

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 5

2022

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Environment Law in India for Sustainability and Management

ADITYA KUMAR UPADHYAY¹ AND DEEPTI MUDGAL²

ABSTRACT

This is a set of environmental protection laws in India that regulate how people interact with their surroundings. The purpose of environmental law is to protect the environment and provide guidelines for the use of natural resources. In addition to ensuring that the environment is protected from harm, Indian environmental law also serves as a reminder of who has the right to use natural resources and under what conditions. 1972 The Forest Conservation Act and the Environment (Conservation) Act 1986 are three important environmental laws.

Environmental protection is an integral part of sustainable growth. Development is impossible without proper protection of the environment. Sustainable growth can only be achieved through positive environmental measures. Furthermore, the Environment (Protection) Act 1986 includes sustainable development as one of its objectives. The goals and objectives of the law can only be achieved through sustainable development as outlined in Article 21 of the law.

Keywords: *Environment, Sustainable Development, Protection, Goals, Laws*

I. INTRODUCTION

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¹ Author is a student at Amity Law School, Jaipur, India.

² Author is a student at Amity Law School, Jaipur, India.

II. INDIAN ENVIRONMENTAL LAW

“To protect and improve the environment and to protect the forests and wildlife of the country”, declares Article 17 of the Indian Constitution as an obligation of the states. Each of us has a legal obligation to “protect and develop” the natural environment. Both public policy principles and fundamental rights refer to the environment³.

In 1980, the Ministry of Environment was established to ensure the environmental welfare of India. In 1985 the Ministry of Environment and Forests was established. Laws, ordinances and ordinances legally support Article of the Constitution. Before the Bhopal gas tragedy, there were some loopholes in the existing laws and in 1986 the EPA (Environmental Protection Act) was passed to fix them.

It is the duty of every citizen of India to protect and develop the natural environment, including forests, lakes, rivers and wildlife, and to be considerate of sentient beings. A healthy environment is also one of the components of the welfare state. The improvement of public health also includes the conservation and improvement of the environment, without which it is impossible to ensure public health. Article 48 deals with agricultural and animal husbandry organizations. It obliges the country to take the initiative to organize agriculture and animal husbandry according to modern and scientific points of view. In particular, it should take measures to preserve and develop breeds, Prevent the slaughter of cattle, calves, other dairy cows and draft cattle. Article 48-A of the Constitution states that "The State shall strive to conserve and improve the environment and to protect the forests and wildlife of the State." There is.” Section III of the Indian Constitution protects the fundamental rights which are essential to the development of every individual and which are conferred solely on the basis of being human. “The right to the environment is also a right that cannot be achieved without human development and the full realization of its potential.”⁴

“The right to the environment is also a right that cannot be achieved without human development and the full realization of its potential. it was done.” Article 21 has at times been liberally interpreted following the Supreme Court decision of Maneka Gandhi v. Union of India.⁵

³ Govind Narayan Sinha, “A comparative study of the environmental laws of India and the UK with special reference to enforcement,” The University of Birmingham (2003).

⁴ Press Information Bureau, *Environment Protection under Constitutional Framework of India*, 4 June 2014 <https://pib.gov.in/newsite/printrelease.aspx?relid=105411>

⁵ Maneka Gandhi vs. Union of India, (AIR 1978 SC 597).

Article 21 provides for the fundamental right to life. The right to an environment free of disease and infection is inherent in it. The right to a healthy environment is an important aspect of the right to a decent life. The right to live in a healthy environment as part of Article 21 of the Constitution was first introduced in *Rural Litigation and Rights Kendra v. State*.⁶ “This is the first case of its kind in India addressing the issue of environmental and ecological balance where the Supreme Court has ruled to stop drilling (illegal mining) under the Environment (Protection) Act 1986. *M.C. Mehta v. Union of India*⁷ Supreme Court has recognized the right to live in a pollution-free environment as part of the fundamental right to life under Article 21 of the Constitution.”

Indian Environmental Protection Act

This law was India's first to address environmental issues. Failure to comply with the standards set by law is subject to fines or criminal prosecution. The Environmental Protection Act (EPA) of 1986 is , was strictly followed in the 1988 amendment to the law. Established the Central Pollution Control Board (CPCB) to set policies for the prevention and control of water pollution. CPCB and state government, at the state level he oversees the work of the SPCB (State Pollution Control Boards).

