Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist, a tannery which cannot set up a primary treatment plant cannot be permitted to continue to be in existence.”

Mining in Sariska<sup>30</sup>: A writ petition was filed in the Supreme Court in 1991 by the Tarun Bharat Sangh to stop mining in the Sariska wildlife sanctuary. The court banned mining in the sanctuary.

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26 Rural Litigation and Entitlement Kendra v. State of U.P., AIR 1985 SC 652

27 M C Mehta v. Union of India, AIR 1987 SC 965

28 Society for Protection of Salient Valley v. Union of India and other AIR 1980 Ker 24

29 M.C Mehta v. Union of India, AIR 1987 SC 985

30 Tarun Bharat Sangh, Alwar v. Union of India, AIR 1992 SC 514

## CONCLUSION

In our nation, environmental protection was not a top priority. In the 1980s, environmental awareness became evident. As time went on, its strength increased. The judiciary's activity was a major contributing factor in this. Environmentalists, residents of polluted areas, and non-governmental organizations were forced to approach the judiciary, particularly the higher judiciary, for appropriate remedies because the state agencies' inability to effectively enforce environmental laws, in addition to polluters' non-compliance with statutory norms, resulted in further degradation of the environment and affected public health. The courts attempted on multiple occasions to address the tension between environmental preservation and development. It's common to refer to this willingness as judicial activism. Through the use of the Public Interest Litigation tool, the judiciary expanded the meaning of locus standi and enabled citizens to petition the court in cases where a state, organization, or individual's actions have negatively impacted the public interest. This has led to the development of environmental jurisprudence. The PIL's significant importance is a distinctive aspect of Indian environmental jurisprudence. Judicial activism refers to the higher judiciary's involvement in matters involving violations of human rights and the environment. The Supreme Court convened expert panels and rendered decisions in matters involving intricate environmental issues. It is true that the judiciary is playing a great role for the protection of our environment but still a lot is required to protect our environment. It is suggested that each and every citizen shall come forward to protect environment as the charity begins at home. Let us save our environment.

## SUGGESTIONS

Increasing judicial review in environmental law necessitates a diverse strategy. Enhancing judicial competence via specialized training programs and multidisciplinary cooperation can provide judges with the know-how to handle the complicated nature of environmental litigation. Judicial review can be made more accessible and efficient by embracing technology tools like electronic file systems and remote hearings. In addition, it is imperative to promote international cooperation, public participation, and improved access to justice in order to guarantee the efficient enforcement and upholding of environmental laws. Encouraging public education and awareness along with strengthening environmental impact assessments provide citizens more authority to hold parties responsible for environmental infractions.