

Environmental Protection and Legislative Developments in India: A Discourse

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ABSTRACT

The 20th century has brought about a revolution in the field of science and technology. It has witnessed a radical change in the methods of industrial and agricultural production. Civilization has, thus, reached its culmination. But, yet man has failed to draw a balance between development and environment protection. Uncontrolled and unrestricted industries have posed a serious threat to the entire society. The environment which could have promoted the full growth of life and society has created various problems instead. Ecological imbalance is one of the biggest reasons for environment pollution. Government of India has enacted many laws to protect the environment. But, these laws should be implemented properly by the law enforcing agencies. Only laws cannot solve the problem of environment. Mass consciousness is sine qua non for the effective protection of environment. So, effective legislation, proper implementation of these legislations and changed mind set up of the common people are very much essential for the protection of our environment.

Key Words: Environment, Industry, Bio diversity, Development, Legislatures, Pollution.

INTRODUCTION:

**“Away, away, from men
and towns
To the wild wood and the
downs, ---
To the silent wilderness,
Where the soul need not
Repress
Its music.”**

Percy Bysshe Shelly²

The 20th century has brought about a revolution in the field of science and technology. It has witnessed a radical change in the methods of industrial and agricultural production. Civilization has, thus, reached its culmination. But, yet man has failed to draw a balance between development

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² <http://www.epa.gov/region02/library/quotes.htm> (Accessed on 15/04/2014)

and environment protection. Uncontrolled and unrestricted industries have posed a serious threat to the entire society. The environment which could have promoted the full growth of life and society has created various problems instead. Ecological imbalance is one of the biggest reasons for environment pollution. Ozone Layer, a powerful safeguard against the harmful and deadly sunrays is getting leaked day by day due to this ecological imbalance. This results entry of deadly sun rays into the earth and it affects the Greenhouse atmosphere of earth. The temperature of earth is increasing gradually. Glaciers are melted rapidly. Sea and Ocean level is increasing leading to destruction and annihilation of many small country and islands of the world. The existence of life on this earth is at stake now. The problem is so grave that it threatens to destroy the entire human civilization. It is in this social, economic and global spectacle I have ventured to write this paper. Environmental laws are the weapons for controlling or regulating the acquisition, use, and conservation of the natural resources. These also help in sustainable use of natural resources and allow their need-based management. Environment laws control pollution, conserve and improve the environment for human health, safety and well being. However, I have discussed the relevant provisions of the Indian Constitution to protect and preserve environment. I have also analyzed various other Indian legislations for the protection, promotion and conservation of environment. The Author has tried to highlight the effectiveness of these legislations in protecting environment and also has made some suggestions in this context.

Constitutional Provisions to protect environment-

India got freedom in 1947. The constitution of India came into force on 26th January; 1950. It rests firmly on the principles of liberty, equality, fraternity and justice. It reflects an uncompromising respect for human dignity, and unquestioning commitment to equality and non discrimination and an over-riding concern for the poorest and the weakest of the society. The constitution makes it mandatory to protect and promote freedoms, and to assure every citizen a decent standard of living. The preamble of the constitution declares India to be a sovereign, socialist, secular, Democratic Republic. The term 'socialist' has been inserted in the preamble by the constitution 42nd Amendment Act, 1976. The term 'socialist' has not been defined in the constitution. According to Hon'ble Supreme Court, "the principal aim of socialism is to eliminate inequality of income and status and standards of life and to provide a decent standard of life to the working people"³. India's socialism is a democratic socialism⁴. Democratic Socialism aims to end poverty, ignorance, disease and inequality of opportunity⁵. Social justice is attained when social, economic and political equality is there. In a socialist country the State must provide to its people a decent standard of life. Again providing a decent standard of life includes providing pollution free environment. The Constitution has explicitly declared that India will be organized as a social welfare state, i.e., a state which renders social services to the people and promotes their general welfare⁶. The concept of social justice is central and integral to the constitution and it is assumed to be a basic feature of the constitution which cannot be whittled down, altered or done away with in view of the Doctrine of Basic features as propounded in **Kesavananda Bharati's** case. So, one

³ D. S. Nakara Vs. Union of India., AIR 1983, S.C. 130

⁴ J. N. Pandey, Constitutional Law of India, Fortieth Edn. (2003), Central Law Agency, Allahabad, p-32.

