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## **STOCKHOLM CONFERENCE 1972 – ITS IMPACT ON INDIA’S ENVIRONMENTAL LAW.**

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### **ABSTRACT**

The Stockholm Declaration of 1972, identified environmental woes faced all over the world and the solutions to these woes. A number of 26 major principles were established along with a fixed guideline urging all the countries in cooperation to tackle these challenges.

The conference gained headlines by addressing environmental challenges at an international level. The Stockholm Declaration emphasized the need for countries to build development plans that incorporate science and technology in order to reduce pollution of the air, land, and water, as well as human effect on the environment.

The Stockholm Declaration's principal goal was to protect the world from all of the atrocities that were harming the environment and to safeguard against a variety of other environmental challenges.

In other words, the primary goal was to conserve the planet; in fact, the Stockholm Declaration's slogan, "Only One Earth" was adopted in 1972.

The Declaration encourages each country to develop legislation to preserve its wildlife and natural resources, and recommends that each country develop its environmental pollution regime.

Environmental protection is a major concern. Protecting and preserving the environment should be the goal of individuals worldwide and an obligation of all the governments.

The declaration consists of two important sections. The first section covers seven principles about man and his relationship with nature. The second section provides twenty-six principles that set the foundation for global environmental protection and preservation policy regime.

**KEYWORDS:** Stockholm, India, Environment, Declaration.

## **INTRODUCTION**

Environmental Law could be defined as the legal mechanism including the principles, directives, policies and regulations, brought into existence by various local, national or international entities for the purpose of preserving and safeguarding the environment so that it could be made suitable for the present as well as the future generation.

As per the Black's Law Dictionary, environmental law could be defined as, "collective body of rules and regulations, orders and statutes, constraints and allowances that are all concerned with the maintenance and protection of the natural environment of a country".

As per the definition of the Free Legal Dictionary, "environmental Law is, "an amalgam of state and federal statutes, regulations, and common-law principles covering Air Pollution, Water Pollution, hazardous waste, the wilderness, and endangered wildlife".

### **What is Environment?**

The term "environ" is derived from the French term 'environner' which means "to surround". Environment refers to all the surroundings in which a human lives. These surroundings include all the natural and manmade environment. Natural environment means air, water, lakes, trees, mountains, etc. While, manmade environment refers to the surroundings created by man such as buildings, roads, parks, bridges, monuments, gardens, etc.

According to Section 2(a) of Environment Protection Act, 1986<sup>1</sup>, "environment includes Water, Air & Land and the inter-relationship which exists among and between Water, Air and Land & Human Beings, other Living Creatures, Plants, Micro Organisms & Property".

### **Environmental Pollution**

The word 'pollution' is derived from Latin word "Polluere", which means to contaminate any feature of the environment. Pollution of the environment is there when there is a mixture of any substance in the environment which degrades its quality and makes it not fit for humans to live. Various types of environmental pollution could be air pollution, water pollution, noise pollution, etc.

According to Section 2(c) of the Environment (Protection) Act, 1986<sup>2</sup>, "environmental pollution means the presence in the environment of any environmental pollutant".

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<sup>1</sup> The Environment (Protection) Act, 1986 (Act 29 of 1986), s. 2(a).

<sup>2</sup> The Environment (Protection) Act, 1986 (Act 29 of 1986), s. 2(c).

## **Need for Protection of the Environment**

Environment and life are interrelated. Quality of environment defines the life a human is living. This is the reason why the Supreme Court of India in numerous cases held that the right to live in a pollution free environment, including right to fresh water and quality air is a fundamental right and is a part of right to life enshrined under Article 21 of the Constitution of India.

## **Development of Environmental Law**

When we talk about the development of modern international environmental law, we need to trace the international legal developments in the second half of the nineteenth century.

