

LEGAL PROVISIONS FOR ENVIRONMENT PROTECTION

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Abstract-

India has a rich tradition of environmental protection since the vedic period. People used to worship sun, Moon, Agni, Vayu, some animals and trees. But population pressures, rapid industrialization and indiscriminate use of forests for fuel power generation and irrigation resulted in large scale degradation of environment. India is the first country in the world that has provided constitutional provisions for the protection and preservation of the environment.

Enforcement of Acts, Laws and Policies :

The first conference on human environment (UNCHE) was held in Stockholm, Sweden from 5 June to 16 June 1972. Representatives from 113 countries as well as from many international, non-governmental and other specialized agencies attended this conference. The aim was to focus the human activities in relationship to the environment and to lay the foundation for environmental action at an international level.

The conference acknowledged the goal of reducing the human impact on the environment would require extensive international cooperation as many of the problems affecting the environment are global in nature.

In this conference, an organization all United Nations Environment Programme (UNEP) was launched.

The objectives of this UNEP are:

- Encouraging international participation and cooperation in addressing environmental issues and environmental policy.
- Monitoring the status of the global environment and interpreting environmental data collected.
- Creating environmental awareness in government, society and the private sector.
- Coordinating UN activities pertaining to the environment.
- Developing regional programmes for sustainability.

- Helping environmental authorities, especially those in developing countries, especially those in developing countries, form and implement policies.
- Helping to develop international environmental law.

The Legal Aspects relating to Environmental Protection in India!

Environmental law is a complex and interlocking body of treaties, conventions, statutes, regulations, and common law that, very broadly, operate to regulate the interaction of humanity and the rest of the biophysical or natural environment, toward the purpose of reducing the impacts of human activity, both on the natural environment and on humanity itself.

Some specified provisions for environmental protection in our constitution are:

Directive Principles of state policy:-

In 1976, the constitution of India was amended and article 48A was added to part IV of the constitution. This state's "the state shall endeavor to protect and improve the environment and to safeguard the forests and wildlife for the country"

Article 49 states "protection of monuments and places and objects of national importance. It shall be the obligation of the state to protect ever monument or place or object of artistic or historic interests"

Fundamental Duties:-

Article 51A(g) on "Fundamental duties" imposed a similar responsibility on every citizen to protect and improve environment. "It states, It should be the duty of every citizen of India to protect and improve the natural environment including forests. Rives and wild life and to have compassion for living creatures".

Similarly the article 51 A(F) states "it should be the the duty of every citizen to value and preserve the rich heritage of our composite culture"

Thus the Indian constitution is one of the few national constitutions in which specific provisions have been incorporated in putting obligations on the state as well as citizens to protect and improve the environment. The department of environment was established in India in 1980 to ensure a healthy environment for the country. This later became the ministry of environment and forests in 1985.

Enforcement by legislations:

The government of India has laid down laws and guidelines for prevention, control and abatement of pollution. These are in line with the decisions of the united nations conference on the human environment at Stockholm to take appropriate steps for the preservation of the natural

resources of the earth.

The Environment (Protection) Act 1986:

The environment (Protection) Act 1986 came into force soon after the Bhopal Gas tragedy. Thereafter which a large number of laws came into existence as the problems began arising.

Important terms used in this act

- (a) “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, microorganism and property;
- (b) “Environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;
- (c) “Environmental pollution” means the presence in the environment of any environmental pollutant,

General Powers of the Central Government:

- Planning and execution of a nation-wide program me for the prevention, control and abatement of environmental pollution.
- Setting the standards for the emission if pollutants from any soured.
- Laying down standards for the quality of environment.
- Laying down procedures and safeguards for the handling of hazardous substances.
- Assessing manufacturing processes, materials and substances which could cause environmental pollutions.
- 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.

Although the government has given the legal acts, laws and policies for the protection of environment but still there should be more implementation on the legal aspects and also awareness about environment protection.

Also education in stinks should take responsibility about environmental protection and should create awareness among the students about the natural resources by which we can save and protect the environment

“Save Environment, then it will Save you”