⁵ M. P. Jain, Indian Constitutional Law, 5th Edn, 2003 (reprint 2005), Wadhwa and Company, Nagpur, p-13

⁶ M. P. Jain, Indian Constitutional Law, 5th Edn (Reprint 2005), Wadhwa and Company, Nagpur, P-14.

of the aims and objectives of the state is to provide social justice to its people by taking various welfare measures. It indicates that state is under obligation to protect environment from the pollution and contamination. The Indian Constitution is one of the few in the world that contains specific provisions on environment protection⁷. The public policy decision of the state must aim at maximizing social gain and not private profit⁸.

However, the past five decades have witnessed various major developments in this connection. One such development was the United Nation's Conference on Human Environment held in June, 1972 at Stockholm. The agenda of the conference is discussed in brief as below⁹:

- i. Planning and management of human settlements for environmental equality;
- ii. Environmental aspects of natural resources management;
- iii. Identifications and control of pollutants and nuisances of broad international significance;
- iv. Educational, information, social and cultural aspects of environmental issues;
- v. Development and environment;
- vi. International organizational implications of action proposals.

The conference agendas, proclamations and principles show the world's realization of the importance of preservation and protection of natural environment. In United Nation's Conference on human environment, at Stockholm, the then Prime Minister of India Mrs. Indira Gandhi declared the nation's determination to protect the environment and she said¹⁰- "The natural resources of the earth, including the air, water, land, flora and fauna and especially representative sample of the nature's eco system must be safe guarded for the benefits of present and future generations through careful planning or management, as appropriate nature conservation including wild life must therefore receive importance in planning for economic development". However, to comply with the principles of the Stockholm Declarations the Government of India, by the Constitution 42nd Amendment Act 1976, made the express provision for the protection and promotion of the environment; by the introduction of Article 48A and 51A (g). The relevant constitutional provisions for the protection and preservation of environment are discussed as herein under:

(i) **Article 48A** – The states responsibility with regard to environmental protection has been laid down under Article 48A of our Constitution. As per this Article- "the state shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country".

⁷. Shyam Divan and Armin Rosencranz, Environmental Law and policy in India, Oxford University Press, 2nd edition, 2008, p- 41.

⁸. U.S. Sankar, Laws and Institutions Relating to Environmental Protection in India, P-3-4, www.mse.ac.in/pub/op_sankar.pdf. (Accessed on 26-09-2013).

⁹. <http://www.nlsenlaw.org/environmental/protection/articles/constitutionalprovisions-for-environmental-protection/> (Accessed on 15-04-2014).

¹⁰. Ibid.

(ii) **Article 51A (g)** - Environmental protection is a fundamental duty of every citizen of this country under this Article. This Article was also incorporated by the Constitution (42nd amendment) Act. According to this Article- “It shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wild life and to have compassion for living creatures”.

(iii) **Federal system of Government** that is the distribution of legislative powers and related provisions for environment protection:

a) Seventh Schedule of the Constitutions (Article 246):

List –I (Union List)

Entry	Subjects
52	Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest;
53	Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable;
54	Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;
56	Regulation and development of inter-State rivers and river Valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;
57	Fishing and fisheries beyond territorial waters.

List II (State List)-

Entry	Subjects
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6	Public health and sanitation; hospitals and dispensaries;
14	Agricultures, including agricultural education and research, protection against pests and prevention of planned disease;
18	Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; Land improvement and agricultural loans; colonization;
21	Fisheries;
23	Regulation of Mines and mineral development subject to the provisions of list I with respect to regulation and development under the control of the union;
24	Industries subject to the provisions of List I.