Stages of development of International Environmental Law post nineteenth century:

- **Traditional Era (1900-1945)**

This period is considered to be the Pre-Stockholm era; it started with the bilateral fisheries treaties in the nineteenth century and ended up with creating new international organizations in 1945. This was the period where people started realizing that a balance is required to be maintained between development activities and the resulting impact of such activities on the environment so that the environment could be preserved and safeguarded.

- **Modern Era- From creation of the UN to the Stockholm Declaration (1945-1972)**

This period commenced with the creation of the UN and the United Nations Conference on the Human Environment, held in June 1972 in Stockholm. Various international organizations were created during this period.

Development at both national and international level took place resulting in much awareness and bold steps being taken worldwide with highlighting various sources of pollution like oil pollution, wetlands, nuclear testing, pollution of marine environment, etc.

Treaty developments, developments in dispute settlement, developments in national law, international environmental law as a discipline were the major changes observed during this period.

- **Post-Modern Era- from Stockholm to Rio (1972-1992)**

The period after Stockholm saw the changes at National levels as green political parties were introduced, creation of environmental ministries took place, environmental development at local levels started taking place.

Brundtland Commission was formed by the UN in the year 1983 which targeted the relationship between development and environment. Concept of sustainable

development was coined during this period. Montreal Protocol was signed in 1987 to combat depletion of the ozone layer. International cooperation was secured by it and beliefs of recovery of the ozone layer by 2050 started surfacing.

- United Nations Conference on Environment and Development (1992)

The conference is also known as the Earth summit held in Rio de Janeiro, Brazil from 2nd June to 14th June 1992. It was held on the occasion of the 20th anniversary of the Stockholm conference. It aimed at producing a broad agenda and a roadmap for international action on the development of the environment and issues that could guide international cooperation. It concluded that sustainable development is a goal to be achieved all over the world and also asked for integrating and balancing social, economic and environmental concerns. Major outcome of this conference was Agenda 21, which called for new strategies to be adopted to achieve the goal of sustainable development in the 21st century.

- Fourth period (period of Litigation)

This period was set forth by the United Nations Conference on Environment and Development and is considered as a period of litigation where compliance with international environmental obligations was focused.

### **STOCKHOLM DECLARATION OF 1972**

It was the output of the first global environmental conference namely, the United Nations Conference on the Human Environment, held between 5th to 16th June, 1972. It is considered to be the first major highlight on the impact of humans around the globe on the environment. It attempted to address the challenge of preserving and enhancing the human environment. Broad policy goals and objectives were espoused by it. It resulted in spreading awareness of environmental issues all around the world in a dramatic manner and also had a great impact on improving the international environment law making.

The Declaration of Stockholm contains a preamble which gives an introduction to the 26 principles contained in the Declaration. These 26 principles give a very clear message and cover all the areas which are required to be focused and worked upon to ensure that the environment could be protected and restored in such a manner, which is suited to a human to live and not only covers matters for environmental protection. It also aims at covering the matters like availability of essential commodities and equal distribution, etc. which are though

not directly related to the environment, but are subjects to ensure that humans get to live a human life and do not face any sort of inhuman treatment.

### **Development of Environmental Law in India**

The development of Environmental Law is also even divided into two periods:

- **Pre 1972 Development**

During this period, tort laws, criminal law, laws regarding water, forest laws, special laws, etc. were there to deal with the subject of protection of the environment. We can say that there was not much development in the Indian Environmental Law during this period.

- **Post 1972 Development**

It was the post Stockholm period and witnessed the development in the area of International Environmental Law at a very great level. Stockholm Conference resulted in highlighting the environmental protection concerns for the whole world, so is for the country of India.

### **Development of Environmental Law in India post Stockholm Declaration**

The UN Conference on Human Environment and Development held at Stockholm was the one which gave birth to the Stockholm Declaration on the Human Environment of 1972. This Stockholm Declaration is considered to be the magna carta of Environmental law and it got the significance parallel to that of the Universal Declaration on Human Rights of 1948.