The Environment (Protection) Act of 1986 (EPA)

Under the Water (Prevention and Control) Act of 1974 and the Air (Prevention and Control) Act of 1981, federal and state agencies were established to coordinate their efforts. I was. This law authorizes the federal government to maintain and improve environmental quality by regulating emissions and emissions. Regulation of company placement; disposal of hazardous waste and ensuring protection of public health and welfare.

The Environment (Protection) Rules, 1986

These guidelines outline how to define pollution standards. Orders prohibiting and restricting the establishment and operation of industries may only be issued by the Central Government in accordance with these Regulations. According to regulations, samples are taken, notifications are given, samples are submitted for analysis, and a laboratory report is prepared. The regulations also set forth the duties of laboratories and references to analysts working there.

The National Environment Appellate Authority Act, 1997

Under this Act, the Environmental Appellate Authority hears appeals concerning environmental

⁶ *Rural Litigation and Entitlement Kendra vs. State*, AIR 1988 SC 2187.

⁷ *M.C. Mehta vs. Union of India*, AIR 1987 SC 1086.

restrictions imposed under the Environment (Protection) Act 1986 and restrictions imposed by the National Environmental Appellate Authority. was established for the purpose.

National Environment Tribunal Act, 1995

This law established the National Environmental Court to effectively and expeditiously settle cases arising from accidents caused by the handling of types of hazardous substances. It is intended to seek relief and compensation for damages to persons, property, the environment, and related or related damages. It is important.

The National Green Tribunal Act, 2010

The National Green Tribunal Act, 2010 was enacted for the purpose of creating the National Green Tribunal (NGT) to effectively and expeditiously settle cases related to the protection of the environment and nature.

III. SUSTAINABLE DEVELOPMENT IN INDIA

Environmental protection has hardly been included in the planning process since 1952. However, when planning, conservation was explicitly mentioned in the Fourth Five-Year Plan (1969-1974). The United Nations Conference on the Human Environment, held in Stockholm, Sweden in June 1972, marked the beginning of the Indian environmental movement. In 1976, as a result of the conference, the 42nd Amendment to the Indian Constitution contained additional laws to protect the environment throughout the country. The 7th Five-Year Plan (1985-1990) implemented environmental and environmental improvements and formulated the Ganga River Action Plan to prevent pollution and restore the purity of the water of the Ganga River. It has therefore been suggested that future growth plans should take environmental factors into account and that actions that may harm the environment should be tightly regulated³³. The Government of India, in its 8th Five Year Plan (1992-1997), embraced the well-established ideas of polluter pays and sustainable development as political initiatives to prevent environmental pollution of all kinds. .

The 12th Five-Year Plan (2012-2017) will achieve the goals set by pursuing a comprehensive strategy with “faster, more sustainable and more inclusive growth” as its main theme. emphasize that it is possible to achieve Environmental protection is therefore recommended to achieve both sustainable development and a higher quality of life³⁴. The Ministry of Environment and Forests (MoEF) has played a key role in promoting environmental protection and sustainable development in the 21st century. The Ministry of Environment and Forests (MOEF) of India has established a national agency called Ozone Cell to implement the Montreal Protocol and

the Vienna Convention. As part of its mission, the MoEF also established the International Cooperation and Sustainable Development (IC&SD) Department, which is responsible for coordinating sustainable development initiatives. There are several legal and constitutional measures that demonstrate India's commitment to environmental protection and sustainable development in its constitution and law.

Sustainable Development Goals

Environmental protection is a major goal of economic development.

- There must be a balance between the use of natural resources and their rate of regeneration.
- Governments and citizens must continue to use non-renewable natural resources responsibly and find better alternatives.
- To provide a better quality of life for all of us.
- Natural resources must therefore be used responsibly, now and in the future, so that future generations can also benefit.

IV. SUSTAINABILITY AND MANAGEMENT

Sustainability is a progressive approach to economic planning in environmental law aimed at promoting economic growth while protecting the environment for future generations.