List III (concurrent List)

Entry	Subjects
17A	Forests,
17B	Protection of wild animals and birds;
20	Economic and social planning;
20A	Population control and family planning.

b) Eleventh Schedule of the Constitution (Article 243-G)

This schedule was inserted by the Constitution (73rd Amendment) Act 1992(w.e.f. 24-04-1993).This schedule contains the following entries which are related to the protection of environment and its conservation:

Entry	Subjects
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2	Land improvement, implementation of land reforms, land consolidation and soil conservation;
3	Minor irrigation, water management and water shed development;
5	Fisheries;
6	Social Forestry and Farm Forestry;
7	Minor Forest Produce;
11	Drinking water;
12	Fuel and Fodder;
15	Non Conventional energy sources;
29	Maintenance of community assets.

c) Twelfth Schedule of the Constitution (Art.243-W) –

This new schedule was added by the Constitution (Seventy-fourth Amendment) Act, 1992 w.e.f. 01-06-1993. The relevant entries which are effective for environment protection are as below:

Entry	Subjects
1	Urban planning including town planning;
2	Regulation of land use and construction of buildings;
5	Water supply for domestic industrial and commercial purpose;
6	Public health, sanitation conservancy and solid waste management;
8	Urban forestry, protection of the environment and promotion of the ecological aspects.

The changes made in the 7th schedule by the 42nd Amendment Act, 1976 was a turning point towards the protection of environment. Before this, the forest originally was in the State list as entry 19. This resulted into no uniform policy by the State so as to protect the

forests. By placing the item “Forest” in the concurrent list in entry 17A, along with the State, Parliament has also acquired the power to enact Law. By virtue of this change Parliament enacted the central legislation i.e. Forest Conservation Act, 1980. The insertion of the entry 17B in the Concurrent List has empowered the Parliament to enact Law for the protection of wild animals and birds. These changed provisions have made it possible to take uniform action in the environment management.

(iv) Article 47 – This is one of the Directive Principles of State Policy which aims at raising standard of living and public health of people. Again, public health of people cannot be achieved without good environment. However, this Article says-“The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular, the State shall endeavor to bring about prohibition of the consumption except for medical purposes of intoxicating drinks and of drugs which are injurious to health”.

(v) Article 49 – Protection of monuments and places and objects of national importance.

It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, (declared by or under law made by Parliament), to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be. As a consequence, Parliament has enacted the Ancient and Historical Monuments and Archaeological sites and Remains (Declaration of National Importance) Act, 1951.

(vi) Article 39(e) and (f)- Certain principles of policy to be followed by the State. Article 39 specifically requires the state to direct its policy towards securing the following principles:

(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

(vii) Fundamental Rights:

a) Article 14- This Article says that “State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”.The right to equality guaranteed in Article 14 of the Constitution may also be infringed by government decisions that have an impact on the environment. In State of Himachal Pradesh Vs. Ganesh wood products¹¹, the Hon’ble Supreme Court held that a decision making

¹¹. A.I.R. 1996, S.C., 149, 159,163.

authority must give due weight and regard to ecological factors such as the environmental policy of government and the sustainable use of natural resources. Otherwise it will be violative of Article 14 of the constitution.

b) Article 15 (2) (b)- As per this article – “No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them be subjected to any disability, liability, restrictions or condition with regard to: the use of wells, bathing ghats, roads and places of public resorts, maintained wholly or partly out of State funds or dedicated to the use of general public”. This article prohibits discrimination on the ground of sex, race, religion, caste, place of birth etc. in using public places. The public places are part and parcel of the human environment and these should be available to all public without any discrimination.

c) Article 21- According to Article 21 of the Constitution, “No person shall be deprived of his life or personal liberty except according to procedure established by law”. Article 21 is one of the most important provisions of the Indian Constitution and occupies a unique place as a Fundamental Right for the people of India. It protects the life and personal liberty. It envisages and aims that no person shall be deprived of his life or personal liberty except to a procedure established by the law. Here, the term ‘right to life’ includes right to health, right to food and right to pollution free environment. This article guarantees right to live with human dignity. Right to live in pollution free environment is only possible when the environment protection is given priority and steps are being taken in order to provide sustainable development to the coming generations. So, the state has got a duty to protect environment and the inaction on the part of the state in this regard will tantamount to infringement of the right to life of the people of India, guaranteed under Article 21 of the Constitution of India.

d) Article 24- Article 24 of the Constitution deals with exploitation of child labour. It says that “No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment”. This provision is surely in the interest of public health and hence part of the environment.