The conference of Stockholm was attended by the then Prime Minister of India, Mrs. Indira Gandhi and she got inspired a lot by the discussions held, issues raised and development took place during that conference. The results could be reflected in the quick developments that took place immediately after the Stockholm Conference.

### **42nd Amendment to the Constitution of India**

The 42nd Amendment to the Constitution, which was introduced after the Stockholm Conference of 1972, brought major changes to the Constitution of India and for that, it is considered to be the mini constitution. This Amendment brought changes on the various subjects but when we talk about the changes with respect to the Environmental law, it introduced responsibility on part of both, state and citizens to protect and improve the environment.

By introducing Article 48-A<sup>3</sup> in the Constitution of India as part of the Directive Principle of State Policy, it imposed a duty on the state, "to protect and improve the environment and to safeguard the forests and wildlife of the country".

By introducing Article 51-A<sup>4</sup>, it imposed a total of 10 fundamental duties on the citizens. These duties were imposed on the citizens because they are vested with the various fundamental rights as part of the citizens of this country and as rights and duties, both are correlative, fundamental duties were imposed on the citizens to serve as a constant reminder to them that the Constitution conferred them certain fundamental rights, it also requires certain duties on their part to be fulfilled as being ideal citizens.

As a result, Article 51-A (g)<sup>5</sup> conferred the fundamental duty on the citizens, "to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures".

Article 47<sup>6</sup> of the Constitution of India also assigns a duty on the State to raise the level of nutrition and standard of living of its people and improve the health of the public. States should also make efforts to prohibit all intoxicating substances except for the purpose of consumption. The provisions of this Article basically enjoin the responsibility on part of the state to take all those measures necessary to secure the health of the people.

Article 21<sup>7</sup> of the Constitution of India provides Fundamental Right to live in a pollution free environment and access to fresh water and quality air.

Although the right to life and personal liberty was there from the very beginning but various facets of right to life got developed with the passage of time and the observations made by the Courts time to time.

It was after the period of 1980s only that the Supreme Court of India gave decisions in various cases pertaining to the protection of an individual's right to live in a pollution free environment and for that various observations were made, rulings were given and restrictions were imposed only to ensure that an individual could have a pollution free environment to live, which he deserves being a human.

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<sup>3</sup> India Const. art. 48-A.

<sup>4</sup> India Const. art. 51-A.

<sup>5</sup> India Const. art. 51-A, cl. (g).

<sup>6</sup> India Const. art. 47.

<sup>7</sup> India Const. art. 21.

## **PRINCIPLES OF THE STOCKHOLM DECLARATION:**

1. Human rights must be asserted, apartheid and colonialism condemned
2. Natural resources must be protected
3. Renewable resources must be protected
4. Wildlife must be safeguarded
5. Preservation of non-renewable resources
6. Pollution management
7. Damaging sea pollution must be prevented
8. Social and economic development
9. Environmental deficiencies
10. Stability of prices and incomes
11. Environment policy must not hamper development
12. Environmental protection education
13. Rational management of resources
14. Rational planning
15. Human settlements must be planned to eliminate environmental problems
16. Government policies
17. Setting of national institutions
18. Science and technology must be used to improve the environment
19. Education in the environmental matters
20. Scientific research and development
21. State's rights and responsibilities
22. Development of International Law
23. Each nation must establish its own standards
24. International co-operation
25. International co-ordination
26. Ban on Nuclear weapons

### **Principles in Detail: -**

1. Human rights must be asserted, apartheid and colonialism condemned:  
Every human being has the fundamental right to life, freedom, equality and to live with dignity. These fundamental rights have been protected under the article 14, 19 and 21<sup>8</sup>

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<sup>8</sup> India Const. art. 14, 19, 21.

of The Constitution of India.

The right to life includes the right to live in a clean and healthy environment. And such policies which promote discrimination, colonization or other forms of oppression must be eliminated.

