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“LEGAL FRAMEWORK FOR ENVIRONMENT PROTECTION IN INDIA”

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Abstract

In this present era, there is a challenge that how to protect our earth. Here everyone's have a responsibility to protect the earth, care for environment and restore natural resources for current and future generation. The main purpose of protecting our nature was to improve the standard of human lives; there could be established a basic right to environment which would have as its foundation the betterment of human lives and it also save the lives of another living creature.

The main purpose of this research paper is that to determine main problem of pollution in India, including physical, chemical or biological features of air, water, land or soil, that is likely to have an adverse effect on the natures and is there precaution are using by government for save our Indian Peninsular Plateau.

This paper firstly, highlights the provision related to International Conventions, treaties, rules, regulation and agenda related to environmental protection under international platforms.

Secondly, this paper focuses on new legal provision related to environment protection including constitutional liabilities and social responsibilities imposing toward both government and citizen of India. Author of this paper is using a doctrinal research methodology. Lastly, paper calls for attention toward shortcomings in laws and policies related to environmental protection and concluded this paper with giving meaning meaningful suggestions related to environmental protections laws, which are implement by government of India.

Keywords: Stockholm Convention 1972, Vienna Convention 1985, Kyoto Protocol 1997, Basel Convention 1989, Environment protection Act,1986, Environment Audit Rules, 2025 and Pollution Control Guidelines 2025. Etc.

“Environment is no one’s property to destroy; it’s everyone’s responsibility to protect.” by

Mohith Agadi

Introduction-

In the light of present scenario there is the duty of individuals to protect, preserve and restore our natural resources for our generation to come. Today, every developing and under-developing nation facing a major problem of pollution; it occurs when hazardous substances contaminate air, water and land, which is affecting the life of human beings and other living creatures. At present Bangladesh, Pakistan, Chad and India is dirtiest and most polluted countries in the world. Among these countries highest rate of air pollution also takes place. Simultaneously, In Indian Peninsular every year, people of that country are generating approximately 62 million tons of waste products are used, after that these types of waste are deposited on garbage in landfills, by this type of act of persons are polluted our own land area. Another form of pollution takes place, when garbage is dumping on rivers and ocean that is creating marine pollution. So, all the above activities are conducted by humans and is very dangerous to our environment.

Developing nations do not care about protecting our environment, government and citizens of these nations are both responsible for polluting our own land areas. One hand government are acquiring land for constructing various public building (includes roads, bridges, public buildings and water system) Which is dangerous for ecological system. On the other hand, due to human activities taking place lots of environmentally unfriendly things are used such as plastic products, more use of electronic gadgets and using pesticides on farms. That is reason, it creates various problems for human beings’ health risk and pollutes environment.

Hence, there is liability of government and citizen both make our environment clean and healthy. Firstly, liability imposed on the government of nations to protect the environment through various factors such as implementation of pollution monitoring and management strict rules, regulations, policy frameworks, Sustainability plans include an ambitious goal are frame for reducing carbon -pollution free surrounding and actively participate in conservation efforts. Secondly, duty of human beings, which protect the environment through daily action, takes place in form of reducing, recycling and reusing waste products, composting food waste in our homes, unplug home electronics items, by using public transport and conserving water.

Meaning of Environment-

Environment is clearly defined under Section 2 (a) of the **Environment (Protection) Act 1986** as “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 property.

Meaning of Environment Pollution-

Environment is clearly defined under Section 2 (c) of the Environment (Protection) Act 1986 as “Environment Pollution” means the presence in the environment of any environmental pollutant.

Meaning of Environment pollutant-

Environment is clearly defined under Section 2 (b) of the Environment (Protection) Act 1986 as “Environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment.

Research Methodology –

Under this paper Doctrinal Research Methodology is used. Paper focuses on legal framework of environment protection law and library-based data is used.