So, in various judicial decisions Hon’ble Supreme Court of India, in its interpretation of Article 21, has developed the emergence of an environmental jurisprudence in India. Besides the Hon’ble Supreme Court of India, other High Courts also delivered several judgments at different times where this new environmental jurisprudence has again been developed.

Other Legislative initiatives in India-

Apart from Indian constitution to protect and preserve the environment there are some other legislations in India which directly or indirectly protect and preserve environment and help in sustainable use of the same. Some of the most important legislations are as below:

I. The Environment (Protection) Act, 1986 [as amended in 1991]-

This Act was introduced as an umbrella legislation to provide a holistic framework for the protection and improvement to the environment. This is an Act to provide for the protection and improvement of environment and for matters connected therewith. The aim of this Act is to prevent hazards to human beings, other living creatures, plants and property. The term '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 property¹². So, the Act has covered wide range of subject matters and also effectively protects these.

II. The Water(Prevention and control of Pollution) Act, 1974[as amended in 1988]

This is an Act to provide for the prevention and control of pollution and the maintaining or restoring of the wholesomeness of water, for the establishment of the Boards for the prevention and control of water pollution and for conferring on and assigning to such Boards powers and functions relating thereto. So, the main purpose of the Act is to prevent and control the pollution of water. The Act also tries to maintain or restore wholesomeness of water and to constitute Boards for the aforesaid purpose. The term "pollution" means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organizers¹³. This is an effective legislation and very useful to prevent water pollution, if effectively implemented.

III. The Water (Prevention and Control of Pollution) Cess Act, 1977[as amended in 1991and 2003]

This is an Act to provide for the levy and collection of a cess on water consumed by persons carrying on certain industries and by local authorities, with a view to augment the resources of the Central Board and the State Boards for the prevention and control of water pollution constituted under the Water (Prevention and Control of Pollution) Act, 1974. The Act was amended in 1991 and also in 2003. This Act also plays an effective role to prevent water pollution in various ways.

IV. The Wildlife (Protection) Act, 1972,[as amended in 1983, 1986, 1991, and in 2002]

This is an Act to provide for the protection of Wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto. The term "animal" includes amphibians, birds, mammals, and reptiles, and their young, and also includes, in the cases

¹² .Section 2(a) of The Environment Protection Act 1986.

¹³ .Section 2(e) of The Water (Prevention and Control of Pollution) Act, 1974.

of birds and reptiles, their eggs¹⁴. Again the term “animal article” means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal has been used and ivory imported into India and an article made there from¹⁵. The Act plays an important role to restore the catastrophic ecological imbalances by protecting wild life. The Act protects and preserves wild lives which are sine qua non for the very existence of the society and the environment. However, the Act was amended several times in order to keep pace with new and changing requirements of the society.

V. The Forest (Conservation) Act, 1980, [as amended in 1988]

This is an Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto. This Act may be called the Forest (Conservation) Act, 1980. It extends to the whole of India except the State of Jammu and Kashmir. It came into force on the 25th day of October, 1980. As per Section 2 of the Act- no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

However, forest plays an important role in environment protection and it maintains ecological balance. The Act contains various effective provisions which preserves and protects the environment.

VI. The Air (Prevention and Control of Pollution) Act, 1981 [as amended in 1987].

This is an Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith. So, the preamble of the Act says in order to preserve the quality of air and to control air pollution the Act was enacted. As per section 2(a) of the

¹⁴ .Section 2(1) of The Wild Life Protection Act, 1972.

¹⁵ .Section 2(2) of The Wild Life Protection Act, 1972.

Act "air pollutant" means any solid, liquid or gaseous substance including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment. As per section 2(b) of the Act, "air pollution" means the presence in the atmosphere of any air pollutant. When any such substance is present in the air in such quantity that it renders the air unfit for use, the air will be known to be polluted. The Act contains various provisions to prevent air pollution and to preserve and protect the air. The Act was amended in 1987.

