

Environmental laws: Indian perspective

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Abstract

'Environment' defined under Indian Law according to Section 2(a) of the Environmental Protection Act, 1986, 'Environment' includes Water, air and land and the inter-relationship which exists among and between, water, air, land, and human beings, other living creatures, plants, microorganisms and property. Environmental law is a collective term describing the network of treaties, statutes, regulations, common and customary laws addressing the effects of human activity on the natural environment. This article pertains to study of laws associated with protection of environment. The article shows the study of various laws which were being framed by Indian government and Indian judicial system. It clearly states that for the protection of environment the government and the Indian judicial system have worked since very early years. But to protect the environment we need corporation of people as well as Indian judicial system.

Keywords: environment, law, judicial

Introduction

For the development of society, environment is the most important key factor which is also a part of human living. We see around us that due to technological and industrialization the most negatively affected area is the environment in which we live. Many surveys reported that the purity has been lost in past 15 years and we are heading towards the black zone of climate. To make sustainable survival of not only human beings on this planet but also sustainable wild life we need to protect and save this environment. It is the social duty of each individual to protect and save this earth but we all in our own greed are forgetting the surroundings and remain engaged in wealth creation and accumulation.

So in this article we are highlighting the various laws which were framed in order to save and protect the environment. Indian judicial system has been continuously engaged in searching flaws and creating new laws for the protection of our environment. Government since past many years is making efforts to fulfil the demands of society. In the period of 1970s there were lot of changes introduced in policies and attitudes of the Indian Government and many steps were taken to improve environmental conditions.

Legislations with respect to Indian environment

The Department of Environment was established in India in 1980 to ensure a healthy environment for the country. In 1976, the central Government inserted a separate fundamental duties chapter. In the year 1980, the Forest (Conservation) Act was passed for the conservation of forests and to check on further deforestation. The Air (Prevention and Control of Pollution) Act of 1981 was enacted by invoking the Central Government's power under Art 253. Rules have been framed for the Hazardous Wastes (Management and Handling) Rules in 1989, the Biomedical Wastes (Management and Handling) Rules in 1998, Recycled Plastics (Manufacture and Usage) Rules 1999, Environment (Siltation for Industrial Projects) Rules 1999 and the Municipal Solid Wastes (Management and Handling) Rules in 2000.

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The water (prevention and control of pollution) act 1974 prohibits discharge of pollutants into water bodies beyond a given standard. The Air (Prevention And Control Of Pollution Act, 1981). 1986 - The Environment (Protection) Act authorizes the central government to protect and improve environmental quality, control and reduce pollution from all sources, and prohibit or restrict the setting and /or operation of any industrial facility on environmental grounds. 1989 - The objective of Hazardous Waste (Management and Handling) Rules is to control the generation, collection, treatment, import, storage, and handling of hazardous waste.

1991 - The Public Liability Insurance Act and Rules and Amendment, 1992 was drawn up to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accident while handling any hazardous substance. 2000 - The Municipal Solid Wastes (Management and Handling) Rules, apply to every municipal authority responsible for the collection, segregation, storage, transportation, processing, and disposal of municipal solid wastes.

2002 - The Noise Pollution (Regulation and Control) (Amendment) Rules lay down such terms and conditions as are necessary to reduce noise pollution, permit use of loud speakers or public address systems during night hours (between 10:00 p.m. to 12:00 midnight) on or during any cultural or religious festive occasion.

The Indian Forest Act and Amendment, 1984, was enacted to 'consolidate the law related to forest, the transit of forest produce, and the duty leviable on timber and other forest produce'. The Factories Act and Amendment in 1987 was the first to express concern for the working environment of the workers.

The State's responsibility with regard to environmental protection has been laid down under Article 48-A of our Constitution, which states that "The State shall endeavour to

protect and improve the environment and to safeguard the forests and wildlife of the country”. Environmental protection is a fundamental duty of every citizen of this country under Article 51-A(g) of our Constitution which says that 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.”

Article 21 of the Constitution is a fundamental right which states that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Living life in a clean, pure and safe environment is a fundamental right and this has been recognised by the Indian legal system and the judiciary. Everyone has the right to good life and a right standard of living adequate for health and well-being of himself and of his family members. Thus the right to life should be protected by law. The man has the fundamental right to freedom, equality and adequate conditions of life in a clean and pure environment which ensures the well-being of each individual.

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