International Laws Related to Environment Protection –

Countries of world are playing very importantly to save beautiful nature and wildlife. In the surrounding various types of species are living, so it's a duty of every person of world to protect them as well as to conserve and save our nature. The exploitation of nature can deplete natural resources and prevent conservation. So, it is essential that there is frame binding document towards environment protection. That is the reason, world government framing international rules, agreements, treaties and conventions, which are helpful to save our earth. These treaties, conventions and agreements between countries to solve environmental problems, if counties are polluted our surroundings, climate change and effect on biodiversity.

There are focuses on various international environmental law provisions, those are as follows-

- 1) Stockholm Declaration, 1972.
- 2) Vinna Conference (1985) and Montreal Protocol (1987)

- 3) Basel Convention, 1989
- 4) Rio Declaration or Earth Summit (1992).
- 5) Kyoto Protocol, 1997
- 6) Stockholm Convention on Persistent Organic Pollutants (POPs). (2004).
- 7) Paris Agreement. 2015

1) Stockholm Declaration, 1972- (First Conference related to Environment Protection).

On June 5 to 16, 1972, Sweden, at Stockholm, the United Nation hosted first time Conference on the Human Environment, is called the Stockholm Declaration of 1972 (**Magna Cart of Environment Law**). In this declaration 26 principles are recognized for right to a healthy environment, those are as follows-

The UN Conference on the Human Environment, having met at Stockholm from 5 to 16 June 1972, having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment-

Proclaims that:

1. In the long and tortuous evolution of humans on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale.
2. The protection and improvement of the human environment is a major issue which affects the well-being of people and economic development throughout the world.
3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time, man's capability to transform his surroundings, if used wisely, can bring to All people have the benefits of development and the opportunity to enhance the quality of life.
4. In the developing countries most of the environmental problems are caused by under-development. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gaps.
5. The natural growth of population continuously presents problems for the preservation of the environment, and adequate policies and measures should be adopted, as appropriate.

6. A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences.
7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts.

The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all people.

Principles-

Principle 1. Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.

Principle 2. The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future.

Principle 3. The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

Principle 4. Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperiled by a combination of adverse factors.

Principle 5. The non-renewable resources must be employed in a way to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all.

Principle 6. The discharge of toxic substances or other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted.

Principle 7. States shall take all possible steps to prevent pollution of the seas.

Principle 8. Economic and social development is essential for ensuring a favorable living and working environment for man and for creating conditions necessary for the improvement of the quality of life.

Principle 9. Environmental deficiencies generated by the conditions of under-development and natural disasters can best be remedied by the transfer of substantial quantities of financial and technological assistance.

Principle 10. For the developing countries, stability of prices and adequate earnings for

primary commodities and raw materials are essential to environmental management.

Principle 11. Environmental policies should enhance and not adversely affect the present or future development potential of developing countries.

Principle 12. Resources should be made available to preserve and improve the environment.

Principle 13. In order to achieve rational management of resources, States should adopt an integrated and coordinated approach to their development planning.

Principle 14. Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

Principle 15. Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment.

Principle 16. Demographic policies which are without prejudice to basic human rights, and which are deemed appropriate by Governments concerned should be applied in those regions where the rate of population growth are likely to have adverse effects on the environment.

Principle 17. Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources.

Principle 18. Science and technology must be applied to identification, avoidance and control of environmental risks and the solution of environmental problems.

Principle 19. Education in environmental matters is essential to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension.

Principle 20. Scientific research and development in the context of environmental problems must be promoted in all countries, especially the developing countries.

Principle 21. States have the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 22. States shall cooperate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage.

Principle 23. Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

Principle 24. International matters concerning the protection and improvement of the

environment should be handled in a cooperative spirit by all countries, big and small, on an equal footing.

Principle 25. States should ensure that international organizations play a coordinated, efficient and dynamic role for the protection and improvement of the environment.

Principle 26. Man, and his environment must be spared the effects of nuclear weapons and all other means of mass destruction.¹

2) Vienna Conference (1985) and Montreal Protocol (1987).