VII. The Motor Vehicle Act, 1938[as amended in 1988, 1994 and 2001].

This is an Act to consolidate and amend the law relating to motor vehicles. The Motor Vehicles Act, 1938 consolidated and rationalized various laws regulating road transport. The said Act was amended in 1988. Further amendments in the aforesaid Act have become necessary so as to reduce the vehicular pollution and to ensure the safety of the road users. It is, therefore, proposed to prohibit alteration of vehicles in any manner including change of tyres of higher capacity. However, the alteration of vehicles with a view to facilitating the use of eco-friendly fuel including Liquefied Petroleum Gas (LPG) is being permitted. Further, it is proposed to confer powers on the Central Government to allow the alteration of vehicles for certain specified purposes. The Act was again amended in 2001 and various new aspects were inserted. However, the Act contains various provisions which help directly as well as indirectly to prevent environment pollution.

VIII. The Public Liability Insurance Act, 1991[as amended in 1992];

This is an Act to provide for public liability- insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto. The Act provides for mandatory public liability insurance for installations handling any hazardous substance to provide minimum relief to the victims (other than workers) through the mechanism of collector's decision. Such insurance will be based on the principle of 'no fault' liability. As per section 2(a) of the Act "accident" means an accident involving a fortuitous, sudden or unintentional occurrence while handling any hazardous substance resulting in continuous, intermittent or repeated exposure to death, of or injury to, any person or damage to any property but does not include an accident by reason only of war or radio-activity. As per section 2(d) of the Act the term "hazardous substance" means any substance or preparation which is defined as hazardous substance under the Environment (Protection) Act, 1986 (29 of 1986), and exceeding such quantity as may be specified, by notification, by the Central Government. However, the Act contains various provisions which directly protects and preserves the environment. This is an effective legislation to impose restrictions upon the hazardous industrial activities which may result in mass destruction.

IX. The Biological Diversity Act, 2002;

This is an Act to provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto. India is rich in biological diversity and associated traditional and contemporary knowledge system relating thereto. It is considered necessary to provide for conservation, sustainable utilization and equitable sharing of the benefits arising out of utilization of genetic resources and also to give effect to the Biological Diversity Convention 1992. The aim behind enacting the legislation, was, inter alia, to conserve biological diversity, help in sustainable use of its components and fair and equitable sharing of benefits arising out of the use of biological resources and traditional knowledge etc. So, the Act directly protects and preserves the environment and prevents unsustainable and haphazard use of biodiversity resources. It also prevents bio piracy. The Act contains various provisions by which various authorities have been created e.g. National Biodiversity Authority, State Biodiversity Authorities etc. which indirectly prevents environment pollution and environmental degradation.

X. The National Environment Tribunal Act, 1995-

This is an Act to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto. The Act provides for establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident. It imposes liability on the owner of an enterprise to pay compensation in case of death or injury to any person; or damage to any property or environment resulted from an accident. As per section 2(a) of the Act "accident" means an accident involving a fortuitous or sudden or unintended occurrence while handling any hazardous substance resulting in continuous or intermittent or repeated exposure to death of, or injury to, any person or damage to any property or environment but does not include an accident by reason only of war or radio-activity. Section 2(d) of the Act says "environment" includes water, air and land and the interrelationship which exists among and between water, air and land, and human beings, other living creatures, plants, microorganism and property. The Act contains numerous other provisions which directly protects and preserve environment.

XI. The National Environment Appellate Authority Act, 1997

This is an Act to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto. As per section 3 of the Act, the Central Government shall, by notification in the Official Gazette, establish a body to be known as the National Environment Appellate Authority to exercise the powers conferred upon, and to perform the functions assigned to, it under

this Act. As per section 11(1) any person aggrieved by an order granting environmental clearance in the areas in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards may, within thirty days from the date of such order, prefer an appeal to the Authority in such form as may be prescribed. However, the Act contains some other provisions which are very important and useful for the protection of environment.