2. Natural Resources must be protected:

The natural resources of the Earth like air, water, land, plant and animal ecosystem must be protected. The benefits of these resources are to be enjoyed by the present as well as the future generation.

3. Renewable resources must be protected:

Renewable resources of the Earth must be maintained and protected. Vital renewable resources should not be misused.

4. Wildlife must be safeguarded:

It is the responsibility of human beings to protect the heritage of wildlife and their habitat. The environmental and ecological changes along with the adverse actions of human beings have led to the downfall of wildlife resources.

Hence, for economic development it is important to conserve and safeguard the wildlife and their habitat.

5. Preservation of non-renewable resources:

Non-renewable resources must be shared and not exhausted. Non-renewable resources are limited, hence, we must contribute to the preservation of the earth's non-renewable resources, employing them in such a way as to avoid the risk of future exhaustion, and ensuring that their benefits are shared by all generations.

6. Pollution management:

Pollution must not exceed the environment's capacity to clean itself. The toxicity of released chemicals or substances must not damage the environment to such an extent that it cannot be recovered back or permanently harm the ecosystem.

7. Damaging sea pollution must be prevented:

The states shall take all the necessary actions that will prevent pollution of the sea and any hazardous substance that causes harm to human beings, living resources or marine life.

8. Social and economic environment:

For a better living and working environment, it is vital to enhance social and economic conditions. Such improvements in the quality of life of a human being should not have any negative impact on the environment.

9. Environmental deficiencies:

The environmental shortcomings aggravated by the conditions of under-development and natural disasters can be developed through substantial improvement and investment in financial and technological assistance.

10. Stability of prices and incomes:

Developing countries need reasonable prices for exports to carry out environmental management. Economic factors are an important function of the environmental process.

11. Environment policy must not hamper development:

The government should implement environmental measures to reduce pollution and promote country development so that pollution does not harm current and future generations.

12. Environmental protection education:

Environmental protection is critically needed. The necessity of environmental conservation should be acknowledged by all citizens. Adoption of a proper medium, such as social media, print media, or other forms of media, is critical for spreading environmental awareness.

13. Rational management of resources:

States should adopt an integrated and co-ordinated approach to development planning so as to achieve a more rational management of resources, hence, protecting and improving the environment for the benefit of the population.

14. Rational planning:

Rational planning can resolve any conflicts between the needs of development and the need to protect and improve the environment.

15. Human settlement and urbanization:

Human settlement and urbanization should be planned and the environment should not be harmed in order to achieve the maximum social, economic and environmental benefits for humans.

16. Population control:

Governments should plan their own appropriate population policies to control the growth of the population. It is important to note that these policies should not violate the fundamental rights of the people.

In the current world's scenario, excessive population leads to major adverse effects on the environment and the development of the nation suffers. Hence, it is important to keep the population under control.

17. Setting up of national institutions:

National institutions set up by the state must plan, manage or control the development of natural resources in order to improve the environmental quality.

18. Science and technology must be used to improve the environment:

For the identification, avoidance and control of risks pertaining to the environment and for the solutions of such risks, science and technology must be applied. The application of science and technology would enhance the economic and social development as well as help in the development of the society.

19. Education in the environmental matters:

Environmental education for the younger generation and the adults is absolutely essential to broaden the mind and spread awareness about the environmental issues. It is necessary to spread awareness among the public, so that people together can solve the larger concerns pertaining to the environment.

20. Scientific research and development:

Scientific research and development pertaining to environmental issues must be promoted nationally and internationally in all countries, especially in developing countries.

21. State's rights and responsibilities:

The states have the sovereign right to exploit their own natural resources pursuant to their own environmental policies, but it is also the state's responsibility to ensure that such policies do not violate the international law, have a negative impact on the environment in their jurisdiction or shall not cause any damage to the environment of other states beyond the limits of their national jurisdiction.

22. Development of International Law:

The States should co-operate to expand the scope of international law for determining who is responsible for environmental damage. States should also work together to establish liability and compensation for victims of pollution or harm to the environment.