On 22nd March 1985 Vienna Conference was held to adopt the Vienna Convention for the Protection of the Ozone layer. This convention is framing a legal agreement between countries, those are- firstly, due to cooperation on ozone layer monitoring and secondly, using scientific research, highlighting the human activities that effect and harm the ozone layer. This convention was signature by 28 countries. The Montreal Protocol was a substance of Vienna Convention, which is a global agreement to protect the stratospheric ozone layer by phasing out the production and consumption of ozone-depleting substances.²

3) Basel Convention, 1989.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal is also called the Basel Convention. This convention mainly is designed for reduced hazardous waste between nations and minimization of use of toxicity-based material generated by counties. In June 2024 total 191, members of nations are a party of this convention.

In May 2019 Basel Convention again amended, it includes about plastic wastes as regulated material which creates pollution in environment. Under this convention pilot projects are to be implemented to improve and promote the environmentally sound management (ESM) of plastic waste and to prevent and minimize its generation.³

4) Rio Declaration or Earth Summit or (UNFCCC) 1992

The United Nations Conference on Environment and Development (UNCED), also known as the 'Earth Summit', was held in Rio de Janeiro, Brazil, from 3-14 June 1992. This global conference, held on the 20th anniversary of the first Human Environment Conference in

¹ Universita di Macerata <https://docenti.unimc.it>

² <http://www.state.gov>

³ Plastic Waste-Basel Convention <https://www.basel.int>

Stockholm, Sweden, in 1972, brought together political leaders, diplomats, scientists, representatives of the media and non-governmental organizations (NGOs) from 179 countries for a massive effort to focus on the impact of human socio-economic activities on the environment. A 'Global Forum' of NGOs was also held in Rio de Janeiro at the same time, bringing together an unprecedented number of NGO representatives, who presented their own vision of the world's future in relation to the environment and socio-economic development.

The Rio de Janeiro conference highlighted how different social, economic and environmental factors are interdependent and evolve together, and how success in one sector requires action in other sectors to be sustained over time. The primary objective of the Rio 'Earth Summit' was to produce a broad agenda and a new blueprint for international action on environmental and development issues that would help guide international cooperation and development policy in the twenty-first century.

The 'Earth Summit' concluded that the concept of sustainable development was an attainable goal for all the people of the world, regardless of whether they were at the local, national, regional or international level. It also recognized that integrating and balancing economic, social and environmental concerns in meeting our needs is vital for sustaining human life on the planet and that such an integrated approach is possible. The conference also recognized that integrating and balancing economic, social and environmental dimensions required new perceptions of the way we produce and consume, the way we live and work, and the way we make decisions. This concept was revolutionary for its time, and it sparked a lively debate between governments and between governments and their citizens on how to ensure sustainability for development.

One of the major results of the UNCED Conference was Agenda 21, a daring program of action calling for new strategies to invest in the future to achieve overall sustainable development in the 21st century. Its recommendations ranged from new methods of education to new ways of preserving natural resources and new ways of

The 'Earth Summit' had many great achievements: the Rio Declaration and its 27 universal principles, the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity; and the Declaration on the principles of forest management. The 'Earth Summit' also led to the creation of the Commission on Sustainable Development, the holding of first world conference on the sustainable development of small island developing States in 1994, and negotiations for the establishment of the agreement on

straddling stocks and highly migratory fish stocks.⁴

5) Kyoto Protocol, 1997

Kyoto Protocol was an agreement among developed nations to reduce carbon dioxide (CO₂) emissions and greenhouse gases (GHG) to minimize the impacts of climate change. The Protocol applied to 6 greenhouse gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. The Kyoto Protocol was adopted on 11 December 1997. Due to a complex ratification process, it entered into force on 16 February 2005. Currently, there are 192 Parties to the Kyoto Protocol.

Hence, the Kyoto Protocol operationalizes the UNFCCC by committing industrialized countries and economies in transition to limit and reduce greenhouse gas (GHG) emissions by agreed individual targets.⁵

6) Stockholm Convention on Persistent Organic Pollutants (POPs). (2004)

Stockholm Convention is an international environment treaty related to protecting human health and the environment from the effects of persistent organic pollutants (POPs). This Convention came under enforce on 17th May 2004.

7) Paris Agreement. 2015.