India's legal framework is one of the few that contains extensive provisions to protect the environment. When it comes to environmental matters, Indian courts have relied heavily on Article 21 of the Constitution to apply the law in various ways. Environmental protection in developing countries can pose many challenges. Administrative and legal strategies are important to ensure environmental harmony. For the Supreme Court of India, the landmark case “T Damodar Rao v. Special Officer, Municipal Corporation of Hyderabad” was a call to action. Although the penalties are severe, environmental law enforcement in some areas appears shaky and ineffective at many levels of government. Environmental science has become compulsory in schools and colleges, but it remains to be seen how effective this would have been, even with the involvement of UGC and mandatory introduction into schools and colleges. Is it possible to reconcile environmental values with the interests of economic growth or production values by enforcing the right of certain individuals to a clean and decent environment?⁸

⁸ *Constitutional provisions for the protection of environment with relevant case laws*, Indian Bar Association, 2013 <https://www.indianbarassociation.org/wp-content/uploads/2013/02/environmental-law-article.pdf>

Environmental law conflicts between implementation and feasibility. Often when gaps exist in both the human and natural realms, understanding the federal balance and perspective can be difficult. The right to environmental protection and improvement has been established by the courts for all institutions in the country. The concept of sustainable development stems from the fact that India is a developing country with an interest in growth and a burgeoning development ideology. Regarding resource utilization, India's new concept is to focus on reducing carbon footprint and pollution. International economic law, international environmental law, and international social law intertwine to form the laws of sustainable development. Legal documents, norms, and agreements supported by various procedural elements are called "substantial legal documents." The idea is that future generations will benefit from policies and laws that protect the environment while promoting economic growth.⁹

CHALLENGES IN THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT AND MANAGEMENT

Defining Key Indicators: One of the biggest challenges facing India is creating acceptable indicators to adequately measure SDG achievement. Key definitions like poverty, hunger, clean drinking water and education need to change if the SDGs are to be properly implemented.

Funding for the Sustainable Development Goals: Despite India's greatest efforts and poverty alleviation since the Fourth Five Year Plan, India has the largest number of people living below the poverty line. At today's investment levels, there is a significant lack of funding, which is slowing the pace of achievement of the SDGs.

Oversight and Ownership of the Implementation Process: "NITI Aayog is expected to play a key role in taking ownership of the implementation process, but Aayog members are not aware of such a very difficult task.

Measuring Progress: "The Government of India acknowledged the unavailability of statistics, particularly from sub-national regions. It is the predecessor of the SDGs."¹⁰

V. CONCLUSION

A healthy environment is essential for human survival as it is an integral part of our daily lives. To ensure that future generations inherit a healthy environment, we must take care of our surroundings and help nature maintain ecological balance. In recent years, the environment has suffered greatly. There seems to be no end in sight to the pollution of air, water and soil.

⁹ V.K. Agarwal, *Environmental laws in India: Challenges for enforcement*, Bulletin of the National Institute of Ecology 15: 227-238, 2005.

¹⁰ KAILASH THAKUR, ENVIRONMENTAL PROTECTION LAW AND POLICY IN INDIA 308 (2003).

Science and rapid industrialization have taken its toll on mankind. As the world enters a new era marked by unprecedented industrialization and pollution, it is imperative to strengthen environmental protection. Conservation is the best way to protect the environment. The goal of conservationists is to protect natural resources for future and current generations.

Tropical forest destruction is progressing at an alarming rate. Estimates vary widely, but nearly half of all tropical forests on Earth have already been lost, and the rest will disappear in the next 20 to 30 years. It is impossible to cherish what we have lost. Up to half of the world's plant and animal species and much of the world's population depend on these forests for their water and energy needs. Clearing land for agricultural and commercial logging.

Judiciary has the reputation of being one of democracy's greatest defenders. Under the constitution he has three towers and this is one of them.

Indian courts have undoubtedly promoted environmental protection and balanced growth in India. In India, environmental differences have led to many notable lawsuits. Because the judiciary boldly and willingly enforced the law, filling a void in the ecological and sustainable development field. This made it easier for legislators to enact legislation without actually enacting it. The Indian judiciary has always defended the right to life as a fundamental human right and the need for sustainable development, and acted as an advocate and protector of the environment. She contributed significantly to the further development of the idea of sustainable development. Legislators have recently started referring to sustainable development in several laws. However, the Court has much credit for making sustainable development a core element of Indian law. There is no shortage of Indian legislation when it comes to environmental policy. Undoubtedly, several research papers explore the idea of using legal strategies to protect the environment.