23. Each nation must establish its own standards:

The states may identify certain international laws which do not correspond with the country's value system; hence, it is not mandatory for the state to follow such legislations. States are also excluded if the processes result in unjustified societal costs.

24. International co-operation:

International concerns relating to environmental protection and improvement should be resolved in co-operation with all countries.

25. International co-ordination:

For the current situation to be improved, nations must work together. The states can work together to coordinate measures and strategies to improve the current state of the environment.

26. Ban on Nuclear weapons:

Nuclear weapons are weapons of mass destruction and cause severe damage to the environment. As a result, governments should come to an agreement and ban nuclear weapons.

### **CASE LAWS**

➤ Rural Litigation and Entitlement Kendra v. State of U.P., 1985 AIR 652<sup>9</sup>

The Supreme Court in this case ordered the closure of some limestone quarries because a lot of serious deficiencies were found in them regarding safety and hazards. The pollution caused by the quarries was affecting the health of the people nearby at a large level which necessitated it on part of the Supreme Court to give such ruling.

➤ Indian Council for Enviro-Legal Action v. Union of India, 1996 AIR 1446<sup>10</sup>

In this case, an environmentalist organization filed a writ petition on behalf of the people living in the vicinity where chemical industrial plants were established and requested for appropriate actions to be taken keeping in mind the deterioration in people's health. The argument was made that the Supreme Court cannot act on it as the concerned industry is a private entity and not a state under Article 12<sup>11</sup> of the Constitution of India and accordingly, no remedy could be enforced against a private individual.

The Supreme Court held that the court is required to intervene if the government or authorities have not taken appropriate actions to ensure pollution free environment for the citizens to live and the Supreme Court can act in such matter where the fundamental rights of people are getting violated irrespective of the fact whether the violation is done by the State or private entity.

➤ Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647<sup>12</sup>

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<sup>9</sup> Rural Litigation and Entitlement Kendra v. State of U.P., 1985 AIR 652 (India).

<sup>10</sup> Indian Council for Enviro-Legal Action v. Union of India, 1996 AIR 1446 (India).

<sup>11</sup> India Const. art. 12.

<sup>12</sup> Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).

The petition was filed by the Vellore Citizens Welfare Forum by way of PIL to draw the attention of the Supreme Court towards the pollution caused by the large amount of discharge of untreated effluent by the tanneries and other industries in the State of Tamil Nadu which is severely causing the pollution in the area.

The Supreme Court held that it is required on part of such industries to primarily install the requisite measures to control and curb the pollution. These industries, even after their being of major importance could not be allowed to function on the cost of causing pollution, degrading the environment, destroying the ecology and posing the health hazard for the people living in the vicinity.

### **Developments made by M.C. Mehta through various Environmental Protection Litigations**

M.C. Mehta played a very major role in the history of Indian Environmental Law. He was an Environmental attorney and filed various PILs in the Supreme Court of India to expose a number of cases where violation of environmental protection norms and loss and degradation to environment was taking place.

M.C. Mehta v. Union of India, (1986) 2 SCC 176<sup>13</sup>

In this case, there was a leakage in the plant of Chlorine gas which caused the death of a person and also caused serious problems to the people living in the vicinity, eventually the plant got closed.

The Supreme Court directed the company engaged in the manufacturing of hazardous and lethal chemicals to take necessary steps in order to ensure safety to the life of the people and workmen living in the neighbourhood and then only open the plant to function again.

M.C. Mehta v. Union of India, (1987) 4 SCC 463<sup>14</sup>

In this case, the Supreme Court ordered the tanneries in Jajmau near Kanpur to shut down the operation as they were causing pollution to the river Ganga. The provisions contained under the Water pollution Act and Environmental Protection Act were also not followed by the industry.

M.C. Mehta v. Union of India, (1988) 1 SCC 471<sup>15</sup>

The petitioner, though not interested in the subject matter where the river Ganga was getting

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<sup>13</sup> M.C. Mehta v. Union of India, (1986) 2 SCC 176 (India).