On, 12 December 2015, the UN Climate Change Conference (COP 21) is called a Paris Agreement, 2015. This international treaty is legally binding to all nations. All countries of world having a responsibility is that to make a voluntary plans for climate action , with great efforts of nations is reduce global warming causes ,To peak greenhouse gas emissions as soon as possible and there is duty of all nations to protect our environment and minimum use of heating substance, to limit global warming to well below 2 degree C, preferably to 1.5 degree C, compared to pre-industrial levels. It officially entered into force on November 4th, 2016, with 195 parties currently signed.⁶

⁴ United Nations Conference on environment and development, Rio de Janeiro, Brazil, 3 -14 June 1992

<http://www.un.org>

⁵ kyoto protocol,1997 <https://www.clearias.com>

⁶ The Paris Agreement <https://www.un.org>

National Law related to Environment Protection in India.

Due to various proclamation are announce by of international committee of environment protection, the shadow of international environment law is seen under Indian Environment Protection Laws. These laws provide legal framework for sustainability, to protect natural resources for present as well as future generations. There are various laws related to Environment Protection in India, those are as follows-

- 1) Indian Constitutional Law.
- 2) wildlife Protection Act, 1972.
- 3) Water (Prevention and Control of Pollution) Act, 1974.
- 4) Forest (Conservation) Act, 1980.
- 5) Air (Prevention and Control of Pollution) Act,1981.
- 6) Environment (Protection) Act, 1986.
- 7) Public Liability Insurance Act, 1991.
- 8) Biological Diversity Act, 2002.
- 9) National Green Tribunal Act, 2010.
- 10) Compensatory Afforestation Fund Act, 2016
- 11) Environment Protection 2023 Jan Vishwas (Amendment of Provision) Act, 2023.

1) Indian Constitutional Law.

After independence, India has adopted and signature of various international treaties, convention, rules and regulation. In our constitutional law Article 253 (International Agreement) is given provision related to legislation for giving effect to international agreements. As a result, Indian Parliament framed various laws related to environment protection. Simultaneously, Indian Judiciary also protect environment through interpretation and protection of fundamental rights, in our Indian Constitutional Law their Article 21(“No person shall be deprived of his life or personal liberty except according to procedure established by law”), the Supreme Court also include the ‘Right to Clean and Healthy Environment.

In Case of Subhas Kumar v/s State of Bihar, AIR 1991SC 420

In this case Supreme Court held that enjoyment of pollution free water and air which is included in the “right to live” under Article 21 of the Constitution.

In Case of Bhopal Gas Peedith Mahila Udyog Sangathan v/s Union of India AIR 2012 SC

2627.

The Supreme Court directed Union of India and State of Madhya Pradesh that the huge toxic material/waste lying in and around the factory of Union Carbide Corporation(I) Ltd. In Bhopal, the existence of which was hazardous to health, needing to be disposed of at the earliest to be disposed of within six months which should be strictly in a scientific manner which may cause no further damage to human health and environment.⁷

Indian Constitution through the 42nd Amendment in 1976

For environment protection, 1976 Indian Parliament Amended in Our Constitutional law and insert new article that –

- 1) Article 48A
- 2) Article 51A(g)

1) Article- 48A Protection and improvement of environment and safeguarding of forest and wildlife, Part IV of the Directive Principle of State Policy.

The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.

2) Article 51A(g)- Part- IVA of the Fundamental Duties

To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.

On one side constitutional law of India imposing duty toward state to protect and preserve our surrounding, by implementation of various environmental laws. other side citizen has been duty to protect our environment.it mean that both are responsible to protect and preserve our land area. Hence, Indian Constitutional law plays a vital role to protect our Environment.

2) wildlife Protection Act, 1972.

The Wildlife Protection Act, 1972 is one of most important laws for protecting wildlife animals by approach to biodiversity conservation. This act mentions legal framework related to conserving ecosystems, protecting endangered species and regulating human activeness or interaction with wildlife protection. This law is very helpful for framing wildlife conservation strategy, through amendments process new laws for framing for wildlife protection and its implementation.

