

THE ROLE OF INDIAN JUDICIARY IN PROTECTION OF ENVIRONMENT IN INDIA

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Environment is the wellspring of life on earth like water, air, soil, etc., and determines the presence, development and improvement of humanity and all its activities. Ancient India texts highlights that it is the dharma of each individual in the society to protect nature and the term 'nature' includes land, water, trees and animals which are of great importance to us. The people in earlier times worshipped Agni, Jal and Vayu as gods as they derived their food, living and shelter from these three only. But in the current times, the people have not completely forgotten the importance of the environment but also have destroyed it by leaps and bounds. Today, when people do not get fresh air to breathe, clear water to drink and proper living space, they are soon realizing the value of this precious natural substances upon which the life of the human beings is based. After all the harm done to the Mother Earth and the ecosystem being destroyed largely, the government has strictly felt the need to protect and conserve the environment in India and to use all the natural resources sustainably. The need for protection and conservation of environment and sustainable use of natural resources is reflected in the constitutional framework of India and also in the international commitments of India. The Constitution under Part IVA (Art 51A-Fundamental Duties) casts a duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. Further, the Constitution of India under Part IV (Art 48A-Directive Principles of State Policies) stipulates that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.

The Environment (Protection) Act was enacted in the year 1986. It was enacted with the main objective to provide the protection and improvement of environment and for matters connected therewith. Article 48A of the Constitution of India specifies that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country. Article 51 A further provides that every citizen shall protect the environment. Some of the important legislations for environment protection are as The National Green Tribunal Act, 2010,

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The Air (Prevention and Control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, The Environment Protection Act, 1986 and The Hazardous Waste Management Regulations, etc. The Indian Penal Code has Sec. 268 which provides that “a person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger, or annoyance to persons who may have occasion to use any public right.” In case of public nuisance, the Penal Code provides for fines up to Rs. 200/- by way of punishment (Sec. 290 IPC.) and for making the atmosphere noxious to health Rs. 500/- only (Sec.78 IPC.). Major environmental issues are forest and agricultural degradation of land, resource depletion (such as water, mineral, forest, sand, and rocks), environmental degradation, public health, loss of biodiversity, loss of resilience in ecosystems, livelihood security for the poor.

Several methods of pollution control and waste management may include Combustible solid wastes should be burnt in incinerators. Solid organic wastes including faecal matter and wastes from tanneries should be converted into compost manure at the places far away from the cities and human dwellings. Non-combustible solid waste materials like ash, rubbish, tins, glass pieces if not recoverable for usual purposes should be disposed of by landfill method in low-lying areas.

In the recent times, as the movies are being made to cause the awareness about various themes like use of proper washrooms under Swachh-Bharat Abhiyaan and also to make people understand the role of Article 15 under Indian Constitution, a need is felt to make movies based on the need of protection of Mother Earth. India's new Narendra Modi-led government is reviewing various environmental laws. The Ministry of Environment, Forests and Climate Change issued an order to set up what it called a high level committee to review various Acts including the Environment (Protection) Act, 1986, Forest (Conservation) Act, 1980, Wildlife (Protection) Act, 1972, the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981.

In its order it said, "it has been decided to constitute a High Level Committee to review these Acts and suggest appropriate amendments to bring them in line with their objectives." And this work has to be completed within two months from the date of the order.

However, since the environment is a complex, variable and extensive system, protecting the environment is a hard and enduring task. A wonderful and quality environment must be achieved by continuous planning, governmental policies, efforts of the enterprises and public participation. It is the responsibility of everyone to protect our environment and the need of an hour is not just to frame new laws and committees but to strictly implement the laws that already exist, to impose punishments and penalties for harming the environment.