Other legislations and rules are:

- XII.** The Water (Prevention and Control of Pollution) Rules, 1975;
- XIII.** Central Board for the Prevention and Control of Water Pollution (Procedure for Transaction of Business) Rules, 1975;
- XIV.** The Water (Prevention and Control of Pollution) Cess Rules, 1978;
- XV.** The Air(Prevention and Control of Pollution) Rules, 1982
- XVI.** The Environment (Protection) Rules, 1986;
- XVII.** The Public Liability Insurance Rules, 1991, amended in 1993;
- XVIII.** Hazardous Wastes(Management and Handling) Rules, 1989[as amended in 2003];
- XIX.** Manufacture, Storage and Import of Hazardous Chemical Rules, 1989;
- XX.** The Indian Forest Act, 1927;
- XXI.** The Forest (Conservation) Act, 1980 as amended in 1988;
- XXII.** Forest (Conservation) Rules, 2003;
- XXIII.** Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006;
- XXIV.** The Wild Life (Protection) Amendment Act, 2002;
- XXV.** The National Board for Wild Life Rules, 2003;
- XXVI.** The Wildlife (Protection) Rules, 1995,
- XXVII.** The Prevention of Cruelty to Animals Act, 1960;
- XXVIII.** The Biological Diversity Rules, 2004;
- XXIX.** Ozone Depleting Substances (Regulation and Control) Rules, 2000;
- XXX.** Indian Easements Act, 1882[Relevant section-Illustration(f), (h), and (j) of Section 7 of the Act deal with pollution of waters];
- XXXI.** The Indian Fisheries Act, 1897[Relevant section- Section 5];
- XXXII.** Indian Ports Act, 1908[Water pollution by oil is regulated this Act];
- XXXIII.** The Factories Act, 1948[Some of the provisions of this Act are concerned with prevention of Water pollution] etc.

Concluding Remarks and Suggestions:

Environmental pollution is one of the biggest problems the world faces today. It poses a serious threat not only to the environment but also to the entire mankind. It is becoming an increasingly worse problem that needs to be taken care of as soon as possible not only for the environmental protection but for the protection of mankind. This pollution may result an ice age or the complete melting of the polar ice caps, which would flood many areas around the world. In India, air, water, sound, atmosphere, food and even the earth have become polluted due to unsystematic use of resources. Factories discharge smoke,

contaminated water, poisonous gases, dust, foul smell etc. which led to air and atmosphere pollution to a great extent. The rivers are polluted. The heap of garbage is a common picture of each city. Flies and other small creatures are spreading from the garbage. Sound pollution is yet another problem we face today. The uncontrolled vehicles are generating sound pollution and atmospheric pollution. The carbon-die- oxide and other noxious gases emitted from the vehicle contaminating the atmosphere to a great extent. Use of indiscriminate water has created water scarcity. Non availability of fresh and pure water will result in the ruin of agriculture, ruin of health of living creatures, animals and men. Most of pollutions are, however, manmade.

Realizing the devastating consequences of environment pollution, various provisions were incorporated in the Indian constitution for the protection of environment. Primarily, Indian constitution makes two fold provisions. On the one hand, it gives directive to the State for the protection and improvement of environment. On the other hand the citizens owe a constitutional duty to protect and improve natural environment. There are enough provisions in the Indian constitutions to protect the environment. Government has also taken various steps for the protection of environment. We have enough legislation for the protection of environment. We have more than two hundred central and state legislations and various rules which directly or indirectly protect and preserve environment. Had all these legislations and rules been implemented properly our environment would have been heaven. A positive attitude on the part of everyone in society is sine qua non for effective and efficient enforcement of these legislations. For effective enforcement of these legislations environment courts may be set up in each district in our country. The existing legislative mechanisms and instruments are strong enough to protect and preserve environment in India. Judiciary has also played an activists role to protect the environment. What is required – is to enhance mass consciousness regarding protection of environment. Moreover, we would not only be conscious about our fundamental rights of getting clean environment but also our fundamental duty to protect it. As directed by Hon'ble Supreme court of India (in M.C. Mehta vs. Union of India, AIR 1992 S.C. 382) environment studies shall be made compulsory in schools and colleges so that awareness regarding environment protection is enhanced. Various NGO's, corporate houses, other associations and organizations and above all common people should be more active and conscious in this regard. If human civilization has to be protected from annihilation, pollution must be prevented. Because, only incorporating provisions in the Constitution or enacting various legislations would not solve the problem. These are to be implemented properly. People must be aware, law abiding and environment friendly. Before I finish, I must appeal to all concerned that let us take oath and gird up the lions to protect and preserve our environment for the well-being and safety of our future generations.