⁷ Constitutional Law of India. Dr.J.N Pandey (page no -337)

3) Water (Prevention and Control of Pollution) Act, 1974.

The water (Prevention and Control of Pollution) Act, 1974, is most necessity-based act at present. Its main aim ed to control water pollution in rivers, lakes, ponds and groundwater; maintain the protection or wholesomeness of water in our land area; establishing central and state pollution control boards for monitoring, implementation of regulation; control over sewage wastes and industrial wastes discharge into water bodies; to promote new scientific research and technological for pollution and solutions. This act provides a legal provision related to preventing and regulating water pollution through central and state authorities. By amending processors various rules and bylaws are frame for control of water pollution.

4) Forest (Conservation) Act, 1980.

The Forest Conservation Act,1980 is landmark act for protection of forest land, which is converted into non-forest purpose. the main purpose of this act is to restrict the diversion of forest land for non-forest purposes; to preserve the ecological balance and wildlife protection; to ensuring reforestation and compensatory forestation is necessary, where diversion is unavoidable; and to promote sustainable forest management system by central government or if this nature resource are exploited by humans, then strictly, penalties are provided.

In, 2023 new Forest (Conservation) Amendment Act, 2023.

The main aim of this act is given section-2

“WHEREAS the importance of forest is to be realized to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development:

AND WHEREAS, Nationality Determined Contribution targets of the country envisage creating carbon sinks of additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030.

AND WHEREAS, the country envisages an increase in the forest and tree cover to one-third of its land area, which is to be given impetus with enhanced growth trajectory.

AND WHEREAS, India has a rich tradition of preserving forests and them biodiversity, and, therefore, enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities are envisaged.

AND WHEREAS, it is necessary to provide provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality.”.

Hence, this act is essential for protection of forests, biodiversity and other related subjects related to forest protection.

5) Air (Prevention and Control of Pollution) Act, 1981.

the Air (Prevention and Control of Pollution) Act, 1981, is a landmark piece of legislation enacted by the Parliament of India. With the objective of curbing the adverse effects of air pollution, the Act establishes a comprehensive regulatory framework to prevent, control, and abate the emission of pollutants into the atmosphere. In the context of India's rapid industrialization and urbanization, this Act plays a critical role in protecting public health and preserving the environment.⁸

6) Environment (Protection) Act, 1986.

In the aftermath of, Stockholm Conference held in 1972 the first-time people of world aware about protecting ecosystem, this conference is magna cart around environment protection. Due to advocating environmental protection on international platforms, various countries are framed by national laws related to environment. Similarly, India has been framing new law that is ENVIRONMENT (PROTECTION) ACT, 1986. This act is also called an 'Umbrella Act' because it establishes the basic framework for planning, make new strategies to protect, prevent and implement that laws. This act is also helpful for providing coordination between central government, state government and other authorities local government that are established under various legal provision related to protecting ecosystem.

The are various provisions related to Environment Protection, those are as follows-

1) According to Section -3. POWER OF CENTRAL GOVERNMENT TO TAKE MEASURES TO PROTECT AND IMPROVE ENVIRONMENT. -

(1) Subject to the provisions of this Act, the Central Government shall have the power to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing controlling and abating environmental pollution.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include measures with respect to all or any of the following matters,

⁸ Air (prevention and control of pollution) Act, 1981 <https://lawbhoomi.com>

namely: --

(i) co-ordination of actions by the State Governments, officers and other authorities--

(a) under this Act, or the rules made thereunder, or

(b) under any other law for the time being in force which is relatable to the objects of this Act.

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution.

(iii) laying down standards for the quality of environment in its various aspects.

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever:

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or composition of the emission or discharge of environmental pollutants from such sources.

(v) 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.

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents.

(vii) laying down procedures and safeguards for the handling of hazardous substances.

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution.

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution.

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or people as it may be necessary to take steps for the prevention, control and abatement of environmental pollution.

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and institutes under this Act.

(xii) collection and dissemination of information in respect of matters relating to environmental pollution.

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution.

