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ENVIRONMENT CONSERVATION-LEGAL ISSUES AND IMPLICATIONS

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INTRODUCTION

In the last few decades the large scale environmental degradation has caused global concern about the conservation and protection of life on the earth.

In the recent past we are hearing about environmental legislation which is no different from the goal set out in our constitution. It has become imperative to bring major change as far the enforcement mechanism is concerned. There is no doubt that the technological inventions and progress has over powered nature, it has also resulted in the thoughtless exploitation of nature. If man is able to transform deserts into oasis he is also leaving behind deserts in the place of oasis.

The Environment (Protection) Act, 1986

The Environment (Protection) Act was passed in the year 1986, extends to whole of India including the state of Jammu & Kashmir to achieve an objective of protecting environment.

In section 2 of the Act, various expressions are defined such as environment (under Section 2 (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”

In the Act, the word environment includes all the components which are required together to make human life possible both in organic and inorganic sense. The statutory definition of ‘environment’ is no doubt very exhaustive and wide in scope as it is inclusive.

The other definition of “Environmental Pollutant” Under Section 2 (b), “Environmental Pollution” under Section 2 (c) “Handling” under Section 2 (a), Hazardous substance under Section 2 (e), “Occupier” under section 2 (f), “Prescribed” means prescribed by rules under the Environment (Protection) Act, 1986.

The main feature of this Act is that the concentration of powers in the hands of Central Government and the provisions relating to this topic are extended from Sections 3 to Section 6 of the Act.

Sub Section (2) of Section 3 of the above said Act provides that measures taken by central Government may include coordination of actions by the state governments, officers and other authorities. One of the measures taken by the Central Government under sub-Section (2) of Section 3 includes “ 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 persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution”.

Inspite of the fact that our government, Environmental protection Laws, State Legislatures, and administrators are taking actions for pollution control and environment protection but only when it is brought to their notice and when the laws are violated. Whenever there is grave problem, or

disaster, the central government's attention is drawn towards it. After a gap of time or with immediate effect the health, Ministry of Central Government constitutes expert committee to make suggestions for making laws to control and prevent pollution. The respective committee makes suggestions for enacting laws or amend the existing laws to control and prevent pollution. The committee then make recommendations to the central and state government to make law on the subject. This process itself is time consuming and sometimes years are spent in taking proper action. Meanwhile the life of the general public is at stake, without their fault they are the sufferers. There is no urban area in our country which is devoid of environmental pollution. There are number of cases where the present legislation on environment protection is violated.

OTHER ENVIRONMENT LEGISLATIONS

One of the major environmental legislations is the Water (Prevention and Control of Pollution) Act, 1974 which was passed with an aim to provide for the prevention and control of water pollution and maintaining and restoring the wholesomeness of water. Under the Act, the Central and the State Governments are required to institute Central Board and State Boards for the resolution of recommending the respective Governments in matters relating to prevention of water pollution.

The Forest (Conservation) Act, 1980 was passed with an object to contest deforestation and environmental degradation. This Act was considered as a noteworthy momentous in the path of preservation of forests because at that time there was a rapid decline in the forest cover of the country.

The Air (Prevention and Control of Pollution) Act of 1981 was enacted by invoking the Central Government's power under Art 253. The main objective of the Act was to provide for the prevention, control and abatement of air pollution. The preamble of the Air Act explicitly reveals that the Act represents an implementation of the decisions made at the Stockholm Conference. Also, a notification relating to Noise Pollution (Regulation & Control) Rules was made in the year 2000 with the objective of maintaining Ambient Air Quality Standards in respect of noise.

CONCLUSION

The protection of environment is a global issue and is not an isolated problem of any area or nation. In order to achieve sustainable development environment protection constitutes an integral part of development process and it cannot be considered in isolation. Environmental pollution is the problem of both developed and under developed nations. In the recent past we are hearing about environmental legislation which is no different from the goal set out in our constitution. It has become imperative to bring major change as far the enforcement mechanism is concerned. There is no doubt that the technological inventions and progress has over powered nature, it has also resulted in the thoughtless exploitation of nature. Further, as noted in the cases cited above, it can safely be said that the judiciary has not always taken the issue of protection of environment very seriously. The laws are sufficient enough to protect the environment, but their enforcement is what, in which India is lagging behind.

REFERENCES

1. *M.C. Mehta v. Union of India*, AIR 1987 SC 1109, at p.93
2. *Ibid*; Sections 16(2)(a) and 17(1)(b).
3. *P. Leelakrishnan*, "Forest Conservation: Dawn of Awareness" in 'Law and Environment', Ed. By Leelakrishnan, 1992 at p.59.

4. *Legislation for giving effect to international agreements.*
5. *The United Nations Conference on Human Environment held at Stockholm, Sweden from 5-16 June, 1972.*