<sup>14</sup> M.C. Mehta v. Union of India, (1987) 4 SCC 463 (India).

<sup>15</sup> M.C. Mehta v. Union of India, (1988) 1 SCC 471 (India).

polluted, approached the Supreme Court to get the appropriate directions issued for that subject matter.

The Supreme Court held that the person, though not getting affected by the pollution, could still approach the Supreme Court for the issuance of the directions and he got the locus standi for that matter as he was interested in securing the life of the people who are actually getting affected by the pollution to the river.

M.C. Mehta v. Union of India, (1996) 4 SCC 750<sup>16</sup>

The Supreme Court in this case ordered a total of 168 hazardous industries operating in Delhi to shift their operation as they were causing severe damage to the ecology and directed that they be relocated lands to the National Capital Region as provided in the Master Plan for Delhi. Apart from this, M.C. Mehta was involved in various other landmark issues where his contribution helped in highlighting various environmental issues and appropriate actions were taken in those subject matters.

## **MAJOR ENACTMENTS FOR THE PROTECTION OF ENVIRONMENT IN INDIA**

### I. WILDLIFE (PROTECTION) ACT, 1972

It came into force on 9th September, 1972 and it is an act containing the provisions for the protection of wild animals, birds and plants.

### II. WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

It came into force on 23rd March, 1974. The provisions of the Act differ from State to State as it is a law on State subject. The Act contains the provisions for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water. It also provides for the establishment of Boards for the prevention and control of water pollution and their powers and duties.

### III. FOREST (CONSERVATION) ACT, 1980

It came into force on 25th October, 1980. This Act contains provisions for the conservation of the forests.

### IV. AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

It came into force on 29th March, 1981. The Act contains provisions for the prevention, control and abatement of air pollution. It also provides for the establishment of Boards

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<sup>16</sup> M.C. Mehta v. Union of India, (1996) 4 SCC 750 (India).

and also defines their powers and functions.

V. ENVIRONMENT (PROTECTION) ACT, 1986

It came into force on 23rd May, 1986. This Act contains the provisions for the protection and improvement of the environment.

VI. PUBLIC LIABILITY INSURANCE ACT, 1991

It contains provisions of public liability insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance.

VII. BIOLOGICAL DIVERSITY ACT, 2002

This Act came into force on 5th February, 2002 and it contains provisions for the 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.

VIII. NATIONAL GREEN TRIBUNAL ACT, 2010

It came into force on 2nd June, 2010. This Act contains provisions for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to the environment and giving relief and compensation for damages to persons and property.

### **CONCLUSION**

Over 50 years ago, climate change and its impact were a rarely discussed topic. The world saw a rise in discussions relating to human environment after this conference was held. It paved the way for not only the local and national governments in terms of policymaking regarding the environmental but also for more international conventions.

This conference brought together the human race to combat problems relating to the environment. The declarations subsequent to this became more practical and specific. Considering how climate change has become a pressing issue, conferences like these are much needed to leave a healthy and liveable world for the forthcoming generations. This declaration created a culture of discussing environmental issues at a serious level.

This is how development of International, as well as Indian Environmental Law, took place with the passage of time and a major role was played by the conference of Stockholm only for both International as well as Indian Environmental Law. The Stockholm conference, which

gave birth to the Stockholm declaration proved to be an igniting point for generating awareness all over the world for environmental concerns. This is the reason that history of Indian Environmental Law is also divided into two parts, i.e., pre-Stockholm period and post-Stockholm period as the major developments could be observed in the post-Stockholm period only. Recognition of right to pollution free environment as part of fundamental right under Article 21 of the constitution, various rulings and observations of the Supreme Court in various matters pertaining to the environmental pollution and degradation and introduction of various enactments for the protection of various subjects of environment are abundantly doing the needful.

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