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the provisions of this Act

(3) The Central Government may, if it considers it necessary or expedient so to do for the purpose of this Act, by order, published in the Official Gazette, constitute an authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking measures with respect to such of the matters referred to in sub-section (2) as may be mentioned in the order and subject to the supervision and control of the Central Government and the provisions of such order, such authority or authorities may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities had been empowered by this Act to exercise those powers or perform those functions or take such measures.

2} According to Section - 4. APPOINTMENT OF OFFICERS AND THEIR POWERS AND FUNCTIONS. - Without prejudice to the provisions of sub-section (3) of section 3, the Central Government may appoint officers with such designation as it thinks fits for the purposes of this Act and may entrust them with the powers and functions under this Act as it may deem fit.

(2) The officers appointed under sub-section (1) shall be subject to general control and direction of the Central Government or, if so, directed by that Government, also of the authority or authorities, if any, constituted under sub-section (3) of section 3 or of any other authority or officer.

3} According to Section - 6. RULES TO REGULATE ENVIRONMENTAL POLLUTION. -

The Central Government may, by notification in the Official Gazette, make rules in respect of all or any of the matters referred to in section 3.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --

- (a) the standards of quality of air, water or soil for various areas and purposes.
- (b) the maximum allowable limits of concentration of various environmental pollutants (including noise) for different areas.
- (c) the procedures and safeguards for the handling of hazardous substances.
- (d) the prohibition and restrictions on the handling of hazardous substances in different areas.

- (e) the prohibition and restriction on the location of industries and the carrying on process and operations in different areas;³
- (f) the procedures and safeguards for the prevention of accidents which may cause environmental pollution and for providing for remedial measures for such accidents.

4} According to Section -7. PERSONS CARRYING ON INDUSTRY OPERATION, ETC., NOT TO ALLOW EMISSION OR DISCHARGE OF ENVIRONMENTAL POLLUTANTS IN EXCESS OF THE STANDARDS. -

No person carrying on any industry, operation or process shall discharge or emit or permit to be discharged or emitted any environmental pollutants in excess of such standards as may be prescribed

5} According to Section- 8. PERSONS HANDLING HAZARDOUS SUBSTANCES TO COMPLY WITH PROCEDURAL SAFEGUARDS. -

No person shall handle or cause hazardous substances except in accordance with such procedure and after complying with such safeguards as may be prescribed.

6} According to Section - 15. PENALTY FOR CONTRAVENTION OF THE PROVISIONS OF THE ACT AND THE RULES, ORDERS AND DIRECTIONS. -

(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.⁹

⁹ The Environment (Protection) Act, 1986 <https://www.indiacode.nic.in>

7) Public Liability Insurance Act, 1991.

The Public Liability Insurance, Act 1991 was enforced by government of India, to ensuring about the risks associated with industries dealing with hazardous substance. The parliament making a law related to has accountability of industries does not release hazardous substance and provide immediate financial relief to victims of accidents caused by industries. The act gives direct responsibility to industries in case of the Bhopal Gas Tragedy, incidents.

8) Biological Diversity Act, 2002.

The Biological Diversity, as federal legislation, was a mere attempt of India to uphold the objectives put forth by the United Nations Convention on Biological Diversity (CBD) 1992, giving immense importance to the rights of a state over its resources.

This Act broadly sets forth to protect and conserve the biological diversity, control the utilization of resources, and maintain equality in the distribution of its resources and benefits arising from it Section 8, sub-Section (1) and (3) of this Act, puts forth the provision of establishing a National Biodiversity Authority in Chennai.

Objective

The Act in general aims in conserving the Biological Diversity, maintaining and controlling the proper use of its components, ensuring equitable distribution of benefits derived from such utilization. The objectives mentioned of the Act provide for a safeguard of traditional knowledge, prevent biopiracy, prohibit people from claiming patent without the government's permission, etc.

The facets of the objective of aiming to conserve Biological diversity is showcased by Chapter IX of this Act, especially with Sections 36, 37 and 38 which relates to developing national plans and programs for the conservation of biodiversity, powers given to state government to notify and preserve areas of biodiversity, and with the authority of the Central Government to notify species that are dangerously endangered, on the verge of extinction, threatened species, prohibiting their collection and so on. While sustainable use of its component would indicate towards regularizing the use of natural resources and not exhausting it.¹⁰

¹⁰ Overview of biological diversity Act, 2002 <https://blog.ipleaders.in>

9) National Green Tribunal Act, 2010.

India following the provision of Rio- Summit,1992 to provide legal framework for environmental damages caused by human activities, that a reason Indian parliament framing a new law, which protect our land through this provision of this tribunal is called National Green Tribunal Act,2010.

Judiciary give special attention to disposal of environmental cases; by following access of natural justice theory, it protects the right of individuals, those are protected in Indian Constitutional law of India in part -III that is (Fundamental Rights). Tribunal taking an active participation and frame a new principle “polluter pays” principle, tackling crucial issues like polluted environment, deforestation, plastic wastes and industrial wastes.

11) Environment Protection 2023 Jan Vishwas (Amendment of Provision) Act, 2023.

The Jan Vishwas (Amendment of Provision) ACT, 2023 enforceable with the main objective of “this act to amend certain enactments for decriminalizing and rationalizing offences to further enhance trust-based governance for ease of living and doing business. “This act, is effective on 1st April 2024,

10) Compensatory Afforestation Fund Act, 2016

This act is frame for mange the funds collected for compensatory afforestation, its means that forest land are covered by non-forest land purpose such as industry, land is use for mining the using authority pay compensation for planting forest over that area. When in this condition the land area is not provided, then twice the area of degraded forest land.

Critically Analysis of legal framework related to environment protection in India.

Critical Analysis of environment protection laws.

Environmental awareness needs to be essential for cultivates in any society of world. It creates relationship between human beings and environment. If our environment is polluted, no life of human beings and other living creatures exists in our world. But, due to rapid development of nations can cause environmental degradation, climate changes occur, conduct between nations and destroy natural resources and destroy ecological systems. For delicate balance between development and environment protection, by international government and national government framing a various law which protected our environment. but in these laws various drawbacks are present those are as follows-

- 1) These laws create conflict between developing countries and under-developing countries, because developing countries still need growth and under-developed countries are causing more pollution.
- 2) Nations are not framing strong laws and depend on voluntary compliance.
- 3) laws are framed but not implemented properly.
- 4) lack of environment awareness present between citizens of states.
- 5) No, political will is present regarding cleaning and protecting environment and governments are facing a problem of corruption.
- 6) Lack of accountability is present in administrative mechanism.
- 7) Declaration, treaties, rules and regulations are bound (not legally binding) only. That is, countries are not bound to follow environmental law and their policies.
- 8) At present, cold war also take place between these countries i.e. Russia and Ukraine, America and Iran. It creates major problems of environment such as global warming, air pollution, water pollution, land pollution, noise pollution, migrating birds and other species etc.

Suggestion and Conclusion-

Earth is saved when cooperation between nations and industries, citizens of these nations obey the law related protection of our ecosystem which must be effective in following suggestions that is-

- 1) to conserve our nature resource for present and upcoming generation.
- 2) to reduce, reuse and recycle constitute an important eco-friendly practice conducted by human beings.
- 3) The people are generating new concept that is 'REFUSE' it means those things are harmful to environment cannot be used by humans and volunteer participation for cleanness of environment.
- 4) Education could be helpful for understanding the importance and values of natural resources, conservation of forest and biodiversity.
- 5) proper laws are frame, which are legally bounded between nations and improve that laws.
- 6) Increasing public awareness about environmental protection and using scientific technology and research, which is helpful for cleanness, and healthy environment.

Hence, the environment is a gift of nature, there is duty of all human society, which protects

and preserves environment. Cleanness and healthy environment are basic rights of all species present on this Earth. Government and individuals alike should take best steps to protect our environment. there are quotes related *“it’s surely our responsibility to do everything within our power to create a planet that provides a home not just for us, but for all life on Earth”* by -Sir David Attenborough. These above words are true for growing this Blue Planet and its consists of everything that we are living with harmony.

